

**EUROPEAN COMMUNITIES - REGIME FOR THE IMPORTATION,  
SALE AND DISTRIBUTION OF BANANAS**

Recourse to Article 21.5 of the DSU by the European Communities

*Constitution of the Panel*

Note by the Secretariat

1. At its meeting on 12 January 1999, the Dispute Settlement Body (DSB) decided, in accordance with Article 21.5 of the DSU, to refer to the original panel the matter raised by the European Communities in document WT/DS27/40.

2. At that DSB meeting, it was also agreed that the Panel should have standard terms of reference as follows:

"To examine, in the light of the relevant provisions of the covered agreements cited by the European Communities in document WT/DS27/40, the matter referred to the DSB by the European Communities in that document 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. The Panel is composed as follows:

Chairman: Mr. Stuart Harbinson  
Members: Mr. Kym Anderson  
Mr. Christian Häberli

4. At the DSB meeting, the following Members reserved their third party rights: Colombia, Costa Rica, Côte D'Ivoire, Dominica, Dominican Republic, India, Mauritius, Nicaragua, St.Lucia and St Vincent and the Grenadines.

5. Any other Member which wishes to reserve its third party rights in this proceeding shall notify the Secretariat within 10 days of the DSB meeting, i.e. by 22 January 1999.

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