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Mutual recognition of protection measures in civil matters

Netherlands



Netherlands

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 17 - Information made available to the public

Victims who want to obtain a protection measure in the Netherlands have to bring civil proceedings (proceedings for interim relief (*kort geding*)). This must be done through a lawyer, who will provide information on the procedure to be followed and conduct the proceedings on behalf of the victim.

Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5

Courts competent to order protection measures and issue certificates in accordance with Article 5

In the Netherlands, both the protection measures imposed by the civil courts and the temporary restraining orders imposed by mayors or assistant public prosecutors also come under the scope of the Regulation. These authorities are competent to order protection measures. An authority which has ordered a protection measure is also competent to issue the certificate referred to in Article 5 of the Regulation.

Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure

A protected person who wishes to invoke in the Netherlands a protection measure ordered in another Member State may apply to the judge hearing applications for interim relief (*voorzieningenrechter*) at the District Court of The Hague (*Rechtbank Den Haag*) to impose injunctive relief permitted by law or to enforce compliance with the protection measure with the assistance of the police.

Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)

The judge hearing applications for interim relief at the District Court of The Hague is competent to adjust a protection measure under Article 11(1).

Voorzieningenrechter Rechtbank Den Haag

Prins Clauslaan 60, 2595 AJ Den Haag

PO Box 20302, 2500 EH Den Haag

If the protected person wishes to lodge an appeal against the adjustment of the protection measure, they may do so before the Court of Appeal of The Hague (*Gerechtshof Den Haag*).

Gerechtshof Den Haag

Prins Clauslaan 60, 2595 AJ Den Haag

PO Box 20302, 2500 EH Den Haag

Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13

An application for refusal of recognition or enforcement of a protection measure by the person causing the risk, within the meaning of Article 13(1) of the Regulation, should be submitted to the judge hearing applications for interim measures at the District Court of The Hague:

Voorzieningenrechter Rechtbank Den Haag

Prins Clauslaan 60, 2595 AJ Den Haag

PO Box 20302, 2500 EH Den Haag

An appeal may be lodged before the Court of Appeal of The Hague:

Gerechtshof Den Haag

Prins Clauslaan 60, 2595 AJ Den Haag

PO Box 20302, 2500 EH Den Haag

Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)

Dutch

■ Last update: 11/12/2023

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