

**DOMINICAN REPUBLIC – CENTRAL AMERICA – UNITED STATES FREE
TRADE AGREEMENT**

**DECISION OF THE FREE TRADE COMMISSION TO ESTABLISH THE
REMUNERATION OF PANELISTS, ASSISTANTS, AND EXPERTS, AND THE
PAYMENT OF EXPENSES IN DISPUTE SETTLEMENT PROCEEDINGS UNDER
CHAPTER 20 (DISPUTE SETTLEMENT)**

Pursuant to Article 19.3 (Administration of Dispute Settlement Proceedings) and Annex 19.3 (Remuneration and Payment of Expenses) of the Dominican Republic – Central America – United States Free Trade Agreement (“Agreement”), each Party shall be responsible for the remuneration and payment of expenses of panelists, their assistants and experts in dispute settlement proceedings in which they are a disputing Party, the amounts for which shall be established by the Free Trade Commission (“Commission”).

In accordance with Annex 19.3 (Remuneration and Payment of Expenses) of the Agreement, the Commission hereby establishes the amounts of remuneration and expenses that must be paid to panelists, their assistants and experts, as set forth in Annex 1.

The Commission further agrees to examine the operation of this decision within two years.

DONE, in English and Spanish,

For the Republic of Costa Rica:



Anabel González
Minister of Foreign Trade

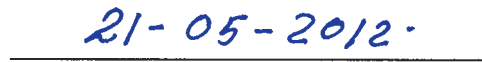


DATE

For the Dominican Republic:



Manuel García Arévalo
Minister for Industry and Trade

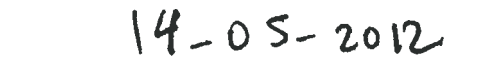


DATE

For the Republic of El Salvador:

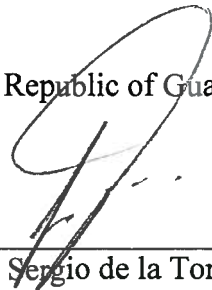


Mario Roger Hernández
Vice Minister on behalf of the
Minister of Economy



DATE

For the Republic of Guatemala:



Sergio de la Torre
Minister of Economy

14-05-2012

DATE

For the Republic of Honduras:



José Adonis Lavaire
Secretary of State, Offices of Industry
and Commerce

03-05-12

DATE

For the Republic of Nicaragua:



Orlando Solórzano Delgadillo
Minister of Development, Industry
and Commerce

14 May 2012

DATE

For the United States of America:



Miriam E. Sapiro
Deputy United States Trade Representative

April 12, 2012

DATE

ANNEX 1

REMUNERATION OF PANELISTS, ASSISTANTS, AND EXPERTS, AND THE PAYMENT OF EXPENSES IN DISPUTE SETTLEMENT PROCEEDINGS UNDER CHAPTER 20 (DISPUTE SETTLEMENT)

1. **Remuneration of panelists:** Each panelist appointed to work in any dispute settlement proceeding under Chapter 20 (Dispute Settlement) of the Agreement shall be paid at a rate of 600 U.S. dollars per full day (8 hours), or, for greater clarity, 75 U.S. dollars per hour devoted to his or her duties as a member of a panel. The total remuneration of each appointed panelist shall not exceed 19,000 U.S. dollars, unless the disputing Parties agree that, due to the complexity of the dispute, additional compensation is appropriate.
2. **Remuneration of the assistants to the panel:** Each panelist may hire one assistant to provide research, translation, or interpretation support, unless a panelist requires an additional assistant and the disputing Parties agree that, due to exceptional circumstances, the panelist should be permitted to hire an additional assistant.

Each assistant to a panelist shall be paid at a rate of 120 U.S. dollars per full day (8 hours), or, for greater clarity, 15 U.S. dollars per hour devoted to his or her duties as an assistant. The total remuneration of each assistant shall not exceed 3,750 U.S. dollars, unless the disputing parties agree that, due to the complexity of the dispute, additional compensation is appropriate.

3. **Remuneration of experts:** Where the disputing Parties agree that the panel may seek information or technical advice pursuant to Article 20.12 (Role of Experts) of the Agreement, and agree that an expert is to receive remuneration for providing the information or advice, the amount and details of the remuneration shall be determined by the disputing Parties.
4. **Expenses:** The expenses authorized under a dispute settlement proceeding shall be as follows:
 - (a) **travel expenses:** include the essential travel expenses of the panelists and assistants, their accommodations and meals, as well as related taxes and insurance. Travel arrangements shall be made and travel expenses reimbursed, in accordance with the administrative guidelines applied by the responsible office;
 - (b) **administrative expenses:** include, among others, telephone calls, courier services, fax, stationery, rent of locations used for panel hearings and deliberations, interpreter services, court reporters or any other person or service contracted by the responsible office to support the proceeding.

5. **Payment and report:** In accordance with Article 19.3 (Administration of Dispute Settlement Proceedings) and Annex 19.3 (Remuneration and Payment of Expenses), the remuneration of panelists and their assistants, experts, their travel and lodging expenses, and all general expenses of panels shall be borne equally by the disputing Parties.

Each panelist or assistant is required to render a final account of his or her time and expenses. Each panelist and assistant shall submit this account, including relevant supporting documentation, such as invoices, according to the specifications of the responsible office. A panelist or assistant may submit requests for payment of fees or reimbursements for expenses during the proceeding. All requests for payment shall be subject to review by the responsible office. The responsible office shall make payments for the remuneration of panelists and assistants to panelists and for administrative and travel expenses in accordance with the administrative guidelines applied by the responsible office, using resources provided equally by the disputing Parties, and in coordination with the disputing Parties. No responsible office shall be obligated to pay any fee or expense in connection with a dispute settlement proceeding prior to receiving the proportional contributions of the disputing Parties.

The responsible office shall submit to the Parties a final report on payments made in connection with a dispute. Upon request of a disputing Party, the responsible office shall submit to the disputing parties a report of payments made to date at any time during the proceedings.

6. **Payment in case of resignation, removal, mutually agreed solution, or withdrawal of the panel request:** In case of resignation or removal of a panelist or assistant, or if the disputing Parties reach a mutually agreed solution or the complaining Party withdraws its request for establishment of a panel, the responsible office will make payment of the remuneration owed, using resources provided equally by the disputing Parties, upon submission of the panelist's or assistant's final account of time or expenses, following the procedures in paragraph 5.