(b) the legal basis of the complaint including, if applicable, the provisions of this Agreement alleged to have been breached and any other relevant provisions.

The arbitral tribunal may also be requested to propose implementation options, which will be attached to its award.

3. The arbitral tribunal shall consist of three arbitrators with relevant technical or legal expertise.

4. Each Party shall, within 30 days after the date of receipt of the request for the establishment of an arbitral tribunal, appoint one arbitrator who may be its national and propose up to three candidates to serve as the third arbitrator who shall be the chair of the arbitral tribunal. The third arbitrator shall not be a national of either Party, nor have his or her usual place of residence in either Party, nor be employed by either Party, nor have dealt with the dispute in any capacity.

5. The Parties shall agree on and appoint the third arbitrator within 45 days after the date of receipt of the request for the establishment of an arbitral tribunal, taking into account the candidates proposed pursuant to paragraph 4.

6. If a Party has not appointed the one arbitrator pursuant to paragraph 4, or if the Parties fail to agree on the third arbitrator pursuant to paragraph 5, the necessary appointments shall be made at the request of either Party by the Secretary-General of the Permanent Court of Arbitration within a further 30 days.

7. The date of the establishment of an arbitral tribunal shall be the date on which the chair of the arbitral tribunal is appointed.

Article 142
Functions of Arbitral Tribunals

1. The arbitral tribunal established pursuant to Article 141:

(a) shall examine the matter referred to in the request for the establishment of the arbitral tribunal pursuant to paragraph 2 of Article 141;

(b) shall make its award in accordance with this Agreement and applicable rules of international law;

(c) shall set out, in its award, its findings of law and fact, together with the reasons therefor;

(d) shall, if requested by the complaining Party pursuant to paragraph 2 of Article 141, attach to its award suggested implementation options for the Parties to consider in conjunction with Article 145; and

(e) should consult with the Parties, as appropriate, with a view to providing adequate opportunities for the development of a mutually satisfactory resolution.

2. The award of the arbitral tribunal shall be final and binding on the Parties.

Article 143
Proceedings of Arbitral Tribunals

1. Unless the Parties have agreed otherwise, the arbitral tribunal shall decide on whether its proceedings are to be held in Japan or Switzerland, and the complaining Party shall provide the secretariat services. The language of the proceedings and the documents submitted to and produced by the tribunal, including the award, shall be English.

2. The arbitral tribunal shall meet in closed session. Hearings shall be open to the public, unless either Party objects.

3. The deliberations of the arbitral tribunal, the documents submitted to it and the draft award referred to in paragraph 8 shall be kept confidential.

4. Notwithstanding paragraph 3, either Party may make public statements as to its views regarding the dispute, but shall treat as confidential, information provided and written submissions made by the other Party to the arbitral tribunal which that other Party has designated as confidential. Where a Party has provided information or made written submissions designated to be confidential, that Party shall, upon request of the other Party, provide a non-confidential summary of the information or written submissions which may be disclosed publicly.