

UNITED STATES – MEASURE AFFECTING GOVERNMENT PROCUREMENT

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

Communication from the DSB Chairman

1. At its meeting on 21 October 1998, the DSB established a single panel pursuant to the requests of the European Communities and Japan (WT/DS88/3 and WT/DS95/3 respectively), in accordance with Article 9 of the DSU (WT/DSB/M/49).

2. At that meeting, the DSB agreed that the Panel should have standard terms of reference pursuant to Article XXII:4 of the Agreement on Government Procurement. The terms of reference of the Panel are therefore the following:

"To examine, in the light of the relevant provisions of the Agreement on Government Procurement, the matter referred to the DSB by the European Communities in document WT/DS88/3 and by Japan in document WT/DS95/3 and to make such findings as will assist the DSB in making the recommendations or in giving the rulings provided for in that Agreement."

3. On 6 January 1999, the Panel was constituted with the following composition:

Chairman: Mr. Ole Lundby

Members: Mr. Sergio Escudero
Mr. Nigel Shipman

4. Japan has reserved third-party rights to participate in the panel proceedings in relation to the complaint raised by the European Communities.
