Please cite as: EUAA, '4.5.7 Revising the notification of decisions' in *EASO Asylum Report 2021*, Ιανουάριος 2022.

4.5.7 Revising the notification of decisions

In Estonia, an amendment to the Act on Granting International Protection to Aliens in June 2020 meant that courts may rule without the descriptive and reasoning parts when they were faced with a high number of cases on detention. These parts would be provided to the applicant if the decision of the court was contested.

In the Netherlands, the Administrative Division of the Council of State has used six different forms of motivation of its decisions, adding an explanatory sentence to some of these forms, since 1 January 2020.[518] As legal practitioners often found the short reasoning based on the Aliens Act, Article 91 to be unsatisfactory, the Council of State confirmed in several judgments pronounced on 15 January 2020 the use of a template which was developed to provide more context for the ground of a dismissal of an appeal.

Due to COVID-19 restrictions, in the Netherlands, public pronouncements of court decisions were suspended in favour of sending the judgment directly to the parties and providing an opportunity for the public to access the judgment through the Internet. By using these measures as alternatives to public pronouncement hearings, the Council of State held that the essence of the principle of public justice was respected given the exceptional circumstances but also underlined that the adjusted court practice must be temporary.

[518]Council of State | Raad van State. (January 2020). *Motivering in vreemdelingenuitspraken [Reasoning in foreigners' judgements]* . https://www.raadvanstate.nl/bestuursrechtspraak/aanvullende/motivering-in-vreemdelingenuitspraken/

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