

any disputing Party may request that the panel be reconvened. The requesting Party shall deliver the request in writing to the other Parties and to the Secretariat. The Council shall reconvene the panel on delivery of the request to the Secretariat.

2. No Party may make a request under paragraph 1(a) earlier than 60 days, or later than 120 days, after the date of the final report. If the disputing Parties have not agreed to an action plan and if no request was made under paragraph 1(a), the last action plan, if any, submitted by the Party complained against to the complaining Party or Parties within 60 days of the date of the final report, or such other period as the disputing Parties may agree, shall be deemed to have been established by the panel 120 days after the date of the final report.

3. A request under paragraph 1(b) may be made no earlier than 180 days after an action plan has been:

- (a) agreed under Article 38,
- (b) deemed to have been established by a panel under paragraph 2, or
- (c) approved or established by a panel under paragraph 4,

and only during the term of any such action plan.

4. Where a panel has been reconvened under paragraph 1(a), it:

- (a) shall determine whether any action plan proposed by the Party complained against is sufficient to remedy the pattern of non-enforcement and
 - (i) if so, shall approve the plan, or
 - (ii) if not, shall establish such a plan consistent with the law of the Party complained against, and
- (b) may, where warranted, impose a monetary enforcement assessment in accordance with Annex 39,

within 90 days after the panel has been reconvened or such other period as the disputing Parties may agree.

5. Where a panel has been reconvened under paragraph 1(b), it shall determine either that:

- (a) the Party complained against is fully implementing the action plan, in which case the panel may not impose a monetary enforcement assessment, or
- (b) the Party complained against is not fully implementing the action plan, in which case the panel shall impose a monetary enforcement assessment in accordance with Annex 39,