Article 32:   Implementation of Final Report

If, in its final report, a panel determines that there has been a persistent pattern of failure by the Party complained against to effectively enforce its environmental law, the Parties may agree on a mutually satisfactory action plan, which normally shall conform with the determinations and recommendations of the panel.

Article 33:   Review of Implementation

1.   If, in its final report, a panel determines that there has been a persistent pattern of failure by the Party complained against to effectively enforce its environmental law, and:

(a)   the Parties have not agreed on an action plan under Article 32 within 60 days of the date of the final report, or

(b)   the Parties cannot agree on whether the Party complained against is fully implementing

(i)   an action plan agreed under Article 32,

(ii)   an action plan deemed to have been established by a panel under paragraph 2, or

(iii)   an action plan approved or established by a panel under paragraph 4,

either Party may request that the panel be reconvened by delivering a request in writing to the other Party. The Council shall reconvene the panel on delivery of the request to the other Party.

2.   No Party may make a request under paragraph 1(a) earlier than 60 days, or later than 120 days, after the date of the final report. If the Parties have not agreed to an action plan and if no request was made under paragraph 1(a), the last action plan, if any, submitted by the Party complained against to the other Party within 60 days of the date of the final report, or such other period as the Parties may agree, shall be deemed to have been established by the panel 120 days after the date of the final report.

3.   A request under paragraph 1(b) may be made no earlier than 180 days after an action plan has been:

(a)   agreed under Article 32,

(b)   deemed to have been established by a panel under paragraph 2, or

(c)   approved or established by a panel under paragraph 4,