

Modification Proposal 28 – Alternative Proposal – legal drafting

Section B

Amend paragraph 4.5 to read as follows:

4.5 Attendance by other persons

4.5.1 Subject to paragraph 4.5.2, ~~That part of~~ any meeting of the Panel ~~or of any Panel Committee at which Modification Proposals are to be considered~~ shall be open to attendance by a representative of any Party and any other person entitled to receive notice of Panel Meetings under paragraph 4.1.6; and any person so attending such a meeting may speak if invited to do so by the ~~Panel C~~chairman of the meeting, but shall not vote at the meeting.

4.5.2 Paragraph 4.5.1 shall not apply:

(a) to meetings of the Trading Disputes Committee or Performance Assurance Board, or to any meeting or part of a meeting of the Panel at which a matter referred to the Panel pursuant to Section W3.5.1 is to be considered;

(b) to any other meeting or part of a meeting of the Panel or a Panel Committee at which any particular matter (not including any Modification Business, but without prejudice to paragraph 4.6.1(e)) is to be considered, where the chairman of the meeting considers that it is not appropriate (having regard to the principles set out in paragraph 3.3, or on the grounds of commercial sensitivity in relation to any person which is not a Party) for such matter to be considered in open session; or

(c) in the case of a meeting held by telephone conference or similar means in accordance with paragraph 4.4.7;

and shall not operate to prevent a resolution from being passed in accordance with paragraph 4.4.6.

4.5.32 The ~~Panel C~~chairman of a meeting of the Panel or Panel Committee may invite any person to attend all or any part of the meeting, and may invite any person attending the meeting to speak at the meeting.

Section F

Amend paragraphs 1 and 2 to read as attached.