DECISIONS

COUNCIL DECISION (EU) 2021/812

of 10 May 2021

on the position to be taken on behalf of the European Union within the Association Committee in Trade configuration and in the Association Council 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, as regards a favourable opinion on the comprehensive roadmap approved by the Government of Georgia for the implementation of legislation related to public procurement and recognising the completion of Phase 1 of Annex XVI-B of that Association 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 part ([1]) (the 'Agreement') was concluded by the Union by Council Decision (EU) 2016/838 ([2]) and entered into force on 1 July 2016.

(2) Article 145(1) of the Agreement stipulates that Georgia is to submit to the Association Committee in Trade configuration a comprehensive roadmap for the implementation of public procurement legislation in Georgia with time schedules and milestones, which is to include all reforms in terms of legislative approximation to the Union *acquis*.

(3) Pursuant to Article 145(2) of the Agreement, a favourable opinion by the Association Committee in Trade configuration is required in order for the comprehensive roadmap to become the reference document for the implementation of the legislative approximation of Georgia's public procurement legislation to the Union public procurement *acquis*.

(4) In accordance with Article 146(2) of the Agreement, the approximation to the Union *acquis* is to be carried out in consecutive phases as set out in the schedule in Annex XVI-B to the Agreement. The implementation of each phase is to be evaluated by the Association Committee in Trade configuration, as set out in Article 408(4) of the Agreement, and, following a positive assessment by that Committee, is to be linked to the reciprocal granting of market access as set out in Annex XVI-B to the Agreement.

(5) The Association Committee in Trade configuration is to adopt a decision in accordance with Article 11(2) of its rules of procedure, set out in Annex II to Decision No 1/2014 of the EU-Georgia Association Council ([3]), giving an opinion regarding the comprehensive roadmap approved by the Government of Georgia as well as an assessment of the approximation of Georgian legislation to the Union *acquis* so far in the completion of Phase 1 as set out in Annex XVI-B to the Agreement. That roadmap was approved by the Government of Georgia in Decree no 536 of 31 March 2016 of the Government of Georgia 'Concerning the planned changes in the Public Procurement field envisaged in compliance with the obligations between Georgia and the EU within the scope of the Deep and Comprehensive Free Trade Area (DCFTA) Agreement' as amended by Decrees no 154 of 22 January 2018 and no 974 of 12 June 2020 of the Government of Georgia.

([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 1/2014 of the EU-Georgia Association Council of 17 November 2014 adopting its Rules of Procedure and those of the Association Committee and of Sub-Committees [2015/2261] (OJ L 321, 5.12.2015, p. 60).

(6) After the acknowledgement of the completion of Phase 1 as set out in Annex XVI-B to the Agreement, the Association Council is to take a decision, in accordance with Article 11(2) of its rules of procedure, set out in Annex I to Decision No 1/2014 of the EU-Georgia Association Council, on granting reciprocal market access, in accordance with Annex XVI-B to the Agreement, for supplies for central government authorities.

(7) It is appropriate to establish the position to be taken on the Union's behalf in the Association Committee in Trade configuration and in the Association Council, as the envisaged decisions will be binding on the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Association Committee in Trade configuration as regards the comprehensive roadmap approved by the Government of Georgia, and the completion of Phase 1 as set out in Annex XVI-B to the Agreement, shall be based on the draft Decision of the Association Committee in Trade configuration ([4]).

Article 2

The position to be taken on the Union's behalf in the Association Council as regards the granting of reciprocal market access in accordance with Annex XVI-B to the Agreement shall be based on the draft Decision of the Association Council ([4]).

Article 3

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

Done at Brussels, 10 May 2021.

For the Council
The President
J. BORRELL FONTELLES

([4]) See document ST 7791/21 on http://register.consilium.europa.eu