

WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/RUS/68

27 October 2011

(11-5396)

**Working Party on the
Accession of the Russian Federation**

Original: English

ACCESSION OF THE RUSSIAN FEDERATION

Communication from Georgia

Letter from the Minister of Foreign Affairs of Georgia, H.E. Mr. Grigol VASHADZE

The following communication, dated 26 October 2011, addressed to the Director-General of the World Trade Organization, is being circulated at the request of the Delegation of Georgia.

I have the honor to transmit a letter from H.E. Mr. Grigol Vashadze, the Minister of Foreign Affairs of Georgia, raising the concerns of the Government of Georgia in regards to procedures on the accession process of the Russian Federation to the World Trade Organization (WTO).

On behalf of the Government of Georgia, I would like to hereby request that you circulate the enclosed letter of the Minister of Foreign Affairs of Georgia to the distinguished membership of the WTO at your earliest convenience.

The present communication aims to express Georgia's position regarding the timing of the formal meeting of the Working Party on the Accession of the Russian Federation. It is a follow up of our written communication transmitted to the Chairman of the Working Party and Director of the Accessions Division on 11 October 2011 and of subsequent verbal communication.

The communication circulated on 11 October by the WTO Secretariat to the Working Party on the Accession of the Russian Federation and subsequent communication with the Chairman of the Working Party and the Head of the Accessions division raise serious concerns.

We are deeply concerned about the fact that it is anticipated to convene a formal meeting of the Working Party on 10 - 11 November in contradiction of WTO rules and practice.

As you are well aware, the WTO is guided by the procedures and customary practices that have served the Organization well in the past. The WTO Secretariat has prepared Notes that set out in detail the accession procedures and customary practices that have been followed in the past and that inform current procedures and practices. For example, the Technical Note on the Accession Process (WT/ACC/10/Rev.4), states that 'the organization and the pursuit of accession negotiations in each Working Party follow a well-established pattern based on procedures set out in a note by the Secretariat - document WT/ACC/1 of March 24, 1995.' Respectively, the above-mentioned Note by the Secretariat (WT/ACC/1), clearly indicates that 'the dates of the meetings are set after the agenda has been agreed in informal consultations', whereby such agreement is reached by consensus. This well-established procedure has been also followed since the WTO was established, and should be respected in the present case.

./.

We would like to draw your attention to the fact that Georgia has repeatedly indicated, both in writing and verbally, that it is not in a position to agree to holding of a formal meeting of the Working Party on 10 - 11 November unless bilateral negotiations with the Russian Federation on its accession to the WTO are concluded at that time and a bilaterally acceptable solution is found. In the above-mentioned written communication by Georgia dated 11 October, we expressed deep concern about the reference in the convening fax of the Secretariat (11.10.2011) to 'unanimous support' of the membership for the finalization of work on Russia's accession over the next few weeks and the submission of the Working Party recommendation on the terms of the Accession of the Russian Federation for decision to the 8th WTO Ministerial Conference. Georgia has not yet provided its consent to the specific measure, so there can be no assertion of 'unanimous support'.

Hereby it should be emphasized that currently Georgian-Russian negotiations under Swiss mediation, in which Georgia has been constructively engaged since March 2011, are in the final decisive stage. It is very much in our interest to finalize bilateral negotiations in a timely manner. It is the understanding and intension of the parties to reflect the outcome of the negotiations in the Report of the Working Party on Accession. Therefore, our bilateral agreement with the Russian Federation must be concluded before the Working Party Report can be considered in a formal meeting of the Working Party.

Therefore, we expect that you will take into account Georgia's position, based on well-established accession procedures, and convene a formal meeting after a date for such meeting is agreed by consensus, which will occur after the finalization of bilateral negotiations between Georgia and the Russian Federation. Please be assured that Georgia is very seriously committed to concluding its bilateral negotiations, and looks forward to supporting the WTO accession of the Russian Federation as soon as possible.

We look forward to maintaining contact with you and will inform you as soon as a bilateral agreement has been concluded between Georgia and Russia. In the meantime, our negotiating team and Georgia's Ambassador to the WTO remain available to meet and discuss any further details if necessary.
