

Article 13 provides for the right of panels to seek information. According to this Article, a panel has the right to seek information from any individual or body that it deems appropriate, and may consult experts to obtain their opinion on certain aspects of the matter. With respect to a factual issue concerning a scientific or other technical matter raised by a party to a dispute, a panel may request an advisory report in writing from an expert review group. Rules for the establishment of such a group and its procedures are set forth in Appendix 4 to the DSU.

Appendix 4 provides, among other things, that:

- expert review groups are under the panel's authority;
- participation is restricted to persons of professional standing and experience in the field in question;
- members of such groups must serve in their individual capacities and not as government representatives, nor as representatives of any organization;
- expert review groups may consult and seek information and technical advice from any source that they deem appropriate;
- parties to a dispute will have access to all relevant information provided to the group, unless it is confidential in nature; and
- the group must submit a draft report to the parties to the dispute with a view to obtaining their comments and taking them into account, as appropriate, in the final report, which, when it is submitted to the panel, must also be issued to the parties.

The final report of the expert review group is advisory only.

According to section 3 of Appendix 3 to the DSU, which sets out working procedures for panels, while the documents submitted to the panel must be kept confidential, nothing in the DSU precludes a party to a dispute from disclosing statements of its own positions to the public. This section further provides that WTO members must treat as confidential information submitted by another member to the panel, which that member has designated as confidential. However, where a party to a dispute submits a confidential version of its written submissions to the panel, it must also, upon request of a WTO member, provide a non-confidential summary that could be disclosed to the public. The same rules apply to the Appellate Body under Article 18(2).

These provisions are positive from an environmental point of view. By building upon and strengthening paragraph 15 of the 1979 Tokyo Round Understanding Regarding Notification, Consultation, Dispute Settlement and Surveillance and