

APPENDIX 3

**NEW ARTICLES 86, 87, 88 AND 89 BIS OF CHAPTER 6 (SANITARY AND
PHYTOSANITARY MEASURES)**

NEW ARTICLES 86, 87, 88 AND 89 BIS OF CHAPTER 6

SANITARY AND PHYTOSANITARY MEASURES¹

Article 86: Risk Assessment and Determination of the Appropriate Level of Sanitary or Phytosanitary Protection

1. Sanitary and phytosanitary measures shall be based on a risk assessment, in line with the circumstances of the risks existing for human, animal and plant life and health, taking into account the risk assessment techniques developed by the relevant international organizations, so that the measures adopted may reach the appropriate level of protection.
2. The Parties should, when determining the appropriate level of sanitary or phytosanitary protection, take into account the objective of minimizing negative trade effects.
3. When a Party decides to make a re-evaluation of a product for which there is a fluid and regular trade, said Party shall not interrupt bilateral trade of the affected products by reason of such decision to make the re-evaluation, except in the case of a sanitary or phytosanitary emergency.

Article 87: Recognition of Pest- or Disease- Free Areas and Areas of Low Pest or Disease Prevalence

1. The importing Party shall recognize in an expeditious way, upon request by the other Party and after the receipt of the necessary information provided by the exporting Party and an assessment by the importing Party, the pest- or disease-free areas and areas of low pest or disease prevalence recognized by the relevant international organizations.
2. In the absence of recognition of pest- or disease-free areas and areas of low pest or disease prevalence by the relevant international organizations, the importing Party shall decide, in a reasonable time, on the request made by the exporting Party for the recognition of pest- or disease-free areas and areas of low pest or disease prevalence. For this purpose, the exporting Party shall objectively demonstrate that an area or part of its territory is free of a pest or disease or has low pest or disease prevalence, and maintain this status, and the importing Party shall conduct an assessment.
3. In case of an event affecting the sanitary or phytosanitary status of a pest- or disease-free area or an area of low pest or disease prevalence, the Parties shall work in an expeditious way for regaining such status.

¹ For greater certainty, the provisions of Chapter 6 (Sanitary and Phytosanitary Measures) of the Peru-China FTA that are not substituted by this Protocol shall remain in force.

4. When an importing Party adopts a measure that recognises specific regional conditions of an exporting Party, the importing Party shall communicate that measure to the exporting Party in writing and apply the measure within a reasonable period of time
5. If the evaluation of the evidence provided by the exporting Party does not result in a determination to recognise pest- or disease-free areas, or areas of low pest and disease prevalence, the importing Party shall provide the exporting Party with the rationale for its determination.

Article 88: Transparency

1. The Parties agree to designate Contact Points and/or Enquiry Points for information exchange and notification on sanitary and phytosanitary issues no later than three months following the entry into force of this Agreement.
2. Each Party shall notify electronically to the other Party's Contact Point or Enquiry Point its proposed sanitary and phytosanitary measures notifications to the WTO, at the same time the Party submits to the WTO Secretariat in accordance with the SPS Agreement, with at least a 60-day-long comment period.
3. In cases of urgency or duly justified emergency, the Parties shall adopt similar action as specified in paragraph 2, without observing the timeframe established.
4. The Parties shall strengthen cooperation between SPS Contact Points or Enquiry Points of the Parties, including sharing available translated versions of SPS notifications and relevant information and exchanging experience and information on SPS notifications. In this context, if a Party requests information on SPS notifications, the other Party shall provide such information within 60 days and, if possible, in English.

Article 89 bis: Certification

1. The Parties agree to work cooperatively to develop model certificates to accompany specific goods traded between the Parties, taking into account relevant guidance of the WTO SPS Committee and international standards, guidelines and recommendations.
2. The Parties shall promote the application of electronic certification and other technologies to facilitate trade.