

ICSID INSTITUTION RULES

TABLE OF CONTENTS

<i>Rule</i>		<i>Page</i>
1	The Request	63
2	Contents of the Request	63
3	Recommended Additional Information	65
4	Filing of the Request and Supporting Documents	65
5	Receipt of the Request and Routing of Written Communications	66
6	Review and Registration of the Request	66
7	Notice of Registration	66
8	Withdrawal of the Request	67

INTRODUCTORY NOTE

The ICSID Institution Rules were adopted by the Administrative Council of the Centre pursuant to Article 6(1)(b) of the ICSID Convention.

The ICSID 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 ICSID Arbitration or Conciliation Rules apply to the subsequent procedure. The ICSID Institution Rules do not apply to the initiation of post-Award remedy proceedings, or to proceedings pursuant to the ICSID Additional Facility Rules, the ICSID Fact-Finding Rules or the ICSID Mediation Rules.

Rule 1 **The Request**

- (1) Any Contracting State or any national of a Contracting State wishing to institute proceedings under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States ("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 its 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 internal authorizations to file the Request and attach the authorizations.

- (2) The Request shall include:
- (a) a description of the investment and of its ownership and control, a summary of the relevant facts and claims, the request for relief, including an estimate of the amount of any damages sought, 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;
 - (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; and
 - (iv) an indication that the requesting party has complied with any condition for submission of the dispute in the instrument of consent;
 - (c) if a party is a natural person:
 - (i) information concerning that person's nationality on both the date of consent and 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 either on the date of consent or the date of the Request;
 - (d) if a party is a juridical person:
 - (i) information concerning and supporting documents demonstrating that party's nationality on the date of consent; and
 - (ii) if that party had the nationality of the Contracting State party to the dispute on the date of consent, information concerning and supporting documents demonstrating 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;

- (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:

- (a) contain any procedural proposals or agreements reached by the parties, including with respect to:
 - (i) the number and method of appointment of arbitrators or conciliators;
 - (ii) the procedural language(s); and
 - (iii) the use of expedited arbitration under Chapter XII of the ICSID Arbitration Rules; and
- (b) include the names of the persons and entities that own or control a requesting party which is a juridical person.

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 document may be filed as a supporting document if the extract is not misleading. The Secretary-General may require a fuller extract or a complete version of the document.
- (3) The Secretary-General may require a certified copy of a supporting document.
- (4) 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, provided that 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, and to constitute a Tribunal or Commission without delay;

- (d) 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 the merits; and
- (e) remind the parties to make the disclosure required by ICSID Arbitration Rule 14 or ICSID Conciliation Rule 12.

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 is more than one requesting party, 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).