

1 RULE 23	1
1.1 Text of Rule 23	1
1.2 General	2
1.3 2005 Amendment of the Working Procedures to create the "Notice of Other Appeal" requirement	2
1.4 2010 Amendments of Rules 21(1), 23(1) and 23(3) to modify deadlines for Appellant's Submission, the Notice of Other Appeal, and the Other Appellant's Submission.....	3
1.5 2010 Amendment of Rules 22(1) and 23(4) to modify the deadline for the Appellee's Submission	3

1 RULE 23

1.1 Text of Rule 23

Multiple Appeals

23. (1) Within 5 days after the date of the filing of the Notice of Appeal, a party to the dispute other than the original appellant may join in that appeal or appeal on the basis of other alleged errors in the issues of law covered in the panel report on which it has based its appeal and shall simultaneously file a Notice of Other Appeal with the Secretariat. (2005) WT/DSB/P/WP/12
- (2) A Notice of Other Appeal shall include the following information:
- (a) the title of the panel report under appeal;
 - (b) the name of the party to the dispute filing the Notice of Other Appeal;
 - (c) the service address, telephone and facsimile numbers of the party to the dispute; and either
 - (i) a statement of the issues raised on appeal by another participant with which the party joins; or
 - (ii) a brief statement of the nature of the other appeal, including:
 - (A) identification of the alleged errors in the issues of law covered in the panel report and legal interpretations developed by the panel;
 - (B) a list of the legal provision(s) of the covered agreements that the panel is alleged to have erred in interpreting or applying; and
 - (C) without prejudice to the ability of the other appellant to refer to other paragraphs of the panel report in the context of its appeal, an indicative list of the paragraphs of the panel report containing the alleged errors.
- (3) The other appellant shall, within 5 days after the date of the filing of the Notice of Appeal, file with the Secretariat a written submission prepared in accordance with paragraph

consistent with the terms of the original draft amendment, and which require an other appellant to notify the DSB of its other appeal and to file a Notice of Other Appeal within 12 days of the filing of the original Notice of Appeal. It has, however, been necessary to adjust the initial draft to ensure symmetry between the requirements for the Notice of Other Appeal and the revised requirements for the Notice of Appeal, as identified above³, and to otherwise simplify the amended rule. In addition to these adjustments, and as proposed, the deadline for the filing of the appellant's submission will be changed to 7 days after the filing of the original Notice of Appeal (as opposed to the current 10-day deadline). We have also taken the opportunity to refine the definition of the term "documents" in Rule 1, in order to clarify that the submissions and other written statements of third participants are included within the scope of this definition."⁴

1.4 2010 Amendments of Rules 21(1), 23(1) and 23(3) to modify deadlines for Appellant's Submission, the Notice of Other Appeal, and the Other Appellant's Submission

4. In 2010, the Appellate Body amended Rules 23(1) and 23(3) to provide that the Notice of Other Appeal and the other appellant's submission will be due 5 days after the filing of the Notice of Appeal. The previous version of the Working Procedures stated that the Notice of Other Appeal was due within 12 days after the filing of the Notice of Appeal and the other appellant's submission was due within 15 days after the filing of the Notice of Appeal.

At the same time, the Appellate Body amended Rule 21(1) to provide that the appellant's submission is due on the same day as the filing of the Notice of Appeal.

7. At the same time, the Appellate Body amended Rule 22(1) to provide the same length of time.¹¹ In a communication to the DSB Chairman dated 27 of July 2010, the Appellate Body explained that it had originally proposed a 15-day period for both Rules but modified it to a 18-day period due to the preferences of the Members:

"In proposing that the appellee's submission be due 15 days after the filing of the Notice of Appeal and the appellant's submission, we sought to reduce the imbalance resulting from the fact that—currently—the appellee's submission is due 18 days after the filing of the appellant's submission, whereas the "other" appellee's submission is due 10 days after the filing of the other appellant's submission.

We recognize, nonetheless, the concerns expressed by many Members that, under our proposal, the interval between the appellant's submission and the appellee's submission would be reduced from 18 days to 15 days. These Members also stressed that the appellee needs sufficient time to respond to the appellant's submission. Taking account of the expressed preference that there be no reduction in the time period between the filing of the appellant's submission and the filing of the appellee's submission, and conscious of our overall objective of enhancing the efficient use of the limited time available in appellate proceedings for all participants, we have decided to maintain the current 18-day interval between these two deadlines."¹²

—

Current as of: June 2024

11