



Council of the
European Union

Brussels, 20 October 2020
(OR. en)

11387/20

Interinstitutional File:
2020/0164 (NLE)

UD 245
COEST 187
WTO 216

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the position to be taken on behalf of the European Union within the Association Committee in Trade configuration 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, regarding the update of Annex XIII (Approximation of customs legislation) to the Agreement
----------	--

COUNCIL DECISION (EU) 2020/...

of ...

**on the position to be taken on behalf of the European Union
within the Association Committee in Trade configuration
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,
regarding the update of Annex XIII
(Approximation of customs legislation) to the Agreement**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) 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 part¹ ('the Agreement') was concluded by the Union by Council Decision (EU) 2016/838² and entered into force on 1 July 2016.
- (2) Pursuant to Article 406(3) of the Agreement, the Association Council has the power to update or amend the Annexes to the Agreement.
- (3) Pursuant to Article 408(2) of the Agreement, the Association Council may delegate to the Association Committee any of its powers, including the power to take binding decisions.
- (4) Pursuant to Article 1 of the Decision No 3/2014 of the Association Council³, the Association Council delegated the power to update or amend the Annexes to the Agreement which relate *inter alia* to Chapter 5 (Customs and trade facilitation) of Title IV (Trade and Trade-related Matters) of the Agreement to the Association Committee in Trade configuration, to the extent that there are no specific provisions in Chapter 5 relating to the update or the amendment of those Annexes.

¹ OJ L 261, 30.8.2014, p. 4.

² Council Decision (EU) 2016/838 of 23 May 2016 on the conclusion, on behalf of the European Union, 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 141, 28.5.2016, p. 26).

³ Decision No 3/2014 of the EU-Georgia Association Council of 17 November 2014 on the delegation of certain powers by the Association Council to the Association Committee in Trade configuration [2015/2263] (OJ L 321, 5.12.2015, p. 72.).

- (5) The Association Committee in Trade configuration, during its 7th meeting, is to adopt a decision regarding the update of Annex XIII (Approximation of customs legislation) to the Agreement.
- (6) It is appropriate to establish the position to be taken on the Union's behalf in the Association Committee in Trade configuration, as the envisaged decision will be binding on the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf at the 7th meeting of the Association Committee in Trade configuration, as referred to in Article 408(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, regarding the update of Annex XIII (Approximation of customs legislation) to the Agreement, shall be based on the draft Decision of the Association Committee in Trade configuration¹.

Article 2

After its adoption, the Decision of the Association Committee in Trade configuration referred to in Article 1 shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Brussels,

For the Council

The President

¹ See document ST 11388/20 on <http://register.consilium.europa.eu>.