

AUSTRALIA – MEASURES AFFECTING THE IMPORTATION OF SALMONIDS

Constitution of the Panel Established
at the Request of the United States

Note by the Secretariat

1. At its meeting on 16 June 1999, the Dispute Settlement Body (DSB) established a panel pursuant to the request of the United States (WT/DS21/4), in accordance with Article 6 of the Dispute Settlement Understanding (DSU) (WT/DSB/M/64).

2. In accordance with Article 7.1 of the DSU, the terms of reference of the Panel are the following:

"To examine, in the light of the relevant provisions of the covered agreements cited by the United States in document WT/DS21/4, the matter referred to the DSB by the United 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 23 July 1999, the United States requested the Director in charge to determine the composition of the Panel, with reference to paragraph 7 of Article 8 of the DSU. Paragraph 7 of Article 8 provides:

"If there is no agreement on the panellists 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 panellists 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 2 August 1999, the Director in charge composed the Panel as follows:

Chairman: Mr. Michael Cartland

Members: Mr. Kari Bergholm
Ms. Claudia Orozoco Jaramillo

5. Canada, the European Communities, Iceland, India, Norway and Hong Kong, China reserved their rights as third parties to the dispute.
