

- (b) they have, or a person or organization with which they are affiliated has, an interest, as set out in the code of conduct established under Article 27(2)(d).

Article 29: Panel Selection

1. For purposes of selecting a panel, the following procedures shall apply:
 - (a) The panel shall comprise five members.
 - (b) The Parties shall endeavour to agree on the chair of the panel within 15 days after the Council decides to convene the panel. If the Parties are unable to agree on the chair within this period, the Party chosen by lot shall select within five days a chair who is not a citizen of that Party.
 - (c) Within 15 days of selection of the chair, each Party shall select two panelists who are citizens of the other Party.
 - (d) If either Party fails to select its panelists within such period, such panelists shall be selected by lot from among the roster members who are citizens of the other Party.
2. Panelists shall normally be selected from the roster. Either Party may exercise a peremptory challenge against any individual not on the roster who is proposed as a panelist by the other Party within 30 days after the individual has been proposed.
3. If either Party believes that a panelist is in violation of the code of conduct, the Parties shall consult and, if they agree, the panelist shall be removed and a new panelist shall be selected in accordance with this Article.

Article 30: Rules of Procedure

1. The Council shall establish Model Rules of Procedure. The procedures shall provide:
 - (a) a right to at least one hearing before the panel;
 - (b) the opportunity to make initial and rebuttal written submissions; and
 - (c) that no panel may disclose which panelists are associated with majority or minority opinions.
2. Unless the Parties otherwise agree, panels convened under this Part shall be established and conduct their proceedings in accordance with the Model Rules of Procedure.
3. Unless the Parties otherwise agree within 20 days after the Council convenes the panel, the terms of reference shall be:

"To examine, in light of the relevant provisions of the Agreement, including those contained in Part Five, whether there has been a persistent pattern of failure by the Party complained against to effectively enforce its occupational safety and health, child labour or minimum wage technical labour standards, and to make findings, determinations and recommendations in accordance with Article 32(2)."