V. RULES GOVERNING THE ADMINISTRATION OF PROCEEDINGS BY THE SECRETARIAT OF THE INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES UNDER THE ADDITIONAL FACILITY (ADDITIONAL FACILITY RULES)

Introductory Note

Additional Facility proceedings are governed by the Additional Facility Rules, the relevant (Additional Facility) Arbitration (Annex B), Conciliation (Annex C), Fact-Finding (Annex D) or Mediation Rules (Annex E), and the Additional Facility Administrative and Financial Regulations (Annex A). They apply to investment proceedings that cannot be brought under the ICSID Convention due to lack of jurisdiction.

Article 1
Definitions

(1) “Secretariat” means the Secretariat of the Centre.

(2) “Centre” means the International Centre for Settlement of Investment Disputes established pursuant to Article 1 of the Convention.

(3) “Convention” means the Convention on the Settlement of Investment Disputes between States and Nationals of Other States which entered into force on October 14, 1966.

(4) “Regional Economic Integration Organization” or “REIO” means an organization constituted by States to which they have transferred competence in respect of matters governed by these Rules, including the authority to take decisions binding on them in respect of those matters.

(5) “National of another State” means, unless otherwise agreed:

(a) a natural person that is not, at the date of consent to the proceeding and at the date of the Request, a national of the State party to the dispute, or a national of any constituent State of the REIO party to the dispute;

(b) a juridical person that is not, at the date of consent to the proceeding, a national of the State party to the dispute, or a national of any constituent State of the REIO party to the dispute; and
(c) any juridical person that is, at the date of consent to the proceeding, a national of the State party to the dispute or that is a national of any constituent State of the REIO party to the dispute, and which the parties agree not to treat as a national of that State for the purpose of these Rules.

(6) “Request” means a request for arbitration, conciliation, fact-finding or mediation.

(7) “Contracting State” means a State for which the Convention is in force.

(8) “Contracting REIO” means an REIO for which the Convention is in force.

Article 2
Additional Facility Proceedings

(1) The Secretariat of the Centre is authorized to administer the following proceedings between a State or an REIO on the one hand, and a national of another State on the other hand, which the parties consent in writing to submit to the Centre:

(a) arbitration and conciliation proceedings for the settlement of legal disputes arising out of an investment if:

(i) none of the parties to the dispute is a Contracting State, a Contracting REIO or a national of a Contracting State; or

(ii) either the State or the REIO party to the dispute, on the one hand, or the State whose national is a party to the dispute, on the other hand, but not both, is a Contracting State or a Contracting REIO;

(b) fact-finding proceedings pertaining to an investment; and

(c) mediation proceedings pertaining to an investment.

(2) Reference to a State or an REIO includes a constituent subdivision of a State, or an agency of a State or an REIO. The State or REIO must approve the consent of the constituent subdivision or agency which is a party to the proceeding pursuant to Article 2(1), unless the State or the REIO concerned notifies the Centre that no such approval is required.

The (Additional Facility) Administrative and Financial Regulations (Annex A) shall apply to any such proceedings.

**Article 3**  
**Convention Not Applicable**

The provisions of the Convention do not apply to the conduct of Additional Facility proceedings.

**Article 4**  
**Final Provisions**

(1) The applicable Rules are those in force on the date of filing of the Request unless the parties agree otherwise.

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