

Chapter 6

Sanitary and Phytosanitary Measures

Article 6.1: Definitions

For the purposes of this Chapter:

sanitary and phytosanitary (SPS) measures means any measure referred to in Annex A, paragraph 1 of the SPS Agreement.

Article 6.2: Objectives

The objectives of this Chapter are to:

- (a) 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;
- (b) deepen mutual understanding of each Party's regulations and procedures relating to and consultations on and implementation of SPS measures; and
- (c) strengthen cooperation between Australian and Chilean government agencies with responsibility for matters covered by this Chapter.

Article 6.3: Scope and Coverage

1. This Chapter applies to all SPS measures of a Party that may, directly or indirectly, affect trade between the Parties.
2. Neither Party may have recourse to dispute settlement under this Agreement for any matter arising under this Chapter.

Article 6.4: General Provisions

1. The Parties affirm their rights and obligations under the SPS Agreement.
2. The Parties shall cooperate on priority proposals for technical assistance and capacity building to enhance the capability on SPS related aspects to further the achievement of the objectives of this Chapter.
3. The Parties shall cooperate in relevant international bodies engaged in work on SPS related issues, including the *WTO SPS Committee*, the various *Codex* Committees (including the *Codex Alimentarius Commission*), the *International Plant Protection Convention*, the *World Organisation for Animal Health (OIE)* and other

international and regional fora on food safety and human, animal and plant life or health.

Article 6.5: Consultations on and Implementation of Sanitary and Phytosanitary Measures

1. Each Party shall identify an overall contact point relating to SPS measures (“SPS Contact Point”). For the purpose of this Article, the SPS Contact Point shall be:
 - (a) in the case of Australia, the Department of Agriculture, Fisheries and Forestry, or its successor; and
 - (b) in the case of Chile, the General Directorate of International Economic Affairs, Ministry of Foreign Affairs, or its successor.
2. On request of a Party for consultations on a matter arising under this Chapter, the Parties shall enter into consultations between relevant government agencies with responsibility for that matter under the scope of the SPS Contact Point.
3. Each Party’s SPS Contact Point shall:
 - (a) coordinate requests for technical assistance and capacity building programs on SPS matters;
 - (b) review progress on addressing SPS matters that may arise between the Parties;
 - (c) communicate SPS priorities between the Parties;
 - (d) facilitate the consideration of requests for information and clarification of issues with the other Party;
 - (e) facilitate communication between relevant experts when the consideration of scientific or technical issues requires such contact;
 - (f) promote and facilitate cooperation on SPS issues between the Parties;
 - (g) perform any other activities that facilitate transparency in the implementation of SPS measures; and
 - (h) ensure that all relevant government agencies participate in the above activities as appropriate and arrange meetings between relevant experts of each Party on these activities when required.
4. The Parties acknowledge the value of exchanging information on their respective SPS measures and, to ensure transparency in the implementation of SPS measures, each Party shall:

- (a) exchange a list, to be updated as appropriate, of officials responsible for SPS matters in the agencies of the Parties; and
 - (b) provide notifications to a nominated SPS official of the other Party of measures imposed in response to an urgent threat to human, animal or plant life or health.
5. The SPS Contact Point shall be included in all communications between the Parties made pursuant to this Article.