

7. Panellists shall:

- (a) be chosen based on their expertise in environmental matters or other appropriate disciplines, as well as on their objectivity, reliability and sound judgment;
- (b) be independent of, and not be affiliated with or take instructions from, either Party; and
- (c) comply with a code of conduct to be established by the Parties.

8. If either Party believes that a panellist has violated the code of conduct, the Parties shall consult and, if they so decide, the panellist shall be removed and a new panellist shall be selected in accordance with the procedures set out below. The time limit listed in paragraph 1 shall run from the date of their decision to remove the panellist.

9. Individuals may not serve as panellists for a review in which they have, or a person or organization with which they are affiliated has an interest.

10. The chair shall not be a national of either Party.

**Panel Selection Procedures**

11. For purposes of selecting a Review Panel, the following procedures shall apply:

- (a) within 20 days of receiving the request to establish a Review Panel, each Party shall select one panellist;
- (b) if one Party fails to select its panellist within such period, the other Party shall select the panellist from among qualified individuals who are nationals of the Party that failed to select its panellist;