

Article 55
Global Safeguard Measures

Each Party retains its rights and obligations under Article XIX of the GATT 1994 and the Agreement on Safeguards. Actions taken pursuant to Article XIX of the GATT 1994 and the Agreement on Safeguards shall not be subject to Chapter 12.

CHAPTER 6
SANITARY AND PHYTOSANITARY MEASURES

Article 56
Objectives

The objectives of this Chapter are to protect human, animal or plant life or health in the territory of the countries of the Parties, and to provide a framework to address any bilateral sanitary and phytosanitary matters so as to facilitate and increase trade between the countries of the Parties.

Article 57
Scope and Coverage

1. This Chapter applies to all sanitary and phytosanitary measures in the territories of the countries of the Parties that may, directly or indirectly, affect trade between the countries of the Parties.
2. For the purposes of this Chapter:
 - (a) “international standards, guidelines and recommendations” shall have the same meaning as in Annex A to the Agreement on the Application of Sanitary and Phytosanitary Measures in Annex 1A to the WTO Agreement (hereinafter referred to as “the SPS Agreement”);
 - (b) “sanitary and phytosanitary measure” means any measure referred to in Annex A, paragraph 1 of the SPS Agreement; and
 - (c) “trade between the Parties” refers to the trade in goods produced, processed or manufactured in the territories of the countries of the Parties.
3. This Chapter does not apply to technical regulations, standards and conformity assessment procedures as defined in the Agreement on Technical Barriers to Trade in Annex 1A to the WTO Agreement (hereinafter referred to as the “TBT Agreement”).

Article 58
General Provisions

1. The Parties affirm their existing rights and obligations with respect to each other under the SPS Agreement.
2. With the view to facilitating and increasing bilateral trade, the Parties shall seek to enhance their cooperation in the area of sanitary and phytosanitary measures and deepen their mutual understanding and awareness of their respective systems.
3. The Parties shall seek to identify initiatives for cooperation on regulatory issues, such as bilateral recognition of equivalence, harmonisation based on international standards, guidelines and recommendations, or other cooperative arrangements.

Article 59
Focal Points

1. To facilitate the implementation of this Chapter and cooperation between the Parties, each Party shall designate a focal point, who shall be responsible for coordinating all matters pertaining to this Chapter. The functions of the focal point shall include:
 - (a) monitoring the implementation and administration of this Chapter;
 - (b) enhancing communication between the Parties' agencies and ministries responsible for sanitary and phytosanitary matters and facilitate either Party's response to written requests for information or exchange of information from the other Party in print or in electronic media without undue delay;
 - (c) promptly addressing any bilateral sanitary and phytosanitary issues that either Party raises to enhance cooperation and consultations between the Parties to facilitate trade between the Parties;
 - (d) promoting the use of international standards, guidelines and recommendations by both Parties in their respective adoption and application of sanitary and phytosanitary measures; and
 - (e) reviewing the progress of addressing sanitary and phytosanitary matters that may arise between the Parties' agencies and ministries responsible for such matters.

2. The focal points shall carry out their functions through agreed communication channels such as telephone, fax, emails or post, whichever is most expedient in the discharge of their functions.

3. For the purposes of this Article, the focal points shall be:

- (a) in the case of Malaysia, the Secretary General of the Ministry of Agriculture and Agro-based Industry; and
- (b) in the case of Pakistan, the Secretary of the Ministry of Food, Agriculture and Livestock.

Article 60 **Technical Working Group**

1. Where a matter covered under this Chapter cannot be clarified or resolved through the focal points, the Parties may, with mutual consent, agree to establish a technical working group with a view to identifying a workable and practical solution that would facilitate trade. Where a Party declines a request from the other Party to establish such working group, it shall, upon request, explain its reasons to the other Party. Such working group shall comprise representatives of both Parties, responsible for sanitary and phytosanitary measures.

2. The proposals of the technical working group may form the basis for a Party to consider the request by the other Party for recognition of a specific sanitary and phytosanitary measure as equivalent to the other Party's corresponding sanitary and phytosanitary requirements.

Article 61 **Dispute Settlement**

1. Neither Party may have recourse to the dispute settlement mechanism provided for in Chapter 12 for any dispute or differences arising from this Chapter.

2. Any disputes or differences arising from this Chapter shall be settled amicably through consultation by the technical working group. In the event that this fails, such dispute or differences may be forwarded by either Party for consideration by the Joint Committee.

Article 62 **Final Provision**

Nothing in this Chapter shall limit the authority of a Party to determine the level of protection it considers necessary for the protection of, *inter alia*, human, animal or plant life or health. In determining such level of protection, each Party retains authority to interpret the laws, regulations and administrative provisions of its country.