Council of the European Union

Interinstitutional File:
2019/0270 (NLE)

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the position to be taken on behalf of the European Union in the CETA Joint Committee as regards the adoption of the List of Arbitrators pursuant to Article 29.8 of the Agreement

COUNCIL DECISION (EU) 2019/…

of …

**on the position to be taken on behalf of the European Union
in the CETA Joint Committee as regards the adoption of the List of Arbitrators
pursuant to Article 29.8 of the Agreement**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1)   The Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part ('the Agreement') was signed on 30 October 2016.

(2)   In accordance with Council Decision (EU) 2017/38[1], parts of the Agreement have been provisionally applied since 21 September 2017.

(3)   Article 29.8.1 of the Agreement provides that the CETA Joint Committee, established under Article 26.1 of the Agreement, is to establish a list of at least 15 individuals who are willing and able to serve as arbitrators.

(4)   It is therefore appropriate to establish the position to be taken on the Union's behalf in the CETA Joint Committee as the envisaged decision will be binding on the Union,

HAS ADOPTED THIS DECISION:

---

[1]   Council Decision (EU) 2017/38 of 28 October 2016 on the provisional application of the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part (OJ L 11, 14.1.2017, p. 1080).

Article 1

The position to be taken on the Union's behalf in the CETA Joint Committee with regard to the adoption of the list of arbitrators pursuant to Article 29.8 of the Agreement shall be based on the draft decision of the CETA Joint Committee attached to this Decision.

Article 2

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

Done at Brussels,

For the Council
The President

_____

DRAFT

DECISION No …/2019

OF THE CETA JOINT COMMITTEE

of …

establishing a list of arbitrators

pursuant to Article 29.8 of the Agreement

The CETA JOINT COMMITTEE,

Having regard to the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part ('the Agreement'), and in particular Article 29.8 thereof,

Whereas:

(1)   In accordance with Article 30.7.3 of the Agreement, parts of the Agreement have been applied provisionally since 21 September 2017.

(2)   Pursuant to Article 29.8.1 of the Agreement, the CETA Joint Committee is to establish a list of at least 15 individuals who are willing and able to serve as arbitrators. The list of arbitrators is to be composed of three sub-lists: one sub-list for each Party and one sub-list of individuals who are not nationals of either Party to act as chairpersons,

HAS ADOPTED THIS DECISION:

1.   The list of arbitrators for the purposes of Article 29.8 of the Agreement as set out in the Annex is hereby established.

2.   This Decision takes effect on the date of its adoption by the CETA Joint Committee.

Done at …,

For the CETA Joint Committee

———————————————

ANNEX

LIST OF ARBITRATORS ESTABLISHED
PURSUANT TO ARTICLE 29.8 OF THE AGREEMENT

Sub-list for Canada:

1. Serge Fréchette

2. Valerie Hughes

3. Matthew Kronby

4. Debra Steger

5. J. Christopher Thomas

6. Cherise Valles

Sub-list for the EU:

1. Claudio Dordi

2. Michael Hahn

3. Pieter Jan Kuijper

4. Hélène Ruiz Fabri

5. Peter Van den Bossche

Sub-list of Chairpersons:

1. James Bacchus

2. Christian Häberli

3. Daniel Moulis

4. David Unterhalter

5. Seung Wha Chang

––––––––––––––––––