

CHAPTER 6

SANITARY AND PHYTOSANITARY MEASURES

Article 6.1: Definitions

The definitions in Annex A to the SPS Agreement are incorporated into and made part of this Chapter, *mutatis mutandis*.

Article 6.2: Objectives

The objectives of this Chapter are to:

- (a) facilitate trade between the Parties while protecting human, animal or plant life or health in their Areas;
- (b) promote transparency in and understanding of the application of sanitary or phytosanitary measures (SPS measures) of each Party;
- (c) strengthen cooperation between the Parties in the field of SPS measures to facilitate trade and access to their respective markets; and
- (d) facilitate implementation of the principles of the SPS Agreement.

Article 6.3: Scope

This Chapter shall apply to all SPS measures of a Party that may, directly or indirectly, affect trade between the Parties.

Article 6.4: Affirmation of the SPS Agreement

1. The Parties affirm their rights and obligations with respect to each other under the SPS Agreement.
2. Nothing in this Chapter shall affect the rights and obligations that each Party has under the SPS Agreement.

Article 6.5: Transparency

1. Each Party affirms its commitment to ensuring that information regarding proposed new or amended SPS measures is made available in accordance with the notification

obligations under the SPS Agreement.

2. On request, a Party shall make available to the other Party the full text of SPS measures which are notified to the WTO, in available languages, within 15 working days of receiving the written request.

3. A Party that makes a notification pursuant to Article 7 of and Annex B to the SPS Agreement shall normally allow at least 60 days for the other Party to present comments on its proposed new or amended SPS measures except where risks to human, animal or plant life or health arising or threatening to arise warrant urgent actions.

4. Each Party shall endeavour to take into consideration the comments of the other Party and provide responses to these comments on request within a reasonable timeframe.

Article 6.6: Equivalence

A Party may make determinations of equivalence in accordance with the SPS Agreement, in particular Article 4 thereof, relevant decisions and recommendations on equivalence adopted by the WTO Committee on Sanitary and Phytosanitary Measures, and relevant international standards, guidelines and recommendations.

Article 6.7: Science and Risk Analysis

1. The Parties recognise the importance of ensuring that their respective SPS measures are based on scientific principles.

2. Each Party shall ensure that its SPS measures either conform to the relevant international standards, guidelines or recommendations or, if its SPS measures do not conform to international standards, guidelines or recommendations, that they are based on scientific evidence, while recognising the Parties' rights and obligations under Article 5 of the SPS Agreement.

3. If the importing Party requires a risk analysis to evaluate a request from the exporting Party to authorise importation of a good of that exporting Party, the importing Party shall provide, on request of the exporting Party, an explanation of the information required for the risk assessment. On receipt of the required information from the exporting Party, the importing Party shall endeavour to facilitate the evaluation of the request for authorisation by scheduling work on this request in accordance with the procedures, policies, resources, and laws and regulations of the importing Party.

4. On request of the exporting Party, the importing Party shall inform the exporting Party of the progress of a specific risk analysis request, and of any delay that may occur during the process.

Article 6.8: Adaptation to Regional Conditions

A Party may make determinations in relation to regionalisation, pest-free areas, areas of low pest prevalence, zoning and compartmentalisation in accordance with the SPS Agreement, in particular Article 6 thereof, relevant decisions and recommendations adopted by the WTO Committee on Sanitary and Phytosanitary Measures, and relevant international standards, guidelines and recommendations.

Article 6.9: Cooperation

1. The Parties shall cooperate to facilitate the implementation of this Chapter.
2. The Parties may explore opportunities for further cooperation, collaboration and information exchange on sanitary or phytosanitary matters of mutual interest consistent with this Chapter, including in relevant international standard-setting bodies, or through regional or multilateral work programmes.
3. The Parties shall endeavour to collaborate on the use of electronic certification and other technologies, where applicable, to facilitate trade.

Article 6.10: Consultations

1. On request of a Party for consultations on any matter arising under this Chapter, the Parties shall enter into consultations.
2. The consultations under this Article shall commence within 30 days of a Party receiving a request for consultations, unless the Parties otherwise agree. Such consultations may be conducted in person, via teleconference, videoconference or any other means as agreed by the Parties.

Article 6.11: Committee on SPS Measures

1. For the purposes of the effective implementation and operation of this Chapter, the Parties hereby establish a Committee on SPS Measures (SPS Committee), composed of government representatives of each Party responsible for sanitary or phytosanitary matters.
2. The functions of the SPS Committee include:
 - (a) providing a forum to improve the Parties' understanding of sanitary or phytosanitary issues that relate to the implementation of the SPS Agreement and this Chapter;

- (b) providing a forum to enhance mutual understanding of SPS measures of each Party and the regulatory processes that relate to those measures;
- (c) exchanging information on the implementation of this Chapter;
- (d) determining the appropriate means to undertake specific tasks related to the functions of the SPS Committee; and
- (e) serving as a forum for either Party to share information on and discuss a sanitary and phytosanitary issue that has arisen between the Parties as deemed appropriate by the Parties.

3. The SPS Committee shall establish its terms of reference at its first meeting and may revise those terms as needed.

4. The SPS Committee shall meet within one year of the date of entry into force of this Agreement, and thereafter may meet at such time as may be agreed by the Parties. The SPS Committee may meet in person, via teleconference, videoconference or any other means as agreed by the Parties.

Article 6.12: Contact Points

1. Each Party shall designate a contact point, which shall, for that Party, be responsible for coordinating the implementation of this Chapter.

2. Each Party shall provide the other Party with the name and contact details of its designated contact point, including telephone and email.

3. Each Party shall promptly notify the other Party of any change of its contact point or any amendment to the details of the relevant officials.