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Draft 6 January 2006

Chapter Six

Sanitary and Phytosanitary Measures

Objectives

The objectives of this Chapter are to protect human, animal and plant life or health in the Parties' territories, enhance the Parties' implementation of the WTO Agreement on the Application of Sanitary and Phytosanitary Matters (the "SPS Agreement"), provide a Standing Committee for addressing sanitary and phytosanitary matters, attempt to resolve trade issues, and thereby expand trade opportunities.

Article 6.1: Scope and Coverage

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

Article 6.2: General Provisions

1. The Parties affirm their existing rights and obligations with respect to each other under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (the "SPS Agreement.")
2. Neither Party may have recourse to dispute settlement under this Agreement for any matter arising under this Chapter.

Article 6.3: Standing Committee on Sanitary and Phytosanitary Matters

1. The Parties hereby agree to establish a Standing Committee for addressing sanitary and phytosanitary measures affecting trade between the Parties.
2. The Parties shall establish the Standing Committee, not later than 30 days after the entry into force of this Agreement through an exchange of letters identifying the primary representative of each Party to the Standing Committee and establishing the Standing Committee's terms of reference.
3. The objectives of the Standing Committee shall be to enhance the implementation by each Party of the SPS Agreement, protect human, animal and plant life or health, enhance consultation and cooperation on sanitary and phytosanitary matters, and facilitate trade.
4. The Standing Committee shall seek to enhance any present or future relationships among the Parties' agencies with responsibility for sanitary and phytosanitary matters.

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5. The Standing Committee shall provide a forum for:
 - (a) improving the Parties' understanding of specific implementation issues concerning the *SPS Agreement*;
 - (b) enhancing mutual understanding of each Party's sanitary and phytosanitary measures and the regulatory processes that relate to those measures;
 - (c) consulting on and attempting to resolve matters related to the development or application of sanitary and phytosanitary measures that affect, or may affect, trade between the Parties;
 - (d) coordinating technical assistance programs on sanitary and phytosanitary matters; and
 - (e) consulting on issues, positions and agendas for meetings of the WTO SPS Committee, the various Codex Committees (including the Codex Alimentarius Commission), the International Plant Protection Convention, the World Organization on Animal Health, and other international and regional fora on food safety and human, animal and plant health.
6. The Standing Committee shall meet as needed and as mutually agreed.
7. The Standing Committee shall perform its work in accordance with its terms of reference. The Standing Committee may revise the terms of reference and may develop procedures developed through consensus to guide its operation.
8. The Standing Committee may agree to establish ad hoc technical working groups, in accordance with the Standing Committee's terms of reference as needed and as mutually agreed.
9. Each Party shall ensure that appropriate representatives with responsibility for the development, implementation, and enforcement of sanitary and phytosanitary measures from its relevant trade and regulatory agencies and ministries participate in meetings of the Standing Committee.

Article 6.4: Definitions

For purposes of this Chapter,

sanitary or phytosanitary measures means any measure referred to in Annex A, paragraph 1, of the *SPS Agreement*.

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SPS Agreement means the Agreement on the Application of Sanitary and Phytosanitary Measures, which is part of the WTO Agreement.