

Strengthening the Capacities of the Technical and Construction Supervision Agency (TCSA) in Development of the Market Surveillance System in Georgia

TWINNING PROJECT FICHE

1 Basic Information

1.1 Programme: Support to EU-Georgia DCFTA and SMEs ENI/2014/037-381

1.2 Twinning Number: GE/14/ENI/EC/02/17(GE/29)

1.3 Title: Strengthening the Capacities of the Technical and Construction Supervision Agency (TCSA) in Development of the Market Surveillance System in Georgia

1.4 Sector: Trade and Industry

1.5 Beneficiary country: Georgia

2 Objectives

2.1 Overall objective

The overall objective of the project is to assist the Government of Georgia to comply with EU best practices in Market Surveillance on industrial and consumer products, as required under the AA/DCFTA and as set out in the Georgian Multiannual Action Plan on Market surveillance of Industrial and Consumer Products. Thus, to facilitate Georgia's gradual inclusion to the EU market.

2.2 Project purpose

The purpose of the project is to strengthen the **Technical and Construction Supervision Agency (TCSA)** in terms of implementation and enforcement of legislation, human resources and market surveillance and consumer protection's awareness, to meet DCFTA requirements and challenges.

2.3 Contribution to Association Agreement (AA), Deep and Comprehensive Free Trade Area (DCFTA) and Market surveillance Strategy

This Twinning project will aim to support a further effective and efficient implementation and fulfilment of the objectives set out in the EU-Georgia AA, including DCFTA, which contains a range of policy measures for liberalizing trade. The action will specifically support the provisions of Chapter 3 - Technical Barriers to Trade of the AA.

The Georgian Strategy in Standardization, Accreditation, Conformity Assessment, Technical regulation and Metrology and Programme on Legislative Reform and Adoption of Technical Regulations of March 2010 sets guidelines, challenges, goals, methods and status for the policies outlined in the document, and identifies activities to be implemented and topics to be reflected into the national legislation for market surveillance as follows:

- to provide principles for the system of market surveillance based on the Code on Safety and Free Movement of Products (8 May, 2012)¹.
- introduce an adequate system of state control and third party inspections
- implement market surveillance actions for selected sectors and group of products and methods in parallel to the adoption of the New Approach and the Global Approach Directives.

¹ <https://matsne.gov.ge/ka/document/view/1659419?impose=translateEn>

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The obligations in the field of Technical Regulations, Standardisation and Related Infrastructure laid down in the DCFTA Implementation National Action Plan for 2017 approved by the order N 1-1/712 of Minister of Economy and Sustainable Development of Georgia on 30, December, 2017 outlines the following priorities:

- Developing relevant legislation which Georgia committed to implement on the basis of the Association Agreement;
- Developing infrastructure related to administration of standards, technical regulations, metrology, market surveillance, accreditation, conformity assessment procedures;
- Facilitating the preparation and adaptation of stakeholders, including economic operators, for the implementation of approximated legislation;
- Continuing the implementation of the Market Surveillance Strategy for industrial goods;
- In the Market Surveillance field, strengthening administrative capacities of relevant Georgian state institutions and market surveillance bodies;
- Further staff training for administration of responsible government bodies and agencies.

Georgia will continue implementation of the Multiannual Action Plan on Market surveillance of Industrial and Consumer Products, adopted by Governmental Decree 30.12.2017 N641 and Institutional Reform Plan of Technical and Construction Supervision Agency.

The Project shall therefore support TCSA to conduct Market Surveillance based on the following principles:

- Ensure efficiency of Market surveillance authoriti(es);
- Separation of functions of Market supervision bodies and conformity assessment bodies, in order to avoid conflicts of interest;
- Conducting reactive and proactive Market surveillance;
- Transparency, purposefulness and proportionality of activities performed by Market surveillance bodies;
- Establishment only those procedures by market surveillance bodies which are necessary to ensure safety of products and are targeted towards economic operators;
- Market Surveillance of only those products which are placed on the market;
- Effective, proportionate and dissuasive penalties applicable to infringement of appropriate requirements of technical regulation;
- In the areas where there is no relevant technical regulation, for the purposes of the surveillance, general safety requirements provided in Product Safety and Free Movement Code is applied.

The project is also grounded with the Socio-economic Development Strategy of Georgia “Georgia 2020”, according to which the Government of Georgia will continue to reduce remaining technical barriers to trade in order to facilitate export development and integration with international and European markets and to increase the competitiveness of Georgian products and services. In this context, national quality infrastructure will be developed and national quality institutions will be integrated with international and European systems. Georgia will consistently harmonize its national supervisory systems with European ones.

3 Description

3.1 Background and justification

Georgia has signed an Association Agreement (AA) including a Deep and Comprehensive Free Trade Area (DCFTA) with the European Union (EU) in June 2014, after three years of intense negotiations. The agreement fully entered into force in July 2016. However, Georgia benefitted from some trade aspects of the Agreement (notably the DCFTA) since September 2014.

The DCFTA represents the overarching trade policy framework the implementation of which will give Georgia a sound and stable legal framework, bringing its legislation closer to that of the EU, thus gradually integrating Georgia into the EU internal market. However, the effective implementation of the DCFTA obligations depends very much on the efforts and modernisation of the relevant institutions.

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Technical Barrier to Trade (TBT) was identified as one of the priority areas for a successful completion of negotiations between Georgia and the EU over the DCFTA. In this regard, the EU supported and continues to support key Georgian institutions along the TBT reform process.

Regulation (EC) 765/2008 sets out the requirements for accreditation and market surveillance relating to the marketing of products. Strengthening market surveillance should benefit all market players as it creates a basis for eliminating dishonest operators, helps improving competition and allows for the proper protection of citizens from non-compliant and dangerous products. The EU Regulation No 765/2008 explicitly requires Member States to carry out market surveillance.

In order to eliminate the identified ‘Technical Barriers to Trade’ and to implement the DCFTA between the EU and Georgia, it was decided to develop an EU compliant market surveillance service in Georgia. Currently, the Technical Construction and Supervision Agency (TCSA), an agency within the Ministry of Economy and Sustainable Development, is the sole non-food product market surveillance institution in Georgia.

Currently Georgian legislation has been approximated with 6 New Approach Directives (NADs) covering the following products, namely: Lifts, Cableways, Hot Water boilers, Pressure Equipment, Simple Pressure Vessels and Recreational Craft².

The responsibility for enforcing the provisions of this Georgian legislation approximated with NADs lies with the TCSA with the exception of Recreational Craft for which the responsibility for enforcing the legal provision lies with Maritime Transport Agency of Georgia.

The Georgian Market Surveillance Strategy makes it clear that Georgian legislation will be further approximated with other NADs³ over the coming years. Specific attention will be paid to ensuring that the policy development and legal approximation process supported under this Twinning project will be in line with the national framework on policy development and the better regulation approach, supported also at the EU level. A better regulation approach requires that policies and legislation are prepared on the basis of best available evidence (impact assessments) and according to an inclusive approach involving both internal and external stakeholders.

TCSA has responsibility over 5 ‘industrial’ types of products covered by the New and Global approach directives. TCSA staff appears to be generally competent to enforce the law in respect of these products. However directive related trainings including training in implementation and enforcement good practice is needed so as training in the general approach, practices and principles of market surveillance. These trainings should cover also types of products which are generally assumed as consumer goods, among them are products covered by further approximated Directives envisaged by AA such as: Toys, Electrical products, Personal protective equipment PPE, Machinery and Construction products, gaseous fuel equipment, explosives for civil uses, products which, appearing to be other than they are and lighters. All of these were factored into a training programme that was delivered during 2016. The management structure of TCSA is relatively flat, managers have a clearly defined role, delegation is seen to be effective and in general the service is delivering its work well. The agency is smoothly developing. Management roles, responsibilities and performance appear to be generally good, however further improvement is needed.

The Twinning project will support TCSA for the implementation of the Multiannual Action Plan on Market Surveillance on Industrial and Consumer Products, adopted by the Governmental Decree N641, 30.12.2016. The Multiannual Action Plan was developed with the support of the EU project “Support to Technical and Construction Supervision Agency (TCSA) to upgrade the national Market Surveillance in Georgia in line with

² Directive 2014/33/EU (95/16/EC) on lifts, Directive 2016/424/EU (2000/9/EC) on cableways – did they really transpose this directive, as it will be applicable in EU only in cca 2 years, Directive 92/42/EEC on hot water boilers, Directive 2014/68/EU (97/23/EC) on pressure equipment, Directive 2014/29/EU (2009/105/ES) on simple pressure vessels, Directive 2013/53/EU on recreational craft

³ Timetable according to Annex III-A of DCFTA

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EU best practice". The Project also supported TCSA for the implementation of the Institutional Reform Plan which was approved by the order of TCSA's head (Nb -238, 31.12. 2015) and amendments have been done and approved by the order of TCSA's head (Nb -18, 16. 02. 2017).

The main spheres of activities of the TCSA are up to now the control and supervision of the objects with increased technical danger and building permit for the particularly important buildings (including radiation /nuclear power structures/stations) on the territory of Georgia and control the fulfilment of building permit conditions.

The Twinning project is part of the complementary measures of the Sector Reform Contract SRC "Support to EU-Georgia DCFTA and SME's" with an EU total contribution of €45 million. The sector reform programme aims to further strengthen the DCFTA policy framework for trade and SME development, to improve the overall functioning of priority trade and private sector related institutions; to strengthen economic actors and SMEs along the DCFTA process, also to insure economic integration of targeted groups. Market Surveillance falls under the priority directions of the programme and this Twinning project will contribute to strengthening both DCFTA and SME policy frameworks.

The project activities will be held in close cooperation with other ministries and governmental agencies linked to the scope of the project depending on their functions and responsibilities: Ministry of Economy and Sustainable Development of Georgia (MoESD), Georgian Accreditation Center (GAC), Georgian National Agency for Standards and Metrology (GEOSTM), Ministry of Labour, Health and Social Affairs (MOLHSA), Revenue Service (RS), Ministry of Agriculture, etc.

The results identified under this Twinning project will contribute to the fulfillment of the commitments in accordance with the legislative approximation envisaged by annex III of AA and will contribute to the overall Public Administration Reform in Georgia supporting the introduction of the evidence-based approach to policy making.

3.2 Linked activities

The following EU projects directly or indirectly supported TCSA during the past years.

Completed projects:

"Strengthening accreditation infrastructure according to the best practice in the EU Member States", Twinning project (January 2012 –June 2013). The project supported the Georgian Accreditation Centre and aimed to strengthen the accreditation system in order to meet the requirements for applying for full membership in the European co-operation for Accreditation (EA) and the International Laboratory Accreditation Committee (ILAC), and to establish the conditions for the future international recognition of Georgian accredited conformity assessment bodies.

"Support to Technical and Construction Supervision Agency (TCSA) to upgrade the national Market Surveillance in Georgia in line with EU best practices". The 15 month project started on June 2015 and ended on September, 2016. The assistance included:

- Identification of needs and gaps in the market surveillance system
- Identification of possible institutional and legislative gaps and development of appropriate recommendations
- Development of recommendations, in accordance with EU best practices on regulations and procedures of market surveillance
- Trainings for TCSA staff in priority fields related to New and Global Approach Directives
- Study visits abroad for the better understanding of market surveillance system

The project provided with a set of recommendations for further improving the market surveillance system and completed a number of training for TCSA staff enhancing thus their capacity to conduct market surveillance.

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Sector Reform Contract SRC "**Support to EU-Georgia DCFTA and SME's**". The 60 month €45 million project has been signed in 2015 to ensure continuation of trade and private sector reforms, reinforce newly established agencies under the MoESD and supporting Georgian SMEs in the adaptation to a new regulatory environment. The programme is composed by a budget support component and by complementary measures. Under the complementary measures, the major on-going projects are "Support to the Georgian Competition Agency, €2 million", "SME Development and DCFTA in Georgia, €5 million" and "DCFTA Adaptation Programme, €4.5 million".

Sector Reform Contract “Support to the Public Administration Reform in Georgia, PAR” (2016-2019). The action is financed by the EU with maximum contribution €30 million. The objective of the programme is to improve the efficiency, accountability and transparency of the public administration of Georgia, in line with the European Principles of Public Administration. It will have a particular focus on the improvement of the policy planning and coordination capacities and processes in the central public administration. The professionalization of the civil service (including the reform of the civil service training system) will also be supported through the programme.

“Facility for the Implementation of the Association Agreement in Georgia” (2015-2018 budget 2,381,745€), the EU funded project provides policy advice and capacity building support to the Georgian Government in coordinating the implementation of the Association, strengthening the institutional capacities of the line ministries and other public institutions to carry out the required reforms, including on policy development and legal approximation processes.

“Legislative Impact Assessment, Drafting and Representation” (2015-2017 budget 1,713,780 €), the EU funded project aims to improve the legal drafting process at the central level of government (through promoting better coordination among relevant entities, and introduction of the regulatory impact assessment of draft legislation) as well as the Government's international representation and reporting functions with special emphasis on the Ministry of Justice.

Both above mentioned projects AA Facility and Legal Drafting support the elaboration of a unified methodology and provide capacity building to key institutions in the legal approximation process.

3.3 Components and Results

The project is grouped into 3 Components:

Component 1 – Legal approximation to EU legislation in market surveillance according to Annex III-A of the AA , DCFTA TBT chapter

Result 1.1 Market surveillance legal framework approximated to the EU legislation as envisaged by the Annex III-A of the AA, DCFTA TBT chapter according to an inclusive and evidence-based approach with regard to New Approach and Global Approach Directives

Indicators of achievement:

- Analysis of Georgian legislation in regards to selected NADs performed and recommendations provided⁴;
- Law of Georgia on Product Safety and Free Movement Code revised and amended to include all changes identified, as needed;
- Written proposals discussed with relevant officials and stakeholders; consultations held and relevant reports drafted;
- Georgian legislation amended in line with the EU Regulation 765/2008 as well as General Product Safety Directive GPSD, including terminology;

⁴ Approximate the following EU New Approach Directives/ Regulation into Georgian law: Construction Products (Regulation), Electromagnetic Compatibility (EMC), Low Voltage (LVD), Machinery, Gas Appliances, , Personal Protective Equipment (PPE), Toys

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- Directives intended for future approximation envisaged by Annex III-a of AA translated into Georgia;
- Draft guidelines/operating work instructions related to market surveillance processes on further approximated NADs developed (toys, electrical products, personal protective equipment PPE, machinery, construction products; equipment and protective systems intended for use in potentially explosive atmospheres, gaseous fuel equipment, explosives for civil uses, products which, appearing to be other than they are and lighters, Equipment for potentially explosive atmospheres ATEX);
- Recommendations on changes of Multiannual Market Surveillance Action Plan on Industrial and Consumer Products elaborated taking into account recent developments in market surveillance filed,

Result 1.2 TCSA knowledge of relevant EU directives (Annex III-A of the AA concerning cableways, lifts, etc.) enhanced

Indicators of achievement:

- At least 8 trainings carried out for TCSA relevant staff (working groups) on relevant/priority laws and related procedures;
- At least 5 trainings for TCSA staff on practical aspects of NADs approximation/implementation performed;
- At least 10 working meetings organised to provide legal and technical support to TCSA and relevant Georgian institutions with all necessary background information on administrative, institutional and technical capacities, necessary for a smooth implementation of selected EU directives;
- A study visits for 5 staff member of TCSA for 5 working days organised to gain experience on the practical aspects of implementation of the EU directives and regulations in respective EU member state authorities
- *Training of trainers* carried out for the managers of TCSA and/or relevant staff related to the implementation of approximated EU directives in selected area;
- Training of the management of the TCSA in leadership, change management, best practice, performance management, carried out.

Result 1.3 TCSA supported in development of internal market surveillance information exchange system

Indicators of achievement:

- Elaboration of technical conditions for development of information exchange system between customs authorities, TCSA and consumers (the system should incorporate databases for products and economic operators and also subsequent tools for rapid exchange of information)
- A set of identified operational procedures for the TCSA staff for usage of information exchange system developed;
- Training of the relevant TCSA staff on principles and functioning of the ICSMS conducted;

Component 2 –Institutional strengthening and capacity building for TCSA in market surveillance and consumer protection activities

Result 2.1 TCSA capacities to conduct market surveillance activities strengthened

Indicators of achievement:

- Needs assessment of TCSA on market surveillance and consumer protection activities conducted and assessment report provided;
- Training and Development plan for TCSA use developed and agreed with TCSA;
- Staff of TCSA introduced on EU legislation and EU best practices related to: toys, electrical products, personal protective equipment PPE, machinery, construction products; equipment and protective systems

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- intended for use in potentially explosive atmospheres, gaseous fuel equipment, explosives for civil uses, products which, appearing to be other than they are and lighters;
- At least 10 trainings for TCSA staff on practical market surveillance activities according to NADs requirements conducted and hands-on recommendations delivered;
- At least 2 seminars on unfair business practices held for TCSA staff and other relevant stakeholders;
- A seminar on introduction of EU good practices concerning operation of market surveillance and consumer protection authorities carried out;
- Support on implementation of Interim Institutional Reform Plan provided;
- Working and consultation meetings organised with selected business and consumer protection organisations.

Result 2.2 TCSA supported on identification and drafting of relevant procedures

Indicators of achievement:

- Available checklists assessed and revised in agreement with TCSA relevant staff;
- New checklists on national legislation approximated with the EU directives drafted and agreed with the TCSA, Georgian translation of checklists provided;
- Procedures on inspection planning, inspection methods, sampling and reporting methods, identification of compliance, enforcement action developed;
- Risk assessment methodologies developed, including prioritisation and planning of TCSA activities according to risks;
- Risk assessment procedures developed related to Toys, Electrical products, Personal protective equipment PPE, Machinery and Construction products, gaseous fuel equipment, explosives for civil uses, products which, appearing to be other than they are and lighters;
- Revise and if necessary improve existing risk assessment system for lifts, cableways, pressure vessels, simple pressure vessels and hot water boilers done.
- At least 4 trainings for TCSA staff prior to carrying out market surveillance activities in the field carried out.

Result 2.3 Complete chain of market surveillance activities on non-food products in place

Indicators of achievement:

- Cooperation methods, including information exchange, developed and agreed between TCSA and the Customs authority, as well as task leaders of the TCSA nominated and notified to the Customs authority;
- Trainings for customs officers related to market surveillance activities carried out;
- Annual plan on joint checks at the Customs developed and agreed with relevant authorities;
- Pilot joint checks at Customs performed, results analysed and recommendations for improvement provided.

Result 2.4 Technical competence of TCSA staff increased

Indicators of achievement:

- At least 1 training on applicable harmonised standard for each sphere covered by already and further approximated NADs carried out for TCSA staff;
- A study visit for up to 5 TCSA staff members for 5 working days organised in the EU member states market surveillance authorities, consumer protection organisations and conformity assessment bodies;
- 12 months technical English language course for 8 TCSA staff member organised to improve interpretation capacity of guides, test certificates, declarations of conformity and other technical documentation.

Result 2.5 TCSA ability to perform market visits enhanced

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Indicators of achievement:

- At least 4 joint studies on the relevant products covered by Georgian legislation approximated with NADs⁵ carried out;
- Results of the studies (joint visits) carefully analysed, recommendations prepared and measures for improvement prepared and introduced;
- Discussions with all relevant stakeholders (governmental bodies, business, NGOs) with the aim to enhance their understanding of new Georgian legislation performed, consultation/discussion meeting reports prepared;
- Carry out joint Pilot Study together with TCSA staff and relevant MS experts in selected sectors in line with planned approximation of products/directives to check their compliance with the determined requirements.

Component 3 – Awareness Raising Activities and Further Integration of TCSA in Relevant International Market Surveillance and Consumer Protection Structures

Result 3.1 Public outreach of TCSA in market surveillance and consumer protection fields further strengthened

Indicators of achievement:

- At least 4 seminars/trainings conducted in order to publicize important information about TCSA activities and services in relation to market surveillance and consumer protection;
- Consultation meetings covering recent developments in respective field organised for businesses, society, and other stakeholders;
- At least 6 seminars for consumers and other interested parties focused on explanation of market surveillance principles conducted;
- At least 6 seminars in regions of Georgia for interested parties (industry, producers, consumers etc.) organised;
- TCSA website and Facebook page developed to include separate consumer and business sections concentrating on guidance and information related to new Georgian legislation approximated with NADs and provisions on market surveillance.

Result 3.2 TCSA supported in active participation in EU market surveillance and consumer protection structures

Indicators of achievement:

- TCSA membership possibilities of International market surveillance organizations (such as PROSAFE) analysed and recommendations prepared;
- Necessary activities for membership in case of mutual affirmative decision planned and implemented as a result of membership possibility analyses of International market surveillance organizations (such as PROSAFE);
- At least 1 or 2 visits for 4 TCSA staff to take part in the market surveillance related meetings, such as meetings of Administrative Cooperation Groups ADCOs or related conferences.

Result 3.3 Communication and Visibility Campaign Implemented

Indicators of achievement:

⁵ The project partners will identify list of products to carry out joint market surveys with the involvement of the TCSA relevant staff.

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- TCSA internal communication strategy and action plan developed and approved by the management, including a policy for the publication of inspection results and restrictive measures;
- Awareness and visibility materials (brochures, leaflets, articles etc.) adjusted to the needs of different target groups, especially consumers developed;
- Promotional video record on market surveillance and consumer protection matters developed and made available on the different web/TV resources;
- Quarterly Newsletters on project activities produced and disseminated to relevant stakeholders.

All relevant documentation developed within the Twinning project should be provided both in English and Georgian languages.

The inclusiveness and evidence-based approach should be applied to all activities related to legislation alignment with EU acquis and policy development / adjustment: drafting/amendment of the legal and policy proposals should be based on evidence, the cost of their implementation should be calculated and budgeted and they should be consulted at the right time of the process with relevant internal and external stakeholders.

3.4 Activities

Member State(s) is/are kindly requested to develop activities in the submitted proposal which are needed in order to achieve the results stipulated in the fiche.

Minimum two visibility events will be organized in the course of the implementation of the project; Kick-off meeting at the start of the implementation and the Final meeting at the end of the implementation of the project activities.

3.5 Means/Input from the MS Partner Administration

3.5.1 Profile and tasks of the Project Leader

The MS PL will be expected to devote a minimum of 3 days per month to the project in his/her home administration. In addition, he will coordinate from the Member state side the work of the Project steering Committee (PSC). The PSC will meet in Georgia every three months.

MS Project Leader may participate in the project also as short-term expert (STE). In this case the MS Project Leader should satisfy requirements stipulated in the fiche for both the Project Leader and the relevant STE profile.

Profile:

- At least 10 years of experience either in the field of market surveillance with good understanding of subjects related to project activities, during that period, he/she must have been in a senior management position in a Member State market surveillance and consumer protection institution for at least 3 years
- Have experience in the field of project management, institutional issues and organisation of national quality infrastructures to the European requirements
- English working knowledge.

Tasks:

- Overall coordination, guidance and monitoring of the project
- Signature of project progress reports and the final report prepared with the support of RTA
- Timely achievement of the project results
- Co-Chairing of project steering committees
- Provision of legal and technical advice and analysis whenever needed.

3.5.2 Profile and tasks of the RTA

One RTA will be appointed and he/she will be located in the premises of the TCSA in the beneficiary country.

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The secondment of the RTA will last for 24 months, during which he/she will be responsible for the direct implementation of the project under the overall supervision of the MS Project Leader.

He/she will come from an EU Member State to work on a full time and day-to-day basis with the beneficiary administration. The RTA will have a key role in the coordination of the inputs required for the successful implementation of all the project activities. He/she shall be supported by the STEs.

He/she will be introduced to the BC stakeholders of the project, counterparts and staff. He/she will also hire a Project Assistant as well as a Language Assistant through an appropriate selection procedure.

Profile:

- Minimum 7 years of experience in the field of market surveillance and/or consumer protection,
- Sound comparative knowledge of relevant EU legislative and institutional requirements related to the various components of this project
- Wide knowledge of related good practice/Acquis and demonstrated experience on adoption of New Approach directives into national legislation
- Solid knowledge of market surveillance and/or consumer protection legislation and procedures
- Previous experience in project management would be an asset
- Experience in working on similar projects in transition countries would be a must
- Good training, public speaking, diplomatic and written communication skills
- Excellent computer literacy (Word, Excel, Power Point)
- Excellent command of spoken and written English

Tasks:

- Overall supervision of the project implementation and coordination of all activities, as well as management of the project administration
- Coordination of the activities of the team members in line with the agreed work programmes to enable timely completion of project outputs
- Provide technical input to the project whenever needed and provision of advice in his field of expertise
- Liaise with MS and BC PLs and daily contacts with BC RTA counterpart
- Co-preparation of project progress reports with PL
- Liaison with EU Project Manager
- Liaison with other relevant projects and Georgian institutions

3.5.3 Profile and tasks of the short-term experts

Specialist civil servants/staff of approved mandated bodies will be made available by the Twinning Partner (MS) to support the implementation of the activities. Specific and technical matters relevant to this Twinning project will be taken over by a pool of STEs. The detailed expert input shall be established when drawing up the Twinning work plan.

Indicative Profile of STEs:

- A minimum of 5 years' experience in their respective field;
- Working knowledge of written and spoken English;
- Experience in Phare/ENP-East countries as well as in other projects relating to quality infrastructure management would be an advantage

Tasks of STEs:

- ToR for STE(s) will be elaborated by PL/RTA at the work plan preparation stage;
- In order to achieve the results in Component No 1, STEs involved should have experience regarding the approximation and enforcement of the EU legislations;
- In order to achieve the results in Component No 2, STEs involved should have experience in market surveillance, testing, and conformity assessment of products in question;

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- In order to achieve the results in Component No 3, STEs involved should have experience regarding the awareness raising, PR, visibility actions as well as experience regarding the work of market surveillance authorities.

In addition to their missions in Georgia, the STEs are expected to contribute actively to elaborating the programmes of the foreseen study visits and internships.

4 Institutional Framework

4.1. Beneficiary Institution

The main beneficiary institution is the Technical and Construction Supervision Agency TCSA, legal entity of public law operates under the Ministry of Economy and Sustainable Development of Georgia and is market surveillance authority in Georgia, which conducts supervision of the technically hazardous objects as following: Cranes, Pressure Vessels, Cableway Installations, Lifts, Attractions, Main Oil and Gas Pipelines, Mine Extracting Objects (Pits, Quarries). Full list of those objects are specified and determined at Product Safety and Free Movement Code.

TCSA checks and analyses compliance of the technically hazardous objects with the safety requirements provided by Georgian technical legislation. In case of non-compliance, the Agency is authorized to implement sanctions.

TCSA is involved in the process of approximation of Georgian legislation to EU New and Global Approach Directives envisaged by Government of Georgia's TBT Strategy and Programme and Association Agreement.

In 2011 two EU directives – Directive 95/16/EC on the approximation of the laws of the Member States relating to lifts and Directive 2000/9/EC relating to the cableway installations designed to carry persons have been translated into Georgian language and adopted by decree of the Georgian Government. Furthermore, in 2013 three EU Directives – Directive 97/23/EC on Pressure Equipment; Directive 92/42/EEC on Efficiency Requirements for New Hot-water Boilers fired with Liquid or Gaseous Fuels Directive 2009/105/EC on Simple Pressure Vessels have been translated and subsequently adopted by the decree of the Georgian Government. Construction Product Regulation (No 305/2011) has been translated and relevant draft of technical regulation is in the process of developing. In total 21 EU New and Global Approach directives should be implemented in Georgia⁶.

4.2. Coordination mechanisms

A Project Steering Committee (PSC) will be established for the coordinate and supervision of the project activities and the mandatory results. The PLs, the RTA, the RTA counterpart, the EUD and PAO representatives will meet regularly at quarterly intervals and will submit by the end of the meeting (as recorded in the minutes of meeting) an ‘approval/not approval’ of the quarter project reports as described in the Common Twinning Manual. It will be co-chaired by the PL (EU MS and BC). Official minutes of the PSC meetings will be kept in English.

The PSC will monitor, supervise and co-ordinate the overall progress and implementation of the project. Furthermore, the SC will enhance the involvement of the relevant BC institutions in the project, provide guidance for the different components of the project, and define priorities.

⁶ Annex III-A of DCFTA

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In addition to PSC, monthly progress monitoring meetings can be held if necessary. As a gathering of RTA, RTA counterpart, PAO and EUD representative, the meetings are to solve any emerging operational problems on a monthly basis.

Beneficiary Country Project Leader

The BC PL will act as the counterpart of the MS PL and will ensure close cooperation in the overall steering, co-ordination and management of the project from the beneficiary side. He/she will support the Twinning project team in organisational and technical matters and will also coordinate the PSC on behalf of the BC. The role of the BC PL and the MS PL are complementary.

5 Budget

Strengthening the Capacities of the Technical and Construction Supervision Agency (TCSA) in Development of the Market Surveillance System in Georgia	ENI Community Contribution 100 %	National Co-financing	TOTAL
Twinning Contract	1,500,000 €	-	1,500,000 €

6 Implementation Arrangements

6.1 Implementing Agency responsible for tendering, contracting and accounting

The European Union Delegation in Tbilisi will be responsible for tendering, contracting, payments and financial reporting, and will work in close cooperation with the beneficiary.

The person in charge of this project is:

Francesca MAZZUCCO, Project Manager
Delegation of the European Union to Georgia
38 Nino Chkheidze str., 0102 Tbilisi, Georgia.
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Email: Francesca.MAZZUCCO@eeas.europa.eu

PAO will support the TWG Project implementation process together with the EU Delegation

6.2 Main counterpart in the BC

The Programme Administration Office (PAO) of the Office of the State Minister of Georgia for European and Euro-Atlantic Integration will support the Twinning Project implementation process together with the EU Delegation. The person in charge of this project is:

Mr. David Bujiashvili
Head of EU Assistance Coordination Department / Programme Administration Office (PAO) in Georgia

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6.3 Contracts

The project will be implemented through one twinning contract.

7 Implementation Schedule (indicative)

7.1 Launching of the call for proposals: Q2 2017

7.2 Start of project activities: Q4 2017

7.3 Project completion: Q4 2019

7.4 Duration of the execution period (number of months): 27 months: The execution period will end 3 months after the implementation period of the Action (work plan) which will take 24 months.

8 Sustainability

The sustainability of the project will be achieved through a suitable implementation of the project activities and availability of trained personnel in market surveillance area as well as provision/development of relevant documents and training material for further use in Georgia.

Achievements of this Twinning project are anticipated to contribute to the development of the market surveillance area in Georgia according to well established practices and standards of the EU, which in its turn creates favourable environment for protection of consumer rights.

9 Crosscutting issues

TCSA will ensure equal opportunities between male and female in the management and implementation of the project, including equal opportunities in training, site visits and participation in all of the Projects' missions and events; contributing thus to the promotion of gender equality.

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TCSA will also ensure adequate support and basic equipment for the work of the Twinning partners. This includes office space, local phone and fax, access to Internet and translation (when necessary).The principle of equal opportunity will be integrated into all stages of the project implementation.

10 Conditionality and sequencing

There is no precondition set for this twinning project but it is foreseen that a series of activities / measures would have been undertaken by the TCSA in order for the project to start in satisfactory conditions.

Activities follow the same pattern applying to the elaboration of documents:

- (1) Joint reflection of EU and TCSA experts;
- (2) Drafting of a document by EU experts;
- (3) Opinion given by TCSA and EU experts;
- (4) Finalisation of a first draft and training delivered jointly;
- (5) Application by TCSA staff;
- (6) Peer/review and possible revision of the document.

11 Abbreviation

Acronym	Meaning
AA	Association Agreement
ADCO	Administrative Cooperation Groups
BC PL	Beneficiary Country Project Leader
GAC	Georgian Accreditation Center
GEOSTM	Georgian National Agency for Standards and Metrology
CA	Contracting Authority
CAB	Conformity Assessment Body
CIB	Comprehensive Institution Building
DCFTA	Deep and Comprehensive Free Trade Area
EC	European Commission
EN	European Standard
EU	European Union
EUD	European Union Delegation
GoG	Government of Georgia
GPSD	General Product Safety Directive
ICSMS	Information and Communication System for Market Surveillance
IRP	Institutional Reform Plan
JSTE	Junior Short Time Expert
MoESD	Ministry of Economy and Sustainable Development of Georgia
MoLHSA	Ministry of Labour, Health and Social Affairs

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MS PL	Member State Project Leader
NAD	New Approach Directive
NGO	Non- Governmental Organization
PAO	The programme Administration Office under the State`s Minister Office
PPE	Personal protective equipment
PCA	Partnership and Cooperation Agreement
PSC	Project Steering Committee
QI	Quality Infrastructure
QM	Quality Management
RAPEX	Rapid Alert System for dangerous non-food products
RS	Revenue Service
SV	Study Visit
STE	Short Term Expert
SSTE	Senior Short term Expert
TA	Technical Assistance
TBT	Technical Barriers to Trade
TCSA	Technical and Construction Supervision Agency
ToR	Terms of Reference
WP	Working Plan
WTO	World Trade Organization

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ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format
2. Detailed implementation plan
3. List of relevant laws and regulations
4. Organizational chart

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Annex 1. Logical framework matrix in standard format

Project title Strengthening the Capacities of the Technical and Construction Supervision Agency (TCSA) in Development of the Market Surveillance System in Georgia		Programme name and number: 	Support to EU-Georgia DCFTA and SMEs ENI/2014/037-381
Technical and Construction Supervision Agency (TCSA)		Total budget: 1.500,000.00 EUR	Financing: 100% 1,500,000.00 EUR
Overall objective	Objectively Verifiable Indicators	Sources of Verification	Assumptions
The overall objective of the project is to assist the Government of Georgia to comply with EU best practices in Market Surveillance on industrial and consumer products, as required under the AA/DCFTA and as set out in the Georgian Multiannual Action Plan on Market surveillance of Industrial and Consumer Products. Thus, to facilitate Georgia's gradual inclusion to the EU market.	<ul style="list-style-type: none"> • Selected NADs implemented in Georgian legislation • Georgian legislation updated in accordance with recommendations • Institutional Reform Plan implemented • Regular meetings between TCSA and the Customs authority in place • Public and international outreach of TCSA in market surveillance and consumer protection area raised 	<ul style="list-style-type: none"> • TCSA reports and/or • MoESD reports and/or • Relevant National and EC reports and/or Statistic reports 	
Project purpose	Objectively Verifiable Indicators	Sources of Verification	Assumptions

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<p>The purpose of the project is to strengthen the Technical and Construction Supervision Agency (TCSA) in terms of implementation and enforcement of legislation, human resources and market surveillance and consumer protection's awareness, to meet DCFTA requirements and challenges.</p>	<ul style="list-style-type: none"> • TCSA is authorised to take appropriate measures equivalent to the ones by the EU MS market surveillance authorities • Access to the databases (e.g. ICSMS) granted to the Georgian authority • TCSA staff trained in various topics related marked surveillance • TCSA is adequately resourced and market surveillance activities are delivered effectively • Number of QMS documents (a quality manual, relevant procedures, instruction, forms etc.) number of documents approved by TCSA management and implemented in practice • TCSA staff is active in ADCO 	<ul style="list-style-type: none"> • Twining documentation (list of participants, training materials, recommendations etc) • Mission reports 	<ul style="list-style-type: none"> • Government commitment on Fulfilment of DCFTA requirements continued • Availability of local staff • Good communication between the Beneficiary and other stakeholders
Results	Objectively Verifiable Indicators	Sources of Verification	Assumptions
<p><u>Component 1 – Legal approximation to EU legislation in market surveillance according to Annex III-A of the AA , DCFTA TBT chapter</u></p>			
<p>Result 1.1 Market surveillance legal framework approximated to the EU legislation as envisaged by the Annex III-A of the AA, DCFTA</p>	<ul style="list-style-type: none"> • Analysis of Georgian legislation in regards to selected NADs performed and recommendations provided ; • Law of Georgia on Product Safety and Free Movement Code revised 	<ul style="list-style-type: none"> • Twining documentation (list of participants, training materials, recommendations etc) • Mission reports 	<ul style="list-style-type: none"> • Government commitment on Fulfilment of DCFTA requirements continued • Availability of local staff • Good communication between the Beneficiary and other stakeholders

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TBT chapter according to an inclusive and evidence-based approach with regard to New Approach and Global Approach Directives	<p>and amended to include all changes identified, as needed;</p> <ul style="list-style-type: none">• Written proposals discussed with relevant officials and stakeholders; consultations held and relevant reports drafted;• Georgian legislation amended in line with the EU Regulation 765/2008 as well as General Product Safety Directive GPSD, including terminology;• Directives intended for future approximation envisaged by Annex III-a of AA translated into Georgia;• Draft guidelines/operating work instructions related to market surveillance processes on further approximated NADs developed (toys, electrical products, personal protective equipment PPE, machinery, construction products; equipment and protective systems intended for use in potentially explosive atmospheres, gaseous fuel equipment, explosives for civil uses, products which, appearing to be other than they are and lighters, Equipment for potentially explosive atmospheres ATEX);• Recommendations on changes of	<ul style="list-style-type: none">• Drafts of regulations• Access to ICSMS database	<p>stakeholders</p> <ul style="list-style-type: none">• All relevant documentation available
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	<p>Multiannual Market Surveillance Action Plan on Industrial and Consumer Products elaborated taking into account recent developments in market surveillance filed,</p>		
Result 1.2 TCSA knowledge of relevant EU directives (Annex III-A of the AA concerning cableways, lifts, etc.) enhanced	<ul style="list-style-type: none">• At least 8 trainings carried out for TCSA relevant staff (working groups) on relevant/priority laws and related procedures;• At least 5 trainings for TCSA staff on practical aspects of NADs approximation/implementation performed;• At least 10 working meetings organised to provide legal and technical support to TCSA and relevant Georgian institutions with all necessary background information on administrative, institutional and technical capacities, necessary for a smooth implementation of selected EU directives;• A study visits for 5 staff member of TCSA for 5 working days organised to gain experience on the practical aspects of implementation of the EU directives and regulations in respective EU member state authorities• <i>Training of trainers</i> carried out for the managers of TCSA and/or relevant		

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	<ul style="list-style-type: none">• staff related to the implementation of approximated EU directives in selected area;• Training of the management of the TCSA in leadership, change management, best practice, performance management, carried out.		
Result 1.3 TCSA supported in development of internal market surveillance information exchange system	<ul style="list-style-type: none">• Elaboration of technical conditions for development of information exchange system between customs authorities, TCSA and consumers (the system should incorporate databases for products and economic operators and also subsequent tools for rapid exchange of information)• A set of identified operational procedures for the TCSA staff for usage of information exchange system developed;• Training of the relevant TCSA staff on principles and functioning of the ICSMS conducted;		

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Component 2 - Institutional strengthening and capacity building for TCSA in market surveillance and consumer protection activities			
Result 2.1 TCSA capacities to conduct market surveillance activities strengthened	<ul style="list-style-type: none"> • Needs assessment of TCSA on market surveillance and consumer protection activities conducted and assessment report provided; • Training and Development plan for TCSA use developed and agreed with TCSA; • Staff of TCSA introduced on EU legislation and EU best practices related to: toys, electrical products, personal protective equipment PPE, machinery, construction products; equipment and protective systems intended for use in potentially explosive atmospheres, gaseous fuel equipment, explosives for civil uses, products which, appearing to be other than they are and lighters; • At least 10 trainings for TCSA staff on practical market surveillance activities according to NADs requirements conducted and hands-on recommendations delivered; • At least 2 seminars on unfair business practices held for TCSA 	<ul style="list-style-type: none"> • Twining documentation (list of participants, training materials, recommendations etc) • Mission reports • Actions envisaged by Institutional Reform Plan implemented according to its timetable. 	<ul style="list-style-type: none"> • Government commitment on Fulfilment of DCFTA requirements continued • Availability of local staff • Good communication between the Beneficiary and other stakeholders • All relevant documentation available

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	<ul style="list-style-type: none">• staff and other relevant stakeholders;• A seminar on introduction of EU good practices concerning operation of market surveillance and consumer protection authorities carried out;• Support on implementation of Interim Institutional Reform Plan provided;• Working and consultation meetings organised with selected business and consumer protection organisations.		
Result 2.2 TCSA supported on identification and drafting of relevant procedures	<ul style="list-style-type: none">• Available checklists assessed and revised in agreement with TCSA relevant staff;• New checklists on national legislation approximated with the EU directives drafted and agreed with the TCSA, Georgian translation of checklists provided;• Procedures on inspection planning, inspection methods, sampling and reporting methods, identification of compliance, enforcement action developed;• Risk assessment methodologies developed, including prioritisation and planning of TCSA activities according to risks;		

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	<ul style="list-style-type: none"> • Risk assessment procedures developed related to Toys, Electrical products, Personal protective equipment PPE, Machinery and Construction products, gaseous fuel equipment, explosives for civil uses, products which, appearing to be other than they are and lighters; • Revise and if necessary improve existing risk assessment system for lifts, cableways, pressure vessels, simple pressure vessels and hot water boilers done. • At least 4 trainings for TCSA staff prior to carrying out market surveillance activities in the field carried out. 		
Result 2.3 Complete chain of market surveillance activities on non-food products in place	<ul style="list-style-type: none"> • Cooperation methods, including information exchange, developed and agreed between TCSA and the Customs authority, as well as task leaders of the TCSA nominated and notified to the Customs authority; • Trainings for customs officers related to market surveillance activities carried out; • Annual plan on joint checks at the Customs developed and agreed with relevant authorities; • Pilot joint checks at Customs 		

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	performed, results analysed and recommendations for improvement provided.		
Results 2.4 Technical competence of TCSA staff increased	<ul style="list-style-type: none"> • At least 1 training on applicable harmonised standard for each sphere covered by already and further approximated NADs carried out for TCSA staff; • A study visit for up to 5 TCSA staff members for 5 working days organised in the EU member states market surveillance authorities, consumer protection organisations and conformity assessment bodies; • 12 months technical English language course for 8 TCSA staff member organised to improve interpretation capacity of guides, test certificates, declarations of conformity and other technical documentation. 		
Result 2.5 TCSA ability to perform market visits enhanced	<ul style="list-style-type: none"> • At least 4 joint studies on the relevant products covered by Georgian legislation approximated with NADs⁷ carried out; 		

⁷ The project partners will identify list of products to carry out joint market surveys with the involvement of the TCSA relevant staff.

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	<ul style="list-style-type: none">• Results of the studies (joint visits) carefully analysed, recommendations prepared and measures for improvement prepared and introduced;• Discussions with all relevant stakeholders (governmental bodies, business, NGOs) with the aim to enhance their understanding of new Georgian legislation performed, consultation/discussion meeting reports prepared;• Carry out joint Pilot Study together with TCSA staff and relevant MS experts in selected sectors in line with planned approximation of products/directives to check their compliance with the determined requirements.		
Result 2.5 TCSA ability to perform market visits enhanced	<ul style="list-style-type: none">• At least 4 joint studies on the relevant products covered by Georgian legislation approximated with NADs⁸ carried out;• Results of the studies (joint visits) carefully analysed, recommendations prepared and		

⁸ The project partners will identify list of products to carry out joint market surveys with the involvement of the TCSA relevant staff.

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	<ul style="list-style-type: none"> measures for improvement prepared and introduced; Discussions with all relevant stakeholders (governmental bodies, business, NGOs) with the aim to enhance their understanding of new Georgian legislation performed, consultation/discussion meeting reports prepared; Carry out joint Pilot Study together with TCSA staff and relevant MS experts in selected sectors in line with planned approximation of products/directives to check their compliance with the determined requirements. 		
<u>Component 3 – Awareness Raising Activities and Further Integration of TCSA in Relevant International Market Surveillance and Consumer Protection Structures</u>			
Result 3.1 Public outreach of TCSA in market surveillance and consumer protection fields	<ul style="list-style-type: none"> At least 4 seminars/trainings conducted in order to publicize important information about TCSA activities and services in relation to market surveillance and consumer protection; 	<ul style="list-style-type: none"> Twining documentation (list of participants, training materials, recommendations etc.) 	<ul style="list-style-type: none"> Government commitment on Fulfilment of DCFTA requirements continued Availability of local staff

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<p>further strengthened</p>	<ul style="list-style-type: none"> • Consultation meetings covering recent developments in respective field organised for businesses, society, and other stakeholders; • At least 6 seminars for consumers and other interested parties focused on explanation of market surveillance principles conducted; • At least 6 seminars in regions of Georgia for interested parties (industry, producers, consumers etc.) organised; • TCSA website and Facebook page developed to include separate consumer and business sections concentrating on guidance and information related to new Georgian legislation approximated with NADs and provisions on market surveillance. 	<ul style="list-style-type: none"> • Mission reports • Various brochures, leaflets, articles published • A video published on web sites • Seminars done • Web page of TCSA developed 	<ul style="list-style-type: none"> • Good communication between the Beneficiary and other stakeholders • All relevant documentation available
<p>Result 3.2 TCSA supported in active participation in EU market surveillance and consumer protection structures</p>	<ul style="list-style-type: none"> • TCSA membership possibilities of International market surveillance organizations (such as PROSAFE) analysed and recommendations prepared; • Necessary activities for membership in case of mutual affirmative decision planned and implemented as a result of membership possibility analyses of International market surveillance organizations (such as PROSAFE); • At least 1or 2 visits for 4 TCSA staff to take part in the market surveillance related meetings, such as meetings of 		

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	Administrative Cooperation Groups ADCOs or related conferences.		
Result 3.3 Communication and Visibility Campaign Implemented	<ul style="list-style-type: none"> • TCSA internal communication strategy and action plan developed and approved by the management, including a policy for the publication of inspection results and restrictive measures; • Awareness and visibility materials (brochures, leaflets, articles etc.) adjusted to the needs of different target groups, especially consumers developed; • Promotional video record on market surveillance and consumer protection matters developed and made available on the different web/TV resources; • Quarterly Newsletters on project activities produced and disseminated to relevant stakeholders. 		
Activities	Means	Specification of costs	Assumptions
Member State(s) is/are kindly requested to develop activities in the submitted proposal which are needed in order to achieve the results stipulated in the fiche	Consultations, analyses, preparation of documentation, trainings, workshops, study visit	Twining project: 1 500 000-, EUR	See assumptions to each results
			WD (total): 796 (including preparation and coordination/management)

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Annex 2: Detailed implementation chart

year	2017												2018												2019												2020			
Month	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A				
Twinning	T	T	T	T	C	C	C	C	A/ I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	R	R	R					

T – Call for proposals and evaluation

C – Contracting

A/I – Arrival of the RTA/ Start of the implementation of activities

I – Implementation of activities

R – Report

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Annex 3: List of relevant laws and regulations

Law of Georgia 8/05/2012 - Product Safety and Free Movement Code

Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products

Directive 2001/95/EC of the European Parliament and of the Council on general product safety

Council Directive 85/374/EEC concerning liability for defective products

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Annex 4: Organizational chart

