

Permanent Court of Arbitration Optional Protocol on Expedited Procedure

As adopted by the Administrative Council of the Permanent Court of Arbitration on 10 September 2024

Article 1: Scope of Application

1. Where parties have agreed that this Protocol shall apply to disputes between them, such disputes shall be settled in accordance with this Protocol, subject to such modifications as the parties may agree.
2. Subject to paragraph 1, this Protocol may apply to arbitration proceedings under any arbitration rules adopted by the Administrative Council of the Permanent Court of Arbitration at The Hague, under other arbitration rules, or in *ad hoc* arbitration proceedings. This Protocol may apply to arbitration proceedings whether or not administered by the International Bureau of the Permanent Court of Arbitration (hereinafter the “International Bureau”).

Article 2: Expedited Proceedings

1. Where the parties have agreed to the application of this Protocol, the following procedure shall apply:
 - (a) All time limits under any applicable procedural rules shall be halved unless decided otherwise by the arbitral tribunal after giving the parties an opportunity to express their views.
 - (b) The case shall be referred to a sole arbitrator.
 - (c) The arbitral tribunal shall have discretion to adopt such procedural measures as it considers appropriate. In particular, the arbitral tribunal may, after consultation with the parties, decide not to allow requests for document production or to limit the number, length and scope of written submissions and written witness evidence (both fact witnesses and experts).
 - (d) The arbitral tribunal may, after consulting the parties, decide whether the dispute will be decided on written statements and documents only or whether an oral hearing will be convened for the examination of any witness or witnesses, including expert witnesses, or for any oral argument. When a hearing is to be held, the arbitral tribunal may conduct it by videoconference, telephone or similar means of communication.
 - (e) The final award shall be made within six months from the date of the constitution of the arbitral tribunal unless, in exceptional circumstances, the International Bureau extends the time for making the final award.
 - (f) The arbitral tribunal may state the reasons upon which any award or decision is based in summary form.

2. At any time during the proceedings, the parties may agree that this Protocol shall no longer apply to the arbitration. In such case, the arbitral tribunal shall remain in place unless otherwise agreed by the parties.
3. Upon its own motion or upon the request of a party, and after inviting the parties to express their views, the arbitral tribunal may, having regard to any further information as may subsequently become available and in consultation with the Secretary-General of the Permanent Court of Arbitration, order that the arbitral proceedings shall not, or shall no longer, be conducted in accordance with this expedited procedure. In such case, the arbitral tribunal shall remain in place unless it considers it appropriate that the arbitral tribunal be replaced or reconstituted.

Article 3: Priority over Contrary Terms

Subject to any modifications that may be agreed by the Parties pursuant to Article 1(1) of this Protocol, the expedited procedure set out in this Protocol shall govern the arbitration even in cases where it is in conflict with a provision of the arbitration agreement or applicable arbitration rules.