



INDIA – EXPORT RELATED MEASURES

CONSTITUTION OF THE PANEL ESTABLISHED AT THE REQUEST OF THE UNITED STATES

Note by the Secretariat

1. At its meeting on 28 May 2018, the Dispute Settlement Body (DSB) established a panel pursuant to the request of the United States in document WT/DS541/4, in accordance with Article 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) and Article 4.4 of the Agreement on Subsidies and Countervailing Measures (SCM Agreement).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 the United States in document WT/DS541/4 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 16 July 2018, the United States requested the Director-General to determine the composition of the Panel, pursuant to Article 8.7 of the DSU and Article 4.12 of the SCM Agreement. Article 8.7 of the DSU 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.

Article 4.12 of the SCM Agreement provides:

For purposes of disputes conducted pursuant to this Article, except for time-periods specifically prescribed in this Article, time-periods applicable under the DSU for the conduct of such disputes shall be half the time prescribed therein.

4. On 23 July 2018, the Director-General accordingly composed the Panel as follows:

Chairperson: Mr Jose Antonio S. Buencamino

Members: Ms Leora Blumberg
Mr Serge Pannatier

¹ DSB, Minutes of the meeting held on the 28 May 2018.

5. Brazil, Canada, China, Egypt, the European Union, Japan, Kazakhstan, the Republic of Korea, the Russian Federation, Sri Lanka, Chinese Taipei, and Thailand have reserved their rights to participate in the Panel proceedings as third parties.
