

DECISION No 3/2022 OF THE PARTNERSHIP COUNCIL ESTABLISHED BY THE TRADE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, OF THE ONE PART, AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE OTHER PART

of 21 December 2022

establishing a list of individuals who are willing and able to serve as members of an arbitration tribunal under the Trade and Cooperation Agreement [2022/2550]

THE PARTNERSHIP COUNCIL,

Having regard to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ⁽¹⁾ (the 'Trade and Cooperation Agreement'), and in particular Article 752(1) thereof,

Whereas:

- (1) Pursuant to Article 752(1) of the Trade and Cooperation Agreement, the Partnership Council is to establish a list of individuals who are willing and able to serve as members of an arbitration tribunal. The list shall comprise at least 15 persons and be composed of three sub-lists: (a) one sub-list of individuals established on the basis of proposals by the Union; (b) one sub-list of individuals established on the basis of proposals by the United Kingdom; and (c) one sub-list of individuals who are not nationals of either Party who shall serve as chairperson to the arbitration tribunal.
- (2) Each sub-list shall include at least five individuals.
- (3) Pursuant to Article 741 of the Trade and Cooperation Agreement, all arbitrators shall be persons whose independence is beyond doubt, who possess the qualifications required for appointment to high judicial office in their respective countries or who are jurisconsults of recognised competence. They shall have demonstrated expertise in law and international trade, including on specific matters covered by Titles I to VII, Chapter 4 of Title VIII, Titles IX to XII of Heading One or Heading Six of Part Two, or in law and any other matter covered by the Trade and Cooperation Agreement or by any supplementing agreement and, in the case of a chairperson, also have experience in dispute settlement procedures.
- (4) In accordance with Article 752(3) of the Trade and Cooperation Agreement, the list shall not comprise persons who are members, officials or other servants of the Union institutions, of the Government of a Member State, or of the Government of the United Kingdom.
- (5) On the basis of the proposals of the Union and the United Kingdom, it is appropriate for the Partnership Council to agree on the two sub-lists of six persons for the position of members of the arbitration tribunal, and on the sub-list of eight persons for the position of chairperson of the arbitration tribunal,

HAS ADOPTED THIS DECISION:

Article 1

The list of individuals willing and able to serve as arbitrators under the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, is set out in the Annex.

⁽¹⁾ OJ L 149, 30.4.2021, p. 10.

Article 2

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

Done at Brussels and London, 21 December 2022.

For the Partnership Council

The Co-chairs

Maroš ŠEŤKOVIČ

James CLEVERLY

ANNEX

- (a) sub-list of individuals established on the basis of proposals by the Union;
- Laurence BOISSON DE CHAZOURNES
Irina BUGA
Hélène RUIZ FABRI
Michael HAHN
Crenguta LEAUA
Peter Leo Henri VAN DEN BOSSCHE
- (b) sub-list of individuals established on the basis of proposals by the United Kingdom;
- Lorand Alexander BARTELS
Lawrence COLLINS
Jean E. KALICKI
Surya P. SUBEDI
David UNTERHALTER
Janet M. WHITTAKER
- (c) sub-list of individuals who should serve as chairperson to the arbitration tribunal.
- Leora BLUMBERG
Thomas COTTIER
William J. DAVEY
Gavan GRIFFITH
Valerie HUGHES
Campbell MCLACHLAN
Penelope Jane RIDINGS
J. Christopher THOMAS
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