

APPENDIX 2

NEW CHAPTER 6 (TECHNICAL BARRIERS TO TRADE)

CHAPTER 6 TECHNICAL BARRIERS TO TRADE

Article 6.1: OBJECTIVE

The objectives of this Chapter are to:

- (a) facilitate and promote trade in goods between the Parties by ensuring that technical regulations, standards, and conformity assessment procedures do not create unnecessary technical barriers to trade;
- (b) strengthen cooperation between the Parties in the field of standards, technical regulations, and conformity assessment procedures including in the framework of relevant international institutions ;
- (c) promote mutual understanding and cooperation between the Parties regarding their standards, technical regulations, and conformity assessment procedures, including to improve the possibility for the further discussion on mechanisms for trade facilitation;
- (d) Facilitate implementation of the principles of the WTO Agreement on Technical Barriers to Trade.

Article 6.2: SCOPE

1. This Chapter shall apply to all technical regulations, standards, and conformity assessment procedures of the each Party that may, directly or indirectly, affect trade in goods between the Parties. It shall exclude:

- (a) SPS measures which are covered in Chapter 5 SPS (Sanitary and Phytosanitary Measures); and
- (b) purchasing specifications prepared by governmental bodies for production or consumption requirements of governmental bodies, as provided by paragraph 1.4 of the Article 1 of the WTO Agreement on Technical Barriers to Trade.

2. Each Party shall take such reasonable measures as may be available to it to ensure compliance, in the implementation of this Chapter, by local government bodies within its

territory which are responsible for the preparation, adoption, and application of standards, technical regulations, and conformity assessment procedures.

3. Nothing in this Chapter shall prevent a Party from preparing, adopting, applying, or maintaining standards, technical regulations, and conformity assessment procedures in a manner consistent with the TBT Agreement.

Article 6.3: DEFINITION

For the purposes of this Chapter, the definitions set out in Annex 1 to the Agreement on Technical Barriers to Trade in Annex 1A to the WTO Agreement (hereinafter referred to as "TBT Agreement") shall apply.

Article 6.4: AFFIRMATION OF THE TBT AGREEMENT

The Parties affirm their rights and obligations with respect to each other under the TBT Agreement.

Article 6.5: TECHNICAL REGULATIONS¹

Where relevant international standards exist or their completion is imminent, each Party shall use them, or relevant parts of them, as a basis for their technical regulations except when such international standards or relevant parts would be an ineffective or inappropriate means for the fulfillment of the legitimate objectives pursued, for instance, due to fundamental climatic or geographical factors or fundamental technological problems.

Article 6.6: STANDARDS

1. For the purpose of applying this Chapter, standards issued, in particular, by the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the International Telecommunication Union (ITU) and Codex Alimentarius Commission (CAC) shall be considered relevant international standards in the sense of Article 2.4 of the TBT Agreement.

2. The Parties agree to strengthen exchanging of experience and information on the standardization area.

¹ According to the definition of Technical Regulation in Annex 1 to the TBT Agreement, mandatory standards should be within the scope of Technical Regulation.

Article 6.7: CONFORMITY ASSESSMENT PROCEDURES

1. The Parties recognize that, depending on the specific sectors involved, a broad range of mechanisms exist to facilitate the acceptance of the results of conformity assessment procedures conducted in the other Party. Such mechanisms may include:

- (a) recognizing existing international multilateral recognition agreements and arrangements among conformity assessment bodies;
- (b) encouraging voluntary arrangements between conformity assessment bodies in the territory of each Party;
- (c) promoting acceptance of conformity assessment results issued by the conformity assessment bodies of other party, which confirms that, the requirements of the legislation, technical regulations and/or standards of the importing country are fulfilled; and
- (d) other mechanisms as mutually agreed by the Parties.

2. The Parties agree to exchange, upon request, information on conformity assessment procedures, including testing, inspection, certification, and accreditation.

3. The Parties shall endeavor to intensify their exchange of information on acceptance mechanisms with a view to facilitating the acceptance of conformity assessment results.

4. Without prejudice to this chapter, the Parties may agree to negotiate separate sectoral agreements which define mechanisms for the acceptance of the results of conformity assessment procedures issued by relevant conformity assessment bodies.

Article 6.8: TRANSPARENCY

1. Each Party affirms its commitment to ensuring that information regarding proposed new or amended technical regulations, standards, and conformity assessment procedures is made available in accordance with the relevant requirements of the TBT Agreement.

2. Each Party shall make available the full text of its notified technical regulations and conformity assessment procedures, in available languages, to the requesting Party within 15 working days after receiving the written request. If the full text is unavailable, the Party shall provide to the requesting Party a summary stating the requirements of the notified technical regulations and conformity assessment procedures in the English language, within reasonable time after receiving the written request. In implementing the



preceding sentence, the contents of the summary shall be determined by the requested Party.

3. Each Party shall allow at least 60 days following the notification of its proposed technical regulation and conformity assessment procedures to WTO for the other Party to present comments except where risks to health, safety, and the environment arising or threatening to arise warrant urgent actions.

4. Each Party should take the comments of the other Party into due consideration and shall endeavour to provide responses to these comments upon request.

Article 6.9: TECHNICAL CONSULTATIONS

1. When a Party considers that a relevant technical regulation or conformity assessment procedure of the other Party has constituted unnecessary obstacle to its exports, it may request technical consultations. The requested Party shall respond as early as possible to such request.

2. The requested Party shall enter into technical consultations within 60 days after receiving the request, with a view to reaching a mutually satisfactory solution. Technical consultations may be conducted via any means agreed by the Parties concerned.

Article 6.10: COOPERATION

With a view to increasing mutual understanding of their respective systems and facilitating bilateral trade, the Parties shall strengthen their technical cooperation in the following areas:

- (a) communication between competent authorities of the Parties;
- (b) exchange of information in respect of technical regulations, standards, conformity assessment procedures, and good regulatory practice;
- (c) encouraging, where possible, cooperation between standardization and conformity assessment bodies of the Parties;
- (d) cooperation in areas of mutual interest in the work of relevant regional and international bodies relating to the development and application of standards and conformity assessment procedures; and
- (e) other areas mutually agreed by the Parties.



Article 6.11: CONTACT POINTS

1. Each Party shall designate a contact point who shall, for that Party, have the responsibility for coordinating the implementation of this Chapter.

The contact points will be:

- (a) for China, the State Administration for Market Regulation or its successor; and
- (b) for Georgia, Ministry of Economy and Sustainable Development of Georgia.

2. Each Party shall provide the other Party with the name of the designated contact point and the contact details of the relevant official in that organization, including telephone, email and any other relevant details.

3. Each Party shall notify the other Party promptly of any change in their contact points or any amendments to the details of the relevant officials.