



Council of the  
European Union

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**Interinstitutional File:**  
**2014/0348 (NLE)**

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**COEST 465**  
**WTO 324**

## PROPOSAL

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	11 December 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2014) 727 final
Subject:	Proposal for a COUNCIL DECISION on the Union position to be taken in the SPS Sub-Committee, the Customs Sub-Committee, and in the Geographical Indications Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, in relation to the adoption of the rules of procedure of the SPS Sub-Committee, the Customs Sub-Committee, and the Geographical Indications Sub-Committee

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Delegations will find attached document COM(2014) 727 final.

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Encl.: COM(2014) 727 final



Brussels, 11.12.2014  
COM(2014) 727 final

2014/0348 (NLE)

Proposal for a

## **COUNCIL DECISION**

**on the Union position to be taken in the SPS Sub-Committee, the Customs Sub-Committee, and in the Geographical Indications Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, in relation to the adoption of the rules of procedure of the SPS Sub-Committee, the Customs Sub-Committee, and the Geographical Indications Sub-Committee**

## EXPLANATORY MEMORANDUM

### **1. CONTEXT OF THE PROPOSAL**

The attached proposal constitutes the legal instrument for authorising the Union position to be taken in the Sub-Committee on Sanitary and Phytosanitary measures (“SPS Sub-Committee”), in the Customs Sub-Committee, and in the Geographical Indications Sub-Committee (“GI Sub-Committee”) established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part ("the Agreement"), in relation to the adoption of the rules of procedure of the SPS Sub-Committee, the Customs Sub-Committee, and the GI Sub-Committee.

On 16 June 2014, the Council adopted its decision<sup>1</sup> on the signing, on behalf of the European Union and the European Atomic Energy Community and their Member States, and provisional application of certain provisions of the Agreement, including its Deep and Comprehensive Free Trade Area (DCFTA) part. Subsequently, the Agreement was signed in Brussels on 27 June 2014 in the margins of the European Council.

Georgia ratified the Agreement on 18 July 2014 and completed, in parallel with the European Union, the requisite notification procedures within the same month. Consequently, in accordance with Article 431 of the Agreement certain provisions thereof (specified in Article 3 of the Council Decision on the signing and provisional application of the Agreement with Georgia of 16 June 2014) are applied on a provisional basis starting from 1 September 2014, pending ratification by the EU Member States.

The Agreement established a Sanitary and Phytosanitary Sub-Committee, the Customs Sub-Committee, and the Geographical Indications Sub-Committee. These sub-committees have to monitor the implementation of the DCFTA part of the Agreement, and resolve related issues. The sub-committees have to adopt their rules of procedure. The first meetings of the sub-committees are expected to take place in the beginning of 2015. The rules of procedure of these sub-committees, attached to this proposal, are based on the rules of procedure of the Association Committee.

### **2. RESULTS OF THE NEGOTIATIONS**

Article 65 of the Agreement provides that the SPS Sub-Committee adopts its rules of procedure at its first meeting. The meeting of the SPS Sub-Committee is to take place in early 2015. In view of this first meeting it is necessary to prepare the Union position on the draft rules of procedure for the said Sub-Committee. The attached draft rules are a result of negotiations with Georgia

Article 74 of the Agreement establishes the Customs Sub-Committee and provides that it should adopt its rules of procedure. The first meeting is expected to take place in early 2015. Therefore it is necessary to prepare the Union position on the rules of procedure for that Sub-Committee. The attached draft rules are a result of negotiations with Georgia.

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<sup>1</sup> OJ L 261, 30.8.2014, p. 1.

Article 179 of the Agreement establishes the GI Sub-Committee and provides that it should adopt its rules of procedure. The first meeting is expected to take place in early 2015 . Therefore, it is necessary to prepare the Union position on the rules of procedure for that Sub-Committee. The attached draft rules are a result of negotiations with Georgia.

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

For the Union, the legal basis for authorising the Union position to be taken in the Sub-Committees established by the Association Agreement between the EU and Georgia is the Treaty on the Functioning of the European Union, and in particular its Article 207(4) in conjunction with Article 218(9) thereof.

In light of the above-mentioned results of negotiations, on the basis of Article 207(4) and Article 218(9) TFEU, the European Commission proposes that the Council adopts the Decision authorising the Union position to be taken in the first EU-Georgia SPS Sub-Committee, EU-Georgia Customs Sub-Committee and the EU-Georgia GI Sub-Committee in relation to their rules of procedure.

Proposal for a

## COUNCIL DECISION

**on the Union position to be taken in the SPS Sub-Committee, the Customs Sub-Committee, and in the Geographical Indications Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, in relation to the adoption of the rules of procedure of the SPS Sub-Committee, the Customs Sub-Committee, and the Geographical Indications Sub-Committee**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first paragraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 431(3) and (4) of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, (“the Agreement”) provide for provisional application of the Agreement in part.
- (2) Article 3 of Council Decision 2014/494/EU<sup>2</sup> of 16 June 2014 specifies the provisions of the Agreement to be applied provisionally, including the provisions on the establishment and functioning of the Sanitary and Phytosanitary Sub-Committee (“SPS Sub-Committee”), the Customs Sub-Committee, and the Geographical Indications Sub-Committee (“GI Sub-Committee”).
- (3) Article 65 of the Agreement provides that the SPS Sub-Committee should establish its rules of procedure at the first meeting.
- (4) Article 74(3) of the Agreement provides that the Customs Sub-Committee should establish its rules of procedure.
- (5) Article 179(2) of the Agreement provides that the GI Sub-Committee should establish its rules of procedure.
- (6) It is therefore appropriate to determine the Union position in relation to the rules of procedure to be adopted by the said Sub-Committees,

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<sup>2</sup> Council Decision of 16 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part (OJ L 261, 30.8.2014, p.1).

HAS ADOPTED THIS DECISION:

*Article 1*

1. The position to be taken by the Union within the SPS Sub-Committee established by Article 65 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, in relation to the adoption of the rules of procedure of the SPS Sub-Committee shall be based on the draft Decision of that Sub-Committee attached to this Decision.
2. Minor changes to the draft decisions may be agreed to by the representatives of the Union in the SPS Sub-Committee without further decision of the Council.

*Article 2*

1. The position to be taken by the Union within the Customs Sub-Committee established by Article 74 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, in relation to the adoption of the rules of procedure of the Customs Sub-Committee shall be based on the draft Decision of that Sub-Committee attached to this Decision.
2. Minor changes to the draft decisions may be agreed to by the representatives of the Union in the Customs Sub-Committee without further decision of the Council.

*Article 3*

1. The position to be taken by the Union within the GI Sub-Committee established by Article 179 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, in relation to the adoption of the rules of procedure of the GI Sub-Committee shall be based on the Draft Decision of that Sub-Committee attached to this Decision.
2. Minor changes to the draft decisions may be agreed to by the representatives of the Union in the GI Sub-Committee without further decision of the Council.

*Article 4*

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council  
The President*