

**UNITED STATES – SECTION 306 OF THE TRADE ACT OF 1974
AND AMENDMENTS THERETO**

Communication from the Chairman of the Dispute Settlement Body

The Chairman of the Dispute Settlement Body sent the following reply, dated 17 July 2000, to the communication from Japan contained in document WT/DS200/12.

Thank you for your letter of 10 July enquiring about the US's responses to requests made by various WTO Members to be joined into ongoing consultations (pursuant to Article 4.11 of the DSU) in the dispute mentioned above.

Enclosed are photocopies of responses sent by the United States to the Members who had requested participation in the consultations pursuant to Article 4.11, as copied to me.¹

With reference to your comments regarding the need to circulate not only requests for consultations (Article 4.3 of the DSU) and requests to be joined in consultations (Article 4.11 of the DSU), but also the various responses to such requests to be joined into consultations, I have looked into the matter and advised the Secretariat that it should resort to its previous practice of circulating a Note identifying Members accepted to participate in consultations pursuant to Article 4.11 of the DSU, where such information has been made available to the Secretariat. You recall that pursuant to the wording of Article 4.11, third-party Members may participate in such consultations only with the approval (acceptance) of the defending Member. Members which are refused the right to participate in such consultations may always, of course, request their own consultations with the defendant, who may then decide to coordinate the consultations in both disputes.

I agree with you that transparency would be further increased if all responses were circulated in their entirety and that the DSB has an interest in finding out which Members have been invited for such consultations. However, although a practice has developed of notifying the Chairman of the DSB or the Secretariat of (negative and positive) responses, there is no obligation to notify the DSB of any refusal to have a third-party join into consultations. In this context and in light of the Secretariat's overload of translation work and the important number of such requests to be joined in consultations, I hope you will agree that the circulation of even just the names of Members accepted to join in consultations will be a considerable practical improvement.

I hope this suggestion is to your satisfaction. If not, I should be happy to discuss the matter further with you.

¹ Available in the Legal Affairs Division, Office 2140.