

Questions and Answers for Clarification Requests

	Questions	Answers
1	Regarding the signature on a separate page stating to abide by the General Rules and Guidelines, would it be possible to type the statement then digitally sign it?	Yes
2	What does it mean to not conduct additional research on international standards or scientific facts "outside of this problem"? Does it mean that we can only use the information presented just in the statement of facts?	Yes. Your understanding is correct. It is not about how deep a participant knows scientific information about GMO and BSE. It is about a participant's understanding on relevant jurisprudence and ability to utilize it. When you apply relevant jurisprudence and find that there is ambiguity and/or insufficiency in the facts, you are advised to use the facts as they are with any possible inference/assumption you can make consistent with the jurisprudence in favor of your position. For instance, you can compare or contrast the fact pattern here with the facts in the past WTO disputes.
3	문제에 제시된 International standards and facts를 벗어나는 사항에 대해 리서치를 하지 말 것을 규정하였는데, 이것이 어느 정도의 범위 내의 사항인지 규정해주실 수 있을까요? 예를 들어 OIE Code가 문제되는 경우 3가지 Risk Status에 대한 문서 이상으로는 논의를 전개하지 않는 것을 권장하시는지 알려 주시면 감사하겠습니다.	Yes. Your understanding is correct. Please refer to the same clarification as in the request #2 above.
4	문제에 명확하게 제시되지 않은 부분들은 균형있는 출제를 위한 것이라고 규정되어 있는데, 그렇다면 명확하게 제시되지 않은 부분들에 대해서는 일반적인	Please refer to the same clarification as in the request #2 above. This problem is not about scientific knowledge but about your skill utilizing the given facts with your

	standard를 참고하여 논지를 전개할 수 있는지, 아니면 그러한 가정적인 판단에 기초한 논리 전개는 인정되지 않는지/ 언급하는 것을 지양해야 하는지 궁금합니다.	understanding on the WTO jurisprudence.
5	Can we use customary international law?	Yes, you can pursuant to Article 3.2 of the DSU.
6	In the WTO Moot Court Problem PDF Note 1, it is mentioned that participants should base their arguments solely on the international standards and facts presented in this problem and also to not conduct additional research on international standards or scientific facts out of this problem. If the problem suggested Article 2.2 of the SPS Agreement, would it be against this rule to research related panel or Appellate Body rulings?	No, as noted in the clarification to request #2, you should research relevant jurisprudence, e.g., decisions made by the panels and Appellate Body.
7	This question is related to the question above in order to clarify what my team may use or may not use. In this current case, the only mentioned agreements were SPS Agreements, so would it be against the rules to consider other agreements such as Articles in GATT, GATS, and more?	In the problem, Complania claimed that the Rubria's measures are inconsistent with the provisions of the SPS Agreement.
8	Specifically, the problem mentioned SPS Agreement Articles 2.2, 2.3, Articles 3.1, 3.3, Articles 5.1, 5.6, 5.7. Would it go against the aforementioned rule to look at other SPS Agreement Articles?	In the problem, Complania claimed that the Rubria's measures are inconsistent with those provisions of the SPS Agreement cited in the panel request.
9	Complania가 Rubria를 제소하는 SPS	In the problem, Complania claimed that the

	규정들이 나열되어 있는데, 이 조항들의 위반 여부를 검증하기 위해 다른 조항들에 대한 위반 여부 판단을 하는 것이 가능한지 궁금합니다.	Rubria's measures are inconsistent with the provisions of the SPS Agreement.
10	Can we cite additional provisions or agreements that are outside of what is stated in paragraph 26 of the problem?	In the problem, Complania claimed that the Rubria's measures are inconsistent with the provisions of the SPS Agreement.
11	Annex 내용도 근거로 사용해도 되는지 궁금합니다.	Yes, you can.
12	Is there any other WTO member country that has approved the commercialization of the GMO cattle created using biotechnology (esp. the new GMO tech)?	It is not known whether any other WTO member has approved the commercialization. Clarification to this request may not change your conclusion.
13	문단 10에서 언급된 new enzyme-using GMO technology가 actively applied to GMO cattles in Complania인 상태인가요?	It is not known.
14	para11에서 제시된 Rubria의 temporary ban on GMO importation 조치도 논의의 대상이 되는 "Rubria's measures"에 포함되나요?	No. Measures at issue are the measures listed in para. 25.
15	recent outbreak of mad cow disease in Complania에서, How recent is "recent?" Is the recent outbreak reflected in Complania's BSE current risk status?	Good question. But my answer is that it is not known. Please be reminded that when you apply relevant jurisprudence and find that there is ambiguity and/or insufficiency in the facts, you are advised to use the facts as they are with any possible inference/assumption you can make consistent with the jurisprudence in favor of your position. Clarification to your second question may not change your conclusion. However, let's say that the recent outbreak has not been

		reflected in determining Complania's Controlled Risk.
16	<p>In paragraph 14, the sentence "the only exception is organic beef from Rubria" isn't it Complania's organic beef and not Rubria?</p> <p>제14문단의 9번째 줄에 "The only exception is organic beef from Rubria." 라는 문장이 있는데, 여기서 Rubria가 Complania의 오기인지 여쭙습니다.</p> <p>문단 14 관련: "the only exception is organic beef from Rubria"에서 맥락상 Complania가 맞는 것으로 보이는데, 수정해서 이해하면 될까요?</p> <p>para14 "The only exception is organic beef from Rubria"는 Complania를 Rubria로 잘못 쓴 오타인가요?</p>	<p>Yes, it is Complania's organic beef, not "organic beef from Rubria." Thank you for your request for clarification.</p>
17	<p>In paragraph 14, in the SPS Board of Rubria's Ministry of Agriculture does the SPS stand for Sanitary and Phytosanitary? If it does, does that mean this board makes effort in complying with the SPS Agreement just like the SPS committee?</p>	<p>Yes, SPS stands for sanitary and phytosanitary. This board advises the Rubrian government when adopting its SPS measures.</p>
18	<p>SPS Board of Rubria's Ministry of Agriculture의 구성원 비중이 궁금합니다 (과학자 비율, 시민단체 비율 등), 또한 recommendation 내용에 scientific research가 포함되어 있나요?</p>	<p>The ratio is not known. There is no scientific research in the recommendation.</p>
19	<p>para. 15 마지막문장→ this disease → does it mean vCJD or BSE?</p>	<p>It means vCJD.</p>

20	WOAH의 categorization이 언제 이뤄진 건지는 WOA website 참고해서 알면 될까요?	You don't have to. The year of categorization is not relevant.
21	현재 Rubria에서 BSE에 대한 국내 surveillance system이 구축되어 있나요?	It is not known.
22	Rubria의 'undetermined risk', Complania의 'controlled risk' 평가가 언제 이루어진 것인가요? 마지막으로 업데이트가 이루어진 것은 해당 분쟁 기준으로 언제인가요?	Clarification to this request does not seem to be relevant.
23	문단 22 관련: Dr. Iya Euegan의 학위가 어느 분야인지 궁금합니다.	Clarification to this request does not seem to be relevant. But let's assume he has a Ph.D. degree in Renaissance Studies.
24	measure D에서 "organic cattle"이 언급된 것이 organic cattle 자체를 inspect하려는 것이 목적인지 아니면 그 이유가 gmo cattle을 막기 위한 조치라고 보아야 하는지 궁금합니다.	Both. The purpose of conducting on-site inspections of organic cattle farms and slaughterhouse is to confirm whether the farms are raising cattle organically and whether the slaughter houses effectively separate organic beef from non-organic beef.
25	para 25 E.에서 "complete inspection"은 무엇을 inspect 하는 것인가요? GMO랑 섞였는지 inspect하는 건지, 광우병 유무를 inspect 하는 것인지 궁금합니다.	Both. For your information, "complete inspection" is an examination of all the beef in an imported cargo container. "Sample inspection," on the other hand, involves inspecting only a portion of the container and determining whether the entire container passes or fails.
26	문단 25의 measure들과 11번에 나온 'temporary ban on the importation of GMO cattle from Complania', 14번의 'Rubria completely banned the importation of all live cattle and beef from Complania'의 관계에 대한 추가적 설명이 가능한가요? 문단 25의 A, B measure가 문단 14번의 규제가 이어지고 있는 것인지, 세 문단 사이의 시간적	You don't have to consider the temporal relationship between the three paragraphs. The measures at issue are the measures listed at para. 25.

	관계가 궁금합니다.	
27	오늘을 기준으로 해당 분쟁에 대해 패널이 구성된 상태인지, 혹은 request 만 있는 상황인가요?	Let's assume that a panel has been established and composed.