

BRAZIL - EXPORT FINANCING PROGRAMME FOR AIRCRAFT

Constitution of the Panel Established at the Request of Canada

Communication from the DSB Chairman

1. At its meeting on 23 July 1998, the DSB established a panel pursuant to the request by Canada (WT/DS46/5).

2. At that DSB meeting, parties agreed that the Panel should have standard terms of reference. 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 Canada in document WT/DS46/5, 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 16 October 1998, Canada requested the Director-General to determine the composition of the Panel, pursuant to paragraph 7 of Article 8 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 panellists 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."¹

4. On 22 October 1998, the Director-General accordingly composed the panel as follows:

Chairman: Mr. Dariusz Rosati

Members: Mr. Akio Shimizu
Mr. Kajit Sukhum

¹ Paragraph 12 of Article 4 of the Agreement on Subsidies and Countervailing Measures provides:

"For purposes of disputes conducted pursuant to this Article, except for time-periods specifically prescribed in this Article, time-periods applicable under the DSU for the conduct of such disputes shall be half the time prescribed there."

5. The European Communities and the United States have reserved their rights as third parties to the dispute.
