

## **CHAPTER 5**

### **SANITARY AND PHYTOSANITARY MEASURES**

#### ARTICLE 5.1: 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 territories;
- (b) ensure transparency in and deepen mutual understanding of the application of each Party's Sanitary and Phytosanitary Measures (hereinafter referred to as "SPS measures")
- (c) strengthen cooperation between the Parties; and
- (d) facilitate implementation of the principles of the *Agreement on the Application of Sanitary and Phytosanitary Measures* in Annex 1A of the WTO Agreement (hereinafter referred to as "the SPS Agreement").

#### ARTICLE 5.2: SCOPE

This Chapter shall apply to all SPS measures of the Parties, which may, directly or indirectly, affect trade between the Parties.

#### ARTICLE 5.3: DEFINITIONS

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

#### ARTICLE 5.4: AFFIRMATION OF THE SPS AGREEMENT

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

#### ARTICLE 5.5: RISK ASSESSMENT

The Parties shall ensure that their SPS 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 the risk assessment techniques developed by the relevant international organizations.

#### ARTICLE 5.6: HARMONIZATION

1. The Parties shall make their best endeavour to base their SPS 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 *International Plant Protection Convention* (IPPC), the *Codex Alimentarius Commission* (Codex) and the *World Organisation for Animal Health* (OIE).

#### ARTICLE 5.7: REGIONALIZATION

The Parties recognise the principles of regionalisation and its implementation as provided for in Article 6 of the SPS Agreement and the relevant standards and guidelines established by the relevant international organisations.

#### ARTICLE 5.8: EQUIVALENCE

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

#### ARTICLE 5.9: TRANSPARENCY

1. Each Party affirms its commitment to ensure that information regarding proposed new or amended SPS measures is made available in accordance with the notification obligations of the SPS Agreement.
2. Each Party shall make available the full text of its notified SPS measures, in available languages, to the requesting Party within 15 working days after receiving the written request.
3. Each Party shall allow at least 60 days following the notification of its proposed sanitary and phytosanitary measures to WTO for the other Party to present comments 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 5.10: TECHNICAL COOPERATION

1. The Parties agree to explore the opportunity for technical cooperation on SPS issues, with a view to enhancing the mutual understanding of the regulatory systems of the Parties and facilitating access to each other's market.
2. Each Party, on request, shall give due consideration to cooperation in relation to SPS issues.

#### ARTICLE 5.11: 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 General Administration of Quality Supervision, Inspection and Quarantine or its successor; and
  - (b) for Georgia, the Legal Entity of Public Law – National Food Agency.
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, facsimile, email, and any other relevant details.
3. Each Party shall notify the other Party promptly of any change in its contact point or any amendment to the details of the relevant officials.