

ANNEX IV: eNCC Rules

Article 1 Scope

1. These Rules apply to proceedings in the Netherlands Commercial Court (NCC), including the NCC District Court and the NCC Court of Appeal.
2. These Rules set out how the electronic data processing system works and what conditions apply, as referred to in the Digital Proceedings Decree (Stb. 2020, 410).

Article 2 Definitions

Except where provided otherwise, these definitions apply:

- a. Participant: a legal representative in proceedings before the NCC.
- b. Legal representative: a lawyer.
- c. Act of process: anything done by a lawyer in proceedings before the NCC under a statutory or other rule or directions given by the court.
- d. eNCC: the secure electronic environment allowing participants to access the NCC electronic system.
- e. **Log-in tool: the lawyer's card issued by the Dutch Bar Association.**
- f. Identification number: identification linked to a log-in tool.
- g. Website: www.ncc.gov.nl.
- h. Electronic system: the NCC electronic data processing system, which registers case-related and personal data, posts and sends messages, does acts of process and sends documents.
- i. Electronic case file: the complete set of case-related data, personal data and documents and messages submitted, posted and sent by participants and the NCC or its staff in a case.
- j. Case data: case registration data.
- k. Message: a communication in the electronic system.
- l. Document: an electronic file that a participant includes as an attachment to a message to NCC or an electronic file uploaded by NCC into the electronic case file.

Article 3 Access

1. Except where the law provides otherwise, a party may not act pro se, but must be represented by its lawyer who must be a member of the Dutch Bar.
 - 2.1 A participant must use the electronic system in proceedings before NCC. To that end, a participant must use eNCC.
 - 2.2 Every lawyer who has a log-in tool has access to eNCC.
 - 2.3 To carry out an act of process in eNCC, a lawyer must have a log-in tool.
 - 2.4 If a lawyer has an identification number recognised by NCC, the lawyer has access to the electronic case file in a pending case in which the lawyer is a participant, except

where access is limited by or pursuant to a statutory rule, or under a rule of procedure or directions given by the court.

2.5 A lawyer who has access to eNCC has the responsibility to comply with the rules set by or pursuant to the General Data Protection Regulation (2016/679).

2.6 **Lawyer's assistants have access to eNCC at any time the lawyer they assist has such access. Lawyer's assistants, using their log-in tool ("G-pas"), may access eNCC for any task that a lawyer may perform under the eNCC Rules.**

Article 4 Use

1. A participant must take appropriate action to ensure that the participant's processes and systems are secure, so that the participant's use of the electronic system does not have any actual or potential adverse impact on, or result in any threat to, the electronic system's reliability, confidentiality, regular operation or availability, and does not create any risks of a security incident.

2. **It is the participant's responsibility to enter data in the proper case.**

3.1 All acts of process in eNCC must be done by a lawyer.

3.2 All messages and documents must be sent by a lawyer to NCC electronically in eNCC. Documents must be in PDF format. Documents **uploaded as exhibits (the "exhibits" button)** must comply with this naming convention: ABCD-1234 (four letters indicating the **submitting party's name, dash, four numbers indicating the exhibit number**). Documents uploaded as a case file from another court **(the button "upload case file from other court") must comply with this naming convention: OCT123456-20180615-ABCD-STMT** (the OCT code indicating other court, dash, six numbers indicating the national case number, dash, eight numbers indicating the submission date (yyymmdd), dash, four letters indicating the party name, dash, four letters indicating the type of document). If the document is an exhibit, the naming convention is: OCT123456-20180615-LORE-EXHI1234 (as above, adding four numbers indicating the exhibit number). The four letters indicating the type of document may be: BRIE for a brief; FWSU for a further written submission; MOTN for a motion; NOTC for a notice; STMT for statement; or OTHR for another type of document. Documents must comply with any additional technical requirements as published on www.ncc.gov.nl.

3.3 Documents must be submitted by a lawyer in eNCC as separate electronic files.

3.4 NCC converts all uploaded documents to PDF/A format before the documents are posted to the electronic case file. Nothing is posted to the electronic case file except messages and converted documents.

3.5 A lawyer can access case-related data, messages and documents in the electronic case file.

3.6 A lawyer can download messages and documents in eNCC.



3.7 A lawyer who has sent a message can download a confirmation of receipt in eNCC, whether or not a document is attached to the message.

3.8 Where a case is referred to NCC, the documents a lawyer has submitted in eNCC will be displayed in the electronic case file. This applies to the NCC District Court case file in a case before the NCC Court of Appeal.

3.9 After the final judgment by the NCC District Court or the NCC Court of Appeal, the electronic case file is accessible in eNCC for six months.