

CHAPTER 5

TECHNICAL BARRIERS TO TRADE

Article 1

Definitions

For the purposes of this Chapter:

- (a) **TBT Agreement** means the *Agreement on Technical Barriers to Trade*, contained in Annex 1A to the WTO Agreement; and
- (b) the definitions in Annex 1 to the TBT Agreement shall apply, *mutatis mutandis*.

Article 2

Objectives

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, including information exchange in relation to the preparation, adoption and application of standards, technical regulations and conformity assessment procedures;
- (c) promote mutual understanding of each Party's standards, technical regulations and conformity assessment procedures; and

- (d) facilitate implementation of the principles of the TBT Agreement.

Article 3

Scope

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

- (a) sanitary or phytosanitary measures as defined in paragraph 1 of Annex A to the SPS Agreement, which are covered in Chapter 6 (Sanitary and Phytosanitary Measures); and
- (b) purchasing specifications prepared by governmental bodies for production or consumption requirements of governmental bodies, as provided in Article 1.4 of the TBT Agreement.

Article 4

Affirmation of the TBT Agreement

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

Article 5

Technical Regulations¹

Where relevant international standards exist or their completion is imminent, each Party shall use them, or the relevant parts of them, as a basis for their technical regulations except when such international standards or relevant parts

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.

would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued, for instance because of fundamental climatic or geographical factors or fundamental technological problems.

Article 6

International Standards

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

Article 7

Conformity Assessment Procedures

1. Each Party, with a view to increasing efficiency and ensuring cost effectiveness of conformity assessments, shall, upon request of the other Party, seek to facilitate the acceptance of the results of conformity assessment procedures conducted by the relevant accredited and/or authorised conformity assessment bodies in the Area of that other Party, through a separate mutual recognition agreement.
2. The Parties agree, upon request of a Party, to exchange information on conformity assessment procedures, including testing, certification, and accreditation.
3. When cooperating in conformity assessment, the Parties shall take into consideration their participation in the relevant international and/or regional organisations.

Article 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 notification requirements under the TBT Agreement.
2. Each Party, upon written request of the other Party, shall make available the full text of technical regulations and conformity assessment procedures which are notified to the WTO, in available languages, to the requesting Party within 15 working days after receiving the written request.
3. In connection with the notification requirements under Article 2.9 and Article 5.6 of the TBT Agreement, each Party shall allow at least 60 days for the other Party to present comments on its proposed technical regulations or conformity assessment procedures 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 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 a period mutually agreed, with a view to reaching a solution. Technical consultations may be conducted via any means mutually agreed by the Parties.

Article 10

Cooperation

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

- (a) communication between each other's competent authorities, exchange of information in respect of technical regulations, standards, conformity assessment procedures and good regulatory practice;
- (b) encouraging, where possible, cooperation between conformity assessment bodies of the Parties;
- (c) 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
- (d) other areas as agreed upon by the Parties.

Article 11

Contact Points

1. Each Party designates a contact point, which shall for that Party have the responsibility of coordinating the implementation of this Chapter, as follows:

- (a) for Hong Kong, China, the Trade and Industry Department; and

(b) for Georgia, Ministry of Economy and Sustainable Development of Georgia.

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

3. Each Party shall notify the other Party promptly of any change of its contact point or any amendment to the details of the relevant official.