

CHAPTER 6

SANITARY AND PHYTOSANITARY MEASURES

Article 6.1: Definitions

1. For the purposes of this Chapter:

competent authorities means those authorities within each Party recognised by the government as responsible for developing and administering the various SPS measures within that Party; and

SPS measures means sanitary or phytosanitary measures as defined in Annex A to the SPS Agreement.

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

Article 6.2: Objectives

The objectives of this Chapter are to:

- (a) facilitate trade between the Parties while protecting human, animal or plant life or health in their Areas;
- (b) promote transparency in and understanding of the application of each Party's SPS measures;
- (c) strengthen cooperation between the Parties in the field of SPS measures to facilitate trade and access to their respective markets; and
- (d) facilitate implementation of the principles of the SPS Agreement.

Article 6.3: Scope

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

Article 6.4: Affirmation of the SPS Agreement

The Parties affirm their rights and obligations with respect to each other under the SPS Agreement.

Article 6.5: Transparency

1. Each Party affirms its commitment to ensuring that information regarding proposed new or amended SPS measures is made available in accordance with the notification obligations under the SPS Agreement.
2. On request, a Party shall endeavour to make available to the other Party the full text of SPS measures which are notified to the WTO, in available languages, within seven days of receiving the written request.
3. A Party that makes a notification pursuant to Article 7 of and Annex B to the SPS Agreement shall endeavour to allow at least 60 days for the other Party to present comments on proposed new or amended SPS measures except where risks to human, animal or plant life or health arising or threatening to arise warrant urgent actions.
4. Each Party shall endeavour to take into consideration the comments of the other Party and provide responses to these comments on request within a reasonable timeframe.

Article 6.6: Emergency SPS Measures

1. A Party may, on serious human, animal or plant life or health grounds, take emergency SPS measures necessary for the protection of human, animal or plant life or health. After a Party takes any emergency SPS measures, such measures shall be promptly notified to the WTO in accordance with the SPS Agreement.
2. On request of a Party, the competent authorities of the Parties shall promptly conduct consultations regarding the situation, unless the Parties otherwise agree. The Parties shall take due account of any information provided through such consultations.

Article 6.7: Equivalence

A Party may make determinations of equivalence in accordance with the SPS Agreement, in particular Article 4, relevant decisions and recommendations on equivalence adopted by the WTO Committee on Sanitary and Phytosanitary Measures, and relevant international standards, guidelines and recommendations.

Article 6.8: Adaptation to Regional Conditions

A Party may make determinations in relation to regionalisation, pest-free areas, areas of low pest prevalence, zoning and compartmentalisation in accordance with the SPS Agreement, in particular Article 6, relevant decisions and recommendations adopted

by the WTO Committee on Sanitary and Phytosanitary Measures, and relevant international standards, guidelines and recommendations.

Article 6.9: Cooperation

1. The Parties shall cooperate to facilitate the implementation of this Chapter.
2. The Parties may explore opportunities for further cooperation, collaboration and information exchange on sanitary or phytosanitary matters of mutual interest consistent with this Chapter, including in relevant international standard-setting bodies, or through regional or multilateral work programmes.
3. The Parties shall endeavour to collaborate on the use of electronic certification and other technologies, where applicable, to facilitate trade.

Article 6.10: Contact Points

1. Each Party shall designate a contact point, which shall, for that Party, be responsible for coordinating the implementation of this Chapter, including making or receiving a request or a notification under this Chapter.
2. Each Party shall provide the other Party with the name and contact details of its designated contact point, including telephone and email.
3. Each Party shall promptly notify the other Party of any change of its contact point or any amendments to the details of the relevant officials.

Article 6.11: Consultations

1. On request of a Party for consultations on any matter arising under this Chapter, the Parties shall enter into consultations.
2. Consultations shall commence within 30 days of a Party receiving a request for consultations, unless the Parties otherwise agree. Such consultations may be conducted via teleconference, videoconference or any other means agreed by the Parties.

Article 6.12: Dispute Settlement

Neither Party shall have recourse to dispute settlement under Chapter 18 (Consultations and Dispute Settlement) for any matter arising under this Chapter.