

**UNITED STATES – MEASURES RELATING TO ZEROING
AND SUNSET REVIEWS**

Recourse to Article 21.5 of the DSU by Japan

Constitution of the Panel

Note by the Secretariat

1. At its meeting on 18 April 2008, 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 Japan in document WT/DS322/27.
2. The terms of reference are the following:

"To examine, in the light of the relevant provisions of the covered agreements cited by Japan in document WT/DS322/27, the matter referred to the DSB by Japan 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. Due to the unavailability of the Chairman of the original panel, the parties, on 23 May 2008, agreed on a replacement panelist, and as a result the composition of the Panel is now as follows:

Chairman: Mr. José Antonio Buencamino

Members: Mr. Simon Farbenbloom
Mr. Raúl León-Thorne
4. China; the European Communities; Hong Kong, China; Korea; Mexico; Norway; Chinese Taipei and Thailand have reserved their rights to participate in the Panel proceedings as third parties.