

ALBA Conference

22 July 2017

“Adjudicating Treaty Rights in post-Brexit Britain”

by Martin Howe QC

International precedents

Agreement between the EEC and the Principality of Andorra,

28 June 1990, OJ 31.12.1990 L 374/14

Article 18(2)

2 . If the Joint Committee does not succeed in settling the dispute at its next meeting, each Party may notify the other of the designation of an arbitrator; the other Party shall then be required to designate a second arbitrator within two months.

The Joint Committee shall designate a third arbitrator.

The arbitrator's decisions shall be taken by a majority vote.

EU-Canada Agreement (CETA)

Article 29.7

Composition of the arbitration panel

1. The arbitration panel shall be composed of three arbitrators.
2. The Parties shall consult with a view to reaching an agreement on the composition of the arbitration panel within 10 working days of the date of receipt by the responding Party of the request for the establishment of an arbitration panel.
3. In the event that the Parties are unable to agree on the composition of the arbitration panel within the time frame set out in paragraph 2, either Party may request the Chair of the CETA Joint Committee, or the Chair's delegate, to draw by lot the arbitrators from the list established under Article 29.8. One arbitrator shall be drawn from the sub-list of the requesting Party, one from the sub-list of the responding Party and one from the sub-list of chairperson. ...

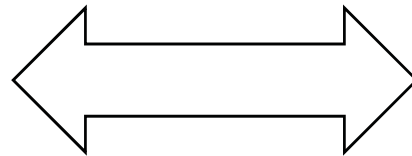
Joint EU-UK Treaty Tribunal (binding)



Non-binding co-ordination
of interpretation

Court of Justice of the
EU

UK International
Treaty Court



references

references

