

INDONESIA - CERTAIN MEASURES AFFECTING THE AUTOMOBILE INDUSTRY

Constitution of the Panel Established at the Request of Japan and the European Communities

Communication from the DSB Chairman

1. At its meeting on 12 June 1997, the DSB established a panel pursuant to requests by Japan and the European Communities (WT/DS55/6-WT/DS64/4, and WT/DS54/6, respectively).

2. At that DSB meeting, parties agreed that the Panel should have standard terms of reference. The terms of reference of the Panel are the following:

"To examine, in the light of the relevant provisions of the covered agreements cited by Japan in document WT/DS55/6-WT/DS64/4 and by the European Communities in document WT/DS54/6, the matter referred to the DSB by Japan and the European Communities in those documents 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 25 July 1997, Japan and the European Communities jointly requested the Director-General to determine the composition of the Panel, pursuant to paragraph 7 of Article 8 of the DSU. 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 29 July 1997, the Director-General accordingly composed the panel as follows:

Chairman: Mr. Mohamed Maamoun Abdel Fattah

Members: Mr. Ole Lundby
Mr. David John Walker

5. India, Korea and the United States have reserved their rights as third parties to the dispute.