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On the approval of the border control rule for the safety of food of non-animal origin/animal feed	
document number	153
recipient of the document	Government of Georgia
date of receipt	13/04/2023
document type	Resolution of the Government of Georgia
Publication source, date	Website, 18/04/2023
Effective date	01/06/2023
Registration code	240110000.10.003.023986

of the Government of Georgia

Resolution No. 153

April 13, 2023

St. Tbilisi

On the approval of the border control rule for the safety of food of non-animal origin/animal feed

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Article 1

In accordance with Article 23, subsection "A" and Article 75, Part 2 of the Food/Animal Feed Safety, Veterinary and Plant Protection Code, approve the attached "Rule of border control of food/animal feed safety of non-animal origin" appendices.

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Article 2

In accordance with Article 25 of the Organic Law of Georgia "On Normative Acts", the Resolution No. 567 of December 23, 2016 of the Government of Georgia "On the Approval of the Border Control Rules for the Safety of Non-Animal Food/Animal Feed" shall be declared null and void upon the entry into force of this Resolution.

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Article 3

The legal entity of public law - Revenue Service shall ensure compliance of the border inspection points with the requirements of this resolution within 4 years after its enactment.

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Article 4

The resolution will come into effect on June 1, 2023.

Prime Minister

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Irakli Garibashvili

Regulation of border control of safety of food of non-animal origin/animal feed

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Article 1 . Definitions of terms

1. The terms used in the rule on border control of the safety of food/animal feed of non-animal origin (hereinafter - the rule) have the following meaning for the purposes of the same rule:

- a) **Revenue Service** - a legal entity under public law within the sphere of governance of the Ministry of Finance of Georgia - Revenue Service;
- b) **Agency** – a legal entity under public law under the state control of the Ministry of Environment Protection and Agriculture of Georgia – National Food Agency;
- c) **food/animal food** – food/animal food of non-animal origin;
- d) **Common entry document** - a document provided for in Appendix No. 5 of this rule, the first part of which (advance notification) is filled out by the person responsible for the cargo, and the second and/or third part reflects the results of the control carried out on the cargo by the authorized person, Appendix No. 6 of the same rule in accordance with;
- e) **Border control point (BCP)** – border inspection point, customs control zone provided in accordance with Article 3 of this rule, where border control of food/animal feed safety is carried out;
- f) **Cargo** – a specified amount of food/animal feed, which is transported by one type of vehicle, accompanied by one "Official Certificate for Import to Georgia" (Annex No. 7) or another document and sent from the same country or region;
- g) **Documentary inspection** – inspection of the documents accompanying the cargo to determine compliance with the requirements defined by legislation for import into Georgia;
- h) **Identity check** – visual inspection, which includes checking the vehicle, cargo and the means of identification/signs/labels present on them, in order to ensure compliance of the accompanying documents with the cargo;

- i) **Physical inspection** – inspection of the cargo, which may include inspection of the vehicle, packaging, label and temperature regime, sampling for analysis, laboratory and other necessary inspections;
- j) **authorized person** – an authorized person of the revenue service with appropriate qualifications, who is granted the authority to carry out border control procedures for the safety of food/animal feed of non-animal origin;
- k) **person responsible for the cargo** - the owner of the cargo (including the person moving the cargo), the owner or their representative;
- m) **import** – putting goods into the procedure of releasing them into free circulation or using them for their intended purpose in accordance with the Customs Code of Georgia;
- n) **SES ESN** – national commodity nomenclature of foreign economic activity.

2. The terms used in this rule, which are not defined by the first paragraph of this article, are used in the meaning they have in the Food/Feed Safety, Veterinary and Plant Protection Code and the Customs Code of Georgia.

Article 2 . general provisions

1. The purpose of this rule is to determine compliance with safety requirements of food of non-animal origin/animal feed intended for import, to determine appropriate conditions and mandatory procedures.

2. The control provided for in this rule applies to:

a) on food of non-animal origin/animal food provided for in the list defined by Annex No. 1 of this rule;

b) Non-animal food/animal food subject to special requirements (conditions) containing the risk of contamination with mycotoxins, including aflatoxins, pesticide residues, microbiological, pentachlorophenol and dioxins, provided for by the list specified in Table No. 1 of Appendix No. 2 of this rule;

c) on a product made up of two or more ingredients provided for in the list defined by Table No. 2 of Appendix No. 2 of this rule, which separately or in total contains more than 20% of the food with the risk of aflatoxin contamination, defined by Table No. 1 of the same Appendix ;

d) in special cases, on specific types of food/animal feed, which are determined by the individual administrative-legal act of the head of the revenue service, taking into account the information provided by the agency.

3. The lists determined by Annexes No. 1 and No. 2 of this rule are subject to review and, if necessary, updated once every 6 months.

4. This rule does not apply to:

a) Goods for personal use, brought in as passenger luggage, hand luggage and/or by mail of an individual, which are not intended for placing on the market and whose net weight does not exceed:

- A.a) in the case of fresh fruits and vegetables - 5 kilograms;
- A.b) in the case of other products - 2 kilograms;
- b) on goods imported as trade/laboratory samples or intended for exhibition/scientific purposes, which are not intended to be placed on the market and whose net weight does not exceed:
 - b.a) in the case of fresh fruits and vegetables - 50 kilograms;
 - bb) in the case of other products - 10 kilograms.

5. In case of doubt, which is related to the intended use of food/animal feed provided for in subparagraph "a" of paragraph 4 of this article, the person responsible for the cargo is obliged to submit additional evidence to the border control point upon request.

6. The Revenue Service is authorized to exempt from identity and physical inspection (including sampling and laboratory analysis) the food/animal feed provided for in subparagraph "b" of paragraph 4 of this article, the net weight of which exceeds the maximum limit established by the same subparagraph, if the following conditions are met:

- a) The agency has issued a preliminary approval based on the application of the person responsible for the cargo, which must indicate:
 - A.a) purpose of cargo importation;
 - A.b) destination;
 - A.C) commitment that the cargo will not be placed on the market;
 - b) The cargo will be presented at the border control post upon import.

7. Border control of food/feed safety is carried out by the Revenue Service.

Article 3. Border control point

- 1. The list of border control points is determined by the order of the Minister of Finance of Georgia.
- 2. Unless otherwise provided by this rule, the border control point must meet the following conditions:
 - a) have the appropriate number of employees who can carry out cargo inspection;
 - b) have:
 - b.a) appropriate space for conducting control procedures;
 - bb) storage facilities, where the cargo will be stored under appropriate conditions until receiving the answer of the laboratory analysis;
 - BG) appropriate protected area, equipment and facilities for unloading cargo, taking samples and sending them to the laboratory;
 - c) have detailed instructions on taking a sample from the cargo and sending it to the laboratory for examination.

Article 4. Common entry document

1. Cargo can be brought into the customs territory of Georgia only through the border control point.
2. The person responsible for the cargo is obliged, at least 24 hours before the cargo is brought into the customs territory of Georgia, to submit a preliminary notification about the estimated date and time of the cargo's arrival, as well as the type of cargo, to the border control point through which the cargo will be brought into the customs territory of Georgia. In the event that it is not possible to send a preliminary notification within the time limit specified by this clause due to the delay in the logistics processes related to cargo transportation, the aforementioned obligation can be fulfilled at least 4 hours before the cargo is brought into the customs territory of Georgia.
3. The advance notice is submitted to the border control point in the form of a "common entry document" electronically (Appendix No. 5).
4. The results of the control carried out by the authorized person on the cargo and the decision made are reflected in the II and III parts of the "Common Entry Document".
5. During further transportation of the cargo, it must be accompanied by a "common entry document" certified by the signature and seal of an authorized person.

Article 5. Control procedures

1. Cargo inspection begins after submission of the "Common Entry Document" at the border control point.
2. The authorized person at the border control point carries out:
 - a) documentary inspection of cargo;
 - b) Identity and physical verification of cargo, including sampling for laboratory analysis.
3. For the purpose of documentary inspection, the following shall be submitted to the border control point:
 - a) for food/animal feed defined by Appendix No. 1 of this rule - cargo transport document, invoice, certificate of origin of the goods (if any);
 - b) For the food/animal feed specified in Appendix No. 2 of this rule, in addition to the documents provided for in Sub-paragraph "a" of this clause - "Official certificate for import into Georgia" (Appendix No. 7) and laboratory research protocol issued by the competent body of the exporting country.
4. In the cases provided for in Article 2, Clause 2, subparagraph "d" of this rule, the revenue service/agency is authorized to determine other documents to be submitted in addition to the documents provided for in Clause 3, "a" and/or "b" of this Article.
5. On the basis of the results of the laboratory research protocol provided for in subparagraph "b" of paragraph 3 of this article, according to the indicator determined by the existing hazard graph of table no. 1 of appendix no. 2 of this rule, for the relevant food/animal feed, the following is determined:

- a) compliance with the requirements established by the technical regulation "On the maximum permissible limit of some pollutants (contaminants) in food";
- b) compliance with the requirements established by the technical regulation "On the maximum level of pesticide residues in plant and animal food(s)/animal food(s)";
- c) the level of pentachlorophenol, which should not exceed 0.01 mg/kg;
- d) Absence of *Salmonella* in 25 grams of food/animal feed.

6. Identity and physical verification of food/feed (including taking samples for laboratory analysis) provided for in subparagraphs "a", "b" and "d" of Article 2, paragraph 2 of this rule is carried out at the risk-based frequency approved by the relevant list according to, using an automated data system.

7. Product identity and physical check (including taking a sample for laboratory analysis) provided for in Article 2, Clause 2, subparagraph "c" of this rule is carried out in accordance with the following rule:

- a) if the product contains only one item of table #1 of appendix #2 of this rule - in accordance with the frequency determined for the same item;
- b) If the product contains the food specified in several positions of Table No. 1 of Appendix No. 2 of this rule - in accordance with the position for which the highest frequency is determined.

8. Identity and physical verification of food/feed (including sampling for laboratory analysis) may also be carried out on suspicion.

9. Identity and physical inspection of food/animal feed should be carried out in such a way that it is impossible for the person responsible for the cargo to determine in advance which specific cargo will be subject to inspection.

10. Identity and physical verification of food/feed may be carried out in another customs control zone, provided the following minimum requirements are met:

- a) the results of documentary inspection are satisfactory;
- b) the place/territory meets the requirements defined by subparagraph "b" of Article 3, paragraph 2 of this rule, and the effectiveness of the conducted control will not deteriorate;
- c) The cargo will not be opened or the goods will be changed in any way and the cargo will remain under customs supervision.

Article 6. Sampling

1. Sampling of food/animal feed for laboratory analysis is carried out by an authorized person, in accordance with the rules established by the legislation of Georgia. In addition, the sample taken (except for the cases provided for in Article 7 of this rule) is sent for laboratory analysis to a laboratory with appropriate accreditation selected by the Revenue Service or to another person directly defined by law.

2. The person responsible for the cargo is obliged to ensure unloading of the cargo/part of it on the instructions of the authorized person of the border control point, and in the case of goods

with specific packaging and/or moving by special transport, to present the appropriate equipment to the authorized person.

3. Sampling is carried out by an authorized person, following the following requirements:

- a) Sampling of food containing the threat of contamination with mycotoxins, including aflatoxins, defined by Appendices No. 1 and No. 2 of this rule must be carried out in accordance with the "Technical Regulation on Sampling and Analysis Methods for the Determination of Mycotoxins in Food";
- b) Sampling of animal feed containing the risk of contamination with mycotoxins, including aflatoxins, determined by Appendices No. 1 and No. 2 of this rule must be carried out in accordance with "Sampling and examination methods for state control of animal feed";
- c) Sampling of food containing the risk of pesticide residues specified in Annexes No. 1 and No. 2 of this rule must be carried out in accordance with the "Technical Regulation - "Sampling methods for determining the maximum level of pesticide residues in plant and animal products";
- d) Sampling of guar flour (guar gumfis) containing the threat of contamination with pentachlorophenol and dioxins, determined by Appendix No. 2 of this rule, must be carried out in accordance with "Sampling and examination methods for the state control of animal feed";
- e) In food of non-animal origin defined by Appendices No. 1 and No. 2 of this rule, in which contamination with *Salmonella* is defined as a threat, sampling must be carried out in accordance with Appendix No. 3 of this rule.

4. If there is a threat to the food/animal feed according to Appendices No. 1 and No. 2 of this rule, the research of which there is no accredited laboratory in Georgia, in such a case, a decision on the import of the corresponding food/animal feed is made without conducting a laboratory study.

Article 7. Taking a reference sample for laboratory analysis of food/animal feed

1. Taking a reference sample for the laboratory analysis of food/animal feed is carried out at the request of the person responsible for the cargo, during border control, in parallel with taking a laboratory sample.

2. In case of taking a reference sample, the number of incremental samples to be taken is doubled. In addition, 2 identical samples are separated from the combined sample, one of which (laboratory sample) is sent to the laboratory for analysis, and the other (reference) is handed over to the person responsible for the cargo and stored in the same vehicle, separated from the cargo. The samples taken in this manner are packed, numbered, sealed and marked with: name, weight, quantity, date of sampling and the name and surname of the person authorized to take the sample.

3. If the person responsible for the cargo does not agree with the results of the analysis of the laboratory sample, a laboratory analysis of the reference sample is performed.

4. A national or international reference laboratory with appropriate authority will be selected by agreement of the parties to conduct the analysis of the reference sample.

5. The conclusion issued as a result of the laboratory analysis of the reference sample is final.

6. Reference sampling and laboratory research are carried out at the expense of the person responsible for the cargo.

Article 8. Official certificate for import into Georgia

1. Each shipment, which belongs to the lists defined by Appendix No. 2 of this rule, must be accompanied by an official certificate for import into Georgia (Appendix No. 7).

2. The certificate provided for in this article must meet the following requirements:

a) must be issued by the competent authority of the country of origin of the cargo, and in case the countries of origin and sending are different - by the competent authority of the sending country;

b) must contain the cargo identification code (as mentioned in Article 9 of this rule);

c) the signature of the person issuing the certificate and the seal of the competent body must be affixed on it;

d) points/graphs that are not relevant to a specific cargo can be crossed out (which must be certified by the issuing person with initials and seal) or completely removed from the certificate;

e) must consist of one or more sheets, which must be numbered so that each one refers to a specific page in a specified sequence;

f) must have a unique identification number. In the event that the certificate consists of several pages, each page must have the mentioned number, the signature of the authorized person and the seal of the competent body;

g) must be issued before sending the cargo from the territory of the issuing country;

h) it must be filled in Georgian or English, and in case of filling in another language, at the request of the authorized person, a notarized translation must be submitted;

i) The color of the signature of the issuing authorized person and the seal of the competent authority must be different from the color of the printed text.

3. The official certificate is valid for 4 months after issuance, provided that 6 months have not passed since the laboratory report was issued.

4. An official certificate issued in electronic form can be submitted provided that it is issued by a competent authority, has an electronic signature, an electronic seal of the competent authority, and the certificate can be verified using the appropriate automated system.

5. In case of loss or damage of the official certificate, or when the information specified in it is erroneous, it is possible to submit an amended (replacement) certificate issued by the competent authority, provided that:

a) it will not change the data of the original certificate regarding cargo identification, traceability and guarantees;

b) the unique identification number of the original certificate, the date of issue and the information that it was issued instead of the original certificate will be indicated;

- c) a unique identification number different from the original certificate will be indicated;
- d) the date of issuance of the replacement certificate will be indicated;
- e) its original/original is submitted to the border control point, except for the case provided for in paragraph 4 of this article.

Article 9. Cargo identification code

In case of import of food/animal feed defined by Annex No. 2 of this rule:

- a) Each shipment must have an identification code, which is indicated by the competent authorities of the exporting country in the certificate and laboratory research protocol provided for in Article 8 of this rule;
- b) each bag or other form of packaging must be marked with an identification code;
- c) If several smaller packages/items are included in one package of food/animal feed containing the risk of mycotoxin contamination (contamination), it is sufficient to indicate the cargo identification code on the common package that combines these small packages/units.

Article 10 . Decisions made as a result of control

1. Food/animal feed subject to border control can be imported if the results of the inspection provided for in this rule are satisfactory and a duly completed and certified "Common Entry Document" is submitted.
2. Before receiving the results of the laboratory analysis, the cargo is subject to suspension at the border control point, except for the cases provided for in paragraphs 3 and 4 of this article.
3. Before receiving the results of the physical examination (laboratory analysis), the authorized person may make a decision on the further movement of the cargo to another customs control zone, provided that there should be no violation of the integrity of the cargo and no change in the type of goods.
4. Food/animal feed determined in accordance with subparagraphs "a" and "d" of paragraph 2 of Article 2 of this rule may be imported until the results of laboratory analysis are obtained, provided that:
 - a) a documentary, identity and physical check has been carried out on the cargo, the results of which are satisfactory;
 - b) by filling in the first part of the "Common Entry Document" (box I.21), the person responsible for the cargo declares the further movement of the cargo;
 - c) Before receiving the results of physical inspection (laboratory analysis), it is prohibited to place the imported goods on the market.
5. If the cargo/part of it does not comply with the requirements established by the legislation of Georgia, the import of such cargo/part of it into Georgia is prohibited, and in agreement with the person responsible for the cargo, one of the following decisions is made by the authorized person:

- a) Destruction of the cargo/its part - in the event that the decision to refuse the import of the cargo was made and it is not possible to remove such cargo from the customs territory of Georgia;
- b) Returning the cargo/part of it or sending it to another country, provided that:
 - b.a) the destination country of the cargo is agreed upon by the person responsible for the cargo;
 - bb) the person responsible for the cargo informs the competent authority of the country of destination in writing about the reasons and circumstances for which the cargo was refused;
 - b.c) If the destination country of the cargo is different from its origin/sending country, the person responsible for the cargo shall present the consent of the competent body of the destination country to the acceptance of such cargo at the border control point;
- c) on the processing of the cargo/its part or using it for another purpose.

6. In case of making a decision in accordance with subparagraph "b" of paragraph 5 of this article, the return of the cargo/part of it or forwarding to another country should be carried out no later than 60 calendar days after the said decision is made.

7. After the expiration of the term determined in accordance with paragraph 6 of this article, if the cargo has not been taken out of the customs territory of Georgia, it is subject to destruction at the expense of the person responsible for the cargo.

Article 1 1 . Breakdown/distribution of cargo

Dismantling/separation of the cargo is possible only after completion of the control procedures and completion of the "Common Entry Document" by an authorized person.

Article 1 2 . Cooperation of the Revenue Service with the Agency

1. The Revenue Service and the agency regularly, and in case of necessity, immediately exchange information by electronic and/or other means of data transmission:

- a) about the risks and acceptable measures in the field of protection of food/animal feed safety requirements;
- b) Regarding other data necessary for the implementation of control.

2. The Revenue Service electronically provides information to the agency:

- a) the results of the border control procedures of food/feed safety, for each shipment, which is reflected in the "Common Entry Document";
- b) on the importation of cargo provided for in paragraph 6 of Article 2 of this rule.

3. Upon detection of a violation as a result of a laboratory study of a food/animal feed sample conducted in accordance with Article 10, Clause 4 of this rule, and/or upon detection of circumstances that require emergency measures, the Revenue Service immediately provides information for appropriate response to the agency, which, in turn, , informs the Revenue Service about the measures implemented/to be implemented.

Article 13. Restrictions and prohibitions

It is prohibited to import food/animal feed specified in Appendix No. 4 of this rule.