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1 ARTICLE 20

1.1 Text of Article 20

Article 20

Time-frame for DSB Decisions

Unless otherwise agreed to by the parties to the dispute, the period from the date of establishment of the panel by the DSB until the date the DSB considers the panel or appellate report for adoption shall as a general rule not exceed nine months where the panel report is not appealed or 12 months where the report is appealed. Where either the panel or the Appellate Body has acted, pursuant to paragraph 9 of Article 12 or paragraph 5 of Article 17, to extend the time for providing its report, the additional time taken shall be added to the above periods.

1.2 Interpretation and application of article 20

1.2.1 General

1. In *US – Steel Safeguards*, the United States requested the Panel to issue eight separate panel reports, rather than one consolidated report. In the context of considering the United States' request to have a separate panel report in respect of each complainant, the Panel stated that it was 'well aware of the time-limit obligations provided for in the DSU including those mentioned in Articles 12.8 and 20, and of the importance of proceeding expeditiously with this dispute (as with all disputes)'.¹

1.2.2 Nature of DSU maximum time-limits

2. In *US – Section 301 Trade Act*, the Panel stated that most of the time-limits in the DSU are either minimum time-limits without ceilings, or "maximum time-limits that are, nonetheless, indicative only". The Panel considered Articles 12.8, 12.9, 17.5, and 20 of the DSU to be examples of the latter, noting that:

"Article 12.8 refers to six months 'as a general rule' for the timeframe between panel composition and issuance of the final report to the parties. Article 12.9 provides that '[i]n no case *should* the period from the establishment of the panel to the circulation of the report to the Members exceed nine months' (emphasis added). Article 17.5 states that '[a]s a general rule, the proceedings [of the Appellate Body] shall not exceed 60 days'. It adds, however, that '[i]n no case shall the proceedings exceed 90 days'. However, even this seemingly compulsory deadline has been passed in three cases so far (*United States – Restrictions on Imports of Cotton and Man-Made Fibre Underwear*, DS24/AB/R, 91 days; *European Communities – Measures Concerning Meat and Meat Products (Hormones)* ('*EC – Hormones*'), DS26/AB/R and DS48/AB/R, 114 days; and *US – Shrimp*, op. cit., 91 days). Finally, Article 20 refers to 9 months –

¹ Panel Reports, *US – Steel Safeguards*, para. 2.18.

12 months in case of an appeal – 'as a general rule' for the period between panel establishment and adoption of report(s) by the DSB."²

1.2.3 Table showing the total length of time taken in panel/Appellate Body proceedings to date

3. For a table providing information on the length of time taken in WTO proceedings to date from the date of the establishment of the panel to the date of the adoption of the panel report (and where applicable, the Appellate Body report), see the chapter of the Analytical Index on "DS information tables".

Current as of: December 2023

² Panel Report, *US – Section 301 Trade Act*, para. 7.31 and footnote 646.