



**UNITED STATES – MEASURES CONCERNING THE IMPORTATION,
MARKETING AND SALE OF TUNA AND TUNA PRODUCTS**

RECOURSE TO ARTICLE 21.5 OF THE DSU BY THE UNITED STATES

CONSTITUTION OF THE PANEL

Note by the Secretariat

1. At its meeting on 9 May 2016, the Dispute Settlement Body (DSB) decided, in accordance with Article 21.5 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), to refer to the original panel, if possible, the matter raised by the United States in document WT/DS381/32.

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 the United States in document WT/DS381/32 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 chairperson of the original panel, the parties agreed on a replacement. The panel was composed on 27 May 2016 as follows:

Chairperson: Mr Stéfan Jóhannesson

Members: Ms Elizabeth Chelliah
Mr Franz Perrez

4. Australia, Brazil, Canada, China, Ecuador, the European Union, Guatemala, India, Japan, Korea, New Zealand and Norway have reserved their rights to participate in the Panel proceedings as third parties.
