

CHAPTER 7

SANITARY AND PHYTOSANITARY MEASURES

ARTICLE 7.1

Objectives

The objectives of this Chapter are to facilitate trade in goods between the Parties by:

- a) seeking to resolve issues relating to sanitary and phytosanitary measures while protecting human, animal or plant life or health in the territories of the Parties;
- b) strengthening cooperation between the Parties and among their competent authorities including in the development and application of sanitary and phytosanitary measures as defined in the SPS Agreement; and
- c) facilitating information exchange in the field of sanitary and phytosanitary measures and enhancing the knowledge and understanding of each Party's regulatory system.

ARTICLE 7.2

Scope

This Chapter shall apply to sanitary and phytosanitary measures of the Parties that may, directly or indirectly, affect trade between the Parties.

ARTICLE 7.3**Definitions**

For the purposes of this Chapter:

- a) the definitions set out in Annex A to the SPS Agreement shall apply, *mutatis mutandis*; and
- b) the relevant definitions developed by the international organisations: the Codex Alimentarius Commission, the World Organization for Animal Health (hereinafter referred to as “OIE”) and international and regional organisations operating within the framework of the International Plant Protection Convention (hereinafter referred to as “IPPC”) shall apply in the implementation of this Chapter, *mutatis mutandis*.

ARTICLE 7.4**Incorporation of the SPS Agreement**

Except as otherwise provided for in this Chapter, the SPS Agreement shall apply between the Parties and is incorporated into and form part of this Agreement, *mutatis mutandis*.

ARTICLE 7.5**Equivalence**

1. The Parties recognise that equivalence is an important means to facilitate trade.
2. The Parties may recognise equivalence of a measure, a group of measures or a system to the extent feasible and appropriate.

ARTICLE 7.6**Adaptation to Regional Conditions**

1. The Parties recognise the concept of adaptation to regional conditions, including pest- or disease-free areas and areas of low pest or disease prevalence, as an important means to facilitate trade.
2. When determining such areas, the Parties shall consider factors such as information of the Parties confirming the status of pest- or disease-free areas and areas of low pest or disease prevalence, the results of an audit, inspection monitoring, information provided by OIE and IPPC and other factors.

ARTICLE 7.7**Audit and Inspections**

1. Each Party may carry out an audit and/or inspection in order to ensure the safety of the products (goods).

2. The Parties agree to enhance further their cooperation in the field of audits and inspections.
3. In undertaking audits and/or inspections, each Party shall take into account relevant international standards, guidelines and recommendations.
4. The auditing or inspecting Party shall provide the audited or inspected Party the opportunities to comment on the findings of the audits and/or inspections.
5. Costs incurred by the auditing or inspecting Party shall be borne by the auditing or inspecting Party, unless both Parties agree otherwise.

ARTICLE 7.8

Documents Confirming Safety

1. Where a document is required to confirm safety of the products (goods) traded between the Parties, the exporting Party shall ensure compliance with the requirements of the importing Party. The importing Party shall ensure the requirements of the documents for confirming safety of the products (goods) traded between the Parties are applied only to the extent necessary to protect human, animal or plant life or health.
2. The Parties shall take into account relevant international standards, guidelines and recommendations, when developing the documents for confirming safety of the products (goods), as appropriate.

3. The Parties may agree to develop bilateral documents for confirming safety of specific product (good) or groups of products (goods) traded between the Parties.
4. The Parties shall promote the use of electronic technologies in the documents for confirming safety of the products (goods) in order to facilitate trade.

ARTICLE 7.9

Emergency Measures

1. Where a Party adopts emergency measures necessary to protect human, animal or plant life or health, such Party shall as soon as possible notify such measures to the other Party. The Party that adopted the emergency measures shall take into consideration relevant information provided by the other Party.
2. Upon request of either Party, consultations of the relevant competent authorities regarding the emergency measures shall be held as soon as possible unless otherwise agreed by the Parties.

ARTICLE 7.10

Contact Points and Information Exchange

1. The Parties shall notify each other of the contact points for the provision of information in accordance with this Chapter and of their designated competent authorities responsible for matters covered by this Chapter and

the areas of responsibility of such competent authorities.

2. The Parties shall inform each other of any change to their contact points or any significant change in the structure or competence of their competent authorities.
3. The Parties, through their contact points, shall provide each other in a timely manner with a written notification of:
 - a) any significant food safety issue or change in animal or plant health, disease or pest status in their territories; and
 - b) any change to the legal frameworks or other sanitary or phytosanitary measures.
4. The Parties, through their contact points, shall inform each other of systematic or significant cases of non-compliance of sanitary and phytosanitary measures and exchange relevant documents which confirm this non-compliance.

ARTICLE 7.11

Cooperation

1. The Parties agree to cooperate in order to facilitate the implementation of this Chapter.

2. The Parties shall explore opportunities for further cooperation, collaboration and information exchange on sanitary and phytosanitary matters of mutual interest consistent with the provisions of this Chapter. Such opportunities may include trade facilitation initiatives and technical assistance.
3. The Parties shall aim to work together in international fora, including international organisations, and in areas of mutual interest.
4. In order to promote cooperation within the framework of this Chapter, the Parties may conclude *ad hoc* arrangements on sanitary and phytosanitary measures.

ARTICLE 7.12

Consultations

1. Where a Party considers that a sanitary or phytosanitary measure is affecting its trade with the other Party, it may, through the relevant contact points, request consultations with the aim of resolving the matter.
2. A Party shall consider to hold consultations under the context of this Chapter, upon request of the other Party, with the aim of resolving matters arising under this Chapter.
3. In case either Party considers that the matter cannot be resolved through consultations in accordance with this Article, such Party shall have the

right to seek resolution through the dispute settlement mechanism provided for in Chapter 14 (Dispute Settlement) of this Agreement.

CHAPTER 8

TRADE IN SERVICES, INVESTMENT AND MOVEMENT OF NATURAL PERSONS

SECTION I. HORIZONTAL PROVISIONS

ARTICLE 8.1

Objectives

The objectives of this Chapter are to encourage efficiency, competition and economic growth of the Parties to this Chapter by facilitating the expansion of trade in services, establishment, investment and movement of natural persons of the Parties to this Chapter on the basis of a transparent and stable legal framework, while recognising the right of the Parties to this Chapter to regulate in order to meet national policy objectives.

ARTICLE 8.2

Scope

1. This Chapter shall apply only between the Russian Federation and Viet Nam, hereinafter referred to in this Chapter as the “Parties to this Chapter”.