

SACU safeguard on frozen bone-in chicken cuts

EPA arbitration procedure

Working procedures

1. The proceedings will be conducted in accordance with the EU-SADC EPA and the Rules of Procedure for Dispute Avoidance and Settlement annexed to Decision N° 2/2019 of the EU-SADC EPA Joint Council (Rules of Procedure) as well as the present working procedures.
2. Notice of the establishment of the Panel will be published by each of the Parties on their websites www.sacu.int and <https://ec.europa.eu/trade/>. In accordance with Article 13 of the Rules of Procedure, that notice will indicate that *amicus curiae* briefs may be submitted by a date of twenty (20) days after publication of the Notice of establishment of the Panel, namely 28 December 2021. The *amicus curiae* briefs shall be delivered electronically to the functional email box of the Panel, being eusacuarbitrationpanel@gmail.com. On expiry of that deadline, the Panel will establish the timeframe within which the Parties are entitled to submit comments in light of the number and content of the amici submissions.
3. The EU will deliver its first written submission to the Panel, with copy to SACU, by 20 December 2021. SACU will deliver its first written submission to the Panel, with copy to the EU, by 17 January 2022.
4. All written submissions of the Parties shall be delivered to the Panel electronically to eusacuarbitrationpanel@gmail.com. The Panel will deliver all written communications to the Parties at the following functional mailboxes. For SACU: SACU@hsf.com For the EU: at EU-SACU-PS@ec.europa.eu. All communications from the Panel shall be delivered to both Parties simultaneously and all written submissions from a Party shall be delivered to the other Party at the specified mailboxes at the same time as to the Panel.
5. In accordance with Article 7(5) and (6) of the Rules of Procedure, the Panel may adopt procedural rulings, modify time periods, and make any other procedural and administrative adjustments after consulting the Parties.
6. The Panel will endeavour to provide as much advance notice and certainty as it can as regards the further development of the timetable. An indicative timetable is included in the Annex and will be updated as necessary.
7. The Parties' intention is that the hearing should be held in person with all Parties and arbitrators in Gaborone, Botswana or one of the other SADC EPA States, unless this is not possible in light of conditions relating to the Covid-19 pandemic. This, as well as potential alternative arrangements as the case may be, is to be determined by agreement between the Parties and the Panel at the relevant time.
8. The Parties shall conclude a contract for the production of a transcript of the hearing. The transcript shall be delivered to the Panel and considered by the Parties in accordance with Article 9(12) of the Rules of Procedure. The costs of the transcripts shall be treated as an expense under the contracts.
9. In accordance with Article 96 of the Agreement all time limits shall be calculated in calendar days from the day following the act or fact to which they refer. Where a time limit expires on a day that is on a weekend or a public holiday as set out in Article 2(7) of the Rules of Procedure, it shall be considered to expire on the next business day, with the exception of the specific dates set out above (and reflected in the Annex). All time limits may be extended by mutual agreement of the Parties in accordance with Article 96 of the EU-SADC EPA.
10. All time limits shall be considered to expire at 18.00 Botswana time of the day of expiry. Any document received after that time shall be considered delivered on the following day.

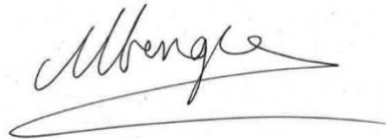
Annex – Indicative Timetable

Stage	Date	Comments
Establishment of the Panel	29 November 2021 (day X)	The Parties agree that the date of establishment of the Panel for the purposes of calculating deadlines other than those otherwise agreed shall be 29 November 2021
Organisational Meeting	8 December 2021	Article 4 RP
Notice announcing establishment and inviting amicus briefs	8 December 2021	Publication by both Parties inviting amicus briefs
Last day for submission of amicus curiae briefs to the panel	28 December	Agreement between the Parties
EU Written Submission	20 December 2021	Agreement between the Parties
Comments on Amicus Briefs	To be decided by the Panel on the basis of amicus curiae briefs received	RP and point 2 of the working procedures
SACU Written Submission	17 January 2022	Agreement between the Parties
[further steps to be decided by the Panel after consulting the Parties in accordance with the EPA and the RP]		
Hearing	An indicative time line for the hearing has been agreed between the Parties in consultation with the Panel. As per the agreement of the Parties, the hearing will be conducted during the week of 28 February-4 March 2022	Article 9 RP
Interim Report	W, which as a general rule shall be X+120	Article 81 EPA

Comments on Interim Report	W+15	Article 81 EPA
Final report	X+150, unless this deadline cannot be met, in which case no later than X+180	Article 82 EPA

The present Working Procedure has been adopted by the Panel on 8th December, 2021

Professor Makane Moïse Mbengue



(President)

Professor H el ene Ruiz Fabri



(Co-arbitrator)

Adv. Faizel Ismail



(Co-arbitrator)