

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 35,

within 90 days after the panel has been reconvened or such other period as the 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 35,

within 60 days after it has been reconvened or such other period as the Parties may agree.

6. A panel reconvened under this Article shall provide that the Party complained against shall fully implement any action plan referred to in paragraph 4(a)(ii) or 5(b), and pay any monetary enforcement assessment imposed under paragraph 4(b) or 5(b), and any such provision shall be final.

#### **Article 36: Further Proceeding**

A complaining Party may, at any time beginning 180 days after a panel determination under Article 35(5)(b), request in writing that a panel be reconvened to determine whether the Party complained against is fully implementing the action plan. On delivery of the request to the other Party, the Council shall reconvene the panel. The panel shall make the determination within 60 days after it has been reconvened or such other period as the Parties may agree.

#### **Article 37: Domestic Enforcement and Collection**

1. For the purposes of this Article, "panel determination" means:
- (a) a determination by a panel under Article 35(4)(b) or 5(b) that provides that the Party complained against shall pay a monetary enforcement assessment; and