

## ANNEX 13A

### RULES OF PROCEDURES FOR THE PANEL

#### Definitions

1. For the purposes of this Annex:
  - “**assistant**” means a person who, under the terms of appointment of a panellist, conducts research or provides support for the panellist;
  - “**panellist**” means a member of a Panel established under Article 13.8 (Establishment of a Panel – Dispute Settlement); and
  - “**proceeding**”, unless otherwise specified, means the proceeding of a Panel under Chapter 13 (Dispute Settlement).

#### Timetable

2. After consulting the Parties, the Panel shall, whenever possible, within 7 days from the date of composition of the Panel, fix the timetable for the Panel process. The indicative timetable attached to this Annex should be used as a guide.
3. The Panel process shall, as a general rule, not exceed 120 days from the date of composition of the Panel until the date of the final report, unless the Parties agree otherwise.
4. Should the Panel consider that there is a need to modify the timetable, it shall consult the Parties in writing regarding the proposed modification and the reason for it and make necessary procedural or administrative adjustments as may be required, consistent with Chapter 13 (Dispute Settlement).

#### Appointment of Panellist

5. The Parties shall notify, in writing, each individual who has been selected to serve as a panellist of their selection. Each individual shall confirm their availability to both Parties within 5 days after the date of delivery of the notification.
6. The panellist shall accept their appointment by signing the appointment contracts. The Parties shall endeavour to ensure that, by the time all the selected panellists have confirmed their availability, they have agreed on the remuneration and reimbursement of expenses of the panellists and assistants and have prepared the necessary appointment contracts with a view to having them signed promptly.

### **Written Submissions and other Documents**

7. Unless the Panel decides otherwise, the Complaining Party shall deliver its first written submission to the Panel no later than 10 days after the date of composition of the Panel. The Responding Party shall deliver its first written submission to the Panel no later than 30 days after the date of delivery of the Complaining Party's first written submission. Copies shall be provided for each panellist.
8. Each Party shall also provide a copy of its first written submission to the other Party at the same time as it is delivered to the Panel.
9. Within 5 days after the conclusion of the hearing, each Party may deliver to the Panel and the other Party a supplementary written submission responding to any matter that arose during the hearing.
10. All written documents provided to the Panel or by one Party to the other Party shall also be provided in electronic form.
11. Minor errors of a clerical nature in any request, notice, written submission or any other document related to the Panel proceeding may be corrected as soon as possible by delivery of a new document clearly indicating the changes.

### **Operation of the Panel**

12. The chairperson of the Panel shall preside at all of its meetings. The Panel may delegate to the chairperson the authority to make administrative and procedural decisions.
13. Panel deliberations shall be confidential. Only panellists may take part in the deliberations of the Panel. The panel report shall be drafted without the presence of the Parties in light of the information provided and the statements made.
14. Opinions expressed in the panel report by individual panellists shall be anonymous.
15. Except as otherwise provided in this Annex, the Panel may conduct its business by any means, including by telephone, facsimile transmission and any other means of electronic communication.

### **Hearings**

16. The timetable established in accordance with paragraph 2 shall provide for at least one hearing for the Parties to present their cases to the Panel 15 days after receipt of the first written submission of the Responding Party.

17. The Panel may convene additional hearings if the Parties so agree.
18. All panellists shall be present at hearings. Panel hearings shall be held in closed session with only the panellists and the Parties in attendance. However, in consultation with the Parties, assistants, translators or designated note takers may also be present at hearings to assist the Panel in its work. Any such arrangements established by the Panel may be modified with the agreement of the Parties.
19. The hearing shall be conducted by the Panel in a manner ensuring that the Complaining Party and the Responding Party are afforded equal time to present their case. The Panel shall conduct the hearing in the following manner:

*Opening Oral Statement and Argument:*

- (a) opening oral statement and argument of the Complaining Party; and
- (b) opening oral statement and argument of the Responding Party;

*Rebuttal Argument:*

- (a) the reply of the Complaining Party;
- (b) the counter-reply of the Responding Party;

*Closing Oral Statement:*

- (a) closing oral statement of the Complaining Party; and
- (b) closing oral statement of the Responding Party.

The chairperson may set time limits for oral arguments to ensure that each Party is afforded equal time.

20. The Parties to the dispute shall make available to the Panel written versions of their oral statements before the Panel within 1 day.

**Questions**

21. The Panel may direct questions to either Party at any time during the proceedings. The Parties shall respond promptly and fully to any request by the Panel for such information as the Panel considers necessary and appropriate.
22. Where the question is in writing, each Party shall also provide a copy of its response to such questions to the other Party at the same time as it is delivered to the Panel. Each Party shall be given the opportunity to provide written comments on the response of the other Party.

### **Confidentiality**

23. The Panel's hearings and the documents submitted to it shall be confidential. Each Party shall treat as confidential, information submitted to the Panel by the other Party which that Party has designated as confidential.
24. Where a Party designates as confidential, its written submissions to the Panel, it shall, on request of the other Party, provide the Panel and the other Party with a non-confidential summary of the information contained in its written submissions that could be disclosed to the public no later than 5 days after the date of request. Nothing in this Annex shall prevent a Party from disclosing statements of its own positions to the public.

### **Role of Experts**

25. On request of a Party, the Panel may seek information and technical advice from any individual or body that it deems appropriate, provided that the Parties agree and subject to such terms and conditions as the Parties agree. The Panel shall provide the Parties with any information so obtained for comment.

### **Working Language**

26. The working language of the Panel proceedings, including for written submissions, oral arguments or presentations, the report of the Panel and all written and oral communications between the Parties and with the Panel, shall be the English language.

### **Venue**

27. The venue for the hearings of the Panel shall be decided by agreement between the Parties. If there is no agreement, the first hearing shall be held in the territory of the Responding Party, and any additional hearings shall alternate between the territories of the Parties.

### **Expenses**

28. Unless the Parties agree otherwise, remuneration for panellists shall be paid at the rate for non-governmental panellists used by the WTO on the date when a Complaining Party makes a written request for the establishment of a Panel pursuant to Article 13.8 (Establishment of a Panel – Dispute Settlement).
29. The Panel shall keep a record and render a final account of all general expenses incurred in connection with the proceedings, including those paid to its assistants, designated note takers or other individuals that it retains.

## Indicative Timetable for the Panel

Panel established on xx/xx/xxxx.

1. Receipt of first written submissions of the Parties:
  - (a) Complainant Party: 10 days after the date of the composition of the Panel;
  - (b) Responding Party: 30 days after subparagraph (a);
2. Date of the first hearing with the Parties: 15 days after receipt of the first submission of the Responding Party;
3. Receipt of written supplementary submissions of the Parties: 5 days after the date of the first hearing;
4. Issuance of initial report to the Parties: 30 days after receipt of written supplementary submissions;
5. ~~Deadline for the Parties to provide written comments on the interim report: 10 days after the issuance of the initial report; and~~
6. Issuance of final report to the Parties: within 30 days after presentation of the initial report.