

Annex 1904.13

Extraordinary Challenge Procedure

1. The Parties shall establish an extraordinary challenge committee, comprised of three members, within fifteen days of a request pursuant to paragraph 13 of Article 1904. The members shall be selected from a ten-person roster comprised of judges or former judges of a federal court of the United States of America or a court of superior jurisdiction of Canada. Each Party shall name five persons to this roster. Each Party shall select one member from this roster and the third shall be selected from the roster by the two members chosen by the Parties or, if necessary, by lot from the roster.
2. The Parties shall establish by January 1, 1989 rules of procedure for committees. The rules shall provide for a decision of a committee typically within 30 days of its establishment.
3. Committee decisions shall be binding on the Parties with respect to the particular matter between the Parties that was before the panel. Upon finding that one of the grounds set out in paragraph 13 of Article 1904 has been established, the committee shall vacate the original panel decision or remand it to the original panel for action not inconsistent with the committee's decision; if the grounds are not established, it shall affirm the original panel decision. If the original decision is vacated, a new panel shall be established pursuant to Annex 1901.2.