

Chapter 6
Sanitary and Phytosanitary Measures

Article 6.1: Definitions

For the purposes of this Chapter:

sanitary and phytosanitary (SPS) measures means any measure referred to in Annex A, paragraph 1 of the SPS Agreement.

Article 6.2: Objectives

The objectives of this Chapter are to:

- (a) facilitate bilateral trade in food, plants and animals, including their products, while protecting human, animal or plant life or health in the territory of each Party;
- (b) deepen mutual understanding of each Party’s regulations and procedures relating to and consultations on and implementation of SPS measures; and
- (c) strengthen cooperation between Australian and Chilean government agencies with responsibility for matters covered by this Chapter.

Article 6.3: Scope and Coverage

- 1. This Chapter applies to all SPS measures of a Party that may, directly or indirectly, affect trade between the Parties.
- 2. Neither Party may have recourse to dispute settlement under this Agreement for any matter arising under this Chapter.

Article 6.4: General Provisions

- 1. The Parties affirm their rights and obligations under the SPS Agreement.
- 2. The Parties shall cooperate on priority proposals for technical assistance and capacity building to enhance the capability on SPS related aspects to further the achievement of the objectives of this Chapter.
- 3. The Parties shall cooperate in relevant international bodies engaged in work on SPS related issues, including the *WTO SPS Committee*, the various *Codex Committees* (including the *Codex Alimentarius Commission*), the *International Plant Protection Convention*, the *World Organisation for Animal Health (OIE)* and other

第六章 卫生与植物卫生措施

第六条 定义

本章所称：

卫生与植物卫生（SPS）措施是指《SPS协定》附件A第1段所述的任何措施。

第六条之二 目的

本章的目标是：

- (a) 促进缔约方之间食品、植物和动物的双边贸易，包括其产品，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) 深化每一缔约方就SPS措施的规定、程序、磋商和实施方面的相互理解；以及
- (c) 加强澳大利亚和智利政府机构之间在涉及本章内容的合作。

第6.3条：范围和覆盖

- 1. 本章适用于任何可能直接或间接影响缔约方之间贸易的缔约方的SPS措施。
- 2. 任何一方不得就本章产生的任何事项根据本协定寻求争端解决。

第6.4条：一般规定

- 1. 缔约方确认其根据SPS协定享有的权利和应履行的义务。
- 2. 缔约方应就优先的技术援助和能力建设提案进行合作，以增强在SPS相关方面的能力，从而进一步实现本章的目标。
- 3. 缔约方应在从事SPS相关工作的相关国际机构中合作，包括WTO SPS委员会、各种Codex委员会（包括食品法典委员会）、国际植物保护公约、世界动物卫生组织（OIE）和其他

international and regional fora on food safety and human, animal and plant life or health.

Article 6.5: Consultations on and Implementation of Sanitary and Phytosanitary Measures

1. Each Party shall identify an overall contact point relating to SPS measures (“SPS Contact Point”). For the purpose of this Article, the SPS Contact Point shall be:
 - (a) in the case of Australia, the Department of Agriculture, Fisheries and Forestry, or its successor; and
 - (b) in the case of Chile, the General Directorate of International Economic Affairs, Ministry of Foreign Affairs, or its successor.
2. On request of a Party for consultations on a matter arising under this Chapter, the Parties shall enter into consultations between relevant government agencies with responsibility for that matter under the scope of the SPS Contact Point.
3. Each Party’s SPS Contact Point shall:
 - (a) coordinate requests for technical assistance and capacity building programs on SPS matters;
 - (b) review progress on addressing SPS matters that may arise between the Parties;
 - (c) communicate SPS priorities between the Parties;
 - (d) facilitate the consideration of requests for information and clarification of issues with the other Party;
 - (e) facilitate communication between relevant experts when the consideration of scientific or technical issues requires such contact;
 - (f) promote and facilitate cooperation on SPS issues between the Parties;
 - (g) perform any other activities that facilitate transparency in the implementation of SPS measures; and
 - (h) ensure that all relevant government agencies participate in the above activities as appropriate and arrange meetings between relevant experts of each Party on these activities when required.
4. The Parties acknowledge the value of exchanging information on their respective SPS measures and, to ensure transparency in the implementation of SPS measures, each Party shall:

国际和区域食品安全以及人类、动物和植物的生命或健康的论坛。

第6.5条：卫生与植物卫生措施的磋商与实施

1. 每个缔约方应确定一个与卫生与植物卫生措施（“SPS联络点”）相关的总体联络点。就本条而言，SPS联络点应为：
 - (a) 在澳大利亚的情况下，农业、渔业和林业部，或其继任机构；以及
 - (b) 在智利的情况下，外交部国际经济事务总局，或其继任机构。
2. 应一方就本章事项提出的磋商要求，缔约方应在SPS联络点范围内，就相关政府机构负责的事项进行磋商。
3. 每个缔约方的SPS联络点应：
 - (a) 协调就SPS事务提出的技术援助和能力建设计划请求；
 - (b) 审查缔约方之间可能出现的解决SPS事务的进展；
 - (c) 在缔约方之间沟通SPS优先事项；
 - (d) 促进与其他缔约方就信息请求和问题澄清进行考虑；
 - (e) 在考虑科学或技术问题时需要此类联系时，促进相关专家之间的沟通；
 - (f) 促进和便利缔约方之间就SPS事务的合作；
 - (g) 执行任何有助于促进SPS措施实施中透明度的其他活动；以及
 - (h) 确保所有相关政府机构根据需要参与上述活动，并在需要时安排各缔约方相关专家就这些活动进行会议。
4. 各缔约方承认交换各自SPS措施信息的价值，并确保SPS措施实施中的透明度，每一缔约方应：

- (a) exchange a list, to be updated as appropriate, of officials responsible for SPS matters in the agencies of the Parties; and
- (b) provide notifications to a nominated SPS official of the other Party of measures imposed in response to an urgent threat to human, animal or plant life or health.

5. The SPS Contact Point shall be included in all communications between the Parties made pursuant to this Article.

- (a) 交换一份适当更新的、列明各缔约方机构中负责SPS事务的官员名单；以及 (b) 向另一方的指定SPS官员提供关于为应对对人类、动物或植物的生命或健康构成紧急威胁的措施的通知。

5. SPS联络点应包含在缔约方根据本条进行的所有通信中。