

WORLD TRADE ORGANIZATION

RESTRICTED

WT/DS12/8

WT/DS14/7

26 October 1995

(95-3292)

EUROPEAN COMMUNITIES - TRADE DESCRIPTION OF SCALLOPS

Constitution of the Panel Established at the Requests of Peru and Chile

Note by the Secretariat

1. At its meeting on 19 July 1995, the Dispute Settlement Body (DSB) established a panel in accordance with the request made by Canada in document WT/DS7/7 (WT/DSB/M/6).
2. At its meeting on 11 October 1995, the DSB established a single panel related to the same matter pursuant to the requests of Peru (WT/DS12/7) and Chile (WT/DS14/6), in accordance with Article 9 of the DSU (WT/DSB/M/8).
3. At that DSB meeting, Peru, Chile and the EC agreed that the Panel should have standard terms of reference. The terms of reference are the following:

"To examine, in the light of the relevant provisions of the covered agreements cited by Peru and Chile in documents WT/DS12/7 and WT/DS14/6, the matter referred to the DSB by Peru and Chile 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. At that DSB meeting, Peru and Chile asked for the application of Article 9.3 of the DSU so that the same panelists as those serving in the related dispute between the EC and Canada (WT/DS7) would also serve on the single panel established pursuant to the requests of Peru and Chile. The EC and Canada agreed that this should be done to the extent possible.
5. On 12 October 1995, the panelists serving on the dispute between the EC and Canada (WT/DS7) agreed to act as panelists for the panel established for the dispute between the EC and Peru and Chile.
6. The Panel established pursuant to the requests of Peru and Chile was therefore constituted on 12 October 1995 with the following composition:

Chairman:	Mr. Michael Cartland
Members:	Mr. Peter Palecka
	Mrs. Barbara Rigassi.
7. The Panel is assisted by Gabrielle Marceau as Secretary and Jeffrey Gertler as Legal Officer.