

CHAPTER VII

SANITARY AND PHYTOSANITARY MEASURES

Article 1 - Objective

The objective of this Chapter is to facilitate trade between the Parties in animals and animal products, plants and plant products, regulated articles or any other product deemed to require sanitary and phytosanitary measures, included in this Agreement, whilst safeguarding human, animal and plant health.

This Chapter applies to all sanitary and phytosanitary measures of a Party or Signatory Party that may, directly or indirectly, affect trade between the Parties or the Signatory Parties.

Article 2 - Multilateral Obligations

The Parties or the Signatory Parties reaffirm their rights and obligations under the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization (WTO-SPS Agreement).

Article 3 - Transparency

The Parties or Signatory Parties shall exchange the following information:

- (a) Any changes in the sanitary and phytosanitary status, including important epidemiological findings, which may affect the trade between the Parties or the Signatory Parties;
- (b) Results of import checks in case of rejected or non-compliant consignments, within three working days;



- (c) Results of verification procedures, such as inspections or on site audits within 60-days, which may be extended for a similar period in case of appropriate justification;

Article 4 - Consultations on Specific Trade Concerns

1. The Parties or Signatory Parties shall create a consultation mechanism to facilitate the solution of problems arising from the adoption and application of sanitary or phytosanitary measures, in order to prevent these measures from becoming an unjustified restriction on trade.

2. The competent official authorities, as defined in Article 5 of this Chapter, shall implement the mechanism established in paragraph 1, as follows:

(a) The exporting Party or Signatory Party affected by a sanitary or phytosanitary measure shall inform the importing Party or Signatory Party of its concern through the form established in Annex I of this Chapter and communicate this to the Joint Committee.

(b) The importing Party or Signatory Party shall respond to the request, in writing, before a 60 day term indicating whether the measure:

i) Is in conformity with an international standard, guideline or recommendation which, in this case, should be identified by the importing Party or Signatory Party; or

ii) Is based on an international standard, guideline or recommendation. In this case, the importing Party or Signatory Party shall present the scientific justification and other information that support those aspects differing from the international standard, guideline or recommendation; or

iii) Results in a higher level of protection for the importing Party or Signatory Party than would be achieved by measures based on international standards, guidelines or recommendations. In this case, the importing Party or Signatory Party shall



present the scientific justification for such measure, including the description of the risk/risks to be avoided by it and, if pertinent, the risk assessment on which it is based; or

iv) In the absence of an international standard, guideline or recommendation, the importing Party or Signatory Party shall present the scientific justification for such measure, including the description of the risk/risks to be avoided by it and, if pertinent, the risk assessment on which it is based.

(c) Additional technical consultations may be held, whenever necessary, to analyze and suggest courses of action to overcome difficulties, within 60 days.

(d) In case that the mentioned consultations be considered satisfactory by the exporting Party or Signatory Party, a joint report on the settled solution shall be submitted to the Joint Committee. If a satisfactory solution is not reached, each Party or Signatory Party shall submit its own report to the Joint Committee.

Article 5 - Competent Official Authorities

For the purpose of implementing the above Articles of this Chapter, the competent official authorities are the following:

For MERCOSUR

Argentina

- Secretaría de Agricultura, Ganadería, Pesca y Alimentos – SAGPyA (Agriculture, Livestock, Fisheries and Food Secretariat)
- Servicio Nacional de Sanidad y Calidad Agroalimentaria – SENASA (National Service for Agrifood Health and Quality)
- Administración Nacional de Alimentos, Medicamentos y Tecnología Médica – ANMAT (National Administration of Food, Medicines and Medical Technology)
- Instituto Nacional de Alimentos – INAL (National Food Institute)

Brazil

- Ministério da Agricultura, Pecuária e Abastecimento – MAPA (Ministry of Agriculture, Livestock and Supply)
- Agência Nacional de Vigilância Sanitária - ANVISA (Brazilian Health Surveillance Agency)

Paraguay

- Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas – SENAVE (National Service for Health and Quality Plants and Seeds)
- Servicio Nacional de Calidad y Salud Animal – SENACSA (National Service of Quality and Animal Health).
- Ministerio de Agricultura y Ganadería – MAG (Ministry of Agriculture and Livestock)
- Subsecretaría de Estado de Ganadería - SSEG - (Under Secretariat of Livestock)

Uruguay

- Dirección General de Servicios Agrícolas/MGAP DSSA (General Directorate of Plants Inspection Services/ Ministry of Livestock , Agriculture and Fisheries)
- Dirección General de Recursos Acuáticos/MGAP – DINARA (General Directorate of Aquatic Resources/ General Direction of Livestock/Ministry of Livestock, Agriculture and Fisheries)
- Dirección General de Servicios Ganaderos/MGAP - DSSG (General Directorate of Livestock/Ministry of Livestock, Agriculture and Fisheries)
- Dirección Nacional de Salud/MSP (National Health Office/Ministry of Health)

For Israel

- Plant Protection and Inspection Services – PPIS, Ministry of Agriculture and Rural Development
- Veterinary Services, Ministry of Agriculture and Rural Development

ANNEX I

**FORM FOR CONSULTATIONS ON SPECIFIC TRADE CONCERNS REGARDING
SANITARY AND PHYTOSANITARY MEASURES**

Measure consulted: _____

Country applying the measure: _____

Institution responsible for the application of the measure: _____

WTO Notification Number (if applicable): _____

Country consulting: _____

Date of consultation: _____

Institution responsible for consultation: _____

Name of the Division: _____

Name of the Responsible Officer: _____

Title of the Responsible Officer: _____

Telephone, fax, e-mail and postal address: _____

Product(s) affected by the measure: _____

Tariff subheading(s): _____

Description of product (s) (specify): _____



Does an international standard exist? YES _____ NO _____

If one exists, list the specific international standard(s), guideline(s) or recommendation(s): _____

Objective or justification for the consultation: _____

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