

RULES FOR THE NAI COMMITTEE

Article 1 – Definitions

In these rules, the following terms and expressions shall have the following meanings:

- (a) “administrator”: the director of the NAI as provided for in the NAI’s articles of association and, in the director’s absence, the member of the executive board designated by the executive board to that end, or an acting administrator appointed as such by the executive board;
- (b) “Executive Board”: the executive board of the NAI;
- (c) “Committee”: the committee appointed by the NAI Executive Board that decides on challenge requests as referred to in Article 19 of the NAI Arbitration Rules and Article 19 of the NAI Binding Advice Rules;
- (d) “Chamber”: the group of three members of the Committee that, on the Committee’s behalf, decides on any challenge request submitted;
- (e) “NAI”: the Netherlands Arbitration Institute (*Stichting Nederlands Arbitrage Instituut*);
- (f) “NAI Arbitration Rules”: the arbitration rules of the NAI;
- (g) “NAI Binding Advice Rules”: the binding advice rules of the NAI; and
- (h) “challenge request”: the notice of challenge of an arbitrator or a binding advisor as referred to in Article 19(3) of the NAI Arbitration Rules and Article 19(3) of the NAI Binding Advice Rules.

Article 2 – Scope

The Rules shall apply to the composition of the Committee and the challenge procedure as referred to in Article 19 of the NAI Arbitration Rules and Article 19 of the NAI Binding Advice Rules.

Article 3 – Composition, appointment and duties of the Committee

1. The Committee shall consist of at least six (6) members, including a chair and a deputy chair. Committee members shall be appointed and dismissed by the Executive Board. Members of the Executive Board, staff or the Advisory & Supervisory Board of the NAI may not be appointed.
2. If the chair is absent or unable to act, the deputy chair shall deputise for him. If the deputy chair is absent or unable to act, one of the Committee members shall deputise for him.
3. A Committee member shall be appointed for a period of no more than four years and may be reappointed. The Committee shall draw up a retirement schedule.
4. A Committee member shall retire:
 - (a) upon his death;
 - (b) upon being declared bankrupt, applying for suspension of payments or being granted debt management in accordance with the law;

- (c) upon losing the right to dispose of his assets;
- (d) upon retirement according to the schedule;
- (e) by written notice of termination;
- (f) upon his dismissal by the Executive Board; and
- (g) upon acceptance of an appointment as member of the Executive Board or of the Advisory & Supervisory Board of the NAI.

5. The Committee is responsible for deciding whether challenge requests are well-founded as provided for in Article 19 of the NAI Arbitration Rules and Article 19 of the NAI Binding Advice Rules.

6. Committee members shall receive a fee for their work as determined by the NAI Executive Board.

Article 4 – Procedure of the Committee

1. When it has turned out that the arbitrator or binding advisor who has been challenged does not resign and the party submitting the challenge request maintains the challenge, the administrator shall send the challenge request to the chair of the Committee. The chair of the Committee shall compose a Chamber of three members without delay, which Chamber shall decide impartially and independently whether the challenge is well-founded.

2. Insofar as the administrator has not already done so, the Chamber shall give the arbitrator or binding advisor who has been challenged and the parties the opportunity to respond to the challenge request in writing within a short time-limit to be determined by the Chamber.

3. The Chamber may give the arbitrator or binding advisor who has been challenged and the parties the opportunity to be heard.

4. For the rest, the challenge procedure shall be conducted before the Chamber in the manner as the Chamber determines for that procedure.

5. After the procedure, the Chamber shall decide without delay whether the challenge is well-founded. The Chamber shall decide by a majority of votes. The decision and its grounds shall be laid down in writing. In urgent cases, a decision may be given without grounds, provided that the grounds are laid down in writing at a later point in time. The chair of the Chamber or, in his absence, one of the other members shall sign the decision.

6. The decision shall be sent by the administrator to the parties, the arbitrator or binding advisor and, if the arbitral tribunal consists of multiple arbitrators, to the co-arbitrators, or, if multiple binding advisors have been appointed, to the other binding advisors.

Article 5 – Amendment of the Rules

1. The Executive Board may amend the Rules at any time. The amendments shall have no effect on challenge requests already pending.
2. The Rules shall apply in the form they have at the time at which the challenge request is made.

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