

ANNEX I

to Decision No .../2020 of the Joint Committee

Chairpersons for the Withdrawal Agreement Arbitration Panel

Ms Corinna WISSELS
Ms Angelika Helene Anna NUSSBERGER
Mr Jan KLUCKA
Sir Daniel BETHLEHEM
Ms Gabrielle KAUFMANN-KOHLER

Ordinary members for the Withdrawal Agreement Arbitration Panel

EU:

Mr Hubert LEGAL
Ms Helena JÄDERBLOM
Ms Ursula KRIEBAUM
Mr Jan WOUTERS
Mr Christoph Walter HERRMANN
Mr Javier DIEZ-HOCHLEITNER
Ms Alice GUIMARAES-PUROKOSKI
Mr Barry DOHERTY
Ms Tamara Čapeta
Mr Nico SCHRIJVER

UK:

Sir Gerald BARLING
Sir Christopher BELLAMY
Mr Zachary DOUGLAS
Sir Patrick ELIAS
Dame Elizabeth GLOSTER
Sir Peter GROSS
Mr Toby LANDAU QC
Mr Dan SAROOSHI QC
Ms Jemima STRATFORD QC
Sir Michael WOOD

DRAFT NOTE TO ATTACH TO WAJC MEETING MINUTES, XX DECEMBER 2020, SETTING OUT PROCEDURES TO NOMINATE IN THE FUTURE CHAIRPERSONS IN THE LIST OF CHAIRPERSONS FOR THE WITHDRAWAL AGREEMENT ARBITRATION PANEL

The Joint Committee has today adopted the list of 25 persons who are willing and able to serve as members of an arbitration panel in accordance with Article 171 of the Withdrawal Agreement. The Parties recall that the fifth person on the list of chairpersons was selected after a lot drawing that took place on 9 December 2020 in the presence of representatives of both Parties.

In order to ensure balance over time, a rotation should apply whereby when a position held by a chairperson presented by the Party whose candidates occupy three places on the list of five becomes vacant, the other Party will present three candidates from among whom the first Party will select within three working days a chairperson to fill that vacancy.

Changes to legislation: There are currently no known outstanding effects for the Council Decision (EU) 2020/2232, ANNEX I. (See end of Document for details)

If a position held by a chairperson presented by the Party whose candidates occupy two places on the list of five becomes vacant, there will be no rotation and that Party will present three candidates from among whom the other Party will select within three working days a chairperson to fill that vacancy.

Accordingly, the list of chairpersons will at no time have fewer than two chairpersons on it that were presented by each Party.

After each replacement as set out above, the Joint Committee should amend the list of 25 persons by decision adopted in accordance with Article 171 of the Withdrawal Agreement.

In any event, the Joint Committee will review the list of 25 persons two years from the entry into force of the Joint Committee Decision adopted today. The Parties will do their utmost to propose jointly a list of five chairpersons during this review, as set out in the Withdrawal Agreement. This list should replace the previous list no later than six months from the start of the review.

If agreement cannot be reached on the fifth chairperson during the review process, the Party whose candidates occupy two places on the list of five at that point in time will present three candidates from among whom the other Party will select within three days a chairperson to fill that place on the list. Following the review process, the Joint Committee should amend the list of 25 persons by Decision adopted in accordance with Article 171 of the Withdrawal Agreement.

All candidates proposed by a Party for selection by the other Party according to the procedure set out in this Note must satisfy the criteria set out in Article 171 of the Withdrawal Agreement, and, where a Party reasonably considers that this is not the case, it reserves the right to object to the inclusion or appointment of such candidate.

Changes to legislation:

There are currently no known outstanding effects for the Council Decision (EU) 2020/2232, ANNEX I.