

2. The Commission shall establish the Model Rules of Procedure at its first session following the entry into force of this Agreement. The Commission shall establish the Model Rules of Procedure in accordance with the following principles:

- (a) the right to at least one hearing before the panel, as well as the opportunity for each Party to provide initial and rebuttal submissions, in writing, before the preparation of the panel's preliminary report;
- (b) subject to sub-paragraph (f), a Party may make available to the public any Party's written submissions to the panel and any transcript of a hearing before the panel 15 days after the report of the panel is published pursuant to Article 21.16(9);
- (c) unless the Parties decide otherwise, the hearings of the panel shall be open to the public, provided that the hearings are held in closed session to the extent necessary to protect any information that the Model Rules of Procedure require be confidential;
- (d) the panel shall allow a non-governmental person of a Party to provide views, in writing, regarding the dispute that may assist the panel in evaluating the submissions and arguments of the Parties;
- (e) submissions and comments made to the panel shall be available to the other Party; and
- (f) information designated by either Party for confidential treatment shall be protected.

3. The Commission may modify the Model Rules of Procedure if it considers it necessary.

**Article 21.14: Terms of Reference of the Panel**

1. Unless the Parties otherwise decide within 20 days from the date of the establishment of the panel, the terms of reference of the panel shall be:

"To examine, in the light of the relevant provisions of the Agreement, the matter referred by (name of the complaining Party) (as set out in the request for the establishment of the panel) and to make determinations and recommendations as provided in Article 21.17(2)."

2. If the complaining Party wishes to argue that a matter has nullified or impaired benefits in the sense of Annex 21.6, the terms of reference shall so indicate.

3. If a Party wishes the panel to make findings as to the degree of adverse trade effects on a Party of any measure determined:

- (a) to be inconsistent with the obligations of the Agreement; or