



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

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 (if possible on 1 January 2011)

16 655 799

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	301 236 000 000
Regional / federal entity level (total for all regions / federal entities)	NA

3) Per capita GDP (in €)

35 414

4) Average gross annual salary (in €)

50 900

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

A.1

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

source: Statistics Netherlands

Ad question 2)

The figures reported for the previous years were compiled differently. There are 4 reasons:

- 1) The figures for state level and regional level have been mistakenly added up. This is not allowed because of transfers from state level to regional level (and to a lesser extent the other way around). Thus the transfers were double counted in the previous figures.
- 2) Public expenditure according to EU-definition also includes official social security institutions. This is neither state nor regional level. Transfers from state level to official social security institutions are also possible. So again, they cannot be added up. The previous figures also included the social security organisations.
- 3) According to EU-rules the figures are revised up to 30 months after the end of the reporting period.
- 4) There has been a general revision.

The correct figures for public expenditure according to EU-definition (incl. state level, regional level and social security organisations without double counting transfers) in previous years are:

2010 301 236 000 000
 2008 274 781 000 000
 2006 246 028 000 000
 2004 226 403 000 000

Q2 gives a breakdown to national and regional level. In the available data transfers are registered in a budget category including a.o. social security institutions. So we are not able to isolate the transfers budget from the rest. As the national and regional level numbers normally are added up by CEPEJ, transfers from national to lower government levels would count twice in the resulting total for the Netherlands.

Q2 : Add to existing comment: expenditure on state level includes central and local governments and social security funds

1. 2. Budgetary data concerning judicial system

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

6) Annual approved public budget allocated to the functioning of all courts, in €(if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	990 667 000
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	733 603 000
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	98 485 000
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	3 673 000
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	109 615 000
5. Annual public budget allocated to investments in new (court) buildings		NAP
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	20 522 000
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	24 769 000

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

Other= depreciation and interest.

justice expenses are excluding the justice expenses for criminal cases.

8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

A court fee is required in Administrative Law en Civil Law procedures. Only in insolvency cases, child care cases, psychiatric patient cases and asylum cases one does not have to pay a court tax or fee. There are no other exceptions.

9) Annual income of court taxes or fees received by the State (in €)

190 743 000

10) Annual approved public budget allocated to the whole justice system, in €(this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

☐ NA 6 098 900 000

11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	Yes
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes

Refugees and asylum seekers services	Yes
Other	No

Comment :

12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	359000000	102000000	257000000

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.

. ☒ Amount 615 642 000

Comment :

including justice expenses in criminal cases

The data on the category Justice expenses ("gerechtskosten") are not reliable anymore since 2009. In 2002 15% of the total annual approved public budget allocated to the public prosecution services mentioned in Q13, concerned justice expenses. This has gradually declined to 7% in 2008. Taking this 7% as an estimate, we find around 42 000 000 euros. This is a rough estimate. Justice expenses include all kinds of cost types, like wiretaps, interpreters, compensation for witnesses, etc.

Q13 / Figure 2.12

The following comment should be added to the existing comment: In 2002 15% of the total annual approved public budget allocated to the public prosecution services concerned justice expenses. Justice expenses include all kinds of cost types, like wiretaps, interpreters, compensation for witnesses, etc. This has gradually declined to 7% in 2008. Taking this 7% as an estimate, we find around 42 000 000 euros. This is a rough estimate.

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	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	Yes	No	Yes	Yes
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

15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

Ad 14: Other ministry

In particular the sentencing part of the Council of State ("Raad van State") is part of the Ministry of Interior and Kingdom Relations. This ministry is responsible for the preparation, management and allocation to the Council and evaluation of the budget.

A.2

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

Q6#2#3 :The increase of 42.35% of the annual approved budget of the courts allocated to computerization between 2008 and 2010 may be explained by the intensification of computerization.

Q6 : table 2.6 : Please add the following comments concerning the Netherlands: The reported figures do not include the budget for the High Council (The highest appeal court) and the justice tasks of the Raad van State (The Council of State general). 'The justice expenses are excluding those for criminal cases. The justice expenses for criminal cases are included in the budget for the public prosecution'. This remark is necessary to understand table 2.8

Figure 3.5:

Evolution number of cases 2006-2010: 11%

Evolution average amount of Legal aid 2006-2010: - 2%

(Additional background information concerning the calculation of legal aid per court case in the Netherlands. A correct analysis as proposed by you for Figure 3.5 – describing the development of the number of legal aid cases and mean legal aid per case – should be done for the Netherlands on the basis of the data given in the table below, which is a little out of line of the current report:

Expenses for legal aid assignments*/** 2006 2008 2010

Total 331000000 358000000 359000000

Criminal law 113000000 127000000 95000000

Non criminal law 196000000 210000000 237000000

Stand by duty cases*** 22000000 21000000 27000000

Number of legal aid assignments 2006 2008 2010

Total 462000 476000 512000

Criminal law 98000 110000 101000

Non criminal law 275000 283000 301000

Stand by duty cases*** 89000 83000 110000

Expenses per legal aid assignment 2006 2008 2010

Total 716 752 701

Criminal law 1153 1155 941

Non criminal law 713 742 787

Stand by duty cases*** 247 253 245

* preliminary data in 2010 not all extra expenses are included

** expenses for legal counters are excluded

*** criminal, civil and alien cases

As you may notice the total number of assignments / cases (including stand by duty cases) increased with 11% from 2006 to 2010, while the mean amount per assignment (including stand by duty cases) decreased with 2%.

Source: vaststellingen- en extra-urenbestand RvR, adaptation WODC.)

Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.

annual report Ministry of Security and Justice

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

☒ Yes

☐ No

If yes, please specify:

Lower incomes get compensated.

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

☒ Yes

☐ No

If yes, please specify:

Lower incomes get lower fees.

The answer given for 2008 in the previous evaluation cycle was incorrect and should be "Yes" also.

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	Yes	Yes

Comment :

Exemption: injury cases for the establishment or liability.

The defense may ask for advice or second opinion from experts. The costs of these operations are on expense of the state. These costs do not make part of the legal aid ("gesubsidieerde rechtsbijstand").

The answers given for 2008 in the previous evaluation cycle were incorrect and should be "Yes" both. It is not easy to understand and interpret this question. Is it possible to reformulate this question, e.g. from the perspective of the litigant (person seeking justice)?

20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	512000
in criminal cases	129000

other than criminal cases	383000
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Comment :

Source: Legal Aid Bord (Granted Legal Aid from "Vaststellingen bestand RvR").

Excluding Granted Legal Aid for lawyers during "Piketdienst"(= Stand-by duty lawyers). In 2010 approximately 110 000 Stand-by duty lawyers were assigned.

Comment to be added table3.3/figure 3.5: The interpretation of the calculated average amount for legal aid per case (= dividing the budget for legal aid in the widest sense by the rather limited number of court cases) should be handled with care. These kind of calculations give not a good indication of the functioning of the judicial legal aid systems in several Northern European countries like Norway and the Netherlands. Countries like the Netherlands and Norway have a policy which makes a distinction between primary and secondary legal aid. Primary legal aid aims at solving judicial problems of citizens without necessarily going to court. In the Netherlands there is for example a Judicial Counter, where people get free legal advice on simple, judicial problems. There is also primary legal aid for citizens who want an advice by lawyer for a more complicated legal problems, without going to court directly. Lower incomes get financial compensation for such an advice. The secondary legal aid is specific directed at compensating the cost of a lawyer for people who go to court. It is important to keep this distinction in mind. Dividing the budget of legal aid by the number court cases doesn't make sense as an indicator for the efficiency or effectivity of the legal aid system countries which have developed a primary and secondary legal aid. If the primary legal aid for examples is very successful, fewer people will go to court. The number of court cases will decrease. As a result the legal aid per court case on the other hand will increase. Calculated in this way the legal aid per case would be for example € 8.481 for Norway. For other than criminal cases the average amount of legal aid allocated per other than criminal cases would even be € 42 812. These are figures that do not make any sense. For the Netherlands the average amount for a legal aid per case would be € 2.077. In fact the actual amount of legal aid per case is about € 800, which is nearly half of it. Presenting this kind of indicators would give a very misleading figure to measure the efficiency and effectiveness of the Legal aid system in for example the Netherlands and Norway. The more successful the policy of preventing people going to court with problems they can solve more easily in another way, the less efficient this policy is. For these reasons in the figure the real cost per court case is presented for the Netherlands. For Norway the calculation is not presented in the figure.

cf. CN 19/07: figure 3.4 and figure 3.5: Budgets, cases and expenses per case (legal aid assignments + stand by duty cases)

NB 1: the budget and cases of the Legal Counters (one of the modes of primary legal aid) are not included.

NB 2: Budgets and cases of stand by duty cases concerning the division criminal and non criminal law are estimated by assuming that the distribution of assignments between these type of cases is the same within the stand by duty cases.

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

If they are taken into custody. If not, the income and assets test is done.

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

☐ Yes

☒ No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	34400	20315
for other than criminal cases?	34400	20315

Comment :

Amounts apply for year 2010.

This is the family situation. People living alone: Eur. 24.400,- income.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?☒ Yes☐ No

If yes, please explain the exact criteria for denying legal aid:

Claims or cases less than Eur. 500,- are not granted legal aid.

25) Is the decision to grant or refuse legal aid taken by :☐ the court?☒ an authority external to the court?☐ a mixed decision-making authority (court and external bodies)?**26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**☒ Yes☐ No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

An increasing number of people has such an insurance. The growth however is declining over the last years.

In 2010, 3.108.000 Dutch households had an insurance policy for legal aid. The number of policies is no longer growing.

It should be noted that the majority of these policies provide legal assistance 'in natura'. The insurance companies provide legal assistance and reimburse some of the costs related to legal procedures.

In recent years, several civil court cases have been filed regarding the right of policy holders to choose their own legal representative (lawyer). So far, insurance policies that limit the choice of a legal representative are considered litig. They do not violate the general right of free choice of a legal representative (art. 6 EVRM).

Legal aid insurance policies do not cover all legal problems that policy holders may encounter. Clients can choose between various packages. Generally, legal aid in divorce cases is not covered by the insurance policies.

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	No
other than criminal cases?	Yes

B.1**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

The number of cases and the price of certificates / assignments ("toevoegingen") increase. There is an increase in the mean costs for a certificate / assignment. The Dutch Government has announced budget cutbacks.

Saldus verdict->increase of costs (access to the lawyers).

Ad 27, other than criminal cases: the answer given for 2008 in the previous evaluation cycle was incorrect and should be "Yes" also.

Please indicate the sources for answering the questions 20 and 23

q 20: Data system

q 23: Site of Legal Aid Board

q 23: Monitor Legal Aid.

2. 2. Users of the courts and victims

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

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

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

- | | | |
|---|---|--------------------|
| <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 (e.g. downloadable forms, online registration)? | <input checked="" type="checkbox"/> Yes | www.rvdr.org |

Comment :

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- ☐ Yes
☒ No

If yes, please specify:

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

- ☒ Yes
☐ No

If yes, please specify:

This question is rather hard to understand. There are new european guidelines for victims. Does this question address these new guidelines?

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	Yes	Yes	Yes
Victims of terrorism	Yes	Yes	Yes
Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	Yes	Yes	Yes
Ethnic minorities	No	Yes	No
Disabled persons	Yes	No	No
Juvenile offenders	Yes	Yes	Yes
Other (e.g. victims of human trafficking)	Yes	No	No

Comment :

32) Does your country allocate compensation for victims of crime?

- ☒ Yes
☐ No

If yes, for which kind of offences

There is a national fund for the compensation of damages which are the result of a violent crime, installed in 1976.

33) If yes, does this compensation consist in:

- ☒ a public fund?
- ☒ damages to be paid by the responsible person (decided by a court decision)?
- ☐ a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- ☒ Yes
- ☐ No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

From the CJIB, the agency responsible for collecting the compensation in penal cases only.

In the annual report of the CJIB 2010 (see:
<http://jaarbericht2010.cjib.nl/cijfers/schadevergoedingsmaatregelen.php#>):

The percentage of recovery of the damages measures awarded, within three years after being received, by the CJIB is in 2010 86,7%.

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- ☒ 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.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".

- ☒ Yes
- ☐ No
- ☐ NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, 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

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

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

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

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.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- ☒ (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 the parties
- ☒ (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- ☒ (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

In 2011 there has been a standardized customer satisfaction survey with all 19 first instance courts, the appeal courts and the specialized court (Regioplan/Synovate. Klantwaardering Rechtspraak 2011. Onderzoek onder professionals en justitiabelen bij gerechten. Amsterdam: Regioplan/Synovate, 2011. Various types of clients of the courts are included in the surveys. A survey aimed at victims, the assistance they get and their treatment by judicial authorities has been recently developed. Besides there are employee appreciation surveys organised in each court every three years. Employees are questioned in these surveys about their satisfaction with their job, their executives and board, development possibilities and so on.

39) If possible, please specify:

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

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

- ☒ Yes
- ☐ No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	No	Yes	No
Higher court	No	Yes	No
Ministry of Justice	No	No	No
High Council of the Judiciary	No	Yes	No
Other external bodies (e.g. Ombudsman)	Yes	Yes	No

Comment :

Comment:

Since 1-1-2002 a uniform complaints procedure is applicable to all courts. The time limit to respond/to acknowledge receipts of a complaint is a.s.a.p. The time limit for deciding on the complaint is < 6 weeks. This period can be prolonged with 4 weeks, if the court administration decides to install a complaint committee.

Notes:

- All answers in the three columns concerning "Ministry of Security and Justice", "Higher court", "High Council of the Judiciary", and "Other..." = NAP
- All answers third column "No time limits" = NAP

It is rather difficult to interpret this question correctly. The answers given for 2008 in the previous CEPEJ evaluation cycle

are incorrect and should be like in question 41. Is it possible to reformulate the questions 40 and 41?

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	19
42.2 First instance specialised Courts (legal entities)	2
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	64

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Total (must be the same as the data given under question 42.2)	2
Commercial courts	1
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Administrative courts	1
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	NAP

Comment :

19 discript courts for general jurisdiction, 1 specialised first instance court Trade and Industry Tribunal (College van Beroep voor het bedrijfsleven (CBb)), 1 Central Appeals Tribunal (Centrale Raad van Beroep (CRvB)), 5 general appeal (second instance) courts, 1 Supreme Court and 1 High Court/Council (Hoge Raad en Raad van State). The 19 discript courts also have 35 separate 'kanton' locations, that are not separate legal entities.

There are specialised chambers within certain courts, for instance a military tribunal at the court of Arnhem, but they are not legal entities.

44) Is there a foreseen change in the structure of courts [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:

Yes. A law is in the making, which will introduces the merger of the 19 (boards of) courts of first instance into 10 (boards of) courts. The 5 (boards of) courts of appeal will merge into 4. There will be 20 locations where all types of first instance cases will be handled. And a number of other locations where only some (common) types of cases will be handled.

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number of courts
a debt collection for small claims	19 legal entities, 54 locations
a dismissal	19 legal entities, 54 locations
a robbery	19

Please give the definition for small claims and indicate the monetary value of a small claim:

2010: small claims are claims smaller than 5000 euros.

Small claims and dismissal cases are handled by the kanton sector of the 19 district courts; they preside in the 19 district court locations and 35 separate kanton locations (54 total)

Please indicate the sources for answering questions 42, 43 and 45:

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

3. 1. 2. Judges and non-judge staff

46) Number of professional judges sitting in courts (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.]

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	2530	1221	1309
1. Number of first instance professional judges	1944	859	1085
2. Number of second instance (court of appeal) professional judges	548	330	218
3. Number of supreme court professional judges	38	32	6

Comment :

Figures are including presidents.

Presented are not fulltime equivalents, since it is not possible to give fte by gender and first/second instance. The dec 31st 2010 total of first and second instance and total of male and females is in fte 2.273.

1. is without judges of Trade and Industry Tribunal, is including judges 'overig RA' that cannot be assigned to either 1st or 2nd instance)

2. is without judges of Raad van State (council of state)

Figures 3 are including president (1) and vice-presidents (6).

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	27	24	3
1. Number of first instance court presidents	19	17	2

2. Number of second instance (court of appeal) court presidents	7	6	1
3. Number of supreme court presidents	1	1	0

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure ☒ Yes 900
If possible, in full-time equivalent NA

Comment :

This is a 2008-estimate. A precise current figure is NA

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).

Gross figure NAP

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

☐ Yes

☒ No

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

51) Number of citizens who were involved in such juries for the year of reference:

NAP

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> Yes	6674
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal		NAP
2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars		NA
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)		NA
4. Technical staff		NA
5. Other non-judge staff		NA

Comment :

Not possible to give separate figures for 2 - 5, only a total is known.

Note: Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5):
7 493persons,6 674fte

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

NAP

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

☒ Yes

☐ No

If yes, please specify:

security, cleaning, some IT and some training.

C.1

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 have been implemented over the last two years

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Jaarverslag Rechtspraak 2010

and Internal data Council for the Judiciary.

Raad van State and Supreme Court excluded.

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	786	372	414
1. Number of prosecutors at first instance level	691	310	381
2. Number of prosecutors at second instance (court of appeal) level	90	58	32
3. Number of prosecutors at supreme court level	5	4	1

Comment :

ad. Total number of prosecutors: incl College male: 4,44, female: 1,0

ad 1. Number of prosecutors at first instance level:

First instance level = Parketten (P) + Landelijke Diensten(L)

Total 547,01(P)+143,58(L)

Males 224,12(P)+85,45(L)

Females 322,89(P)+58,13(L)

Note : these numbers are in FTE

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	44	37	7
1. Number of heads of prosecution offices at first instance level	32	27	5
2. Number of heads of prosecution offices	6	5	1

at second instance (court of appeal) level			
3. Number of heads of prosecution offices at supreme court level	6	5	1

Comment :

ad. Total number of prosecutors: incl College male: 4,44, female: 1,0

ad 1. Number of heads of prosecution offices at first instance level

First instance level = Parketten (P) + Landelijke Diensten(L)

Total 32,09 (P+L)

Males 15,72(P)+ 11,20(L)

Females 4,17(P)+ 1,0(L)

57) Do other persons have similar duties to public prosecutors?

☐ Yes

☒ No

Number (full-time equivalent)

58) If yes, please specify their title and function:

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

☐ Yes

☐ No

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number

☒ Yes

3 807

C.2

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 have been implemented over the last two years

Please indicate the sources for answering questions 55, 56 and 60

3. 1. 4. Court budget and new technologies

61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.

	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

Comment :

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

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	-10% of courts
E-mail	100% of courts
Internet connection	100% of courts

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

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	100% of courts
Videoconferencing	+50% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?

Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	100% of courts
Electronic registers	100% of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	0 % of courts
Videoconferencing	100% of courts
Other electronic communication facilities	100% of courts

65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	No	No	Yes

Comment :

Comment :

Follow-up of cases online only possible by lawyers in civil cases.

Electronic registers only for insolvencies and legal restraint cases.

Videoconferencing only for some specific criminal cases (e.g. related to extension of punishment) and in immigration law cases.

There is a decree ('Besluit videoconferentie', 2006) restricting the use of video conferencing in criminal cases (e.g. not in case of minor suspects and suspects of murder and sexual offenses).

C.3

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

Ad 64: Electronic webforms and website should have been 100% for the year 2008. The answers are now registered as -10%.

2008-2010: abolishment of the 'procureur' made it possible to harmonize ICT on a national level in 2010.

3. 2. Performance and evaluation

3. 2. 1. Performance and evaluation

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

☒ Yes

☐ No

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

The council of 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 of the Judiciary.

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

☒ Yes

☐ No

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

☒ number of incoming cases?

☒ number of decisions delivered?

☒ number of postponed cases?

☒ length of proceedings (timeframes)?

☐ other?

If other, please specify:

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

☒ 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 annually in a quality control system.

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

☒ Yes

☐ No

71) Please select the 4 main performance and quality indicators that have been defined:

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

If other, please specify:

Comment: answers on 71 are somewhat different from answers in CEPEJ evaluation cycle 2008-2010. This question is felt as somewhat subjective. Answers may vary according to preferences respondent.

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- ☐ Yes
- ☒ No

73) Who is responsible for setting the targets for each judge?

- ☐ 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:

NAP

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- ☒ Yes
- ☐ No

75) Who is responsible for setting the targets for the courts?:

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

If other, please specify:

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

76) Please specify the main targets applied to the courts:

Number of cases handled.

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- ☒ High Council of judiciary

- ☐ Ministry of justice
☐ inspection authority
☐ Supreme Court
☐ external audit body
☐ other

If other, please specify:
The Council for the Judiciary.

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- ☒ Yes
☐ No

If yes, please specify:

There are quality standards which are measured by annual statistical figures per individual court. Examples are the scores of customer satisfaction surveys, the percentage of cases judged by three instead of one judge and case processing times (the so called 'Kengetallen gerechten').

79) Do you have specialised court staff that is entrusted with these quality standards?

- ☒ Yes
☐ No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

- ☒ in civil law cases
☒ in criminal law cases
☒ in administrative law cases

81) Do you monitor 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 overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- ☒ Yes
☐ No

Please specify the frequency of the evaluation:

There is a planning and control cycle (3 times per year) which involves financial/accounting evaluation but also visits ('bestuurlijke overleggen'), there is once per year an accountant check of the annual report (per court and for total of 19 district courts, 5 general appeal courts and 2 specialised courts (Trade and Industry Tribunal (CBb) and Central Appeals Tribunal (CRvB)), and once every 4 years there is a round of visitations.

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- ☒ Yes
☐ No

If yes, please give further details:

Planning & Control cycle. On an annual basis.

C.4

You can indicate below:

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

Ad 80: We monitor, but not on backlogs. The monitoring may now be described as more systematic. Answers concerning 2008, previous CEPEJ evaluation cycle 2008-2012 gave a more strict interpretation: backlogs and reasonable timeframe.

Last years more systematic attention for reasonable time frames. Not focused on backlogs.

4. Fair trial

4. 1. Principles

4. 1. 1. General information

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?

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):

21

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

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

Please indicate the sources:

HUDOC –Database ECHR; www.echr.coe.int/echr/en/hudoc

D.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter

Ad Q84

Comment: the data about in absentia judgments are not sufficiently reliable and therefore N.A.

Ad 85 note: This the so-called 'waking' procedure. In 2 010 there were 21 succesfull challanges ('gehonoreerde wrakingsverzoeken') for the 19 district courts, the 5 courts of general appeal and the CBb and CRvB. Excluding Supreme Court

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?

☐ there is no specific procedure

If yes, please specify:

'Summary processing' by court president (in Dutch: 'kort geding'), and temporary legal provision (in Dutch 'voorlopige voorziening'). For criminal cases sometimes a quick procedure is used ('snelrecht') but not often.

88) Are there simplified procedures for:

☐ civil cases (small disputes)?

- ☒ criminal cases (small offences)?
- ☐ administrative cases?
- ☐ there is no simplified procedure

If yes, please specify:

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 arrangements 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 on one of 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. Caseflow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	287 690	1 451 879	1 461 153	274 170
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	NA	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	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 (litigious and non-litigious)	60 920	114 638	122 273	53 410
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

Due to registration problems there is some inconsistency between the numbers of pending cases at 1st Jan and 31st Dec and the number of incoming and resolved cases. 3.-5 and 7 are not present inside the Dutch judiciary. Insolvency is taken as part of 2.

Litigious = contested civil/commercial summons (contradictoire dagvaardingen)

Non-litigious = uncontested civil/commercial summons, and civil requests (verzoekschriften), both commercial and family cases.

6. Administrative law cases include tax cases and immigration/assylum cases.

Excluding first instance cases of Council of State (Raad van State) and Central Appeals Tribunal. Including Trade and Industry Tribunal

93) If "other cases", please indicate the case categories included:

-

94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	97 740	441 911	434 066	105 580
8. Criminal cases (severe criminal offences)	41 530	200 920	195 911	46 540
9. Misdemeanour and / or minor offences cases	56 210	240 991	238 155	59 040

95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).

Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".

Minor = mainly traffic offences (speeding, running red light), vagrancy, littering etc. A major part of these offenses is dealt with by an administrative procedure without bringing the case to a court. Both resulting administrative cases and criminal cases brought to the courts are mentioned here.

Severe = driving while drunk, grand theft, violent crimes, vice/drugs etc.

Cases include decisions 'in chamber' (Raadkamer) and 'writing conclusions for appeal' ('uitwerking vonnis voor appel') (according to the specification of output types)

96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.

It is not possible to say whether incoming or pending cases will be litigious or non-litigious, that is why this distinction is only made for the resolved cases.

97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	30 900	26 350	27 868	29 610
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	NA	NA

2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	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 (litigious and non-litigious)	13 420	10 772	11 207	12 990
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	20 720	38 499	37 815	21 400
8. Criminal cases (Severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour and/or minor offences cases	NA	NA	NA	NA

Comment :

Minor = mainly traffic offences (speeding, running red light), vagrancy, littering etc.

Severe = driving while drunk, grand theft, violent crimes, sex and drugs offenses etc.

Cases include decisions after 'hearing in chamber' (Raadkamer) and 'writing conclusions for appeal' ('uitwerking vonnis voor appel')

(according to the specification of output types)

99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	NA	1 662	1 595	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Enforcement cases	NAP	NAP	NAP	NA
4. Land registry cases	NAP	NAP	NAP	NA
5. Business register cases	NAP	NAP	NAP	NA
6. Administrative law cases (litigious and non-litigious)	NA	1 009	968	NA
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NA

100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	NA	3 685	3 839	NA
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

99) Excluding figures of Council of State (Raad van State).

100) Figures solely from the Supreme Court (Hoge Raad)

101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	NA	NA	5 945	NA
Employment dismissal cases	NA	22 132	22 239	NA
Robbery cases	NA	NA	3 141	NA
Intentional homicide	NA	NA	985	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	344	240	NA	NA
Employment dismissal cases	NA	NA	21	NAP	NAP	NA
Robbery cases	NA	NA	39	295	NA	NA
Intentional homicide	NA	NA	116	295	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

101) No incoming litigious divorce cases. The total number of incoming divorce cases in 2010 was 34731. The total number of litigious divorce cases at the end of the procedure is approximately 5000.

Employment dismissal cases include both litigious and request cases.

Robbery cases include blackmail. Intentional homicide cases include all types of manslaughter, including attempts.

Q101 : The number of divorce cases in the Netherlands in 2010 was 34731. The total number of litigious divorce cases at the end of the procedure in 2010 is approximately 5000. This is only 10% of the total number of all divorce cases. In 1993 the percentage of litigious cases still was 80%. So the number on non litigious divorce cases increased in twenty years time from 20% till 90%. The litigious divorce cases that are brought to court are the most complicated cases which take a long time as the ex spouses are mostly really antagonistic. This explains why the average length of proceedings of litigious divorce cases is increasing during the years in the Netherlands. In the category litigious divorce cases there are no relatively "easy and simple" divorce cases left and cases become more and more complex.

102) Average length 1st instance divorce cases relates to litigious divorce cases. The average length for all divorce cases (litigious and non litigious) is 109 days. Figure 2nd instance divorce cases relates to all family cases.

Figures average length robbery cases and intentional homicides 1st instance relate to all criminal cases dealt with by a single judge and three judges respectively. Figures average length 2nd instance relate to all criminal cases dealt with by 2nd instance courts.

NAP: no specific procedure for divorce cases. However, since march 2009 a "parental plan" (in dutch : "ouderschapsplan") is mandatory: a divorce case with minors involved will not be dealt with in court unless a "parental plan" is established.

104) 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) till the date of the final judgment.

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- ☒ to conduct or supervise police investigation
- ☒ to conduct investigations
- ☒ 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 discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- ☒ to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- ☐ other significant powers

If "other significant powers", please specify:

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

- ☒ Yes
☐ No

If yes, please specify:

In certain civil cases, the public prosecutor has a role. E.g. he can prevent individuals to get married (e.g. if there is a suspicion of a sham marriage or bigamy or if one of the partners is too young or placed under supervision of a family guardian). Other examples are requests for a change of family name and requests for birth certificates (in case a certificate is missing, e.g. for a foundling). The public prosecutor can also give local authorities an order to rectify birth registers. He can request the court for a declaration of death of a (long term) missing person.

107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	210 500	23 900	61 500	118 200

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	23 900
1. Discontinued by the public prosecutor because the offender could not be identified	NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	NA
3. Discontinued by the public prosecutor	8 700

for reasons of opportunity	
-------------------------------	--

109) Do the figures include traffic offence cases?☒ Yes☐ No**D.2****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**

Q99#2#1 : The number of resolved appeal cases in the non criminal sphere has risen substantially in 2009 (both commercial and family cases) and 2008 (family cases).

Question 102, Average length in 3rd instance (in days), in particular Litigious divorce cases, are NA/NAP.

Q107#4#1 : In 2010 the Police has delivered a substantial amount of cases less then in the years before. This can be (partly) explained by a decrease of widespread crime- "veelvoorkomende criminaliteit" - (as shown in victim surveys among civilians and companies).

Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

source answers to questions 91-102: Annual Report Judiciary and internal processing data.

source answers to questions 107, 108 databases public prosecution services

5. Career of judges and public prosecutors

5. 1. Recrutement and promotion

5. 1. 1. Recrutement and promotion

110) How are judges recruited?

- ☐ Mainly through a competitive exam (for instance, following a university degree in law)
- ☐ Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- ☒ A combination of both (competitive exam and working experience)
- ☐ Other

If other, please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- ☐ An authority made up of judges only?
- ☐ An authority made up of non-judges only?
- ☒ An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

National Selection Committee for judges.

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

- ☐ Yes
- ☒ No

If no, 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 Minister of Justice, who in turn acts on the recommendation of the board of the court where the judge works.

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

Assesment, interview and selection.

114) Is there a system of qualitative individual assessment of the judges' activity?

- ☒ Yes
- ☐ No

115) Is the status of prosecution services:

- ☐ Indépendant?
- ☒ Under the authority of the Minister of justice ?
- ☐ Other?

Please specify:
formally under MoJ.

116) How are public prosecutors recruited?

- ☐ Mainly through a competitive exam (for instance, following a university degree in law)
- ☐ Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- ☒ A combination of both (competitive exam and working experience)
- ☐ Other

If "other", please specify:

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

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

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

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

- ☐ Yes
- ☒ No

If no, please specify which authority is competent for promoting public prosecutors:
Prosecutor General is competent as head of the Prosecution Service. The nomination is done by the Queen of the Netherlands.

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

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

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- ☒ Yes
- ☐ No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- ☒ Yes
- ☐ No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:

Dismissal as a disciplinary sanction : Being convicted for a crime.

Prolonged behaviour in a reprehensible way which causes severe damage to the prestige of the Administration of Justice.

Other reason : Being unfit for work for reasons of mental or physical health.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of probation period (in years)
	NAP

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

☒ Yes

☐ No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

Comment: the appointment to office for an "undetermined period" is not equal to an appointment "for life". In the Netherlands public prosecutors are appointed for an undetermined period. But this does not mean that their appointment could never lead to an end. So they are not appointed "for life", as is the case for judges.

124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
	1

125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?

NAP

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?

NAP

E.1

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

Comment with question 114:

The functioning of the judge is evaluated by the judge and the managing judge (head of the sector) together.

There is however not a system in which the functioning of judges is evaluated related to promotion.

To make promotion (to a senior judge or managing judge promotion) a formal integral selection procedure is in order.

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Compulsory
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	Compulsory
In-service training for the use of computer facilities in courts	Optional

128) Frequency of the in-service training of judges:

General in-service training	Annual
In-service training for specialised judicial	Annual

functions (e.g. judge for economic or administrative issues)	
In-service training for management functions of the court (e.g. court president)	Occasional (e.g. at times)
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Compulsory
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	Compulsory

130) Frequency of the in-service training of public prosecutors

General in-service training	Occasional (e.g. at times)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Annual
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

**131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).
If your judicial training institutions do not correspond to these criteria, please specify it.**

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	NAP	NAP	NAP
One institution for prosecutors	NAP	NAP	NAP
One single institution for both judges and prosecutors	No	No	Yes

Comment :

Comment : Stichting Studiecentrum Rechtspleging (SSR) in Zutphen. Annual budget SSR (2010): 34,7 million euro, of which 17 million for salaries for fulltime trainees ('Raios') (12 mln for Judiciary, 5 mln for prosecutors) and 17 mln for trainings/courses (11 mln for Judiciary, 6 mln for prosecutors office)

E.2

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

There is a standard of 30 hours in-service training a year per judge.

5. 3. Practice of the profession

5. 3. 1. Practice of the profession

132) Salaries of judges and public prosecutors.

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	74 000	43 000
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	128 900	67 000
Public prosecutor at the beginning of his/her career	54 036	32 604
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)		

Comment :

Public prosecutor at the beginning of his/her career:

- Gross annual salary in €, on 31 December 2010 12*4 503

- Net annual salary in €, on 31 December 2010 12* 2717

Q132 / T11.11

Comment for the Netherlands : In 2010 possible disciplinary measures are only the written warning and a dismissal. Between this light and heavy measures there was nothing. There was not much room for nuance. This is the reason why disciplinary measures are seldom applied in the recent past. In 2012 the arsenal of possible disciplinary sanctions will be extended with written reprimand and suspension. Also order and control measures (transfer within the court, verbal warning) will be introduced.

133) Do judges and public prosecutors have the following additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

134) If other financial benefit, please specify:

NAP

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

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	Yes	Yes
Consultant	Yes	Yes
Cultural function	Yes	Yes
Political function	No	No
Other function	Yes	Yes

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

According to Dutch law (article 44 of the 'Wet rechtspositie rechterlijke ambtenaren') a judge is not permitted to practice some specified professions which are "incompatible" with the profession of a judge. For example; judges are forbidden to work as a lawyer or notary at the same time, or to provide legal assistance in other ways. Judges are not explicitly forbidden to combine their work with political positions. With the exception of the judges of the Supreme court, who are not allowed to be a member of the Dutch Parliament.

Beside this law there exists a Dutch directory on "additional positions" (in Dutch: 'Leidraad Nevenfuncties') which recommends not to combine the work as a judge with some specified positions such as member of the Dutch parliament, So despite the fact that Dutch law doesn't prohibit judges to practice political positions, this directory discourages this combination. Generally judges don't combine their work with political positions.

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

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	Yes	Yes
Consultant	Yes	Yes
Cultural function	Yes	Yes
Political function	No	No
Other function	Yes	Yes

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

Public prosecutors cannot combine their work with a political function at the same time. This is valid for political functions either with or without remuneration. Public prosecutors have to choose between one of the two functions. If they choose for a political function the function of public prosecutor is ended.

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

☐ Yes

☒ No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

☐ Citizens

☒ Relevant Court or hierarchical superior

☐ High Court / Supreme Court

☐ High Judicial Council

☐ Disciplinary court or body

☐ Ombudsman

☐ Parliament

☐ Executive power

☐ Other?

☐ This is not possible

If "executive power" and/or "other", please specify:

President of the court (judges) or head of the organizational unit (prosecutors).

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- ☐ Citizens
- ☒ Head of the organisational unit or hierarchical superior public prosecutor
- ☒ Prosecutor General /State public prosecutor
- ☐ Public prosecutorial Council (and Judicial Council)
- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Professional body
- ☐ Executive power
- ☐ Other?
- ☐ This is not possible

If "executive power" and/or "other", please specify:

142) Which authority has disciplinary power on judges? (multiple options possible):

- ☒ Court
- ☒ Higher Court / Supreme Court
- ☐ Judicial Council
- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Parliament
- ☐ Executive power
- ☐ Other?

If "executive power" and/or "other", please specify:

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- ☐ Supreme Court
- ☒ Head of the organisational unit or hierarchical superior public prosecutor
- ☒ Prosecutor General /State public prosecutor
- ☐ Public prosecutorial Council (and Judicial Council)
- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Professional body
- ☐ Executive power
- ☐ Other?

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number (1+2+3+4)	4	31
1. Breach of professional ethics	NA	NA
2. Professional inadequacy	NA	NA

3. Criminal offence	NA	NA
4. Other	NA	NA

Comment :

145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	1	31
1. Reprimand	NA	NA
2. Suspension	NA	NA
3. Removal of cases	NA	NA
4. Fine	NA	NA
5. Temporary reduction of salary	NA	NA
6. Position downgrade	NA	NA
7. Transfer to another geographical (court) location	NA	NA
8. Resignation	NA	9
9. Other	NA	NA

Comment :

E.3

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

Judiciary

In 2010 possible disciplinary measures are only the written warning and a dismissal. A written warning for example possible in the case of neglect of the dignity of the Office and duties. A dismissal is possible in the case of damaging a good state of affairs in the administration of Justice and in her trust. In the period 2001-2010 there were 8 written warnings and 0 dismissals. Between these two measures – warning and dismissal – there are now too few opportunities for nuance. This is an important reason why disciplinary measures in the Netherlands are seldom applied in the recent past. In the period 2009-2010 one judge was fired for disciplinary reasons. One judge retired before a disciplinary procedure eventually could be applied. In two cases the Supreme Court rejected disciplinary measures. In 2012 the arsenal of possible disciplinary measures be extended with written reprimand and suspension. In addition, I intend to expand other order-and control measures (such as for example (involuntary) transfer within the Court and a verbal warning). New measures are taken into consideration. Such as the remuneration when a judge intentionally fails to perform his services. And the transfer to another court if there are structural, distorted working relations at stake.

Source: Supreme Court, Annual report 2009-2010, The Hague, 2011, p 144-155

Prosecution

In 2010 in total 31 disciplinary measures or sanctions were applied, including six times an unconditional resignation and three times a conditional dismissal. Compared with the last five years in which 120 employees a disciplinary penalty or measure imposed got, there is a slight increase. In 2010 are 34 integrity violations reported, ranging from conflicts to misdemeanors in the private atmosphere.

Please indicate the sources for answering questions 144 and 145

Source: http://www.jaarberichtom.nl/jaarverslag-2010/Search.ZGIZY2lwbGluYWlyZSBtYWF0cmVnZWxlbG==/aDU1053_Integriteitschendingen.aspx, 31 january 2012.

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

16 728

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

☐ Yes

☒ No

148) Number of legal advisors who cannot represent their clients in court:

NA

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

☒ Civil cases?

☒ Criminal cases - Defendant?

☐ Criminal cases - Victim?

☐ Administrative cases?

☐ There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

150) Is the lawyer profession organised through? (multiple options possible)

☒ a national bar?

☐ a regional bar?

☒ a local bar?

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

☒ Yes

☐ No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

☒ Yes

☐ No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

☒ Yes

☐ No

If yes, please specify:

The Dutch Law Society has 24 specialist associations. For membership of these associations is usually a specific training required

F.1

Please indicate the sources for answering questions 146 and 148:

Comments for interpreting the data mentioned in this chapter:

BAR/LAT on 16 January 2012

Ad 148: The lawyers monopoly in civil cases applies only to the more serious cases; less than 20% of the cases filed. The rules of legal representation specify types of cases and the amount of money claimed.

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

☒ Yes

☐ No

155) Are lawyers' fees freely negotiated?

☐ Yes

☒ No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

☐ Yes laws provide rules

☒ Yes standards of the bar association provide rules

☐ No, neither laws nor bar association standards provide rules

F.2

Useful comments for interpreting the data mentioned in this chapter:

Ad 154 and 155. These questions cannot be easily answered by "Yes" or "No" as these answers are rather categorical. Under the competing legislation the Dutch Law Society is not allowed to interfere with fees. However many law firms provide information on the Internet about their hourly rates. F.e.: <http://www.advocatenoverzicht.nl/tarieven>.

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

☒ Yes

☐ No

If yes, what are the quality criteria used?

Permanent education for lawyers. Each lawyer is obliged to attend courses each year. These courses have to be approved by the Netherlands Bar Association.

158) If yes, who is responsible for formulating these quality standards:

☒ the bar association?

☐ the Parliament?

☐ other?

If "other", please specify:

159) Is it possible to file a complaint about :

- ☒ the performance of lawyers?
☒ the amount of fees?

Please specify:

It is common for Law firms to have a complaints procedure of their own. All practicing lawyers are under surveillance of (the Deaken of) the local Bar Association. Complaints can be filed at the local Deaken.
The local Deaken can initiate a disciplinary procedure against a lawyer (see question 161).

160) Which authority is responsible for disciplinary procedures?

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

If other, please specify:

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	1 251	NA	NA	NA	NA

Comment :

NOVA Annual report Court of Discipline and Councils of Discipline (Nederlandse Orde van Advocaten, Jaarverslag Hof van Discipline en Raden van Discipline. Only the total number is known. Of these 1251 cases, 302 cases were found "justified" ("gegrond").

162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	342	256	65	6	NA	15

Comment :

The total number of sanctions is including 46 cases in which no specific sanction was pronounced. However, as all these cases are found "justified" ("gegrond") they may be seen also as having the character of a reprimand.

F.3

You can indicate below any useful comments for interpreting the data mentioned in this chapter

7. Alternative Dispute Resolution

7. 1. Alternative Dispute Resolution

7. 1. 1. Alternative Dispute Resolution

163) Does the legal system provide for mediation procedures? If no skip to question 168

[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]

☒ Yes

☐ No

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public 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

165) 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. In 2010 citizens had to pay 49 euro's for four hours of mediation. And another 49 euro's for four extra hours.

166) Number of accredited or registered mediators who practice judicial mediation:

4 015

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)	<input checked="" type="checkbox"/> Yes	3 880
1. civil cases	<input checked="" type="checkbox"/> Yes	461
2. family cases	<input checked="" type="checkbox"/> Yes	2 537
3. administrative cases	<input checked="" type="checkbox"/> Yes	882
4. employment dismissals cases		NA
5. criminal cases		NAP

Comment :

The numbers only pertain to mediations that have started in 2010 and were referred by the court. Civil cases include employment dismissals cases. It is not possible anymore to provide this number. Only the total number of civil cases is known.

Source: Council for the Judiciary

168) Does the legal system provide for the following ADR.

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	No
Other alternative dispute resolution?	Yes

Comment :

In 2010 the Legal Counter[Het Juridisch Loket] referred 2.345 cases to mediation.

Binding advice in consumer cases: Consumer complaints board. In 2010 7826 incoming cases.

Binding advice in insurance cases: KIFID. In 2010 6719 cases.

Binding advice in rental cases: Huurcommissie. In 2010 11428 incoming cases.

Arbitration in construction cases: Raad van Arbitrage voor de bouw. In 2010 1306 cases

National ombudsperson: 14311 cases in 2010.

G.1

- 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

From April 2005 until januari 2011, parties who were referred to mediation via the Courts and who were not eligible for legal aid, could apply for an incentive contribution (stimuleringsbijdrage). This contribution covered both parties' expenses for the first 2.5 hours of mediation. The incentive contribution stopped in Januari 2011.

Please indicate the source for answering question 166:

In 2010 there are 4.015 mediators registered at the Dutch Mediation Institute (NMI). These mediators can do judicial mediation as well as other forms of mediation.

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- ☒ Yes
☐ No

170) Number of enforcement agents

949

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

- ☐ judges?
☒ bailiffs practising as private professionals under the authority (control) of public authorities?
☒ bailiff working in a public institution?
☐ other enforcement agents?

Please specify their status and powers:

384 bailiffs

565 junior bailiffs

172) Is there a specific initial training or examination to become an enforcement agent?

- ☒ Yes
☐ No

173) Is the profession of enforcement agents organised by?

- ☒ a national body?
☐ a regional body?
☐ a local body?
☐ NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- ☒ Yes
☐ No

175) Are enforcement fees freely negotiated?

- ☒ Yes
☐ No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- ☒ Yes
☐ No

Please indicate the source for answering question 170:

KBvG, annual report

Ad 169: Answers are limited to bailiffs ('Gerechtsdeurwaarders'). Of course, other professionals may be involved in

enforcing judicial decisions. For tax matters, there are special Tax Bailiffs. The latter have not been included in this report.

Ad 174: In general, prices for official tasks are transparent. Administrative costs and other 'extra's' charged by enforcement agents are less transparent. In 2011 new regulations have been designed regarding the costs charged in the enforcement process.

Ad 176: In new regulation (after 2010). Maximum charges to debtors.

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- ☒ Yes
☐ No

178) Which authority is responsible for supervising and monitoring enforcement agents?

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

If other, please specify:

Other:

- disciplinary court
- Bureau of financial & administrative control (BFT): monitors the financial situation and administrative practices of bailiff offices.

179) Have quality standards been determined for enforcement agents?

- ☒ Yes
☐ No

If yes, what are the quality criteria used?

- professionalism
- commercial quality
- continuity of the enterprise

180) If yes, who is responsible for establishing these quality standards?

- ☒ a professional body
☐ the judge
☐ the Ministry of Justice
☐ other

If "other", please specify:

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- ☐ Yes
☒ No

if yes, please specify

182) Is there a system for monitoring the execution?

☐ Yes

☒ No

If yes, please specify

**183) What are the main complaints made by 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?

If other, please specify:

There is no recent analysis regarding the nature of complaints filed against bailiffs

This is to be interpreted as NA.

184) 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:

185) Is there a system measuring the timeframes of the enforcement procedures:

☐ for civil cases?

☐ for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who 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

187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of disciplinary proceedings
(1+2+3+4)

☒ number: 907

1. for breach of professional ethics

NA

2. for professional inadequacy

NA

3. for criminal offence

NA

4. Other

NA

Comment :

The number of complaints is rising quickly. It is easy to file a complaint. The number of in cases in which disciplinary steps are taken is than 5%, and remains stable.

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	30
1. Reprimand	<input checked="" type="checkbox"/> number:	26
2. Suspension	<input checked="" type="checkbox"/> number:	2
3. Dismissal	<input checked="" type="checkbox"/> number:	2
4. Fine		NAP
5. Other		NAP

Comment :

H.1

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

Ad 185 : No central monitoring.

In general: There is little involvement of government agencies in the enforcement in civil matters. No general registration on enforcement of court decisions in civil matters.

Please indicate the source for answering the questions 186, 187 and 188:

8. 2. Execution of decisions in criminal matters

8. 2. 1. Execution of decisions in criminal matters

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- ☐ Judge
- ☒ Public prosecutor
- ☐ Prison and Probation Services
- ☐ Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- ☒ Yes
- ☐ No

191) If yes, what is the recovery rate?

- ☐ 80-100%
- ☒ 50-79%
- ☐ less than 50%
- ☐ it cannot be estimated

Please indicate the source for answering this question:

Source: CJIB, Annual Report
Judicial decision, fine; 70,4% in one year

H.2

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

There is a central agency (CJIB) that collects fines.

9. Notaries

9. 1. Notaries

9. 1. 1. Notaries

192) Do you have notaries in your country? If no go to question 197

☒ Yes

☐ No

193) Are notaries:

If other, please specify it in the "comment" box below.

private professionals (without control from public authorities)?

☐ number

private professionals under the authority (control) of public authorities?

☒ number

3 347

public agents?

☐ number

other?

☐ number

Comment :

1448 notaries and 1899 junior notaries

194) Do notaries have duties (multiple options possible):

☐ within the framework of civil procedure?

☐ in the field of legal advice?

☒ to certify the authenticity of legal deeds and certificates?

☐ other?

If "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

195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?

☒ Yes

☐ No

196) Which authority is responsible for supervising and monitoring notaries:

☒ a professional body?

☐ the judge?

☒ the Ministry of justice?

☐ the public prosecutor?

☒ other?

If other, please specify:

specification other:

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

I.1

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**

The number of junior notaries decreased because of the decreasing number of real estate and mortgage deeds.

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Court interpreters

197) Is the title of court interpreters protected?

☒ Yes

☐ No

198) Is the function of court interpreters regulated by legal norms?

☒ Yes

☐ No

199) Number of accredited or registered court interpreters:

1 050

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

☒ Yes

☐ No

If yes, please specify (e.g. having passed a specific exam):

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.

201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.

Yes ☐ for recruitment and/or appointment for a specific term of office

Yes ☒ for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

- ☐ No

Comment :

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.

J.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Distinction between court interpreter and court translator.

See <http://www.eulita.eu/>

Ad 199: In 2008 (previous CEPEJ evaluation cycle 2008-2010) there were 3270 court interpreters. The decrease in 2010 is due to new "Sworn Interpreters and Translators Act" ("Wet Beëdigde Tolken en Vertalers"; implemented in 2009) which has set stricter conditions for interpreters and translators. Only interpreters and translators who are registered in the Register are sworn interpreters and translators. Registration in the Register is subject to certain quality and integrity conditions. An interpreter or a translator who does not meet these conditions may qualify for inclusion on the Alternative List. The conditions for inclusion on the Alternative List are easier to meet than those for registration in the Register.

Introductory comment to the chapter 16 : The comparison of interpreters between countries in general should be handled with care because there is no clear qualifications for what court interpreters and translators are. Many countries apparently have no separate professional requirements. That does not mean that an interpreter in criminal proceedings is often regarded as an expert with special requirements (see example Hungary).

Regarding the EU Member States is important the Implementation of the Directive on the right to interpretation and translation in criminal proceedings. The text is referenced on page 2. See Article 5 of the accompanying directive:

1. Member States shall take concrete measures to ensure that the interpretation and translation provided meets the quality requirements in Article 2, paragraph 8, Article 3, paragraph 9.

2. 2. For adequate interpretation and translation and efficient access to them, to achieve the Member States to the

establishment of a register or registers of independent translators and interpreters who are appropriately qualified. If such register or registers have been set, get counsel and competent authorities, where appropriate, access.

3. . Member States shall ensure that interpreters and translators are required to observe confidentiality in accordance with this Directive in respect of interpretation and translation provided.

These Member States will therefore in October 2013 to take concrete measures to ensure quality.

Comment concerning the Netherlands: since 2009 there exists the Act sworn interpreters and translators. This provides for a register. For inclusion in the registry, requirements on quality and integrity. There is also a complaints procedure. Substantiated complaints may lead to removal from the register. The dishes are legally obliged to use interpreters and translators in the registry. England and Poland have a similar arrangement with the Netherlands. Romania contends, hardly quality. It is therefore not surprising that this country stands out.

On page 2, the increase in terms of Luxembourg to the EU Directive allocated. That seems to me nonsense. The number of non-nationals in Luxembourg is involved in a criminal case is 3961. In doing so, to many French-speaking (French and Belgians). The number what is actually in need of an interpreter is very limited and can not explain the increase. It is likely that this will make interpreters and translators employed by Court of Justice of the European Union. The number of cases in recent years the Court has made has risen sharply. This also applies to the interpretation and translation needs of the Court.

Please indicate the sources for answering question 199:

<http://www.bureaubtv.nl/>

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- ☒ "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- ☒ "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- ☒ "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

203) Is the title of judicial experts protected?

- ☐ Yes
☒ No

204) Is the function of judicial experts regulated by legal norms?

- ☒ Yes
☐ No

205) Number of accredited or registered judicial experts (technical experts)

195

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- ☒ Yes
☐ No

If yes, please specify, in particular the given time to provide a technical report to the judge:

There are binding provisions in Dutch Criminal law for the judicial expert. It comes to professionalism, carefulness (precision), integrity and impartiality, independence. This combined with knowledge of the criminal proceedings. The time given to expert to produce his technical report of course varies by the nature of the commission. The commissioner and the expert will agree upon the terms about period of time.

207) Are the courts responsible for selecting judicial experts?

If no, please indicate in the "comment" box below which authority selects judicial experts?

- Yes ☒ for recruitment and/or appointment for a specific term of office
 Yes ☐ for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
 No ☐.

Comment :

ad1. Yes for appointment; no for recruiting

ad2. Yes for appointment; no for recruiting

ad3. No: Selecting judicial experts is work done by NRGD (NRGD). Appointment is possible by the court as well as by the prosecutor.

K.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

ad 203. it would be preferable.

Please indicate the sources for answering question 205:

Netherlands Register of Court Experts (NRGD)

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crime and prison system**
- 10. Other**

1. (Comprehensive) reform plans

On 30 September 2010 the new coalition government Rutte-Verhagen presented its strategic action programme Freedom and Responsibility. It announced a budget cut in public expenditures of 18 billion Euros to be carried out between 2011 and 2015. This is nearly 10 percent of the total budget of Dutch national government. In 2011, the budget for the judiciary was 935 million Euros and for legal aid, it amounted to 482 million Euros. These budgets have continued to rise in the last decades. Several measures are introduced to keep the budget in control as well as to improve and innovate within the Dutch judicial system: more cost covering court fees; an innovationprogramm on E-Justice, simplifying procedures and ADR; revising and make congruent the map of the judiciary, prosecution and police; adjusting and modernise the legal aid system.

2. Budget

The following table summarizes the overall impact of the reform measures on the budget of the judiciary and legal aid (in million Euros)

2012 2013 2014 2015

1. Cost-covering court fees -120 -240 -240 -240
2. Revising the judicial map 0 0 0 0
3. Innovationprogramme: 4 8 8 8
- E-Justice, simplifying procedures
4. Adjusting legal aid -50 -50 -50

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

More cost-covering court fees

The strategic programme of the government states: "The judicial organisation will in 2013 be funded by those who use them. People with low incomes will be compensated." This measure applies to administrative and civil litigation. It does not concern child, asylum and penal cases. It is presumed that citizens will be more critical before deciding to initiate court proceedings and will consider alternatives for achieving Justice. It is estimated that cost-covering fees will reduce the number of cases by 6 percent, which in fact, will lead to a cost reduction of 115 million Euros. The additional income drawn from court fees are equivalent to approximately 225 million Euros. This will lead ultimately to a surplus of 340 million Euros compared to the current budget. To prevent people with low incomes from being restricted access to the judiciary, the special fees for low incomes and middle income will be introduced. Also administrative fees will be substantially lower compared to the cost of such a case. All in all the netto surplus of the reform will be 240 mln euro. In december 2011 the bill was in discussion in parliament. The new system will be introduced and be implemented in in july 2012.

Revising the judicial map

The judicial map of the Netherlands in the near future will in essence contain only ten districts, four courts of appeal and the Supreme Court. The courts will adjudicate in over 30 locations throughout the Netherlands. An administrative and organizational scale-up and not budgetary targets was the purpose of revising the judicial map. Thus, better opportunities for specialization and a more customer-oriented differentiation will be created for the courts. The

revision is not restricted to the judiciary only. As a matter of fact, the prosecution will be organised in ten districts and the current 25 police districts will also scale up to 10. In the near future, police and prosecution will be congruent within all the regional districts of the judiciary. The central aim of the programme on courts is to guarantee a certain minimum quality of justice in all the regions of the Netherlands.

4. High Judicial Council

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

Adjusting legal aid

The importance of maintaining expenditures under control underlies the way the legal aid system is assessed. Every effort must be encouraged for the system to withstand periods when the court-load increases, concurrently with the need to save on public expenditure. In the short run, the rates for lawyers will be lowered and, in a divorce case, representation by a lawyer will not be compulsory anymore. This will lead to a budget cut of 50 million Euros. As the cost-covering fees should not lead to reduced access to legal aid, people with lower incomes will be compensated, thus leading to extra expenditures of 100 million Euros. The net result is an increase of 50 million Euros of the legal aid budget.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

Along with the introduction of a new more cost covering fee system, an innovationprogramm of the judicial sytem will be lunched aiming at E-Justice, simplifying procedures and ADR. The e-Justice program will focus on the following themes: increasing implementation of video conferencing, encouraging the introduction of the digital criminal file - including setting up facilities for identification and authentication -, validating and archiving documents, electronic litigation in civil and administrative law - including the introduction of a simple procedure for simple cases -, improving the accessibility of files through the Internet, promoting the establishment of a European e-Justice. These measures will stimulate more efficient and effective interactions between the numerous organisations which shape together the judicial system. Civil, administrative and criminal proceedings measures will be designed to better match the needs of litigants and efficient proceedings (for example, a simple procedure for simple civil affairs, a final dispute resolution in administrative law, etc.). In administrative and civil cases, this will, consequently, lower the costs for the citizens. Also ADR will be stimulated more strongly.

7. Enforcement of court decisions

8. Mediation and other ADR

ADR will be extra stimulated along with the introduction of more cost covering court fees. In this respect it is part of the innovationprogramme which will be launched in 2012. The programme implies:

- Implementation of resolution number 2008/52/EG of the European Commission about mediation civil and trade disputes;
- Further stimulation of mediation skills of administrati ve bodies;
- Stimulation of mediation on disputes with administrative bodies;
- Stimulation of Online Dispute Resolution.

9. Fight against crime and prison system

10. Other

CHAPTER 17

Add to Budget and financing, p. 2

This law is put on hold by parliament in may 2012. Adjustment of legal aid, with the need for control spending.

Add to Functioning of courts, p 4.

Delete 'ongoing' '. Law accepted by parliament in july 2012

Add to Legal professions, p 7

The Netherlands

New more flexible and transparant system of disciplinary sanctions for judges

A system of more external supervision on the functioning of lawyers