ANNEX 20-A

RULES OF PROCEDURE FOR THE PANEL

Notifications

- 1. Any request, notice, written submission or other document of:
 - (a) the panel shall be sent to both Parties at the same time;
 - (b) a Party which is addressed to the panel shall be copied to the other Party at the same time; and
 - (c) a Party which is addressed to the other Party shall be copied to the panel at the same time.
- 2. Any request, notice, written submission or other document referred to under Rule 1 shall be made by e-mail or, where appropriate, any other means of telecommunication that provides a record of its sending. Unless proven otherwise, such notification shall be deemed to be delivered on the date of its sending.
- 3. Minor errors of a clerical nature in any request, notice, written submission or other document related to the panel proceeding may be corrected by delivery of a new document clearly indicating the changes. Any such correction shall not affect the timetable for the proceeding. Any disagreement regarding whether or not the correction is of a clerical nature shall be resolved by the panel after consulting the Parties.

Organisational Meeting

- 4. Unless the Parties agree otherwise, the Parties shall meet with the panel within seven days of the establishment of the panel in order to determine such matters that the Parties or the panel deem appropriate, including:
 - (a) the remuneration and expenses that shall be paid to the panellists and their assistants, in accordance with Rules 24 through 26 and the procedures established pursuant to Article 20.26(3) (Remuneration and Expenses); and
 - (b) the timetable for the proceeding, setting forth, among other things, precise dates for the filing of submissions and the date of the oral hearing.

Timetable

5. Should the panel consider there is a need to modify the timetable provided pursuant to Rule 4(b), it shall inform the Parties in writing of the proposed modification and the reason for it. In cases of urgency in accordance with Article 20.9 (Decision on Urgency) the panel, after consulting the Parties, shall adjust the timetable as appropriate and shall notify the Parties of such adjustment.

Written Submissions

- 6. Subject to Rule 4, the complaining Party shall deliver its first written submission to the panel no later than 20 days after the date of composition of the panel. The respondent Party shall deliver its first written submission to the panel and to the complaining Party no later than 30 days after the date of delivery of the complaining Party's first written submission, unless the panel decides otherwise.
- 7. Within 20 days of the conclusion of the oral 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.

Operation of the Panel

- 8. 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.
- 9. Except as otherwise provided for, the panel may conduct its activities by any means, including telephone, video conference or other electronic means of communication.
- 10. Panel deliberations shall be confidential. Only panellists may take part in the deliberations of the panel, but the panel may permit their assistants to be present during its deliberations. The drafting of any decision and report shall remain the exclusive responsibility of the panel and shall not be delegated. The reports of panel shall be drafted without the presence of the Parties and in the light of the information provided and the statements made.
- 11. Opinions expressed in the panel report by individual panellists shall be anonymous.

Hearings

12. Based on the timetable agreed pursuant to Rule 4, after consulting with the Parties and the other panellists, the chairperson of the panel shall notify the Parties time and venue of the oral hearing.

- 13. Unless the Parties agree otherwise, the oral hearing shall be hosted by the responding Party. In duly justified circumstances and at the request of a Party, the panel may decide to hold a virtual or hybrid hearing and make appropriate arrangements, taking into account the rights of due process and the need to ensure transparency, after consulting both Parties.
- 14. The panel may convene additional oral hearings if the Parties so agree.
- 15. All panellists shall be present during the entirety of the oral hearing.
- 16. Unless the Parties agree otherwise, the following persons may attend the oral hearing:
 - (a) representatives and advisers of a Party; and
 - (b) assistants, interpreters and other persons whose presence is required by the panel.
- 17. The oral hearing shall be conducted by the panel in a manner ensuring that the complaining Party and the respondent Party are afforded equal time to present their case. The panel shall, as a general rule, conduct the hearing in the following manner:
 - (a) Argument
 - (i) argument of the complaining Party;
 - (ii) argument of the respondent Party;
 - (b) Rebuttal Argument
 - (i) the reply of the complaining Party;
 - (ii) the counter-reply of the respondent Party;
 - (c) Closing Statement
 - (i) closing statement of the complaining Party; and
 - (ii) closing statement of the respondent Party.
- 18. The chairperson may set time limits for oral arguments to ensure that each Party is afforded equal time.

Written Questions

- 19. The panel may direct written questions to one or both Parties at any time during the proceedings. In the event that the panel addresses questions to one Party only, the panel shall provide a copy of the written questions to the other Party. A Party to whom the panel addresses a written question shall deliver a written reply to the panel and the other Party in accordance with the timetable established by the panel.
- 20. Each Party shall be given the opportunity to provide written comments on the response of the other Party within the timetable established by the panel.

Confidentiality

- 21. Each Party shall treat as confidential information submitted to the panel by the other Party which that Party has designated as confidential for the purposes of Article 1.5 (Confidential Information).
- 22. Where a Party designates as confidential its written submissions to the panel, it shall provide the panel and the other Party with a non-confidential summary, no later than 10 days after the date of request, of the information contained in its written submissions that may be disclosed to the public. Nothing in these Rules shall prevent a Party from disclosing statements of its own positions to the public to the extent that, when making reference to information submitted by the other Party, it does not disclose any information designated by the other Party as confidential.

Working Language

23. 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 English.

Expenses

- 24. 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.
- 25. Each panellist may hire one assistant to provide research, translation or interpretation support, unless a panellist requires an additional assistant and the disputing Parties agree that, due to exceptional circumstances, the panellist should be permitted to hire an additional assistant.
- 26. Unless the Parties agree otherwise, the total remuneration for each panellist's assistant shall not exceed 50 per cent of the remuneration of that panellist.

Ex Parte Contacts

- 27. The panel shall not meet or contact a Party in the absence of the other Party.
- 28. No Party shall meet or contact any panellist in relation to the dispute in the absence of the other Party and other panellists.
- 29. No panellist shall meet or contact a Party in the absence of the other Party and other panellists.