

APPENDIX V

TERMS AND CONDITIONS OF THE FUND

1. Introduction

- 1.1 The Fund, in accordance with Article 20 of the Protocol, shall be a revolving fund separate from the ASEAN Secretariat's annual operational budget.
- 1.2 The Secretariat shall be responsible for administering the Fund. Unless otherwise specified under this Terms and Conditions, the ASEAN Secretariat Financial and Administrative Rules and Procedures shall be applied to the Fund.

2. Contributions

- 2.1 Pursuant to the decision of the 36th AEM held on 3 September 2004 in Jakarta, each Member State contributed US\$33,300 to the Fund. The initial sum of the Fund totalled US\$333,000.
- 2.2 Any contribution or payment to the Fund shall be deposited in the bank account administered by the Secretariat.

3. Fund Usage

- 3.1 The Fund shall be used to meet the expenses of the panels and Appellate Body, including traveling, allowances etc., and any related administration costs of the Secretariat, including reproductions, dispatch of documents, publications, and computer and telecommunication services.
- 3.2 The selection and appointment of member of panel and Appellate Body shall be done in accordance with the provisions of the Protocol.
- 3.3 The Secretariat shall ensure smooth operation of the dispute settlement process including undertaking any necessary legal transaction to implement paragraphs 3.1 and 3.2.

3.4 The rate of subsistence allowances and other expenses shall be in accordance with the list of criteria as agreed upon by the SEOM.

4. **Replenishment of Fund**

Any drawdown from the Fund shall be replenished by parties to disputes in line with paragraph 3 of Article 16 of the Protocol.

5. **Reporting Requirements**

The Secretariat shall provide a financial report to the SEOM on an annual basis, or when requested by the SEOM.