

## **CHAPTER 6**

### **SANITARY AND PHYTOSANITARY MEASURES**

#### **Article 6.1: Definitions**

For the purposes of this Chapter:

1. The definitions in Annex A of the SPS Agreement are incorporated into this Chapter and shall form part of this Chapter, *mutatis mutandis*.
2. The relevant definitions developed by the international standard setting bodies recognized by the SPS Agreement, the Codex Alimentarius Commission (Codex), the World Organisation for Animal Health (OIE) and the International Plant Protection Convention (IPPC) shall be referenced in the implementation of this Chapter.

#### **Article 6.2: Objectives**

The objectives of this Chapter are to:

- (a) facilitate the implementation of the SPS Agreement and applicable international standards, guidelines and recommendations developed by relevant international standard setting bodies;
- (b) facilitate bilateral trade in food, plants and animals, and products thereof, 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) improve the communication and cooperation on sanitary and phytosanitary issues; and
- (e) provide the means to resolve sanitary and phytosanitary issues 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 Provisions**

1. The Parties affirm their rights and obligations with respect to each other under the SPS Agreement.
2. The Parties shall cooperate in relevant international standards setting bodies recognized by the SPS Agreement.

#### **Article 6.5: Consultations on Sanitary and Phytosanitary Measures**

1. Upon the request of a Party for consultations on a matter arising under this Chapter, the Parties shall agree to enter into consultation process through the contact point established in Article 6.7.
2. Consultations will be carried out within 60 days after the receipt of the request, unless mutually agreed by the Parties. Such consultations may be conducted via teleconferencing, videoconferencing, or any other means mutually agreed by the Parties.
3. Through consultations and cooperation, both Parties shall make an effort to find a mutually satisfactory solution. If the Parties fail to resolve sanitary and phytosanitary issues arising from the implementation of this Agreement through the consultations pursuant to this Article, such consultations will replace those provided for in Article 12.3 (Consultations).

#### **Article 6.6: Committee on Sanitary and Phytosanitary Measures**

1. The Parties hereby agree that the Committee on Sanitary and Phytosanitary Measures hereafter referred as Committee, shall be established in a period not later than one year after the date of entry into force of this Agreement through an exchange of letters, with the objective of ensuring the implementation of this Chapter.
2. The Committee shall be comprised of representatives of each Party who have responsibility for sanitary and phytosanitary measures.
3. The Committee shall seek to enhance cooperation between the Parties' agencies with responsibility for sanitary and phytosanitary measures.
4. The Committee shall 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) discussing and addressing matters related to the development, application or implementation of sanitary and phytosanitary measures that affect, or may affect, trade between the Parties;
- (c) reviewing progress and try to find a solution for issues on sanitary and phytosanitary measures affecting trade between both Parties;
- (d) consulting on issues, relating to the meetings of the WTO SPS Committee, Codex Alimentarius Commission (Codex), the World Organisation for Animal Health (OIE) and the International Plant Protection Convention (IPPC);
- (e) coordinating technical cooperation programs on sanitary and phytosanitary measures; and
- (f) improving bilateral understanding related to specific implementation issues concerning the SPS Agreement.

- 5. The Committee shall meet annually unless the Parties otherwise agree.
- 6. The Committee shall establish its own rules of procedures during its first meeting to guide its operations which may be revised or further developed.
- 7. Each Party shall ensure that appropriate representatives with responsibility for the development, implementation, and enforcement of sanitary and phytosanitary measures participate in meetings of the Committee. Each Party shall inform each other of the agencies and ministries responsible for all sanitary and phytosanitary measures.
- 8. The Committee may agree to establish *ad hoc* technical working groups in accordance with the Committee's rules of procedures.

#### **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.
- 2. The contact points that have the responsibility relating to communication between the Parties are set out in Annex 6-B.

3. The Parties shall inform each other of any significant changes in the structure, organization and division of the competency of its competent authorities or contact points.

## **ANNEX 6-A**

### **COMPETENT AUTHORITIES**

#### **Chile:**

1. SPS Issues Subdepartment, Market Access Department, General Directorate of International Economic Affairs (DIRECON), Ministry of Foreign Affairs;
2. International Affairs Division, Agriculture and Livestock Service, Ministry of Agriculture;
3. Agriculture Protection Division, Agriculture and Livestock Service, Ministry of Agriculture;
4. Livestock Protection Division, Agriculture and Livestock Service, Ministry of Agriculture;
5. Nutrition and Food Department, Ministry of Health;
6. Fisheries Health Department, National Fisheries Service, Ministry of Economy; and
7. Aquaculture Unit, National Fisheries Service, Ministry of Economy.

#### **Viet Nam:**

1. Viet Nam SPS Office, International Cooperation Department, Ministry of Agriculture and Rural Development;
2. Plant Protection Department (PPD), Ministry of Agriculture and Rural Development;
3. Department of Animal Health (DAH), Ministry of Agriculture and Rural Development;
4. National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD), Ministry of Agriculture and Rural Development; and
5. Viet Nam Food Administration (VFA), Ministry of Health.

## **ANNEX 6-B CONTACT POINTS**

### **Chile:**

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

### **Viet Nam:**

Viet Nam SPS Office, Ministry of Agriculture and Rural Development.