

ANNEX K

REFERRED TO IN ARTICLE 29

ESTABLISHMENT AND FUNCTIONING OF THE ARBITRAL TRIBUNAL

1. Each member of the arbitral tribunal shall:
 - (a) have expertise or experience in international law, international trade, other matters covered by this Agreement, or the resolution of disputes arising under international trade agreements;
 - (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, any Party, nor have dealt with the case in any capacity; and
 - (d) comply with any code of conduct for dispute settlement adopted by the Joint Committee.

2. The following procedures shall apply to the selection of the members of the arbitral tribunal:
 - (a) the arbitral tribunal shall comprise three members;
 - (b) in its written notification pursuant to Article 29 of this Agreement, the Party or Parties referring the dispute to arbitration shall designate one member of the arbitral tribunal, who meets the criteria of paragraph 1 of this Annex. Such member may be a national of the referring Party or Parties;
 - (c) within 15 days from the receipt of the notification referred to in sub-paragraph 2(b), the Party or Parties to which it was addressed shall, in turn, designate one member, who meets the criteria of paragraph 1. Such member may be a national of the designating Party or Parties;