**CHAPTER 6**

**SANITARY AND PHYTOSANITARY MEASURE****S**

**Article 6.1**

**Definitions**

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

2. In addition, for the purposes of this Chapter:

**competent authority** means a government body of each Party responsible for measures and matters referred to in this Chapter;

**emergency measure** means a sanitary or phytosanitary measure that is applied by the importing Party to a good of the exporting Party to address an urgent problem of human, animal, or plant life or health protection that arises or threatens to arise in the importing Party; and

**WTO SPS Committee** means the WTO Committee on Sanitary and Phytosanitary Measures.

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**Article 6.2**

**Objectives**

1. The objectives of this Chapter are to:

 (a) protect human, animal, and plant life and health in the territory of each Party while facilitating trade;

 (b) enhance the practical implementation of the SPS Agreement;

 (c) enhance cooperation, communication and transparency between the Parties; and

 (d) ensure that the Parties’ sanitary and phytosanitary (SPS) measures are based on scientific principles and do not create unjustified barriers to trade.

**Article 6.3**

# Scope

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

# Article 6.4 General Provisions

The Parties affirm their rights and obligations under the SPS Agreement.

**Article 6.5**

**Contact Points and Competent** **Authorities**

1. On the date of entry into force of this Agreement, each Party shall designate a contact point or contact points to facilitate communication and the exchange of information on matters covered by this Chapter. Each Party shall promptly notify the other Party of its designated contact point no later than 30 days after the entry into force of this Agreement.

2. Each Party shall keep details of its contact point or contact points and competent authorities up to date by promptly informing the other Party of any change.

**Article 6.6**

**Technical Consultations**

1. If a Party considers that an SPS measure proposed or implemented by the other Party may affect bilateral trade, it may request technical consultations through the other Party’s contact point.

2. The other Party shall respond promptly to such a request. The Parties shall enter into technical consultations within 30 days of the receipt of the request, unless otherwise agreed, with a view to reaching a mutually acceptable solution.

**Article 6.7**

# Adaptation to Regional Conditions

1. The Parties recognise that adaptation to regional conditions is an important means of facilitating trade.

2. The Parties shall take into account the relevant guidance of the WTO SPS Committee and international standards, guidelines and recommendations.

3. The Parties may cooperate on the recognition of pest- or disease-free areas and areas of low pest or disease prevalence with the objective of acquiring confidence in the procedures followed by each Party for the recognition of pest- or disease-free areas, and areas of low pest or disease prevalence.

**Article 6.8**

# Equivalence

1. The Parties recognise that the principle of equivalence, as provided for under Article 4 of the SPS Agreement, is an important means of facilitating trade and has mutual benefits for both exporting and importing countries.

2. The Parties shall follow the procedures for determining the equivalence of SPS measures and standards developed by the WTO SPS Committee and relevant international standard-setting bodies in accordance with Annex A of the SPS Agreement, *mutatis mutandis*.

3. The importing Party shall accept the equivalence of SPS measures, even if the measures differ from its own, if the exporting Party objectively demonstrates to the importing Party that the exporting Party’s measures achieve the importing Party’s appropriate level of protection. The final determination of equivalence rests with the importing Party.

4. The fact that a good of the exporting Party complies with SPS measures or standards that have been accepted as equivalent to SPS measures and standards of the importing Party shall not remove the need for that product to comply with any other relevant, mandatory requirements of the importing Party.

**Article 6.9**

# Emergency Measures

1. If a Party adopts an emergency measure that is necessary for the protection of human, animal or plant life or health, it shall promptly notify the other Party of that emergency measure through the contact points established under Article 6.5 (Contact Points and Competent Authorities). The Party adopting the emergency measure shall take into consideration any information provided by the other Party in response to the notification.

2. On request of the other Party, a Party adopting an emergency measure shall engage in technical consultations with the other Party under Article 6.6 (Technical Consultations).

3. The importing Party shall consider information provided by the exporting Party in a timely manner when making decisions with respect to consignments that, at the time of adoption of the emergency measure, are being transported between the Parties, in order to avoid unnecessary disruptions to trade.

4. If a Party adopts an emergency measure, it shall review the scientific basis of that measure within six months and make available the results of the review to the other Party on request. If it maintains the emergency measure after the review because the reason for its adoption remains, it shall review the measure periodically.

**Article 6.10**

# Transparency and Exchange of Information

1. The Parties recognise the value of transparency in the adoption and application of SPS measures and the importance of sharing information about such measures on an ongoing basis.

2. In implementing this Chapter, each Party shall take into account relevant guidance of the WTO SPS Committee and international standards, guidelines, and recommendations.

3. Each Party shall notify proposed sanitary or phytosanitary measures that may have an effect on the trade of the other Party, including any such measures that conform to international standards, guidelines or recommendations, by using the WTO SPS notification submission system as a means of notification*.* Each Party shall endeavour to respond in writing to any comments from the other Party in a timely manner.

4. A Party that proposes to adopt a sanitary or phytosanitary measure shall discuss with the other Party, on request and if appropriate and feasible, any scientific or trade concerns that the other Party may raise regarding the proposed measure and the availability of alternative, less trade-restrictive approaches for achieving the objective of the measure.

5. Each Party shall notify the other Party of final sanitary or phytosanitary measures through the WTO SPS notification submission system. Each Party shall ensure that the text or the notice of a final sanitary or phytosanitary measure specifies the date on which the measure takes effect and the legal basis for the measure. Each Party shall publish, preferably by electronic means, notices of final sanitary or phytosanitary measures.

6. An exporting Party shall notify the importing Party through the contact points established under Article 6.5 (Contact Points and Competent Authorities) in a timely and appropriate manner if it has knowledge of:

 (a) a significant or urgent situation of a sanitary or phytosanitary risk in its territory that may affect current trade between the Parties; or

 (b) significant changes in food safety, or pest or disease management, control or eradication policies or practices that may affect current trade between the Parties.

7. A Party shall, on request, promptly provide to the other Party all sanitary or phytosanitary measures related to the importation of a good into that Party’s territory.

8. Each Party shall, on request of the other Party, provide information, on results of import checks in case of rejected or non-compliant consignments, including the scientific basis for such rejections.

**Article 6.11**

# Cooperation

1. The Parties shall cooperate to facilitate the implementation of this Chapter.

2. The Parties shall explore opportunities for further cooperation, collaboration and information exchange between the Parties on sanitary and phytosanitary matters of mutual interest consistent with this Chapter. Those opportunities may include trade facilitation initiatives, technical assistance, sharing best practices and joint initiatives related to implementation of the SPS Agreement.

3. The Parties shall cooperate to promote the innovation and application of digital technologies, including by implementing paperless trading (electronic SPS certification) and remote audit and verification.

4. The Parties may promote cooperation on matters related to the implementation of the SPS Agreement, and in relevant international standard-setting bodies such as the Codex Alimentarius Commission, the International Plant Protection Convention, and the World Organisation for Animal Health, as appropriate.

**Article 6.12**

**Non-Application of Dispute Settlement**

The Parties shall not have recourse to dispute settlement under Chapter 25 (Dispute Settlement) for any matter arising under this Chapter.