

## **SCHEDULE 3**

### **CRITERIA FOR THE APPOINTMENT OF POTENTIAL PANELLISTS AND ARBITERS**

#### **ARTICLES 26(1) AND 37(1)**

##### **General Criteria for All Appointments**

1. The Parties shall ensure that all of the individuals that they respectively appoint to their lists of potential panellists, as required under Article 26(1), and the roster of arbiters, as required under Article 37(1):
  - a) has been selected for appointment on the basis of objectivity, reliability and sound judgment; and
  - b) is independent of, and is not affiliated with or taking instructions from, any Party or any government entity of a Party.

##### **Additional Criteria for Appointments under Article 26(1)**

2. In addition to the general requirements of paragraph 1, the Parties shall ensure that each of the individuals that they appoint to their lists of potential panellists, as required under Article 26(1), has expertise or significant experience as counsel or as a decision-maker in administrative law or dispute settlement.

##### **Additional Criteria for Appointments under Article 37(1)**

3. In addition to the general requirements of paragraph 1, the Parties shall ensure that each of the individuals that they appoint to the roster of arbiters, as required under Article 37(1), has expertise or significant experience as counsel or as a decision maker in government procurement, administrative law, the rights and obligations of internal or international trade agreements applicable to government procurement, or government-procurement-related dispute settlement.

##### **Prior Consultation on Appointments**

4. With the object of ensuring panellists and arbiters of the highest possible quality in the circumstances, each Party will provide the other Parties with a reasonable opportunity to review and comment on any proposed appointment under Article 26(1) or Article 37(1) before such appointment is finalized.