

ANNEX 42

- Country Report NETHERLANDS

CONTRACT

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*- DG FOR JUSTICE, FREEDOM
AND SECURITY -*

Study on the Transparency of Costs of Civil Judicial Proceedings in the European Union

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Team Leader

- COUNTRY REPORT -

- THE NETHERLANDS -

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COUNTRY REPORT

Preliminary notes

Our firm, Bosselaar & Strengers Advocaten, was asked to be a Country Expert on the Study on the Transparency of Costs of Civil Judicial Proceedings in the European Union. Evelien de Jonge-Wiemans is partner of our firm. Together with associates this report is set up.

The questionnaire is filled out and the report written on basis of own experience, research and interviews.

This report gives an insight in (transparency) of the costs of civil law proceedings in the Netherlands.

Introduction

One of the principles of the European Union is to guarantee access to justice for all citizens. In order to achieve this objective, certain criteria must be fulfilled. One of these criteria is that the costs of justice are affordable and that information on the costs of justice is easily accessible.

The European Commission launched a project to identify the sources of costs of civil court proceedings in all Member States. In this report the sources of costs when litigating in the Netherlands are identified. More specifically the proportion of each source of costs on the total costs needs to be identified.

For a good understanding of this report it is useful to have some knowledge on the judicial system in the Netherlands. There are three main distinct areas of law: Civil Law, Administrative Law and Criminal Law. In Administrative Law proceedings the assistance of a lawyer (advocate) is not compulsory, but advisable due to the complexity of the law. In Criminal Law proceedings an individual/suspect will always be provided with an (free of charge) advocate, no matter how wealthy the suspect is.

In Civil Law proceedings the Court of first instance (19 throughout the country) is either “Rechtbank” or “Rechtbank, section kanton”, depending on the nature or financial amount of the case.

Cases with a financial importance of less than € 5.000, Labour Law and Rent Law are to be brought to “Rechtbank, sector kanton”. In these cases the assistance of an advocate is not compulsory in first instance.

Appeal cases will be brought to “Gerechtshof” (Court of Appeal). There are 5 throughout the Country. One cannot choose a Court of Appeal, but needs to appeal to the Court of Appeal that heads the district of the court of first instance. The last possibility to appeal is the “Hoge Raad” (Supreme Court; there is only one Supreme Court in The Hague). The Supreme Court will not review the facts of the case as such, but will only give a verdict on legal questions, so this possibility is not always open to a person seeking justice.

In proceedings before “Rechtbank”, Courts of Appeal and Supreme Court, the assistance of an advocate is necessary. The party is free to choose this advocate (compare: solicitor in the United Kingdom). If the advocate (solicitor) is not based in the district of the Court where proceedings are held, the party is by law required to make use of an advocate in the district of the Court (compare: barrister in the UK). This advocate (barrister) only has a formal role. He is an intermediary between the Court and the actual advocate of the party, who resides outside the district of the Court. This system was set up in the 1800’s and this are changing next year. From 2008 parties do not have to make use of an advocate in the district of the Court, but they can start proceedings nationwide, without this intermediary.

The model for Dutch proceedings are as follows. Proceedings start by a summons/claim (in writing). The counterparty will reply to the summons/claim in writing as well. The Court then orders a hearing to gather more information and tries to convince the parties to settle the case. If no settlement is reached, the Court can either give a verdict or can decide that the proceedings continue (in writing, or giving the burden of proof to one party, appoints an expert, hear witnesses, etc).

The focus of this report are the costs in civil proceedings. Nevertheless, to give an accurate answer to some questions I included Criminal Law proceedings and Administrative Law proceedings in those answers.

The Dutch civil legal system is based on the French “Code Civil”. The Civil Code is renewed in 1992, but still the French origin is obvious. There are 8 books in the Code (Family law, Legal Persons, General Right of Property, Law of succession, Law of Things, Law of Obligations, Specific Agreements (amongst others: Rental Law, Labour Law) and Transportation Law).

When answering these questions I used as starting point an individual who does not qualify for legal aid and who is not insured for legal costs. This individual has an average income or just above average income (€ 30.000 to € 45.000 per year before taxes). This report shows that for these individuals taking actions in Court can become very expensive, if not unaffordable, depending on the legal matter. For this reason the hurdle for achieving the objective of accessing (affordable) justice to all citizens is rather a cost problem than an information problem. Even if information on justice and information on costs of justice is completely transparent and very easy to obtain, still the costs would be a deterring factor to start litigations (for the individuals I mentioned above).

It is important to take these notes into account when reading this report on the costs of justice and the access to the information on these costs.

Executive Summary

1. Summary of the main sources of costs

This is an exhaustive list of the sources of costs for justice in The Netherlands

COURT FEES

The costs that are made in all proceedings are Court fees. They depend on the nature of the litigation, the financial importance, the Court of instance and the subject of the proceedings. The Court fees range from € 0 for a defendant up to € 5.916 for the plaintiff in Appeal.

BAILIFF FEES

These costs are necessary to make in most proceedings. There are some exceptions: Family Law proceedings and Labour Law proceedings and some other very specific proceedings. Bailiffs' action are by fixed fees, see chapter on bailiffs.

LAWYER FEES

Except in cases of Labour Law, Rent Law, cases with a financial importance of less than € 5.000 (all in first instance) and Administrative Law, the assistance of an advocate is compulsory by law. Chapter 3 shows that these costs can become really high.

EXPERT FEES

Only necessary in certain cases, where an expert's assessment is needed as evidence. Costs depend a lot on the subject of the assessment.

WITNESS COMPENSATION

Only in cases where witnesses are interrogated. Compensation is low: expenses made to travel to court and in case the witness is a self-employed person his hourly wage are being compensated.

TRANSLATION/INTERPRETATION COSTS

Only when needed. Costs differ.

2. Level of transparency in the sources of cost

(On a scale of 1-10, where 10 is the most transparent)

COURT FEES

6. These costs can be found online, but since there are quite some things to keep in mind when determining the right Court fee, the transparency is not so high (especially not for an individual).

BAILIFF FEES

9. Their fees are fixed by law and can quite easily be found online or requested from a bailiff.

LAWYER FEES

7. Fees differ per firm, but most firms have a table of fees, which in most cases is clear. The question is what the actual (final) sum of these costs are. That depends on how many hours were spent on a case.

EXPERT FEES

5: Since their fees depend on quite some factors it can be hard get a clear expectation of their costs. You need to ask the expert to set up an offer with an estimation of the costs.

WITNESS COMPENSATION

6: There is no table of compensation. Travel costs as well as lost income will be compensated. The judge in the end determines the sum of compensation.

TRANSLATION/INTERPRETATION

7: Translators charge per word/page, so when you know their fees per word it is quite easy to estimate the total costs. Their fees are mostly not published online, so you need to call a translator. Interpreters mostly charge per hour. You need to call an interpreter to get to know his hourly rate.

3. Determination of the amounts of costs

COURT FEES

Court fees are determined on the nature of the proceedings, the financial importance and the Court of Instance, as will be specified below. In proceedings with a financial importance of less than € 11345, the average costs are about € 250. This is 10% of the average wages of the population (where € 30000 is the average income per year).

BAILIFF FEES

They work with (by law) fixed fees. So determination of actual costs is quite easy. For an average case bailiff costs are about € 150. This is 6% of an average monthly income.

LAWYER FEES

Advocates charge per hour. So their actual costs are hours x hourly rate. It is hard to estimate how many hours an advocate will spend on a case. For a straightforward simple case the average would be € 4000. This is 160% of an average income.

EXPERT FEES

These are difficult to determine, since they depend very much per case. As an average € 2500 can be taken. This is 100% of an average monthly income.

WITNESS COMPENSATION

Travel expenses will be compensated as well as lost income. The judge however determines the actual compensation, keeping the income of the witness in mind, more or less off the top of his head. As an average € 75 is reasonable. This is 3% of an average monthly income.

TRANSLATION/INTERPRETATION

These costs depend on the language that needs to be translated. € 0,20 per word is reasonable for Dutch-English. For a document of 5000 words this would be € 1000 which is 25% of an average monthly income.

4. Level of transparency in determining the actual costs

(On a scale of 1-10, where 10 is the most transparent)

COURT FEES

7. Once you figured out what category your case is in, you know the sum of the Court fees.

BAILIFF FEES

9. They work with fixed fees. So determination of actual costs is quite easy.

LAWYER FEES

4: It is difficult, if not impossible to predict, how many hours an advocate works on a case.

EXPERT FEES

7: Once you requested an offer with the estimation of costs.

WITNESS COMPENSATION

6. The judge however determines the actual compensation, keeping the actual travel costs and income of the witness in mind, more or less off the top of his head.

TRANSLATION/INTERPRETATION

7: once you requested an offer with the estimation of costs.

5. Proportion of each identified cost on the overall cost of civil judicial proceedings

This is difficult to determine, since it depends a lot on the kind of proceedings. In a case where the assistance of a lawyer is needed (€ 10.000,- bill), a witness is interrogated, no experts, I would estimate as follows:

COURT FEES

5% - 30%, depending on the sort of case.

BAILIFF FEES

3%-7%

LAWYER FEES

70%-90%

EXPERT FEES

5%-10%

WITNESS COMPENSATION

2%-3%

TRANSLATION/INTERPRETATION

2%-3%

6. Proportion of each identified cost on the overall volume of activity

COURT FEES

5% - 30%, depending on the sort of case.

BAILIFF FEES

3%-7%

LAWYER FEES

60%-90%

EXPERT FEES

5%-15%

WITNESS COMPENSATION

2%-3%

TRANSLATION/INTERPRETATION

5%-10%

7. Proportion of each identified cost on the value of disputed claim

COURT FEES

5% - 30%, depending on the value of the claim.

BAILIFF FEES

3%-7%

LAWYER FEES

60%-90%

EXPERT FEES

5%-20%

WITNESS COMPENSATION

2%-3%

TRANSLATION/INTERPRETATION

5%-15%

8. Specificities in relation to EU cross-border disputes

COURT FEES

Do not depend on the cross border aspect

BAILIFF FEES

In fact depend on the cross border aspect, more actions need to be take.

LAWYER FEES

The fees do generally not depend on the cross border aspect, although in the end it is likely that more costs will be made, compared to the situation in which it were a national case.

EXPERT FEES

Do not depend on the cross border aspect.

WITNESS COMPENSATION

Travel expenses are higher for a witness from Spain who needs to go to the Netherlands than the expenses for someone who lives in the Netherlands.

TRANSLATION/INTERPRETATION

Depend on the languages that need to be translated.

9. Recommendations for EU action/national action

Ideally one European Code for (Civil) Proceedings for all proceedings (national or cross border) will be created. Alternatively, such a code could be set up for cross border proceedings in the EU only.

More realistic, it is necessary to overcome the obstacles to get access to other European Courts, so that lawyers will be able to take actions in Court (more easily)

in other Member States than their own country. Other factors that contribute to the obstacles for cross borders proceedings are:

- The added costs to consult lawyers in other countries.
- The difficulties to get legal aid for other nationals.
- The uncertainty of costs.

As to obtaining legal aid abroad: it is quite difficult to obtain information on legal aid (requirements) in other countries. The assistance of a lawyer/legal professional of that country is necessary.

In my opinion a greater transparency in and more information on costs and how to obtain legal aid in other Member States are the best achievable solutions to overcome these obstacles on the short term.

10. Relationship between the costs of justice, the transparency in the costs of justice and access to justice

In order to achieve the European Union's target of accessible affordable justice for citizens the biggest hurdle to overcome are the total costs of proceedings. Even if information on costs is clear, and every citizen receives a free and clear brochure on costs of justice it still is difficult for citizens to get access to justice. So there is a clear relationship between the costs of justice and the access to justice. In the costs are high, access to justice is in fact low. There is no specific relationship between the transparency in costs of justice and the costs of justice and access to justice.

11. Conclusions and recommendations

It will be difficult to make accessing justice cheaper. Judges and lawyers need to have great expertise and their education is (very) expensive. Other costs of justice cannot become cheaper either: court fees can become high, but I think it is right that the people who use the judicial system have to pay for that, rather than all

taxpayers support the judicial system; bailiff fees are quite low. For that reason I would be in favour of obliging people (by law) that they get insurance for legal costs.

On the other hand this report also shows that in certain cases the assistance of a lawyer/advocate is not compulsory (Administrative Law, cases with a financial importance of less than € 5.000 Labour Law and Rent Law cases). In these cases the Court fees are not high (maximum € 285), so the above mentioned individual is in theory able to litigate on his own. However, the laws are complex (also in the above mentioned practise fields) and the assistance of a lawyer/advocate is advisory. Their fees would be the biggest part of the total proceedings costs. In the Netherlands it is not (yet) the case that the losing party has to compensate the winning party fully, so both parties have to pay.

Detailed Draft Report

1. General Questions

1.1 Level of information on the transparency of fees and costs of justice

A person seeking justice will be confronted with quite some different costs when starting legal proceedings. In the case this person is not insured for legal costs or in case this person cannot be granted legal aid the person seeking justice has to realise which costs are necessary to make. It can be quite difficult to get information on all these costs and estimate how much these costs will be in the end.

In general, information on (most) costs of justice is available online. Court fees can be found online, as well as bailiff fees. Information on lawyer fees, expert fees, translation fees is hard to find online, since these fees are free to be determined and depend per case. It is necessary to contact lawyers to request their hourly rate. Expert fees differ per assessment. So on a whole it is quite difficult, if not impossible to give an estimation of the costs of legal proceedings. It would be predicting the future.

Most information on costs of justice can be found for free online.

- www.rechtspraak.nl (information on case law, courts, court fees, general information etc.);
- www.postbus51.nl (this is the government's 'front information office' for information on all sorts of subjects); no real offices in the country; they can be contacted by phone (free) or by e-mail.
- www.rvr.org (Council for Legal Aid)
- www.hetjl.nl ("Het Juridisch Loket" free legal advice to anyone; they will refer cases to lawyers when needed; they have about thirty offices throughout the country and can also be contacted by phone or by a questionnaire online).

Brochures are available (free) at the Courts and "het Juridisch Loket", or to be ordered at www.postbus51.nl.

Information on lawyers fees is in most cases not available online. A person seeking justice needs to contact a law firm to obtain information on their fees.

As an indication on the level of transparency of costs of justice (1 to 5), I rate as follows:

- Court fees: 3 (easy to find online, but rates differ a lot)
- Lawyers' consulting and representation fees: 4 (available at the law firms, not online)
- Bailiffs' fees: 5 (they work according a table with fixed fees available online)
- Accessory costs and expenses
 - Witnesses: 3 (parties more or less decide what will be compensated)
 - Expert assessments: 1 (depends per assessment)
 - Translation: 2 (depends on different factors)
 - Interpretation: 2 (depends on different factors)
 - Legal aid levels of assistance: 4 (information online and for people requesting legal aid quite straightforward)
 - Transcription: 4 (hardly exist in the Netherlands)

In cross border proceedings it is necessary to have a contact in that other country to obtain information on the costs of litigation. This can be very useful obtaining assistance in a foreign country, as well as referring cases to other members.

For firms that are involved in cross border proceedings without an international network it is (almost) impossible to understand foreign determination of the fees associated to litigation.

1.2 Transparency perception

The following organizations (apart from advocates) are specialized in helping persons seeking justice to access the justice system:

- Raad voor de Rechtstbijstand (www.rvr.org): governmental organization that provides a subsidy (legal aid). The system is set up for people who cannot afford a lawyer; they have to meet certain (financial) criteria to obtain legal aid. This organization does not take action in Court proceedings on behalf of persons seeking justice. It just checks if the person seeking justice meets the criteria to obtain a subsidy (of which a lawyer will be paid). The organization does the administrative work: decides if the person seeking justice meets the criteria, decides what his/her own contribution must be, pays the lawyer. For more details see below (chapter 10).
- Juridisch Loket (www.hetjl.nl): organization that gives free legal advice for relatively small legal questions which can be answered by phone or directly in one of the “stores”. It helps people to find access to the justice system. A lot of practical information can be obtained here (free brochures). This organization does not take part in Court proceedings on behalf of persons seeking justice; they will refer clients to law firms if necessary.
- (legal) Insurance companies: for instance www.das.nl and www.arag.nl. These are private insurance companies. The insurant pays a premium. The insurant can obtain legal aid to a fixed maximum, depending on the policy between € 10.000 and € 50.000,- or even more. The insurance companies are able to take part in Court proceedings in which the assistance of an advocate is not compulsory. Although the above mentioned insurance companies do have some advocates amongst their staff, they will refer some cases in which the assistance of an

advocate is compulsory to a law firm. The insurance company and some law firms have arrangements on the lawyer fees.

Information on how to get access to the justice system is quite well organized and relatively easy to access (telephone or “walk in stores” in the bigger cities). Legal aid is granted to people who cannot afford a lawyer or legal insurance. People are able to insure themselves for legal costs. In some areas assistance of an advocate is not compulsory. In those cases people can obtain information on what they have to do quite easily as well.

1.3 Solutions to improve transparency

In my opinion in order to improve transparency on access and costs of justice the ideal solution would be to simplify and unify all proceedings and costs. At the moment there are too many different tariffs on Court fees. A solution could be to set one tariff in Legal Aid cases, one (or two) standard tariff(s), and one box of three or four tariffs for proceedings with a high financial importance.

Centralising and publishing schedule of costs online does not improve the transparency, since all fixed costs (bailiff and Court fees) can already be found online.

The information is available sufficiently.

Solutions to improve transparency of costs in cross border proceedings could be creating an European Code for (Civil) Proceedings, or uniformize the costs in the European Union. I realize creating one Code for the EU is very difficult if not impossible at the moment.

Other solutions could be creating the opportunity of Court proceedings in English in all Member States and make it possible for a Dutch lawyer to take action in Italian Court proceedings. The problem with this is that a Dutch lawyer does not know anything about Italian laws, so the assistance of an Italian lawyer is still necessary, unless all the laws (or at least Civil Codes) in the EU would be the same. I would be in favour of one European Civil Code, but I think the time is still to come (if ever) before most Europeans feel this way.

An other solution would be that a specific procedure is created by the European government which would only be applicable in cross border proceedings in two different Member States. Parties can chose the applicable (material) law and share costs. If parties cannot decide on which laws are applicable in their case, international law decides.

1.4 Fairness of costs

It is impossible to give an average of costs associated to litigation. It depends on before which Court the case will be dealt with. It depends on the financial importance of the case. It depends on whether the assistance of an advocate is compulsory. It depends on whether an expert's assessment or translators are needed. It depends on whether one of the parties is going to appeal the decision of first instance.

The question whether proceedings costs are fair is difficult to answer. (Big) companies are able to hire the best lawyers. Lawyers' fees are high, but they have a great responsibility and need to have a lot of (specific) knowledge of the laws.

Smaller companies and individuals can insure themselves for legal costs. In some cases individuals can be granted legal aid, so that the costs for legal assistance are affordable. Persons seeking justice who cannot apply for legal aid and who not insured for legal costs run the risk of paying a lot of money when they are being sued. An individual with an average salary can mostly not afford to pay the lawyer's bills, as well as other proceedings costs (Court fees, bailiff fees) can become quite high as well.

Costs associated to litigation are nevertheless fair since advocates and judges need to have a specific knowledge of the law. Their education is expensive and they have great responsibilities. The judicial system is also not cheap and is one of the pillars of a democratic state. Only the people who use the judicial system pay. So for that matter the costs are fair. It is an individual's responsibility to get insurance for legal costs. Maybe more information on this is necessary in order to create an awareness amongst people that they should need an insurance for legal costs, just

like you need (in the Netherlands obliged by law) insurance for medical treatment costs.

I believe that the losing party should reimburse costs associated with litigation to the winning party. In the Netherlands the winning party is being reimbursed, but (by far) not 100%. Under EU regulations, on the field of Intellectual Property Law, the winning party is being reimbursed 100% of the costs. Maybe this trend will be followed in other field of the law.

In some cases none of the parties' claims is completely awarded. In those cases it can be difficult for the Court to rule which party should pay which costs. They will have to be divided in a way the judge thinks is fair.

1.5 Conclusions and recommendations

I can imagine that for non-legal professionals the legal system and legal proceedings are very difficult to understand (and they are as well as in any other country). I think that even the best information cannot change that. In most cases it is necessary to hire a lawyer or other legal professional in order to obtain the best legal expertise.

I also believe that even with the best information persons seeking justice can get a feeling of judicial insecurity, since there are so many laws and they can be difficult to understand.

For persons seeking justice to whom legal aid cannot be granted and for people who are not insured for legal costs, Court proceedings can become (very) expensive. Especially when a case goes to Appeal Court. I think information is clear on this point, but it is a fact of common knowledge as well: taking actions in Court is expensive.

In the European Union, the lack of information on costs of justice can deter smaller companies from trade and movement. But even if there would be more information, I think (especially for smaller companies and individuals) trading in other countries can be risky since the laws are so different in every country. The

bigger companies are able to afford a lawyer in any country, so they will not be deterred from trading and moving.

Not so much the lack of information creates a feeling of Europe being ineffective, but rather the fact that the legal systems and legal proceedings differ so much. There is a great task here for the European Union to create one European Code of (Civil) Proceedings.

2. Court fees

General

Court fees (“griffierechten”) are levies parties are obliged to pay in Civil Law and Administrative Law proceedings. In Criminal Law proceedings court fees are not requested.

Court fees are to be paid before proceedings start to the Court where the proceedings take place. The Court sends a bill for Court fees to both parties, since, in principle, both parties have to pay them (same amount for plaintiff and defendant).

Court fees are in most cases fixed fees. In cases with a financial importance of € 11345 and more, they are proportional (2.2% of the claim and 3% in appeal cases).

There are different court fees in Administrative Law proceedings.

Court fees are fixed for the whole litigation, starting by a summons and ending by a verdict, no matter how many hearings held. When a case goes to appeal, new Court fees are to be paid.

In Civil Law proceedings, the Court fees can be set lower when one of the parties has a low income and legal aid.

The Court fees are adjusted by the government. Relevant laws and regulations are (not available in English):

Relevant laws and regulations are:

- Wet Tarieven in Burgerlijke Zaken (http://www.st-ab.nl/wetten/0815_Wet_tarieven_in_burgerlijke_zaken_Wtbz.htm)
- Ministeriële regeling tarieven in Burgerlijke Zaken (<http://www.advocatenorde.nl/nova/novvade.nsf/c70ce544d407054ec12569f1004485c2/ea7fd1829a2df0f7c1256b0900455871?OpenDocument&Click>)

Information on (the amount of) Court fees is available (for free) online on public (www.rechtspraak.nl and www.postbus51.nl) as well as private websites (www.griffierecht.nl).

Furthermore, brochures on Court fees are (for free) available at the Courts and at “Het Juridisch Loket” (Legal Aid Service) or to be ordered (for free) online at www.postbus51.nl (government information desk).

Cost of bringing an action to the courts

The factors that determine the amount of court fees are the nature and sum of the claim (see table below: in first instance family law: € 199, income when ill (labour law): € 106, other claims up to € 11345: € 300 and claims over € 11345: 2.2% of the claim), the nature of the litigation (Civil, Criminal, Administrative), instance of Court (Court, Court of Appeal, Supreme Court).

The average amount of the Court fees depend mostly on the sum of the claim, as shows in the table below. In most cases the Court fees for the plaintiff are the same as for the defendant. The Court can rule that the losing party has to pay all the fees.

The Court fees range from € 0,- (for the defendant in some cases) to € 4.732 (for the plaintiff).

Nature of the action	Filing fees (description of filing fees, time of payment and determination of payor)	Other court fees (description of filing fees, time of payment and determination of payor)	Regulation
1. FAMILY LAW			
▪ Divorce	€ 199,- (€ 251 in appeal). This is a standard court fee (fees are different in case the plaintiff receives subsidy for legal aid from the government) payable by the plaintiff after the the time of filing the case.	None. Only in case when the Court appoints an expert.	“Wet Tarieven in Burgerlijke Zaken” and “Ministeriële Regeling Tarieven in Burgerlijke Zaken”
▪ Children Custody Right	€ 199,- (€ 251 in appeal). This is a standard court fee (fees are different in case the plaintiff receives subsidy for legal aid from the government) payable by the plaintiff after the the time of filing the case.	None. Only in case when the Court appoints an expert.	“Wet Tarieven in Burgerlijke Zaken” and “Ministeriële Regeling Tarieven in Burgerlijke Zaken”
▪ Alimony	€ 199,- (€ 251 in appeal) This is a standard court fee (fees are different in case the plaintiff receives subsidy for legal aid from the government) payable by the plaintiff after the the time of filing the case.	None. Only in case when the Court appoints an expert.	“Wet Tarieven in Burgerlijke Zaken” and “Ministeriële Regeling Tarieven in Burgerlijke Zaken”
2. LABOUR LAW			
▪ Work Accidents	€ 106,- (€ 106 in	None. Only in	“Wet Tarieven

Nature of the action	Filing fees (description of filing fees, time of payment and determination of payor)	Other court fees (description of filing fees, time of payment and determination of payor)	Regulation
	appeal) This is a standard court fee (fees are different in case the plaintiff receives subsidy for legal aid from the government) payable by the plaintiff after the the time of filing the case.	case when the Court appoints an expert.	in Burgerlijke Zaken” and “Ministeriële Regeling Tarieven in Burgerlijke Zaken”
▪ Redundancies	€ 106,- (€ 106 in appeal) This is a standard court fee (fees are different in case the plaintiff receives subsidy for legal aid from the government) payable by the plaintiff after the the time of filing the case.	None. Only in case when the Court appoints an expert.	“Wet Tarieven in Burgerlijke Zaken” and “Ministeriële Regeling Tarieven in Burgerlijke Zaken”
3. COMMERCIAL LAW			
▪ Payment for a commercial or services agreement	Depending on the sum of money in question between: € 251,- and € 4.732 (€ 402 and € 5916 in appeal) (for the plaintiff) and between € 0,- and € 1.136 (for the defendant when the defendant is an individual); payable after the time of filing the case.	None. Only in case when the Court appoints an expert.	“Wet Tarieven in Burgerlijke Zaken” and “Ministeriële Regeling Tarieven in Burgerlijke Zaken”
▪ Goods or services not in	Depending on the	None. Only in	“Wet Tarieven

Nature of the action	Filing fees (description of filing fees, time of payment and determination of payor)	Other court fees (description of filing fees, time of payment and determination of payor)	Regulation
accordance	sum of money in question between: € 251,- and € 4.732(€ 402 and € 5916 in appeal) (for the plaintiff) and between € 0,- and € 1.136 (for the defendant); payable after the time of filing the case.	case when the Court appoints an expert.	in Burgerlijke Zaken” and “Ministeriële Regeling Tarieven in Burgerlijke Zaken”
▪ Litigation between associates	Depending on the sum of money in question between: € 251,- and € 4.732(€ 402 and € 5916 in appeal) (for the plaintiff) and between € 0,- and € 1.136 (for the defendant when the defendant is an individual); payable after the time of filing the case.	None. Only in case when the Court appoints an expert.	“Wet Tarieven in Burgerlijke Zaken” and “Ministeriële Regeling Tarieven in Burgerlijke Zaken”
▪ Mandates and agents	Depending on the sum of money in question between: € 251,- and € 4.732(€ 402 and € 5916 in appeal) (for the plaintiff) and between € 0,- and € 1.136 (for the defendant when the defendant is an individual);	None. Only in case when the Court appoints an expert.	“Wet Tarieven in Burgerlijke Zaken” and “Ministeriële Regeling Tarieven in Burgerlijke Zaken”

Nature of the action	Filing fees (description of filing fees, time of payment and determination of payor)	Other court fees (description of filing fees, time of payment and determination of payor)	Regulation
	payable after the time of filing the case.		
4. CIVIL LAW			
▪ Consumers protection	Depending on the sum of money in question between: € 251,- and € 4.732(€ 402 and € 5916 in appeal) (for the plaintiff) and between € 0,- and € 1.136 (for the defendant when the defendant is an individual); payable after the time of filing the case.	None. Only in case when the Court appoints an expert.	“Wet Tarieven in Burgerlijke Zaken” and “Ministeriële Regeling Tarieven in Burgerlijke Zaken”
▪ Liability	Depending on the sum of money in question between: € 251,- and € 4.732(€ 402 and € 5916 in appeal) (for the plaintiff) and between € 0,- and € 1.136 (for the defendant when the defendant is an individual); payable after the time of filing the case.	None. Only in case when the Court appoints an expert.	“Wet Tarieven in Burgerlijke Zaken” and “Ministeriële Regeling Tarieven in Burgerlijke Zaken”
5. PROPERTY LAW			
▪ Lease	Depending on the sum of money in question between: € 251,-	None. Only in case when the Court appoints an expert.	“Wet Tarieven in Burgerlijke Zaken” and “Ministeriële

Nature of the action	Filing fees (description of filing fees, time of payment and determination of payor)	Other court fees (description of filing fees, time of payment and determination of payor)	Regulation
	and € 285,- (€ 251 and € 5916 in appeal) (for the plaintiff) payable after filing the case.		Regeling Tarieven in Burgerlijke Zaken”
▪ Ownership and co ownership	Depending on the sum of money in question between: € 251,- and € 285,- (€ 402 and € 5916 in appeal) (for the plaintiff) payable after filing the case.	None. Only in case when the Court appoints an expert.	“Wet Tarieven in Burgerlijke Zaken” and “Ministeriële Regeling Tarieven in Burgerlijke Zaken”
6. CIVIL STATUS	Depending on the sum of money in question between: € 251,- and € 4.732(€ 402 and € 5916 in appeal) (for the plaintiff) and between € 0,- and € 1.136 (for the defendant when the defendant is an individual); payable after the time of filing the case.	None. Only in case when the Court appoints an expert.	“Wet Tarieven in Burgerlijke Zaken” and “Ministeriële Regeling Tarieven in Burgerlijke Zaken”
7. OTHERS	Depending on the sum of money in question between: € 60,- and € 4.732(€ 251 and € 5916 in appeal) (for the plaintiff) and between € 0,- and € 1.136 (for the defendant	None. Only in case when the Court appoints an expert.	“Wet Tarieven in Burgerlijke Zaken” and “Ministeriële Regeling Tarieven in Burgerlijke Zaken”

Nature of the action	Filing fees (description of filing fees, time of payment and determination of payor)	Other court fees (description of filing fees, time of payment and determination of payor)	Regulation
	when the defendant is an individual); payable after the time of filing the case.		

Apart from the above mentioned fees there are other more specific fees applicable, for example: disputes on payment of salary when ill: € 34, disputes with a financial importance up to € 90: € 60; disputes up to € 453: € 90 etc.

VAT is not applicable to Court fee. In cross border proceedings the tariff of Court fees does not change.

Other proceedings costs

Other than Court fees, parties have to take into account the following costs that can be applicable to proceedings in Court, since the Court is able to rule that the losing party has to pay the “proceeding costs”. These may consist of:

- * (part of the) salary of deputy/lawyer of the counterparty
- * court fees (of the winning party) and part of bailiff costs
- * necessary costs for travel and stay (between € 4,54 and € 53,09 per hour)
- * costs of experts
- * costs of witness compensation
- * costs of translation/interpretation

The costs of the deputy/lawyer are calculated on the basis of a schedule. This schedule is set up by the “NOvA” (Dutch Association of Advocates) and the Ministry of Justice. The amount of these costs will depend on the financial importance of the case and the Court of Instance.

Furthermore the losing party can be condemned to pay costs that were made by the advocate of a party that tried to settle the case; for example lawyers' fees spend on writing letters and having meetings in order to settle the case. The amount of these costs depends on the financial importance of the case. These costs are maximized by the court at 15 % of the financial importance of the case. The judge has discretion to lower these costs.

Costs of legal rescourses (Appeals...)

Court fees in Appeal are between € 106,- and € 5.916,- (for the plaintiff) and between € 0,- and € 1.136 (for the defendant when the defendant is an individual), depending on the financial importance of the case (claim).

The Court fees in appeal for family law matters and verdicts of the "Rechtbank sector kanton" are (fixed) € 251, income when ill proceedings (labour law) are (fixed) € 106, financial importance up to € 11345: (fixed) € 402 and for cases with a financial importance of more than € 11345 the court fees in appeal are 3% of the claim.

Cross border aspects do not have an influence on the Court fees. The same as mentioned above on Court fees in first instance is valid for Court fees in Appeal. Also other proceeding costs are applicable to proceedings in Appeal.

Costs of ADR

In the Netherlands there are some alternative dispute resolution possibilities. Mediation has become one of the most used alternatives. In some Courts there are try-outs referring cases to mediation. The Courts pay the first two hours to mediator when parties agree to try to solve their problem through mediation. After those two hours, the parties have to pay the mediator themselves. In most cases the mediator is a lawyer. Their fees per hour roughly range from € 150 to € 250,- per hour.

Besides mediation some arbitration proceedings exist. The most used ones are:

- “Huurcommissie”: especially for problems between landlord and their tenants. Very cheap option. Costs per complaint are € 11,-.
- “Raad van Arbitrage voor Bouwbedrijven”: especially in cases between builders and their contractors. Proceedings before this arbitration can become very expensive (between € 250,- and € 7.000,- depending on the sum of the claim) and can take even longer than proceedings in Court.
- “Geschillencommissie”: especially for consumers in all kinds of cases ranging from disputes with banks to disputes with builders. Cheap alternative to Court proceedings: € 45,- per complaint. Proceedings are relatively quick and informal.

For all these alternatives representation of a lawyer is not compulsory. In proceedings before the “Raad van Arbitrage” it can be advisory to make use of a lawyers’ assistance, depending on the subject of the case.

Costs of legal Aid proceedings

The Court fees in proceedings where one of the parties is granted legal aid are lower (for that party) than in « normal » proceedings. The fees range from € 15 to € 285 in proceedings before « Rechtbank, sector kanton », depending on the nature of the case and financial importance. The Court fees (in legal aid cases) before « Rechtbank » range between € 49,75 to € 4735, depending on the nature of the case and financial importance. In appeal proceedings or before the Supreme Court Court fees range from € 26,50 up to € 5916, depending on the nature of the case and financial importance.

Costs of fast track proceedings

A fixed Court fee of € 251 for the defendant. This fee might be reimbursed by the plaintiff when the claim of the plaintiff is rejected by the Court. If urgency is required, a verdict can be given within one week.

Costs of Group actions 'proceedings

In group action proceedings it depends on the Court whether the Court fees are calculated per group or per person. So for example the Court of Utrecht may require only one x (applicable) Court fee, and the Court of Amsterdam may require amount of persons x (applicable) Court fee.

Payment

In Court proceedings, the Court sends the bill for the Court fees to the party/lawyer that needs to pay them. Most law firms have direct bank connections with the Court, so payment is easy. The fees are to be paid when the case is filed.

In ADR proceedings, the mediator, huurcommissie, Raad voor Arbitrage or Geschillencommissie send the bill to the person who needs to pay it. Payment goes by bank transfer in most cases.

E-justice

E-justice does not yet exist in the Netherlands. The Courts can be contacted by e-mail, although it is not possible to pose questions in a specific case/proceedings by e-mail. Legal documents cannot be send by e-mail to the Courts. Verdicts are only given in writing and are available digitally and are not send by e-mail.

It is possible to organize a video conference in Court. It happened a couple of times and the Courts expect it to happen more often in the future.

Impact of the number of hearings on costs

In fact the number of hearings in Court proceedings do not have effect on the costs (of Court fees). In principle in Court proceedings there is one written round, the second round is a hearing. In theory the Courts are then able to decide on the case.

Under circumstances, the Court or one of the parties can request an other hearing. When witnesses/experts need to be heard, there will be more hearings.

Transcription costs

In this chapter I will only take into account transcription costs of verdicts by the Courts.

The applicable regulations on this subject are “Besluit Tarieven in Burgerlijke Zaken” and “Besluit Tarieven in Strafzaken”. These regulations can be found online: : http://mpbundels.mindef.nl/31_serie/31_101/31_101_1130.htm and <http://www.rechtspraak.nl/Naar+de+rechter/Landelijke+regelingen/Sector+civiel+recht/Handleiding+tarieven+in+burgerlijke+zaken.htm>. Furthermore, information on this subject can be requested at the Courts.

After the Court ruled in a case, the certified verdict will be send to the parties. No specific costs are applicable; Court fees are expected to cover these costs. When one party requests a second or more transcripts of the verdict it costs money: € 3,18 per verdict and € 0,18 per additional page, to be paid by the requesting party.

The governmental organisation “Raad voor de Rechtspraak” (Council of the Judiciary) determines these costs.

Conclusions and Recommendations

Court generally depend on the following questions: is legal aid granted to a party? What is the nature of the proceedings (family law, labour law, rental law)? What is the financial importance of the case? Court fees are fixed fees, which are foreseeable.

It is not easy for a person seeking justice to determine what court fee is applicable to his case. Even lawyers and the Courts have arguments on which fee is applicable.

In cross border proceedings there is no different Court fee applicable, if the proceedings take place before a Dutch Court.

Court fees are reimbursed to the winning party. Sometimes there is not one winning party (because more than one claim is at stake, or the defendant claims something as well). In those cases the Court divides the Court fees over both parties, whereby the Court decides on the division (e.g. 50-50 or 70-30 or 100-0).

3. Lawyers' consulting and representation fees

General

Since 1997 lawyers (advocates) in The Netherlands are free to determine their own fees. There is no regulation on this field, so in theory there is no limit to the fees. The Dutch Association of Advocates (NOvA) is the (governmental) organization to guarantee the quality of the Dutch Advocates. No cure no pay is not allowed for advocates under Dutch laws.

The most used calculation of the fees is: fee per hour x number of hours. In most law firms the fees depend on the number of years of experience of the lawyer. For a first year lawyer fees start at about € 70,- per hour (at smaller firms) and go up to € 140,-per hour (at larger firms). At most firms the fees will be higher as the lawyer gains more experience. For partners of law firms (about 8 and more years experience) the fees range from € 170,- at smaller firms up to € 700,-/€ 800,- per hour at larger firms. As mentioned above there is virtually no limit to the fees of lawyers.

Most law firms have a schedule of their fees, so clients can shop for a cheaper lawyer.

Other than this method, lawyers and their clients are allowed to (for example) set a fixed fee for the case or a certain fixed fee for legal assistance per year.

Other methods than the above mentioned are also allowed. Only “no cure no pay” is forbidden. To avoid discussions on the bill, lawyers are advised to confirm the (financial) agreement accurately in writing to their clients and keep their clients up to date on the costs made (per month).

For example: in a straightforward case (negotiating-summons/claim-answer of counterparty-hearing-verdict) the lawyer usually bills per hour. Also the lawyer can propose a fixed fee of (for a simple straightforward case) € 4000. If the client and the lawyer have a fixed price for legal assistance per year, the hourly rate can be lower than usual.

Information on lawyer’s fees is available at the law firms. A person seeking justice needs to call a law firm to find out what their fees are, since the fees are generally not available online.

The assistance of a lawyer (advocate) is mandatory in civil proceedings before Court (“Rechtbank”) and for civil proceedings in appeal or before the Supreme Court.

In civil proceedings the following distinction of jurisdiction in first instance is being made:

- “Rechtbank, sector Kanton” (cases with a financial importance of less than € 5.000,-, Labour Law cases, Rent Law cases): the assistance of an advocate is not compulsory, but advisable.
- “Rechtbank”: all other proceedings other than the ones before “sector Kanton”. The assistance of an advocate is compulsory.

In all civil proceedings in Appeal or before the Supreme Court the assistance of an advocate is compulsory.

In Administrative proceedings the assistance of an advocate is not compulsory, although it can be smart to hire an advocate.

In Criminal Law proceedings the suspect receives (free) legal assistance from an advocate (legal aid is granted if needed).

Fees depending on the nature of the litigation

As mentioned above, at most law firms the fees mostly depend on the experience of the lawyer. In some firms the fees also depend on the nature of the litigation and the speciality of the lawyer in question.

It is thus possible that a firm for example decides that the fees per hour in Labour Law are for example € 150,- per hour and € 400,- per hour for cases in Intellectual Property law.

Fees depending on the type of lawsuit or proceedings

Since there is no regulation in this field, the determination of fees is free to law firms. Generally speaking, fees do not depend for the type of lawsuit of proceedings, although it is allowed to have the fees depend on the type of lawsuit.

Mostly, lawyers' fees are the same in case of proceedings in appeal or in proceedings in first instance.

Fees depending on the value of the claim

In most law firms the fees also depend on the sum of the claim. This is the schedule our firm uses.

The scheme shows how the fees in our office are built up. The number of years of experience is the most determining factor. Also the financial importance/value of the claim in question is relevant. This scheme is comparable to other law firms.

Advocates in our office are being grouped as follows:

- I: advocates with less than one year experience
- II: advocates with 1 to 3 years experience
- III: advocates with 3 to 5 years experience
- IV: advocates with over 5 years experience

The fees in our office differ as follows:

In cases with a financial importance up to € 50.000,- the fees are € 110,- (for group I; € 140 for group II; € 160,- for group III; € 195,- for group IV).

In cases with a financial importance between € 50.000,- and € 250.000,- and in cases which are not definable in money, the fees are € 110,- (for group I); € 160,- (for group II); € 195 (in group III); € 230 (in group IV).

In cases with a financial importance of over € 250.000,- the fees are € 110,- (for group I); € 195,- (for group II); € 230 (for group III); € 275,- for group IV).

Fees depending on the jurisdiction

Generally lawyers' fees do not depend on the jurisdiction. Of course, there will be additional costs in cross border proceedings (hiring/communicate with a lawyer, bailiff etc. abroad). As said above, it is allowed to have the fees depend on any ground.

Legal aids cases

In case legal aid is granted to a person seeking justice, the Raad voor Rechtsbijstand (RvR) determines how much this person has to pay himself to his advocate. The RvR also estimates the difficulty of the case and awards a number of points to the case. The lawyer knows how many hours he can bill to the RvR. If more hours are needed, the lawyer needs to request so to the RvR. After the case ended, the lawyer sends the bill to the RvR.

In principle the RvR pays the lawyer the amount of point awarded x € 106. On average 8 points are awarded, so that the lawyer receives € 848, plus the own contribution of the client (depending on income between € 92 and € 690) for an average case. Eight points correspond to about 24 hours of work. So if no legal aid would have been granted the lawyer's bill to the client would have been 24 hours x € 180 = € 4320, which would be € 5550 including VAT and office costs.

Contingency fees

Generally contingency fees do not exist as such. In complex cases a higher hourly rate could be used.

Payment

Retainer

A retainer is generally not requested, but can be asked. Payment is generally per month, after the services of the lawyer have been provided. The lawyer is to provide the bill (in detail) what services he provided in that month. With new clients (especially if they are individuals who do not receive legal aid or are not insured for legal costs and have an average income) or clients who are known as defaulters a retainer will be requested. Payment usually goes through bank transfer.

Conclusions and recommendations

Lawyers usually bill by the hour. A client knows what the hourly rate of the lawyer is. It is difficult to estimate how a case/proceedings go, so for that matter the costs are not quite foreseeable. Only in straightforward cases a good estimation can be given.

A person seeking justice knows that lawyers are expensive. For that matter these costs are dissuasive for an individual to whom legal aid is not available at least. Even for (bigger) companies lawyers fees are being considered when deciding on whether or not to start proceedings.

Only in Intellectual Property proceedings lawyers fees are totally reimbursed to the winning party, if the Court finds the fees reasonable. In other cases only a small percentage (about 10%) of lawyers fees are being reimbursed.

4. Bailiff fees

General

Bailiffs have multiple activities. On the one hand they have a monopoly on, for example, serving summons. In this quality they are in fact acting as civil servants. For these official deeds there are fixed fees. On the other hand the assistance of a bailiff can be requested to recover money from debtors. These fees are free and to be determined by the bailiffs themselves. In this chapter I will focus on the first type of activity of the bailiffs.

A Bailiff is necessary (by law) when starting proceedings (except in family and labour law proceedings and some other exceptions (in bankruptcy law)). The bailiff is (by law) the only authority in The Netherlands that can serve a summons and a verdict. The costs for straightforward simple proceedings consist of the serving a summons are € 70,85 and the serving of the verdict € 68,20, so € 139,05 in total.

The law (“Gerechtsdeurwaarderswet”) and secondary law (“Besluit Tarieven Ambtshandelingen Gerechtsdeurwaarders”) regulate the bailiffs’ fees. These laws are relatively new (2001) and were set up to improve the free market of bailiffs. Bailiffs are organised in the Royal Organization of Bailiffs (KBvG).

Information on bailiff’s fees can be found online at public (and private) websites, like www.kbvg.nl and www.deurwaarder.startpagina.nl. Most bailiffs are able to provide a table with the fixed (set by law) fees.

The bailiff’s fee is to be paid by the client, although the client will request the bailiff to recover the bailiff’s costs from the debtor when possible. The Court can rule that the costs of attachment and execution of a verdict have to be paid by the losing party.

Ante judgment

Before proceedings start there are roughly two situations in which the assistance of a bailiff is mandatory. Firstly for the serving a summons to the defendant. With the serving the proceedings start.

Secondly, the bailiff's support is needed for the serving a writ of attachment.

The costs of these actions are fixed by law. For the serving of summons the costs are € 70,85. For the serving of a writ of attachment the costs differ, depending on the object of the attachment. For example, the attachment on real estate costs € 128,05 and the costs for attachment on stocks are € 202,44.

During proceedings

During proceedings there are no circumstances under which the bailiff's actions are mandatory. It is however possible that a party (during proceedings) decides to seize assets of the counterparty. In that case the intervention of a bailiff is necessary.

Post proceedings

After the proceedings end (through a binding verdict of the Court), the intervention of a bailiff is (amongst others) requested for the serving and execution of this verdict. The serving of a verdict in The Netherlands costs € 68,20 and the sale of attached goods is € 245,33.

As annex 1 to this report you find the table of bailiffs' fees, based on the law (in Dutch).

Legal aid cases

Bailiff fees are (by law) fixed fees and do not depend on the question whether or not legal aid is granted.

Payment

Retainer

Generally a retainer is not requested by bailiffs, although they are (by law) allowed to do so up to the amount of the fixed fee.

Bailiffs are usually paid after they did their work. Payment goes through bank transfer.

Conclusions and recommendations

Bailiff fees are (by law) fixed fees. The costs are foreseeable, since a lawyer knows when the assistance of a bailiff is required.

An individual can relatively easy find out how much the bailiff fees are. They are available online. The fees are quite low, so these costs cannot be considered dissuasive.

In cross border litigations (when a foreign party is being sued before a Dutch Court) the fees for a Dutch bailiff are in fact the same. However, there will be extra costs, since the assistance of a bailiff abroad might be necessary.

Bailiff costs are generally reimbursed totally to the winning party, when the Court decides so.

5. Expert

General

There are no fixed fees for experts in Dutch proceedings. A party can hire an expert (before or during proceedings) to assess any subject in order to obtain proof for his

statements or in order to obtain a report in which the damages suffered by that party are estimated.

A couple of situations are possible:

1. A party hires an expert before proceedings: he will pay the bill of the expert. This party can request the Court that the losing (counter)party has to compensate the winning party for these costs.
2. A party requests the Court to order an expert's assessment (before proceedings on the substance): the expert will give an estimate of his costs and the Court can then decide that both parties have to set a (financial) security deposit before the expert starts his assessment. The losing party can be condemned to pay the (whole) expert fees. This is also possible during proceedings on the substance.
3. In Criminal Law and Administrative law proceedings (individual versus government) the Court can decide that an expert's assessment is needed. In those cases the Court will pay the expert costs.

To find an expert, one can search for one online or through the Golden Pages. Experts do not have to be accredited. In fact, virtually anyone could be an expert. Most Courts do not have a list of (accredited) experts. The Court of Utrecht (where our firm is based) has recently finished setting up a list of experts of good reputation and their field of expertise. The Court can suggest parties to choose an expert of that list, but parties are still free to choose an other expert.

Fees

As mentioned above, it is almost impossible to give an indication of expert fees. They depend on the subject of the assessment, the time it takes, how much information needs to be gathered, the specialisation of the expert, etcetera. There is no regulation of expert fees. On average an expert will charge at about € 130 per hour. A simple straightforward expertise will cost about € 1500. An expertise in complex insurance matters will cost about € 15000.

Payment

Retainer

Experts are free to request a retainer before starting their research. In (civil) proceedings where the Court (and both parties) formulates the question that needs to be answered by the expert the Court will request a retainer/security deposit of both parties. After this retainer has been paid, the expert will start his assessment.

The Court can rule that one of the parties (the losing party) has to pay the expert costs. Other division of the costs (for example 70-30, 50-50), depending on the outcome of the assessment is also possible.

In general, the expert fees are paid after the expertise is finished. In most cases the fees will be paid by bank transfer.

In Criminal Law and Administrative Law proceedings it is possible that the Court needs to interrogate an expert. In those cases the expert is paid by the Court.

Legal aid cases

For governmental legal aid cases, the expert fees have to be paid by party that requests an expert's assessment. Expert fees are thus not included in the legal aid. In these cases it is also possible that the Court rules that the expert costs have to be paid by the (losing) counterparty.

It is the same in cases where the person seeking justice is insured for legal costs. The insurance company will pay for the (initial) costs, but will always request the Court to rule that the expert costs are paid by the (losing) counterparty.

Reimbursement of experts' fees

As mentioned above: a party can request the Court to rule that the losing party has to pay the expert fees. The Court is free to decide on this matter.

When expert costs are made prior to proceedings, this party can (also) request the Court that these costs are being compensated by the (losing) counterparty.

Practical questions

In theory, anyone (with a certain field of expertise and a good reputation) can be an expert. There is no (special) procedure that needs to be followed before one can act as an expert, not an exam needs to be taken by the expert.

During proceedings the Court (and the parties) will formulate a question and a task to the expert (and a deadline) on which basis the expert starts his assessment.

A foreign expert report will be accepted by the Dutch Court as if it were a Dutch report when relevant to the (legal) question. It might need to be translated by the party that refers to the report.

The expert's report is valid for an indefinite period of time, depending on the subject of the assessment. In the end, it is the judge who decides whether the contents of the report are still valid (for evidence).

Conclusions and recommendations

Expert fees depend on what kind of expertise is needed, the hourly rate of the expert, the complexity of the case, which information is available, etc. Therefore these costs are not very foreseeable. An expert can be asked to give an estimation of his costs.

These costs can be dissuasive, since they are generally high and not transparent. On the other hand, experts are often being used during proceedings to prove something, so that a party will not stop proceedings when the expert is needed.

There is no specific fee in cross border proceedings. Nevertheless the costs will be higher, since the expert has to travel further and might need a translator.

Only in cases where the Court appoints an expert, expert costs can be fully reimbursed to the winning party. If a party appoints an expert, that party will have to pay the expert fees, but can request the Court that the losing part reimburses (part of) the expert costs. It is then up to the Court to decide on that.

6. Translation and interpretation

General

In The Netherlands there is no regulation or guideline applicable to (the fees of) translators/interpreters. Translator/interpreters are free to determine their fees. A useful link to find information on (the fees of) translators is www.vertaal.startpagina.nl. Otherwise it can be quite difficult to obtain information on translator/interpreters' fees. It is an open market, so their fees differ. It is necessary to ask for an offer of the (estimation) costs of translation.

(Official) documents that are used in court proceedings have to be translated by an accredited/sworn translator. For official documents an apostile might be requested.

Translators can translate anything and anywhere as long as it does not have to be an accredited translation. There is about a € 0,02 per word difference when the translator is certified. A document of 4000 words translated by a “normal” translator will cost (depending on the languages) about € 720 and for a certified translator € 800,-. A translator can be certified when the Court or the law requires so. An interpreter will be sworn in every time he acts before Court.

Translation fees

As mentioned above, there is no regulation in which the fees for translators are set. It is up to the translator (offices) to set their fees.

The costs of a translation are in most cases calculated by the amount of words involved. In most cases the fees also depend on the languages of the translation. From Dutch to English or French is cheaper than from Dutch to Portuguese or Japanese. Another factor on which the fees depend are the nature of the text. Complicated, medical or technical texts are more expensive than a for example children's book. However, the fees do not depend on the nature of the litigation.

On average the costs of translation are between € 0,10 and € 0,49 per word. In The Netherlands the Court does not pay for the translation fees.

Translation costs are not covered by legal aid, except in Criminal Law proceedings. The Court is able to condemn the losing party to refund translation costs to the winning party.

Interpretation fees

Interpreter fees are, just like translators, free to be determined by the interpreter himself. No regulation in this field yet exists.

The government is working on a law for "Court interpreters and certified translators". This law:

- consists of a legal framework for criteria to secure quality of interpreters and translators;
- creates a legal basis to set up a register for interpreters and translators within the justice department;
- creates an obligation for the departments of Justice and Police to make use of the (certified) interpreters and translators mentioned in this register;
- constitutes a regulation for both interpreters and translators;
- creates a complaint service

Information on interpretation fees can be found on websites like: www.tvcn.nl or www.tolkdirect.nl and <http://tolken.startpagina.nl>.

It is necessary to request a tender from a specific interpreter to find out about

fees and conditions. There is not yet an “official” interpretation office for the Courts.

Since an official register of certified interpreters does not yet exist, it can be difficult to obtain the names of certified interpreters. This kind of information can be requested through a translation office.

An interpreter needs to be certified before he or she can act before Court. The interpreter has to take the oath every time he has to interpret in Court. Depending on Treaties between countries, an interpreter from one country can under circumstances provide certified interpretation services in an other country.

Certified interpreters charge higher fees than regular interpreters who are not accredited to interpret in Court. Furthermore the fees of the interpreter depend on the languages that need to be interpreted: Dutch-English is cheaper than Dutch-Vietnamese. The nature of the interpretation has effect on the fees as well.

Payment

Translators and interpreters can generally be paid after the translator/interpreter finished his work, through:

- VISA credit card
- Master Card credit card
- Debit card
- Cash
- Wire (bank) transfer

Fees of interpreters go by the hour, depending on the subject of interpretation and whether the interpreter needs to be certified the average amount on a daily basis to hire a interpreter is between € 500,- and € 1.000,-, payable by the party that hires the interpreter. The Court can rule that the losing party has to refund the costs of interpretation to the winning party. Interpretation costs are not covered by legal aid, except in Criminal Law Proceedings.

Retainer

Translators/interpreters generally do not require a retainer, but they are allowed to do so.

Practical questions

Not any translator can produce a certified translation. To be able to provide a certified translation in The Netherlands, the translator has to be a citizen of the Country in which he produces the translation, as well as the translator is required to have a statement of good behaviour. No special exams need to be taken.

The difference between a standard translation and a certified translation is that the certified translation needs to be accompanied by a statement from the translator himself, which is more expensive than a standard translation. A certified translation is only valid in an other country after a legislation procedure or apostile, depending on the countries involved. A certified translation is valid for over ten years. It is not possible that the client (how fluent he might be in both languages) produces a translation which is certified by a translator. Nor is it possible to produce a copy of a certified translation, only the original is valid.

A translator who is certified in one country is not (automatically) certified in an other country.

Conditions for the translation can be set by the client, the court, the translator or both client and translator, in consideration

Example case:

Question: "I already have a document translated by an accredited translator. I need this translation again but only have a photocopy of it." Can I use this photocopy or do I need it to be certified by a civil/legal authority? Or do I need to have the document translated again by an accredited translator?

Answer: It needs to be translated again by an accredited translator.

Legal aid

As stated above, legal aid does not cover costs of interpretation and translation, except in Criminal Law proceedings. The person requesting legal aid needs to find assistance and pay the costs himself.

Reimbursement

As mentioned earlier, costs of translation and interpretation can be reimbursed to the winning party by the Court, when the winning party requests so.

Conclusions and recommendations

When hiring a translator you know what his fees are (per word). The fees depend of the languages that need to be translated (Dutch-English is cheaper than Dutch-Vietnamese). It is relatively easy to find out what this fee is and how much the total costs will be. Certified (more expensive) translators are only necessary when the Court or the law requests so. The costs are thus quite foreseeable.

In cross border proceedings these costs can become quite high, especially when the Court requires certified translations. It could be a reason not to start proceedings, because of these costs.

Costs of translation/interpretation are (partly) reimbursed if the Court decides so.

7. Witness Compensation

General

Witnesses are not being paid to give a statement in court proceedings, but they are compensated for their time. It is quite difficult to find out for which costs they will be compensated, and to what extend those costs will be compensated, since parties themselves decide which costs (and to what extend) will be refunded. The

Court will take notice of this agreement and will rule (at the verdict) that the losing party is to refund these costs.

Brochures on witnessing before Court can be pick up (for free) or requested online through www.postbus51.nl (most of them are free). There is no special organization for the (protection of) witnesses' (rights).

Fees

As stated above, witnesses are compensated for their time. The following costs can be included in the refund.

1. The price of train and bus tickets will be advanced by the party that summoned the witness to appear in Court.
2. Costs of travel by car. Most Courts use the table set by the Council of the Judiciary which says the witness should be refunded € 0,28 per kilometre. In practise some judge will estimate the costs made by the witness.
3. Loss of income is also advanced by the summoning party. The Court can rule that these costs (in the end) have to be paid by the losing party (these costs are part of "other proceeding costs").
4. Parties are free to determine what (other) costs will be refunded to the witness.

Legal aids cases

The fact that a party was granted legal aid does not have effect on the (amount of) witness compensation. The witness' expensive will be compensated. Even if legal aid was granted, the party has to compensate the witness. These costs can be reimbursed by the losing party.

Payment

In the end the losing party will be condemned by the Court to refund the witness' costs. In first instance though, the party that summons the witness to appear in Court, will advance these costs to the witness.

The (advocate of the) party that advances the costs will ask for the witness' bank account number and makes sure that the witness is compensated.

The judge asks the witness what his/her expenses are and how much time (income) the witness lost. Then the judge determines the compensation more or less off the top of his head.

In cross border proceedings written statements have to be translated if necessary. In the case of a cross border proceeding where the Court needs to interrogate the witness a interpreter will be present. Other than that, there is no special procedure to hear foreign witnesses.

Practical questions

Virtually anyone who can testify something he/she has seen/heard can be recognised as a witness.

Witnesses have to take an oath before the Court and/or the parties start interrogating. After the testimony is taken and written down by the Court, the testimony will be read out loud by the judge. Finally the witness signs his testimony. The Court will place a stamp under the testimony and a copy is given to the witness. A witness who does not tell the truth (under oath) (whatever the nature of the proceedings might be) commits perjury and can be persecuted.

Other than testifying before Court, a party can ask a witness to write down a testimony. The witness will not be under oath, nor will his testimony be accredited in any way. Only if the Court requests to interrogate the witness the above mentioned procedure will be followed.

Conclusions and recommendations

When a witness needs to be heard in Court, his expenses will be reimbursed (train ticket etc). If the witness is self-employed, his hourly wage can be reimbursed as well. There are no fixed fees for witness compensation.

A person seeking justice does generally not know that witnesses are compensated. On the other hand, these costs are not very high and therefore they cannot be considered dissuasive.

In cross border litigation these costs will be higher (when a witness living abroad has to travel to The Netherlands to testify).

These costs can be fully reimbursed to the winning party if the winning party requests so and the Court grants that request.

8. Pledges and security deposits

General

In fact there are no circumstances under which the Courts itself requires (one of the) parties to provide a pledge or security deposit.

However, in cross border proceedings where a foreign plaintiff sues a Dutch defendant before a Dutch Court, the Dutch defendant can request the Court to rule that the plaintiff has to provide a (financial) security for the proceeding costs. The most common form of security will be a bank deposit, although other forms of security (e.g. pledge, mortgage) are permitted as well.

This procedure is given under article 224 of the (Dutch) Code of Civil Proceedings (Rv).

The goal of this procedure is to avoid problems recovering proceedings costs from the foreign plaintiff, in case he lost and is condemned to pay the proceedings costs.

In the case where a Dutch plaintiff sues a foreign defendant before a Dutch Court this request of security is not possible. Furthermore, the request will be denied when an international Treaty applicable to the parties forbids the provision of a security deposit. An example is article 51 of the EEX Regulation.

Fees

The Dutch defendant will provide the Court with an estimated amount of the proceedings costs. The Court rules (in a verdict) whether or not the security deposit needs to be provided as well as the (financial) amount of this security.

Payment

The Court keeps the security in deposit. After the proceedings ended, the Court is able to transfer the money to the winning party.

Practical questions

The Dutch defendant has to request the Court to rule that the foreign plaintiff provides a deposit before proceedings start. The Court is not able to request a (financial) security automatically.

The foreign plaintiff is free to decide what kind of security it will provide (bank deposit, pledge, etc.).

Other than the 224-procedure, the Court can require parties to set a deposit for expert fees. See Chapter 5.

Conclusions and recommendations

These costs only exist in cross border proceedings and only when the plaintiff is a foreign party and the defendant is Dutch and when the defendant requires the plaintiff to set a security.

9. Court decisions

Cost of notification

The proceedings end with a verdict of the Court. The Court will send the verdict to both parties. There are no costs involved. Only in case a party loses the verdict, or for other reasons needs a new authenticated verdict, the Court requests that party to pay fees: € 3,18 per document and € 0,18 per extra page.

Some (interesting) Court decisions will be published online or in legal magazines.

All Courts decisions are in Dutch. A (foreign) party that needs the decision in an other language needs to have it translated. The costs of translation need to be paid by that party.

A Court decision/verdict is executable. The Court can decide that the verdict is executable right away, or that the verdict is executable only after the deadline to appeal has past and no appeal has been made. There is no need for another procedure before a party can execute the verdict.

A bailiff is required to serve the verdict officially to the losing party. At the same time the bailiff is allowed to seize goods. The costs for the serving of the verdict by a bailiff are € 68,20 (fixed fee).

Cost of obtaining an authenticated decision

As mentioned above, the Courts will send an authenticated decision to both parties for free. When a party requests a second authenticated decision costs will be made.

Conclusions and recommendations

The Courts notify parties on hearings and verdicts. They will be send to the parties or their lawyers/representatives directly. No costs are involved. They can be considered part of the Court fees.

No extra costs are involved in cross border litigations.

10. Civil Legal aid

General

Legal aid is provided by the government through the Council of Legal Aid (“Raad voor Rechtsbijstand”). Other than that people can insured themselves for legal costs through (private) insurance companies. In this chapter I will focus on legal aid provided by the government.

Information on legal aid is quite easy to get (although the system of legal aid is quite complicated to understand, even for lawyers). Online on the website of the Council for Legal Aid (www.rvr.org) information, forms and brochures can be downloaded. Also brochures can be obtained at the Courts, the legal aid centres (“Het Juridisch Loket”) and requested from the “front office of the government”: Postbus 51 (www.postbus51.nl).

Since the Council for Legal Aid is a governmental body, legal aid is granted through a decision of this body; its decisions are appellate under Administrative Law.

(Most of) this information is not available in English or other languages than Dutch.

The maximum income to be able to receive legal aid is € 31700 (combined income of the partners) for a couple and € 22400 for a single person. The average income in The Netherlands is € 30000,- per year before taxes.

Conditions of grant

The most important criterion to obtain legal aid is income of the person requesting legal aid and his (marital) status. The table applicable in this matter is attached to this report as annex 2.

A distinction must be made between single living persons and married or people living together. To a single making more than € 22.400,- per year legal aid will not be granted. For a persons living together with his/her partner or child, this limit is € 31.700,- (of the combined income).

Except in Criminal Law proceedings every person, depending on his/her income has to contribute to legal aid. There are five boxes (see annex 2). Depending on which box is applicable to the person requesting legal aid, the amount of his/her own contribution can be determined. It ranges from € 92 (€ 0,- in Criminal Law proceedings, only in the lowest box) to € 690,-.

Legal aid will be denied when the person requesting legal aid obtains over € 19.522,- made by savings or investment.

Other criteria that need to be fulfilled in order to obtain legal aid are:

- The case has to be that complicated that legal assistance is necessary;
- It is not possible to apply for legal aid for somebody else;
- Dutch Law needs to be applicable to the case and the proceedings must be before a Dutch Court;
- In principle business related matters are not included in legal aid;
- The financial importance of the case must be at least € 180,-.

Foreign people living in The Netherlands can apply for legal aid. All forms are in Dutch. Foreign people need the assistance of a translator, lawyer or anyone else in

order to complete the forms etc. The Council for Legal Aid does not provide such assistance.

Strings attached

In some cases the Council of Legal Aid can decide that the decision in which legal aid was granted will be withdrawn. In that case, the person who was granted legal aid has to pay the lawyer's fees.

This is the case when the person who was granted legal aid is awarded over € 9.849,- by the Court in the verdict. For example: a person who was granted legal aid, is awarded € 12.000,- by the court as severance payment to be paid by his former employer. This person receives over € 9.849,-, so the legal aid will be withdrawn. So he has to pay all the legal costs himself (lawyer fees, court fees etc.).

Practical questions

The Council for Legal Aid is divided in five Councils which are located throughout the country. They are easily accessible by phone and their staff is willing to answer all questions. The Legal Aid system has recently been renewed, but it can still be difficult (for lawyers, especially for lawyers who do not work with legal aid that often) to understand the system.

A person requesting legal aid or the lawyer assisting this person has to fill out a form. The Council for Legal aid will then contact the Tax Authority to check the income of the person requesting legal aid. When the income of this person is below € 22.400,- (for singles) or below € 31.700,- (for partners) legal aid will be granted. If the income is above these amount legal aid will be denied, and the person seeking justice has to pay for legal assistance himself.

In case legal aid is granted to a person seeking justice, the Raad voor Rechtsbijstand (RvR) determines how much this person has to pay himself to his

advocate. The RvR also estimates the difficulty of the case and awards a number of points to the case. The lawyer knows how many hours he can bill to the RvR. If more hours are needed, the lawyer needs to request so to the RvR. After the case ended, the lawyer sends the bill to the RvR.

In principle the RvR pays the lawyer the amount of point awarded x € 106. On average 8 points are awarded, so that the lawyer receives € 848, plus the own contribution of the client (depending on income between € 92 and € 690) for an average case. Eight points correspond to about 24 hours of work. So if no legal aid would have been granted the lawyer's bill to the client would have been 24 hours x € 180 = € 4320, which would be € 5550 including VAT and office costs.

After the proceedings/case ended, the Council for Legal Aid will review its decision, taking into account the outcome of the case. As mentioned earlier, the legal aid will be withdrawn completely if the person who was granted legal aid received over € 9.849,-. In that case this person has to pay the lawyers commercial fees.

Legal aid is in fact a governmental subsidy to the person seeking justice. The person seeking justice has to contribute to the costs of the lawyer, as mentioned above, depending on his income. The lawyer sends his bills to the Council for Legal Aid. His fees are covered based on a system of the Council for Legal Aid. Court fees, bailiff fees, expert fees, translation fees are not covered by legal aid. Only in cases in criminal proceedings, translators' fees are covered by legal aid.

Legal aid will be renewed in the case where a Court decision in first instance is appealed.

Legal aid can also be used for mediation. For other ADR proceedings no legal aid can be requested, unless the complexity of the case or proceedings require the assistance of a lawyer.

Legal aid is only granted in proceedings before a Dutch Court. For proceedings abroad no (Dutch) legal aid will be granted. An estimate of 40% of all proceedings involve parties to whom legal aid has been granted.

Other proceedings costs, like expert costs, witness costs and bailiff costs are not covered by legal aid. These costs have to be paid by the person seeking justice himself.

Conclusions and recommendations

The average income in The Netherlands is about € 30.000 gross per year per person. The maximum income to which legal aid is being granted is € 22.400,- gross per year. If the average person is not insured for legal costs, he has to pay legal costs (lawyer fees etc) by himself. Since acting in Court can become (very) expensive, it is almost impossible for an average person (who is not insured for legal costs) to act in Court.

11. Personal experience

In my career I have quite often been confronted with cases with a cross border aspect. Because of the many differences between the legal systems of all EU Member States it is (almost) impossible to understand more than one legal system, let alone be able to initiate Court proceedings in another Member State.

In cross border proceedings before the Court of the foreign country it is advisory to find a lawyer in that country to do the proceedings for you(r client).

Our office is member of an international network, so it is quite easy to obtain information on other jurisdictions.

Although our lawyers' fees do not depend on the cross border aspect, proceedings in another country is about 30 % more expensive, compared to the same (kind of) proceedings between two Dutch parties.

In my opinion it is necessary to overcome the obstacles to get access to other European Courts, so that lawyers will be able to take actions in Court (more easily)

in other Member States than their own country. Other factors that contribute to the obstacles for cross borders proceedings are:

- The added costs to consult lawyers in other countries.
- The difficulties to get legal aid for other nationals.
- The uncertainty of costs.

As to obtaining legal aid abroad: it is quite difficult to obtain information on legal aid (requirements) in other countries. The assistance of a lawyer/legal professional of that country is necessary.

In my opinion a greater transparency in and more information on costs and how to obtain legal aid in other Member States are the best solutions to overcome these obstacles.

INSURANCE COSTS

As mentioned earlier, there are insurance companies that cover legal costs. The most specialized (DAS, ARAG) have own lawyers (non-advocates as well as advocates). These lawyers (non-advocates) are able to take action in proceedings before “Rechtbank, sector kanton” and Administrative proceedings. If the assistance of a advocate is needed, they will refer the case to one of their own advocates or to a law firm.

The insurant pays a (monthly) premium of about € 25- € 50, depending on the insured sum (between € 10.000 and € 50.000 and even more).

Both DAS and ARAG have offices throughout the EU, so cross border litigations could be insured.

Insurance companies cover (virtually) all costs of litigation up to the limit of the insured sum: Court fees, expert fees, lawyer fees (special rates between insurance company and law firms) , bailiff fees, translation fees interpretation costs.

12. Case studies

Case study 1 - Family law - Divorce (excluding division of matrimonial property)

Case n° 1

Case Study	Court			Appeals			ADR	
	Initial court fees ¹	Transcription fees ²	Other fees ³	Initial court fees ⁴	Transcription fees ⁵	Other fees ⁶	Is this option open for this type of case?	Costs ⁷
Case A	€ 196	€ 0	€ 0	€ 248	€ 0	€ 0	yes	€ 160
Case B	€ 196	€ 0	€ 0	€ 248	€ 0	€ 0	yes	€ 160

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ? ⁸	Pre-judgment costs ⁹	Post-judgment costs ¹⁰	Is use compulsory ?	Cost ¹¹
Case A	yes	no legal aid: € 1200; legal aid: €	No	€ 0	€ 81,16	No	€ 1500

¹ for the plaintiff as well as the defendant

² the Court notifies parties on hearings and verdict.

³ no other court fees exist

⁴ for the plaintiff as well as the defendant

⁵ the Court notifies parties on hearings and verdict

⁶ no other (court) fees exist

⁷ per hour

⁸ but when the opposing party doesn't obey the judgement, you can call in the bailiff to execute the judgement

⁹ no bailiff needed

¹⁰ if necessary (a national fixed amount)

¹¹ Depending on the needed expertise, average

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ? ⁸	Pre-judgment costs ⁹	Post-judgment costs ¹⁰	Is use compulsory ?	Cost ¹¹
		151,75 up to € 259					
Case B	yes	no legal aid: € 1200; legal aid: € 151,75 up to € 259	No	€ 0	€ 81,16	No	€ 2500

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	Yes, they can claim their travelling expenses and when they have their own firm they can also claim their hourly wage	Average € 75	no	€ 0, does not exist.	None, the Court notifies parties on hearings and verdict.	No (additional) costs are to be paid. They are included in the Court fees.
Case B	Yes, they can claim their travelling expenses and when they have their own firm they can also claim their hourly wage	Depending on the country of origin, average € 500	In cross border proceedings before a Dutch Court. Only if the (Dutch) defenadant requires the Court to set a security deposit to the foreign	Depending on the kind of security and amount of security; average in this case € 100	None, the Court notifies parties on hearings and verdict.	No (additional) costs are to be paid. They are included in the Court fees.

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
			plaintiff for court fees and other proceedings costs. Requesting a security deposit is not possible when a Treaty or EU Regulation (for example the EEX Regulation) forbids so.			

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
Case A	When you have a lower income than a fixed amount (depending on the situation of the person seeking aid, between € 22.400-€ 31.700)	Never In family matters , there is always an amount that you have to pay by yourself (between € 92 and €	Conditions related to income . No legal aid will be granted when the financial importance is	No, only in the extreme case that the opposing party forced you into a procedure that is absolutely prospectless and	Difficult to say: a system based on points for every act in the procedure on the one hand and the interest of the case on the other hand. On	Unnecessary costs	Yes, when the opposing party is sentenced to pay the litigation costs, this amount will be decreased on

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
		690 depending on income)	less than € 180.	that was predictable before starting the procedure	average about 10 %		the legal aid payment. Also when the person who was granted legal aid, receives over € 9849 he has to reimburse money to the legal aid organisation
Case B	Only in case the proceedings are before a Dutch court: when you have a lower income than a fixed amount (depending on the situation of	Never In family matters , there is always an amount that you have to pay by yourself (between € 92 and €	Conditions related to income . No legal aid will be granted when the financial importance is	No, only in the extreme case that the opposing party forced you into a procedure that is absolutely prospectless and	Difficult to say: a system based on points for every act in the procedure on the one hand and the interest of the case on the other hand. On	Unnecessary costs	Yes, when the opposing party is sentenced to pay the litigation costs, this amount will be decreased on

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
	the person seeking aid, between € 22.400-€ 31.700)	690 depending on income)	less than € 180.	that was predictable before starting the procedure	average about 10 %		the legal aid payment. Also when the person who was granted legal aid, receives over € 9849 he has to reimburse money to the legal aid organisation

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	If one of the parties does not understand Dutch. It is that party's	Depending on the languages, about € 70 per page	When one of the parties does not speak Dutch. It is that party's	Both parties bare their own costs. For a hearing	Extra bailiff costs.	Bailiff extra costs: € 150

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
	responsibility to hire a translator		responsibility to hire a interpreter	of one hour, about € 200		
Case B	When one of the parties doesn't speak the language. It is that party's responsibility to hire a interpreter	Both parties bare their own costs for this (circa € 70 per page)	When one of the parties does not speak Dutch. It is that party's responsibility to hire a interpreter	Both parties bare their own costs. For a hearing of one hour, about € 200	Extra bailiff costs.	Bailiff extra costs: € 150

Case Study 2 - Family law - Custody of the children (excluding alimony questions)

Case n° 2

Case Study	Court			Appeals			ADR	
	Initial court fees ¹²	Transcription fees ¹³	Other fees ¹⁴	Initial court fees ¹⁵	Transcription fees ¹⁶	Other fees ¹⁷	Is this option open for this type of case?	Costs ¹⁸
Case A	€ 196	€ 0	€ 0	€ 248	€ 0	€ 0	yes	€ 160

¹² for the plaintiff as well as the defendant

¹³ the Court notifies parties on hearings and verdict.

¹⁴ no other court fees exist

¹⁵ for the plaintiff as well as the defendant

¹⁶ the Court notifies parties on hearings and verdict

¹⁷ no other (court) fees exist

¹⁸ per hour

Case Study	Court			Appeals			ADR	
	Initial court fees ¹²	Transcription fees ¹³	Other fees ¹⁴	Initial court fees ¹⁵	Transcription fees ¹⁶	Other fees ¹⁷	Is this option open for this type of case?	Costs ¹⁸
Case B	€ 196	€ 0	€ 0	€ 248	€ 0	€ 0	yes	€ 160

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ? ¹⁹	Pre-judgment costs ²⁰	Post-judgment costs ²¹	Is use compulsory ?	Cost ²²
Case A	yes	€ 1000	No	€ 0	€ 81,16	No	€ 1500
Case B	yes	€ 1000	No	€ 0	€ 81,16	No	€ 2500

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	Yes, they can claim their travelling expenses and when they have their own firm they can also claim their hourly wage	It depends, on average € 75	no	€ 0, does not exist.	None, the Court notifies parties on hearings and verdict	No (additional) costs are to be paid. They are included in the Court fees.

¹⁹ but when the opposing party doesn't obey the judgement, you can call in the bailiff to execute the judgement

²⁰ no bailiff needed

²¹ if necessary (a national fixed amount)

²² Depending on the needed expertise, average

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case B	Yes, they can claim their travelling expenses and when they have their own firm they can also claim their hourly wage	Depending on the country of origin, average € 500	In cross border proceedings before a Dutch Court. Only if the (Dutch) defenadant requires the Court to set a security deposit to the foreign plaintiff for court fees and other proceedings costs. Requesting a security deposit is not possible when a Treaty or EU Regulation (for example the EEX Regulation) forbids so.	Depending on the kind of security and amount of security; average in this case € 100	None, the Court notifies parties on hearings and verdict	No (additional) costs are to be paid. They are included in the Court fees.

Case	Legal Aid			Reimburse ment			
	When and under which conditions is it applicable?	When is support total ?	Conditio ns ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed ?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
Case A	When you have	Never In family	Condi tions	No, only in the	Difficult to say: a	Unnece ssary	Yes, when the

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed ?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
	a lower income than a fixed amount (depending on the situation of the person seeking aid, between € 22.400-€ 31.700)	matters, there is always an amount that you have to pay by yourself (between € 92 and € 690 depending on income)	related to income. No legal aid will be granted when the financial importance is less than € 180.	extreme case that the opposing party forced you into a procedure that is absolutely prospectless and that was predictable before starting the procedure	system based on points for every act in the procedure on the one hand and the interest of the case on the other hand. On average about 10 %	costs	opposing party is sentenced to pay the litigation costs, this amount will be decreased on the legal aid payment. Also when the person who was granted legal aid, receives over € 9849 he has to reimburse money to the legal aid organisation
Case B	When you have a lower income than a fixed amount (depending on the situation of the person seeking aid, between €	Never In family matters, there is always an amount that you have to pay by yourself (between € 92 and € 690 depending on income)	Conditions related to income. No legal aid will be granted when the financial	No, only in the extreme case that the opposing party forced you into a procedure that is absolutely prospectless and that was predictable before	Difficult to say: a system based on points for every act in the procedure on the one hand and the interest of the case on the other hand. On average	Unnecessary costs	Yes, when the opposing party is sentenced to pay the litigation costs, this amount will be decreased on the legal aid payment. Also when the person who was

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed ?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
	22.400-€ (31.700)		importance is less than € 180.	starting the procedure	about 10 %		granted legal aid, receives over € 9849 he has to reimburse money to the legal aid organisation

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	If one of the parties does not understand Dutch. It is that party's responsibility to hire a translator	Depending on the languages, about € 70 per page	When one of the parties does not speak Dutch. It is that party's responsibility to hire a interpreter	Both parties bare their own costs. For a hearing of one hour, about € 200	Extra bailiff costs.	Bailiff extra costs: € 150
Case B	When one of the parties doesn't speak the language. It is that party's responsibility to hire a interpreter	Both parties bare their own costs for this (circa € 70 per page)	When one of the parties does not speak Dutch. It is that party's responsibility to hire a interpreter	Both parties bare their own costs. For a hearing of one hour, about € 200	Extra bailiff costs.	Bailiff extra costs: € 150

Case Study 3 - Family law - Alimony

Case n° 3

Case Study	Court			Appeals			ADR	
	Initial court fees ²³	Transcription fees ²⁴	Other fees ²⁵	Initial court fees ²⁶	Transcription fees ²⁷	Other fees ²⁸	Is this option open for this type of case?	Costs ²⁹
Case A	€ 196	€ 0	€ 0	€ 248	€ 0	€ 0	yes	€ 160
Case B	€ 196	€ 0	€ 0	€ 248	€ 0	€ 0	yes	€ 160

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ? ³⁰	Pre-judgment costs ³¹	Post-judgment costs ³²	Is use compulsory ?	Cost ³³
Case A	yes	no legal aid: € 1200; legal aid: € 151,75 up to € 259	No	€ 0	€ 81,16	No	€ 1500

²³ for the plaintiff as well as the defendant

²⁴ the Court notifies parties on hearings and verdict.

²⁵ no other court fees exist

²⁶ for the plaintiff as well as the defendant

²⁷ the Court notifies parties on hearings and verdict

²⁸ no other (court) fees exist

²⁹ per hour

³⁰ but when the opposing party doesn't obey the judgement, you can call in the bailiff to execute the judgement

³¹ no bailiff needed

³² if necessary (a national fixed amount)

³³ Depending on the needed expertise, average

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ? ³⁰	Pre-judgment costs ³¹	Post-judgment costs ³²	Is use compulsory ?	Cost ³³
Case B	yes	no legal aid: € 1200; legal aid: € 151,75 up to € 259	No	€ 0	€ 81,16	No	€ 2500

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	Yes, they can claim their travelling expenses and when they have their own firm they can also claim their hourly wage	Average € 75	No	€ 0, does not exist.	None, the Court notifies parties on hearings and verdict.	No (additional) costs are to be paid. They are included in the Court fees.
Case B	Yes, they can claim their travelling expenses and when they have their own firm they can also claim their hourly wage	Depending on the country of origin, average € 500	In cross border proceedings before a Dutch Court. Only if the (Dutch) defenadant requires the Court to set a security deposit to the foreign plaintiff for	Depending on the kind of security and amount of security; average in this case € 100	None, the Court notifies parties on hearings and verdict.	No (additional) costs are to be paid. They are included in the Court fees.

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
			court fees and other proceedings costs. Requesting a security deposit is not possible when a Treaty or EU Regulation (for example the EEX Regulation) forbids so.			

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed ?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
Case A	When you have a lower income than a fixed amount (depending on the situation of the person seeking aid, between € 22.400-€	Never In family matters, there is always an amount that you have to pay by yourself (between € 92 and € 690 depending on income)	Conditions related to income . No legal aid will be granted when the financial importance is less than €	No, only in the extreme case that the opposing party forced you into a procedure that is absolutely prospectless and that was predictable before starting	Difficult to say: a system based on points for every act in the procedure on the one hand and the interest of the case on the other hand. On average about 10	Unnecessary costs	Yes, when the opposing party is sentenced to pay the litigation costs, this amount will be decreased on the legal aid payment . Also

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed ?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
	31.700)		180.	the procedure	%		when the person who was granted legal aid, receives over € 9849 he has to reimburse money to the legal aid organisation
Case B	Only in case the proceedings are before a Dutch court: when you have a lower income than a fixed amount (depending on the situation of the person seeking aid, between € 22.400-€	Never In family matters, there is always an amount that you have to pay by yourself (between € 92 and € 690 depending on income)	Conditions related to income . No legal aid will be granted when the financial importance is less than € 180.	No, only in the extreme case that the opposing party forced you into a procedure that is absolutely prospectless and that was predictable before starting the procedure	Difficult to say: a system based on points for every act in the procedure on the one hand and the interest of the case on the other hand. On average about 10 %	Unnecessary costs	Yes, when the opposing party is sentenced to pay the litigation costs, this amount will be decreased on the legal aid payment . Also when the person who was granted legal aid,

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed ?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
	31.700)						receives over € 9849 he has to reimburse money to the legal aid organisation

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	If one of the parties does not understand Dutch. It is that party's responsibility to hire a translator	Depending on the languages, about € 70 per page	When one of the parties does not speak Dutch. It is that party's responsibility to hire a interpreter	Both parties bare their own costs. For a hearing of one hour, about € 200	Extra bailiff costs.	Bailiff extra costs: € 150
Case B	When one of the parties doesn't speak the language. It is that party's responsibility to hire a interpreter	Both parties bare their own costs for this (circa € 70 per page)	When one of the parties does not speak Dutch. It is that party's responsibility to hire a interpreter	Both parties bare their own costs. For a hearing of one hour, about € 200	Extra bailiff costs.	Bailiff extra costs: € 150

Case Study 4 - Commercial law - Contract

Case n° 4

Case Study	Court			Appeals			ADR	
	Initial court fees ³⁴	Transcription fees ³⁵	Other fees ³⁶	Initial court fees ³⁷	Transcription fees ³⁸	Other fees ³⁹	Is this option open for this type of case?	Costs ⁴⁰
Case A	€ 440	€ 0	€ 0	€ 600	€ 0	€ 0	yes	€ 160
Case B	€ 440	€ 0	€ 0	€ 600	€ 0	€ 0	yes	€ 160

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ? ⁴¹	Pre-judgment costs ⁴²	Post-judgment costs ⁴³	Is use compulsory ?	Cost ⁴⁴
Case A	yes	€ 7500	Yes	€ 0	€ 81,16	No ⁴⁵	€ 1500
Case B	yes	€ 7500	Yes	€ 0	€ 81,16	No	€ 2500

³⁴ for the plaintiff as well as the defendant

³⁵ the Court notifies parties on hearings and verdict.

³⁶ no other court fees exist

³⁷ for the plaintiff as well as the defendant

³⁸ the Court notifies parties on hearings and verdict

³⁹ no other (court) fees exist

⁴⁰ per hour

⁴¹ At the start of the procedure it is.

At the end of the procedure it isn't (when the opposing party voluntarily listens to the judgement, you don't have to call in the bailiff).

⁴² no bailiff needed

⁴³ if necessary (a national fixed amount)

⁴⁴ Depending on the needed expertise, average

⁴⁵ No, if the facts are clear you don't have to call in an expert

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ? ⁴¹	Pre-judgment costs ⁴²	Post-judgment costs ⁴³	Is use compulsory ?	Cost ⁴⁴

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	Yes, they can claim their travelling expenses and when they have their own firm they can also claim their hourly wage	Average € 75	No	€ 0, does not exist.	None, the Court notifies parties on hearings and verdict.	No (additional) costs are to be paid. They are included in the Court fees.
Case B	Yes, they can claim their travelling expenses and when they have their own firm they can also claim their hourly wage	Depending on the country of origin, average € 500	In cross border proceedings before a Dutch Court. Only if the (Dutch) defenadant requires the Court to set a security deposit to the foreign plaintiff for court fees and other proceedings costs. Requesting a security deposit is not possible	Depending on the kind of security and amount of security; average in this case € 100	None, the Court notifies parties on hearings and verdict.	No (additional) costs are to be paid. They are included in the Court fees.

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
			when a Treaty or EU Regulation (for example the EEX Regulation) forbids so.			

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable ?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
Case A	For companies applying for legal aid the criterion is that the continuation of the company is at risk through the legal conflict. If it is not, no legal aid will be granted	Never, there is always an amount that you have to pay by yourself (between € 92 and € 690 depending on income)	Conditions related to income and the continuation of the company is at risk. No legal aid will be granted when the financial importance is less than € 180.	No, no full compensation in this case. Only in cases concerning Intellectual Property full reimbursement of litigation costs can be obtained	Difficult to say: a system based on points for every act in the procedure on the one hand and the interest of the case on the other hand. On average about 5-10 %	Unnecessary costs	Yes, when the opposing party is sentenced to pay the litigation costs, this amount will be decreased on the legal aid payment. Also when the company who was granted legal aid, receives over € 9849 he has to reimburse money to

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable ?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
	d.						the legal aid organisation
Case B	Only in case the proceedings are before a Dutch court: For companies applying for legal aid the criterion is that the continuation of the company is at risk through the legal conflict. If it is not, no legal aid will be granted.	Never, there is always an amount that you have to pay by yourself (between € 92 and € 690 depending on income)	Conditions related to income and the continuation of the company is at risk. No legal aid will be granted when the financial importance is less than € 180.	No, no full compensation in this case. Only in cases concerning Intellectual Property full reimbursement of litigation costs can be obtained	Difficult to say: a system based on points for every act in the procedure on the one hand and the interest of the case on the other hand. On average about 5-10 %	Unnecessary costs	Yes, when the opposing party is sentenced to pay the litigation costs, this amount will be decreased on the legal aid payment. Also when the company who was granted legal aid, receives over € 9849 he has to reimburse money to the legal aid organisation

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	If one of the parties does not understand Dutch. It is that party's responsibility to hire a translator	Depending on the languages, about € 70 per page	When one of the parties does not speak Dutch. It is that party's responsibility to hire a interpreter	Both parties bare their own costs. For a hearing of one hour, about € 200	Extra bailiff costs.	Bailiff extra costs: € 150
Case B	When one of the parties doesn't speak the language. It is that party's responsibility to hire a interpreter	Both parties bare their own costs for this (circa € 70 per page)	When one of the parties does not speak Dutch. It is that party's responsibility to hire a interpreter	Both parties bare their own costs. For a hearing of one hour, about € 200	Extra bailiff costs.	Bailiff extra costs: € 150

Case Study 5 - Commercial law - Responsibility

Case n° 5

Case Study	Court			Appeals			ADR	
	Initial court fees ⁴⁶	Transcription fees ⁴⁷	Other fees ⁴⁸	Initial court fees ⁴⁹	Transcription fees ⁵⁰	Other fees ⁵¹	Is this option open for this type of case?	Costs ⁵²

⁴⁶ If the heater costs less than € 11345: € 300 for the plaintiff as well as the defendant

⁴⁷ the Court notifies parties on hearings and verdict.

⁴⁸ no other court fees exist

⁴⁹ If the heater costs less than € 11345: € 300 for the plaintiff as well as the defendant

⁵⁰ the Court notifies parties on hearings and verdict

⁵¹ no other (court) fees exist

⁵² per hour

Case Study	Court			Appeals			ADR	
	Initial court fees ⁴⁶	Transcription fees ⁴⁷	Other fees ⁴⁸	Initial court fees ⁴⁹	Transcription fees ⁵⁰	Other fees ⁵¹	Is this option open for this type of case?	Costs ⁵²
Case A	€ 300	€ 0	€ 0	€ 600	€ 0	€ 0	yes	€ 160
Case B	€ 300	€ 0	€ 0	€ 600	€ 0	€ 0	yes	€ 160

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ? ⁵³	Pre-judgment costs ⁵⁴	Post-judgment costs ⁵⁵	Is use compulsory ?	Cost ⁵⁶
Case A	yes	€ 15000	Yes	€ 0	€ 81,16	No ⁵⁷	€ 10000
Case B	yes	€ 15000	Yes	€ 0	€ 81,16	No	€ 15000

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
Case A	Yes, they can claim their travelling expenses and	Average € 75 per witness	No	€ 0, does not exist.	None, the Court notifies	No (additional) costs are to be paid.

⁵³ At the start of the procedure it is.

At the end of the procedure it isn't (when the opposing party voluntarily listens to the judgement, you don't have to call in the bailiff).

⁵⁴ no bailiff needed

⁵⁵ if necessary (a national fixed amount)

⁵⁶ Depending on the needed expertise, average

⁵⁷ No, if the facts are clear you don't have to call in an expert

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated ?	Cost	Does this exist and when and how is it used ?	Cost	Description	Cost
	when they have their own firm they can also claim their hourly wage				parties on hearings and verdict.	They are included in the Court fees.
Case B	Yes, they can claim their travelling expenses and when they have their own firm they can also claim their hourly wage	Depending on the country of origin, average € 500 per witness	In cross border proceedings before a Dutch Court. Only if the (Dutch) defenadant requires the Court to set a security deposit to the foreign plaintiff for court fees and other proceedings costs. Requesting a security deposit is not possible when a Treaty or EU Regulation (for example the EEX Regulation) forbids so.	Depending on the kind of security and amount of security; average in this case € 10000	None, the Court notifies parties on hearings and verdict.	No (additional) costs are to be paid. They are included in the Court fees.

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed ?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
Case A	When you have a lower income than a fixed amount (depending on the situation of the person seeking aid, between € 22.400-€ 31.700)	Never, there is always an amount that you have to pay by yourself (between € 92 and € 690, depending on income)	Conditions related to income . No legal aid will be granted when the financial importance is less than € 180.	No full reimbursement of litigations costs. The losing party can be held to pay the expert fees and court fees and just a part of the lawyer fees.	Difficult to say: a system based on points for every act in the procedure on the one hand and the interest of the case on the other hand. On average about 10 %	Unnecessary costs	Yes, when the opposing party is sentenced to pay the litigation costs, this amount will be decreased on the legal aid payment . Also when the person who was granted legal aid, receives over € 9849 he has to reimburse money to the legal aid organisation
Case B	Only in case the proceedings are before a Dutch court: when you have a lower income	Never, there is always an amount that you have to pay by yourself (between € 92 and € 690)	Conditions related to income . No legal aid will be granted when	No full reimbursement of litigations costs. The losing party can be held to pay the expert fees and	Difficult to say: a system based on points for every act in the procedure on the one hand and the	Unnecessary costs	Yes, when the opposing party is sentenced to pay the litigation costs, this amount

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total ?	Conditions ?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general ?	What costs are never reimbursed ?	Are there instances when legal aid should be reimbursed to the legal aid organisation ?
	than a fixed amount (depending on the situation of the person seeking aid, between € 22.400-€ 31.700)	depending on income)	the financial importance is less than € 180.	court fees and just a part of the lawyer fees.	interest of the case on the other hand. On average about 10 %		will be decreased on the legal aid payment . Also when the person who was granted legal aid, receives over € 9849 he has to reimburse money to the legal aid organisation

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
Case A	If one of the parties does not understand Dutch. It is that party's responsibility to hire a translator	Depending on the languages, about € 70 per page	When one of the parties does not speak Dutch. It is that party's responsibility to hire a interpreter	Both parties bare their own costs. For a hearing of one hour, about € 200	Extra bailiff costs.	Bailiff extra costs: € 150
Case B	When one of the parties	Both parties	When one of the parties	Both parties	Extra bailiff	Bailiff extra

Case	Translation		Interpretation		Other costs specific to cross-border disputes ?	
	When and under which conditions is it necessary ?	Approximative cost ?	When and under which conditions is it necessary?	Approximative cost ?	Description	Approximative cost?
	doesn't speak the language. It is that party's responsibility to hire a interpreter	bare their own costs for this (circa € 70 per page)	does not speak Dutch. It is that party's responsibility to hire a interpreter	bare their own costs. For a hearing of one hour, about € 200	costs.	costs: € 150