

## **CHAPTER FIVE**

### **SANITARY AND PHYTOSANITARY MEASURES**

#### **Article 501: Objectives**

1. The objectives of this Chapter are to:
  - (a) protect human, animal and plant life or health in the territory of each Party;
  - (b) ensure that the Parties' sanitary and phytosanitary measures do not create unjustified barriers to trade; and
  - (c) enhance the implementation of the SPS Agreement.

#### **Article 502: Scope and Coverage**

This Chapter applies to all sanitary and phytosanitary measures that may, directly or indirectly, affect trade between the Parties.

#### **Article 503: Relation to other Agreements**

1. The Parties affirm their existing rights and obligations with respect to each other under the SPS Agreement.
2. The Parties agree to use the WTO dispute settlement procedures for any formal disputes regarding sanitary and phytosanitary measures.

## **Article 504: Committee on Sanitary and Phytosanitary Measures**

1. The Parties hereby establish a Committee on Sanitary and Phytosanitary Measures, comprising representatives of each Party from the relevant trade and regulatory agencies, ministries or other institutions who have responsibilities for sanitary and phytosanitary matters.

2. The Committee shall consider, *inter alia*:

- (a) the design, implementation and review of technical and institutional co-operation programs;
- (b) consultations related to the development and application of sanitary and phytosanitary measures;
- (c) as needed and taking into account guidelines developed or being developed by the WTO Committee on Sanitary and Phytosanitary Measures, the Committees of the Codex Alimentarius Commission, the International Plant Protection Convention (IPPC), and the World Organization for Animal Health (OIE), the development of guidelines for the practical implementation of:
  - (i) mutual recognition and equivalence agreements,
  - (ii) the recognition of pest-or disease-free areas,
  - (iii) risk assessment procedures, or
  - (iv) product control, inspection and approval procedures;
- (d) the review and assessment of progress of specific bilateral sanitary and phytosanitary market access issues;
- (e) the promotion of enhanced transparency of sanitary and phytosanitary measures;

- (f) the identification and resolution of sanitary and phytosanitary-related problems;
- (g) the promotion of bilateral consultations on sanitary and phytosanitary issues under discussion in multilateral and international fora such as the WTO SPS Committee, the Committees of the Codex Alimentarius Commission, the IPPC, the OIE, and other international and regional fora on food safety, human, animal, and plant health; and
- (h) the establishment of ad hoc technical working groups, as needed.<sup>1</sup>

3. Unless the Parties otherwise agree, the Committee shall meet no later than six months following the entry into force of this Agreement. The Committee shall establish its rules of procedures and work program at that meeting.

4. Following its initial meeting, the Committee shall meet as required, normally on an annual basis, and report on its activities and work program to the Commission as necessary. The Committee may meet in person, through teleconference, videoconference, or by any other means that ensures its effective operation and the fulfilment of its responsibilities.

5. Upon entry into force of this Agreement, each Party shall designate a Contact Point to coordinate the Committee's agenda and to facilitate communications on trade-related sanitary and phytosanitary matters.

#### **Article 505: Sanitary and Phytosanitary Issue Avoidance and Resolution**

1. The Parties agree to work expeditiously to resolve any specific sanitary and phytosanitary trade-related issues and, to this end, commit to carry out the necessary technical level discussions to resolve any such issue including an assessment of the scientific basis of the measure at issue.

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<sup>1</sup> As used in subparagraphs (b) and (g), "consultations" does not mean consultations pursuant to Article 2104 (Dispute Settlement - Consultations).

2. The Parties agree to avail themselves of all reasonable options to avoid and resolve sanitary and phytosanitary issues, including meeting in person, using technological means (via teleconference, videoconference) and opportunities that may arise in international fora.

3. In the event that the Parties are unable to resolve an issue expeditiously by technical level discussions, a Party may refer the issue to the Committee. The Committee should consider any matter referred to it as expeditiously as possible.

4. Pursuant to paragraph 3, in the event that the Committee is unable to resolve an issue expeditiously, the Committee shall, upon request of a Party, report promptly to the Commission on the matter.