

SCHEDULE 5

REMUNERATION AND COSTS UNDER ARTICLE 32(5)

Permitted Remuneration and Costs Pursuant to Articles 32(5) of the *New West Partnership Trade Agreement*

Introduction

1. This schedule provides the maximum amounts of remuneration and expenses to be paid to administrators and panellists.
2. In particular, when assessing the amount of the costs of any proceeding under Part IV for purposes of Article 32, panels must calculate all such costs on a basis consistent with the this schedule. No other costs may be assessed against the participants.

Panellist Remuneration

3. Individuals sitting as panellists are entitled to charge up to a maximum of \$100 per hour, to a maximum of \$800 per day, for all work, not including travel time, required to be undertaken by them while carrying out their duties as panellists, commencing as of the time they are officially appointed to a dispute settlement panel constituted under Part IV.
4. Individuals sitting as panellists are entitled to charge up to a maximum of \$50 per hour, to a maximum of \$400 per day, for any travel that is required to be undertaken by them as part of their duties as panellists, commencing as of the time they are officially appointed to a dispute settlement panel constituted under Part IV.

Panellist Expenses

5. Panellists are entitled to claim those expenses listed in Annex 1 hereto, to the applicable maximum amounts listed in that Annex, as reimbursable expenses if such expenses were necessarily incurred by them while carrying out their duties as panellists. Such expenses are claimable commencing as of the time the panellist is officially appointed to a dispute settlement panel constituted under Part IV. No other expenses may be claimed.

Travel and Other Expenses of Witnesses

6. Each disputant will be responsible in the first instance for all travel and other expenses of witnesses, if any, that the disputant chooses to utilize as part of the presentation of its case to the panel. Such witness expenses incurred by the successful disputant will subsequently be deemed to be part of the costs for legal representation and assistance to be accounted for by the panel under section 7 of this Schedule.

Costs of Legal Representation

7. The panel shall include in its determination of costs the costs of legal representation and assistance incurred by the successful disputant, including the travel and other expenses of witnesses utilized by that disputant, provided that all such costs were claimed by that disputant during the proceedings and only to the extent the panel determines those costs are reasonable in the circumstances.

Administrator-Related Expenses

8. All administrator-related expenses that may be awarded against the participants are governed by agreements the Parties have entered into with the administrator. Upon being provided with an accounting from the administrator of all such costs relating to a particular proceeding, and upon being satisfied that the costs are appropriately chargeable to the participants under the applicable agreement and are reasonable in the circumstances, the panel shall include such administrator-related costs in its assessment and allocation of costs against the participants.

Annex 1
Claimable Expenses

1. Panellists may claim the following expenses:
 - (a) Travel costs, provided such costs do not exceed the amounts set out below in paragraph 2;
 - (b) Taxi and vehicle rental charges;
 - (c) \$0.505 per kilometre for use of a personal motor vehicle;
 - (d) photocopies to a maximum of \$0.25 per page; and
 - (e) costs of couriers, long distance phone calls, and actual line charges incurred for facsimile transmissions.

2. If a panellist is required to travel, the panellist may claim only the following travel costs:
 - (a) with respect to air travel, the costs of an economy class travel only may be claimed. Reimbursement may only be claimed for the most economical category of economy class with appropriate consideration for the ability and expense to change arrangements if there is a likelihood that a flight change may be required;
 - (b) with respect to meals, actual and reasonable costs may be claimed; and
 - (c) with respect to accommodation, actual and reasonable costs may be claimed.

3. In no event will the panellists be permitted to claim any of the following expenses:
 - (a) fees and disbursements for any work performed by persons other than the panellist, such as researchers, articulated students, associates, colleagues, librarians, secretaries, administrative assistants, computer operators, bookkeepers, corporate and other records clerks or work processing operators;
 - (b) charges for opening, closing, maintaining or storing any file;
 - (c) disbursements for which no receipt is provided, except as permitted under paragraph 4;
 - (d) charges for alcoholic beverages; and

- (e) any other miscellaneous expense incurred in the course of travel which is not specifically provided for in paragraphs 1 and 2 above, such as gratuities, portage, laundry, in-room movies and personal phone calls.

4. Receipts respecting use of a personal vehicle, photocopying, long distance phone calls, and actual line charges incurred for facsimile transmissions need not be provided, but proper records of such expenses must be maintained and must be made available for inspection, upon request.