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1 ARTICLE 17

1.1 Text of Article 17

Article 17

Appellate Review

Standing Appellate Body

1. A standing Appellate Body shall be established by the DSB. The Appellate Body shall hear appeals from panel cases. It shall be composed of seven persons, three of whom shall serve on any one case. Persons serving on the Appellate Body shall serve in rotation. Such rotation shall be determined in the working procedures of the Appellate Body.

2. The DSB shall appoint persons to serve on the Appellate Body for a four-year term, and each person may be reappointed once. However, the terms of three of the seven persons appointed immediately after the entry into force of the WTO Agreement shall expire at the end of two years, to be determined by lot. Vacancies shall be filled as they arise. A person appointed to replace a person whose term of office has not expired shall hold office for the remainder of the predecessor's term.

3. The Appellate Body shall comprise persons of recognized authority, with demonstrated expertise in law, international trade and the subject matter of the covered agreements generally. They shall be unaffiliated with any government. The Appellate Body membership shall be broadly representative of membership in the WTO. All persons serving on the Appellate Body shall be available at all times and on short notice, and shall stay abreast of dispute settlement activities and other relevant activities of the WTO. They shall not participate in the consideration of any disputes that would create a direct or indirect conflict of interest.

4. Only parties to the dispute, not third parties, may appeal a panel report. Third parties which have notified the DSB of a substantial interest in the matter pursuant to paragraph 2 of Article 10 may make written submissions to, and be given an opportunity to be heard by, the Appellate Body.

5. As a general rule, the proceedings shall not exceed 60 days from the date a party to the dispute formally notifies its decision to appeal to the date the Appellate Body circulates its report. In fixing its timetable the Appellate Body shall take into account the provisions of paragraph 9 of Article 4, if relevant. When the Appellate Body considers that it cannot provide its report within 60 days, it shall inform the DSB in writing of the reasons for the delay together with an estimate of the period within which it will submit its report. In no case shall the proceedings exceed 90 days.

6. An appeal shall be limited to issues of law covered in the panel report and legal interpretations developed by the panel.

7. The Appellate Body shall be provided with appropriate administrative and legal support as it requires.

8. The expenses of persons serving on the Appellate Body, including travel and subsistence allowance, shall be met from the WTO budget in accordance with criteria to be adopted by the General Council, based on recommendations of the Committee on Budget, Finance and Administration.

Procedures for Appellate Review

9. Working procedures shall be drawn up by the Appellate Body in consultation with the Chairman of the DSB and the Director-General, and communicated to the Members for their information.

10. The proceedings of the Appellate Body shall be confidential. The reports of the Appellate Body shall be drafted without the presence of the parties to the dispute and in the light of the information provided and the statements made.

11. Opinions expressed in the Appellate Body report by individuals serving on the Appellate Body shall be anonymous.

12. The Appellate Body shall address each of the issues raised in accordance with paragraph 6 during the appellate proceeding.

13. The Appellate Body may uphold, modify or reverse the legal findings and conclusions of the panel.

Adoption of Appellate Body Reports

14. An Appellate Body report shall be adopted by the DSB and unconditionally accepted by the parties to the dispute unless the DSB decides by consensus not to adopt the Appellate Body report within 30 days following its circulation to the Members.⁸ This adoption procedure is without prejudice to the right of Members to express their views on an Appellate Body report.

(footnote original) ⁸ If a meeting of the DSB is not scheduled during this period, such a meeting of the DSB shall be held for this purpose.

1.2 Article 17.1: Establishment of the Appellate Body

1. At its meeting of 10 February 1995, the DSB established the Appellate Body in accordance with Article 17.1 of the DSU.¹

1.3 Article 17.2

1.3.1 Appointment of Members of the Appellate Body

2. On 6 December 1994, the Preparatory Committee to the WTO approved its recommendations for the procedures for the appointment of Appellate Body Members.²

3. For an information table on individuals appointed to serve as Appellate Body members, see the chapter of the Analytical Index on "DS information tables".

1.4 Article 17.4

4. For a table providing information on the number of panel reports appealed annually, along with an overall percentage, over the period 1996-present, see the chapter of the Analytical Index on "DS information tables".

¹ [WT/DSB/M/1](#).

² [PC/IPL/13](#).

1.5 Article 17.9: Working Procedures

5. The current Working Procedures for Appellate Review were issued in 2010 are contained in document [WT/AB/WP/6](#). See the documents on Working Procedures for Appellate Review (Practice).

6. In addition, at the DSB meeting held on 25 March 2015, the Chairman made a statement regarding a communication from the Appellate Body³ concerning guidelines for WTO Members in connection with the submission of executive summaries of written submissions in appellate proceedings.⁴

1.6 Article 17.14

See the chapter of the Analytical Index on "[DS information tables](#)" for information on the length of time taken in WTO proceedings from the date of the circulation of the Appellate Body report to the date of its adoption.

Current as of: June 2024

³ [WT/AB/23](#).

⁴ [WT/DSB/M/359](#), para 11.1; [WT/DSB/67](#), para. 11.3.