

**BRAZIL - EXPORT FINANCING PROGRAMME FOR AIRCRAFT**

Communication from the Chairman of the DSB

The following communication to the Permanent Mission of Canada, dated 21 June 2000, from the Chairman of the Dispute Settlement Body, is circulated at his request. It was sent in response to a communication from Canada (issued as WT/DS46/21, dated 21 June 2000).

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Thank you for your letter dated 16 June 2000 concerning *Brazil - Export Financing Programme for Aircraft - Recourse by Brazil to Article 22.6 of the DSU and Article 4.11 of the SCM Agreement*. In response to your request for the Secretariat to issue a *corrigendum* to WT/DS46/19, insofar as it refers to the Communication of Brazil contained in document WT/DS46/18, the Secretariat have assured me that they have referred to this document issued subsequently to the DSB meeting of 22 May 2000 only out of concern for transparency. As the DSB record was not going to be available for some time yet, a reference to the later Brazilian communication which referred to what Brazil said at the DSB meeting seemed indicated. The Secretariat have also pointed out to me that the Brazilian communication in its first sentence clearly refers to what was said at the DSB meeting of 22 May, in its last sentence states that it "upholds the requests made at the DSB meeting of 22 May" and that in any case the record of that DSB meeting is authoritative.

Insofar as your letter expresses worries about the Secretariat note pre-judging the later decision of the Arbitrator on the scope of the arbitration, it seems from the above explanation that the Secretariat have acted purely out of a concern for transparency. Furthermore there can be no question but that the Panel will decide any question concerning the scope of the arbitration solely on the basis of the submissions of the parties and the merits of the case.

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