

**UNITED STATES – COUNTERVAILING MEASURES CONCERNING  
CERTAIN PRODUCTS FROM THE EUROPEAN COMMUNITIES**

Recourse to Article 21.5 of the DSU by the European Communities

*Constitution of the Panel*

Note by the Secretariat

1. At its meeting on 27 September 2004, the Dispute Settlement Body (DSB) decided, in accordance with Article 21.5 of the Dispute Settlement Understanding (DSU), to refer to the original Panel, if possible, the matter raised by the European Communities in document WT/DS212/15.
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 European Communities in document WT/DS212/15, the matter referred to the DSB by the European Communities 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. The Panel is composed as follows:

Chairman: Mr Gilles Gauthier

Members: Ms. Marie-Gabrielle Ineichen-Fleisch  
Mr Michael Mulgrew
4. Brazil, China and Korea have reserved their rights to participate in the Panel proceedings as third parties.