

ADDENDUM

TO THE RULES OF PROCEDURE FOR THE INTERNATIONAL COMMERCIAL CHAMBERS OF THE AMSTERDAM DISTRICT COURT (NCC DISTRICT COURT) AND THE AMSTERDAM COURT OF APPEAL (NCC COURT OF APPEAL)

NCC Rules / NCCR

(DECEMBER 2018)

WHY IS THIS ADDENDUM NEEDED?

The NCC Rules were drafted on the premise that the “KEI” legislation, as approved by Parliament in 2016 (referred to in the NCC Rules as “CCP-A”), would apply to NCC proceedings from the outset. At this stage, however, the implementation of the KEI legislation in the court system has been delayed. In addition, the Minister of Justice determined that a separate implementation process specifically for NCC was not appropriate. Accordingly, in late 2018 it was decided not to implement the KEI legislation for NCC, until further notice. Instead, the current CCP will remain in force, as amended in 2002. The current CCP is referred to as “CCP-S” in the NCC Rules.

The following amendments to the NCC Rules apply until this Addendum is withdrawn by the governing councils of the Amsterdam District Court and the Amsterdam Court of Appeal.

AMENDMENT A

The reference to eNCC under “A quick view of what we do” does not apply.

AMENDMENT B

Article 3.2.1

Communication with the court must be done in hard copy. However, correspondence must be done in eNCC, as well as anything else if the court so directs. Correspondence means anything currently done in the electronic “roljournaal” system.

AMENDMENT C

Article 6.3.2

The references to eNCC and a PDF file do not apply.

AMENDMENT D

Article 9.5

A copy of the judgment will be issued. The reference to eNCC does not apply.

AMENDMENT E

Article 10.1

The reference to eNCC does not apply.

AMENDMENT F

The explanatory notes under "GENERAL" and under "Article 1.1.3" in Annex I do not apply.

AMENDMENT G

Amendment G does not apply to the English-language version. This amendment lists the Dutch-language equivalents of CCP-S and CCP-A terminology. English terms in the NCC Rules mean what the appropriate Dutch terms under the CCP-S mean.

AMENDMENT H

Article 3.2.3 and Explanatory Note (Annex I)

The references to the Decree on Digitisation of Civil and Administrative Procedural Law do not apply. Reference is made to the Decree of 3 July 2008, Stb., 2008, 275 on electronic communication.

AMENDMENT I

Article 4.1.4

The action is pending from the day on which the writ of summons (generally an "originating document" in the NCC Rules) is served.

AMENDMENT J

Article 4.1.5

The reference to the notice of delivery under article 112 CCP-A does not apply. The confirmation of service must be submitted (CCP-S).

AMENDMENT K

Article 4.2.1

The increase, amendment or reduction is allowed until the final judgment is given.

FINAL PROVISIONS

This addendum applies to cases that are initiated after the date on which the NCC Rules take effect and to cases that are referred within the Dutch courts, after that date, to the NCC District Court, including the CSP, or to the NCC Court of Appeal.

This addendum was adopted by the governing councils of the Amsterdam District Court and the Amsterdam Court of Appeal on 10 December 2018. The Dutch version and the English version are authentic.