

CHAPTER 6

SANITARY AND PHYTOSANITARY MEASURES

Article 6.1: Objectives

The objectives of this Chapter are to:

- (a) facilitate trade between the Parties while protecting human, animal or plant life or health in their territories;
- (b) enhance transparency in and mutual understanding of the development and the application of each Party's Sanitary and Phytosanitary measures ("SPS measures"); and
- (c) strengthen cooperation, communication and consultation between the Parties in the field of SPS measures.

Article 6.2: Definitions and Scope

For the purpose of this Chapter:

1. The definitions set out in Annex A to the Agreement on the Application of Sanitary and Phytosanitary Measures of WTO (hereinafter referred to as the SPS Agreement) shall apply.
2. Relevant definitions developed by Codex Alimentarius Commission ("Codex"), the World Organisation for Animal Health ("OIE"), and the International Plant Protection Convention ("IPPC") shall be taken into account.
3. This Chapter shall apply to all SPS measures of the Parties, which may, directly or indirectly, affect trade between the Parties.

Article 6.3: General Provisions

1. The Parties affirm their rights and obligations with respect to each other under the SPS Agreement.
2. The Parties commit to apply the principles of the SPS Agreement in the development and application of any SPS measure.

Article 6.4: Harmonisation

To harmonise SPS measures as broadly as possible, the Parties shall make best endeavour to base their SPS measures on international standards, guidelines or recommendations established by the Codex, OIE and IPPC.

Article 6.5: Equivalence

1. The Parties shall strengthen cooperation on equivalence in accordance with the SPS Agreement while taking into account relevant decisions of the WTO SPS Committee and international standards, guidelines and recommendations.
2. The Parties shall, upon request, make endeavour to enter into consultations with the aim of achieving recognition arrangements of the equivalence of specified SPS measures.

Article 6.6: Regionalization

The Parties agree to follow the principle of regionalization as provided for in Article 6 of the WTO SPS Agreement in the establishment and implementation of their SPS measures, taking into account the Guidelines to Further the Practical Implementation of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures adopted by the WTO SPS Committee and relevant international standards and guidelines.

Article 6.7: Transparency and Information Exchange

1. The Parties recognise the importance of transparency as set out in Annex B of the WTO SPS Agreement.
2. Each Party shall notify proposed measures or changes to existing SPS measures that may have a significant effect on the trade of the other Party through WTO/SPS Enquiry Points or Contact Points established under Article 6.10 (Competent authorities and Contact Points) in this Chapter. Each Party shall allow at least 60 days for the other Party to present comments on any notifications except where urgent problems of health protection arise or threaten to arise.
3. Each Party shall provide the full text of its notified SPS measures to the other Party within 5 working days after receiving the written request.
4. The Parties shall opportunely exchange information related to the sanitary and phytosanitary condition in their territories and shall provide the necessary information to develop risk assessment and equivalence processes.
5. The Parties shall communicate the significant, sustained or recurring non-compliance with Sanitary and Phytosanitary requirements of imported consignments on a timely manner.

Article 6.8: Measures at the Border

Where a Party detains, at a port of entry, goods exported from the other Party due to non-compliance with sanitary or phytosanitary requirements, the reasons for the detention shall be promptly notified to the importer or his or her representative.

Article 6.9: Cooperation

The Parties agree to explore further cooperation opportunities on sanitary and phytosanitary issues with a view to enhancing mutual understanding of the regulatory systems of the Parties and facilitating bilateral trade.

Article 6.10: Competent authorities and Contact Points

1. The competent authorities of the Parties are the authorities which have responsibility for the implementation of this Chapter. The contact points of the Parties are the agencies responsible for the communication and notification of any matter covered by this Chapter between the Parties.

2. Each Party shall establish a contact point which shall have responsibility for coordinating the implementation of this Chapter. The contact points will be:

- (a) for China, the General Administration of Customs; and
- (b) for Cambodia, the Ministry of Agriculture, Forestry and Fisheries.

3. The Parties shall inform each other of any significant changes in the structure, organisation and the assignment of responsibilities within its competent authorities or any change of their contact points.

Article 6.11: Committee on Sanitary and Phytosanitary Measures

1. The Parties hereby agree to establish a Committee on Sanitary and Phytosanitary Measures composed of each Party's representatives who have responsibility for sanitary and phytosanitary measures. The Committee shall be coordinated by:

- (a) in the case of China, the Director General of Department of International Cooperation of GACC, or its designated person; and
- (b) in the case of Cambodia, the Director of Department of International Cooperation of the Ministry of Agriculture, Forestry and Fisheries or its designated person.

2. The Committee shall meet within one year from entry into force of this Agreement and thereafter at such venues and times as mutually determined by the Parties.

3. The functions of the Committee are to:

- (a) enhance mutual understanding of each Party's sanitary and phytosanitary measures and the regulatory processes related to those measures;
- (b) facilitate technical cooperation on sanitary and phytosanitary measures; and
- (c) monitor the implementation and operation of this Chapter.

4. The Committee may agree to establish ad hoc technical working groups in accordance with the Committee's terms of reference.

5. Meetings may occur in person, by teleconference, by video conference, or through any other means as agreed by the Parties.