

# NCC litigation pending arbitration



## Who are we?

The Netherlands Commercial Court (which consists of 3 chambers: the NCC District Court, the NCC Court in Summary Proceedings and the NCC Court of Appeal) is a part of the Dutch Judiciary, which is ranked among the most efficient, reliable and transparent worldwide. The NCC is based in Amsterdam – a prime location for business and a gateway to Europe, with a long history of justice and global business. The NCC uses Dutch procedure, which is highly regarded for its pragmatic approach and efficient operation. Proceedings are in English. Judgments are in English.

## Litigation before, during or after arbitration

Arbitration and court litigation are, obviously, options that practitioners should and do consider as they think about how to deal with international business disputes. But it need not be an either/or choice. Parties who agree to arbitrate a dispute may designate the NCC District Court and the NCC Court of Appeal, depending on the type of litigation needed, as the appropriate chambers for any court litigation before, during or after the arbitral proceedings. This includes:

- interim and protective measures
- the appointment, challenge or release of an arbitrator
- ordering a preparatory evidentiary hearing, experts' report or on-site inspection
- a claim for setting aside an arbitral award
- the revocation of the arbitral award on grounds of fraud, falsification or new documents.

For more information see our website ("Jurisdiction and NCC clause" section).

## Why NCC?

The NCC is poised to be a pioneering forum that arbitration practitioners need to be familiar with. It is one of the few places in the world where a setting-aside action can be brought in an English language environment within a civil law jurisdiction. NCC's electronic communication system (eNCC) gives the NCC the tools to communicate effectively and provide swift and firm guidance throughout the process. As a result, the NCC should be on the menu of options that practitioners consider as they draft an arbitration clause and discuss what the seat of arbitration will be.

## Costs

NCC charges low, upfront fixed court fees (ranging from € 7,500 to € 20,000), and absent agreement. The unsuccessful party is typically responsible for lawyers' fees that are assessed on the basis of fixed rates ranging from € 1,000 - € 12,000 for each act of process.

### How to make this happen:

- *the place of arbitration must be Amsterdam. The 'place of arbitration' is merely a legal concept: the arbitration institute or tribunal may of course be located anywhere, and the hearings may be held anywhere.*
- *parties need to agree on a clause taking the case to the NCC District Court or the NCC Court of Appeal (depending on the type of litigation needed). The clause may be included in general terms and conditions, provided there is express acceptance of this clause in the agreement itself or in any other document produced by the parties.*

## Model clause

The NCC recommends using the model clause available on its website (see [www.ncc.gov.nl](http://www.ncc.gov.nl) under "Jurisdiction and NCC clause/Model clause (arbitration)").

## Need to know more on NCC?

If you have any questions, please contact us at [NCC@rechtspraak.nl](mailto:NCC@rechtspraak.nl). Or visit our website [www.ncc.gov.nl](http://www.ncc.gov.nl). You can also follow us on Twitter (@NethComCourt) and/or LinkedIn.

[NCC@rechtspraak.nl](mailto:NCC@rechtspraak.nl)  
[www.ncc.gov.nl](http://www.ncc.gov.nl)

Our courthouse address is:

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1013 MM  
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