

SANITARY CODE OF GEORGIA

Section 1. General Provisions

CHAPTER I. GENERAL PROVISIONS

Article 1. Scope of Code

1. The present Code regulates the legal relations for provision of the healthy environment as well as the procedure of exercising the state control over observation of the sanitary standards and implementation of the preventive health and sanitary and antiepidemic activities.
2. The Code shall not be applied to the veterinary and phytosanitary control.

Article 2. Georgian Legislation in Provision of Healthy Environment

The Georgian legislation in provision of healthy environment is based on the Constitution of Georgia, international agreements and covenants, the law of Georgia On Public Health and other statutory acts.

Article 3. Aims and Purposes of Law

The aims and purposes of this Law are:

- a) protection of the human right to live in the healthy environment under the Constitution of Georgia ;
- b) development and implementation of health and antiepidemic activities for preventive health care;
- c) creation by the state authorities and natural and/or legal persons of the healthy conditions of labor, life and rest to the population;
- d) protection of the sanitary standards by natural and/or legal persons;
- e) providing the state sanitary control in the country;
- f) hygienic certification of products manufactured and imported in the country as well as of various objects in order to prevent possible harm to the public health;
- g) sanitary protection of the territory of the country;
- h) social and hygienic monitoring;
- i) public awareness in the health issues.

Article 4. Definitions of Terms Used in this Code

The terms used in this Code shall have the following meanings:

- a) *Sanitary standards* – the statutory acts (sanitary rules, sanitary norms, hygienic rates, sanitary regulations, provisions and instructions) approved by the Ministry of Labor, Health and Social Affairs of Georgia (hereinafter the Ministry) which specify the health and sanitary-and-antiepидemic requirements binding upon natural and/or legal persons (regardless of their property, organizational and legal status and subordination).
- b) *Object* – industrial and public buildings and houses and structures, storage and distribution facilities, educational, medical, recreation and other institutions, transport facilities (regardless of kind of their purpose, ownership and subordination).
- c) *Product* – goods for the production and technical purpose which are manufactured, carried, stored and used with the direct participation of a man; goods, food used by the residents for personal and/or everyday purpose (including, ethyl spirit, strong drinks and marketable water product), tobacco, tobacco products and base materials and ingredients for their productions;
- d) *Similar product* – one (and more) listed products manufactured by an enterprise from one and the same base material using similar engineering facilities and equipment, production and manipulation methods; the hygienic standards for content of physical, chemical and/or biological factors established for this product are identical;
- e) *Provision of healthy environment* – control over compliance with the healthy standards and sanitary-and-antiepидemic rules which shall provide the safety of labor, life, rest, food, teaching and upbringing, the radiation and chemical safety, as well as the issues related to the state health and sanitary inspection control on the state boundary;
- f) *Sanitary assessment* – survey, study and examination by a hygienist-physician of draft documentation, object or product in order to establish its conformity with the sanitary standards;
- g) *Hygienic report* – the document certifying conformity or non-conformity of an environmental factor, activity, draft documentation, object or product with the sanitary standards.
- h) *Decreed contingent* – persons whose activity is connected with production, storage, transportation, distribution of food and drinking water, children upbringing and teaching, public health and municipal service;
- i) *Socio-sanitary monitoring* – analysis, assessment and forecast of the environmental and health data to provide the healthy environment for population as well as determination of causal effect between the public health and external factors;
- j) *Sanitary inspection and quarantine* – the state sanitary inspection implemented on the checkpoints of the state boundary, custom zones and other places of custom clearance in compliance with the international health regulations, international conventions and Georgian legislation, in order to bar the import and spread of quarantine and other hazardous infectious diseases and potentially hazardous products and/or cargo into the country;

- k) *Enterprise sanitary classification* – classification of enterprises, buildings and structures by the quality of possible hazardous impact on health implemented by the Ministry of Labor, Health and Social Affairs of Georgia (hereinafter the Ministry);
- l) *Product hygienic certificate* – the document certifying conformity of the product with the sanitary standards established for this product and issued by the state sanitary inspection authority and obligatory for manufacturing, export, import, supply and sale of this product;
- m) *Object hygienic certificate* – the document certifying conformity of the object with the sanitary standards established for this object and issued by the state sanitary inspection authority and obligatory for operation of this object;
- n) *Sanitary certificate* – the document certifying conformity with the sanitary standards of the sanitary conditions of transportation of food products issued by the state sanitary inspection authority to a transport facility for transportation of food products by the transport facility, on the ground of the obligatory hygienic assessment;
- o) *Laboratory (center) accreditation* – the procedure under which the Ministry and the State Department for Standardization, Metrology and Certification of Georgia (hereinafter the Department), or another authority under the Georgian legislation officially recognizes the faculty of a laboratory (center) to carry out the laboratory test or/and research of the product, object, air, water and soil for conformity with the sanitary standards. Such accreditation shall not be extended to any laboratory subordinate to the educational, scientific and research, testing, production or executive institution, which directly does not issue (or does not participate in issue of) a hygienic certificate or hygienic report;
- p) *Potentially hazardous product and/or cargo* – product and/or cargo containing physical, chemical and/or biological factors which impact or may impact on health and life of a man, future generations. The safety of potentially hazardous product and/or cargo shall be ensured by the hygienic rating and compliance with the sanitary standards of those factors which it contains.

CHAPTER II. RIGHTS AND OBLIGATIONS OF NATURAL OR/AND LEGAL PERSON IN PROVISION OF HEALTHY ENVIRONMENT

Article 5. Rights of Natural or/and Legal Person

A natural or/and legal person shall have the following rights in provision of healthy environment:

- a) to obtain from a state authority the information about the state of health and epidemiologic situation, possible impact of external factors on public health and applicable sanitary standards;
- b) to take part in the development and consideration of decision-making and programs of the state authorities in order to provide the healthy environment.

Article 6. Obligations of Natural or/and Legal Person

A natural or/and legal person shall undertake the following obligations in provision of healthy environment:

- a) to comply with the sanitary standards in his activity;
- b) to develop and implement the preventive sanitary inspection and health activities aimed at prevention and liquidation of the occurrence and spread of environmental pollution, infectious and mass nontransmitting diseases and poisoning, improvement of labor conditions for employees;
- c) to provide the respective state authority with the information about an emergency or production and engineering process which has caused or could cause infringement of sanitary standards;
- d) at the request of the state sanitary inspection authority to provide to it the information required for performance of its controlling functions.

Section II. State Administration in Provision of Healthy Environment

**CHAPTER III. STATE ADMINISTRATION IN PROVISION OF
HEALTHY ENVIRONMENT**

Article 7. State Administration in Provision of Healthy Environment

1. The unified state system for carrying out the unified state policy in provision of healthy environment aims to create the healthy environment through implementation of the preventive health and antiepidemic activities.
2. The state administration in provision of healthy environment is executed by the Ministry as well as by the Health Ministries of Abkhazia and Adjara Autonomous Republics and local self-government and administration bodies within their terms of reference.

Article 8. Capacity of Ministry in Provision of Healthy Environment

1. The capacity of the Ministry in provision of healthy environment covers the following:
 - a) determination of priorities in the activity;
 - b) state sanitary inspection and health standard setting;
 - c) organization of research work, approval of scientific programs and their funding within the limits of the public health programs;
 - d) organization and administration of the state sanitary inspection;
 - e) implementation of state sanitary inspection;

- f) organization and implementation of measures for prevention of infectious and mass nontransmitting diseases and poisoning;
 - g) organization of socio-sanitary monitoring which procedure shall be determined under the Ordinance of the President of Georgia;
 - h) sanitary protection of the territory of Georgia, implementation of sanitary inspection and quarantine on the state boundary under the procedure established by the Georgian legislation;
 - i) accreditation of laboratory (center) under the procedure established by the Ministry and Department;
 - j) coordination of activity of the sanitary-and-antiepidemic services of other ministries and departments in the issues related to provision of healthy environment;
 - k) development of programs for the public awareness in health and sanitary inspection matters;
 - l) performance of other functions provided by the Georgian legislation.
2. The Ministry is entitled to delegate some functions referred to its capacity to local self-government and administration authorities under the procedure established by this Code.
 3. The following functions are delegated to local self-government and administration authorities:
 - a) control over compliance with the sanitary standards by a natural or/and legal person, as well as over implementation of the preventive health and antiepidemic activities;
 - b) detection of the causes and conditions of occurrence and spread of infectious and mass nontransmitting diseases and poisoning, control over implementation of the health and sanitary-and-antiepidemic activities aimed at prophylaxis of those diseases and poisoning;
 - c) examination of the design documentation of object construction (reconstruction) and providing hygienic report thereof under the rule established by the Georgian legislation;
 - d) hygienic certification of an object;
 - e) laboratory testing and research of product as well as air, water and soil and assessment of their possible impact on health;
 - f) hygienic assessment of the transport facility carrying food products and issuing sanitary certificate;
 - g) development of preventive health and antiepidemic activities providing healthy environment, issue of notices and reports;
 - h) taking measures for responsibility of natural or/and legal persons who infringe sanitary standards as provided under the Georgian legislation.
 4. The methodic administration and supervision over exercise of powers delegated to local self-government and administration authorities shall be implemented by the Ministry.

Article 9. Capacity of Councils of Ministers of Abkhazia and Adjara Autonomous Republics in Provision of Healthy Environment

The capacity of Councils of Ministers of Abkhazia and Adjara Autonomous Republics covers:

- a) planning and implementation of local activities based on the unified national program for provision of healthy environment;
- b) fulfillment and security of the sanitary standards under the procedure established by this Code;
- c) development and financing of programs for introduction of the scientific and technical advances in prophylaxis of diseases, liquidation of natural and man-caused disasters, results of infectious and mass nontransmitting diseases and poisoning as well as in provision of healthy environment;
- d) establishment of special conditions of life and labor of population aimed at prevention and liquidation of spread of infectious and mass nontransmitting diseases and poisoning;
- e) providing information about the sanitary inspection and epidemiologic situation to the population;
- f) carrying out the socio-sanitary monitoring;
- g) development of public awareness programs in sanitary inspection and health issues.

Article 10. Capacity of Local Self-government and Administration Authorities in Provision of Healthy Environment

1. Local self-government and administration authorities shall have the following right to solve the matters of provision of healthy environment on the subordinate territories:
 - a) to request from other bodies of the state authority, natural and/or legal persons the information about the sanitary inspection and epidemiologic situation, possible impact of external factors on health, as well as on those plans and reports implementation of which can impact on health of population;
 - b) to take part in consideration of those activities, programs, general layouts and other long-term projects which implementation is related to the possible impact of external factors on health of population.
2. Local self-government and administration authorities for solution of matters in provision of healthy environment within their capacity shall:
 - a) protect human rights in provision of healthy environment;
 - b) develop and approve the plans of preventive health and sanitary inspection and antiepidemic activities, organize and coordinate their implementation, ensure performance of the disease prevention programs;

- c) ensure development and implementation of the activities aimed at the rise of the public awareness in health and sanitary inspection issues;
- d) ensure compliance by natural and/or legal persons with the sanitary standards and implementation of preventive sanitary inspection and antiepidemic activities;
- e) provide sanitary purification, planting of greenery and development of the territories of populated areas in compliance with the sanitary standards;
- f) in case of increase in the rate of infectious and mass nontransmitting diseases and poisoning make reports on implementation (cancellation) of security measures;
- g) carry out the socio-sanitary monitoring;
- h) arrange and coordinate the activities aimed at liquidation of infectious and mass nontransmitting diseases and poisoning.

Article 11. State Sanitary Inspection

1. The state sanitary inspection is the activity aimed at provision of healthy environment, which includes the measures for prevention, detection and eradication of sanitary standards.
2. The state sanitary inspection provides:
 - a) control over the compliance with the sanitary standards by natural or/and legal person as well as over implementation of preventive sanitary inspection and antiepidemic activities;
 - b) detection of causes and conditions of occurrence and spread of infectious and mass nontransmitting diseases and poisoning, control over implementation of the sanitary inspection and antiepidemic activities aimed at prophylaxis of those diseases and poisoning;
 - c) development of activities for provision of healthy environment and providing hygienic reports;
 - d) hygienic assessment of draft statutory and technical documentations, objects and products;
 - e) hygienic certification of objects and products;
 - f) implementation of sanitary inspection and quarantine control on the state boundary;
 - g) taking measures for responsibility of natural and/or legal persons who infringe sanitary standards as provided under the Georgian legislation.

Article 12. Departmental Sanitary Inspection

The department sanitary inspection is implemented by the sanitary-and-antiepidemic services of the Ministry and departments. The activity and responsibilities of those services shall be determined in the regulations agreed upon with the Ministry.

CHAPTER IV. INSTITUTIONAL MANAGEMENT OF PROVISION OF HEALTHY ENVIRONMENT

Article 13. State Sanitary Inspection Institutions

1. To provide the state sanitary inspection it is established, subject to the Law of Georgia On Legal Person under the Public Law and by the Minister's administrative act, a legal persons of public law - the State Sanitary Supervision Inspection of the Ministry of Labor, Health and Social Affairs of Georgia shall be set up and state control over its performance shall be provided by the Ministry. *(25.06.2004, N250)*
2. The functions and responsibilities of the State Sanitary Supervision Inspection of the Ministry of Labor, Health and Social Affairs of Georgia shall be provided by this Code as well as the statute thereof that shall be approved by the Ministry. *(25.06.2004, N250)*
3. The State Sanitary Supervision Inspection of the Ministry of Labor, Health and Social Affairs of Georgia shall be directed by the Head of Inspection. *(25.06.2004, N250)*
4. The competence of the State Sanitary Supervision Inspection of the Ministry of Labor, Health and Social Affairs of Georgia in the sphere of providing state sanitation supervision includes:
 - a) the control over compliance with the sanitary standards by a natural and/or legal person and implementation of the preventive health and antiepidemic activities on the territory of Georgia;
 - b) hygienic certification of products, including chemical and biological substances and agents, physical factors generating facilities, equipment, other industrial and consumer products and issue of product hygienic certificate (other than chemical and biological substances and agents which have passed state registration on the basis of the toxicological and hygienic expertise);
 - c) providing hygienic report on the drafts of regulatory and technical documents on the products, services, production process, equipment, device and instruments;
 - d) providing hygienic report on the designs and general layouts of planning and development of an inhabited area and resort;
 - e) providing hygienic report on the designs of sanitary protection zone of the resort and recreation place as well as the sea water use area;
 - f) providing hygienic report on the water objects selected for the centralized drinking and industrial water supply of an inhabited area and resort;
 - g) providing hygienic report on the projects of construction (reconstruction) of centralized drinking and industrial water supply of an inhabited area and resort as well as on the projects of the sanitary protection zones of water supply sources;

- h) providing hygienic report on the projects of construction (reconstruction) of sewage systems of an inhabited area and resort as well as on the conditions of discharge of sewage water into the surface water object;
- i) control over compliance with the sanitary standards and implementation of the preventive health and antiepidemic activities within operation of the sewage systems of an inhabited area and resort;
- j) control over compliance with the conditions of discharge of the sewage water into the surface water objects (or diversion of water from those objects) and with the sanitary standards of water object;
- k) providing hygienic report on the design technical documentation of construction (reconstruction) of enterprises attributed to I, II and III class under the sanitary classification, nuclear, radioactive and radio objects, other physical factors generating objects as well as object with the estimated value of 1 million Lari and more;
- l) hygienic certification of enterprises attributed to I, II and III class under the sanitary classification, radio objects and other physical factors generating objects and issue of hygienic certificates for the objects as well as control over the compliance with the sanitary standards of arrangement and maintenance of those objects and implementation of the preventive health and antiepidemic activities;
- m) hygienic certification of nuclear and radioactive objects, issue of object hygienic certificate and health certificate;
- n) providing report on the conditions of production, transportation, storage, processing, neutralization and disposal of hazardous chemical substances as well as control over compliance with the sanitary standards, state registration of the hazardous chemical substances and keeping the unified state register;
- o) providing hygienic report on the conditions of exploration, development, preparation, production, export, import, use and disposal of radioactive substances and other sources of ionizing radiation as well as control over compliance with the sanitary standards thereof;
- p) providing hygienic report on the conditions of use of the electromagnetic radiation sources as well as control over compliance with the sanitary standards thereof;
- q) providing hygienic report on the programs, methods and mode of upbringing, teaching and training, visual aids and manuals as well as control over compliance with the sanitary standards thereof;
- r) providing of hygienic report on the draft rates of maximum permissible emission of harmful substances into air and water use conditions, control over compliance with the health requirements established by those draft rates and water use conditions;
- s) consideration on compliance of the methods and conditions of processing, neutralization, disposal and burial of garbage, industrial and agricultural wastes with the sanitary standards and providing hygienic report;

- t) providing hygienic report on pesticides and agrochemicals, control over compliance with the sanitary standards during their use, storage and transportation;
- u) detection of causes and conditions of occurrence and spread of infectious and mass nontransmitting diseases and poisoning, control over implementation of health and sanitary and antiepidemic activities for prophylaxis of those diseases and poisoning;
- v) taking sample of the product under the procedure established by the Georgian legislation for the laboratory testing and research, consideration on compliance of the product with the sanitary standards and providing hygienic report;
- w) taking sample of drinking and industrial water of water supply sources, water objects intended for washing, sport and public recreation and treatment purpose and of coastal strip waters, as well as taking sample of soil and air for laboratory testing and research, consideration on conformity of water, soil and air with the sanitary standards and providing hygienic report;
- x) at the request of a natural person or/and under his/her consent examination of his/her dwelling and providing hygienic report on the housing conditions;
- y) application of administrative responsibility measures to a natural or/and legal person as well as to an official infringing the sanitary standards;
- z) keeping correspondence on implementation of extra preventive health and sanitary and antiepidemic activities for provision of healthy environment and on eradication of the detected facts of infringement of the sanitary standards;
- aa) Submitting to the customs authority an opinion on its consent with respect to the movement of potentially hazardous products pr/and cargo or on temporary suspension or prevention of export, import and transit of the products or/and cargo with regard to which sanitary-quarantine control has established that their movement will present a threat of spread of infectious and mass non-contagious diseases (poisoning);
- ab) Registration of the passengers and crew of the transport vehicle arriving from a country unfavourable in terms of quarantine or other dangerous infectious diseases;
- ac) To limit and prevent the spread of quarantined and other dangerous infectious diseases, limiting or temporarily prohibiting the movement of the person (group of persons) who is a source of spread of infectious diseases from an epidemic standpoint;
- ad) arrangement for and implementation of disinfecting, insecticidal and deratizing works on a transport (air, sea) vehicle arriving from a country unfavourable in terms of quarantine and other dangerous infectious diseases (other than veterinary and phytosanitary diseases);
- ae) By request or consent of the customs authority, as need be, taking product samples for laboratory test and analysis, assessing the product against sanitary standards and issuing a hygienic opinion;
- af) Considering the documents accompanying potentially hazardous products or/and cargo which were submitted by the customs authority in connection with export, import and transit

and conducting a hygienic assessment towards making a decision on movement of such products or/and cargo;

ag) Control over the observance of sanitary standards and issuing a sanitary passport in connection with the carriage of food products in transport vehicles.

ag¹) By request or/and consent of a natural person, examining his dwelling place and issuing a hygienic opinion on living standards;

ag²) Application of the measures of administrative responsibility against the natural or/and legal person violating sanitary standards;

ag³) Keeping correspondence on the measures taken additional prophylactic sanitary-hygienic and sanitary-epidemiological measures towards providing for the environment safe for human health and on elimination of violations of sanitary standards;

ag⁴) Application of measures to prevent violation of sanitary standards. (25.06.2005, N250)

5. Deleted. (25.06.2005, N250)

6. To provide the state sanitation in Abkhazia and Adjara Autonomous Republics subject to the Georgian legislation are established State Sanitary Inspection of Abkhazia Autonomous Republic and State Sanitary Inspection of Adjara Autonomous Republic the capacity of which covers:

a) providing control over conformity of products, including chemical and biological substances and agents, physical factors generating facilities, equipment, other industrial and consumer products with the sanitary standards;

b) providing hygienic report on planning of the inhabited areas and resorts and designs and general layouts of development, control over observation of the sanitary standards on the construction site and over implementation of the preventive health and antiepidemic activities during their realization;

c) providing hygienic report on the design of resorts and resort places as well as sanitary protection zone of the coastal sea area, control over observation of the sanitary standards and over implementation of the preventive health and antiepidemic activities during their realization;

d) hygienic assessment of water objects selected for the centralized drinking and industrial water supply of the city and resort;

e) providing hygienic report on the projects of construction (reconstruction) of the centralized drinking and industrial water supply systems of the city and resort as well as sanitary protection zones of the water supply sources, observation of the sanitary standards on the construction site and over implementation of the preventive health and antiepidemic activities during realization of these projects;

f) hygienic certification of the newly built (reconstructed) centralized drinking and industrial water supply systems of an inhabited area and resort after their commissioning and providing hygienic certificates to objects;

- g) control over observation of the sanitary standards and implementation of the preventive health and antiepidemic activities within operation of the centralized drinking and industrial water supply systems of the inhabited locality and resort;
- h) providing hygienic report on the projects of construction (reconstruction) of sewage systems of a city and resort as well as on the conditions of discharge of sewage water into the surface water objects; control over compliance with the sanitary standards and implementation of the preventive health and antiepidemic activities within realization of those projects;
- i) hygienic certification of the newly built (reconstructed) centralized sewage systems of an inhabited locality and resort after their commissioning and providing hygienic certificates to objects;
- j) control over compliance with the sanitary standards and implementation of the preventive health and antiepidemic activities within operation of the sewage systems of an inhabited locality and resort;
- k) control over compliance with the conditions of discharge of the sewage water into the surface water objects (or diversion of water from those objects) and with the sanitary standards of water object;
- l) providing hygienic report on the design technical documentation of construction (reconstruction) of enterprises attributed to III and IV class under the sanitary classification, as well as of an object with the estimated value under 1 million Lari;
- m) hygienic certification of enterprises attributed to III and IV classes under the sanitary classification, hygienic certification of other objects of local importance and issue of hygienic certificates for the objects as well as control over the compliance with the sanitary standards of arrangement and maintenance of those objects and implementation of the preventive health and antiepidemic activities;
- n) control over compliance with the sanitary standards of production, transportation, storage, use, processing, neutralization and disposal of hazardous chemical substances;
- o) control over compliance with the sanitary standards within exploration, development, preparation, production, export, import, use and disposal of radioactive substances and other sources of ionizing radiation;
- p) providing hygienic report on the projects of general plans of purification of city and resort as well as hygienic assessment of methods of processing, neutralization, burial and disposal of garbage, industrial and agricultural wastes;
- q) control over compliance with the sanitary standards within implementation of general plans of purification of city and resort as well as processing, neutralization, burial and disposal of garbage, industrial and agricultural wastes;
- r) control over compliance with the sanitary standards within implementation or/and introduction of programs, methods and mode of upbringing, teaching and training, visual aids and manuals;

- s) control over compliance with the health requirements established by the draft rates of maximum permissible emission of harmful substances into air and water use conditions;
 - t) control over compliance with the sanitary standards during use, storage and transportation of pesticides and agrochemicals;
 - u) detection of causes and conditions of occurrence and spread of infectious and mass nontransmitting diseases and poisoning, control over implementation of health and sanitary and antiepidemic activities for prophylaxis of those diseases and poisoning;
 - v) taking sample of the product under the procedure established by the Georgian legislation for the laboratory testing and research, consideration on compliance of the product with the sanitary standards and providing hygienic report;
 - w) laboratory testing and research of drinking and industrial water of water supply sources, of water objects intended for washing, sport, public recreation and treatment purposes and of coastal strip waters, as well as of soil and air to provide the control on conformity with the sanitary standards;
 - x) hygienic assessment of a transport facility carrying food products and providing sanitary certificate;
 - y) at request of a natural person or/and under his/her consent examination of his/her dwelling and providing hygienic report on the housing conditions;
 - z) application of administrative responsibility measures to a natural or/and legal person as well as to an official, infringing the sanitary standards;
 - aa) keeping correspondence on implementation of extra preventive health and sanitary and antiepidemic activities for provision of healthy environment and on eradication of detected facts of infringement of the sanitary standards;
 - bb) application of measures for eradication of infringements of sanitary standards.
7. To perform the functions delegated by the Ministry in cities and regions subject to the Organic Law of Georgia On Local Self-government and Administration of Georgia are established municipal and regional state sanitary inspections, the methodic administration and control of which is provided by the Ministry through the Central State Sanitary Inspection under the Ministry of Labor, Health and Social Affairs of Georgia.
 8. The activity of municipal and regional state sanitary inspections is specified by the present Code and statutes approved and agreed upon with the Ministry.
 9. The capacity of municipal and regional state sanitary inspections in implementation of the state sanitation covers:
 - a) control over observation of the sanitary standards and over implementation of the preventive health and sanitary and antiepidemic activities during realization of designs and general layouts of planning and development of the inhabited localities and resorts;
 - b) control over compliance with the sanitary standards and over implementation of the preventive health and antiepidemic activities in resorts and resort places as well as in the sanitary protection zone of the coastal sea area;

- c) control over observation of the sanitary standards and over implementation of the preventive health and antiepidemic activities during construction (reconstruction) of the centralized drinking and industrial water supply systems of an inhabited locality and resort and after their commissioning their hygienic certification and providing hygienic certificate to the object;
- d) control over observation of the sanitary standards and implementation of preventive health and sanitary and antiepidemic activities during operation of the drinking and industrial water supply systems of an inhabited locality and resort as well as the state sanitary control over the quality of the water supply sources and drinking water;
- e) control over observation of the sanitary standards of arrangement and maintenance of the public use well and spring intended for local water supply and over the quality of water;
- f) control over observation of the sanitary standards and implementation of the preventive health and sanitary and antiepidemic activities during construction (reconstruction) of the sewage systems of an inhabited area and resort and their hygienic certification and providing hygienic certificate to the object after their commissioning;
- g) control over observation of the sanitary standards and implementation of the preventive health and sanitary and antiepidemic activities during operation of the sewage systems of an inhabited area and resort as well as control over conformity with the sanitary standards of the conditions of discharge of sewage water into the surface water object (or diversion of water from the object) and of the water object;
- h) providing hygienic report on the design and technical documentation of construction (reconstruction) of enterprises attributed to IV and V class under the sanitary classification and objects of local (municipal, regional) importance;
- i) hygienic certification of enterprises attributed to IV and V class under the sanitary classification and other objects of local (municipal, regional) importance and providing hygienic certificate to the object as well as the control over observation of the sanitary standards of arrangement and maintenance of those objects and implementation of preventive health and sanitary and antiepidemic activities;
- j) providing hygienic report on the projects of general purification plans of inhabited area and resort, control over observation of the sanitary standards during sanitary purification of territories of inhabited area and resort and processing, neutralization, disposal and burial of garbage, industrial and agricultural wastes;
- k) control over observation of the sanitary standards during production, transportation, storage, use, processing, neutralization and disposal of hazardous chemical substances;
- l) control over observation of the sanitary standards during exploration, development, preparation, production, use and disposal of radioactive substances and other sources of ionizing radiation;
- m) control over observation of the sanitary standards during use, storage and transportation of pesticides and agrochemicals;

- n) control over observation of the sanitary standards during the implementation or/and introduction of upbringing, teaching and training programs, methods and regimes, use of visual aids and manuals;
 - o) control over meeting the health requirements established under the drafts of maximum permissible emissions of hazardous substances into air and those established under the water use conditions;
 - p) detection of causes and conditions of occurrence and spread of infectious and mass nontransmitting diseases and poisoning, control over implementation of the health and sanitary and antiepidemic activities for prevention of those diseases and poisoning;
 - q) taking sample of product under the procedure established by the Georgian legislation for its laboratory testing and research, control over conformity of this product with the sanitary standards;
 - r) laboratory testing and research of drinking and industrial water from water supply sources, water from water objects intended for washing, sport, recreation and treatment purpose and from coastal strip water as well as of soil and air to provide the control over their conformity with the sanitary standards;
 - s) hygienic assessment of transport facility carrying food products and providing sanitary certificate;
 - t) at request of a natural person or under his/her consent examination of his/her dwelling and providing hygienic report on the housing conditions thereof;
 - u) application of the administrative responsibility measures to a natural or/and legal person or an official who is infringing sanitary standards;
 - v) keeping correspondence on implementation of the preventive health and sanitary and antiepidemic activities for provision of healthy environment and eradication of the detected facts of infringement of sanitary standards ;
 - w) application of measures for eradication of facts of infringement of sanitary standards.
10. The competence of state sanitary inspection of Tbilisi and the city which is not included in composition of a region, also covers in implementation of the state sanitary control, in addition to the functions listed in paragraph 9 of this Article, the control over conformity of the chemical and biological substances and agents, physical factors generating facilities, equipment, other industrial and consumer products with the sanitary standards.

Article 14. Appointment and Release of an Official Who Performs State Sanitary Inspection

1. The heads (deputy heads) of the State Sanitary Supervision Inspection of the Ministry of Labor, Health and Social Affairs of Georgia shall be appointed and released by the Minister. (25.06.2005, N250)
2. The heads (deputy heads) of Republican State Sanitary Inspections under the Health Ministries of Abkhazia and Adjara Autonomous republics shall be appointed and

released by health ministers of Abkhazia and Adjara Autonomous Republics in coordination with the Minister.

3. The heads (deputy heads) of municipal and regional state sanitary inspections shall be appointed and released by gamgebeli (mayor) under nomination of the Minister.
4. The status of the chief health officer (deputy chief health officer) of Georgia, Abkhazia and Adjara Autonomous Republics, of a city and region shall be granted by the Minister.
5. In case of necessity, the Minister is entitled to grant under the special regulatory act, the status of the chief health officer (deputy chief health officer) of an administrative territory to the head (deputy head) of the state sanitary inspection of a city or region.

Article 15. Funding of State Sanitary Inspection Institution

The source of funding of the state sanitary inspection institution is the assignments from the central and local budgets of Georgia and other income allowed under the Georgian legislation.

CHAPTER V. RIGHTS AND OBLIGATIONS OF A PERSON WHO EXERCISES SITE SANITARY INSPECTION

Article 16. Rights and Obligations of a Person Exercising State Sanitary Inspection

1. A person who exercises the state sanitary inspection shall undertake the following obligations within his/her terms of office:
 - a) to provide timely and fully the control over compliance with the sanitary standards and implementation of preventive health and sanitary and antiepidemic activities by a natural or/and legal person;
 - b) to provide the hygienic report to a natural or/and legal person;
 - c) to provide the hygienic assessment of the product manufactured and imported in the country as well as the object;
 - d) to take part in the monitoring of occurrence and spread of occupational, infectious and mass nontransmitting diseases and poisoning and in the implementation of activities of their liquidation;
 - e) to participate in development and (if need be) implementation of the radioactive safety activities;
 - f) to provide control over the hygienic training of the decreed contingent.

2. A person who exercises the state sanitary inspection shall have the following rights within his/her terms of office:
 - a) to have access to the inspected object for supervision over the compliance with the sanitary standards and control over the preventive health and sanitary and antiepidemic activities under the procedure established by the Georgian legislation;
 - b) to demand eradication of infringement of the sanitary standards and implementation of the preventive health and sanitary and antiepidemic activities from a natural or/and legal person indicating the terms thereof;
 - c) to obtain from a state authority body, natural or/and legal person the information required for performance of his/her controlling function;
 - d) to take sample of a product, air, water and soil for the laboratory testing and research and hygienic assessment under the procedure established by this Code and in some cases – free of charge;
 - e) to exercise the sanitary and quarantine control of a transport facility, potentially hazardous product or/and cargo at the state boundary checkpoints, custom zones and other places of custom clearance;
 - f) to detect and establish the causes and conditions of occurrence and spread of occupational diseases, infectious and mass nontransmitting diseases and poisoning;
 - g) in case of infringement of sanitary standards to draw up a protocol under the procedure established by the Code of Administrative Offences of Georgia;
 - h) to rise before a respective head of the institution the question on the temporary removal of those persons attributed to the decreed contingent who have not passed the obligatory medical examination or who are causative agent carriers;
 - i) to make report on conduct of disinfecting, disinsecting and deratization.

Article 17. Rights of Chief Health Officer (Deputy Chief Health Officer) of Georgia, Abkhazia and Adjara Autonomous Republics, Administrative Territory, City and Region

1. The chief health officer of a city and region shall have the following rights in addition to those determined in Article 16 above, within the terms of his/her office:
 - a) to provide the hygienic report on conformity of an object, product, air, water, soil as dwelling with the sanitary standards;
 - b) to provide hygienic report on the design technical documentation of construction of the object;
 - c) to provide the hygienic certificate to an object;
 - d) to provide the sanitary certificate to a transport facility carrying food products;
 - e) to summon a natural or/and legal person as well as an official to a state sanitary inspection institution in connection with the facts of infringement of sanitary standards;

- f) in the cases provided by the Code of Administrative Offences of Georgia to consider an administrative offence;
 - g) to apply the administrative responsibility measure;
 - h) to revoke or suspend the hygienic certificate.
2. The chief health officer (deputy health officer) of Abkhazia and Adjara Autonomous Republics, of Tbilisi and administrative territory shall have the following rights in addition to those determined in paragraph 1 above, within the terms of his/her office:
- a) to introduce a motion to the state authorities on prohibition of use of some territories for production activity or/and life or on introduction of the special regime of production activity or/and life in some territories, if those territories are hazardous for health;
 - b) to consider and provide hygienic report on the detail design (contractor design) and shop drawing of construction of an object in case of non-availability of sanitary standards thereof;
 - c) to provide hygienic report on the projects of planning and development of built-up area of a town type and village;
 - d) to provide hygienic report on the conditions of diversion of water from surface and underground water objects as well as of discharge of sewage waters into surface water;
 - e) to consider and, in case of necessity, to reverse the report, protocol and opinion made by the chief health officer of a city (region).
3. The Chief Health Officer (Deputy Chief Health Officer) of Georgia shall have the following rights in addition to those provided in paragraphs 1 and 2 above:
- a) to establish the territory where habitation and business threats life and health;
 - b) to provide the hygienic certificate to a product;
 - c) to provide hygienic report:
 - i. on the projects and general layouts of city and resort planning and development;
 - ii. on conformity of drafts of the design standards, national standards, building code, labor protection rules, environmental rules, educational standards and curricula with the sanitary standards;
 - iii. on the drafts of regulatory and technical documentation of new products, services, production process, equipment, tools and instruments;
 - iv. on manufacturing (introduction), export and import of new product;
 - v. on production, use, import, export and transit of hazardous chemicals;
 - vi. on exploration, development, preparation, production, import, export, disposal and burial of radioactive substances and other sources of ionizing radiation.
 - d) to consider and, in case of necessity, to reverse reports, protocols and opinions made by the chief health officers of Abkhazia and Adjara Autonomous Republics, administrative territory, city and region.

Article 18. Restraints in Case of Infringement of Sanitary Standards

1. To restrain infringement of the sanitary standards the chief health officer (deputy chief health officer) shall have the right to perform the following actions under an order, notice or opinion made:
 - a) to ban or stop till eradication of infringement of the sanitary standards or till hygienic certification the operation of the object as well as the production activity;
 - b) to motion the court on suspension of construction operations on a building (structure);
 - c) to ban production, import, export, supply and sale of product, equipment and machines, if they have not passed hygienic certification;
 - d) to ban use of water object for drinking and industrial water supply, washing, sport, recreation and treatment purpose, if it does not conform to the sanitary standards and threatens health;
 - e) to apply to the custom authority for temporary stop or ban on movement of product or/and cargo potentially hazardous for health, in the frontier or the custom zone of the country, if they it does not obtain the hygienic certificate, does not meet the sanitary standards and endangers health;
 - f) to restrict or temporarily ban movement in the frontier or in the custom zone or a person (a group of persons) who is the source of epidemic spread of quarantine disease and other hazardous infectious diseases.
2. The restraints in case of infringement of sanitary standards provided by items “a” and “c” of paragraph 1 of this Article are exercised through sealing of the power source, industrial premises, storage of raw material (product), machine and equipment and transport facility.
3. The responsibility for the intentional damage of the seal shall be determined under the procedure established by the Code of Administrative Offences of Georgia.
4. The Chief Health Officer (Deputy Chief Health Officer) of Georgia shall have the right to motion the court on the temporarily termination of activity and attachment of current accounts of a natural or/and legal person.

Article 19. Hygienic Certification of Object

1. To provide healthy environment, an object shall be subject to the obligatory hygienic certification, except the houses and transit transport facilities not registered in Georgia.
2. The hygienic certification of object is exercised and the hygienic certificate to the object shall be provided by the state sanitary inspection institution under the procedure established by this Code and the Ministry.
3. The hygienic certificate of object will be provided for the unlimited term.
4. The hygienic certificate of the object is the obligatory condition for object operation.

Article 20. Hygienic Certification of Product

1. The obligatory certification of product is exercised to prevent the impact of a product on the health. Based upon the obligatory certification of the product will be issued the hygienic certificate to the product.
2. The hygienic certification of product is exercised and the hygienic certificate to the product shall be provided by the state sanitary inspection institution under the procedure established by this Code and the Ministry.
3. The similar product will be issued one certificate.
4. The list of products subject to hygienic certification is determined by this Code.
5. The product intended for the research purpose shall not be subject to the hygienic certification.

Section III. Special Part

**CHAPTER VI. GENERAL REQUIREMENTS FOR PROVISION OF
HEALTHY ENVIRONMENT**

Article 21. Health Requirements for Planning and Development of Inhabited Locality and Resort

1. The design technical documentation of construction (reconstruction) of an inhabited locality, resort and object shall be agreed upon with the state sanitary inspection institution under the procedure established by the Georgian legislation.
2. A natural or/and legal person responsible for construction (reconstruction) of the object in case of infringement of sanitary standards (or failure to meet those standards) shall suspend or stop the construction operations and their funding or/and crediting.
3. A newly-constructed (reconstructed, upgraded and modified) object shall be commissioned in compliance with the sanitary standards.

Article 22. Health Requirements for Normative Documentation on Product

1. The draft normative documentation on product is subject to hygienic assessment.
2. The hygienic assessment of normative documentation of product is exercised by the state sanitary inspection institution under the procedure established by this Code and the Ministry.
3. A natural or/and legal person responsible for manufacturing of product shall suspend or stop manufacturing, supply and sale of the product which normative documentation has not been agreed upon with the state sanitary inspection institution.

Article 23. Health Requirements for Object Operation

1. A natural or/and legal person shall ensure maintenance and operation of subordinate object, its separate buildings, premises, structures, equipment, installations, engineering and transport facilities in compliance with the sanitary standards.
2. A natural or/and legal person shall stop operation of the object (a shop, site etc.) which operates out of the sanitary standards or/and which has not passed the hygienic certification.

Article 24. Health Requirements for Production, Import, Export, Transit, Supply, Sale, Transportation, Storage, Disposal and Use of Chemical and Biological Substances

1. A natural or/and legal person shall comply with the sanitary standards and meet other requirements provided by normative acts during production, import, export, transit, supply, sale, transportation, storage, disposal and use of chemical and biological substances.
2. The chemical and biological substances and agents produced on the territory of Georgia (other than chemical and biological substances and agents registered under the toxicological and hygienic expertise) are subject to the obligatory hygienic certification.
3. A natural or/and legal person shall stop production, import, export, transit, supply, sale, transportation, storage, disposal and use of those chemical and biological substances which do not comply with the sanitary standards or/and which have not passed the hygienic certification (other than chemical and biological substances and agents registered under the toxicological and hygienic expertise).

Article 25. Health Requirements for a House

A house shall meet the sanitary standards by its space, design, lighting, insulation, ventilation as well as by the noise, vibration levels and level of ionizing and nonionizing radiation.

Article 26. Health Requirements for Provision of Public Radioactive Safety

1. To provide the radioactive safety a natural or/and legal person shall ensure hygienic certification and obtaining of sanitary and hygienic certificate of objects with presence of sources of radioactive substances and other sources of ionizing radiation (laboratory, ward, X-ray room etc.) at the state sanitary inspection institution authorized by the Ministry.
2. Without the favorable hygienic opinion, exploration, development, production, preparation, import, export, disposal and use of radioactive substances and other sources of ionizing radiation is prohibited.
3. A natural or/and legal person shall stop operation of the object with presence of sources of radioactive substances and other sources of ionizing radiation (laboratory, ward, X-ray room etc.), which has not passed the hygienic certification and shall stop use of sources of

radioactive substances and other sources of ionizing radiation, if the radiation safety norms are infringed and health is endangered.

4. The relations in provision of nuclear and radiation safety are regulated under the procedure established by the Georgian legislation.

Article 27. Health Requirements to Prevent Deleterious Effect of Physical Factors on Public Health

1. A natural or/and legal person whose activity is related to generation of physical factors (noise, vibration, electromagnetic radiation and other biologically active physical factors) shall comply with sanitary standards as well as shall implement activities for elimination of the physical factors at the production and public buildings and houses and on the living territory of inhabited locality or for reduction of the rate of their intensity to the hygienic standard.
2. Production, import, export and operation of equipment and other industrial and consumer product is allowed only in case of hygienic certification.
3. A natural or/and legal person shall stop operation of the object (transport facility, other industrial and consumer equipment and appliance) which exceeds the permissible limit of intensity of physical factors at houses and production and public buildings as well as on the living territory of inhabited locality.

Article 28. Health Requirements for Water Objects and Drinking and Industrial Water Supply

1. A water object which is used for drinking and industrial water supply, washing, sport, recreation and treatment purpose shall not exert deleterious effect on health.
2. Use of a water object for the purpose mentioned in paragraph 1 above is allowed only in case of providing the opinion on conformity of the water quality with the sanitary standards by the state sanitary inspection institution.
3. To prevent pollution of the water object used by residents there shall be established the sanitary protection zones under the Georgian legislation.
4. Designs of sanitary protection zones and preventive health and sanitary and antiepidemic activities to be implemented in those zones shall be agreed upon with the state sanitary inspection institution.
5. In case of complex use of the water object in the first turn shall be foreseen the public demand for drinking and industrial water and the cultural and everyday needs of residents.
6. State authorities shall ensure development of the water supply system of an inhabited locality and elaboration and implementation of activities for supply of safe drinking and industrial water to population.
7. State authorities shall take measures for restriction, stop or prohibition of water use in case of nonconformity of water quality with the sanitary standards.

8. A natural or/and legal person shall comply with the sanitary standards to prevent pollution of the source of drinking and industrial water supply, as well as water objects intended for washing, sport, recreation and treatment purpose and sea near-shore water.
9. A water-user and water-producer natural or/and legal person shall be responsible for the safety of drinking and industrial water supplied to population through the centralized water supply system and marketable water product.
10. The general health requirements for the safety of marketable water product shall conform to the standards established for food products by this Code.

Article 29. Health Requirements for Working Environment

1. The working environment, workplace and working process shall not exert deleterious effect on worker's health.
2. A natural or/and legal person shall meet the health requirements regarding the production process and process installation, workplace, man-to-man and joint defense remedies, working regime and everyday service.
3. A natural or/and legal person shall stop operation of the object (a shop, site etc.) where the working environment does not conform to the sanitary standards and endangers the worker's health.

Article 30. Health Requirements for Quality of Free Air of Inhabited Locality as well as Air of Working Area, House and Other Premises

1. The concentration of hazardous chemical substances in free air of inhabited locality, in air of working area of an enterprise and house and other premises shall not exceed the hygienic standards.
2. A natural or/and legal person shall observe the sanitary standards and meet the requirements provided by other normative acts as well as implement the activities for prevention of pollution of free air, air in the working area, house and other premises during design, construction (reconstruction, upgrading and modification) and operation of an object.
3. To prevent contamination resulted from industrial emissions into free air of an inhabited locality the sanitary protection zone shall be foreseen.

Article 31. Requirements for Sanitary Protection of Soil, Sanitary Purification and Development of Territory of Inhabited Locality

1. The rate of hazardous chemical substances, biological and microbiological organisms and the radioactivity level on the territory of an inhabited locality and in soil of a holding shall not exceed the hygienic standards.

2. A natural or/and legal person shall observe the sanitary standards and requirements provided by other normative acts as well as implement the activities for prevention of soil contamination.
3. The rules and conditions providing the adequate sanitary state of a street, yard and other territory of the inhabited territory as well as of the recreation zone and beach shall be developed by local self-government and administration authorities in coordination with the state sanitary inspection institution.

Article 32. Health Requirements for Upbringing and Teaching Conditions

1. At an educational institution and organization shall be created the conditions required for safety and maintenance of health and prophylaxis of diseases.
2. The upbringing and teaching regime, the visual aids and manuals shall be approved in case of providing report on their conformity with the sanitary standards by the state sanitary inspection institution.

Article 33. Requirements for Obligatory Checkup of State of Health

1. An employee of some occupation at some enterprise, institution and organization shall pass, under the Georgian legislation, the preliminary preventive (before taking-on) and periodical medical checkup (hereinafter the checkup) of his/her state of health.
2. Administration of enterprise, institution and organization (a natural or/and legal person) shall ensure the timely checkup of an employee.
3. An employee who refuses to pass the checkup shall not be permitted for work.
4. Administration of enterprise, institution and organization shall at own expense provide an employee engaged in hazardous and harmful working conditions with the medical service.
5. The list of harmful and hazardous industrial factors, jobs and occupations as well as those enterprises, institutions and organizations the employees of which shall pass the checkup shall be made by the Ministry.

Article 34. Requirements for Organization of Sanitary Education and Hygienic Teaching

1. The hygienic teaching and sanitary qualification (attestation) is obligatory for the decreed contingent before taking-on and further, once in five years, in accordance with the curricula and procedure approved by the Ministry.
2. The sanitary education and hygienic teaching of population shall be provided:
 - a) within the upbringing and teaching process at a preschool and educational institution;
 - b) within the professional hygienic training of an official and employee of that institution which activity is related with manufacturing, storage, transportation and sale of food

products and drinking water, upbringing and teaching of children, public utilities and consumer services.

Article 35. Requirements for Sanitary Protection of National Territory

1. For sanitary protection of the national territory at the state boundary checkpoints and other places of the custom zone and custom clearance shall be exercised the sanitary and quarantine control under the procedure established by the Georgian legislation.
2. The list of infectious diseases and potentially hazardous product or/and cargo subject to the sanitary-quarantine control shall be drawn up by the Ministry in coordination with ministries and departments concerned.
3. The following is prohibited on the territory of the country:
 - a) import of those products which preliminarily have not passed hygienic certification (except the cases provided by international agreements and the chemical and biological substances and agents registered under the toxicological and hygienic expertise);
 - b) import of potentially hazardous product or/and cargo with regard to which during the sanitary-quarantine control it was established that their import would create the threat of spread of infectious and mass nontransmitting diseases and poisoning.
4. To eradicate the spread of quarantine and other hazardous infections a natural or/and legal person shall observe the sanitary standards and implement the preventive health and sanitary antiepidemic activities on the international traffic transport facilities, at the state boundary checkpoints, other places of custom zone and custom clearance.
5. The passengers and crews arrived from the countries with unfavorable quarantine and other hazardous infectious disease conditions are subject to the obligatory registration under the rule established by the Ministry.
6. Transit and import of wastes via the national territory shall be regulated under the Georgian legislation.

Article 36. Health Requirements for Manufacturing, Import, Sale and Use of Products

1. The product manufactured or imported in the territory of Georgia shall meet the sanitary standards, the requirements established by the national standards and other normative documents in order to ensure the safety of public health.
2. Manufacturing and sale of products without the obligatory hygienic certificate (other than the chemical and biological substances and agents registered under the toxicological and hygienic expertise) is prohibited on the territory of Georgia.
3. Import and sale of products without the obligatory hygienic certificate (other than the cases provided by international agreements and chemical and biological substances and agents

registered under the toxicological and hygienic expertise) is prohibited on the territory of Georgia.

4. Supply, transportation, sale and use of product shall have place under the condition of observation of the sanitary standards, the requirements provided by national standards and other normative documents.
5. Transportation of food products shall take place only on those transport facilities which obtain the sanitary certificate duly issued by the state sanitary inspection institution under the procedure established by the Ministry.
6. A natural or/and legal person shall stop manufacturing, import, export, supply, transportation, sale and use of product in case of infringement of the sanitary standards, other requirements provided by the national standards and other normative documents.

Article 37. Requirements for Prevention and Liquidation of Spread of Infectious and Mass Nontransmitting Diseases and Poisoning

State authorities, natural or/and persons shall ensure timely implementation of organizational, engineering, medical and prophylactic, preventive health and antiepidemic activities for prevention of infectious and mass nontransmitting diseases and poisoning, and for their liquidation, in case of occurrence of them, under the procedure established by the Georgian legislation.

Article 38. Requirements to Institutions and Organizations of Hygienic Profile in Provision of Healthy Environment

1. Research institution of hygienic profile as well as the accredited sanitation laboratory shall carry out their activity to exercise state sanitary inspection and represent the integral part of the state sanitary inspection system.
2. The qualified research, higher education and other institutions, organizations and specialists engaged in provision of healthy environment shall:
 - a) perform the complex research works for detection and assessment of impact of external factors on health and development of adequate preventive health and sanitary and antiepidemic activities;
 - b) establish safe criteria of impact of external factors on a human, develop draft sanitary standards;
 - c) participate under the contractual grounds in consideration of draft normative and technical documentation, hygienic certification of objects and products, state testing of hazardous chemical substances.
3. The managers of qualified research, higher education and other institutions and organizations as well as specialists shall bear personal responsibility for the quality of draft

activities and sanitary standards developed as a result of works provided in paragraphs 3 of this Article and for the objectiveness of the hygienic assessment and state testing data.

CHAPTER VII. PROCEDURE OF PROVIDING HYGIENIC CERTIFICATE OF OBJECT AND PRODUCT

Article 39. Procedure of Providing Hygienic Certificate of Object

1. The procedure of providing a hygienic certificate to object includes the following:
 - a) object hygienic assessment (if necessary, use of laboratory test, research methods) and review of presented documentation;
 - b) issue of object hygienic certificate.
2. The following documentation shall be presented for object hygienic certification:
 - a) application;
 - b) list of employees subject to be qualified for an object important from the epidemic aspect;
 - c) project of object (if necessary);
 - d) normative and technical specifications of production process (service);
 - e) national or trade standard for a product;
 - f) documents certifying the safety of potentially hazardous materials, substances, makes, equipment, installations, tools and instruments used on the object, for health (hygienic certificates, hygienic opinion etc.) issued by the respective authority of the country of origin.
3. At request of a natural or/and legal person it is allowed to perform object hygienic certification and to issue object hygienic certificate for a part of the object (a shop, department, room, laboratory etc.) with the separate and completed production (service) run.
4. The object hygienic certificate will be issued (or the application will be dismissed) within 15 days following filing of application by its owner (user) at the sanitary service institution, or 30 days, if the object examination requires use of the laboratory test, research methods.
5. In case of dismissal of application for issue of object hygienic certificate the sanitary service institution shall notify the object owner (user) in writing about:
 - a) the requirements provided by sanitary standards and other normative documents not met by the object;

- b) the list of those sanitary and technical, preventive health and sanitary and antiepidemic activities which shall be performed by the applicant for his repeated application for object hygienic certification.
6. Object user (owner) shall preserve the type of activity and capacity, product range and quantity established for the object under the object hygienic certificate.
 7. Object user (owner) shall be responsible for the completeness and truth of documentation submitted for obtaining of the object hygienic certificate.
 8. In case of failure to meet the requirement provided by paragraph 6 of this Article by the object user (owner) or in case of changes thereof, the object hygienic certificate shall be subject to revocation or suspension under the procedure established by the Ministry.
 9. The object hygienic certificate will be issued repeatedly if:
 - a) the change in the type of the object activity or/and range of the manufactured product is foreseen;
 - b) the increase in the object capacity or/and quantity of manufactured product is foreseen;
 - c) the object was reconstructed (upgraded);
 - d) after revocation of the object hygienic certificate the sanitary and technical, preventive health and sanitary and antiepidemic activities assigned by the sanitary service institution are performed.

Article 40. Procedure of Providing Hygienic Certificate of Product

1. The procedure of providing a hygienic certificate to product includes the following:
 - a) hygienic assessment of product sample and review of presented documentation;
 - b) issue of product hygienic certificate.
2. The following documentation shall be presented for product hygienic certification:
 - a) application;
 - b) product specifications (national or trade standard; operation manual);
 - c) product sample taken under the procedure established by the Georgian legislation.
3. In case of imported product in addition to items “a” and “c” of paragraph 2 of this Article shall be presented the following:
 - a) product quality certificate;
 - b) safety certificate (hygienic certificate, hygienic report and other) issued by the respective authority of the country of origin;
 - c) documentation with the terms and conditions of use of the product.
4. The documentation presented for the product hygienic certification provided by paragraph 3 of this Article shall be translated into Georgian language and certified under the procedure established by the Georgian legislation.

5. A manufacturer (importer) shall comply with the sanitary standards determined by the product hygienic certificate and with the requirements provided by other normative documents.
6. In case of dismissal of application for the product hygienic certificate the sanitary service institution shall notify the product manufacturer (importer) in writing on the report made indicating the grounds thereof.
7. The term for issuing product hygienic certificate (or dismissal) shall be determined in consideration of the laboratory test of a concrete product, type and amount of research but shall not exceed 15 days following filing application at the sanitary service institution, or 30 days – in case of hygienic certification of the innovative product.
8. Product manufacturer (importer) shall be responsible for the completeness and truth of documentation submitted for obtaining of the product hygienic certificate.
9. In case of failure to meet the requirements provided by paragraph 5 of this Article by the product manufacturer (importer) the product hygienic certificate shall be subject to revocation or suspension under the procedure established by the Ministry.

Section IV. Responsibility for Infringement of Georgian Law in Provision of Healthy Environment and Resolution of Disputes

CHAPTER VIII. RESPONSIBILITY FOR INFRINGEMENT OF SANITARY STANDARDS

Article 41. Responsibility of Official Exercising State Sanitary Inspection

The chief health officer (deputy chief health officer) or/and another person exercising the state sanitary inspection for improper performance of his/her duties as well as for his/her actions endangering health shall be responsible under the procedure established by the Georgian legislation.

Article 42. Responsibility for Infringement of Sanitary Standards

For infringement of this Code and sanitary standards a natural or/and legal person shall assume responsibility under the procedure established by the Georgian legislation.

Article 43. Resolution of Disputes in Provision of Healthy Environment

Disputes arising out of provision of the healthy environment shall be resolved under the procedure established by the Georgian legislation.

Section V. Transitional and Conclusive Provisions

CHAPTER IX. TRANSITIONAL PROVISIONS

Article 44. Transitional Provisions

1. Within 3 months following the effective date of this Code be passed the following statutory acts:
 - a) socio-hygienic monitoring regulations to be worked out by the Ministry of Labor, Health and Social Affairs of Georgia and approved under the ordinance of the President of Georgia;
 - b) orders of the minister of labor, health and social affairs of Georgia:
 - i. on approval of the statute of the Central Sanitary Inspection under the Ministry of Labor, Health and Social Affairs;
 - ii. on approval of the statute of State Sanitary Inspection at the state boundary checkpoints under the Ministry of Labor, Health and Social Affairs of Georgia;
 - iii. on approval of the rules of obligatory registration of passengers and crew arrived from the countries unfavorable from the aspect of quarantine and other hazardous infectious diseases;
 - iv. on approval of the list of infectious diseases and potentially hazardous product or/and cargo subject to the sanitary and quarantine control at the national frontier and custom zones and the obligatory documentation accompanying their export, import and transit;
 - v. sanitary protection zones of enterprises, structures and other objects and sanitary classification;
 - vi. on approval of the object hygienic certification rules;
 - vii. on approval of the product hygienic certification rules;
 - viii. on approval of the rule of hygienic assessment of the normative and technical documentation;
 - ix. on approval of the rule on hygienic education and sanitary qualification (attestation) of decreed contingent;
 - x. on approval of the curricula of hygienic education of the decreed contingent;
 - xi. on the activities required for provision of healthy environment;
 - xii. on the rule of granting-depriving the status of the chief health officer (deputy chief health officer of Georgia, Abkhazia and Adjara Autonomous Republics, administrative territory, city and region;

- xiii. on the rule of assignment of the allowance for the status of the chief health officer (deputy chief health officer);
 - xiv. on the rule of providing sanitary certificate to transport facility carrying food products by the international traffic and on the territory of country.
- c) the joint order of the minister of labor, health and social affairs of Georgia, minister of agriculture and food of Georgia and chairman of the State Department for State Boundary Protection of Georgia on approval of the production plan of exercise of the sanitary and quarantine control at the state frontier and custom zones;
 - d) the joint order of minister of labor, health and social affairs of Georgia and minister of economy, industry and trade of Georgia on approval of the tariffs of preventive sanitary works and laboratory testing and research at the state sanitary inspection institutions;
 - e) the joint order of minister of labor, health and social affairs of Georgia and chairman of the State Department for Standardization, Metrology and Certification of Georgia on approval of the rule of accreditation of laboratories (centers);
 - f) the joint order the minister of labor, health and social affairs of Georgia, minister of agriculture and food of Georgia, minister of economy, industry and trade of Georgia and chairman of the State Department for Standardization, Metrology and Certification of Georgia on approval of the list of products subject to the hygienic certification;
 - g) statutes of sanitary and antiepidemic services of ministries and departments;
 - h) statutes of municipal and regional sanitary and antiepidemic inspections.
2. Before elaboration of new sanitary standards and their effective date in Georgia be remained in force the sanitary standards applicable till 1992.

Article 44¹. Sanitary Control in Transitional Period (24.06.2005, No. 1783)

1. Until this legislative acts referred to in item 3 of this Article have come into force, the state control provided for in this Code shall be exercised with respect to the following:
- a) agrarian market;
 - b) educational institutions;
 - c) swimming pools;
 - d) drinking and service water supply systems;
 - e) medical institutions;
 - f) frontier, only if cases where infectious disease, epidemics or epizootics are spread in a counteragent country.
2. The Georgian government, based on the information of the relevant international organizations, shall ensure regular publication of a list of unreliable countries in respect of spread of plant diseases caused by harmful organisms and making relevant amendments to the said list.

3. The Government of Georgia shall, until October 1, 2005, present to the Parliament of Georgia for consideration a draft law which shall provide for a systemic and structural reorganization in the field of food and medicines safety for the purpose of optimization of the number and functions of the existing controlling bodies.(Sanitary Inspectorate, Medicines Agency, Veterinary Department, Foodstuffs Examination and Monitoring Service and Phytosanitary Service).

CHAPTER X. CONCLUSIVE PROVISION

Article 45. Effective Date

1. The Code, except its Articles 13 and 14, shall be put into force upon 3 months following its promulgation.
2. Articles 13 and 14 of this Code shall be put into force upon promulgation.

Eduard Shevardnadze,

President of Georgia

Tbilisi

May 8, 2003

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Appendix

List of Products Subject to Hygienic Certification*

1. Food products.**
2. Food supplements
3. Biologically active alimentary supplements
4. Tobacco, tobacco products, their ingredients and base materials
5. Material, subject and equipment and installations which are used for manufacturing, processing, storage, sale, manipulation and consumption of food products and are directly tied with food products.
6. Children goods: toys, cloths (including bed-linen), footwear, books and visual aids, furniture, baby carriage, knapsack.
7. Artificial, polymeric and synthetic materials, substances for manufacturing of children cloths.
8. Materials, equipment and substances for use in drinking and industrial water supply.
9. Perfume and makeup.

10. Household chemical goods (including disinfecting remedies), soap, other detergents.
11. Personal hygiene goods.
12. Polymeric and synthetic materials used in construction, transport as well as in manufacturing of furniture and other household things.
13. Man-made fiber, thread.
14. Weaving, sewing and knitting materials containing man-made fiber and weaving auxiliary substances.
15. Artificial and synthetic leather and weaving material for footwear.
16. Engineering and tool product for industrial and everyday purpose.

Notes:

** The codified list of products subject to hygienic certification according to the Foreign Economic Activity Commodity Range shall be jointly determined by the Ministry of Labor, Health and Social Affairs of Georgia, Ministry of Agriculture and Food of Georgia, Ministry of Economy, Industry and Trade of Georgia and State Department for Standardization, Metrology and Certification of Georgia in coordination with other ministries (departments) concerned.*

*** The food products of animal origin shall be accompanied with the veterinary certificate.*