

paragraph 6(iv) of its annexed Agreed Description of the Customary Practice of the GATT in the Field of Dispute Settlement, Article 13 and Appendix 4 of the DSU will ensure that panels are provided with access to relevant expertise in the settlement of disputes, including those disputes involving environmental issues. Likewise, by allowing WTO members to make non-confidential summaries of the submissions of parties to a dispute publicly available, section 3 of Appendix 3 goes a long way in increasing transparency in the settlement of trade disputes.

Articles 4(6) and 5(2) provide, respectively, that consultations and proceedings involving good offices, conciliation and mediation "shall be confidential." Section 2 of Appendix 3 to the DSU provides that panels will meet in closed session (Article 17(10) provides the same with respect to the proceedings of the Appellate Body), while Article 14(10) of the DSU provides that the deliberations of the panel will be confidential.

Provisions concerning the confidentiality required in consultations, conciliation, panel hearings and deliberations do not constitute a change from existing practice in the GATT, nor will they affect Canada's environmental policies and legislation. In developing its position in trade disputes, the Canadian government, in accordance with paragraph 19 of the June 1993 OECD Procedural Guidelines to Improve the Mutual Compatibility of Trade and Environment Policies, usually affords an opportunity to non-governmental interests to provide their views with regard to a dispute.