Establishment of Netherlands Commercial Court

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Establishment of Netherlands Commercial Court (NCC) to deal with large-scale and international commercial disputes.

It's official: the previously announced plans of the Dutch Council for the Judiciary's (Raad voor de Rechtspraak, the "Council") establishment of a Netherlands Commercial Court ("NCC") have been confirmed. The plans are supported by the Dutch Minister of Security and Justice (Veiligheid en Justitie), Mr. Van der Steur, who called the NCC "an asset for the Dutch trade infrastructure". The Council aims to have the NCC instated by the 1st of January 2017.

Specialised court for international disputes

Following in the footsteps of the United Kingdom, the Netherlands will be the second country in Europe with a special court for international commercial disputes. The NCC will have jurisdiction in those cases where the parties to a national or international commercial dispute mutually agree to refer the case to it. The NCC will be competent to hear only disputes concerning commercial matters. Such disputes may arise either between Dutch companies or between foreign companies that want to make use of the Dutch facilities. Disputes can be brought before the NCC on a voluntary basis. The NCC is to have its seat in Amsterdam. It will operate both on a first instance level (as part of the District Court) and at the appeals level (as part of the Court of Appeal). The institution of the NCC requires a legislative amendment, which, according to the Minister, is due to be adopted mid-2016.

Flexible and efficient proceedings

The NCC will be able to offer a specialised approach to large-scale commercial disputes, which are now often settled by regular courts or through arbitration. The NCC will be applying Dutch procedural law, but the proceedings are tailored to suit an (inter-)national commercial clientele, with experienced judges appointed to the NCC and with English as its working language. Another essential element is that the NCC will keep strict deadlines – both for the parties and for judges - with the aim of conducting swift and efficient proceedings, which serves to benefit the companies involved. Bringing a case before the court and examination of submitted documents
will all occur digitally. With the institution of the NCC, the Dutch Council for the Judiciary aims to cater to an increasingly globally orientated market, particularly within the realms of dispute resolution.

**Cost effective**

In regards to the costs, the Council aims for the NCC to be self-sufficient. In practice this means that the parties will bear all the costs, although these will be relatively low, especially in comparison to the other countries that currently offer the possibility of access to a specialised commercial court. Furthermore, there are plans for financial support in order to allow the NCC in certain cases to mitigate the costs for those parties that demonstrably cannot carry them. This would lower the threshold to start proceedings at the NCC for smaller companies or start-ups operating in the international market.

**The Netherlands: an attractive jurisdiction to litigate**

The institution of the NCC fits in with the general trends of stimulating internationalisation and efficiency in the Netherlands. Another example is the Maritime Chamber of the Rotterdam District Court that since the beginning of this year offers the option to conduct proceedings with English as the working language in maritime, transport and non-consumer sale disputes.

**Contacts**

[Image of Manon Cordewener and Carlijn Van Rest]

**Manon Cordewener**
Partner

**Carlijn Van Rest**
Counsel

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