

CHILE – TAXES ON ALCOHOLIC BEVERAGES

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

Communication from the Chairman of the DSB

1. At its meetings on 18 November 1997 and 25 March 1998, the DSB established panels pursuant to requests by the European Communities (WT/DS87/5 and WT/DS110/4, respectively). At its meeting of 25 March 1998, the DSB agreed, pursuant to Article 9.1, that the panel established on 18 November 1997 also examine the complaint contained in document WT/DS110/4.

2. 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 documents WT/DS87/5 and WT/DS110/4, the matter referred to the DSB by the European Communities in those documents 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 10 and 11 June 1998, the European Communities and Chile, respectively, requested the Director-General, pursuant to Article 8.7 of the DSU, to compose 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. The Director-General has accordingly composed the panel as follows:

Chairman: Mr. Wilhelm Meier

Members: Mr. Mohan Kumar
Professor Colin McCarthy

5. Canada, Mexico, Peru and the United States have reserved rights as a third party to the dispute.