Cross-Border Enforcement Center - The Netherlands

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# Judgments

## With which jurisdictions does this country have reciprocal arrangements for enforcement of judgments?

**Brussels Regulations:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Portugal, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

**Lugano Convention 2007:**

Denmark, Iceland, Norway, Switzerland

**Hague Choice of Court Convention 2005:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, United Kingdom

**Hague Judgments Convention 1971:**

Albania, Cyprus, Kuwait, Portugal

**Bilateral:**

Albania, Aruba, Bonaire, Chile, Curacao, Guernsey, Isle of Man, Jersey, Kuwait, Liechtenstein, Mexico, Saba, Sint Eustatius, Sint Maarten, Suriname, United Kingdom.

## If there is no reciprocal arrangement, is it still possible to enforce a foreign judgment by means of a writ on the judgment, declaration of enforceability or similar mechanism?

Not really, to enforce a judgment given in a jurisdiction that does not have any reciprocal agreement with the Netherlands, the case will have to be re-litigated. However, it is not uncommon for courts to only perform a (marginal) review of some minimum requirements for recognition of the foreign judgment.

## What is the approximate time required to register and enforce a foreign judgment if unopposed?

This depends largely on the origin of the foreign judgment. Judgments rendered in Brussels I recast jurisdictions may be enforced without delay, as these judgments may be enforced in the same manner as national judgments. For judgments rendered in jurisdictions that are party to an enforcement treaty, first a declaration of enforceability ("exequatur") must be acquired. If the judgment complies with the requirements for enforcement, the exequatur can be acquired within a few months. Time-wise, the same goes for judgments rendered in jurisdictions that do not have an enforcement treaty with the Netherlands, although these cases will have to be re-litigated. If the judgment complies with enforcement requirements, enforcement will be possible in a few months.

## What is the approximate time required to register and enforce a foreign judgment if opposed?

This again depends on the origin of the judgment. Enforcement for judgments rendered in Brussels 1 recast jurisdictions may only be refused on the limited grounds provided for in the Brussels I recast regulation. Therefore enforcement of such a judgment should in principle not prove to be too time-consuming. The enforcement of judgments rendered in states that are members of an enforcement treaty could take up to six months because an exequatur has to be acquired. Enforcement of judgments rendered in other jurisdictions could take up a minimum of a year because these cases will have to be re-litigated.

## What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if unopposed?

Under USD 1,000.

## What is the approximate cost of registering and enforcing a foreign judgment (including court fees and other disbursements) if opposed?

Under USD 1,000.

## Are there any unusual difficulties in enforcing a foreign judgment?

No other difficulties exist than the ones listed above.

# Arbitration Awards

## Is this jurisdiction a party to the New York Convention?

Yes.

## What is the approximate time required to register and enforce a foreign arbitration award if unopposed?

An exequatur will have to be acquired to enforce the arbitral award. This should not prove to be too time-consuming if unopposed. An estimate of a few months would be reasonable.

## What is the approximate time required to register and enforce a foreign arbitration award if opposed?

The time needed for the acquirement of an exequatur can vary greatly if opposed, but in principle, the proceedings could take up to a year.

## What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if unopposed?

Under USD 1,000.

## What is the approximate cost of registering and enforcing a foreign arbitration award (including court fees and other disbursements) if opposed?

Under USD 1,000.

## Are there any unusual difficulties in enforcing a foreign arbitration award?

No.

# Limitation

## Which law governs the limitation period for registering a foreign judgment or arbitration award?

The law of the place of enforcement.

## If the limitation period for registering a foreign judgment is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

 20 years.

## If the limitation period for registering a foreign arbitration award is governed by the law of the place of enforcement, what is that limitation period in your jurisdiction?

20 years.

# Enforcement

## Are fees and costs of enforcement typically recoverable?

Yes, partly.

## Is seizure of goods available as an enforcement method?

Yes.

## Is attachment of earnings available as an enforcement method?

Yes.

## Is attachment of third party debts available as an enforcement method?

Yes.

## Are charging orders or orders for sale of land, goods etc available as an enforcement method?

No.

## Can a judgment or award be enforced by way of insolvency proceedings?

Yes.

## Can a receiver be appointed by way of enforcement?

Yes.

## Any other method of enforcement?

No.

# Contacts

## Who can be contacted to enforce a judgment or arbitration award in this jurisdiction?

Frank Kroes, Robert van Agteren

## What papers will be needed?

Officially certified copy of the foreign judgment or the arbitration award, evidence to support the ascertaining of the enforceability of the judgment or award.

 The court may require the above documents not only in the original language but also a translation in Dutch.

# Rating

## Overall, is enforcement of foreign judgments in this jurisdiction easy, moderate or difficult?

Moderate.

## Overall, is enforcement of foreign arbitration awards in this jurisdiction easy, moderate or difficult?

Easy.

# Reciprocal Enforcement Maps

## Reciprocal Enforcement Maps

EMEA

Click the link below to access the reciprocal maps for The Netherlands.

[Reciprocal Enforcement Map](https://resourcehub.bakermckenzie.com/en/-/media/cross-border-enforcement-center/files/emea/netherlands.pdf?sc_lang=en)

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