

C. Binational Panel Process

- A new binational panel would replace judicial review in both the U.S. and Canada.
- At either Party's request, this panel would review, based upon the administrative record, final AD/CVD orders to determine if an investigating authority of either party made a decision not in accordance with its law (including statutes, legislative history, regulations, administrative practice and judicial precedent). In such review, the binational panel would apply the appropriate standard of judicial review applicable under the domestic law of the party whose final AD/CVD order was challenged.
- The panel would be a temporary, ad hoc body selected from a roster of possible panelists as specified in detail in the attachment at tab one.
- The Parties would agree on procedures for resort to and decisions of such a panel, as specified in detail in the attachment at tab two.
- The decision of a panel shall be binding on the Parties and their investigating authorities. The panel may uphold or remand the decision to the relevant investigating authority for action not inconsistent with such decision.

D. Application of this Arrangement

- This arrangement shall be in effect for five years pending the development of a substitute system of laws in both countries for antidumping and countervailing duties. If no such system of laws is agreed and implemented at the end of five years, the present arrangement is extended for a further two years. Failure to agree to implement a new regime at the end of the two-year extension, shall allow either Party to terminate the agreement on six-month notice.