

**ERRATA TO THE RULES AND REGULATIONS IN ICSID CONVENTION, ADDITIONAL FACILITY,  
MEDIATION AND FACT-FINDING PROCEEDINGS**

The ICSID Secretariat has reviewed the Rules and Regulations submitted to the ICSID Administrative Council for a vote on January 20, 2022, for typographical, grammatical, and other errors. The corrections are recorded in the below errata and incorporated into the English, French and Spanish versions of the final Rules and Regulations. None of the errata alter the meaning of the provisions adopted by ICSID Member States.

**ICSID CONVENTION PROCEEDINGS**

**ICSID ARBITRATION RULES**

<b>Rule/Title</b>	<b>Change</b>
Rule 29(4)(g)	whether there will be requests for production of documents as between the parties and, if so, the scope, timing and procedure for such requests;
Rule 45(b)(iii)	as soon as possible after the facts on which the objection is based become known to a party, if those facts were unknown to that party on the dates referred to in paragraph <del>(1)</del> (b)(i) and (ii);
Rule 75(2)(b)	Rules 19, <del>22</del> , 29, 37, 43, 49, 58, 61 and 72, as modified by Rules 76-84, apply in an expedited arbitration.
Rule 76(4)	An appointment pursuant to Rules <del>77</del> or 78 is an appointment in accordance with the method agreed by the parties pursuant to Article 37(2)(a) of the Convention.
Rule 81(3)	The Tribunal may extend the time limits referred to in paragraph (1) <del>(a) and (b)</del> by up to 30 days to decide a dispute arising from requests to produce documents pursuant to Rule 37. The Tribunal shall decide such requests based on written submissions and without an in-person hearing.

**ICSID CONCILIATION RULES**

<b>Rule/Title</b>	<b>Change</b>
Rule 12(3)	The Secretary-General shall transmit <del>the</del> <sup>a</sup> notice of third-party funding and any notification of changes to the information in such notice to the parties, and to any conciliator proposed for appointment or appointed in a proceeding for purposes of completing the conciliator declaration required by Rule 16(3)(b).
Rule 33(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 <del>preliminary</del> objection.
Rule 33(5)	If the Commission decides that the dispute is not within the jurisdiction of the Centre or for other reasons is not within its competence, it shall close the proceeding and issue a reasoned Report to that effect. Otherwise, the Commission shall issue a reasoned decision on the <u>preliminary</u> objection and fix any time limit necessary for the further conduct of the conciliation.

Rule 35(1)	If the parties reach agreement on some or all of the issues in dispute, the Commission shall close the proceedings and issue its Report noting the issues in dispute and recording the issues upon which the parties have agreed.
Rule 36	At any stage of the proceeding, and after notice to the parties, the Commission shall close the proceedings and issue its Report noting the issues in dispute and recording that the parties have not reached agreement on the issues in dispute during the conciliation if:
Rule 37	If one party fails to appear or participate in the proceeding, the Commission shall, after notice to the parties, close the proceedings and issue its Report noting the submission of the dispute to conciliation and recording the failure of that party to appear or participate.

**ICSID ADDITIONAL FACILITY PROCEEDINGS**

**ICSID ADDITIONAL FACILITY ARBITRATION RULES**

<b>Rule/Title</b>	<b>Change</b>
Rule 8(d)	Remind the parties that registration of the Request is without prejudice to the powers and functions of the Tribunal in regard to jurisdiction, <u>and</u> competence of the Tribunal, and the merits; and
Rule 23(3)	The Secretary-General shall transmit <u>the</u> a notice of third-party funding and any notification of changes to the information in such notice to the parties and to any arbitrator proposed for appointment or appointed in a proceeding for purposes of completing the arbitrator declaration required by Rule 27(3)(b).
Rule 39(3)	A party may file unscheduled written submissions, observations, or supporting documents only after obtaining leave of the Tribunal, unless the filing of such documents is provided for by these Rules. The Tribunal may grant such leave upon a timely and reasoned application if it finds such written submissions, observations or supporting documents are necessary in view of all relevant circumstances.
Rule 55(b)(iii)	as soon as possible after the facts on which the objection is based become known to a party, if those facts were unknown to that party on the dates referred to in paragraph <del>(1)</del> (b)(i) and (ii);
Rule 69(1)(a)	60 days after the later of the Tribunal constitution or the last submission, if the Award is rendered pursuant to Rule 51( <del>4</del> 3);
Rule 69(2)	A statement of costs and submission on costs filed pursuant to <del>with</del> Rule 61 shall not be considered a submission for the purposes of paragraph (1).
Rule 77(5)	The Tribunal shall issue a reasoned decision on whether to permit a non-disputing party submission within 30 days after the last <u>written</u> submission on the application.
Rule 79(2)(b)	Rules 27, <del>30</del> , 38, 47, 53, 59, 69 and 72, as modified by Rules 80-87, apply in an expedited arbitration.
Rule 80(4)	An appointment pursuant to Rules <del>81</del> <u>or</u> 82 is an appointment in accordance with the method agreed by the parties.

Rule 83(2)	An arbitrator appointed to a Tribunal constituted pursuant to Chapter IV shall confirm <del>being their</del> availability to conduct an expedited arbitration within 10 days after receipt of the notice of consent pursuant to Rule 79(3).
Rule 85(3)	The Tribunal may extend the time limits referred to in paragraph (1) <del>(a) and (b)</del> by up to 30 days to decide a dispute arising from requests to produce documents pursuant to Rule 47. The Tribunal shall decide such requests based on written submissions and without an in-person hearing.

**ICSID ADDITIONAL FACILITY CONCILIATION RULES**

<b>Rule/Title</b>	<b>Change</b>
Rule 1(4)	The applicable ICSID Additional Facility Conciliation Rules are those in force on the date of filing the <del>r</del> Request for conciliation, unless the parties agree otherwise.
Chapter II (Title)	<b>Institution of <del>the</del> Proceedings</b>
Rule 3(2)(b)(iv)	an indication that the requesting party has complied with any condition for <del>the</del> submission of the dispute in the instrument of consent;
Rule 13 (Title)	<b>Routing of Documents</b>
Rule 21(1)	A party shall file a written notice disclosing the name and address of any non-party from which the party, directly or indirectly, has received funds for the conciliation through a donation or grant, or in return for remuneration dependent on the outcome of the conciliation (“third-party funding”). If the non-party providing funding is a juridical person, the notice shall include the names of the persons and entities that own and control that juridical person.
Rule 21(3)	The Secretary-General shall transmit <del>the</del> a notice of third-party funding and any notification of changes to the information in such notice to the parties, and to any conciliator proposed for appointment or appointed in a proceeding for purposes of completing the conciliator declaration required by Rule 24(3)(b).
Rule 34(4)	The Commission shall apply any agreement <del>between</del> of the parties on procedural matters, subject to Rule 1(3), and to the extent that the agreement does not conflict with the ICSID Additional Facility Administrative and Financial Regulations.
Rule 41(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 <del>preliminary</del> objection.
Rule 41(5)	If the Commission decides that the dispute is not within its jurisdiction or competence, it shall issue a reasoned Report to that effect. Otherwise, the Commission shall issue a reasoned decision on the <del>preliminary</del> objection and fix any time limit necessary for the further conduct of the conciliation.

## MEDIATION PROCEEDINGS

### ICSID MEDIATION RULES

Rule/Title	Change
Rule 5(3)(b)	identify each party to the mediation and provide <del>their</del> <u>its</u> contact information, including electronic mail address, street address and telephone number;
Rule 5(4)	Any supporting document in a language other than English, French, Spanish or a language approved by the Secretary-General pursuant to Rule 5(3)(a); 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 complete translation of the document.

## FACT-FINDING PROCEEDINGS

### ICSID FACT-FINDING RULES

Rule/Title	Change
Rule 6(2)	Any supporting document in a language other than English, French, Spanish or a language approved by the Secretary-General pursuant to Rule 6(1)(a); 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 complete translation of the document.
Rule 16(1)	All information relating to the fact-finding proceeding, and all documents generated in or obtained during the proceeding, shall be confidential, unless: