

CHAPTER EIGHT
SANITARY AND PHYTOSANITARY MEASURES

OBJECTIVES

The objectives of this Chapter are to protect human, animal, or plant life or health in the Parties’ territories, enhance the Parties’ implementation of the SPS Agreement, and provide a Committee for helping to address bilateral sanitary and phytosanitary matters.

ARTICLE 8.1: SCOPE

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

ARTICLE 8.2: RIGHTS AND OBLIGATIONS OF THE PARTIES

Further to Article 1.2 (Relation to Other Agreements), the Parties affirm their existing rights and obligations with respect to each other under the SPS Agreement.

ARTICLE 8.3: COMMITTEE ON SANITARY AND PHYTOSANITARY MATTERS

1. The Parties hereby agree to establish a Committee on Sanitary and Phytosanitary Matters comprising representatives of each Party who have responsibility for sanitary and phytosanitary matters.
2. The objectives of the Committee shall be to enhance each Party’s implementation of the SPS Agreement, protect human, animal, or plant life or health, enhance cooperation and consultation on sanitary and phytosanitary matters, and facilitate trade between the Parties.
3. Recognizing that the resolution of sanitary and phytosanitary matters must rely on science and risk-based assessment and is best achieved through bilateral technical cooperation and consultation, the Committee shall seek to enhance any present or future relationships between the Parties’ agencies with responsibility for sanitary and phytosanitary matters. For these purposes, the Committee shall:

- (a) recognize 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 and the regulatory processes that relate 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;

第八章 卫生与植物卫生措施

目标

本章旨在保护缔约方领土内的人类、动物或植物的生命或健康，加强缔约方对SPS协定的实施，并设立委员会以协助处理双边卫生与植物卫生事务。

第8.1条：范围

本章适用于缔约方可能直接或间接影响缔约方之间贸易的所有卫生与植物卫生措施。

第8.2条：缔约方的权利与义务

根据第1.2条（与其他协定的关系），缔约方确认其在SPS协定下对彼此承担的现有权利与义务。

第8.3条：卫生与植物卫生事务委员会

1. 缔约方特此同意设立卫生与植物卫生事务委员会，由各缔约方负责卫生与植物卫生事务的代表组成。
2. 委员会的目标应是加强各缔约方对SPS协定的实施，保护人类、动物或植物的生命或健康，加强在卫生与植物卫生事务上的合作与磋商，并促进缔约方之间的贸易。
3. 认识到卫生与植物卫生事务的解决必须依赖科学与风险评估，且最佳途径是通过双边技术合作与磋商实现，委员会应致力于加强缔约方负责卫生与植物卫生事务的机构之间当前或未来的任何关系。为此目的，委员会应：

- (a) 承认科学风险分析应由各缔约方相关监管机构进行和评估；
- (b) 增进对各缔约方卫生与植物卫生措施及其相关监管程序的相互理解；
- (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实施相关事宜进行磋商；

- (d) consult on issues, positions, and agendas for meetings of the WTO Committee on Sanitary and Phytosanitary Measures established under the SPS Agreement, the Codex Alimentarius Commission, the World Organization for Animal Health (OIE), the relevant international and regional organizations operating within the framework of the *International Plant Protection Convention*, and other international and regional fora on food safety and on human, animal, or plant life or health;
- (e) promote coordination of technical cooperation activities in relation to development, implementation, and application of sanitary and phytosanitary measures;
- (f) improve bilateral understanding related to specific implementation issues concerning the SPS Agreement, including clarification of each Party’s regulatory frameworks and rulemaking procedures; and
- (g) review progress on addressing sanitary and phytosanitary matters that may arise between the Parties’ agencies with responsibility for such matters, including progress on annual animal health, plant health, and meat, poultry, and processed egg products technical meetings.

4. The Parties shall establish the Committee not later than 45 days after the date of entry into force of this Agreement through an exchange of letters identifying the primary representative of each Party to the Committee and establishing the Committee’s terms of reference.

5. The Committee shall meet at least once a year unless the Parties otherwise agree.

6. Each Party shall ensure that appropriate representatives with responsibility for the development, implementation, and enforcement of sanitary and phytosanitary measures from its relevant trade and regulatory agencies or ministries participate in the Committee meetings. The agencies and ministries of each Party responsible for such measures shall be set out in the Committee’s terms of reference.

ARTICLE 8.4: DISPUTE SETTLEMENT

Neither Party may have recourse to dispute settlement under this Agreement for any matter arising under this Chapter.

(d) 就世界贸易组织卫生与植物卫生措施委员会（根据SPS协定设立）、食品法典委员会、世界动物卫生组织（OIE）、在国际植物保护公约框架下运作的相关国际和区域组织以及其他涉及食品安全及人类、动物或植物生命或健康的国际和区域论坛的会议议题、立场和议程进行磋商；(e) 促进在卫生与植物卫生措施的制定、实施和应用方面的技术合作活动的协调；国际植物保护公约, 以及其他涉及食品安全及人类、动物或植物生命或健康的国际和区域论坛；(e) 促进在卫生与植物卫生措施的制定、实施和应用方面的技术合作活动的协调；(f) 提升对SPS协定具体实施问题的双边理解，包括澄清各缔约方的监管框架和规则制定程序；以及 (g) 审查处理可能出现在负责卫生与植物卫生事务的缔约方机构之间的问题的进展，包括年度动物健康、植物健康以及肉类、禽类和加工蛋制品技术会议的进展。

4. 缔约方应在本协定生效之日起45天内通过交换信件建立委员会，信件中应明确各缔约方在委员会中的主要代表并确定委员会的职权范围。

5. 委员会应至少每年召开一次会议，除非缔约方另有约定。

6. 各缔约方应确保其相关贸易和监管机构或政府部门中负责卫生与植物卫生措施的制定、实施和执行工作的适当代表参加委员会会议。各缔约方负责此类措施的机构和政府部门应在委员会的职权范围中列明。

第八章 卫生与植物卫生措施
第八条第四款：争端解决

任何一方不得就本章项下产生的任何事项援引本协定下的争端解决机制。