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Draft 8 May 2006

Chapter Six

Sanitary and Phytosanitary Measures

Objectives

The objectives of this Chapter are to protect human, animal, or plant life or health in the Parties' territories, enhance the Parties' implementation of the SPS Agreement, provide a Standing Committee for addressing sanitary and phytosanitary matters, attempt to resolve trade issues, and thereby expand trade opportunities.

Article 6.1: Scope and Coverage

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

Article 6.2: General Provisions

1. Further to Article 1.2 (Relation to Other Agreements), the Parties affirm their existing rights and obligations with respect to each other under the SPS Agreement.
2. No Party may have recourse to dispute settlement under this Agreement for any matter arising under this Chapter.

Article 6.3: Standing Committee on Sanitary and Phytosanitary Matters

1. Not later than 30 days after the date of entry into force of this Agreement, the Parties shall establish a Standing Committee on Sanitary and Phytosanitary Matters (the "Standing Committee"). The objectives of the Standing Committee shall be to enhance the implementation by each Party of the SPS Agreement, protect human, animal, or plant life or health, enhance consultation and cooperation between the Parties on sanitary and phytosanitary matters, and address measures affecting trade between the Parties.
2. The Parties shall establish the Standing Committee through an exchange of letters identifying the primary representative of each Party to the Standing Committee and establishing the Standing Committee's terms of reference.
3. The Standing Committee shall seek to enhance any present or future relationships between the Parties' agencies and ministries with responsibility for sanitary and phytosanitary matters.

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4. The Standing Committee shall provide a forum for:
 - (a) improving the Parties' understanding of specific issues relating to the implementation of the SPS Agreement;
 - (b) enhancing mutual understanding of each Party's sanitary and phytosanitary measures and the regulatory processes that relate to those measures;
 - (c) consulting on and attempting to resolve matters related to the development or application of sanitary and phytosanitary measures that affect, or may affect, trade between the Parties;
 - (d) coordinating and making recommendations on technical assistance programs on sanitary and phytosanitary matters to the Committee on Trade Capacity Building; and
 - (e) consulting on issues, positions, and agendas for meetings of the *WTO SPS Committee*, the various *Codex* Committees (including the *Codex Alimentarius Commission*), the *International Plant Protection Convention*, the *World Organization for Animal Health*, and other international and regional fora on food safety and human, animal, and plant health.
5. The Standing Committee shall meet at least once a year unless the Parties otherwise agree.
6. The Standing Committee shall perform its work in accordance with its terms of reference. The Standing Committee may revise its terms of reference and establish procedures to guide its operation.
7. The Standing Committee may establish *ad hoc* technical working groups, as needed, in accordance with its terms of reference.
8. Each Party shall ensure that appropriate representatives with responsibility for the development, implementation, and enforcement of sanitary and phytosanitary measures from its relevant trade and regulatory agencies or ministries participate in meetings of the Standing Committee.
9. All decisions of the Standing Committee shall be taken by consensus, unless the Committee otherwise decides.

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