

**UNITED STATES – LAWS, REGULATIONS AND METHODOLOGY
FOR CALCULATING DUMPING MARGINS ("ZEROING")**

Recourse to Article 21.5 of the DSU by the European Communities

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

Note by the Secretariat

1. At its meeting on 25 September 2007, the Dispute Settlement Body ("DSB") referred this dispute, if possible, to the original Panel in accordance with Article 21.5 of the Dispute Settlement Understanding ("DSU") to examine the matter referred to the DSB by the European Communities in document WT/DS294/25.
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 the European Communities in document WT/DS294/25, 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. It was not possible to refer this dispute to the original Panel pursuant to Article 21.5 of the DSU.
4. On 28 November 2007, the European Communities requested the Director-General to determine the composition of the Panel.
5. Paragraph 7 of Article 8 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."

6. On 30 November 2007, the Director-General accordingly composed the Panel as follows:

Chairperson: Mr. Felipe Jaramillo

Members: Ms Usha Dwarka-Canabady
Mr. Scott Gallacher

7. India, Japan, Korea, Mexico, Norway, Chinese Taipei and Thailand have reserved their rights to participate in the Panel proceedings as third parties.
