

*the review, the majority of panelists will be lawyers. Nevertheless, the procedures allow for at least two non-lawyers who can bring other expertise to bear on any panel decision, such as business experience.*

*Panels must be acceptable to both sides. Each government will choose two panelists and jointly choose the fifth; if they cannot agree, the four chosen panelists will pick a fifth from the roster; if they cannot agree, the fifth panelist will be chosen by lot. Each government will be able to exercise two preemptory challenges of panelists chosen by the other side, for example, by indicating that a proposed panelist is not suitable to act on a particular issue.*

*Decisions will be rendered quickly based on strict time limits built into the procedures. These limits are sufficiently generous to allow the parties opportunity to develop arguments and to challenge the arguments of the other side. While only the two governments can seek the establishment of a panel, as a practical matter, many of the issues will involve private parties and these will be allowed to make representations before the panel. In addition, both governments are obligated to invoke the panel procedure if petitioned by private parties.*

*To ensure fairness in the integrity of the process, elaborate procedures have been developed to address any potential for the appearance of unfairness or corruption. In the unlikely event that a panelist has a conflict of interest or there has been a serious miscarriage of justice, either government can invoke an extraordinary challenge procedure involving a panel of three former judges who will determine whether or not the allegations are valid and whether or not a new panel will be required to review the issues.*

*The two governments will establish a small secretariat to administer these review procedures and to give aggrieved parties ready access to information. Additionally, they will work out detailed rules of procedures for panels and a code of conduct for panelists.*

*The two governments agree in Article 1903 that changes to existing antidumping and countervailing duty legislation apply to each other only following consultation and if specifically provided for in the new legislation. Moreover, either government may ask a bilateral panel to review such changes in light of the object and purpose of the Agreement, their rights and obligations under the GATT Antidumping and Subsidies Codes and previous panel decisions. Should a panel*