Proposals for Amendment of the ICSID Rules — Consolidated Draft Rules
## II. INSTITUTION RULES – ICSID CONVENTION PROCEEDINGS

### Introductory Note

The Rules of Procedure for the Institution of Conciliation and Arbitration Proceedings (the Institution Rules) were adopted by the Administrative Council of the Centre pursuant to Article 6(1)(b) of the ICSID Convention.

The Institution Rules apply from the filing of a Request for arbitration or conciliation under the ICSID Convention to the date of registration or refusal to register. If a Request is registered, the Arbitration or Conciliation Rules apply to the subsequent procedure. The Institution Rules do not apply to the initiation of post-Award remedy proceedings and do not apply to proceedings under the Additional Facility.

### Rule 1

**The Request**

(1) Any Contracting State or any national of a Contracting State wishing to institute proceedings under the Convention shall file a Request for arbitration or conciliation together with the required supporting documents (“Request”) with the Secretary-General and pay the lodging fee published in the schedule of fees.

(2) The Request may be filed by one or more requesting parties, or filed jointly by the parties to the dispute.

### Rule 2

**Contents of the Request**

(1) The Request shall:

(a) state whether it relates to an arbitration or conciliation proceeding;

(b) be in English, French or Spanish;

(c) identify each party to the dispute and provide their contact information, including electronic mail address, street address and telephone number;

(d) be signed by each requesting party or its representative and be dated;
(e) attach proof of any representative’s authority to act; and

(f) if the requesting party is a juridical person, state that it has obtained all necessary authorizations to file the Request, and attach the authorizations.

(2) With regard to the jurisdiction of the Centre, the Request shall include:

(a) a description of the investment, a statement of the relevant facts, claims, and request for relief, and an indication that there is a legal dispute between the parties arising directly out of the investment;

(b) with respect to each party’s consent to submit the dispute to arbitration or conciliation under the Convention:

(i) the instrument(s) in which each party’s consent is recorded;

(ii) the date of entry into force of the instrument(s) on which consent is based, together with supporting documents demonstrating that date; and

(iii) the date of consent, which is the date on which the parties consented in writing to submit the dispute to the Centre, or, if the parties did not consent on the same date, the date on which the last party to consent gave its consent in writing to submit the dispute to the Centre;

(c) if a party is a natural person:

(i) information concerning that person’s nationality on both the date of consent and on the date of the Request, together with supporting documents demonstrating such nationality; and

(ii) a statement that the person did not have the nationality of the Contracting State party to the dispute on the date of consent and on the date of the Request;

(d) if a party is a juridical person:

(i) information concerning that party’s nationality on the date of consent, together with supporting documents demonstrating such nationality; and

(ii) if that party had the nationality of the Contracting State party to the dispute on the date of consent, information identifying the agreement of the parties to treat the juridical person as a national of another Contracting State pursuant to Article 25(2)(b) of the Convention, together with supporting documents demonstrating such agreement;

(e) if a party is a constituent subdivision or agency of a Contracting State:
(i) the State’s designation to the Centre pursuant to Article 25(1) of the Convention; and

(ii) supporting documents demonstrating the State’s approval of consent pursuant to Article 25(3) of the Convention, unless the State has notified the Centre that no such approval is required.

**Rule 3**

**Recommended Additional Information**

It is recommended that the Request also contain:

(a) an estimate of the amount of pecuniary compensation sought, if any;

(b) a proposal concerning the number and method of appointment of arbitrators or conciliators;

(c) the proposed procedural language(s);

(d) any other procedural proposals; and

(e) any procedural agreements reached by the parties.

**Rule 4**

**Filing of the Request and Supporting Documents**

(1) The Request shall be filed electronically. The Secretary-General may require the Request to be filed in an alternative format if necessary.

(2) An extract of a supporting document may be filed if the omission of the text does not render the extract misleading. The Secretary-General may require a fuller extract or a complete version of the document.

(3) Any document in a language other than English, French or Spanish shall be accompanied by a translation into one of those languages. Translation of only the relevant part of a document is sufficient. The Secretary-General may require a fuller or a complete translation of the document.
Rule 5  
Receipt of the Request and Routing of Written Communications

The Secretary-General shall:

(a) promptly acknowledge receipt of the Request to the requesting party;

(b) transmit the Request to the other party upon receipt of the lodging fee; and

(c) act as the official channel of written communications between the parties.

Rule 6  
Review and Registration of the Request

(1) Upon receipt of the Request and lodging fee, the Secretary-General shall review the Request pursuant to Article 28(3) or 36(3) of the Convention.

(2) The Secretary-General shall promptly notify the parties of the registration of the Request, or the refusal to register the Request and the grounds for refusal.

Rule 7  
Notice of Registration

The notice of registration of the Request shall:

(a) record that the Request is registered and indicate the date of registration;

(b) confirm that all correspondence to the parties in connection with the proceeding will be sent to the contact address appearing on the notice, unless different contact information is indicated to the Centre;

(c) invite the parties to inform the Secretary-General of their agreement regarding the number and method of appointment of arbitrators or conciliators, unless such information has already been provided;

(d) invite the parties to constitute a Tribunal or Commission without delay; and
(e) remind the parties that registration of the Request is without prejudice to the powers and functions of the Tribunal or Commission in regard to jurisdiction of the Centre, competence of the Tribunal or Commission, and to the merits.

Rule 8
Withdrawal of the Request

At any time before registration, a requesting party may notify the Secretary-General in writing of the withdrawal of the Request or, if there are several requesting parties, that it is withdrawing from the Request. The Secretary-General shall promptly notify the parties of the withdrawal, unless the Request has not yet been transmitted pursuant to Rule 5(b).

Rule 9
Final Provisions

(1) The English, French and Spanish texts of these Rules are equally authentic.

(2) These Rules may be cited as the “Institution Rules” of the Centre.