

**EUROPEAN COMMUNITIES AND CERTAIN MEMBER STATES –  
MEASURES AFFECTING TRADE IN LARGE CIVIL AIRCRAFT**

Recourse to Article 21.5 of the DSU by the United States

*Constitution of the Panel*

Note by the Secretariat

1. At its meeting on 13 April 2012, the Dispute Settlement Body (DSB) referred this dispute, if possible, to the original Panel in accordance with Article 21.5 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) to examine the matter referred to the DSB by the United States in document WT/DS316/23.

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 parties to the dispute, the matter referred to the DSB by the United States in document WT/DS316/23 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. In accordance with Article 21.5 of the DSU, the Panel was composed on 17 April 2012 as follows:

Chairman: Mr. Carlos Pérez del Castillo

Members: Mr. John Adank  
Mr. Thinus Jacobsz

4. Australia, Brazil, Canada, China, Japan and Korea have reserved their rights to participate in the Panel proceedings as third parties.

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