

**UNITED STATES – MEASURES AFFECTING TRADE
IN LARGE CIVIL AIRCRAFT
(SECOND COMPLAINT)**

Recourse to Article 21.5 of the DSU by the European Union

Constitution of the Panel

Note by the Secretariat

1. At its meeting on 23 October 2012, the Dispute Settlement Body (DSB) referred this dispute, if possible, to the original Panel in accordance with Article 21.5 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) to examine the matter referred to the DSB by the European Union in document WT/DS353/18.

2. The Panel's terms of reference are the following:

"To examine, in the light of the relevant provisions of the covered agreements cited by the parties to the dispute, the matter referred to the DSB by the European Union in document WT/DS353/18 and to make such findings as will assist the DSB in making the recommendations or in giving the rulings provided for in those agreements."

3. In accordance with Article 21.5 of the DSU, the Panel was composed on 30 October 2012 as follows:

Chairperson: Mr Crawford Falconer

Members: Mr Francisco Orrego Vicuña
Mr Virachai Plasai

4. Australia, Brazil, Canada, China, Japan, Korea and Russia have reserved their rights to participate in the Panel proceedings as third parties.
