

JAPAN - MEASURES AFFECTING
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Constitution of the Panel Established at the Request of the United States

Communication from the DSB Chairman

1. At its meeting on 16 October 1996 (WT/DSB/M/24), the Dispute Settlement Body (DSB) established a panel in accordance with the request made by the United States (WT/DS44/2), in accordance with Article 6 of the DSU.

2. The Panel shall have the following standard terms of reference:

"To examine, in the light of the relevant provisions of the covered agreements cited by the United States in document WT/DS44/2, the matter referred to the DSB by the United States 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 12 December 1996 the United States, by virtue of paragraph 7 of Article 8 of the DSU, requested the Director-General to determine the composition of the Panel. 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 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."

The Director-General has accordingly composed the panel as follows:

Chairman: Mr. William Rossier

Members: Mr. Adrian Macey
Mr. Victor Luiz do Prado

4. The European Communities and Mexico reserved their rights as third parties to the dispute.