

**DISCLAIMER:** *The Commission and Australia are publishing the texts of the Agreement following the announcement of conclusion of the negotiations on 24 March 2026. The texts are published in view of the public interest in the Agreement, for information purposes only and they may undergo further minor modifications, including as a result of the process of legal and linguistic revision. These texts are without prejudice to the final outcome of the Agreement between the EU and Australia. The texts will be final upon signature. The Agreement will become binding on the Parties under international law only after completion by each Party of its applicable legal requirements and procedures necessary for the entry into force of the Agreement.*

**ANNEX 24-A**

**RULES OF PROCEDURE**

**I. Notifications**

1. Any request, reply, notice, written submission or other document of:
  - (a) the panel shall be sent to both Parties at the same time;
  - (b) a Party which is addressed to the panel shall be copied to the other Party at the same time; and
  - (c) a Party which is addressed to the other Party shall be copied to the panel at the same time, as appropriate.
2. Any notification referred to in Rule 1 shall be in writing and shall be made by e-mail or, where appropriate, any other means of telecommunication that provides a record of its sending. Unless proven otherwise, such notification shall be deemed to be delivered on the date it is sent.
3. All notifications referred to in Rule 1 shall be addressed to, for the Union, the Directorate-General for Trade of the European Commission and, for Australia to the Department of Foreign Affairs and Trade or its successor.
4. Minor errors of a clerical nature in a request, notice, written submission or other document related to the proceedings may be corrected by delivery of a new document clearly indicating the changes.

5. If the last day for delivery of a document falls on a non-working day of the institutions of the Union or of the relevant institutions of the Government of Australia, the time period for the delivery of the document shall end on the first following working day.

6. Any notification referred in under Rule 1 shall be delivered by 17:00 hours (Brussels time) on the required date.

## II. Appointment of panellists

7. If a panellist is to be selected by lot pursuant to Article 24.6 (Establishment of a panel), the co-chair of the Trade Committee from the complaining Party shall promptly inform the co-chair of the Trade Committee from the Party complained against of the date, time and venue of the selection by lot. The Party complained against may be present during the selection. In any event, the selection shall be carried out with the Party or Parties that are present.

8. The co-chair of the Trade Committee from the complaining Party shall notify, in writing, each individual who has been selected to serve as a panellist of their selection. That notification shall be copied to the co-chair of the Trade Committee from the Party complained against. Each individual shall confirm their availability to both Parties within five days after the date on which he or she was informed of their selection.

9. If any individual who has been selected to serve as a panellist does not confirm their availability within the time period provided for in Rule 8, or notifies that he or she is unavailable, a new individual shall be selected. To that end, the procedure provided for in Article 24.6 (Establishment of a panel) shall be repeated, starting with the selection method that led to the selection of the unavailable individual.

10. The co-chair of the Trade Committee from the complaining Party shall select by lot the panellist or chairperson of the panel, within five days after the expiry of the time period referred to in Article 24.6(2) (Establishment of a panel), if any of the relevant sub-lists referred in Article 24.7 (Lists of panellists):

- (a) is not established or if no individual on the relevant sub-list is available, from amongst those individuals who have been proposed by one or both Parties for the establishment of that particular sub-list; or
- (b) no longer contains at least five individuals, from amongst those individuals who remain on that particular sub-list.

11. A panellist shall accept their appointment by signing an appointment contract and returning a signed copy to the co-chair of the Trade Committee from the complaining Party. Unless otherwise entrusted to an external body pursuant to Article 24.5(5) (Initiation of panel procedures), the Parties shall endeavour to ensure that, at the latest by the time all the panellists have confirmed their availability, they have agreed on the remuneration and the reimbursement of expenses of the panellists and assistants, and have prepared the necessary appointment contracts, with a view to having them signed promptly. The remuneration and expenses of the panellists shall be based on WTO standards. The remuneration and expenses of an assistant or assistants of a panellist shall not exceed 50 % of the remuneration of that panellist.

### III. Organisational meeting

11A. Unless the Parties agree otherwise, they shall meet the panel within seven days after the date of its establishment in order to determine any matters that the Parties or the panel deem appropriate, including the timetable of the proceedings. Panellists and representatives of the Parties may take part in such meeting through any means of communication, including telephone or video conference.

### IV. Written submissions

12. The complaining Party shall deliver its written submission no later than 15 days after the date of establishment of the panel. The Party complained against shall deliver its written submission no later than 25 days after the date of delivery of the written submission of the complaining Party.

### V. Operation of the panel

13. The chairperson of the panel shall preside at all panel meetings. The panel may delegate to the chairperson the authority to make administrative and procedural decisions.

14. Unless otherwise provided in Chapter 24 (Dispute settlement) or in this Annex, the panel may conduct its activities by any means including telephone, video-conference or other electronic means of communication.

15. Only panellists may take part in the deliberations of the panel. Notwithstanding, the panel may permit their assistants to be present at its deliberations.

16. Without prejudice to the research or assistance provided by any assistants, the drafting of any decision and report shall remain the exclusive responsibility of the panel and shall not be delegated.

17. Where a procedural question arises that is not covered by the Chapter 24 (Dispute settlement), this Annex or Annex 24-B (Code of conduct for panellists and mediators), the panel, after consulting the Parties, may adopt an appropriate procedure that is compatible with Chapter 24 (Dispute settlement), this Annex or Annex 24-B (Code of conduct for panellists and mediators), as applicable.

18. If the panel considers that there is a need to modify any of the time periods for the proceedings other than the time periods set out in Chapter 24 (Dispute settlement) or to make any other procedural or administrative adjustment, it shall inform the Parties, in writing of the time period or adjustment needed and the reasons therefor. The panel may adopt the modification or adjustment after consultation with the Parties.

19. Where a jurisdictional question arises, a Party may request the panel to make a ruling on that matter. The request shall be submitted at the earliest possible opportunity and generally no later than that Party's first written submission. The panel may rule on the request either as a preliminary question or in its reports and decisions, as it considers appropriate.

## VI. Replacement

20. If a Party considers that a panellist does not comply with Annex 24-B (Code of conduct for panellists and mediators) and should therefore be replaced, that Party shall notify the other Party within 15 days after the date on which it obtained sufficient evidence of the panellist's alleged failure to comply with Annex 24-B (Code of conduct for panellists and mediators).

21. The Parties shall consult within 15 days after the date of the notification under Rule 20, taking into account the evidence of the panellist's alleged failure to comply with Annex 24-B (Code of conduct for panellists and mediators). The Parties shall inform the panellist of the alleged failure and they may request the panellist to take steps to ameliorate that failure. They may also, if they so agree, remove the panellist and select a new panellist in accordance with Article 24.6 (Establishment of a panel).

22. If the Parties fail to agree on the need to replace a panellist, other than the chairperson of the panel, either Party may request the chairperson of the panel to make a decision on the matter, which shall be final.

If the chairperson of the panel finds that the panellist does not comply with Annex 24-B (Code of conduct for panellists and mediators), the new panellist shall be selected in accordance with Article 24.6 (Establishment of a panel).

23. If the Parties fail to agree on the need to replace the chairperson, either Party may request that this matter be referred to one of the remaining members of the pool of individuals from the relevant sub-list of chairpersons established under Article 24.7 (Lists of panellists). The individual's name shall be drawn by lot by the co-chair of the Trade Committee from the requesting Party, or the co-chair's delegate. The decision by the selected person on the need to replace the chairperson shall be final. If the selected person is unavailable to make the decision, the selection process shall be repeated.

If the selected person finds that the chairperson does not comply with Annex 24-B (Code of conduct for panellists and mediators), a new chairperson shall be selected in accordance with Article 24.6 (Establishment of a panel).

## VII. Hearings

24. Based on the timetable determined pursuant to Rule 10, after consulting with the Parties and the other panellists, the chairperson of the panel shall notify the Parties of the date, time and venue of the hearing. That information shall be made publicly available by the Party in which the hearing takes place, unless the hearing is closed to the public.

25. Unless the Parties agree otherwise, the hearing shall be held in Brussels if the complaining Party is Australia and in Canberra if the complaining Party is the Union. The Party complained against shall bear the expenses derived from the logistical administration of the hearing. In duly justified circumstances and at the request of a Party, the panel may decide, after consulting the other Party, to hold a virtual or hybrid hearing and make appropriate arrangements, taking into account the rights of due process and the need to ensure transparency.

26. The panel may convene additional hearings if the Parties so agree.

27. All panellists shall be present during the entirety of the hearing.

28. Unless the Parties agree otherwise, the following persons may attend the hearing, irrespective of whether or not the hearing is open to the public:

(a) representatives and advisers of a Party;

(b) assistants and administrative staff;

(c) interpreters, translators and court reporters of the panel; and

(d) experts, if used by the panel pursuant to Article 24.22(2) (Receipt of Information).

29. No later than five days before the date of a hearing, each Party shall deliver to the panel and to the other Party a list of the names of persons who will make oral arguments or presentations at the hearing on behalf of that Party and of other representatives and advisers who will be attending the hearing.

30. The panel shall conduct the hearing in the following manner, ensuring that the complaining Party and the Party complained against are afforded equal time in both argument and rebuttal argument:

*Argument*

- (a) argument of the complaining Party; and
- (b) argument of the Party complained against.

*Rebuttal Argument*

- (a) reply of the complaining Party; and
- (b) counter-reply of the Party complained against.

31. The panel may direct questions to either Party at any time during the hearing.

32. The panel shall arrange for a transcript, and where that is not practicable, a recording of the hearing, to be prepared and delivered to the Parties as soon as possible after the hearing. Each Party may comment on the transcript or recording and the panel may consider those comments and, where necessary, address any inaccuracies.

33. Each Party may deliver a supplementary written submission concerning any matter that arose during the hearing within 10 days after the date of the hearing. The other Party shall have an opportunity to provide comments in writing on such a submission.

VIII. Questions in writing

34. The panel may at any time during the proceedings submit questions in writing to one or both Parties.

35. A Party shall have an opportunity to provide comments in writing on the other Party's responses.

IX. Confidentiality

36. Each Party and the panel shall treat as confidential any information submitted by the other Party to the panel that the other Party has designated as confidential. When a Party submits to the panel a written submission containing confidential information, it shall also provide, within 15 days, a non-confidential version of the submission which shall be disclosed to the public.

37. Nothing in this Annex (Rules of procedure) shall preclude a Party from disclosing statements of its own positions to the public to the extent that, when making reference to information submitted by the other Party, it does not disclose any information designated by the other Party as confidential.

38. The panel shall meet in closed session when the submission and arguments of a Party include confidential information. The Parties shall maintain the confidentiality of the panel hearings when the hearings are held in closed session.

#### X. *Ex parte* contacts

39. The panel shall not meet or communicate with a Party in the absence of the other Party.

40. A panellist shall not discuss any aspect of the matters under consideration by the panel with one Party or both Parties in the absence of the other panellists.

#### XI. *Amicus curiae* submissions

41. Unless the Parties agree otherwise within five days after the date of the establishment of the panel, the panel may receive unsolicited written submissions from a natural person of a Party or a legal person established in the territory of a Party who is independent from the governments of the Parties, provided that they:

- (a) are received by the panel within 10 days after the date of the establishment of the panel;
- (b) are concise and in no case longer than 15 pages, including any annexes, typed at double space;

- (c) are directly relevant to a factual or a legal issue under consideration by the panel;
- (d) contain a description of the person making the submission including, in the case of a natural person, their nationality, and in the case of a legal person, its place of establishment, the nature of its activities, its legal status, general objectives and its source of financing;
- (e) specify the nature of the interest that the person has in the proceedings; and
- (f) are drafted in the languages chosen by the Parties in accordance with Rule 45 and Rule 46 of this Annex.

42. The submissions shall be delivered to the Parties for their comments. The Parties may submit to the panel comments within 10 days after the date of delivery of the submissions.

43. The panel shall list in its report all the submissions it has received pursuant to Rule 41. The panel shall not be obliged to address in its report the arguments made in such submissions, however, if it does, it shall also take into account any comments made by the Parties pursuant to Rule 42.

## XII. Urgent cases

44. In cases of urgency referred to in Article 24.11 (Decision on urgency), the panel, after consulting the Parties, shall adjust, as appropriate, the time periods referred to in this Annex. The panel shall notify the Parties of those adjustments.

## XIII. Translation and interpretation

45. During the consultations referred to in Article 24.4 (Consultations), and no later than the meeting referred to in Rule 11A, the Parties shall endeavour to agree on a common working language for the proceedings.

46. If the Parties are unable to agree on a common working language, each Party shall make its written submissions in its chosen language. Each Party shall provide at the same time a translation in the language chosen by the other Party, unless its submissions are written in one of the working languages of the WTO. The Party complained against shall arrange for the interpretation of oral submissions into the languages chosen by the Parties.

47. Panel reports and decisions shall be issued in the language or languages chosen by the Parties. If the Parties have not agreed on a common working language, the interim and final report of the panel shall be issued in one of the working languages of the WTO.

48. Either Party may provide comments on the accuracy of the translation of any translated version of a document drawn up in accordance with this Annex, which shall be taken into account in finalising the translation if appropriate.

49. Each Party shall bear the costs of the translation of its written submissions. Any costs incurred for translation of a ruling shall be borne equally by the Parties.

#### XIV. Other procedures

50. In respect of proceedings under Article 24.15 (Reasonable period of time), Article 24.16 (Compliance review), Article 24.17 (Temporary remedies) and Article 24.18 (Review of any measure taken to comply after the adoption of temporary remedies), the panel shall determine a timetable of the proceedings, after consulting the Parties, which shall include time periods for the Parties to submit written submissions to the panel.