

Memorandum of Understanding on Transparency in Dispute Settlement

Memorandum of Understanding

on Transparency in Dispute Settlement

Under the Agreement Between the United States and Jordan

on the Establishment of a Free Trade Area

The Government of the United States of America ("United States") and the Government of the Hashemite Kingdom of Jordan ("Jordan"),

recognizing that transparency in the administration of international trade agreements fosters public understanding of international trade and strengthens the international trading system;

Agree,

1. Subject to paragraph 3 of this Memorandum of Understanding ("Understanding"), promptly after requesting or receiving a request for consultations under Article 16 of the Agreement Between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area ("the Agreement") related to the matters identified in Article 17.1(a) of the Agreement, the Government of the United States and the Government of the Hashemite Kingdom of Jordan ("the Parties") shall solicit and consider the views of members of their respective publics in order to draw upon a broad range of perspectives.

2. Subject to paragraph 3 of this Understanding, in the event that a dispute between the Parties is referred to a panel pursuant to Article 17.1(c) of the Agreement:

(a) any submission by either Party to the panel shall be made available to the public within ten days of the date of submission;

(b) any oral presentations before the panel shall be open to members of the public, except that the panel shall close a portion of the presentation to the public if necessary to ensure compliance with paragraph 3 of this Understanding;

(c) the panel shall accept and consider amicus curiae submissions by individuals, legal persons, and nongovernmental organizations with an interest in the outcome of the dispute; and

(d) the panel shall release its report to the public at the earliest possible time.

3. Nothing in the Agreement or this Understanding shall be construed to require the disclosure of confidential information to the public, a Party, a nongovernmental organization, or a panel.

4. The Joint Committee under Article 15 of the Agreement shall establish:

(a) rules for the selection and conduct of panels, which shall provide for the manner of selection of the members to serve on a dispute settlement panel constituted under Article 17.1(c) of the Agreement and provide a Code of Conduct for the members of the panel; and

(b) model rules of procedure for the conduct by a dispute settlement panel of proceedings under Article 17.1(c), (d), and (e) of the Agreement.

5. At its regularly scheduled session for the year commencing five years after entry into force of the Agreement, the Joint Committee shall conduct a review of the operation of Article 17 of the Agreement. Based upon the results of this review and upon the agreement of the Parties, the Joint Committee shall consider and adopt amendments to Article 17, as appropriate and subject to the domestic legal requirements of each Party.

Done at Washington, in duplicate, this twenty-fourth day of October, 2000, which corresponds to this twenty-sixth day of Rajab, 1421, in the English language. An Arabic language text shall be prepared, which shall be considered equally authentic upon an exchange of diplomatic notes confirming its conformity with the English language text. In the event of a discrepancy, the English language text shall prevail.

FOR THE GOVERNMENT OF THE

UNITED STATES OF AMERICA: FOR THE GOVERNMENT OF THE

HASHEMITE KINGDOM OF JORDAN: