

Objection Procedure

Raising an objection with the Netherlands Film Fund

An interested party who does not agree with a decision made by the Film Fund can object to this decision by lodging a notice of objection. This notice of objection must be in writing and addressed to the director/manager (hereinafter: the Director) of the Netherlands Film Fund. If the objection is lodged on the objector's behalf by someone else, a corresponding authorisation must be submitted.

Notice of objection

The notice of objection must be signed and must at least contain:

- the name and address of the party lodging the objection;
- the date;
- a description of the decision against which the objection is being raised;
- the reasons for the objection.

Deadline for lodging the objection

The objection must be lodged within six weeks of the decision. This six-week period commences from the moment that the decision is announced, or from the day after it is sent.

If the notice of objection is received by the Fund within these six weeks, it has been lodged on time. The objection is still on time if it has been posted before the end of the six weeks and it is received by the Fund no later than one week after the deadline expires. In this case, the date on which it was sent must be evident from the postmark on the envelope. If the objection has been lodged late, its content is not considered in principle.

If the objection has been lodged late, the objector is given the opportunity to explain in writing why it is late. The Fund then assesses whether to consider the content of the objection anyway. If the objection is not to be considered, the objector receives a ruling on the objection declaring the notice of objection inadmissible.

Procedure

Upon receipt of the objection by the Film Fund, the objector receives confirmation of receipt by post. The Fund checks whether the objection has been lodged within the set timeframe and whether it is complete. If it is incomplete, the objector is given the opportunity to supplement the objection. Once all the requirements have been met, the objection is considered.

The task of considering objections has been assigned to an external objection committee, which advises the Director on the decision to be taken regarding an objection. The objection committee usually gives the objector the opportunity to be heard before it makes its recommendation. The objection committee is made up of a chairman, a vice-chairman and four members. The (vice-)chairman and all the members of the objection committee are independent; they do not work for the Fund. In principle, three members of the objection committee attend the hearing.

During a hearing, the objector can explain the objection and can be assisted in this by a lawyer or some other competent person. If the objector is represented by someone else who is not a lawyer, this person must be authorised in writing by the objector. A representative of the Film Fund also attends the hearing to explain the Film Fund's view.

In the event of what is known as a simple procedure, the chairman, assisted by a secretary, can conduct the hearing and issue the recommendation on his own. A simple procedure can be used for cases involving amounts up to EUR 50,000 as well as smaller or development subsidies.

In all other cases, the objection committee is made up of three members assisted by a secretary.

Prior to the hearing, the objection committee asks the Director or its representative for a written response to the notice of objection (defence). The objector is given a copy of the defence. The objector receives a written invitation to the hearing. The Director's representative is also invited to the hearing. Both the objector and the Director's representative may submit supplementary documents up to no later than ten days before the hearing.

The parties are heard in each other's presence, in principle. During the hearing, the objector is given the opportunity to explain the objection and to respond to the defence. After that, the Director's representative explains the decision and provides a response to the objection(s) raised. The objector can then respond. Finally, the Director's representative is given another opportunity to respond. The objection committee may have further questions that can be answered by the parties. Once the objection committee has sufficient information to issue a recommendation, it brings the hearing to a close.

Ruling on the objection

After the hearing, the objection committee issues a recommendation in writing to the Director. In this recommendation, the objection committee gives its opinion on the ruling that it believes the Director ought to make concerning the objection. A record of the hearing is appended to the objection committee's recommendation.

The Director then makes a ruling on the objection based on the information compiled concerning the notice of objection and supplied during the procedure.

The ruling on the objection may mean that the objection:

- is declared inadmissible
- is declared unfounded
- is declared well-founded in part
- is declared well-founded.

The Director may follow the objection committee's recommendation, but is not obliged to do so. If the Director deviates from the recommendation, reasons must be given in the ruling on the objection. The recommendation is sent to the objector together with the ruling on the objection. The ruling must be made within twelve weeks, calculated from the day after the expiry of the deadline for lodging the objection.

In case the objection is submitted in English, it needs to be accompanied by a proper Dutch translation.

The Netherlands Film Fund
Amsterdam, June 2011