

4. If the Parties fail to resolve the matter through the Committee, a Party may request in writing consultations with the other Party at the Ministerial level. The Party that has received the request shall respond expeditiously. Ministerial consultations shall be concluded no later than 120 days after the request unless the Parties agree to another date.

5. Following the Ministerial consultations, if the requesting Party considers that there is a persistent pattern of failure by the other Party to effectively enforce its environmental laws or a breach of the obligation under Article 5, the requesting Party may call for the establishment of a Review Panel.

6. The Review Panel shall be established and function in accordance with Annex I and the Model Rules of Procedure.

7. The Review Panel shall prepare a report that will contain findings of fact. The report will include its determination as to whether there has been a persistent pattern of failure by a Party to effectively enforce its environmental laws or a breach of the obligation under Article 5. Where appropriate, the Panel will include recommendations to remedy the persistent pattern of failure or the breach of the obligation under Article 5 for the Parties' consideration.

8. The Parties shall endeavour to develop a mutually satisfactory action plan to implement the Panel's recommendations. Each Party shall make the action plan public, if both parties so decide.

#### **Article 24: Application to the Provinces of Canada**

The application of this Agreement to the provinces of Canada is subject to Annex II of this Agreement.