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# Judicial auctions

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## 1. Advertising and setting the price of seized assets

The day and time of the sale of the seized assets must be notified to the debtor either together with the record of seizure or within 3 days of its being served. For an online sale pursuant to Article 463(2) of the Code of Civil Procedure the debtor must be notified as to via which website and during which period the assets may be offered for sale. These requirements are laid down in Article 449 of the Code of Civil Procedure.

In addition, the sale must be advertised by publishing on one or more generally accessible websites the place, day and time of the sale or via which website and during which period the assets may be offered for sale. The advertisement must indicate the nature of the assets without going into more specific details. See Article 464 of the Code of Civil Procedure.

Advertisement of the sale must take place after notification of the debtor pursuant to [Article 449](#) and at least 4 days before the start of the sale, unless the deadline is shortened by the judge hearing applications for interim relief at the request of any of the parties. See Article 464 of the Code of Civil Procedure. See Article 465(1) of the Code of Civil Procedure.

The bailiff values the assets at the time of their seizure.

## 2. Third parties authorised to carry out the sale

Where more than one attachment has been imposed on an asset, it is sold by the attaching party that imposed the oldest executory attachment. See Article 458(1) of the Code of Civil Procedure.

If the creditor seeking enforcement fails to complete the sale within 4 weeks of the expiry of the deadline pursuant to [Article 462](#), any attaching party with an enforcement order can take over enforcement of the assets on which they have imposed attachment by serving notice to that effect on the creditor seeking enforcement and on the debtor. If more than one attaching party seeks to take over enforcement, only the person that imposed the oldest executory attachment is entitled to do so, unless the judge hearing applications for interim relief decides otherwise at the request of any of the parties. See Article 459(1) and (3) of the Code of Civil Procedure.

If the seized asset is pledged and the secured creditor is entitled to seek enforcement, they can take over enforcement and carry it out themselves subject to the rules on enforcement by virtue of a right of pledge. See Article 461a(1) of the Code of Civil Procedure.

A creditor who, before the seizure, has, in respect of the attached assets, made the stipulation referred to in [Article 254 of Book 3 of the Civil Code](#) and who wishes to make use of the power of joint enforcement laid down in the second paragraph of that article, may take over enforcement in accordance with [Article 461a](#). See Article 461c of the Code of Civil Procedure.

## 3. Types of judicial auction to which the rules may only partially apply

The compulsory sale of immovable assets must take place in the presence of an authorised notary. See Article

514(1) of the Code of Civil Procedure.

Assets in a bankruptcy estate are sold publicly, or, with the agreement of the examining magistrate, privately, by the receiver. See Article 176(1) of the Code of Civil Procedure.

Assets in a debt restructuring arrangement are sold privately by the administrator, unless the examining magistrate specifies that the sale should be held in public. See Article 347(2) of the Code of Civil Procedure.

## 4. Information on the national property registers

- The land register records immovable assets, rights on immovable assets, various boats and ships, and aircraft. Attachments on these assets are recorded in the land register and block any transfer.
- The trade register records all companies, legal persons and other organisations with an economic activity.
- The vehicle registration register records vehicles and the person responsible for them. It is not a register of ownership, but does give an indication of ownership. Attachments on these assets are recorded in the vehicle registration register and block any transfer.
- The patent register of the European Patent Office records patents.
- The matrimonial property register records whether spouses have been married under the community of property regime.
- In its benefit entitlement database (Polisadministratie), the employee insurance agency collects data on wages, allowances and employment contracts.

## 5. Information on the databases that enable creditors to identify assets and a debtor's debt obligations

See above at 4.

## 6. Information about online judicial auctions

Sales must be held in public and in the presence of the bailiff at a place designated for the purpose by the latter. They can also take place exclusively or simultaneously online via a generally accessible website. The website used for the sale must be equipped with appropriate technical features so as to guarantee reliability and security. Specific rules may be laid down for this purpose in a general administrative order. See Article 463(1) to (3) of the Code of Civil Procedure.

For an online sale pursuant to Article 463(2) the debtor must be notified as to via which website and during which period the assets may be offered for sale. See Article 449(2) of the Code of Civil Procedure.

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