

**JORDAN'S FURTHER CONTRIBUTION TOWARDS THE IMPROVEMENT AND
CLARIFICATION OF THE DISPUTE SETTLEMENT UNDERSTANDING**

Communication from Jordan

The following communication, dated 18 March 2003, has been received from the Permanent Mission of the Hashemite Kingdom of Jordan.

Jordan refers to its proposal on improving and clarifying the WTO Dispute Settlement Understanding (TN/DS/W/43), and would like to elaborate on a number of items and revise a number of legal texts referred to therein taking into consideration the comments and suggestions we have received from Members during the last three months of negotiations at the Dispute Settlement Body in its Special Session.

- We refer to item III of the Jordanian proposal and hereby replace the previous legal text we have suggested in respect of the new proposed paragraph (12) of Article (4) of the DSU with the following:

"A request for consultations may be withdrawn by the complaining party at any point of time prior to submitting a request for the establishment of a panel. A request for consultations shall be deemed to have been withdrawn by the complaining party if that Party has not submitted a request for the establishment of a panel within (12) months after the date of receipt of the request for consultations."

- We refer to item IV of the Jordanian proposal and hereby replace the previous legal text we have suggested in respect of the new proposed paragraph (3) of Article (6) of the DSU with the following:

"A request for the establishment of a panel may be withdrawn by the complaining party at any time prior to the composition of the panel."

- We refer to item V of the Jordanian proposal and hereby replace the previous legal text that we have suggested in respect of amending paragraph (10) of Article (8) of the DSU with the following:

"In disputes involving developing-country Members and/or least-developed country Members the following shall be applicable:

(a) **When a dispute is between a developed-country Member and a developing-country Member the panel shall include one panelist from a developing-country Member should the latter request same within (85) days from the establishment of the panel.**

(b) **When a dispute is between a least-developed country Member and a developed-country Member the panel shall include one panelist from a least-developed country Member should the latter request same within (5) days from the establishment of the panel.**

(c) **When a dispute is between a developing -country Member and a least-developed country Member the panel shall include a panelist from a developing-country Member or a least-developed country Member should either one or both request same within (5) days from the establishment of the panel."**

- We refer as well to another item that has been addressed in the Jordanian proposal and would like to clarify same as follows:

In item XI of the above referenced proposal we suggested the establishment of a fund that would remit all costs and expenses that may be incurred by a developing or a least-developed country in reviewing, analyzing and/or responding to issues raised in an unsolicited *amicus curiae* brief in a dispute before the panel or the Appellate Body.

In this respect, we would like to further clarify our position and therefore replace, without prejudice to our formal statement that has been submitted on the issue of unsolicited *amicus curiae* briefs during the DSB Special Session meeting on 18 February 2003, the legal text, suggested in paragraph (38) of our proposal, with the following:

"8. Panelists and Appellate Body members shall promptly draw up in their respective working procedures rules and procedures that are considered necessary to regulate, operationalize and define the scope of this Article taking into consideration the interests and concerns of developing and least-developed country Members. These procedures shall include, *inter alia*, specific reference to a fund that would be established by (developed WTO country Members) with the aim of remitting any costs or expenses that may be incurred by a developing or a least-developed country Member in reviewing, analyzing and/or responding to issues raised in an unsolicited *amicus curiae* brief. The above-mentioned rules and procedures shall be drawn up in consultation with the Chair of the DSB and the Director-General, and shall be submitted to the DSB for adoption."

- We refer to item VII of the Jordanian proposal and hereby replace the previous legal text that we have suggested in respect of amending paragraph (2) of Article (10) of the DSU with the following:

"Any Member having a substantial interest in a matter before a panel and having notified its interest to the DSB **within 10 days from the establishment of a panel** (referred to in this Understanding as a "third party") shall have an opportunity to be heard by the panel and to make written submissions to the panel. These submissions shall also be given to the parties to the dispute and shall be reflected in the panel report."

The original proposal (TN/DS/W/43) should be considered, *mutatis mutandis*, part and parcel of this proposal.
