ANNEX 9

CONSTITUTION AND FUNCTIONING OF THE ARBITRAL TRIBUNAL

referred to in Article 43, paragraph 3

1. The Arbitral Tribunal shall comprise three members.

2. In its written notification made pursuant to Article 43, paragraph 1, the Party referring the dispute to arbitration shall designate one member, who may be its national or resident.

3. Within 30 days from the receipt of the notification referred to in Article 43, paragraph 1, the Party to which it was addressed shall, in turn, designate one member, who may be its national or resident.

4. Within 60 days from the receipt of the notification referred to in Article 43, paragraph 1, the two members already designated shall agree on the designation of a third member who shall be confirmed by the Parties to the dispute within 15 days. The third member shall not be a national of either Party to the dispute, nor permanently reside on the territory of either Party. The member thus appointed shall be the President of the Arbitral Tribunal.

5. If all three members have not been designated or appointed within 75 days from the receipt of the notification referred to in Article 43, paragraph 1, either Party may request the Secretary – General of the Permanent Court of Arbitration at the Hague to designate an appointing authority.

6. The Permanent Court of Arbitration Optional Rules for Arbitrating Disputes between Two States shall apply unless otherwise provided for in this Annex.

7. The arbitral award shall be rendered within six months of the date at which the President of the Arbitral Tribunal was appointed. At the request of the Arbitral Tribunal, the Joint Committee may grant an extension of this time period for up to six additional months. In the event of a dispute over the meaning and scope of the award, any Party to the dispute can, within 60 days from the communication of the arbitral award, ask for clarification by the Arbitral Tribunal. The Arbitral Tribunal shall deliver its clarification within 60 days from the day the issue was brought before it.