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Annex C Roadmap for Legislation: Online consultation process

# Online consultation process

Keyword(s): [Online consultation process](#)

## Contents

- [Government position on the online consultation process](#)
- [Implementation of the online consultation process](#)
- [7 IAK questions regarding the online consultation process](#)
- [Working group online consultation process](#)
- [Keyword](#)
- [Links to KCWJ website](#)
- [Further information](#)
- [Contact](#)

## Government position on the online consultation process

On 17 June 2011, the Dutch government sent parliament its [government position](#) on online consultation when preparing for legislation. In its position, the government indicated that it considered the online consultation process to be a useful tool for and supplement to the existing practice of consultation in the legislative process. Online consultation provides people, governments and institutions with more information on pending legislation and allows them to make suggestions to improve the quality and feasibility of these proposals.

In the Parliamentary Papers II 2012/13. 29 362, no. 224/225 ([Letters modernising the government 12 September 2013](#) and [19 December 2013](#)) the agreement was reached to publish the answers to IAK<sup>1</sup> questions (this information can be reused when completing the [Offer form for preparatory bodies, subcouncils, ministerial committees and the cabinet or Council of Ministers](#)) and the results of relevant and available impact assessments in the case of new online consultation processes.

The government decided in the [autumn report on regulatory burden](#) of 16 November 2017 (Parliamentary Papers II 2016/17, 29515, no. 397) to submit all legislation to online consultation with the aim of increasing transparency of the legislative process, unless it concerns purely technical amendments or the implementation of EU legislation. In that last case, online consultation is optional.

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<sup>1</sup> *Integraal Afwegingskader voor Beleid en Regelgeving* - Comprehensive Assessment Framework for Policy and Regulations

The two-year national experiment through the website [www.internetconsultatie.nl](http://www.internetconsultatie.nl), launched on 24 June 2009, showed that the online consultation process costs extra time and capacity, but also that it increases the transparency of the legislative process as well as the options for public participation and contributes to the quality of legislative and regulatory proposals. The government therefore feels that online consultation should be used more frequently when preparing legislative and regulatory proposals, but not in all cases. Online consultation is particularly effective for legislation that entails significant changes to the rights and duties of citizens, businesses and institutions or that profoundly impacts the implementation practice.

[Back](#)

### **Implementing online consultation**

Online consultation on legislative and regulatory proposals is conducted through the website [www.internetconsultatie.nl](http://www.internetconsultatie.nl) in the phase before the cabinet – or the minister, in the case of a ministerial regulation, – takes a decision on the proposal. The website can also be used to access other documents such as policy letters or proposals for European legislation. In addition, the following conditions and key principles apply:

- The period for consultation lasts at least four weeks. Derogation is possible, provided it is properly motivated.
- Online consultation provides a clear and comprehensible explanation of the content, the purpose and expected effects of the proposal.
- The consultation clearly indicates what the purpose and context of the proposal is, what the margin is for discretion and which aspects fall outside the consultation process.
- The best possible efforts are made to alert citizens, businesses and institutions to consultations on proposals that may impact them.
- Comments received on the consultation process are only published on the website with the consent of the person posting the comment.
- After the cabinet or the minister, in the case of ministerial regulation, has taken a decision on the proposal, [www.internetconsultatie.nl](http://www.internetconsultatie.nl) will publish a brief report containing the general outlines of the results of the online consultation process and what the main changes to the proposal or explanation are as a result of that online consultation. This information is also listed in the explanation to proposals for legislation and regulations.