

WORLD TRADE ORGANIZATION

WT/DS248/14
WT/DS249/8
WT/DS251/9
WT/DS252/7
WT/DS253/7
WT/DS254/7
WT/DS258/11
29 July 2002
(02-4178)

UNITED STATES – DEFINITIVE SAFEGUARD MEASURES ON IMPORTS OF CERTAIN STEEL PRODUCTS

Constitution of the Panel Established at the Request of
the European Communities, Japan, Korea, China, Switzerland,
Norway and New Zealand

Note by the Secretariat

1. In accordance with Article 6 of the Dispute Settlement Understanding (DSU), the Dispute Settlement Body (DSB) established seven Panels at its meetings on: 3 June 2002 pursuant to the request made by the European Communities in document WT/DS248/12; 14 June 2002 pursuant to the requests made by Japan in document WT/DS249/6 and Korea in document WT/DS251/7; 24 June 2002 pursuant to the requests made by China in document WT/DS252/5, Switzerland in document WT/DS253/5 and Norway in document WT/DS254/5; and 8 July 2002 pursuant to the request made by New Zealand in document WT/DS258/9.
2. Pursuant to an agreement between the parties and in accordance with Article 9.1 of the DSU, the DSB agreed at its meetings on: 14 June 2002 that the Panel established on 3 June 2002 at the request of the European Communities (WT/DS248) will examine the complaints by Japan (WT/DS249) and Korea (WT/DS251); 24 June 2002 that the Panel established on 3 June 2002 will also examine the complaints by China (WT/DS252), Switzerland (WT/DS253) and Norway (WT/DS254); and 8 July 2002 that the Panel established on 3 June 2002 will also examine the complaint by New Zealand (WT/DS258).
3. At those meetings, the parties to the dispute agreed that the Panel should have standard terms of reference. The terms of reference are, therefore, the following:

"To examine, in the light of the relevant provisions of the covered agreements cited by the European Communities, Japan, Korea, China, Switzerland, Norway and New Zealand in documents WT/DS248/12, WT/DS249/6, WT/DS251/7, WT/DS252/5, WT/DS253/5, WT/DS254/5 and WT/DS258/9, the matter referred to the DSB by the European Communities, Japan, Korea, China, Switzerland, Norway and New Zealand in those documents, and to make such findings as will assist the DSB in making the recommendations or in giving the rulings provided for in those agreements."
4. On 15 July 2002, the European Communities, Japan, Korea, China, Switzerland, Norway and New Zealand requested the Director-General to determine the composition of the Panel, pursuant to paragraph 7 of Article 8 of the DSU. This paragraph provides:

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"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."

5. On 25 July 2002, the Director-General accordingly composed the Panel as follows:

Chairman: Mr. Stefan Jóhannesson

Members: Mr. Mohan Kumar
Ms Margaret Liang

6. Brazil, Canada, Chinese Taipei, Cuba, Malaysia, Mexico, Thailand, Turkey and Venezuela have reserved their rights to participate in the Panel proceedings as a third party.
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