



Council of the  
European Union

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Brussels, 1 October 2019  
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2019/0170 (NLE)

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COEST 195  
WTO 235

## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL DECISION on the position to be adopted on behalf of the European Union within the Partnership Committee established by the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part, as regards the establishment of the list of individuals to serve as arbitrators in dispute-settlement proceedings

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**COUNCIL DECISION (EU) 2019/...**

**of ...**

**on the position to be adopted on behalf of the European Union  
within the Partnership Committee established by  
the Comprehensive and Enhanced Partnership Agreement  
between the European Union and the European Atomic Energy Community  
and their Member States, of the one part,  
and the Republic of Armenia, of the other part,  
as regards the establishment of the list of individuals  
to serve as arbitrators in dispute-settlement proceedings**

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) In accordance with Article 339(1) of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part ('the Agreement'), the Partnership Committee established under Article 363 of the Agreement is to establish a list of at least 15 individuals who are willing and able to serve as arbitrators ('the list of arbitrators').
- (2) In accordance with Article 385(5) of the Agreement, the Agreement has been provisionally applied since 1 June 2018.
- (3) In accordance with Article 339(1) of the Agreement, the Union and the Republic of Armenia have each proposed their candidate arbitrators and have agreed on five third-country nationals who are to serve as chairperson of an arbitration panel.
- (4) It is appropriate to establish the position to be adopted on the Union's behalf in the Partnership Committee with regard to the establishment of the list of arbitrators.
- (5) The position of the Union within the Partnership Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

### *Article 1*

The position to be adopted on the Union's behalf within the Partnership Committee established under Article 363 of the Agreement as regards the establishment of the list of individuals who are willing and able to serve as arbitrators, in accordance with Article 339(1) of the Agreement, shall be based on the draft Decision of the Partnership 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*

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DRAFT

**DECISION No .../...**  
**OF THE EU-REPUBLIC OF ARMENIA PARTNERSHIP COMMITTEE**  
**of ...**

**on the establishment of the list of arbitrators referred to in Article 339(1)  
of the Comprehensive and Enhanced Partnership Agreement between  
the European Union and the European Atomic Energy Community  
and their Member States, of the one part,  
and the Republic of Armenia, of the other part**

THE PARTNERSHIP COMMITTEE,

Having regard to the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part ('the Agreement'), and in particular Article 339(1) thereof,

Whereas:

- (1) In accordance with Article 339(1) of the Agreement, the Partnership Committee established under Article 363 of the Agreement is to establish a list of at least 15 individuals who are willing and able to serve as arbitrators ('the list of arbitrators').
- (2) Article 339(1) of the Agreement provides that 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 and who are to serve as chairperson of the arbitration panel. Each sub-list is to include at least five individuals.
- (3) The European Union and the Republic of Armenia have each proposed five candidate arbitrators and have agreed on five third-country nationals who are to serve as chairperson of an arbitration panel. All listed individuals are willing and able to serve as arbitrators.
- (4) To ensure the proper functioning of the Agreement, in particular Chapter 13 of Title VI thereof, the list of arbitrators should be established by the Partnership Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

The list of individuals who are willing and able to serve as arbitrators is hereby established pursuant to Article 339(1) of the Agreement.

The list of arbitrators is set out in the Annex to this Decision.

*Article 2*

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

Done at ...,

*For the Partnership Committee*  
*The Chair*

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## ANNEX

### LIST OF ARBITRATORS REFERRED TO IN ARTICLE 339 OF THE COMPREHENSIVE AND ENHANCED PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY AND THEIR MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF ARMENIA, OF THE OTHER PART

#### 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 the Republic of Armenia

1. Nora SARGSYAN
2. Arman SARGSYAN
3. Grigor BEKMEZYAN

4. Levon GEVORGYAN
5. Mushegh MANUKYAN

#### Chairpersons

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