

- (b) have recourse to good offices, conciliation, mediation or such other dispute resolution procedures,

as may assist the Parties to reach a mutually satisfactory resolution of the dispute.

5. Where the Council decides that a matter is more properly covered by another agreement or arrangement to which the Parties are party, it shall refer the matter for appropriate action in accordance with such other agreement or arrangement.

Article 26: Request for an Arbitral Panel

1. If the matter has not been resolved within 60 days after the Council has convened pursuant to Article 25, the Council shall, on the written request of either Party, convene an arbitral panel to consider the matter where the alleged persistent pattern of failure by the Party complained against to effectively enforce its occupational safety and health, child labour or minimum wage technical labour standards is:

- (a) trade-related; and
- (b) covered by mutually recognized labour laws.

2. Unless otherwise agreed by the Parties, the panel shall be established and perform its functions in a manner consistent with the provisions of this Part.

Article 27: Roster

1. The Council shall establish and maintain a roster of up to 30 individuals, six of whom must not be citizens of either of the Parties, who are willing and able to serve as panelists. The roster members shall be appointed by mutual agreement for terms of three years, and may be reappointed.

2. Roster members shall:

- (a) have expertise or experience in labour law or its enforcement, or in the resolution of disputes arising under international agreements, or other relevant scientific, technical or professional expertise or experience;
- (b) be chosen strictly on the basis of objectivity, reliability and sound judgment;
- (c) be independent of, and not be affiliated with or take instructions from, either Party; and
- (d) comply with a code of conduct to be established by the Council.

Article 28: Qualifications of Panelists

1. All panelists shall meet the qualifications set out in Article 27(2).

2. Individuals may not serve as panelists for a dispute in which:

- (a) they have participated pursuant to Article 25(4) or participated as members of an ECE that addressed the matter; or