

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2026 Nr. 84

A. TITEL

*Verdrag inzake de zetel van het Permanente Hof van Arbitrage;
's-Gravenhage, 30 maart 1999*

Voor een overzicht van de verdragsgegevens, zie verdragsnummer 009154 in de Verdragenbank.

E. PARTIJGEGEVENS

In nota's van 7 juli 2026 en 13 juli 2026 hebben het Permanente Hof van Arbitrage en het Koninkrijk der Nederlanden een interpretatieve verklaring inzake artikel 3, 9 en 10 van het Verdrag vastgelegd. De Engelse tekst van deze nota's luidt als volgt:

Nr. I

PERMANENT COURT OF ARBITRATION

The Hague, 7 July 2026

BI 567201

The International Bureau of the Permanent Court of Arbitration (the "PCA") presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands (the "Netherlands") and has the honour to set forth its understanding with respect to the application of Articles 3, 9, and 10 of the Agreement concerning the Headquarters of the Permanent Court of Arbitration of 30 March 1999 (the "Headquarters Agreement"):

Whereas Articles 9 and 10 of the Headquarters Agreement provide as follows:

Article 9

Immunities of PCA Adjudicators and Participants in Proceedings

1. PCA Adjudicators shall, in the exercise of their duties, enjoy such immunities as are accorded to diplomatic agents pursuant to the Vienna Convention.
2. Participants in Proceedings shall enjoy immunity from criminal, civil and administrative jurisdiction in respect of acts performed in the fulfilment of their duties in PCA proceedings.

Article 10

Privileges and Immunities of the Secretary-General and Other Officials of the PCA

1. Except with respect to (i) a motor traffic offence committed by an Official of the PCA, and (ii) a civil action by a third party for damage arising from an accident caused by a motor vehicle• belonging to or driven by an Official of the PCA:
 - a) The Secretary-General shall be accorded the privileges and immunities, exemptions and facilities accorded to the head of a diplomatic mission pursuant to the Vienna Convention;
 - b) Officials of the PCA other than the Secretary-General shall be accorded the same privileges and immunities, exemptions and facilities as the Government accords to members of diplomatic missions of comparable rank pursuant to the Vienna Convention.

Whereas Article 3 of the Headquarters Agreement provides as follows:

Article 3

Immunity from Legal Process; Immunity of Property from Other Actions

1. The PCA, and its Property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except in the case of:
 - a) express waiver by the PCA of immunity in a particular case;
 - b) civil action by a third party for damages arising out of an accident caused by a motor vehicle belonging to, or operated on behalf of, the PCA where these damages are not recoverable from insurance.
2. The Headquarters of the PCA shall be inviolable. The Property of the PCA, wherever situated, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action except in so far as the PCA shall have expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.
3. The Archives of the PCA, wherever situated, shall be inviolable at all times.

Whereas Article 8 of the Headquarters Agreement provides as follows:

Article 8

Transit and Residence

1. The Government shall take all reasonable measures to facilitate and allow the entry into and sojourn in the territory of the Kingdom of the Netherlands of the persons listed below, whatever their nationality:
 - a) PCA Adjudicators and their partners;
 - b) Officials of the PCA, their partners and dependent members of their household;
 - c) Participants in Proceedings;
 - d) Persons attending PCA Meetings.
2. The Government shall take all reasonable measures to ensure that any visas which may be required for any of the persons referred to in this Article are issued as promptly as possible in order to allow the timely conduct of official business with the PCA. Visas shall be granted without charge to those persons referred to under 1 (a) (b) and (c), above.
3. No activity performed by any person referred to in this Article in his capacity with respect to the PCA as indicated in paragraph 1 of this Article shall constitute a reason for preventing his entry into or his departure from the territory of the Kingdom of the Netherlands or for requiring him to leave such territory.

Whereas Article 1 of the Headquarters Agreement provides as follows:

3. "Government" shall mean the Government of the Kingdom of the Netherlands;
4. "Appropriate Authorities" shall mean such State, municipal or other authorities of the Kingdom of the Netherlands as may be appropriate in the context of the relevant provisions of this Agreement and in accordance with the laws and customs applicable in the Kingdom of the Netherlands;
- [...]
6. "Headquarters" shall mean the area and any building, including conference facilities, parts of buildings, land or facilities ancillary thereto, irrespective of ownership, used by the PCA on a permanent basis or from time to time, to carry out official functions;
7. "PCA Proceedings" shall mean dispute resolution administered by or under the auspice of the PCA, whether or not pursuant to the 1899 Convention, the 1907 Convention, or any of the PCA's optional rules of procedure, in which at least one party is a State, a State-controlled entity, or an intergovernmental organization;
8. "PCA Adjudicator" shall mean an arbitrator, mediator, conciliator, or member of a commission of inquiry taking part in a hearing, meeting or other activity in relation to PCA Proceedings;
9. "Participants in Proceedings" shall mean a witness, expert, counsel, party, agent or other party representative, taking part in a hearing, meeting or other activity in relation to PCA Proceedings.
- [...]
12. "Officials of the PCA" shall mean the Secretary-General and all members of the staff of the PCA;
13. "Property" shall mean all property, assets and funds, belonging to the PCA or held or administered by the PCA in furtherance of its functions, including any funds held on deposit for the benefit of PCA Proceedings and any Provident Fund to be established by or conducted under the authority of the PCA, and all income of the PCA;
14. "Archives of the PCA" shall mean all records, correspondence, documents, manuscripts, computer and media data, photographs, films, video and sound recordings belonging to or held by the PCA or any of its

staff members in an official function, or in the possession of any PCA Adjudicator or Participant in Proceedings, and any other material which the Secretary-General and the Government may agree shall form part of the archives of the PCA;

15. "The Vienna Convention" shall mean the Vienna Convention on Diplomatic Relations of 18 April 1961.

Whereas Article 17 of the Headquarters Agreement provides as follows:

1. This Agreement shall be construed in the light of its primary purpose of enabling the PCA at its Headquarters in the Kingdom of the Netherlands fully and efficiently to discharge its purpose.
2. Whenever this Agreement imposes obligations on the appropriate authorities of the Kingdom of the Netherlands, the ultimate responsibility for the fulfilment of such obligations shall rest with the Government.
1. "Sanctions" and "sanctions-related measures" under the following paragraphs are understood as: any sanctions measures adopted by the United Nations Security Council on the basis of article 41 of Chapter VII of the Charter of the United Nations; the restrictive measures imposed by the European Union, adopted by the Council of the European Union on the basis of Article 29 of the Treaty of the European Union and Article 215 of the Treaty on the Functioning of the European Union; or measures taken or given effect pursuant to Dutch national legislation, based on the Dutch Sanctions Act 1977 [*Sanctiewet 1977*].
2. The Headquarters Agreement is to be understood as according immunity to all PCA Adjudicators and Officials of the PCA, as well as immunity from criminal, civil and administrative jurisdiction in respect of acts performed in the fulfilment of their duties in PCA Proceedings to Participants in Proceedings, in respect of any sanctions or sanctions-related measures.
3. The Headquarters Agreement, and in particular its Articles 3, 9, and 10, entails a duty on the part of the Government, notwithstanding any sanctions or sanctions-related measures and any authorisations and/or derogations that may be required in that regard:
 - a) to allow and facilitate all PCA Adjudicators, Officials of the PCA, and Participants in Proceedings to take part in a hearing, meeting, or other activity in relation to PCA Proceedings;
 - b) to allow and facilitate all necessary financial transactions engaged in by the PCA, PCA Adjudicators, Officials of the PCA, and Participants in Proceedings in relation to or for the benefit of PCA Proceedings; and
 - c) to grant immunity from any jurisdiction that may arise for any PCA Adjudicators, Officials of the PCA, and Participants in Proceedings in connection with taking part in a hearing, meeting, or other activity in relation to PCA Proceedings.

The PCA proposes that this Note and the Ministry's affirmative reply to it will together constitute confirmation of the application of the relevant provisions of the Headquarters Agreement to PCA Proceedings in the event of sanctions or sanctions-related measures.

The International Bureau of the Permanent Court of Arbitration avails itself of this opportunity to assure the Ministry of Foreign Affairs of the Kingdom of the Netherlands of its highest consideration.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands

Nr. II

MINISTRY OF FOREIGN AFFAIRS

The Hague, 13 July 2026

BZ2630136

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the International Bureau of the Permanent Court of Arbitration (the "PCA") and has the honour to confirm receipt of its Note no. BI 567201 of 7 July 2026 concerning an understanding with respect to the application of Articles 3, 9, and 10 of the Agreement concerning the Headquarters of the Permanent Court of Arbitration of 30 March 1999 (the "Headquarters Agreement"), which reads as follows:

(Zoals in Nr. I)

The Ministry has the honour to inform the International Bureau that the Ministry accepts the contents of the above-mentioned Note and that the PCA's Note and this reply will together constitute confirmation of the application of the relevant provisions of the Headquarters Agreement to PCA Proceedings in the event of sanctions or sanctions-related measures.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands avails itself of this opportunity to renew to the International Bureau of the Permanent Court of Arbitration the assurances of its highest consideration.

The International Bureau of the Permanent Court of Arbitration

Uitgegeven de *vierde* augustus 2026.

De Minister van Buitenlandse Zaken,

T.B.W. BERENDSEN