

Chapter 2

SANITARY AND PHYTOSANITARY MEASURES

Article 13 Objective

The objectives of this Chapter are to:

- a) facilitate trade among the Parties while protecting human, animal or plant life or health in their territories;
- b) provide transparency in and understanding of the application of each Party's SPS measures;
- c) strengthen cooperation among the competent authorities of the Parties which are responsible for matters covered by this Chapter; and
- d) enhance practical implementation of the principles of the Agreement on the Application of Sanitary and Phytosanitary Measures in Annex 1A of the WTO Agreement (hereinafter referred to as the "SPS Agreement").

Article 14 Scope

This Chapter shall apply to all SPS measures, which may, directly or indirectly, affect trade between the Parties.



Article 15

Definitions

For purposes of this Chapter:

- a) the definitions in Annex A of the SPS Agreement shall apply;
- b) **“competent authorities”** means those authorities within each Party recognised by the national government as responsible for developing and administering the various sanitary and phytosanitary measures within that Party; and
- c) international standards, guidelines and recommendations shall have the same meaning as in Annex A, paragraph 3 of the SPS Agreement.

Article 16

General Provisions

- 1. The Parties affirm their rights and obligations with respect to each other under the SPS Agreement.
- 2. The Parties commit to apply the principles of the SPS Agreement in the development and application of any SPS measure.

Article 17

Risk Analysis

The Parties recognise that risk analysis is an important tool for ensuring that SPS measures have scientific basis. The Parties shall ensure that their SPS measures are based on an assessment of the risks to human, animal or plant life or health as provided in Article 5 of the SPS Agreement, taking into account the risk assessment techniques developed by the relevant international organisations.



Article 18 Harmonisation

1. The Parties shall make best endeavour to base their SPS measures on international standards, guidelines or recommendations where they exist.
2. The Parties shall strengthen communications, cooperation and coordination with each other, where appropriate, in the International Plant Protection Convention (IPPC), the *Codex Alimentarius* Commission (Codex) and the World Organisation for Animal Health (OIE).

Article 19 Regionalisation

The Parties recognise the principles of regionalisation and its implementation as provided for in Article 6 of the SPS Agreement and the relevant standards and guidelines established by the relevant international organisations.

Article 20 Equivalence

1. Each Party shall give positive consideration to accepting as equivalent the SPS measures of the other Party that can achieve the same appropriate level of protection.
2. The Parties shall, upon request, enter into consultations with the aim of achieving recognition arrangements of the equivalence of specified SPS measures.

Article 21 Transparency

1. The Parties shall notify each other electronically through their respective WTO/SPS Enquiry Points of their proposed SPS measures at the same time as they submit



notifications to the WTO Secretariat in accordance with relevant provisions of the SPS Agreement.

2. Each Party shall make available the full text of its notified SPS measures to the requesting Party within 15 working days after receiving the written request.

3. Each Party shall allow at least 60 days for the other Party to present comments except where risks to human, animal or plant life or health arising or threatening to arise warrant urgent actions.

4. Each Party shall provide timely information related to any SPS matter which may arise from bilateral trade between the Parties.

Article 22

Technical Cooperation

1. The Parties agree to explore the opportunity for technical cooperation and technical assistance on SPS issues, with a view to enhancing the mutual understanding of the regulatory systems of the Parties and facilitating access to each other's markets.

2. Each Party, on request, shall give due consideration to cooperation in relation to SPS issues. Such cooperation, which shall be on mutually agreed terms and conditions, may include, but are not limited to:

- a) strengthening exchange of experience and cooperation in the development and application of SPS measures;
- b) cooperation on the implementation of the concept of regionalisation in accordance with Article 6 of the SPS Agreement and the relevant international standards, guidelines, and recommendations, in order to facilitate trade between the Parties;



- c) strengthening cooperation with respect to, *inter alia*, laboratory testing techniques, disease/pest control methods and risk analysis methodology; and
- d) enhancing cooperation and exchange of experience between the WTO/SPS Enquiry Points of the Parties.

Article 23
Competent Authority and Contact Points

1. Each Party shall designate a contact point to facilitate distribution of enquiries, requests or notifications made in accordance with this Chapter.
2. Each Party shall provide a description of its competent authorities and their division of functions and responsibilities.

Article 24
Implementation

The Parties hereby establish a Sub-Committee on Sanitary and Phytosanitary Matters (SPS Sub-Committee), consisting of representatives from the relevant government agencies of the Parties, to monitor the implementation of this Chapter.

