

ICSID ADDITIONAL FACILITY RULES

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INTRODUCTORY NOTE

ICSID Additional Facility proceedings are governed by the ICSID Additional Facility Rules, the ICSID Additional Facility Administrative and Financial Regulations, and the relevant ICSID Additional Facility Arbitration Rules or ICSID Additional Facility Conciliation Rules.

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 make decisions binding on them in respect of such matters.
- (5) "National of another State" means, unless otherwise agreed:
 - (a) a natural or juridical person that, on the date of consent to the proceeding, is a national of a State other than the State party to the dispute, or other than any constituent State of the REIO party to the dispute; or
 - (b) a juridical person that, on the date of consent to the proceeding, is a national of the State party to the dispute or of any constituent State of the REIO party to the dispute, and which the parties have agreed not to treat as a national of that State for the purpose of these Rules.
- (6) "Request" means a request for arbitration or conciliation.
- (7) "Contracting State" means a State for which the Convention is in force.

Article 2

Additional Facility Proceedings

- (1) The Secretariat is authorized to administer arbitration and conciliation proceedings for the settlement of legal disputes arising out of an investment 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 if:
 - (a) none of the parties to the dispute is a Contracting State or a national of a Contracting State;
 - (b) either the State party to the dispute, or the State whose national is a party to the dispute, but not both, is a Contracting State; or
 - (c) an REIO is a party to the dispute.
- (2) Reference to a State or an REIO includes a constituent subdivision of the State, or an agency of the State or the REIO. The State or the REIO must approve the consent of the constituent subdivision or agency which is a party to the proceeding pursuant to paragraph (1), unless the State or the REIO concerned notifies the Centre that no such approval is required.
- (3) Arbitration and conciliation proceedings under these Rules shall be conducted in accordance with the ICSID Additional Facility Arbitration Rules or the ICSID Additional Facility Conciliation Rules respectively. The ICSID Additional Facility Administrative and Financial Regulations shall apply to such proceedings.

Article 3

Convention Not Applicable

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

Article 4

Application of Rules

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