

NETHERLANDS
ARBITRATION
INSTITUTE

The Netherlands Arbitration Act 1986

Text and Notes
English
Français
Deutsch

P. Sanders
A.J. van den Berg

Kluwer

Netherlands Arbitration Institute – NAI

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English Text and Notes
Texte français et notes
Deutscher Text und Anmerkungen

Prof. Pieter Sanders
Dr. Albert Jan van den Berg

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ENGLISH TEXT

PREFACE

It is with pleasure and satisfaction that I use the opportunity, offered by this publication of the Netherlands Arbitration Institute, to present the new Netherlands Arbitration Act to the important audience outside the Dutch linguistic borders.

The old Arbitration Act had remained virtually unchanged throughout the almost 150 years of its existence. During this period, the development of arbitration law in the Netherlands had been achieved by case law. Whilst this was satisfactory as far as Dutch practitioners were concerned, it was considered that the position might be confusing for practitioners outside the Netherlands. Accordingly, it was decided to implement new legislation.

The new Act brings Dutch arbitration practice in line with modern international arbitration developments and requirements. The new Act duly takes into account recent arbitration laws of other countries, international conventions and other instruments such as, notably, the Model Law on International Commercial Arbitration, adopted in 1985 by the United Nations Commission on International Trade Law (UNCITRAL), and the new French arbitration law, in force since 1981.

As a country, the Netherlands has a firm reputation of independence, and a long tradition of supplying reliable services. I am especially pleased to see, in my term of office, that the new Act will enable this reputation and tradition to be further confirmed and continued in the field of arbitration.

The editors of this book should be commended for their efforts and the high quality of their work, and the Netherlands Arbitration Institute for its initiative to bring the new Act, and thereby arbitration in the Netherlands, to the attention of the international audience.

It is my sincere hope that the new Netherlands Arbitration Act will contribute to the efficiency of the peaceful settlement of disputes, to the further benefit of today's world trade.

The Hague, April 1987

The Minister of Justice of
the Netherlands,

F. Korthals Altes

INTRODUCTION

The new Netherlands Arbitration Act was adopted by Parliament on 2 July 1986. It entered into force on 1 December 1986.

The Act consists of Articles I – VI. Art. I sets forth the text of Articles 1020-1076 which is the arbitration act itself. Arts. 1020-1076 are incorporated in a new Book Four of the Netherlands Code of Civil Procedure. Articles II – VI contain miscellaneous provisions which relate mainly to transitional law.

The authors have provided, where appropriate, notes explaining the relevant provisions of the Act. Article headings as appearing in this publication do not appear in the text of the Act.

The Netherlands Arbitration Institute (NAI) adapted its Rules to the new Act. These Rules also entered into force on 1 December 1986. Translations of the new Rules in the English, French and German languages are available at the NAI Secretariat :

P.O. Box 22105
Schouwburgplein 30-34
3003 DC Rotterdam
Telephone : (+ 31)(10) 400 82 00
Telex : 24377 vdsr nl
Telefax : (+ 31)(10) 400 83 33

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Schiedam/Rotterdam, April 1987

Pieter Sanders
Albert Jan van den Berg

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