

ARGENTINA - MEASURES AFFECTING TEXTILES AND CLOTHING

Constitution of the Panel Established  
at the Request of the European Communities

Note by the Secretariat

1. At its meeting on 16 October 1997 the Dispute Settlement Body (DSB) established a panel pursuant to the request made by the European Communities (WT/DSB/M/38).

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 in documents WT/DS77/3/Rev.1 and Rev.1/Corr.1, the matter referred to the DSB by the European Communities 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 9 December 1997, the European Communities 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 18 December 1997, the Director-General accordingly composed the Panel as follows:

Chairman: Mr. Peter Palečka

Members: Mr. Peter May  
Ms. Heather Forton

5. The United States reserved its rights as a third-party to the dispute.

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