

EUROPEAN COMMUNITIES – MEASURES PROHIBITING THE IMPORTATION AND MARKETING OF SEAL PRODUCTS

Constitution of the Panel Established at the Requests of Canada and Norway

Note by the Secretariat

Revision

1. At its meeting on 25 March 2011, the Dispute Settlement Body (DSB) established a panel pursuant to the request of Canada in document WT/DS400/4, in accordance with Article 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU).¹ At its meeting on 21 April 2011, the DSB established a panel pursuant to the request of Norway in document WT/DS401/5, in accordance with Article 6 of the DSU², and agreed, as provided for in Article 9 of the DSU in respect of multiple complainants, that the panel established on 25 March 2011 to examine the complaint by Canada, will also examine Norway's complaint.

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 Canada in document WT/DS400/4, and by Norway in document WT/DS401/5, 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 24 September 2012, Canada and Norway requested the Director-General to determine the composition of the Panel, pursuant to Article 8.7 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 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."

¹ WT/DSB/M/294.

² WT/DSB/M/295.

4. On 4 October 2012, the Director-General accordingly composed the Panel as follows:

Chairperson: Mr Luzius Wasescha

Members: Ms Elizabeth Chelliah
Ms Patricia Holmes

5. Argentina, Canada (for WT/DS401), China, Colombia, Ecuador, Iceland, Japan, Mexico, Namibia (for WT/DS401), Norway (for WT/DS400), the Russian Federation³, and the United States have reserved their rights to participate in the Panel proceedings as third parties.

³ On 18 October 2012, the Russian Federation notified its interest to participate as a third party.