

- (c) report the findings of the Sub-Committee to the Joint Committee; and
- (d) carry out other functions as may be delegated by the Joint Committee pursuant to Article 11.

3. The Sub-Committee shall be composed of representatives of the Governments of the Parties, and may invite representatives of relevant entities other than the Governments of the Parties with necessary expertise relevant to the issues to be discussed, upon agreement of all the Parties.

4. The Sub-Committee shall meet at such venues and times as may be agreed by the Parties.

Chapter 4
Sanitary and Phytosanitary Measures

Article 38
Scope

This Chapter shall apply to all sanitary and phytosanitary (hereinafter referred to as “SPS”) measures of the Parties as defined in Annex A of the Agreement on the Application of Sanitary and Phytosanitary Measures in Annex 1A to the WTO Agreement (hereinafter referred to as “SPS Agreement”) that may, directly or indirectly, affect trade between the Parties.

Article 39
Reaffirmation of Rights and Obligations

The Parties reaffirm the rights and obligations relating to SPS measures under the SPS Agreement among those Parties that are parties to the said Agreement.

Article 40
Sub-Committee on Sanitary and Phytosanitary Measures

- 1. For the purposes of the effective implementation and operation of this Chapter, a Sub-Committee on Sanitary and Phytosanitary Measures (hereinafter referred to in this Article as “the Sub-Committee”) shall be established pursuant to Article 11.
- 2. The functions of the Sub-Committee shall be to:

(c) 向联合委员会报告分委员会的调查结果；以及 (d) 执行联合委员会根据第11条授权的其他职能。

3. 分委员会应由缔约方政府的代表组成，并可在所有缔约方同意的情况下，邀请具有与将要讨论的问题相关的必要专业知识的缔约方政府以外的相关实体代表。

4. 分委员会应在缔约方同意的地点和时间举行会议。

第四章 卫生与植物卫生措施

第38条 范围

本章应适用于附件1A中《世界贸易组织协定》附件A《卫生与植物卫生措施协定》中定义的缔约方的所有卫生与植物卫生（以下简称“SPS”）措施，这些措施可能直接或间接地影响缔约方之间的贸易。

第39条 重申权利和义务

缔约方重申在卫生与植物卫生措施协定项下，对于该协定缔约方之间就SPS措施所享有的权利和义务。

分委员会第40条
军事和物理卫生措施

- 1. 为有效实施和运行本章之目的，应依据第11条设立卫生与植物卫生措施分委员会（以下简称本条中称“分委员会”）。
- 2. 分委员会的职能应当是：

- (a) exchange information on such matters as occurrences of SPS incidents in the Parties and non-Parties, and change or introduction of SPS-related regulations and standards of the Parties, which may, directly or indirectly, affect trade between Japan and more than one (1) ASEAN Member State which are the Parties;
- (b) facilitate cooperation in the area of SPS measures, including capacity building, technical assistance and exchange of experts, subject to the availability of appropriated funds and the applicable laws and regulations of each Party;
- (c) undertake science-based consultations to identify and address specific issues that may arise from the application of SPS measures and are shared by Japan and more than one (1) ASEAN Member State which are the Parties;
- (d) review the implementation and operation of this Chapter; and
- (e) report, where appropriate, its findings to the Joint Committee.

3. The Parties shall coordinate their undertakings with the activities conducted in the bilateral, regional and multilateral context, with the objective of avoiding unnecessary duplication and maximising efficiency of efforts of the Parties in this field.

4. The Sub-Committee shall meet at such venues and times as may be agreed by the Parties.

5. The Sub-Committee shall be:

- (a) composed of government officials of the Parties with responsibility for SPS measures; and
- (b) co-chaired by an official of the Government of Japan and an official of one of the Governments of the ASEAN Member States which are the Parties.

Article 41 Enquiry Points

Each Party shall designate an enquiry point to answer all reasonable enquiries from another Party regarding SPS measures and, if appropriate, provide the latter with relevant information.

- (a) 交流关于以下事项的信息：
缔约方和非缔约方中SPS事件的 occurrences，以及缔约方SPS相关法规和标准的变更或引入
这可能直接或间接地影响日本与一个以上的（1）东盟成员国（即缔约方）之间的贸易；

(b) 促进SPS措施领域的合作，包括能力建设、技术援助和专家交流，前提是有适当的资金到位以及各缔约方的适用法律和法规；(c) 进行基于科学的磋商，以确定和解决SPS措施应用中可能出现的、由日本与一个以上的（1）东盟成员国（即缔约方）共同面临的具体问题；(d) 审查本章的实施和运作；以及(e) 在适当的情况下，将其发现报告给联合委员会。

3. 缔约方应协调其行动与在双边、区域和多边背景下开展的活动，旨在避免不必要的重复，并最大限度地提高缔约方在该领域的努力效率。

4. 分委员会应根据缔约方商定的地点和时间举行会议。

5. 分委员会应：

(a) 由负责SPS措施的缔约方政府官员组成；以及 (b) 由日本政府官员和东盟成员国政府官员（均为缔约方）的官员共同主持。

第41条 查询点

每一方应指定一个查询点，以答复另一方关于SPS措施的所有合理查询，并在适当的情况下向后者提供相关信息。

Article 42
Non-application of Chapter 9

The dispute settlement procedures provided for in Chapter 9 shall not apply to this Chapter.

CHAPTER 5
Standards, Technical Regulations and
Conformity Assessment Procedures

Article 43
Objectives

The objectives of this Chapter are to promote trade among the Parties by:

- (a) ensuring that standards, technical regulations and conformity assessment procedures do not create unnecessary obstacles to trade;
- (b) promoting mutual understanding of the standards, technical regulations and conformity assessment procedures in each Party;
- (c) strengthening information exchange and cooperation among the Parties in relation to the preparation, adoption and application of standards, technical regulations and conformity assessment procedures;
- (d) strengthening cooperation among the Parties in the work of international bodies related to standardisation and conformity assessments; and
- (e) providing a framework to realise these objectives.

Article 44
Scope

1. This Chapter shall apply to standards, technical regulations and conformity assessment procedures as defined in the Agreement on Technical Barriers to Trade in Annex 1A to the WTO Agreement (hereinafter referred to as "TBT Agreement").

2. This Chapter shall not apply to purchasing specifications prepared by governmental bodies for production or consumption requirements of governmental bodies and sanitary and phytosanitary measures as defined in Annex A of the SPS Agreement.

第42条 第9章不适用

第9章规定的争端解决程序不适用于本章。

第5章 标准、技术法规和合格评定程序

第43条 目标

本章的目标是通过以下方式促进缔约方之间的贸易：

(a) 确保标准、技术法规和合格评定程序不会造成贸易不必要的障碍；(b) 促进缔约方之间对各自的标准、技术法规和合格评定程序的相互理解；(c) 加强缔约方之间在标准、技术法规和合格评定程序的制定、采纳和应用方面的信息交流与合作；(d) 加强缔约方在标准化和合格评定相关国际机构工作中的合作；以及(e) 提供一个实现这些目标的框架。

第44条 范围

1. 本章适用于附件1A中《世界贸易组织协定》的技术性贸易壁垒协定所定义的标准、技术法规和合格评定程序（以下简称“TBT协定”）。

2. 本章不适用于政府机构为满足政府机构生产或消费需求而制定的采购规格以及《卫生与植物卫生措施协定》附件A中所定义的卫生与植物卫生措施。