



INDONESIA – SAFEGUARD ON CERTAIN IRON OR STEEL PRODUCTS

CONSTITUTION OF THE PANEL ESTABLISHED AT THE REQUESTS OF THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU AND VIET NAM

NOTE BY THE SECRETARIAT

1. At its meeting on 28 September 2015, the Dispute Settlement Body (DSB) established a panel pursuant to the request of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu in document WT/DS490/2.¹ At its meeting on 28 October 2015, the DSB established a panel pursuant to the request of Viet Nam in document WT/DS496/3. In accordance with Article 9.1 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), the panel established at the meeting of 28 September 2015 in WT/DS490 will also examine the dispute in WT/DS496.

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 disputes, the matter referred to the DSB by the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu in document WT/DS490/2 and Viet Nam in document WT/DS496/3, 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 1 December 2015, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu and Viet Nam 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 9 December 2015, the Director-General accordingly composed the Panel as follows:

Chairperson: Ms Luz Elena Reyes de la Torre

Members: Mr José Pérez Gabilondo
Mr Guillermo Valles

¹ See WT/DSB/M/368.

5. Australia; Chile; China; European Union; India; Japan; Korea; Russian Federation; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu [in respect of WT/DS496]; Ukraine; United States and Viet Nam [in respect of WT/DS490] have reserved their rights to participate in the Panel proceedings as third parties.
