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1.1 Text of Rule 21

Appellant's Submission

21. (1) The appellant shall, on the same day as the date of the filing of the Notice of Appeal, file with the Secretariat a written submission prepared in accordance with paragraph 2 and serve a copy of the submission on the other parties to the dispute and third parties.
- (2) A written submission referred to in paragraph 1 shall:
- (a) be dated and signed by the appellant; and
 - (b) set out:
 - (i) a precise statement of the grounds for the appeal, including the specific allegations of errors in the issues of law covered in the panel report and legal interpretations developed by the panel, and the legal arguments in support thereof;
 - (ii) a precise statement of the provisions of the covered agreements and other legal sources relied on; and
 - (iii) the nature of the decision or ruling sought.

1.2 2010 Amendments of Rules 21(1), 23(1) and 23(3) to modify deadlines

1. In 2010, the Appellate Body amended Rule 21(1) to provide that the appellant's submission will be due on the same day as the filing of the Notice of Appeal.¹ The previous version of the Working Procedures stated that the appellant's submission was due within 7 days of the filing of the Notice of Appeal.²

2. At the same time, 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.³ In a communication to the DSB Chairman dated 27 of July 2010, the Appellate Body explained their reasons for these changes:

"In proposing these modifications to the *Working Procedures*, we considered that the relatively long period between the date on which parties are made aware of the content of panel reports and the time during which an appeal can be filed affords potential appellants and other appellants adequate preparation time, including time to draft relevant Notices and submissions. We further took the view that the 7- and 3-day periods that exist under the current *Working Procedures* could be more valuable, during an appeal, if they could be used by the Appellate Body and all Members participating in the appeal to prepare for the oral hearing, *inter alia*, on the basis of an analysis of the contents of all the written submissions in support of the appeal. While some WTO Members did not share our view that the time between the release of a panel report to the parties and the initiation of an appeal makes it appropriate to advance certain deadlines within the 90-day appeal period, many WTO Members recognized that doing so will allow for a more efficient allocation of the limited time available during an appeal."⁴

Current as of: September 2022

¹ [WT/AB/WP/6](#); [WT/AB/WP/W/11](#), p. 3.

² [WT/AB/WP/5](#).

³ [WT/AB/WP/6](#); [WT/AB/WP/W/11](#), p. 3.

⁴ [WT/AB/WP/W/11](#), p. 3.