

## CHAPTER 3

### TECHNICAL BARRIERS TO TRADE, STANDARDISATION, METROLOGY, ACCREDITATION AND CONFORMITY ASSESSMENT

#### ARTICLE 44

##### Scope and definitions

1. This Chapter applies to the preparation, adoption and application of standards, technical regulations, and conformity assessment procedures as defined in the Agreement on Technical Barriers to Trade, contained in Annex 1A to the WTO Agreement ("TBT Agreement") that may affect trade in goods between the Parties.
2. Notwithstanding paragraph 1, this Chapter does not apply to sanitary and phytosanitary measures as defined in Annex A to the Agreement on the Application of Sanitary and Phytosanitary Measures, contained in Annex 1A to the WTO Agreement ("SPS Agreement"), nor to purchasing specifications prepared by public authorities for their own production or consumption requirements.
3. For the purposes of this Chapter, the definitions of Annex 1 to the TBT Agreement shall apply.

#### ARTICLE 45

##### Affirmation of the TBT Agreement

The Parties affirm their existing rights and obligations with respect to each other under the TBT Agreement which is hereby incorporated into this Agreement and made an integral part thereof.

## ARTICLE 46

### Technical cooperation

1. The Parties shall strengthen their cooperation in the field of standards, technical regulations, metrology, market surveillance, accreditation and conformity assessment systems with a view to increasing the mutual understanding of their respective systems and facilitating access to their respective markets. To that end, they may establish regulatory dialogues at both horizontal and sectoral levels.
  
2. In their cooperation, the Parties shall seek to identify, develop and promote trade facilitating initiatives which may include, but are not limited to:
  - (a) reinforcing regulatory cooperation through the exchange of data and experience, and through scientific and technical cooperation, with a view to improving the quality of their technical regulations, standards, market surveillance, conformity assessment and accreditation, and making efficient use of regulatory resources;
  - (b) promoting and encouraging cooperation between their respective organisations, public or private, responsible for metrology, standardisation, market surveillance, conformity assessment and accreditation;
  - (c) fostering the development of the quality infrastructure for standardisation, metrology, accreditation, conformity assessment and the market surveillance system in Georgia;
  - (d) promoting the participation of Georgia in the work of related European organisations;
  - (e) seeking solutions to technical barriers to trade that may arise; and
  - (f) where appropriate, undertaking efforts to coordinate their positions on matters of mutual

interest in international trade and regulatory organisations such as the WTO and the United Nations Economic Commission for Europe (UNECE).

## ARTICLE 47

### Approximation of technical regulations, standards, and conformity assessment

1. Having regard to its priorities for approximation in different sectors, Georgia shall take the measures necessary in order to gradually achieve approximation with the Union's technical regulations, standards, metrology, accreditation, conformity assessment, corresponding systems and market surveillance system, and undertakes to follow the principles and the practice laid down in the relevant Union acquis (indicative list in Annex III-B to this Agreement). A list of the measures for approximation is set out in Annex III-A to this Agreement, which may be amended by a decision of the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement.
2. With a view to reaching these objectives, Georgia shall:
  - (a) having regard to its priorities, progressively approximate its legislation to the relevant Union acquis; and
  - (b) achieve and maintain the level of administrative and institutional effectiveness necessary to provide an effective and transparent system that is required for the implementation of this Chapter.
3. Georgia shall refrain from amending its horizontal and sectoral legislation in the priority areas for approximation, except for approximating such legislation progressively to the corresponding Union acquis and for maintaining such approximation; and shall notify the Union of such changes in its domestic legislation.

4. Georgia shall ensure and facilitate the participation of its relevant national bodies in the European and international organisations for standardisation, legal and fundamental metrology, and conformity assessment, including accreditation, in accordance with the respective areas of activity of those bodies and the membership status available to them.

5. With a view to integrating its standardisation system, Georgia shall use best endeavours to ensure that its standards body:

- (a) progressively transposes the corpus of European standards (EN) as national standards, including the harmonised European standards, the voluntary use of which shall give presumption of conformity with Union legislation transposed into Georgian legislation;
- (b) simultaneously with such transposition, withdraws conflicting national standards;
- (c) progressively fulfils the other conditions for full membership of the European standards organisations.

#### ARTICLE 48

##### Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA)

The Parties may ultimately agree to add an Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA) as a Protocol to this Agreement covering one or more sectors agreed upon following verification by the Union that the relevant Georgian horizontal and sectoral legislation, institutions and standards have been fully approximated to those of the Union. Such an ACAA will provide that trade between the Parties in products in the sectors that it covers shall take place under the same conditions as those applying to trade in such products between the Member States.

## ARTICLE 49

### Marking and labelling

1 Without prejudice to the provisions of Articles 47 and 48 of this Agreement, and with respect to technical regulations relating to labelling or marking requirements, the Parties reaffirm the principles of Chapter 2.2 of the TBT Agreement that such requirements are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade. For this purpose, such labelling or marking requirements shall not be more trade-restrictive than necessary to fulfil a legitimate objective, taking account of the risks that non-fulfilment would create.

2. Regarding obligatory marking or labelling in particular, the Parties agree that:

- (a) they will endeavour to minimise their needs for marking or labelling, except as required for the adoption of the Union acquis in this area and for the protection of health, safety or the environment, or for other reasonable public policy purposes;
- (b) a Party may determine the form of labelling or marking but shall not require the approval, the registration or the certification of labels; and
- (c) the Parties retain the right to require the information on the label or marking to be in a specified language.