

Chapter 6

Sanitary and Phytosanitary Measures

Article 6.1: Definitions

For the purposes of this Chapter:

- (a) the definitions in Annex A of the SPS Agreement are incorporated into this Chapter and shall form part of this Chapter, *mutatis mutandis*; and
- (b) the relevant definitions developed by the Codex Alimentarius Commission (hereinafter referred to as “Codex”), World Organisation for Animal Health (hereinafter referred to as “OIE”) and the International Plant Protection Convention (hereinafter referred to as “IPPC”) apply to the implementation of this Chapter.

Article 6.2: Objectives

The objectives of this Chapter are to:

- (a) facilitate bilateral trade in food, plants and animals, including their products, while protecting human, animal or plant life or health in the territory of each Party;
- (b) strengthen the area of Sanitary and Phytosanitary Measures (SPS) with the views to protecting of human, animal health and controlling the spread of infectious diseases of animals and pests of plants from the territory of one Party to the territory of the other Party;
- (c) ensure and enhance implementation of the SPS Agreement and applicable international standards, guidelines and recommendations developed by the relevant international organizations;
- (d) increase mutual understanding of each Party’s national laws, regulations and procedures relating to the implementation of sanitary and phytosanitary measures; and
- (e) provide means to improve communications, cooperation and solve sanitary and phytosanitary issues arising from the implementation of this Agreement.

Article 6.3: Scope and Coverage

This Chapter applies to all SPS measures of a Party that may, directly or indirectly, affect human, animal and plant health and trade between the Parties.

Article 6.4: General Obligations

1. The Parties affirm their rights and obligations with respect to each other under the SPS Agreement.
2. The Parties may cooperate in relevant international bodies engaged in SPS issues, including the WTO Committee on SPS, Codex, OIE, and IPPC.

Article 6.5: Cooperation

1. The Parties agree to cooperate to facilitate the implementation of this Chapter.

2. The Parties shall explore opportunities for further cooperation, collaboration, and information exchange on SPS matters of mutual interest, consistent with the provisions of this Chapter.

Article 6.6: Equivalence

1. The Parties recognise the application of equivalence as an important tool for trade facilitation for the mutual benefit of both Parties.

2. Upon request, the Parties may enter into discussions with the aim of achieving bilateral recognition of the equivalence of specified SPS measures in line with the principle of equivalence in the SPS Agreement and other standards, guidelines or recommendations by the relevant international organizations.

Article 6.7: Risk Assessment

1. The Parties recognise the principle of risk assessment as provided for under the SPS Agreement. SPS measures adopted by the Parties will be based on assessment of the risk existing for human, animal health and infectious diseases of animals and pests of plants in accordance with the risk analysis techniques adopted by the relevant organizations.

2. The initiation of a risk assessment process should not interrupt the bilateral trade of that product, except in case of a justified emergency situation.

Article 6.8: Consultations on SPS Measures

1. At the request of a Party for consultations on any matter arising under this Chapter, the Parties shall agree to enter into consultations by notifying the contact points listed in Annex 6.10.

2. Consultations will be carried out within thirty (30) days of receiving the notification, unless otherwise agreed by the Parties. Such consultations may be conducted via teleconferencing, videoconferencing, or any other means mutually agreed by the Parties.

3. If the consultations have failed to achieve resolution the matter is subsequently referred to the dispute settlement procedure contained in Chapter 14 (Dispute Settlement), the consultations under this Article shall replace those provided in Chapter 14 (Dispute Settlement).

Article 6.9: Relation to the Agreement of Technical Cooperation on Sanitary and Phytosanitary Measures

In the event of any inconsistency between a provision of this Chapter and a provision of the Agreement of Technical Cooperation on Sanitary and Phytosanitary Measures between the Government of the Kingdom of Thailand and the Government of the Republic of Chile, done in Bangkok on August 15, 2012, the former shall prevail to the extent of the inconsistency.

Article 6.10: Competent Authorities and Contact Points

1. The competent authorities responsible for the implementation of the measures referred to in this Chapter are listed in Section A of Annex 6.10. The contact points that have the responsibility relating to communications between the Parties are set out in Section B of Annex 6.10.

2. The Parties shall inform each other of any significant changes in the structure and organisation of the competent authorities or contact points.

Article 6.11: Committee on Sanitary and Phytosanitary Measures

1. The Parties hereby agree to establish a Committee on Sanitary and Phytosanitary Measures (hereinafter referred to as “the Committee”) with the objective of ensuring the implementation of this Chapter. The Committee shall be comprised of representatives of each Party who have responsibilities for the development, implementation, and enforcement of SPS measures.

2. The Parties shall establish the Committee as soon as possible and no later than one (1) year after the date of entry into force of this Agreement through an exchange of letters.

3. The Committee shall seek to enhance and ensure cooperation between the Parties’ agencies with responsibility for SPS measures.

4. The functions of the Committee shall be to provide a forum for:

- (a) enhancing mutual understanding of each Party’s SPS measures and the regulatory processes related to those measures;
- (b) discussing matters related to the development or application of SPS measures of a Party that may, directly or indirectly, affect human, animal and plant health and trade between the Parties;
- (c) addressing any bilateral issues arising from the implementation of SPS measures between the Parties;
- (d) reviewing progress on addressing bilateral issues arising from the implementation of SPS measures between the Parties;
- (e) exchanging information on: relevant laws and regulations; the occurrence and control of infectious diseases of animals and pests of plants; and notifying emerging situations;
- (f) coordinating technical cooperation programmes on SPS measures; and
- (g) consulting on issues relating to the meetings of the WTO Committee on SPS, Codex, OIE and IPPC.

5. Unless otherwise agreed by the Parties, the Committee shall meet annually in person, if it’s necessary. It may meet via teleconference, video conference, or through any other means, as mutually determined by the Parties.

6. To guide its operation, the Committee shall establish its own rules of procedure at its first meeting. These rules may be revised or further developed at any time.

7. The Committee may agree to establish *ad hoc* technical working groups in accordance with its rules of procedure.