

# **Law of Georgia On Product and Service Certification**

This law establishes a legal basis for mandatory and voluntary certification of products, services, other objects (hereinafter “the products”) in Georgia and determines rights, obligations and responsibilities of certification participants.

## **Chapter I. General Provisions**

### **Article 1. Main Terms**

The main terms used in this law are as follows:

- a) Product certification (hereinafter referred to as “certification”) - means confirmation of the fact that the product meets requirements of the established standards;
- b) Conformity certificate (further “certificate”) - means a document issued in accordance with the certification rules;
- c) Certification system - means a system which has its own rules of certification and management;
- d) Certification system for similar products - means a certification system which includes a certain type of products and for which the same specific standards and procedures are applied;
- e) Central authority of the certification system - means a certification authority which manages and coordinates operation of a certification system of homogeneous products;
- f) Certification scheme - means the operation of a certification body and sequence in the certification process;
- g) Accreditation - means authorization of certification agencies and official recognition of testing laboratories’ (centres) rights to carry out certification;
- h) Accredited testing laboratory (further “centre”) - means a testing laboratory (centre) authorized to carry out certain tests or a certain type of tests and issue a test protocol for certification;
- i) Certification agency - an enterprise, institution or agency, public association which has a right to carry out certification and issue certificates;
- j) Applicant - a physical or legal entity which applies to a certification agency with a request to carry out certification;
- k) Conformity mark - a mark issued in accordance with the established rules and applied to products to confirm their certification.

### **Article 2. Purposes of Certification**

The purposes of certification are as follows:

- a) to provide conditions for physical and legal entities to conduct their activity at the integral Georgian commodity market and to provide international economic, scientific and technical cooperation and participation in international trade;
  - b) to assist consumers in selecting products;
  - c) to protect consumers from unfair manufacturers (sellers, performers);
  - d) to control safety of products for human life, health, property and environment;
  - e) to certify quality indices of the products declared by the manufacturer.
- Certification may be mandatory and voluntary.

### **Article 3. Relations in Certification Sector**

Relations in the Certification sector shall be regulated by this law and Georgian legislation.

## **Article 4. International Agreements**

If regulations of Georgian legislation do not correspond to those of an international agreement, regulations of the international agreement shall prevail.

## **Article 5. Authority of Georgian State Department of Standardization, Metrology and Certification**

According to this law the Georgian State Department of Standardization, Metrology and Certification (further mentioned as “Sakstandarti”) has the rights and authorities listed below:

- a) to participate in working out of the state certification policy and its enforcement; to establish general certification rules on the territory of Georgia and issue official information on certification;
- b) to register certification systems and conformity marks existing on the territory of Georgia;
- c) to publish official information about certification systems and conformity marks that exist in Georgia and to present them to international certification organizations in accordance with the established rules.
- d) to work out proposals on joining international (regional) certification systems;
- e) to make agreements with international (regional) organizations on mutual recognition and coordination of certification rules;
- f) to represent Georgia in international (regional) organizations acting as the Georgian national certification body;
- g) to carry out certification work.

## **Article 6. Certification System**

The certification system has its own rules of procedure and management to carry out certification.

The certification system is established by state executive bodies and legal entities. It is an aggregate of certification participants who carry out certification in accordance with the rules of their system and this Law.

The certification system may include several systems for certifying homogeneous products.

The certification system may consist of several agencies and a testing laboratory, if they comply with the accreditation rules established by the system.

2. The certification system shall undergo state registration in accordance with the rules established by “Sakstandarti”.

## **Article 7. Certificates and Conformity Marks**

1. The conformity certificate (further - “certificate”) confirms that the certified products meet the requirements of the established standards. Such documents shall be issued in accordance with the certification system rules.

2. The conformity mark confirms that the marked product meets the established requirements. Rules of applying such marks, as well as the state registration rules shall be established by “Sakstandarti”.

# **Chapter II. Mandatory Certification**

## **Article 8. Mandatory Certification**

1. Mandatory certification is carried out in the cases provided for in Georgian legislation.

2. Sakstandarti is responsible for organization and conduct of work in regard of mandatory certification, while other government bodies of executive authorities and legal persons may be assigned the responsibility of certifying specific types of products regardless their ownership form.

3. Sakstandarti or other authorized government bodies of the executive authority work out a scheme of mandatory certification of products taking into consideration the common practice of international organizations and foreign countries.

4. Sakstandarti and government bodies of the executive authorities which are authorized to conduct and organize certification, determine a list of products subject to mandatory certification within their competence.

5. An applicant has a right to demand and receive information on product certification rules from an agency of mandatory certification.

6. It is prohibited to advertise products without a conformity certificate if they are subject to mandatory certification.

## **Article 9. Participants to Mandatory Certification**

Participants to mandatory certification are as follows:

Sakstandarti, government bodies of the executive authority, certification agencies, testing laboratories (centres), legal persons and central authorities of the certification systems which are responsible for organization and coordination of homogeneous products' certification.

Any kind of registered nonprofit organizations, associations and unions have a right to participate in carrying out certification procedures if they are accredited by government bodies of the executive authority.

## **Article 10. Rights and Responsibilities of Government Bodies of the Executive Authority**

Sakstandarti and other authorized government bodies of the executive authority, which according to Georgian legislation are responsible to carry out certification procedures, shall within their competence:

- a) create certification systems for homogeneous products, establish rules of carrying out certification procedures and management;
- b) choose methods of certifying that products meet the requirements of standard documents (certification schemes);
- c) work out rules of accrediting and issuing a license for certification;
- d) accredit certification agencies and testing laboratories and issue licenses to carry out certain types of procedures;
- e) keep a state registrater of certification particiapnts and objects;
- f) draw up the procedure for acknowledging certificates, conformity marks and test results;
- g) exercise state control and supervision, work out the procedure for observing certification rules and inspection control of the certified products;
- h) consider certification appeals;
- i) issue certificates and licenses to use conformity marks;
- j) determine the central authorities of certification systems and their rights and responsibilities.

## **Article 11. Obligations of Certification Authorities**

Certification Authorities shall:

- a) certify products, issue certificates and licenses to use conformity marks;
- b) suspend or annul the issued certificates and immediately notify Sakstandarti and government bodies of the executive authority who are responsible for managing mandatory certification procedures under Georgian legislation;
- c) provides the applicant, at his request, with necessary information within its competence.

## **Article 12. Testing Laboratory (Centre)**

A laboratory, accredited in accordance with the established rules of the certification system, tests certain products and issues test report for certification.

## **Article 13. Manufacturer (Seller, Performer)**

When a product is sold on the territory of Georgia the manufacturer of those products that are subject to mandatory certification shall:

- a) sell the products only after receiving the conformity certificate issued and recognized by an authorized body;
- b) ensure that the product to be sold meets the requirements of standard documents with the conformity of which the product was certified and marked with the conformity mark;
- c) include into the technical documents references of certification and those standard documents, the requirements of which are relevant in respect of this product, provide customers (sellers, performers) with this information;
- d) suspend or stop selling the certified products, if they do not meet the requirements of those standard documents, the requirements of which are obligatory in regard of these products; suspend or stop selling the certified products, if the certificate is outdated, suspended (or annulled) by a decision of a certification agency;
- e) assist the officials of those bodies, which carry out mandatory certification and control the certified products.

The manufacturer (performer) shall immediately notify a certification agency about changes in the technical documents of the certified products or changes in the technological process.

## **Article 14. Conditions of Products Importation**

1. The existence of the conformity certificate or the conformity mark shall be required in contracts (agreements) on goods to be imported to Georgia. If in Georgia the product is subject to mandatory certification, the certificate or the conformity mark shall be issued by the corresponding Georgian authorized body.

2. The certificate or the notice of recognition shall be required together with the customs declaration in order to receive a permission to import products and these documents shall be submitted to the customs officials.

3. The Georgian Department of Customs and Sakstandarti shall determine the rules of importing products subject to mandatory certification in accordance with Georgian legislation.

## **Article 15. Observation of Mandatory Certification Rules, Control and Supervision over Certified Products**

Sakstandarti, specially authorized bodies of the executive authority and other government authorities shall within their competence control and supervise the observation of mandatory certification rules in testing laboratories (centers) and certification agencies.

Other accredited certification agencies shall control and supervise their certified products.

If the certified products do not meet the requirements of the certificate, Sakstandarti and other specially authorized government bodies shall decide upon sanctions to be applied.

If the certified products do not meet the requirements of their certificate, the corresponding certification authorities can suspend or annul the certificate and the conformity mark.

If the product is dangerous for human life or health, Sakstandarti, together with the corresponding authorities, has a right to take measures provided by law.

## **Article 16. Funding of Certification Procedures**

1. The following activity shall be funded from the state budget:

- a) certification development forecasts, working out certification, rules and recommendations; provision of official information on certification;
  - b) participation in the work of international organizations and joint work with national certification agencies of foreign countries;
  - c) working out international certification rules and recommendations and/or participation in such work;
  - d) carrying out scientific research and other work of national importance;
  - e) government control and supervision over the observation of certification rules and quality of the certified products;
  - f) state registration of certification and accrediting; keeping in archives the data about the certification system registration and conformity marks;
  - g) other certification procedures provided for in Georgian legislation.
2. Certification costs shall be covered by the applicant.
- Expenses of an applicant incurred for certification purposes shall be included into the cost price of the product.

### **Chapter III. Voluntary Certification**

#### **Article 17. Voluntary Certification**

Products that according to Georgian legislation are not subject to mandatory certification, or the conformity of which does not require certification according to Georgian legislation, may undergo the voluntary certification procedures at the request of legal persons or citizens, on the basis of an agreement between the applicant and the certification agency.

#### **Article 18. Organization of Voluntary Certification**

Voluntary certification may be carried out by any legal entity which will assume the functions of a certification agency in accordance with the rules established by Sakstandarti will register its certification system and conformity mark and receive the corresponding authorization. Mandatory certification agencies also have a right to carry out voluntary certification in compliance with the above mentioned conditions.

Rules of carrying out certification procedures in the certification system and remuneration shall be established by the voluntary certification agency.

#### **Article 19. Rights of an Applicant**

In making a certification agreement with a voluntary certification agency, an applicant has a right to demand and receive information on the product certification rules and determine a certification scheme.

### **Chapter IV. Responsibility for Violating Certification Legislation**

#### **Article 20. Responsibility for Violating Certification Legislation**

Responsibility for violating certification legislation shall be determined under established procedure.

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