



Brussels, 17.10.2012
COM(2012) 593 final

2012/0287 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union within the Cooperation Committee set up by the Agreement on Partnership and Cooperation establishing a partnership between the European Communities and their Member States, of one part, and the Russian Federation of the other part, of 24 June 1994 as regards the establishment of a list of conciliators

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

In the context of the process of the accession of the Russian Federation to the World Trade Organisation, the European Union and the Russian Federation negotiated and signed a bilateral Agreement, in the form of an Exchange of Letters and a protocol on technical modalities relating to the administration of tariff rate quotas applying to exports of wood from the Russian Federation to the Union (hereinafter referred to as the "Protocol") and an Agreement on trade in parts and components of motor vehicles between the Union and the Russian Federation (hereinafter referred to as the "Agreement").

Article 25 of the Protocol and Article 12 of the Agreement provide for the application of the dispute settlement procedures established in the Decision to the Cooperation Council established by the Partnership and Cooperation Agreement between the European Communities, and their Member States, of the one part, and the Russian Federation, of the other part, of 24 July 1994 (hereinafter referred to as the "Partnership Agreement"), to establish rules of procedure for the settlement of disputes under that Agreement, adopted on 7 April 2004 (hereinafter referred to as the "Decision of the Cooperation Council on Dispute Settlement").

Paragraph 1 of Article 4 of that Decision provides for the establishment by the Parties in the framework of the Cooperation Committee established under the Partnership Agreement, of an indicative list of conciliators for the settlement of disputes.

In order to ensure the effective operation of the dispute settlement mechanisms provided for in Article 25 of the Protocol and Article 12 of the Agreement, the Commission and the Government of the Russian Federation agreed on the names of 15 individuals to be placed on the list of conciliators as provided in the Decision of the Cooperation Council on Dispute Settlement.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The attached proposal constitutes the proposal for a legal instrument approving the position that the European Union will be taking in the Cooperation Committee on the above issue.

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) Pursuant to Article 4 of the Decision of the Cooperation Council established by the Agreement on Partnership and Cooperation establishing a partnership between the European Communities and their Member States, of one part, and the Russian Federation of the other part, of 24 June 1994¹, to establish rules of procedure for the settlement of disputes under that Agreement adopted on 7 April 2004 (hereinafter referred to as the "Decision of the Cooperation Council on Dispute Settlement") an indicative list of up to 15 individuals to serve as conciliators is to be established by the Cooperation Committee.
- (2) The Protocol between the European Union and the Government of the Russian Federation on technical modalities pursuant to the Agreement in the form of an Exchange of Letters between the European Union and the Government of the Russian Federation relating to the administration of tariff rate quotas applying to export of wood from the Russian Federation² to the European Union (hereinafter referred to as the "Protocol") is provisionally applied from the date of the accession of Russia to the World Trade Organisation, pending its entry into force..
- (3) The Agreement between the European Union and the Government of the Russian Federation on trade in parts and components of motor vehicles between the European Union and the Russian Federation³ (hereinafter referred to as "the Agreement") is provisionally applied from the date of the accession of Russia to the World Trade Organisation, pending its entry into force.

¹ OJ L 327, 28.11.1997, p. 3.

² OJ L 57, 29.2.2012, p. 3.

³ OJ L 57, 29.2.2012, p. 15.

- (4) Pursuant to Article 25 of the Protocol and Article 12 of the Agreement, disputes may be submitted to a conciliation panel pursuant to Article 3 of the Decision of the Cooperation Council on Dispute Settlement.
- (5) The Commission and the Government of the Russian Federation have agreed on the names of 15 individuals to be placed on the indicative list of conciliators.
- (6) Accordingly, it is necessary to establish the position to be taken on behalf of the Union in the Cooperation Committee,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the European Union in the Cooperation Committee shall be based on the draft Decision of that body attached to this Decision.

Article 2

After its adoption, the Decision of the Cooperation Committee shall be published in the Official Journal of the European Union.

Article 3

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

Done at Brussels,

*For the Council
The President*

ANNEX I

DRAFT DECISION No 1 OF THE EU-RUSSIA COOPERATION COMMITTEE

of 2012

on the establishment of a list of conciliators referred to in Article 4 of the Decision of the Cooperation Council on Dispute Settlement of 7 April 2004

THE COOPERATION COMMITTEE,

Having regard to, Article 4 of the Decision of the Cooperation Council established by the Agreement on Partnership and Cooperation establishing a partnership between the European Communities and their Member States, of one part, and the Russian Federation, of the other part, to establish rules of procedure for the settlement of disputes under that Agreement, adopted on 7 April 2004,

Whereas:

- (1) Pursuant to Article 4 of the Decision of the Cooperation Council established by the Agreement on Partnership and Cooperation establishing a partnership between the European Communities and their Member States, of one part, and the Russian Federation, of the other part, to establish rules of procedure for the settlement of disputes under that Agreement, adopted on 7 April 2004, the Cooperation Committee shall establish an indicative list of up to 15 individuals who are willing and able to serve as conciliators.
- (2) Article 12 of the Agreement on trade in parts and components of motor vehicles between the European Union and the Russian Federation, signed in Geneva on 16 December 2011, and Article 25 of the Protocol on technical modalities pursuant to the Agreement in the form of an Exchange of Letters between the European Union and the Government of the Russian Federation relating to the administration of tariff rate quotas applying to export of wood from the Russian Federation to the European Union, both signed by the European Union and the Government of the Russian Federation in Geneva on 16 December 2011, provide that disputes may be submitted to a conciliation panel pursuant to Article 3 of the Decision of the Cooperation Council on Dispute Settlement
- (3) The Parties have agreed on a list of 15 names,

HAS ADOPTED THIS DECISION:

Article 1

The list of 15 conciliators is set out in the Annex to this Decision.

Article 2

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

Done on

For the Cooperation Committee

For the European Union

For the Russian Federation

Annex

List of conciliators

Conciliators proposed by the EU:

Bourgeois, Jacques.

Ehlermann, Claus –Dieter.

Kuijper, Pieter Jan.

Sacerdoti, Giorgio.

Torrent, Ramon.

Conciliators proposed by the Russian Federation:

Komarov, Alexander

Makovsky, Alexander

Martynov, Anatoly

Shumilov, Vladimir

Velyaminov, Georgy

Chairpersons:

Luzius Wasescha (Switzerland)

Crawford Falconer (New Zealand)

Christan Haberli (Switzerland)

Paul Richard O'Connor (Australia)

Helge Seland (Norway)