

## COOPERATION AGREEMENT

### BETWEEN:

1. **CENTRE BELGE D'ARBITRAGE ET DE MÉDIATION - BELGISCH CENTRUM VOOR ARBITRAGE EN MEDIATIE (CEPANI) ASBL**, with registered office at B-1000 Brussels (Belgium), rue des Sols 8, duly represented by Ms Emma Van Campenhoudt;
2. **NEDERLANDS ARBITRAGE INSTITUUT (NAI)**, with registered office at 3013 AL Rotterdam, (the Netherlands), Weena 505, duly represented by Ms Camilla Perera - de Wit;
3. **CHAMBER OF COMMERCE OF THE GRAND DUCHY OF LUXEMBOURG**, with registered office at L-1615 Luxembourg (Grand Duchy of Luxembourg), 7 Rue Alcide de Gasperi, duly represented by Ms Anne-Sophie Theissen;
4. **DUTCH ARBITRATION ASSOCIATION (DAA)**, with registered office at 3072 MD Rotterdam (The Netherlands), Otto Reuchlinweg 1132, duly represented by Mr Stan Putter and Ms Roelien van den Berg; and
5. **LUXEMBOURG ARBITRATION ASSOCIATION (LAA)**, with registered office at L-1615 Luxembourg (Grand Duchy of Luxembourg), 7 Rue Alcide de Gasperi, duly represented by Ms Estelle Brison and Mr Antoine Laniez.

The parties as referred to sub (1) to (5) are hereafter individually referred to as a "**Party**" and collectively as the "**Parties**".

The Party as referred to sub (1) is also hereafter referred to as the "**Belgian Party**".

The Parties as referred to sub (2) and (4) are also hereafter referred to as the "**Dutch Parties**".

The Parties as referred to sub (3) and (5) are also hereafter referred to as the "**Luxembourg Parties**".

### WHEREAS:

- (a) The Parties are the most important arbitration centres and arbitration associations in the BeNeLux area.
- (b) On Friday 4 February 2022, the Parties met in Luxembourg to discuss potential cooperation between them and the setting up of a Benelux arbitration and ADR task force in order to strengthen and promote arbitration and other alternative dispute resolution ("**ADR**") mechanisms in the BeNeLux area, by creating links and collaborative projects between the main players from each of the three represented jurisdictions.
- (c) The Parties are convinced that the use of arbitration and other ADR mechanisms lends confidence and stability to national and international trade.

- (d) The Parties are of the opinion that, while each Party will remain fully independent and autonomous, joining forces on matters of knowledge sharing and promotion of arbitration and other ADR mechanisms both in and outside the BeNeLux area will (i) strengthen the mutual ties between the Parties, (ii) allow them to be more visible on the (international) arbitration and ADR scene and (iii) enable the Parties to benefit from the obvious synergies that exist between them.
- (e) Historically, cooperation between Belgium, the Netherlands and the Grand Duchy of Luxembourg has been a firmly established practice since the introduction of a customs union in 1944, which became operative in 1948 as the Benelux Customs Union. This collaboration became the first example of international economic integration in Europe since the Second World War. Moreover, the three countries were also involved in launching the Schengen process, promoting it from the outset. Benelux cooperation has been constantly adapted and now extends to new and topical policy areas connected with security, sustainable development and the economy. In this context, the Parties believe that extending this cooperation between the main arbitration players of each of the three jurisdictions in order to promote arbitration and ADR is a valuable opportunity.

**NOW, THEREFORE, THE PARTIES HAVE AGREED AS FOLLOWS:**

**1. Joint-promotion of arbitration, other forms of ADR**

- (a) The Parties shall aim to cooperate in the advancement and promotion of arbitration and other forms of ADR as a means of settling dispute arising out of domestic and international commercial transactions.
- (b) The Parties shall aim to cooperate in the promotion of Belgium, the Netherlands and the Grand Duchy of Luxembourg as seat of arbitration or other ADR mechanisms.
- (c) The Parties will use their best efforts to organise every two years a joint colloquium on a topic to be agreed upon by the Parties and related to arbitration and other forms of ADR. This annual colloquium will take place in Belgium, the Netherlands and the Grand Duchy of Luxembourg successively.
- (d) The Parties will consider organising joint events (*e.g.* a seminar, a cocktail, etc.) during international events such as the Paris Arbitration Week, the London International Arbitration Week, the International Bar Association annual meeting or specific meetings related to arbitration and other forms of ADR, and the International Council for Commercial Arbitration annual meeting.
- (e) Nothing in this Cooperation Agreement prevents the Parties from organizing or joining an event on their own or together with other association(s) / arbitration centre(s) or any other Party.

**2. Cooperation**

- (a) The Parties shall exchange information and publications on arbitration and other forms of ADR, which includes sending to the other Parties – free of charge – a copy of all books they publish.
- (b) The Parties shall, whenever possible, facilitate lectures of mutual interest in the field of arbitration and other forms of ADR.
- (c) The Parties shall, upon request, recommend to each other suitable individuals to serve as arbitrator or any other neutral individual to be appointed on a particular case.

- (d) The Parties shall, upon request, exchange information regarding conference room facilities, hotels, translation, recording, teleconference and transcription services.
- (e) The Parties shall aim to inform the other Parties of their public events and to invite – free of registration charges – a representative of the other Parties to these events.
- (f) The Parties will promote mutual visits of their respective bodies, as well as the exchange of views between their members (if any).

### **3. BeNeLux Arbitration and ADR Group**

- (a) The Parties shall jointly compose a BeNeLux Arbitration and ADR group to implement the objectives and commitments set forth in the Preamble and in Articles 1 and 2 of this Cooperation Agreement ("**BeNeLux Arbitration and ADR Group**").
- (b) To implement the objectives and commitments set forth in the Preamble and in Articles 1 and 2 of this Cooperation Agreement, the BeNeLux Arbitration and ADR Group will have a Steering Committee ("**Steering Committee**").
- (c) The Steering Committee will be composed of delegates of the Parties, amongst which, at least, the President/Head of Legal and/or the Secretary General of each Party.
- (d) The Steering Committee will be presided by a chair ("**Chair**") appointed for a period of two years and designated successively by 1) the Belgian Party, 2) the Dutch Parties and 3) the Luxembourg Parties. The Steering Committee shall meet at least once a year successively in Belgium, in the Netherlands and in the Grand Duchy of Luxembourg.
- (e) The Steering Committee shall appoint representatives ("**Representatives**") who will assist the Steering Committee in the accomplishment of the objectives and commitments set forth in the Preamble and in Articles 1 and 2 of this Cooperation Agreement. The Representatives shall meet as often as necessary.
- (f) As a matter of principle, each Party shall bear its own costs for any of its work related to the BeNeLux Arbitration and ADR Group. Moreover, the Belgian Party, the Dutch Parties and the Luxembourg Parties shall each lead and bear the costs incurred for joint events or joint activities organised in their respective country. Any income and revenues will also be gained by the hosting Party. For joint events or activities organised outside the BeNeLux area, the Parties will first agree on any such initiatives before incurring any expenses.

### **4. Termination of the Protocole d'arbitrage belgo-néerlandais / Belgisch – Nederlands Arbitrage Protocol**

The CEPANI and the NAI agree to terminate the "Protocole d'arbitrage belgo-néerlandais / Belgisch – Nederlands Arbitrage Protocol" entered into between them on 14 November 1990, this Protocol being replaced by this Cooperation Agreement.

**5. Duration**

This Cooperation Agreement shall enter into force on the date of its signature for an indefinite period. Each Party can withdraw from this Cooperation Agreement at any time and for any reason by giving a three months advance notice to the other Parties.

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Executed in The Hague, on 8 September 2022, in five original copies, each Party acknowledging receipt of one.

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| <p><b>CENTRE BELGE D'ARBITRAGE ET DE MÉDIATION (CEPANI) ASBL</b></p>  <hr/> <p>Ms Emma Van Campenhoudt</p> | <p><b>NEDERLANDS ARBITRAGE INSTITUUT (NAI)</b></p>  <hr/> <p>Ms Camilla Perera – de Wit</p>            |
| <p><b>CHAMBER OF COMMERCE OF THE GRAND DUCHY OF LUXEMBOURG</b></p>  <hr/> <p>Ms Anne-Sophie Theissen</p> | <p><b>DUTCH ARBITRATION ASSOCIATION</b></p>  <hr/> <p>Mr Stan Putter<br/>Ms Roelien van den Berg</p> |
| <p><b>LUXEMBOURG ARBITRATION ASSOCIATION</b></p>  <hr/> <p>Ms Estelle Brison<br/>Mr Antoine Laniez</p>   |  |