EUROPEAN
COMMISSION

Brussels, 27.7.2026
COM(2026) 396 final

ANNEX

ANNEX

to the

Proposal for a Council Decision

on the position to be taken on behalf of the European Union in 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, as regards the replacement of the list of individuals who are willing and able to serve as arbitrators

ANNEX

DRAFT DECISION No ../2026
OF 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

of … 2026

on the replacement of the list of individuals who are willing and able to serve as arbitrators

THE TRADE AND DEVELOPMENT COMMITTEE,

Having regard to the Economic Partnership Agreement between the European Union and their Member States, of the one part, and the SADC EPA States, of the other part ('the Agreement'), and in particular Article 94 thereof,

Whereas:

(1) The Agreement has been provisionally applied since 10 October 2016 for all Parties to the Agreement, except for Mozambique. The Agreement has been provisionally applied between Mozambique and the European Union as from 4 February 2018.

(2) Article 103 of the Agreement establishes the Trade and Development Committee, which meets in a specific configuration to address trade and trade related matters covered under Part II of the Agreement.

(3) In accordance with Article 94(1) of the Agreement, the Trade and Development Committee has adopted on 18 February 2019 by Decision No. 1/2019 the list of 21 individuals who are willing and able to serve as arbitrators. A revision of that list became necessary in order to maintain the minimum number of available arbitrators.

(4) The list of individuals who are willing and able to serve as arbitrators is composed of three sub-lists: one sub-list for each Party including eight individuals to serve as arbitrators and one sub-list of five individuals who are not nationals of either Party and

who could serve as chairperson of the arbitration panel, meeting the requirements set out in Article 94(1) of the Agreement.

(6) It is not necessary to adopt the Decision in all authentic languages of the Agreement as the Decision does not amend provisions of the Agreement and is only relevant for the internal operation of the dispute settlement system between the Parties.

(7) To ensure the proper functioning of the Agreement, in particular Part III thereof, the Trade and Development Committee should replace the list of individuals who are willing and able to serve as arbitrators by a new list,

HAS ADOPTED THIS DECISION:

Article 1

1. The list of individuals who are willing and able to serve as arbitrators, set out in the Annex to Decision No. 1/2019 of 18 February 2019 of the Trade and Development Committee is hereby replaced by the list set out in the Annex to this Decision.
2. The Annex is an integral part of this Decision.

Article 2

1. This Decision has been adopted in the English language and drawn up in duplicate. Each Party may translate the text of this Decision into the languages required for its internal procedures and the information of the public.
2. This Decision shall enter into force on the date of its adoption.

Done at Brussels, on …

For the Trade and Development Committee

For the SADC EPA States *For the EU Party*

ANNEX

LIST OF ARBITRATORS REFERRED TO IN ARTICLE 94
OF THE ECONOMIC PARTNERSHIP AGREEMENT
BETWEEN
THE EUROPEAN UNION
AND THEIR MEMBER STATES, OF THE ONE PART,
AND THE SADC EPA STATES, OF THE OTHER PART

Arbitrators proposed by the SADC EPA States:

1. Sakeus AKWEENDA
2. Nkululeko J. HLOPHE
3. Faizel ISMAIL
4. Kholofelo Ngokoane KUGLER
5. Tsotetsi MAKONG
6. Carlos Joaquim Nogueira MARTINS
7. Leonard Moses PHUTI
8. Sidney PILANE

Arbitrators proposed by the EU:

9. Danae AZARIA
10. Laurence BOISSON DE CHAZOURNES
11. Irina BUGA
12. Mary FOOTER
13. Michael Johannes HAHN
14. Federico ORTINO
15. Joost PAUWELYN
16. Hélène RUIZ FABRI

Arbitrators jointly selected by the Parties (non-nationals who may act as Chairperson):

17. Ichiro ARAKI
18. Christian HÄBERLI
19. Merit JANOW
20. Makane Moïse MBENGUE
21. Claus VON WOBESER