

1 ARTICLE 27	1
1.1 Text of Article 27	1
1.2 Article 27.1	1

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Responsibilities of the Secretariat

1. The Secretariat shall have the responsibility of assisting panels, especially on the legal, historical and procedural aspects of the matters dealt with, and of providing secretarial and technical support.
2. While the Secretariat assists Members in respect of dispute settlement at their request, there may also be a need to provide additional legal advice and assistance in respect of dispute settlement to developing country Members. To this end, the Secretariat shall make available a qualified legal expert from the WTO technical cooperation services to any developing country Member which so requests. This expert shall assist the developing country Member in a manner ensuring the continued impartiality of the Secretariat.
3. The Secretariat shall conduct special training courses for interested Members concerning these dispute settlement procedures and practices so as to enable Members' experts to be better informed in this regard.

1.2 Article 27.1

1. In *Mexico – Telecoms*, the Panel noted that the diverse backgrounds of the panellists "and the assistance granted by the Secretariat pursuant to Article 27.1 of the DSU" ensured that it was fully aware of the legal and technical complexity of the regulation of telecommunications services, including their rapid technological evolution, and the drafting history of GATS provisions to which the disputing parties had referred extensively.¹

2. In *EU – Fatty Alcohols (Indonesia)*, the Appellate Body found that a panel's work can be suspended pursuant to Article 12.12 of the DSU only once the panel has been composed. The Appellate Body found that prior to the composition of the panel, the Secretariat is not competent to act on behalf of a panel in this regard:

"The European Union also invokes what it refers to as the WTO Secretariat's competence to exercise 'reasonable executive action' on behalf of the panel. According to the European Union, the WTO Secretariat could dispose of a request under Article 12.12 on behalf of a panel. We note that the role of the WTO Secretariat is set out, primarily, in Article 27 of the DSU. The WTO Secretariat has the responsibility of assisting panelists, especially on the legal, historical, and procedural aspects of the matters dealt with, and providing secretarial and technical support. However, there is no reference in the DSU to what the European Union refers to as 'reasonable executive action' to be exercised by the WTO Secretariat on behalf of a panel that has not yet been composed."²

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¹ Panel Report, *Mexico – Telecoms*, para. 7.2.

² Appellate Body Report, *EU – Fatty Alcohols (Indonesia)*, para. 5.228.