**Online processing of cases and e-communication with courts**

Holland

**1 Is it possible to initiate court proceedings via the internet?**

From 1 September 2017 civil claims with compulsory legal representation (claims of over EUR 25,000) brought before the district courts of Central Netherlands and Gelderland have to be conducted electronically (see the website of De Rechtspraak).

Since 1 October 2019, electronic proceedings are only possible in cases brought electronically before the district courts of Central Netherlands and Gelderland after 1 September 2017. From 1 October 2019, new cases can no longer be brought electronically before those courts.

Administrators/receivers can submit statements of accounts and discharges electronically via the Sub-District Digital Service Desk (*Digitaal loket kanton*). An annual statement of accounts and discharges (overview of income, expenses, assets, claims and debts for the previous year) can be completed using the electronic form and sent electronically to the sub-district court, unless the latter decides otherwise. Digital identification (DigID login code) is required for submission of the form.

Since November 2017, professional administrators have been asked to communicate with the courts electronically concerning administration cases. This electronic approach is being implemented gradually on an office-by-office basis (see the website of De Rechtspraak).

For the Supreme Court (*Hoge Raad*), cassation appeals in respect of civil summons cases must always be submitted electronically (see the website of the Hoge Raad der Nederlanden).

**2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?**

Between 1 September 2017 and 1 October 2019, electronic proceedings were mandatory for civil claims with compulsory legal representation brought before the district courts of Central Netherlands and Gelderland. It is not possible to bring cases to other courts by electronic means. In principle, cases brought in the abovementioned period before the district courts of Central Netherlands and Gelderland will be concluded electronically. (See also paragraphs 3-16.)

The Dutch Judiciary *(de Rechtspraak*) is working to provide new digital access for civil cases. Reports on progress will be made available on the website of De Rechtspraak.

**3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?**

For civil claims with compulsory legal representation brought before the district courts of Central Netherlands and Gelderland in the period specified in paragraph 2 above, electronic proceedings are available 24 hours a day, 7 days a week. The Judiciary's helpdesk (*rechtsspraakservicecentrum*) can be accessed electronically and by telephone between 8:00 and 20:00.

**4 Should the details of the claim be provided in any particular format?**

Yes, the action is initiated by submitting an originating document (*procesinleiding*) via the Judiciary's web portal.

**5 How is transmission and storage of data secured?**

See the rules of procedure on the website of De Rechtspraak.

**6 Is it necessary to use any kind of electronic signature and/or time record?**

Yes, electronic identification is necessary for the submission of documents. Lawyers use their lawyer's pass for this purpose, while options available to citizens include use of their DigID login code or electronic ID (businesses). The law states which means of identification are permitted.

**7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?**

Yes, court fees are payable in all proceedings. Lawyers maintain a current account with the judicial system. In the case of electronic proceedings, court fees are paid electronically. In the absence of payment, no (further) progress can be made in initiating the proceedings.

**8 Is it possible to withdraw a claim that has been initiated via the internet?**

Yes, the law and the rules of procedure of the judicial system stipulate how to withdraw the claim.

**9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?**

Yes, if the legislation on electronic proceedings applies, the defendant can respond online. If the defendant has a lawyer, the response must be made online. If the defendant has the right to act on his/her own behalf, a response on paper is also permissible.

**10 In terms of the electronic procedure what happens if the defendant responds to the claim?**

Electronic proceedings are conducted entirely online. The defendant receives e-mail notification of each new document lodged in the electronic case-file. Defendants can add their own documents and consult their case electronically. The court judgment is communicated electronically.

**11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?**

If the case has been served correctly on the other party, the case can be judged by default for failure to appear. The other party is informed of the procedural steps in writing.

**12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?**

See reply to question 1. Submission of messages and documents by e-mail is not permitted, as adequate security cannot be guaranteed.

**13 Can judicial documents, and particularly judgments, be served via the internet?**

No, judicial documents may not be served or notified via the internet. However, many judgments are published on the website of De Rechtspraak and are assigned an ECLI number, enabling them to be easily retrieved. The president of the sitting usually decides whether the judgment is to be placed on the aforementioned website. Not all judgments are placed on the internet - only those with judicial relevance or in which there is significant (media) interest are posted.

Names of persons appearing in a judgment are anonymised for privacy reasons. Businesses and individuals involved with the court in a professional capacity are not anonymised.

In cases where proceedings can or must be electronic, the judgment is placed in the electronic case-file. In this way, the judgment is notified to the parties.

**14 Can judicial decisions be given electronically?**

No, publication on the internet takes place after notification to the parties and therefore after the date of the judgment. See also the reply to question 13.

**15 Can an appeal be made and its decision served via the internet?**

No, it is not possible to lodge an appeal electronically. Only in proceedings in default of appearance conducted electronically can opposition be communicated by electronic means.

**16 Is it possible to initiate enforcement proceedings via the internet?**

No.

**17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?**

No, in proceedings conducted electronically only lawyers can consult the case documents at any time.

Some forms can be downloaded from the website of De Rechtspraak in pdf format, but these documents too must then be sent by ordinary post to the courts to be included in the proceedings. These documents include forms for separation of property and division of the old-age pension, forms for the modification of parental authority, guardianship of an adult, fiduciary administration of property and mentoring, declaration forms for experts and interpreters, insolvency forms, forms for European order for payment procedures, forms for European small claims procedures and complaint forms in appeal proceedings

Information which may be relevant in legal proceedings and also information to guarantee the independence of judges is recorded centrally and is available online to the general public via the website of De Rechtspraak. The following can all be consulted online: the Central Adult Guardianship Register (*Centraal Curateleregister*), the Central Insolvency Register (*Centraal Insolventieregister*), the matrimonial property register (*huwelijksgoederenregister*) and the register of additional positions held by the judiciary (*register met nevenfuncties Rechterlijke Macht*).

Last update: 09/02/2022

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