

Fourth Book. Arbitration**First title. Arbitration in the Netherlands****First Chapter. The Arbitration Agreement****Article 1020**

- 1 Parties may by agreement submit to arbitration disputes that have arisen or could arise between them from a specific legal relationship, whether or not arising from an agreement.
- 2 The arbitration agreement referred to in the first paragraph concerns both the compromise whereby the parties undertake to submit a dispute existing between them to arbitration and the arbitration clause whereby the parties undertake to submit disputes that may arise between them to arbitration. to subdue.
- 3 The arbitration agreement may not lead to the determination of legal consequences that are not at the discretion of the parties.
- 4 By agreement, the following may also be submitted to arbitration:
 - a. the mere determination of the quality or condition of goods;
 - b. the sole determination of the amount of compensation or of a sum of money owed;
 - c. the addition or amendment of the legal relationship as referred to in the first paragraph.
- 5 The arbitration agreement also includes an arbitration clause that is included in statutes or regulations binding on the parties.
- 6 Arbitration rules referred to in an arbitration agreement are deemed to form part of that agreement.

Article 1021

The arbitration agreement is proven by writing. For this purpose, a writing that provides for arbitration or that refers to general terms and conditions that provide for arbitration and that has been expressly or tacitly accepted by or on behalf of the other party is sufficient. The arbitration agreement can also be proven by electronic data. [Article 227a, first paragraph, of Book 6 of the Civil Code](#) applies mutatis mutandis.

Section First A. The arbitration agreement and the jurisdiction of the ordinary court**Article 1022**

The court before which a dispute has been brought before which an arbitration agreement has been concluded will declare itself incompetent if a party relies on the existence of this agreement for all defenses, unless the agreement is invalid.

Article 1022a

An arbitration agreement does not prevent a party from requesting an ordinary court for a measure to preserve rights or from turning to the interim relief judge of the district court or the subdistrict court judge for summary proceedings in accordance with [Article 254](#) .

Article 1022b

[Future change(s) on 01-01-2025. See the [overview of changes](#)]

An arbitration agreement does not prevent a party from requesting the ordinary court to order a preliminary hearing of witnesses, a preliminary expert report, a preliminary location and inspection, or inspection, copies or extracts of certain documents.

Article 1022c

If, in the cases referred to in [Articles 1022a](#) and [1022b](#) , a party relies on the existence of an arbitration agreement for all defenses, the court declares itself exclusively competent if the requested decision cannot be obtained in arbitration or cannot be obtained on time.

Section First B. The arbitral tribunal

Article 1023

Any legally competent natural person can be appointed as an arbitrator. No person is excluded from appointment on grounds of his nationality, unless the parties have agreed otherwise with a view to the impartiality and independence of the arbitral tribunal.

Article 1024

- 1 The compromise contains an indication of what the parties wish to submit to arbitration.
- 2 By concluding a compromise, the case is pending, unless the parties have agreed on another method of filing.

Article 1025

- 1 In the case of an arbitration clause, a case is pending on the day of receipt of a written notification in which a party notifies its other party that it will proceed to arbitration. That notification contains an indication of what the party bringing the case before it wishes to submit to arbitration.
- 2 The parties may agree that the case will be brought in a manner other than that provided for in this article.

Article 1026

- 1 An arbitral tribunal has an odd number of arbitrators. It may also consist of an arbitrator.
- 2 If the parties have not agreed on the number of arbitrators, or if an agreed method of determining the number is not carried out and the parties are unable to reach agreement on the number, that number will be determined by the preliminary relief judge at the request of the most willing party. the court.
- 3 If the parties have agreed on an even number of arbitrators, these arbitrators will appoint an additional arbitrator as chairman of the arbitral tribunal.
- 4 In the absence of agreement between the arbitrators, this additional arbitrator will be appointed by the preliminary relief judge of the court at the request of the first party, unless the parties have agreed otherwise.
- 5 [Article 1027, fourth paragraph](#) , applies mutatis mutandis to the provisions of the second and fourth paragraphs.

Article 1027

- 1 The arbitrator or arbitrators will be appointed in the manner agreed by the parties. The parties may instruct a third party to appoint the arbitrator or arbitrators, or one or more of them. If no method of appointment has been agreed, the arbitrator or arbitrators will be appointed jointly by the parties.
- 2 The appointment must be made within three months after the case is pending, unless the arbitrator or arbitrators have already been appointed before then. However, if one of the cases referred to in [Article 1026, paragraph 2](#) , occurs, the three-month period commences on the day on which the number of arbitrators is determined. The terms can be shortened or extended by the parties by agreement.
- 3 If the appointment of the arbitrator or arbitrators does not take place within the period referred to in the previous paragraph, the missing arbitrator or arbitrators will be appointed by the preliminary relief judge of the court, at the request of the most willing party. The other party will be given the opportunity to be heard.
- 4 The preliminary relief judge or the third party appoints the arbitrator or arbitrators regardless of whether the arbitration agreement is valid. By cooperating in the appointment of the arbitrator or arbitrators, the parties do not lose the right to invoke the lack of jurisdiction of the arbitral tribunal due to the absence of a valid arbitration agreement.

Article 1028

- 1 If, by agreement or otherwise, one of the parties has been granted a privileged position in the appointment of the arbitrator or arbitrators, each of the parties may, in deviation from the agreed appointment arrangement, request the preliminary relief judge of the court to appoint the arbitrator or arbitrators.
- 2 A party must submit the request referred to in the first paragraph within three months after the case is pending, under penalty of forfeiture of the right to later invoke the privileged position in the appointment of the arbitrator or arbitrators in the arbitral proceedings or at the ordinary judge. The parties may extend the term by agreement.
- 3 The opposing party of the applicant shall be given the opportunity to be heard. [Article 1027, fourth paragraph](#) , applies mutatis mutandis.

Article 1029

- 1 An arbitrator accepts his assignment in writing. An arbitrator can only be released from his assignment in the cases referred to in the second to fifth paragraphs of this article, unless the parties have agreed otherwise.
- 2 An arbitrator who has accepted his assignment may be released from it at his own request, either with the consent of the parties, or by a third party designated by the parties or, failing that, by the preliminary relief judge of the court.
- 3 An arbitrator who has accepted his assignment may be relieved of his assignment by the parties jointly.
- 4 An arbitrator who has accepted his assignment may, if he is no longer legally or factually able to fulfill his assignment, be released from his assignment at the request of one of the parties by a third party designated by the parties or, failing that, by the preliminary relief judge of the court.
- 5 An arbitral tribunal that has accepted its mandate may, if, despite repeated reminders, carries out its mandate in an unacceptably slow manner, taking all circumstances into account, at the request of one of the parties it may be released from its mandate by the third party designated by the parties or, failing this, by the preliminary relief judge of the court.

Article 1030

- 1 An arbitrator who is relieved of his mandate pursuant to [Article 1029, paragraph 2, 3 or 4](#) , or an arbitral tribunal that is relieved of its mandate pursuant to Article 1029, paragraph 5, shall be replaced in accordance with the rules applicable to the original appointment, unless the parties agree another method of replacement has been agreed. The same applies in the event of the death of an arbitrator.
- 2 If the parties have specifically designated the arbitrator or arbitrators in the arbitration agreement, replacement will also take place in the cases referred to in the first paragraph, unless the parties have agreed that the arbitration agreement will then end.
- 3 In the event of replacement, the proceedings are suspended by operation of law, unless the parties have agreed otherwise. After suspension, the proceedings will continue as they are, unless the parties have agreed otherwise.

Article 1031

The parties may jointly terminate the arbitral tribunal's assignment.

Article 1032

[Expired as of 01-01-2015]

Article 1033

- 1 An arbitrator can be challenged if there are justified doubts about his impartiality or independence.
- 2 An arbitrator appointed by a party can only be challenged by that party for reasons that became known to it after the appointment.
- 3 A party cannot challenge an arbitrator appointed by a third party or by the preliminary relief judge of the court if it has acquiesced in his appointment, unless the reason for the challenge only became known to it later.

Article 1034

- 1 A person appointed as an arbitrator who suspects that he could be challenged shall notify the person who appointed him thereof in writing, stating the probable reasons for the challenge.
- 2 A person appointed as an arbitrator shall make the notification referred to in the first paragraph to the parties as soon as his appointment has taken place, unless they have already received this notification.
- 3 An arbitrator who, pending the arbitral proceedings, suspects that he may be challenged shall notify the parties in writing and, if the arbitral tribunal consists of more arbitrators, the co-arbitrators, stating the probable reasons for the challenge.

Article 1035

- 1 The challenging party shall notify the challenge in writing, stating the reasons, to the arbitrator involved, the other party and, if the arbitral tribunal consists of several arbitrators, the co-arbitrators. The notification shall be made within four weeks after the day of receipt of the notification referred to in [Article 1034](#) or, failing that, within four weeks after the reason for the challenge has become known to the challenging party.
- 2 If a challenged arbitrator does not withdraw within two weeks after the day of receipt of a timely notification as referred to in the first paragraph, the merits of the challenge will be decided by the preliminary relief judge of the court at the request of the most willing party. . The request shall be made within two weeks of the day of receipt of the written notice from the challenged arbitrator that he will not withdraw, or failing that, within six weeks of the day of receipt of the notice.

- 3 If the challenged arbitrator withdraws or his challenge is found to be well-founded by the preliminary relief judge of the court, he will be replaced in accordance with the rules that applied to his original appointment, unless the parties have agreed on another method of replacement. [Article 1030, second and third paragraphs](#) , apply mutatis mutandis.
- 4 If a challenged arbitrator withdraws, this does not imply acceptance of the validity of the reasons for the challenge.
- 5 The arbitral tribunal may suspend the arbitral proceedings from the day of receipt of the timely notification referred to in the first paragraph, or afterwards, pending the challenge procedure, from the moment the arbitral tribunal considers this appropriate. If the challenge is found to be inadmissible or unfounded, the proceedings, if they were suspended, will be resumed as they are.
- 6 By agreement, the parties may shorten or extend the periods referred to in the first and second paragraphs of this article.
- 7 By agreement, the parties can provide for a request for disqualification to be handled by an independent third party other than the preliminary relief judge of the court.
- 8 A party that has reasons to challenge an arbitrator shall base these reasons on a request for disqualification in accordance with the provisions of this article, under penalty of forfeiture of the right to rely on them later in the arbitral proceedings or in court.

Section 1035a

If the arbitral tribunal is assisted by a secretary, [Articles 1033 to 1035](#) apply mutatis mutandis.

Second Chapter. The arbitration proceedings

Article 1036

- 1 Without prejudice to the mandatory law provisions in this title, the arbitral proceedings will be conducted in the manner agreed by the parties. To the extent that the parties have not provided for the settlement of the arbitral proceedings, this will be conducted in the manner determined by the arbitral tribunal, without prejudice to the provisions of this title.
- 2 The arbitral tribunal treats the parties on an equal footing. The arbitral tribunal shall give the parties the opportunity to put forward and explain their positions and to comment on each other's positions and on all documents and other information that has been brought to the attention of the arbitral tribunal in the dispute. In making its decision, the arbitral tribunal shall not base its judgment to the detriment of one of the parties on documents and other information about which that party has not been able to express itself sufficiently.
- 3 The arbitral tribunal shall guard against unreasonable delays in the proceedings and, if necessary, shall take measures at the request of a party or on its own initiative. The parties are obliged to each other to prevent unreasonable delays in the proceedings.

Article 1037

- 1 The place of arbitration is determined by the parties by agreement and, failing that, by the arbitral tribunal. By determining the place of arbitration, the place of the award is also determined.
- 2 If the place of arbitration has not been determined by the parties or by the arbitral tribunal, the place of the award, stated by the arbitral tribunal in the award, will be considered the place of arbitration.
- 3 The arbitral tribunal may hold meetings, deliberate, hear witnesses and experts at any other place, in or outside the Netherlands, that it deems suitable for this purpose, unless the parties have agreed otherwise. The arbitral tribunal is authorized to appoint one of its members to hold the hearing referred to in the previous sentence, unless the parties have agreed otherwise.

Article 1038

- 1 The parties may appear in person in the proceedings or be represented by a lawyer or by a special authorized representative in writing.
- 2 The parties may be assisted in the proceedings by persons of their choice.

Article 1038a

- 1 Unless the parties have agreed otherwise, the claimant and the defendant will be given the opportunity by the arbitral tribunal to submit a statement of claim and a statement of defense respectively.
- 2 Unless the parties have agreed otherwise, the arbitral tribunal is free to determine whether further statements can be submitted.

Section 1038b

The arbitral tribunal, at the request of one of the parties or on its own initiative, shall give the parties the opportunity to explain their case orally at a hearing, unless the parties have agreed otherwise.

Article 1038c

- 1 A counterclaim is admissible if the same arbitration agreement on which the claim is based applies or the same arbitration agreement has been expressly or tacitly declared applicable by the parties.
- 2 Unless the parties have agreed otherwise, a counterclaim as referred to in the first paragraph shall immediately be submitted in a statement of defense.

Article 1038d

A party may change or increase its claim or counterclaim or the grounds thereof during the arbitral proceedings, provided that this does not unreasonably hinder the other party's defense or unreasonably delay the proceedings.

Article 1039

- 1 The presentation of evidence, the admissibility of the evidence, the allocation of the burden of proof and the assessment of the evidence are at the discretion of the arbitral tribunal, unless the parties have agreed otherwise.
- 2 The arbitral tribunal is authorized to appoint one of its members to hear witnesses or experts or to conduct a site survey or viewing, unless the parties have agreed otherwise.

Article 1040

- 1 Unless the parties have agreed otherwise, the memoranda referred to in [Article 1038a](#) shall be accompanied as much as possible by the documents on which the parties rely.
- 2 The arbitral tribunal may, at the request of one of the parties or on its own initiative, order inspection, copies or extracts of certain documents relating to the dispute from the party that has these documents at its disposal, unless the parties have agreed otherwise. The arbitral tribunal shall determine the conditions under which and the manner in which inspection, copies or extracts of documents are provided.

Article 1041

- 1 The arbitral tribunal may, at the request of one of the parties or on its own initiative, order the parties to provide evidence by hearing witnesses and experts, unless the parties have agreed otherwise.
- 2 The arbitral tribunal may determine the form in which the statements of the witnesses and experts are given, unless the parties have agreed otherwise.
- 3 If an oral examination of witnesses or experts takes place, the arbitral tribunal will determine the time and place of the examination and the manner in which the examination will take place.
- 4 If the arbitral tribunal deems it necessary, it will hear the witnesses after they have sworn in the manner prescribed by law to tell the whole truth and nothing but the truth.

Article 1041a

- 1 If a witness does not appear voluntarily or, having appeared, refuses to make a statement, the arbitral tribunal may allow the party requesting this to apply to the preliminary relief judge of the court within a period to be determined by the arbitral tribunal. with the request to appoint an examining magistrate before whom the witness hearing will take place.
- 2 The interrogation takes place in the same manner as in normal cases, with the understanding that the arbitrator or arbitrators are given the opportunity by the clerk of the court to be present during the witness interrogation and to ask the witness questions.
- 3 The registrar of the court shall send the minutes of the hearing to the arbitral tribunal and the parties as soon as possible.
- 4 The arbitral tribunal may suspend the proceedings until the day on which the arbitral tribunal has received the report of the hearing.

Article 1042

- 1 Unless the parties have agreed otherwise, the arbitral tribunal may appoint one or more experts to provide advice. The arbitral tribunal may consult the parties about the assignment to be given to the experts. The arbitral tribunal will send a copy of the appointment and the instructions given to experts to the parties as soon as possible.
- 2 The arbitral tribunal may require a party to provide the expert with the required information and to provide the necessary cooperation.
- 3 At the request of one of the parties, the experts will be heard at a hearing of the arbitral tribunal. If a party wishes to make such a request, it shall inform the arbitral tribunal and the other party as soon as possible.
- 4 Without prejudice to the provisions of the third paragraph, the arbitral tribunal shall give the parties the opportunity to comment on the advice of the experts appointed by the arbitral tribunal, unless the parties have agreed otherwise.

Article 1042a

The arbitral tribunal may, at the request of one of the parties or on its own initiative, inspect local conditions or inspect items, in or outside the Netherlands, unless the parties have agreed otherwise. The arbitral tribunal shall give the parties the opportunity to be present at the site inspection or viewing.

Article 1043

The arbitral tribunal may at any stage of the proceedings order the personal appearance of the parties to provide information or to attempt a settlement.

Article 1043a

- 1 If the claimant, despite being properly given the opportunity to do so, fails to submit or properly explain his claims, without giving valid reasons for doing so, the arbitral tribunal may by judgment or in any other manner that the arbitral tribunal may decide to do so, deemed appropriate, put an end to the arbitral proceedings.
- 2 If the defendant, despite being properly given the opportunity to do so, fails to put forward a defense without providing valid reasons for doing so, the arbitral tribunal may immediately render an award.
- 3 The claim will be granted in the award referred to in the second paragraph, unless it appears to the arbitral tribunal to be unlawful or unfounded. Before rendering an award, the arbitral tribunal may require the claimant to prove one or more of its claims.

Article 1043b

- 1 During pending arbitral proceedings on the merits, the arbitral tribunal may, at the request of one of the parties, grant provisional relief, with the exception of protective measures as referred to in the [fourth title of the Third Book](#) . The interim measure must be related to the claim or counterclaim in the pending arbitral proceedings.
- 2 By agreement, the parties may grant a separate arbitral tribunal to be appointed for this purpose, within the limits set in [Article 254, first paragraph](#) , the authority, regardless of whether the arbitral proceedings on the merits are pending, to make provisional relief at the request of one of the parties, with the exception of protective measures as referred to in the [fourth title of the Third Book](#) .
- 3 The arbitral tribunal referred to in the first and second paragraphs may, in conjunction with the provisional measure, require each party to provide adequate security.
- 4 Unless the arbitral tribunal determines otherwise, a decision by the arbitral tribunal on the request for provisional relief shall be regarded as an arbitral award; the provisions of the [third to fifth sections](#) of this title apply.
- 5 The arbitral tribunal may, at the unanimous request of the parties, stating the request, immediately make a ruling on the merits instead of a ruling on an interim measure. Such a ruling on the merits will be deemed an arbitral award; the provisions of the [third to fifth sections](#) of this title apply.
- 6 The arbitral tribunal may, at the unanimous request of the parties, stating the request, convert an arbitral award as referred to in the fourth paragraph into an arbitral award as referred to in the fifth paragraph.

Article 1044

- 1 Unless the parties have agreed otherwise, the arbitral tribunal may, through the interim relief judge of the District Court of The Hague, make a request for information as referred to in Article 3 of the European Agreement concerning the provision of information on foreign law, concluded in London on 7 June 1968 (*Trb* . 1968, 142). The preliminary relief judge shall, unless it appears to him to be useless, send the request as soon as possible to the body referred to in Article 2 of the Agreement and communicate this to the arbitral tribunal.
- 2 The arbitral tribunal may suspend the proceedings until the day on which the arbitral tribunal has received the response to the request for information.

Article 1045

- 1 Unless the parties have agreed otherwise, at the written request of a third party who has any interest in an arbitral proceeding, the arbitral tribunal may allow him to join or intervene therein, provided that the same arbitration agreement applies between the parties and the third party or becomes effective as between the original parties.
- 2 The arbitral tribunal shall send a copy of the request to the parties as soon as possible.
- 3 The arbitral tribunal shall give the parties the opportunity to express their opinion. The arbitral tribunal may give the third party the opportunity to express its opinion.
- 4 By allowing the joinder or intervention, the third party becomes a party to the arbitral proceedings.
- 5 After allowing a joinder or intervention, the arbitral tribunal will regulate the further course of the proceedings, unless the parties have provided for this by agreement.

Article 1045a

- 1 At the written request of a party, the arbitral tribunal may allow it to summon a third party in writing to indemnify it, provided that the same arbitration agreement applies or enters into force between the interested party and the third party as between the original parties.
- 2 A copy of the summons will be sent as soon as possible to the arbitral tribunal and to the other party.
- 3 The arbitral tribunal shall give the parties and the third party the opportunity to express their opinion.
- 4 The arbitral tribunal will not allow indemnification if the arbitral tribunal considers it implausible in advance that the third party will be obliged to bear the adverse consequences of a possible conviction of the interested party or if it is of the opinion that an indemnity procedure would unreasonably or unnecessarily delay the proceedings. is to be expected.
- 5 After granting an indemnity, the arbitral tribunal will settle the further course of the proceedings, unless the parties have provided for this by agreement.

Article 1046

- 1 With regard to arbitral proceedings pending in the Netherlands, a party may request a third party designated by the parties to order the merger with other arbitral proceedings pending in or outside the Netherlands, unless the parties have agreed otherwise. In the absence of a third party designated by the parties for this purpose, the interim relief judge of the Amsterdam District Court may be requested to order the consolidation of an arbitral proceeding pending in the Netherlands with another arbitral proceeding pending in the Netherlands, unless the parties have agreed otherwise.
- 2 Consolidation may be ordered insofar as it does not unreasonably delay the pending proceedings, also in view of the status they are in and there is such a close connection between the arbitral proceedings that the proper administration of justice requires simultaneous hearing and adjudication, in order to avoid separate adjudication of the cases where irreconcilable decisions are given.
- 3 The third party or the preliminary relief judge may, after giving all parties and, if appointed, the arbitrators the opportunity to express their opinion, grant or reject the request. His decision will be communicated in writing to all parties and the arbitral tribunals involved.
- 4 If the third party or the preliminary relief judge orders consolidation, the parties will appoint the arbitrator or arbitrators in mutual consultation, in odd numbers, and determine which rules will apply to the merged proceedings. If the parties cannot reach agreement on this within a period to be set by a third party or the preliminary relief judge, the third party or the preliminary relief judge will, at the request of the most eager party, appoint the arbitrator or arbitrators and, if necessary, determine which rules will apply to the matter. joined proceedings will apply. If necessary, the third party or the preliminary relief judge will determine the remuneration for the work already performed by the arbitrator or arbitrators who are released from their assignment as a result of the merger. [Article 1027, fourth paragraph](#) , applies mutatis mutandis.

Article 1047

In the event of arbitration regarding matters as referred to in [Article 1020, fourth paragraph, under a](#) , the provisions of this section shall not apply, except for [Articles 1037](#) and [1048](#) . The proceedings will then be conducted in the manner agreed by the parties or, insofar as the parties have not provided for this, as determined by the arbitral tribunal.

Article 1048

The determination of the time at which the award will be rendered is reserved to the arbitral tribunal.

Article 1048a

A party that has appeared in the proceedings shall, without unreasonable delay, lodge an objection with the arbitral tribunal with a copy to the other party as soon as it knows or reasonably should know that it has acted contrary to or has failed to act in accordance with any provisions of the [second section of this title](#), the arbitration agreement or an order, decision or measure of the arbitral tribunal. If a party fails to do so, the right to rely on it afterwards, in arbitral proceedings or before the ordinary court, will lapse.

Third Chapter. The arbitral award

Article 1049

- 1 The arbitral tribunal may make a full or partial final award or an interim award. There is a complete or partial final judgment when the claim in a judgment is settled in whole or in part by operative part.
- 2 If an arbitral tribunal renders an award that, according to the operative part, constitutes partly an interim award and partly a final award, such an award is a partial final award.

Article 1050

[Expired as of 01-01-2015]

Article 1051

[Expired as of 01-01-2015]

Article 1052

- 1 The arbitral tribunal is entitled to rule on its jurisdiction.
- 2 A party who has appeared in the arbitral proceedings must invoke the lack of jurisdiction of the arbitral tribunal on the grounds that a valid arbitration agreement is lacking, on penalty of forfeiture of its right to that absence later, in the arbitral proceedings or before the ordinary court, unless this appeal is made on the grounds that the dispute is not subject to arbitration according to [Article 1020, third paragraph](#).
- 3 A party who has contributed to the composition of the arbitral tribunal cannot invoke the lack of jurisdiction of the arbitral tribunal in arbitral proceedings or before the ordinary court on the grounds that the arbitral tribunal has been constituted in violation of the applicable rules. A party who has appeared in the arbitral proceedings and who has not cooperated in the composition of the arbitral tribunal must for all defenses invoke the lack of jurisdiction of the arbitral tribunal on the grounds that the arbitral tribunal has been constituted in violation of the applicable rules. do so, under penalty of forfeiture of her right to rely on it later, in arbitral proceedings or before the ordinary court.
- 4 The decision in which the arbitral tribunal declares itself competent can only be challenged simultaneously with a subsequent full or partial final award using the legal remedies referred to in [Article 1064](#).
- 5 If and insofar as the arbitral tribunal has declared itself incompetent on the grounds of the absence of a valid arbitration agreement as referred to in the second paragraph, the ordinary court has jurisdiction to hear the case. If and to the extent that the arbitral tribunal has declared itself incompetent on another ground, the arbitration agreement will remain in force, unless the parties have agreed otherwise.
- 6 The declaration of lack of jurisdiction as referred to in the previous paragraph applies as an arbitral award to which the first section B to the fifth section of this title applies.

Article 1053

The arbitration agreement must be considered and assessed as a separate agreement. The arbitral tribunal is authorized to rule on the existence and legal validity of the main agreement of which the arbitration agreement forms part or to which it relates.

Article 1054

- 1 The arbitral tribunal shall decide in accordance with the rules of law.
- 2 If the parties have made a choice of law, the arbitral tribunal shall decide in accordance with the rules of law designated by the parties. If no such choice of law has been made, the arbitral tribunal shall decide in accordance with the rules of law that it considers appropriate.
- 3 The arbitral tribunal, as good persons, shall decide fairly, if the parties have instructed it to do so by agreement.
- 4 In all cases, the arbitral tribunal shall take into account applicable trade practices.

Article 1055

Article 1056

In cases where the ordinary court can impose a penalty, an arbitral tribunal is also authorized to do so. Without prejudice to the applicability of [Articles 611a to 611h](#), in the cases referred to in [Article 611d](#), the cancellation, suspension or reduction of the penalty must be requested from the arbitral tribunal, and if the arbitral tribunal's order does not continue, to be requested from the preliminary relief judge of the court of the district in which the place of the arbitration is located.

Article 1057

- 1 The arbitral tribunal, if it consists of more than one arbitrator, shall decide by majority vote, unless the parties have agreed otherwise. If the arbitral tribunal consists of more than one arbitrator, procedural matters of minor importance may be decided by the chairman if the co-arbitrators have been authorized to do so, unless the parties have agreed otherwise.
- 2 The award will be put in writing and signed by the arbitrator or arbitrators.
- 3 If a minority of the arbitrators refuse to sign, the other arbitrators will report this in the award they sign. A corresponding notification will be made if a minority is unable to sign and it cannot be expected that the impediment to doing so will be removed within a short period of time.
- 4 In addition to the decision, the judgment will in any case contain:
 - a. the names and places of residence of the arbitrator or arbitrators;
 - b. the names and places of residence of the parties;
 - c. the date of the ruling;
 - d. the place of the statement;

It is. the grounds for the decision given in the judgment.
- 5 Notwithstanding the fourth paragraph, under e, the judgment shall not contain grounds for the decision given if:
 - a. the judgment exclusively concerns the mere determination of the quality or condition of goods as referred to in [Article 1020, fourth paragraph, under a](#) ;
 - b. the recording of a settlement as referred to in [Article 1069](#) ; or
 - c. in all other cases, after the arbitration has been initiated, the parties agree in writing that no grounds for the decision will be given.

Article 1058

- 1 The arbitral tribunal shall ensure that as soon as:
 - a. the original of the award, or a copy thereof certified by an arbitrator or the third party designated by the parties, is sent to the parties;
 - b. the original of a full or partial final award is deposited at the registry of the court within whose district the place of the arbitration is located, insofar as the parties have agreed this.
- 2 The judgment is deemed to have been sent when four weeks have passed after the date of the judgment.
- 3 Without prejudice to the provisions of [Articles 1060](#) , [1061](#) and [1065a](#), the mandate of the arbitral tribunal ends by sending the last final award to the parties or, in the case referred to in the first paragraph under b, by depositing the last final award with the registry of the court.
- 4 No copy or extract of a deposited judgment will be provided to third parties.
- 5 Unless the parties have agreed on other periods as referred to in [Articles 1060](#) , [1061](#) , [1061c](#) , a period of three months after the day of deposit of the judgment at the court registry applies, if the parties have agreed on deposit.

Article 1059

- 1 Decisions that concern the legal relationship in dispute and are contained in an arbitral award that has become final and final have the authority of res judicata in other proceedings between the same parties with effect from the day on which they were given. [Article 236, second and third paragraph](#) , applies mutatis mutandis.
- 2 The first paragraph does not apply to decisions as referred to in [Article 1043b](#) regarding an interim measure.

- 3 An arbitral award as referred to in the first paragraph has binding force between the same parties in another proceeding from the day on which it was rendered.

Article 1060

- 1 A party may, within a period as agreed between the parties or up to three months after the date of dispatch of the award, request the arbitral tribunal in writing to correct an apparent arithmetic error, clerical error or other obvious error in the award that can be easily corrected.
- 2 If the information referred to in [Article 1057, fourth paragraph, under a to d](#) , is incorrectly stated or is missing in whole or in part in the judgment, a party may within a period as agreed between the parties or up to three months after the day of dispatch of the award, request the arbitral tribunal in writing to correct those data.
- 3 A copy of a request as referred to in the first or second paragraph will be sent by the arbitral tribunal to the other party.
- 4 The arbitral tribunal may also, on its own initiative, make the correction referred to in the first or second paragraph within a period agreed between the parties or up to three months after the date of dispatch of the award.
- 5 Before the arbitral tribunal decides on the request referred to in the first or second paragraph, or decides on its own initiative to proceed with the improvement referred to in the fourth paragraph, it shall give the parties the opportunity to comment on this.
- 6 If the arbitral tribunal proceeds with the correction, it will be entered and signed by the arbitral tribunal on the original and on the copies of the award, or stated in a separate document signed by the arbitral tribunal, which document is deemed to form part of the award. verdict. Articles [1057, first to third paragraphs](#) , and [article 1058, first paragraph](#) , apply mutatis mutandis.
- 7 If the arbitral tribunal rejects the request for correction, it will inform the parties of this in writing.
- 8 The request referred to in the first and second paragraphs does not suspend the possibility of enforcement, unless the preliminary relief judge considers there are compelling reasons to suspend that possibility until a decision has been made on the request. The provisions of [Article 1070](#) apply to the decision of the preliminary relief judge. The same applies if the arbitral tribunal makes improvements on its own initiative in accordance with the fourth paragraph.

Article 1061

- 1 If the arbitral tribunal has failed to decide on one or more claims or counterclaims that were subject to its decision, the most eager party may, within a period agreed between the parties or up to three months after the day of dispatch of the award, request the arbitral tribunal , to issue an additional judgment.
- 2 A copy of the request will be sent by the arbitral tribunal to the other party.
- 3 Before the arbitral tribunal decides on the request, it will give the parties the opportunity to comment on it.
- 4 An additional award applies as an arbitral award; the provisions of the third to fifth sections of this Title apply.
- 5 If the arbitral tribunal rejects the request for an additional award, it will inform the parties of this in writing. A copy of this notice, signed by an arbitrator or the secretary of the arbitral tribunal, may be deposited with the registry of the court in accordance with the provisions of [Article 1058, first paragraph, part b](#) .

Division Third A. Arbitral appeal

Article 1061a

If the parties have agreed on an arbitral appeal, the provisions of this title apply unless this section provides otherwise or the nature of the arbitral appeal dictates otherwise.

Article 1061b

Arbitral appeal against an arbitral award is only possible if the parties have provided for this by agreement. This agreement must meet the requirements of [Articles 1020](#) and [1021](#) as well as the requirements of [Articles 166](#) and [167 of Book 10 of the Civil Code](#) .

Article 1061c

The parties may lodge an arbitral appeal within a period agreed between the parties or up to three months after the date of dispatch of the award.

Article 1061d

- 1 Arbitral appeal can be lodged against a full final award and a final partial final award.
- 2 Unless the parties have agreed otherwise, arbitral appeals may also be lodged against other partial final awards.
- 3 An arbitral appeal against an interim award, with the exception of a judgment pursuant to [Article 1043b, first paragraph](#), may only be lodged at the same time as that of the full or partial final award, unless the parties have agreed otherwise.

Article 1061e

An arbitral award rendered pursuant to [Article 1046, paragraph 4](#), may be appealed to an arbitral tribunal if and insofar as all parties involved in the joined proceedings have provided for such an appeal by agreement. This agreement must meet the requirements of [Articles 1020](#) and [1021](#) as well as the requirements of [Articles 166](#) and [167 of Book 10 of the Civil Code](#).

Article 1061f

- 1 In the event of a declaration of lack of jurisdiction by the arbitral tribunal as referred to in [Article 1052, paragraph 5, second sentence](#), an arbitral appeal is permitted.
- 2 In the event of jurisdiction or disqualification by the arbitral tribunal, the provisions of [Article 1052, fourth and fifth paragraphs](#), shall apply after a decision has been made on appeal, whether the period applicable to this appeal has expired unused or earlier, if by each of the parties in writing, appeal has been waived, or later, at the time of premature termination of the appeal.

Article 1061g

- 1 The penalty referred to in [Article 1056](#) can also be claimed for the first time in an arbitral appeal.
- 2 Notwithstanding the provisions of [Article 1056](#), in the cases referred to in [Article 611d](#), the cancellation, suspension or reduction of the penalty payment must be requested from the arbitral tribunal on appeal, if and for as long as the assignment of that arbitral tribunal continues.

Article 1061h

The arbitral award rendered at first instance can only be supplemented on arbitral appeal in accordance with [Article 1061](#). The request for this must be made within the period applicable to the appeal. The parties may deviate from the provisions of this article by agreement.

Article 1061i

- 1 Unless otherwise required by law or the nature of the case, the arbitral tribunal at first instance may, if so requested, declare that its award will be provisionally enforceable notwithstanding arbitral appeal. The provisional declaration of enforceability may concern the entire judgment or part thereof. The arbitral tribunal may attach the condition to the provisional enforceability declaration that security is provided up to an amount to be determined by the arbitral tribunal.
- 2 If the award has not been declared provisionally enforceable by the arbitral tribunal at first instance and an arbitral appeal has been lodged against that award, a claim for a declaration of provisional enforceability may be filed with the arbitral tribunal in arbitral appeal. This claim will be decided immediately after hearing the other party. The second and third sentences of the first paragraph apply mutatis mutandis.
- 3 If the award has been declared provisionally enforceable by the arbitral tribunal at first instance, but without the condition that security is provided, and if an arbitral appeal has been lodged against that award, a claim to that effect may be filed with the arbitral tribunal in arbitral appeal. This claim will be decided immediately after hearing the other party.

Article 1061j

Notwithstanding the provisions of [Article 1059, third paragraph](#), an arbitral award rendered at first instance has binding force between the same parties in another proceeding from the day on which the period applicable for the arbitral appeal has expired unused, or earlier, with effect from the day on which the appeal has been waived in writing, or later, at the time of premature termination of the appeal, or with effect from the day on which judgment has been given on appeal, if and insofar as the judgment in the first disposition in that appeal has been confirmed.

Article 1061k

- 1 An arbitral award rendered at first instance that has been declared provisionally enforceable, and an arbitral award that has been rendered in arbitral appeal, may be enforced in accordance with the provisions of the fourth section of this title. In addition to [Article 1063, first paragraph](#), the preliminary relief judge of the court may also refuse enforcement of the arbitral award if provisional enforcement has been ordered in violation of [Article 1061i](#).

- 2 An arbitral award rendered at first instance that has been declared not provisionally enforceable can only be enforced in accordance with the provisions of the fourth section of this title after the period applicable for the arbitral appeal has expired unused, or if and insofar as it is on appeal. confirmed, or earlier, if the appeal has been waived in writing, or later, at the time of premature termination of the appeal.

Article 1061I

- 1 [Only the legal remedies of annulment and revocation in accordance with the fifth section](#) of this title are available against a full or partial final award rendered in arbitral appeal .
- 2 Annulment or revocation of an arbitral award rendered in an arbitral appeal automatically entails the annulment or revocation of the arbitral award rendered at first instance, unless the court determines that the arbitral award rendered at first instance remains upheld.
- 3 The legal remedies of annulment and revocation on the basis of the [fifth section](#) of this title are only available against a full or partial final arbitral award rendered at first instance if the term applicable for the arbitral appeal has expired unused or earlier if each of the parties parties have waived their appeal in writing. Notwithstanding [Article 1064a, second paragraph](#) , the authority to file a claim for annulment of such an award expires three months after the day on which the period applicable for the arbitral appeal has expired.
- 4 With regard to an arbitral interim award rendered at first instance or on appeal, [Article 1064a, third paragraph](#) , applies mutatis mutandis, with due observance of the provisions of this article.

Fourth Chapter. The enforcement of the arbitral award

Article 1062

- 1 The enforcement in the Netherlands of an arbitral award can only take place after the preliminary relief judge of the court of the district in which the place of arbitration is located has granted leave to do so at the request of one of the parties.
- 2 The leave will be noted on the original of the judgment or, if no deposit has taken place, included in a decision. The clerk will promptly send the parties a certified copy of the judgment, with the written permission for enforcement or a certified copy of the decision granting the permission for enforcement.
- 3 If the preliminary relief judge of the court grants permission for enforcement, the other party of the applicant is only entitled to the legal remedies referred to in [Article 1064](#) .
- 4 Annulment or revocation of the arbitral award automatically entails the grant of leave for enforcement.

Article 1063

- 1 The preliminary relief judge of the court may only refuse to enforce the arbitral award if, after a summary investigation, it appears to him that it is likely that the award will be annulled on one of the grounds referred to in [Article 1065, first paragraph](#) , or revoked on a of the grounds referred to in [Article 1068, first paragraph](#) , or if a penalty has been imposed in violation of [Article 1056](#) . In the latter case, the refusal only concerns the enforcement of the penalty payment.
- 2 If the period for instituting an action for annulment as referred to in [Article 1064a](#) has expired unused, the preliminary relief judge of the court may only refuse permission to enforce the arbitral award if, after a summary investigation, it has become apparent to him that it is plausible that the judgment is contrary to [Article 1065, first paragraph, under e](#) .
- 3 The clerk will promptly send the parties a certified copy of the order of the preliminary relief judge of the court refusing permission for enforcement.
- 4 An appeal may be lodged with the Court of Appeal against the decision refusing leave to enforce.
- 5 If leave for enforcement is not granted on appeal, an appeal in cassation can be filed.
- 6 If leave for enforcement is still granted on appeal or after an appeal in cassation, the provisions of [Article 1062, paragraph 3](#) , shall apply mutatis mutandis.

Fifth Chapter. The annulment and revocation of the arbitral award

Article 1064

Only the legal remedies of annulment and revocation in accordance with the provisions of this section are available against a complete or partial final arbitral award.

Article 1064a

- 1 The claim for annulment shall be filed with the court of the jurisdiction in which the place of arbitration is located. If the place of arbitration is located in the jurisdiction of Amsterdam and the parties have expressly agreed to this, the claim for

annulment can be filed with the International Commercial Chamber of the Amsterdam Court of Appeal ('Netherlands Commercial Court of Appeal'). [Article 32a](#) applies mutatis mutandis.

- 2 The authority to file a claim for annulment expires three months after the date of dispatch of the judgment. If the parties have agreed to make use of the provisions of [Article 1058, first paragraph, part b](#), this authority shall expire three months after the day of deposit of the judgment. However, if the judgment, accompanied by leave for enforcement, is served on the other party, that party can still file a claim for annulment within three months of this service, regardless of the expiry of the three-month period referred to in the previous sentence. .
- 3 The claim for annulment against an arbitral interim award can only be brought together with the claim for annulment of the full or partial final award.
- 4 All grounds for annulment must be presented in the summons, under penalty of forfeiture of the right to do so.
- 5 An appeal in cassation may be lodged against a ruling on the basis of the first paragraph. The parties may agree that no appeal in cassation may be lodged against a ruling on the basis of the first paragraph, unless one of them is a natural person not acting in the exercise of a profession or business.

Article 1065

- 1 Destruction can only take place on one or more of the following grounds:
 - a. there is no valid arbitration agreement;
 - b. the arbitral tribunal has been constituted in violation of the applicable rules;
 - c. the arbitral tribunal has not complied with its instructions;
 - d. the judgment has not been signed in accordance with the provisions of [Article 1057](#) or has not been substantiated;

It is. the judgment, or the manner in which it was arrived at, is contrary to public order.
- 2 The ground referred to under a of the first paragraph cannot lead to annulment in the case referred to in [Article 1052, second paragraph](#) .
- 3 The ground referred to under b of the first paragraph cannot lead to annulment in the cases referred to in [Articles 1028, second paragraph](#) , and [1052, third paragraph](#) .
- 4 The ground referred to under c of the first paragraph cannot lead to annulment if the failure to comply with the order is not of a serious nature. Nor can the ground referred to under c of the first paragraph lead to annulment if the party citing it has failed to object in accordance with [Article 1048a](#) .
- 5 If a ground for annulment concerns only part of the arbitral award, it will not be annulled for the remaining part, insofar as this is not inextricably linked to the part to be annulled, given the content and scope of the award.
- 6 If and insofar as the arbitral tribunal has failed to rule on one or more of the claims or counterclaims that were subject to its decision, the claim for annulment on the grounds referred to in the first paragraph, under c , may only be instituted if a additional judgment, referred to in [Article 1061, first paragraph](#) , has been rendered or a request for supplementation, referred to in [Article 1061, first paragraph](#) , has been rejected in whole or in part.
- 7 Notwithstanding the provisions of [Article 1064a, second paragraph](#) , the period for instituting the action for annulment referred to in the previous paragraph expires three months after the day of dispatch of the additional judgment or of the notification of rejection referred to in [Article 1061, fifth paragraph](#) . If the parties have agreed to make use of the provisions of [Article 1058, first paragraph, part b](#) , the period for filing the action for annulment referred to in the previous paragraph shall expire three months after the day of filing of the additional judgment. of the notification of rejection referred to in [Article 1061, fifth paragraph](#) . The provisions of the first and second sentences apply mutatis mutandis to the correction of the judgment referred to in [Article 1060](#) .

Article 1065a

- 1 The court may, at the request of a party or on its own initiative, suspend the annulment proceedings for a period to be determined by the court in order to enable the arbitral tribunal to undo the grounds for annulment by reopening the arbitral proceedings or by taking such other measure as the arbitral tribunal deems appropriate. There is no appeal against a decision of the court.
- 2 Before the arbitral tribunal decides, it shall give the parties the opportunity to be heard.
- 3 If the arbitral tribunal is of the opinion that the grounds for annulment can be reversed, it will issue an arbitral award accordingly, which will replace the award whose annulment has been requested.
- 4 After the suspension of the annulment proceedings, the court shall decide in accordance with what it considers appropriate, taking into account the circumstances.

Article 1066

- 1 The request for annulment does not suspend the execution of the judgment.
- 2 However, the judge ruling on the annulment may, if there are grounds to do so, at the request of the most willing party, suspend enforcement until the claim for annulment has been irrevocably decided.
- 3 A copy of the request for suspension will be sent to the other party by the clerk of the court as soon as possible.
- 4 The judge will not decide on the request until the other party has been given the opportunity to comment on it.
- 5 If the request is granted, the judge may determine that the applicant must provide security. If the request is rejected, the judge may determine that the other party provides security.
- 6 In the event of suspension of enforcement, the most eager party may request the court to lift the suspension. The third to fifth paragraphs apply mutatis mutandis.

Article 1067

As soon as the judgment setting aside an arbitral award has become final, the jurisdiction of the ordinary court revives, if and insofar as the arbitral award has been set aside on the grounds of the absence of a valid arbitration agreement. If and to the extent that the arbitration award is set aside on any other ground, the arbitration agreement will remain in force, unless the parties have agreed otherwise.

Article 1068

- 1 Withdrawal can only take place on one or more of the following grounds:
 - a. the award is based in whole or in part on fraud discovered after the award, committed by or with the knowledge of the other party in the arbitral proceedings;
 - b. the judgment is based in whole or in part on documents that prove to be false after the judgment;
 - c. After the award, a party has obtained documents that would have influenced the decision of the arbitral tribunal and were withheld through the actions of the other party.
- 2 The claim for revocation shall be brought before the court of the district in which the place of arbitration is located within three months after the fraud or forgery has become known or after a party has obtained the new documents. [Article 1066](#) applies mutatis mutandis.
- 3 If the judge finds the ground or grounds put forward for revocation correct, he will annul the judgment in whole or in part. Articles [1065a](#) and [1067](#) apply mutatis mutandis.

Sixth Chapter. The arbitral award, containing a settlement between the parties

Article 1069

- 1 If the parties reach an agreement during arbitral proceedings, the arbitral tribunal may, upon joint request, record the contents thereof in an arbitral award. The arbitral tribunal may refuse the request without stating reasons.
- 2 The arbitral award, containing a settlement between the parties, applies as an arbitral award to which the provisions of the third to fifth sections of this Title apply, on the understanding that:
 - a. the judgment can only be annulled on the grounds that it is contrary to public order; and
 - b. the judgment, notwithstanding the provisions of [Article 1057](#), need not contain the grounds on which it is based.

Seventh Chapter. Final provisions

Article 1070

No remedy is available against decisions of the preliminary relief judge of the court, as referred to in the first to third sections of this Title.

Article 1071

In the cases referred to in [Articles 1026, second and fourth paragraphs](#), [1027, third paragraph](#), [1028, first paragraph](#), [1029, second, fourth and fifth paragraphs](#), [1041a, first paragraph](#), [1044, first paragraph](#) and [1062, first paragraph](#), it is necessary to application and, where applicable, the defense must not be submitted by a lawyer.

Article 1072

The parties may, by agreement, designate the preliminary relief judge of a specific court as the competent preliminary relief judge for cases as referred to in [Articles 1026, second and fourth paragraphs](#) , [1027, third paragraph](#) , [1028, first paragraph](#) , [1029, second, fourth and fifth paragraphs](#) , [1035, second paragraph](#) , and [1041a, first paragraph](#) .

Article 1072a

Unless otherwise provided in this title, [Articles 261 to 291](#) apply to cases submitted with a request pursuant to the provisions of this title.

Article 1072b

- 1 If the addressee has indicated that he can be reached in this way and the arbitral tribunal agrees to this, to the extent that any provision of this title requires written form for an agreement, procedural document, communication, request or action, this can also be done electronically. in any manner, except insofar as it concerns an act carried out in legal proceedings, unless this is permitted in the latter proceedings. Accessibility in this way applies for the duration of the arbitral proceedings, unless the addressee informs that he is changing it or, insofar as the parties have agreed to this possibility, withdrawing it.
- 2 Documents as referred to in this title also include data placed on a data carrier, as well as data submitted electronically.
- 3 The judgment referred to in [Article 1057, paragraph 2](#) , may also be drawn up in electronic form by providing it with a qualified signature as referred to in Article 3, section 12, of Regulation (EU) No 910/2014 of the European Parliament and the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJEU 2014, L 257).
- 4 Instead of a personal appearance of a witness, an expert or a party, the arbitral tribunal may determine that the person concerned is in direct contact with the arbitral tribunal and, where applicable, with others, by electronic means. The arbitral tribunal shall determine, in consultation with the parties involved, which electronic means will be used for this purpose and how this will be done.
- 5 A communication or action given by electronic means or a procedural document filed by electronic means shall be deemed to have been sent when the message reaches a data processing system for which the sender is not responsible.

Article 1072c

- 1 The death of a party does not terminate the arbitration agreement or the mandate of the arbitral tribunal, unless the parties have agreed otherwise.
- 2 The arbitral tribunal shall suspend the proceedings for a period to be determined by it. The arbitral tribunal may, at the request of the legal successors of a deceased party, extend this period. The arbitral tribunal shall give the other party the opportunity to be heard on the request.
- 3 After suspension, the proceedings will continue as they are, unless the parties have agreed otherwise.
- 4 If the party who has grounds to demand the annulment or revocation of an arbitral award dies within the periods referred to in [Article 1064a, second paragraph](#) , and [Article 1065, seventh paragraph](#) , and [Article 1068, second paragraph](#) , respectively, [Article 341](#) applies mutatis mutandis.

Article 1073

- 1 The provisions of this Title apply if the place of arbitration is located in the Netherlands.
- 2 If the parties have not determined the place of arbitration, the appointment or disqualification of the arbitrator or arbitrators or the secretary assigned to the arbitral tribunal may already take place in accordance with the provisions of [Section B](#) of this Title, if at least one of the arbitrators parties lives or actually resides in the Netherlands.

Second title. Arbitration outside the Netherlands

Article 1074

The court in the Netherlands to which a dispute has been brought before which an arbitration agreement has been concluded and from which it follows that arbitration must take place outside the Netherlands, declares itself incompetent if a party relies on the existence of this agreement for all defenses, unless the agreement is invalid under the law applicable to that agreement.

Article 1074a

The agreement from which it follows that arbitration must take place outside the Netherlands does not prevent a party from requesting a measure to preserve rights from the Dutch court or from applying to the preliminary relief judge of the district court or the subdistrict court judge for summary proceedings in accordance with [Article 254](#) .

Article 1074b

[Future change(s) on 01-01-2025. See the [overview of changes](#)]

An arbitration agreement from which it follows that arbitration must take place outside the Netherlands does not prevent a party from requesting the Dutch court to order a preliminary witness hearing, a preliminary expert report or a preliminary site inspection and viewing in the Netherlands.

Article 1074c

An arbitration agreement from which it follows that arbitration must take place outside the Netherlands does not prevent a party from requesting the ordinary court to appoint a supervisory judge if a witness who lives or actually resides in the Netherlands does not appear voluntarily. In that case, the provisions of [Article 1041a, first to third paragraphs](#) , apply mutatis mutandis.

Article 1074d

If, in the cases referred to in [Articles 1074a to 1074c](#) , a party relies on the existence of an arbitration agreement for all defenses, the court declares itself exclusively competent if the requested decision cannot be reached in arbitration or cannot be reached in a timely manner. got.

Article 1075

- 1 An arbitral award rendered in a foreign State to which a recognition and enforcement treaty applies may, at the request of one of the parties, be recognized and enforced in the Netherlands.
- 2 Articles [985 to 990](#) apply mutatis mutandis to the extent that the treaty does not contain any deviating provisions and on the understanding that the court of appeal replaces the district court and the period for appeal in cassation is three months.
- 3 Articles [261 to 291](#) apply to the request unless otherwise provided in the second paragraph of this article.

Article 1076

- 1 If no recognition and enforcement treaty applies or an applicable treaty allows the law of the country where recognition or enforcement is requested to be invoked, an arbitral award rendered in a foreign State may be recognized in the Netherlands and may be enforced therefrom. Netherlands, enforcement by one of the parties may be requested upon presentation of the original or a certified copy of the arbitration agreement and of the arbitral award, unless:
 - A. the party against whom recognition or enforcement is sought states and proves that:
 - a. there is no valid arbitration agreement under the law applicable to that agreement;
 - b. the arbitral tribunal has been constituted in violation of the applicable rules;
 - c. the arbitral tribunal has not complied with its instructions;
 - d. an appeal against the arbitral award to arbitrators or to the court in the country where the arbitral award was rendered;
 - It is. the arbitral award has been set aside by a competent authority of the country where that award was made;
 - B. the court rules that the recognition or enforcement is contrary to public order.
- 2 The ground under A a of the first paragraph does not lead to refusal of recognition or enforcement if the party relying on it has appeared in the arbitral proceedings and has failed to invoke the lack of jurisdiction of the arbitral tribunal for all defenses on the grounds that there is no valid arbitration agreement.
- 3 The ground under A b of the first paragraph does not lead to refusal of recognition or enforcement if the party relying on it has cooperated in the composition of the arbitral tribunal or if the party that has not cooperated in the composition of the arbitral tribunal has in the arbitral proceedings have appeared and has failed to invoke the lack of jurisdiction of the arbitral tribunal for all defenses on the grounds that the arbitral tribunal was constituted in violation of the applicable rules.
- 4 The ground under A sub c of the first paragraph does not lead to refusal of recognition or enforcement, if the failure to comply with the order is not of a serious nature. Nor can the ground under A sub c of the first paragraph lead to refusal of recognition or enforcement if the party citing it participated in the proceedings without invoking it in time, even though it was aware that the arbitral tribunal did not comply with it. kept his command.
- 5 If more or differently than what has been claimed has been awarded, the arbitral award may be partially recognized or enforced insofar as the award otherwise or more can be separated from the remaining part of the award.
- 6 Articles [985 to 991](#) apply mutatis mutandis, provided that the court of appeal replaces the district court, the period for appeal in cassation is three months and no documents need to be submitted showing that the arbitral award is

enforceable. in the country where it was made.

- 7 Articles [261 to 291](#) apply to the request unless otherwise provided in paragraph 6 of this article.
- 8 If the annulment of an arbitral award rendered in a foreign State has been requested from the competent authority of the country where that award was rendered, if recognition or enforcement is requested in the Netherlands, [Article 1066, second to sixth paragraph](#) , applies mutatis mutandis.

Section 1077. General final provision

- 1 The [General Term Act](#) does not apply to the term stated in [Articles 443, first paragraph, first sentence](#) , and [479g, second paragraph](#) .
- 2 For the purposes of the [General Term Act](#) , the terms set in [Articles 114 to 116](#) are regarded as terms within the meaning of [Article 1, second paragraph, of that law](#) .
- 3 In this code, generally recognized public holidays are defined as the days referred to as such in [Article 3 of the General Term Act](#) and the days equated thereto by or pursuant to that article.