



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

CASE OF VELDSINK-SCHOONBEEK AND VELDSINK v. THE NETHERLANDS

(Application no. 26337/22)

JUDGMENT

Art 6 § 1 (civil) • Access to court • Refusal to reimburse successful litigants' full legal costs in administrative proceedings by applying a flat-rate system, in case circumstances, not impairing the very essence of the right of access to a court • Restriction justified by legitimate aims of limiting public expenditure and applying default cost rules, in order to ensure administrative courts' proper functioning • Restriction proportionate • Margin of appreciation not exceeded

Prepared by the Registry. Does not bind the Court.

STRASBOURG

6 October 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Veldsink-Schoonbeek and Veldsink v. the Netherlands,

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

Lado Chanturia, *President*,

Faris Vehabović,

Anja Seibert-Fohr,

Ana Maria Guerra Martins,

Sebastian Rădulețu,

András Jakab,

Corinna Wissels, *judges*,

and Hasan Bakırcı, *Section Registrar*,

Having regard to:

the application (no. 26337/22) against the Kingdom of the Netherlands lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by two Dutch nationals, Ms Dina Schoonbeek and Mr Albert Johan Veldsink (“the applicants”), on 16 May 2022;

the decision to give notice to the Government of the Kingdom of the Netherlands (“the Government”) of the complaint concerning the reimbursement of legal expenses incurred in administrative proceedings, which had allegedly restricted the applicants’ right of access to a court as protected under Article 6 § 1 of the Convention, and to declare the remainder of the application inadmissible;

the observations submitted by the respondent Government and the observations in reply submitted by the applicants;

the comments submitted by the French Government, who were granted leave to intervene by the President of the Section;

Having deliberated in private on 1 September 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The applicants challenged, in administrative proceedings, an order to remove buildings on their land, which, according to the local authorities, had been installed in violation of the relevant zoning plan. A subsequent, further appeal lodged by the applicants was successful and they were awarded compensation for their legal expenses on the basis of a flat-rate system. Relying on Article 6 of the Convention, the applicants alleged that this type of compensation had breached their right of access to a court, as the actual legal expenses incurred had been much higher.

THE FACTS

2. The applicants were born in 1962 and 1968 respectively and live in Dedemsvaart. They were represented by Mr D.G.J. Sanderink, a lawyer practising in Haaksbergen.

3. The Government were represented by their Agent, Ms B. Koopman, of the Ministry of Foreign Affairs.

4. The facts of the case may be summarised as follows.

5. The applicants challenged the decisions of the municipal executive of the municipality of Hardenberg (“the municipality of Hardenberg”) of 2 May 2019 in which they were ordered, subject to a penalty payment, to remove modular building units from their plot of land because they had been installed in violation of the municipality’s zoning plan. The applicants lodged an appeal, which was subsequently dismissed, by the Overijssel Regional Court.

6. The applicants then lodged a further appeal with the Administrative Jurisdiction Division of the Council of State (“the Administrative Jurisdiction Division”). Besides disagreeing with the findings of the Overijssel Regional Court on the merits, they relied on the Court’s judgment in *Zustović v. Croatia* (no. 27903/15, §§ 102-11, 22 April 2021) and requested that their legal expenses be reimbursed in full if their further appeal was upheld, rather than compensation (calculated on the basis of a flat rate for legal expenses in administrative proceedings) being awarded. They argued that the amount of compensation for legal expenses payable under the flat-rate system was so low in comparison with the actual legal expenses they had incurred that the application of that system would violate their right of access to a court, as protected by Article 6 § 1 of the Convention. The applicants submitted that the actual legal expenses incurred in the further appeal proceedings had to date amounted to 12,931.83 euros (EUR), while the legal expenses incurred in the previous proceedings had amounted to EUR 5,500. By contrast, compensation for legal expenses on the basis of the flat-rate system was calculated by allocating points for procedural acts carried out by a representative, at a rate of EUR 748 per point. Given that one point was awarded for lodging an appeal and one point for attending a hearing, the applicants’ compensation was unlikely to exceed EUR 1,496 in respect of the further appeal proceedings.

7. The applicants’ further appeal was upheld by a judgment of the Administrative Jurisdiction Division of 9 February 2022, but their legal expenses were not awarded in full. They were awarded EUR 3,795 on the basis of the flat-rate system for the legal expenses incurred in the appeal and further appeal proceedings, plus EUR 439 in reimbursement of court fees. The Administrative Jurisdiction Division recognised that its decision interfered with the applicants’ right of access to a court, in so far as they had had to bear a significant amount of the legal expenses themselves. Referring to the Court’s judgment in *Černius and Rinkevičius v. Lithuania*

(nos. 73579/17 and 14620/18, § 66, 18 February 2020), it noted that such interference could be justified under Article 6 § 1 of the Convention if the very essence of the right of access to a court was not impaired, and if the interference pursued a legitimate aim and was proportionate to that aim. In the applicants' case, it was noted that the flat-rate system was intended to limit public expenditure and to ensure that the rules on making orders for legal costs remained straightforward, thus relieving the burden on the administrative courts. Under the Court's case-law, those could be considered legitimate aims. In that context, the Administrative Jurisdiction Division observed that German, Belgian and Austrian law provided for similar flat-rate systems, whereas France's flat-rate compensation system in administrative proceedings had a basis in domestic case-law. It also considered that its decision was proportionate because, in contrast to the situation which prevailed in *Zustović* (cited above), the applicants had been awarded some compensation. It further noted that the Court in *Zustović* (ibid.) had referred to its earlier judgment in *Černius and Rinkevičius* (cited above). Accordingly, the Court's findings in *Zustović* (cited above) could not be separated from the specific situation in Croatia and could not be considered as a departure from the Court's case-law in *Černius and Rinkevičius* (cited above). Moreover, it noted that the applicants were not at risk of having to pay for the costs of the proceedings and that, in general, applicants in administrative legal proceedings were required to pay only limited court fees. The compensation awarded on the basis of the flat-rate system was generally sufficient to cover the costs of applicants who brought proceedings within the framework of legal aid. Applicants who did not bring proceedings within the framework of legal aid could be considered to have sufficient resources so as not to be disproportionately restricted in their right of access to a court. Lastly, the Administrative Jurisdiction Division noted that the domestic courts generally had the discretion to award a higher level of compensation when this was required by the circumstances of a case – which depended on the complexity of the case, the weighing up of relevant interests, and the nature of the procedural acts carried out by a representative. It thus concluded that the flat-rate system for the compensation of legal expenses did not violate Article 6 of the Convention.

RELEVANT LEGAL FRAMEWORK

DOMESTIC LAW

A. General Administrative Law Act

8. Section 6:4(1) of the General Administrative Law Act (*Algemene wet bestuursrecht* – “the AWB”), read in conjunction with section 7:1, provides that an interested party who contests a decision of an administrative authority

may lodge a notice of objection with that authority. Section 1:3 of the AWB defines a “decision” as a decision in writing taken by an administrative authority (*bestuursorgaan*) constituting a legal act governed by public law.

9. Following the objection procedure, the interested party may appeal against the resulting decision in the administrative courts under section 8:1 of the AWB. Pursuant to section 8:41, a court fee is payable upon lodging such an appeal. Both the interested party and the administrative authority may lodge a further appeal against the judgment on appeal under section 8:104, subject to the payment of a court fee pursuant to section 8:109. Unless another administrative tribunal has jurisdiction, any further appeals should be brought before the Administrative Jurisdiction Division (see paragraph 6 above) in accordance with section 8:105.

10. Section 7:15(2) of the AWB provides, in so far as relevant, that an administrative authority is to reimburse the costs reasonably incurred by an interested party in the objection procedure where that procedure results in the revocation of the contested decision on grounds of unlawfulness. Under paragraph 3, a request for reimbursement must be made before the decision on the objection is taken. Paragraph 4 provides that further rules concerning the recoverable costs and the method of their assessment, will be laid down by or pursuant to an executive decree (*algemene maatregel van bestuur*).

11. With regard to the appeal phase, section 8:75(1) of the AWB provides as follows:

“The administrative court has exclusive jurisdiction to order a party to pay the costs reasonably incurred by another party in the proceedings before it, including in the objection or administrative review stage. Section 7:15(2) to (4) ... shall apply. A natural person may be ordered to pay such costs only in cases of manifestly unreasonable use of procedural law. Further rules on the costs eligible for reimbursement, and the manner whereby such costs are determined, will be laid down by or pursuant to an executive decree.”

B. Decree on costs in administrative-law proceedings

12. The executive decree referred to in sections 7:15(4) and 8:75(1) of the AWB (see paragraphs 10-11 above) is the decree on costs in administrative-law proceedings (*Besluit proceskosten bestuursrecht*). Section 1 of that decree, as in force at the material time, specified the categories of costs eligible for reimbursement, including, under sub-paragraph (a), the costs of legal assistance provided by a third party on a professional basis. Section 2(1) further provides that the amount of such costs is to be determined in the decision on the objection, in administrative review or in the appeal judgment, in accordance with the rates set out in the annex to the decree. Under section 2(2) of the decree, those amounts may be adjusted where the decision or judgment is favourable to the interested party only in part, or where the appeal is withdrawn in part on account of a concession

made to the appellant. Section 2(3) of the decree provides that the standard rates may be departed from in exceptional circumstances.

13. The annex to the decree on costs in administrative-law proceedings specified that the amount to be reimbursed is calculated by assigning points to procedural acts (set out in list A). One point is awarded for submitting a notice of objection or (further) appeal and one point for attending a hearing during the objection or (further) appeal phase. The points are multiplied by a fixed value (set out in list B), which varies depending on whether the proceedings concern an objection, administrative review, appeal or further appeal, and on the relevant area of law. An adjustment coefficient (set out in list C) is also applied to reflect the complexity of the case and whether multiple cases have been joined and examined together. At the time of the Administrative Jurisdiction Division's judgment in the applicants' case, one point in appeal and further appeal proceedings was equivalent to EUR 759 under list B, whereas one point in the objection procedure was equivalent to EUR 541.

THE LAW

ALLEGED VIOLATION OF ARTICLE 6 OF THE CONVENTION

14. The applicants complained that the refusal to reimburse their legal costs in full had breached their right of access to a court, as provided for in Article 6 § 1 of the Convention, the relevant parts of which provide:

“In the determination of his civil rights and obligations... everyone is entitled to a fair... hearing... by [a]... tribunal...”

A. Admissibility

15. The Government did not submit any observations on the admissibility of the complaint.

16. The applicants submitted that their complaint was admissible.

17. As the Government did not contest the applicability of Article 6, and in light of the respective case law (see *Černius and Rinkevičius v. Lithuania*, nos. 73579/17 and 14620/18, § 50), the Court sees no reason to hold otherwise. The Court notes that this application is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. *The parties' submissions*

(a) The applicants

18. The applicants submitted that the Administrative Jurisdiction Division had set aside the municipality of Hardenberg's decision ordering the removal of buildings from their land. In establishing the unlawfulness of those decisions, they had incurred substantial legal costs at three levels of jurisdiction. As they had been awarded only partial reimbursement of the costs, they had ultimately borne a significant financial loss. Although the Administrative Jurisdiction Division had acknowledged that this had impaired their right of access to a court, it had wrongly found the restriction to be justified and proportionate.

19. The applicants argued that the authorities' first justification for the restriction – namely, limiting public expenditure – was incompatible with the Court's reasoning in *Zustović v. Croatia* (no. 27903/15, § 106, 22 April 2021) in which it held that it was contrary to the relevant well-established principle for the State to avoid bearing the costs of the proceedings it had lost. Although the Court had not excluded cost reduction as a legitimate aim in its case-law, it had not expressly endorsed it either. Moreover, the Government had pursued this aim inconsistently, since legal costs were reimbursed in full in criminal-law and expropriation proceedings under spatial/planning law. The applicants raised the same argument with regard to the Government's stated aim of applying default rules to the award of costs, namely, to ensure the proper functioning of the domestic courts. They also considered that the Government's argument, relating to the alignment of the administrative- and civil-law systems on compensation, did not pursue a legitimate aim either, given the fundamental differences between administrative and civil law.

20. As to the proportionality assessment, the applicants stressed that the issue was not the system *in abstracto* but its application of that system in their case. The consequences of the impugned decisions had been significant for the applicants, as the units they had been required to remove from the land in question had formed part of their home. As administrative courts did not review the lawfulness of contested decisions of their own motion and reviewed only the arguments put forward by the parties to the dispute, applicants without representation or specialised knowledge often failed to raise the correct arguments for a case to be decided in their favour. The legal fees incurred by the applicants in the present case had therefore been reasonable and necessary. The disparity between the flat-rate compensation and the fees charged by specialised lawyers was significant. This was particularly so given that the applicants had had a joint negative income in 2021, the year in which they had incurred the majority of the legal costs. Although the fact that individuals did not generally have to pay the State's

costs in administrative proceedings helped to guarantee access to a court, it was not proportionate for successful appellants to be reimbursed only for a fraction of the actual legal fees which they had reasonably and necessarily incurred. Similarly, the fact that the amount of compensation awarded was generally sufficient to compensate those litigants who depended on legal aid could not be relied upon to justify the fact that litigants who were ineligible for legal aid received only partial compensation. This observation was not altered by the courts' discretion to award a higher amount, since even the highest amount awarded would still leave a significant disparity between such compensation and the fees charged by specialised lawyers, billing on an hourly basis. Moreover, the possibility of awarding a higher amount was applied only in exceptional circumstances. In the light of the foregoing, the applicants argued that the restriction had been arbitrary and could not therefore be regarded as proportionate.

(b) The Government

21. The Government agreed with the Administrative Jurisdiction Division that the refusal to reimburse the applicants' full legal costs had interfered with their right of access to a court. However, they argued that this interference had been justified as it had pursued the legitimate aims of limiting public expenditure and applying default cost rules in administrative proceedings in order to align them with those in civil proceedings, thereby ensuring the proper functioning of the courts.

22. The Government submitted that the Court had previously recognised that limiting public expenditure and applying default cost rules to ensure the proper functioning of the courts were legitimate aims and could be used to justify an interference with the right of access to a court. They endorsed the Administrative Jurisdiction Division's reasoning (see paragraph 7 above) that the Court's findings in *Zustović* (cited above) could not be distinguished from the specific situation in Croatia, in that the Croatian Constitutional Court had found that Croatian legislation had disproportionately infringed the applicant's right of access to a court. Moreover, in that case no compensation for costs had been awarded at all, whereas the Dutch system provided for a flat-rate compensation intended as a contribution towards, rather than full reimbursement of, the legal costs incurred. The applicants' comparison of the present case with the judgment in *Zustović* (cited above) was therefore misplaced.

23. The Government explained that section 8:75 of the AWB (see paragraph 11 above) had been introduced to avoid separate civil proceedings on costs following administrative proceedings. They referred to the explanatory memorandum (*Memorie van Toelichting*) to the bill that had resulted in inclusion in the AWB of section 8:75, which provided 'budgetary reasons' as justification for the flat-rate system of costs orders in administrative proceedings (Lower House of Parliament, parliamentary

year 1991-1992, 22495, no. 3, pp. 151-52). The same rationale was reiterated in the explanatory memorandum (*Nota van Toelichting*) to the 1993 decree on costs in administrative-law proceedings (*Staatscourant* 1993, no. 763, p. 5-6, see paragraph 12 above), which noted that full reimbursement would impose an excessive and uncertain burden on public finances. The Government also emphasised that individualised cost assessments would significantly increase the courts' workload. Accordingly, costs orders in administrative proceedings were intended as a contribution towards legal costs, rather than full reimbursement.

24. As to proportionality, the Government stressed that individuals were not generally required to pay the legal costs incurred by the State in administrative proceedings, except in cases involving abuse of procedural law (see paragraph 11 above). The flat-rate system was well known to both the public and legal practitioners, including the applicants, enabling informed decisions about legal representation, which was not mandatory in administrative proceedings. Lastly, court fees were low and exemptions existed for those with limited means, for whom legal aid was also available, so that their access to a court was not disproportionately restricted. More solvent individuals could reasonably be expected to bear some of their own costs. In 2020 flat-rate reimbursements had been increased by 40% to bring them closer to the actual costs incurred by litigants, a measure from which the applicants had benefited. Although the courts had the discretion to increase awards in complex cases (see paragraph 13 above), no exceptional circumstances were found in the applicants' case to warrant such an increase, and nor had the applicants argued otherwise.

2. *Submissions of the French Government as a third-party intervener*

25. The French Government explained that in administrative proceedings in France, it was generally for the losing party to bear the costs of the other party. However, a judge was required to give a ruling to that effect, indicating the amounts to be reimbursed in the light of the circumstances of the case. Different rules could apply to litigants reliant on legal aid. A discretionary lump-sum award, as assessed by the judge in view of the costs incurred, fairness, the losing party's resources and the circumstances of the case, ensured a flexible approach to legal representation costs, promoted effective access to the courts and supported the sound management of State finances in appeals brought against the administrative authorities. There was no obligation on the part of the judge to award the actual costs incurred. The French Government considered this flexible approach to be consistent with the Court's case-law under Article 6 §1, which permitted cost-allocation systems such as the French one, provided that they did not disproportionately restrict access to a court or deter litigants. They also allowed States to strike a balance between access to the courts and sound financial management.

3. *The Court's assessment*

(a) General principles

26. The Court reiterates that the right of access to a court is an inherent aspect of the right to a tribunal under Article 6 § 1 of the Convention (see *Golder v. the United Kingdom*, 21 February 1975, §§ 28-36, Series A no. 18). Accordingly, Article 6 § 1 guarantees to everyone the right to bring claims concerning civil rights and obligations before a court (see *Zubac v. Croatia* [GC], no. 40160/12, § 76, 5 April 2018). This right is not absolute and may be subject to limitations, since the right of access by its very nature requires regulation by the State, which may vary according to time, place and available resources. States enjoy a margin of appreciation in this respect. However, any limitations must not impair the very essence of the right, must pursue a legitimate aim, and must be proportionate to that aim (*ibid.*, § 78).

27. In *Černius and Rinkevičius* (cited above), the Court accepted that limits on the reimbursement of litigation costs in administrative proceedings may, in principle, serve a legitimate public interest. However, it found the complete refusal to reimburse the applicants' costs after successful litigation against the State disproportionate. This approach was further developed in *Zustović* (cited above) which also concerned the refusal by the State to reimburse any costs to a successful applicant in administrative proceedings. The Court agreed with the Croatian Constitutional Court that the State cannot shift the expense of remedying its own errors on individuals in order to protect its financial interests (*Ibid.*, § 105).

28. In *Dragan Kovačević v. Croatia* (no. 49281/15, §§ 69-70, 12 May 2022), the Court considered a case in which a successful applicant had been denied reimbursement of legal costs on the basis of a rule according to which each party must bear its own expenses. The Court pointed out that its task was not to express a view on the compatibility of that rule *per se* with Article 6, but to assess whether, in the light of the margin of appreciation afforded to States, their policy choices produced consequences which were consistent with the Convention. It reiterated that the amount of costs, assessed in the light of the circumstances of a given case, is a relevant factor in determining effective access to a court and that the imposition of a significant financial burden may constitute a restriction on that right. While reducing public expenditure may constitute a legitimate aim (*ibid.* § 76), the refusal to reimburse any costs, particularly in a case of substantial personal importance to the applicant, was found to be disproportionate (*ibid.* §§ 79-80).

29. In *Moskalj v. Croatia* (no. 60272/21, §§ 73-90, 15 October 2024), the Court considered a case in which the applicant had successfully obtained compensation in constitutional proceedings for the violations of her right to family life, as protected by Article 8 of the Convention, but had been denied reimbursement of the legal costs incurred in securing that outcome. The Croatian Constitutional Court based its refusal on section 23 of the

Constitutional Court Act, according to which each participant in constitutional proceedings is required to bear his or her own costs unless the court decides otherwise. The Court reiterated that litigation costs may constitute a restriction on the right of access to a court and that the effects of a costs rule must be assessed in the light of the circumstances of the particular case. The Court noted that the costs of the constitutional complaint alone exceeded the compensation awarded to the applicant in damages for the violation of her Article 8 rights. It further observed that no sufficiently convincing reasons had been advanced for refusing reimbursement beyond a reference to the general rule contained in section 23 of the Constitutional Court Act. In those circumstances, the Court found that the non-reimbursement of those costs disproportionately impaired the effectiveness of the redress obtained and therefore violated Article 6 § 1.

(b) Application of these principles to the present case

30. The Court notes that the Government have acknowledged that the refusal to reimburse the applicants' full legal costs resulted in a restriction on their right of access to a court. In line with its case-law (see *Stankov v. Bulgaria*, no. 68490/01, § 54, 12 July 2007, and *Klauz v. Croatia*, no. 28963/10, § 77, 18 July 2013), the Court sees no reason to find otherwise.

31. The Government submitted that the application of the flat-rate system, on the basis of which the applicants were awarded only part of their legal expenses, had been justified by the aims of limiting public expenditure and applying default cost rules, in order to ensure the proper functioning of the administrative courts. The Court is satisfied that both those aims are legitimate. The Court has repeatedly held that reducing public expenditure is a legitimate aim (see paragraphs 27-28 above) and sees no reason to find otherwise in the present case. The Court agrees with the Government that the Court's reasoning in *Zustović* (cited above) cannot be separated from the domestic context of that case, which differed significantly from the situation faced by the applicants in the present case. In that context, the Court notes first that, in certain proceedings in Croatia, litigants were not compensated at all for the legal costs incurred, whereas the applicants in the present case were awarded part of their costs on the basis of a flat-rate system for reimbursement, of which they had been aware throughout the proceedings. The Court will further address this difference under its assessment of the proportionality of the interference. Secondly, the Court notes that the Croatian Constitutional Court had already established that the relevant domestic law had disproportionately infringed the right of access to a court.

32. Regarding the second aim pursued by the flat-rate system, the Court, in line with its case-law, also finds the easing of the burden on the domestic courts to be legitimate (see *Miessen v. Belgium*, no. 31517/12, § 71, 18 October 2016). The Court takes note of the Government's argument that

to require administrative courts to make separate cost assessments in each individual case would undoubtedly increase the workload of the courts.

33. Accordingly, it remains to be assessed whether the restriction on the applicants' right of access to a court was proportionate to the aim pursued. The Court notes that a State's decision to opt for a flat-rate system falls within the margin of appreciation of the State, as States are generally better placed than the Court to assess what might be the best policy in this field (see *Zubac*, cited above, § 78). However, it is for the Court to assess whether the effects of that choice were such that the very essence of the right of access to a court was unduly impaired (*ibid.*). The Court finds this not to be the case with regard to the applicants, for the following reasons.

34. Firstly, unlike the cases in which the Court has previously found violations of the right of access to a court, there is no rule in place in the Netherlands according to which the unsuccessful party, whether an individual or a State institution, must always bear the costs (see paragraph 27 above). There is also no rule to the effect that litigants in administrative proceedings must bear their own costs regardless of the outcome of those proceedings (see, by contrast, *Moskalj*, cited above, § 87). Moreover, the successful party in administrative proceedings is not required to separately prove the unlawfulness of the State's actions in order to obtain reimbursement of the legal costs incurred (see, by contrast, *Černius and Rinkevičius*, cited above, § 71). The Court notes that, on the contrary, individual litigants in administrative proceedings will not be ordered to pay the legal costs even if they are unsuccessful, except in cases involving the manifestly unreasonable use of procedural law (see paragraph 11 above). Accordingly, the applicants, whose initial appeal was dismissed (see paragraph 5 above), were never ordered to pay the costs incurred by the State.

35. The Court further notes that successful litigants who are reliant on legal aid are generally compensated for all the costs incurred in administrative proceedings. The applicants alleged that they had had negative income in 2021, the year in which they had incurred the majority of the legal costs. The Government argued that, if the applicants' financial situation had been as alleged, they would have been eligible for legal aid. It is correct, as the applicants have argued, that those who are not eligible for legal aid may not have their full legal costs reimbursed, since the fees charged by lawyers may exceed the amounts reimbursed under the flat-rate system. However, the Court agrees with the Government that this does not disproportionately interfere with the applicants' right of access to a court, since they are also likely to have the means to cover part of the costs themselves. In that context, the Court notes that the applicants argued that, as a result of the State's unlawful decision, they had been required to bear a considerable financial burden themselves. However, they did not demonstrate any resulting financial hardship.

36. Furthermore, as the Government have argued, the flat-rate system is known to litigants and practitioners, which means that informed strategic choices can be made as to the level of costs that litigants are willing to bear themselves (see paragraph 24 above). In this context, the Government pointed out that legal representation was not mandatory in administrative proceedings. However, the Court accepts the applicants' claim that the chances of success in a technically complex area of law, such as zoning law, will increase with the support of a specialised lawyer, given the special role of lawyers, as independent professionals, in the administration of justice (see *Černius and Rinkevičius*, cited above, § 70). Nonetheless, the fees charged by such lawyers may vary widely. The fees agreed between a lawyer and client cannot, in themselves, determine the extent of the State's obligation under Article 6. In that context the Court reiterates that the right of access to a court is not absolute and, by its very nature, requires regulation by the State (see *Zubac*, cited above, § 78). The Court does not consider it reasonable, under Article 6 of the Convention, to require domestic courts to assess whether the fees charged by lawyers in each individual administrative case were reasonable and necessary. The applicants have drawn comparisons to other areas of law in which litigants are granted full compensation (see paragraph 19 above). However, the Court notes that this is not a relevant argument given the substantive difference between those areas of law and administrative law proceedings, such as the proceedings at issue in the present case. Lastly, the Court notes that the Dutch flat-rate system already gives domestic judges in administrative proceedings discretion to deviate from the flat rates in exceptional circumstances. This increases flexibility and helps to prevent disproportionate outcomes.

37. In these circumstances, it cannot be said that the decision of the Administrative Jurisdiction Division impaired the very essence of the applicants' right of access to a court as guaranteed under Article 6 § 1 of the Convention. Nor did it exceed the margin of appreciation afforded to the respondent State.

38. It follows that there has been no violation that provision.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that there has been no violation of Article 6 of the Convention.

VELDSINK-SCHOONBEEK AND VELDSINK v. THE NETHERLANDS JUDGMENT

Done in English, and notified in writing on 6 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı
Registrar

Lado Chanturia
President