

**Special Session of the Dispute Settlement Body
5 April 2005**

MINUTES OF MEETING

Held in the Centre William Rappard
on 5 April 2005

Chairman: Mr. David Spencer (Australia)

The Chairman welcomed participants to the twenty-seventh meeting of the Special Session and said that the airgram for the meeting had been circulated in WTO/AIR/2541 and that the draft agenda (TN/DS/W/75) contained two items: (i) discussion of contributions from participants and (ii) "Other Business". He asked whether any participant would like to raise any issue under "Other Business". As there was no response from participants, he suggested the deletion of "Other Business" from the agenda of the meeting. The Chairman's suggestion was accepted and the agenda was adopted as amended.

1. Discussion of the contributions contained in Job(05)/19, Job(05)/23, Job(05)/47 and Job(05)/48

1. The Chairman recalled that at the last meeting of the Special Session, participants had had a very useful discussion of the contribution by the group of seven countries (Argentina, Brazil, Canada, India, Mexico, New Zealand and Norway) on third party rights (Job (05)/19) and the one by the United States on additional guidance to WTO adjudicative bodies, which was initially circulated as Job(05)/23 and later as TN/DS/W/74. He said that two new informal contributions had been received since the last meeting. These were a joint contribution on post-retaliation by the European Communities and Japan (Job (05)/47) and an informal discussion paper on panel composition by the European Communities (Job (05)/48). He referred to the informal meeting on the DSU negotiations held over the past one and half days and said that the discussions had been very useful in terms of shedding light on the four proposals on the table. He asked whether any participant was intending to submit a paper for the consideration of the Special Session, so that it could be taken into account in the preparation of the next meeting.

2. The representative of Malaysia recalled that her delegation had submitted a paper on preventive measures to the Special Session last year and was still consulting with other participants on some elements of the proposal. It was their expectation to submit a revised proposal either before the May Special Session or the June Special Session.

3. The representative of Australia said that her delegation was intending to submit a proposal before the next meeting of the Special Session. The paper would build on elements in their earlier proposals on saving time in the dispute settlement process and on the adoption of accelerated time-frames for disputes on safeguard measures.

4. The Chairman stated that the discussions over the past one and half days had been very constructive and that he intended to follow the approach adopted at this session in discussing further the four contributions from Members. He said that it was his intention to hold further informal consultations before the next Special Session, which was scheduled to take place on 9 May 2005. He exhorted participants to continue consulting with each other in order to advance progress in the negotiations. For transparency purposes, he requested delegations to provide him with regular updates and said that he would be willing to participate in such informal contacts if they thought it would be helpful for the process.
