

**Special Session of the Dispute Settlement Body
28 May 2004**

MINUTES OF MEETING

Held in the Centre William Rappard
on 28 May 2004

Chairman: Mr. David Spencer (Australia)

1. The Chairman welcomed participants to the twenty-second meeting of the Special Session and said that the airgram for the meeting had been circulated in WTO/AIR/2314 and that the draft agenda (TN/DS/W/69) contained one item, namely the report to the Trade Negotiations Committee (TNC).
2. He referred to his report to the TNC on 21 April, in which he had foreshadowed that there were some considerable doubts as to the chances of concluding the work on improvements and clarifications to the DSU by the end of May. This had proved to be correct. There was, however, agreement among Members that the Special Session needed more time to complete its work, on the understanding that consideration would be given to all existing proposals and that the negotiations would remain outside the Single Undertaking.
3. Recalling his statement at the previous session on 24 May, he said that he intended to report on his own responsibility on the following points to the TNC at its meeting scheduled for 30 June: (i) that on the basis of the work that had been done thus far, including the proposals that had been put forward by Members as well as the Chairman's text of last May, the Special Session had made some progress since the General Council meeting of 24 July 2003; (ii) that some delegations had made additional written contributions to the negotiations during this period, which had been welcomed by delegations; (iii) that there was a consensus on the need to continue working towards the clarification and improvement of the DSU; (iv) that a request be made to the TNC and or the General Council, as the case may be, to take appropriate action regarding the continuation of work in the Special Session; (v) that there should not be any specific benchmarks or guidelines for this continued work, but that such benchmarks or guidelines could be considered at a later stage. He reiterated that he would be making this statement on his own responsibility.
4. The representative of India asked whether there was any relationship between the report the Chairman would be presenting to the TNC and the broader understandings that might be arrived at by delegations on the approach to the July framework. He further asked whether the on-going consultations would affect the structure of the report. He said that there had been suggestions that the framework could take the form of a compilation of reports from Chairpersons of the various negotiating groups.
5. The Chairman said he could not anticipate what might happen in July, but it was his expectation that delegations would follow through on their commitment to continue these negotiations. He reiterated that the report mentioned above would be presented to the TNC on 30 June.

6. The representative of Bulgaria said that his delegation could agree to those elements of the report which had been read out by the Chairman. He noted that while the report to the TNC would be on the Chairman's own responsibility, there were elements in it which reflected the status quo in the Special Session. One such element was the consensus in the Special Session to continue the negotiations beyond May 2004. He expressed the view that it was not necessary for a new mandate to be sought from the TNC or the General Council in order to continue the negotiations. A decision by the Special Session should be sufficient.

7. The Chairman said it was a disappointment that delegations had not been able to conclude the work by the set target date. He then said that the reasons for the failure to meet the deadline were known to all and that it was his expectation that delegations would come back from the summer recess – should the TNC and the General Council agree – with a renewed sense of vigor and enthusiasm to accomplish the work.
