

Chapter VI

Sanitary and Phyto-sanitary Measures (SPS)

Article 28 Definition

1. The definitions in Annex A of the SPS Agreement shall be applied in the implementation of this Chapter.
2. SPS Agreement means the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization.

Article 29 Objectives

The objectives of this Chapter are to:

1. promote and facilitate the trade of animals, products of animal origin, plants and products of plant origin between the Parties, protecting at the same time the human, animal or plant life or health;
2. reaffirm the rights and obligations of both parties with respect to each other under the SPS Agreement, which is considered as an integral part of this text;
3. ensure that the Parties' SPS measures do not arbitrarily or unjustifiably discriminate between two Parties where identical or similar conditions prevail; and
4. provide a forum to discuss SPS measures of each other, to solve the problems of trade in this field in a prompt and efficient manner to ensure trade expansion between the parties.

Article 30 Scope

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

Article 31 Competent Authority

1. The competent authorities of the Parties are the authorities competent in the respective countries for the implementation of the measures referred to in this Chapter,

2. The Parties shall inform each other of any significant changes in the structure, organization and division of responsibility within its competent authorities.
3. For the suitable implementation of the Chapter, bilateral contact between the homologous sanitary and phytosanitary agencies will be promoted and strengthened.

Article 32 Transparency

1. The Parties shall undertake cooperation as per transparency requirements set out in WTO/SPS Agreement. The sanitary and phytosanitary enquiry points of the Parties established under the SPS Agreement shall set up a bilateral mechanism for further communication, including the sanitary and phytosanitary measures that needs to be undertaken as well as information regarding noncompliance with sanitary and phytosanitary requirements of importing Party without undue delay.
2. The Parties will, whenever a need arises, exchange information related to the sanitary and phytosanitary condition in their territories and will provide the necessary information to develop risk assessment and equivalence processes.

Article 33 Cooperation on harmonization, equivalency and certificate recognition

1. To achieve harmonization both Parties shall base their SPS measures on international standards ,guidelines or recommendations, or base the measures on risk assessment, and shall cooperate in this regard.
2. Both Parties shall consider to accept the SPS measures of each other as equivalent even if it differs from their own or from those used by other members trading in the same product, if the exporting party objectively demonstrates to the importing party that its measures achieve the importing party's appropriate level of sanitary and phytosanitary procedure. For this purpose, reasonable access shall be given, upon request, to the importing party for inspection, testing and other relevant procedures.
3. Both Parties shall cooperate for mutual recognition of SPS certificates.

Article 34 Committee on Sanitary and Phytosanitary Matters

1. The Parties hereby agree to establish a Committee on Sanitary and Phytosanitary Matters composed of each Party's representatives who have responsibility for sanitary and phytosanitary matters.

the Committee shall be coordinated by:

(a) in the case of China, the Director General of Department of International Cooperation of AQSIQ, or its designated person and

(b) in the case of Pakistan , Additional Secretary, Ministry of Food, Agriculture and Livestock or its designated person

2. In order to facilitate the communication and ensure the proper functioning of the Committee, the Parties will designate a contact person no later than two months following the date of entry into force of this Agreement.

3. The Parties shall establish the Committee in a period not longer than two months after the date of entry into force of this Agreement.

4. The objectives of the Committee shall be to ensure the achievement of the objectives stated in this Chapter.

5. The Committee shall seek to enhance any present or future relationship between the Parties' agencies with responsibility for sanitary and phytosanitary matters.

6. The Committee shall be responsible for:

(a) enhancing mutual understanding of each Party's sanitary and phytosanitary measures and the regulatory processes related to those measures;

(b) consultations on matters related to the development or application of sanitary and phytosanitary measures that affect, or may affect, trade between the Parties;

(c) consultations on issues, positions, and agendas for meetings of the WTO/SPS Committee, the various Codex committees (including the Codex Alimentarius Commission), the International Plant Protection Convention, the World Organization for Animal Health, and other international and regional fora on food safety and human, animal, and plant health;

(d) coordination of technical cooperation programs on sanitary and phytosanitary matters;

(e) improving bilateral understanding related to specific implementation issues concerning the SPS Agreement; and

(f) reviewing progress on addressing sanitary and phytosanitary matters that may arise between the competent authorities of both Parties.

7. The Committee shall meet once a year unless the Parties otherwise agree.
8. The Committee may agree to establish ad hoc technical working groups in accordance with the Committee's terms of reference.