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# Succession

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 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

- Article 45(1): The judge hearing applications for interim relief (*voorzieningenrechter*) at the district court (*rechtbank*).
- Article 50(2): the district court of the judge hearing applications for interim relief that ruled on the application for enforcement (*verzoek tot tenuitvoerlegging*).

Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

Appeal on a point of law (*beroep in cassatie*) brought before the Supreme Court (*Hoge Raad*). The Supreme Court does not review the facts of a case. The Supreme Court works on the basis of the facts as they were established by the court dealing with the first appeal (here the district court). The Supreme Court checks whether the court interpreted and applied the law correctly and whether the judgment at issue was sufficiently and comprehensibly substantiated. The procedure for appeal on a point of law is intended to promote and ensure legal uniformity, the development of law and legal protection.

Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64

A notary established in the Netherlands. Contact details for notaries with specific expertise may be obtained from the Royal Dutch Association of Civil-law Notaries (Koninklijke Notariële Beroepsorganisatie - KNB).

Koninklijke Notariële Beroepsorganisatie (KNB)

Tel. +31 70 3307111

Fax: +31 70 3602861

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PO Box 16020, 2500 BA The Hague

Address for visitors: Spui 184, 2511 BW The Hague

Article 78 (d) - the redress procedures referred to in Article 72

The sub-district judge (*kantonrechter*). The procedure is launched by submission of an application. The district court summons any interested parties. The interested parties may submit a statement of defence before the start of the proceedings or, with the judge's authorisation, during the course of the proceedings. They may also

present their defence against the application orally at the hearing. At the end of the hearing, the judge sets the date on which they will give judgment.

## Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)

In the Netherlands there is no authority of the kind referred to in Article 3(2) of the Regulation.

■ Last update: 19/11/2024

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