

**EUROPEAN COMMUNITIES – CONDITIONS FOR THE GRANTING
OF TARIFF PREFERENCES TO DEVELOPING COUNTRIES**

Constitution of the Panel Established at the Request of India

Note by the Secretariat

1. At its meeting on 27 January 2003, the Dispute Settlement Body (DSB) established a Panel pursuant to the request of India in document WT/DS246/4, in accordance with Article 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (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, therefore, the following:

"To examine, in the light of the relevant provisions of the covered agreements cited by India in document WT/DS246/4, the matter referred to the DSB by India 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 24 February 2003, India requested the Director-General to determine the composition of the Panel, pursuant to paragraph 7 of Article 8 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 6 March 2003, the Director-General accordingly composed the Panel as follows:

Chairman: Mr. Julio Lacarte-Muró

Members: Ms. Marsha Echols
Mr. Akio Shimizu

5. Bolivia, Brazil, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mauritius, Nicaragua, Pakistan, Panama, Paraguay, Peru, Sri Lanka, the United States and Venezuela have reserved their rights to participate in the Panel proceedings as a third party.