(b) If no satisfactory compensation or any alternative arrangement has been agreed within 30 days after the date of expiry of the reasonable period of time, the complaining Party may suspend the application to the Party complained against of concessions or other obligations under this Agreement, after giving notification of such suspension 30 days in advance.

4. If the complaining Party considers that the Party complained against has failed to comply with the award within the reasonable period of time and if the Party complained against has not entered into consultations in accordance with subparagraph 3(a), the complaining Party may suspend the application to the Party complained against of concessions or other obligations under this Agreement, after giving notification of such suspension 30 days in advance.

5. The suspension of the application of concessions or other obligations under paragraph 3 or 4 shall:

(a) not be effected if, with respect to the dispute to which the suspension relates, consultations or proceedings before the arbitral tribunal are in progress;

(b) be temporary, and be discontinued when the Parties reach a mutually satisfactory resolution or where compliance with the award is effected;

(c) be restricted to the same level of nullification or impairment that is attributable to the failure to comply with the award; and

(d) be restricted to the same sector or sectors to which the nullification or impairment relates, unless it is not practicable or effective to suspend the application of concessions or other obligations in such sector or sectors.

6. If the Party complained against considers that the requirements for the suspension of the application of concessions or other obligations under this Agreement by the complaining Party set out in paragraph 3, 4 or 5 have not been met, it may request consultations with the complaining Party. The complaining Party shall enter into consultations within 10 days after the date of receipt of the request. If the Parties fail to resolve the matter within 30 days after the date of receipt of the request for consultations in accordance with this paragraph, the Party complained against may refer the matter to an arbitral tribunal, which then shall determine whether the said requirements have been met.

7. The arbitral tribunal that is established for the purposes of this Article shall, whenever possible, have as its arbitrators, the arbitrators of the original arbitral tribunal. If this is not possible, then the arbitrators to the arbitral tribunal that is established for the purposes of this Article shall be appointed in accordance with paragraphs 2, 3 and 4 of Article 16.7. Unless the Parties agree on a different period, the arbitral tribunal established under this Article shall make its determinations within 60 days after the date when the matter is referred to it. Such determinations shall be final and binding on the Parties.

Article 16.12
Modification of Time Periods

Any time period provided for in this Chapter may be modified for a particular dispute by mutual consent of the Parties.

Article 16.13
Expenses

Each Party shall bear the costs of the arbitrator appointed by it and its representation in the proceedings of the arbitral tribunal. The other costs of the arbitral tribunal shall be borne by the Parties in equal shares, unless the Parties otherwise agree.

Article 16.14
Language

All proceedings of the arbitral tribunal and all documents and information submitted to the arbitral tribunal shall be in the English language.