proceedings, propose to the parties to the dispute that the dispute be settled amicably.

Article 9
Functions of Arbitral Panels

An arbitral panel shall make an objective assessment of the matter before it, including an examination of the facts of the case and the applicability of and conformity with the relevant covered agreements. Where the arbitral panel concludes that a measure is inconsistent with a provision of any of the covered agreements, it shall recommend that the party complained against bring the measure into conformity with that provision. In addition to its recommendations, the arbitral panel may suggest means by which the party complained against could implement the recommendations. The arbitral panel shall consult regularly with the parties to the dispute and provide them adequate opportunities for the development of a mutually satisfactory resolution. The arbitral panel shall interpret the relevant provisions of the covered agreements in accordance with customary rules of interpretation of public international law. In its findings and recommendations, the arbitral panel cannot add to or diminish the rights and obligations provided in the covered agreements.

Article 10
Proceedings of Arbitral Panels

1. The rules and procedures pertaining to the proceedings before an arbitral panel as set out in the Annex on the Rules and Procedures for the Arbitral Panel Proceedings shall apply unless the parties to the dispute agree otherwise. The arbitral panel may, after consulting the parties to the dispute, adopt additional rules and procedures not inconsistent with the Annex on the Rules and Procedures for the Arbitral Panel Proceedings.

2. In any event the proceedings of the arbitral panel shall be in accordance with the following principles:

(a) a right to at least one hearing before the arbitral panel;

(b) an opportunity for each party to the dispute to provide initial and rebuttal submissions;

(c) a reasonable opportunity for each party to the dispute to submit comments on the interim report presented pursuant to Article 11; and

(d) the protection of confidential information.

3. An arbitral panel shall meet in closed session. The parties to the dispute shall be present at the meetings only when invited by the arbitral panel to appear before it.

Article 11
Interim Report

1. Unless the parties to the dispute otherwise agree, the arbitral panel shall base its report on the relevant provisions of the relevant covered agreement, on the
submissions and arguments of the parties to the dispute, and on any information before it, pursuant to Article 13.

2. Unless the parties to the dispute otherwise agree, the arbitral panel shall, within ninety (90) days from the date of its establishment, present to the parties to the dispute an interim report containing:

(a) findings of law and/or fact together with reasons;

(b) its determination as to the interpretation, implementation or application of the relevant covered agreement or whether the measure at issue is inconsistent with obligations of the party complained against under the relevant covered agreement or whether the party complained against has otherwise failed to carry out its obligations under the relevant covered agreement or whether the measure at issue causes nullification or impairment of any benefit accruing to the complaining party under the relevant covered agreement or impediment of the attainment of any objective of the relevant covered agreement, or any other determination requested in the terms of reference; and

(c) where it determines that the measure at issue is inconsistent with the obligations under the relevant covered agreement, its recommendations to bring the measure into conformity with such covered agreement and its suggestion, if any, on means by which the party complained against could implement the recommendations.

3. When the arbitral panel considers that it cannot present its interim report within the period of time referred to in paragraph 2, it shall inform the parties to the dispute in writing of the reasons for the delay together with the estimate of the period within which it will issue its interim report.

4. The parties to the dispute may submit written comments on the interim report within fourteen (14) days of its presentation.

5. In case that such written comments by the parties to the dispute are received as provided for in paragraph 4, the arbitral panel, on its own initiative or at the request of a party to the dispute, may reconsider its report and make any further examination that it considers appropriate.

Article 12
Final Report

1. The arbitral panel shall present a final report to the parties to the dispute, within thirty (30) days of presentation of the interim report.

2. The arbitral panel shall present to the parties to the dispute its final report within 120 days from the date of its establishment. In cases of urgency, including those relating to perishable goods, the arbitral panel shall aim to present its final report to the parties to the dispute within ninety (90) days from the date of its establishment. When the arbitral panel considers that it cannot present its final report within 120 days, or within ninety (90) days in cases of urgency, it shall inform