ANNEX IV

RULES OF PROCEDURE FOR THE ARBITRATION TRIBUNAL

Timetable

1. After consulting with the Parties, the Arbitration Tribunal shall, whenever possible, within seven days of the date of composition of the Arbitration Tribunal, fix the timetable for the Arbitration Tribunal process. The indicative timetable attached to this Annex should be used as a guide. Should the Arbitration Tribunal consider there is a need to modify the timetable, it shall consult with the Parties in writing regarding the proposed modification and the reason for it and make necessary procedural or administrative adjustments as may be required.

2. The Arbitration Tribunal process shall, not exceed 165 days from the date of composition of the Arbitration Tribunal until the date of the final report, unless the Parties agree otherwise.

Written Submissions and other Documents

3. Unless the Arbitration Tribunal otherwise decides, the complaining Party shall deliver its first written submission to the Arbitration Tribunal no later than 15 days after the date of composition of the Arbitration Tribunal. The responding Party shall deliver its first written submission to the Arbitration Tribunal no later than 45 days after the date of delivery of the complaining Party's first written submission. Copies shall be provided for each arbitrator.

4. Each Party shall also provide a copy of its written submissions to the other Party at the same time as it is delivered to the Arbitration Tribunal.

5. Within 10 days of the conclusion of the hearing, each Party may deliver to the Arbitration Tribunal and to the other Party a supplementary written submission responding to any matter that arose during the hearing.

6. If the Parties and the Arbitration Tribunal agreed, written

submissions, communications and other documents can be delivered by electronic means wherever practicable.

7. Minor errors of a clerical nature in any request, notice, written submission, or other document related to the Arbitration Tribunal proceeding may be corrected as soon as possible by delivery of a new document clearly indicating the changes through the agreed means of communication.

Operation of the Arbitration Tribunal

8. The Chair of the Arbitration Tribunal shall preside at all of its meetings. The Arbitration Tribunal may delegate to the Chair the authority to make administrative and procedural decisions.

9. Except as otherwise provided in this Annex, the Arbitration Tribunal may conduct its activities by any means, including by telephone, facsimile transmission, and any other means of electronic communication. Means of communication shall be determined by Arbitration Tribunal and the Parties shall be informed in advance.

10. Arbitration Tribunal deliberations shall be confidential. Only arbitrators may take part in the deliberations of the Arbitration Tribunal. The Arbitration Tribunal Report shall be drafted without the presence of the Parties in light of the information provided and the statements made.

Hearings

11. The timetable established in accordance with Rule 1 shall provide for at least one hearing for the Parties to present their cases to the Arbitration Tribunal.

12. The Arbitration Tribunal may convene additional hearings if the Parties so agree.

13. All arbitrators shall be present at hearings. Arbitration Tribunal hearings shall be held in closed session with only the arbitrators and the Parties in attendance. However, in consultation with the Parties, assistants, translators, or designated note takers may also be

present at hearings to assist the Arbitration Tribunal in its work. Any such arrangements established by the Arbitration Tribunal may be modified with the agreement of the Parties.

14. The hearing shall be conducted by the Arbitration Tribunal in a manner ensuring that the complaining Party and the responding Party are afforded equal time to present their case. The Arbitration Tribunal shall conduct the hearing in the following manner: argument of the complaining Party; argument of the responding Party; reply of the complaining Party; counter-reply of the responding Party; closing statement of the complaining Party; and closing statement of the responding Party. The Chair may set time limits for oral arguments to ensure that each Party is afforded equal time.

15. The Parties to the dispute shall make available to the Arbitration Tribunal written versions of their oral statements within one day of the date of the hearing.

Confidentiality

16. The Arbitration Tribunal's hearings and the documents submitted to it shall be confidential. Each Party shall treat as confidential information submitted to the Arbitration Tribunal by the other Party which that Party has designated as confidential.

17. Where Party designates as confidential its written submissions to the Arbitration Tribunal, it shall, on request of the other Party, provide the Arbitration Tribunal and the other Party with a non-confidential summary of the information contained in its written submissions that could be disclosed to the public no later than five days after the date of request. Nothing in these Rules shall prevent a Party from disclosing statements of its own positions to the public.

Role of Experts

18. On request of a Party, or on its own initiative, the Arbitration Tribunal may seek information and technical advice from any individual or body that it deems appropriate, provided that the Parties agree and subject to such terms and conditions as the Parties agree. The Arbitration Tribunal shall provide the Parties with any information so

obtained for comment.

Working Language

19. The working language of the Arbitration Tribunal proceedings, including for written submissions, oral arguments or presentations, the report of the Arbitration Tribunal and all written and oral communications between the Parties and with the Arbitration Tribunal, shall be the English language.

Expenses

20. The Arbitration Tribunal 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, designated note takers, or other individuals that it retains.

Indicative Timetable for the Arbitration Tribunal

Arbitration Tribunal established on xx/xx/xxxx.

21. Receipt of first written submissions of the Parties:

    (a) complaining Party: 15 days after the date of the composition of the Arbitration Tribunal;

    (b) responding Party: 45 days after (a);

22. Date of the first hearing with the Parties: 30 days after receipt of the first submission of the responding Party;

23. Receipt of written supplementary submissions of the Parties: 10 days after the date of the first hearing;

24. Issuance of initial report to the Parties: 35 days after receipt of written supplementary submissions;

25. Deadline for the Parties to provide written comments on the initial report: 15 days after the issuance of the initial report; and

26. Issuance of final report to the Parties: within 30 days of presentation of the initial report.

Consent Award:

27. If, during arbitral proceedings, the Parties settle the dispute, upon request from Parties, the Arbitration Tribunal shall terminate the proceedings and may render consent award.

Reports of Arbitration Tribunal:

28. The initial report shall contain, inter alia, both the descriptive sections and the Arbitration Tribunal's findings and conclusions.

29. In exceptional circumstances, if the Arbitration Tribunal considers it cannot issue its initial report within the periods of time specified in Annex, it shall inform the disputing Parties in writing of the reasons for the delay together with an estimate of the period within which it will issue its initial report. Any delay shall not exceed a further period of 30 days unless the disputing Parties agree otherwise.

Decision Making:

30. The Arbitration Tribunal reports and decisions shall be adopted by majority vote.