

CHAPTER 5	第五章
SANITARY AND PHYTOSANITARY MEASURES	卫生和植物卫生措施
Article 1 Objectives	条款1 目 的
The objectives of this Chapter are to: (a) facilitate trade among the Parties while protecting human, animal or plant life or health in the territory of each Party; (b) provide greater transparency in and understanding of the application of each Party's regulations and procedures relating to sanitary and phytosanitary measures; (c) strengthen co-operation among the competent authorities of the Parties which are responsible for matters covered by this Chapter; and (d) enhance practical implementation of the principles and disciplines contained within the SPS Agreement.	本章的目标是： (a) 促进缔约方之间的贸易，同时保护每一缔约方领土内的人类、动物或植物的生命或健康；(b) 在每一缔约方法规和程序与卫生和植物卫生措施相关的应用方面提供更大的透明度和理解；(c) 加强负责本章所涵盖事项的缔约方主管当局之间的合作；以及(d) 增强SPS协定所包含的原则和纪律的实际实施。
Article 2 Scope	条款2 范 围
This Chapter shall apply to all sanitary and phytosanitary measures of a Party that may, directly or indirectly, affect trade among the Parties.	本章节适用于任何一方可能直接或间接影响缔约方之间贸易的卫生和植物卫生措施。
Article 3 Definitions	第3条 定 义
For the purposes of this Chapter:	本章的目的：

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- (a) **competent authorities** means those authorities within each Party recognised by the national government as responsible for developing and administering the various sanitary and phytosanitary measures within that Party;
- (b) **international standards, guidelines and recommendations** shall have the same meaning as set out in paragraph 3 of Annex A to the SPS Agreement;
- (c) **sanitary or phytosanitary measure** shall have the same meaning as set out in paragraph 1 of Annex A to the SPS Agreement; and
- (d) **SPS Agreement** means the *Agreement on the Application of Sanitary and Phytosanitary Measures* in Annex 1A to the WTO Agreement.

**Article 4
General Provisions**

- 1. Each Party affirms its rights and obligations with respect to each other Party under the SPS Agreement.
- 2. Each Party commits to apply the principles of the SPS Agreement in the development, application or recognition of any sanitary or phytosanitary measure with the intent to facilitate trade among the Parties while protecting human, animal or plant life or health in the territory of each Party.

**Article 5
Equivalence**

- 1. The Parties shall strengthen co-operation on equivalence in accordance with the SPS Agreement and relevant international standards, guidelines and recommendations, in order to facilitate trade among the Parties.

- (a)主管当局是指各缔约方中由国家政府承认负责制定和实施该缔约方各项卫生和植物卫生措施的主管当局；
- (b) 国际标准、指南和建议应具有附件A至SPS协定的第3段中规定相同的意义；
- (c) 卫生或植物卫生措施应具有附件A至SPS协定的第1段中规定相同的意义；以及(d) SPS协定是指

附件1A至WTO协定中关于卫生和植物卫生措施应用的协定。

第4条 一般规定

- 1. 每一方确认其根据SPS协定对另一方享有的权利和义务。
- 2. 每一方承诺在制定、实施或承认任何卫生或植物卫生措施时，应用SPS协定的原则，旨在促进各方可领土内的贸易，同时保护各方可领土内的人类、动物或植物的生命或健康。

第5条 等同性

- 1. 缔约方应根据《卫生和植物卫生措施协定》及相关国际标准、指南和建议，加强在等同性方面的合作，以促进缔约方之间的贸易。

2. To facilitate trade, the competent authorities of the relevant Parties may develop equivalence arrangements and make equivalence decisions, in particular in accordance with Article 4 of the SPS Agreement and with the guidance provided by the relevant international standard setting bodies and by the WTO Committee on Sanitary and Phytosanitary Measures established pursuant to Article 12 of the SPS Agreement.
3. A Party shall, upon request, enter into negotiations with the aim of achieving bilateral recognition arrangements of the equivalence of specified sanitary or phytosanitary measures.

Article 6
Competent Authorities and Contact Points

1. Each Party shall provide each other Party with a description of its competent authorities and their division of responsibilities.
2. Each Party shall provide each other Party with a contact point to facilitate distribution of requests or notifications made in accordance with this Chapter.
3. Each Party shall ensure the information provided under Paragraphs 1 and 2 is kept up to date.

Article 7
Notification

1. Each Party acknowledges the value of exchanging information on its sanitary or phytosanitary measures.
2. Each Party agrees to provide timely and appropriate information directly to the contact points of the relevant Parties where a:

2. 为促进贸易，相关方的主管当局可制定等同安排并作出等同决定，特别是在《卫生和植物卫生措施协定》第4条及根据该协定第12条设立的卫生与植物卫生措施委员会提供的指导方针的框架下，并依据相关国际标准制定机构提供的指导。
3. 一方应根据请求，与另一方进行谈判，旨在达成关于特定卫生或植物卫生措施等性的双边承认安排。

第6条 主管当局和联系点

1. 每一方应根据请求，向另一方提供其主管当局及其职责划分的说明。
2. 每一方应根据请求，向另一方提供联系点，以促进根据本章发出的请求或通知的分配。
3. 每一方应确保根据第1段和第2段提供的资料保持最新。

第7条 通知

1. 各方承认交换其卫生或植物卫生措施信息的价值。
2. 每一方同意及时向相关方的联系点直接提供适当的信息，其中：

- (a) change in animal or plant health status may affect existing trade;
- (b) significant sanitary or phytosanitary non-compliance associated with an export consignment is identified by the importing Party; and
- (c) provisional sanitary or phytosanitary measure against or affecting the exports of another Party is considered necessary to protect human, animal or plant life or health within the importing Party.

3. The exporting Party should, to the extent possible, endeavour to provide information to the importing Party if the exporting Party identifies that an export consignment which may be associated with a significant SPS risk has been exported.

Article 8 Co-operation

1. Each Party shall explore opportunities for further co-operation, collaboration and information exchange with the other Parties on sanitary and phytosanitary matters of mutual interest consistent with the objectives of this Chapter.
2. In relation to Paragraph 1, each Party shall endeavour to co-ordinate with regional or multilateral work programmes with the objective of avoiding unnecessary duplication and to maximise the benefits from the application of resources.
3. Each Party agrees to further explore how it can strengthen co-operation on the provision of technical assistance especially in relation to trade facilitation.
4. Any two Parties may, by mutual agreement, co-operate on adaptation to regional conditions in accordance with the

(a) 动物或植物健康状况的变化可能影响现有贸易；(b) 进口方确定出口货物存在重大卫生或植物卫生不符合情况；以及(c) 临时卫生或植物卫生措施被认为是必要的，以保护进口方的人类、动物或植物的生命或健康，该措施针对或影响另一方的出口。

3. 出口方应当尽其所能，在出口方识别出已出口的、可能与重大SPS风险相关的出口货物时，向进口方提供信息。

第8条 合作

1. 每一方应探讨与其他各方在相互感兴趣的卫生和植物卫生事项上进一步合作、合作和信息交换的机会，以符合本章的目标。
2. 关于第1段，每一方应努力与区域或多边工作计划协调，以避免不必要的重复，并最大限度地提高资源应用带来的效益。
3. 各方同意进一步探讨如何加强在提供技术援助方面的合作，特别是在贸易便利化方面。
4. 任何两个缔约方均可通过相互协议，根据《SPS协定》及相关国际标准、指南和建议，合作适应区域条件，以促进缔约方之间的贸易。

SPS Agreement and relevant international standards, guidelines and recommendations, in order to facilitate trade between the Parties.

**Article 9
Consultations**

Where a Party considers that a sanitary or phytosanitary measure affecting trade between it and another Party warrants further discussion, it may, through the contact points, request a detailed explanation of the sanitary or phytosanitary measure and if necessary, request to hold consultations in an attempt to resolve any concerns on specific issues arising from the application of the sanitary or phytosanitary measure. The other Party shall respond promptly to any requests for such explanations, and if so requested, shall enter into consultations, within 30 days from the date of the request. The Parties to the consultations shall make every effort to reach a mutually satisfactory resolution through consultations within 60 days from the date of the request, or a timeline mutually agreed upon by the consulting Parties. Should the consultations fail to achieve resolution, the matter shall be forwarded to the FTA Joint Committee.

**Article 10
Meetings Among the Parties on Sanitary and
Phytosanitary Matters**

1. The Parties hereby establish a Sub-Committee on Sanitary and Phytosanitary Matters (SPS Sub-Committee), consisting of representatives from the relevant government agencies of each Party. The SPS Sub-Committee shall meet within one year of the entry into force of this Agreement and thereafter as mutually determined by the Parties.
2. The SPS Sub-Committee shall review the progress made by the Parties in implementing their commitments under this Chapter and may set up subsidiary working

SPS协定和相关国际标准、指南和建议，以促进缔约方之间的贸易。

条款 9 磋商

當一方認為影響其與另一方之間貿易的衛生或植物衛生措施需要進一步討論時，該方可通過聯系點，要求對該衛生或植物衛生措施進行詳細解釋，并在必要時，要求舉行磋商，以嘗試解決由應用該衛生或植物衛生措施所產生的任何具體問題的憂慮。另一方應及時回應任何此類解釋的請求，如果被要求，應在請求之日起 30 天內進行磋商。磋商的締約方應盡一切努力，在請求之日起 60 天內通過磋商達成雙方滿意的解決方案，或由磋商各方共同商定的時間表。如果磋商未能達成解決方案，該問題應轉交給自由貿易區聯合委員會。

条款 10 締約方就衛生和植物衛生事務舉行的會議

1. 締約方 hereby 設立衛生和植物衛生事務小組委員會（SPS分委员会），由各方的相關政府機構代表組成。SPS分委员会應在該協議生效之日起一年內舉行會議，並以締約方共同決定的方式進行會議。
2. SPS分委员会应审查缔约方在本章项下履行其承諾的进展情况，并可设立附属工作组，如相关方之间或相互之间同意，以考虑与本章节有关的特定问题。

groups, as agreed between or among the relevant Parties, to consider specified issues relating to this Chapter.

3. Competent authorities of any two Parties may meet to make decisions bilaterally implementing the commitments under this Chapter. Each Party shall provide to the SPS Sub-Committee updates on the status of their work.

4. Subject to Paragraph 1, meetings under this Article shall occur as and when mutually determined by the relevant Parties and all decisions and/or records made shall be by mutual agreement of the relevant Parties. Meetings may occur in person, by teleconference, by video conference, or through any other means as mutually determined by the Parties.

Article 11
Non-Application of Chapter 17 (Consultations and
Dispute Settlement)

Chapter 17 (Consultations and Dispute Settlement) shall not apply to any matter arising under this Chapter.

groups, 如相关方之间或相互之间同意, 以考虑与本章节有关的特定问题。

3. 任何两方的主管当局可以会晤, 以双边方式实施本章节下的承诺。每一方应向SPS分委员会提供其工作进展的更新。

4. 除第1段的规定外, 根据本条款举行的会议应根据相关方的共同决定举行, 所有决定和/或记录均应根据相关方的共同协议作出。会议可以当面举行、通过电话会议、视频会议或根据各方的共同决定通过任何其他方式举行。

条款11 章节第17条 (磋商与争端解决) 的适用除
外

章节第17条 (磋商与争端解决) 不适用于根据本章节产生的任何事项。