II

*(Acts whose publication is not obligatory)*

# COUNCIL

## COUNCIL DECISION

**of 14 April 1997**

**on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Georgia maintaining in force the Agreement between the European Economic Community and the Republic of Georgia on trade in textile products initialled in Brussels on 17 November 1993 as amended by an Agreement in the form of an Exchange of Letters initialled on 15 June 1995**

(98/445/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 in conjunction with Article 228(2), first sentence thereof,

Having regard to the proposal from the Commission,

Whereas the Commission has negotiated on behalf of the European Community an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Georgia maintaining in force the Agreement between the European Economic Community and the Republic of Georgia on trade in textile products initialled in Brussels on 17 November 1993 as amended by an Agreement in the form of an Exchange of Letters initialled on 15 June 1995;

Whereas, pursuant to Council Decision 96/593/EC of 16 September 1996 on the provisional application of certain agreements between the European Community and certain third countries on trade in textile products (Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan) [1], pending the completion of procedures required for its conclusion, the Agreement on trade in textile products has been applied on a provisional basis from 1 January 1996;

Whereas the Agreement in the form of an Exchange of Letters should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an Exchange of Letters between the European Community and the Republic of Georgia maintaining in force the Agreement between the European Economic Community and the Republic of Georgia on trade in textile products initialled in Brussels on 17 November 1993 as amended by an Agreement in the form of an Exchange of Letters initialled on 15 June 1995 shall be approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters.

*Article 3*

The President of the Council shall, on behalf of the Community, give the notification referred to in paragraph 4 of the Agreement in the form of an Exchange of Letters [2].

Done at Luxembourg, 14 April 1997.

*For the Council*

*The President*

J. VAN AARTSEN

[1] OJ L 263, 16.10.1996, p. 1.

[2] The date of entry into force of the Agreement in the form of an Exchange of Letters will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

## AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

**between the European Community and the Republic of Georgia maintaining in force the Agreement between the European Economic Community and the Republic of Georgia on trade in textile products initialled in Brussels on 17 November 1993 as amended by an Agreement in the form of an Exchange of Letters initialled on 15 June 1995**

A. *Letter from the European Community*

Brussels, 15 May 1998

Sir,

1. I have the honour to refer to the Agreement between the European Economic Community and the Republic of Georgia on trade in textile products initialled on 17 November 1993, as amended by the Agreement in the form of an Exchange of Letters initialled on 15 June 1995 (hereafter referred to as the 'Agreement').

2. In view of the expiry of the bilateral Agreement on 31 December 1995 and in accordance with Article 20(4) of the Agreement the European Community proposes to maintain in force the Agreement, for a further period of at least three years, subject to the following amendments and conditions:

2.1. The text of Article 20(1) second and third sentences, of the Agreement shall be replaced by the following:

'It shall be applicable until 31 December 1998. Thereafter, the application of all of the provisions of this Agreement shall be extended automatically for a period of one more year up to 31 December 1999, unless either Party notifies the other at least six months before 31 December 1998 that it does not agree with this extension.'

2.2. The text of Article 21 of the Agreement shall be replaced by the following:

'This Agreement shall be drawn up in two copies in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Georgian languages, each of these texts being equally authentic.'

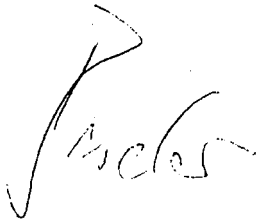
2.3. All references made in the Agreement to the 'European Economic Community' shall be read as being made to the 'European Community'.

3. Should the Republic of Georgia become a Member of the World Trade Organisation before the date of expiry of the Agreement, the provisions of Articles 2(2) to (6), 3, 6, 7, 8, 9, 11 to 19, Protocol A, Protocol B, Protocol C, Agreed Minute No 1, Agreed Minute No 2, Agreed Minute No 3 and Agreed Minute No 4 shall continue to be applicable as administrative arrangements within the meaning of Article 2(17) of the WTO Agreement on Textiles and Clothing.

4. I should be obliged if you could kindly confirm your Government's acceptance of the foregoing. Should this be the case, this letter together with its appendix and your letter of acceptance will constitute an Agreement in the form of an Exchange of Letters which shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the mean time, it shall be applied provisionally from 1 January 1996 on conditions of reciprocity.

Please accept, Sir, the assurance of my highest consideration.

*For the Council*
*of the European Union*



*Appendix*

**EXCHANGE OF NOTES**

Directorate-General I of the European Commission presents its compliments to the Mission of the Republic of Georgia to the European Communities and has the honour to refer to the Agreement on trade in textile products between the Republic of Georgia and the European Community initialled on 17 November 1993 as last amended and extended by the Exchange of Letters initialled on 22 December 1995.

The Directorate-General wishes to inform the Mission of the Republic of Georgia that while awaiting the completion of the necessary procedures for the conclusion and coming into force of the modifying Agreement, the European Community is prepared to allow the provisions of this Agreement to apply *de facto* from 1 January 1996. This is on the understanding that either Party may at any time terminate this *de facto* application of the adapted Agreement provided that 120 days' notice is given.

The Directorate-General would be grateful if the Mission of the Republic of Geogia would confirm its agreement to the foregoing.

The Directorate-General I of the European Commission avails itself of this opportunity to renew to the Mission of the Republic of Georgia to the European Communities the assurance of its highest consideration.

B. *Letter from the Republic of Georgia*

Brussels, 15 May 1998

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'1. I have the honour to refer to the Agreement between the European Economic Community and the Republic of Georgia on trade in textile products initialled on 17 November 1993, as amended by the Agreement in the form of an Exchange of Letters initialled on 15 June 1995 (hereafter referred to as the "Agreement").

2. In view of the expiry of the bilateral Agreement on 31 December 1995 and in accordance with Article 20(4) of the Agreement the European Community proposes to maintain in force the Agreement, for a further period of at least three years, subject to the following amendments and conditions:

2.1. The text of Article 20(1), second and third sentences, of the Agreement shall be replaced by the following:

"It shall be applicable until 31 December 1998. Thereafter, the application of all of the provisions of this Agreement shall be extended automatically for a period of one more year up to 31 December 1999, unless either Party notifies the other at least six months before 31 December 1998 that it does not agree with this extension."

2.2. The text of Article 21 of the Agreement shall be replaced by the following:

"This Agreement shall be drawn up in two copies in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Georgian languages, each of these texts being equally authentic."

2.3. All references made in the Agreement to the "European Economic Community" shall be read as being made to the "European Community".

3. Should the Republic of Georgia become a Member of the World Trade Organisation before the date of expiry of the Agreement, the provisions of Articles 2(2) to (6), 3, 6, 7, 8, 9, 11 to 19, Protocol A, Protocol B, Protocol C, Agreed Minute No 1, Agreed Minute No 2, Agreed Minute No 3 and Agreed Minute No 4 shall continue to be applicable as administrative arrangements within the meaning of Article 2(17) of the WTO Agreement on Textiles and Clothing.

4. I should be obliged if you could kindly confirm your Government's acceptance of the foregoing. Should this be the case, this letter together with its appendix and your letter of acceptance will constitute an Agreement in the form of an Exchange of Letters which shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 1996 on conditions of reciprocity.'

I have the honour to confirm that my Government is in agreement with the content of your letter.

Please accept, Sir, the assurance of my highest consideration.

*For the Government*
*of the Republic of Georgia*



*Appendix*

**EXCHANGE OF NOTES**

The Mission of the Republic of Georgia to the European Communities presents its compliments to Directorate-General I of the European Commission and has the honour to refer to the Agreement on trade in textile products between the Republic of Georgia and the European Community initialled on 17 November 1993 as last amended and extended by the Exchange of Letters initialled on 22 December 1995.

The Mission of the Republic of Georgia wishes to confirm to the Directorate-General that while awaiting the completion of the necessary procedures for the conclusion and coming into force of the modifying Agreement, the Government of the Republic of Georgia is prepared to allow the provisions of this Agreement to apply *de facto* from 1 January 1996. This is on the understanding that either Party may at any time terminate this *de facto* application of the adapted Agreement provided that 120 days' notice is given.

The Mission of the Republic of Georgia to the European Communities avails itself of this opportunity to renew to Directorate-General I of the European Communities the assurance of its highest consideration.