

Home>Taking legal action>European Judicial Atlas in civil matters>

Brussels IIb Regulation - Matrimonial matters and matters of parental responsibility (recast)

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Netherlands

Article 103 (1) (a) (1st part) – Public authorities or other authorities authorized to establish an authentic instrument referred to in point (2)(b) of Article 2(2), and public authorities authorized to register an agreement referred to in point (3) of Article 2(2)

N/A

Explanation: in NL, there is no way to establish matters falling within the scope of this Regulation in an authentic instrument or agreement. In NL, issues falling within the scope of the Regulation can only be determined by a judge in a court decision.

Article 103 (1) (a) (2nd part) – Administrative authorities granting legal aid referred to in Article 74(2)

Raad voor Rechtsbijstand (Legal Aid Board)

Article 103 (1) (b) (1st part) – Courts competent to issue certificates for a decision pursuant to Article 36(1), and courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66

- Article 36 (1) The judge who issued the judgment to which the certificate relates.

- Article 66: N/A (see explanation for Article 2(2)(2)(b) and point 3).

Article 103 (1) (b) (2nd part) – Courts competent to rectify certificates referred to in Article 37(1), Article 48(1), and courts competent to issue a certificate specifying that the lack or limitation of a certified decision referred to in Article 49; and courts and authorities competent to rectify the certificate, issued under Article 66(1), referred to in Article 67(1);

- Article 37(1): The judge who issued the judgment to which the certificate relates.

- Article 48(1): The judge who issued the judgment to which the certificate relates.

- Article 49(1): The judge who issued the judgment to which the certificate relates.

Article 103 (1) (c) – Courts competent for recognition of a decision (Article 30(3)) and for the refusal of recognition (Article 40(2)), as well as the courts and authorities competent for refusal of enforcement, for challenge or appeal, and for further challenge or appeal referred to in 58(1), 61(2) and 62

- Article 30(3): **Decisions in the area of parental responsibility:** the judge hearing applications for interim measures of the court of the place of residence of the child or, in the absence of a place of residence in the Netherlands, of the child's *de facto* place of abode. Failing that, the judge hearing applications for interim measures at the Rechtbank Den Haag (District Court in The Hague).

Decisions in marital cases: the judge hearing applications for interim measures of the court of the applicant's place of residence or, in the absence of a place of residence in the Netherlands, of the applicant's *de facto* place of abode in the Netherlands. Failing that, the judge hearing applications for interim measures at the Rechtbank Den Haag (District Court in The Hague).

- Article 40(2): **Decisions in the area of parental responsibility:** the judge hearing applications for interim measures of the court of the place of residence of the child or, in the absence of a place of residence in the Netherlands, of the child's *de facto* place of abode. Failing that, the judge hearing applications for interim measures at the Rechtbank Den Haag (District Court in The Hague) .

Decisions in marital cases: the judge hearing applications for interim measures of the court of the applicant's place of residence or, in the absence of a place of residence in the Netherlands, of the applicant's *de facto* place of abode in the Netherlands. Failing that, the judge hearing applications for interim measures at the Rechtbank Den Haag (District Court in The Hague).

- Article 58(1): the judge hearing applications for interim measures of the court of the place of residence of the child or, in the absence of a place of residence in the Netherlands, of the child's *de facto* place of residence. Failing that, the judge hearing applications for interim measures at the Rechtbank Den Haag (District Court in The Hague).

- Article 61(2): The Gerechtshof (Court of Appeal).

Article 62. The Hoge Raad (Supreme Court).

Article 103 (1) (d) – Authorities competent for enforcement referred to in Article 52

- the police with the assistance of the Public Prosecutor's Office (pursuant to Articles 812 and 813 of the Code of Civil Procedure);

- the judge hearing applications for interim measures of the court of the place of residence of the child or, in the absence of a place of residence in the Netherlands, of the child's *de facto* place of abode. Failing that, the judge hearing applications for interim measures at the Rechtbank Den Haag (District Court in The Hague).

Article 103 (1) (e) – Redress procedures against a decision on the application for refusal of enforcement referred to in Articles 61 and 62

- Article 61: Appeal to the gerechtshof (court of appeal);

- Article 62: Appeal in cassation to the Hoge Raad (Supreme Court).

Article 103 (1) (f) – Names, addresses and means of communication for the Central Authorities designated to assist with the application of the Regulation in matters of parental responsibility. In case more than one Central Authority is designated, geographical and functional jurisdiction of each Central Authority to be indicated as referred to in Article 76

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Article 103 (1) (g) – If applicable, categories of close relatives, in addition to parents, with which the child may be placed within the territory of a Member State, without the prior consent of that Member State as referred to in Article 82

None (N/A)

Article 103 (1) (h) – Languages of the institutions of the European Union other than the own language of a Member State, in which communications to its Central Authorities can be accepted as referred to in Article 91(3))

Dutch and English.

Article 103 (1) (i) – Languages accepted for the translations of requests and accompanying documents sent under Articles 80, 81, 82, and of the free text fields of the certificates as referred to in Article 91(2)

Dutch and English.

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