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Maintenance obligations

Netherlands

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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 71 1. (a) - Courts for application for a declaration of enforceability and courts for appeal against decisions on such applications

The judges hearing applications for interim relief at the District Courts are competent to deal with applications for a declaration of enforceability, in accordance with Article 27(1) of the Regulation.

The District Court competent to hear an appeal against the decision on such an application, under Article 32(2), will be the court of the interim relief judge who ruled on the application. Information on the contact details of the District Courts can be found on the Council for the Judiciary's website: www.rechtspraak.nl.

Article 71 1. (b) - Redress procedure

The appeal procedure referred to in Article 33 is an appeal in cassation.

Appeals in cassation are heard by the highest court in the ordinary judiciary, the Supreme Court of the Netherlands (*Hoge Raad der Nederlanden*). The aim of cassation is to preserve legal uniformity, to steer the development of law and to safeguard legal protection. Cassation can only consider points of law. The Supreme Court examines only whether the law, including the procedural rules, has been correctly applied. In matters of fact it is bound by what was established in the contested judgment. The parties in appeals in cassation are represented by a lawyer at the Supreme Court.

In application proceedings an application is submitted setting out the grounds for appeal. The defendant may lodge a statement of defence within three weeks (or a different period of time determined by the Supreme Court). If it is deemed advisable in the interests of the case, the lawyers may provide clarification. The Procurator General of the Supreme Court produces a written opinion, whereupon the Supreme Court issues its judgment.

Article 71 1. (c) - Review procedure

An application for a review must be made on one of the grounds listed in Article 19 of the Regulation and within the time limits stipulated in that Article to the court that issued the decision. In the Netherlands this may be the District Court or the Court of Appeal.

Article 71 1. (d) - Central Authorities

The designated central authority is the *Landelijk Bureau Inning Onderhoudsbijdragen (LBIO)* (National Office for the Collection of Maintenance Payments).

The contact details of the LBIO are:

Marten Meesweg 109-111

P.O. Box 8901

3009 AX Rotterdam

Telephone: +31 (0)10 289 4895

Fax: +31(0)10 289 4882

E-mail: iaa@lbio.nl

Website: www.lbio.nl

Article 71 1. (f) - Competent authorities for enforcement

Bailiffs are competent to execute decisions.

The contact details of the *Koninklijke Beroepsorganisatie van Gerechtsdeurwaarders* (KBvG) (Royal Professional Organisation of Judicial Officers in The Netherlands) are:

Prinses Margrietplantsoen 86

2595 BR Den Haag

Telephone: +31 (0)70 890 3530

Fax: +31 (0)70 890 3531

E-mail: kbgv@kbgv.nl

Website: <http://www.kbgv.nl>

The website lists the names and addresses of bailiffs' offices in the Netherlands.

Article 71 1. (g) - Accepted languages for translations of documents

No languages other than Dutch will be accepted for the translation of the documents referred to in Articles 20, 28 and 40.

Article 71 1. (h) - Languages accepted by Central Authorities for communication with other Central Authorities

The request or application form referred to in Article 59(1) must be completed in Dutch.

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