

CHAPTER FIVE

第五章

SANITARY AND PHYTOSANITARY MEASURES

卫生与植物卫生措施

Article 501: Objectives

第501条：目标

The objectives of this Chapter are to:

本章的目标是：

- (a) protect human, animal and plant life or health in the territory of each Party;
- (b) ensure that the Parties’ sanitary and phytosanitary measures do not create unjustified barriers to trade; and
- (c) enhance the implementation of the SPS Agreement.

(a) 保护各缔约方领土内人类、动物或植物的生命或健康；(b) 确保缔约方的卫生与植物卫生措施不会造成不合理的贸易壁垒；以及(c) 加强SPS协定的实施。

Article 502: Scope and Coverage

第502条：范围和覆盖范围

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

本章适用于所有可能直接或间接影响缔约方之间贸易的卫生与植物卫生措施。

Article 503: Relation to other Agreements

第503条：与其他协定的关系

- The Parties affirm their existing rights and obligations with respect to each other under the SPS Agreement.
- The Parties agree to use the WTO dispute settlement procedures for any formal disputes regarding sanitary and phytosanitary measures.

- 缔约方确认其在SPS协定下对彼此享有的现有权利和义务。
- 缔约方同意对任何关于卫生与植物卫生措施的正式争端使用WTO争端解决程序。

Article 504: Committee on Sanitary and Phytosanitary Measures

1. The Parties hereby establish a Committee on Sanitary and Phytosanitary Measures, comprising representatives of each Party from the relevant trade and regulatory agencies, ministries or other institutions who have responsibilities for sanitary and phytosanitary matters.

2. The Committee shall consider, among other things:
 - (a) the design, implementation and review of technical and institutional co-operation programs;

 - (b) consultations related to the development and application of sanitary and phytosanitary measures;

 - (c) as needed and taking into account guidelines developed or being developed by the WTO Committee on Sanitary and Phytosanitary Measures, the Committees of the Codex Alimentarius Commission, the International Plant Protection Convention (IPCC) and the World Organization for Animal Health (OIE), the development of guidelines for the practical implementation of:
 - (i) mutual recognition and equivalence agreements,

 - (ii) the recognition of pest- or disease-free areas,

 - (iii) risk assessment procedures, or

 - (iv) product control, inspection and approval procedures;

 - (d) the review and the assessment of progress of specific bilateral market access issues;

第504条： 卫生与植物检疫措施委员会

1. 缔约方特此设立卫生与植物检疫措施委员会，由各缔约方来自相关贸易和监管机构、部委或其他负责卫生与植物检疫事务的机构的代表组成。

2. 委员会应特别考虑以下事项：
 - (a) 技术与机构合作计划的设计、实施与审查；(b) 与卫生与植物卫生措施的制定和应用相关的磋商；(c) 根据需要并参考世贸组织卫生与植物检疫措施委员会、食品法典委员会各分委会、国际植物保护公约（IPCC）及世界动物卫生组织（OIE）已制定或正在制定的指南，制定以下方面的实际操作指南：
 - (i) 相互承认与等效协议，(ii) 无病虫害或无疫病地区的认定，(iii) 风险评估程序，或(iv) 产品控制、检验和批准程序；

 - (d) 具体双边进展的审查与评估
市场准入问题；

- (e) the promotion of enhanced transparency of sanitary and phytosanitary measures;
- (f) the identification and resolution of sanitary and phytosanitary-related problems;
- (g) the promotion of bilateral consultations on sanitary and phytosanitary issues under discussion in multilateral and international fora such as the WTO SPS Committee, the Committees of the Codex Alimentarius Commission, the IPPC, the OIE, and other international and regional fora on food safety, human, animal and plant health; and
- (h) the establishment of ad hoc technical working groups, as needed.¹

4. Unless the Parties otherwise agree, the Committee shall meet no later than six months following the entry into force of this Agreement. The Committee shall establish its rules of procedures and work program at that meeting.

5. Following its initial meeting, the Committee shall meet as required, normally on an annual basis, and report on its activities and work program to the Commission as necessary. The Committee may meet in person, through teleconference, videoconference, or by any other means that ensures its effective operation and the fulfilment of its responsibilities.

6. Upon entry into force of this Agreement, each Party shall designate a Contact Point to coordinate the Committee’s agenda and to facilitate communications on trade-related sanitary and phytosanitary matters.

¹ As used in subparagraphs (b) and (g), “consultations” does not mean consultations pursuant to Article 2104 (Dispute Settlement – Consultations).

- (e) 促进提高卫生与植物检疫措施；
- (f) 卫生与植物检疫相关问题的识别与解决；
- (g) 促进就多边和国际论坛（如世贸组织卫生与植物检疫措施委员会、食品法典委员会各委员会、国际植物保护公约、OIE及其他关于食品安全、人类、动物和植物健康的国际和区域论坛）中讨论的卫生与植物检疫问题进行双边磋商；以及
- (h) 根据需要设立特设技术工作组。¹

4. 除非缔约方另有约定，委员会应在本协定生效后六个月内召开会议。委员会应在该次会议上制定其议事规则和工作计划。

5. 委员会在首次会议后应根据需要召开会议，通常每年一次，并视情况向委员会报告其活动和工作计划。委员会可通过面对面、电话会议、视频会议或其他任何确保其有效运作和履行职责的方式举行会议。

6. 本协定生效后，各缔约方应指定一个联络点，负责协调委员会议程并促进与贸易相关的卫生与植物检疫事宜的沟通。

¹ 如第(b)项和第(g)项所用，“磋商”并非指根据第2104条（争端解决——磋商）进行的磋商。

Article 505: Sanitary and Phytosanitary Issue Avoidance and Resolution

1. The Parties agree to work expeditiously to resolve any specific sanitary and phytosanitary trade-related issues and, to this end, commit to carry out the necessary technical level discussions to resolve any such issue including an assessment of the scientific basis of the measure at issue.
2. The Parties agree to avail themselves of all reasonable options to avoid and resolve sanitary and phytosanitary issues, including meeting in person, using technological means (via teleconference, videoconference) and opportunities that may arise in international fora.
3. In the event that the Parties are unable to resolve an issue expeditiously by technical level discussions, a Party may refer the issue to the Committee. The Committee should consider any matter referred to it as expeditiously as possible.
4. Pursuant to paragraph 3, in the event that the Committee is unable to resolve an issue expeditiously, the Committee shall, upon request of a Party, report promptly to the Commission on the matter.

第505条：卫生与植物卫生问题避免与解决

1. 缔约方同意迅速采取行动解决任何具体的与贸易相关的卫生与植物卫生问题，并为此承诺开展必要的技术层面讨论以解决此类问题，包括对争议措施的科学依据进行评估。
2. 缔约方同意利用所有合理选择来避免和解决卫生与植物卫生问题，包括面对面会议、使用技术手段（通过电话会议、视频会议）以及在国际论坛中可能出现的机会。
3. 如果缔约方无法通过技术层面讨论迅速解决问题，一方可将该问题提交委员会。委员会应尽快审议提交给它的任何事项。
4. 根据第3款，如果委员会无法迅速解决问题，委员会应在一方请求下立即就该事项向委员会报告。