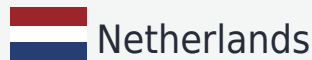


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Legal aid



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European Judicial Network
(in civil and commercial
matters)

1 What costs are involved in legal proceedings and who normally has to bear them?

To bring the case to court, the claimant must pay court fees and any fees for a lawyer's legal assistance. These are the legal costs. If the court finds in the claimant's favour, the losing party is usually ordered to pay the claimant's legal costs. In this case, the losing party bears the costs that the claimant incurred to bring the case to court.

2 What exactly is legal aid?

Legal aid is legal assistance provided to a litigant in respect of a legal interest that directly affects the litigant personally, as long as the law or the associated provisions provide for such legal aid. In the case of subsidised legal aid, the costs of the lawyer are paid for by the State.

3 What are the requirements for legal aid to be granted?

Whether or not you are eligible for subsidised legal aid depends on your aggregate income and the type of interest being defended. You can find more information on the website of the Legal Aid Board (Raad voor Rechtsbijstand). [Home - Rechtsbijstand](#).

4 Is legal aid granted for all types of proceedings?

Yes. In the Netherlands, (subsidised) legal aid is granted at the advisory stage, and for all types of proceedings. However, see also the answer to the previous question. Subsidised mediation also exists in the Netherlands.

5 Are there special procedures in cases of need?

In civil law, it is possible to bring interim proceedings. In administrative law, it is possible to request a provisional measure at any stage of the proceedings, be it the initial complaint or the appeal in first or second instance.

6 Where can I obtain a legal aid application form?

In the Netherlands, the application for subsidised legal aid is submitted to the Legal Aid Board by a lawyer. To that end, the lawyer must be registered with the Legal Aid Board.

Are you from another EU Member State? Then you can submit an application through the transmitting authority in your Member State (usually the Ministry of Justice and Security, a court or another specially designated organisation). The application will be passed on to the receiving authority in the Netherlands, the Legal Aid Board.

7 Which documents need to be submitted with the legal aid application form?

Entitlement to subsidised legal aid is assessed by means of a financial test and a test of interest (see points 3 and 4). For the financial test, the Legal Aid Board must be given documentary evidence showing what your annual income was 2 years previously. If you can demonstrate that you qualify for subsidised legal aid in your Member State, this will be enough for the Legal Aid Board.

For the test of interest, you must submit supporting documents showing the interest in the case, such as what is the case about, how much money is at stake, whether the case is to do with your company's interests, or which steps you have taken to resolve the dispute.

8 Where do I submit my application for legal aid?

Raad voor Rechtsbijstand (Legal Aid Board)

Postbus 70503

5201 CD Den Bosch

The Netherlands

9 How do I find out whether I am entitled to legal aid?

You and, if applicable, your lawyer will receive a written decision on your application. This will show whether your application was successful. If the decision is not in your favour, you can appeal.

10 What should I do, if I am entitled to legal aid?

If you qualify for subsidised legal aid, in most cases, you will have to pay an own contribution to the lawyer; the amount is set by the Legal Aid Board.

11 Who chooses my lawyer, if I am entitled to legal aid?

In the Netherlands, you can choose your own lawyer. However, the lawyer must be registered with the Legal Aid Board. To find a lawyer, look here: [Find a lawyer - Legal Aid](#)

If this is not possible, the Legal Aid Board, as the receiving authority, can help you to find a lawyer.

12 Does legal aid cover all the costs of the proceedings?

If you qualify for subsidised legal aid, you will still have to pay an own contribution to your lawyer. You will also have to pay court fees if you go to court. Fees may also be payable if you need to use the services of external experts or a bailiff. Finally, if the court finds against you, you may be ordered to pay the costs of the proceedings (including the other party's costs).

13 Who bears the other costs, if I am entitled only to limited legal aid?

You do. You may be able to claim a contribution in your Member State.

14 Does legal aid also cover appeals?

Yes.

15 Can legal aid be withdrawn before the proceedings are concluded (or even revoked after the proceedings have terminated)?

If, as a result of the case, you receive (a claim on) an amount greater than half of the threshold amount at that time, the Legal Aid Board may decide to withdraw your right to subsidised legal aid. In this case, you will be deemed capable of paying for legal assistance yourself.

16 Can I contest a refusal to give legal aid?

You can appeal to the Legal Aid Board against a Legal Aid Board decision regarding your eligibility for legal aid. You can contest a decision on such an appeal at the district court (rechtbank), and can appeal in second instance to the Administrative Law Division (Afdeling bestuursrechtspraak) of the Council of State (Raad van State).

17 Does the request for legal aid have the effect to suspend the limitation period?

No.

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