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ACP 86
WTO 103
RELEX 1223
COAFR 292

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Draft DECISION OF THE TRADE AND DEVELOPMENT COMMITTEE
ESTABLISHED BY THE ECONOMIC PARTNERSHIP AGREEMENT
BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF
THE ONE PART, AND THE SADC EPA STATES, OF THE OTHER PART
on the replacement of the list of arbitrators

DRAFT

DECISION No .../2026
OF THE TRADE AND DEVELOPMENT COMMITTEE
ESTABLISHED BY THE ECONOMIC
PARTNERSHIP AGREEMENT BETWEEN
THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART,
AND THE SADC EPA STATES, OF THE OTHER PART

of ...

on the replacement of the list of arbitrators

THE TRADE AND DEVELOPMENT COMMITTEE,

Having regard to the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part (the ‘Agreement’), and in particular Article 94 thereof,

Whereas:

- (1) On 18 February 2019, the Trade and Development Committee adopted Decision No 1/2019¹ establishing the list of arbitrators provided for in Article 94(1) of the Agreement. A replacement of that list has become necessary in order to ensure the proper functioning of the dispute settlement mechanism provided for in Part III of the Agreement and to maintain the minimum number of available arbitrators.
- (2) The list of arbitrators is to be composed of three sub-lists: a sub-list of eight individuals for each Party to the Agreement, and a sub-list of five individuals who are not nationals of either Party and who are able to serve as Chairperson of the arbitration panel. Arbitrators are to meet the requirements set out in Article 94(2) of the Agreement.
- (3) It is not necessary to adopt this Decision in all authentic languages of the Agreement as it does not amend provisions of the Agreement and is only relevant for the internal operation of the dispute settlement mechanism between the Parties,

HAS ADOPTED THIS DECISION:

¹ Decision No 1/2019 of the Trade and Development Committee established under the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part of 18 February 2019 on the establishment of a list of arbitrators (OJ EU L 70, 12.3.2019, p. 33, ELI: <http://data.europa.eu/eli/dec/2019/391/oj>).

Article 1

1. The list of arbitrators set out in the Annex to Decision No 1/2019 of 18 February 2019 of the Trade and Development Committee is hereby replaced by the list set out in the Annex to this Decision.
2. The Annex shall form an integral part of this Decision.

Article 2

This Decision has been adopted in the English language and drawn up in duplicate. Each Party may translate the text of this Decision into the languages required for its internal procedures and for the purposes of informing the public.

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

Done at ..., ...

For the Trade and Development Committee

Representative of the SADC EPA States

EU representative

ANNEX

List of arbitrators provided for in Article 94(1) of the Agreement

Arbitrators selected by the SADC EPA States:

1. Sakeus AKWEENDA
2. Nkululeko J. HLOPHE
3. Faizel ISMAIL
4. Kholofelo Ngokoane KUGLER
5. Tsotetsi MAKONG
6. Carlos Joaquim Nogueira MARTINS
7. Leonard Moses PHUTI
8. Sidney PILANE

Arbitrators selected by the EU:

9. Danae AZARIA
10. Laurence BOISSON DE CHAZOURNES

11. Irina BUGA
12. Mary FOOTER
13. Michael Johannes HAHN
14. Federico ORTINO
15. Joost PAUWELYN
16. Hélène RUIZ FABRI

Arbitrators jointly agreed by the Parties (non-nationals who may act as Chairperson):

17. Ichiro ARAKI
 18. Christian HÄBERLI
 19. Merit JANOW
 20. Makane Moïse MBENGUE
 21. Claus VON WOBESER
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