

LAW OF GEORGIA

"ON BIOLOGICAL AGRI-PRODUCTION"

This Law sets guidelines for management of biological agricultural farms, regulates production and marketing of ecologically sound products and settles the connected relations.

CHAPTER I. GENERAL PROVISIONS

Article 1. Legislative Framework of the Law

The Law has the following normative basis - the Constitution of Georgia, International Agreements, Laws of Georgia: "On Food and Tobacco", "On Certification of Products and Services", "On Standardization", "On Protection of Consumers' Rights" and other legal acts.

Article 2. Scope of the Law

1. The Law regulates the following spheres:

- a) Fields of biological farming and legal relationships connected with production, marketing, export, import and certification of products made in biological farms (hereinafter referred to as "bio-products");
- b) State of the biological farming system through the whole chain from production to market;
- c) Activities of those physical and legal persons, who, according to the Georgian Legislation, are engaged in the sphere of production / delivery of bio-products, except the cases, when bio-products are made for self-consumption purposes;
- d) Terms for accreditation and operation of services in charge of control and certification of biological farms.

Article 3. Goals and Tasks of the Law

1. The Law sets the following goals:

- a) Encouragement of Georgia's sustainable agricultural development through building the sector of biological farming;
- b) Support soil fertility restitution / improvement via application of non-synthesis systems and natural fertilizers;
- c) Fixing the rules for production, processing and marketing of biologically (ecologically) sound products;
- d) Creation of certification-monitoring system for biologically (ecologically) sound products;
- e) Stimulation of application of biological methods against plant and animal pests / diseases;
- f) Harmonization of products certified and labeled according to this Law with international and, in future, state standards;
- g) Supplying market with bio-products and, thus, strengthening the relationships between producers and customers;
- h) Maintenance of the gene pool of cultivated plants and domestic (or domesticated) animals;
- i) Promotion of food industry and stimulation of food export through production of high quality local products;
- j) Conservation of bio-diversity both in cultivated areas and natural landscapes;

2. The Law has the following major tasks:

- a) Prevention of environment pollution during production of agricultural products; maintenance of equilibrium of eco-systems;
- b) Increase of soil fertility;
- c) Promotion of conservation of the agrarian system and the genetic bio-diversity of the environment, thus, maintaining living conditions of cultivated and wild plants, as well as domestic and wild animals;
- d) Creation of such conditions for animals that are not contradicting their natural evolution;
- e) Application of renewable resources in production of bio-products.

Article 4. Major Terms Used in the Law

The terms used in the Law have the following meanings:

- a) Biological Farming - a well-organized system of agricultural operations, including planning activities and management of farms; methods of production meeting international and state standards of biological

- agri-production and providing such mutual dependence of living organisms and environment, when the natural balance is maintained. Synonyms of biological farms are: ecologic and organic farms;
- b) Agri-Production - a single complex of agricultural inputs and production processes;
- c) Bio-products - agricultural products cultivated in biological farm conditions and processed by biological methods (Synonyms of bio-products are: eco-products, ecologically sound products, organic products);
- d) Production of Bio-products - all production processes and methods aimed at production of sound production (bio-products);
- e) Ecologically Sound End Product - product obtained through industrial processing of natural resources;
- f) Biological Methods - all production methods fully excluding agricultural production and processing by synthesis means;
- g) Wildly Growing Plants - plants on uncultivated area, involvement of humans in the production process of which is expressed only by harvesting;
- h) Eco-system - living organisms and the physical environment, where these living organisms are located;
- i) Renewable Resources - natural resources characterized with self-renewal ability;
- j) Biodegradable Materials - materials, natural decomposition ways (mechanisms) of which, exist in the nature;
- k) Materials of Secondary Use (Recycling) - materials or wares recycling of which is feasible;
- l) Certification System - standardization system of production of bio-products, list of preparations permitted in production of bio-products, set of requirements and procedures of accreditation of certification body and independent inspectors;
- m) Converse Farm - a farm managed through agri-production methods, which is not yet recognized as a biological farm by the certification body;
- n) Genetic Engineering - a technology that ensures, via molecular method, such plant, animal, cellular and other biological organisms that cannot be obtained through natural selection or recombination;
- o) Synthetic Pesticides - substances obtained through synthesis and used in agriculture against plant pests, diseases, and weeds.

CHAPTER II. ORGANIC FARMING IN PLANT-GROWING SECTOR

Article 5. Conditions of Production of Bio-products

1. Biological farms are to satisfy all possible conditions, thus, avoiding environment pollution.
2. Bio-farmer is obliged to observe norms and procedures set by the Georgian Legislation for organic farms;
3. The following mandatory provisions are to be observed during production of bio-products:
 - a) Only biological fertilizers and fertilizers obtained through non-synthesis ways, as well as natural phosphoric and potassium fertilizers without enrichment are to be used for soil fertilization. In addition, fertilization shall aim the maintenance and increase of soil bioactivity;
 - b) After harvesting, plant remains are not to be burnt with the purpose of cleaning the area;
 - c) Water use for food production is regulated by the Law of Georgia "On Amelioration";
 - d) Breeding and application of seed and planting materials is to be carried out in line with the standards set for organic farms;
 - e) Plant protection from pests, diseases and weeds is to be carried out only through agri-technical, mechanical, thermal and biological methods and via application of preparations permitted for organic farms;
 - f) Crop rotation and protection are necessary.
4. In production of bio-products, the following is prohibited:
 - a) Application of synthetic pesticides for plant protection;
 - b) Application of crops and preparations obtained through methods of genetic engineering;
 - c) Application of synthetic growth stimulators;
5. The Ministry of Agriculture and Food of Georgia determines the list of preparations permitted in production of bio-products and approves it in agreement with the Ministry of Labor, Health and Social Security of Georgia.

Article 6. Use of Natural Plant Products in the Conditions of Bio-Farms

1. While collecting the natural products, it is indispensable to ensure that product collection is not having negative impact on bio-systems;
2. Areas covered with wildly growing plants that are not treated with chemical preparations, are to be selected for summer pastures and hay lands.

CHAPTER III. ORGANIC FARMING IN CATTLE-BREEDING SECTOR

Article 7. Purchasing of Cattle

Cattle purchasing is permitted only in organic farms.

Article 8. Use of Cattle Treatment Means in the Conditions of Bio-farms

1. In treatment of cattle, application of biological methods is preferred.
2. Application of vaccines produced through genetic engineering is prohibited.

CHAPTER IV. RULE OF PROCESSING, STORAGE, TRANSPORTATION AND PACKING OF BIO-PRODUCTS

Article 9. Conditions of Processing, Storage and Transportation of Bio-products

1. Processing, storage and transportation of bio-products are to be performed separately, not with other products.
2. Storage and transportation of bio-products together with other products are prohibited if these products are not physically separated and also labeled.
3. In order to avoid environment pollution, sanitary and hygiene procedures, norms, hygiene standards and environment protection-related legislation are to be observed during processing, storage and transportation of bio-products.

Article 10. Procedures of Packing Bio-products

In biological farming, application of renewable, recycling or biodegradable packing materials, storage containers or wares obtained only through modern technologies is permitted, thus, preventing environment pollution. Materials, containers and wares are to meet sanitary and hygiene procedures, norms and requirements of hygiene standards.

Article 11. Standards For Processing, Storage, Transportation and Packing of Bio-products

Processing, storage, packing and transportation of bio-products are carried out in compliance with internationally recognized and Georgian standards, sanitary and hygiene procedures, norms and requirements.

CHAPTER V. CONTROL, CERTIFICATION AND STATE SUPERVISION OVER PRODUCTION OF BIO-PRODUCTS

Article 12. Control and Certification of Organic Farms

1. Control and certification of organic farms are carried out in accordance with this Law.
2. An independent certification body accredited by the Ministry of Agriculture and Food of Georgia in agreement with the State Department of Standardization, Metrology and Certification exerts control over production of bio-products and issues certificates for production of bio-products.
3. Production is to be marked (labeled) as bio-product on the basis of a certificate issued only by an independent certification body accredited by the Ministry of Agriculture and Food.
4. The Ministry publishes the list of accredited independent certification bodies, indicating their titles, addresses and registration numbers.

Article 13. Accreditation of a Certification Body and State Supervision

1. The Ministry of Agriculture and Food of Georgia carries out accreditation of certification body in line with the Georgian Legislation and procedures set by this Law.
2. Organization submitting application for accreditation is obliged:
 - a) To represent an organization having employees with minimum three years experience of working in the field of biological agri-production.

- b) To present data about inspectors (qualification, work experience, etc.) together with all other documents required by this Law.
3. The Ministry of Agriculture and Food of Georgia monitors the observance of the legislation during certification of organic farms through a special Advisory Board (hereinafter referred to as "the Consultation Board"), membership of which is approved by the Minister of Agriculture and Food of Georgia.
4. The Consultation Board is an advisory body staffed by scientists and specialists of high qualification. It carries out the following activities aimed at sector regulation:
- To Provide compliance of the activities of a certification body and an independent inspector with the certification program;
 - To Deliberate and submit recommendations concerning the check-up performed for determining the conformity of the certificate, in case of the necessity, issued by the Ministry;
 - To present proposals about certification body infringements, such as proposal on cancellation of accreditation of a certification body for the improper application of certificate or data;
 - To submit proposals whether the organic farm (enterprise) maintains or not the status received on the basis of a certificate after cancellation of accreditation of a certification body.

Article 14. Rights and Obligations of the Accredited Certification Body

1. Certification body accredited in line with this Law is authorized:
- To receive application; to certify farms, enterprises; to issue the relevant certificates in line with this Law;
 - To develop a certification system and rule, not more liberal than state certification system and procedures and is to comply with international standards and requirements;
2. Certification Body is obliged:
- To keep the documentation related to fulfillment of certification procedures in order. These documentation is to be accessible for state supervisory body - the Supervisory Board;
 - To elaborate its own certification program and scheme for following procedures, thus, enabling checking of the whole chain of production and processing.

Article 15. Certification Procedures in the Conditions of Biological Agri-Production

- In accordance with this Law, certificates are issued to bio-farmers on the basis of the results of checking the chain of biological agri-production including the whole cycle from land cultivation to end product.
- Certification Body monitors the observance by bio-farmers of biological agri-production procedures and issues certificates only in case if production conditions are satisfying the requirements of this Law.

CHAPTER VI. CONDITIONS FOR SALE, IMPORT AND EXPORT OF BIO-PRODUCTS

Article 16. Conditions of Sale of Imported Bio-Products

- Imported product can be considered as bio-product if it is produced in the country where bio-farmers are controlled by a respective agency;
- Certificate, representing an information open to public, issued by the certification body of the exporter country is to be attached to bio-product.
- The Ministry of Agriculture and Food of Georgia is to annually issue the list of the foreign certification bodies officially recognized according to the Georgian Legislation and International Agreements.
- If a certificate of imported bio-product designated for sale in Georgia is not recognized in Georgia, then the Ministry, at the request of the exporter, recognizes the certification body of the exporter country in accordance with the procedures set by international legislation.
- Application concerning import of bio-products is to be submitted to the Ministry.

Article 17. Production and Export of Bio-Products

- Production of bio-products with the purpose of sale within the country or for export is to meet all requirements of the Georgian Legislation and this Law.
- Requirements of the Law of Georgia "On Advertisement" also refer to label or advertising materials of bio-products.
- During exporting of bio-products, the procedures fixed by local and international contracts, agreements

and regulations concerning production, packing and transportation are to be strictly observed.

CHAPTER VII. SYSTEM OF LABELING OF BIO-PRODUCTS

Article 18. Bio-Product Label

1. Bio-product shall have a label comprising the following information:
 - a) Trademark of the certification body; writing: "Product From Biological Farm";
 - b) Name, type and category of bio-product, production place, date, expiration date;
 - c) Indication of weight and volume of bio-product;
 - d) List of ingredients of bio-product;
 - e) Title and legal address of the producer of bio-products.
2. Notice "Produced in Georgia" is to be included in the label of bio-product designated for export.
3. Indications on the label of bio-product are to be made in the state language, or in one of the foreign languages together with the state language.
4. Text on the label of bio-products is to comply with all norms of literary Georgian language and is to be agreed with the State Language Chamber of Georgia.
5. It is prohibited to include in the product label the information irrelevant according to the Law of Georgia "On Advertisement".

CHAPTER VIII. LIABILITY FOR THE LAW VIOLATIONS

Article 19. Liability For the Violation of the This Law

Liability for the violation of the requirements of this Law is determined on the basis of the Georgian Legislation.

CHAPTER IX. TRANSITIONAL AND CONCLUSIVE PROVISIONS

Article 20. Law-subordinated Normative Acts To Be Adopted For Enactment of the Law

1. In connection with the enactment of the Law, the Ministry of Agriculture and Food of Georgia within maximum 6 months after enactment of the Law, is to elaborate in agreement with the State Department of Standardization, Metrology and Certification and to issue the Orders fixing the following:
 - a) Requirements and procedures of accreditation of certification bodies;
 - b) Main requirements, production conditions, manufacturing rules and technological regulations set for products of animal and plant origin;
 - c) List of substances permitted and recommended in the process of production, processing, storage and packing of bio-products.
2. In connection with enactment of this Law, the Ministry of Agriculture and Food of Georgia within maximum 6 months, is to elaborate according to the procedures fixed by the legislation and to submit standards for biological agri-production, processing and labeling to the State Department of Standardization, Metrology and Certification of Georgia for the approval.
3. The Minister of Agriculture and Food of Georgia is to issue Order "On Procedures of Mandatory Vaccination and Zoo-technical Measures" within 6 months after adoption of this Law.

Article 22. Enactment of the Law

This Law enters into force on the 15th day after its publication.

**Translated By Nutsa Amirejibi
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