United Nations A/CN.9/WG.II/WP.154/Add.1

General Assembly

Distr.: Limited
23 July 2009

Original: English

United Nations Commission on International Trade Law
Working Group II (Arbitration and Conciliation)
Fifty-first session
Vienna, 14-18 September 2009

Settlement of commercial disputes: Revision of the UNCITRAL Arbitration Rules

Note by the Secretariat*

Contents

* The submission of this note was delayed due to the close proximity of this Working Group session to the forty-second Commission session and the requirement to include details arising therefrom in this note.

V.09-85586 (E)

I. Introduction

1. At its thirty-ninth session (New York, 19 June–7 July 2006), the Commission agreed that, in respect of future work of the Working Group, priority be given to a revision of the UNCITRAL Arbitration Rules (1976) ("UNCITRAL Arbitration Rules" or "Rules").[1]

2. The Working Group started its work on a revision of the UNCITRAL Arbitration Rules at its forty-fifth session[2] and completed a first reading of a draft revised Rules during its forty-sixth to forty-eighth sessions[3] on the basis of document A/CN.9/WG.II/WP.145 and its addendum. At its forty-ninth and fiftieth sessions,[4] the Working Group made a second reading of a draft revised Rules up to article 26 on the basis of document A/CN.9/WG.II/WP.151 and its addendum.

3. This note contains an annotated draft of revised articles 18 to 26 of the UNCITRAL Arbitration Rules (renumbered articles 20 to 28, see para. 4 below), based on the deliberations of the Working Group at its fiftieth session. The annotated draft of revised articles 1 to 17 of the Rules (renumbered articles 1 to 19) is contained in document A/CN.9/WG.II/WP.154. Unless otherwise indicated, all references to deliberations by the Working Group in this note are to deliberations made at the fiftieth session of the Working Group.

II. General remark

Numbering of articles

4. The Working Group may wish to consider whether the articles of the revised Rules should be renumbered as proposed in document A/CN.9/WG.II/WP.154 and in this addendum. The cross references contained in the draft articles have been amended accordingly. If the Working Group decides that the articles should be renumbered, it may wish to consider whether to include in the revised Rules a table, as proposed in an annex to document A/CN.9/WG.II/WP.154 and this addendum, showing the concordance between the articles of the 1976 version of the Rules and those of the revised version.

---

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 17* (A/61/17), paras. 182-187.

[2] The report of the forty-fifth session of the Working Group (Vienna, 11-15 September 2006) is contained in document A/CN.9/614.

[3] The reports of the forty-sixth (New York, 5-9 February 2007), forty-seventh (Vienna, 10-14 September 2007) and forty-eighth (New York, 4-8 February 2008) sessions of the Working Group are contained in documents A/CN.9/619, A/CN.9/641 and A/CN.9/646, respectively.

[4] The reports of the forty-ninth (Vienna, 15-19 September 2008) and fiftieth (New York, 9-13 February 2009) sessions of the Working Group are contained in documents A/CN.9/665 and A/CN.9/669, respectively.

III. Draft revised UNCITRAL Arbitration Rules

Section III. Arbitral proceedings

Statement of claim

Article 20

1. The claimant shall communicate its statement of claim in writing to the respondent and to each of the arbitrators within a period of time to be determined by the arbitral tribunal. The claimant may elect to treat its notice of arbitration in article 3, paragraph 3 as a statement of claim, provided that the notice of arbitration also complies with the requirements of paragraphs 2, 3 and 4 of this article.

2. The statement of claim shall include the following particulars:

(a) The names and contact details of the parties;

(b) A statement of the facts supporting the claim;

(c) The points at issue;

(d) The relief or remedy sought;

(e) The legal grounds or arguments supporting the claim.

3. A copy of any contract or other legal instrument out of or in relation to which the dispute arises and of the arbitration agreement shall be annexed to the statement of claim.

4. The statement of claim should, as far as possible, be accompanied by all documents and other evidence relied upon by the claimant, or contain references to them.

Remarks on draft article 20 [numbered article 18 in the 1976 version of the Rules]

Paragraph (1)

5. The last sentence of paragraph (1) deals with the situation where the claimant decides to treat its notice of arbitration as a statement of claim (A/CN.9/669, para. 19). The words "provided that the notice of arbitration also complies with the requirements of paragraphs 2, 3 and 4 of this article" have been added at the end of paragraph (1) to clarify that a notice of arbitration treated as a statement of claim should also comply with the requirements of draft article 20, paragraphs (2) to (4). With that modification, the Working Group adopted the substance of paragraph (1) (A/CN.9/669, paras. 20-22).

Paragraph (2)

6. The Working Group adopted the substance of paragraph (2), without modifications (A/CN.9/669, para. 23).

Paragraphs (3) and (4)

7. The Working Group agreed that the word "evidence" appearing in the second sentence of paragraph (3), and used in the 1976 version of the Rules should be kept and replace the words "evidentiary materials" which were proposed in earlier draft versions of that article (A/CN.9/669, para. 24). With that modification, the Working Group adopted the substance of paragraph (3).

8. The Working Group may wish to note that the words "out of or in relation to which the dispute arises" have been added to clarify which contract or legal instrument should be annexed to the statement of claim.

9. The provision in paragraph (4) appeared as the second sentence of paragraph (3) in the previous draft of revised Rules. It is proposed to place that provision in a separate paragraph for the sake of clarity (see below, para. 13).

Statement of defence

Article 21

1. The respondent shall communicate its statement of defence in writing to the claimant and to each of the arbitrators within a period of time to be determined by the arbitral tribunal. The respondent may elect to treat its response to the notice of arbitration in article 4 as a statement of defence, provided that the response to the notice of arbitration also complies with the requirements of paragraph 2 of this article.

2. The statement of defence shall reply to the particulars (b), (c), (d) and (e) of the statement of claim (article 20, paragraph 2). The statement of defence should, as far as possible, be accompanied by all documents and other evidence relied upon by the respondent, or contain references to them.

3. In its statement of defence, or at a later stage in the arbitral proceedings if the arbitral tribunal decides that the delay was justified under the circumstances, the respondent may make a counterclaim or rely on a claim for the purpose of a set-off provided that the arbitral tribunal has jurisdiction over it.

4. The provisions of article 20, paragraphs 2 and 4 shall apply to a counterclaim and a claim relied on for the purpose of a set-off.

Remarks on draft article 21 [numbered article 19 in the 1976 version of the Rules]

Paragraph (1)

10. The last sentence of paragraph (1) addresses the situation where the respondent decides to treat its response to the notice of arbitration as a statement of defence. The words "provided that the response to the notice of arbitration also complies with the requirements of paragraph 2 of this article" have been added at the end of the last sentence of paragraph (1) (A/CN.9/669, para. 25) and that language mirrors the modification adopted in respect of draft article 20, paragraph (1) (see paragraph 5 above). With that modification, the Working Group adopted the substance of paragraph (1).

Paragraph (2)

11. The Working Group adopted paragraph (2) in substance and confirmed, for the sake of consistency with draft article 20, paragraph (3) that the word "evidence", as used in the 1976 version of the Rules, should be kept (see paragraph 7 above) (A/CN.9/669, para. 26).

Paragraph (3)

12. Paragraph (3) reflects the decision of the Working Group that the arbitral tribunal's competence to consider counterclaims and claims for the purpose of a set-off should, under certain conditions, extend beyond the contract from which the principal claim arose and apply to a wider range of circumstances (A/CN.9/669, para. 27). To achieve that extension, the Working Group agreed to delete the words "arising out of the same contract" where they appear in the original version of paragraph (3) and to include at the end of paragraph (3) the following words: "provided that the arbitral tribunal has jurisdiction over it". With that modification, the Working Group adopted the substance of paragraph (3) (A/CN.9/669, paras. 27-32).

Paragraph (4)

13. The Working Group adopted the substance of paragraph (4), without modifications (A/CN.9/669, para. 33). A reference to the provision of article 20, paragraph (4) has been added to take account of the intention of the Working Group that, consistent with article 19, paragraph (4) of the 1976 version of the Rules, a counterclaim or a claim for the purpose of a set-off should, as far as possible, be accompanied by all documents and other evidence relied upon by the claimant, or contain references to them.

Amendments to the claim or defence

Article 22

During the course of the arbitral proceedings a party may amend or supplement its claim or defence, including a counterclaim or a claim for the purpose of a set-off, unless the arbitral tribunal considers it inappropriate to allow such amendment or supplement having regard to the delay in making it or prejudice to other parties or any other circumstances. However, a claim or defence, including a counterclaim or a claim for the purpose of a set-off, may not be amended or supplemented in such a manner that the amended or supplemented claim or defence falls outside the jurisdiction of the arbitral tribunal.

Remarks on draft article 22 [numbered article 20 in the 1976 version of the Rules]

14. The Working Group agreed that, following the revision adopted under draft article 21, paragraph (3) (see paragraph 12 above), the last sentence of draft article 22 should be amended accordingly, and the reference to "the scope of the arbitration agreement" should be replaced by a reference to "the jurisdiction of the arbitral tribunal" (A/CN.9/669, para. 34).

15. The Working Group further agreed that the words "or defence" should be added in the second sentence of draft article 22 to align it with the wording of the first sentence of that article (A/CN.9/669, para. 35).

16. The Working Group may wish to consider whether, for the sake of consistency:

- The reference to "a claim for the purpose of a set-off" should be added after the words "a counterclaim [or]", in both sentences of draft article 22;
- The words "or supplement" should be added after the word "amendment" in the first sentence of draft article 22 and the words "or supplemented" should be added after the word "amended" in the second sentence of draft article 22.

Pleas as to the jurisdiction of the arbitral tribunal

Article 23

1. The arbitral tribunal may rule on its own jurisdiction, including any objections with respect to the existence or validity of the arbitration agreement. For that purpose, an arbitration clause which forms part of a contract shall be treated as an agreement independent of the other terms of the contract. A decision by the arbitral tribunal that the contract is null shall not entail automatically the invalidity of the arbitration clause.

2. A plea that the arbitral tribunal does not have jurisdiction shall be raised no later than in the statement of defence or, with respect to a counterclaim or a claim for the purpose of a set-off, in the reply to the counterclaim or to the claim for the purpose of a set-off. A party is not precluded from raising such a plea by the fact that it has appointed, or participated in the appointment of, an arbitrator. A plea that the arbitral tribunal is exceeding the scope of its authority shall be raised as soon as the matter alleged to be beyond the scope of its authority is raised during the arbitral proceedings. The arbitral tribunal may, in either case, admit a later plea if it considers the delay justified.

3. The arbitral tribunal may rule on a plea referred to in paragraph 2 either as a preliminary question or in an award on the merits. The arbitral tribunal may continue the arbitral proceedings and make an award, notwithstanding any pending challenge to its jurisdiction before a court.

Remarks on draft article 23 [numbered article 21 in the 1976 version of the Rules]

Paragraph (1)

17. Paragraph (1) reflects the view expressed in the Working Group that the 1976 version of article 21, paragraphs (1) and (2) should be redrafted along the lines of article 16, paragraph (1) of the UNCITRAL Model Law on International Commercial Arbitration ("UNCITRAL Arbitration Model Law") (A/CN.9/669, paras. 36-39). In accordance with the decisions of the Working Group, in the last sentence of paragraph (1), the words "and void", which appeared after the word "null" have been be deleted (A/CN.9/669, paras. 40-43) and the word "automatically" is used in replacement of the words "ipso jure". [The words "ipso jure" are retained in the Spanish version of the revised Rules; the appropriate words for the French version of the revised Rules would be "de plein droit" (A/CN.9/669,

para. 44)]. With those modifications, the Working Group adopted the substance of paragraph (1).

Paragraph (2)

18. The Working Group adopted the substance of paragraph (2), without modifications (A/CN.9/669, para. 45).

Paragraph (3)

19. The Working Group adopted the substance of paragraph (3), without modifications (A/CN.9/669, para. 46).

Further written statements

Article 24

The arbitral tribunal shall decide which further written statements, in addition to the statement of claim and the statement of defence, shall be required from the parties or may be presented by them and shall fix the periods of time for communicating such statements.

Remarks on draft article 24 [numbered article 22 in the 1976 version of the Rules]

20. Draft article 24 is reproduced without modifications from the 1976 version of the Rules and was adopted by the Working Group in substance, without modifications (A/CN.9/669, para. 47).

Periods of time

Article 25

The periods of time fixed by the arbitral tribunal for the communication of written statements (including the statement of claim and statement of defence) should not exceed 45 days. However, the arbitral tribunal may extend the time limits if it concludes that an extension is justified.

Remarks on draft article 25 [numbered article 23 in the 1976 version of the Rules]

21. Draft article 25 is reproduced without modifications from the 1976 version of the Rules and was adopted by the Working Group in substance, without modifications (A/CN.9/669, para. 48).

Interim measures

Article 26

1. The arbitral tribunal may, at the request of a party, grant interim measures.

2. An interim measure is any temporary measure by which, at any time prior to the issuance of the award by which the dispute is finally decided, the arbitral tribunal orders a party to, including, without limitation:

(a) Maintain or restore the status quo pending determination of the dispute;

(b) Take action that would prevent, or refrain from taking action that is likely to cause, (i) current or imminent harm or (ii) prejudice to the arbitral process itself;

(c) Provide a means of preserving assets out of which a subsequent award may be satisfied; or

(d) Preserve evidence that may be relevant and material to the resolution of the dispute.

3. The party requesting an interim measure under paragraph 2 (a), (b) and (c) shall satisfy the arbitral tribunal that:

(a) Harm not adequately reparable by an award of damages is likely to result if the measure is not ordered, and such harm substantially outweighs the harm that is likely to result to the party against whom the measure is directed if the measure is granted; and

(b) There is a reasonable possibility that the requesting party will succeed on the merits of the claim. The determination on this possibility shall not affect the discretion of the arbitral tribunal in making any subsequent determination.

4. With regard to a request for an interim measure under paragraph 2 (d), the requirements in paragraph 3 (a) and (b) shall apply only to the extent the arbitral tribunal considers appropriate.

5. Nothing in these Rules shall have the effect of creating a right, or of limiting any right which may exist outside these Rules, of a party to apply to the arbitral tribunal for, and any power of the arbitral tribunal to issue, in either case without prior notice to a party, a preliminary order that the party not frustrate the purpose of a requested interim measure.

6. The arbitral tribunal may modify, suspend or terminate an interim measure it has granted, upon application of any party or, in exceptional circumstances and upon prior notice to the parties, on the arbitral tribunal's own initiative.

7. The arbitral tribunal may require the party requesting an interim measure to provide appropriate security in connection with the measure.

8. The arbitral tribunal may require any party promptly to disclose any material change in the circumstances on the basis of which the interim measure was requested or granted.

9. The party requesting an interim measure may be liable for any costs and damages caused by the measure to any party if the arbitral tribunal later determines that, in the circumstances, the measure should not have been granted. The arbitral tribunal may award such costs and damages at any point during the proceedings.

10. A request for interim measures addressed by any party to a judicial authority shall not be deemed incompatible with the agreement to arbitrate, or as a waiver of that agreement.

Remarks on draft article 26 [numbered article 26 in the 1976 version of the Rules]

22. It is proposed to place draft article 26 on interim measures before the provisions on evidence, hearings, and experts so as to group together those provisions (A/CN.9/669, para. 85).

23. Paragraphs (1) to (4) and (6) to (9) are modelled on the provisions on interim measures contained in chapter IV A of the UNCITRAL Arbitration Model Law. Paragraph (5) addresses the question of preliminary orders and paragraph (10) corresponds to article 26, paragraph (3) of the 1976 version of the Rules which the Working Group agreed to retain in the revised Rules (A/CN.9/641, para. 52). The Working Group may wish to consider whether it would be preferable to place the revised version of paragraph (5) before paragraph (10) so that paragraphs (1) to (8) would deal with interim measures granted by arbitral tribunals, paragraph (9) with preliminary orders granted by arbitral tribunals as provided for under applicable law or other applicable instruments, and paragraph (10) with interim measures requested by a party to a State court.

Paragraph (1)

24. The Working Group adopted paragraph (1), without modifications (A/CN.9/669, para. 91).

Paragraph (2)

25. The Working Group agreed to add at the end of the chapeau to paragraph (2) the words "including, without limitation," to emphasize the non-exclusive nature of the list contained in paragraph (2) (A/CN.9/669, paras. 92-94).

26. An editorial change has been introduced in paragraph (2) (b), consisting in the insertion of "(i)" before the word "current" and "(ii)" before the word "prejudice", in order to clarify the meaning intended by the drafters of the UNCITRAL Arbitration Model Law that the situation of "prejudice to the arbitral process" is distinct from the situation of "current or imminent harm" (A/CN.9/669, para. 95).

Paragraphs (3) and (4)

27. The Working Group adopted paragraphs (3) and (4), without modifications (A/CN.9/669, para. 99).

Paragraph (5)

28. Paragraph (5), which deals with the power of the arbitral tribunal to grant preliminary orders, reflects the discussions of the Working Group (A/CN.9/669, para. 112). As paragraph (5) leaves the question of preliminary orders entirely to be dealt with under applicable law or other applicable instruments, references to preliminary orders in paragraphs (3) and (6) to (10) of the previous version of draft article 26 (contained in document A/CN.9/WG.II/WP.151/Add.1) have been deleted (A/CN.9/669, paras. 100-112).

Paragraph (6)

29. The Working Group adopted paragraph (6) in substance (A/CN.9/669, para. 113).

Paragraph (7)

30. The Working Group adopted paragraph (7) in substance (A/CN.9/669, para. 114).

Paragraph (8)

31. The Working Group adopted paragraph (8) in substance (A/CN.9/669, para. 115).

Paragraph (9)

32. It was noted that paragraph (9) might have the effect that a party requesting an interim measure be liable to pay costs and damages in situations where, for instance, the conditions of draft article 26 had been met but the requesting party lost the arbitration (A/CN.9/669, para. 116). The Working Group requested the Secretariat to provide information to assist further discussion on how the different *leges arbitri* dealt with the matter of liability for damages that might result from the granting of interim measures (A/CN.9/669, para. 118). In that respect, the Working Group may wish to note that paragraph (9) mirrors article 17 G of the UNCITRAL Arbitration Model Law. At its thirty-ninth and fortieth sessions where the Working Group considered article 17 G, it was also strongly felt that the final decision on the merits should not be an essential element in determining whether the interim measure was justified or not (A/CN.9/545, para. 65), and that the provision of article 17 G, by leaving all determination to the arbitral tribunal, without including any reference to the merits of the case, avoided any requirement that could make liability dependent on the final disposition of the claims on the merits (A/CN.9/547, para. 106).

33. The Working Group may also wish to consider document A/CN.9/WG.II/WP.127, which contains information regarding the liability regimes in the context of national laws on interim measures and was prepared to assist the Working Group when it revised article 17 of the UNCITRAL Arbitration Model Law.

Paragraph (10)

34. The Working Group adopted paragraph (10) in substance (A/CN.9/669, para. 119).

Evidence

Article 27

1. Each party shall have the burden of proving the facts relied on to support its claim or defence.

2. Unless otherwise directed by the arbitral tribunal, statements by witnesses and experts may be presented in writing and signed by them.

3. At any time during the arbitral proceedings the arbitral tribunal may require the parties to produce documents, exhibits or other evidence within such a period of time as the arbitral tribunal shall determine.

4. The arbitral tribunal shall determine the admissibility, relevance, materiality and weight of the evidence offered.

Remarks on draft article 27 [numbered article 24 in the 1976 version of the Rules]

Title to draft article 27

35. The Working Group may wish to consider whether, in the interest of clarity, draft article 27 should be titled "Evidence" as it deals with evidence and the form in which the statements of witnesses and experts would be presented.

Paragraphs (1) and (3)

36. Paragraphs (1) and (3), which are reproduced from the 1976 version of the Rules, were adopted by the Working Group without modifications (A/CN.9/669, para. 49). As a general remark, the Working Group confirmed its understanding that the power of the arbitral tribunal to refuse late submission is provided for under paragraph (3) (A/CN.9/669, para. 75).

Paragraph (2)

- as contained in the 1976 version of that article

37. Paragraph (2) as contained in the 1976 version of that article has been deleted in accordance with a widely prevailing view in the Working Group that it was not common practice for an arbitral tribunal to require parties to present a summary of documents (A/CN.9/669, paras. 50 and 51).

- as contained in the draft revised version

38. The Working Group may wish to recall its decision to group under draft article 27 all provisions relating to evidence. Therefore, the Working Group agreed that the substance of article 25, paragraph (5) of the 1976 version of the Rules should be deleted from that article and placed as paragraph (2) of draft article 27. The Working Group adopted the substance of paragraph (2), without modifications (A/CN.9/669, paras. 70 and 72).

Paragraph (4)

39. Consistent with the decision mentioned under paragraph 38 above to group under draft article 27 all provisions relating to evidence, the Working Group agreed to place the provision of article 25, paragraph (6) of the 1976 version of the Rules under draft article 27, as a new paragraph (4) (A/CN.9/669, paras. 70 and 73). The Working Group adopted the substance of paragraph (4), without modifications.

Hearings

Article 28

1. In the event of an oral hearing, the arbitral tribunal shall give the parties adequate advance notice of the date, time and place thereof.

2. Witnesses and experts who are presented by the parties and then admitted to testify to the arbitral tribunal on any issue of fact or expertise may be any individual, notwithstanding that the individual is a party to the arbitration or in any way related to a party. Such witnesses and experts may be heard under the conditions and examined in the manner set by the arbitral tribunal.

3. Hearings shall be held in camera unless the parties agree otherwise. The arbitral tribunal may require the retirement of any witness or expert during the testimony of other witnesses or experts, except that a witness or expert who is a party to the arbitration shall not, in principle, be asked to retire.

4. The arbitral tribunal may direct that witnesses and experts be examined through means of telecommunication that do not require their physical presence at the hearing (such as videoconference).

Remarks on draft article 28 [numbered article 25 in the 1976 version of the Rules]

Title

40. The Working Group agreed that draft article 28 be titled "Hearings", as the purpose of that article is to deal with the organization of hearings (A/CN.9/669, para. 70).

Paragraph (1)

41. Paragraph (1) is reproduced without modification from the 1976 version of the Rules and was adopted in substance by the Working Group (A/CN.9/669, para. 70).

Paragraph (2)

- *as contained in the 1976 version of that article*

42. The Working Group agreed to delete paragraph (2) as contained in the 1976 version of that article considering that the requirement for an arbitral tribunal to send advance notice to parties in the event of oral hearing in paragraph (1) also cover the identification of persons who are to be examined at the hearing and that the Rules already contain a provision on languages in article 17 (A/CN.9/669, para. 80).

- *as contained in the draft revised version*

43. The Working Group adopted the substance of paragraph (2) of draft article 28, subject to further drafting consideration (A/CN.9/669, para. 79). The proposed revised version of paragraph (2) is based on drafting suggestions made in the Working Group (A/CN.9/669, paras. 57-60 and 70) and the Working Group may wish to consider whether it adequately addresses the concern expressed by the Working Group that the distinction between experts appointed by a party and by the tribunal be clarified (A/CN.9/669, paras. 76 and 77).

Paragraph (3)

- as contained in the 1976 version of that article

44. The Working Group agreed to delete paragraph (3) as contained in the 1976 version of that article because its provisions have been found too detailed to be included in modern arbitration rules (A/CN.9/669, paras. 63 and 81).

- as contained in the draft revised version

45. The Working Group adopted the substance of paragraph (3) of draft article 28, subject to the clarification that a party appearing as a witness (or expert) should not generally be requested to retire during the testimony of other witnesses (or experts) (A/CN.9/669, paras. 82 and 83). The words "except when the witness or expert is also a party to the arbitration" are proposed to be added at the end of paragraph (3) to address that matter.

Paragraph (4)

46. The Working Group adopted the substance of paragraph (4) (A/CN.9/669, para. 84). Concerning the example of examination by video transmission, the Working Group requested the Secretariat to find appropriate wording to cover the example of examination by video transmission. The Working Group may wish to consider whether the additions of the words "of telecommunication" after the word "means" would appropriately cover all existing and future means of communication and whether the words "videoconference" should be kept in brackets as an example thereof (A/CN.9/669, paras. 65-67 and 84).

47. The Working Group may wish to consider whether a provision should be added to address the situation where a party failed to appear at a hearing without showing sufficient cause.

Annex

Table of concordance

Revised version of the UNCITRAL Arbitration Rules	*1976 version of the UNCITRAL Arbitration Rules*
Section III. Arbitral proceedings	**Section III. Arbitral proceedings**
Statement of claim (article 20)	Statement of claim (article 18)
Statement of defence (article 21)	Statement of defence (article 19)
Amendments to the claim or defence (article 22)	Amendments to the claim or defence (article 20)
Pleas to the jurisdiction of the arbitral tribunal (article 23)	Pleas to the jurisdiction of the arbitral tribunal (article 21)
Further written statements (article 24)	Further written statements (article 22)
Periods of time (article 25)	Periods of time (article 23)
Interim measures (article 26)	Interim measures of protection (article 26)
Evidence (article 27)	Evidence and hearings (article 24)
Hearings (article 28)	Evidence and hearings (article 25)