

CHAPTER FIVE

SANITARY AND PHYTOSANITARY MEASURES

Article 5.1: Objectives

The objectives of this Chapter are to minimise the negative effects of sanitary and phytosanitary measures on trade while protecting human, animal and plant life or health in the territory of each Party and enhance the implementation of the SPS Agreement.

Article 5.2: Scope

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

Article 5.3: Rights and Obligations of the Parties

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

Article 5.4: Dispute Settlement

This Chapter is not subject to Chapter Twenty-One (Dispute Settlement).

Article 5.5: Committee on Sanitary and Phytosanitary Measures

1. The Parties hereby establish a Committee on Sanitary and Phytosanitary Measures, composed of representatives of each Party who are responsible for sanitary and phytosanitary matters.
2. Upon entry into force of this Agreement, each Party shall designate a contact point to coordinate the Committee meetings.

3. The objectives of the Committee are to enhance each Party's implementation of the SPS Agreement while respecting each other's rights to adopt measures to protect human, animal or plant life or health, enhance cooperation and consultation on sanitary and phytosanitary matters, and minimise negative effects on trade between the Parties.

4. Each Party shall ensure the participation, as appropriate, of representatives with responsibility for the development, implementation, and enforcement of sanitary and phytosanitary measures from its relevant government authorities in the Committee meetings.

5. Recognising that the management of sanitary and phytosanitary matters must rely on science and risk-based assessment and is best achieved through bilateral cooperation and consultation, the Committee shall seek to enhance present or future relationships between the Parties' agencies with responsibility for sanitary and phytosanitary matters. For these purposes, the Committee shall:

- (a) recognise that scientific risk analysis shall be conducted and evaluated by the relevant regulatory agencies of each Party;
- (b) enhance mutual understanding of each Party's sanitary and phytosanitary measures, including through the exchange of information relating to each other's measures and the regulatory processes related to those measures;
- (c) consult on matters related to the development or application of sanitary and phytosanitary measures that affect, or may affect, trade between the Parties;
- (d) promote bilateral consultations on sanitary and phytosanitary issues under discussion in multilateral and international fora, such as the WTO Committee on Sanitary and Phytosanitary Measures, the Codex Alimentarius Commission, the *International Plant Protection Convention*, and the World Organisation for Animal Health;
- (e) encourage and coordinate the design, implementation, and review of technical and institutional cooperation programs; and

- (f) review progress on addressing sanitary and phytosanitary matters that may arise between the Parties.

6. Unless the Parties otherwise agree, the Committee shall meet no later than one year following the entry into force of this Agreement. The Committee shall establish its rules of procedure at its initial meeting. Thereafter, the Committee shall meet once a year, unless the Parties otherwise agree.