

8. If a Party believes that a panellist is in violation of the code of conduct, the Parties shall consult and, if they so decide, remove the panellist and select a new panellist in accordance with the criteria set out above. 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 with respect to a review in which they have, or a person or organization with which they are affiliated, has an interest.

10. The chairperson may not be a national of a Party.

Panel Selection Procedures

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

- (a) each Party shall, within 20 days of the receipt of the request for the establishment of a Review Panel, select one panellist;
- (b) if a Party fails to select its panellist within that period, the other Party shall select the panellist from among qualified individuals who are nationals of the Party that has failed to select its panellist;
- (c) with respect to the selection of the chairperson:
 - (i) the Party that is the object of the request shall provide the requesting Party with the names of 3 qualified candidates within 20 days after the receipt of the request for the establishment of the Review Panel,
 - (ii) the requesting Party may choose one of those candidates to be the chairperson or, if the names were not provided or none of the candidates are acceptable, provide the Party that is the object of the request with the names of 3 candidates who are qualified to be the chairperson within 5 days after receiving the names under subparagraph (i) or 25 days after the receipt of the request for the establishment of the Review Panel,
 - (iii) the Party that is the object of the request may choose one of the 3 candidates to be the chairperson, within 5 days after receiving the names under subparagraph (ii), failing which the Parties shall immediately request the President of the International Court of Justice to appoint a chairperson within 25 days.