

## **ANNEX XIX**

**REFERRED TO IN ARTICLE 15.8**

**RULES OF PROCEDURE**



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#### RULES OF PROCEDURE

##### ARTICLE 1

##### ***Proceedings of the Arbitration Panel***

1. A Party asserting that a measure of another Party is inconsistent with the Agreement shall have the burden of establishing such inconsistency. A Party asserting that a measure is subject to an exception under the Agreement shall have the burden of establishing that the exception applies.
2. The parties to the dispute shall be given equal opportunity to provide at least one written submission and to attend any of the presentations, statements or rebuttals in the proceedings. All information or written submissions submitted by a party to the dispute to the arbitration panel, including any comments on the interim report and responses to questions from the arbitration panel, shall be made available to the other party to the dispute.
3. The arbitration panel should consult with the parties to the dispute as appropriate and provide adequate opportunities for the development of a mutually satisfactory solution.
4. At the request of a party to the dispute, or upon its own initiative, the arbitration panel may seek the opinion of experts as it deems appropriate. The arbitration panel shall consult the parties to the dispute before selecting such experts. Any information obtained in this manner shall be disclosed to the parties to the dispute and submitted to them for comments. The opinions of experts as well as information obtained from any relevant source shall not bind the arbitration panel.

##### ARTICLE 2

##### ***Language of the Proceedings***

Unless the parties to the dispute agree otherwise, the language of any proceeding shall be English.

##### ARTICLE 3

##### ***Ex Parte Communications***

There shall be no *ex parte* communications with the arbitration panel concerning matters under its consideration.

## ARTICLE 4

### *Notifications*

1. All documents or information submitted by a party to the dispute to the arbitration panel, shall, at the same time, be transmitted by that Party to the other parties to the dispute.
  2. A written submission, request, notice or other document shall be considered received when it has been delivered to the addressee through diplomatic channels in the territory of the addressee. A copy of these documents shall be provided in electronic format.
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