

## **CHAPTER SIX**

### **SANITARY AND PHYTOSANITARY MEASURES**

#### **Article 6.01: Relation to Other Agreements**

The SPS Agreement governs the rights and obligations of the Parties in respect of a sanitary or phytosanitary measure that may, directly or indirectly, affect trade between the Parties. The objective of this Chapter is to enhance the Parties' implementation of the SPS Agreement.

#### **Article 6.02: SPS Issue Avoidance and Resolution**

1. The Parties agree to work expeditiously to resolve a specific sanitary or phytosanitary trade-related issue. To that end, the Parties commit to undertake the necessary technical discussions, including an assessment of the scientific basis of the measures at issue.
2. At the request of either Party, the Parties shall meet in a timely manner to resolve a specific sanitary or phytosanitary trade-related matter. Unless the Parties decide otherwise, they shall meet within 45 days of the request, and if travel is required the Party requesting the meeting shall travel to the territory of the other Party.

#### **Article 6.03: SPS Coordinators**

1. Each Party shall designate a SPS Coordinator to facilitate communication on sanitary or phytosanitary trade-related matters and shall notify the other Party of its SPS Coordinator through the Coordinators.

2. The functions of the SPS Coordinators include:

- (a) communications relating to sanitary and phytosanitary issue avoidance and resolution, including consultations related to the development and application of a sanitary or phytosanitary measure that affects or may affect trade between the Parties;
- (b) consultation, as required, in coordination with the Contact Points established under Chapter Nineteen (Trade-Related Cooperation), on technical and institutional co-operation activities to resolve a specific issue related to a sanitary or phytosanitary measure that affects or may affect trade between the Parties;
- (c) the promotion of enhanced transparency of sanitary and phytosanitary measures; and
- (d) the promotion, as desirable, of bilateral consultations on a sanitary or phytosanitary issue under discussion in a multilateral or international forum such as the WTO Committee on Sanitary and Phytosanitary Measures, the Committees of the Codex Alimentarius Commission, the *International Plant Protection Convention* (IPPC), the World Organisation for Animal Health (OIE), or other international and regional fora on food safety, human, animal and plant health.

3. In order to facilitate the resolution of a sanitary or phytosanitary trade-related issue or to facilitate the fulfillment of the functions of the SPS Coordinators, the Parties may convene an *ad hoc* technical working group comprising officials from governmental institutions with responsibility for sanitary and phytosanitary measures on that issue.

4. The Parties agree to carry out their work under this Chapter, to the extent possible, through the use of any technological means available, for example via teleconference or videoconference, and opportunities that may arise at international fora.

5. In the event that the Parties are unable to resolve an issue expeditiously under this Chapter, the SPS Coordinators, upon request of a Party, shall report promptly to the Commission on the matter, in accordance with Article 21.01(2) (Administration of the Agreement – Joint Commission).