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## **1 ARTICLE 2**

### **1.1 Text of Article 2**

#### **Article 2**

##### *Administration*

1. The Dispute Settlement Body is hereby established to administer these rules and procedures and, except as otherwise provided in a covered agreement, the consultation and dispute settlement provisions of the covered agreements. Accordingly, the DSB shall have the authority to establish panels, adopt panel and Appellate Body reports, maintain surveillance of implementation of rulings and recommendations, and authorize suspension of concessions and other obligations under the covered agreements. With respect to disputes arising under a covered agreement which is a Plurilateral Trade Agreement, the term "Member" as used herein shall refer only to those Members that are parties to the relevant Plurilateral Trade Agreement. Where the DSB administers the dispute settlement provisions of a Plurilateral Trade Agreement, only those Members that are parties to that Agreement may participate in decisions or actions taken by the DSB with respect to that dispute.

2. The DSB shall inform the relevant WTO Councils and Committees of any developments in disputes related to provisions of the respective covered agreements.

3. The DSB shall meet as often as necessary to carry out its functions within the time-frames provided in this Understanding.

4. Where the rules and procedures of this Understanding provide for the DSB to take a decision, it shall do so by consensus.<sup>1</sup>

*(footnote original)* <sup>1</sup> The DSB shall be deemed to have decided by consensus on a matter submitted for its consideration, if no Member, present at the meeting of the DSB when the decision is taken, formally objects to the proposed decision.

### **1.2 Rules of Procedure for Meetings of the Dispute Settlement Body**

#### **1.2.1 General**

1. At its meeting of 10 February 1995, the DSB in accordance with Article IV:3 of the WTO Agreement, adopted the Rules of Procedure contained in PC/IPL/9 with the exception of the rules concerning officers and the participation of international organisations as observers in the WTO which were at the time, open issues. Once agreement was reached on those pending issues, the rules of procedure were circulated in document WT/DSB/9. Further to WT/DSB/9, the DSB follows the rules of procedure for meetings of the General Council (WT/L/161), except as otherwise provided in the DSU or in document WT/DSB/9.

2. The Rules of Procedure for DSB meetings are reproduced below:

**Rules of Procedure for Meetings of the Dispute Settlement Body**

1. When the General Council convenes as the Dispute Settlement Body (DSB), it shall follow the rules of procedure for meetings of the General Council, except as provided otherwise in the Dispute Settlement Understanding (DSU) or below.

Chapter IV – Observers

2. Observership at meetings of the DSB shall be governed by paragraphs 9 to 11 of Annex 2 and paragraph 3, including footnote 5 of Annex 3 to these Rules.<sup>1</sup>

*(footnote original)* <sup>1</sup> WT/L/161.

Chapter V – Officers

3. The DSB shall elect its own Chairperson\* from among the representatives of Members. The election shall take place at the first meeting of the year and shall take effect at the end of the meeting. The Chairperson shall hold office until the end of the first meeting of the following year.

*(footnote original)* \* The Dispute Settlement Body shall apply the relevant guidelines contained in the "Guidelines for Appointment of Officers to WTO Bodies" (WT/L/31).

4. If the Chairperson is absent from any meeting or part thereof, the Chairperson of the General Council or in the latter's absence, the Chairperson of the Trade Policy Review Body, shall perform the functions of the Chairperson. If the Chairpersons of the General Council and of the Trade Policy Review Body are also not present, the DSB shall elect an interim Chairperson for that meeting or that part of the meeting.

5. If the Chairperson can no longer perform the functions of the office, the DSB shall designate a Chairperson in accordance with paragraph 4 to perform those functions pending the election of a new Chairperson.

**1.2.2 Procedure for communications to the DSB Chairman**

3. At its meeting on 31 May 1995, the DSB agreed that:

"Where there is a requirement under the DSU or any other covered agreements that communications by delegations be addressed to the DSB Chairman such communications should always be sent to the WTO Secretariat with a copy to the DSB Chairman. Members are invited to contact the Council Division in the WTO Secretariat, to inform it that a communication is being sent in order to enable an expeditious processing and circulation of communications."<sup>1</sup>

**1.3 DSB decisions on computation of time-periods under the DSU**

**1.3.1 DSB decision concerning "date of circulation" in the DSU and its additional and special rules**

4. At its meeting of 29 March 1995, the DSB agreed to the following practice:

"When there is a reference to the terms 'date of circulation' or 'issuance to all Members' or 'issuance to the Members' in the DSU and its additional and special rules, the date to be used is the date printed on the WTO document to be circulated with the assurance of the Secretariat that the date printed on the document is the date on which this document is effectively put in the pigeon holes of delegations in all three

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<sup>1</sup> WT/DSB/6. See also WT/DSB/M/5.

working languages. This practice will be used on a trial basis and be subject to revision when necessary."<sup>2</sup>

### **1.3.2 DSB decision concerning time-periods expiring on a weekend or holiday**

5. At its meeting of 27 September 1995, the DSB agreed to the following practice concerning the expiration of time-periods:

"When, under the DSU (and its special or additional rules and procedures), a time-period within which a communication must be made or action taken by a Member to exercise or preserve its rights expires on a non-working day of the WTO Secretariat, any such communication or action will be deemed to have been made or taken on the WTO non-working day if lodged on the first working day of the WTO Secretariat following the day on which such time-period would normally expire."<sup>3</sup>

### **1.3.3 Computation of time-periods in appellate proceedings**

6. See the document on Rule 17 of the Working Procedures for Appellate Review (Practice).

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Current as of: February 2018

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<sup>2</sup> WT/DSB/6. See also WT/DSB/M/2.

<sup>3</sup> WT/DSB/6. See also WT/DSB/M/7.