

ANNEX I
REVIEW PANEL PROCESS

Initial Report

1. The Review Panel shall prepare and present to the Parties an initial report within 120 days after the date the last panellist is selected or as otherwise decided.
2. The initial report shall contain:
 - (a) findings of fact;
 - (b) a determination as to whether there has been a persistent pattern of failure by the Party to effectively enforce its environmental law, whether there has been a breach of Article 5 (Non-derogation), or any other determination requested in the terms of reference; and
 - (c) in the event of a positive determination under sub-paragraph (b), recommendations for the resolution of the matter, which shall normally consist of an action plan.

Final Report

3. The Parties may provide comments on the report within 60 days of the presentation of the initial report.
4. The Review Panel shall present the final report to the Ministers within 30 days of receiving comments from the Parties.
5. Each Party shall publish the final report within 60 days after it is presented to the Ministers.

Criteria for Selecting Panel Review

6. A Review Panel shall consist of 3 panellists to be appointed by the Parties.
7. Each panellist shall:
 - (a) be chosen on the basis of expertise in environmental matters or other appropriate disciplines, objectivity, reliability and sound judgment;
 - (b) be independent of, and not be affiliated with or take instructions from, a Party; and
 - (c) comply with a code of conduct to be established by the Parties.