



**AUSTRALIA – CERTAIN MEASURES CONCERNING TRADEMARKS  
AND OTHER PLAIN PACKAGING REQUIREMENTS APPLICABLE TO  
TOBACCO PRODUCTS AND PACKAGING**

**CONSTITUTION OF THE PANEL ESTABLISHED AT THE REQUEST OF UKRAINE**

**NOTE BY THE SECRETARIAT**

1. At its meeting on 28 September 2012, the Dispute Settlement Body (DSB) established a panel pursuant to the request of Ukraine in document WT/DS434/11, in accordance with Article 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU).<sup>1</sup>

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 Ukraine in document WT/DS434/11 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 24 March 2014, Ukraine requested the Director-General to determine the composition of the Panel, pursuant to Article 8.7 of the DSU. This paragraph 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 5 May 2014<sup>2</sup>, the Director-General accordingly composed the Panel as follows:

Chairperson: Mr Alexander Erwin

Members: Mr François Dessemontet  
Ms Billie Miller

5. Argentina, Brazil, Canada, Chile, China, Cuba, the Dominican Republic, Ecuador, Egypt, the European Union, Guatemala, Honduras, India, Indonesia, Japan, the Republic of Korea, Malawi<sup>3</sup>, Malaysia, Mexico, the Republic of Moldova, New Zealand, Nicaragua, Nigeria, Norway, Oman, Peru, the Philippines, Singapore, Chinese Taipei, Thailand, Turkey, the United States, Uruguay, Zambia, and Zimbabwe have reserved their rights to participate in the Panel proceedings as third parties.

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<sup>1</sup> See WT/DSB/M/322.

<sup>2</sup> The Director-General's deadline for appointing the panelists was extended by mutual agreement of the parties.

<sup>3</sup> On 19 November 2012, Malawi notified its interest to participate as a third party.