

Mr. Phil Hogan
Commissioner for Trade
European Commission

Brussels, 5 December 2019

Re: WTO Appellate Body

Dear Commissioner Hogan,

I am writing as President of the Council of Bars and Law Societies of Europe (CCBE), representing European bars and law societies of 45 countries from the European Union, the European Economic Area, and wider Europe in their common interests before European and other international institutions. The CCBE is recognised as the voice of the European legal profession representing, through its members, more than 1 million European lawyers. It regularly acts as a liaison between its members and the European institutions, international organisations (including the WTO) and legal organisations around the world.

The CCBE would like to express its concern regarding the possibility that the WTO Appellate Body might cease its activities as a consequence of the actions of some WTO Members. The role of arbitrator of disputes between the WTO Member States exercised through the Dispute settlement mechanism (DSB) and the Appellate Body is crucial for the WTO system, in particular in view of confirming its legitimacy based on the principle of the Rule of Law.

The CCBE believes that the Rule of Law can be defended through the proper organization of Justice. In this respect, we express our concern on the potential silent attack on this principle which would be done through a dilatory tactic which aims to paralyse the WTO's dispute resolution mechanism by systematically blocking the appointment of its Judges.

In addition to Rule of Law implications, the consequences of a lack of functioning of the Dispute settlement mechanism are potentially serious for the economic prosperity and for maintaining international security among WTO members. In particular, it is not certain how international trade could evolve and if international trade relations will still be based on common legal principles that the International Community has agreed upon following long discussions during the Uruguay Round and implemented when the legal dispute settlement mechanism entered into force within the WTO.

The CCBE is aware that this is a concern which is also shared by the European Commission, as well as the majority of WTO Members. In this respect, the CCBE respectfully calls for urgent action and confirms its support for efforts to avoid the risk that the WTO Appellate Body ceases to function after mid-December 2019.

Please consider the CCBE to be at your disposal for further discussion aimed at supporting any positive action.

Yours sincerely,



José de Freitas
CCBE President