

ARTICLE 13: Establishment and Conduct of Review Panel

1. Following the conclusion of Ministerial Consultations, the Party that requested the consultations may request that a review panel be convened if the Party considers that:

- (a) the matter is trade-related; and
- (b) the other Party has failed to comply with its obligations under this Agreement through:
 - (i) failure to comply with its obligations under Articles 1 and 2 to the extent that they refer to the ILO 1998 Declaration, or
 - (ii) 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.

2. Unless the Parties otherwise decide, a panel composed of three independent experts, including a chairperson who is not a national of either Party, shall be established in a manner consistent with the criteria and procedures set out in Annex 2.

3. Unless the Parties otherwise decide, the panel shall perform its functions in accordance with the provisions of this Part, Annex 2 and the Model Rules of Procedure. The panel:

- (a) shall determine, within 30 days of confirmation of its terms of reference, whether the matter is trade-related and shall cease its functions if it determines that the matter is not trade-related;
- (b) shall provide the Parties with sufficient opportunity to make written and oral submissions to the panel;
- (c) may invite or receive and consider written submissions and any other information from organisations, institutions, the public and persons with relevant information or expertise; and