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The Netherlands is known as the gateway to Europe. The Port of Rotterdam is one of the world's largest seaports, while Schiphol Airport ranks among the top five European airports. As a trading nation, the Netherlands has several major Dutch multinationals that play a significant role in the international market. This international orientation is also reflected in the Dutch legal system. Accordingly, the Dutch legal system is increasingly focusing on international actors and conflicts and provides for a special court in international civil disputes, allowing for litigation in the English language.

Efficiency of process

The Netherlands has 11 judicial districts, each with its own court (*rechtbank*). Each district court has a number of subdistrict courts (*kantonrechter*). The subdistrict courts deal with monetary claims up to and including EUR 25,000 and cases concerning employment law, rental/lease law, and consumer contracts. The (sub)district courts function as courts of first instance, where the facts are established and decisions are rendered. Parties may appeal a judgment to one of the five courts of appeal (G*erechtshof*). The courts of appeal hear appeals from both the subdistrict and district courts. Decisions of the courts of appeal may, in turn, be appealed to the Supreme Court (*Hoge Raad*). The Supreme Court examines whether the lower courts have applied the law correctly. Unlike the (sub)district courts and courts of appeal, the Supreme Court does not determine the facts of a case. As the highest judicial institution in the Netherlands, the Supreme Court solely assesses whether the law has been applied correctly.

Apart from the aforementioned courts, there are some specialised courts in the Netherlands, including:

- Netherlands Commercial Court (NCC), which is specialised in international commercial disputes and provides for litigation in the English language.
- Enterprise Chamber of the Amsterdam Court of Appeal (*Ondernemingskamer*), which hears corporate disputes and reviews the reasonableness of a company's affairs.
- Administrative Jurisdiction Division of the Council of State (*Afdeling bestuursrechtspraak van de Raad van State*), which is the highest judicial authority that rules on disputes between citizens and the government.
- Central Appeals Tribunal (*Centrale Raad van Beroep*), which is the Netherlands' highest judicial body for specific administrative law matters, notably in the fields of social security and civil service law.

- Trade and Industry Appeals Tribunal (*College van Beroep voor het Bedrijfsleven*), which handles disputes in the field of economic administrative law.

Dutch attorneys serve as both barristers and solicitors and parties must be represented by an attorney in proceedings before district courts, the courts of appeal, and the Supreme Court. In contrast, parties may represent themselves before the subdistrict court. Representation requirements before the aforementioned specialised courts differ.

Court proceedings begin either with service of a writ of summons (*dagvaarding*) on the defendant and the court, or with the submission of an application (*verzoekschrift*) to the court. These documents set out the facts and grounds for the claim or request. In *dagvaarding* proceedings, the writ of summons requires the defendant to appear in court. If the defendant appears in court, they are typically given a period of time – usually six weeks – to respond in the form of a written statement of defence. In *verzoekschrift* proceedings, the court sends the application to the other parties and allows time for a written response. After the written proceedings, courts often schedule an oral hearing. During this hearing, the parties (and their attorneys) can elaborate on their case and answer questions from the court. In practice, the court will often urge parties to come to a settlement during the hearing. After the hearing, the presiding judge may request further evidence from one of the parties or deliver a decision. In most cases, the initial proceedings take approximately one to one-and-a-half years.

Judgments may be appealed within three months of the judgment being issued. However, judgments may only be appealed if the monetary value of the claim in dispute exceeds EUR 1,750. The appeal process involves another written phase, followed by an oral hearing. These proceedings take approximately one to one-and-a-half years. Judgments of a court of appeal may be appealed to the Supreme Court. The Supreme Court conducts proceedings solely in writing, and it takes approximately one year to issue a ruling.

The Netherlands is in the process of introducing digital litigation, although this has not yet been fully implemented.

Integrity of the process

The integrity of the Dutch judicial system is intrinsically linked to the constitutional and institutional safeguards that preserve judicial independence, impartiality, and compliance with the principles of natural justice. Under the constitutional framework of the Netherlands, the judiciary functions as an autonomous branch of government, separate from executive and legislative authorities (*trias politica*), thereby ensuring that judicial decision-making is insulated from political interference, public pressure, or private interests. This independence is protected through statutory guarantees relating to judicial appointment, tenure, remuneration, and dismissal, whereby judges are appointed for life until the mandatory retirement age and may only be suspended or removed under exceptional circumstances prescribed by law.

The principles of natural justice, which form a cornerstone of both Dutch administrative and judicial procedure, further reinforce the legitimacy and fairness of the legal system. These principles include, most notably, the right to be heard (*audi alteram partem*) and the requirement that no person may adjudicate a matter in which there exists actual bias or a reasonable apprehension of bias (*nemo iudex in causa sua*). Dutch courts are therefore obligated to provide parties with a fair opportunity to present evidence, challenge opposing arguments, and participate meaningfully in proceedings before an impartial and competent tribunal. Procedural fairness is additionally guaranteed through transparent judicial reasoning, public hearings in most cases, and the availability of appellate review, all of which contribute to accountability and consistency within the administration of justice.

Dutch judges are subject to strict ethical duties requiring neutrality, objectivity, and the avoidance of any conflicts of interest or appearance of prejudice. Where concerns regarding impartiality arise, parties are entitled to seek the recusal of a judge, and such requests are assessed according to both subjective and objective standards of bias developed through domestic and European jurisprudence. This framework ensures that justice is not only done but is demonstrably seen to be done, thereby preserving public confidence in the judicial process.

Moreover, the integrity of the Dutch judiciary is strengthened by a broader legal culture that emphasises professionalism, transparency, and respect for fundamental rights. Judicial decisions are generally published and reasoned, enabling public scrutiny and promoting legal certainty and consistency in the interpretation of the law. The judiciary also operates within a system of checks and balances, including oversight by higher courts and adherence to supranational legal norms derived from European Union (EU) law and international human rights instruments. In this respect, the Dutch judicial system reflects a commitment to substantive and procedural justice, ensuring that the exercise of judicial power remains accountable, proportionate, and grounded in legal principle.

As a result of the efficiency and integrity of the Dutch legal system, it has been consecutively ranked among the top-ranking legal systems in the world.[1]

Privilege and disclosure

Client confidentiality and conflicts of interest are governed by strict professional conduct rules applicable to members of the Dutch Bar Association (*Nederlandse Orde van Advocaten* – NOvA). Dutch attorneys (*advocaten*) are under a continuing obligation to safeguard all confidential client information and must refrain from acting in circumstances where competing obligations or personal interests could impair their independence, loyalty, or professional judgment. Any breach of these duties may result in disciplinary sanctions and may undermine the integrity of legal representation and the proper administration of justice.

The Dutch legal system places significant importance on legal professional privilege, confidentiality, and disclosure protections as essential safeguards within legal proceedings. These protections ensure that clients are able to communicate freely and candidly with their attorney(s) without concern that confidential communications or legal strategies will later be disclosed in judicial, arbitral, or regulatory proceedings. Attorneys are bound by strict duties of confidentiality (*vertrouwelijkheid*) and benefit from a corresponding right of non-disclosure (*verschoningsrecht*), which entitles them to refuse disclosure of privileged information obtained in the course of legal representation. This protection generally extends to confidential communications between a client and an attorney acting in a professional legal capacity, including legal advice, correspondence, internal memoranda, and documents prepared in anticipation of litigation or arbitration. The same duty of confidentiality also applies to employees and staff working under the supervision of the attorney.

The Code of Conduct for Attorneys (*Gedragsregels*) further provides that where communications between attorneys are intended to remain confidential, this must be expressly stated in advance. Once designated as confidential, such communications may not be submitted in court without the consent of the opposing attorney or, failing such consent, authorisation from the chair of the local Bar Association. Settlement negotiations conducted between attorneys are deemed confidential by default. Although disclosure of such negotiations to the court without mutual consent does not generally give rise to procedural sanctions, it may result in disciplinary proceedings or separate liability claims.

Nevertheless, not all forms of legal advice are protected by privilege. Under Dutch law, privilege generally applies only to communications with independent external counsel acting in their professional legal capacity. Communications involving in-house counsel may enjoy more limited protection, particularly in the context of EU competition law investigations, where in-house lawyers are not always considered sufficiently independent. Privilege also does not extend to communications made for unlawful purposes, including fraud or criminal conduct. Accordingly, while Dutch law affords robust protection to confidential legal communications and litigation-related materials, the availability and scope of privilege ultimately depend upon the nature of the communication, its purpose, and the independence of the legal adviser concerned.

Evidence

The scope of the proceedings, as well as the presentation of the facts and evidence, depends largely on the parties involved. Gathering the relevant factual material is the responsibility of the parties. In general, the judge plays a passive role in this regard; they primarily consider what has been presented by the parties. However, the judge's passive role in factfinding has changed. As a result, nowadays, the judge has assumed a more active role and may also, on their own initiative, request additional information or evidence from the parties.

Of course, it has always been the case that the parties (and ultimately the judge as well) must make choices regarding that collection of evidence both prior to the trial and subsequently during the trial. These choices are influenced by the course of events between the parties prior to the proceedings and, subsequently, during the trial by the course of the debate and the intended outcome of the presentation of evidence: what the plaintiff or petitioner seeks to achieve; how the defendant's arguments are to be refuted; and what the parties wish the court to decide. In this regard, as a rule of thumb, the party invoking a legal consequence must prove that the requirements for that consequence have been met. As such, in most cases, the plaintiff will have to prove that there has been a breach of contract or tortious act.

The decision regarding the presentation of facts may be made based on the available evidence. Dutch law permits all means of evidence, unless otherwise provided by law. This means that evidence may be found in:

- statements from individuals;
- written documents;
- data carriers such as photographs, films, digital files, and storage media;
- objects and traces; and
- all results of forensic-technical or forensic-medical examinations.

The judge has discretion in assessing the value of the evidence. Signed agreements and notarised deeds constitute conclusive evidence; therefore, a judge must accept them as such. For example, a signed purchase agreement leads the judge to presume that the sale was actually agreed upon.

Since 2025, Dutch law has also permitted parties to conduct preliminary evidentiary proceedings. To gather evidence for a potential main proceeding, parties may take steps such as requesting access to documents or examining key witnesses under oath. These actions may be requested in a petition filed with the court. The petition must contain a concise description of the dispute or event to which the request relates, as well as the grounds for the request.

The most important aspect of these actions is that granting the request is the default position. The court may reject the request only if there are legally defined grounds for refusal. The preliminary evidentiary proceedings offer a unique opportunity to obtain a ruling prior to potential proceedings in the Netherlands or abroad.

Costs

To start a court case in the Netherlands, it is generally required to engage a bailiff to serve the writ of summons. The fees for the bailiff are standardised and updated on a yearly basis. In addition, court fees must be paid in order to bring a case to the attention of a court. The amount of these fees depends on the value of the claim, whether the party is a person or legal entity, and the type of proceeding. As described, a case can be brought before either a regular court or a subdistrict court. The court fees for the subdistrict court are lower than those for the regular court. In regular court proceedings, both the claimant and the defendant are required to pay court fees. However, in subdistrict cases, the defendant is not required to pay such fees. Failure to pay the court fees (on time) may result in the case not being heard.

In the Netherlands, civil litigation operates under a 'modified loser pays' principle. The losing party must reimburse the winning party for a portion of its legal costs. Instead of the winning party's actual legal costs, courts typically order the losing party to pay a standardised (liquidated) amount for legal fees. These costs often do not exceed EUR 20,000. In cases before the NCC, where the English language is used, court fees and cost awards are generally higher than in regular Dutch court proceedings.

An exception to this modified principle applies in intellectual property (IP) cases. In such cases, the losing party is often required to pay the full litigation costs of the winning party. This means that the losing party must cover not only the winning party's reasonable and proportionate attorney's fees, but also its other litigation expenses. Courts apply indicative rates in IP cases, whereby the amount of recoverable costs depends on the type of case (e.g., simple, standard, or complex), with compensation potentially reaching up to EUR 48,000.

In the Netherlands, in proceedings brought by a plaintiff who is not domiciled in the Netherlands, the court may, at the request of the opposing party, require the plaintiff to provide security for litigation costs. This is done to ensure that the defendant can recover its costs if the court rules in its favour. The court determines the amount and form of the security, which is usually a bank guarantee or a cash deposit, but the choice is left to the plaintiff. If security is not provided, the plaintiff's claim may be dismissed as inadmissible. Exceptions apply if recovery is possible in the Netherlands under treaties or EU laws.

Only in personal injury cases are Dutch attorneys allowed to work on a 'no cure, no pay' basis. In all other cases, an attorney must charge a reasonable fee, although a success fee may be agreed upon. Furthermore, it is possible to have insurance cover the costs. Such insurance typically covers the costs of legal proceedings, including bailiff fees, court fees, and litigation costs, provided the dispute falls within the scope of the insurance policy. In principle, cases are handled by legal professionals employed by the insurer (in-kind insurance). However, in civil or administrative proceedings, the insured generally has the right to choose their own legal representative.

Class action and litigation funding

The Netherlands is one of the hotspots for class actions in Europe. On average, 17 class action lawsuits are started each year.[2] This is largely due to the relatively low barriers to initiating class action lawsuits compared to other European countries.

To initiate a class action, a claims foundation or association must first be established. The law sets out various requirements that such a foundation or association must satisfy. These include requirements relating to the governance of the claims organisation, its financial resources, and the transparency of certain information. Moreover, the organisation must sufficiently substantiate that it represents the claimants. Furthermore, the organisation must be a non-profit organisation and must have a sufficiently close connection to the Netherlands. Finally, before filing a class action lawsuit, the claims organisation must enter into negotiations with the party responsible for the damage in an effort to reach a mutual resolution.

If a mutual resolution cannot be reached, a summons may be issued. This must also be filed with the court. A three-month waiting period is then granted. During this period, other interested groups may also file a legal claim in the same proceeding. If multiple claims organisations come forward, the court will designate one as the exclusive representative. In doing so, the court considers the organisations' constituencies and the activities they perform. After the court has appointed the exclusive representative, individuals who fall within the class as defined by the court – that is, the group of persons whose interests are represented in the proceedings and who may be affected by the outcome – are given a period of at least one month, as determined by the court, to indicate that they do not wish to be bound by the outcome of the proceedings. This is referred to as an 'opt-out'. Individuals within the defined class who do not opt out will be bound by the final judgment.

The Dutch legal system has no restrictions on the use of third-party litigation funding (TPF). It is therefore possible to enter into agreements regarding the conduct of legal proceedings, whereby a financier bears the costs and the risk. The two most commonly used models in the Netherlands are remuneration based on a percentage of the outcome and remuneration based on a factor of the amount invested.

Particularly within class action lawsuits, TPF plays a significant role. Since the introduction of the new class action legislation in 2020, several dozen class actions have been filed with the help of TPF. In this context, it is important to note that courts have frequently requested disclosure of the financing agreement to review its terms and to ensure that the claims organisation is sufficiently independent from the financier.

Interim relief

Dutch law provides for various forms of interim relief. These range from a brief intervention by a judge in summary proceedings (*kort geding*), to a pre-judgment attachment (*conservatoir beslag*), as well as measures taken by the Enterprise Chamber to intervene in a company.

In urgent matters, a judge may be asked to issue a (provisional) ruling or grant a preliminary injunction. In doing so, the judge can intervene quickly (sometimes on the same day) in a specific legal situation. All of this is only possible because of the discretion the judge has in summary proceedings when assessing the case and rendering a decision. The judge in summary proceedings is not bound by the statutory rules of evidence; they may base their decision on a balancing of interests and tailor the relief granted to what is effective and efficient in the circumstances. Dutch preliminary relief proceedings offer virtually unlimited possibilities for obtaining an enforceable court decision at very short notice as a form of provisional dispute resolution. This makes summary proceedings before a Dutch judge a useful tool in cases where a swift ruling is required.

In addition, Dutch law provides for the possibility of obtaining a pre-judgment attachment against a debtor or a third party prior to the commencement of proceedings. This pre-judgment attachment may be sought to prevent assets from being disposed of before the final judgment is rendered, thereby providing additional security for the enforcement of an alleged claim. Furthermore, this measure may also be used to prevent evidence from being destroyed, in which case the evidence can be placed under judicial custody, after which access to the documents may be sought through inspection proceedings.

Lastly, shareholders, certificate holders, directors and supervisory board members, and trade unions may file an urgent petition with the Enterprise Chamber concerning the affairs of an enterprise. They may do so if they believe there has been improper conduct or policy within the company. This constitutes a preliminary step in proceedings to establish mismanagement within a company.

If the Enterprise Chamber concludes that there is improper conduct or policy, it may impose temporary measures to stabilise the situation within the company. Such measures can include suspending directors, appointing temporary directors or supervisory board members, or transferring the shares to a trustee.

Enforcement of judgments and awards

The Dutch legal system provides a well-developed and effective framework for the enforcement of both domestic and foreign judgments and arbitral awards. Domestic court judgments are generally enforceable once declared provisionally enforceable (*uitvoerbaar bij voorraad*) or after they have become final and binding. Enforcement is typically initiated through service of the judgment by a bailiff, followed by execution measures if voluntary compliance is not forthcoming.

Foreign court judgments may also be recognised and enforced in the Netherlands, depending on the applicable legal framework. Judgments originating from EU Member States benefit from streamlined recognition and enforcement mechanisms under European regulations, particularly the Brussels I *bis*

Regulation, which provides for the automatic recognition of judgments and facilitates enforcement by abolishing the requirement for separate *exequatur* proceedings. Judgments from non-EU jurisdictions may be recognised either pursuant to international treaties or under Dutch private international law principles, provided certain conditions are satisfied, including proper jurisdiction, observance of due process, and compatibility with Dutch public policy.

The Netherlands is also regarded as an arbitration-friendly jurisdiction with a strong reputation for recognising and enforcing arbitral awards. Domestic and international arbitral awards are enforceable through an *exequatur* procedure before the Dutch courts, which generally adopt a pro-enforcement approach and exercise only limited judicial review. As a contracting state to the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards, the Netherlands recognises and enforces foreign arbitral awards in accordance with internationally accepted standards. Refusal of enforcement is limited to specific grounds, such as invalidity of the arbitration agreement, lack of due process, excess of jurisdiction, or violation of public policy. Dutch courts are generally reluctant to interfere with arbitral autonomy and interpret these exceptions narrowly, thereby supporting the finality and enforceability of arbitral awards.

Cross-border litigation

The Dutch legal system, as the home to many international organisations and a hub for international trade, regularly hears international disputes. Dutch courts regularly assist foreign proceedings by facilitating the collection of evidence or the attachment of assets of a party located in the Netherlands. The evidence gathered in these proceedings can be used before other courts, as the evidence has been gathered in accordance with Dutch law.

In particular, Dutch procedural law provides mechanisms such as preliminary witness examinations and document disclosure proceedings that may be initiated even before substantive proceedings have commenced. These tools are frequently used in support of foreign litigation and arbitration. Evidence obtained through such proceedings may subsequently be submitted in foreign courts or arbitral tribunals, especially where the requesting forum recognises evidence that has been obtained lawfully abroad.

In addition, the Dutch judiciary aims to focus more on international commercial disputes through the NCC. The NCC offers parties the opportunity to litigate complex international commercial matters before a Dutch court in English and on an expedited basis. Proceedings before the NCC are conducted in English, including written submissions and judgments, provided that the parties expressly agree to NCC jurisdiction. While the NCC is focused on international disputes, procedural acts such as the filing of claims and defences must generally be carried out by a member of the Dutch Bar. Attorneys admitted to the national Bar of an EU Member State, a European Economic Area (EEA) Member State, or Switzerland may act in conjunction with a Dutch-qualified attorney. Other foreign attorneys may, with the court's permission, participate in hearings or address the court in specific cases.

The establishment of the NCC reflects the Netherlands' ambition to strengthen its position as an attractive forum for international business litigation alongside arbitration and other forms of cross-border dispute resolution.

International arbitration, mediation and ADR

The Netherlands is widely recognised as an arbitration-friendly jurisdiction and has developed a sophisticated legal framework supporting both international (e-)arbitration and alternative dispute resolution (ADR) mechanisms, including mediation. Arbitration proceedings seated in the Netherlands are primarily governed by the Dutch Arbitration Act, incorporated into the Dutch Code of Civil Procedure (*Wetboek van Burgerlijke Rechtsvordering*). The legislation is modern and closely aligned with internationally accepted arbitration principles, granting parties substantial procedural autonomy while ensuring limited judicial supervision where necessary. Dutch courts generally adopt a supportive and non-interventionist approach toward arbitration, intervening only in specific circumstances prescribed by law, such as the appointment or challenge of arbitrators, interim relief, evidentiary assistance, or applications to set aside arbitral awards. Grounds for annulment are interpreted narrowly, reflecting the judiciary's strong respect for arbitral autonomy and the finality of awards.

The Netherlands is also a contracting state to the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards, which facilitates the recognition and enforcement of foreign arbitral awards. Dutch courts consistently apply a pro-enforcement approach and generally recognise and enforce arbitral awards unless one of the limited exceptions under the Convention applies, such as procedural irregularities or violation of public policy. The country is home to several prominent arbitral institutions, including the Netherlands Arbitration Institute (NAI), which administers domestic and international disputes through well-regulated arbitral, binding advice and mediation procedures. It also hosts the Permanent Court of Arbitration, headquartered in The Hague, which plays a pivotal role in resolving disputes involving states, state entities, and international organisations. The Dutch Arbitration Act and the NAI Rules provide for so-called Dutch-style emergency arbitral proceedings (*arbitraal kort geding*), also referred to as 'summary arbitral proceedings'. These emergency proceedings may result in an order and/or an enforceable award in weeks or even days if the case is very urgent. Since 1 March 2024, the NAI Rules have also provided for expedited proceedings on the merits. These proceedings must be completed within five months of the first case management conference that follows shortly upon the constitution of the arbitral tribunal comprising one arbitrator.

Alongside arbitration, mediation and other ADR mechanisms have become increasingly prominent within the Dutch legal landscape. Dutch law and judicial practice strongly encourage parties to consider amicable settlement and consensual dispute resolution at an early stage of proceedings. Mediation is widely used in commercial, employment, family, and administrative disputes, and courts frequently encourage parties to explore mediation before or during litigation. Although the Netherlands does not currently have a comprehensive standalone Mediation Act in force, mediation is recognised and facilitated through various statutory provisions and professional frameworks, including the implementation of the European Mediation Directive. Confidentiality is regarded as a fundamental principle of mediation, ensuring that statements or proposals made during settlement discussions cannot ordinarily be used in subsequent legal proceedings.

Regulatory investigations

The Dutch legal system is characterised by a comprehensive framework of regulatory oversight governing both consumer and business affairs, with regulatory investigations playing an increasingly significant role within the broader litigation landscape. Regulatory supervision is exercised by a range of specialised authorities, including the Authority for Consumers and Markets (*Autoriteit Consument & Markt* – ACM), the Dutch Authority for the Financial Markets (*Autoriteit Financiële Markten* – AFM), the Dutch Central Bank (*De Nederlandsche Bank* – DNB), and the Dutch Data Protection Authority (*Autoriteit Persoonsgegevens* – AP). These bodies possess extensive investigatory and enforcement powers in areas such as competition law, consumer protection, financial regulation, anti-money laundering compliance, and data protection.

In general, enforcement measures and decisions adopted by regulatory authorities may be challenged, initially through administrative objection proceedings before the authority itself and subsequently before the administrative courts. Dutch courts exercise significant oversight over the exercise of regulatory and investigatory powers by supervisory authorities, assessing whether regulators have acted within the limits of their statutory mandate and in accordance with general principles of proper administration, including proportionality, due care, and adequate reasoning. At the same time, the courts generally exercise judicial restraint and will typically avoid substituting their own assessment for that of the specialised supervisory authority, particularly in matters involving technical expertise or regulatory policy considerations.

Although courts generally grant regulators a degree of discretion, recent case law reflects increasingly intensive judicial scrutiny where enforcement measures have serious financial or reputational consequences. In recent years, courts have, for example, overturned or reduced several regulatory sanctions imposed on businesses and, in some cases, even found that supervisory authorities acted unlawfully or unfairly in exercising their powers, thereby opening the door to damages claims against those authorities.

Endnotes

1 World Justice Project (WJP) *Rule of Law Index* 2015–2025.

2 There were 20 new cases in 2025; 17 cases in 2024; 18 cases in 2023; and 12 cases in 2022.

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