

Memorandum on the Fees and Expenses (2022)

(July 1, 2022)

Members of Commissions, Tribunals, *ad hoc* Committees, Fact-Finding Committees and mediators in ICSID proceedings (referred to as “members” below) are entitled to receive an hourly fee, per diem allowance, and travel and other expense reimbursements referred to in ICSID Administrative and Financial Regulation 14 (<https://icsid.worldbank.org/rules-regulations/convention/icsid-administrative-financial-regulations/chapter-iii%3A-financial-provisions#rule-8186>), ICSID Additional Facility Administrative and Financial Regulation 6(1) (<https://icsid.worldbank.org/rules-regulations/additional-facility/administrative-and-financial-regulations/chapter-iii-financial-provisions#rule-9056>), ICSID Fact-Finding Administrative and Financial Regulation 6(1) (<https://icsid.worldbank.org/rules-regulations/fact-finding/administrative-financial-regulations/chapter-iii-financial-provisions#rule-9936>) or ICSID Mediation Administrative and Financial Regulation 6(1) (<https://icsid.worldbank.org/rules-regulations/mediation/administrative-financial-regulations/chapter-iii-financial-provisions#rule-10121>), as applicable. This memorandum explains those entitlements and how they are calculated, claimed and paid.

I. FEES

1. Members receive a fee of US\$500 for each hour of work performed in connection with the proceeding, including each hour spent participating in hearings, sessions and meetings.
2. When traveling for hearings, sessions or meetings held away from the member’s city of residence, the member receives a fee of US\$250 for each hour spent traveling, either by air or by ground, to and from the location of the hearing, session or meeting. Any claim for such fees shall be calculated based on the time spent in transit, as evidenced by the relevant ticket.
3. Any work performed during travel may be charged at the hourly rate for work (US\$500) in lieu of the hourly rate for travel (US\$250).

II. PER DIEM ALLOWANCE

4. Members are entitled to receive the flat-rate *per diem* allowances in paragraphs 5 and 6 below for each day they spend away from their city of residence while traveling in connection with a proceeding.
5. When overnight lodging is required, the amount of the per diem allowance is US\$900 for each full day. The allowance covers all personal expenses, including lodging, tax on lodging, service charges, meals, gratuities, in-city transportation (by taxi or other means of transportation), laundry, personal communications and internet.
6. The amount of the *per diem* allowance for day trips not requiring overnight lodging is US\$200. The allowance covers all personal expenses, including meals, gratuities, in-city transportation (by taxi or other means of transportation), laundry, personal communications and internet.
7. Members are entitled to claim the US\$200 *per diem* allowance for each day of travel to and from a hearing, session or meeting when lodging is not required, and for the day of return to their city of residence. The allowance covers all personal expenses, including meals, gratuities, in-city transportation (by taxi or other means of transportation), laundry, personal communications and internet.

III. TRAVEL EXPENSES

8. When members are required to attend a hearing, session or meeting held away from their city of residence, they are entitled to claim reimbursement for the costs of air and ground transportation to and from the city where the hearing, session or meeting is held.

9. Members are authorized to travel at one class above economy class. Reimbursement will be made based on the actual expenses incurred. Receipts and the passenger copy of the transport ticket or electronic boarding pass must be submitted with the claim for reimbursement.

10. Members may claim reimbursement for the costs of taxis to and from the points of departure and arrival, both at the city of residence and the city where the hearing, session or meeting is held. Receipts must be submitted with the claim for reimbursement.

11. If travel is undertaken in a privately-owned automobile, a mileage allowance will be paid at the rate of US\$0.585 per mile/US\$0.363 per km.

12. All travel arrangements must be made in the most economic manner possible and should minimize the adverse environmental impact of the travel to the extent possible.

IV. OTHER REIMBURSABLE EXPENSES

13. Members are entitled to receive reimbursement for expenses reasonably incurred for the sole purpose of the proceeding. Such expenses may include, for example, courier costs and shredding of case-related documents.

14. Claims for reimbursement of all such expenses must be accompanied by receipts.

V. CLAIMS AND PAYMENT

15. Claims for fees, *per diem* allowances and expenses should be submitted electronically to icsidpayments@worldbank.org (<mailto:icsidpayments@worldbank.org>) using the Centre's [Claim for Fees and Expenses form](/sites/default/files/documents/Docs/2022%20ICSID%20Claim%20Form-fillable%20PDF%20version.pdf) (</sites/default/files/documents/Docs/2022%20ICSID%20Claim%20Form-fillable%20PDF%20version.pdf>)(click [here](/sites/default/files/documents/2022%20ICSID%20Claim%20Form%20-%20General%20Instructions_Final.pdf) (/sites/default/files/documents/2022%20ICSID%20Claim%20Form%20-%20General%20Instructions_Final.pdf) for instructions on how to complete the form).

16. Claims must be submitted regularly, and at least on a quarterly basis. Final claims must be submitted prior to the conclusion of the case.

17. Claims for work performed must be declared in a detailed, itemized format which must be appended to the Claim form. Receipts for all expenses claimed must also be attached to the Claim form.

18. A detailed financial statement of the case account will be available to the parties at any time during the proceeding and upon conclusion of the proceeding.

19. Members will be provided a financial statement of the case account on a regular basis and are encouraged to share copies of their claim forms with one another during a proceeding to ensure it is conducted on the most cost-effective basis.

20. Amounts paid to members do not include value added tax (VAT) or any other taxes or charges that might be applicable to the members' fees. The recovery of any such taxes or charges is a matter solely between the member and the parties.

21. Claims are reviewed, processed and approved by the Secretariat, and payments are made by wire transfer to the accounts provided by the members. Typically, ICSID processes claims within 3-7 days of receipt of the Claim form.

22. Payment will be postponed if a Tribunal or Committee has not complied with the time limits to render orders, decisions or Awards established by the applicable rules. Any payments postponed on this basis will be processed as soon as the Tribunal or Committee complies with the relevant rule.

23. Any request for a higher fee or per diem shall be made through the Secretary-General before the constitution of the Commission, Tribunal or Committee, or transmittal of the Request for mediation, and must be accompanied by a written justification for the increase requested.

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