

Backgrounder

THE NAFTA PANEL PROCESS

- Before a NAFTA panel is requested and set up, there must be consultations between the parties and a meeting of the NAFTA Free Trade Commission. If the matter is not resolved within 30 days of the Commission meeting, any disputing party may request a panel.
- Following the request for a panel, a panel chairperson is selected jointly by the disputing parties.
- If the disputing parties cannot agree on a chairperson, one of the disputing parties, chosen by lot, selects a chairperson who is not a citizen of that country.
- Once the chairperson is chosen, each party to the dispute selects two panelists who are citizens of the other disputing country.
- The panel holds a hearing for oral arguments. The parties are allowed to submit initial and rebuttal written submissions.
- Once hearings are completed and written submissions considered, the panel presents its initial report to the disputing parties.
- A disputing party may then submit written comments to the panel on the initial report.
- The panel presents its final report to the disputing parties within 30 days of the presentation of its initial report, unless the parties agree otherwise.
- Unless the NAFTA Free Trade Commission decides otherwise, the final report of the panel is published 15 days following its transmittal to the Commission.
- The panel process normally takes at least five months from the date of a request for the establishment of a panel.