

# ICSID Arbitration Rules, Chapter III, Arbitration Rule 28 [Cost of proceeding]

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ICSID Arbitration Rules

Chapter III

[Cost of proceeding]

[Arbitration Rule 28](#) (\*) (\*\*)

**(1) Without prejudice to the final decision on the payment of the cost of the proceeding, the Tribunal may, unless otherwise agreed by the parties, decide:**

- (a) at any stage of the proceeding, the portion which each party shall pay, pursuant to Administrative and Financial Regulation 14, of the fees and expenses of the Tribunal and the charges for the use of the facilities of the Centre;**
- (b) with respect to any part of the proceeding, that the related costs (as determined by the Secretary-General) shall be borne entirely or in a particular share by one of the parties.**

**(2) Promptly after the closure of the proceeding, each party shall submit to the Tribunal a statement of costs reasonably incurred or borne by it in the proceeding and the Secretary-General shall submit to the Tribunal an account of all amounts paid by each party to the Centre and of all costs incurred by the Centre for the proceeding. The Tribunal may, before the award has been rendered, request the parties and the Secretary-General to provide additional information concerning the cost of the proceeding.** *page "261"*

**1. General.** Rule 28 addresses the question of costs in ICSID arbitral proceedings. It should be read in light of [art. 61](#) regarding the apportionment of expenses. It provides that the question of costs may be addressed throughout the entire period of proceedings and that the tribunal has full discretion as to the apportionment of costs between the parties to the dispute.

**2. Payment for part of the proceeding.** Pursuant to [Rule 9\(1\)](#), the tribunal's decision on costs does not necessarily relate to the entire proceeding. Therefore, the tribunal is not restricted in apportioning the costs in the final award. The tribunal may charge one party the costs or the majority of such costs of a particular part of the proceedings. Furthermore, a party that requested a specific measure may have to bear the resulting costs (see art. 61, notes 3 and 4). As a matter of principle, each party shall advance half of the payments.

**3. Final settlement of costs.** All advance payments are provisional. It follows that the final award will decide the exact

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## Organization

International Centre for  
Settlement of Investment  
Disputes

## Legis in effect

10 April 2006

## Topics

Investment Arbitration

## Source

Georgios Petrochilos,  
Sylvia Noury, et al.,  
**ICSID Arbitration  
Rules, Chapter III,  
Arbitration Rule 28  
[Cost of proceeding]** in  
Loukas A. Mistelis (ed),  
Concise International  
Arbitration, (© Kluwer  
Law International; Kluwer  
Law International 2010)  
pp. 261 - 262

manner in which the costs of the entire proceedings will be divided between the parties. In order to do so, the parties and the Secretary-General will have to submit to the tribunal full statements and accounts of costs, which include the advance payments made by the parties.

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