European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

Response questionnaire project group Timeliness

Raad voor de rechtspraak (The Netherlands)

1. The structure of the judicial system in the Netherlands.

First instance: the district court.

The Netherlands is divided into 19 districts, each with its own court[1].

The district courts deal with all cases in first instance[2]:

The district court is made up of a number of sections to a maximum of five i.e.:

- civil law section
- small claims and minor offences section
- administrative law section
- family and juvenile law section
- criminal law section

In a lot of courts the family and juvenile cases are handled in the civil law section. In smaller courts the small claims section is (also) integrated in the civil law section. The court board is free to determine such matters.

In the small claims section[3] judges deal with claims up to € 25.000,=[4], labour cases, renting of houses, shops en farming land, and minor offences. The assistance of an advocate is not obligatory. These cases are always dealt with by a single judge.

In the family and juvenile section judges deal with divorce, alimony etc. and with juvenile cases (sometimes also the juvenile criminal cases).

All other civil cases are dealt with by the civil law section.

[1] at the moment a draft of law is being made concerning a new judiciary map, the country will be divided into 10 districts en 4 areas of appeal;
[2] except some very special cases
[3] former "justice of the peace"
[4] taking into account a new law that will have effect from 1/1/2011

Administrative law section: With only a handful of exceptions, administrative disputes are heard by the district court. In many cases the hearing by the administrative law section is preceded by an objection procedure under the auspices of the administrative authorities. Taxation cases are also dealt with by the administrative section of the courts.

The judges of the criminal law sector deal with all criminal cases other than minor offences. There is no jury.

In the Netherlands there's no lay participation in the judiciary at all. In some cases a judge is seconded by experts (i.e. cases concerning the rent of farming land and cases concerning the mental health of prisoners).

In first instance the cases are mostly handled by a single judge (civil and ordinary administrative cases appr. 95%, criminal cases appr. 89% and taxation cases appr. 85%) The other, more complex cases are handled by a panel of three judges.
Courts have a big staff. Per judge there is appr. 1 clerk (lawyer) and 1 member of administrative staff. Furthermore there's a staff for non judicial matters (HRM, finance, housing etc).

The new district courts will have a total staff between 600 and 1.200 fte (full time equivalent), including between 125 and 250 fte judges.

Second instance: the Courts of Appeal.

The 19 districts are divided into five areas of Court of Appeal jurisdiction: The Hague and Amsterdam in the west, Arnhem in the east, 's-Hertogenbosch in the south and Leeuwarden in the north. With the new judicial map four areas will remain and Arnhem and Leeuwarden will form one area.

With regard to criminal and civil law and taxation, the justices of the Court of Appeal deal with cases where an appeal has been lodged against the judgment passed by the district court. The Court of Appeal re-examines the facts of the case and reaches its own conclusions. In most cases it is possible to contest the Court of Appeal's decision by appealing in cassation to the Supreme Court of the Netherlands.

Three special tribunals.

There are three special tribunals in the Netherlands that are competent in specific areas of administrative law.

The Central Appeals Tribunal
The Central Appeals Tribunal is a court of appeal which is mainly active in legal areas pertaining to social security and the civil service. In these areas it is the highest judicial authority. The Tribunal is based in Utrecht.

Trade and Industry Appeals Tribunal
The Trade and Industry Appeals Tribunal, also known as Administrative High Court for Trade and Industry, is a specialized administrative court which rules on disputes in the area of social-economic administrative law. In addition, this appeals tribunal also

rules on appeals for specific laws, such as the Competition Act and the Telecommunications Act. The Tribunal is based in The Hague.

Administrative Jurisdiction Division of the Council of State
The Administrative Jurisdiction Division of the Council of State in The Hague is the highest administrative court with general jurisdiction in the Netherlands. It hears appeals lodged by members of the public, associations or commercial companies against decisions by municipal, provincial or central governmental bodies. Disputes may also arise between two public authorities. The decisions on which the Division gives judgment include decisions in individual cases (e.g. refusal to grant a building permission) as well as decisions of a general nature (e.g. an urban zoning plan)

The supreme court.

As the highest court in the fields of civil, criminal and tax law in the Netherlands, the Supreme Court is responsible for hearing appeals in cassation and for a number of specific tasks with which it is charged by law. The aim of cassation is to promote legal uniformity and the development of law. The court examines whether a lower court observed proper application of the law in reaching its decision. At this stage, the facts of the case as established by the lower court are no longer subject to discussion. An Attorney General's office is attached to the Supreme Court. Its members main task is to provide the Supreme Court with independent advice, known as an advisory opinion, on how to rule in a case.
Not only judgments of courts of appeal can be appealed in cassation, also judgments of the Joint Court of Justice of the Netherlands Antilles and Aruba can be appealed in cassation to the Supreme Court .
The Supreme Court is located in The Hague.

The council for the judiciairy.

The Council for the Judiciary is part of the judiciary system, but does not administer justice itself. It has taken over responsibility over a number of tasks from the Minister of Justice. These tasks are operational in nature and include the allocation of budgets, supervision of financial management, personnel policy, ICT and housing. The Council supports the courts in executing their tasks in these areas. Another central task of the Council is to promote quality within the judiciary system and to advise on new legislation which has implications for the administration of justice. The Council also acts as a spokesperson for the judiciary on both national and international levels.

The Council has a range of formal statutory powers, which enable it to carry out these tasks. For instance, the Council is empowered to issue binding general instructions with regard to operational policy, although it prefers to exercise this power as little as possible. The Council supports the activities for the recruitment, selection and training of judicial and court officials. It carries out its tasks in these areas in close consultation with the court boards. The Council has a significant say in appointing members to the court boards.

The Council's task as it pertains to the quality of the judiciary system involves promoting the uniform application of the law and enhancing judicial quality. In view of the overlap with the content of judicial rulings, the Council has no powers of

compulsion in this area.

The Council for the Judiciary is made up of four members, two of whom come from the judiciary and two of whom previously held senior positions at a government department. The Council has a Bureau to assist it in its activities and to carry out any preparatory work that may be required.

The Members of the Council are appointed by Royal Decree, a Cabinet decision based on a list of recommendations by the Minister of Justice. This list is made up by the Minister of Justice in agreement with the Council and after consultations within the judiciary. Members are appointed for six years. One extra term of three years is possible.

2. Statistics, Requirements and Transparency.

2.1. What statistics are provided for on a regular basis.

The Council produces two annual reports. One report is very much in detail and can be used for benchmarking within the judiciary. The other report is meant for the public and stakeholders outside the judiciary (parliament for instance).

In the Netherlands courts are financed on basis of a output financing system with 48 categories of cases. For benchmarking reasons much attention is being given to the financial outcome.

An example of the output financing system:

Suppose that in the criminal section 2 categories of cases are distinguished: complex cases with a 3 judges panel and ordinary cases handled by a single judge. Suppose that the price for a complex case is € 5.000,= and the price for an ordinary case is € 500,=. The criminal section of a court has planned (and has thus been financed on basis of a management agreement) to deal with:
2.000 complex cases = € 10.000.000,= and
18.000 ordinary cases = € 9.000.000,=
Then this section of this court plans a price of € 19.000.000/20.000 = € 950,= per case.

In the running year this section of the court will try to realize this output by making costs (mostly: personnel) tot the amount of € 19.000.000,=. At the end of the year we may see the following pattern:

Costs		*€ 19.500.000,=*
Production:		
1800 complex cases	*€ 9.000.000,=*	
18.000 ordinary cases	*€ 9.000.000,=*	
	tot. € 18.000.000,=	*€ 18.000.000,=*
		loss € 1.500.000,=

Realized price per case € 985,=

A lot of the annual statistics is focused on these financial ratio's and results in terms of productivity (number of cases per judge and clerk).

Because of the financial system there is a direct knowledge on the number of cases that is handled by a single judge and the number that is dealt with by a chamber of 3 judges. These cases are in different categories.

Based on economic figures the Council developed a planning model, on which the individual courts build their planning for next year. Statistics include the development of the inflow of cases over the years.

Furthermore there are indicators on quality management. Courts are for instance supposed to handle a percentage of civil cases in a chamber of 3. The percentages are available. Other quality instruments are:

- the number of cases handled by a single judge that has been checked by another judge;
- the hours spent on permanent education;
- processing times of different categories of cases.

Concerning these processing times: each court defines its goals in the management agreement with the Council. The courts take the annual targets in the strategy of the council into account. This is done in this way (example):

Councils target		
Divorce:	*90% within 40 weeks;*	*100% within 78 weeks.*
Courts target:		
Divorce:	*83% within 40 weeks:*	*98% within 78 weeks*
Courts results:		
Divorce:	*78% within 40 weeks:*	*100% within 78 weeks*

This court is having trouble with the processing time, but managed to give extra attention to the oldest cases.

At last statistics are provided on such indicators as

- number of staff (male and female)
- ages of staff (in cohorts of 5 years)
- absence through illness (judges and other staff)
- etc.

The public annual report contains figures of the judiciary as a concern. The benchmark report contains the figures per court.

2.2. Are provided statistics published?

All statistics and annual reports are published both in print and on the internet.

Bench marking is very much encouraged.

2.3. Is processing of individual cases transparent?

The processing of individual cases is not very transparent. When you are an admitted user for an application (for instance: the registry system in civil law cases) you can follow a case. Users are judges, clerks and administrative personnel in the section. In civil law cases, lawyers can follow their cases too nowadays. There are plans for making the processing of individual cases transparent by internet, using the governmental password system Digid. If these plans are executed – horizon might be 5 years – processing times will be transparent for anyone involved in any kind of case.

Processing times are also used as a management tool. In some courts judges who are too slow may recognize their names on "black lists".

2.4. Are requirements for processing time stipulated?

In criminal cases processing times are stipulated by law.

When the defendant is under arrest, the first hearing must take place within 104 days. Postponement is possible, but only for a maximum of 3 months. After finishing the hearing the

verdict is pronounced within 14 days. If these processing standards are not met the process en the verdict is null and void.

The problem in criminal cases is however that a case is registered as a "court's case" only after the indictment has been produced to the court together with the file. This means that of total processing time of an criminal case (from police report to verdict) in 90% to 95% of the time the case is in the hands of the police or the prosecutor.

In all other cases there are court standards, the so called "procesreglementen" (processing regulations). This is pseudo law, published in the Law gazette. In civil law cases – for instance – they stipulate that a party that has been summoned has 8 weeks for a written answer and that judge will pronounce the judgment within 6 weeks after the hearing.

These processing regulations also stipulate the consequences. A written answer that is too late will be denied. There are no consequences however for sentencing too late.

2.5. What are the consequences of exceeding required/reasonable processing time according to national rules of practice?

If the processing time that is fixed in the law is not met in criminal cases, the process is null and void. Furthermore:

- There is no compensation to parties (in civil or administrative cases) if the judge doesn't comply to the regulations.
- There are no disciplinary measures to courts. A judge that is always too late in giving his/her sentences is considered not to be capable for the work in that section and will be transferred to another section.
- When a section is in trouble, there will be allocated extra staff (if available). Individual judges will have a temporary reduction of caseload, again: if possible.
- The fulfillment of requirements is constantly controlled on a individual level.
- In criminal cases "undue delay" will result in a reduction of the punishment.

2.6. Can the parties and others make a complaint about the processing time.

Yes they can. Parties can ask to speed up their procedure. And if they have good arguments the court will try to speed up. When they are not satisfied with the processing time, parties can use the standard procedure for complaints. They can complain about everything except the decisions of a judge with the board of the court (in fact: the president).

2.7. Are user surveys on processing time carried out.

Yes, they are. Every 4 years there's a national survey on the judiciary and some of the questions concern the processing time.

3. Reduction of caseload and Facilitating Court Procedures.

3.1 Which means of reduction of caseload are used?

In criminal cases the public prosecutor is entitled to offer a criminal settlement tot the defendant. By paying a fine the defendant can prevent being charged. In this way some 60% of the criminal cases is settled without judicial interference.

In minor civil cases (non government linked) arbitration committees are very popular in the Netherlands. They exist in many consumer goods en consumer service fields, like electronic equipment, travel, dry cleaning et c. A lot of minor civil cases are settled in these committees.

In administrative law the obligation to follow an objection procedure with the administrative body diminishes the number of cases. Administrative bodies are trying hard to prevent procedures. Tax authorities for instance even offer mediation in an effort to settle disputes.

In an increasing number of cases mediation is used as alternative dispute resolution. There's no court annexed mediation, but courts are familiar with sending litigants to certified mediators. Every court has a mediation clerk to facilitate this process.

In minor civil cases (value up to € 1.500,=) en minor criminal cases (fine under € 50,=), appeal is not possible. In somewhat more important, but still rather small criminal cases (fine under € 500,=) an appeal can only be heard after consent of the court of appeal.

The supreme court has the right to deal with a case in a very short and informal matter, if the case seems to be cassation proof and is of no importance to the explanation of the law.

3.2 Are any special easy procedures available?

Civil cases

Small claims.

Cases involving small claims are dealt with by the small claims section. The cases are dealt with by a single judge and the assistance of an attorney is not obliged. In most cases the decision is delivered orally at the court session. Until 1/1/2011 the maximum amount of the claim dealt with in this section is € 5.000,=. As of 1/1/2011 this amount will be € 25.000,=. At least 75% of all cases are tried within 6 months.

Summary proceedings.

It basically involves an Article 6 ECHR based fast procedure in front of an unus iudex .
Any ruling in summary proceedings is of a strictly preliminary nature, though, and has no bearing on full proceedings whatsoever. There is no obligation to start full proceedings.
Summary proceedings are limited to "urgent cases", but this rule is applied rather loosely.
The procedure is fast (90% within 3 months) and informal in character. It starts with a petition to the Court with a draft writ of summons. It normally involves just one oral hearing scheduled relatively close to the Court's permission to file the writ of summons. Both plaintiff and defendant are required to present all their written evidence at a reasonable time before the hearing.
Summary proceedings are mainly aimed at getting a preliminary injunction, in very rare cases also at obtaining provisional damages. There is no room for declaratory judgments. After the

oral hearing a written and reasoned judgment in summary proceedings is handed down within 14 days as a rule, in complicated cases this might be a few weeks more, but hardly ever later then 4 weeks after the hearing.

Criminal Cases

Cases involving minor offences are dealt with by the small claims section. The cases are dealt with by a single judge and the assistance of an attorney is not obliged. In most cases the decision is delivered orally at the court session.

Cases in which the prosecution demands a maximum of 12 months (usually however limited tot 6 months) imprisonment can be dealt with by a single judge in the criminal law sector. The decision is delivered orally at the court session. If necessary the accelerated criminal-proceedings for specific types of crimes (drunken-driving / shoplifting / possession of illicit drugs) can be used as well as the extra-accelerated criminal proceedings (arson / vandalism / the use of physical violence against public officers). Trial within three days.

3.3. What simplifications of ordinary procedures are applied?

Civil Cases

The application of the post defence statement hearing model in contested cases (since 2002). After the statement of defence a hearing is held in which the litigating parties have to appear before the court. The first objective of this hearing is to explore the willingness of parties to come to a settlement. Furthermore the aim is to gather all relevant information necessary for the procedure and to discuss the planning of the procedure. After this hearing (if no settlement has been reached) the judge will normally give his/her written verdict within 6 weeks.

Alternative Dispute Resolution/ Court connected mediation
In the Netherlands, each appeal court and district court can refer parties to mediation. Three quarters of the referred cases are civil cases. Mediation has proved effective in trade disputes and contractual disputes. The success rate of mediation depends not so much on the type of case as on the willingness of the parties to negotiate. Full or partial agreement is reached in 64% of all cases. Mediation on tax matters and matters within the jurisdiction of the small claims section has the greatest chance of success, i.e. 80% and 58% respectively. The success rate rises in proportion to the degree to which the parties are willing and able to negotiate. Parties must have some scope for negotiation if they are to reach a solution, although mediation can be successfully concluded even where there is relatively little scope for negotiation. This is true in particular of administrative cases, where the success rate is often higher than the administrative authorities would expect. The further a conflict has escalated the more difficult it is to reach agreement.
Referral can take place both prior to a hearing (i.e. in writing) and during a hearing. The parties themselves may also request mediation.

It is not forbidden to present written testimonies in civil cases, but they don't have the same legal force as a testimony *in persona* under oath and in front of a judge. Video conferencing may be used, but is only of importance in international cases, as distances in the Netherlands are (very) small.

Criminals cases.

In Dutch criminal proceedings there's an important role for the investigating magistrate. Most witnesses are heard by this magistrate and not directly in court. Also in criminal proceedings the use of video conferencing methods is acceptable.
Reports of experts like psychiatrists are usually only in written form.

3.4. Give examples of practices used within ordinary procedures to speed up ordinary procedures.

Litigating Nationwide project – Civil Cases

The 19 district courts of the Netherlands used to apply their own procedures in civil proceedings that commenced with a writ of summons. The first step towards greater uniformity in civil procedure was to involve national procedural regulations for the civil law sectors of the courts. These set out precisely how proceedings should be conducted and thus established greater uniformity. However, the separate courts still interpreted the national rules slightly differently. With the abolishment of the obligation to appoint a local legal counsel, attorneys can institute proceedings before every court in the Netherlands. Therefore greater uniformity was necessary. All courts have now introduced written proceedings and the case-register is accessible through the internet. With the courts having to apply the same working methods the speed of litigation has gone up and greater legal unity has been achieved.

Introduction of specialised Courts – Civil Cases

Some courts in the Netherlands have been given an exclusive competence by law (Patents Chamber, Enterprise Section etc). The concentration of certain types of cases results in professional specialisation and thus helps raising standards. The quality and efficiency of the decision making are enhanced.

Focus on timeliness in civil cases.

Before 1995 the standard procedure in civil cases was characterised by an exchange of written "conclusions". The plaintiff started the procedure with a writ. The defendant answered with a written answer in 8 to 12 weeks. Some 8 to 12 weeks later the plaintiff reacted with a written reaction and the written procedure was concluded by the defendant. Then a hearing would follow. After the hearing parties used to exchange again written views and then the file was presented to the judge, who would make the verdict. Standard civil proceedings would take 1 to 2 years for one instance only.
Starting from 1995 courts started to use a legal possibility (not so much used before) to order a hearing after the first written answer of the defendant. Judges would try to solve the case trough (voluntary) settlement. If litigating parties couldn't settle the case the judge was under obligation however to permit a new exchange of (written) views before giving his verdict. This obligation was banned in 2002. Now the standard procedure is that the defendant has 6 weeks to react (in written form) on the writ. Within 10 weeks after this reaction the judge hears the case. If the case is not settled during the hearing, a verdict follows within 6 weeks. In about 10% of the cases this verdict will rule that one of the parties has to give evidence. After the hearing of witnesses a second verdict will follow in those cases.

Focus on timeliness in administrative cases.

In the administrative section various courts are experimenting with proceeding "civil style" to reduce the time of proceedings to 6 months.

4. Increase of Capacity and Improvement of Processing

4.1 Do you try to limit processing time by an increase of courts or increase or reallocation of judges or cases?

The way the judiciary is financed means that if an increase of cases is foreseen, the courts and the Council for the Judiciary will plan to employ more judges and support staff. The Council will then present the budget to the Minister of Justice which will include the budget for extra personnel. Under normal circumstances (i.e. not the current situation with budget cuts) this system guarantees the possibility of a normal processing time. In the recent past courts however faced the situation that there was enough budget, but still there was a lack of judges, because not enough qualified lawyers could be found in the market.

A Flying Brigade was set up which was a group of judges and staff lawyers that focused exclusively on writing judgments for district courts which were temporarily unable to cope with their workload. Contact with the district courts takes place by post, telephone and e-mail. The brigade was funded by the Council for the Judiciary and employed thirty people. They had an annual production of 2,000 civil cases, a rate comparable to a large district court. The work of the Flying Brigade consisted of writing judgments. If it was a final judgment, then that meant the end of the case. If it was an interim judgment, then the dossier was sent back to the district court for an expert opinion or a personal appearance by the parties involved.

The rules for the reallocation of cases to another court are flexible and easy to apply. Judges in the Netherlands are competent to judge cases in all districts. They are appointed judge in one district-court but at the same time are appointed as deputy-judge in all the other courts. Therefore judges can easily deal with cases in another court. This method of reallocation is often used.

Decreasing the number of judges is no option in the Netherlands, as already a vast majority of cases is dealt with by a single judge. Assistance of retired judges and other deputy judges is used sometimes to reduce supplies of cases.

If an individual judge is unable to finish his/her caseload in time, cases will normally be reallocated to another judge.

4.2 Do you try to limit processing time by taking on assistance from deputy judges, trainee judges, or juridical assistants?

In the Netherlands deputy-judges can sit in on three-judge panels. When they're trained or are retired judges they can act as a single judge too. There are two kinds of trainees:

- junior trainees, who follow a 4 to 6 year training;
- senior trainees (experienced lawyers) who follow a 1 year training.

Trainee judges can be member of a three-judge panels or be a single judge (minor cases). In the first years of their training the junior trainees only sit as judicial assistant. The Courts also employ a lot of lawyers as a clerk.

In the Netherlands the standard procedure in criminal cases is that the clerk prepares the case (makes a summary) and prepares the decision upon instruction of the judge(s). In administrative cases also the preparation of cases is dealt with by the clerk, who will write a decision – upon instruction of the judge – in some 80% of all cases. In civil cases in some 50% of the cases the clerk writes a decision upon instruction.

4.3. Do you try to limit processing time by facilitating processing of cases?

Specialization is used to a certain extent. Judges normally are qualified to work in 2 sections. After one change of section, they frequently stay in the section they prefer and specialize.

Oral hearings are limited in time. Advocates know in advance the schedule of the judge. Unfortunately hearings are nevertheless not always starting on the right time, because a case proves tot be more complicated.

Oral hearings are very useful (because of the opportunity to reach a settlement) so the are not replaced by written arguments.

IT-solutions are widely used, although improvement is always possible. On a national level wizards have been made for standard documents and parts of standard documents. We're about to make the step to digital files in criminal cases. All verdicts are made in the same format.

4.4. Do you try to limit processing time by giving secretary or juridical assistance to individual judges?

Delegation model.
Juridical assistants are employed by the courts. Often they are young lawyers. Their task is to prepare the file and write a summary of the case, outlining the main issues and adding relevant case law. During the court session they take note. After the court session they participate in the deliberations in chambers, finally they draft the decision. This delegation model is applied differently in each sector of the courts, and is not used to the same extent by the Courts of Appeal. The juridical assistants in general are not assigned to individual judges.

4.5 Do you try to improve court proceedings or increase the capacity of courts by any scientific, experimental or technical project?

Civil Cases

The Council for the Judiciary has its own scientific research programme. The causes of delays are being researched. Pilot projects are being set up which intend to implement shorter procedures under the condition that both parties consent to it. Case-list hearings and the obligation of a local counsel have been abolished after the introduction of an on-line digital case-list. This digital case-list will be further developed into a digital processing system.

Criminal Cases

A digital case file is being developed. This file contains all relevant materials and can be consulted in the court room.

Administrative cases: pilots have been started tot reduce proceedings in a standard administrative case to 4 or 5 months.

Experiments are usually seeking to reduce "shelf time" (the time a file is laying on some ones desk or in a cupboard without anyone working in it). This is a matter of logistics.

Since 2002 courts are strictly organised and managed in a business-like manner. The financing system means that courts can make a "profit" or a "loss". Courts are very independent in their management and make their own financial decisions. They have the opportunity to form financial reserves and start their own projects.

5. Other initiatives

5.1 Have other initiatives concerning timeliness been undertaken or are they contemplated?

Timeliness is very much part of TQM (Total Quality Management) and the Dutch courts have done a lot to improve their quality. The council is investing heavily in education an individual quality of judges and staff.

More and more is understood that (with the exception maybe of criminal cases) all cases have the same pattern:

a) starting a procedure with a written document;
b) a written answer
c) a hearing
d) a decision[5]

When delays aren't growing, we know that we have enough personnel to deal with the incoming caseload. Then it is only a matter of organisation to reduce the time between a and b, between b and c and between c and d. A judge may take 1 week for a decision or 1 year, but in both cases he/she is writing only (for example) 8 hours.

The most important change that has been made in the Netherlands in the past 10 years is that no longer advocates and litigating parties are in charge of the proceedings but the judge and only the judge. He has to speed up the case and will ignore the wishes of litigating parties to slow down. If you start a process, you will have a quick process, no exceptions accepted.

So for instance 10 years ago the judge accepted an adjournment of half a year on request of the defendant as long as the plaintiff didn't complain. Nowadays it's 6 weeks and no further adjournment possible.

So we believe timeliness to be a matter of taking control and a matter of organisation and management. Delays are only acceptable if – measured by the professional standard – there is not enough personnel to handle the influx of cases.

[5] of course it can be necessary in some cases to exchange written arguments after te hearing; and of course in some cases the decision will be followed by a second part of the procedure (gathering evidence for instance) followed by a second decision