

**UNITED STATES – IMPORT MEASURES ON CERTAIN PRODUCTS
FROM THE EUROPEAN COMMUNITIES**

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

Note by the Secretariat

1. At its meeting on 16 June 1999, the DSB established a panel pursuant to a request by the European Communities (WT/DS165/8).

2. At that meeting, the parties to the dispute 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 the European Communities in document WT/DS165/8, 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. On 29 September 1999, the European Communities requested the Director-General, pursuant to Article 8.7 of the DSU, to determine the composition of the Panel. 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".

4. On 8 October 1999, the Director-General has accordingly determined the composition of the Panel as follows:

Chairman:	Mr. Hugh McPhail
Members:	Mrs. Leora Blumberg Mr. Peter Palečka

5. Ecuador, India, Jamaica and Japan have reserved their third-party rights in the dispute.
