

Summary of LOWI decision 2017-07

Keywords: admissibility of petition, petition submission requirement, language of communication for LOWI proceedings

Relevant provisions: Article 15 of the General Administration Law Act (Awb), Article 4(4) of the LOWI Procedures

Petition

With reference to the LOWI Regulations, which state that Dutch is the language of communication for LOWI proceedings, and in the knowledge that the Petitioner is a Dutch native speaker, the LOWI asked the Petitioner to submit a Dutch translation of his English-language petition. The Petitioner was warned that if he failed to comply with this submission requirement (or failed to do so on time), the LOWI could decide not to consider his petition. The Petitioner nevertheless persisted in using the English language.

The Petitioner's most relevant objections are as follows:

- It is more effective to use English because international experts or readers must be able to acquaint themselves with the petition.
- The Petitioner does not have the means to pay a sworn translator and is too busy to translate the documents himself and unwilling to set aside time to do so.
- In the past, the LOWI allowed the Petitioner to use English.

Below are the most relevant considerations in the LOWI's opinion:

- Pursuant to the LOWI Regulations, the LOWI Procedures and, by analogy, the application of the General Administrative Law Act (Awb), the main rule is that Dutch is the language of communication for LOWI proceedings. Article 4(4) of the LOWI Procedures and Article 2:6(1) of the Awb permit the use of English if that is more effective.
- The fact that the LOWI allowed the Petitioner to use English in the past is irrelevant. It has been pointed out to the Petitioner repeatedly that the LOWI's current standard procedure is to permit English to be used in its proceedings only if one of the parties is not a Dutch speaker. That is not the case here.
- The Petitioner was told in no uncertain terms that his petition did not comply with the LOWI's submission requirement regarding the language of the petition. The LOWI gave him the opportunity to rectify this omission on several occasions. Because the Petitioner did not make use of this opportunity, the LOWI sees no reason to consider the Petitioner's request.

LOWI ruling:

The LOWI has ruled the petition inadmissible. This brings the LOWI's proceedings to an end. The LOWI will not consider the substance of the petition, and will therefore not make any recommendation to the Board concerning the latter's final decision.