Georgia's Comments and proposals to the amended Arbitration Rules proposed by ICSID[1]

Arbitration Rules		
No	**Rule Proposed by ICSID**	**Georgia's Comments and Proposals**
1	**Rule 5** **Procedural Languages, Translation and Interpretation** (1) The parties may agree to use one or two procedural languages in the proceeding. The parties shall consult with the Tribunal 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 submissions, observations, supporting documents and communications shall be filed in a procedural language. In a proceeding with two procedural languages, the Tribunal 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 Tribunal 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 Tribunal may require a fuller or a complete	**Comment to Rule 5:** Does the terms "document" in the context of Rule 5 include witness statements or expert reports? If this not the case, we believe Rule 5 shall also make reference to this type of written evidence and to the need to translate them in the language of the proceedings; alternatively, the requirement to produce them in the language of the proceedings or accompanied by the relevant translations could be included in the proposed Rules 41.

[1] Georgia provides these comments and proposals with respect to the amended Arbitration Rules proposed by ICSID. Georgia's comments and proposals shall equally extend to the corresponding provisions of the amended Additional Facility Arbitration Rules proposed by ICSID.

	translation. If the translation is disputed, the Tribunal may require a certified translation. (5) Any written communication from the Tribunal or the Secretariat shall be in a procedural language. In a proceeding with two procedural languages, the Tribunal and, where applicable the Secretary-General, shall render orders, decisions, and the Award 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 Tribunal may require interpretation into the other procedural language. The recordings and transcripts of a hearing shall be kept in the procedural language(s) used at the hearing. (7) The testimony of a witness or an expert in a language other than a procedural language shall be interpreted into the procedural language(s) used at the hearing.	
2	**Rule 13** **Written Submissions and Observations** (1) The parties shall file the following written submissions, with any supporting documents, within the time limits fixed by the Tribunal: (a) a memorial by the requesting party, subject to paragraph (2); (b) a counter-memorial by the other party; and, if the parties so agree or the Tribunal finds it necessary: (c) a reply by the requesting party; and (d) a rejoinder by the other party. (2) The requesting party may elect to have the Request for arbitration considered as the memorial. (3) A memorial shall contain a statement of the relevant facts, law and arguments, and the request for relief. A counter-memorial shall	**Comment to Rules 13(2):** Georgia in principle agrees with the procedure proposed in paragraph (2), however, would like to make following observation and suggestion: I. A reasonable Claimant who plans to request that its Request for Arbitration (**RfA**) be considered as "a memorial by requesting party" would draft its RfA in a way to provide sufficient information regarding its claims (both facts and law) and requested relief, possibly supported with relevant evidence. However, this might not always be the case. In such situation, it would be very hard for the state to respond to unsubstantiated and unsupported submissions and develop its defense. This is especially noteworthy since the Convention and the Institutional Rules provide very general requirements for RfA requiring to contain "information concerning the issues in dispute".

	contain a statement of the relevant facts, including an admission or denial of facts stated in the memorial, and any necessary additional facts, a statement of law in reply to the memorial, arguments, and the request for relief. A reply and rejoinder shall be limited to responding to the previous written submission. (4) The Tribunal shall grant leave to file unscheduled written submissions, observations or supporting documents upon a timely and reasoned application and only if these are necessary in view of all relevant circumstances.	Therefore, it might be reasonable if the Tribunal *ex officio* or upon the request of the Party concerned is authorized to request the Claimant to provide additional information (provide more details regarding its claims/relief, specify it claims, clarify certain parts of RfA, or present additional evidence (including witness statements)). In practice, in some cases, Claimant might make reference to certain evidence in its RfA but choose not to produce them as exhibits; or Claimant might state that is will have witnesses to testify on the case in writing and in oral but fail to present any witness statement at the time of filing its RfA. In such circumstances it would only be reasonable and fair to the defending party, if the Claimant is required to present additional evidence. In the light of the above, Georgia proposes following amendment to the proposed Rule 13(2): "*(2) The requesting party may elect to have the Request for arbitration considered as the memorial. <u>The Tribunal upon the request of the other Party or ex officio may require the requesting party to provide additional information or evidence in support of its case.</u>*" II. If the Tribunal grants the request of the Claimant that its RfA be considered as the memorial, the respondent will be the first to file written submission according to the procedural calendar. As a matter of fact states require ample time to collect information and evidence and to prepare their defense. While Claimants have time to prepare their claim before they initiate formal arbitral proceedings, states will have to fit in a tight schedule developed on the case. In normal course of the proceedings, states in addition to the time-limit to file counter-memorial, would also benefit from the time-limit allocated to Claimant to file its first memorial; in the given case, however, states would have to respond to Claimants contentions in RfA immediately after the start of formal arbitral proceedings. In this circumstances it might be fair if the rules provide a possibility for the state to request a longer period for filing its counter-memorial.

		In the view of the above, Georgia proposes to include the possibility of granting different time-limit for filing counter-memorial by respondent state in case of considering RfA as "a memorial by requesting party". Relevant language could be provided in Rules 13(2) or elsewhere in the Rules, where more appropriate. **Comment to Rule 13(4):** Georgia believes that for the conduct of the proceedings in an "expeditious and cost-effective manner", unscheduled or unsolicited written submissions or documents should not be allowed unless such submissions or documents would be decisive for the effective and fair resolution of the case. Therefore, we propose to add some language in Rules 13(4) to this effect: "*(4) The Tribunal shall grant leave to file unscheduled written submissions, observations or supporting documents upon a timely and reasoned application and only if these are necessary <u>for the effective and just resolution of the matter</u> in view of all relevant circumstances.*"
3	**Rule 14** **Case Management Conference** With a view to expediting the proceeding, the Tribunal may convene a case management conference with the parties at any time to: (a) identify uncontested facts; (b) narrow the issues in dispute; and (c) address any other procedural or substantive issue related to the resolution of the dispute.	**Comment to the chapeau of Rules 14:** Georgia believes that the case management conference should serve not only for the expeditious but also for the "effective" conduct of the proceedings, which might not necessarily be related to expediting the process. Therefore, we propose to amend the language accordingly: "*<u>With a view to conduct proceedings in an effective and expedited manner</u>, the Tribunal may convene a case management conference with the parties at any time to:*" **Comment to Rules 14(c):**

		We suggest to remove word "*other*", since the issues in paragraphs (a) and (b) are very specific and stand-alone items and therefore, issues in paragraph (c) shall be regarded as a separate and equally important item.
4	**Rule 16** **Deliberations** (1) The deliberations of the Tribunal shall take place in private and remain confidential. (2) The Tribunal may deliberate at any place it considers convenient. (3) Only members of the Tribunal shall take part in its deliberations. No other person shall be admitted unless the Tribunal decides otherwise. (4) The Tribunal shall deliberate on any matter for decision immediately after the last written or oral submission on that matter.	**Comment to Rule 16(3):** Georgia believes that the mandate to resolve the matter and to rule on the disputed issued on the case is granted to the Arbitral Tribunal and shall be exclusively discharged by the members of the tribunal/sole arbitrator. Therefore, the admission of any additional persons to the process of deliberation shall be agreed with the parties. Georgia understands that sometimes Tribunals require the attendance of the arbitral secretaries to assist them in discharging their functions without them taking part in the actual deliberations or decision-making functions of the tribunal; however, it would be more legitimate if the attendance of other persons, even for the purpose of assistance, would be brought to the attention of the parries. In the view of the above, Georgia proposes the following amendment to the Rule 16(3): "*(3) Only members of the Tribunal shall take part in its deliberations. No other person shall be admitted unless the Tribunal decides otherwise in consultation with the parties.*"
5	**Rule 21** **Disclosure of Third-party Funding** (1) "Third-party funding" is the provision of funds or other material support for the pursuit or defense of a proceeding, by a natural or juridical person that is not a party to the dispute ("third-party funder"), to a party to the proceeding, an affiliate of that party, or a	**Comment to Rule 21(1):** Georgia agrees with the views expressed by the delegations of other member states during the September 2018 Consultations, that (a) the list of the possible forms of funding provided in paragraph (1) shall not be exhaustive; (b) "Third-party funding" shall cover the cases of both direct and indirect funding.

	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 for arbitration, 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 the initial disclosure, including termination of the funding arrangement.	
6	**Rule 33** **Vacancy on the Tribunal** (1) The Secretary-General shall notify the parties of any vacancy on the Tribunal. (2) The proceeding shall be suspended from the date of notice of the vacancy until the vacancy is filled. (3) A vacancy on the Tribunal shall be filled by the method used to make the original appointment, except that the Chairman shall fill the following vacancies from the Panel of Arbitrators: (a) a vacancy caused by the resignation of a party-appointed arbitrator without the consent of the other members of the Tribunal; or (b) a vacancy that has not been filled within 45 days after the notice of vacancy.	**Comment to Rule 33(2):** Georgia proposes to include an exception to the general rule on suspension of proceedings during the vacancy, whereby the Chairman of the Administrative Council or the Secretary General, as appropriate, could allow the proceedings to continue pending the procedures to fill-in the vacancy with the agreement of the parties. There can be situations when the vacancy appears at a stage of the proceedings when the arbitral tribunal has a very limited involvement (for example, the stage of written submissions of the parties). In such cases suspension of the proceedings would prolong the process without serving any reasonable or practical purpose. In such situations it would be useful if there was a possibility for continuing the proceedings according to the procedural timetable (subject to reasonable extensions of times as requested by the parties later) with the consent of the parties to the dispute.

	(4) Once a vacancy has been filled and the Tribunal has been reconstituted, the proceeding shall continue from the point it had reached at the time the vacancy was notified. A newly appointed arbitrator may require that any portion of a hearing be recommenced if necessary to decide a pending matter.	The Convention (including Article 56) does not provide anything regarding the suspension of the proceedings in case of vacancy. Georgia also tends to believe that content and context of Article 56 and in particular the phrase - "[Tribunal's] composition shall remain unchanged" - does not exclude the possibility of continuing proceedings pending the procedure to fill-in the vacancy. The composition of the Tribunal is not altered by not suspending proceedings; the vacancy will be filled-in to reinstate the composition of the tribunal and in the meantime no decisions would be taken by the reminder of the tribunal (accept for the matters that President is authorized to decide individually).
7	**Rule 34** **First Session** (1) Subject to paragraph (2), the Tribunal shall hold a first session with the parties to address the procedure, including the matters listed in paragraph (4). (2) The first session shall be held within 60 days after the Tribunal's constitution or such other period as the parties may agree. If the President of the Tribunal determines that it is not possible to convene the parties and the other members within this period, the first session shall be held solely among the Tribunal members after consulting with the parties in writing on the matters listed in paragraph (4). (3) The first session may be held in person or remotely, by any means that the Tribunal deems appropriate. The agenda, method and date of the first session shall be determined by the President of the Tribunal after consulting with the other members and the parties. (4) Before the first session, the Tribunal shall circulate an agenda to the parties and invite their views on procedural matters, including: (a) the applicable arbitration rules;	**Comment to Rule 34(4):** Georgia believes that the First Session is a very important procedural stage since the agreements and understandings reached at this session will guide the arbitration process for the rest of the proceedings. We are very glad to see that the proposed Rule 34(4) includes quite comprehensive list of procedural matters to be discussed at the first session. In addition, we suggest to include some other items that we believe are equally important and deserve to appear in this list: a) Form and requirements of presenting evidence; b) Submission and participation of non-disputing parties; c) Involvement and role of arbitral secretaries or use of other assistance by the Tribunal. Georgia would like to specify further regarding its proposed item c): while we understand the specific nature of the appointment of secretaries on ICSID proceedings by Secretary General, we still believe that there could be cases where the parties' involvement in designating secretaries functions would be warranted. In particular, The Regulation 25(d) in Administrative and Financial Regulations, grants possibility to the president of the arbitral tribunal to assign additional functions to the secretary appointed by the Secretary General on a particular case. We believe it would be useful if in such

	(b) the number of members required to constitute a quorum of the Tribunal; (c) the division of advances payable pursuant to the Administrative and Financial Regulation 14(5); (d) the procedural language(s), translation and interpretation; (e) the method of filing and routing of written communications; (f) the number, type and format of written submissions; (g) the place of hearings; (h) the scope, timing and procedure for requests for production of documents between the parties, if any; (i) the procedural calendar, including written submissions, hearings, the Tribunal's orders, decisions and the Award; (j) the manner of keeping the recordings and transcripts of hearings; (k) the publication of documents and recordings; and (l) the protection of confidential information. (5) The Tribunal shall issue an order recording the parties' agreements and any Tribunal decisions on the procedure within 15 days after the later of the first session or the last written submission on procedural matters addressed at the first session.	situations president of the arbitral tribunal would bring this issue to the attention of the parties for their views and comments. This is especially important to avoid any complications regarding the role of arbitral secretaries at a later stage in view of discussions around this issue in recent years. The same would be true for any other assistance that the tribunal or the president of the arbitral tribunal would choose to employ.
8	**Rule 36** **Preliminary Objections** (1) A party may file a preliminary 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. (2) The following procedure shall apply:	**Comment to Rule 36(4):** Georgia understands and fully agrees with the rationale behind paragraph (4) of the Rule 36 as described in paragraph 387 of the Working Document. However, it is our impression that wording of paragraph (4) does not fully reflect the meaning enshrined therein and moreover, it is slightly ambiguous and might leave room for different interpretations.

	(a) a preliminary objection shall be made as soon as possible. Unless the facts on which the objection is based are unknown to the party at the relevant time, the objection shall be made no later than: (i) the date to file the counter-memorial if the objection relates to the main claim; or (ii) the date to file the next written submission after an ancillary claim is raised, if the objection relates to the ancillary claim; (b) the party shall file a written submission, specifying the grounds on which the preliminary objection is based and including a statement of relevant facts, law and arguments, with any supporting documents; and (c) the Tribunal shall fix time limits for written or oral submissions, as required, on the preliminary objection. (3) The Tribunal may address a preliminary objection in a separate phase of the proceeding pursuant to Rule 37 or join the objection to the merits. If the Tribunal decides to address the preliminary objection in a separate phase, it may suspend the proceeding on the merits. (4) If a party files a preliminary objection it shall also file its counter-memorial on the merits, or file its next written submission after an ancillary claim is raised if the objection relates to the ancillary claim, unless the Tribunal has ordered otherwise. (5) The Tribunal may at any time on its own initiative consider whether a claim is within the jurisdiction of the Centre or within its own competence. (6) The Tribunal shall issue its decision on the preliminary objection within 180 days after the last written or oral submission on the objection. (7) If the Tribunal decides that the dispute is not within the jurisdiction of the Centre, or for other reasons is not within its competence, it shall render an Award to that effect. Otherwise, the	In the view of the above, we propose to clarify the wording of paragraph (4). We suggest following possible version of the wording: "*(4) A party that has filed a preliminary objection shall also file its counter-memorial on the merits, or file its next written submission after an ancillary claim is raised if the objection relates to the ancillary claim, if that party failed to request bifurcation within the time limit referred to in Rule 37(2) or unless the Tribunal has ordered otherwise.*"

	Tribunal shall issue a decision on the objection and fix any time limit necessary for the further conduct of the proceeding.	
9	**Rule 37** **Bifurcation** (1) A party may request that a question be addressed in a separate phase of the proceeding ("request for bifurcation"). (2) The following procedure shall apply: (a) if the request for bifurcation relates to a preliminary objection, a party shall file the request within 30 days after the filing of the memorial on the merits or, if the objection relates to an ancillary claim, within 30 days after the filing of the written submission containing the ancillary claim, unless the facts on which the objection is based are unknown to the party at the relevant time; (b) the request for bifurcation shall specify the questions to be bifurcated; (c) the Tribunal shall fix time limits for written or oral submissions, as required, on the request for bifurcation; and (d) the Tribunal shall issue its decision on a request for bifurcation within 30 days after the last written or oral submission on the request. (3) The Tribunal may at any time on its own initiative decide whether a question is to be addressed in a separate phase of the proceeding. (4) In determining whether to bifurcate, the Tribunal shall consider all relevant circumstances, including whether bifurcation would materially reduce the time and cost of the proceeding.	**Comment to the Rule 37(2)(a):** As specified in paragraph 390 of the Working Document, bifurcation might also relate to "other issues", for example, "bifurcating consideration of merits into liability and quantum phase." The procedure provided in paragraph 2(a) of Rule 37 only contemplates bifurcation related to preliminary objections and ancillary claims omitting the possibility of bifurcation regarding the quantum and creating a gap regarding the relevant procedure and time limits for requesting bifurcation in such cases. If our understanding regarding the above is correct, we believe the wording of this clause should be amended in a way to also contemplate cases of bifurcation relating to issues other than preliminary objections and ancillary claims.

10	**Chapter VII** **Publication, Access to Proceedings and Non-Disputing Party Submissions**	Georgia believes that there should be certain balance between the need and desire for more publicity on investor-state arbitration matters and related proceedings, on the one hand, and the integrity of arbitral proceedings and effective resolution of the disputes, on the other hand. In this context, we believe that together with the new regulations enshrined in the proposed rules on publicity in Chapter VII, there should be a rule and the respective procedure providing for the exception to the proposed rules on publicity; in particular, such exceptions should aim to avoid jeopardizing integrity of the arbitral process or the effective resolution of the dispute that should be the primary goal in investor-state arbitration proceedings. Article 7(6)(7) of the Rules on Transparency in Treaty-based Investor-State Arbitration could be a good guidance in regard to this issue.
11	**Rule 51** **Security for Costs** (1) A party may request that the Tribunal order the other party to provide security for the costs of the proceeding and determine the appropriate terms for provision of the security. (2) The following procedure shall apply: (a) the request shall specify the circumstances that require security for costs; (b) the Tribunal shall fix time limits for written or oral submissions, as required, on the request; (c) if a party requests security for costs before the constitution of the Tribunal, the Secretary-General shall fix time limits for written submissions on the request, so that the Tribunal may consider the request promptly upon its constitution; and	**Comment to Rule 51(3):** Georgia highly supports the inclusion of the provision and procedure on the security for costs. Paragraph 3 of Rule 53, provides guidance for the tribunals regarding the circumstances that should be considered when deciding on the issue of security for costs. Unfortunately, the provision only refers to the "party's ability to comply with the adverse decision on costs" as possible criteria and then provides a broad formulation as regards other relevant factors - "any other relevant circumstances". Although Georgia fully agrees with the approach to provide non-exhaustive list of circumstances or criteria to be taken into account by the tribunal regarding security for costs, we still believe that there are certain important criteria that should explicitly be listed in the Rule, such as for example conduct of the parties, bad faith tactics, abuse of procedure, third party funding, etc. Georgia is also concerned with the fact that in terms of the possible other criteria, the Working Document (527-528) only refers to "the history of non-compliance with legal orders or bad faith". This

	(d) the Tribunal shall issue its decision on the request within 30 days after the latest of: (i) the constitution of the Tribunal; (ii) the last written submission on the request; or (iii) the last oral submission on the request. (3) In determining whether to order a party to provide security for costs, the Tribunal shall consider the party's ability to comply with an adverse decision on costs and any other relevant circumstances. (4) If a party fails to comply with an order for security for costs, the Tribunal may suspend the proceeding until the security is provided. If the proceeding is suspended for more than 90 days, the Tribunal may, after consulting with the parties, order the discontinuance of the proceeding. (5) A party must promptly disclose any material change in the circumstances upon which the Tribunal ordered security for costs. (6) The Tribunal may at any time modify or revoke its order for security for costs, on its own initiative or upon a party's request.	circumstance might be very rare and therefore not applicable to the cases of investor-state arbitrations and certainly cannot be regarded as an only possible valid criteria to consider regarding the issue of security for costs. Therefore, Georgia suggests that the comments provided in Working Document are clarified in a way that provides clear understanding to the users that the above-mentioned circumstance is not the only possible factor and that there could be other equally valid factors to be taken into consideration by the arbitral tribunal. Georgia believes that it is important to give clearer and more precise guidance to both the arbitral tribunal and the parties to investor-state disputes as to what should be an applicable threshold for the use of the security for costs in order to promote effective use of this mechanism in practice. We are strongly convinced that the lack of practice regarding the use of the security for costs to date is the result of the absence of proper legal basis and authority of the arbitral tribunal and the lack of relevant guidance as to when and in what circumstances should this mechanism be applied.
12	**Rule 59** **Timing of the Award** (1) The Tribunal shall render the Award as soon as possible and in any event no later than: (a) 60 days after the last written or oral submission if the Award is rendered pursuant to Rule 35(4); (b) 180 days after the last written or oral submission if the Award is rendered pursuant to Rule 36(7); or (c) 240 days after the last written or oral submission on all other matters.	**Comment to Rule 59(1):** Paragraph (1) of Rule 59 provides time limits for rendering award in three different cases: 1) award on manifest lack of legal merits; 2) award on preliminary objections; 3) award on any other matter. What happens in case the proceedings on merits are bifurcated into liability and quantum phase? What would be the time limit to render Award in such case (which would essentially be a decision on damages)? Would 240 day time limit apply? We believe that there is a gap in the procedure which might create misunderstandings in practice, therefore we propose to amend the proposed rule in order to provide some clarity as to what happens in the above-mentioned scenario.

	(2) A statement of costs filed in accordance with Rule 19(3) shall not be considered a submission for the purposes of calculating the time limits referred to in paragraph (1).	
13	**Rule 75** **The Procedural Schedule in Expedited Arbitration** (1) The following schedule for written submissions and the hearing shall apply in the expedited arbitration: (a) the requesting party shall file a memorial within 60 days after the first session, unless the Request for arbitration is to be considered the memorial pursuant to Rule 13(2); (b) the other party shall file a counter-memorial within 60 days after the date of filing the memorial, or within 60 days after the first session if the requesting party has elected to use the Request for arbitration as its memorial pursuant to Rule 13(2); (c) the memorial and counter-memorial referred to in paragraph (1)(a) and (b) shall be no longer than 200 pages in length; (d) the requesting party shall file a reply within 40 days after the date of filing of the counter-memorial; (e) the other party shall file a rejoinder within 40 days after the date of filing of the reply; (f) the reply and rejoinder referred to in paragraph (1)(d) and(e) shall be no longer than 100 pages in length; (g) the hearing shall be held within 60 days after the last written submission is filed; (h) the parties shall file statements of costs within 10 days after the last day of the hearing referred to in paragraph (1)(g); and	**Comment to Rule 75(1)(b):** In situations where the requesting party elects to use its RfA as its memorial, the circumstances of the case might warrant granting longer period of time to the Respondent to file its counter-memorial for the same reasons provided above in the comment regarding Rule 13(2). (*See comment to Rule 13(2)-II, p.3*)

	(i) the Tribunal shall render the Award as soon as possible, and in any event no later than 120 days after the hearing referred to in paragraph (1)(g). (2) Any preliminary objection, counter-claim, incidental or additional claim shall be joined to the main schedule referred to in paragraph (1). The Tribunal shall adjust the schedule if a party raises any such matter, taking into account the expedited nature of the process. (3) The Tribunal may extend the time limits in paragraph (1)(a) and (b) by up to 30 days if any party requests that the Tribunal determine a dispute arising from requests to produce documents or other evidence pursuant to Rule 40(1). The Tribunal shall decide such applications based on written submissions and without an in-person hearing. (4) Any schedule for submissions other than those referred to in paragraphs (1)-(3) shall run in parallel with the main schedule in paragraph (1), unless the Tribunal determines that there are exceptional circumstances that justify the suspension of the main schedule. In fixing time limits for such submissions, the Tribunal shall take into account the expedited nature of the process.	
14	**Rule 78** **The Procedural Schedule for an Application for Interpretation, Revision or Annulment of an Award Rendered in Expedited Arbitration** (1) A Tribunal may rectify any clerical, arithmetical or similar error in the Award on its own initiative within 15 days after rendering the Award. (2) The following schedule for written submissions and the hearing shall apply to the procedure relating to an interpretation, revision or annulment of an Award rendered in an expedited arbitration:	**Comment to Rule 78(1):** Paragraph (1) of Rule 78 is repeating the wording of Rule 77(1). We believe this is a technical error and shall be corrected accordingly.

	(a) the applicant shall file a memorial on interpretation, revision or annulment within 30 days after the first session; (b) the other party shall file a counter-memorial on interpretation, revision or annulment within 30 days after the memorial; (c) a hearing shall be held within 45 days after the date for filing the counter-memorial; (d) the parties shall file statements of costs within 5 days after the last day of the hearing referred to in paragraph (2)(c); and (e) the Tribunal or Committee shall render the decision on interpretation, revision or annulment as soon as possible, and in any event no later than 60 days after the hearing referred to in paragraph (2)(c). (3) Any schedule for submissions other than those referred to in paragraph (2) shall run in parallel with the main schedule, unless the Tribunal or Committee determines that there are exceptional circumstances that justify the suspension of the main schedule. In fixing time limits for such submissions, the Tribunal or Committee shall take into account the expedited nature of the process.	