



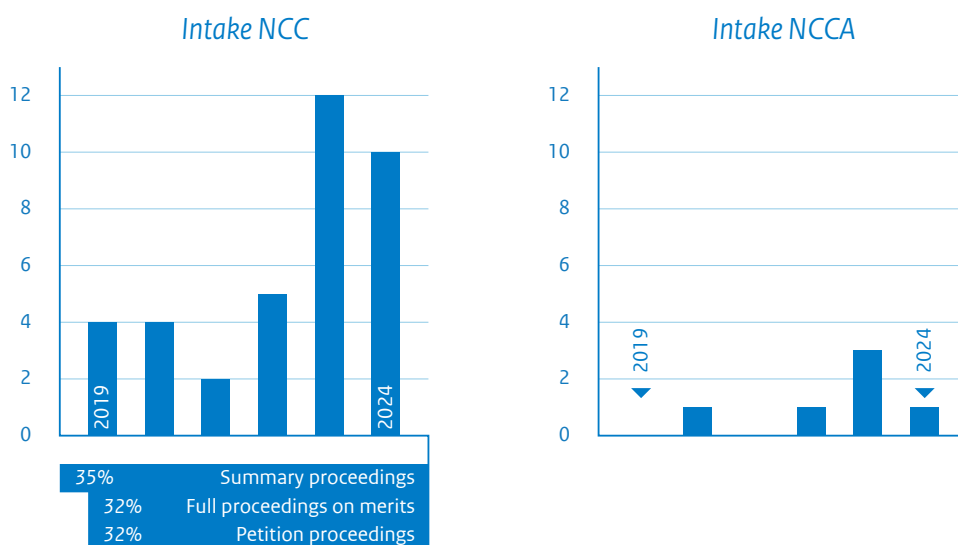
## The ‘Netherlands Commercial Court’ operates as intended *Fewer cases than initially expected, expectations may have been unrealistic*

The **Netherlands Commercial Court** (NCC) was launched on 1 January 2019 as part of the District Court of Amsterdam. The NCC specializes in international trade disputes and the English language is the default language in all litigation. NCC proceedings are structured for efficient litigation of mostly complex cases, while allowing custom approaches of cases when necessary. Besides the NCC, there is also the **Netherlands Commercial Court of Appeal** (NCCA) for appeals. A precondition for the NCC(A) is that it must be offered on a budget neutral basis.

The NCC should improve the international trade position of the Netherlands by realising a more attractive business climate. The NCC allows for international trade disputes to be litigated in English within the Dutch judicial system and contributes to custom approaches within the judicial infrastructure. Longterm, the NCC aims to reduce the caseload of the regular commercial chambers.

The Research and Data Centre (WODC) examined the number and types of proceedings filed with the NCC(A) from its launch through December 2024. This evaluation is an interim assessment and not a final assessment.

### 37 proceedings initiated at the NCC in 2019-2024 *Few full proceedings on merits suggest limited complexity and custom approaches*



**All proceedings were in the English language** (though in 17% the Dutch language was also used) and almost all proceedings were of an international nature (only 8% of the proceedings had no non-Dutch parties).

The actual number of proceedings was lower than initially expected: in 2024 **only 11 cases were taken in versus the expected 87**. It is possible that initial expectations were unrealistically high. For instance, these expectations were made assuming a broader authority of NCC judges, which was limited to protect consumers and small businesses against high court fees associated with NCC proceedings.

Initially, there were also high IT costs and lower income from court fees due to the low intake. Since then the budget has improved, though the **NCC does not operate budget neutrally in 2019-2024**.

### Most NCC parties are content with the proceedings *Half would use the NCC again in the future*

**Most** lawyers involved with NCC proceedings are **satisfied** (42%) or **very satisfied** (40%) with the NCC. Almost half of them would opt for a NCC proceeding again in the future or recommend the NCC to clients. For businesses taking part in a NCC proceeding the **English language** and the **quickness of procedures** were prime reasons for choosing to litigate with the NCC.

### Expanding NCC jurisdiction might improve intake *Create awareness with international businesses and companies*

The NCC(A) **operates as intended**, but the **number of proceedings is lower than initially expected**. For the moment, the NCC is mostly used for quick litigation of relatively simple disputes. It remains to be seen whether the intended (longterm) impact of the NCC and budget neutral operations can be achieved.

A **different direction** for the NCC is **necessary** to meet its goals. Also, initial expectations may need to be adjusted given the gap between the initially expected and realised intake in 2019-2024. Without adjustments and pivoting efforts, it will be uncertain whether or not the NCC can reach its goals within the supposed timeline and preconditions. To improve these chances, certain law provisions protecting consumers and small businesses could be reconsidered, as well as creating (more) awareness with (international) businesses and companies.