COUNCIL DECISION (EU) 2021/1837

of 15 October 2021

on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards the amendment of the decision establishing a list of 25 persons who are willing and able to serve as members of an arbitration panel under the Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 50(2) thereof,

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

Having regard to the proposal from the European Commission,

Whereas:

(1) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (the 'Withdrawal Agreement') was concluded by means of Council Decision (EU) 2020/135 ([1]) and entered into force on 1 February 2020.

(2) Pursuant to Article 171(1) of the Withdrawal Agreement, the Joint Committee established by the end of the transition period set under the Withdrawal Agreement, a list of 25 persons who are willing and able to serve as members of an arbitration panel. The Joint Committee is to ensure that the list complies with the requirements at any moment in time.

(3) Pursuant to Article 171(2) of the Withdrawal Agreement, the list is not to 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.

(4) One of the persons on the list that have been proposed by the Union has been appointed an Advocate-General of the Court of Justice and therefore no longer fulfils the requirements for being an arbitrator under the Withdrawal Agreement.

(5) It is therefore necessary to replace that person by a candidate from the reserve list of candidates who are willing and able to serve as Union members of an arbitration panel under the Withdrawal Agreement, as contained in Annex II to Council Decision (EU) 2020/2232 ([2]).

(6) It is appropriate to establish the position to be taken on the Union's behalf in the Joint Committee,

([1]) Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 1).

([2]) Council Decision (EU) 2020/2232 of 22 December 2020 on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards the adoption of a decision establishing a list of 25 persons who are willing and able to serve as members of an arbitration panel under the Agreement and on a reserve list of persons who are willing and able to serve as Union members of an arbitration panel under the Agreement (OJ L 437, 28.12.2020, p. 182).

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union within the Joint Committee established by Article 164(1) of the Withdrawal Agreement as regards the amendment of the decision establishing the list of 25 persons who are willing and able to serve as members of an arbitration panel under the Withdrawal Agreement is attached to this Decision.

Article 2

The Decision of the Joint Committee shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Luxembourg, 15 October 2021.

For the Council
The President
J. CIGLER KRALJ

DRAFT

DECISION No […]/2021 OF THE JOINT COMMITTEE ESTABLISHED BY THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY

of …

amending Decision No 7/2020 establishing a list of 25 persons who are willing and able to serve as members of an arbitration panel under the Agreement

THE JOINT COMMITTEE,

Having regard to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ([1]), and in particular Article 171(1) and (2) thereof,

Whereas:

(1) Pursuant to Article 171(1) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ('the Withdrawal Agreement'), the Joint Committee established, by the end of the transition period set under that Agreement, a list of 25 persons who are willing and able to serve as ordinary members of an arbitration panel. The Joint Committee is to ensure that the list complies with the requirements at any moment in time.

(2) Pursuant to Article 171(2) of the Withdrawal Agreement, the list is not to 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.

(3) One of the persons on the list proposed by the Union has been appointed as a member of a Union institution and therefore no longer fulfils the requirements for being an arbitrator under the Withdrawal Agreement.

(4) It is therefore necessary to replace that person on the list of persons set out in Annex I to Decision No 7/2020 of the Joint Committee ([2]),

HAS ADOPTED THIS DECISION:

Article 1

The list of 25 persons willing and able to serve as arbitrators under the Withdrawal Agreement as set out in Annex I to Decision No 7/2020 of the Joint Committee is amended as follows:

Ms Tamara ĆAPETA is replaced by Mr Ezio PERILLO.

([1]) OJ L 29, 31.1.2020, p. 7.
([2]) OJ L 443, 30.12.2020, p. 22.

Article 2

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

Done at …,

For the Joint Committee
The Co-chairs