

**DECISION 2004/3
ADOPTED BY THE MANAGEMENT BOARD
ON 26 MARCH 2004**

Billing Policy and Revised Time Budget

The Management Board of the Advisory Centre on WTO Law ("the Centre"),

Noting that:

- Regulation 20:2 of the Financial Regulations of the Centre requires the Management Board to establish a billing policy for the fees charged for legal assistance provided by the Centre;
- In decision ACWL/MB/D/2001/7, the Management Board established a billing policy and decided that that policy would have to be reviewed from time to time in the light of practical experience;
- The Centre has been involved in over 16 WTO dispute settlement proceedings since that Decision was adopted and is now in a position to estimate more accurately the time it takes to complete the procedural steps in such proceedings;
- The General Assembly's decision on Currency Conversion adopted on 25 April 2002 (ACWL/GA/D/2002/2) provides that the fees for services denominated in United States Dollars (US\$) under Annex IV of the Agreement Establishing the Advisory Centre on WTO Law are converted into Swiss francs (CHF) at the rate of exchange applicable to May 2002, as provided in the United Nations Operational Rates of Exchange, i.e. the rate of CHF1.62:US\$1.00;

Decides to establish the following billing policy:

The Centre shall charge for its support in dispute settlement proceedings hourly fees at the rates stipulated in Annex IV of the Agreement Establishing the Centre converted into Swiss francs in accordance with the General Assembly's Decision on Currency Conversion adopted on 25 April 2002 (ACWL/GA/D/2002/2). The Centre shall accordingly charge the following fees:

Category	CHF per hour
Category A Member	324
Category B Member	243
Category C Member	162
Least Developed Country	40

The hourly fees charged shall be based on the time budget for legal assistance to the complainant in a WTO dispute settlement proceeding are set out in the Annex to this Decision ("the time budget"). The time budget shall apply *mutatis mutandis* in the case of legal assistance to the respondent in a WTO dispute settlement proceeding. The time budget indicates for each procedural step in a typical WTO dispute settlement proceeding the number of hours that it normally takes to perform the tasks involved, taking into account the degree of complexity of the procedural step. If the Centre is required to perform a task not listed in the time budget or if the time required to perform a task unexpectedly exceeds the time allocated in the time budget, the Centre may charge the number of hours actually required to perform the task, provided it gives the Member or least developed country concerned a detailed explanation.

If a procedural step requires coordination with co-complainants or third parties, the number of hours indicated in the time budget shall be increased by 20 percent. If the length of a meeting with parties to the dispute, the panel and the Appellate Body exceeds the time allocated to that meeting in the time budget, the number of hours actually spent shall be charged. In the case of missions abroad requested by the Member or least developed country concerned, the airfare (business class), hotel accommodations and a maximum of 6.5 hours per day shall be charged to the Member or least developed country.

The Centre shall send its invoice promptly after the completion of significant stages in the dispute settlement proceedings or when a settlement has been reached.

This decision and the time budget set out in the Annex to this decision shall be reviewed by the Management Board from time to time in the light of practical experience.

This decision replaces decision ACWL/MB/D/2001/7 adopted by the Management Board on 18 September 2001.

ANNEX

Time budget for legal assistance to the complainant in a WTO dispute settlement proceeding <u>Consultations stage</u>			
Service rendered	Degree of complexity		
	Low	Medium	High
Legal assessment of the case, review of the documentation related to the case and and research on relevant GATT/WTO jurisprudence	20	40	60
Meeting(s) to discuss legal approach	4	8	16
Drafting of request for consultations	4	8	16
Preparation of list of questions for Consultations	10	15	20
Attendance at consultations with respondent	2	4	8
Meeting with complainant to re-assess case in the light of information obtained during the consultations	2	3	4
Preparation of report on consultations	1	2	3
Total - Consultations stage	43	80	127

Time budget for legal assistance to the complainant in a WTO dispute settlement proceeding Panel stage			
Service rendered	Degree of complexity		
	Low	Medium	High
Preparation of request for the establishment of a panel	4	8	16
Preparation of statements for the DSB meeting(s) at which requests for the establishment of the panel are made	1	2	3
Assistance in the selection of panellists	5	10	15
Attendance at organisational meeting of the panel	1	2	4
<i>Preparation of documents in the event of a request for a preliminary ruling</i>	<i>10</i>	<i>20</i>	<i>30</i>
Preparation of first written submission to the panel	40	60	80
Review of first submission of the respondent and third-party submissions, if any	5	10	15
Preparation of oral statement at the first meeting of the panel, taking into account the first submission of the respondent and third-party submissions, if any	10	15	20
Attendance at the first meeting of the panel	4	8	16
Preparation of written replies to questions after the first meeting of the panel	10	20	40
Preparation of second written submission to the panel, rebutting the arguments presented by the defendant in its first submission and third-party arguments, if any	20	40	60
Preparation of oral statement at the second meeting of the panel, taking into account the second written submission of the respondent	10	15	20
Attendance at the second meeting of the panel	4	8	16
Preparation of written replies to questions after the second meeting of the panel	10	20	40
Review of the descriptive part of the panel report and preparation of comments	2	4	8
Review of the interim report of the panel and preparation of comments on the interim report	5	10	20
Attendance at meeting to discuss the final panel report and any further action on the case	2	4	8
Total - Panel stage	143	256	411

Time budget for legal assistance to the complainant in a WTO dispute settlement proceeding <u>Appellate Body stage</u>			
Service rendered	Degree of complexity		
	Low	Medium	High
Attendance at meeting to discuss the strategy at the Appellate Body stage	2	4	8
<i>Preparation of notice of appeal</i>	5	7	10
Preparation of appellant's or appellee's submission	40	60	80
Preparation of oral statement	10	15	30
Preparation of draft replies to possible questions for use in the Appellate Body hearing	4	8	16
Attendance at meeting to discuss draft replies	2	4	8
Attendance at Appellate Body hearing	8	10	16
Total - Appellate Body stage	71	108	168

Summary of time budget for legal assistance to the complainant in a WTO dispute settlement proceeding <u>All stages</u>			
Stage	Degree of complexity		
	Low	Medium	High
Consultations	43	80	127
Panel	143	256	411
Appellate Body	71	108	168
Total	257	444	706

Time budget for legal assistance in the negotiation of a mutually agreed solution			
Service rendered	Degree of complexity		
	Low	Medium	High
Assistance in settlement discussions and preparation of a settlement agreement	10	20	40

Time budget for legal assistance to a third party Panel stage			
Service rendered	Degree of complexity		
	Low	Medium	High
Attendance at meeting to review case	2	4	8
Legal assessment of the case, review of the documentation related to the case and research on relevant GATT/WTO jurisprudence	15	20	25
Preparation of third party submission	20	25	30
Preparation of oral statement	10	15	20
Attendance at third party session of the panel	3	4	8
Preparation of written replies to questions	5	13	20
Total	55	81	111

Time budget for legal assistance to a third party with enhanced third-party rights Panel stage			
Service rendered	Degree of complexity		
	Low	Medium	High
Attendance at meeting to review case	5	7	10
Legal assessment of the case, review of the documentation related to the case and research on relevant GATT/WTO jurisprudence	15	20	25
Preparation of third party submission	10	20	30
Preparation of oral statement	10	15	20
Attendance at first meeting of the panel	8	8	16
Preparation of written replies to questions	2	3	4
Attendance at second meeting of the panel	8	8	16
Total	58	81	121

Time budget for legal assistance to a third participant			
Appellate Body stage			
Service rendered	Degree of complexity		
	Low	Medium	High
Attendance at meeting to discuss the strategy at the Appellate Body stage	2	3	5
Preparation of letter communicating intent to participate	1	1	1
Preparation of third participant's submission	10	20	40
Preparation of draft oral statement	5	10	15
Preparation of draft replies to possible question for use in Appellate Body hearing	5	10	15
Attendance at the Appellate Body hearing	8	10	16
Total	31	54	92
