

**CANADA – MEASURES AFFECTING THE IMPORTATION OF MILK
AND THE EXPORTATION OF DAIRY PRODUCTS**

Recourse by the United States and New Zealand to Article 21.5 of the DSU

Constitution of the Panel

Note by the Secretariat

1. At its meeting on 1 March 2001, 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/DS103/16 and the matter raised by New Zealand in document WT/DS113/16.

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/DS103/16 and by New Zealand in document WT/DS113/16, the matter referred to the DSB by the United States and New Zealand in those documents 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:¹

Chairperson: Mr. Ernst-Ulrich Petersmann

Members: Mr. Guillermo Aguilar Alvarez
Mr. Peter Palečka

4. Australia, the European Communities and Mexico have reserved their third party rights.

¹ The Chairperson of the original Panel, Mr. Tommy Koh, was not available for these proceedings. The parties agreed to his replacement by Mr. Peter Palečka as a member of the Panel.