



**EUROPEAN COMMUNITIES – DEFINITIVE ANTI-DUMPING MEASURES
ON CERTAIN IRON OR STEEL FASTENERS FROM CHINA**

RECOURSE TO ARTICLE 21.5 OF THE DSU BY CHINA

CONSTITUTION OF THE PANEL

Note by the Secretariat

1. At its meeting on 18 December 2013, 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 China in document WT/DS397/18.¹

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 China in document WT/DS397/18 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. On 17 March 2014, China requested the Director-General to determine the composition of the Panel pursuant to paragraph 7 of Article 8 of the DSU.² This paragraph provides:

If there is no agreement on the panelists within 20 days after the date of the establishment of a panel, at the request of either party, the Director-General, in consultation with the Chairman of the DSB and the Chairman of the relevant Council or Committee, shall determine the composition of the panel by appointing the panelists whom the Director-General considers most appropriate in accordance with any relevant special or additional rules or procedures of the covered agreement or covered agreements which are at issue in the dispute, after consulting with the parties to the dispute. The Chairman of the DSB shall inform the Members of the composition of the panel thus formed no later than 10 days after the date the Chairman receives such a request.

4. On 27 March 2014, the Director-General accordingly composed the Panel as follows:

Chairperson: Mr Jose Antonio Buencamino

Members: Mr Michael Mulgrew
Mr Arie Reich

5. Japan and the United States have reserved their rights to participate in the Panel proceedings as third parties.

¹ See WT/DS/M/340.

² The Chairperson of the original Panel, Mr. Luiz O. Baptista was not available for these proceedings.