

CHAPTER 14

DISPUTE SETTLEMENT

SECTION 1

OBJECTIVE AND SCOPE

ARTICLE 244

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 Title IV (Trade and Trade-related Matters) of this Agreement with a view to arriving at, where possible, a mutually agreed solution.

ARTICLE 245

Scope of application

This Chapter shall apply with respect to any dispute concerning the interpretation and application of the provisions of Title IV (Trade and Trade-related Matters) of this Agreement, except as otherwise provided.

SECTION 2

CONSULTATIONS AND MEDIATION

ARTICLE 246

Consultations

1. The Parties shall endeavour to resolve any dispute referred to in Article 245 of this Agreement 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 to the other Party, copied to the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, giving reasons for the request, including by identifying the measure at issue and the provisions referred to in Article 245 of this Agreement that it considers applicable.
3. Consultations shall be held within 30 days of the date of receipt of the request and take place, unless the Parties agree otherwise, in the territory of the Party to which the request is made. The consultations shall be deemed concluded within 30 days of the date of receipt of the request, unless both Parties agree to continue consultations. Consultations, in particular all information disclosed and positions taken by the Parties during the consultations, shall be confidential, and without prejudice to the rights of either Party in any further proceedings.
4. Consultations on matters of urgency, including those regarding perishable goods or seasonal goods or services shall be held within 15 days of the date of receipt of the request by the requested Party, and shall be deemed concluded within those 15 days unless both Parties agree to continue consultations.

5. If the Party to which the request is made does not respond to the request for consultations within ten days of the date of its receipt, or if consultations are not held within the timeframes laid down in paragraph 3 or in paragraph 4 of this Article respectively, or if the Parties agree not to have consultations, or if consultations have been concluded and no mutually agreed solution has been reached, the Party that sought consultations may have recourse to Article 248 of this Agreement.

6. During the consultations each Party shall deliver sufficient factual information, so as to allow a complete examination of the manner in which the measure at issue could affect the operation and the application of this Agreement.

7. Where consultations concern the transport of energy goods through networks and one Party views the resolution of the dispute as urgent because of an interruption, in full or in part, of transport of natural gas, oil or electricity between the Parties the consultations shall be held within three days of the date of submission of the request, and shall be deemed concluded three days after the date of submission of the request unless both Parties agree to continue consultations.

ARTICLE 247

Mediation

Any Party may request the other Party to enter into a mediation procedure pursuant to Annex XIX to this Agreement with respect to any measure adversely affecting its trade interests.

SECTION 3

DISPUTE SETTLEMENT PROCEDURES

SUB-SECTION 1

ARBITRATION PROCEDURE

ARTICLE 248

Initiation of the arbitration procedure

1. Where the Parties have failed to resolve the dispute by recourse to consultations as provided for in Article 246 of this Agreement, the Party that sought consultations may request the establishment of an arbitration panel in accordance with this Article.
2. The request for the establishment of an arbitration panel shall be made in writing to the other Party and the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement. The complaining Party shall identify in its request the measure at issue, and it shall explain how such measure is inconsistent with the provisions referred to in Article 245 of this Agreement in a manner sufficient to present the legal basis for the complaint clearly.

ARTICLE 249

Establishment of the arbitration panel

1. An arbitration panel shall be composed of three arbitrators.
2. Upon receipt of the request for the establishment of an arbitration panel, the Parties shall

consult promptly and shall endeavour to reach an agreement on the composition of the arbitration panel. Notwithstanding paragraphs 3 and 4 of this Article, the Parties may at any time before the establishment of the arbitration panel decide to compose the arbitration panel by mutual agreement.

3. Either Party may request to apply the procedure for panel composition laid down in this paragraph after five days from the request for the establishment of a panel, if no agreement has been found on the composition of the arbitration panel. Each Party may appoint an arbitrator from the list established under Article 268 of this Agreement within ten days from the date of request to apply the procedure in this paragraph. If any of the Parties fails to appoint the arbitrator, the arbitrator shall, upon request of the other Party, be selected by lot by the chair or co-chairs of the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, or their delegates, from the sub-list of that Party contained in the list established under Article 268 of this Agreement. Unless the Parties have reached an agreement concerning the chairperson of the arbitration panel, upon request of any of the Parties, the chair or co-chairs of the Association Committee in Trade configuration or their delegates, shall select by lot the chairperson of the arbitration panel from the sub-list of chairpersons contained in the list established under Article 268 of this Agreement.

4. In the event of selection by lot of one or more arbitrators, the draw shall take place within five days of the request to select by lot referred to in paragraph 3.

5. The date of establishment of the arbitration panel shall be the date on which the last of the three selected arbitrators accepted the appointment in accordance with the Rules of Procedure in Annex XX to this Agreement."

6. Should any of the lists provided for in Article 268 of this Agreement not be established or not contain sufficient names at the time a request is made pursuant to paragraph 3, the arbitrators shall be drawn by lot. The draw shall take place from the individuals who have been formally proposed by each of the Parties or, in case one Party has failed to make such proposal, the draw shall be made from the individuals proposed by the other Party.

7. Unless the Parties agree otherwise, in respect of a dispute concerning Chapter 11 (Trade-related energy) of Title IV (Trade and Trade-related Matters) of this Agreement which a Party considers to be urgent because of an interruption, in full or in part, of any transport of natural gas, oil, or electricity or a threat thereof between the Parties, the procedure of selection by lot envisaged in paragraph 3 of this Article shall apply without recourse to the first sentence of paragraph 2 of this Article or to the other steps provided for in paragraph 3 of this Article, and the period referred to in paragraph 4 of this Article shall be two days.

ARTICLE 250

Preliminary ruling on urgency

If a Party so requests, the arbitration panel shall, within ten days of the date of its establishment, give a preliminary ruling on whether it deems the case to be urgent.

ARTICLE 251

Arbitration panel report

1. The arbitration panel shall notify an interim report to the Parties setting out the findings of fact, the applicability of relevant provisions and the basic rationale behind any findings and recommendations that it makes, no later than 90 days after the date of establishment of the arbitration panel. Where it considers that this deadline cannot be met, the chairperson of the arbitration panel shall notify the Parties and the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, in writing, stating the reasons for the delay and the date on which the panel plans to notify its interim report. Under no circumstances should the interim report be notified later than 120 days after the date of establishment of the arbitration panel. The interim report shall not be made public.

2. A Party may submit a written request to the arbitration panel to review precise aspects of the interim report within 14 days of its notification.

3. In cases of urgency, including those involving perishable goods or seasonal goods or services, the arbitration panel shall make every effort to notify its interim report within 45 days and, in any case, no later than 60 days after the date of establishment of the arbitration panel. A Party may submit a written request to the arbitration panel to review precise aspects of the interim report, within 7 days of the notification of the interim report.

4. After considering any written comments by the Parties on the interim report, the arbitration panel may modify its report and make any further examination it considers appropriate. The findings of the final panel ruling shall include a sufficient discussion of the arguments made at the interim review stage, and shall answer clearly to the questions and observations of the two Parties.

5. In respect of a dispute concerning Chapter 11 (Trade-related energy) of Title IV (Trade and Trade-related Matters) of this Agreement which a Party considers to be urgent because of an interruption, in full or in part, of any transport of natural gas, oil or electricity or a threat thereof, between the Parties, the interim report shall be notified 20 days after the date of establishment of the arbitration panel, and any request pursuant to paragraph 2 of this Article shall be made within five days of the notification of the written report. The arbitration panel may also decide to dispense with the interim report.

ARTICLE 252

Conciliation for urgent energy disputes

1. In respect of a dispute concerning Chapter 11 (Trade-related energy) of Title IV (Trade and Trade-related Matters) of this Agreement which a Party considers to be urgent because of an

interruption, in full or in part, of any transport of natural gas, oil, or electricity or a threat thereof between the Parties, either Party may request the chairperson of the arbitration panel to act as a conciliator concerning any matter related to the dispute by making a request to the notified panel.

2. The conciliator shall seek an agreed resolution of the dispute or seek to agree a procedure to achieve such resolution. If within 15 days of his/her appointment he/she has failed to secure such agreement, he/she shall recommend a resolution to the dispute or a procedure to achieve such resolution and shall decide on the terms and conditions to be observed from a date which he/she shall specify until the dispute is resolved.

3. The Parties and the entities under their control or jurisdiction shall respect recommendations made under paragraph 2 on the terms and conditions for three months following the conciliator's decision or until resolution of the dispute, whichever is earlier.

4. The conciliator shall respect the Code of Conduct set out in Annex XXI to this Agreement.

ARTICLE 253

Notification of the ruling of the arbitration panel

1. The arbitration panel shall notify its final ruling to the Parties and to the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, within 120 days from the date of establishment of the arbitration panel. Where it considers that this deadline cannot be met, the chairperson of the arbitration panel shall notify the Parties and the Association Committee in Trade configuration in writing, stating the reasons for the delay and the date on which the panel plans to notify its ruling. Under no circumstances should the ruling be notified later than 150 days after the date of establishment of the arbitration panel.

2. In cases of urgency, including those involving perishable goods or seasonal goods or

services, the arbitration panel shall make every effort to notify its ruling within 60 days from the date of its establishment. Under no circumstances should the ruling be notified later than 75 days after the date of its establishment.

3. In respect of a dispute concerning Chapter 11 (Trade-related Energy) of Title IV (Trade and Trade-related Matters) of this Agreement which a Party considers to be urgent because of an interruption, in full or in part, of any transport of natural gas, oil or electricity or a threat thereof between the Parties, the arbitration panel shall notify its ruling within 40 days from the date of its establishment.

SUB-SECTION 2

COMPLIANCE

ARTICLE 254

Compliance with the arbitration panel ruling

The Party complained against shall take any measure necessary to comply promptly and in good faith with the arbitration panel ruling.

ARTICLE 255

Reasonable period of time for compliance

1. If immediate compliance is not possible, the Parties shall endeavour to agree on the period of time to comply with the ruling. In such a case, the Party complained against shall, no later than 30 days after the receipt of the notification of the arbitration panel ruling to the Parties, notify the complaining Party and the Association Committee in Trade configuration, as set out in

Article 408(4) of this Agreement, of the time it will require for compliance ("reasonable period of time").

2. If there is disagreement between the Parties on the reasonable period of time to comply with the arbitration panel ruling, the complaining Party shall, within 20 days of the date of receipt of the notification made under paragraph 1 by the Party complained against, request in writing the original arbitration panel to determine the length of the reasonable period of time. Such request shall be notified simultaneously to the other Party and to the Association Committee in Trade configuration. The original arbitration panel shall notify its ruling to the Parties and to the Association Committee in Trade configuration within 20 days from the date of submission of the request.

3. The Party complained against shall inform the complaining Party in writing of its progress to comply with the arbitration panel ruling at least one month before the expiry of the reasonable period of time.

4. The reasonable period of time may be extended by mutual agreement of the Parties.

ARTICLE 256

Review of any measure taken to comply with the arbitration panel ruling

1. The Party complained against shall notify the complaining Party and the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, before the end of the reasonable period of time of any measure that it has taken to comply with the arbitration panel ruling.

2. In the event that there is disagreement between the Parties concerning the existence or the consistency of any measure under paragraph 1, taken to comply with the provisions referred to in Article 245 of this Agreement, the complaining Party may request in writing the original arbitration panel to rule on the matter. Such request shall identify the specific measure at issue and explain how such measure is inconsistent with the provisions referred to in Article 245 of this Agreement, in a manner sufficient to present the legal basis for the complaint clearly. The original arbitration panel shall notify its ruling to the Parties and to the Association Committee in Trade configuration within 45 days of the date of submission of the request.

ARTICLE 257

Temporary remedies in case of non-compliance

1. If the Party complained against fails to notify any measure taken to comply with the arbitration panel ruling before the expiry of the reasonable period of time, or if the arbitration panel rules that no measure taken to comply exists or that the measure notified under Article 256(1) of this Agreement, is inconsistent with that Party's obligations under the provisions referred to in Article 245 of this Agreement, the Party complained against shall, if so requested by the complaining Party and after consultations with that Party, present an offer for temporary compensation.

2. If the complaining Party decides not to request an offer for temporary compensation under paragraph 1 of this Article, or, in case such request is made, if no agreement on compensation is reached within 30 days after the end of the reasonable period of time or of the notification of the arbitration panel ruling under Article 256 of this Agreement that no measure taken to comply exists or that a measure taken to comply is inconsistent with the provisions referred to in Article 245 of this Agreement, the complaining Party shall be entitled, upon notification to the other Party and to the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, to suspend obligations arising from any provision referred to in Article 245 of this Agreement, at an adequate level, equivalent to the nullification

or impairment caused by the violation. The notification shall specify the level of suspension of obligations. The complaining Party may implement the suspension at any moment after the expiry of ten days after the date of receipt of the notification by the Party complained against, unless the Party complained against has requested arbitration under paragraph 4 of this Article.

3. In suspending obligations, the complaining Party may choose to increase its tariff rates to the level applied to other WTO Members on a volume of trade to be determined in such a way that the volume of trade multiplied by the increase of the tariff rates equals the value of the nullification or impairment caused by the violation.

4. If the Party complained against considers that the level of suspension is not equivalent to the nullification or impairment caused by the violation, it may request in writing the original arbitration panel to rule on the matter. Such request shall be notified to the complaining Party and to the Association Committee in Trade configuration before the expiry of the ten day period referred to in paragraph 2. The original arbitration panel shall notify its ruling on the level of the suspension of obligations to the Parties and to the Association Committee in Trade configuration within 30 days of the date of submission of the request. Obligations shall not be suspended until the original arbitration panel has notified its ruling, and any suspension shall be consistent with the arbitration panel ruling.

5. The suspension of obligations and the compensation foreseen in this Article shall be temporary and shall not be applied after:

- (a) the Parties have reached a mutually agreed solution pursuant to Article 262 of this Agreement; or
- (b) the Parties have agreed that the measure notified under Article 256(1) of this Agreement brings the Party complained against into conformity with the provisions referred to in Article 245 of this Agreement; or

- (c) any measure found to be inconsistent with the provisions referred to in Article 245 has been withdrawn or amended so as to bring it into conformity with those provisions, as ruled under Article 256(2) of this Agreement.

ARTICLE 258

Remedies for urgent energy disputes

1. In respect of a dispute concerning Chapter 11 (Trade-related Energy) of Title IV (Trade and Trade-related Matters) of this Agreement which a Party considers to be urgent because of an interruption, in full or in part, of any transport of natural gas, oil, or electricity or a threat thereof between the Parties, the provisions of this Article on remedies shall apply.
2. By way of derogation from Articles 255, 256 and 257 of this Agreement, the complaining Party may suspend obligations arising under Title IV (Trade and Trade-related Matters) of this Agreement to an adequate level, equivalent to the nullification or impairment caused by the Party failing to bring itself into compliance with the arbitration panel ruling within 15 days of its notification. That suspension may take effect immediately. Such suspension may be maintained as long as the Party complained against has not complied with the arbitration panel ruling.
3. Should the Party complained against dispute the existence of a failure to comply or the level of the suspension due to the failure to comply, it may initiate proceedings under Articles 257(4) and 259 of this Agreement which shall be examined expeditiously. The complaining Party shall be required to remove or adjust the suspension only once the Panel has ruled on the matter, and may maintain the suspension pending the proceedings.

ARTICLE 259

Review of any measure taken to comply after the adoption of temporary remedies for non-compliance

1. The Party complained against shall notify the complaining Party and the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, of the measure it has taken to comply with the ruling of the arbitration panel following the suspension of concessions or following the application of temporary compensation, as the case may be. With the exception of cases under paragraph 2 of this Article, the complaining Party shall terminate the suspension of concessions within 30 days from the receipt of the notification. In cases where compensation has been applied, and with the exception of cases under paragraph 2 of this Article, the Party complained against may terminate the application of such compensation within 30 days from its notification that it has complied with the ruling of the arbitration panel.
2. If the Parties do not reach an agreement on whether the notified measure brings the Party complained against into conformity with the provisions referred to in Article 245 of this Agreement, within 30 days of the date of receipt of the notification, the complaining Party shall request in writing the original arbitration panel to rule on the matter. Such a request shall be notified simultaneously to the other Party and to the Association Committee in Trade configuration. The arbitration panel ruling shall be notified to the Parties and to the Association Committee in Trade configuration within 45 days of the date of submission of the request. If the arbitration panel rules that the measure taken to comply is in accordance with the provisions referred to in Article 245 of this Agreement, the suspension of obligations or compensation, as the case may be, shall be terminated. Where relevant, the complaining Party shall adapt the level of suspension of concessions to the level determined by the arbitration panel.

ARTICLE 260

Replacement of arbitrators

If in an arbitration proceeding under this Chapter, the original panel, or some of its members, are unable to participate, withdraw, or need to be replaced because they do not comply with the requirements of the Code of Conduct set out in Annex XXI to this Agreement, the procedure set out in Article 249 of this Agreement shall apply. The time-limit for the notification of the arbitration panel ruling shall be extended by 20 days with the exception of the urgent disputes referred to in paragraph 7 of Article 249, for which the time-limit shall be extended by five days.

SUB-SECTION 3

COMMON PROVISIONS

ARTICLE 261

Suspension and termination of arbitration and compliance procedures

The arbitration panel shall, at the written request of both Parties, suspend its work at any time for a period agreed by the Parties not exceeding 12 consecutive months. The arbitration panel shall resume its work before the end of that period at the written request of both Parties or at the end of this period at the written request of any Party. The requesting Party shall inform the chair or co-chairs of the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, and the other Party, accordingly. If a Party does not request the resumption of the arbitration panel's work at the expiry of the agreed suspension period, the procedure shall be terminated. The suspension and termination of the arbitration panel's work are without prejudice to the rights of either Party in another proceeding subject to Article 269 of this Agreement.

ARTICLE 262

Mutually agreed solution

The Parties may reach a mutually agreed solution to a dispute under Title IV (Trade and Trade-related Matters) of this Agreement at any time. They shall jointly notify the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, and the chairperson of the arbitration panel, where applicable, of any such solution. If the solution requires approval pursuant to the relevant domestic procedures of either Party, the notification shall refer to this requirement, and the dispute settlement procedure shall be suspended. If such approval is not required, or if the completion of any such domestic procedures is notified, the dispute settlement procedure shall be terminated.

ARTICLE 263

Rules of procedure

1. Dispute settlement procedures under this Chapter shall be governed by the Rules of Procedure set out in Annex XX to this Agreement and by the Code of Conduct set out in Annex XXI to this Agreement.
2. Any hearing of the arbitration panel shall be open to the public unless otherwise provided for in the Rules of Procedure.

ARTICLE 264

Information and technical advice

At the request of a Party, or upon its own initiative, the arbitration panel may obtain any information it deems appropriate for the arbitration panel proceeding from any source, including the Parties involved in the dispute. The arbitration panel also has the right to seek the opinion of experts as it deems appropriate. The arbitration panel shall consult the Parties before choosing such experts. Natural or legal persons established in the territory of a Party may submit amicus curiae briefs to the arbitration panel in accordance with the Rules of Procedure. Any information obtained under this Article shall be disclosed to each of the Parties and submitted for their comments.

ARTICLE 265

Rules of interpretation

The arbitration panel shall interpret the provisions referred to in Article 245 of this Agreement, in accordance with customary rules of interpretation of public international law, including those codified in the Vienna Convention on the Law of Treaties of 1969. The panel shall also take into account relevant interpretations established in reports of panels and the Appellate Body adopted by the WTO Dispute Settlement Body (DSB). The rulings of the arbitration panel cannot add to or diminish the rights and obligations of the Parties provided under this Agreement.

ARTICLE 266

Decisions and rulings of the arbitration panel

1. The arbitration panel shall make every effort to take any decision by consensus. Where, nevertheless, a decision cannot be arrived at by consensus, the matter at issue shall be decided by majority vote. The deliberations of the panel shall be confidential and dissenting opinions shall not be issued.
2. The rulings of the arbitration panel shall be unconditionally accepted by the Parties. They shall not create any rights or obligations for natural or legal persons. The rulings shall set out the findings of fact, the applicability of the relevant provisions referred to in Article 245 of this Agreement and the basic rationale behind any findings and conclusions that they make. The Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, shall make the rulings of the arbitration panel publicly available in their entirety within ten days of their notification, unless it decides not to do so in order to ensure the confidentiality of information that is designated as confidential by the Party that provided it, on the basis of its legislation.

ARTICLE 267

Referrals to the Court of Justice of the European Union

1. The procedures set out in this Article shall apply to disputes concerning the interpretation and application of a provision of this Agreement which imposes upon a Party an obligation defined by reference to a provision of Union law.
2. Where a dispute raises a question of interpretation of a provision of Union law referred to in paragraph 1, the arbitration panel shall not decide the question, but request the Court of Justice of the European Union to give a ruling on the question. In such cases, the deadlines applying to

the rulings of the arbitration panel shall be suspended until the Court of Justice of the European Union has given its ruling. The ruling of the Court of Justice of the European Union shall be binding on the arbitration panel.

SECTION 4

GENERAL PROVISIONS

ARTICLE 268

Lists of arbitrators

1. The Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, shall, no later than six months after the entry into force of this Agreement, establish a list of at least 15 individuals who are willing and able to serve as arbitrators. The list shall be composed of three sub-lists: one sub-list for each Party and one sub-list of individuals that are not nationals of either Party and who may serve as chairperson to the arbitration panel. Each sub-list shall include at least five individuals. The Association Committee in Trade configuration shall ensure that the list is always maintained at that level.
2. Arbitrators shall have specialised knowledge and experience of law and international trade. They shall be independent, serve in their individual capacities and not take instructions from any organisation or government, or be affiliated with the government of any of the Parties, and shall comply with the Code of Conduct set out in Annex XXI to this Agreement .

3. The Association Committee in Trade configuration may establish additional lists of 12 individuals with knowledge and experience in specific sectors covered by this Agreement. Subject to the agreement of the Parties, such additional lists shall be used to compose the arbitration panel in accordance with the procedure set out in Article 249 of this Agreement.

ARTICLE 269

Relation with WTO obligations

1. Recourse to the dispute settlement provisions of this Chapter shall be without prejudice to any action in the WTO framework, including dispute settlement proceedings.

2. However, where a Party has, with regard to a particular measure, initiated a dispute settlement proceeding, either under this Chapter or under the WTO Agreement, it may not institute a dispute settlement proceeding regarding the same measure in the other forum until the first proceeding has been concluded. In addition, a Party shall not seek redress of an obligation which is identical under this Agreement and under the WTO Agreement in the two fora. In such case, once a dispute settlement proceeding has been initiated, the Parties shall use the selected forum to the exclusion of the other, unless the forum selected fails for procedural or jurisdictional reasons to make findings on the claim seeking redress of that obligation.

3. For the purposes of paragraph 2 of this Article:

(a) dispute settlement proceedings under the WTO Agreement are deemed to be initiated by a Party's request for the establishment of a panel under Article 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes contained in Annex 2 to the WTO Agreement (DSU) and are deemed to be concluded when the DSB adopts that panel's report, and the Appellate Body's report as the case may be, under Articles 16 and 17.14 of the DSU; and

(b) dispute settlement proceedings under this Chapter are deemed to be initiated by a Party's request for the establishment of an arbitration panel under Article 248 of this Agreement and are deemed to be concluded when the arbitration panel notifies its ruling under Article 253 of this Agreement to the Parties and to the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement.

4. Nothing in this Agreement shall preclude a Party from implementing the suspension of obligations authorised by the DSB. The WTO Agreement shall not be invoked to preclude a Party from suspending obligations under this Chapter.

ARTICLE 270

Time-limits

1. All time-limits laid down in this Chapter, including the time-limits for an arbitration panel to notify its ruling, shall be counted in calendar days from the day following the act or fact to which they refer, unless otherwise specified.

2. Any time-limit referred to in this Chapter may be modified by mutual agreement of the Parties to the dispute. The arbitration panel may at any time propose to the Parties to modify any time-limit referred to in this Chapter, stating the reasons for that proposal.