

**1 RULE 22: ..... 1**  
 1.1 Text of Rule 22..... 1  
 1.2 2010 Amendment of Rules 22(1) and 23(4) to modify deadlines ..... 1

**1 RULE 22:**

**1.1 Text of Rule 22**

***Appellee's Submission***

22 (1) Any party to the dispute that wishes to respond to allegations raised in an appellant's submission filed pursuant to Rule 21 may, within 18 days after 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 appellant, 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 appellee; and
- (b) set out:
  - (i) a precise statement of the grounds for opposing the specific allegations of errors in the issues of law covered in the panel report and legal interpretations developed by the panel raised in the appellant's submission, and the legal arguments in support thereof;
  - (ii) an acceptance of, or opposition to, each ground set out in the appellant's submission;
  - (iii) a precise statement of the provisions of the covered agreements and other legal sources relied on; and
  - (iv) the nature of the decision or ruling sought.

**1.2 2010 Amendment of Rules 22(1) and 23(4) to modify deadlines**

1. In 2010, the Appellate Body amended Rule 22(1) to provide that an appellee's submission will be due 18 days after the filing of the Notice of Appeal.<sup>1</sup> Originally, the Rule stated that an appellee's submission was due within 25 days after the filing of the Notice of Appeal.<sup>2</sup>

2. At the same time, the Appellate Body amended Rule 23(4) to provide the same length of time.<sup>3</sup> 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

<sup>1</sup> WT/AB/WP/6; WT/AB/WP/W/11, p. 4.

<sup>2</sup> WT/AB/WP/5.

<sup>3</sup> WT/AB/WP/6; WT/AB/WP/W/11, pp. 3-4.

limited time available in appellate proceedings for all participants, we have decided to maintain the current 18-day interval between these two deadlines."<sup>4</sup>

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Current as of: January 2018

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<sup>4</sup> WT/AB/WP/W/11, pp. 3-4.