

7. Panelists shall:

- (a) be chosen on the basis of their expertise in environmental matters or other appropriate disciplines, objectivity, reliability and sound judgment;
- (b) be independent of, and not be affiliated with or take instructions from, either Party; and
- (c) comply with a code of conduct to be established by the Parties.

8. If either Party believes that a panelist is in violation of the code of conduct, the Parties shall consult and, if they so decide, the panelist shall be removed and a new panelist shall be selected in accordance with the criteria set out above. The time limits in paragraphs 1, 3, 4 and 5 shall run from the date of the decision to remove the panelist.

9. Individuals may not serve as panelists with respect to a review in which they have, or a person or organization with which they are affiliated has an interest.

10. The chairperson shall not be a national of either Party.

Panel Selection Procedures:

11. For purposes of selecting a Review Panel, the following procedures shall apply:

- (a) within 20 days of the receipt of the request for the establishment of the Review Panel, each Party shall select one panelist;
- (b) if one Party fails to select a panelist within such period, the other Party shall select the panelist from among qualified individuals who are nationals of the Party that has failed to select its panelist; and
- (c) the following procedures shall apply to the selection of the chairperson:
 - (i) the Party that is the object of the request for the establishment of a panel shall provide the requesting Party with the names of three qualified candidates to be the chairperson. The names shall be provided no later than 20 days after the receipt of the request;