

ANNEX 18-A

RULES OF PROCEDURE FOR PANEL PROCEEDINGS

Preliminary Rulings

1. Any request by a Party for a preliminary ruling by the panel, including on jurisdictional issues, shall be submitted as early as possible, and generally no later than a Party's first written submission.
2. The panel may rule on a request made under Rule 1 either as a preliminary question or in its reports.

Panel Proceedings

3. The chair of the panel shall preside at all of the panel's meetings. A panel may delegate to the chair the authority to make administrative and procedural decisions.
4. Unless otherwise provided in this Annex, the panel may conduct its business by any means, including by telephone, electronic mail, video conference or any other means of electronic communication.
5. The panel may, in consultation with the Parties, retain such number of assistants or staff, including interpreters, translators or designated note takers, as may be required for the proceedings and permit them to be present during its deliberations.

Written Submissions, Communications and Other Documents

6. Unless the panel otherwise decides:
 - (a) the Complaining Party shall deliver its first written submission to the panel and the Responding Party no later than 30 days after the date of appointment of the last panellist; and
 - (b) the Responding Party shall deliver its first written submission to the panel and the Complaining Party no later than 30 days after the date of delivery of the Complaining Party's first written submission.
7. Within 20 days of the date of conclusion of each 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.
8. Each Party shall also provide a copy of its first written submission, and any subsequent submissions, to the other Party at the same time as it is delivered to the panel.

9. For the purposes of this Annex, any written submissions, communications and other documents shall be deemed to have been received when they have been delivered to the other Party. For the purposes of this Rule, “delivered” includes delivery by electronic means.

10. Written submissions, communications and other documents shall be provided in electronic format whenever possible.

11. A Party may at any time correct minor errors of a clerical nature in any written submission, communication or other document related to the panel proceedings by delivering a new document clearly indicating the changes.

Hearings

12. Hearings 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. Unless the panel otherwise decides, the panel shall conduct hearings in the following manner:

- (a) argument of the Complaining Party;
- (b) argument of the Responding Party;
- (c) reply of the Complaining Party;
- (d) counter-reply of the Responding Party;
- (e) responses by the Complaining Party and the Responding Party to questions from the panel;
- (f) final statement of the Complaining Party; and
- (g) final statement of the Responding Party.

The chair of the panel may set time limits for oral arguments to ensure that each Party is afforded equal time to present their case.

13. Each Party shall make available to the panel written versions of its oral statements, and written responses to requests or questions, made in hearings with the panel.

14. The panel may direct questions to either Party at any time during the proceedings. If 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 and in accordance with the timetable established by the panel. A Party may provide written comments on the response of the other Party. If a Party elects to provide such comments, it shall do so within 10 days of the date of delivery of the response, unless the panel otherwise decides.

15. All panellists shall be present at each hearing.

Expenses

16. 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 or staff that it retains in accordance with Rule 5.