

CHAPTER 26

DISPUTE SETTLEMENT

SECTION A

OBJECTIVE AND SCOPE

ARTICLE 26.1

Objective

The objective of this Chapter is to establish an effective and efficient mechanism for avoiding and settling any dispute between the Parties concerning the interpretation and application of this Agreement and the Sanitary Agreement with a view to reaching, where possible, a mutually agreed solution.

ARTICLE 26.2

Scope

1. This Chapter applies, subject to paragraph 2, with respect to any dispute between the Parties concerning the interpretation and application of this Agreement and of the Sanitary Agreement (hereinafter referred to as “covered provisions”).
2. The covered provisions shall include all provisions of this Agreement and of the Sanitary Agreement with the exception of:
 - (a) Sections B (Anti-dumping and countervailing duties) and C (Global safeguard measures) of Chapter 5 (Trade remedies);
 - (b) Chapter 15 (Competition policy);
 - (c) Article 16.6 (Consultations);
 - (d) Chapter 20 (Māori trade and economic cooperation);
 - (e) Chapter 21 (Small and medium-sized enterprises);
 - (f) Chapter 22 (Good regulatory practice and regulatory cooperation); and

- (g) provisions of te Tiriti o Waitangi / the Treaty of Waitangi, with respect to its interpretation, including as to the nature of the rights and obligations arising under it.

SECTION B

CONSULTATIONS

ARTICLE 26.3

Consultations

1. The Parties shall endeavour to resolve any dispute referred to in Article 26.2 (Scope) by entering into consultations in good faith, with the aim of reaching a mutually agreed solution.
2. A Party shall seek consultations by means of a written request delivered to the other Party identifying the measure at issue and the covered provisions that it considers applicable.
3. The Party to which the request for consultations is made (hereinafter referred to as “the Party complained against”) shall reply to that request for consultations promptly, but no later than 10 days after the date of its delivery. Unless the Parties agree otherwise, consultations shall be held within 30 days after the date of delivery of the request for consultations, and take place in the territory of the Party complained against. The consultations shall be deemed concluded within 30 days after the date of delivery of the request for consultations, or within 90 days after that date for disputes under Chapter 19 (Trade and sustainable development), unless the Parties agree to continue consultations.

4. Consultations on matters of urgency, including those regarding perishable goods, or seasonal goods or services that rapidly lose their trade value, shall be held within 15 days after the date of delivery of the request for consultations. The consultations shall be deemed concluded within those 15 days, unless the Parties agree to continue consultations.
5. During consultations each Party shall provide sufficient factual information so as to allow a complete examination of the manner in which the measure at issue could affect the application of this Agreement or the Sanitary Agreement. Each Party shall endeavour to ensure the participation of personnel of their competent governmental authorities who have expertise in the matter subject to the consultations.
6. In disputes concerning the provisions of Chapter 19 (Trade and sustainable development) which relate to the multilateral agreements or instruments referred to in Chapter 19 (Trade and sustainable development), the Parties shall take into account information from the ILO or relevant organisations or bodies established under MEAs in order to promote coherence between the work of the Parties and those relevant organisations or bodies. Where relevant, the Parties shall seek advice from those relevant organisations or bodies, or any other expert or body they deem appropriate. Each Party may seek, if appropriate, the views of the domestic advisory groups referred to in Article 24.6 (Domestic advisory groups) or other expert advice.
7. Consultations, and in particular all information designated as confidential and positions taken by the Parties during consultations, shall be confidential and without prejudice to the rights of either Party in any further proceedings.

8. A measure proposed by a Party, but not yet implemented, may be the subject of consultations under this Article but may not be the subject of panel procedures under Section C (Panel procedures) or mediation under Section D (Mediation).

SECTION C

PANEL PROCEDURES

ARTICLE 26.4

Initiation of panel procedures

1. The Party that sought consultations may request the establishment of a panel, if:
 - (a) the Party complained against does not respond to the request for consultations within 10 days after the date of its delivery;
 - (b) consultations are not held within the time periods set out in Article 26.3(3) and (4) (Consultations) respectively;
 - (c) the Parties agree not to have consultations; or

(d) consultations have been concluded and no mutually agreed solution has been reached.

2. The request for the establishment of a panel (hereinafter referred to as “panel request”) shall be made by means of a written request delivered to the other Party, and to any external body entrusted pursuant to paragraph 4, if applicable. The complaining Party shall identify the measure at issue in its panel request, and explain how that measure constitutes a breach of the covered provisions in a manner sufficient to present the legal basis for the complaint clearly.

3. Each Party shall ensure that the panel request is promptly made public.

4. The Trade Committee may decide to entrust an external body with assisting panels under this Chapter, including providing administrative and legal support. The Trade Committee’s decision shall also address the costs arising from such entrustment.

ARTICLE 26.5

Establishment of a panel

1. A panel shall be composed of three panellists.

2. Within 15 days after the date of delivery of the panel request, the Parties shall consult in good faith with a view to agreeing on the composition of the panel.

3. If the Parties do not agree on the composition of the panel within the time period provided for in paragraph 2, each Party shall appoint a panellist within 10 days after the expiry of the time period provided for in paragraph 2:

- (a) from the sub-list of that Party established under Article 26.6 (Lists of panellists); or
- (b) for disputes under Chapter 19 (Trade and sustainable development), from the sub-list of that Party in the TSD list established pursuant to point (b) of Article 26.6(1) (Lists of panellists).

If a Party does not appoint a panellist from its sub-list within the time period provided for in paragraph 3, the co-chair of the Trade Committee from the complaining Party shall select by lot, within 10 days after the expiry of the time period provided for in paragraph 3, the panellist from the sub-list of the Party that has not appointed a panellist. The co-chair of the Trade Committee from the complaining Party may delegate such selection by lot.

4. If the Parties do not agree on the chairperson of the panel within the time period established in paragraph 2, the co-chair of the Trade Committee from the complaining Party shall select by lot, within 10 days after the expiry of that time period, the chairperson of the panel:

- (a) from the sub-list of chairpersons established under Article 26.6(2) (Lists of panellists); or
- (b) for disputes under Chapter 19 (Trade and sustainable development), from the sub-list of chairpersons in the TSD list established pursuant to point (b) of Article 26.6(1) (Lists of panellists).

The co-chair of the Trade Committee from the complaining Party may delegate such selection by lot.

5. The panel shall be deemed to be established 15 days after the three selected panellists have accepted their appointment in accordance with Rule 10 of Annex 26-A (Rules of procedure for dispute settlement), unless the Parties agree otherwise. Each Party shall promptly make public the date of establishment of the panel.

6. If any of the lists provided for in Article 26.6 (Lists of panellists) have not been established or do not contain sufficient names or contain only names of persons who are not available at the time a panellist is to be selected pursuant to paragraph 3 or 4, the panellists shall be drawn by lot from the individuals who have been formally proposed by one Party or both Parties in accordance with Annex 26-A (Rules of procedure for dispute settlement).

ARTICLE 26.6

Lists of panellists

1. The Trade Committee shall, at its first meeting after the date of entry into force of this Agreement, establish:

(a) a list of individuals who are willing and able to serve as panellists; and

(b) a separate list of individuals who are willing and able to serve as panellists in disputes under Chapter 19 (Trade and sustainable development) (hereinafter referred to as “TSD list”).

2. Each of the lists referred to in points (a) and (b) of paragraph 1 shall be composed of the following sub-lists:

- (a) one sub-list of individuals established on the basis of proposals by the Union;
- (b) one sub-list of individuals established on the basis of proposals by New Zealand; and
- (c) one sub-list of individuals who are not nationals of either Party and who shall serve as chairperson of the panel.

3. The sub-lists referred to in points (a), (b) and (c) of paragraph 2, shall include at least three individuals each. The sub-list referred to in point (c) of paragraph 2 shall not have more than six individuals. The Trade Committee shall ensure that those sub-lists are always maintained at this number of individuals.

4. The Trade Committee may establish additional lists of individuals with expertise in specific sectors covered by this Agreement. Subject to the agreement of the Parties, such additional lists shall be used to compose the panel in accordance with the procedure set out in Article 26.5 (Establishment of a panel).

ARTICLE 26.7

Requirements for panellists

1. Each panellist shall:
 - (a) have demonstrated expertise in law, international trade, and other matters covered by this Agreement;
 - (b) be independent of, and not be affiliated with or take instructions from, either Party;
 - (c) serve in their individual capacities and not take instructions from any organisation or government with regard to matters related to the dispute; and
 - (d) comply with Annex 26-B (Code of conduct for panellists and mediators).
2. The chairperson shall also have experience in dispute settlement procedures.
3. Notwithstanding point (a) of paragraph 1 and paragraph 2, each panellist on the TSD list shall have specialised knowledge of, or expertise in:
 - (a) labour or environmental law;
 - (b) issues addressed in the Chapter 19 (Trade and sustainable development); or

(c) the resolution of disputes arising under international agreements.

4. In view of the subject matter of a particular dispute, the Parties may agree to derogate from the requirement listed in point (a) of paragraph 1.

ARTICLE 26.8

Functions of the panel

The panel:

- (a) shall make an objective assessment of the matter before it, including an objective assessment of the facts of the case and the applicability of and conformity with the covered provisions;
- (b) shall set out, in its decisions and reports, the findings of facts, the applicability of the covered provisions and the basic rationale behind any findings and recommendations that it makes;
and
- (c) should consult regularly with the Parties and provide adequate opportunities for the development of a mutually agreed solution.

ARTICLE 26.9

Terms of reference of the panel

1. Unless the Parties agree otherwise within five days after the date of establishment of the panel, the terms of reference of the panel shall be:

“to examine, in the light of the relevant covered provisions referred to by the Parties, the matter referred to in the panel request, to make findings on the applicability of the covered provisions and the conformity of the measure at issue with those provisions, and to deliver a report in accordance with Articles 26.11 (Interim report) and 26.12 (Final report).”

2. If the Parties agree on terms of reference of the panel other than those set out in paragraph 1, they shall notify the agreed terms of reference of the panel to the panel within the time period set out in paragraph 1.

ARTICLE 26.10

Decision on urgency

1. If a Party so requests, the panel shall decide, within 10 days after its establishment, whether the case concerns matters of urgency.

2. If the panel decides that the dispute concerns matters of urgency, the applicable time periods set out in Section C (Panel procedures) of this Chapter shall be half the time prescribed therein, except for the time periods referred to in Article 26.5 (Establishment of a panel) and Article 26.9 (Terms of reference of the panel).

ARTICLE 26.11

Interim report

1. The panel shall deliver an interim report to the Parties within 90 days after the date of establishment of the panel. If the panel considers that such deadline cannot be met, the chairperson of the panel shall notify the Parties in writing, stating the reasons for the delay and the date on which the panel plans to deliver its interim report. The panel shall, under no circumstances, deliver its interim report later than 120 days after the date of establishment of the panel.

2. Each Party may deliver to the panel a written request to review precise aspects of the interim report within 10 days after its delivery. A Party may comment on the other Party's written request within six days after the delivery of such request.

ARTICLE 26.12

Final report

1. The panel shall deliver its final report to the Parties within 120 days after the date of establishment of the panel. If the panel considers that such deadline cannot be met, the chairperson of the panel shall notify the Parties in writing, stating the reasons for the delay and the date on which the panel plans to deliver its final report. The panel shall, under no circumstances, deliver its final report later than 150 days after the date of establishment of the panel.
2. The final report shall include a discussion on any written request by the Parties on the interim report referred to in Article 26.11(2) (Interim report) and clearly address the comments of the Parties.

ARTICLE 26.13

Compliance measures

1. The Party complained against shall take any measure necessary to comply promptly with the findings and recommendations in the final report in order to bring itself in compliance with the covered provisions.

2. The Party complained against shall, no later than 30 days after delivery of the final report, deliver a notification to the complaining Party of the measures which it has taken or which it envisages to take to comply.
3. In addition, as regards disputes under Chapter 19 (Trade and sustainable development):
 - (a) the Party complained against shall, no later than 30 days after delivery of the final report, inform its domestic advisory groups referred to in Article 24.6 (Domestic advisory groups) and the contact point of the other Party established pursuant to Article 19.16 (Contact points) of the measures which it has taken or which it envisages to take to comply; and
 - (b) the Trade and Sustainable Development Committee shall monitor the implementation of the compliance measures. The domestic advisory groups referred to in Article 24.6 (Domestic advisory groups) may submit observations to the Trade and Sustainable Development Committee in that regard.

ARTICLE 26.14

Reasonable period of time

1. If immediate compliance is not possible, the Party complained against shall, no later than 30 days after the date of delivery of the final report, deliver a notification to the complaining Party of the length of the reasonable period of time it will require for such compliance. The Parties shall endeavour to agree on the length of the reasonable period of time to comply.

2. If the Parties have not agreed on the length of the reasonable period of time, the complaining Party may, at the earliest 20 days after the date of delivery of the notification referred to in paragraph 1, request in writing the original panel to determine the length of the reasonable period of time. The panel shall deliver its decision to the Parties within 20 days after the date of delivery of such request.
3. The Party complained against shall deliver a written notification of its progress in complying with the final report to the complaining Party no later than 30 days before the expiry of the reasonable period of time.
4. The Parties may agree to extend the reasonable period of time.

ARTICLE 26.15

Compliance review

1. The Party complained against shall, no later than at the date of expiry of the reasonable period of time, deliver a notification to the complaining Party of any measure that it has taken to comply with the final report.

2. If the Parties disagree on the existence or the consistency with the covered provisions of any measure taken to comply, the complaining Party may deliver a request, in writing, to the original panel to decide on the matter. Such request shall identify any measure at issue and explain how that measure constitutes a breach of the covered provisions in a manner sufficient to present the legal basis for the complaint clearly. The panel shall deliver its decision to the Parties within 54 days after the date of delivery of such request.

ARTICLE 26.16

Temporary remedies

1. The Party complained against shall, if requested by the complaining Party, enter into consultations with the complaining Party with a view to agreeing on mutually acceptable compensation, if:
 - (a) the Party complained against delivers a notification to the complaining Party that it is not possible to comply with the final report;
 - (b) the Party complained against fails to deliver a notification of any measure taken to comply within the deadline as referred to in Article 26.13 (Compliance measures) or before the date of expiry of the reasonable period of time;
 - (c) the panel finds that no measure taken to comply exists; or

- (d) the panel finds that the measure taken to comply is inconsistent with the covered provisions.
2. For disputes under Chapter 19 (Trade and sustainable development) this Article applies if:
- (a) a situation set out in point (a), (b) or (c) of paragraph 1 of this Article arises and the final report of the panel pursuant to Article 26.12 (Final report) finds a violation of:
 - (i) Article 19.3(3) (Multilateral labour standards and agreements); or
 - (ii) Article 19.6(3) (Trade and climate change), if that panel, in its final report, finds that the Party complained against failed to refrain from any action or omission that materially defeats the object and purpose of the Paris Agreement; or
 - (b) a situation set out in point (d) of paragraph 1 of this Article arises and the decision of the panel pursuant to Article 26.15 (Compliance review) finds a violation of:
 - (i) Article 19.3(3) (Multilateral labour standards and agreements); or
 - (ii) Article 19.6(3) (Trade and climate change), if the panel, in its decision finds that the Party complained against failed to refrain from any action or omission that materially defeats the object and purpose of the Paris Agreement.

3. If in the circumstances set out in paragraphs 1 and 2, the complaining Party chooses not to request consultations in relation to compensation, or the Parties do not agree on compensation within 20 days after entering into consultations on compensation, the complaining Party may deliver a written notification to the Party complained against that it intends to suspend the application of obligations under the covered provisions. Such notification shall specify the level of intended suspension of obligations.

4. The complaining Party may suspend the obligations 10 days after the date of delivery of the notification referred to in paragraph 3, unless the Party complained against delivers a written request under paragraph 6.

5. The suspension of obligations shall not exceed the level equivalent to the nullification or impairment caused by the violation.

6. If the Party complained against considers that the notified level of suspension of obligations exceeds the level equivalent to the nullification or impairment caused by the violation or that the conditions set out in paragraph 2 are not fulfilled, it may deliver a written request to the original panel before the expiry of the 10-day period provided for in paragraph 4 to decide on the matter. The panel shall deliver its decision on the level of the suspension of obligations or on whether the conditions set out in paragraph 2 are not fulfilled, to the Parties within 30 days after the date of that request. Obligations shall not be suspended until the panel has delivered its decision. The suspension of obligations shall be consistent with that decision.

7. The suspension of obligations or the compensation referred to in this Article shall be temporary and shall not be applied after:

- (a) the Parties have reached a mutually agreed solution pursuant to Article 26.26 (Mutually agreed solution);
- (b) the Parties have agreed that the measure taken to comply brings the Party complained against into conformity with the covered provisions; or
- (c) any measure taken to comply which the panel has found to be inconsistent with the covered provisions has been withdrawn or amended so as to bring the Party complained against into compliance with those provisions.

ARTICLE 26.17

Review of any measure taken to comply after the adoption of temporary remedies

1. The Party complained against shall deliver a notification to the complaining Party of any measure it has taken to comply following the suspension of obligations or following the application of temporary compensation, as the case may be. With the exception of cases under paragraph 2, the complaining Party shall terminate the suspension of obligations within 30 days after the date of delivery of the notification. In cases where compensation has been applied, and with the exception of cases under paragraph 2, the Party complained against may terminate the application of such compensation within 30 days after delivery of its notification that it has complied.

2. If the Parties do not reach an agreement on whether the notified measure brings the Party complained against into compliance with the covered provisions within 30 days after the date of delivery of the notification, either Party may deliver a written request to the original panel to decide on the matter, failing which the suspension of obligations or the compensation, as the case may be, shall be terminated. The panel shall deliver its decision to the Parties within 46 days after the date of the delivery of the request. If the panel finds that the measure taken to comply is in conformity with the covered provisions, the suspension of obligations or compensation, as the case may be, shall be terminated. Where relevant, the complaining Party shall adjust the level of suspension of obligations or of compensation in light of the panel decision.

3. If the Party complained against considers that the level of suspension of obligations implemented by the complaining Party exceeds the level equivalent to the nullification or impairment caused by the violation, it may deliver a written request to the original panel to decide on the matter.

ARTICLE 26.18

Replacement of panellists

If during any dispute settlement procedure under this Section a panellist is unable to participate, withdraws, or needs to be replaced because he or she does not comply with Annex 26-B (Code of conduct for panellists and mediators), the procedure provided for in Article 26.5 (Establishment of a panel) applies and any replacement panellist shall have all the powers and duties of the original panellists. The time period for the delivery of the report or decision of the panel shall be extended for the time necessary for the appointment of the new panellist.

ARTICLE 26.19

Rules of procedure for dispute settlement

1. Panel procedures shall be governed by this Section and Annex 26-A (Rules of procedure for dispute settlement).
2. Any hearing of the panel shall be open to the public unless otherwise provided in Annex 26-A (Rules of procedure for dispute settlement).

ARTICLE 26.20

Suspension and termination

1. At the request of both Parties, the panel shall suspend its work at any time for a period agreed by the Parties which does not exceed 12 consecutive months.
2. The panel shall resume its work before the expiry of the suspension period at the written request of both Parties, or at the expiry of the suspension period at the written request of either Party. The requesting Party shall deliver a notification to the other Party accordingly. If the panel does not resume its work at the expiry of the suspension period in accordance with this paragraph, the authority of the panel shall lapse and the dispute settlement procedure shall be terminated.
3. If the work of the panel is suspended, the relevant time periods set out in this Section shall be extended by the same period of time for which the work of the panel was suspended.

ARTICLE 26.21

Right to seek and receive information

1. At the request of a Party, or upon its own initiative, the panel may seek from the Parties, relevant information it considers necessary and appropriate. The Parties shall respond promptly and fully to any request by the panel for such information.
2. Upon the request of a Party or on its own initiative, the panel may seek any information it deems appropriate from any source. The panel also has the right to seek the opinion of experts, as it deems appropriate, and subject to any terms and conditions agreed by the Parties, where applicable.
3. With regard to matters related to compliance with multilateral agreements and instruments referred to in Chapter 19 (Trade and sustainable development), the opinions of external experts or information requested by the panel should include information and advice from the ILO or relevant organisations or bodies established under MEAs.
4. The panel shall consider *amicus curiae* submissions from natural persons of a Party or legal persons established in a Party in accordance with Annex 26-A (Rules of procedure for dispute settlement).
5. Any information or opinion obtained by the panel pursuant to this Article shall be disclosed to the Parties and the Parties may provide comments thereon.

ARTICLE 26.22

Rules of interpretation

1. The panel shall interpret the covered provisions in accordance with customary rules of interpretation of public international law, including those codified in the Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969.
2. The panel shall also take into account relevant interpretations in reports of WTO panels and the WTO Appellate Body adopted by the Dispute Settlement Body of the WTO, as well as in arbitration awards under the DSU.
3. Reports and decisions of the panel shall not add to or diminish the rights and obligations of the Parties under this Agreement.

ARTICLE 26.23

Reports and decisions of the panel

1. The deliberations of the panel shall be kept confidential. The panel shall make every effort to draft reports and take decisions by consensus. If this is not possible, the panel shall decide by majority vote. In no case shall separate opinions of panellists be disclosed.
2. The decisions and reports of the panel shall be accepted unconditionally by the Parties. They shall not create any rights or obligations with respect to natural or legal persons.

3. Each Party shall make the reports and decisions of the panel and its submissions publicly available, subject to the protection of confidential information.
4. The panel and the Parties shall treat as confidential any information submitted by a Party to the panel in accordance with Rules 34 to 36 of Annex 26-A (Rules of procedure for dispute settlement).

ARTICLE 26.24

Choice of forum

1. If a dispute arises regarding a particular measure in alleged breach of the covered provisions and a substantially equivalent obligation under any other international trade agreement to which both Parties are party, including the WTO Agreement, the Party seeking redress shall select the forum in which to settle the dispute.
2. Once a Party has selected the forum and initiated dispute settlement procedures under this Section or under any other international trade agreement, that Party shall not initiate dispute settlement procedures under any other agreement with respect to the particular measure referred to in paragraph 1 of this Article, unless the forum selected first fails to make findings for procedural or jurisdictional reasons.
3. For the purposes of this Article:
 - (a) the dispute settlement procedures under this Section are deemed to be initiated by a Party's panel request in accordance with Article 26.4 (Initiation of panel procedures);

- (b) the dispute settlement procedures under the WTO Agreement are deemed to be initiated by a Party's panel request in accordance with Article 6 of the DSU; and
- (c) the dispute settlement procedures under any other international trade agreement are deemed to be initiated in accordance with the relevant provisions of that agreement.

4. Nothing in this Agreement shall preclude a Party from suspending obligations authorised by the Dispute Settlement Body of the WTO or authorised under the dispute settlement procedures of any other international trade agreement to which the disputing Parties are party. A Party shall not invoke the WTO Agreement or any other international trade agreement between the Parties to preclude the other Party from suspending obligations pursuant to this Chapter.

SECTION D

MEDIATION

ARTICLE 26.25

Mediation

The Parties may have recourse to mediation with regard to any measure that a Party considers to be adversely affecting trade and investment between the Parties. The mediation procedure is set out in Annex 26-C (Rules of procedure for mediation).

SECTION E

COMMON PROVISIONS

ARTICLE 26.26

Mutually agreed solution

1. The Parties may reach a mutually agreed solution at any time with respect to any dispute referred to in Article 26.2 (Scope).
2. If a mutually agreed solution is reached during the panel procedures or mediation procedure, the Parties shall jointly notify that mutually agreed solution to the chairperson of the panel or the mediator, as applicable. Upon such notification, the panel procedures or the mediation procedure shall be terminated.
3. Any mutually agreed solution reached by the Parties shall be made available to the public.
4. Each Party shall take any measure necessary to implement the mutually agreed solution within the agreed time period.
5. No later than at the expiry of the agreed time period the implementing Party shall inform the other Party, in writing, of any measure it has taken to implement the mutually agreed solution.

ARTICLE 26.27

Time periods

1. All time periods set out in this Chapter shall be counted in calendar days from the day following the act to which they refer, unless otherwise specified.
2. Any time period set out in this Chapter may be modified by mutual agreement of the Parties.
3. As regards Section C (Panel procedures), the panel may at any time propose to the Parties to modify any time period set out in this Chapter, stating the reasons for the proposal.

ARTICLE 26.28

Costs

1. Each Party shall bear its own expenses derived from its participation in the panel procedures or mediation procedure.
2. Unless otherwise provided in Annex 26-A (Rules of procedure for dispute settlement), the Parties shall share jointly and equally the expenses derived from organisational matters, including the remuneration and expenses of the panellists and mediators. The remuneration of the panellists and mediators shall be in accordance with WTO standards.

3. The Trade Committee may adopt a decision to set out the parameters or other details on the remuneration and the reimbursement of expenses of panellists and mediators, including any related costs that could be incurred in the proceedings. Pending such decision, the remuneration and the reimbursement of expenses of panellists and mediators and of any related costs shall be determined in accordance with Rule 10 of Annex 26-A (Rules of procedure for dispute settlement).

ARTICLE 26.29

Amendment of the Annexes

The Trade Committee may amend Annexes 26-A (Rules of procedure for dispute settlement) and 26-B (Code of conduct for panellists and mediators).