

Secretariat of the Netherlands Arbitration Institute

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Introduction

Even in proceedings that are not subject to the NAI Arbitration Rules, the NAI may be of help to the parties by taking care of the appointment of arbitrators. Appointments take place according to the NAI Rules for the appointment of an arbitral tribunal in ad hoc arbitrations.

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 an arbitral tribunal in ad hoc arbitrations).

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 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, in the arbitral 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 : _____

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 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 dispute may be provided in an attachment to the request for appointment.)

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 arbitral tribunal.)

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 appointment.)

The agreement between the parties, that their disputes will be decided by arbitration, 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)(h))

(There must be an odd number of arbitrators. If the parties have not agreed the number of arbitrators, 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 arbitrators:*

(a) the parties have agreed that the arbitral tribunal consists of _____ arbitrator(s).

(b) the parties have agreed nothing, but the applicant prefers _____ arbitrator(s).

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

(The arbitral tribunal is appointed on the basis of the NAI Rules for the appointment of an arbitral tribunal in ad hoc arbitrations on the basis of the list procedure (Article 13). This list shall contain at least three names in the event that one arbitrator is to be appointed and at least nine names in the event that three arbitrators 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. Subsequently, the arbitral tribunal will be constituted on the basis of the arbitrator lists returned. 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):

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

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

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

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

10. Language of the arbitration

(In connection with the language in which the arbitral tribunal 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 of arbitrators.)

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 applicant prefers the _____ language.

11. Other particulars concerning the arbitral proceedings (Article 7(2)(i))

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

(Place) _____, (date) _____ 20_____

(signature applicant or its
representative)

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