6. If an arbitrator appointed under this Article resigns, dies or otherwise becomes unable to act, a replacement arbitrator shall be appointed in the same manner as prescribed for the appointment of the original arbitrator. The replacement arbitrator shall have all the powers and duties of the original arbitrator. The work of the arbitral tribunal shall be suspended until the replacement arbitrator is appointed.

Article 16.8
Functions of Arbitral Tribunals

1. The functions of the arbitral tribunal established in accordance with Articles 16.6 and 16.7 shall be to:

(a) make an objective assessment of the matter before it, including an objective assessment of the facts of the case and the applicability of and conformity with this Agreement;

(b) consult regularly with the Parties offering them equal opportunities for such consultations and provide adequate opportunities for the development of a mutually satisfactory resolution;

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

(d) include in its award, its findings of law and fact, together with the reasons for the findings; and

(e) attach to its award suggested implementation options including suggested period of time for implementing the award, for the Parties to consider in conjunction with Article 16.11, if requested by either Party.

2. The arbitral tribunal may seek, from the Parties, such relevant information as it considers necessary and appropriate. The Parties shall respond promptly and fully to any request by the arbitral tribunal for such information as the arbitral tribunal considers necessary and appropriate.

3. The arbitral tribunal may seek information from any relevant source and 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, the arbitral tribunal may request advisory reports in writing from experts.

4. Any information obtained by the arbitral tribunal in accordance with paragraph 3 shall be made available to the Parties.

Article 16.9
Proceedings of Arbitral Tribunals

1. The arbitral tribunal shall meet in closed session. The Parties shall be present at the meetings only when invited by the arbitral tribunal to appear before it.

2. The venue for the proceedings of the arbitral tribunal shall be decided by mutual consent of the Parties, failing which it shall alternate between the Parties with the first meeting of the arbitral tribunal proceedings to be held in the capital of the Party complained against.

3. The deliberations of the arbitral tribunal and the documents submitted to it 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 and written submissions submitted by the other Party to the arbitral tribunal which that other Party has designated as confidential. Where a Party has provided information or written submissions designated as confidential, the other Party may request a non-confidential summary of the information or written submission which may be disclosed publicly. The Party to which such a request is made may agree to the request and submit such a summary, or refuse the request without needing to ascribe any reasons or justification.