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Prohibited Subsidies

31. (1) Subject to Article 4 of the *SCM Agreement*, the general provisions of these Rules shall apply to appeals relating to panel reports concerning prohibited subsidies under Part II of that *Agreement*.
- (2) The working schedule for an appeal involving prohibited subsidies under Part II of the *SCM Agreement* shall be as set out in Annex I to these Rules.

1.2 General

1. In 2010, the Appellate Body made certain amendments to the Working Procedures. In a 27 July 2010 communication to the Chairman of the DSB explaining the changes, the Appellate Body noted that:

"To date, no appeal has ever been conducted under the accelerated timeframes set out for prohibited subsidies appeals. Although one Member expressed concern regarding the impractical nature of certain deadlines in prohibited subsidies appeals—notably for third participants—we believe, based on past experience, that the infrequency with which this issue appears justifies leaving Annex I as proposed above. Any difficulties that may arise in a specific appeal involving prohibited subsidies could be addressed on a case-by-case basis under Rule 16 of the *Working Procedures*."¹

Current as of: January 2018

¹ WT/AB/WP/W/11, fn 4.