

Draft

17 May 1999

Decree of the President of Georgia

on Foreign Trade Responsibilities with respect to the World Trade Organization

Georgia has applied for membership in the World Trade Organization ("WTO"). WTO membership will help Georgia to achieve full integration into the world's trading system for goods and services.

In order to provide for rational management of Georgia's relationship with the World Trade Organization, upon the accession of Georgia to the Marrakesh Agreement Establishing the World Trade Organization ("Marrakesh Agreement"), and ensure the implementation of the WTO commitments:

1. A Governmental Commission on Responsibilities With Respect to the World Trade Organization is hereby created.
2. The internal regulation of the Governmental Commission on Responsibilities With Respect to the World Trade Organization is hereby adopted.
3. **The Ministry of Trade and Foreign Economic Relations of Georgia** (T. Beruchashvili) shall be responsible for:
 - a) maintaining the tariff schedule of Georgia, in consultation with the Ministry of Finance and other ministries; preparation of amendments to the Law of Georgia on Customs Duty and Tariff;
 - b) ensuring that Georgia meets its obligations under the Agreement on Textiles and Clothing;
 - c) ensuring that Georgia meets its obligations under the Agreement on Import Licensing Procedures; including establishment of regulations that fully conform with that Agreement, in particular the notification procedures contained in Article 5 of the Agreement;
 - d) in consultation with the Ministry of Foreign Affairs (I. Menagarishvili), ensuring that Georgia meets its obligations under and participates fully in the Trade Policy Review Mechanism established in Annex 3 to the Marrakesh Agreement;
 - e) in consultation with the Customs Department, ensuring that

Georgia's obligations under the Agreement on Trade in Civil Aircraft, as referenced in Annex 4 of the Marrakesh Agreement, are fulfilled;

f) ensuring that Georgia meets its obligations under the Information Technology Agreement;

g) ensuring that Georgia meets its obligations under the Agreement on Trade Related Investment Measures ("TRIMs"); and

h) ensuring that Georgia meets its obligations under the General Agreement on Trade in Services ("GATS"). In this regard, the Ministry:

1) shall establish regulations that fully conform with the procedural requirements of the GATS. Such regulations shall, in particular, give effect to the transparency requirements of Article III of the GATS, and shall provide for the establishment of the "enquiry point" required therein.

2) shall review all licensing requirements and other regulations proposed by other ministries or other organs of government for their conformity with the requirements of the GATS.

4. The Ministry of Foreign Affairs of Georgia (I. Menagarishvili):

a. shall establish and maintain official representation at and communications with the World Trade Organization; and

b. shall ensure that Georgia's relations with the WTO remain consistent with the overall foreign policy of Georgia.

5. The Ministry of Finance of Georgia (D. Onoprishvili):

a. shall ensure that funds are allocated for the membership and any other fees that may be required as a consequence of WTO membership;

b. in consultation with the Ministry of Trade and Foreign Economic Relations and the Ministry of Economy, shall be responsible for ensuring that Georgia meets its obligations under the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the "Anti-dumping Agreement"). Prior to the imposition of any anti-dumping duties on imports to Georgia from any Member of the World Trade Organization, the Ministry shall establish regulations governing the imposition of such duties. Such regulations shall fully conform with the Anti-dumping Agreement, shall include the substantive rules of that Agreement, and shall be notified to the World Trade Organization as required by Article 18(5) of that Agreement;

c. shall be responsible for ensuring that Georgia meets its obligations under the Agreement on Subsidies and Countervailing Measures. Prior to the imposition of any countervailing duties on imports to Georgia from any Member of the World Trade Organization, the Ministry shall establish regulations governing the imposition of such duties. Such regulations shall fully conform with the Agreement on Subsidies and Countervailing Measures. They shall include the substantive rules established in the Agreement on Subsidies and Countervailing Measures, and shall be

notified to the World Trade Organization as required by Article 25(12) of the Agreement on Subsidies and Countervailing Measures;

d. shall be responsible for ensuring that Georgia meets its obligations under the Agreement on Safeguards. Prior to the imposition of any safeguard measure with respect to imports to Georgia from any Member of the World Trade Organization, the Ministry shall establish regulations governing the imposition of such measures. Such regulations shall fully conform with the Agreement on Safeguards, shall include the substantive rules established in that Agreement, and shall be notified to the World Trade Organization as required by Article 12(6) of that Agreement; and

e. in consultation with the Ministry of Agriculture, shall ensure that Georgia meets its obligations under the Agreement on Agriculture.

6. The Ministry of Economy of Georgia (V. Papava), shall be responsible for ensuring that, after Georgia's accession to the plurilateral Agreement on Government Procurement, Georgia's obligations under that Agreement are fulfilled.

7. The Ministry of Justice of Georgia (L. Chanturia), in consultation with the Ministry of Foreign Affairs and the Ministry of Trade and Foreign Economic Relations, shall ensure that Georgia meets its obligations under and participates fully in the Understanding on Rules and Procedures Governing the Settlement of Disputes established in Annex 2 to the Marrakesh Agreement.

8. The Ministry of Agriculture and Food of Georgia (B. Gulua):

a. shall ensure that Georgia meets its obligations under the Agreement on Agriculture; and

b. shall be responsible for ensuring that Georgia meets its obligations under the Agreement on Sanitary and Phytosanitary Measures. The Ministry shall establish a coordinating mechanism to ensure that all interested Ministries and other agencies of Government are consulted and have an opportunity to take an active role in developing such measures, and shall publish regulations governing the procedures for developing such measures. Such regulations shall fully conform with the Agreement on Sanitary and Phytosanitary Measures and the annexes thereto, including especially the requirements of Annex B with respect to transparency and the establishment and operation of an "Enquiry Point."

9. The State Customs Department of Georgia (T. Maglakelidze):

a. shall ensure that Georgia meets its obligations under the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (the "Customs Valuation Agreement"), including establishing such regulations as may be necessary to ensure that this Agreement is fully observed;

b. shall ensure that Georgia meets its obligations under the Agreement on Rules of Origin, including establishing such regulations as may be necessary to ensure that this Agreement is full observed;

c. shall be responsible for ensuring that Georgia meets its obligations under the Agreement on Pre-Shipment Inspection. Prior to the implementation of any mandatory program of pre-shipment inspection of imports to Georgia, the Customs Department shall establish regulations governing such programs that fully conform with the Agreement on Pre-Shipment Inspection, and shall notify such regulations to the World Trade Organization as required in Article 5 of that Agreement; and

10. The State Department of Standardization, Metrology, and Certification of Georgia (J. Manjgaladze) shall ensure that Georgia meets its obligations under the Agreement on Technical Barriers to Trade. In this regard, the Department:

a. shall establish a coordinating mechanism to ensure that all interested Ministries and other agencies of Government are consulted and have an opportunity to take an active role in developing such measures, and shall publish regulations governing the procedures for developing such measures. Such regulations shall fully conform with the Agreement on Technical Barriers to Trade and the annexes thereto, including the requirements of Article 10 of that Agreement with respect to transparency and the establishment and operation of an "Enquiry Point;" and

b. shall issue the "Code of Good Practice for the Preparation, Adoption, and Application of Standards," as contained in Annex 3 to the Agreement on Technical Barriers to Trade, as the required standard practice in Georgia.

11. The National Intellectual Property Center of Georgia (D. Gabunia) shall ensure that Georgia meets its requirements under those aspects of the Agreement on Trade-Related Aspects of Intellectual Property (the TRIPs Agreement) that fall within its competence.

12. The Copyright Agency of Georgia (N. Gureshidze) shall ensure that Georgia meets its requirements under the copyright related aspects of the TRIPs Agreement that fall within its competence.

13. Upon Georgia's accession to the World Trade Organization, the Commission on Negotiation of Accession of Georgia to the World Trade Organization, established by Decree of the President of Georgia No. 173 (16 July 1996) shall be abolished.

E. Shevardnadze

Tbilisi, -- , 1999

A n n e x

INTERNAL REGULATION

of the Governmental Commission on Cooperation with the World Trade Organization

I. General Provisions

1. Governmental Commission on Cooperation with the World Trade Organization ("The Commission") is established pursuant the Decree of President of Georgia of --- 1999.
2. The very basis for the work of the Commission consists of the Constitution of Georgia, current legislation and normative acts of President of Georgia.

II. Duties of the Commission:

A. Upon accession to the WTO, the Commission shall assume responsibility for managing the overall relationship between Georgia and the WTO.

B. In coordination with the Ministry of Foreign Affairs, the Commission shall be responsible for official communications with the World Trade Organization.

C. This general responsibility of the Commission shall include all the multilateral agreements, understandings, and mechanisms contained in Annexes 1, 2, and 3 to the Marrakesh Agreement, and shall be extended to include any WTO plurilateral agreements as of the date on which Georgia accedes to each such plurilateral agreement.

III. Rights of the Commission:

The Commission shall have the following rights:

1. To receive any information from any governmental agency;
2. To give assignments to any governmental agency;
3. To define the composition of governmental delegations, consideration and adoption of technical assignments and working schedules of trips;
4. Arrangement of hearings, consideration and evaluation of reports of heads of governmental agencies;
5. Creation and coordination of working groups for solution of difficult problems;

IV. Internal work:

1. The Commission shall assemble once in two months
2. Each member of the Commission shall have one vote.

V. Members

Ms. T. Beruchashvili, Chairman, Minister of Trade and Foreign Economic Relations, and
Minister of Foreign Affairs, Minister of Finance, Minister of Justice, Minister of Economy, Minister of Agriculture and Food, Minister of Industry, Minister of Communication and Post, Minister of Transportation, Minister of Building, Minister of Health Protection, Minister of Social protection, Minister of Culture, Minister of Energy, Chairman of the State Customs Department, Chairman of the State Taxation Department, Head of State Chancellery, Chairman of The National Intellectual Property Center of Georgia, Chairman of The Copyright Agency of Georgia, Chairman of the Parliamentary Committee for Economic Policy and Reforms

VI. Concluding Provision

The Commission can be abolished by the President of Georgia in accordance with the current legislation.