

<b>1 RULE 27 .....</b>	<b>1</b>
1.1 Text of Rule 27 .....	1
1.2 2003 Amendment of Rule 27(3) to allow for "passive participation" .....	1
1.3 Consultation with the disputing parties regarding the date of the oral hearing .....	1
1.4 2010 Amendment of Rule 27(1) to modify the date range for the oral hearing .....	1

## **1 RULE 27**

### **1.1 Text of Rule 27**

#### ***Oral Hearing***

- 27.(1) A division shall hold an oral hearing, which shall be held, as a general rule, between 30 and 45 days after the date of the filing of a Notice of Appeal.
- (2) Where possible in the working schedule or otherwise at the earliest possible date, the Secretariat shall notify all parties to the dispute, participants, third parties and third participants of the date for the oral hearing.
- (3) (a) Any third party that has filed a submission pursuant to Rule 24(1), or has notified the Secretariat pursuant to Rule 24(2) that it intends to appear at the oral hearing, may appear at the oral hearing, make an oral statement at the hearing, and respond to questions posed by the division.
- (b) Any third party that has notified the Secretariat pursuant to Rule 24(4) that it intends to appear at the oral hearing may appear at the oral hearing.
- (c) Any third party that has made a request pursuant to Rule 24(4) may, at the discretion of the division hearing the appeal, taking into account the requirements of due process, make an oral statement at the hearing, and respond to questions posed by the division.
- (4) The Presiding Member may set time-limits for oral arguments.

### **1.2 2003 Amendment of Rule 27(3) to allow for "passive participation"**

1. See the document on Rule 24 of the Working Procedures (Practice).

### **1.3 Consultation with the disputing parties regarding the date of the oral hearing**

2. In a communication to the DSB Chairman dated 7 October 2004 explaining certain amendments to the Working Procedures, the Appellate Body stated that:

"We note the suggestion of certain delegations that a Division should consult the parties to a dispute before fixing the date of the oral hearing. Although we believe that it is neither efficient nor appropriate to inscribe in the *Working Procedures* a specific requirement for consultation on the working schedule for each appeal, we observe that it is always possible for delegations to make the Secretariat aware, at the outset of an appeal, of any constraints regarding the timing of the oral hearing, in order to enable the Division to be cognizant of such matters when preparing the working schedule."<sup>1</sup>

### **1.4 2010 Amendment of Rule 27(1) to modify the date range for the oral hearing**

3. In 2010, the Appellate Body amended Rule 27(1) to specify that oral hearings will, as a general rule, be held between 30 and 45 days after the filing of the Notice of Appeal.<sup>2</sup> Originally, the Rule

<sup>1</sup> [WT/AB/WP/W/9](#), p. 6.

<sup>2</sup> [WT/AB/WP/6](#); [WT/AB/WP/W/11](#), p. 5.

stated that oral hearings would, as a general rule, be held between 35 and 45 days after the filing of the Notice of Appeal.<sup>3</sup>

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<sup>3</sup> [WT/AB/WP/5](#).