

CHAPTER FIVE

SANITARY AND PHYTOSANITARY MEASURES

Article 5.1: Objectives

The objectives of this Chapter are to minimise the negative effects of sanitary and phytosanitary measures on trade while protecting human, animal and plant life or health in the territory of each Party and enhance the implementation of the SPS Agreement.

Article 5.2: Scope

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

Article 5.3: Rights and Obligations of the Parties

The Parties affirm their rights and obligations under the SPS Agreement.

Article 5.4: Dispute Settlement

This Chapter is not subject to Chapter Twenty-One (Dispute Settlement).

Article 5.5: Committee on Sanitary and Phytosanitary Measures

1. The Parties hereby establish a Committee on Sanitary and Phytosanitary Measures, composed of representatives of each Party who are responsible for sanitary and phytosanitary matters.
2. Upon entry into force of this Agreement, each Party shall designate a contact point to coordinate the Committee meetings.

第五章

卫生与植物卫生措施

第5.1条： 目标

本章的目标是：最小化卫生与植物卫生措施对贸易产生的负面影响，同时保护每一方领土上的人类、动物和植物的生命或健康，并加强实施实施卫生与植物卫生措施协定。

第5.2条： 范围

本章适用于所有可能直接或间接影响双方之间贸易的卫生与植物卫生措施。

第5.3条： 缔约方的权利和义务 **ties**

缔约方确认其在实施卫生与植物卫生措施协定下的权利和义务。

第5.4条： 争端解决

本章不适用第二十一章（争端解决）。

第5.5条： 卫生与植物卫生措施委员会

1. 缔约方兹设立卫生与植物卫生措施委员会，由各缔约方负责卫生与植物卫生事务的代表组成。
2. 该协定生效时，每一缔约方应指定一个联系点，以协调委员会会议。

3. The objectives of the Committee are to enhance each Party’s implementation of the SPS Agreement while respecting each other’s rights to adopt measures to protect human, animal or plant life or health, enhance cooperation and consultation on sanitary and phytosanitary matters, and minimise negative effects on trade between the Parties.

4. Each Party shall ensure the participation, as appropriate, of representatives with responsibility for the development, implementation, and enforcement of sanitary and phytosanitary measures from its relevant government authorities in the Committee meetings.

5. Recognising that the management of sanitary and phytosanitary matters must rely on science and risk-based assessment and is best achieved through bilateral cooperation and consultation, the Committee shall seek to enhance present or future relationships between the Parties’ agencies with responsibility for sanitary and phytosanitary matters. For these purposes, the Committee shall:

- (a) recognise that scientific risk analysis shall be conducted and evaluated by the relevant regulatory agencies of each Party;
- (b) enhance mutual understanding of each Party’s sanitary and phytosanitary measures, including through the exchange of information relating to each other’s measures and the regulatory processes related to those measures;
- (c) consult on matters related to the development or application of sanitary and phytosanitary measures that affect, or may affect, trade between the Parties;
- (d) promote bilateral consultations on sanitary and phytosanitary issues under discussion in multilateral and international fora, such as the WTO Committee on Sanitary and Phytosanitary Measures, the Codex Alimentarius Commission, the *International Plant Protection Convention*, and the World Organisation for Animal Health;
- (e) encourage and coordinate the design, implementation, and review of technical and institutional cooperation programs; and

3. 委员会的目标是：在尊重每一缔约方采取保护人类、动物或植物的生命或健康的措施的权利的同时，增强每一缔约方实施实施卫生与植物卫生措施协定的能力，加强在卫生与植物卫生事务上的合作与磋商，并最小化对缔约方之间贸易的负面影响。

4. 每个缔约方应确保其相关政府机构中负责卫生与植物卫生措施制定、实施和执行的代表，根据适当情况，参加委员会会议。

5. 认识到卫生与植物卫生事务的管理必须依靠科学和基于风险的评估，并且通过双边合作和磋商最能实现，委员会应努力加强缔约方负责卫生与植物卫生事务的机构之间目前或未来的关系。为此，委员会应：

- (a) 认识到科学风险评估应由每个缔约方的相关监管机构进行和评估；(b) 增进缔约方卫生与植物卫生措施的理解，包括通过交换有关彼此措施及其相关监管程序的信息；(c) 就影响或可能影响缔约方之间贸易的卫生与植物卫生措施的制定或应用相关事宜进行磋商；(d) 促进在多边和国际场合（如世界贸易组织卫生与植物卫生措施委员会、食品法典委员会、国际植物保护公约和世界动物卫生组织）讨论的卫生与植物卫生问题上的双边磋商；

- (e) 鼓励和协调技术和机构合作计划的设计、实施和审查；以及

(f) review progress on addressing sanitary and phytosanitary matters that may arise between the Parties.

6. Unless the Parties otherwise agree, the Committee shall meet no later than one year following the entry into force of this Agreement. The Committee shall establish its rules of procedure at its initial meeting. Thereafter, the Committee shall meet once a year, unless the Parties otherwise agree.

(f) 审查解决缔约方之间可能出现的卫生与植物卫生事务的进展。

6. 除非缔约方另有约定，委员会应在本协定生效之日起一年内举行会议。委员会应在首次会议上制定其议事规则。此后，委员会每年至少举行一次会议，除非缔约方另有约定。