

Suggestion for Amendment of the ICSID Arbitration Rules -- Rule 41(1)

Dear ICSID,

I suggest to amend Rule 41(1) of the ICSID Arbitration Rules as follows:

(1) Any objection that the dispute or any ancillary claim is not within the jurisdiction of the Centre or, for other reasons, is not within the competence of the Tribunal shall be made as early as possible. A party shall file the objection with the Secretary-General and after its constitution with the Tribunal within the time limit fixed by the Tribunal. If the Tribunal has not fixed a time limit, a party shall file the objection no later than the expiration of the time limit fixed for the filing of the counter-memorial, or, if the objection relates to an ancillary claim, for the filing of the rejoinder—unless the facts on which the objection is based are unknown to the party at that time

With kind regards,

Albert Jan van den Berg