

UNITED STATES – TAX TREATMENT FOR "FOREIGN SALES CORPORATIONS"

Recourse by the European Communities to Article 21.5 of the DSU

Constitution of the Panel

Note by the Secretariat

1. At its meeting on 20 December 2000, the Dispute Settlement Body (DSB) decided, in accordance with Article 21.5 of the DSU, to refer to the original panel the matter raised by the European Communities in document WT/DS108/16.
2. At that DSB meeting, it was also agreed that the Panel should have standard terms of reference as follows:

“To examine, in the light of the relevant provisions of the covered agreements cited by the European Communities in document WT/DS108/16, 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. The Panel is composed as follows:

Chairman: Mr. Crawford Falconer

Members: Mr. Didier Chambovey
Mr. Seung Wha Chang
4. Australia, Canada, India, Jamaica and Japan have reserved their rights as third parties to the dispute.