

Questions and Answers for Clarification Requests

	Questions	Answers
1	Morany가 GSP를 제공하는 정책적인 목적이 무엇인가?	This moot court problem did not take into account the facts that are relevant to your question.
2	(1) Morany's measure (B): "run by investors from Agovia" 부분에서 Agovia 투자자들이 직접 국내에 들어와서 운영하는 것인가, 아니면 해외에 머무르면서 경영하는 것에 불과한가? (2) How is 'run by' (Measure (B)) defined? Is it ownership or control, or some other act or status?	(1): Agovia's investors run these shops through their commercial presence in Morany (and not from abroad). (2): The Agovian investors are (co-)owners of the textiles/clothing shops in question.
3	(1) What does [...] mean in the Schedule of Specific Commitments? Does it mean that the content was abbreviated, or does it mean that it was left as a blank? (2) schedule of specific commitments에서 ... 부분은 생략을 의미하는건가?	(1) & (2): Morany's schedule has actual entries (contents) for these parts, but they were omitted/deleted for the purposes of this moot court problem.
4	Is Morany justifying its measures under other subparagraphs of Article XX(for example, Article XX(f), (g))?	No.
5	On Morany's measure(E), did Morany also stop giving "advice" to Agovia?	Yes (i.e., advising was terminated too).
6	Agreements on Textiles and Clothing (ATC)를 사용해도 되는지? → for measures (A) and (B)	Formally, the ATC is not mentioned in the consultation and panel requests.
7	TRIMs : Trade Related Investment Measures를 사용해도 되는지?	Formally, the TRIMs Agreement is not mentioned in the consultation and panel requests.
8	International Humanitarian Law 도 인용을 해야하는가?	No need for quoting international humanitarian law (unless you feel that doing so is relevant and helpful for formulating your position).
9	문제지 4페이지를 보면 Agovia 측에서 각 measure가 구체적으로 어떤 agreement+조문에 위배된다고 주장했는지 제시되어 있는데요, 제시된 내용에 한해서 서면을 작성해야 하는 것인지, 그 외에 다른 조약의 내용에 위배되는 것이 있다면 그러한 내용도 자	As a principle, you should focus on the alleged violations and the provisions mentioned in this problem.

	올적으로 포함해도 되는 것인지 궁금합니다.	
10	What was the Security Council's reaction to and decisions regarding the armed conflict between Viktima and Agovia?	This problem did not take into account the facts that are relevant to your question.
11	What is the percentage of ethnic Viktimans/Agovians in Morany to Morany's total population?	This problem did not take into account the facts that are relevant to your question.
12	Are Morany and Agovia members of the Wassenaar Arrangement?	This problem did not take into account the facts that are relevant to your question.
13	In measure (B), does the phrase 'run by investors' mean that Agovian investors actually participated in the business administration of the shops as service suppliers, or that they simply contributed via capital investment?	Agovia's investors run these shops through their commercial presence in Morany to supply services in Morany. They are (co-)owners of the textiles/clothing shops in question.
14	Are measures A through E temporary or permanent?	Whether temporary or permanent, all measures at issue remain in force during these WTO proceedings as the armed conflict in Northern Viktima is still going on.
15	Does 'renewable energy' in the 2007 Morany–Agovia Inter-Governmental Agreement on Bilateral Cooperation on Technical Barriers to Trade include nuclear energy?	This problem did not take into account the facts that are relevant to your question.
16	Is Viktima a beneficiary under Morany's GSP? If so, what is the structure of Viktima's economy (main sectors of production, etc.) and in what sectors do Viktima and Morany engage in trade?	This problem did not take into account the facts that are relevant to your question.
17	What percentage of Agovia's import of dual-use goods comes from Morany?	This problem did not take into account the facts that are relevant to your question.
18	Was the failure to reach a mutually acceptable solution under the initial consultations exclusively attributable to either Agoiva or Morany?	This problem did not take into account the facts that are relevant to your question.
19	문제에 GATT Art. 11, GATS Art. 16, ... 등등으로 조항들이 이미 주어져 있는데 혹시 변론서 작성시 문제에 언급된 조항 이외의 조항을 찾아서 사용해도 되나요?	Please focus on the provisions listed in this problem.
20	A~E 의 measure 들에 관해서 Morany 가 Agovia 이외의 다른 국가들과의 무역 상황은 전혀 변한 것이 없다고 가정해도 괜찮은가요? (Agovia 로부터 줄어든 수입량을 다른 국가로부터 수입해오는 것 제외?)	Yes.

21	Measure E 관련해서 Morany 가 2022 년 1 월 12 일 이전까지 Agovia 이외의 다른 국가에게도 기술 원조를 해준 사항이 있나요?	This problem did not take into account the facts that are relevant to your question.
22	문제에 언급되어 있지 않은 구체적 상황적 요소를 어디까지 추측해서 적는 것이 허용되나요?	Please focus on the factual background explained in this problem and clarified in this table (including an additional fact on the export control measure (C) in the answer to question 28 below).
23	문제에 제시된 조항 이외의 GATT 조문 위반 여부 혹은 다른 협정 위반 여부도 검토해도 되는지 궁금합니다.	Please focus on the provisions listed in this problem.
24	서면 작성시 목차를 반드시 measure A-B-C-D-E의 순서대로 써야 하는 것인지 질문드립니다.	How to sequence the issues is within your discretion in principle.
25	심사기준 관련하여 쟁점별로 채점이 이루어지는지, 아니면 쟁점 간 논리구조까지 채점이 되는지 궁금합니다.	The assessment will consider both: your arguments for each issue and the overall design of your submission.
26	How is Morany's national treatment of domestic textiles/clothing? Also, how is Morany's national treatment of dual-use goods in domestic market?	National treatment is not included in this problem.
27	Measure (C) mentions "the tightening of the existing export control". Does this mean that the measure C falls into the 'export control' in the GATT Article 11? Or is it 'export restriction' in the GATT Article 11?	Please see the explanation of measure C on p. 3 and footnote 3 of this problem and an additional fact for question 28 below, and address the Article XI issue accordingly.
28	Due to measure (C), did Morany's export of dual-use goods to Agovia actually decreased? If so, exactly how much has it decreased?	<u>An additional fact (to be read together with footnote 3 in this moot court problem):</u> Due to measure (C), Morany's export of the dual-use goods to Agovia has decreased by around 50%.
29	Does Morany also restrict the export of dual-use goods to other countries?	The existing export control measures were tightened (i.e. made stricter) for Agovia only.
30	Is the measure (C) based on Morany's national law? Or is it just administrative action?	It is based on Morany's domestic rules (national law).
31	Were there any other developing countries removed from Morany's GSP in the same period when Morany removed Agovia from the GSP? If so, how is the economic status of that country compared to Agovia?	This problem did not take into account the facts that are relevant to your question.

32	Does the measure(b) include restriction regarding the specific type of legal entity(e.g. joint venture between Moranian-Agovian investors, majority of shareholder being Moranian)? Was the prohibition done differently according to the proportion of foreign investment? In other words, was Shops those were wholly-owned by Agovians were closed or any shops that shared interest with agovians were supposed to be closed?	<u>A//</u> retail textiles/clothing shops in Morany, wholly and jointly owned by the Agovian investors, were closed.
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