

# Netherlands Arbitration Institute REQUEST FOR ARBITRATION

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## Secretariat of the Netherlands Arbitration Institute

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## Introduction

NAI arbitration shall be commenced by submitting a request for arbitration to the NAI administrator at the email address mentioned above. The date of commencement shall be the day of receipt of the request for arbitration by the administrator (Article 7(1) of the NAI Arbitration Rules of 1 January 2015).

The requirements to be satisfied by a request for arbitration are laid down in Article 7(2). If the request for arbitration does not satisfy the requirements set in Article 7(2), the NAI administrator shall contact the claimant in order to obtain the necessary supplements or corrections and may suspend the handling of the request; this may cause the handling to be delayed (Article 7(3)). The NAI administrator shall send a copy of the request for arbitration to the respondent, inviting it to respond to the request for arbitration in the short answer (Article 8(1)).

The request for arbitration and the short answer serve as the introduction to the arbitral proceedings and to further the process of appointment of arbitrators. They do not prejudice the parties' right to present a statement of claim and statement of defence, respectively (Article 9).

The special requirements to be satisfied by a request for summary arbitral proceedings are set out in Article 36.

## 1. Particulars claimant (Article 7(2)(a))

Name : \_\_\_\_\_

Address : \_\_\_\_\_

Place of residence : \_\_\_\_\_

Telephone number : \_\_\_\_\_

Email address : \_\_\_\_\_

VAT number : \_\_\_\_\_

# Netherlands Arbitration Institute REQUEST FOR ARBITRATION

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## **If applicable, particulars of claimant's representative (Article 7(2)(b))**

Name representative : \_\_\_\_\_

Address : \_\_\_\_\_

Place of residence : \_\_\_\_\_

Telephone number : \_\_\_\_\_

Email address : \_\_\_\_\_

## **2. Particulars respondent (Article 7(2)(a))**

Name : \_\_\_\_\_

Address : \_\_\_\_\_

Place of residence : \_\_\_\_\_

Telephone number : \_\_\_\_\_

Email address : \_\_\_\_\_

VAT number : \_\_\_\_\_

# Netherlands Arbitration Institute REQUEST FOR ARBITRATION

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## If applicable, particulars of respondent's representative

Name representative : \_\_\_\_\_

Address : \_\_\_\_\_

Place of residence : \_\_\_\_\_

Telephone number : \_\_\_\_\_

Email address : \_\_\_\_\_

### 3. Email address at which the claimant may be reached for electronic communication for the duration of the arbitral proceedings (Article 7(2)(c))

\_\_\_\_\_

### 4. Brief description of the dispute (Article 7(2)(d))

(The description provided here serves to introduce the proceedings and to inform the NAI administrator and does not prejudice the parties' right to present a statement of claim and statement of defence, respectively (Article 9(1)). The description of the dispute may be provided in an attachment to the request for arbitration.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. A clear specification of the claim along with, if possible, a specification of the monetary interest of each of the claims (Article 7(2)(e))**

(The description provided here serves to introduce the proceedings and to inform the NAI administrator and does not prejudice the right to change, increase or reduce a claim within the limits of the relevant provisions of the NAI Arbitration Rules.)

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**6. Arbitration agreement and any other agreements to which the arbitration relates (Article 7(2)(f))**

(A copy of such (agreement(s) must be sent along with the request for arbitration.)

The agreement between the parties, that their disputes will be decided by arbitration according to the Rules of the Netherlands Arbitration Institute, is evidenced by: \*

- (a) submission agreement, attached
- (b) contract (confirmation) with arbitration clause dated \_\_\_\_\_, attached
- (c) other written proof, namely \_\_\_\_\_

**7. Number of arbitrators (Article 7(2)(i))**

(There must be an odd number of arbitrators. If the parties have not agreed the number of arbitrators, this will be determined by the NAI administrator, who will set the number at one or three, taking account of the parties' preference, the quantum of the claim/counterclaim and the complexity of the case.)

With regard to the number of arbitrators:\*

- (a) the parties have agreed that the arbitral tribunal consists of \_\_\_\_\_ arbitrator(s).
- (b) the parties have agreed nothing, but the claimant prefers \_\_\_\_\_ arbitrator(s).

**8. Appointment of arbitrators (Article 7(2)(g)(h))**

(On the basis of the NAI Arbitration Rules of 1 January 2015, the parties in principle appoint the arbitrators themselves (Article 13). If the parties already agreed to appoint one arbitrator, they shall

# Netherlands Arbitration Institute REQUEST FOR ARBITRATION

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jointly appoint this arbitrator. If the parties already agreed the appointment of three arbitrators, each party shall appoint an arbitrator and these two arbitrators shall jointly appoint the chair of the tribunal. If the parties did not agree the number of arbitrators, the NAI Administrator shall first determine the number of arbitrators (see above), after which the parties will be invited to appoint the arbitrator(s). The parties may also have agreed to immediately follow the list procedure. Finally, the parties may have agreed a method of appointment that deviates from Articles 13 and 14 (Article 13(6)). Please indicate below what is applicable.)

(a) (Article 13) The parties agreed to appoint one arbitrator  
**The parties have jointly appointed:**

Name arbitrator 1 : \_\_\_\_\_

Address : \_\_\_\_\_

Place of residence : \_\_\_\_\_

Telephone number : \_\_\_\_\_

Email address : \_\_\_\_\_

(b) (Article 13) The parties agreed to appoint three arbitrators

**The claimant has appointed:**

Name arbitrator 1 : \_\_\_\_\_

Address : \_\_\_\_\_

Place of residence : \_\_\_\_\_

Telephone number : \_\_\_\_\_

Email address : \_\_\_\_\_

**The respondent has appointed:**

Name arbitrator 2 : \_\_\_\_\_

# Netherlands Arbitration Institute REQUEST FOR ARBITRATION

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Address : \_\_\_\_\_

Place of residence : \_\_\_\_\_

Telephone number : \_\_\_\_\_

Email address : \_\_\_\_\_

If it is already known who has been appointed as chair of the tribunal:

**Chair:**

Name arbitrator 3 : \_\_\_\_\_

Address : \_\_\_\_\_

Place of residence : \_\_\_\_\_

Telephone number : \_\_\_\_\_

Email address : \_\_\_\_\_

(An arbitrator must be impartial and independent. He or she may not have any close personal or business ties with any of the parties or with one of the fellow arbitrators. He or she may not have any direct personal or business interest in the outcome of the proceedings. Neither may an arbitrator have communicated an opinion regarding the case to any of the parties prior to his or her appointment.)

(c) (Article 14) If the parties have agreed the list procedure in accordance with Article 14, please indicate this below (or in an attachment to the request):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# Netherlands Arbitration Institute REQUEST FOR ARBITRATION

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(d) (Article 13(6)) The claimant declares that neither situation (a), nor (b) nor (c) has occurred and requests the following method of appointment:

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## 9. Qualifications of the arbitrator(s) (Article 7(2)(i))

With regard to the qualifications of the arbitrator(s):\*

(a) the parties have agreed that the arbitrator(s) must have the following qualifications:

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(b) the parties have agreed nothing, but the claimant prefers:

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## 10. Place of arbitration (Article 7(2)(i))

(The place of arbitration shall be determined by the parties, failing which the arbitral tribunal shall decide the place of arbitration.)

With regard to the place of arbitration:\*

(a) the parties have agreed that this must be \_\_\_\_\_.

(b) the parties have agreed nothing, but the claimant prefers:

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# Netherlands Arbitration Institute REQUEST FOR ARBITRATION

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## 11. Language of the arbitration

With regard to the language of the arbitration:\*

- (a) the parties have agreed that this must be the \_\_\_\_\_ language;
- (b) the parties have agreed nothing, but the claimant prefers the \_\_\_\_\_ language.

## 12. Other particulars concerning the arbitral proceedings (Article 7(2)(j))

(Please mention here the particulars regarding the arbitral proceedings the claimant wishes to be mentioned. The respondent may mention the particulars in the short answer. Particulars as mentioned here include, for example, in an arbitration between parties of different nationalities, the claimant's wish that the arbitrator or the chairman of the arbitral tribunal may not have the nationality of any of the parties Article 13(3) and 14(4).)

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(Place) \_\_\_\_\_, (date) \_\_\_\_\_ 20\_\_\_\_\_

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(signature claimant or its representative)

\* Please complete as applicable; delete what is not applicable.