



Council of the
European Union

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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 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

COUNCIL DECISION (EU) 2026/...

of ...

**on the position to be taken on behalf of the European Union
within 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**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part¹ (the ‘Agreement’), was signed by the Union pursuant to Council Decision (EU) 2016/1623². The Agreement has been provisionally applied between the Union, of the one part, and Botswana, Eswatini, Lesotho, Namibia and South Africa, of the other part, since 10 October 2016, and between the Union and Mozambique since 4 February 2018.
- (2) Pursuant to Article 94(1) of the Agreement, the Trade and Development Committee provided for in Article 103 of the Agreement is to establish a list of 21 individuals who are willing and able to serve as arbitrators (the ‘list of arbitrators’). By means of Decision No 1/2019 of 18 February 2019³, the Trade and Development Committee established the list of arbitrators.
- (3) 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, the Trade and Development Committee should replace the list of arbitrators.

¹ OJ L 250, 16.9.2016, p. 3, ELI: http://data.europa.eu/eli/agree_internation/2016/1623/oj.

² Council Decision (EU) 2016/1623 of 1 June 2016 on the signing, on behalf of the European Union and provisional application of 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 (OJ L 250, 16.9.2016, p. 1, ELI: <http://data.europa.eu/eli/dec/2016/1623/oj>).

³ 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 L 70, 12.3.2019, p. 33, ELI: <http://data.europa.eu/eli/dec/2019/391/oj>).

- (4) The Decision of the Trade and Development Committee will, if adopted, produce legal effects for the Union.
- (5) It is therefore appropriate to establish the position to be taken within the Trade and Development Committee on the replacement of the list of arbitrators,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within 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 shall be based on the draft decision of the Trade and Development 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
