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**Answer to the  
REVISED SCHEME  
FOR  
EVALUATING JUDICIAL SYSTEMS  
2004 Data**

**Réponse à la  
GRILLE REVISEE  
POUR  
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES  
Données 2004**

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**NETHERLANDS/PAYS-BAS**

Strasbourg, 24 June 2005

**CEPEJ (2005) 2 REV 2**

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)**

**DRAFT REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS**

**adopted by the CEPEJ at its 5<sup>th</sup> Plenary Meeting  
(Strasbourg, 15 – 17 June 2005)**

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## DRAFT REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

**COUNTRY: the Netherlands**

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### I. Demographic and economic data

#### I. A. General information

1. Number of inhabitants 16,292,000  
*Source Central Bureau of Statistics*
2. Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level  
State level €227,500,000,000  
Regional / entity level €  
*Source Central Bureau of Statistics*
3. Per capita GDP €29,993  
*Source Central Bureau of Statistics*
4. Average gross annual salary €30,642  
*Source Central Bureau of Statistics*

#### I. B. Budgetary data concerning judicial system

5. Total annual budget allocated to all courts €762,607,000  
*Source Ministry of Justice, annual report 2004*

Please specify:

----------------------

6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:

	Yes	Amount
▪ Salaries?	<input type="checkbox"/>	€
▪ IT?	<input type="checkbox"/>	€
▪ Justice expenses borne by the State?	<input type="checkbox"/>	€

According to the budget, about 80% are personnel costs (salaries)

Source *Ministry of Justice, budget*

7. Annual public budget spent on legal aid €378,358,000

Source *Ministry of Justice, budget*

8. If possible, please specify:

▪ the annual public budget spent on legal aid in criminal cases	€144,688,000
▪ the annual public budget spent on legal aid in other court cases	€233,666,000

Source *Ministry of Justice, budget*

9. Annual public budget spent on prosecution system €335,300,000

Source *Ministry of Justice, budget*

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	No	No	No	Yes
Other ministry. Please specify	No	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
Judicial Council	Yes	No	Yes	No
Courts	No	No	No	No
Inspection body. Please specify.	No	No	No	No
Other. Please specify	No	No	No	No

\*\*\*

**You can indicate below:**

- any useful comments for interpreting the data mentioned above

- *the characteristics of your budgetary system*

## II. Access to Justice and to all courts

### II. A. Legal aid

#### 11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	Yes	Yes
Legal advice (Yes/No)	Yes	Yes
Other (Yes/No). Please specify	No	Yes mediation

#### 12. Number of legal aid cases:

▪ total	343,473
▪ criminal cases	129,404
▪ other than criminal cases	214,069

Source Council for legal aid

#### 13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes ☒ No ☐

#### 14. Does your country have an income and asset test for granting legal aid:

	No	Yes/Amount
▪ for criminal cases?	<input type="checkbox"/>	<input checked="" type="checkbox"/> (unless provided by the state)
▪ for other than criminal cases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Income: about 1500 Euro per month; asset about 7500 Euro

Source ☐

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes ☒

No ☐

16. If yes, is the decision taken by:

▪ the court?

Yes

▪ a body external to the court?

☒

▪ a mixed decision-making body (court and external)?

☐

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

▪ for criminal cases?

Yes

No

▪ for other than criminal cases?

☒

☒

If yes, are there exceptions? Please specify:

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

No

Yes

☒

Please specify:

Policies sold by private insurance companies

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

▪ criminal cases?

Yes

No

▪ other than criminal cases?

☒

☒

In civil and administrative cases the court can sentence one party to cover the costs of the other parties

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

## II. B. Users of the courts and victims

## II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- |   |                                     |                                     |
|---|-------------------------------------|-------------------------------------|
|   | Yes                                 | No                                  |
| ▪ legal texts (e.g. codes, laws, regulations, etc.)?                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Internet address(es): <a href="http://wetten.overheid.nl/">http://wetten.overheid.nl/</a> |                                     |                                     |
| ▪ case-law of the higher court/s?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Internet address(es): <a href="http://www.rechtspraak.nl/">http://www.rechtspraak.nl/</a> |                                     |                                     |
| ▪ other documents (for examples legal forms)?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Internet address(es): <input type="text"/>  |                                     |                                     |

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes ☐ No ☒

If yes, please specify:

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes ☒ No ☐

Comments: the Public Prosecutor's office runs an internet website for victims of crimes, who want to be financially compensated for damages caused by the offender. The police also have instructions to point out this service to victims of crime.

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape	Yes	Yes	Yes	No
Victims of terrorism	Yes	Yes	Yes	No
Child/Witness/Victim	Yes	Yes	Yes	No
Victims of domestic violence	Yes	Yes	Yes	No
Ethnic minorities	No	Yes	No	No



Disabled persons	No	No	No	No
Juvenile offenders	No	Yes	Yes	No
Other	No	No	No	No

Question is not clear. E.g. ethnic minority: as a victim, or witness, or offender??

In general, in the Netherlands there are special arrangements for victims of serious crimes, regardless if they are woman, juveniles or ethnic non-Dutch. Also there are witness protection measures possible. And juvenile offenders are handled differently from adult offenders.

**24. Does your country have compensation procedure for victims of crimes?**

Yes ☒ No ☐

**25. If yes, does this compensation procedure consist in:**

- a public fund?
- a court order?
- private fund?

Yes

☒

☒

☐

**26. If yes, which kind of cases does this procedure concern?**

Comments: There is a national fund for the compensation of damages which are the result of crime, installed in 1976. Only damages caused by death and injury can be compensated to a maximum of € 22.700 for material damage and € 2.723 for immaterial damage (figures 2004). Average figures for compensation are € 2.713, of which € 908 for material and € 1.815 for immaterial damage.  
Source: <http://www.schadefonds.nl>

**27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?**

No ☒  
Yes ☐

Please specify:

**II. B.2. Confidence of citizens in their justice system**

**28. Is there a system for compensating users in the following circumstances:**

- excessive length of proceedings?
- wrongful arrest?
- wrongful condemnation?

Yes No

☐ ☒

☒

☒

☒

☐

If yes, please specify (fund, daily tariff):

In general, there can be a compensation if a person has been in pre-trial detention but dismissed or declared not guilty. Or if the guilty verdict was found out wrong afterwards. There is a standard tariff per diem, but the judge can decide otherwise.

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes ☒

No ☐

If possible, please specify their titles, how to find these surveys, etc:

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level	there is a regular national survey that contains indicators of national trust and satisfaction with the judiciary	
Surveys at court level	regular standardised customer satisfaction surveys according to the INK-model for quality management	

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes ☒

No ☐

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned	In 2002, all courts have introduced a procedure to deal with complaints regarding the behaviour of the court or persons working for the court.	
Higher court		
Ministry of Justice		
High Council of Justice	the Supreme Court has a special chamber to deal with complaints concerning judges. This chamber functions as an ombudsman, but can also take disciplinary actions against judges.	
Other external organisations (e.g. Ombudsman)		

Can you give information elements concerning the efficiency of this complaint procedure?

No

--

### III. Organisation of the court system

#### III. A. Functioning

**33. Total number of courts (administrative structure):**

- **first instance courts of general jurisdiction** 19

Source  

- **specialised first instance courts** 2

Source  

**Please specify the different areas of specialisation (and, if possible, the number of courts concerned):**

1. Environmental issues / planning
2. Acts of Industrial Organisations

Note: Other courts also have chambers for dealing with specific areas of the law, such as the military law, traffic violations, etc. These courts have territorial jurisdiction, meaning that all cases concerning these specific laws can only be handled by the court in which the special chamber resides. The court of Rotterdam, for example, has a special chamber for dealing with all cases in the Netherlands concerning telecommunication and competition.

**34. Total number of courts (geographic locations)** 61

Source  

**35. Number of first instance courts competent for a case concerning:**

- **a debt collection for small claims** 61

**Please specify what is meant by small claims in your country:**

Less than 5,000 Euro

- **a dismissal** 19
- **a robbery** 19

**36. Number of professional judges sitting in courts** 2004 fte

*(present the information in full time equivalent and for permanent posts)*

Source Council for the Judiciary, annual report 2004

**37. Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

- *gross figure* 900
- *if possible, in full time equivalent*

Source  

**Please specify:**

There is a system of substitute-judges, who are appointed for life. They handle only a few cases per year, sometimes no cases and receive no regular salary. The number of substitute judges is about 900

38. Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs

Source

Please specify:

There are no non - professional judges in the Netherlands

39. Does your judicial system include trial by jury with the participation of citizens?

No ☒

Yes ☐ For which type of case(s)?

If possible, number of citizens who were involved in such juries for the year 2004?

40. Number of non-judge staff who are working in courts 5217 fte  
(present the information in full time equivalent and for permanent posts)

Source Council for the Judiciary, annual report 2004

41. If possible, could you distribute this staff according to the 3 following categories:

- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars:
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management):
- technical staff:

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):

No ☒

Yes ☐ Number of staff

43. Number of public prosecutors 598 fte  
(present the information in full time equivalent and for permanent posts)

Source Public Prosecution Service, annual report 2004

44. Do you have persons who have similar duties as public prosecutors?

No ☒

Yes ☐ Please specify:

45. Is the status of prosecutors:

- independent within the judiciary?
- independent from the judiciary ?
- under the authority of the Ministry of Justice?

Yes

?  
?  
?

Question not clear. Independent in what sense? And does this refer to individual prosecutors or the prosecution service as a whole? In the Netherlands the Prosecution Service falls under the authority of the Minister of Justice (not the Ministry of Justice) and is internally hierarchical.

46. Number of staff (non prosecutors) attached to the public prosecution service  
(present the information in full time equivalent and for permanent posts)

3382 fte

Source Public Prosecution Service, annual report 2004

47. Who is entrusted with the individual court budget?

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board				Yes
Court President	Yes	Yes	Yes	
Court administrative director				
Head of the court clerk office				
Other. Please specify				

48. In general, do the courts in your country have computer facilities?

Yes ☒

No ☐

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of	+50% of	-50% of	- 10 % of
-----------	------------	---------	---------	---------	-----------

		courts	courts	courts	courts
Direct assistance to the judge/court clerk	Word processing	X			
	Electronic data base of jurisprudence	X			
	Electronic files				X
	E-mail	X			
	Internet connection	X			
Administration and management	Case registration system	X			
	Court management information system	X			
	Financial information system	X			
Communication between the court and the parties	Electronic forms				X
	Special Website				X
	Other electronic communication facilities	X			

Source

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

No

Yes ☒

Please specify the name and the address of this institution:

Central Bureau of Statistics, but also the Council of the Judiciary

\*\*\*

*You can indicate below:*

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your judicial system*

### III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes ☒

No

52. Do you have a regular monitoring system of court activities concerning the:

- number of incoming cases? Yes ☒ No

- number of decisions?
- number of postponed cases?
- length of proceedings?
- other?

X		
X		
X		

Please specify:

53. Do you have a regular evaluation system of the performance of the court?

No

☐

Yes

☒

Please specify:

By measuring productivity.

54. Concerning court activities, have you defined:

- performance indicators?

Yes

☒

No

☐

Please specify the 4 main indicators for a proper functioning of justice:

(weighted) number of cases, length of proceedings etc.

- targets?

Yes

☒

No

☐

Please specify who is responsible for setting the targets:

- executive power?
- legislative power?
- judicial power?
- other?

Yes

☐
☒
☐

Please specify:

Please specify the main objectives applied:

Source

☐

55. Which authority is responsible for the evaluation of the performances of the courts:

- the High Council of judiciary?

Yes

☒

- the Ministry of justice?
- an Inspection body?
- the Supreme Court?
- an external audit body?
- other?

Please specify:

56. Does the evaluation system include quality standards concerning judicial decisions?

No

Yes ☒ Please specify:

There are several elements in the quality evaluation system as developed by the council of the judiciary. Such as surveys among personnel and clients, a complaint system etc.

Source

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

- civil cases?
- criminal cases?
- administrative cases?

Yes

No

☒  
☒  
☒

58. Do you have a way of analysing queuing time during court procedures?

No

Yes ☒ Please specify:

Statistical

59. Do you monitor and evaluate the performance of the prosecution services?

No

Yes ☒ Please specify:

By tracking individual cases

\*\*\*

*You can indicate below:*

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

For criminal cases, the prosecution service monitors all decisions (prosecutor and court decisions) for every individual case.

There is a comparable system for administrative and civil cases, maintained by the courts.



## IV. Fair trial

### IV. A. Fundamental principles

60. Is there in your judicial system:
- a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?  
Yes ☒ No ☐
  - the right to have reasons given for all prisons sentences?  
Yes ☒ No ☐
  - for all cases, an effective remedy to a superior jurisdiction?  
Yes ☒ No ☐
61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented? about 30 %
- Source Ministry of Justice / WODC
62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?
- No ☐  
Yes ☒ If possible, number of successful challenges (in a year): No data available
63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)			4	6			1	1		
	Article 6§1 (duration)										
	Article 6§2			1	3			1	1		
	Article 6§3a										
	Article 6§3b										
	Article 6§3c			1	1						
	Article 6§3d				1						
	Article 6§3e										
Civil proceedings	Article 6§1 (equity)			1	1	1				1	
	Article 6§1 (duration)				1	1	1	1			
	Article 6§1 (non execution only)										

Source Ministry of Justice

### IV.B. Timeframes of proceedings

#### IV. B. 1. General

64. Are there specific procedures for urgent matters in:

	Yes	No
▪ civil cases?	X	
▪ criminal cases?		X
▪ administrative cases?	X	

65. Are there simplified procedures for:

	Yes	No
▪ civil cases (small claims)?	X	
▪ criminal cases (petty offences)?		X
▪ administrative cases?		X

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes X No

This does not happen very often

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No

Yes X

Please specify:

#### IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious): 1,131,810

Please specify the main types of cases:

See question 69

Source Council of the Judiciary, annual report

69. Litigious and not litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number	Incoming cases	902,980	123,540	33,280	72,010
	Decisions on the merits	896,700	153,090	33,460	71,690
	Percentage of decisions subject to appeal in a higher court	Not available	Not available	Not available	Not available

(1st instance)	Pending cases by 1 January 2005	Not available	Not available	Not available	Not available
	Percentage of pending cases of more than 3 years	Not available	Not available	Not available	Not available
Average length (from date of lodging of court proceedings*)	1st instance decisions	see remark	see remark	117 days	19 days
	2nd instance decisions	see remark	see remark	237 days	Not applicable
	Total procedure	Not available	Not available	Not available	Not available

\* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

Remark: Due to the great variety in the nature of the cases and therefore a huge variation in length of the proceedings, an average length is not useful.

Where appropriate, please specify the specific procedure as regards divorce:

Source Council of the Judiciary, annual report

#### IV. B. 3. Criminal cases

70. Please describe the role and powers of the prosecutor in the criminal procedure:

	Yes	No
▪ to conduct or supervise police investigation?	X	
▪ to conduct investigation?	X	
▪ when necessary, to demand investigation measures from the judge?	X	
▪ to charge?	X	
▪ to present the case in the court?	X	
▪ to propose a sentence to the judge?	X	
▪ to appeal?	X	
▪ to supervise enforcement procedure?	X	
▪ to end the case by dropping it without the need for a judicial decision?	X	
▪ to end the case by imposing or negotiating a penalty without a judicial decision?		X
▪ other significant powers?	X	

Please specify:

71. Does the prosecutor also have a role in civil and/or administrative cases?

No X

Yes ☐ Please specify:

**72. Functions of the public prosecutor in relation to criminal cases– please complete this table:**

		Total number of 1st instance criminal cases
Received by the public prosecutor		273,974 (only crimes, infractions and almost all traffic offences are excluded)
Discontinued by the public prosecutor	In general	36,743
	Because the offender could not be identified	Not applicable. If no offender, the case is not received by the prosecutor.
	Due to the lack of an established offence or a specific legal situation	36,743
Concluded by a penalty, imposed or negotiated by the public prosecutor		78,613 (not a real penalty but a conditional disposal)
Charged by the public prosecutor before the courts		160,000 (estimate)

Source Ministry of Justice / WODC

**73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:**

		Criminal cases	Robbery cases	Intentional homicides
Total number (1st instance)	Incoming cases	No reliable data available	No reliable data available	No reliable data available
	Judicial decisions	133,218	4,029	not available
	Convicted persons	126,174	3,846	not available
	Acquitted persons	6,353	158	not available
	Percentage of decisions subject to appeal in a higher court	not available	not available	not available
	Pending cases by 1 January 2005	not available	not available	not available
	Percentage of pending cases of more than 3 years	not available	not available	not available
Average length*(from the date of official charging)	1st instance decision	170 (estimate)	150 (estimate)	not available
	2nd instance decision	not available	not available	not available
	Total procedure	not available	not available	not available

\* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

From the moment the offender is registered by the prosecution

The number of court decisions is lower than the number of cases presented to the court by the prosecution. This is mainly because one court decision can refer to more than one case.

Source Ministry of Justice / WODC

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings

## V. Career of judges and prosecutors

### V. A. Appointment and training

74. Are judges initially/at the beginning of their career recruited and nominated by:

- a body composed of members of the judiciary?
- a body composed of members external to the judiciary?
- a body composed of members of the judiciary and external to the judiciary?

Yes

X

75. Are prosecutors initially/at the beginning of their career recruited and nominated by:

- a body composed of members of the prosecution system?
- a body composed of members external to the prosecution system?
- a body composed of members of the prosecution system and external to the prosecution system?

Yes

X

76. Is the mandate given for an undetermined period for:

- |                | Yes | No |
|----------------|-----|----|
| ▪ judges?      | X   |    |
| ▪ prosecutors? |     | X  |

Are there exceptions ? Please specify:

If no, what is the length of the mandate:

Is it renewable?

- |              | Yes | No |
|--------------|-----|----|
| ▪ of judges? |     |    |

- of prosecutors? until age 65

\*\*\*

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors

Judges are not elected but appointed by the Crown (in practice by the minister of Justice). They must have the Dutch nationality. There are two ways to become a judge:

1. By following a special 6-year training, usually directly after having received a university degree in Law. Besides, there is a selection procedure for the training. This is the so-called RAIO training (*Rechterlijk Ambtenaar In Opleiding* or 'Training to become a member of the Judiciary'). After successfully having completed the training, the candidate can eventually be appointed by the Crown.
2. Persons with a university degree in Law and at least 6 years appropriate experience outside the judiciary can be appointed directly.

With some differences, the appointment procedures for prosecutors are the same.

#### 77. Nature of the training of judges:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	Yes		
	Highly recommended			
	Optional			
General in-service training	Compulsory	Yes	Annual	
	Highly recommended		Regular	
	Optional		Occasional	
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory		Annual	
	Highly recommended		Regular	
	Optional		Occasional	
In-service training for specific functions (e.g. head of court)	Compulsory		Annual	
	Highly recommended		Regular	
	Optional		Occasional	

#### 78. Nature of the training of prosecutors:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	Yes		
	Highly recommended			
	Optional			

General in-service training	Compulsory	Yes	Annual	
	Highly recommended		Regular	
	Optional		Occasional	
Specialised in-service training	Compulsory		Annual	
	Highly recommended		Regular	
	Optional		Occasional	

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of of your training system for judges and prosecutors**

#### V. B. Practice of the profession

79. Gross annual salary of a first instance professional judge at the beginning of his/her career  
€~65,000

Source

80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court  
€~110,000

Source

81. Gross annual salary of a public prosecutor at the beginning of his/her career  
€~80,000

Source

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court  
€~110,000

Source

83. Do judges and public prosecutors have additional benefits?

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

(If yes, please specify)

**84. Can judges or prosecutors combine their work with any of the following other professions?**

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching						
Research and publication						
Arbitrator						
Consultant						
Cultural function						
Other function to specify						

Judges and Prosecutors may have other professions with or without remuneration, provided these activities are made public.

**85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?**

No ☒

Yes ☐

Please specify:

**V. C. Disciplinary procedures**

**86. Types of disciplinary proceedings and sanctions against judges and prosecutors:**

		Judges	Prosecutors
	Total number		
Reasons for disciplinary procedures	Breach of professional ethics (Yes/No) If yes, please specify the number		
	Professional inadequacy (Yes/No) If yes, please specify the number		
	Criminal offence (Yes/No) If yes, please specify the number		
	Other (Yes/No) If yes, please specify		
	Total number		
	Reprimand (Yes/No) If yes, please specify the		



Types of sanctions	number		
	Suspension (Yes/No) If yes, please specify the number		
	Dismissal (Yes/No) If yes, please specify the number		
	Fine (Yes/No) If yes, please specify the number		
	Other (Yes/No) If yes, please specify		

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning disciplinary procedures for judges and prosecutors**

Disciplinary procedures for judges are possible, but hardly ever occur. Data are not available anyhow.

## VI. Lawyers

87. Number of lawyers practising in your country

13,111

Source *Netherlands Bar Association*

88. Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

Yes

No ☒

89. Do lawyers have a monopoly of representation:

	Monopoly (Yes/No)		If no, possible representation by (Yes/No)	
Civil cases*	Yes		Member of family	
			Trade Union	
			NGO	
			Other	
	Defendant	Yes	Member of family	
			Trade Union	
			NGO	
			Other	

Criminal cases*	Victim	Yes	Member of family	
			Trade Union	
			NGO	
			Other	
Administrative cases*	Yes		Member of family	
			Trade Union	
			NGO	
			Other	

\* If appropriate, please specify if it concerns first instance and appeal.

For simple civil cases and for criminal cases, representation by a lawyer is not compulsory.

90. Is the lawyer profession organised through?

- a national bar?
- a regional bar?
- a local bar?

Yes

X

Please specify:

Netherlands Bar Association

91. Is there a specific initial training or examination to enter the profession of lawyer?

Yes X

No

92. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes X

No

93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

No

X

Yes

Please specify:

94. Can users establish easily what the lawyers' fees will be?

Yes X

No

95. Are lawyers fees:

- regulated by law?
- regulated by Bar association?
- freely negotiated?

Yes

X

96. Have quality standards been formulated for lawyers?

Yes ☒ No ☐

97. If yes, who is responsible for formulating these quality standards:

- the bar association?
- the legislature?
- other?

Yes

☒

☒

☐

Please specify:

98. Is it possible to complain about :

- the performance of lawyers?

No

Yes

☐

☒

Please specify:

Act on Advocates (1952) art. 46 - 60

- the amount of fees?

Yes

☐

No

☒

99. Disciplinary proceedings and sanctions against lawyers:

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	
	Professional inadequacy	
	Criminal offence	
	Other	
Type of sanctions	Reprimand	
	Suspension	
	Removal	
	Fine	
	Other	

No data available

100. Who is the authority responsible for the disciplinary procedures:

- a professional body?

Yes

☒

Please specify:

Netherlands Bar Association

- the judge?
- the Ministry of justice?

☐

▪ other?

Please specify:

\*\*\*

*You can indicate below:*

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system concerning the organisation of the Bar*

## VII. Alternative Dispute Resolution

101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	No	Private mediator	Yes
			Public or authorised by court body	Yes
			Court	No
	Compulsory stage in court proceedings	No	Judge	No
			Prosecutor	No
Family cases	Compulsory stage prior to court proceedings	No	Private mediator	Yes
			Public or authorised by court body	Yes
			Court	No
	Compulsory stage in court proceedings	No	Judge	No
			Prosecutor	No
Administrative cases	Compulsory stage prior to court proceedings	No	Private mediator	Yes
			Public or authorised by court body	Yes
			Court	No
	Compulsory stage in court proceedings	No	Judge	No
			Prosecutor	No
	Ordered by judge in certain cases	No		

	certain cases			
Employment dismissals	Compulsory stage prior to court proceedings	No	Private mediator	Yes
			Public or authorised by court body	Yes
			Court	No
	Compulsory stage in court proceedings	No	Judge	No
	Ordered by judge in certain cases	No	Prosecutor	No
Criminal cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	

No mediation possible for criminal cases

**102. Can you provide information about accredited mediators?**

Mediation Institute Netherlands is an independent institute that has been appointed by the Ministry of Justice to guarantee the quality of mediators through certification. Not all mediators in the Netherlands are registered by this institute. Number of mediators in 2004: 4,414

**103. Can you provide information about the total number of mediation procedure concerning:**

- civil cases?
- family cases? 9,390
- administrative cases? 277
- employment dismissals? 4,215
- criminal cases? n.a.

Total is 16,273

Source Mediation Institute Netherlands

**104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:**

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR

## VIII. Enforcement of court decisions

### VIII. A. Execution of decisions in civil matters

105. Are enforcement agents:

- judges?
  - bailiff practising as private profession ruled by public authorities?
  - bailiff working in a public institution?
  - other enforcement agents?
- Please specify their status:

Yes

X

106. Number of enforcement agents

363

Source Royal Dutch Organization of Court Bailiffs

107. Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes X

No

108. Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

Yes

X

109. Can users establish easily what the fees of the enforcement agents will be?

Yes ☒ No ☐

**110. Are enforcement fees:**

- regulated by law?
- freely negotiated?

Yes

☒  
☒

Partly regulated, partly freely negotiated

**111. Is there a body entrusted with the supervision and the control of the enforcement agents?**

No ☐  
Yes ☒

Which authority is responsible for the supervision and the control of enforcement agents:

- a professional body?
  - the judge?
  - the Ministry of justice?
  - the prosecutor?
  - other?
- Please specify:

Yes

☒

There is a special disciplinary chamber within the Amsterdam court

**112. Have quality standards been formulated for enforcement agents?**

No ☐  
Yes ☒

Who is responsible for formulating these quality standards?

Royal Dutch Organization of Court Bailiffs

Source Royal Dutch Organization of Court Bailiffs

**113. What are the main complaints of users concerning the enforcement procedure:**

- no execution at all?
- lack of information?
- excessive length?
- unlawful practices?
- insufficient supervision?
- excessive cost?
- other?

Yes

No

Source

No information available

**114. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?**

No ☒  
Yes ☐

Please specify:

115. Is there a system measuring the timeframes of the enforcement of decisions :

- |                             | Yes                      | No                                  |
|-----------------------------|--------------------------|-------------------------------------|
| ▪ for civil cases?          | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ for administrative cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

116. As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- |   | Yes                      |
|---|--------------------------|
| ▪ between 1 and 5 days                      | <input type="checkbox"/> |
| ▪ between 6 and 10 days                     | <input type="checkbox"/> |
| ▪ between 11 and 30 days                    | <input type="checkbox"/> |
| ▪ more: please specify <input type="text"/> | <input type="checkbox"/> |

No information available

Source

117. Disciplinary proceedings and sanctions against enforcement agents:

	Yes /No (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	
	Professional inadequacy	
	Criminal offence	
	Other	
Sanctions	Reprimand	
	Suspension	
	Dismissal	
	Fine	
	Other	

\*\*\*

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters

## VIII. B. Enforcement of decisions in criminal matters



118. Is there a judge who has in charge the enforcement of judgments?

Yes ☐ Please specify his/her functions and activities (e.g. Initiative or control functions):

No ☒ Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):

Prosecutor

119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

No ☐  
Yes ☒ Please specify:

In the annual report of a special agency of the prosecution, responsible for collecting fines

\*\*\*

*You can indicate below:*

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your enforcement system of decisions in criminal matters*

## IX. Notaries

120. Is the status of notaries:

- a private one?
  - a status of private worker ruled by the public authorities?
  - a public one?
  - other?
- Please specify:

Yes	Number
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source 

**121. Do notaries have duties:**

- within the framework of civil procedure?
- in the field of legal advice?
- to authenticate legal deeds?
- other?

Yes No

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

If yes, please specify:

**122. Is there a body entrusted with the supervision and the control of the notaries?**

No 

Yes ☒

Which authority is responsible for the supervision and the control of the notaries:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Yes

<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please specify:

\*\*\*

**You can indicate below:**

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system of notaries*

\*\*\*\*\*

**123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:**

