CHAPTER 5

SANITARY AND PHYTOSANITARY MEASURES

Article 5.1: Definitions

For the purposes of this Chapter:

(a) the definitions provided in Annex A of the SPS Agreement shall apply;

(b) relevant definitions developed by Codex Alimentarius Commission, the World Organisation for Animal Health, and the International Plant Protection Convention shall be taken into account;

(c) **competent authorities** means those authorities within each Party recognised by the national government as responsible for developing and administering the sanitary and phytosanitary measures within that Party; and

(d) **emergency measure** means a sanitary or phytosanitary measure that is applied by an importing Party to a relevant exporting Party to address an urgent problem of human, animal or plant life or health protection that arises or threatens to arise in the Party applying the measure.

Article 5.2: Objectives

The objectives of this Chapter are to:

(a) protect human, animal or plant life or health in the Parties through the development, adoption, and application of sanitary and phytosanitary measures, while facilitating trade by minimising the negative effects on trade among the Parties;

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

(c) enhance the transparency and understanding of the development and application of sanitary and phytosanitary measures of the Parties;

(d) strengthen cooperation, communication, and consultation among the Parties in the field of sanitary and phytosanitary measures; and

(e) encourage the Parties' participation in the development and adoption of international standards, guidelines, and recommendations.

Article 5.3: Scope

This Chapter shall apply to all sanitary and phytosanitary measures of the Parties, which may, directly or indirectly, affect trade among the Parties.

Article 5.4: General Provision

Each Party affirms its rights and obligations with respect to each other Party under the SPS Agreement.

Article 5.5: Equivalence

1. The Parties shall strengthen cooperation on equivalence in accordance with the SPS Agreement while taking into account the relevant decisions of the WTO Committee on Sanitary and Phytosanitary Measures (hereinafter referred to as "WTO SPS Committee" in this Chapter) and international standards, guidelines, and recommendations.

2. An importing Party shall recognise the equivalence of a sanitary or phytosanitary measure if an exporting Party objectively demonstrates to the importing Party that the exporting Party's measure achieves the same level of protection as the importing Party's measure, or that the exporting Party's measure has the same effect in achieving the objective as the importing Party's measure.

3. In determining the equivalence of a sanitary or phytosanitary measure, the importing Party shall take into account available knowledge, information, and experience, as well as the regulatory competence, of the exporting Party.

4. A Party shall, upon request, enter into consultation with the aim of achieving bilateral recognition arrangements on the