

**Special Session of the Dispute Settlement Body
10 May 2005**

MINUTES OF MEETING

Held in the Centre William Rappard
on 10 May 2005

Chairman: Mr. David Spencer (Australia)

The Chairman welcomed delegations to the twenty-eighth meeting of the Special Session and said that the airgram for the meeting had been circulated in WTO/AIR/2560 and that the draft agenda (TN/DS/W/76) contained two items, namely: (i) discussion of contributions by participants and (ii) "Other Business". He said that under the first agenda item, he would invite participants who had submitted new proposals since the last meeting of the Special Session to present them and allow other participants to comment on them. With respect to the second agenda item, he said that he would be making a few remarks on the future work programme of the Special Session. He asked whether any delegation would like to raise anything under "Other Business". There was no response from the floor and the agenda of the meeting was adopted.

1. Discussion of proposals from participants

1. The Chairman said that since the last meeting of the Special Session, a number of informal proposals had been circulated by delegations with a view to advancing the negotiations. He noted that these proposals had already been discussed informally in the Special Session but that he would like to give the proponents an opportunity to formally present their papers, after which other delegations could also formally comment on them for the record.

2. The representative of Australia recalled that Australia had submitted a paper on possible time savings in the WTO dispute settlement procedures and for accelerated time-frames for disputes involving safeguard measures and that there had been a good discussion on the paper informally in the Special Session the day before. She said that Australia would welcome any further ideas or comments that delegations might have on their paper.

2. "Other business"

3. The Chairman recalled that the next meeting of the Special Session would take place on 21-22 June 2005 and said that between now and that time, it was his intention to hold further informal consultations with delegations with a view to advancing the negotiations. He encouraged delegations to consult with each other and explore the possibility of achieving a common understanding on some of the issues under consideration. He further recalled that the Special Session was scheduled to meet after the July General Council and said that he would be consulting with delegations as to whether that meeting could be rescheduled. He said that there was the expectation from Ministers that by July, there should be first approximations of modalities for agriculture and NAMA and their equivalents in other areas of the negotiations, including rules. It was not entirely clear what was required exactly in the area of dispute settlement. He said that he intended to consult delegations on this issue so as to determine the contribution the Special Session could make to the July 2005 General Council Decision.

It could possibly take the form of a Chairman's report prepared under his own responsibility or if there was agreement among delegations, it could be presented as a consensus text. This report would only report on the state of progress and give an indication of what ought to be achieved by the time of the Ministerial Conference in Hong Kong.

4. He said the contents of the report to be submitted to the July 2005 General Council could be discussed during informal consultations he planned to have between now and the next meeting of the Special Session. It would not be fruitful for delegations to engage in lengthy discussions at this stage as to when the negotiations would be concluded, but it would be extremely useful if delegations could focus on the text to be presented for the consideration of Ministers at the Hong Kong Ministerial Conference. If something substantial was to be provided, it was clear that delegations had to change gears in the second half of this year. The text was not going to be drafted single-handedly by him and would reflect the work done by delegations. He could only facilitate the process but delegations ultimately had the responsibility for developing the text. He encouraged delegations to think over this during the summer break and be prepared to engage substantively in September. He asked whether any delegation would like to comment on what he had said. As there was no response from the floor, he reminded delegations that the next meeting would take place on 21-22 June and said that a fax setting out the order of business would be sent ahead of that date, so as to allow delegations ample time to prepare. It would be productive if the present format of combining informal and formal sessions was followed.
