



10 REASONS TO LITIGATE IN THE NETHERLANDS

The Netherlands is a very convenient place for international parties to litigate disputes for the following 10 reasons:

1. Excellent location

The Netherlands is conveniently located in the industrial heartland of Northwestern Europe, between Germany, France and England. The Rotterdam and Amsterdam seaports service a large part of continental Europe. Amsterdam Schiphol Airport is one of the main airports in Europe and well connected to the rest of the world. As the gateway to Western Europe, the Netherlands houses a lot of corporate headquarters and a large number of international companies have operations in the Netherlands. All of this makes the Netherlands a convenient location to litigate.

2. Dutch courts are modern and efficient

The Netherlands has a modern and efficient court system with well-educated impartial judges that are appointed for life. It is not without reason that the Dutch civil justice system ranks second in the world on the Rule of Law Index of the World Justice Project (<http://data.worldjusticeproject.org/#table>).

3. Litigation in the Netherlands is fast

Dutch courts are as efficient as they are experienced, and cases rarely last more than a year. Civil proceedings are typically initiated by serving a comprehensive writ of summons upon the defendant. After the case is introduced to the court the defendant will get six weeks to file a statement of defense or file a motion e.g. disputing jurisdiction or requesting disclosure. After submission of the statement of defense a hearing of the parties is held. Judges are expected to encourage settlements and a large number of cases is settled during the hearing.

4. Litigation in the Netherlands is inexpensive

The Dutch are known to be frugal. Perhaps for this reason, litigation in the Netherlands tends to be fairly inexpensive. The maximum court fees in civil cases in first instance with the regular courts amount to EUR 4,030 and in appeal EUR 5,382. Evidence may be submitted in English without the need for costly translations. The fees of attorneys, when internationally compared, tend to be competitive.

Whereas the loser is usually ordered to pay the winner a contribution to his legal fees, the amount of the contribution is usually less than EUR 20,000 and rarely exceeds EUR 50,000, even in high-stakes cases.

5. Dutch judgments are enforceable abroad

Under the EU Brussels I Regulation, court judgements rendered in the Netherlands are recognized and enforceable throughout the European Union and the European Economic Area. If judgements must be enforced in countries

outside the European Economic Area, arbitration is often preferable above resolution by the state courts. The reason for this is that the Netherlands is also a contracting state to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958), thereby allowing enforcement of arbitral awards rendered in the Netherlands in all 160 states that have acceded to that convention. In addition the Netherlands has a number of bilateral treaties with countries providing for the reciprocal recognition and enforcement of judgements.

6. Dutch courts allow litigation in English

The Rotterdam harbor being European main port, the Rotterdam District Court allows parties to litigate in the English language in trade related cases. Moreover, since 1 January 2019 commercial proceedings may also be brought before the Netherlands Commercial Court in Amsterdam. The major 'selling point' of the Netherlands Commercial Court is that the proceedings are conducted in English. Furthermore, the procedural rules of the Netherlands Commercial Court also provide the flexibility for proceedings to be conducted in the civil law tradition or in a manner similar to proceedings in international arbitration or common law jurisdictions. By providing this flexibility, the Netherlands Commercial Court aims to make proceedings recognizable for international parties. The court fees for the Netherlands Commercial Court are EUR 15,000 per party in the first instance and EUR 20,000 in appeal.

7. Easy pre-judgment attachment

Getting a pre-judgment attachment on assets in the Netherlands is shockingly easy. Foreign companies are often surprised to learn that a pre-judgment attachment can be obtained within one or two days, without so much as a hearing. As a result, pre-judgment attachments are a popular and frequently used measure to pressure debtors and to secure recourse for creditors' claims.

8. Attachment under foreign parties

An attractive aspect typical for Dutch law is the possibility to levy a provisional attachment on the assets of a foreign party located in the Netherlands ('saisie foraine'). Since a large number of international companies have a holding, finance or operational company in the Netherlands, and since a lot of goods pass through the Dutch ports, it is often attractive to attach a foreign debtor's assets in the Netherlands. As an added advantage, a 'saisie foraine' in the Netherlands gives the Dutch courts jurisdiction to resolve the dispute between the parties.

9. Sophisticated collective redress

The Netherlands has always been at the forefront of collective redress in Europe. Since the early nineties, a claim organization that represents a certain group of interests can start a class action to obtain declaratory relief.

Whereas Dutch class action suits used to be limited to declaratory judgments, under newly adopted legislation it will soon be possible to claim monetary damages, which will make the Netherlands a front runner in the field of class actions throughout Europe. As a result, collective actions are becoming increasingly popular in the Netherlands.

10. High quality internationally oriented lawyers

The Dutch legal practice is highly developed and the Netherlands has a large number of high quality international law firms. Many top tier international law firms have significant offices in the Netherlands. Buren's experienced Litigation and Dispute Resolution Team operates at the highest level. Always focused on creating value for our clients, we work hard to develop the best strategy to resolve our clients' disputes, either through settlement or through litigation.



Key contact



Philip ter Burg

Partner | Head Dispute Resolution
E p.terburg@burenlegal.com
T +31 (0)6 2181 2587