



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

Country: Netherlands

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

16405399

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	45529900000
Regional / entity level	

3) Per capita GDP (in €)

36322

4) Average gross annual salary (in €)

49200

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Source: Statistics Netherlands

1. 2. Budgetary data concerning judicial system

1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

889208000

7) Please specify

Including all subdistrict courts, appeal courts and supreme court, also including the council of judiciary. Council of state excluded. (If Council of State included then plus 48028000 euro).

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned or indicate NA (not available) in case that the information cannot be supplied

Please provide comments to explain the data provided under question 8:

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	620748000
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	69185000
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	4987000
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	104933000
Annual public budget allocated to investments in new (court) buildings	<input type="checkbox"/> Yes	
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	40535000
Other (please specify):	<input checked="" type="checkbox"/> Yes	37251000

Comment :

All expenses in question 8 are excluding the expenses for the supreme court. Annual public budget is computed differently from the previous CEPEJ questionnaire.

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

☒ Yes

☐ No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years:

2005 776855000

2006 812677000

2007 871596000

2008 889208000

10) 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?

☒ for other than criminal cases?

If yes, are there exceptions? Please specify:

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in Euros)

162850000

12) Total annual approved budget allocated to the whole justice system (in €)

Please provide information concerning the budgetary elements that included in the whole justice system budget:

. ☒ Amount 5825626000

Comment :

Including the budget of the prison system, the operation of the ministry of Justice or other bodies, the judicial protection of youth, the public prosecution system, the judiciary, high councils for the judiciary, schools for the judiciary, community services, the execution of fines, the handling of (illegal) immigrants, subsidize legal aid.

13) Total annual approved public budget allocated to legal aid (in €)

Please provide comments to explain the figure provided under question 13:

. ☒ Amount 419248000

Comment :

14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	157044000	262204000

Comment :

15) Is the public budget allocated to legal aid included in the court budget ?

☐ Yes

☒ No

16) Total annual approved public budget allocated to the public prosecution system (in €)

Please provide comments to explain the figure provided under question 16:

. ☒ Amount 570903000

Comment :

17) Is the budget allocated to the public prosecution included in the court budget?

☐ Yes

☒ No

18) Authorities formally responsible for the budget allocated to the courts:

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	No	Yes
Other ministry				

	No	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
Judicial Council	Yes	No	Yes	Yes
Courts	No	No	No	No
Inspection body	No	No	No	No
Other	No	No	No	No

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.

Government budget

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes
Other	No	Yes

21) If other, please specify (in regards to question 20):

Mediation

22) Does legal aid foresee the covering or the exoneration of court fees?

☒ Yes

☐ No

If yes, please specify:

bailiff costs

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

☐ Yes

☒ No

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	407236
in criminal cases	158054
Other than criminal cases	249182

Comment :

25) 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

26) Does your country have an income and asset test for granting legal aid:

	Yes	Amount in €
for criminal cases	X	32400/yr
for other than criminal cases?	X	32400/yr

Comment :

This amount is for families. The amount for people living alone is 22900/yr.

27) 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

Please provide comments to explain the answer under question 27:

28) If yes, is the decision for granting or refusing legal aid taken by:

☐ the court?

☒ an authority external to the court?

☐ a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

☒ Yes

☐ No

Please specify:

Policies sold by private insurance companies

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

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	No
other than criminal cases?	No

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Question 24: there was no room for providing the asset test. This amount is 19698 euro.

Question 26: there is no asset or income test for criminal cases when the defendant makes use of a lawyer provided to him.

Question 30: 'other than criminal cases' = civil cases

Please indicate the sources for answering the questions 24 and 26

q24: council for legal aid

q26: legal aid law

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) 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:

- | | | |
|---|---|--------------------|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | wetten.overheid.nl |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.rechtspraak.nl |
| <input type="checkbox"/> other documents (for examples forms)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.rvr.org |

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- ☐ Yes
- ☒ No

If yes, please specify:

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

- ☒ Yes
- ☐ No

If yes, please specify:

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

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

Victims of rape	Yes	Yes	Yes	No
Victims of terrorism	Yes	Yes	Yes	No
Children/Witnesses/Victims	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

Comment :

35) Does your country have a compensation procedure for victims of crimes?

- ☒ Yes
☐ No

36) If yes, does this compensation procedure consist in:

- ☒ a public fund?
☒ a court decision?
☐ a private fund?

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

There is a national fund for the compensation of damages which are the result of a violent crime, installed in 1976. Only damages caused by death and injury can be compensated to a maximum of 22.700 euro for material damages and 9100 euro for immaterial damages. Average compensation for material damages was 1.222 euro and for immaterial damages 2027 euro

Source: www.schadefonds.nl

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- ☒ Yes
☐ No

If yes, please specify:

From the CJIB, the agency responsible for collecting the compensation

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- ☒ Yes
☐ No

If yes, please specify:

If compensation from the offender is part of the sanction, the prosecutor takes care of the recovery of the money and the victim receives the money from the state.

39) Do victims of crimes have the right to contest to a decision of the public prosecution to discontinue a case?

- ☒ Yes
☐ No

If yes, please specify:

Victims (or actually anyone with an interest in the case) can file a protest against the prosecutor's decision with a court of appeal.

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

- ☐ excessive length of proceedings?
- ☐ non execution of court decisions?
- ☒ wrongful arrest?
- ☒ wrongful condemnation?

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

In general, there can be a compensation if a person has been in pre-trial detention but was 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.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction (with the services delivered by the judiciary system)?

- ☒ (Satisfaction) surveys aimed at judges
- ☒ (Satisfaction) surveys aimed at court staff
- ☒ (Satisfaction) surveys aimed at public prosecutors
- ☒ (Satisfaction) surveys aimed at lawyers
- ☒ (Satisfaction) surveys aimed at citizens (visitors of the court)
- ☒ (Satisfaction) surveys aimed at other clients of the courts

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

1. There is a regular national survey that contains indicators of national trust and satisfaction with the judiciary. (SCP- Sociaal Cultureel Planbureau).
2. Regular standardised customer satisfaction surveys according to a model for quality management. (Executed by PRISMA: www.prismaweb.nl).

42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	Yes	No
Surveys at court level	Yes	No

43) Is there a national or local procedure for making complaints about the functioning (for example the treatment of a case by a judge or the duration of a proceeding) of the judicial system?

- ☒ Yes
- ☐ No

44) If yes, please specify:

Please give elements of information concerning the efficiency of this complaint procedure:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	No	No
Higher court	Yes	Yes
Ministry of Justice	No	No
High Council of the Judiciary	No	No
Other external organisations (e.g. Ombudsman)	No	No

Comment :

There are complaint procedures at court level as well as at the Supreme Court. In the case of the Supreme Court complaints occurs not often (1 or 2 per year)

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.

	Total number
First instance courts of general jurisdiction	19
Specialised first instance Courts (legal entities)	2
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	52

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

19 district courts

2 specialized courts: Trade and Industry Appeals Tribunal (College van Beroep voor het Bedrijfsleven (CBb)), Central Appeals Tribunal (Centrale Raad van Beroep (CRvB))

There are 19 general jurisdiction courts (of first instance, district courts). There are 36 extra locations where only smaller cases are handled. Besides there are 5 general appeal courts, 1 Supreme Court and 2 specialize first instance courts as mentioned above.

47) Is there a change in the structure in the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

☒ Yes

☐ No

If yes, please specify:

In 2009-2010 the Department of Justice are initiating a restructuring of the number of courts, that is to say, the number of geographic locations and the number of courts under the rule of one board. Currently we have 19 courts each with one board, the idea is to go to a situation of 11 boards to govern these 19 district courts. Dutch government will decide on the plans in 2010.

48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
a debt collection for small claims	19
a dismissal	19
a robbery	19

Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):

Small claims are claims smaller than 5,000 euros.

Please indicate the sources for answering the questions 45 and 48:

Wet op de RO (Law on the organisation of the judiciary)

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)

Please provide comments to explain the answer under question 49:

Number . 2153

Comment :

This number is the average of the number at 31-12-2007 and 31-12-2008, being 2129 and 2176 respectively. These are full time equivalents.

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	around 900
if possible, in full time equivalent	

51) Please provide comments to explain the answer under question 50:

Indicative number, estimate.

Usually they have their main occupation outside the judiciary.

52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).

Please provide comments to explain the answer under question 52:

	Yes	Number
Do you have non-professional judges?	No	

Comment :

There are no non-professional judges in The Netherlands

53) Does your judicial system include trial by jury with the participation of citizens?

☐ Yes

☒ No

If yes, for which type of case(s)?

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

NAP

55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.

Please provide comments to explain the answer under question 55:

Number . 5129

Comment :

This number is the average of the number at 31-12-2007 and 31-12-2008, being 5226 and 5036 respectively. These are full time equivalents.

56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

- | | |
|---|-----|
| - non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal | NAP |
| - 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 | NA |
| - 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) | NA |
| - technical staff | NA |

Comment :

The non judge staff cannot be detailed further

57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:

NAP

3. 1. 3. Prosecutors

58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Number

□.

756

Comment :

59) Do any other persons have similar duties as public prosecutors?☐ Yes☒ No

If yes, please specify:

60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**Please provide comments to explain the answer under question 60:**

Number

□.

3682

Comment :

The number in question 60 is exclusive national police force.

3. 1. 4. Court budget and new technologies**61) Who is entrusted with the individual court budget?**

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

62) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process in the court

63) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Word processing	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	No	No	No	Yes
E-mail				

	Yes	No	No	No
Internet connection	Yes	No	No	No

64) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	Yes	No	No	No
Court management information system	Yes	No	No	No
Financial information system	Yes	No	No	No

65) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	No	No	No	Yes
Special Website	No	No	No	Yes
Other electronic communication facilities	No	No	No	Yes

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

☒ Yes

☐ No

If yes, please specify the name and the address of this institution:

The Council for the Judiciary collects the data, both for internal planning and control, and communication with Department of Justice. Also the Dutch Central Bureau of Statistics collects data, either directly from the courts and in some instances from the Council for the Judiciary.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and evaluation

67) Are the courts required to prepare an annual activity report?

☒ Yes

☐ No

68) Do you have a regular monitoring system of court activities concerning the

- ☒ number of incoming cases?
- ☒ number of decisions?
- ☒ number of postponed cases?
- ☒ length of proceedings (timeframes)?
- ☐ other?

Please specify:

69) Do you have a regular system to evaluate the performance of each court?

- ☒ Yes
- ☐ No

Please specify:

In terms of number of cases and finance, all courts are subject to a planning and control cycle, whereby the courts provide data 3 times per year. Other performance indicators are monitored in a quality control system.

70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?

- ☒ Yes
- ☐ No

71) Please select the 4 main performance and quality indicators that is used for a proper functioning of courts:

- ☐ incoming cases
- ☒ length of proceedings (timeframes)
- ☒ closed cases
- ☐ pending cases and backlogs
- ☐ productivity of judges and court staff
- ☒ percentage of cases that are treated by a single sitting judge
- ☐ enforcement of penal decisions
- ☐ satisfaction of employees of the courts
- ☐ satisfaction of clients (regarding the services delivered by the courts)
- ☒ judicial quality and organisational quality of the courts
- ☐ costs of the judicial procedures
- ☐ other:

Please specify:

Also important are satisfaction of clients, these are surveyed in so-called KlantWaarderingsOnderzoeken, these are held 4-annually among both professional cliets (lawyers, prosecutors) as well as the public.

72) Are there performance targets defined for individual judges (if no go to question 74) ?

- ☐ Yes
☒ No

73) Please specify who is responsible for setting the targets:

- ☐ executive power (for example the ministry of Justice)?
☐ legislative power
☐ judicial power (for example a High Judicial Council or a Higher Court
☐ other

If other, please specify:

74) Are there performance targets defined at the level of the courts (if no go to question 77)?

- ☒ Yes
☐ No

75) Please specify who is responsible for setting the targets:

- ☐ executive power (for example the ministry of Justice)?
☐ legislative power
☐ judicial power (for example a High Judicial Council or a Higher Court)
☒ other

If other, please specify:

The courts together with the Council for the Judiciary decide together.

76) Please specify the main targets applied

number of cases handled.

77) Which authority is responsible for the evaluation of the performances of the courts:

- ☐ High Council of judiciary
☐ Ministry of justice
☐ inspection authority
☐ Supreme Court
☐ external audit body
☒ other

If other, Please specify:

The Council of Judiciary

78) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

☒ Yes

☐ No

If yes, please specify:

79) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

☒ Yes

☐ No

80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:

☒ civil cases?

☐ criminal cases?

☐ administrative cases?

81) Do you have a way of analysing waiting time during court procedures?

☒ Yes

☐ No

If yes, please specify:

all steps and dates are recorded in information systems of the court. But this registration does not show 'waiting times' as such.

82) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

☒ Yes

☐ No

Please specify (including an indication of the frequency of the evaluation):

Planning and Control cycle, 3 visits a year

audits, 1 per 5 years

83) Is there a system for monitoring and evaluating the functioning of the prosecution services?

☒ Yes

☐ No

If yes, please specify:

By tracking individual cases

You can indicate below:

- ☐ **any useful comments for interpreting the data mentioned in this chapter**
- ☐ **the characteristics of your court monitoring and evaluation system**

question 80: informationsystems keep track of the continuation of a case

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

☒ Yes

☐ No

If possible, number of successful challenges (in a year):

This is called a 'waking' in Dutch (challenge). In 2008 there were 39 succesfull 'waking' requests, up from 17 in 2007.

86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	2	2	0	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	0	0	0	0

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

☒ civil cases?

☒ criminal cases?

☒ administrative cases?

Please specify:

'summary processing' by court president (in dutch 'kort geding' ()), and temporary legal provision (in dutch 'voorlopige voorziening').

For criminal cases sometimes a short procedure is used ('snelrecht') but not often.

88) Are there simplified procedures for:

- ☐ civil cases (small claims)?
- ☒ criminal cases (petty offences)?
- ☐ administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

Wet Mulder, Administrative handling of minor traffic violations; also the administrative fine (in Dutch 'bestuurlijke boete') has been introduced. No figures available.

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

- ☒ Yes
- ☐ No

If yes, please specify:

Pre-trial consultations between parties is sometimes possible.

In the civil procedure further planning of the procedure of one the topics in the hearing can be made. Also parties can make their wishes knowable in writing. It's the judge who decides.

4. 2. 2. Penal, civil and administrative law cases**90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	274250	1270290	1263920	NA
1 Civil (and commercial) litigious cases*	NA	NA	230000	NA
2 Civil (and commercial) non-litigious cases*	NA	NA	943000	NA
3 Enforcement cases	NAP	NAP	NAP	NAP
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	55400	116290	116350	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	83080	499847	501910	NA
8 Criminal cases (severe criminal offences)	38980	220634	219393	NA
9 Misdemeanour and / or minor offences cases	44100	279213	282517	NA

91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):

Cases from the Council of State (about 700) are excluded.

1. these are cases where there was a judgement in a defended action.
6. Administrative = administrative cases in general, cases on taxes and immigration.
8. Severe criminal cases = criminal cases court, hearing in chamber and elaboration of sentence included (raadskamer en uitwerken vonnis)
9. Minor cases = district cases (kantonzaken), i.e. misdemeanors and traffic offences in Dutch 'Mulderzaken'.

Pending cases on 31-12-2008 cannot be provided due to registration difficulties.

92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 91.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	32140	26494	25419	NA
1 Civil (and commercial) litigious cases*	NA	NA	NA	NA
2 Civil (and commercial) non-litigious cases*	NA	NA	NA	NA
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	15360	11890	10510	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	16880	37910	36367	NA
8 Criminal cases (Severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour and/or minor offences cases	NA	NA	NA	NA

Comment :

Cases from the Council of State are excluded.

93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	NA	1334	1520	NA
1 Civil (and commercial) litigious cases*	NA	NA	NA	NA
2 Civil (and commercial) non-litigious cases*	NA	NA	NA	NA
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	NA	NA	NA	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	NA	3683	3370	NA
8 Criminal cases (severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

Cases from the Council of State are excluded.

94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	NA	NA	6600	NA
Employment dismissal cases*	NA	NA	4350	NA
Robbery cases	NA	4685	3178	NA
Intentional homicide	NA	2530	1245	NA

95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the tale. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 92:

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	NA	NA	331	217	NA
Employment	NA	NA	21	NAP	NA

dismissal cases*					
Robbery cases	NA	NA	35	231	NA
Intentional homicide	NA	NA	105	231	NA

Comment :

Comment question 94 & 95:

homicide: negligent manslaughter, attempted homicides and assaults leading to death are included

comment question 95

Robbery: the average length for 1st instance reflects only the less severe robbery cases (handled by a single judge)

Since the average length of procedures in first instance cannot be compared with the length of cases gone into appeal, therefore it makes no sense to add up both figures.

96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:

NAP: No specific procedure for divorce cases.

97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

length of proceedings in civil cases (first instance) is calculated from date of administrative proceeding/appointment (rolzitting) and the date of the final judgement.

98) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- ☒ to conduct or supervise police investigation
- ☒ to conduct investigation
- ☒ when necessary, to demand investigation measures from the judge
- ☒ to charge
- ☒ to present the case in the court
- ☒ to propose a sentence to the judge
- ☒ to appeal
- ☒ to supervise enforcement procedure
- ☒ to end the case by dropping it without the need for a judicial decision
- ☒ to end the case by imposing or negotiating a penalty without a judicial decision
- ☐ other significant powers

Please specify:

99) Does the prosecutor also have a role in civil and/or administrative cases?

- ☐ Yes
- ☒ No

Please specify:

(with the exception of Mulder cases, regarding the administrative fines for minor traffic violations)

100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	260228	NAP	17405	17934	68290	155.879

Comment :

The figures in Question 100 reflect only the severe criminal offences (category 8 in Question 90)

You can indicate below:

- ☐ **any useful comments for interpreting the data mentioned in this chapter**
☐ **the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

Please indicate the sources for answering the questions 90 to 95 and 100:

Annual reports, Council of the Judiciary, Supreme Court and Council of State

Criminaliteit en Rechtshandhaving 2008.

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recruitment, nomination and promotion

101) How are judges recruited?

- ☐ Through a competitive exam (for instance after a law degree)?
- ☐ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- ☒ A combination of both
- ☐ Other

Other, please specify:

102) Are judges initially/at the beginning of their carrier recruited and nominated by:

- ☐ An authority composed of judges only?
- ☐ An authority composed of non-judges only?
- ☒ An authority composed of judges and non-judges?

103) Is the same authority competent for the promotion of judges?

- ☐ Yes
- ☒ No

If no, please specify which authority is competent for the promotion of judges:

This proces is handled through the Council for the Judiciary. The head of State (our Queen) promotes judges formally, however she does this on the recommendation of the Minsiter of Justice, who in turn acts on the recommendation of the board of the court where the judge works.

104) Which procedures and criteria are used for promoting judges? Please specify.

Assesment, interview and selection

105) How are prosecutors recruited?

- ☐ Through a competitive exam? (for example after a law degree)
- ☐ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- ☒ A combination of both
- ☐ Other

Other, please specify:

106) Are prosecutors initially/at the beginning of their carrier recruited and nominated

by:

- ☐ An authority composed of prosecutors only?
- ☐ An authority composed of non-prosecutors only?
- ☒ An authority composed of prosecutors and non-prosecutors?

107) Is the same authority formally responsible for the promotion of prosecutors?

- ☐ Yes
- ☒ No

If no, please specify which authority is competent for promoting prosecutors:

An authority composed of prosecutors only is responsible for the evolution for the promotion, the nomination is done by the Queen of the Netherlands.

108) Which procedures and criteria are used for promoting prosecutors? Please specify:

Promotion should be a logical step in the careerplanning of the prosecutor and based on talent, experience and personal competencies.

Assesment and selection

109) Is the mandate given for an undetermined period for judges?

- ☒ Yes
- ☐ No

Are there exceptions? Please specify:

110) Is there a probation period for judges? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for judges	no	NAP

111) Is the mandate given for an undetermined period for prosecutors?

- ☐ Yes
- ☒ No

Are there exceptions? Please specify:

the mandate is given until the prosecutor reaches the age of 65.

112) Is there a probation period for prosecutors? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for prosecutors	x	1

113) If the mandate for judges/prosecutors is not for an undetermined period, what is

the length of the mandate? Is it renewable?**Please specify the length**

for judges?

☐ Yes

for prosecutors?

☒ Yes

see question 111

You can indicate below:

- ☐ **any useful comments for interpreting the data mentioned in this chapter**
- ☐ **the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years**

5. 1. 2. Training

114) Nature of the training of judges. Is it compulsory?☒ Initial training☒ General in-service training☐ In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)☐ In-service training for management functions of the court (e.g. court president)☐ In-service training for the use of computer facilities in the court)**115) Frequency of the training of judges**

	Annual	Regular	Occasional
Initial training	No	No	Yes
General in-service training	No	No	No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	No	No
In-service training for management functions of the court (e.g. court president)	No	No	No
In-service training for the use of computer facilities in the court	No	No	No

116) Nature of the training of prosecutors. Is it compulsory?☒ Initial training☒ General in-service training☐ Specialised in-service training (specialised public prosecutor)☐ In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)☐ In-service training for the use of computer facilities in the public prosecution service)**117) Frequency of the training of prosecutors**

	Annual	Regular	Occasional
Initial training	No	No	Yes
General in-service training	Yes	No	No
Specialised in-service training (specialised public prosecutor)	No	No	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	No	No
In-service training for the use of computer facilities in the public prosecution service)	No	No	No

You can indicate below:

- ☐ **any useful comments for interpreting the data mentioned in this chapter**
- ☐ **comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court**
- ☐ **the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years**

5. 2. Practice of the profession

5. 2. 1. Salaries

118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 118:

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	70000	40000
Judge of the Supreme Court or the Highest Appellate Court	115000	60000
Public prosecutor at the beginning of his/her career	56500	28000
Public prosecutor of the Supreme Court or the Highest Appellate Instance	130500	65000

Comment :

119) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No

Other financial benefit	No	No
-------------------------	----	----

120) If other financial benefit, please specify:

121) Can judges combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	Yes	No
Research and publication	Yes	Yes	No
Arbitrator	Yes	Yes	No
Consultant	Yes	Yes	No
Cultural function	Yes	Yes	No
Other function	Yes	Yes	No

122) If other function, please specify:

Judges may have other functions with or without remuneration, provided the activities are made public. Some professions that could conflict with being a judge (mayor, lawyer etc) are excluded.

123) Can prosecutors combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	Yes	No
Research and publication	Yes	Yes	No
Arbitrator	Yes	Yes	No
Consultant	Yes	Yes	No
Cultural function	Yes	Yes	No
Other function	Yes	Yes	No

124) If other function, please specify:

125) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

☐ Yes

☒ No

If yes, please specify:

Please indicate the source for answering the question 118

5. 2. 2. Disciplinary procedures

126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

President of the court (judges) or head of the organisational unit (prosecutors)

127) Which authority has the disciplinary power on judges and prosecutors? Please specify:

President of the court (judges) or head of the organisational unit (prosecutors)

128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 128:

	Judges	Prosecutors
Total number (1+2+3+4)	NA	NA
1. Breach of professional ethics	NA	NA
2. Professional inadequacy	NA	NA
3. Criminal offence	NA	NA
4. Other	NA	NA

Comment :

129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 129

	Judges	Prosecutors
Total number (total 1 to 9)	NA	NA
1. Reprimand		
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other		

Comment :

You can indicate below:

☐ **any useful comments for interpreting the data mentioned in this chapter**

☐ **the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years**

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).

15547

131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.

- ☐ Yes
- ☒ No
- ☐ Not applicable

132) Number of legal advisors. If there is no data available, please indicate it (NA)

NA

133) Do lawyers have a monopoly of representation in (multiple options are possible):

- ☒ Civil cases*?
- ☒ Criminal cases - Defendant*?
- ☐ Criminal cases - Victim*?
- ☐ Administrative cases*?

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases:

Civil cases: no monopoly for subdistrict courts

Civil cases of the subdistrict law sector: no limitations. These are cases about minor criminal cases (eg traffic offences), rents, hire purchase and employment.

administrative cases: no limitation for representation

134) Is the lawyer profession organised through?

- ☒ a national bar?
- ☐ a regional bar?
- ☒ a local bar?

Please specify:

All lawyers are member of the national and local bar.

An advocate registered in the Netherlands, will automatically become member of the Netherlands Bar Association and of his (or her) local Bar Association.

The Netherlands Bar Association (the Bar) is the public-law professional body for all advocates in the Netherlands. The statutorily regulated core activity of the Bar is to oversee the quality of services by advocates. This quality is ensured by, among other things:

a comprehensive education programme for the legal profession;

drawing up By-laws and other binding rules for advocates;

disciplinary proceedings;

information and services to the members;

advice to the Dutch government about policy plans and enactments.

Everyone in the Netherlands who wants to practice the profession of advocate must meet certain requirements. These requirements are described in the Act on Advocates which dates from 1952. Naturally, one of the most important requirements for the practicing of the profession of advocate is that the right education programme has been followed. After one has attained the meester title (Dutch law degree), one is, in order to practice the profession, obliged to register oneself in the district in which the firm is located at which one is working. The Netherlands has 19 of such districts. Each district has a Bar Association that is led by a Council of Supervision. At the head of the Council is a Dean. Apart from the 19 local Bar Associations, there is one national Bar Association: the Netherlands Bar Association.

Please indicate the source for answering the questions 130 and 132:

BAR/LAT (registration system of NOvA)

6. 1. 2. Training

135) Is there a specific initial training and/or examination to enter the profession of lawyer?

☒ Yes

☐ No

136) Is there a mandatory general system for lawyers requiring continuing professional training?

☒ Yes

☐ No

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

☒ Yes

☐ No

If yes, please specify:

Some legal fields have specialisation associations

6. 1. 3. Fees

138) Can users establish easily what the lawyers' fees will be?☐ Yes☒ No

Please provide comments to explain the answer under question 138
The fees per hour are clear, but it does not give insight into the final costs.

139) Are lawyers fees☐ regulated by law?☐ regulated by Bar association?☒ freely negotiated?

Please provide comments to explain the answer under question 139:

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

140) Have quality standards been formulated for lawyers?☒ Yes☐ No**141) If yes, who is responsible for formulating these quality standards:**☒ the bar association?☐ the legislature?☐ other?

Please specify (including a description of the quality criteria used):
There are several regulations about e.g. education, insurance, administration, no cure
no pay.

142) Is it possible to complain about☒ the performance of lawyers?☒ the amount of fees?

Please specify:

1. Disciplinary law:

The procedure of the disciplinary law has been regulated in articles 46 up to and including 60 of the Act on Advocates. In short, the procedure entails the following. Every interested party (e.g. an (ex)client of the advocate against whom the complaint is lodged or the advocate of the opposing party) can file a complaint against an advocate. Every complaint must be in writing and filed to the Dean of the district in which the advocate holds office. The Dean will handle the complaint, investigate it and try to reach an amicable settlement. If this does not succeed, the complaint must be sent on to the Disciplinary Court. There are 5 Disciplinary Courts. Appeal is possible before the Disciplinary Appeals Tribunal in Den Bosch.

2. Disputes Committee for the Legal Profession:

The Disputes Committee for the Legal Profession has been instated on June 1st, 1999. The Disputes Committee handles disputes according to the rules that are laid down in the Regulation for the Disputes Committee for the Legal Profession. The committee is competent to adjudicate complaints regarding the quality of the services of the advocate, the amount of the invoice in all sorts of cases, damages claims with a maximum of EUR 10.000. Advocates can present their invoices to the committee for collection.

143) Which authority is responsible for disciplinary procedures

- ☐ the judge?
- ☐ the Ministry of justice?
- ☒ a professional authority or other?

Please specify:

A disciplinary court

144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 141:

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number				936

Comment :

The number is for the year 2006.

145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 145:

	Reprimand	Suspension	Removal	Fine	Other
Annual number	77	62	14		128

Comment :

other: sanction= warning

not included: 45 cases were grounded, but no sanction was pronounced.

You can indicate below:

- ☐ **any useful comments for interpreting the data mentioned in this chapter**
- ☐ **the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years**

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

146) Does the legal system provide for mediation procedures? If no go to question 151

☒ Yes

☐ No

147) If applicable, please specify, by type of cases, the organisation of mediation

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	Yes	Yes	No	No	No
Family law cases (ex. Divorce)	Yes	Yes	No	No	No
Administrative cases	Yes	Yes	No	No	No
Employment dismissals	Yes	Yes	No	No	No
Criminal cases	No	No	No	No	No

148) Is there a possibility to receive legal aid for mediation procedures?

☒ Yes

☐ No

If yes, please specify:

Citizens of limited means qualify for a contribution towards the costs of mediation, referred to as a mediation legal aid permit. It is part of the Legal Aid Act. Citizens have to pay 47 euro's for four hours of mediation. And another 47 euro's for four extra hours.

149) Number of accredited mediators. If there is no data available, please indicate it (NA)

4296

150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

civil cases?	<input type="checkbox"/> Yes	316
family cases?	<input type="checkbox"/> Yes	1114
administrative cases?	<input type="checkbox"/> Yes	635
employment dismissals?	<input type="checkbox"/> Yes	48
criminal cases?	<input type="checkbox"/> Yes	

Please indicate the source for answering the question 150:

The numbers in question 150 only pertain to mediations referred by the court.
Number of civil cases: family cases and employment dismissals are excluded.
Source: Mediation monitor WODC

question 149: 4296 mediators are registered at the Dutch Mediation Institute (NMI). 596 mediators are accredited to mediate court connected mediations. In addition to the court connected mediations: in 2008 the legal counters referred 2.419 cases to a mediator. In 2007-2008 at least 3000 mediations were realised that were not referred by the legal counters and courts.

7. 1. 2. Other forms of alternative dispute resolution

151) Can you give information concerning other forms of alternative dispute resolution (e.g. arbitration, conciliation)? Please specify:

binding advice in consumer cases: Consumer complaints board. In 2008 11,064 incoming cases.

binding advice in insurance cases: KIFID. In 2008 6,411 cases

binding advice in rental cases: Huurcommissie. In 2008 11,372 incoming cases.

arbitration in construction cases: Raad van arbitrage voor de bouw. In 2008 1.171 cases

National Ombudsperson: 13,102 cases in 2008

You can indicate below:

- ☐ **any useful comments for interpreting the data mentioned in this chapter**
- ☐ **the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154

- ☒ Yes
☐ No

153) Number of enforcement agents. If there is no data available, please indicate it (NA).

939

154) Are enforcement agents (multiple options are possible):

- ☐ judges?
☒ bailiff practising as private profession ruled by public authorities?
☒ bailiff working in a public institution?
☐ other enforcement agents?

Please specify their status and powers:

384 bailiffs

555 junior bailiffs

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

- ☒ Yes
☐ No
☐ Not applicable

156) Is the profession of enforcement agent organised by?

- ☒ a national body?
☐ a regional body?
☐ a local body?
☐ not applicable

157) Can users establish easily what the fees of the enforcement agents will be?

- ☒ Yes
☐ No
☐ Not applicable

158) Are enforcement fees:

- ☒ regulated by law?
☒ freely negotiated?
☐ not applicable

Please indicate the source for answering the question 153:

debtor fees are regulated by law
creditor fees are freely negotiated

8. 1. 2. Supervision**159) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- ☒ Yes
☐ No
☐ Not applicable

160) 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:

other: disciplinary court
Bureau financial and administrative control (Bureau Financieel Toezicht): controls the financial situation and administration of bailiff offices.

161) Have quality standards been formulated for enforcement agents?

- ☒ Yes
☐ No
☐ Not applicable

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

Royal Professional Organisation of Judicial Officers (KBvG)

162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?

- ☐ Yes
☒ No

if yes, please specify

163) Is there a system for monitoring the execution?

☐ Yes

☒ No

If yes, please specify

8. 1. 3. Complaints and sanctions

**164) What are the main complaints of users concerning the enforcement procedure?
Please indicate a maximum of 3.**

☐ no execution at all?

☐ non execution of court decisions against public authorities?

☐ lack of information?

☐ excessive length?

☐ unlawful practices?

☐ insufficient supervision?

☐ excessive cost?

☒ other?

Please specify:

repeat players: no problems

one shotter: may be excessive costs in certain enforcement procedures.

165) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

☐ Yes

☒ No

If yes, please specify:

166) Is there a system measuring the timeframes of the enforcement of decisions :

☐ for civil cases?

☐ for administrative cases?

167) 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 sits:

☐ between 1 and 5 days

- ☐ between 6 and 10 days
- ☒ between 11 and 30 days
- ☐ more

If more, please specify

168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of disciplinary proceedings	<input type="checkbox"/> number:	599
for breach of professional ethics	<input type="checkbox"/> number:	
for professional inadequacy	<input type="checkbox"/> yes, number:	
for criminal offence	<input type="checkbox"/> number:	
Other	<input type="checkbox"/> number:	

169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of sanctions	<input type="checkbox"/> number:	
Reprimand	<input type="checkbox"/> number:	21
Suspension	<input type="checkbox"/> number:	2
Dismissal	<input type="checkbox"/> number:	1
Fine	<input type="checkbox"/> number:	
Other	<input type="checkbox"/> number:	28

You can indicate below:

- ☐ any useful comments for interpreting the data mentioned in this chapter
- ☐ the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

question 169: 'other' 28 cases grounded, but no sanction

Please indicate the source for answering the questions 167, 168 and 169:

Source: monitor rechtsbestel

Per 2008 this monitor is named: 'Rechtspleging Civiel en Bestuur, 2008'

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

170) Is there a judge who is in charge of the enforcement of judgments?

- ☐ Yes
- ☒ No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no,

please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor):

Prosecutor

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

☒ Yes

☐ No

If yes, please specify:

The annual report of the CJIB (Centraal Justitieel Incasso Bureau) that collects the fines

You can indicate below:

- ☐ **any useful comments for interpreting the data mentioned in this chapter**
- ☐ **the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

172) Do you have notaries in your country? If no go to question 177

- ☒ Yes
☐ No

173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

a private one (without control from public authorities)?	<input type="checkbox"/> number	
a status of private worker ruled by the public authorities?	<input checked="" type="checkbox"/> number	3662
a public one?	<input type="checkbox"/> number	
other?	<input type="checkbox"/> number	

Comment :

1478 notaries and 2184 junior notaries.

174) Do notaries have duties:

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

Please specify:

They have a monopoly for amongst others:

- conveying real property
- creating or cancelling mortgages
- drawing up or altering wills
- drawing up marriage contracts
- incorporating public and private limited liability companies
- establishing foundations or associations

Please indicate the source for answering the question 173

Royal Dutch Notarial Society (KNB)

9. 1. 2. Supervision

175) Is there an authority entrusted with the supervision and the control of the notaries?

- ☒ Yes
☐ No

176) 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?
- ☐ not applicable

Please specify:

- disciplinary board
- Bureau Financieel Toezicht: checks / investigates the financial situation and administration of notary offices

You can indicate below:

- ☐ **any useful comments for interpreting the data mentioned in this chapter**
- ☐ **the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

10. Court interpreters

10. 1. function

10. 1. 1. Statute

177) Is the title of court interpreter protected?

- ☒ Yes
☐ No

178) Is the function of court interpreter regulated?

- ☒ Yes
☐ No

179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations

3270

180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?

- ☒ Yes
☐ No

If yes, please specify:

the qualifications which interpreters must have to be eligible for inclusion in the register of court interpreters. This qualifications referred to command of the language, knowledge of terminology, translation skills, listening skills, objectivity, integrity and professional ethics.

181) Are the courts responsible for the selection of court interpreters?

- ☒ Yes
☐ No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

According to the Dutch Act on Court Interpreters and Sworn Translators Courts are only allowed to select court interpreters who are registered on the National register of court interpreters and Sworn translators.

11. Functioning of justice

11. 1. Foreseen reforms

11. 1. 1. Reforms

182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:
reorganisation of courts.

financial crisis which will influence judiciary systems