

## Proposal to modernise the Netherlands Arbitration Act submitted to Parliament

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On 16 April 2013, the Minister of Justice presented a draft amendment of the Netherlands Arbitration Act to Parliament.

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### Speedread

On 16 April 2013, the Minister of Justice presented a draft amendment of the Netherlands Arbitration Act 1986 (NAA) to Parliament. The draft reflects comments and suggestions from various institutes and practitioners as part of a consultation in 2012.

If enacted, the amended NAA will be closely aligned to the UNCITRAL Model Law and, at the same time, bring a number of welcome innovations and modernisations.

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The current Netherlands Arbitration Act (NAA) was enacted in 1986. In early 2012, the Netherlands Ministry of Justice published a draft amendment of the NAA for consultation (see *Legal update, Netherlands to modernise arbitration law (www.practicallaw.com/1-518-7742)*).

Following comments and suggestions by practitioners and institutes, on 16 April 2013, the Minister of Justice presented a draft amendment of the NAA to Parliament. Some key aspects of the draft amendment are as follows:

### Electronic arbitration

A number of changes to facilitate internet-based arbitration are proposed (for example, electronic submission and internet-based hearing of parties, experts and witnesses).

### Consumer protection

The draft amendment proposes to protect consumers against arbitration clauses contained in general conditions. A consumer who is confronted with a request for arbitration based on general conditions may opt out of arbitration within one month. This is the only "arbitration-unfriendly" change that the draft amendment proposes, but it is necessitated by case law.

### Challenge of arbitrators