

- (c) follow a code of conduct to be established by the Parties within 90 days following the entry into force of this Agreement.
6. All panelists shall meet the qualifications set out in paragraph 5 of part A of this Article. Individuals may not serve as panelists for a dispute in which they have participated.
 7. Arbitration shall be by a panel of three panelists to be constituted as follows:
 - (a) Within 20 days after the receipt of a request for arbitration, each Party shall name one of its citizens or permanent residents as a panelist. Within 20 days after these two panelists have been named, they shall by mutual agreement appoint a third panelist, who shall not be a citizen or permanent resident of either country, and who shall act as President of the panel.
 - (b) If either Party fails to name a panelist, or if a third panelist is not appointed in accordance with subparagraph (a) of this paragraph, either Party may request the President of the Council of the International Civil Aviation Organization to appoint the necessary panelist or panelists within 20 days. If the President of the Council is a citizen of one of the Parties, the most senior Vice-President who is not disqualified on that ground shall make the appointment.
 8. If a Party believes that a panelist should not serve because the 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.
 9. Unless otherwise provided in this Agreement or the Parties otherwise agree:
 - (a) the panel shall establish its own procedures;
 - (b) the procedures shall ensure at least one oral hearing before the panel as well as the opportunity to present written submissions and rebuttal arguments;
 - (c) subject to paragraph 10 of Part A of this Article, the Parties shall deliver their initial submissions simultaneously no later than 20 days after the last panelist is selected, and their rebuttal submissions simultaneously no later than 15 days after receipt by both Parties of the initial submissions. The submissions shall each be delivered to the members of the panel and to the other Party.