

**UNITED STATES – FINAL COUNTERVAILING DUTY DETERMINATION WITH
RESPECT TO CERTAIN SOFTWOOD LUMBER FROM CANADA**

Recourse by Canada to Article 21.5 of the DSU

Constitution of the Panel

Note by the Secretariat

1. At its meeting on 14 January 2005, the Dispute Settlement Body (DSB) referred this dispute, if possible, to the original Panel in accordance with Article 21.5 of the Dispute Settlement Understanding (DSU) to examine the matter referred to the DSB by Canada in document WT/DS257/15.

2. At that meeting, the parties to the dispute also 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 Canada in document WT/DS257/15, the matter referred to the DSB by Canada 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. It was not possible for a member of the original Panel to participate in these proceedings.

4. On 7 February 2005, the parties agreed on a replacement panelist, and as a result the Panel was composed as follows:

Chairman: Mr Elbio O. Rosselli

Members: Ms Marta Calmon Lemme
Mr Remo Moretta

5. China and the European Communities have reserved their rights to participate in the Panel proceedings as third parties.
