

**COMMENTS OF ANTIGUA AND BARBUDA**

**to the**

**DRAFT DESCRIPTIVE PART OF THE PANEL REPORT**

**UNITED STATES – MEASURES AFFECTING THE CROSS-BORDER  
SUPPLY OF GAMBLING AND BETTING SERVICES**

*Recourse to Article 21.5 of the  
Understanding on Rules and Procedures  
Governing the Settlement of Disputes  
by Antigua and Barbuda*

**11 January 2007**

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**I. INTRODUCTION**

1. As a preliminary matter, Antigua and Barbuda (“Antigua”) would like to express its reservations, under the circumstances, as to whether the approach taken by the Panel with respect to the descriptive part of the pending report of the Panel (the “Draft Report”). Given the length and scope of information presented in the written submissions of the parties, on the one hand, and the mandated brevity of the executive summaries, on the other, Antigua is concerned that a person simply reading the executive summaries may not receive a complete impression of the true nature and extent of the arguments and evidence submitted. Further, while Antigua is not saying that its executive summaries were deficient, it might have made a difference to the preparation of the executive summaries had Antigua realised that the summaries would form the basis for the descriptive portion of the Draft Report.

2. That being said, in general and subject to the caveats that follow, Antigua does not believe that the materials comprising the descriptive portion of the Draft Report, as presented, present a materially misleading perspective of the arguments and evidence presented during the course of the proceeding. With the understanding that the Panel’s intent is to present the executive summaries substantially *verbatim*, and with the further understanding that the United States is in general agreement with this approach, then Antigua would only have the comments and suggestions commencing in paragraph 4 below, which are intended only to correct errors or to clarify certain limited matters while leaving the executive summaries otherwise intact.

3. However, were the United States to request or suggest that the Panel allow substantive additions to or changes in the presentation in the Draft Report beyond the actual texts of the executive summaries themselves, and were the Panel to be inclined to allow any such additions or changes, then Antigua would respectfully request that the Panel provide Antigua with a limited additional period of time in which to make further comments to the Draft Report in respect of proposed additions and changes. In such event, Antigua believes that it would require no more than three business days of additional time.

## **II. COMMENTS**

### **1. Annex A-1**

4. As a general matter, Antigua wonders if it might be beneficial to the overall presentation if *all* Annexes had harmonised usage of terminology.

5. Paragraph 1, penultimate line, insert “of the DSB” following “rulings” at the end of the line.

6. Paragraph 2, fifth line, insert “or other” between “legislative” and “action”.

7. Paragraph 4, second line, delete “in the US Schedule” and re-insert those words between “commitments” and “to”.

8. Paragraph 4, last line, delete “were”.

9. Paragraph 5, first line, delete “to the DSB” and insert in their place “as did Antigua”.

10. Paragraph 19, first line, change “Panel” to “panel”.

11. Paragraph 30, fifth line, insert “first” between “Antigua’s” and “submission”.

12. Paragraph 33, first line, insert “first” between “Antigua’s” and “submission”.

13. Paragraph 36, penultimate line, delete the extra spacing between “US” and “law”.

14. Paragraph 39, second line, change “authorized” to “authorised”.

15. Paragraph 40, first line, delete “some” and insert in its place “a number of”.

16. Paragraph 44, seventh line, insert “first” between “Antigua’s” and “submission”.

17. Paragraph 46, last line, insert a new sentence at the end “There are a number of commercial operations currently providing these services or offering software for these purposes.”

## **2. Annex B-1**

18. Paragraph 18, fifth line, capitalise “Appellate Body”.
19. Paragraph 19, third line, delete “Board” and insert in its place “Body”.

## **3. Annex C-1**

20. Paragraph 2, first line, Antigua would suggest that in this paragraph and hereafter, the use of “first” or “second” in reference to a submission should not be capitalised.
21. Paragraph 4, second line, add “an” between “in” and “Article”.
22. Paragraph 5, last line, add “do not” between “otherwise” and “constitute”.
23. Paragraph 15, first line, insert an opening parenthesis before “failed”.
24. Paragraph 30, last line, change “recognizes” to “recognises”.

## **4. Annex D-1**

25. Heading B, change “Untied” to “United”.
26. Paragraph 12, third line, delete “lease” and insert in its place “least”.
27. Paragraph 17, revise the sentence to read in its entirety “The attempt of the United States to preclude consideration by the Panel of this legislation because it was not described in our Panel request in its form as finally adopted should receive no consideration here at all.”
28. Paragraph 19, penultimate line, delete the extra “w”.

## **5. Annex E-1**

29. Paragraph 5, fourth line from the bottom, delete “neither” and insert in its place “each”.
30. Paragraph 6, fourth line from the bottom, change “China concerns” to “concerns China”.

## **6. Annex F-1**

31. Paragraph 28, fourth line, delete “(the DSB Rulings)”.
32. Paragraph 36, second line, insert “states must” between “all” and “rely”.
33. Paragraph 1, second “bullet point”, third line, change “par-“ to “pari-”.