

Progress on the draft Dutch Arbitration Act

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The Netherlands government recently published a statement on the status of the revision process of the draft Dutch Arbitration Act, confirming that the Council of Ministers has approved the draft act.

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Between March and June 2012, a public consultation process to modernise the draft Dutch Arbitration Act took place (see *Legal update, Netherlands to modernise arbitration law* (www.practicallaw.com/1-518-7742)). During that process, several responses were provided to the government, including submissions from arbitral institutions, some of which voiced concerns regarding several provisions of the draft act.

The first step following the conclusion of the public consultation is an assessment of the issues raised by the Department of Safety and Justice, which can then revise some of the provisions where it finds it necessary. That assessment process has now completed and the Minister of Safety and Justice has submitted the draft act for approval to the Council of Ministers. However, at this time it is unknown whether any of the provisions have been revised.

On 1 February 2013, the government published a statement on the status of the revision process, confirming that the Council of Ministers has approved the draft act. The Council of State, an independent advisory body to the government, will now advise the Department of Safety and Justice, which will in turn produce a report setting out its views on the Council of State's advice (*Nader Rapport*). That report will conclude by advising whether or not the draft act is to be submitted to parliament, and if so, if this should be done with or without further revisions.

When the draft act is submitted to parliament it will be published, enabling an analysis to be made of the differences to the draft act that was first circulated during the public consultation process. In parliament, the act will first be scrutinised by the House of Representatives (*Tweede Kamer*), which has the power to revise the draft act. Once adopted by the House of Representatives, the act will be forwarded to the Senate (*Eerste Kamer*), which has the power to adopt or deny the draft act. If adopted, the act is still is to be ratified before it can enter into force.

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