

11 December 2018

On 11 December 2018, the Dutch Senate approved draft legislation introducing the Netherlands Commercial Court (NCC). The aim of the legislation is to introduce a flexible, efficient and cheaper alternative for arbitration proceedings.

Specialised court for international commercial disputes in Amsterdam

Following in the footsteps of some other EU countries, the Netherlands will be the next country in Europe with a special court for international commercial disputes. The NCC will have jurisdiction in those cases where the parties to an international commercial dispute mutually agree to refer the case to it. The NCC will have its seat in Amsterdam and will operate at a first instance level (as part of the District Court) and at the appeals level (as part of the Court of Appeal).

Flexible and efficient proceedings in English

The NCC will offer a specialised approach to large-scale commercial disputes. It will apply Dutch legal procedures, and the proceedings will be tailored to suit an international commercial clientele, with experienced judges appointed to the NCC and English as its working language. By introducing the NCC, the Netherlands aims to cater to an increasingly global market in which commercial contracts are usually drafted in the English language.

Not expensive

The court fee for the NCC will be higher than for regular Dutch proceedings. However, litigating before the NCC will still be inexpensive, with a maximum court fee of EUR 15,000 for the proceedings in first instance. In addition, costs orders are generally limited in the Netherlands, the main rule being that losing parties are not ordered to pay the full costs of the winning party (but only the costs fixed by the court).

Bring on the first case!

The NCC will soon be up and running. Parties can already choose to bring disputes before the NCC by including a NCC forum clause in their contracts.

Do not hesitate to contact us should you wish to get further information on the introduction of the Netherlands Commercial Court.

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