

- (b) subject to subparagraph (g), that a Party may make available to the public either Party's written submissions, written versions of its oral statements, and written responses to requests or questions from the panel at any time after such information is submitted to the panel;
  - (c) that each Party has the right to at least one hearing before the panel;
  - (d) subject to subparagraph (g), that hearings of the panel are open to the public;
  - (e) that the panel considers requests from non-governmental entities located in either Party's territory to provide written views regarding the dispute that may assist the panel in evaluating the submissions and arguments of the Parties;
  - (f) that all submissions and comments made to the panel are available to the other Party; and
  - (g) the protection of confidential information<sup>1</sup>.
3. Unless the Parties agree otherwise, the terms of reference of the panel shall be:
- "To examine, in the light of the relevant provisions of this Agreement, the matter referred to in the written notification of the panel establishment, and to make findings, determinations, and recommendations as provided in Article 21.9."
4. If a complaining Party wishes to argue that there is nullification or impairment of benefits in the sense of Annex 21-A, the terms of reference shall so indicate.
5. If a Party wishes the panel to make findings as to the degree of adverse effects of any measure determined to be inconsistent with the obligations of this Agreement or as to the degree of nullification or impairment in the sense of Annex 21-A, the terms of reference shall so indicate.
6. At the request of a Party, or on the panel's own initiative, the panel may seek information and technical advice from any person or body that it deems appropriate, provided that the Parties so agree and subject to any terms and conditions agreed to by the Parties.
7. The panel may rule on its own jurisdiction.
8. Findings, determinations, and recommendations of the panel in the sense of Article 21.9 shall be made by a majority of its members. Panellists may provide separate opinions on matters not unanimously agreed.

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<sup>1</sup> As provided under Articles 22.2 (National Security) and 22.5 (Disclosure of Information), a panel shall not require a Party to furnish or allow access to information of the type identified in those provisions.