

10. If the Review Panel determines that there has been a persistent pattern of failure by the Party that was the object of the request to effectively enforce its environmental law in accordance with Article 4 (Compliance with and Enforcement of Environmental Law) or that there has been a breach of the obligation under Article 5 (Non-derogation), the Parties may decide on a mutually satisfactory action plan to implement the Review Panel's recommendations taking into account opportunities for cooperation under this Agreement. Any action plan decided on by the Parties shall be made public without delay.