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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	10 October 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 672 final - Annex
Subject:	ANNEX to the Proposal for a Council Decision on the position to be taken on behalf of the European Union within the Association Committee in Trade configuration established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part

Delegations will find attached document COM(2018) 672 final - Annex.

Encl.: COM(2018) 672 final - Annex



Brussels, 10.10.2018
COM(2018) 672 final

ANNEX

ANNEX

to the

Proposal for a Council Decision

on the position to be taken on behalf of the European Union within the Association Committee in Trade configuration established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part

DRAFT

**DECISION NO /2018 OF THE EU-UKRAINE ASSOCIATION COMMITTEE IN TRADE
CONFIGURATION**

of

**on the establishment of the list of arbitrators referred to in Article 323(1) of the Association
Agreement between the European Union and the European Atomic Energy Community and
their Member States, of the one part, and Ukraine, of the other part**

THE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part¹, signed in Brussels on 27 June 2014 ('the Agreement'), and in particular Articles 323(1) and 465(3) thereof,

Whereas:

- (1) In accordance with Article 323(1) of the Agreement, the Association Committee in Trade configuration shall, not later than six months from the entry into force of the Agreement, establish the list of individuals who are willing and able to serve as arbitrators.
- (2) The Union has proposed five candidate arbitrators. Ukraine has proposed four individuals willing and able to serve as arbitrators. Ukraine and the Union have agreed on five third-country nationals who may serve as chairpersons to an arbitration panel.
- (3) To avoid further delays in the establishment of the list of individuals willing and able to serve as arbitrators and thereby ensure the proper functioning of the Agreement and notably of Chapter 14 of Title IV thereof, the Association Committee in Trade configuration shall approve that list on the basis of the submitted proposals.
- (4) Ukraine shall propose a fifth candidate to the Association Committee in Trade configuration as soon as possible.

HAS ADOPTED THIS DECISION:

Article 1

1. The list of individuals who are willing and able to serve as arbitrators pursuant to Article 323(1) of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, is established as Annex to this Decision.

2. Ukraine shall propose to the Association Committee in Trade configuration as soon as possible a fifth candidate who is willing and able to serve as arbitrator.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at ..., ...

*For the Association Committee
in Trade configuration*

The Chair

¹ OJ EU L 161, 29.5.2014, p.3.

ANNEX

**LIST OF ARBITRATORS
PURSUANT TO ARTICLE 323(1) OF THE AGREEMENT**

Arbitrators proposed by the European Union:

1. Claus-Dieter EHLERMANN
2. Giorgio SACERDOTI
3. Jacques BOURGEOIS
4. Pieter Jan KUIJPER
5. Ramon TORRENT

Arbitrators proposed by Ukraine:

1. Serhiy HRYSHKO
2. Taras KACHKA
3. Victor MURAVYOV
4. Yuriy RUDYUK

Chairpersons selected by the Parties:

1. William DAVEY (USA)
2. Helge SELAND (Norway)
3. Maryse ROBERT (Canada)
4. Christian HÄBERLI (Switzerland)
5. Merit JANOW (USA)