Proposals for Amendment of the ICSID Rules — Consolidated Draft Rules
VIII. ANNEX C: ADDITIONAL FACILITY RULES OF PROCEDURE FOR
CONCILIATION PROCEEDINGS
((ADDITIONAL FACILITY) CONCILIATION RULES))

Introductory Note

The Additional Facility Rules of Procedure for Conciliation Proceedings (the (Additional Facility) Conciliation Rules) were adopted by the Administrative Council of the Centre pursuant to Administrative and Financial Regulation 7(1).


The (Additional Facility) Conciliation Rules apply from the submission of a Request for conciliation until a Report is issued.

Chapter I
General Provisions

Rule 1
Application of Rules

(1) These Rules shall apply to any conciliation proceeding conducted under the Additional Facility Rules, except to the extent that the parties agree otherwise and subject to paragraph (2).

(2) If any of these Rules, or any aspect of the parties’ agreement to modify the application of these Rules, conflicts with a provision of law from which the parties cannot derogate, that provision shall prevail.

(3) The applicable (Additional Facility) Conciliation Rules are those in force on the date of filing of the request for conciliation.

(4) The official languages of the Centre are English, French and Spanish. The texts of these Rules are equally authentic in each official language.

(5) These Rules may be cited as the “(Additional Facility) Conciliation Rules” of the Centre.
Chapter II
Institution of the Proceeding

Rule 2
The Request

(1) Any party wishing to institute conciliation proceedings under the Additional Facility Rules shall file a request for 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 3
Contents of the Request

(1) The Request shall:

(a) be in English, French or Spanish;

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

(c) be signed by each requesting party or its representative and be dated;

(d) attach proof of the representative’s authority to act; and

(e) 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 Article 2(1)(a) of the Additional Facility Rules, 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 out of the investment.

(b) with respect to each party’s consent to submit the dispute to conciliation under the Additional Facility:
(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 both on 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 State party to the dispute or of any constituent State of an REIO 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 State party to the dispute or of any constituent State of the REIO party to the dispute on the date of the consent, information identifying the agreement of the parties to treat the juridical person as a national of another State pursuant to Article 1(5)(b) of the Additional Facility Rules, together with supporting documents demonstrating such agreement;

(e) if a party is a constituent subdivision of a State or an agency of a State or of an REIO, supporting documents demonstrating the State’s approval of consent, unless the State or the REIO has notified the Centre that no such approval is required.

Rule 4
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 conciliators;

(c) the proposed procedural language(s);

(d) any other procedural proposals; and

(e) any procedural agreements between the parties.

Rule 5
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 6
Receipt of the Request

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 7
Review and Registration of the Request

(1) Upon receipt of the Request and lodging fee, the Secretary-General shall register the Request if it appears on the basis of the information provided that the Request is not manifestly outside the scope of Article 2(1) of the Additional Facility Rules.

(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 8
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 conciliators, unless such information has already been provided;

(d) invite the parties to constitute a Commission without delay; and

(e) remind the parties that registration of the Request is without prejudice to the powers and functions of the Commission in regard to jurisdiction and competence of the Commission, and the issues in dispute.

Rule 9
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 6(b).

Chapter III
General Procedural Provisions

Rule 10
Meaning of Party and Party Representation

(1) For the purposes of these Rules, “party” may include, where the context so admits:

(a) all parties acting as claimants or as respondents; and

(b) an authorized representative of a party.

(2) Each party may be represented or assisted by agents, counsel or advocates (“representative(s)”), whose names and proof of authority to act shall be notified by that party to the Secretariat.

Rule 11
Method of Filing

(1) Written statements, observations, supporting documents and communications shall be filed electronically, unless the parties agree or the Commission orders otherwise. They shall be introduced into the proceeding by filing them with the Secretariat, which shall acknowledge their receipt and distribute them in accordance with Rule 12.

(2) Supporting documents shall be filed together with the written statements to which they relate, within the time limit fixed to file such written statements.

(3) An extract of a supporting document may be filed if the omission of the text does not render the extract misleading. The Commission may require a fuller extract or a complete version of the document.
Rule 12
Routing of Written Communications

(1) Following the registration of the Request pursuant to Rule 7(2), the Secretariat shall be the official channel of written communications among the parties and the Commission, except that:

(a) the parties may communicate directly with each other, provided that the Secretariat is copied on all communications to be introduced into the conciliation;

(b) the members of the Commission shall communicate directly with each other; and

(c) a party may communicate directly with the Commission if requested to do so by the Commission, provided that the Secretariat is copied on all communications.

(2) The Secretariat shall acknowledge receipt of all communications filed by a party and, subject to paragraph (1)(a) and (c), distribute them to the other party and the Commission.

Rule 13
Procedural Languages, Translation and Interpretation

(1) The parties may agree to use one or two procedural languages in the conciliation. The parties shall consult with the Commission and the Secretariat regarding the use of a language that is not an official language of the Centre.

(2) If the parties do not agree on the procedural language(s), each party may select one of the official languages of the Centre.

(3) Written statements, observations, supporting documents and communications shall be filed in a procedural language. In a proceeding with two procedural languages, the Commission may require a party to file any document in both procedural languages.

(4) A document in a language other than a procedural language shall be accompanied by a translation into a procedural language. In a proceeding with two procedural languages, the Commission may require a party to translate any document into both procedural languages. Translation of only the relevant part of a document is sufficient, provided that the Commission may require a fuller or a complete translation. If the translation is disputed, the Commission may require a certified translation.
(5) Any written communication from the Commission or the Secretariat shall be in a procedural language. In a proceeding with two procedural languages, the Commission and, where applicable the Secretary-General, shall issue orders, decisions, recommendations and the Report in both procedural languages, unless the parties agree otherwise.

(6) Any oral communication shall be in a procedural language. In a proceeding with two procedural languages, the Commission may require interpretation into the other procedural language.

**Rule 14**

**Payment of Advances and Costs of the Proceeding**

(1) Each party shall pay one half of the advances payable in accordance with (Additional Facility) Administrative and Financial Regulation 7(5), unless a different division is agreed to by the parties.

(2) The fees and expenses of the members of the Commission and the administrative charges and direct costs of the Centre incurred in connection with the proceeding shall be borne equally by the parties.

(3) Each party shall bear its own costs and expenses incurred in connection with the proceeding.

**Rule 15**

**Confidentiality**

Documents generated in the conciliation shall be confidential. The parties to a conciliation may consent to:

(a) disclosure of any document generated in the conciliation to a non-party;

(b) disclosure by one party of any document obtained from the other party in the conciliation; and

(c) publication by the Centre of documents generated in connection with the proceeding.
Rule 16
Use of Information in Other Proceedings

Unless the parties to the dispute agree otherwise, neither party shall rely on any of the following in other dispute settlement proceedings:

(a) any views expressed, statements, admissions, or offers of settlement made, or positions taken by the other party in the conciliation;

(b) the Report, order, decision, or any recommendation made by the Commission in the conciliation; or

(c) documents generated in connection with the proceeding.

Chapter IV
Constitution of the Commission

Rule 17
General Provisions, Number of Conciliators and Method of Constitution

(1) The parties shall constitute a Commission without delay after registration of the Request.

(2) The number of conciliators and the method of their appointment must be determined before the Secretary-General can act on any appointment proposed by a party.

(3) The parties shall endeavor to agree on a Sole Conciliator, or any uneven number of conciliators, and the method of appointment. If the parties do not advise the Secretary-General of an agreement within 60 days after the date of registration, the Commission shall consist of a Sole Conciliator, appointed by agreement of the parties.

(4) The composition of a Commission shall remain unchanged after it has been constituted, except as provided in Chapter V.

(5) References in these Rules to a Commission or a President of a Commission shall include a Sole Conciliator.
Rule 18
Qualifications of Conciliators

Conciliators shall be persons of high moral character and recognized competence in the fields of law, commerce, industry or finance, who are impartial and independent.

Rule 19
Assistance of the Secretary-General with Appointment

The parties may jointly request that the Secretary-General assist with the appointment of a Sole Conciliator, or any uneven number of conciliators.

Rule 20
Appointment of Conciliators by the Secretary-General

(1) If a Commission has not been constituted within 90 days after the date of registration, or such other period as the parties may agree, either party may request that the Secretary-General appoint the conciliator(s) who have not yet been appointed.

(2) The Secretary-General shall appoint the President of the Commission after appointing any other members who have not yet been appointed.

(3) The Secretary-General shall consult with the parties as far as possible before appointing a conciliator and shall use best efforts to appoint any conciliator(s) within 30 days after receipt of the request to appoint.

Rule 21
Disclosure of Third-party Funding

(1) “Third-party funding” is the provision of funds or other material support to a party in a conciliation, by a natural or juridical person that is not a party to the dispute (“third-party funder”), an affiliate of that party, or a law firm representing that party. Such funds or material support may be provided:

(a) through a donation or grant, or
(b) in return for a premium or in exchange for remuneration or reimbursement wholly or partially dependent on the outcome of the proceeding.

(2) A party shall file a written notice disclosing that it has third-party funding and the name of the third-party funder. Such notice shall be sent to the Secretariat immediately upon registration of the Request, or upon concluding a third-party funding arrangement after registration.

(3) Each party shall have a continuing obligation to disclose any changes to the information referred to in paragraph (2) occurring after its initial disclosure, including termination of the funding arrangement.

Rule 22
Acceptance of Appointment

(1) A party appointing a conciliator shall notify the Secretariat of the appointment and provide the appointee’s name, nationality(ies) and contact information.

(2) The Secretariat shall request an acceptance from the appointee upon receipt of the notice referred to in paragraph (1). The Secretariat shall also transmit to each appointee the information received from the parties relevant to completion of the declaration referred to in paragraph (3)(b).

(3) Within 20 days after receipt of the request for acceptance of an appointment, an appointee shall:

(a) accept the appointment; and

(b) provide a signed declaration in the form published by the Centre, addressing matters including the conciliator’s independence, impartiality, availability and commitment to maintain the confidentiality of the proceedings.

(4) The Secretariat shall notify the parties of each acceptance of appointment by the conciliator(s) and provide the signed declaration.

(5) The Secretariat shall notify the parties if a conciliator fails to accept the appointment or provide a signed declaration within the time limit referred to in paragraph (3), and another person shall be appointed as conciliator in accordance with the method followed for the previous appointment.

(6) Each conciliator shall have a continuing obligation to disclose any change of circumstances relevant to the declaration referred to in paragraph (3)(b).
(7) Unless the parties and the conciliator agree otherwise, a conciliator may not act as arbitrator, counsel, expert, witness, judge or in any other capacity in any other proceeding relating to the dispute that is the subject of the conciliation.

Rule 23
Replacement of Conciliators Prior to Constitution of the Commission

(1) At any time before the Commission is constituted:

(a) a conciliator may withdraw an acceptance;

(b) a party may replace a conciliator whom it appointed; or

(c) the parties may agree to replace any conciliator.

(2) A replacement conciliator shall be appointed as soon as possible, in accordance with the method by which the withdrawing or replaced conciliator was appointed.

Rule 24
Constitution of the Commission

(1) The Commission shall be deemed to be constituted on the date the Secretary-General notifies the parties that each conciliator has accepted the appointment.

(2) As soon as the Commission is constituted, the Secretary-General shall transmit the Request, the supporting documents, the notice of registration and communications with the parties to each conciliator.
Chapter V
Disqualification of Conciliators and Vacancies

Rule 25
Proposal for Disqualification of Conciliators

(1) A party may propose the disqualification of one or more conciliators (“proposal”) on the ground that circumstances exist that give rise to justifiable doubts as to the conciliator’s qualities required by Rule 18.

(2) The following procedure shall apply:

(a) any proposal shall be filed after the constitution of the Commission and within 20 days after the later of:

(i) the constitution of the Commission; or

(ii) the date on which the party proposing the disqualification first knew or first should have known of the facts upon which the proposal is based;

(b) the party proposing the disqualification shall file a written submission, specifying the grounds on which the proposal is based and including a statement of the relevant facts, law and arguments, with any supporting documents;

(c) the other party shall file its response and supporting documents within seven days after receipt of the written submission;

(d) the conciliator to whom the proposal relates may file a statement limited to factual information relevant to the proposal. This statement shall be filed within five days after receipt of the written submissions referred to in paragraph (2)(c); and

(e) the parties may file final written submissions on the proposal within seven days after expiry of the time limit referred to in paragraph (2)(d).

(3) If the other party agrees to the proposal prior to the dispatch of the decision referred to in Rule 26, the conciliator shall resign in accordance with Rule 28.

(4) The proceeding shall continue while the proposal is pending unless it is suspended, in whole or in part, by agreement of the parties. If the proposal results in a disqualification, either party may request that any order or decision issued, or recommendation made by the Commission while the proposal was pending, be reconsidered by the reconstituted Commission.
Rule 26
Decision on the Proposal for Disqualification

(1) The Secretary-General shall take the decision on the proposal.

(2) The decision on any proposal shall be made within 30 days after the expiry of the time limit referred to in Rule 25(2)(e).

Rule 27
Incapacity or Failure to Perform Duties

If a conciliator becomes incapacitated or fails to perform the duties required of a conciliator, the procedure in Rules 25 and 26 shall apply.

Rule 28
Resignation

(1) A conciliator may resign by notifying the Secretary-General and the other members of the Commission.

(2) A conciliator shall resign upon the joint request of the parties.

Rule 29
Vacancy on the Commission

(1) The Secretary-General shall notify the parties of any vacancy on the Commission.

(2) The proceeding shall be suspended from the date of notice of the vacancy until the vacancy is filled.

(3) A vacancy on the Commission shall be filled by the method used to make the original appointment, except that the Secretary-General shall fill any vacancy that has not been filled within 45 days after the notice of vacancy.
(4) Once a vacancy has been filled and the Commission has been reconstituted, the conciliation shall continue from the point it had reached at the time the vacancy was notified.

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Chapter VI
Conduct of the Conciliation

Rule 30
Functions of the Commission

(1) The Commission shall clarify the issues in dispute and assist the parties in reaching a mutually acceptable resolution of all or part of the dispute.

(2) In order to bring about agreement between the parties, the Commission may, at any stage of the proceeding, after consulting with the parties, recommend:

(a) specific terms of settlement to the parties; or

(b) that the parties refrain from taking specific action that might aggravate the dispute while the conciliation is ongoing.

(3) Recommendations may be made orally or in writing. Either party may request that the Commission provide reasons for any recommendation. The Commission may invite each party to provide observations concerning any recommendation made.

(4) At any stage of the proceeding, the Commission may:

(a) request explanations, documents or other information from either party or other persons;

(b) communicate with the parties jointly or separately; or

(c) visit any place connected with the dispute or conduct inquiries with the consent and participation of the parties.

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Rule 31
General Duties of the Commission

(1) The Commission shall treat the parties equally and provide each party with a reasonable opportunity to appear and participate in the proceeding.
(2) The Commission shall conduct the proceeding in an expeditious and cost-effective manner.

Rule 32
Orders, Decisions and Procedural Agreements

(1) The Commission shall make the orders and decisions required for the conduct of the conciliation.

(2) The Commission shall take decisions by a majority of the votes of all its members. Abstentions shall count as a negative vote.

(3) Orders and decisions may be taken by any appropriate means of communication and may be signed by the President on behalf of the Commission, unless the parties agree otherwise.

(4) The Commission shall apply any agreement between the parties on procedural matters, to the extent it conforms with the (Additional Facility) Administrative and Financial Regulations.

Rule 33
Quorum

The participation of a majority of the members of the Commission shall be required at the first session, meetings and deliberations, by any appropriate means of communication, unless the parties agree otherwise.

Rule 34
Deliberations

(1) The deliberations of the Commission shall take place in private and remain confidential.

(2) The Commission may deliberate at any place it considers convenient.
(3) Only members of the Commission shall take part in its deliberations. No other person shall be admitted unless the Commission decides otherwise.

### Rule 35  
**Cooperation of the Parties**

(1) The parties shall cooperate with the Commission and with one another and shall conduct the conciliation in good faith.

(2) The parties shall provide all relevant explanations, documents or other information. The parties shall also facilitate visits to any place connected with the dispute and the participation of other persons as requested by the Commission.

(3) The parties shall comply with any time limit agreed upon or fixed by the Commission.

(4) The parties shall give their most serious consideration to the Commission’s recommendations.

### Rule 36  
**Written Statements**

(1) Each party shall simultaneously file a brief, initial written statement describing the issues in dispute and its views on these issues 30 days after the constitution of the Commission, or such longer time as the Commission may fix, but in any event before the first session.

(2) Either party may file further written statements at any stage of the conciliation within time limits fixed by the Commission.

### Rule 37  
**First Session**

(1) Subject to paragraph (2), the Commission shall hold a first session with the parties to address the procedure, including the matters listed in paragraph (4).
The first session shall be held within 60 days of the Commission’s constitution or such other period as the parties may agree.

The first session may be held in person or remotely, by any means that the Commission deems appropriate. The agenda, method and date of the first session shall be determined by the Commission after consulting with the parties.

Before the first session, the Commission shall invite the views of the parties on procedural matters, including:

(a) the applicable conciliation rules;

(b) the number of members required to constitute a quorum of the Commission;

(c) the division of advances payable pursuant to (Additional Facility) Administrative and Financial Regulation 7(5);

(d) the procedural language(s), translation and interpretation;

(e) the method of filing and routing of written communications;

(f) a schedule for further written statements and meetings;

(g) the place and format of meetings between the Commission and the parties;

(h) the manner of recording or keeping minutes of meetings, if any;

(i) the protection of confidential information;

(j) the publication of documents; and

(k) any agreement between the parties:

(i) concerning the treatment of information disclosed by one party to the Commission by way of separate communication pursuant to Rule 30(4)(b);

(ii) not to initiate or pursue during the conciliation any other proceeding in respect of the dispute;

(iii) concerning the application of prescription or limitation periods; and

(iv) pursuant to Rule 16.

At the first session or within any other period as the Commission may determine, each party shall:
(a) identify a representative who is authorized to settle the dispute on its behalf; and

(b) describe the process that would be followed to implement a settlement.

(6) The Commission shall issue summary minutes recording the parties’ agreements and the Commission’s decisions on the procedure within 15 days after the later of the first session or the last written statement on procedural matters addressed at the first session.

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**Rule 38**

**Meetings**

(1) The Commission may meet with the parties jointly or separately.

(2) The Commission shall determine the date, time and method of holding meetings, after consulting with the parties.

(3) If a meeting is to be held in person, it may be held at any place agreed to by the parties after consulting with the Commission and the Secretariat. If the parties do not agree on the place of a meeting, it shall be held at a place determined by the Commission.

(4) Meetings shall remain confidential. The parties may consent to observation of meetings by persons in addition to the parties and the Commission.

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**Rule 39**

**Preliminary Objections**

(1) A party may file a preliminary objection that the dispute is not within the competence of the Commission.

(2) A preliminary objection shall be made as soon as possible. The objection shall be made no later than the date of the initial written statement referred to in Rule 36(1), unless the facts on which the objection is based are unknown to the party at the relevant time.

(3) The Commission may address a preliminary objection separately or with other issues in dispute. If the Commission decides to address the objection separately, it may suspend the conciliation on the other issues in dispute to the extent necessary to address the preliminary objection.
(4) The Commission may at any time on its own initiative consider whether the dispute is within its own competence.

(5) If the Commission decides that the dispute is not within its competence, it shall issue a Report to that effect, in which it shall state its reasons. Otherwise, the Commission shall issue a decision on the objection with brief reasons and fix any time limit necessary for the further conduct of the conciliation.

Chapter VII
Termination of the Conciliation

Rule 40
Discontinuance Prior to the Constitution of the Commission

(1) If the parties notify the Secretary-General prior to the constitution of the Commission that they have agreed to discontinue the proceeding, the Secretary-General shall issue an order taking note of the discontinuance.

(2) If a party requests the discontinuance of the proceeding prior to the constitution of the Commission, the Secretary-General shall fix a time limit within which the other party may oppose the discontinuance. If no objection in writing is made within the time limit, the other party shall be deemed to have acquiesced in the discontinuance and the Secretary-General shall issue an order taking note of the discontinuance of the proceeding. If any objection in writing is made within the time limit, the proceeding shall continue.

(3) If, prior to the constitution of the Commission, the parties fail to take any steps in the proceeding for more than 150 days, the Secretary-General shall notify them of the time elapsed since the last step taken in the proceeding. If the parties fail to take a step within 30 days after the notice, they shall be deemed to have discontinued the proceeding and the Secretary-General shall issue an order taking note of the discontinuance. If either party takes a step within 30 days after the Secretary-General’s notice, the proceeding shall continue.
**Rule 41**  
**Discontinuance for Failure to Pay**

If the parties fail to make payments to defray the costs of the proceeding as required by (Additional Facility) Administrative and Financial Regulation 7, the proceeding may be discontinued pursuant to that Regulation.

**Rule 42**  
**Report Noting the Parties’ Agreement**

(1) If the parties reach agreement on some or all of the issues in dispute, the Commission shall issue its Report noting the issues in dispute and recording the issues upon which the parties have agreed.

(2) The parties may provide the Commission with the complete and signed text of their settlement agreement and may request that the Commission embody such settlement in the Report.

**Rule 43**  
**Report Noting the Failure of the Parties to Reach Agreement**

At any stage of the proceeding, and after notice to the parties, the Commission shall issue its Report noting the issues in dispute and recording that the parties have not reached agreement if:

(a) it appears to the Commission that there is no likelihood of agreement between the parties; or

(b) the parties advise the Commission that they have agreed to discontinue the conciliation.
Rule 44
Report Recording the Failure of a Party to Appear or Participate

If one party fails to appear or participate in the proceeding, the Commission shall, after notice to the parties, issue its Report noting the submission of the dispute to conciliation and recording the failure of that party to appear or participate.

Rule 45
The Report

(1) The Report shall be in writing and shall contain, in addition to the information specified in Rules 42-44:

(a) a precise designation of each party;

(b) the names of the representatives of the parties;

(c) a statement that the Commission was established under these Rules and a description of the method of its constitution;

(d) the name of each member of the Commission and of the appointing authority of each;

(e) the dates and place(s) of the first session and of meetings of the Commission with the parties;

(f) a brief summary of the proceeding;

(g) the complete and signed text of the parties’ settlement agreement if requested by the parties pursuant to Rule 42(2);

(h) a statement of the costs of the proceeding, including the fees and expenses of each member of the Commission and the costs to be paid by each party pursuant to Rule 14(2); and

(i) any agreement of the parties pursuant to Rule 16.

(2) The Report shall be signed by the members of the Commission. It may be signed by electronic means if the parties agree. If a member does not sign the Report, such fact shall be recorded.
Rule 46
Issuance of the Report

(1) Once the Report has been signed by the members of the Commission, the Secretary-General shall promptly:

(a) dispatch a certified copy of the Report to each party, indicating the date of dispatch on the Report; and

(b) deposit the Report in the archives of the Centre.

(2) The Secretary-General shall provide additional certified copies of the Report to a party upon request.