

CHAPTER 6

SANITARY AND PHYTOSANITARY MEASURES

Article 6.1: Definitions

For the purposes of this Chapter:

- (a) **SPS Agreement** means the *Agreement on the Application of Sanitary and Phytosanitary Measures*, contained in Annex 1A of the WTO Agreement;
- (b) the definitions in Annex A of the SPS Agreement are incorporated into this Chapter and shall form part of this Chapter, *mutatis mutandis*; and
- (c) the relevant definitions developed by the *Codex Alimentarius Commission* (hereinafter referred to as “Codex”), *World Organisation for Animal Health* (hereinafter referred to as “OIE”) and the *International Plant Protection Convention* (hereinafter referred to as “IPPC”) apply to the implementation of this Chapter.

Article 6.2: Objectives

The objectives of this Chapter are to:

- (a) facilitate implementation of the SPS Agreement and applicable international standards, guidelines and recommendations developed by the relevant international organizations;
- (b) facilitate bilateral trade in food, plants and animals, including their products, while protecting human, animal or plant life or health in the territory of each Party;
- (c) increase mutual understanding of each Party's regulations and procedures relating to the implementation of sanitary and phytosanitary measures;
- (d) provide a means to improve communication and cooperation on sanitary and phytosanitary issues; and
- (e) provide means to resolve issues on sanitary and phytosanitary arising from the implementation of this Agreement.

Article 6.3: Scope and Coverage

This Chapter applies to all sanitary and phytosanitary measures of a Party that may, directly or indirectly, affect trade between the Parties.

Article 6.4: General Obligations

1. The Parties reaffirm their rights and obligations with respect to each other under the SPS Agreement.
2. The Parties shall cooperate in relevant international bodies engaged in work on sanitary and phytosanitary related issues, including the WTO SPS Committee, Codex, OIE and IPPC.

Article 6.5: Consultations on Sanitary and Phytosanitary Measures

1. On the request of a Party for consultations on any matter arising under this Chapter, the Parties shall agree to enter into consultations by notifying the Contact Points listed in Annex 6-B.
2. Consultations will be carried out within 30 days of receiving the notification, unless otherwise agreed by the Parties. Such consultations may be conducted via teleconferencing, videoconferencing, or any other means mutually agreed upon by the Parties.
3. If the consultations have failed to settle the dispute and the matter is subsequently referred to the dispute settlement procedure contained in Chapter 12 (Dispute Settlement), the consultations under this Article shall replace those provided for in Article 12.3.

Article 6.6: Committee on Sanitary and Phytosanitary Measures

1. The Parties hereby agree to establish a Committee on Sanitary and Phytosanitary Measures (hereinafter referred to as “SPS Committee”) with the objective of ensuring the implementation of this Chapter. The SPS Committee shall be comprised of representatives of each Party who have responsibility for the development, implementation, and enforcement of sanitary and phytosanitary measures.
2. The Parties shall establish the SPS Committee in a period no later than one year after the date of entry into force of this Agreement through an exchange of letters.
3. The SPS Committee shall seek to enhance cooperation between the Parties’ agencies with responsibility for sanitary and phytosanitary measures.

4. For the purposes of the effective implementation and operation of this Chapter, the functions of the SPS Committee shall be to provide a forum for:

- (a) enhancing mutual understanding of each Party's sanitary and phytosanitary measures and the regulatory processes that relate to those measures;
- (b) discussion on matters related to the development or application of sanitary and phytosanitary measures that affect, or may affect, trade between the Parties;
- (c) consulting on issues, relating to the meetings of the WTO SPS Committee, Codex, OIE and IPPC;
- (d) coordinating technical cooperation programs on sanitary and phytosanitary measures;
- (e) improving bilateral understanding related to specific implementation issues concerning the SPS Agreement;
- (f) addressing any bilateral issues arising from the implementation of sanitary and phytosanitary measures between the Parties; and
- (g) reviewing progress on addressing sanitary and phytosanitary measures that may arise between the Competent Authorities listed in Annex 6-A.

5. Unless otherwise agreed by the Parties, the SPS Committee shall meet annually.

6. The SPS Committee shall establish its own rules of procedure during its first meeting to guide its operation which may be revised or further developed.

7. The SPS Committee may agree to establish *ad hoc* technical working groups in accordance with its rules of procedure.

Article 6.7: Competent Authorities and Contact Points

1. The Competent Authorities responsible for the implementation of the measures referred to in this Chapter are listed in Annex 6-A. The Contact Points that have the responsibility relating to communications between the Parties are set out in Annex 6-B.

2. The Parties shall inform each other of any significant changes in the structure, organisation and division of the competency of its Competent Authorities or Contact Points.

Article 6.8: Cooperation

1. The Parties agree to cooperate to facilitate the implementation of this Chapter.
2. The Parties shall explore opportunities for further cooperation and collaboration on sanitary or phytosanitary measures of mutual interest, consistent with the provisions of this Chapter.

ANNEX 6-A

COMPETENT AUTHORITIES

For Chile:

General Directorate of International Economic Affairs (DIRECON), Ministry of Foreign Affairs

Head of SPS Issues Subdepartment
Market Access Department
Teatinos 180,
Santiago, Chile
Tel: (56) (2) 827 5447/ 827 5338

Agriculture and Livestock Service (SAG), Ministry of Agriculture

Head of International Affairs Division
Av. Bulnes 140
Santiago, Chile
Tel: (56)(2) 345 1111

Agriculture and Livestock Service (SAG), Ministry of Agriculture

Head of Livestock Protection Division
Av. Bulnes 140
Santiago, Chile
Tel: (56)(2) 345 1111

Agriculture and Livestock Service (SAG), Ministry of Agriculture

Head of Agriculture and Forestry Protection Division
Av. Bulnes 140
Santiago, Chile
Tel: (56)(2) 345 1111

Ministry of Health

Head of Food and Nutrition Department
Division of Healthy Public Policies and Promotion
Undersecretary of Public Health
Tel: (56) (2) 5740393 - 5740474

National Fisheries Service (SERNAPESCA), Ministry of Economy

Head of Fisheries Health Department
Victoria 2832, Valparaíso Chile
Tel: (56) (32) 2819202 /203
Fax: (56) (32) 281 9200

For Malaysia:

- (a) For matters concerning Malaysia's exports to Chile of plants and plant products:

Director General
Department of Agriculture
Wisma Tani, Tower Block
Lot4G2, Precint4,
Federal Government Administrative Centre
62624 Putrajaya
Malaysia
Tel: (+603) 8870 3001
Fax: (+603) 8888 5069
E-mail: roseley@doa.gov.my

Director
Crop Protection and Plant Quarantine Services Department of Agriculture
Wisma Tani
Jalan Sultan Salahuddin
50632 Kuala Lumpur
Malaysia
Tel: (+603) 2697 7120
Fax: (+603) 2697 7205
E-mail: wanis@doa.gov.my

- (b) For matters concerning Malaysia's exports to Chile of live animals and animal products:

Director General
Department of Veterinary Services
Wisma Tani, Block Podium
Level 2, Lot 4G1, Precint 4
Federal Government Administrative Centre
62624 Putrajaya
Malaysia
Tel: (+603) 8870 2001
Fax: (+603) 8888 6051
E-mail: azizj@dvs.gov.my

- (c) For matters concerning exports of Malaysia to Chile of live fish and shrimps:

Director General
Department of Fisheries
Wisma Tani
Level 1-7
Lot4G2, Precint4

Federal Government Administrative Centre
62628 Putrajaya
Malaysia
Tel: (+603) 8870 4008
Fax: (+603) 8889 2460
E-mail: kpp01@dof.gov.my

- (d) For matters concerning exports of Malaysia to Chile of processed fish products and other processed food:

Director
Food Safety and Quality Division Ministry of Health
Level 3, Block E7, Parcel E
Federal Government Administrative Centre
62590 Putrajaya
Malaysia
Tel: (+603) 8883 3501
Fax: (+603) 88893815
E-mail: noraini_othman@moh.gov.my
shamsinar@moh.gov.my

ANNEX 6-B
CONTACT POINTS

For Chile:

Sanitary and Phytosanitary Subdepartment of Market Access Department of the General Directorate of International Economic Affairs (DIRECON) of the Ministry of Foreign Affairs.

For Malaysia:

Strategic Planning and International Division of the Ministry of Agriculture and Agro-Based Industry (MOA), Malaysia.