

Annex 1903.2

Panel Procedures Under Article 1903

1. The panel shall establish its own rules of procedure unless the Parties otherwise agree prior to the establishment of that panel. The procedures shall ensure a right to at least one hearing before the panel, as well as the opportunity to provide written submissions and rebuttal arguments. The proceedings of the panel shall be confidential, unless the Parties otherwise agree. The panel shall base its decisions solely upon the arguments and submissions of the Parties.
2. Unless the Parties otherwise agree, the panel shall, within 90 days after its chairman is appointed, present to the Parties an initial written declaratory opinion containing findings of fact and its determination pursuant to Article 1903.
3. If the findings of the panel are affirmative, the panel may include in its report its recommendations as to the means by which the amending statute could be brought into conformity with the provisions of subparagraph 2(d) of Article 1902. In determining what, if any, recommendations are appropriate, the panel shall consider the extent to which the amending statute affects interests under this Agreement. Individual panelists may provide separate opinions on matters not unanimously agreed. The initial opinion of the panel shall become the final declaratory opinion, unless a Party requests a reconsideration of the initial opinion pursuant to paragraph 4.
4. Within 14 days of the issuance of the initial declaratory opinion, a Party disagreeing in whole or in part with the opinion may present a written statement of its objections and the reasons for those objections to the panel. In such event, the panel shall request the views of both Parties and shall reconsider its initial opinion. The panel shall conduct any further examination that it deems appropriate, and shall issue a final written opinion, together with dissenting or concurring views of individual panelists, within 30 days of the request for reconsideration.
5. Unless the Parties otherwise agree, the final declaratory opinion of the panel shall be published, along with any separate opinions of individual panelists and any written views that either Party may wish to be published.