

**Secretariat of the Netherlands Arbitration Institute**

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**Introduction**

Even in proceedings that are not subject to the NAI Binding Advice Rules, the NAI may be of help to the parties by taking care of the appointment of binding advisors. Appointments take place according to the NAI Rules for the appointment of a binding advisor in ad hoc proceedings.

A request for appointment shall be submitted to the NAI administrator at the email address mentioned above. The request shall be deemed to have been made on the day of receipt by the administrator (Article 7(1) of the NAI Rules for the appointment of a binding advisor in ad hoc proceedings).

The requirements to be satisfied by a request for appointment are laid down in Article 7(2). If the request for appointment does not satisfy the requirements set in Article 7(2), the NAI administrator shall contact the applicant 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 appointment to the other party, inviting it to respond to the request (Article 8(1)).

The request for appointment and the response serve as the introduction to the binding advice proceedings and to further the process of appointment of binding advisors. They do not prejudice the parties' right to present a statement of claim and statement of defence, respectively, in the binding advice proceedings (Article 9).

**1. Particulars applicant (Article 7(2)(a))**

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

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

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

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

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

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

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

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

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

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

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

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

**2. Particulars other party (Article 7(2)(a))**

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

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

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

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

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

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

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**If applicable, particulars of other party's representative**

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

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

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

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

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

**3. Email address at which the applicant may be reached for electronic communication for the duration of the appointment procedure (Article 7(2)(c))**

\_\_\_\_\_

**4. Brief description of the uncertainty or 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). The description of the uncertainty or the dispute may be provided in an attachment to the request for appointment.)

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

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**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 set by the binding advisor(s).)

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**6. Binding advice agreement and any other agreements to which the binding advice proceedings relate (Article 7(2)(f))**

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

The agreement between the parties, that their disputes will be decided by binding advice, is evidenced by: \*

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

**7. Number of binding advisor(s) (Article 7(2)(h))**

(If the parties have not agreed the number of binding advisors, or if the agreed method of determining that number is not carried out and the parties cannot reach agreement on the number, this will be determined by the NAI administrator, who will set the number at one or three, taking account of the parties' preference, the scope of the dispute, the complexity of the case and the parties' interest in efficient proceedings (Article 12).)

With regard to the number of binding advisors:\*

- (a) the parties have agreed that \_\_\_\_\_ binding advisor(s) must be appointed.
- (b) the parties have agreed nothing, but the applicant prefers \_\_\_\_\_ binding advisor(s).

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

(The council is appointed on the basis of the NAI Rules for the appointment of a binding advisor in ad hoc proceedings on the basis of the list procedure (Article 13). This list shall contain at least three names if one binding advisor are to be appointed, at least six names if two binding advisors are to be appointed and at least nine names if three binding advisors are to be appointed. A party may delete the names of persons against whom this party has objections, and may number the remaining names in order of preference. Based on the returned lists, the binding advisor(s) will be invited and appointed. If the parties have agreed a manner of appointment themselves, the appointment will take place in that manner (Article 14).)

(a) (Article 13) As the parties have not agreed a manner of appointment, the list procedure will be followed.

(b) (Article 14) If the parties have agreed another manner of appointment, please indicate this below (or in an attachment to the request):

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**9. Qualifications of the binding advisor(s) (Article 7(2)(h))**

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

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

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

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**10. Language of the binding advice proceedings**

(In connection with the language in which the binding advisor(s) must be proficient, any preference or agreement between the parties must be communicated to the NAI administrator so that he may take this into account when drawing up the list.)

With regard to the language of the proceedings:\*

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

**11. Other particulars concerning the binding advice proceedings (Article 7(2)(i))**

(Please mention here the particulars regarding the proceedings the applicant wishes to be mentioned. The other party may mention the particulars in the response.)

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

\_\_\_\_\_  
(signature applicant or its  
representative)

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