

CHAPTER 6 SANITARY AND PHYTOSANITARY MEASURES

Article 6.1 Objectives

The objectives of this Chapter are:

- (a) to facilitate bilateral trade in food, plants, animals and products thereof, while protecting human, animal or plant life or health in the territory of each Party;
- (b) to deepen mutual understanding of each Party's regulations and procedures relating to consultations on and implementation of sanitary and phytosanitary measures;
- (c) to strengthen cooperation between the Parties' competent authorities that have the responsibility for sanitary and phytosanitary matters; and
- (d) to provide a means to enhance communication and improve resolution of sanitary and phytosanitary issues.

Article 6.2 Scope and Coverage

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

Article 6.3 Definitions

For the purposes of this Chapter:

- (a) **SPS Agreement** means the *Agreement on the Application of Sanitary and Phytosanitary Measures*, contained in Annex 1A to the WTO Agreement;
- (b) the definitions in Annex A of the SPS Agreement are incorporated into and made part of this Chapter, *mutatis mutandis*; and
- (c) the relevant definitions developed by the Codex Alimentarius Commission, World Organisation for Animal Health and the International Plant Protection Convention shall apply to the implementation of this Chapter.

Article 6.4 General Provisions

1. The Parties affirm their existing rights and obligations with respect to each other under the SPS Agreement.
2. With a 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.

4. The Parties shall, upon request, enter into consultations with the aim of achieving bilateral and multilateral agreements on recognition of the equivalence of specified sanitary or phytosanitary measures.

Article 6.5

Sub-Committee on Sanitary and Phytosanitary Measures

1. The Parties hereby establish a Sub-Committee on Sanitary and Phytosanitary Measures (hereinafter referred to as “the Sub-Committee on SPS Measures”) comprising representatives of each Party who have responsibility for sanitary and phytosanitary matters. The Sub-Committee on SPS Measures shall report to the Joint Committee of its activities.

2. The Sub-Committee on SPS Measures shall provide a forum for:

- (a) consulting on matters related to the development or application of sanitary and phytosanitary measures that affect, or may affect, trade between the Parties;
- (b) coordinating technical cooperation programmes on sanitary and phytosanitary matters;
- (c) enhancing bilateral understanding on issues and agendas for meetings of the Committee on Sanitary and Phytosanitary Measures of the WTO and the other relevant international organisations referred to in the SPS Agreement, including specific implementation issues thereof;
- (d) reviewing progress on addressing sanitary and phytosanitary matters that may arise between the Parties’ competent authorities that are responsible for such matters; and
- (e) discussing matters with a view to reaching a consensus related to consultation procedure referred to in subparagraph (a).

3. The Sub-Committee on SPS Measures shall meet in a period no later than one year after the date of entry into force of this Agreement. The rules of procedure of the Sub-Committee on SPS Measures shall be determined in its first meeting.

4. The Sub-Committee on SPS Measures shall inform the Joint Committee about the rules of procedure.

5. The Sub-Committee on SPS Measures shall meet on the request of either Party. By mutual agreement, *ad hoc* working groups may be established if necessary.

Article 6.6

Competent Authorities and Contact Points

1. The Competent Authorities and the Contact Points responsible for the implementation of the measures referred to in this Chapter are listed in Annex 6-1.
2. The Parties shall inform each other of any significant changes in the structure, organisation and division of the competency of its Competent Authorities and Contact Points.

Article 6.7 Cooperation

1. 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 include technical assistance, capacity building and facilitation of market access for products of interest.
2. The Parties agree to cooperate to facilitate the implementation of this Chapter.

Article 6.8 Dispute Settlement

Neither Party may have recourse to the dispute settlement mechanism provided for in Chapter 12 (Dispute Settlement) for any disputes or differences arising from this Chapter.