

JOINT PROPOSALS FOR REVISIONS TO WORKING PAPER #4

LANGUAGE PROPOSED BY THE SECRETARIAT IN WORKING PAPER #4	PROPOSED REVISED LANGUAGE	JOINT PROPOSAL MADE BY:
(Institution) Rule 2 Contents of the Request		
<p>(2) With regard to the jurisdiction of the Centre, the Request shall include:</p> <p>a) a description of the investment, 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;</p>	<p>(2) With regard to the jurisdiction of the Centre, the Request shall include:</p> <p>(a) a description of the investment, a description of the investor's ownership and control of the investment, 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;</p>	<p>Australia, Canada, Costa Rica, Chile, Colombia, the European Union and its Member States, Republic of Korea, Mexico, Peru, Singapore</p>
<p>(d) if a party is a juridical person:</p> <p>(i) information concerning and supporting documents demonstrating that party's nationality on the date of consent; and</p> <p>(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;</p>	<p>(d) if a party is a juridical person:</p> <p>(i) information concerning and supporting documents demonstrating that party's nationality on the date of consent;</p> <p>(ii) information concerning the ultimate beneficial owner and corporate structure of the party; and</p> <p>(iii) 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.</p>	<p>Australia, Canada, Costa Rica, Chile, Colombia, Republic of Korea, Mexico, Peru, Singapore</p>

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Rule 14 Notice of Third-Party Funding		
<p>(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 pursuit or defense of the proceeding through a donation or grant, or in return for remuneration dependent on the outcome of the proceeding (“third-party funding”).</p>	<p>(1) A party shall file a written notice disclosing the name, and address, and where applicable, ultimate beneficial owner and corporate structure, of any non-party from which the party, directly or indirectly, has received funds for the pursuit or defense of the proceeding through a donation or grant, or in return for remuneration dependent on the outcome of the proceeding (“third-party funding”).</p>	<p>Australia, Canada, Costa Rica, Chile, Colombia, the European Union and its Member States, Israel, Republic of Korea, Mexico, Peru, Singapore</p>
<p>(2) A non-party referred to in paragraph (1) does not include a representative of a party.</p>	<p>(2) A non-party referred to in paragraph (1) does not include a representative of a party.]</p>	<p>Australia, Canada, Costa Rica, Chile, Colombia, the European Union and its Member States, Israel, Republic of Korea, Mexico, Peru</p>
<p>(5) The Tribunal may order disclosure of further information regarding the funding agreement and the non-party providing funding pursuant to Rule 36(3) if it deems it necessary at any stage of the proceeding.</p>	<p>(§ 4) The Tribunal may order disclosure of further information regarding the funding agreement and the non-party providing funding pursuant to Rule 36(3) if it deems it necessary at any stage for the proceeding.</p>	<p>Australia, Canada, Costa Rica, Chile, Colombia, Israel, Republic of Korea, Mexico, Peru, Singapore</p>

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Rule 52 Decisions on Costs		
<p>(2) The Tribunal shall award the party prevailing on an objection made pursuant to Rule 41 its costs of submitting or opposing the objection, unless the circumstances justify a different allocation of costs in accordance with paragraph (1).</p>	<p>(2)) The Tribunal shall award the party prevailing on an objection made pursuant to Rule 41 its costs of submitting or opposing the objection, In exercising its discretion under paragraph 1 in a case where it has found a claim to be manifestly without legal merit pursuant to Rule 41, the Tribunal shall award all of the costs related to the claims dismissed under Rule 41 to the party which made the objection, unless the Tribunal determines that there are special circumstances which justify a different allocation of costs in accordance with paragraph (1).</p>	<p>Australia, Canada, Costa Rica, Chile, Colombia, the European Union and its Member States, Israel, Republic of Korea, Mexico, Peru, Singapore</p>
Rule 53 Security for Costs		
<p>(4) The Tribunal shall consider all evidence adduced in relation to the circumstances in paragraph (3). The existence of third-party funding may form part of such evidence but is not by itself sufficient to justify an order for security for costs.</p>	<p>(4) The Tribunal shall consider all evidence adduced in relation to the circumstances in paragraph (3). The Tribunal may consider the existence of third-party funding may form part of such as evidence relating to the circumstances in paragraph (3), but is the existence of third-party funding by itself may not by itself necessarily be sufficient to conclude justify an order for security for costs that such circumstances exist.</p>	<p>Australia, Canada, Costa Rica, Chile, Colombia, the European Union and its Member States, Israel, Republic of Korea, Mexico, Peru</p>