

# Service of Claim Documents: Overview (Netherlands)

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A Practice Note providing an overview of the framework for service of claim documents (in relation to domestic and foreign proceedings) in the Netherlands. It also explains the rules which determine how service of claim documents may be effected on a defendant domiciled in an overseas jurisdiction.

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Civil proceedings normally commence when the claim documents are filed with a court and then served on the defendant. When a dispute has an international element (usually where there are parties from different countries or where some of the events relevant to the dispute have taken place in different jurisdictions), some of the key questions to consider at the outset are:

- The rules of the jurisdiction where the claim needs to be served, particularly if they do not conform with the service rules of the jurisdiction where proceedings have been issued and are already underway.
- The permitted methods of service in one jurisdiction, and whether they are considered valid in the other jurisdiction.
- Whether the claim has been commenced in time, namely within the relevant limitation period, as well as dispatched in time. If there are limitation issues, not adhering to rules on service could be detrimental to the claim and could hamper the chances of recovery or relief for the claimant.

This Note summarises the procedure and practice of serving process on a defendant within the Netherlands, as well as a defendant domiciled in an overseas jurisdiction. It outlines the permitted methods of service, including the rules on personal service and when and where certain categories of defendants can be served. It also describes what happens when service is not complete either because of an incorrect address or where the defendant refuses to accept service. It further explains when a court considers service complete, whether service is allowed under a contractually agreed method, how to serve foreign companies, and what is proof of service.

This Note also provides guidance on key international instruments on service of claim documents abroad, as well as the procedure to effect service in the Netherlands when no international instrument applies.

For information on the key issues to consider while effecting service in cross-border litigation, as well as an overview of the procedures followed under the Hague Service Convention and the EU Service Regulation, see [Practice Note, Service of Process: Overview \(Cross-Border\)](#).

The procedures used to bring the court proceedings to the defendant's attention and create jurisdiction over the defendant are referred to as "service" in this Note. In addition, all the legal documents used in service, such as the court notice or summons and documents containing the details of the claim (also known as the particulars of claim or statement of claim, petition, or application), are referred to as "claim documents".

## How Are Civil Proceedings Commenced?

### Identifying the Competent Court to Start Civil Proceedings

Civil or commercial disputes are usually brought in the civil court. Several procedures can be followed in civil court based on the nature of the matter and the intended claims to be filed:

- The summons procedure on the merits (*bodemprocedure dagvaardingszaak*).
- The petition procedure (*bodemprocedure verzoekschriftzaak*).
- The summary (injunctive relief order) procedure (*kort geding*).

The civil court has jurisdiction over disputes involving family and juvenile law, inheritance law, employment law, social security law, tenancy law, property law, commercial law, and liability law. Disputes can be brought before the civil courts if they concern a value of more than EUR25,000. For civil or commercial disputes with a value below EUR25,000 or regarding specific matters, such as labour law and immovable property rent law, parties must apply to the cantonal court (see *de Rechtspraak* (Dutch Courts website)).

Since 1 January 2019, commercial parties can also bring their disputes to the *Netherlands Commercial Court (NCC)*. The NCC consists of a chamber of the Amsterdam District Court and a chamber of the Amsterdam Court of Appeal. Commercial parties may apply to the NCC if they have an international civil or commercial dispute, and both parties have designated the NCC as the court of jurisdiction. The NCC only handles international disputes, in the English language (see *Regulations for the International Commercial Chambers of the Court, Amsterdam (NCC District Court) and the Amsterdam Court of Appeal (NCC Court of Appeal*, in Dutch).

In principle, a case is an international dispute if:

- At least one of the litigants is domiciled abroad, or is a company domiciled or incorporated abroad under foreign law or is a subsidiary of such a company.
- A treaty or foreign law applies to the dispute or the dispute results from an agreement drawn up in a language other than Dutch.
- At least one of the litigants is a company, or belongs to a group of companies, the majority of whose employees worldwide are employed outside the Netherlands.
- At least one of the parties to the proceedings is a company, or belongs to a group of companies, of which more than half of the consolidated turnover is generated outside the Netherlands.
- At least one of the litigants is a company, or belongs to a group of companies, whose securities are traded on a regulated market as defined in the *Financial Supervision Act (Wet op het financieel toezicht - Wft)* outside the Netherlands.
- The dispute concerns legal facts or legal transactions outside the Netherlands.
- The dispute has otherwise relevant cross-border interest.

(Article 1.2.1 (b), Regulations for the International Commercial Chambers of the Court, Amsterdam (NCC District Court) and the Amsterdam Court of Appeal (NCC Court of Appeal.)

If these circumstances have changed between the time the parties opted for the NCC and the time of the commencement of the proceedings, it will be determined whether the criteria for an “international dispute” have been met.

Which civil court has jurisdiction depends on the defendant’s domicile or registered office. In the Netherlands, the main rule is “who demands, travels”. However, for labour and rental cases there are two additions. In labour cases, the civil court of the place where the work is usually performed also has jurisdiction over the dispute. In rental cases, the civil court in the area where the leased property is located also has jurisdiction.

## Procedural Formalities and Documents to Be Filed in the Court

There is no specific claim form to be used, but the plaintiff's writ of summons or petition must contain specific elements as detailed in the *Dutch Civil Procedure Code (Wetboek van Burgerlijke Rechtsvordering) (DCPC)*. A defendant must file a statement of defence in the proceedings. The statement of defence responds to the plaintiff's writ of summons or petition. In addition, as much evidence as possible should be attached as exhibits to the writ of summons or petition and the statement of defence.

The summons should state (at least) the following:

- The plaintiff's chosen domicile in the Netherlands.
- In cases where the parties can litigate in person, if the claimant is litigating through an agent, the name and address of the agent.
- In cases where the parties cannot litigate in person, the name and business address of the lawyer retained by the plaintiff.
- The claim and its grounds.
- The designation of the judge who is to hear the case, indicating the address of the court where the case is to be heard and, if the case is to be heard in a court where documents cannot be filed, the address where documents may be filed.
- The date on which a summons is to be issued and, if there is to be a hearing, the relevant time.
- In cases where the parties may appear in person, how the defendant is to appear in the proceedings, namely in person or represented by an agent, and how the defendant may answer.
- In cases where the parties cannot sue in person, how the defendant must appear in the proceedings, namely represented by an attorney.
- The legal consequences arising if the defendant fails to appear in the proceedings in the prescribed manner or, except in cantonal or interlocutory cases, fails to pay the court fee due by their appearance in due time.
- If there are several defendants, the legal effect which arises if not all defendants appear in the proceedings in the prescribed manner.
- A statement whether the defendant will be charged a court registry fee when appearing in the proceedings and within which time limit the court registry fee is to be paid with reference to a location of the most recent appendix to the Civil Registration Fees Act in which the amount of the court registry fees is mentioned.

(Article 111, DCPC.)

### Court Fee to Be Paid

Both the plaintiff and the defendant must pay court fees. The amount that must be paid depends on several factors, such as the type of case, the claim amount, and the party's financial position. If a party (natural person) is insolvent, it might be eligible for a lower court fee. In this case, the amount of the claim amount does not matter, and the insolvent party only pays a EUR86,00 court fee.

In civil disputes, the following costs are generally incurred:

EUR676 court fee in disputes with a claim of indeterminate value. This is the case, for example, in the event of an attachment or a claim demanding that the other party does or does not do something.

EUR2837 court fee in disputes with a claim or request with a value not exceeding EUR100,000.

EUR5737 court fee in disputes with a claim or request with at least a value of EUR100,000 and not exceeding EUR100,000.

EUR8519 court fee in disputes with a claim or request with at least a value of EUR1,000,000.

(See *de Rechtspraak, Court Fees in Civil Cases.*)

These amounts are amended from time to time by the Dutch government. It is common practice that after the lawsuit the court orders the losing party to pay the winning party's litigation costs. In most cases this does not cover the actual lawyer's fees, but an amount based on the type and value of the case and the number of actions of parties in court. The court fee must be paid within four weeks after the case is filed (see *de Rechtspraak, Court fees in cantonal cases*). In most cases, the court fee is paid by the lawyers of both parties, who invoice this to their clients.

## Filing Claim Documents in Paper Form or Electronically

The Dutch legislator acknowledges the importance of digitalisation. Digitalisation makes the administration of justice accessible and simple. Starting a lawsuit, sending messages, exchanging documents, and viewing files can increasingly be done digitally, depending on the court. However, this is not possible in every case. In practice, it is currently only possible to perform the following actions digitally:

Lawyers can file attachment petitions digitally at all courts.

Lawyers can voluntarily communicate digitally in compulsory care cases at the District Court of Gelderland.

Lawyers can file a joint divorce petition digitally at the Midden-Nederland District Court (Utrecht location) and Overijssel District Court (Almelo location).

The Child Protection Board and certified institutions exchange information digitally with the judiciary in cases concerning supervision and removal.

Lawyers can communicate digitally with most courts, although court documents always must also be filed in hardcopy (digitally is optional, hardcopy is mandatory).

(see *de Rechtspraak, Digitisation of the Judiciary.*)

## Court Seised

In a summons procedure, the case is pending when the summons is served on the defendant by the bailiff. In petition proceedings, the case is officially pending when the petition is filed at the court registry (see *de Rechtspraak, Subpoena proceedings in civil court*).

## Laws on Service of Claims

- The DCPC governs the rules of civil procedure and the service of claim documents in the jurisdiction of the Netherlands. In cases within the Netherlands, Article 111 of the DCPC applies. The DCPC also contains various provisions concerning foreign service of claims. In cases within Europe, Article 56, DCPC applies (and *Regulation (EC) No 1393/2007*). In cases outside of Europe, Article 54 DCPC applies (and often the *Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters - the Hague Service Convention (Haags betekeningsoverdrag)*).

## Service Within the Jurisdiction

### What Claim and Other Documents Must Be Served

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Pursuant to the national rules of procedure of the Dutch district courts and the DCPC, summons and exhibits must be served by a bailiff. Exhibits must be submitted no later than the date on which a procedural document is filed. In the case of a hearing, parties usually are invited to submit further exhibits up to ten days prior to the hearing. In summary proceedings, parties may submit exhibits two days before the hearing. Additionally, parties may submit exhibits until the hearing itself. However, in the latter case, parties cannot rely on the court to always allow this, as this will depend on the urgency of the matter and the type of exhibit filed. If a document could have been submitted earlier, the courts tend not to allow submission anymore (see *de Rechtspraak, National process regulations for civil summons cases at the Courts*).

## Service by Court or Claimant

In the Netherlands, the summons is served by a bailiff. After the lawyer drafts the summons, it is sent to a bailiff from the register of the *Association of Bailiffs (De Koninklijke Beroepsorganisatie van Gerechtsdeurwaarders - KBvG)*, who personally serves it on the defendant. The bailiff serves the summons in conformity with the rules of the DCPC (Articles 46 to 66, DCPC), these rules regulate the mode of service, such as where, when, and how the bailiff serves the summons, see *Methods of Service Within Jurisdiction*. There are no further procedural requirements, other than that the case must be brought to the court, in most cases by a Dutch bar registered lawyer using specifically prescribed forms, enclosing the summons before the cause list date. In a petition matter, the petition is sent to the court and the court notifies the defendant (see *de Rechtspraak, Regulations, procedures, forms (national)*).

## Time Limit for Dispatching and Serving Claim Documents

A summons in civil proceedings must be served by a bailiff no later than one week before the first cause list date. The cause list date is mentioned in the summons, and it is the day by which the defendant must report (in writing) to the court that it is submitting a defence, in most cases obligatorily through a Dutch bar registered lawyer. In a petition matter, the petition is sent to the court and the court notifies the defendant (see *de Rechtspraak, National procedural regulations for civil subpoena cases before the court*).

## Methods of Service Within Jurisdiction

Service must be effected by a bailiff (see *Service by Court or Claimant*). It is most common to serve in person, as it is most likely that the defendant will receive the summons this way. “In person” means that the summons reaches the defendant directly or indirectly (most of the time it is physically in person, but there are some exceptions where the summons can be served by registered post). Most commonly, service is done at the defendant’s residence or registered place of business.

If the defendant is not present at the time of service, the summons is delivered to someone who lives or works at the same (business) address as the defendant. With this method of service, the bailiff may assume that the summons will reach the defendant.

If the defendant is not present and no other person is present at the address to accept the summons, the bailiff can serve the summons by depositing it in the mailbox of the defendant. With this method of service, it is not entirely certain that the summons will be received by the defendant. This is called “service by closed envelope” (Article 47, DCPC).

The defendant might not have its residence or registered office in the Netherlands, but either inside or outside the EU. If the defendant’s registered address is within the EU, the bailiff sends the summons to a foreign bailiff for service (Article 56, DCPC). If the defendant’s registered address is outside of the EU, service is made publicly by serving it on the Public Prosecutor’s Office in the Hague, who will send it to the Ministry of Foreign Affairs (Article 55, DCPC). The summons will then be served via diplomatic post to the country of destination, where it must be served in accordance with the local rules of service. This method of public service is also applicable if the defendant has no known residence or domicile in or outside the Netherlands, in which case a publication is also made in the *Dutch Governmental Gazette*.

## Service Using Post Services and Electronic Means of Communication (such as Fax or Email)

In principle, the bailiff should always serve in person. Only if no one is present at the address, can the bailiff put a copy of the summons in an envelope and leave it for the defendant. If the bailiff cannot reach the defendant's house or office due to extraordinary circumstances (such as in the case of flooding), the bailiff may send a copy of the summons in a sealed envelope to the defendant. Customarily, the bailiff also uses the defendant's email addresses, if available, to serve the summons digitally as well (email service is always in addition to postal service).

### Personal Service

Personal service is common practice. Only when personal service is not possible, for example because the defendant, "roommate", or colleague is not at home or in the office, or in the case of extraordinary circumstances, can indirect service be used (see *Service Using Post Services and Electronic Means of Communication (Such as Fax or Email)*).

### Personal Service on Different Categories of Defendant

| Entity to Be Served                          | Means of Effecting Service   |
|--|--|
| An individual                                | To their residential address.  |
| A minor                                      | To their residential address and to their parents' residential address (because they are also required to participate at the hearing). |
| A public officer or government or state body | To their residential address where the public officer or government state body has their registered office.                            |
| A sole proprietor                            | To their residential address and to the place where the company has its registered office.   |
| A domestic partnership                       | To the address where the domestic partnership has its office, or the residential address of the partners of the partnership.           |
| A domestic registered company or corporation | To the address where the company has its registered office.  |
| A domestic unregistered company              | Not applicable.  |
| A domestic limited liability partnership     | To the address where the limited liability partnership has its registered office.  |

### Authorised Process Servers

Bailiffs from the register of the Association of Bailiffs (KBvG) (see *Service by Court or Claimant*) are authorised to serve process to effect personal service in the Netherlands. Service of a summons must be made through an authorised registered bailiff. Therefore, there is no possibility of private bailiffs not affiliated with the Association of Bailiffs serving process.

### Service on the Defendant's Agent or Solicitor

When the defendant chooses their lawyer's address as the address for service, documents may be served on the lawyer at the address of the law firm where the address for service has been chosen. Often defendants have not appointed a lawyer when summons are issued. Therefore, normally it is not possible to serve the summons at the defendant's lawyer's address. In

appeal cases this is different and usually the business address of the defendant's lawyer is used for service. The court's permission is never required.

## Service Under a Contractually Agreed Method

Parties may contractually agree on a place of service. This is subject to a few conditions:

- Parties must agree in writing.
- There must be mutual consent.
- There must be a reasonable interest for a party if a party wants to choose a place of service other than its actual address.
- (see *Distinction between choice of forum and choice of domicile or place of residence, P.H.L.M. Kuypers, in Forumkeuze in het Nederlandse IPR (R&P nr. 159) 2008/2.3.*)

Both of the following notice of claim clauses are considered valid in the Netherlands:

1.1.[Party 2] irrevocably appoints [NAME] of [ADDRESS] [FAX NUMBER] as its agent to receive on its behalf in [COUNTRY/JURISDICTION] service of any legal proceedings to settle any dispute or claim arising out of or in connection with this agreement or its subject matter or formation. Such service shall be deemed completed on delivery to such agent (whether or not it is forwarded to and received by [Party 2]) and shall be valid until such time as [Party 1] has received prior written notice that such agent has ceased to act as agent. If for any reason such agent ceases to be able to act as agent or no longer has an address in [COUNTRY/JURISDICTION], [Party 2] shall forthwith appoint a substitute acceptable to [Party 1] and deliver to [Party 1] the new agent's name and address [and fax number] within [COUNTRY/JURISDICTION].

1.2.[Each party OR [Party 1] OR [Party 2]] irrevocably consents to any process in any legal action or proceedings arising out of or in connection with this agreement or its subject matter or formation being served on it in accordance with the provisions of this agreement relating to service of notices of claims. Nothing contained in this agreement shall affect the right to serve process in any other manner permitted by law.

See also *Service of legal proceedings: Cross-border*.

## Service on Foreign Companies Within the Jurisdiction

It is possible to serve a summons on a foreign legal entity with a registered office address in the Netherlands (Article 49, DCPC) (see *Laws on Service of Claims*). If the defendant does not have its residence or registered office in the Netherlands, whether the defendant's registered address is inside or outside the EU is relevant (see *Methods of Service Within Jurisdiction*).

## Address for Service

### Rules on Address

The defendant may be served at the address of their registered office, or at any other place if expressly agreed in writing with

the other party (by contract) (see *Service Under a Contractually Agreed Method*).

## Difficulties in Service

If a claimant is unable to serve the claim document on the defendant because the defendant has no registered office or any other place of residence, public service must be made. The bailiff then serves the summons to the Public Prosecutor, who announces the service. Additionally, Dutch procedural law offers the option of issuing a public summons and publishing it in the Dutch Governmental Gazette. Public service is only allowed when the address for service is unknown (see *Methods of Service Within Jurisdiction*). Pursuant to the Dutch precedent in *Rb Den Haag*, 24 January 2018, ECLI:NL:RBDHA:2018:981, if there was knowledge of an address for service and public service of the summons was nevertheless used, the summons is void.

If a defendant does not respond to the summons and does not file a written defence, the court usually grants a default judgment against the non-appearing defendant. In most default judgments, the court adopts the (entire) plaintiff's claim in its judgment. The defendant will be ordered to pay the costs of the proceedings. A default judgment can be appealed by the defendant to the court. To continue proceedings, the defendant must summon the plaintiff. The defendant may not accept service of the summons. In this event the summons is deemed served (see Article 143, DCPC). A default judgment can be obtained in such cases as well as presumably the defendant does not respond to the summons and does not file a written defence as opposed to when they do accept service but do not file a written defence.

## Date of Service

### Deemed Service

The bailiff reports service of the claim in the writ of summons. The date of delivery (date on the receipt) is the date of service. The writ of summons always contains the date of service. This date is important so that the proper time limits can be observed.

In the case of a public service, a publication of the summons is made. The date of the publication is the date of the service.

### Date of Service and Limitation Period for Starting Court Proceedings

If the summons is served by the bailiff or if the summons is published in the Dutch Governmental Gazette, the limitation period for starting court proceedings stops and a new limitation period is initiated (Article 3:317, Dutch Civil Code).

### Date of Service and Defendant's Response or Defence

A summons in civil proceedings must be served by a bailiff no later than one week before the first cause list date. At the first cause list date, the court verifies if the summons was properly served and if the defendant has responded. If the defendant has not responded, the court normally issues a default judgment. If the defendant did respond and raised a defence, the court then decides how to proceed. The court can opt for a new round of written submissions or for an oral hearing. The deadline for filing the statement of defence is usually six weeks, but this deadline can be extended once and in certain cases even more. In cantonal (district court) cases, the deadline for filing the statement of defence is four weeks, with limited possibilities for further extensions. In proceedings on the merits, a hearing usually is scheduled some months after submission of the last documents to court, considering the parties' schedules. In summary proceedings a hearing can be listed within days, although usually this takes between two to four weeks as from the day that a request is filed at the court for a hearing in summary proceedings (see *de Rechtspraak, National procedural regulations for civil subpoena cases before the Courts*).

## Statutory Time Limit

### Time Limit to Serve Defendant Within Jurisdiction and Abroad

To start court proceedings and file a claim, the summons must be served on the defendant. There is no maximum time limit. The minimal time limit is eight days for a Dutch resident defendant and four weeks for a non-Dutch resident defendant. It is not possible to file the summons with the court without having it served on the defendant (see *Proof of Service*). This applies also to petition proceedings, although in those proceedings the court notifies the defendant. In summary proceedings, service limits can be set by the court. If the plaintiff misses the service limits, the claim will not be considered (Article 114, DCPC).

### Extension of Time Limit

The Dutch courts do not extend these time limits.

### Proof of Service

If claim documents have been served on the defendant, the bailiff leaves a copy with the defendant and returns the original to the claimant. This is an authentic written document, in which the bailiff reports on the date of officially handing over or serving the claim. The Dutch courts require this original document to be submitted by the claimant as proof that the writ of summons was received by the defendant. If the bailiff was unable to serve the court documents or public service was used, the original court document evidencing this must be submitted to court (Article 45, DCPC). The court usually requires further proof of receipt or acknowledgement of the court documents by the defendant, before rendering a default judgment. In cases with a non-Dutch resident defendant this burden of proof by the claimant can seriously delay the court proceedings.

### Service Without the Permission of the Court

Service of claim documents can be effected outside the Netherlands without the permission of the local court. In cases within the EU, Regulation (EC) No 1393/2007 applies and in cases outside the EU, the Hague Convention on Service of Process (*Haags betekningsverdrag*) applies (see *Laws on Service of Claims*).

### Permission of the Court to Serve Abroad

Permission from the court is not required to serve proceedings abroad. See *Methods of Service Within Jurisdiction*.

### Where No International Instrument Applies

If a party is established in a country that is not covered by the rules of a treaty or convention, the summons may be served on the Dutch Public Prosecutor's Office. The intention is that the Public Prosecution Service tries, through the Ministry of Foreign Affairs, to get the summons to the foreign counterparty.

## Service of Foreign Proceedings

### International Instruments on Service of Claims

The following are both applicable to the Dutch jurisdiction:

- The Council Regulation (EC) 1393/2007 of 13 November 2007 on the service in the member states of judicial and extrajudicial documents in civil or commercial matters (EU Service Regulation).
- The Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the Hague Service Convention).

### Where No International Instrument Applies

If a party wants to summon a defendant in the Netherlands, it should serve its summons through a registered Dutch bailiff. Article 46 of the DCPC states that the summons must be served by a registered Dutch bailiff.

## Time Frame to Serve Foreign Proceedings

Normally it takes fourteen to thirty days to successfully serve foreign proceedings in the Netherlands. The quickest way is to send the summons directly through the Dutch bailiff. In cases where the Hague Service Convention applies, the summons must first be sent to the Public Prosecutor's office (see *Laws on Service of Claims* and *Methods of Service Within Jurisdiction*). In this case it will likely take longer to serve foreign proceedings.

## The Hague Service Convention

### Central Authority

For contact details of the designated Central Authority and the additional authorities, see *Authorities, Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*.

### Reservations, Declarations, and Notifications

See *Status table, Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* for a complete list of reservations, declarations, and notifications made by the member states in relation to:

- Submission of request to serve process (Article 3).
- Service by diplomatic or consular agents (Article 8).
- Service by postal channels (Article 10).
- Direct service by judicial officers, officials, or other competent persons (Article 10).
- Certificate of evidence as proof of service (Article 15).

### National Rules

Article 55, DCPC governs the service of claims abroad in accordance with the Hague Service Convention. This article sets out how service is to be effected for those who have no known domicile in the Netherlands.

### Email Service

In the Netherlands, it is only possible to serve via a bailiff. In addition to serving hardcopy court documents, a bailiff can also serve using email addresses. Dutch courts can accept service via e-mail as legally valid, provided that there is proof of receipt and that hard copy court documents were also served (see also *Filing Claim Documents in Paper Form or Electronically*).

### Sufficient Time for a Default Judgment

The defendant can challenge a default judgment in opposition (*verzet*) if it disagrees with the ruling. By opposing the default judgment, the court case is re-opened, and the conviction can be reversed. This is subject to strict rules. An objection must be lodged within four weeks after the default judgment was announced. If the defendant has no known residence or domicile in the Netherlands, the opposition period is eight weeks (Article 143, DCPC).

There are three ways in which the deadline to file an opposition can come into effect:

- At the time the judgment is delivered by the judicial officer to the defendant personally. This makes it clear that the defendant has knowledge of the judgment.
- The moment the defendant performs an act of familiarity. The defendant has then shown knowledge of the judgment. From that moment the defendant has four weeks to appeal the default judgment.
- If the judgment is enforced and, for example, the defendant's bank account is frozen. The period to enter an objection begins the day after the bank has proceeded to pay the money to the bailiff's office that placed the attachment on the account.

In some circumstances, when no timely opposition is lodged, appeal proceedings can still be initiated, provided that the term for instituting appeal (within four weeks to three months) has not lapsed (Article 143, DCPC).

### Reasonable Time to Vacate a Default Judgment

In the Netherlands a "reasonable time" within which the defendant may file an application for relief from the effects of the expiration of time to appeal is four weeks after the default judgment was announced by handing a writ of objection to the plaintiff (Article 143, DCPC).

## The EU Service Regulation

### Communications and Publication of Information Under Article 23

Article 23 of the EU Service Regulation requires member states to communicate information to the Commission about their specific service requirements, both in relation to the transmission of documents between transmitting and receiving agencies, and the other methods of service envisaged by the EU Service Regulation.

See the [e-justice](#) portal for complete information on the reservations, declarations, and notifications made by EU member states in relation to:

- Article 2(1) – Transmitting agencies.
- Article 2(2) – Receiving agencies.
- Article 2(4)(c) – Means of receipt of documents.
- Article 2(4)(d) – Languages that may be used for the completion of the standard form set out in Annex I.
- Article 3 – Central body.
- Article 4 – Transmission of documents.
- Articles 8(3) and 9(2) – Particular periods set by national law for serving documents.
- Article 10 – Certificate of service and copy of the document served.
- Article 11 – Costs of service.
- Article 13 – Service by diplomatic or consular agents.
- Article 15 – Direct service.
- Article 19 – Defendant not entering an appearance.

The e-justice portal has a search function to identify competent courts and authorities (the central body, the transmitting agency, and so on) and country pages (listed down the right-hand side) where information provided by member states can be checked.

### National Rules

Article 56, DCPC governs the service of claims abroad in accordance with the EU Service Regulation (see [Laws on Service of Claims](#)).

### Sufficient Time to Defend

In the Netherlands a “sufficient time” to enable the defendant to defend is six weeks after the first cause list date. This may be extended in some cases (see [de Rechtspraak, National process regulations for civil lawsuits at the Courts](#)).

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