

## CHAPTER 15

### GENERAL PROVISIONS ON APPROXIMATION UNDER TITLE IV

#### ARTICLE 271

##### Progress in approximation in trade-related areas

1. For the purposes of facilitating the assessment of the approximation, referred to in Article 419 of this Agreement, of Georgian law to Union law in the trade-related areas of Title IV (Trade and Trade-related Matters) of this Agreement, the Parties shall regularly, and at least once a year, discuss the progress in approximation according to the agreed timeframes provided for in Chapters 3, 4, 5, 6 and 8 of Title IV (Trade and Trade-related Matters) of this Agreement in the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, or one of its Sub-Committees established under this Agreement.
2. Upon request by the Union, and for the purposes of such discussion, Georgia shall submit to the Association Committee in Trade configuration or one of its Sub-Committees, as appropriate, information in writing on progress in approximation and on the effective implementation and enforcement of approximated domestic law, in relation to the relevant Chapters of Title IV (Trade and Trade-related Matters) of this Agreement.
3. Georgia shall inform the Union when it considers that it has completed the approximation provided for in any of the Chapters referred to in paragraph 1.

## ARTICLE 272

### Repeal of inconsistent domestic law

As part of the approximation, Georgia shall repeal provisions of its domestic law or remove administrative practices which are inconsistent with Union law that is the object of approximation provisions under Title IV (Trade and Trade-related Matters) of this Agreement or with its domestic law approximated to the Union law accordingly.

## ARTICLE 273

### Assessment of approximation in trade-related areas

1. The assessment of approximation by the Union referred to in Title IV (Trade and Trade-related Matters) of this Agreement shall start after Georgia has informed the Union pursuant to Article 271(3) of this Agreement, unless otherwise provided for in Chapters 4 and 8 of Title IV (Trade and Trade-related Matters) of this Agreement.
2. The Union shall assess whether the law of Georgia has been approximated to Union law and whether it is implemented and enforced effectively. Georgia shall provide the Union with all necessary information to enable such assessment, in a language to be mutually agreed.
3. The assessment by the Union pursuant to paragraph 2 shall take into account the existence and operation of relevant infrastructure, bodies and procedures in Georgia necessary for the effective implementation and enforcement of the law of Georgia.
4. The assessment by the Union pursuant to paragraph 2 shall take account of the existence of any provisions of domestic law or administrative practices that are inconsistent with Union law that is the object of approximation provisions under Title IV (Trade and Trade-related Matters) of this Agreement or with the domestic law approximated to the Union law accordingly.

5. The Union shall inform Georgia within a timeframe to be determined in accordance with Article 276(1) of this Agreement about the results of its assessment, unless otherwise provided. The Parties may discuss the assessment in the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, or its relevant Sub-Committees in accordance with Article 419(4) of this Agreement, unless otherwise provided.

## ARTICLE 274

### Developments relevant to approximation

1. Georgia shall ensure the effective implementation of the domestic law approximated under Title IV (Trade and Trade-related Matters) of this Agreement and undertake any action necessary to reflect the developments in Union law in its domestic law, in accordance with Article 418 of this Agreement.

2. The Union shall inform Georgia about any final Commission proposals to adopt or amend Union law relevant to approximation obligations incumbent on Georgia under Title IV (Trade and Trade-related Matters) of this Agreement.

3. Georgia shall inform the Union of actions, including legislative proposals and administrative practices, which may affect the fulfilment of its approximation obligations under Title IV (Trade and Trade-related Matters) of this Agreement.

4. Upon request, the Parties shall discuss the impact of any proposals or actions referred to under paragraphs 2 and 3 on the law of Georgia or on the compliance with the obligations under Title IV (Trade and Trade-related Matters) of this Agreement.

5. If, after an assessment has been made under Article 273 of this Agreement, Georgia modifies its domestic law to take account of changes on approximation in Chapters 3, 4, 5, 6 and

8 of Title IV (Trade and Trade-related Matters) of this Agreement, a new assessment by the Union shall be conducted pursuant to Article 273 of this Agreement. If Georgia takes any other action that could have an effect on the implementation and enforcement of the approximated domestic law, a new assessment by the Union may be conducted pursuant to Article 273 of this Agreement.

6. If the circumstances so require, particular benefits accorded by the Union based on an assessment that the law of Georgia had been approximated to Union law and was implemented and enforced effectively may be temporarily suspended, if Georgia does not approximate its domestic law to take account of changes to Title IV (Trade and Trade-related Matters) of this Agreement concerning approximation, if the assessment referred to in paragraph 5 of this Article shows that the law of Georgia is no longer approximated to the Union law, or if the Association Council fails to take a decision to update Title IV (Trade and Trade-related Matters) of this Agreement in line with developments in Union law.

7. If the Union intends to implement any such suspension, it shall promptly notify Georgia. Georgia may refer the matter to the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, within three months of the notification, providing a statement of reasons in writing. The Association Committee in Trade configuration shall discuss the matter within three months from the referral. If the matter is not referred to the Association Committee in Trade configuration, or if it cannot be resolved by this Committee within three months from the referral, the Union may implement the suspension of benefits. The suspension shall be promptly lifted if the Association Committee in Trade configuration subsequently resolves the matter.

## ARTICLE 275

### Exchange of information

The exchange of information in relation to approximation under Title IV (Trade and Trade-related Matters) of this Agreement shall take place through the contact points established in Article 222(1) of this Agreement.

## ARTICLE 276

### General provision

1. The Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, shall adopt procedures to facilitate the assessment of the approximation and to ensure the effective exchange of information pertaining to approximation, including the timeframes for assessment and the form, content and language of the exchanged information.
2. Any reference to a specific Union act in Title IV (Trade and Trade-related Matters) of this Agreement covers amendments, supplements and replacement measures published in the *Official Journal of the European Union* before 29 November 2013.
3. The provisions of Chapters 3, 4, 5, 6 and 8 of Title IV (Trade and Trade-related Matters) of this Agreement shall prevail over the provisions set out in this Chapter to the extent that there is a conflict.
4. Claims of violation of the provisions of this Chapter shall not be pursued under Chapter 14 (Dispute Settlement) of Title IV (Trade and Trade-related Matters) of this Agreement.