

PROCEDURES FOR THE CIRCULATION
AND DERESTRICTION OF WTO DOCUMENTS¹

Decision adopted by the General Council on 18 July 1996²

Revision

The General Council *decides* to adopt the following procedures with respect to the circulation³ and derestriction of documents:

1. Documents circulated after the date of entry into force of the Marrakesh Agreement Establishing the World Trade Organization (hereinafter referred to as "WTO Agreement") in any WTO document series shall be circulated as unrestricted with the exception of documents specified in the attached Appendix, which shall be circulated as restricted and subject to derestriction, or consideration thereof, as provided. Notwithstanding the exceptions specified in the Appendix, any document that contains only information that is publicly available or information that is required to be published under any agreement in Annex 1, 2 or 3 of the WTO Agreement shall be circulated on an unrestricted basis.
2. Notwithstanding the exceptions to paragraph 1 set forth in the Appendix,
 - (a) any Member may, at the time it submits any document for circulation, indicate to the Secretariat that the document be issued as unrestricted ; and
 - (b) any restricted document circulated after the date of entry into force of the WTO Agreement may be considered for derestriction at any time by the Ministerial Conference, the General Council, or the body under the auspices of which the document was circulated, or may be considered for derestriction at the request of any Member.
3. Requests for consideration for derestriction shall be made in writing and shall be directed to the Chairman of the Ministerial Conference, the General Council or the relevant WTO body. Such requests shall be circulated to all Members and placed on the agenda of a forthcoming meeting of the body concerned for consideration. However, in order to preserve the efficiency of work of the body

¹A copy of this decision shall be transmitted to the bodies established under the Plurilateral Trade Agreements for their consideration and appropriate action. The decision does not, furthermore, cover documents outside of a formal document series, such as a submission to a dispute settlement panel, or an interim report of a dispute settlement panel submitted to the parties thereto.

²In adopting these procedures, the General Council took note that Members attached particular importance to the restricted nature of documents so designated, and that individual governments should proceed accordingly in their handling of such documents.

³The terms "circulation" and "circulated" when used in this decision shall be understood to refer to the distribution by the Secretariat of documents to all WTO Members.

concerned, the Member concerned may indicate to the Secretariat that it circulate to Members a notice advising them of the documents proposed for derestriction and the date proposed for derestriction, which shall normally be sixty days after the date the notice is circulated. These documents shall be derestricted on the date set forth in the notice unless, prior to that date, a Member notifies the Secretariat in writing of its objection to the derestriction of a document, or any portion of a document.

4. The Secretariat shall prepare and circulate a list of all documents eligible for consideration for derestriction, indicating the proposed date of derestriction, which shall normally be sixty days after the circulation of the list. These documents shall be derestricted on the date set forth in the notice unless, prior to that date, a Member notifies the Secretariat in writing of its objection to the derestriction of a document, or any portion of a document.

5. If a document⁴ considered for derestriction is not derestricted because of an objection by any Member, and remains restricted at the end of the first year following the year in which an objection was raised, the document shall be considered for derestriction at that time.

6. The Secretariat will circulate periodically (e.g., every six months) a list of newly derestricted documents, as well as a list of all documents remaining restricted.

7. 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 review, and if necessary modify, the procedures two years after their adoption.

⁴These procedures shall apply *mutatis mutandis* to the consideration for derestriction of a portion of a document that remains restricted as a result of an objection made pursuant to paragraph 4.

APPENDIX

- (a) Working documents in all series (i.e., draft documents such as agendas, decisions and proposals, as well as other working papers, issued as "-/W/-" documents in a particular series), including documents in the Spec/- series.

Such documents shall be derestricted upon the adoption of the report⁵ or of the decision pertaining to their subject matter, or considered for derestriction six months after the date of their circulation⁶, whichever is earlier. However, working documents relating to balance-of-payments consultations, the Committee on Market Access, the Committee on Trade and Development and the Trade Policy Review Mechanism, shall be considered for derestriction at the end of each six-month period.^{7,8} All background notes by the Secretariat, however, shall be considered for derestriction six months after the date of their circulation.

- (b) Documents in the SECRET/- series (i.e., those documents relating to modification or withdrawal of concessions pursuant to Article XXVIII of the GATT 1994).

Such documents shall be derestricted upon completion of the Article XXVIII process (including such process initiated pursuant to Article XXIV:6) through certification of the changes in the schedule in accordance with the Decision by the CONTRACTING PARTIES to GATT 1947 of 26 March 1980 (BISD 27S/25).

- (c) Minutes of meetings of all WTO bodies (other than minutes of the Trade Policy Review Body, which shall be circulated as unrestricted), including Summary Records of Sessions of the Ministerial Conference.

Such documents shall be considered for derestriction six months after the date of their circulation.

- (d) Reports by the Secretariat and by the government concerned, relating to the Trade Policy Review Mechanism, including the annual report by the Director-General on the overview of developments in the international trading environment.

Such documents shall be derestricted upon the expiry of the press embargo thereon.

⁵Reference to "adoption" of a report in this decision is intended to mean its adoption by the Ministerial Conference, General Council or other relevant WTO body.

⁶The "date of circulation" means the date printed on the front page of a document indicating when it has been made available to Members' delegations.

⁷Documents circulated during the period January through June would be considered for derestriction directly after the end of that period. Documents circulated during the period July through December would be considered for derestriction directly after the end of that period.

⁸Notwithstanding these provisions, budget working documents in the Spec/- series shall not be derestricted.

- (e) Documents relating to working parties on accession.

Such documents shall be derestricted upon the adoption of the report of the working party. Prior to the adoption of the report, any such documents shall be considered for derestriction at the end of the first year following the year in which they were circulated.

- (f) Documents (other than working documents covered by (a) above) relating to balance-of-payments consultations, including the reports thereon.

Such documents shall be considered for derestriction at the end of each six-month period.⁹

- (g) Documents submitted to the Secretariat by a Member for circulation if, at the time the Member submits the document, the Member indicates to the Secretariat that the document should be issued as restricted.

Such documents shall be considered for derestriction at the end of each six-month period.⁹

- (h) Reports of panels which are circulated in accordance with the provisions of the Understanding on Rules and Procedures Governing the Settlement of Disputes.¹⁰

Such reports shall be circulated to all Members as restricted documents and derestricted no later than the tenth day thereafter if, prior to the date of circulation a party to the dispute that forms the basis of a report submits to the Chairman of the Dispute Settlement Body a written request for delayed derestriction. A report circulated as a restricted document shall indicate the date upon which it will be derestricted.¹¹

⁹Documents circulated during the period January through June would be considered for derestriction directly after the end of that period. Documents circulated during the period July through December would be considered for derestriction directly after the end of that period.

¹⁰This provision will be subject to review at the time of review of the Dispute Settlement Understanding, and will be discontinued if there is no consensus on the matter.

¹¹The following standard cover note will be placed on panel reports: "The report of the Panel on [name of dispute] is being circulated to all Members, pursuant to the DSU. The report is being circulated as an unrestricted document from [date] pursuant to the procedures for the Circulation and Derestriction of WTO Documents [document number]. Members are reminded that in accordance with the DSU only parties to the dispute may appeal a panel report, an appeal shall be limited to issues of law covered in the panel report and legal interpretations developed by the panel, and that there shall be no ex parte communications with the panel or Appellate Body concerning matters under consideration by the panel or Appellate Body."