

LEGISLATIVE PROGRAMME 2015

The extensive changes set in motion by Minister Opstelten and State Secretary Teeven since they came into office are well on course. Much has been achieved, from the police to the Public Prosecutions Department, authorities that cooperate in the prosecution of crime, in the field of asylum and migration, legal aid and the prison system.

Realising these plans demanded an extensive legislative programme, including a considerable number of laws that have already been submitted to the Lower House or come into effect. Not everything has yet been finalised however. In 2015, legislation will continue to be subjected to major reforms, such as the reinforcement of organisations involved in the judiciary and immigration, and improving the implementation of punishment.

Increasing security in the Netherlands

As early as in the autumn of this year, the Upper House will discuss the legislative proposal that deems punishable all actions of persons and businesses that prepare and promote the illegal cultivation of hemp. This is important for reinforcing the fight against drug-related crime. Next year broader investigative powers are expected to come into effect that will provide the police and the Public Prosecutions Department with extra possibilities for investigating and prosecuting in cases of computer crime.

In 2015 a parliamentary debate is planned of the measure imposing an order on young persons aged 12 to 23 years in order to ensure that they return to education and obtain a diploma. This should prevent them from committing new offences and increase their prospects of work.

Personal contributions for detainees will also come into effect. In the long term this is expected to yield 7 million euro.

Furthermore, the parliamentary debate of the legislative proposal on long-term supervision should be finalised that will make it possible to ensure that, upon returning to society, perpetrators of serious crimes of violence and sexual offences and persons detained under a hospital order remain under intensive supervision for longer in order to prevent them from repeat offences.

The new system for juveniles will commence on 1 January 2015. This system was realised in efficient collaboration between central government, the Association of Netherlands Municipalities (VNG)/municipalities and the Association of Provincial Authorities (IPO), as well as health insurers and parties in the field. Municipalities will be responsible for implementing child protection measures and juvenile rehabilitation.

The law facilitating the detention of more suspects while awaiting their trial via accelerated proceedings will also coming into force on 1 January 2015. This is about crimes of violence in public spaces or violence against people involved in a public task, e.g., the police, fire-fighters and ambulance personnel.

The legislative proposal for speeding up the detection of the use of drugs while driving is currently being discussed in the Upper House. Police officers will soon be able to compel drivers of cars and motorbikes and mopeds to cooperate in saliva tests with the help of a so-called saliva test.

Municipalities will soon be allowed to deploy mobile cameras in order to maintain public order in public spaces. Parliament is expected to finalise a legislative proposal on this matter in 2015. The measure supports tackling temporary but persistent nuisance due to loitering youths, drugs-dealers, muggers and pick-pockets.

The new legislation that reinforces tackling financial-economic crime will come into effect in 2015. The legislative proposal to this effect contains stricter penalties for fraud, money-laundering and corruption.

National Security

Legislative proposals are being submitted relating to increased possibilities for stripping jihadists of their Dutch citizenship and expanding administrative powers to limit the risks of returning terrorists (e.g. periodical obligation to report to the police, cooperation in re-location and orders prohibiting contact).

Consolidating and reinforcing rule of law

Modernising the Code of Criminal Procedure is gaining momentum. Before the summer recess in 2015, the Lower House will receive a policy outline memorandum describing in detail the main outlines of the new Code. This modernisation is a complex operation to amend the Code, by means of nineteen legislative proposals, so it is more in line with modern society. The aim is a new Code of Criminal Procedure that is more in line with a modern, digital society and more accessible for legal practice and citizens. The performance of the criminal-law justice chain will also improve.

The legislative proposal on digital court documents will get to the Lower House before the end of this year. The aim is to improve and speed up the influx of documents into criminal proceedings by switching from paper to electronic case files. The ultimate aim is a fully electronic work process that makes maximum use of the advantages of digitisation within the criminal-law justice chain.

An essential element of the criminal-law justice chain is enforcement. The legislative proposal revising the enforcement of criminal-law decisions is expected to come into effect in 2015. This will shift accountability for the enforcement of punishments from the Public Prosecutions Department to the Minister of Security and Justice.

Furthermore, legislative proposals for simplifying and digitising court procedures in civil and administrative law, and the legislative proposal for simplifying and digitising appeals are planned during the course of 2015. Both schemes are part of the Quality and Innovation in the Judicial System (KEI) programme that will make obtaining justice more accessible and effective. Digitising the judicial system and simplifying procedures in the civil and administrative courts will make it possible to respond to the needs of those seeking justice.

The new statutory scheme for ensuring that a suspect who has been detained can obtain the assistance of a lawyer during police interrogation will be submitted to the Lower House next year.

In 2015 the parliamentary debate will take place on the Bailiffs (Amendment) Act, as well as the legislative proposal for passing on the costs of supervision and disciplinary law relating to judicial appeals.

The legislative proposal on supervision of the legal profession is expected to come into effect on 1 January 2015. This will prepare the way for a balanced and modern system for supervising lawyers. The essence of the plan is to form a supervisory board – a new, internal organisation of the Netherlands Bar Association (NOvA) – comprised of three members, with the national Dean as chair. The other two members will not be lawyers, civil servants or judges.

In addition, the first measures for modernising the system of subsidised legal aid will come into effect on 1 January 2015. The parliamentary debate required for modernising this system will take place in 2015.

The legislative programme, Reviewing the Bankruptcy law, is making good progress and will be pursued vigorously in 2015. The aim is to maintain a healthy business environment in the Netherlands by promoting the reconstructive capacity of businesses and reinforcing the fight against bankruptcy fraud. Bankruptcy procedures will also be modernised. This is about such matters as pre-pack, civil director disqualification, compulsory composition for creditors and the introduction of a fraud identification task for receivers.

These economically difficult times have had an impact not only on businesses, but also on people. Legislative amendments such as the public auction of homes via internet – target date 1 January 2015 – can help to mitigate residual debts. Problems surrounding debts will be addressed in more detail in 2015 by updating the rules for seizure, paying attention to the concurrence of laws on sequestration and debt collection for both government institutions and businesses, and designing a (payment) moratorium intended to provide people with acute payment problems with a brief respite.

It will soon be easier for consumers and businesses to claim damages collectively. A collective action for financial damages should facilitate this. Representative interest groups will soon be able to apply to the court in order to claim damages on behalf of a group of victims. The legislative proposal to this effect will be submitted to the Lower House next year.

By the end of 2014 a large number of modernisations will have been finalised within the field of private law and family law, including child protection measures, guardianship/administration/mentorship, the scheme for transgender persons (changing indication of gender on birth certificate) and lesbian parenthood. In 2015 attention will focus mainly on inheritance and (inheritance-related) property law, for example, by means of improved international agreements on the settlement of cross-border inheritances and rules for inheritances involving unexpected debts.

National Police Force

The legislative proposal on a National Operations Room will also go to the Lower House in 2015. The national police force will become responsible for the Police Academy. Legislative proposal to this end will be submitted. For the time being the Police Academy will remain responsible for independently implementing police training and for the knowledge-related and scientific research functions.

Police officers will shortly no longer be writing out receipts on paper. The enforcement of common offences on the streets will be fully digital. The Upper House is currently discussing the legislative proposal that could come into effect next year.

Lead role for victims

A number of legislative proposals are expected to come into effect in 2015. One of these is the legislative proposal for implementing the EU-directive on minimum standards for victims, which the Netherlands must have introduced on 16 November 2015. The legislative proposals relating to the European protection order, extending the right to be heard and extending the scope of the Violent Crimes Compensation Fund are expected to come into effect in 2015.

Furthermore, the legislative proposal on Emotional Loss and Care Costs will go to the Lower House during the course of 2015. This proposal is intended to provide victims and surviving relatives with larger payments for damages as a consequence of injury and death. For instance, victims can receive a larger payment for the costs of caring, nursing and supervision if relatives take on these care tasks.

Asylum and Migration

In 2015 parliament will discuss the legislation that is necessary for implementing the European Procedures Directive and the Reception Directive. Some aspects of the Dutch procedures will have to be amended.

The legislative proposal on Repatriation and the Temporary Custody of Aliens will also be discussed in parliament next year. Aliens in temporary custody will shortly no longer fall under the penitentiary system, but a regime with fewer restrictions, which corresponds better with the purpose of their detention. Being available for deportation is pivotal in this respect.

A legislative amendment in the Netherlands Nationality Act is expected to come into effect in 2015. This act will extend the term for naturalisation from five to seven years.

Games of chance

In 2014 a legislative proposal was submitted for regulating remote gaming. The parliamentary debate is expected to have been finalised in 2015. Depending on progress in the parliamentary debate on the remote gaming legislative proposal, the reduction in the deduction percentage for charitable lotteries is expected to come into effect mid-July 2015.

Opening the market for new lottery initiatives also requires an amendment in legislation that will come into effect on 1 January 2017. A legislative proposal for reorganising the casino market will go to the Lower House in 2015. Also expected in 2015 is that the amended Gaming Machines Decree will be put before both Houses within the framework of a preliminary scrutiny procedure.