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1 RULE 23: MULTIPLE APPEALS (NOTICE OF OTHER APPEAL)

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 and legal interpretations developed by the panel. That party shall notify the DSB in writing of its appeal and shall simultaneously file a Notice of Other Appeal with the Secretariat.

(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 2 of Rule 21 and serve a copy of the submission on the other parties to the dispute and third parties.

(4) The appellant, any appellee and any other party to the dispute that wishes to respond to a submission filed pursuant to paragraph 3 may file a written submission within 18 days after the date of the filing of the Notice of Appeal, and any such submission shall be in the format required by paragraph 2 of Rule 22.

(5) This Rule does not preclude a party to the dispute which has not filed a submission under Rule 21 or a Notice of Other Appeal under paragraph 1 of this Rule from exercising its right of appeal pursuant to paragraph 4 of Article 16 of the DSU.

(6) Where a party to the dispute which has not filed a submission under Rule 21 or a Notice of Other Appeal under paragraph 1 of this Rule exercises its right to appeal as set out in paragraph 5, a single division shall examine the appeals.

1.2 Rule 23(2)(c)(ii): Notice of Other Appeal - "statement of the nature of the other appeal"

1. In *EC – Fasteners (China)*, the Appellate Body equated the requirements of Rule 23(2)(c), governing Notices of Other Appeals, with the requirements of Rule 20(2)(d), governing Notices of Appeals.¹ For further information, see the Section on Rule 20.

Current as of: December 2020

¹ Appellate Body Report, *EC – Fasteners (China)*, paras. 582 and 605.