

# International Debt Collection Handbook

Sixteenth Edition

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# Introduction

## Welcome

We're extremely proud to present you with the 16th edition of the International Debt Collection Handbook. This edition includes three new countries: Bosnia and Herzegovina, North Macedonia, and Serbia.

Since its launch in 2008, the International Debt Collection Handbook has quickly established itself as a critical support tool for collection decisions in foreign countries. International debt collections and country-specific legal systems create challenges that affect every business. The International Debt Collection Handbook is an invaluable and reliable tool that helps decision-makers all over the world select the right approaches to debt collections. It outlines the diversity and complexity of debt collection approaches for each country included in the handbook, often with an immense amount of details. The International Debt Collection Handbook draws from the expertise of Atradius Collections' local offices and explains the different stages of amicable settlements, regulations, legal proceedings, and insolvency procedures in each country.

No business is immune to the risks associated with international trade or poor payment behaviour. Maintaining and protecting your cash flow are absolutely crucial. Having knowledge of amicable collections and the country-specific legal phases surrounding collections is vital for survival in a global economy. By relying on our local expertise as detailed in the International Debt Collection Handbook, you can ensure that you are following a professional and successful approach.

I'm sure that you will find the International Debt Collection Handbook a highly useful, in-depth resource for all your business decisions relating to debt collections.

And if you need help with international debt collections, we are there.

Kind regards,



Rudi De Greve  
Global Operations Officer, Atradius Collections

## About Atradius Collections

Atradius was originally founded as NCM in the Netherlands in 1925 and was created with the goal of improving trade for companies in the Netherlands. In Germany, Atradius' roots stemmed from Gerling Credit, which was established in 1954 and operated solely out of Germany until 1962, when it opened its first international office in Switzerland. In Spain, Crédito y Caución was founded in 1929 and focused on growing steadily to become the dominant credit insurance and surety company on the Iberian Peninsula.

The heritage, knowledge, and exemplary service standards of these three companies are now combined within the Atradius Group, creating as part of its activities Atradius Collections - a global leader in business-to-business (B2B) debt collections.

With such a pedigree and global reach, we're equipped to not only leverage successful debt collections on behalf of our clients, but also set out to maintain high standards in the market. We've become a key player in the B2B collection market.

As a result of being a separate division within the Atradius Group, we hold a strong position, sharing history, knowledge, and reputation, which help ensure that we deliver when it comes to collecting outstanding debts, managing clients' accounts receivable, or guiding them along the route to growth. We provide leading B2B collection services, plus a range of solutions that cover receivables management's needs. Our integrated worldwide network and operations are unique in the market. Our online collection management system allows our clients to place and manage debt cases 24 hours a day, 365 days a year.

With a presence in 40+ countries and an extensive network worldwide, we serve over 16,000 businesses and collect more than EUR 350 million per year. As part of the Atradius Group, we look back on over 90 years of global credit management industry experience, positioning our business as a leading international trade invoice collection company.

# The Netherlands

## Industries



Agriculture



Chemicals



Construction



Electronics



Machines



Minerals

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## Chance of collecting

**75%–100%** 

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# 1. Amicable collections



## 1.1. General information

We maintain a professional collection process and focus on the relationships between you and your debtors at all times. Our team of collection specialists carry out the collection process in-house. We contact debtors both verbally and in writing while adhering to applicable law.

When there is a case of dispute, our experienced team of Dutch collectors can deal with this. They mainly play a consultative role and can also mediate. In the event that mediation by the collectors might not lead to an agreement and legal proceedings are indicated, the case will be handed over to the lawyers and bailiffs we work with.

There is new law called “De Wet kwaliteit incasso-dienstverlening” (Wki). This law is effective on 1 April 2024 (however, from 1 April 2024 to 1 April 2025 is a transition year). It sets out requirements for the quality and reliability of out-of-court debt collection service providers. Existing debt collection service providers must register with the register of debt collection services within one year from 1 April 2024. Although the law is aimed at protecting consumers, companies with a sole owner (“eenmanszaak”) and companies with several natural persons or partners involved (“vennootschap onder firma” or VOF) are also covered by this law. Besides requirements such as professional competence, transparency, and handling requirements among others, this law also affects the amounts of interest and collection costs to be claimed for companies with a sole owner (“eenmanszaak”) and companies with several natural persons or partners involved (“vennootschap onder firma” or VOF).

Instead of 12% interest and 15% collection costs, we can claim the legal interest and collection costs in accordance with the law on collection costs. This means with regard to collection costs:

- Over the first EUR 2,500 of a claim: 15% of the principal amount with a minimum of EUR 40
- Over the next EUR 2,500 of the claim: 10% of the principal amount

- Over the next EUR 5,000 of the claim: 5% of the principal amount
- Over the next EUR 190,000 of the claim: 1% of the principal amount

## 1.2. Local agents

We offer field service to visit debtors through local agents. If debtors wish to visit our premises, we'll gladly arrange face-to-face meetings to discuss the situations.

We can provide you with a high-quality professional network of experienced lawyers and/or law firms and bailiffs (LDCs) in the Netherlands at very competitive rates. Our LDC network covers the whole Dutch territory, and the LDCs are able to take legal action in all the district courts.

## 1.3. Interest

Apart from companies with a sole owner (“eenmanszaak”) and companies with several natural persons or partners involved (“vennootschap onder firma” or VOF), we always charge debtors for interest calculated at 12% per annum on a daily basis. This percentage is higher than the one embodied in the European Directive concerning legal business interest. But it's in accordance with the clauses on the majority of purchase conditions or other business conditions.

Interest will always be claimed in both the amicable phase and judicial phase.

In the Netherlands, it's common practice to receive interest on overdue invoices, and there are rarely any discussions regarding the liability of the debtors when paying interest. In court, interest payment is considered a justified demand in relation to the overdue accounts. If you're able to prove that the business or purchase conditions are applicable, the interest can be charged at 12% per annum. In the event that no specific conditions were agreed to, it's possible to request interest according to the European Directive and the so-called legal business interest rate in the Netherlands. The latter is variable.

## 1.4. Debt collection costs

In the amicable phase, we're able to collect your invoices and interest to a certain extent with collection costs. The debtor is charged an extra 15% in collection costs on the principal amount, and we fully focus on collecting the costs within the bounds of law and jurisprudence. With regard to companies with a sole owner (“eenmanszaak”) and companies with several natural persons or partners involved (“vennootschap onder firma” or VOF) we can't charge this 15%.

From a legal point of view, collection costs can only be recovered from the debtor on a scale relating to the principal amount that has been entrusted to collections.

If we're successful in collecting the principal amount, it's possible to recover a certain amount of the collection costs from the debtor through legal proceedings. The court uses a tariff schedule relating to legal proceedings in order to identify what amount of collection costs can be recovered from the debtor. It's a complicated issue in jurisprudence, and there are usually only small amounts granted, despite existing clauses in written agreements and/or purchase conditions. In fact, the judge is free to condemn the debtor to pay the collection costs as long as they're considered reasonable, but the granted costs are normally part of the provision agreed with you.

### 1.5. Prescription

Dutch law has several terms for prescription of debts, the most common of which relate to commercial (business) claims (e.g. purchasing, rendering services, and contracting). For these transactions, the general prescriptive term is five years and is calculated from the due dates of the invoices.

Prescription can be opposed by registered mail and/or written announcement through a bailiff, with the effect that a new term of five years will commence. It must be noted that you have to prove that the debtor receives the announcement.

Exceptions are possible; for example, in the transportation sector, shorter terms for prescription of debts are used, according to the Convention on the contract for the international carriage of goods by road (CMR).

### 1.6. Types of companies

Like most other countries, the Netherlands has two major groups of companies.

The first group consists of so-called person companies:

#### Company with a sole owner ("eenmanszaak")

- The owner is fully liable for the company's debts, also with their private assets

#### Company with several natural persons or partners involved ("vennootschap onder firma", or VOF)

- The partners are fully liable with their business funds and private assets

#### Company with a managing partner and a silent partner ("commanditaire vennootschap", or CV)

- The managing partner is fully liable with their business funds and private assets

- The silent partner is only liable with the company's capital

#### Company as a professional partnership

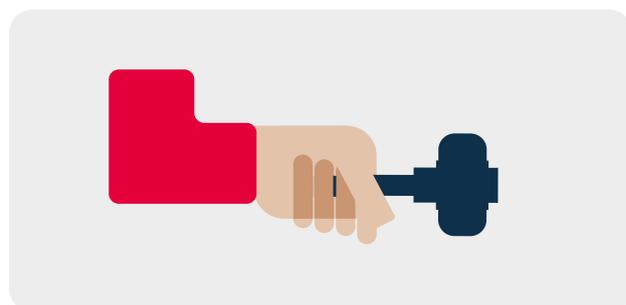
- The partners are natural persons practising professions (e.g. lawyers, doctors, and architects)
- The partners are together fully liable for the company's total debts with their private funds or assets

The second group includes limited companies, legal persons, or legal entities, of which the most common are:

- "Besloten vennootschap", or B.V.
- "Naamloze vennootschap", or N.V.

For these companies, the (managing) directors aren't liable with their private assets, unless there is documented proof of mismanagement.

## 2. Legal collections



### 2.1. Legal systems

The Dutch judicial organisation recognises several kinds of courts, whereas competence relates to the amount or the level of each claim. The systems include the following courts.

- County court, one judge tribunal ("kantongerecht")
- Tribunal or district court ("rechtbank")
- Court of appeal ("gerechtshof")
- Supreme Court ("Hoge Raad")

### 2.2. Required documents

In order to apply a legal dunning procedure or file a petition for bankruptcy, we need copies of the contracts, invoices, and a clear statement of account.

In the case of a regular lawsuit procedure that normally relates to disputed cases, copies of the complete contractual documentation or proof of the trading relationship have to be supplied.

In case of dispute, all the notes of the conversations

between you and your debtor via letter and email that may assist our lawyers should be kept.

Every document supporting the claim or the argument to be defended has to be submitted to the court with a writ of summons, the same as with the names and places of residence of the witnesses.

### 2.3. Legal dunning procedures

The Netherlands doesn't have legal dunning procedures, but, if the debt is undisputed, it's possible to take very specific legal action in order to press the debtor to pay on a short-term basis.

The most effective and least costly procedure is filing a petition for bankruptcy. For this procedure, we need to hand over the file to one of our LDCs, as it must be done by a lawyer. The petition is designed to put so much pressure on the debtor that if there are any monies, they'll be paid with preference to you – the creditor who files the petition.

As an alternative, it might be possible to agree to a payment plan, as this is also a very efficient action. We usually know within a month whether any monies can be collected.

### 2.4. Lawsuits

Legal proceedings in the Netherlands always relate to disputed matters. For legal proceedings, written approval from you will be sufficient, so a formal power of attorney isn't necessary.

Before we suggest taking legal action, our collectors investigate the debtor's financial situation. If it's considered that there are assets (as far as we can judge this), then we suggest that our client takes legal action.

The collectors will also study the case and give advice on which legal action to take. If the documents are missing or additional evidence needs to be supplied, the collectors will ask you to provide the relevant information.

The bailiffs in our network will handle proceedings for claims up to EUR 25,000, and for larger claims, the fully documented files will be sent to the LDCs in our network in the Netherlands.

Once the summons is completed, the debtor will be notified by the bailiff (obligatory) and be immediately presented to the court. In proceedings before a county court, the debtor can defend themselves, whereas in proceedings before a district court and beyond, the debtor must be represented by a lawyer.

Once a writ of defence has been presented, it's usual practice for the court to request a personal appearance of all the parties and their legal representatives to gather further information about the facts and to try to come to an agreement between them.

If no settlements can be reached, the proceedings will continue, usually with further written documents, witness statements, appointments of experts and the like, until the court has a clear view of all the details and can render the final judgment.

### 2.5. Appeals

Appealing against a judgment (the threshold is EUR 1,750) is possible. That will trigger a second verdict by the court of second instance (local court to district court, district court to court of appeal).

In the case of third instance, the review will be restricted to a check on whether or not the statutes were applied correctly. Any later amendment of facts or proof isn't permissible.

### 2.6. Costs and interest in the legal phase

The costs of legal proceedings relate to the amount of the outstanding debt and are determined by the court. They also follow a complex legislative tariff schedule using a wide range of calculations.

The losing party will be liable to the court costs and legislative fees for procedural assistance according to the tariff schedule. The fees relate to the amount of legal handling in the proceedings and don't take into account the real legal fees. The way the legislative fees are calculated makes it difficult to predict the total cost, besides the complexity of the case, the number of court appearances, the eventual hearings of the witnesses, and the appointments of experts. Whenever legal action is necessary, cost estimations will be provided on a case-by-case basis.

The difference between the legislative fees determined by the court and the legal fees for the LDCs and/or our legal collectors will be collected from your account and can't be recovered from the debtor.

The cost of filing a petition for bankruptcy is approximately EUR 1,400.

Any interest calculated from the date of the writ of summons, court costs, and legal fees can all be claimed as part of the outstanding monies during legal proceedings.

In all cases, the losing party has to bear the costs of the legal proceedings. If the claim is granted partly, the court can decide that both parties have to bear the costs in proportion to their prevailing or failing in the case. In the case of a legal settlement, it's common that the parties bear their own costs (e.g. lawyers' and court fees) of the proceedings.

### 3. Enforcement

In the Netherlands, only bailiffs are authorised to take care of enforcement of judgments within the boundaries of the law. We have a network of professional and experienced bailiffs covering the whole of the Netherlands.

Based on the judgment, the bailiff can seize part of the debtor's salaries, block their bank accounts or their claims against tax offices, life insurance, shares in businesses, corporate shares, or any possible claim the debtor may have against any third party. Very specific information, such as the debtor's bank account details and any information about their corporate shares or shares in businesses, is required for this kind of enforcement.

### 4. Insolvency proceedings



#### 4.1. General information

##### Bankruptcy

A debtor can be declared bankrupt at their own request or at the request of just one of their creditors, provided that evidence is provided to the court that more than one debt is left unpaid by the debtor.

Insolvency proceedings – whether regular insolvency, insolvency plans, or individual insolvency – are a kind of collective enforcement by all the creditors against the debtor. With a verdict from the court, the bankruptcy is established with the result that all the proceedings and

enforcement (also the preservative kind) will be suspended.

The aim of insolvency proceedings is to pay out all the creditors with the same percentages of their debts by liquidating the assets of the debtor company, or by collecting the enforceable income of the individual who is declared bankrupt.

Besides bankruptcy, there are two other types of insolvency:

##### Suspension of payment

A company or a natural person who is temporarily in a position where they aren't able to pay their debts might file a petition for suspension of payment. The court often allows provisional suspension for a certain period (from two to six months), after which the debtor has to submit all the records on their financial situation, as well as a plan towards the future, and how they'll meet the obligations to the creditors.

##### Law-enforced composition with creditors on a natural person's debts (WSNP)

This insolvency procedure relates to natural persons (owners of small shops, farmers and the like) who are personally liable for debts. Dutch law provides such a debtor with the possibility to request the court that they be allowed to enter into a WSNP. By fulfilling certain obligations in good faith, such a debtor is allowed by the court to enter into a WSNP. The court will appoint an official receiver who is monitored by a member of the court.

The Homologation Private Agreement ("Wet Homologatie Onderhands Akkoord" or WHOA) introduces a regulation in the Netherlands that results in what is also referred to as compulsory agreement. The proposed arrangement provides for the possibility to have a private agreement between the debtor company and its creditors and shareholders on the restructuring recognised and approved by the court (homologated). The court approval ensures that all the involved creditors and shareholders are attached to the content, as well as those voting against the content of the agreement. They can therefore still be held to the content if the agreement meets the requirements. The scheme is embedded in the Bankruptcy Act.

## 4.2. Proceedings

### Bankruptcy

The court declaring the debtor bankrupt will appoint an official receiver as well as a member of the court who will monitor the official receiver. The official receiver will act on behalf of the creditors and can implement several (business) actions, with the approval of the member of the court, to liquidate the assets in favour of the creditors.

All the creditors must lodge their claims with the official receiver and take back any goods delivered under retention of title clauses.

### Suspension of payment

Like with bankruptcy, the creditors have to lodge their claims with the official receiver.

If it's judged that there is a possibility of achieving a positive outcome in the future, including a payment plan for the debts, the suspension will become definitive.

It's also possible to come to an agreement with the creditors. The agreement has to be approved by the court and the majority of the creditors regarding each debt.

With the payment plan or composition approved by the court, the suspension will end. However, often suspension becomes bankruptcy.

### Law-enforced composition with creditors on a natural person's debts (WSNP)

The creditors have to lodge their claims as described above. The official receiver has to determine in which capacity the debtor has to pay in instalments over a period of three years. After this period and provided that the debtor meets their obligations as agreed with the official receiver, the total reserved amount will be divided among the creditors in a full and final settlement.

It should be noted that if a natural person has been declared bankrupt, it often comes – at the request of the debtor – to transfer to a WSNP. Most of the time, the creditors will receive only a small percentage of their debts (varying from 1% to 10%).

## 5. Arbitration and mediation

If you and your debtor agree to an alternative dispute solution, there are two options: arbitration and mediation or conciliation.

# Case study

## HP Inc.

### At a glance

HP Inc. creates technology that makes life better for everyone, everywhere.

- **Industry:** Information technology and services
- **Market:** Global
- **Challenge:** Recovering invoices from difficult, resource-intensive cases
- **Solution:** Amicable collections by Atradius Collections
- **Result:** HP Inc.'s number of recovered invoices increased significantly. The collected amount was maximised while its internal collection workload was minimised. HP Inc. has been in partnership with Atradius Collections for over 10 years

### Debt collection approach

Collecting unpaid invoices from commercial customers took an unwanted heavy toll on HP Inc.'s resources. The customers remained unresponsive and the recovery rate was disappointing.

That's when HP Inc. decided to use our amicable debt collection service.

### Amicable collections to recover ageing and difficult cases

"Atradius Collections has both the global and local know-how," says Alex Gasca, Global Default and Recovery Manager of HP Inc. "There were lots of cases and the success rate of Atradius Collections was very high. For some cases, we were simply unable to collect the debts. But right away, Atradius Collections achieved impressive results."

HP Inc.'s accounts receivable became more efficient then. The next step is to set up a monthly challenge where we discussed HP Inc.'s most difficult collection cases and took over from there. Because of this close cooperation, we've gained deep-seated knowledge of HP Inc. and that makes for favourable outcomes.

"Atradius Collections continues to get results – even with the toughest cases," says Gasca.

### Tailored processes to increase recoveries with minimal internal efforts

These days HP Inc. has shifted focus to the most time- and effort-consuming debt cases. It has developed a hybrid approach that includes us as part of its internal strategy. "From the point we hand over cases to Atradius Collections, the work and man-hours put into them drop to close to zero. Because Atradius Collections follows up for us – from providing incentive payment plans to handling situations. We get to keep internal efforts to a minimum while also getting recoveries," says Gasca.

### Result

"Atradius Collections gives us peace of mind," says Gasca. "It also gives our senior executives comfort that we are not just writing off. We are now moving cases to someone who can help with recovery."

Looking back on the long-lasting partnership, Gasca says, "We are pleased that from the outset, Atradius Collections has been open, transparent, and constructive – even on a personal level. I believe that the relationship we have is truly excellent and HP Inc. is very happy with it."

And the key to this fruitful collaboration? "We share the same mission: making HP Inc. more profitable," says Gasca. "Collecting debts – the big challenge – has worked out very well from the earliest cases to today's. I'm really impressed with Atradius Collections. Yes, I am."

If you need to recover commercial debts worldwide like HP Inc., please contact our office closest to you. Our local offices' contact details are at the end of this handbook. We will follow up with the most suitable solutions to collect your commercial debts.

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Through a presence in 40+ countries, we provide commercial debt collection services in 96% of the countries across the world. Our wide breadth of services, ranging from accounts receivable outsourcing to third-party collections, helps companies around the globe recover unpaid invoices. Atradius Collections forms part of Grupo Catalana Occidente, one of the leading credit insurance companies in Spain and worldwide.

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