

**CANADA – PATENT PROTECTION OF
PHARMACEUTICAL PRODUCTS**

Constitution of the Panel Established at the Request of
the European Communities and their Member States

Note by the Secretariat

1. At its meeting on 1 February 1999, the DSB established a panel pursuant to the request of the European Communities and their member States (WT/DS114/5), in accordance with Article 6 of the DSU.

2. At that meeting, the parties to the dispute 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 the European Communities and their member States in document WT/DS114/5, the matter referred to the DSB by the European Communities and their member States 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. On 15 March 1999, the European Communities and their member States requested the Director-General to determine the composition of the Panel, pursuant to paragraph 7 of Article 8 of the DSU. Paragraph 7 of Article 8 provides:

"If there is no agreement on the panelists within 20 days after the date of the establishment of a panel, at the request of either party, the Director-General, in consultation with the Chairman of the DSB and the Chairman of the relevant Council or Committee, shall determine the composition of the panel by appointing the panelists whom the Director-General considers most appropriate in accordance with any relevant special or additional rules or procedures of the covered agreement or covered agreements which are at issue in the dispute, after consulting with the parties to the dispute. The Chairman of the DSB shall inform the Members of the composition of the panel thus formed no later than 10 days after the date the Chairman receives such a request."

4. On 25 March 1999, the Director-General accordingly composed the Panel as follows:

Chairman: Mr. Robert Hudec

Members: Mr. Mihály Ficsor
Mr. Jaime Sepulveda

5. Australia, Brazil, Colombia, Cuba, India, Israel, Japan, Poland, Switzerland, Thailand and the United States reserved their rights as third parties to the dispute.
