

Chapter 5 Sanitary and Phytosanitary Measures

Article 5.1 Scope

This Chapter shall apply to all sanitary and phytosanitary (hereinafter referred to as "SPS") measures of the Parties under the SPS Agreement, that may, directly or indirectly, affect trade in goods between the Parties.

Article 5.2 Reaffirmation of Rights and Obligations

The Parties reaffirm their rights and obligations related to SPS measures under the SPS Agreement.

Article 5.3 Harmonization

The Parties shall endeavor to cooperate on the matters related to the harmonization of SPS measures, on as wide a basis as possible, as prescribed under Article 3 of the SPS Agreement. Such cooperation shall be conducted without requiring either Party to change its appropriate level of protection of human, animal or plant life or health that the Party has determined in accordance with Article 5 of the SPS Agreement.

Article 5.4 Equivalence

1. An importing Party shall accept an exporting Party's SPS measures as equivalent, if the exporting Party objectively demonstrates to the importing Party that its measures achieve the importing Party's appropriate level of SPS protection.
2. Each Party shall, upon request of the other Party, enter into consultations with the aim of achieving bilateral arrangements related to recognition of the equivalence of specified SPS measures.

Article 5.5
Enquiry Point

Each Party shall designate an enquiry point to answer all reasonable enquiries from the other Party regarding SPS measures and, where appropriate, to provide the other Party with relevant information.

Article 5.6
Sub-Committee on Sanitary and Phytosanitary Measures

1. For the purposes of the effective implementation and operation of this Chapter, the Parties hereby establish a Sub-Committee on SPS Measures (hereinafter referred to in this Article as "the Sub-Committee").

2. The functions of the Sub-Committee shall be:

- (a) reviewing and monitoring the implementation and operation of this Chapter;
- (b) exchanging information on such matters as change or introduction of SPS-related regulations and standards of the Parties and occurrences of SPS incidents in the Areas of the Parties, which may, directly or indirectly, affect trade in goods between the Parties;
- (c) undertaking science-based technical consultations to address matters related to harmonization, equivalence, adaptation to regional conditions, and control, inspection and approval procedures as referred to in the SPS Agreement with the objective to achieve mutually acceptable solutions;
- (d) discussing technical cooperation between the Parties on SPS measures including capacity building, technical assistance and exchange of experts;
- (e) discussing any other issues related to this Chapter;
- (f) reporting the findings of the Sub-Committee to the relevant bodies; and

(g) carrying out other functions as may be delegated by the Joint Committee.

3. The Sub-Committee shall be composed of representatives of the Governments of the Parties with appropriate participation of relevant experts.

4. The Sub-Committee shall hold meetings at such times and venues or by means, as may be agreed by the Parties.

Article 5.7
Non-Application of Chapter 16

Chapter 16 shall not apply to this Chapter.