

Secretariat of the Netherlands Arbitration Institute

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Introduction

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

The requirements to be satisfied by a request for binding advice are laid down in Article 7(2). If the request for binding advice 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 binding advice to the respondent, inviting it to respond to the request for binding advice in the short answer (Article 8(1)).

The request for binding advice and the short answer serve as the introduction to the binding advice proceedings and to further the appointment of binding advisors. They do not prejudice the parties' right to present a statement of claim and statement of defence, respectively (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 respondent (Article 7(2)(a))

Name : _____

Address : _____

Place of residence : _____

Telephone number : _____

Email address : _____

VAT number : _____

If applicable, particulars of respondent'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 binding advice proceedings (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(1)). The description of the uncertainty or the dispute may be provided in an attachment to the request for binding advice.)

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 Binding Advice Rules.)

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 binding advice.)

The agreement between the parties, that their disputes will be decided by binding advice according to the Rules of the Netherlands Arbitration Institute, 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)(i))

If the parties have not agreed the number of binding advisors, 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 binding advice proceedings (Article 12.)

With regard to the number of binding advisors:*

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

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

(On the basis of the NAI Binding Advice Rules of 1 January 2015, the parties in principle appoint the binding advisors themselves (Article 13). If the parties already agreed to appoint one binding advisor, they shall jointly appoint this binding advisor. If the parties already agreed the appointment of three binding advisors, each party shall appoint a binding advisor and these two binding advisors shall jointly appoint a chair. If the parties did not agree the number of binding advisors, the NAI administrator shall first determine the number of binding advisors (see above), after which the parties will be invited to appoint the binding advisor(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(4)). Please indicate below what is applicable.)

(a) (Article 13) The parties agreed to appoint one binding advisor

The parties have jointly appointed:

Name binding advisor: _____

Address : _____

Place of residence : _____

Telephone number : _____

Email address : _____

(b) (Article 13) The parties agreed to appoint three binding advisors

The applicant has appointed:

Name binding advisor 1 : _____

Address : _____

Place of residence : _____

Telephone number : _____

Email address : _____

The respondent has appointed:

Name binding advisor 2: _____

Address : _____

Place of residence : _____

Telephone number : _____

Email address : _____

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

Chair:

Name binding advisor 3: _____

Address : _____

Place of residence : _____

Telephone number : _____

Email address : _____

(A binding advisor 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 binding advisors. He or she may not have any direct personal or business interest in the outcome of the proceedings. Neither may a binding advisor 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):

(d) (Article 13(4)) The applicant declares that neither situation (a), nor (b) nor (c) has occurred and requests the following method of appointment:

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

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:

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

10. Language of the binding advice proceedings

With regard to the language of the binding advice 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)(j))

(Please mention here the particulars regarding the binding advice proceedings the applicant wishes to be mentioned. The respondent may mention the particulars in the short answer. Particulars as mentioned here include, for example, an agreement between the parties regarding the division of the costs.)

(Place) _____, (date) _____ 20_____

(signature applicant or its representative)

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