

JAPAN - MEASURES AFFECTING THE IMPORTATION OF APPLES

Recourse by the United States to Article 21.5 of the DSU

Constitution of the Panel

Note by the Secretariat

1. At its meeting on 30 July 2004, the Dispute Settlement Body (DSB) decided, in accordance with Article 21.5 of the DSU, to refer to the original Panel, if possible, the matter raised by the United States in document WT/DS245/11.

2. At that DSB meeting, it was also agreed that the Panel should have standard terms of reference as follows:

"To examine, in the light of the relevant provisions of the covered agreements cited by the United States in document WT/DS245/11, 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. The Panel is composed as follows:

Chairperson: Mr. Michael Cartland

Members: Mr. Christian Häberli
Ms Kathy-Ann Brown

4. At the meeting on 30 July 2004, Australia, the European Communities, New Zealand and Chinese Taipei reserved their third party rights.
