

ANNEX II

INQUIRY COMMISSION PROCEDURE PURSUANT TO ARTICLES 4 AND 5

1. The requesting Party or Parties shall notify the secretariat that it or they is (are) submitting question(s) to an inquiry commission established in accordance with the provisions of this Annex. The notification shall state the subject-matter of the inquiry. The secretariat shall immediately inform all Parties to the Convention of this submission.
2. The inquiry commission shall consist of three members. Both the requesting party and the other party to the inquiry procedure shall appoint a scientific or technical expert and the two experts so appointed shall designate by common agreement a third expert, who shall be the president of the inquiry commission. The latter shall not be a national of one of the parties to the inquiry procedure, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.
3. If the president of the inquiry commission has not been designated within two months of the appointment of the second expert, the Executive Secretary of the Economic Commission for Europe shall, at the request of either party, designate the president within a further two-month period.
4. If one of the parties to the inquiry procedure does not appoint an expert within one month of its receipt of the notification by the secretariat, the other party may inform the Executive Secretary of the Economic Commission for Europe, who shall designate the president of the inquiry commission within a further two-month period. Upon designation, the president of the inquiry commission shall request the party which has not appointed an expert to do so within one month. If it fails to do so within that period, the president shall inform the Executive Secretary of the Economic Commission for Europe who shall make this appointment within a further two-month period.
5. The inquiry commission shall adopt its own rules of procedure.
6. The inquiry commission may take all appropriate measures in order to carry out its functions.
7. The parties to the inquiry procedure shall facilitate the work of the inquiry commission and in particular shall, using all means at their disposal:
 - (a) Provide the inquiry commission with all relevant documents, facilities and information;
 - (b) Enable the inquiry commission, where necessary, to call witnesses or experts and receive their evidence.
8. The parties and the experts shall protect the confidentiality of any information they receive in confidence during the work of the inquiry commission.