

ALSA *INTERNATIONAL* MOOT COURT COMPETITION

THE 2022 ALSA INTERNATIONAL MOOT COURT COMPETITION

‘SECOND BATCH OF CORRECTIONS & CLARIFICATIONS’

At Seoul, South Korea

30 September 2022 – 3 October 2022



**ASIAN LAW STUDENTS'
ASSOCIATION**

ASIAN LAW STUDENTS' ASSOCIATION (ALSA)

SECOND BATCH OF CLARIFICATION & CORRECTION

CORRECTION

- 1) The corrected date of the imposition of Add-on Tariff and TRQ throughout the whole of moot problem is **1 June 2020**.
- 2) The corrected date of the Exhibit C1's Executive Order is on **27th June 2021**.
- 3) Claimant's Notice of Dispute shall be dated **24th of July 2021** while Respondent's Response to the Claimant's Notice of Dispute shall be dated **30th of July 2021**.
- 4) *Problem Clarification No. 7 shall be annulled*. For clarity, **Guran City shall be a part of Guan Province**.
- 5) The word 'custom law' (which is amended by Acasia) shall be changed into **'foreign trade law'** in the whole of the moot problem. *The amendment is as attached in APPENDIX A.*

CLARIFICATION

1) **Tariff rate before and after the add-on imposition**

The tariff rate before the implementation was 20%. The rate was increased by 5%, making the add-on tariff 25%.

2) **Nature of Agribusiness operated by the Claimant**

The agribusiness that the claimant is involved in is rubber plantation (Crop Management). The Claimant produced its own raw materials. The machinery and technology expertise have been made and initiated by its parent company, Rubber Duck Holdings.

3) **Type of Share owned by Mr. Tom**

At page 10 of the Moot Problem, the type of the 1% of share owned by Mr. Tom is the common share with a voting right proportional to the amount of shares he owned. Each share gives the right to one vote at the general or shareholder meetings.

4) **The Binding Nature of Amended Law**

The amendment of foreign trade law is intended to all the rubber glove exports, including all ASEAN members. At the time being, Claimant State is the only state exporting the surgical gloves to Carado.

5) Freezing of the Bank Account

The Claimant have other bank accounts other than the operating bank account, but only the money kept in the Acasia National Bank is for the payment of wages for workers.

6) Structure of Rubber Duck and Rubber Glove

Rubber Duck Holdings Limited (“Rubber Duck”) is a limited liability company majority owned by the foreign investor (Wholly Foreign Owned Enterprise / WOFE) incorporated in Shaoyo, Carado. Rubber Duck is also a parent company of Rubber Glove Sdn Bhd with currently holding 50 percent of its shares.

APPENDIX A - REPUBLIC OF ACASIA'S FOREIGN TRADE LAW

Before Amendment

Article 43 Safeguard Measures for Export and Import of Goods

- (1) Safeguard measures may take the form of quantitative restriction or tariff increase.
- (2) If a quantitative restriction is used as a safeguard measure, it shall not reduce the quantity of imports below the average level of imports in three representative years preceding such imports.
- (3) Safeguard measures shall apply only to the extent necessary to remedy serious injury to the domestic industry.

After Amendment

Article 43 Safeguard Measures for Export and Import of Goods

- (1) Safeguard measures may take the form of quantitative restriction or tariff increase.
- (2) If a quantitative restriction is used as a safeguard measure, it shall not reduce the quantity of imports below the average level of imports in three representative years preceding such imports.
- (3) Safeguard measures shall apply only to the extent necessary **to prevent or remedy serious injury and to facilitate adjustment of the domestic industry.**

APPENDIX B – MODIFICATIONS ON THE FIRST BATCH OF CLARIFICATION

[Clarification 5] The imposition of the new tariff is a national policy introduced by the Respondent State to ensure there are sufficient domestic supply to fight the pandemic and to keep the local market price competitive. **Following the amendment of Acasia’s Foreign Trade Law,** the imposition was made **the same day** in its custom gazette through publishing in the national gazette **as one of the safeguard measures in compliance with its newly amended foreign trade law.**

[Clarification 7] **removed and amended.**

[Clarification 10] The Acasia National Bank froze the Claimant’s account on **28th June 2021.**

APPENDIX C – ALL CORRECTED/ADED TIMELINE

3 January 2020	First Reported Case of AIS-20
30 April 2020	Exhibit R2: Timothy Hashtag
15 May 2020	Exhibit C2's News Article
1 June 2020	The date of imposition of Add-On Tariff
27 June 2021	Exhibit C1's Executive Order
28 June 2021	The date of the freezing of bank account
24 July 2021	Claimant's Notice of Dispute
28 July 2021	Exhibit R1: Ban of Rubber Glove
30 July 2021	Respondent's Response to the Claimant's Notice of Dispute
14 January 2022	Claimant's Notice of Arbitration
14 February 2022	Response to the Notice of Arbitration