

UNITED STATES – SUBSIDIES ON UPLAND COTTON

Recourse to Article 21.5 of the DSU by Brazil

Constitution of the Panel

Note by the Secretariat

1. At its meeting on 28 September 2006, the Dispute Settlement Body (DSB) decided, in accordance with Article 21.5 of the Dispute Settlement Understanding (DSU), to refer, if possible, to the original panel the matter raised by Brazil in document WT/DS267/30.

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 Brazil in document WT/DS267/30, the matter referred to the DSB by Brazil 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 18 and 20 October 2006, Brazil and the United States respectively requested the Director-General to determine the composition of the Panel in accordance with Article 8.7 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 25 October 2006, the Director-General determined the composition of the Panel as follows:

Chairman: Mr. Eduardo Pérez Motta

Members: Mr. Mario Matus
Mr. Ho-Young Ahn

5. Argentina, Australia, Canada, Chad; China, the European Communities, India, Japan, New Zealand, and Thailand reserved their rights to participate in the Panel proceedings as third parties.
