

ANNEX 1

RULES AND PROCEDURES FOR THE ARBITRAL PROCEEDINGS

1. Before the first substantive meeting of the arbitral tribunal with the parties to the dispute, the parties concerned shall transmit to the arbitral tribunal written submissions in which they present the facts of their case and their arguments.
2. The complaining party shall submit its first submission in advance of the first submission of the party complained against unless the arbitral tribunal decides, in fixing the timetable referred to in paragraph 3 of Article 9 and after consultations with the parties to the dispute, that the parties concerned should submit their first submissions simultaneously. When there are sequential arrangements for the submission of first submissions, the arbitral tribunal shall establish a firm time-period for receipt of the submission of the party complained against. Any subsequent written submissions shall be submitted simultaneously.
3. At its first substantive meeting with the parties to the dispute, the arbitral tribunal shall ask the complaining party to present its submissions. Subsequently, and still at the same meeting, the party complained against shall be asked to present its submissions.
4. Formal rebuttals shall be made at the second substantive meeting of the arbitral tribunal. The party complained against shall have the right to present its submission first, and shall be followed by the complaining party. The parties to the dispute shall submit, prior to the meeting, written rebuttals to the arbitral tribunal.
5. The arbitral tribunal may at any time put questions to the parties to the dispute and ask them for explanations either in the course of a meeting with the parties concerned or in writing.
6. The parties to the dispute shall make available to the arbitral tribunal a written version of their oral statements.
7. In the interests of full transparency, the presentations, rebuttals and statements referred to in paragraphs 2 to 6 shall be made in the presence of the parties to the dispute. Moreover, each party's written submissions, including any comments on the draft report, written versions of oral statements and responses to questions put by the arbitral tribunal, shall be made available to the other party. There shall be no *ex parte* communications with the arbitral tribunal concerning matters under its consideration.
8. The arbitral tribunal may consult experts to obtain their opinion on certain aspects of the matter. With respect to factual issues concerning a scientific or other technical matter raised by a party to the dispute, the arbitral tribunal may request advisory reports in writing from an expert or experts. The arbitral tribunal may, at the request of a party or parties to the dispute, or on its own volition, select, in consultation with the parties to the dispute, scientific or technical experts who shall assist the arbitral tribunal throughout its proceedings but who shall not have the right to vote in respect of any decision to be made by the arbitral tribunal.