

1 RULE 29: FAILURE TO APPEAR 1
1.1 Text of Rule 29 1
1.2 General 1

1 RULE 29: FAILURE TO APPEAR

1.1 Text of Rule 29

Failure to Appear

29. Where a participant fails to file a submission within the required time-periods or fails to appear at the oral hearing, the division shall, after hearing the views of the participants, issue such order, including dismissal of the appeal, as it deems appropriate.

1.2 General

1. To date, there have been no proceedings in which a participant refused to participate in an appeal.

2. In *US/Canada – Continued Suspension*, the Appellate Body referred to Rule 29 of the Working Procedures and stated that:

"[T]he DSU does not provide the means to compel any party to participate in any dispute settlement proceedings. A defending party who refuses to participate in dispute settlement proceedings will lose the opportunity to defend its position and will risk a finding in favour of the complaining party that has established a *prima facie* case."¹

Current as of: June 2023

¹ Appellate Body Reports, *US/Canada – Continued Suspension*, para. 358 and fn 777.