Understanding on Rules and Procedures Governing the Settlement of Disputes

WORKING PROCEDURES

1. In its proceedings the panel shall follow the relevant provisions of this Understanding. In addition, the following working procedures shall apply.

2. The panel shall meet in closed session. The parties to the dispute, and interested parties, shall be present at the meetings only when invited by the panel to appear before it.

3. The deliberations of the panel and the documents submitted to it shall be kept confidential. Nothing in this Understanding shall preclude a party to a dispute from disclosing statements of its own positions to the public. Members shall treat as confidential information submitted by another Member to the panel which that Member has designated as confidential. Where a party to a dispute submits a confidential version of its written submissions to the panel, it shall also, upon request of a Member, provide a non-confidential summary of the information contained in its submissions that could be disclosed to the public.

4. Before the first substantive meeting of the panel with the parties, the parties to the dispute shall transmit to the panel written submissions in which they present the facts of the case and their arguments.

5. At its first substantive meeting with the parties, the panel shall ask the party which has brought the complaint to present its case. Subsequently, and still at the same meeting, the party against which the complaint has been brought shall be asked to present its point of view.

6. All third parties which have notified their interest in the dispute to the DSB shall be invited in writing to present their views during a session of the first substantive meeting of the panel set aside for that purpose. All such third parties may be present during the entirety of this session.

7. Formal rebuttals shall be made at a second substantive meeting of the panel. The party complained against shall have the right to take the floor first to be followed by the complaining party. The parties shall submit, prior to that meeting, written rebuttals to the panel.

8. The panel may at any time put questions to the parties and ask them for explanations either in the course of a meeting with the parties or in writing.

9. The parties to the dispute and any third party invited to present its views in accordance with Article 10 shall make available to the panel a written version of their oral statements.

10. In the interest of full transparency, the presentations, rebuttals and statements referred to in paragraphs 5 to 9 shall be made in the presence of the parties. Moreover, each party's written submissions, including any comments on the descriptive part of the report and responses to questions put by the panel, shall be made available to the other party or parties.

11. Any additional procedures specific to the panel.

12. Proposed timetable for panel work:

(a) Receipt of first written submissions of the parties:

(1) Complaining Party:_____ _____ 3-6 weeks

(2) Party complained against:_____ _____ 2-3 weeks

(b) Date, time and place of first substantive meeting with the parties; third party session:_____ _____ 1-2 weeks

(c) Receipt of written rebuttals of the parties: _____ _____ 2-3 weeks

(d) Date, time and place of second substantive meeting with the parties:_____ _____ 1-2 weeks

(e) Issuance of descriptive part of the report to the parties: _____ _____ 2-4 weeks

(f) Receipt of comments by the parties on the descriptive part of the report:_____ _____ 2 weeks

(g) Issuance of the interim report, including the findings and conclusions, to the parties:_____ _____ 2-4 weeks

(h) Deadline for party to request review of part(s) of report: _____ _____ 1 week

(i) Period of review by panel, including possible additional meeting with parties:_____ _____ 2 weeks

(j) Issuance of final report to parties to dispute: _____ _____ 2 weeks

(k) Circulation of the final report to the Members: _____ _____ 3 weeks

The above calendar may be changed in the light of unforeseen developments. Additional meetings with the parties shall be scheduled if required.