CHAPTER 6

SANITARY AND PHYTOSANITARY MEASURES

ARTICLE 6.1

Objectives

The objectives of this Chapter are to:

(a) protect human, animal or plant life or health through the development, adoption and enforcement of sanitary and phytosanitary measures while minimising their negative effects on trade between the Parties;

(b) promote cooperation between the Parties on the implementation of the SPS Agreement; and

(c) provide means for improving communication and cooperation between the Parties, a framework for addressing matters related to the implementation of sanitary and phytosanitary measures, and means for achieving mutually acceptable solutions.

ARTICLE 6.2

Scope of application

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

ARTICLE 6.3

Definitions

1. For the purposes of this Chapter,

(a) the definitions set out in Annex A to the SPS Agreement apply; and

(b) the relevant definitions adopted under the auspices of the Codex Alimentarius Commission (hereinafter referred to as "Codex Alimentarius"), the World Organisation for Animal Health (hereinafter referred to as "OIE") and the International Plant Protection Convention (hereinafter referred to as "IPPC") apply, unless otherwise agreed by the Committee on Sanitary and Phytosanitary Measures established pursuant to Article 23.3.

In the event of an inconsistency between the definitions set out in the SPS Agreement and the definitions adopted under the auspices of Codex Alimentarius, the OIE and the IPPC, the definitions set out in the SPS Agreement shall prevail.

2. For the purposes of this Chapter, "import conditions" means any sanitary or phytosanitary measures that are required to be fulfilled for the import of products.

ARTICLE 6.4

Relation to the WTO Agreement

The Parties affirm their rights and obligations relating to sanitary and phytosanitary measures under the SPS Agreement. Nothing in this Chapter shall affect the rights and obligations of each Party under the SPS Agreement.