



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

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 2013)

16 778 025

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 or federal level	302 089 000 000
Regional / federal entity level (total for all regions / federal entities)	NAP

3) Per capita GDP (in €)

35 772

4) Average gross annual salary (in €)

52 800

5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

NA

A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

1) Source: Statistics Netherlands (<http://statline.cbs.nl/StatWeb/publication/?VW=T&DM=SLNL&PA=37296NED&D1=0&D2=I&HD=130923-0744&HDR=G1&STB=T>)

2) Source: Statistics Netherlands (<http://statline.cbs.nl/StatWeb/publication/?VW=T&DM=SLNL&PA=81192NED&D1=0&D2=a&D3=0&D4=15-17&HD=130923-0752&HDR=G2,G3&STB=T,G1>)
The figures for state level include regional level and social security institutions. They cannot be separated due to transfers from state level to regional level (and to a lesser extent the other way around). 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. According to EU-rules the figures are revised up to 30 months after the end of the reporting period. The previously reported figure for 2010 has changed to 301,284, 000,000.

3) GDP for 2012 is 599,338,000,000 (source: Statistics Netherlands, <http://statline.cbs.nl/StatWeb/publication/?VW=T&DM=SLNL&PA=81117NED&D1=21,97,142&D2=41-43&HD=130923-0805&HDR=G1&STB=T>). This is divided by the average population in 2012 [16,730,348 (on jan 1st 2012)+16,778,025 (on jan 1st 2013)]/2. Note: the explanatory notes say nothing on how to calculate per capita GDP.

4) Source: Statistics Netherlands (<http://statline.cbs.nl/StatWeb/publication/?VW=T&DM=SLNL&PA=81111NED&D1=3&D2=0&D3=41,I&HD=130923-1033&HDR=T&STB=G1,G2>)

1. 1. 2. Budgetary data concerning judicial system

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	983 764 000
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	724 526 000
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	65 557 000
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern	<input checked="" type="checkbox"/> Yes	4 089 000

the taxes and fees to be paid by the parties.

4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	117 266 000
5. Annual public budget allocated to investments in new (court) buildings		NA
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	18 753 000
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	53 573 000

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 people do not have to pay a court tax or fee. There are no other exceptions.

8.1) Please briefly present the methodology of calculation of courts fees?

Civil cases

- For the courts, the high courts and the Supreme Court are there fixed griffierecht rates based on the underlying value of the claim or offered compensation. On this basis, the Court divided into two or three categories. There is a flat rate for Affairs of indeterminate value.
- A flat rate for each category there is a flat rate for natural persons and legal entities.
- There is a fixed low rate of € 73,-for on-and defendants with insufficient means in the first instance.
- The court registry fee is collected since 1 January 2011 at the beginning of the procedure.
- Defendants pay court fees and defendant. For the defendant in proceedings before the Court of first instance, he is not a court registry fee is payable.
- In the law in a hardship on the basis of which the Court the procedural consequences of late payment by the court registry fee outdoor application.
- Exceptions to the payment in advance are the urgent interim relief measures and the procedure to batter leave.

Administrative cases

The court registry fee must be paid in advance. The rate depends on the type of case and whether it is a natural or legal person. The court registry fee for housing benefit/allowance, rent allowance, tax return (private) amounts to € 44, -. All other administrative cases for natural persons (private) pay € 160, -. Finally, applies to all other administrative cases to legal entities a a registry fee of € 318, -.

8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?

For cases started between jan 1st 2012 and april 1st 2013:

437 euro for companies/institutions/organisations

207 euro for individuals

73 euro for individuals with very low income

For cases starting after april 1st 2013:

448 euro for companies/institutions/organisations

213 euro for individuals

75 euro for individuals with very low income

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

237 570 000

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. (Question

modified)

If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	483000000
12.1 Annual public budget allocated to legal aid for cases brought to court	NA
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	NA
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

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 636 924 000

Comment :

including justice expenses in criminal cases

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 courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	No	Yes
Other ministry	No	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
High Judicial Council	Yes	No	Yes	Yes
Courts	No	No	No	No
Inspection body	No	No	No	No
Other	Yes	No	Yes	Yes

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

Other: In particular the judiciary part of the Council of State ("Raad van State").

Note: contrary to what was report in the previous edition of CEPEJ, the Council of State is not part of the Ministry of Interior and Kingdom Relations, but has its own independent 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

Question 6: excluding the expenditures of the High Judicial Council and the "Raad van State"

The expenditures of the High Judicial Council are 42.520.000 euro in 2010. They should be added to the total figure in question 6, but the requested subitems are not known.

Also the expenditures of the court function of the "Raad van State" should be added to the total figure in question 6. But this figure is unknown. Only the total expenditures of the "Raad van State" are published. Moreover the "Raad van State" does not fall under the budget of the Ministry of security and Justice but under the budget of the "Hoge colleges van Staat".

Question 6, item 3: excluding the justice costs for criminal cases (they fall under the budget of the public prosecutor.

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

6) Annual report 2012 of the Council for the Judiciary; 8.2) Bijlage behorend bij de Wet Griffierechten in Burgerlijke Zaken; 9) annual report 2012 of the Ministry of Security and Justice; 12) annual report 2012 of the Ministry of Security and Justice; 13) annual report 2012 of the Ministry of Security and Justice

1. 1. 3. Budgetary data concerning the whole justice system

15) The following data would be useful for information

15.1) (Former question 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

5972900000

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

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	Yes
Constitutional court	No
Judicial management body	Yes
State advocacy	Yes
Enforcement services	Yes
Notariat	No
Forensic services	Yes
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	Yes
Other	Yes

Comment :

mail CN 14/01/14: THE DIFFERENCE BETWEEN THE TWO YEARS CAN BE EXPLAINED DUE TO A MAJOR REORGANISATION IN 2010. ON JAN 1ST 2011 THE BUDGET OF THE POLICE, SECRET SERVICE, FIRE DEPARTMENT AMONGST OTHERS, WAS TRANSFERRED FROM THE MINISTRY OF INTERNAL AFFAIRS TO THE MINISTRY JUSTICE, WHICH IS NOW THE MINISTRY OF SECURITY AND JUSTICE.

the figure is the entire budget of the ministry of security and justice. However other ministries may also finance parts of the justice system. Also third parties may contribute. This is not included here.

The Netherlands have no constitutional court as such, but the tasks of a constitutional court are performed by the Council of State. Its budget is not included in the figure reported here.

Other: Police, secret service (both since 2011).

2. Access to justice

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 partly compensated in certain civil cases.

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. And the plaintiff's salary is paid by the court.

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 :

Legal aid can also be granted for the following costs: travel costs, interpreter and translation costs, administrative costs, special regulation for medical expert costs in injury cases.

20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please specify in the "comment" box below, when appropriate.

[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	486573
in criminal cases	221347
other than criminal cases	265670

Comment :

Note suite mail CN 22/5 et 23/5/14: total include the stand by duty cases

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

Excluding Granted Legal Aid for lawyers during "Piketdienst"(= Stand-by duty lawyers). In 2012 approximately 127 000. Stand-by duty lawyers were assigned.

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.

20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases
60.312

Comment :

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 :

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

Victims: If they are victim of a sexually based crime or a violent crime, and the case is brought to court, and the Violent Offences Compensation Fund provides a financial support to these victim who has sustained serious injury as a result.

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 ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

Please provide in the "comment" box below any information to explain the figures provided.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	24.900	21.139
for other than criminal cases?	24.900	21.139

Comment :

For married persons or a single person with children the applicant's income should not be higher than € 35.200.

The applicant's assets must not exceed € 21.139 for a single person.

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 € 500 are not granted legal aid.
 An application has no chance of success.
 Where an interest is involved which can reasonably be left to the applicant himself to safeguard.
 When the cost of the legal aid to be provided is not reasonably proportionate to the interest
 at stake in the matter concerned;

25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:

- ☐ the court?
☒ an authority external to the court?
☐ a mixed 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?

The figures for 2012 are not available yet.

In 2011, 3.104.000 Dutch households had an insurance policy for legal aid. The number of policies is no longer growing.

Legal aid insurances 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 Dutch legal aid system is basically a threefold model in that it encompasses three 'lines' that provide legal aid:

1. The preliminary provision of the interactive online application called Roadmap to Justice (Rechtwijzer; see www.rechtwijzer.nl) offers digital help by means of a 'decision tree'. It helps people find solutions for their legal problems in an interactive manner.

The Legal Services Counters (see point 2 below) also have a website that can be seen as a preliminary provision.

2. The Legal Services Counters (LSC) act as what is commonly known as the 'front office' (primary help). Legal matters are being clarified to clients and information and advice given. If necessary, clients will be referred to other professionals or support agencies. Clients

may also be referred to a private lawyer or mediator, who act as the secondary line of legal aid. Clients may also apply for legal aid from a subsidised lawyer or mediator directly.

3. Private lawyers and mediators provide legal aid in more complicated or time-consuming matters (secondary help). Private lawyers and mediators are paid by the Legal Aid Board to provide their services to clients of limited means. Generally they are paid a fixed fee according to the type of case, although exceptions can be made for more extensive cases.

The legal aid system, therefore, is a mixed model, consisting of a public preliminary provision, public first-line and private second-line help.

Although there were several cutbacks in the system, the public expenditure on legal aid is still increasing each year. The reason for this is, on the one hand, the higher fees the lawyers receive, and, on the other, the growing number of people seeking recourse to the system.

A major cost-cutting measure in 2008 was to further stimulate alternative ways of dispute settlement; mediation and the 'Roadmap to Justice' were the first steps in that direction. Other spending cuts that were implemented included increasing the financial significance a case should have before it becomes liable for legal aid and the introduction of the diagnosis & triage measure, which should encourage people to resolve their dispute at an earlier stage.

In 2010 the client's contributions for certificates for legal aid were increased; these apply if people seeking justice are unable to submit a diagnosis document (diagnosis and triage measure).

In 2012 and 2013, the lawyers' fees were adjusted and not indexlinked. Moreover, the LAB itself has to make cuts of € 5 million; one of the measures to achieve this is by introducing the web portal.

All client's contributions were increased in October 2013. Furthermore, the client's contribution in divorce cases went up even more. There is also more attention to multiple use of certificates for legal aid and time consuming cases.

The State Secretary for Security and Justice believes that in due course the system of legal aid needs to be reviewed. For this purpose, a consultation paper was issued in late 2011, in which three directions are explored: loan system, tendering, and gatekeeper. He subsequently identified the views of organisations that have a stake or otherwise possess the expertise with respect to legal aid.

Talks about this consultation paper took place in early 2012. In mid 2013 it was decided to opt for the direction of the gatekeeper. This option will be worked out in the near future.

Please indicate the sources for answering questions 20 and 23:

q 20+21: Data system

q 23: Site of Legal Aid Board

q 23: Monitor Legal Aid.

Question 22, comment:

Each criminal suspect who has been lawfully deprived of his liberty against his will receive a visit from a subsidised lawyer. The availability of lawyers is provided for through the defence counsel rota services. Lawyers that registered by the LAB are scheduled according to a rotation system, so that a lawyer will always be available.

Within this framework a criminal suspect is despite this rotation system. free to choose his registered subsidised lawyer.

A criminal suspect can also opt for a not registered and subsidised lawyer.

Question 25, comment:

Residing under the competence of the Ministry of Security & Justice, a body called the Legal Aid Board ('Raad voor Rechtsbijstand', LAB) is entrusted with all matters concerning administration, supervision and expenditure as well as with the actual implementation of the Legal Aid System.

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:

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

☐ Yes only in some specific situations

If yes only in some specific situations, 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 sexual violence/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, forced marriage, sexual mutilation)	Yes	No	No

Comment :

31.1) Is it possible for minors to be a party to a judicial proceedings :

- ☒ Yes
☐ No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

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 illustrate with available data concerning 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 decision by a judge".

☒ Yes

☐ No

☐ NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge 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 2012 in 4783 cases compensation was awarded for wrongful detention. 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 handling 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
Court concerned	No	Yes
Higher court	No	Yes
Ministry of Justice	No	No
High Council of the Judiciary	No	Yes
Other external bodies (e.g. Ombudsman)	Yes	Yes

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?

41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system

In 2012 in courts 266 complaints were upheld. The complaints procedure does not include financial compensation.

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)	1
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)	60

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.

If the situation is not applicable in your country, please indicate NAP.

	Number
Total (must be the same as the data given under question 42.2)	1
Commercial courts (excluded insolvency courts)	1
Insolvency courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	NAP
Administrative courts	NAP
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	NAP

Comment :

One specialised first instance court Trade and Industry Tribunal (College van Beroep voor het bedrijfsleven (CBb))

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
a debt collection for small claims	51
a dismissal	51
a robbery	51

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

legal entities (geographic locations); small claims and dismissal cases are dealt with at the 'kantons' (subdistrict courts).

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, court staff**46) Number of professional judges sitting in courts (if possible on 31 December 2012)**

(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	NAP
Total number of professional judges (1 + 2 + 3)	2410	1122	1288	
1. Number of first instance professional judges	1855	784	1071	
2. Number of second instance (court of appeal) professional judges	519	306	213	
3. Number of supreme court professional judges	36	32	4	

Comment :

mail CN 4/2/14: The number of persons is indeed 2410. The total number of FTE is indeed 2194. This is excluding the Supreme Court.

1. is excluding Trade and Industry Appeals Tribunal (CBb), Supreme Court (Hoge Raad) and council of state (Raad van State); 2. is including Trade and Industry Appeals Tribunal (CBb) and The Administrative High Court (CRvB), exclusive Supreme Court (Hoge Raad) and council of state (Raad van State); all numbers include court presidents; all numbers are persons. Fte is not available, except for the total (1+2+3, and men+women): 2194.

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	NAP
Total number of court presidents (1 + 2 + 3)	20	18	2	
1. Number of first instance court presidents	13	11	2	
2. Number of second instance (court of appeal) court presidents	6	6	0	
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 2012).

Please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure ☒ Yes 1 100
If possible, in full-time equivalent NA

Comment :

the figure includes judges in both first and second instance courts. Figure is for 2011, no newer data is available.

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 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):

If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure

NAP

Comment :

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 2012) (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) ☒ Yes (among which women) 6 252

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

☒ Yes (among which women) 4 847

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

☒ Yes (among which women) 1 405

Comment :

the figures cannot be given separately for 2 – 5. Only total is available.

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

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:

C1 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

mail CN 14/1/14: Q 47: Comment: number of presidents at 31-12-2012, which means there are less presidents than there are courts according to the answer to question 42. This is so because this number of presidents is already (more) in line with the organisational structure after the implementation of the so-called HGK ('Herziening Gerechtelijke Kaart').

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. Question 47, comment: number of presidents at 31-12-2012, which means there are less presidents than there are courts according to the answer to question 42. This is so because this number of presidents is already (more) in line with the organisational structure after the implementation of the so-called HGK.

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2012) (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	NAP
Total number of prosecutors (1 + 2 + 3)	790	356	434	
1. Number of prosecutors at first instance level	NA	NA	NA	
2. Number of prosecutors at second instance (court of appeal) level	NA	NA	NA	
3. Number of prosecutors at supreme court level	NAP	NAP	NAP	

Comment :

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	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	17	15	2	
1. Number of heads of prosecution offices at first instance level	13	11	2	
2. Number of heads of prosecution offices at second instance (court of appeal) level	4	4	0	
3. Number of heads of prosecution offices at supreme court level	NAP	NAP	NAP	

Comment :

Mail CN 15/04/14: The explanation for the decrease in the number of heads of the prosecution office however, is due to a change in the organizational structure after the implementation of the so- called HGK ('Herziening Gerechtelijke Kaart').

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

- ☒ Yes
☐ No
☐ NA

Number (full-time equivalent)

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

Some paralegal workers in the Dutch Public Prosecution Service are by delegation entitled to take over some of the duties of the public prosecutor. This means that they, in a specific range of cases, can decide on whether or not to prosecute and on offering an out of court settlement. They have no power whatsoever on matters of (pretrial) detention of defendants.

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

☐ Yes

☒ No

59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

☒ Yes

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number ☐ NA 3972.0

Among which women ☐ NA 2536.4

C2 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. Management of the court budget

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 :

3. 1. 5. Use of Technologies in courts

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 caselaw	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?

Court 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 ?

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

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

Comment :

65) The use of videoconferencing in the courts (details on question 63).

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 or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	No
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?	No
65.4 Is videoconferencing used in other than criminal cases?	Yes

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).

C3 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

Ad 64: Electronic webforms and website should have been 100% for the year 2008. The answers are now registered 2008-2010: abolishment of the 'procureur'made it possible to harmonize ICT on a national level in 2010.

3. 2. Monitoring 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

66.1) Does this institution publish statistics on the functioning of each court on the internet:

- ☒ Yes
☐ No, only in an intranet website
☐ No

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, only in an intranet website

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

If yes, please specify:

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, Higher Court)
- ☐ President of the court
- ☐ other

If other, please specify:

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)
- ☐ President of the 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 :

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:

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:

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:

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.

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 principles

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 lawyer)?

NA

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

☒ Yes

☐ No

Number of successful challenges (in a year):

42 (in 2012)

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)	0	0	0	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	1	0	0	0

Please indicate the sources:

Hudoc: <http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#>

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.

88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

☒ Yes

☐ No

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. Case flow 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 and criminal law cases.

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 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should be r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	279460	1258187	1243457	285340
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	159165	NA
2. General 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	972185	NA
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases**	NAP	NAP	NAP	NAP
6. Administrative law cases	48010	114930	112107	50010
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

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) 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	91500	388847	370102	100720
8. Severe criminal cases	51680	199030	191750	54870
9. Misdemeanour and / or minor criminal cases	39820	189817	178352	45850

95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of privation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":

Minor = mainly traffic offences (speeding tickets, running red lights), petty theft, vagrancy, littering etc.

Severe = Driving while drunk, grand theft, violent crimes, vice, drugs/narcotics etc

96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, 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.

mail CN 3/2/14: Q91 and 97: The figures we sent concern the measured disposition time and not the calculated disposition time. Please fill in the measured disposition time as we sent earlier to you:

First instance administrative cases: 266 days.

Second instance non criminal cases: 399 days.

Second instance administrative cases: 518 days.

Q 94: Mail CN 16/04/14 : "is there a particular reason to the fact that there is no horizontal consistency?":

The reason for horizontal inconsistency is that the figures from the 4 columns of the table are not retrieved at the same time. The number of pending cases on Jan 1st is determined one year before the other 3 columns can be filled. One year later we can determine the number of cases inflow, the number of resolved cases and the number of pending cases on Dec 31st. The definition of 'pending' together with dynamic changes in our registration system mean that the number of pending cases on Jan 1st will have changed. For horizontal consistency all 4 columns should be determined after years' end. Since this would mean overruling a previously determined and official (i.e. published) number of pending cases on Jan 1st, we do not do this.

97) Second instance courts: total number of cases

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.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	28 220	26 839	27 298	27 490
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	NA	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law)	NA	NA	NA	NA

cases; without enforcement cases, registration cases and other cases, see categories 3-7)*				
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	13 020	11 006	10 871	13 100
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

98) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	21230	38718	38504	20800
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :
solely second tier courts

Q 98: Mail CN 16/04/14 : “is there a particular reason to the fact that there is no horizontal consistency?”:
The reason for horizontal inconsistency is that the figures from the 4 columns of the table are not retrieved at the same time. The number of pending cases on Jan 1st is determined one year before the other 3 columns can be filled. One year later we can determine the number of cases inflow, the number of resolved cases and the number of pending cases on Dec 31st. The definition of ‘pending’ together with dynamic changes in our registration system mean that the number of pending cases on Jan 1st will have changed. For horizontal consistency all 4 columns should be determined after years’ end. Since this would mean overruling a previously determined and official (i.e. published) number of pending cases on Jan 1st, we do not do this.

99) Highest instance courts: total number of cases

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.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	NA	1676	1688	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. General 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. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?

☒ Yes. If yes, please indicate the number of cases closed by this procedure?

☐ No

Number

100) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NA	3895	3688	NA
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

Comments at Q91 en Q97 Measured disposition times in number of days:

first instance second instance

Civil

- Litigious 147 385
- Non-litigious 63 266
- Total 77 315

Administrative

- total 266 518

Civil + administrative total 84 399

101) Number of litigious divorce cases, employment dismissal cases, insolvency, 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 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	NA	NA	6118	NA
Employment dismissal cases	NA	NA	4676	NA
Insolvency	NA	NA	NA	NA
Robbery cases	NA	NA	3757	NA
Intentional homicide	NA	NA	817	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.]

	% 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	349	227	NA	329
Employment dismissal cases	NA	NA	49	NAP	NA	NA
Insolvency	NA	19%	710	NAP	NAP	NA
Robbery cases	NA	NA	42	302	NA	344
Intentional homicide	NA	NA	130	302	NA	432

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 five 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 request 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 the enforcement procedure
- ☒ to discontinue a case without needing a decision by a judge (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.

106.1) Does the public prosecutor also have a role in insolvency cases?

- ☐ Yes
☒ No

If yes, please specify:

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	224200	37200	80700	118500

107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	NAP	NAP

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)	37 200
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 for reasons of opportunity	15 200

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**

Comment on question nr. 108: Cases in which no offender could be identified are not accepted by the Prosecution Service.

mail CN 14/01/14: Q 101: the figure of 22.239 of the previous exercise pertains to the total number of resolved employment dismissal cases. The question 101 refers to litigious cases. In 2010 there were not 22239 litigious employment dismissal cases, but only 5033. The number of 4676 given now is the correct number of resolved litigious employment dismissal cases in 2012. The resolved robbery and homicide cases were not available until now. According to Criminaliteit en Rechtshandhaving 2012 (table 6.3, pages 516-519) resolved robbery cases ['diefstal en inbraak met geweld' + 'afdreiging en afpersing'] should read 3229 + 528 = 3757 and resolved homicide cases ['misdrijven tegen het leven'] should read 817, in 2012.

mail CN 14/01/14: Q 102: the number of 344 days may pertain to only the litigious divorce cases but cannot be reproduced or updated. For all divorce cases the 2010-length in first instance was 109 days. The reported 2012-length of 102 days is also the official average for divorce cases. The 2010-number of 21 days for employment dismissal cases pertained to all employment dismissal cases. Due to a change in definition, we can now only provide the average length of litigious employment dismissal cases, which is obviously longer. The reported 2012-length of 49 days is correct. Source for all: Annual Dutch Council for the Judiciary (in Dutch: 'Raad voor de Rechtspraak').

Q 107: Mail CN 11/04/14 : Question 107: is there a particular explanation to the increase of the number of "cases discontinued by the public prosecutor" and the "cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor"?

A comment is indeed needed to explain this increase. Numbers given are correct. There has been a gradual change last years in selection policy "at the gate" of the public prosecution. Until recently the public prosecution had so called "politieparketsecretarissen" placed at the police. These "police public office aids" made a pre-selection of police reports before sending them in to the public prosecutor. In many cases (a roughly estimated 30-40%) the reports were not transferred for reasons of lack of evidence. This could imply that further police investigation on the cases was needed or that the reports lacked any realistic possibility to be prosecuted with success. Due to budget cuts and changed policy (as nowadays the police is responsible for the quality of the reports and therefor has to control the reports itself) the "politieparketsecretarissen" do not work anylonger for the police. As a consequence the number and proportion of policy dismissals by the public prosecutor increased considerably.

The number of cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor has increased due to the "Wet op de OM-afdoeing", This "Law of Public Prosecution sanctions" has increased the possibility for the public prosecution to impose sanctions itself, independently of the Judicial. The sanction concerned is called "strafbeschikking", or sentence disposal.

Q 108: Mail CN 11/04/14 : Question 108: is there a particular explanation to the increase of the number of "cases discontinued by the public prosecutor for reasons of opportunity"?

As is concerned the policy dismissal see also the comment at Q107. These cases pertain a.o. to extremely minor cases ("bagatelzaken), cases which have been solved by the suspects and victims themselves and cases which are considered to old to be still prosecuted. These kind of cases are not filtered / pre-selected anymore by "politieparketsecretarissen" and are registered now at the public prosecution offices.

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

source answers to questions 107, 108 databases public prosecution services

5. Career of judges and public prosecutors

5. 1. Recruitment and promotion

5. 1. 1. Recruitment 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:

110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- ☐ Yes
- ☒ No

If "yes", please specify:

Comment: the number of female judges surpassed the number of their male colleagues some years ago.

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.

112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- ☐ Yes
- ☒ No

If "yes", please specify:

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

If yes, please indicate the frequency

115) Is the status of prosecution services:

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

Please specify:

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:

117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- ☐ Yes
☒ No

If "yes", please specify:

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.

119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

☐ Yes

☒ No

If "yes", please specify:

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)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below

Yes. If yes, please indicate the compulsory retirement age	NAP
No	

Comment :

121.1) Can a judge be transferred to another court without his consent:

☐ For disciplinary reasons

☐ For organisational reasons

☐ For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

NO

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 the probation period (in years)
Yes	
No	
NAP	NAP

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

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:

Yes. If yes, please indicate the compulsory retirement age	65
No	

Comment :

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

	Duration of the probation period (in years)
Yes	1
No	
NAP	

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

NAP

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

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 public 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 / Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Annual / Regular (e.g. every 3 months)
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 / Regular (e.g. every 3 months)
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 the budget of such institution(s) in the "comment" box below.

If your judicial training institutions do not correspond to these criteria, please specify it:

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	NAP	NAP	Yes	NAP
One institution for prosecutors	NAP	NAP	NAP	NAP
One single institution for both judges and prosecutors	No	No	Yes	NAP

Comment :

SSR provides training for both judges and prosecutors. SSR 2012 budget total 32,800,000 Euro. Of which 15,600,000 Euro for salaries of and 17,200,000 for trainings/courses.

131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

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 public prosecutors and the main reforms that have been implemented over the last two years

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 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	74000	43000
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)	128900	67000
Public prosecutor at the beginning of his/her career	62855	NA
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)	94585	NA

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* 2 717

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 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 has been 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.]

	Judges	Public prosecutors
Total number (1+2+3+4)	NA	2
1. Breach of professional ethics	NA	2
2. Professional inadequacy	NA	0
3. Criminal offence	NA	0
4. Other	NA	0

Comment :

145) Number of sanctions pronounced in 2012 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	1
1. Reprimand	0	0
2. Suspension	NA	0
3. Removal of cases	NA	0
4. Fine	NA	0
5. Temporary reduction of salary	NA	0
6. Position downgrade	NA	0
7. Transfer to another geographical (court) location	NA	0
8. Resignation	1	
9. Other	0	1

Comment :

sanctions 2 – 7: this sanction is not made available in the law (yet); sanction 8: dismissal upon request -early retirement- on a combination of a work- and private related integrity issue

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 public prosecutors and the main reforms that have been implemented over the last two years

The Council for the judiciary publishes in the annual report since 2011 information on the judges and the justices imposed disciplinary action and dismissal on his own request, as far as the to integrity related issues are concerned. In 2012 no decisions in which a disciplinary measure has been imposed. Once is a court officer on his own request (early retirement) dismissed (judicial officers Law legal status article 46h). It was a combination of work and family related factors.

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 addition, in 2013 a bill of law is in consultation 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.

E3: Prosecution (Bron: jaarbericht OM 2012)

In 2012 are 49 reported suspicions of integrity violations, 41 of them are actually fixed. A total of 39 colleagues were involved. Most integrity violations had to do with improper use of service resources and the crossing of internal rules. Examples include the unauthorized recording leave and undesirable use of the internet or social media. There is a rise in the number of suspected and confirmed integrity violations. The increase is due to the increased awareness around integrity. As a result, incidents previously registered as integrity violation. Furthermore, by introducing – per 1 July 2012 – an internal notification requirement when BI-to sight on (suspected) integrity-violations and the method of handling them improved. The disciplinary measures taken include fifteen times a written reprimand and a reduction of vacation hours four times.

In 2012, the Agency Integrity to (BI-to) launched. The BI-to is a national expertise centre with an advisory, stimulating and controlling role in the area of integrity. From the BI to the full breadth of the topic is integrity. This means especially great attention to awareness, communication, negotiability and a safe working environment. A credible integrity policy also calls for adequate, clear and visible clearly exceed the standard behaviors occur if. Part of the BI-to is a pool of researchers. To components can call to a (presumed) integrity violation. In the pool to eight colleagues of different components, supplemented by two experienced researchers of the recherche. In the autumn of 2012 is the first BI-to-research started. Further, the renewed in 2012 to code of conduct introduced. In this code of conduct is all about five core values: professionalism, environmental focus, integrity, openness and diligence. Each component has also been one or more trusted representatives integrity.

Please indicate the sources for answering questions 144 and 145

Ethical principles and rules of conduct are mostly contained in self-regulatory texts. The Public Prosecution Service Code of Conduct, first introduced in September 2006 and completely revised in 2012 in the framework of the above-mentioned integrity policy, describes the general guiding principles of conduct of all employees of the OM, including prosecutors.

A Prosecution Service Integrity Bureau (BI-OM) was established and has been operational since the middle of 2012. A national programme manager for integrity matters and an integrity coordinator were also appointed. They form part of the BI-OM, together with specialists from human resources, communication, the Employment Law Expertise Centre and the National Police Internal Investigations Department. The BI-OM acts as a nationwide centre of expertise concerning consultation, promotion and management of integrity issues within the prosecution service.

Integrity investigations may be instigated ex officio, at the request of the prosecutor's superior, following a report filed by a citizen (by means of the complaints procedure or by other means) or another employee of the prosecution service, or following information coming from another source, such as another disciplinary or criminal investigation. Reports filed by citizens are channelled through the complaints procedure or through anonymous reporting to a whistleblowing hotline called "Contact Centre M" ("Meld Misdaad Anoniem" or "Meldpunt M"). Reports filed by employees of the OM may be addressed to the employee's superior, the confidential officer for integrity issues (see below) or anonymously to the Contact Centre M. Should the Contact Centre M deem a report sufficiently substantiated, it will forward it to the office where the alleged facts are said to have taken place. The different possibilities and procedures for reporting, as well as the follow-up to be given, are described in Guidelines for Reporting Violations of Integrity, adopted on 22 May 2012 by the Board of Procurators General, as part of the overall integrity policy within the OM. The competent authority, that is the chief district prosecutor, is responsible for the follow-up of the report. S/he always informs the BI-OM about a suspected violation of integrity

For more information, see the recent extensive evaluation by GRECO of corruption prevention in respect of members of parliament, judges and prosecutors:

[http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/GrecoEval4\(2012\)7_The_Netherlands_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/GrecoEval4(2012)7_The_Netherlands_EN.pdf)

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.

17.000

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:

being allowed to bring cases to the Dutch Supreme Court in The Hague

Please indicate the sources for answering questions 146 and 148:

F1 Comments for interpreting the data mentioned in this chapter:

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

F2 Useful comments for interpreting the data mentioned in this chapter:

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?

(if professional ability is meant, there is a certain Bye-law (Verordening op de vakbekwaamheid)

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:

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.]

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1 400
1. Breach of professional ethics	NA
2. Professional inadequacy	NA
3. Criminal offence	NA
4. Other	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 1400 cases, 441 cases were found "justified" ("gegrond").

162) Sanctions pronounced against lawyers.

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.

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	382
1.Reprimand	288
2. Suspension	81
3. Removal	13
4. Fine	NA
5. Other (e.g. disbarment)	NA

Comment :

The total number of sanctions is including 47 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.

F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation and other forms of ADR

163) Does the judicial system provide for judicial 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

163.1) In some fields, does the judicial system provide for mandatory mediation procedures?

If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.

☐ Before going to court

☐ Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

NAP

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 judicial 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 2012 citizens had to pay 52 euro's for four hours of Mediation, and 103 euro's for more than four hours.

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

2 949

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	2 531
1. civil cases	<input checked="" type="checkbox"/> Yes	330
2. family cases	<input checked="" type="checkbox"/> Yes	2 016
3. administrative cases	<input checked="" type="checkbox"/> Yes	185

4. employment dismissals cases
5. criminal cases

NA
NAP

Comment :

The numbers only pertain to mediations that were referred by the court in 2012. Civil cases include employment dismissals cases. It is not possible anymore to provide this number. Only the total number of civil cases is known.

The number of mediations may have decreased because in January 2011 the so called 'mediation incentive contribution' of €200 stopped.

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 :

mail CN 14/01/14: Q167: THE NUMBER ONLY PERTAIN TO MEDIATION THAT WERE REFERRED BY COURT IN 2012. CIVIL CASES INCLUDE EMPLOYMENT DISMISSAL CASES. IS NOT POSSIBLE ANYMORE TO PROVIDE THIS NUMBER. ONLY, THE TOTAL NUMBER OF CIVIL CASES IS KNOWN. THE DECREASE OF THE NUMBER COMPARED TO THE PREVIOUS EXERCISE MAY BE EXPLAINED DUE TO THE FACT THAT SINCE JANUARY 2011 THE SO CALLED 'MEDIATION INCENTIVE CONTRIBUTION' OF 200 EURO STOPPED (SOURCE: COUNCIL FOR THE JUDICIARY).

Number of mediations by NMI mediators according to NMI: 51.690

In 2012 the Legal Counter[Het Juridisch Loket] referred 2.845 cases to mediation.

Binding advice in consumer cases: Consumer complaints board. In 2012 5070 incoming cases.

Binding advice in insurance cases: KIFID. In 2012 6461 cases.

Binding advice in health cases: SKGZ. In 2012 1975 cases.

Binding advice in rental cases: Huurcommissie. In 2012 7867 incoming cases.

Arbitration: Raad van Arbitrage voor de bouw. In 2012 940 incoming cases

Arbitration: NAI. (Dutch Arbitration Institute) In 2012 109 incoming cases

National ombudsperson: 15040 cases in 2012.

G.1 You can indicate below:

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

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:

The number decreased compared to former years due to new NMI registration directives. Source: Dutch Mediation Institute (NMI) Mediators registered at the Dutch Mediation Institute 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

950

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:

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 (KBvG is the national body of bailiffs) (they have a public register).
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.

QUESTION 175:

The rates of the official bailiff work that need to be paid by the debtor are laid down in the Bailiffs' Fees Decree (Besluit tarieven ambtshandelingen gerechtsdeurwaarders). The costs the bailiff charges to his client (his principal) are to be decided by the bailiff and should be set in mutual consultation between the bailiff and his client (his principal).

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:

- 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?

- Integrity
- Professionality
- 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 how the enforcement procedure is conducted by the enforcement agent?

☐ 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:

184) Has your country prepared or 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 length of 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 initiated disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	1049
1. for breach of professional ethics		NA
2. for professional inadequacy		NA
3. for criminal offence		NA
4. Other		NA

Comment :
no data

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 initiated 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:	28
2. Suspension	<input checked="" type="checkbox"/> number:	0
3. Dismissal	<input checked="" type="checkbox"/> number:	2
4. Fine	<input checked="" type="checkbox"/> number:	0
5. Other	<input checked="" type="checkbox"/> number:	0

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 have been implemented over the last two years**

In general there is little involvement of government agencies in the enforcement in civil matters

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

Question 186: estimate of the KBvG (the national professional body of bailiffs)

Question 187: Disciplinary court ('Kamer voor gerechtsdeurwaarders')

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

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%
☐ cannot be estimated

Please indicate the source for answering this question:
Source CJIB, Annual Report.

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**

9. Notaries

9. 1. Statute

9. 1. 1. Functionning

192) Do you have notaries in your country? If no please skip 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)?	<input type="checkbox"/> number	
private professionals under the authority (control) of public authorities?	<input checked="" type="checkbox"/> number	3 206
public agents?	<input type="checkbox"/> number	
other?	<input type="checkbox"/> number	

Comment :

1.399 notaries and 1.807 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:

9. 1. 2. Supervision

195) Is there an authority entrusted with supervising and monitoring 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.

Please indicate the sources for answering question 193:

KNB:Royal Netherlands Notarial Organization

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Functioning

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:

1668

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):

For admission to the National Register interpreters have to proof that they have the competences required in Article 3 of the Dutch Sworn Interpreters and Translators Act.

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 the Dutch Sworn Interpreters and Translators Act, 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:

Q 199: Mail CN 11/04/14 : Question 199: is there a particular explanation to the increase of the number of accredited or registered court interpreters?

The increase is induced by the introduction of the "Wet beëdigde tolken en vertalers", the legal interpreters and translators law. Interpreters and translators have to be subscribed in a so called quality register, in order to be permitted to work for police and justice (see also the comparable guideline 2010/64/EU from the 20th of October 2010, and in vigor since the 20th of October 2013. It is thus in the interest of the interpreters and translators to get subscribed.

Please indicate the sources for answering question 199:

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)

412

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 concerning professionalism, carefulness (precision), integrity and Impartartialtyd and independence. This combined with knowledge of the c 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 specify in the "comments" 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 :

No. Courts are responsible for appointment. Recruitment and selection is done by prosecutor and professional associations of the Judicial experts.

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

Mail CN 11/04/14 : Question 205: is there a particular explanation to the increase of the number of judicial experts? In 2010 the Netherlands Register of Court Experts has started its activities. Its register started from scratch on with 0 experts. Every court expert wanting to subscribe is tested individually. This takes time. Also regularly new expert domains are standardized, and therefore experts on these new domains will also be tested and subscribed in the register. Therefore in the coming years an increase of the number of court experts may be expected.

Please indicate the sources for answering question 205:

Netherlands Register of Court Experts (NRGD)

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Foreseen 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 at this stage. 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)

3.1 Access to justice and legal aid

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

6.1 Personal status

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crim

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 at this stage. If possible, please observe the following categories:

1. (Comprehensive) reform plans

In 2012 a new coalition of liberal and social-democratic parties formed a new coalition government Rutte-Asher, which aims at a budget cut of the public sector of in total € 16 billion before 2016. Part of these budget cuts regard the justice system and are realised by comprehensive reform plans which are under serious preparation and to be realised before 2016.

2. Budget

The main budget cuts concerning the judicial system 2012-2016 regard mainly the legal aid (- 20%) and the prosecution office (- 25%). Budget cuts on the judiciary were rather limited. Increasing court fees
In order to maintain the current quality and to the expected influx of Justice can handle, the court fees will be increased in 2014 by an average of 15%. The increase affects both the expenditure to the jurisdiction as the total court fees revenues. The increases are differentiated and for most cases are modest with about 2%. A slightly larger increase ends up with it at a large financial interest of legal persons, appeals and administrative cases where the nominal rates very low.

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)

At januari 2013 the first instance courts, prosecution offices and police offices are administratively organised on the same ten regional levels in the Netherlands. So the judicial map has been realised. The main programmatic issue now at stake is strengthening the performance of the criminal chain (police, prosecution, judges, prisons). This program started in 2012 and aims at a better quality prosecution of criminal matters, better cooperation between the partners in the criminal chain and thus better performance from the chain as a whole. Starting from 2012, permanent monitoring of disposition times takes place. The direct handling of common crime by police and to put together ' on the front "in cooperation with all relevant partners in the chain is an important example of such a new form of cooperation, which will be introduced this year on a national level. In support of the initiatives to achieve a faster and better prosecution of criminal matters also continuously shall be worked on digitization of procedural documents and procedures in the criminal justice chain. Furthermore, a Bill in preparation will create the conditions to start from 2016 in the criminal justice chain with a digital criminal file to work.

AD 3)

In 2012 the organization structure of courts has changed by mergers. The first instance courts ('rechtbanken') have merged from 19 to 10 and the general appeal courts ('gerechtshoven') from 5 to 4. The rationale is that courts operation at larger scale are able to organize overhead more efficiently and are better equipped to specialize and to improve quality of case handling.

A program, called Quality and Innovation ('Kwaliteit en Innovatie', abbreviated KEI), is in development. Its aims are to introduce electronic and efficient processing of all types of court cases and to streamline and, where possible, simplify civil and administrative law procedures. The program includes changes in law, the handling of court procedures and the organization of courts.

A law aimed at raising court fees in civil and administrative cases, especially in appeal cases and cases with large financial stakes, has been proposed. Court fees in civil cases have been raised from 2010 onwards, especially for legal

persons.

3.1 Access to justice and legal aid

The government aims at restructuring the system of legal aid in the Netherlands in order to limit the ever expanding costs. Measures that limit the influx of additional business, the allocation system (allocation and subsequent verification, to selection at the gate) change, the device cost of the Government and the benefits for the legal profession and to dismiss it as simple as possible by business. As a result, € 80 million cut in the long term a system of which spending about € 400 mln. The most important measures taken are notably more stringent selection of the port on the basis of a strict necessity criterion. Exclude in principle contract law, tenancy law and divorce on joint application without minor children. Adjusting the income limits and private contributions for the citizens. And finally a lower hourly rate in laborious business for the lawyers.

4. High Judicial Council

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

The aim is that by 2014 there will be a bill into force that involves a change in the supervision of the lawyers. The core of this legislative amendment is to strengthen the supervision of lawyers, which extended the powers of the local dean of lawyers. The ultimate national responsibility for monitoring will be located at an independent regulator.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities Concerning the main reform of criminal law the program strengthening the performance of the criminal chain is started (see number 3). Besides this, the civil and administrative proceedings are also reformed. To contribute to a good, fast, efficient, accessible and affordable case-law case-law the program quality and innovation is launched in september 2012. This program aims to simplify procedural law for civil and administrative cases and to unify as much as possible by – among other things - to streamline the procedure for appeal, one simple basic simple starting proceeding and increasing the control of the judge. In 2015 all civil and administrative procedures in courts will be simplified, uniformed and digitized, which will further improve accessibility and timeliness of justice.

6.1 Personal status

7. Enforcement of court decisions

8. Mediation and other ADR

A register for mediators will be introduced.

9. Fight against crime

Raising court fees, limiting access to subsidized legal aid, limiting forensic care in prisons, criminal law specifically for adolescents, Mutual recognition of EU-member states' sentences (EU-law).