THE DUTCH *CRISIS AND RECOVERY ACT*: ECONOMIC RECOVERY AND LEGAL CRISIS?

J Verschuuren*

Summary

In the Netherlands, the 2010 *Crisis and Recovery Act* aims at speeding up decision-making on a wide variety of activities, hoping that after the financial and economic crisis has passed, development projects can immediately be carried out without any delay caused by legal procedures in court or elsewhere. The Act meets great criticism for many reasons: it allegedly curtails citizen's procedural rights because it focuses almost exclusively on environmental standards as "obstructing" standards that need to be removed, and it infringes international and European Union law. In this note, the legal critique on the Act is analysed. The conclusion is that the sense of urgency surrounding the design of legal measures to address the economic crisis enables the legislature to implement innovations and long-time pending amendments to existing legislation. Most issues have however not been fully or properly considered. Many legal questions will arise when implementing the Act, which will retard rather than expedite projects. It is difficult to predict whether the positive effects of the *Crisis and Recovery Act* would outweigh the negative aspects. Much depends on the manner in which the authorities will actually apply the Act. Should they implement the Act to its full potential, the effect of the Act in sum will be negative. In that case, the Act may help the economy to recover, but it will bring about a crisis in the legal system. It will, in all probability, also not contribute to sustainable development.

* Jonathan Verschuuren. MA LLM PhD (Tilburg University). Professor of International and European Environmental Law, Tilburg University, Netherlands, and Extraordinary Professor of Law, Faculty of Law, North-West University, South Africa (j.m.verschuuren@uvt.nl). The article is based on a paper presented at an HL Swanepoel Lecture at the Faculty of Law, North-West University, in March 2010.

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