

ANNEX 3

Procedures Related to Review Panels

Qualifications of Panelists

1. Panelists shall:
 - (a) be chosen on the basis of expertise in labour 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.
2. If either Party believes that a panelist is in violation of the code of conduct, the Parties shall consult and, if they so agree, the panelist shall be removed and a new panelist shall be selected in accordance with the procedures set out in paragraph 4 that were used to select the panelist who was removed. The time limits shall run from the date of their agreement to remove the panelist.
3. 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.

Panel Selection Procedures

4. 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 a panel, each Party shall select one panelist;
 - (b) if one Party fails to select its 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;