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Covid-19 impact on civil and insolvency matters

Netherlands

1 Covid-19 impact on civil proceedings

1.1 Time limits in civil proceedings

House of Parliament (Second and First Chambers) agreed upon temporary emergency legislation. With this legislation, it is possible to solve the most urgent problems of the functioning of the judiciary.

The legislation is in force since April 24, 2020.

Hearings in civil- and administrative law cases

Introduction of the hearing by all electronic communication tool if due to COVID-19 a physical hearing is not possible. In all cases the judges decides about the way of hearing.

There are no changes of legal limits in civil, administrative or criminal cases.

1.2 Judicial organization and Judiciary

Between March 17, 2020 and May 11, 2020, all Courthouses were closed with exception of extremely urgent cases. All other cases was dealt with in written procedures or by audio- or videoconferencing.

From May 11, 2020, Courts will open again for all cases concerning criminal, juvenile and family law cases. The Judiciary has taken safety and organizational measures in accordance with the advices of the national health authorities.

As far as possible, also other cases will be held in the Courthouses physically. If not possible, the use video conference or another electronic means is possible.

Courts, however, will be closed for the public with the exception of cases with a strong public interest. The Courts can also ask the Council for the Judiciary to set up a professional livestreaming if they deem it necessary for the public interest. In all cases, up to three representatives of the media are allowed to attend the hearing. Additionally, the Judiciary is aiming at making more written rulings public online.

The judiciary explores the possibilities to fulfill the obligation of public and open hearings while also to adhere to the privacy of the parties involved.

The Judiciary has provided for a temporary adjustment of the procedural regulations for all jurisdictions and has created a page on its [website](#) with all current overview and instruction on how to work during the COVID-19 crises.

1.3 EU Judicial Cooperation

The central authorities in the Netherlands are mostly working in home office. Communication by email is recommended.

2 Insolvency related measures adopted or planned for adoption in member states after the outbreak of the pandemic

2.1 Substantive insolvency measures and related contracts affecting measure

2.1.1 Insolvency suspension

2.1.1.1 Suspension of duty to file for insolvency (debtors)

NL is also not in favour of suspension of the duty to file for insolvency, as this risks to keep unviable enterprises alive longer than responsible. This is detrimental to creditors. NL rather focuses on facilitating speedy and early restructuring.

2.1.1.2 Protection of debtors about insolvency filing from creditors

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2.1.2 Claim enforcement suspension and contract termination suspension

2.1.2.1 General / specific moratoria on claims enforcement / certain types of claims enforcement

Suspension of payment obligation is currently not considered, as this might cause a chain-reaction.

2.1.2.2 Suspension of contract termination (general / specific contracts)

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2.2 Civil, including insolvency courts suspension and procedural suspensions

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2.3 Other insolvency measures (those relating to avoidance actions, reorganization plans, informal agreements, and others if appropriate)

A number of banks have voluntarily agreed to a temporary standstill on the termination of credit facilities and enforcement measures (subject to certain conditions). In the Netherlands, banks do not very often resort to the filing of petitions for the opening of insolvency proceedings anyway.

2.4 Related non-insolvency measures (payment deferrals, bank loans, social security, health insurance, business subsidies)

General emergency measures have been announced aiming to allow **citizens and entrepreneurs to keep fulfilling their payment obligations**.

This package includes measures such as the immediate cessation of the collection of certain taxes (income tax, corporate tax, VAT) and a liberal regime for deferral of a number of other taxes and pension contributions.

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