

Permanent Court of Arbitration Optional Protocol on Scrutiny of Awards

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

Article 1: Scope of Application

1. This Protocol shall apply to arbitration proceedings only if the parties have agreed to the application of this Protocol.
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, where not incompatible with this Protocol. 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: Scrutiny of the Award

1. Before signing any award, the arbitral tribunal shall submit it in draft form to the Secretary-General of the Permanent Court of Arbitration (hereinafter the “Secretary-General”).
2. The Secretary-General may lay down modifications as to the form of the award and, without affecting the arbitral tribunal’s liberty of decision, may also draw its attention to points of substance.
3. In the exercise of this function, the Secretary-General may request a preliminary review of the award by the staff of the International Bureau and may constitute a committee of not less than three persons having no involvement whatsoever in the case, drawn from the Members of the Court of the Permanent Court of Arbitration, to advise him or her.
4. Communications among the Secretary-General, the arbitral tribunal, the International Bureau, and any committee of the Members of the Court of the Permanent Court of Arbitration pursuant to this Protocol shall be confidential.
5. No award shall be rendered by the arbitral tribunal until it has been approved by the Secretary-General as to its form.
6. The parties waive, to the fullest extent permitted under the applicable law, any claim against the Secretary-General, the staff of the International Bureau and the Members of the Court based on any act or omission in connection with this Protocol.