

General Council
13-15 May 2002

PROCEDURES FOR THE CIRCULATION AND DERESTRICTION OF WTO DOCUMENTS

Draft Decision

Revision

This revised draft decision is being submitted to Members by the Chairman of the General Council for consideration at the meeting of the General Council on 13-15 May 2002. It reflects a number of informal consultations held by the Chairman since the February meeting of the General Council, including an open-ended informal consultation on 1 May. In preparation for the 1 May consultation, the Chairman circulated to all delegations an explanatory background note (Job 3599) on the evolution of the present text. Given the positive views expressed at the 1 May consultation, the Chairman is hopeful that Members will be in a position to take a decision on the basis of this draft text. In his statement introducing this item the Chairman will make additional remarks concerning a number of points in the text, including the timing of the review foreseen in paragraph 5.

The General Council,

Having regard to Articles IV:1, IV:2 and IX:1 of the Marrakesh Agreement Establishing the World Trade Organization,

Considering that there is a need to improve the current Procedures for the Circulation and Derestiction of WTO documents,

Emphasizing the importance of greater transparency in the functioning of the WTO,

Decides as follows:

1. All official WTO documents¹ shall be unrestricted.
2. Notwithstanding the provisions of paragraph 1,

¹ For the purposes of this Decision, an official WTO document shall be any document submitted by a Member or prepared by the Secretariat to be issued in any one of the following WTO document series: WT-series (including reports of panels and the Appellate Body); G-series (except G/IT-series); S-series; IP-series; GATS/EL-series; GATS/SC-series; the Schedules of Concessions and TN-series. Where a new WTO document series is created, the relevant WTO body shall decide on the derestiction procedures applicable to that series, taking into account the present decision.

- (a) any Member may submit a document as restricted, which shall be automatically derestricted after its first consideration by the relevant body or 60 days after the date of circulation, whichever is earlier, unless requested otherwise by that Member. In the latter case, the document may remain restricted for further periods of 30 days, subject to renewed requests by that Member within each 30-day period. The Secretariat shall remind Members of such deadlines, and derestrict the document upon receipt of a written instruction. Any document may be derestricted at any time during the restriction period at the request of the Member concerned.
 - (b) any WTO body may decide if and when there is a need for a Secretariat document prepared upon its request to be restricted. That document shall be automatically derestricted 60 days after the date of circulation, unless requested otherwise by a Member. In the latter case, the document shall remain restricted for one additional period of 30 days after which it shall be derestricted.
 - (c) minutes of meetings (including records, reports and notes) shall be restricted and shall be automatically derestricted 45 days after the date of circulation.²
 - (d) documents relating to modification or renegotiation of concessions or to specific commitments pursuant to Article XXVIII of the GATT 1994 or Article XXI of the GATS respectively shall be restricted and automatically derestricted upon certification of such changes in the schedules;
 - (e) documents relating to working parties on accession shall be restricted and shall be automatically derestricted upon the adoption of the report of the working party.
3. Translation of official WTO documents in all three official WTO languages (English, French and Spanish) shall be completed expeditiously. Once translated in all three official WTO languages, all official WTO documents that are not restricted shall be made available via the WTO web-site to facilitate their dissemination to the public at large.³
4. The Decision of the General Council of 18 July 1996 on Procedures for the Circulation and Derestriction of WTO documents, as contained in WT/L/160/Rev.1, shall be abrogated as of the date of adoption of the present decision, but will remain in effect for documents circulated prior to that date.
5. In the light of the experience gained from the operation of these procedures and changes in any other relevant procedures under the WTO, the General Council will, at an appropriate time, review and if necessary modify the procedures.

² It is understood that, normally, minutes (including records, reports and notes) of meetings shall be circulated within three weeks after a meeting of a WTO body and not later than the notice convening the following meeting of that body. Pursuant to Section C, paragraph (vi) of the Trade Policy Review Mechanism contained in Annex 3 of the WTO Agreement, minutes of the Trade Policy Review Body shall continue to be circulated as unrestricted.

³ Notwithstanding paragraph 3, any document that contains information that is publicly available or information required to be published under any Agreement in Annex 1, 2 or 3 of the WTO Agreement shall continue to be made available via the WTO web-site immediately in the original WTO language in which it is written.