



Gender equality: Commission ensures excellence and improves gender balance in trade and investment arbitration

Brussels, 18 December 2020

The European Commission has today set in place a new system for the appointment of arbitrators, also referred to as adjudicators, to handle disputes under the EU's trade and investment agreements. Through this new system, the Commission aims to step up its enforcement of trade agreements and to ensure gender balance.

The call for candidates for arbitrators launched today seeks to ensure excellence and address the lack of gender balance in the EU's existing pool of arbitrators. The Commission has also set up a new system for selecting candidates, which will ensure that all arbitrators meet the highest professional and ethical standards. In addition to these efforts, the Commission has signed up to the Equal Representation in Arbitration Pledge, which aims to increase the representation of women in international dispute settlement.

"We are seeking outstanding and highly-qualified candidates to settle trade disputes. As part of today's call, we have also pledged to improve gender balance in the arbitration community. This Pledge is part of the European Commission's long-standing commitment to gender balance in all areas of work and life – one of our most firmly held values. We will also pay close attention to geographic balance," said Executive Vice-President and Commissioner for Trade Valdis **Dombrovskis**. *"Securing excellent arbitrators for disputes is part of our overall process of upgrading our trade enforcement tools and mechanisms."*

Executive Vice-President Valdis **Dombrovskis** has today sent a letter confirming the Commission's adherence to the [Equal Representation in Arbitration Pledge](#) for the Commission's trade and investment dispute settlement activities. Adherents to the Pledge endeavour to take a number of actions to ensure a balanced representation of women and men, with the aim of reaching full gender parity in the field of international dispute settlement in relation to appointments to rosters and in specific disputes.

The first concrete application of the principles of the Pledge will be the recruitment drive launched today in conjunction with EU Member States, intended to attract arbitrators both for state-to-state dispute settlement and experts for trade and sustainable development related disputes. The call for interest will be open until 1 February 2021 and instructions for candidates can be found on European Commission's trade department [website](#). A third call for interest in the field of investment dispute settlement will be published at a later stage.

The aim of this call is to create two pools of candidates from which to make appointments, one for state-to-state dispute settlement on trade law matters, the other for trade and sustainable development issues. Candidates will have to demonstrate knowledge and experience in trade or investment law or trade and sustainable development matters, and in international dispute settlement.

The Commission is committed to achieving a Union of Equality. This means taking action towards promoting equal economic independence for women and men, closing the gender pay gap, advancing gender balance in decision making, ending gender-based violence and promoting gender equality beyond the EU. The Equal Representation in Arbitration Pledge and the gender-balanced recruitment of adjudicators will contribute to the Commission's goal of gender equality in dispute settlement.

The EU has already taken a lead on this issue by proposing in its efforts to create a Multilateral Investment Court that gender diversity be ensured in the appointment of arbitrators.*

Background

Once the pools are established, the Commission will propose individuals to be appointed either to specific cases as disputes arise or to rosters, courts and tribunals under the EU's trade agreements with third countries. For individuals proposed to pre-established rosters or tribunals, the final

decision on the appointments will be taken in agreement with the third country party to the agreement and after the approval of the Council of the European Union.

The process to establish the pools will be objective and transparent. The Commission will set up a selection panel of four experienced former judges or senior academics to vet the candidates. The selection panel will screen candidates to ensure that they have the expertise required under EU agreements and other applicable criteria such as their proven independence and high ethical standards. The selection system is similar to that used to vet judges for the Court of Justice of the European Union.

More information

[Commission webpage on dispute settlement and updates on this process](#)

* See para 21 in the submission of the EU and its Member States to UNCITRAL
<https://undocs.org/en/A/CN.9/WG.III/WP.159/Add.1> and
<https://trade.ec.europa.eu/doclib/press/index.cfm?id=1972>

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