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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the EPA Committee established under the Stepping Stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part, as regards the adoption of the Rules of Procedure for dispute settlement

COUNCIL DECISION (EU) 2022/...

of ...

on the position to be taken on behalf of the European Union within the EPA Committee established under the Stepping Stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part, as regards the adoption of the Rules of Procedure for dispute settlement

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Union and its Member States signed the Stepping Stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part¹ ('the Agreement') in Brussels on 28 July 2016. The Agreement has been provisionally applied between the Union and Ghana since 15 December 2016.
- (2) Pursuant to Article 73(3) of the Agreement, the EPA Committee is responsible for the administration in all fields covered by the Agreement and the achievement of all tasks mentioned in the Agreement.
- (3) Pursuant to Article 59(1) of the Agreement, dispute settlement procedures are to be governed by the Rules of Procedure, which are to be adopted by the EPA Committee within three months after its establishment.
- (4) The Code of Conduct referred to in Article 64(2) of the Agreement sets out guiding principles, rights and obligations with which arbitrators are to comply. It is appropriate for the Code of Conduct, which is applicable to arbitrators, to apply to mediators *mutatis mutandis*.
- (5) The EPA Committee is to adopt a decision with regard to the adoption of the Rules of Procedure for dispute settlement in the second half of 2022.

¹ OJ L 287, 21.10.2016, p. 3.

- (6) It is appropriate to establish the position to be taken on the Union's behalf within the EPA Committee as regards the adoption of the Rules of Procedure for dispute settlement, as the envisaged EPA Committee decision will establish legally binding rules governing dispute settlement which will be applicable to the Union.
- (7) The position of the Union within the EPA Committee should therefore be based on the attached draft Decision of the EPA Committee,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the EPA Committee established by the Stepping Stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part, as regards the adoption of the Rules of Procedure for dispute settlement shall be based on the draft Decision of the EPA Committee attached to this Decision.

Article 2

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

Done at ..., ...

For the Council

The President
