

CHAPTER 6

SANITARY AND PHYTOSANITARY MEASURES

Article 1

Definitions

For the purposes of this Chapter, the definitions in Annex A to the SPS Agreement shall apply, *mutatis mutandis*.

Article 2

Objectives

The objectives of this Chapter are to:

- (a) facilitate trade between the Parties while protecting human, animal or plant life or health in their Areas;
- (b) ensure transparency in and understanding of the application of each Party's sanitary and phytosanitary measures;
- (c) strengthen cooperation between the Parties in the field of sanitary and phytosanitary measures to facilitate trade and access to their respective markets; and
- (d) facilitate implementation of the principles of the SPS Agreement.

Article 3

Scope

This Chapter shall apply to all sanitary and phytosanitary measures of a Party, which may, directly or indirectly, affect trade between the Parties.

Article 4

Affirmation of the SPS Agreement

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

Article 5

Risk Assessment

The Parties shall ensure that their sanitary or phytosanitary measures are based on an assessment, as appropriate to the circumstances, of the risks to human, animal or plant life or health as provided in Article 5 of the SPS Agreement, taking into account risk assessment techniques developed by the relevant international organisations.

Article 6

Harmonisation

1. The Parties shall make their best endeavour to base their sanitary or phytosanitary measures on international standards, guidelines or recommendations, where they exist.
2. The Parties shall strengthen communications, cooperation and coordination with each other, where appropriate, in the Codex Alimentarius Commission (Codex) and the World Organisation for Animal Health (OIE), and the relevant international and regional organisations operating

within the framework of the International Plant Protection Convention (IPPC).

Article 7

Regionalisation

The Parties recognise the principles of regionalisation and their implementation as provided for in Article 6 of the SPS Agreement and the relevant international standards, guidelines and recommendations from the relevant organisations stated in the SPS Agreement.

Article 8

Equivalence

Each Party shall accept sanitary or phytosanitary measures of the other Party as equivalent to its own if the exporting Party objectively demonstrates to the importing Party that its measures achieve the importing Party's appropriate level of sanitary or phytosanitary protection. For this purpose, reasonable access shall be given, upon request, to the importing Party for inspection, testing and other relevant procedures.

Article 9

Transparency

1. Each Party affirms its commitment to ensuring that information regarding proposed new or amended sanitary or phytosanitary measures is made available in accordance with the notification requirements under the SPS Agreement.
2. Each Party, upon written request of the other Party, shall make available the full text of sanitary or phytosanitary measures 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 7 of and Annex B to the SPS Agreement, each Party shall allow at least 60 days for the other Party to present comments on its proposed sanitary or phytosanitary measures except where risks to human, animal or plant life or health arising or threatening to arise warrant urgent actions.

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

Article 10

Technical Cooperation

1. The Parties agree to explore the opportunity for technical cooperation on sanitary or phytosanitary matters of mutual interest consistent with this Chapter, with a view to enhancing the mutual understanding of the regulatory systems of the Parties and facilitating access to each other's markets.

2. Each Party, on request of the other Party, shall give due consideration to cooperation in relation to sanitary or phytosanitary matters of mutual interest consistent with this Chapter.

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, the Legal Entity of Public Law – National Food Agency.

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.