

**UNITED STATES – FINAL DUMPING DETERMINATION
ON SOFTWOOD LUMBER FROM CANADA**

Recourse to Article 21.5 of the DSU by Canada

Constitution of the Panel

Note by the Secretariat

1. At its meeting on 1 June 2005, 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 Canada in document WT/DS264/16.

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

"To examine, in the light of the relevant provisions of the covered agreements cited by Canada in document WT/DS264/16, the matter referred to the DSB by Canada 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 3 June 2005, the formalities in composing the Panel were completed and the Panel was composed as follows:

Chairman: Mr Harsha V. Singh

Members: Mr Gerhard Hannes Welge
Mr Adrián Makuc

4. China, the European Communities, India and Japan have reserved their rights to participate in the Panel proceedings as third parties.
