ANNEX IV

COVERAGE

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ANNEX IV-A

SPS MEASURES

Part 1

Measures applicable to main live animal categories

| | |
|---|---|
| I. | *Equidae* (including zebras) or asinine species or the offspring of crossing of those species |
| II. | Bovine animals (including *Bubalus bubalis* and *Bison*) |
| III. | Ovine and caprine animals |
| IV. | Porcine animals |
| V. | Poultry (including fowl, turkeys, guinea fowl, ducks, geese) |
| VI. | Live fish |
| VII. | Crustaceans |
| VIII | Molluscs |
| IX. | Eggs and gametes of live fish |
| X. | Hatching eggs |
| XI. | Semen, ova, embryos |
| XII. | Other mammals |
| XIII. | Other birds |
| XIV. | Reptiles |
| XV. | Amphibians |
| XVI. | Other vertebrates |
| XVII. | Bees |

Part 2

Measures applicable to animal products

I. Main product categories of animal products for human consumption

1. Fresh meat of domestic ungulates, poultry and lagomorphs, farm and wild game, including offal
2. Minced meat, meat preparations, mechanically separated meat (MSM), meat products
3. Live bivalve molluscs
4. Fishery products
5. Raw milk, colostrum, dairy products and colostrum-based products
6. Eggs and eggs products
7. Frogs' legs and snails
8. Rendered animal fats and greaves
9. Treated stomachs, bladders and intestines
10. Gelatine, raw material for the production of gelatine for human consumption
11. Collagen
12. Honey and apicultural products

II. Main product categories of animal by-products

| | |
|---|---|
| In slaughterhouses | Animal by-products to be fed to fur animals |
| | Animal by-products for the manufacture of pet food |
| | Blood and blood products from equidae to be used outside the feed chain |
| | Fresh or chilled hides and skins of ungulates |
| | Animal by-products for the manufacture of derived products for uses outside the feed chain |
| In dairy plants | Milk, milk-based products and milk-derived products |
| | Colostrum and colostrum products |

| | |
|---|---|
| In other facilities for the collection or handling of animal by-products (i.e. unprocessed/ untreated materials | Blood and blood products from equidae to be used outside the feed chain |
| | Untreated blood products, excluding of equidae, for derived products for purposes outside the feed chain for farmed animals |
| | Treated blood products, excluding of equidae, for the manufacture of derived products for purposes outside the feed chain for farmed animals |
| | Fresh or chilled hides and skins of ungulates |
| | Pig bristles from third countries or regions thereof that are free from African swine fever |
| | Bones and bone products (excluding bone meal), horns and horn products (excluding horn meal) and hooves and hoof products (excluding hoof meal) for uses other than as feed material, organic fertiliser or soil improvers |

| | |
|---|---|
| | Horns and horn products, excluding horn meal, and hooves and hoof products, excluding hoof meal, for the production of organic fertilisers or soil improvers |
| | Gelatine not intended for human consumption to be used by the photographic industry |
| | Wool and hair |
| | Treated feathers, parts of feathers and down |
| In processing plants | Processed animal protein, including mixtures and products other than pet food containing such protein |
| | Blood products that could be used as feed material |
| | Treated hides and skins of ungulates |

| | |
|---|---|
| | Treated hides and skins of ruminants and of equidae (21 days) |
| | Pig bristles from third countries or regions thereof that are not free of African swine fever |
| | Fish oil to be used as feed material or for purposes outside the feed chain |
| | Rendered fats to be used as feed materials |
| | Rendered fats for certain purposes outside the feed chain for farmed animals |
| | Gelatine or collagen to be used as feed material or for purposes outside the feed chain |
| | Hydrolysed protein, dicalcium phosphate or tricalcium phosphate to be used as feed material or for purposes outside the feed chain |
| | Apiculture by-products intended exclusively for use in apiculture |

| | |
|---|---|
| | Fat derivatives to be used outside the feed chain |
| | Fat derivatives to be used as feed or outside the feed chain |
| | Egg products that could be used as feed material |
| In pet food plants (including plants manufacturing dog chews and flavouring innards) | Canned pet food |
| | Processed pet food other than canned pet food |
| | Dog chews |
| | Raw pet food for direct sale |
| | Flavouring innards for use in the manufacture of pet food |
| In game trophies plants | Treated game trophies and other preparations of birds and ungulates, being solely bones, horns, hooves, claws, antlers, teeth, hides or skins |

| | |
|---|---|
| | Game trophies or other preparations of birds and ungulates consisting of entire parts not having been treated |
| In plants or establishments manufacturing intermediate products | Intermediate products |
| Fertiliser and soil improvers | Processed animal protein including mixtures and products other than pet food containing such protein |
| | Processed manure, derived products from processed manure and guano from bats |
| In storage of derived products | All derived products |

III. Pathogenic agents

## Part 3

## Plants, plant products and other objects

Plants, plant products and other objects[1] which are potential carriers of pests that, by their nature or that of their processing, may create a risk for the introduction and spread of pests.

[1] Packaging, conveyances, containers, soil and growing mediums and any other organisms, object or material capable of harbouring or spreading pests.

Part 4

Measures applicable to food and feed additives

Food:

1. food additives (all food additives and colours);
2. processing aids;
3. food flavourings;
4. food enzymes;

Feed[1]:

5. feed additives;
6. feed materials;
7. compound feed and pet food except if covered by Part 2(II);
8. undesirable substances in feed.

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1 Only animal by-products originated from animals or parts of animals, declared as fit for human consumption may enter into the feed chain of farmed animals.

ANNEX IV-B

ANIMAL WELFARE STANDARDS

Animal welfare standards concerning:

1. stunning and slaughter of animals;
2. transport of animals and related operations;
3. farming animals.

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ANNEX IV-C

OTHER MEASURES COVERED BY CHAPTER 4 OF TITLE IV

1. Chemicals originating from the migration of substances from packaging materials
2. Composite products
3. Genetically Modified Organisms (GMOs)
4. Growth promoting hormones, thyreostatics, certain hormones and B-agonists

Georgia shall approximate its GMO legislation to that of the Union included into the approximation list as laid down in Article 55(4) of this Agreement.

ANNEX IV-D

MEASURES TO BE INCLUDED AFTER THE APPROXIMATION OF THE UNION LEGISLATION

1. Chemicals for decontamination of food
2. Clones
3. Irradiation (ionization)

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ANNEX V

LIST OF NOTIFIABLE ANIMAL AND AQUACULTURE DISEASES AND REGULATED PESTS FOR WHICH REGIONAL FREEDOM CAN BE RECOGNISED

ANNEX V-A

ANIMAL AND FISH DISEASES SUBJECT TO NOTIFICATION, FOR WHICH THE STATUS OF THE PARTIES IS RECOGNISED AND FOR WHICH REGIONALISATION DECISIONS MAY BE TAKEN

1. Foot-and-mouth disease
2. Swine vesicular disease
3. Vesicular stomatitis
4. African horse sickness
5. African swine fever
6. Bluetongue
7. Pathogenic Avian influenza
8. Newcastle disease (NCD)
9. Rinderpest
10. Classical swine fever
11. Contagious bovine pleuro-pneumonia
12. Ovine rinderpest (peste des petits ruminants)
13. Sheep and goat pox
14. Rift Valley fever
15. Lumpy skin disease
16. Venezuelan equine encephalomyelitis
17. Glanders
18. Dourine
19. Enterovirus encephalomyelitis
20. Infectious haematopoietic necrosis (IHN)
21. Viral haemorrhagic septicaemia (VHS)
22. Infectious Salmon Anaemia (ISA)
23. Bonamia ostreae
24. Marteilia refringens

ANNEX V-B

RECOGNITION OF THE PEST STATUS, PEST FREE AREAS OR PROTECTED ZONES

A. Recognition of pest status

Each Party shall establish and communicate a list of regulated pests based on the following principles:

1. pests not known to occur within any part of its own territory;

2. pests known to occur within any part of its own territory and under official control;

3. pests known to occur within any part of its own territory, under official control and for which pest free areas or protected zones are established.

Any change to the list of pest status shall be immediately notified to the other Party unless otherwise notified to the relevant international organisation.

B. Recognition of pest free areas and protected zones

The Parties recognise the protected zones and the concept of pest free areas and its application in respect of relevant International Standards for Phytosanitary Measures (ISPMs).

# ANNEX VI

## REGIONALISATION/ZONING, PEST-FREE AREAS AND PROTECTED ZONES

### A. Animal and aquaculture diseases

#### 1. Animal diseases

The basis for recognition of the animal disease status of the territory or of a region of a Party shall be the Terrestrial Animal Health Code of the World Organisation for Animal Health (OIE).

The basis for regionalisation decisions for an animal disease shall be the Terrestrial Animal Health Code of the OIE.

#### 2. Aquaculture diseases

The basis for regionalisation decisions for aquaculture diseases shall be the Aquatic Animal Health Code of the OIE.

B. Pests

The criteria for the establishment of pest free areas or protected zones for certain pests shall comply with the provisions of either:

– the FAO International Standard for Phytosanitary Measures No 4 on Requirements for the establishment of pest free areas and the definitions of the relevant ISPMs, or

– Article 2(1)(h) of Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

C. Criteria for the recognition of the special status for animal diseases of the territory or a region of a Party

1. Where the importing Party considers that its territory or part of its territory is free from an animal disease other than a disease listed in Annex V-A to this Agreement, it shall present to the exporting Party appropriate supporting documentation, setting out in particular the following criteria:

   – the nature of the disease and the history of its occurrence in its
   – territory;
   – the results of surveillance testing based on serological, microbiological, pathological or epidemiological investigation and on the fact that the disease must by law be notified to the competent authorities;
   – the period over which the surveillance was carried out;
   – where applicable, the period during which vaccination against the disease has been prohibited and the geographical area concerned by the prohibition;
   – the arrangements for verifying the absence of the disease.

2. The additional guarantees, general or specific, which may be required by the importing Party, must not exceed those, which the importing Party implements nationally.

3. The Parties shall notify each other of any change in the criteria specified in paragraph 1 of point C of this Annex which relate to the disease. The additional guarantees defined in accordance with paragraph 2 of point C of this Annex may, in light of such notification, be amended or withdrawn by the SPS Sub-Committee.

# ANNEX VII

## PROVISIONAL APPROVAL OF ESTABLISHMENTS

Conditions and provisions for provisional approval of establishments

1. Provisional approval of establishments means that for the purpose of import the importing Party approves provisionally the establishments in the exporting Party on the basis of appropriate guarantees provided by that Party without prior inspection by the importing Party of the individual establishments in accordance with the provisions of paragraph 4 of this Annex. The procedure and conditions set out in paragraph 4 of this Annex shall be used for modifying or completing the lists provided for in paragraph 2 of this Annex to take account of new applications and guarantees received. Only as regards the initial list of establishments verification may be part of the procedure in accordance with the provisions of point (d) of paragraph 4.

2. The provisional approval shall initially be applied to the following categories of establishments:

2.1. Establishments for products of animal origin for human consumption:

- slaughterhouses for fresh meat of domestic ungulates, poultry, lagomorphs and farm game (Annex IV-A, Part 1);
- game handling establishments;
- cutting plants;
- establishments for minced meat, meat preparation, mechanically separated meat and meat products;
- purification centres and dispatching centres for live bivalve molluscs;
- establishments for:
- eggs products,
- dairy products,
- fishery products,
- treated stomachs, bladders and intestines,
- gelatine and collagen,
- fish oil,
- factory vessels,
- freezer vessels.

2.2. Approved or registered establishments producing animal by-products and main categories of animal by-products not for human consumption

| Type of approved or registered establishment and plants | Product |
|---|---|
| Slaughterhouses | Animal by-products to be fed to fur animals |
| | Animal by-products for the manufacture of pet food |
| | Blood and blood products from equidae to be used outside the feed chain |
| | Fresh or chilled hides and skins of ungulates |
| | Animal by-products for the manufacture of derived products for uses outside the feed chain |
| Dairy plants | Milk, milk-based products and milk-derived products |
| | Colostrum and colostrum products |
| Other facilities for the collection or handling of animal by-products (i.e. unprocessed/ untreated materials | Blood and blood products from equidae to be used outside the feed chain |
| | Untreated blood products, excluding of equidae, for derived products for purposes outside the feed chain for farmed animals |

| Type of approved or registered establishment and plants | Product |
|---|---|
| | Treated blood products, excluding of equidae, for the manufacture of derived products for purposes outside the feed chain for farmed animals |
| | Fresh or chilled hides and skins of ungulates |
| | Pig bristles from third countries or regions thereof that are free from African swine fever |
| | Bones and bone products (excluding bone meal), horns and horn products (excluding horn meal) and hooves and hoof products (excluding hoof meal) for uses other than as feed material, organic fertiliser or soil improvers |
| | Horns and horn products, excluding horn meal, and hooves and hoof products, excluding hoof meal, for the production of organic fertilisers or soil improvers |
| | Gelatine not intended for human consumption to be used by the photographic industry |

| Type of approved or registered establishment and plants | Product |
|---|---|
| | Wool and hair |
| | Treated feathers, parts of feathers and down |
| Processing plants | Processed animal protein, including mixtures and products other than petfood containing such protein |
| | Blood products that could be used as feed material |
| | Treated hides and skins of ungulates |
| | Treated hides and skins of ruminants and of equidae (21 days) |
| | Pig bristles from third countries or regions thereof that are not free of African swine fever |
| | Fish oil to be used as feed material or for purposes outside the feed chain |
| | Rendered fats to be used as feed materials |

| Type of approved or registered establishment and plants | Product |
|---|---|
| | Rendered fats for certain purposes outside the feed chain for farmed animals |
| | Gelatine or collagen to be used as feed material or for purposes outside the feed chain |
| | Hydrolysed protein, dicalcium phosphate or tricalcium phosphate to be used as feed material or for purposes outside the feed chain |
| | Apiculture by-products intended exclusively for use in apiculture |
| | Fat derivatives to be used outside the feed chain |
| | Fat derivatives to be used as feed or outside the feed chain |
| | Egg products that could be used as feed material |

| Type of approved or registered establishment and plants | Product |
|---|---|
| Pet food plants (including plants manufacturing dog chews and flavouring innards) | Canned pet food |
| | Processed pet food other than canned pet food |
| | Dog chews |
| | Raw pet food for direct sale |
| | Flavouring innards for use in the manufacture of pet food |
| Game trophies plants | Treated game trophies and other preparations of birds and ungulates, being solely bones, horns, hooves, claws, antlers, teeth, hides or skins |
| | Game trophies or other preparations of birds and ungulates consisting of entire parts not having been treated |

| Type of approved or registered establishment and plants | Product |
|---|---|
| Plants or establishments manufacturing intermediate products | Intermediate products |
| Fertiliser and soil improvers | Processed animal protein including mixtures and products other than pet food containing such protein |
| | Processed manure, derived products from processed manure and guano from bats |
| Storage of derived products | All derived products |

3. The importing Party shall draw up lists of provisionally approved establishments as referred to in paragraphs 2.1 and 2.2 and shall make these lists publicly available.

4. Conditions and procedures for provisional approval:

   (a) if import of the animal product concerned from the exporting Party has been authorised by the importing Party and the relevant import conditions and certification requirements for the products concerned have been established;

(b) if the competent authority of the exporting Party has provided the importing Party with satisfactory guarantees that the establishments appearing on its list or lists meet the relevant health requirements for the products processed of the importing Party and has officially approved the establishments appearing on the lists for exportation to the importing Party;

(c) in the event of non-compliance with the said guarantees the competent authority of the exporting Party must have a real power to suspend the activities of exportation to the importing Party from an establishment for which that authority provided guarantees;

(d) verification in accordance with the provisions of Article 62 of this Agreement by the importing Party may be part of the provisional approval procedure. That verification concerns the structure and the organisation of the competent authority responsible for the approval of the establishment as well as the powers available to that competent authority and the guarantees that it can provide with regard to the implementation of the importing Party's rules. That verification may include on the spot inspection of a certain representative number of establishments appearing on the list or lists provided by the exporting Party.

Taking into account the specific structure and division of competence within the European Union, such verification in the European Union may concern individual Member States;

(e) based on the results of the verification provided for in point (d) of this paragraph, the importing Party may amend the existing list of establishments.

ANNEX VIII

PROCESS OF RECOGNITION OF EQUIVALENCE

1. Principles:

(a) equivalence can be determined for an individual measure, a group of measures or a system related to a certain commodity or a category of commodities or all of them;

(b) the examination by the importing Party of a request for recognition of equivalence of measures pertaining to a certain commodity of the exporting Party shall not be a reason to disrupt trade or suspend on-going imports from the exporting Party of the commodity in question;

(c) the process of recognition of equivalence is an interactive process between the exporting Party and the importing Party. The process consists of an objective demonstration of equivalence of individual measures by the exporting Party and an objective assessment of the equivalence with a view to the possible recognition of equivalence by the importing Party;

(d) the final recognition of equivalence of the relevant measures of the exporting Party rests solely with the importing Party.

2. Preconditions:

(a) the process depends on the health or pest status, the law and the effectiveness of the inspection and control system related to the commodity in the exporting Party. To this end the law in the sector concerned shall be taken into account, as well as the structure of the competent authority of the exporting Party, the command chain, the authority, the operational procedures and resources, and the effectiveness of the competent authorities as regards inspection and control systems, including the level of enforcement related to the commodity and the regularity and the rapidity of information flow to the importing Party in case of identified hazards. This recognition may be supported by documentation, verification and document, reports and information related to past experiences, assessments and verifications earlier documented;

(b) the Parties shall initiate the process of recognition of equivalence pursuant to Article 57 of this Agreement after the successful completion of the approximation of a measure, a group of measures or a system included in the approximation list set out in Article 55(4) of this Agreement;

(c) the exporting Party shall initiate the process only when no safeguard measures imposed by the importing Party apply to the exporting Party as regards the commodity.

3. The process:

(a) the exporting Party initiates the process by submitting to the importing Party a request for recognition of equivalence of an individual measure or a group of measures or a system for a commodity or a category of commodities in a sector or sub-sector or all of them;

(b) when appropriate, this request includes also the request and the required documentation for approval by the importing Party on the basis of equivalence of any programme or plan of the exporting Party required by the importing Party and/or the status of approximation as laid down in Annex XI of this Agreement regarding the measures or systems described in point (a) of this paragraph as a condition for allowing import of that commodity or a categories of commodities;

(c) with this request, the exporting Party:

(i) explains the importance for trade of that commodity or categories of commodities;

(ii) identifies the individual measure(s) with which it can comply from all the measures expressed in the import conditions of the importing Party applicable to that commodity or category of commodities;

(iii) identifies the individual measure(s) for which it seeks equivalence out of the total of the measures expressed in the import conditions of the importing Party, applicable to that commodity or categories of commodities;

(d) in reply to this request the importing Party explains the overall and individual objective and the rationale behind its measure(s), including the identification of the risk;

(e) with this explanation, the importing Party informs the exporting Party on the relationship of its domestic measures and the import conditions for that commodity or categories of commodities;

(f) the exporting Party objectively demonstrates to the importing Party that the measures that it has identified are equivalent to the import conditions for that commodity or category of commodities;

(g) the importing Party objectively assesses the demonstration of equivalence by the exporting Party;

(h) the importing Party concludes whether equivalence is achieved or not;

(i) the importing Party provides to the exporting Party full explanation and supporting data for its determination and decision if so required by the exporting Party.

4. Demonstration of equivalence of measures by the exporting party and assessment of this demonstration by the importing Party:

   (a) the exporting Party shall objectively demonstrate equivalence for each of the identified measures of the importing Party expressed in its import conditions. When appropriate, equivalence shall objectively be demonstrated for any plan or program required by the importing Party as a condition to allow import (e.g. residue plan, etc.);

   (b) objective demonstration and assessment in this context should be based, as far as possible, on:

      (i) internationally recognised standards; and/or
      (ii) standards based on proper scientific evidence; and/or
      (iii) risk assessment; and/or
      (iv) documents, reports and information related to past experiences, assessments and/or
      (v) verifications; and
      (vi) legal status or level of administrative status of the measures; and

(vii) level of implementation and enforcement on the basis of, in particular:

- corresponding and relevant results of surveillance and monitoring programmes;
- inspection results of the exporting Party;
- results of analysis with recognised analysis methods;
- verification and import check results by the importing Party;
- the performance of the competent authorities of the exporting Party; and
- earlier experiences.

5. Conclusion of the importing Party

The process may include an inspection or verification;

In case the importing Party arrives at a negative conclusion, it shall provide the exporting Party with a detailed and reasoned explanation.

6. For plants and plant products, equivalence concerning phytosanitary measures, shall be based on the conditions referred to in Article 57(6) of this Agreement.

# ANNEX IX

## IMPORT CHECKS AND INSPECTION FEES

### A. Principles of import checks

Import checks consist of documentary checks, identity checks and physical checks.
As regards animals and animal products, the physical checks and their frequency shall be based on the level of the risk associated with such imports.
In carrying out the checks for plant health purposes, the importing Party shall ensure that the plants, plant products and other objects shall be meticulously inspected on an official basis, either in their entirety or by inspecting a representative sample, in order to make sure, that they are not contaminated by pests.
In the event that the checks reveal non-conformity with the relevant standards and/or requirements, the importing Party shall take measures proportionate to the risk involved. Wherever possible, the importer or his representative shall be given access to the consignment and the opportunity to provide any relevant information to assist the importing Party in taking a final decision concerning the consignment. Such decision shall be proportional to the level of the risk associated with such imports.

B. Frequencies of physical checks

B.1. Import of animals and animal products from Georgia to the European Union and from the European Union to Georgia

| Type of frontier check | Frequency rate |
|---|---|
| 1. Documentary checks | 100 % |
| 2. Identity checks | 100 % |
| 3. Physical checks | |
| Live animals 100 % | 100 % |
| Category I products<br><br>Fresh meat including offal, and products of the bovine, ovine, caprine, porcine and equine species defined in Council Directive 64/433/EEC of 26 June 1964 on health conditions for the production and marketing of fresh meat, as amended<br><br>Fish products in hermetically sealed containers intended to render them stable at ambient temperatures, fresh and frozen fish and dry and/or salted fisheries products<br>Whole eggs<br>Lard and rendered fats<br>Animal casings<br>Hatching eggs | 20 % |

| | |
|---|---|
| Category II products<br><br>Poultry meat and poultry meat products<br>Rabbit meat, game meat (wild/farmed) and products thereof<br>Milk and milk products for human consumption<br>Egg products<br>Processed animal protein for human consumption (100 % for the first six bulked consignments, Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Council Directive 89/662/EEC and, as regards pathogens, to Council Directive 90/425/EEC, as amended).<br>Other fish products than those mentioned under the Commission Decision 2006/766/EC of 6 November 2006 establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted (notified under document number C(2006) 5171), as amended.<br>Bivalve molluscs<br>Honey | 50 % |

| | |
|---|---|
| Category III products<br>Semen<br>Embryos<br>Manure<br>Milk and milk products (not for human consumption)<br>Gelatine<br>Frog's legs and snails<br>Bones and bone products<br>Hides and skins<br>Bristles, wool, hair and feathers<br>Horns, horn products, hooves and hoof products<br>Apiculture products<br>Game trophies<br>Processed pet food<br>Raw material for the manufacture of pet food<br>Raw material, blood, blood products, glands and organs for pharmaceutical or technical use<br>Hay and straw<br>Pathogens<br>Processed animal protein (packaged) | Minimum of 1 %<br>Maximum of 10 % |

| | |
|---|---|
| Processed animal protein not for human consumption (bulked) | 100 % for the first six consignments (points 10 and 11 of Chapter II of Annex VII to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption, as amended. |

B.2. Import of non-animal food from Georgia to the European Union and from the European Union to Georgia

| | |
|---|---|
| — Chilli (Capsicum annuum), crushed or ground — ex 0904 20 90<br>— Chilli products (curry) — 0910 91 05<br>— Curcuma longa (turmeric) — 0910 30 00<br>(Food — dried spices)<br>— Red palm oil — ex 1511 10 90 | 10 % for Sudan dyes |

B.3. Import to the European Union or to Georgia of plants, plant products and other objects

For plants, plant products and other objects listed in Part B of Annex V to Directive 2000/29/EC:

The importing Party carries out checks in order to verify the phytosanitary status of the consignment(s).

The Parties shall assess the necessity of plant health import checks in bilateral trade for commodities referred to in the above Annex as originating in non-EU countries.

A reduced frequency of plant health import checks could be set up for regulated commodities with the exception of plants, plant product and other objects defined in accordance with Commission Regulation (EC) No 1756/2004 of 11 October 2004 specifying the detailed conditions for the evidence required and the criteria for the type and level of the reduction of the plant health checks of certain plants, plant products or other objects listed in Part B of Annex V to Council Directive 2000/29/EC.

# ANNEX X

## CERTIFICATION

A. Principles of certification

Plants and plant products and other objects:

In respect of certification of plants and plant products and other objects, the competent authorities shall apply the principles laid down in the relevant ISPMs.
Animals and animal products:

1. The competent authorities of the Parties shall ensure that certifying officers have a satisfactory knowledge of the veterinary law as regards the animals or animal products to be certified and, in general, are informed about the rules to be followed for drawing up and issuing of the certificates and, if necessary, as to the nature and extent of the enquiries, tests or examinations which should be carried out before certification.

2. Certifying officers must not certify data of which they have no personal knowledge or which cannot be ascertained by them.

3. Certifying officers must not sign blank or incomplete certificates, or certificates relating to animals or animal products, which they have not inspected or which have passed out of their control. Where a certificate is signed on the basis of another certificate or attestation, the certifying officer shall be in possession of the latter document before signing.

4. A certifying officer may certify data which have been:

   (a) ascertained on the basis of paragraphs 1, 2 and 3 of this Annex by another person authorised by the competent authority and acting under the control of the latter authority, provided that the certifying officer can verify the accuracy of the data; or

   (b) obtained, within the context of monitoring programmes, by reference to officially recognised quality assurance schemes or by means of an epidemiological surveillance system where this is authorised under the relevant veterinary law.

5. The competent authorities of the Parties shall take all necessary steps to ensure the integrity of certification. In particular they shall ensure that certifying officers designated by them:

   (a) have a status which ensures their impartiality and have no direct commercial interest in the animals or products being certified or in the holdings or establishments in which they originate; and

   (b) are fully aware of the significance of the contents of each certificate which they sign.

6. Certificates shall be drawn up in order to ensure that a specific certificate refers to a specific consignment in a language understood by the certifying officer and in at least one of the official languages of the importing Party as set out in Part C of this Annex.

7. Each competent authority shall be in a position to link a certificate with the relevant certifying officer and ensure that a copy of all certificates issued is available for a period to be determined by that competent authority.

8. Each Party shall introduce the checks and the controls necessary to prevent the issuing of false or misleading certifications and the fraudulent use of certificates purported to be issued for the purposes set out in the veterinary law.

9. Without prejudice to any judicial proceedings or penalties, the competent authorities shall carry out investigations or checks and take appropriate measures to penalise any instances of false or misleading certification, which are brought to their attention. Such measures may include the temporary suspension of the certifying officers from their duties until the investigation is over. In particular:

   (a) if in the course of the checks it is found that a certifying officer has knowingly issued a fraudulent certificate, the competent authority shall take all necessary steps to ensure, as far as is possible, that the person concerned cannot repeat the offence;

   (b) if in the course of the checks it is found that an individual or an undertaking has made fraudulent use of or has altered an official certificate, the competent authority shall take all necessary measures to ensure, as far as possible, that the individual or the undertaking cannot repeat the offence. Such measures may include a refusal to issue an official certificate to the person or the undertaking concerned.

B. Certificate referred to in Article 60(2)(a) of this Agreement

The health attestation in the certificate reflects the status of equivalence of the commodity concerned. The health attestation states compliance with the production standards of the exporting Party recognised as equivalent by the importing Party.

C. Official languages for certification

1. Import into the European Union

For plants, plant products and other objects:

The certificates shall be drawn up in a language understood by the certifying officer and in at least one of the official languages of the importing Party.

For animals and animal products:

The health certificate must be drawn up in at least one of the official languages of the EU Member State of destination and in one of those of the EU Member State in which the import checks provided for in Article 63 of this Agreement are carried out. However, an EU Member State may consent to the use of an official Union language other than its own.

2. Import into Georgia

The health certificate must be drawn up in Georgian, and in at least one of the official languages of the certifying EU Member State.

ANNEX XI

APPROXIMATION

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ANNEX XI-A

PRINCIPLES FOR THE EVALUATION OF PROGRESS IN THE APPROXIMATION PROCESS FOR THE PURPOSE OF RECOGNITION OF EQUIVALENCE

Part I - Gradual approximation

1. General rules

The sanitary, phytosanitary and animal welfare law of Georgia shall be gradually approximated to that of the Union, based on the approximation list of the EU sanitary, phytosanitary and animal welfare law. That list shall be divided into priority areas that relate to measures, as defined in Annex IV to this Agreement. For this reason Georgia shall identify its trade priority areas.

Georgia shall approximate domestic rules to the EU acquis by either:

(a) implementing and enforcing through the adoption of additional domestic rules or procedures the rules in relevant EU acquis, or

(b) by amending relevant domestic rules or procedures to incorporate the rules in relevant EU acquis.

In either case, Georgia shall:

(a) eliminate any laws, regulations or any other measures inconsistent with the approximated domestic legislation;

(b) ensure the effective implementation of approximated domestic legislation.

Georgia shall document such approximation in tables of correspondence according to a model indicating the date on which domestic rules enter into force and the official journal in which the rules were published. The model of the tables of correspondence for the preparation and evaluation is provided in Part II of this Annex. If the approximation is not complete, reviewers[1] shall describe the shortcomings in the column provided for comments.

Irrespective of the priority area identified, Georgia shall prepare specific tables of correspondence demonstrating the approximation for other general and specific legislation, including, in particular, the general rules related to:

(a) control systems:

- domestic market,
- imports;

(b) animal health and welfare:
- the identification and the registration of animals and the registration of their movements,
- the control measures for animal diseases,
- domestic trade with live animals, semen, ova and embryos,
- animal welfare on farms, during transport and slaughter;

(c) food safety:
- placing on the market of food and feed,
- labelling, presentation and advertising of food including nutritional and health claims,
- residues controls,
- specific rules for feed;

[1] Reviewers shall be experts appointed by the European Commission.

(d) animal by-products;

(e) plant health:
- harmful organisms,
- plant protection products;

(f) genetically modified organisms:

- released into the environment,
- genetically modified food and feed.

Part II - Evaluation

1. Procedure and method

Georgia's sanitary, phytosanitary and animal welfare law covered by Chapter 4 (Sanitary and Phytosanitary Measures) of Title IV (Trade and Trade-related Matters) of this Agreement shall be gradually approximated to that of the Union and shall be effectively enforced[1].

Tables of correspondence shall be prepared according to the model as laid down in point (2) of this Annex for each single approximated act and submitted in English for review by the reviewers.

If the result of the evaluation is positive for an individual measure, a group of measures, a system applicable to a sector, sub-sector, a commodity or a group of commodities, the conditions of Article 57(4) of this Agreement shall apply.

[1] For this occasion, it may be supported by the EU Member States' experts separately or in the margin of the CIB programs (twinning projects, TAIEX etc.).

2. Tables of correspondence

2.1. When preparing tables of correspondence, the following shall be taken into consideration:

The EU acts shall serve as a basis for preparation of a table of correspondence. To this end the version in force at the time of approximation shall be used. Particular attention shall be paid to precise translation into the national language, as linguistic imprecisions may lead to misinterpretation, in particular if they concern the scope of the law[1].

[1] To facilitate the approximation process, consolidated versions of certain pieces of Union legislation are available at the EUR-LEX web page under: http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en

2.2. Model of table of correspondence:

Table of correspondence

BETWEEN

Title of the EU act, latest amendments incorporated:

AND

Title of the national act

(Published in )

Date of publication:
Date of implementation:

| EU Act | National legislation | Remarks (from Georgia) | Reviewer's comments |
|---|---|---|---|
| | | | |

Legend:

EU act: its articles, paragraphs, sub-paragraphs etc. shall be mentioned with full title and reference1 in the left column of the table of correspondence.

National legislation: the provisions of the national legislation corresponding to the Union provisions of the left column shall be mentioned with their full title and reference. Their content shall be described in the second column in detail.

Remarks from Georgia: in this column Georgia shall indicate the reference or other provisions associated with this article, paragraphs, sub-paragraphs etc. especially when the text of the provision is not approximated. The relevant reason for absence of approximation shall be explained.

Reviewer's comments: in case reviewers consider that approximation is not achieved, they shall justify this evaluation and describe relevant shortcomings in this column.

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[1] For example, as indicated on the EUR-LEX web page: http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en

ANNEX XII

STATUS OF EQUIVALENCE