

- (ii) the Party that made the request may choose one of the individuals to be the chairperson or, if the names were not provided or none of the individuals is acceptable, provide the Party that is the object of the review with the names of 3 individuals who it considers to be qualified to be the chairperson. Those names shall be provided 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, and
- (iii) the Party that is the object of the review may choose one of the 3 individuals to be the chairperson, within 5 days after receiving the names under subparagraph (ii), failing which the Parties shall immediately request the Director General of the International Labour Office to appoint a chairperson within 25 days.

Conduct of the Review Panel

5. The Parties shall, within one year after the entry into force of this Agreement, establish Model Rules of Procedure for the establishment and conduct of proceedings under Part Three (Procedures for Review of Obligations). The Model Rules will include a code of conduct for the purposes of paragraph 1 and rules for the protection of information under Article 17 (Protection of Information).

6. The Parties may set a separate budget for each set of panel proceedings pursuant to Article 13 (Establishment and Conduct of Review Panel) and Article 14 (Review Panel Reports and Determinations). The Parties shall contribute equally to the budget, unless they otherwise decide.

7. Unless the Parties otherwise decide, within 30 days after the Parties establish the Review Panel, the terms of reference shall be:

“To examine, in light of the relevant provisions of this Agreement, whether the Party that was the object of the request has, in a trade-related matter, failed to comply with its obligations under Article 1 (General Obligations) and Article 2(1) (Upholding Levels of Protection) to the extent that they refer to the ILO 1998 Declaration, or engaged in a persistent pattern of failure to effectively enforce its labour law through appropriate government action, private rights of action, procedural guarantees, public information and awareness, and to make findings, determinations and recommendations in accordance with Article 14(1) (Review Panel Reports and Determinations).”