

# **Selection of candidates for the position of arbitrators and trade and sustainable development experts in bilateral disputes under the EU trade agreements**

**The Department of Enterprise, Trade and Employment, in support of the European Commission, is inviting applications from individuals interested in serving in the arbitration panel and/or as part of the trade and sustainable development expert panel in bilateral disputes under EU trade agreements.**

Many of the trade and sustainable development (TSD) chapters and state-to-state dispute settlement mechanisms in the EU's trade agreements rely on a pre-agreed list (roster) of individuals, who may serve as panellists or experts in a specific case. The EU has to put forward candidates for two of the three sub-lists of a roster: the sub-list of individuals for the EU (who are in principle nationals of an EU Member State), and the sub-list of chairpersons who are neither nationals of an EU Member State or of a third country party to the trade agreement in question.

Disputes concerning the application of trade and investment agreements are typically submitted to an arbitration panel composed of an uneven number of arbitrators appointed in accordance with the agreement of the parties to the dispute. Similarly, trade and sustainable development experts may be called to be part of an expert panel tasked with settling disputes arising in the context of the implementation of the trade and sustainable development chapter of EU's trade agreements. In accordance with the applicable provisions of the relevant trade agreement, the arbitral tribunal or expert panel so constituted shall then render an award, or – in the case of a trade and sustainable development expert panel – a recommendation.

This selection procedure will create two pools of individuals (one for trade dispute settlement, and the other for trade and sustainable development dispute settlement). Candidates may apply to be in both pools, if they have the necessary qualifications. The Commission will draw from the pools for appointments in specific disputes and for the establishment of lists of candidates under existing EU trade agreements. These pools will be used for agreements that require such lists but where those lists are either yet to be established or where existing lists need to be updated, as well as future agreements.

This invitation is part of an EU wide call for applications. The European Commission is publishing a call for candidates of all nationalities (both EU and third country nationals) the details of which are available on the Commission's website (of the Directorate General for Trade). Interested candidates having Irish citizenship (or dual citizenship) are advised to apply through their national selection process established herewith but both options are available.

**Interested persons, citizens of Ireland who wish to be considered for inclusion on rosters are invited to submit their applications by 01 February 2021.**

## What criteria should the candidates fulfil?

Candidates should have expertise in law, international trade, sustainable development and/or other matters covered by EU trade agreements. They should have the ability to conduct arbitration and/or expert panel proceedings, and to draft an arbitration award or a recommendation in one or more of the most likely working languages of such proceedings (i.e. English, French or Spanish). Candidates should be independent and impartial from any organisation or government.

As an example of the role and responsibilities of an arbitrator appointed under the state-to-state provisions under an EU trade Agreement, see the Code of Conduct and Rules of Procedure of the Agreement between the EU and Viet Nam [link: [trade.ec.europa.eu/doclib/press/index.cfm?id=1437](https://trade.ec.europa.eu/doclib/press/index.cfm?id=1437)]. The same rules apply to experts appointed to TSD rosters.

The objective of this call is to establish a diverse pool of qualified individuals with a focus on gender equality and ensuring candidates from as many Member States as possible; therefore, all suitable candidates are encouraged to submit their application. Persons already appointed to rosters who wish to remain on the rosters as appointed do not need to reapply.

The pool which is established will be used for all EU trade and investment agreements which require the establishment of a roster.

## How to apply?

The candidates are invited to send their application to the following address **trade@enterprise.gov.ie**. They also have the option of submitting their application directly to the European Commission mailbox: TRADE-F-CANDIDATES-PANELS@ec.europa.eu. Candidates are asked to indicate whether they wish to be considered for the pool of arbitrators or the pool of trade and sustainable development experts or both.

Applications should consist of the most recent curriculum vitae, cover letter and declaration of potential conflicts of interest. The conflict of interest should relate to any recent (within 5 years) or existing links to governmental or other organisations. Late or incomplete applications will not be considered. A further conflict of interest declaration would also be required when a panellist or trade and sustainable development expert is asked to sit in a particular case.

A list of successful candidates at national level is to be transmitted to the European Commission, **on or before 15 April 2021** (and will be published on the Department of Enterprise, Trade and Employment website). These successful candidates will then be vetted by an independent selection panel on their suitability for appointment.

Please note that the Department of Enterprise, Trade and Employment will not reimburse the candidates' travel expenses for attending a possible interview with the selection panel, should such interviews take place in person.

Questions can be addressed to [trade@enterprise.gov.ie](mailto:trade@enterprise.gov.ie) and/or the European Commission via [TRADE-F-CANDIDATES-PANELS@ec.europa.eu](mailto:TRADE-F-CANDIDATES-PANELS@ec.europa.eu).