

It is proposed that the GATT Secretariat be given the task of preparing a consolidated text of dispute settlement procedures, taking account as necessary of unique provisions applicable to an existing specific agreement or any special technical aspects of new disciplines that may result from the Uruguay Round negotiations.

It is for consideration whether differences in dispute settlement could be consolidated under the authority of one body, such as the Council or other appropriate body. There would be a number of questions to be considered, both procedural and substantive. These considerations would be affected by the scope of the negotiations, particularly in the new areas, and should allow for the individual dispute settlement process to work fully before consideration of cross retaliation would arise.

B) Review of Panel Reports

Current practice has revealed a number of difficulties with respect to decisions reached by panels. At times these concerns have related as much to political considerations as to substance. Parties to a dispute are provided an opportunity to review the factual part of the panel's report prior to its circulation but not its conclusions. This has resulted in a number of instances where a panel's decisions have been questioned by one or other party to the dispute and requests have been made for a further opportunity to meet with the panel to comment on the decision. In most cases, panels have declined these requests and the party to the dispute has been left to make its case before the Council. The denial of an opportunity to have a proper airing of a concern could make it more difficult to take the necessary domestic decision allowing adoption of a panel report.

In order to ensure that a panel is fully aware of all concerns, it is proposed to add a review stage to the current process. This would allow panels to provide clarification and possibly reverse errors or avoid decisions on matters not essential to the case at hand.

The present practice whereby the panel provides the parties with the factual part of its report for comment would continue. The panel would subsequently present an initial or interim report, comprising both the factual part and its findings and conclusions, in confidence to the parties to the dispute. Either party to the dispute could then request the panel to review precise aspects of the findings and conclusions of the report before its circulation to contracting parties. The parties would provide the panel with written arguments regarding their precise concerns with specific aspects of the report. At the