

## Costs of proceedings - Netherlands



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This page provides you with information about judicial costs in the Netherlands.



### Rules on fees for the legal professions

With the exception of fees payable to those offering subsidised legal aid, fees in the Netherlands are not regulated.

#### Fixed costs

##### Fixed costs for litigants in civil cases

Under the **Act on Fees for Civil Proceedings** (WTBZ – *Wet tarieven in burgerlijke zaken*), parties in civil proceedings are required to pay registration fees.

##### Fixed costs for litigants in criminal cases

There are no fixed costs for litigants in criminal proceedings under Dutch criminal law.

##### Fixed costs for litigants in constitutional cases

Under the Dutch legal system, there is no provision for referring constitutional matters to the courts.

##### Stage in civil proceeding when litigants have to pay fixed costs

In civil proceedings, a fixed charge has to be paid by each claimant as soon as a case is referred to a court and by each defendant who appears before the court. Each court levies a fixed fee for filing a claim, defence statement, or a petition of any other kind than those referred to in Article 14(3). Non-payment or late payment of this fee has no consequences in the main proceedings.

##### Stage in criminal proceeding when litigants have to pay fixed costs

The same arrangements apply as for civil proceedings.

### Prior information to be provided by legal representatives

#### Rights and obligations of the parties

The law says nothing on this subject. Rights and obligations can, however, be derived from the **1992 Code of Conduct for Advocates** (for more information, see the [Dutch Bar Association's](#) website) and the **Code of Conduct for EU Advocates**. See, for example, rule 26 of the **Code of Conduct for Advocates**, which requires lawyers to discuss the financial implications with the client whenever they take on a case and to give details of the manner and frequency of invoicing. Article 3.7.1. of the Code of Conduct

for EU Advocates also states that lawyers should always seek to achieve the most cost-effective resolution of a client's dispute and should advise the client at the appropriate stage as to the desirability of seeking a settlement and/or having recourse to alternative dispute resolution procedures.

### **Costs incurred by the winning party**

In civil cases, the winning party may incur the following costs:

- legal aid (e.g. lawyers' fees)
- remuneration or compensation of witnesses or experts
- travel and accommodation expenses, and
- other legal and non-legal expenses.

### **Costs incurred by the losing party**

The losing party incurs the same costs as the winning party, but may also be ordered by the judge to bear the costs incurred by the winning party.

### **Costs – legal basis**

#### **Where can I find information on the cost of proceedings in the Netherlands?**

You can consult the WTBZ, along with the other Dutch legislation, for example on the [Dutch Government's](#) website.

#### **In what languages can I obtain information on the cost of proceedings in the Netherlands?**

This information is only available in Dutch.

#### **Where can I find information on arbitration/mediation?**

Information is available on the website of the [Netherlands Mediation Institute](#) (NMI) and on the webpage dedicated to [court-referred mediation on the website of the Dutch Judiciary and the Supreme Court of the Netherlands](#).

#### **Where can I find additional information on costs?**

##### **Websites with information on costs**

A separate webpage (*Kosten van een procedure – Costs of proceedings*) on the website of the Dutch Judiciary and the Supreme Court of the Netherlands offers [more information on the costs of proceedings](#).

#### **Where can I find information on the average length of time that different proceedings take?**

The annual report by the Council for the Judiciary (*Raad voor de rechtspraak*) gives figures on the time taken to bring cases to a conclusion. The report is available online on the Dutch Judiciary [website](#).

### **Value Added Tax**

#### **How is this information presented?**

Where information on costs is published, the figures given do not include VAT (where applicable).

#### **What are the applicable rates?**

The general VAT rate applied to goods and services is 21%.

### **Legal aid**

#### **Income limit in civil cases**

See Article 12(1) in conjunction with Article 34 of the Legal Aid Act (WRB – *Wet op de rechtsbijstand*).

#### **Income limit for defendants in criminal cases**

Legal aid is free of charge where a legal representative is assigned by the court (Article 43 of the WRB). In other cases, the **Legal Aid Board** may assign counsel to persons eligible to receive representation under the criminal Code or the Code of Criminal

Procedure (see Article 44(1) of the WRB). Under Article 35 of the WRB, anyone who is assigned legal aid must pay a contribution in proportion to their income.

### **Income limit for victims in criminal cases**

Under Article 44(5) of the WRB legal aid for victims of sexual offences or violent crimes is free of charge, regardless of the victim's ability to pay, if a case is brought and if the victim is eligible for compensation under Article 3 of the **Law on the Criminal Injuries Compensation Fund**.

### **Other conditions for granting legal aid to defendants**

Legal aid is not granted in criminal cases if:

- under the law that has been broken, a fine is likely to be imposed that is low in proportion to the defendant's income. See Article 12(2)(c) of the WRB.

Article 5(1) of the **Decree on Legal Aid and Assignment Criteria** states that no legal aid is granted in criminal cases that are to be heard by a sub-district court (except for the purposes of consultation). Paragraph 2 of that article provides that, by way of exception, counsel may be assigned where this is justified because the person requesting aid has substantial interests at stake or where the particular facts or legal complexity of the case so require.

### **Cost-free court proceedings**

Defendants do not have to pay any fixed costs in cases that are to be heard by a sub-district court or tenancy tribunal.

### **When does the losing party have to pay the winning party's costs?**

The decision on which party has to bear the costs of proceedings is taken by the court on a **flat-rate basis** (i.e. not on the basis of costs actually incurred).

### **Experts' fees**

Experts' fees vary: You can find appropriate information in the [Decree of 28 August 2012 amending the 2003 Decree on tariffs in criminal proceedings](#). That Decree amended the 2003 Decree on tariffs in criminal proceedings.

### **Translators' and interpreters' fees**

Fees for translation and interpreting are set by the **Ministry of Justice**:

- Interpreters are paid a rate of EUR 43.89 per hour. Additionally court interpreters are paid a one-off fee of EUR 20.23 to compensate travelling and waiting time (fixed fee). Travel costs are reimbursed at the rate of EUR 1,55 per kilometre.
- Translations from or into French, German and English are remunerated at a rate of EUR 0.79 per line. A rate of EUR 0.14 per word (target language) applies to other languages and of EUR 0.28 per character applies to oriental languages.

### **Links**

[NMI Mediation](#)

[Dutch Judiciary](#)

### **Bestanden**

[Dutch report on the study of transparency regarding costs](#)

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