

- a) i) a member of the panel was guilty of gross misconduct, bias, or a serious conflict of interest, or otherwise materially violated the rules of conduct,
  - ii) the panel seriously departed from a fundamental rule of procedure, or
  - iii) the panel manifestly exceeded its powers, authority or jurisdiction set forth in this Article, and
- b) any of the actions set out in subparagraph (a) has materially affected the panel's decision and threatens the integrity of the binational panel review process,

that Party may avail itself of the extraordinary challenge procedure set out in Annex 1904.13.

14. To implement the provisions of this Article, the Parties shall adopt rules of procedure by January 1, 1989. Such rules shall be based, where appropriate, upon judicial rules of appellate procedure, and shall include rules concerning the content and service of requests for panels, a requirement that the competent investigating authority transmit to the panel the administrative record of the proceeding, the protection of business proprietary and other privileged information (including sanctions against persons participating before panels for improper release of such information), participation by private persons, limits on panel review to errors alleged by the Parties or private persons, filing and service, computation and extensions of time, the form and content of briefs and other papers, pre- and post-hearing conferences, oral argument, requests for rehearing, and voluntary terminations of panel reviews. The rules shall be designed to result in final decisions within 315 days of the date on which a request for a panel is made, and shall allow:

- a) 30 days for the filing of the complaint;
- b) 30 days for designation or certification of the administrative record and its filing with the panel;
- c) 60 days for the complainant to file its brief;
- d) 60 days for the respondent to file its brief;