

CHAPTER 6

SANITARY AND PHYTOSANITARY MEASURES

Article 6.1: Definitions

For the purposes of this Chapter:

- (a) the definitions in Annex A to 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 World Organization for Animal Health (OIE), International Plant Protection Convention (IPPC), and Codex Alimentarius Commission (Codex), shall apply in the implementation of this Chapter.

Article 6.2: Objectives

The objectives of this Chapter are to:

- (a) facilitate trade among the Parties while protecting human, animal or plant life or health in the territory of the Parties;
- (b) uphold and enhance implementation of the SPS Agreement and applicable international standards, guidelines and recommendations developed by relevant international organisations (OIE, IPPC and Codex);
- (c) provide means to improve communication, cooperation and resolution of sanitary and phytosanitary issues between the Parties; and
- (d) increase mutual understanding of the regulations and procedures of each Party relating to the implementation of sanitary and phytosanitary measures.

Article 6.3: Scope

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

Article 6.4: General Provisions

- 1. The Parties reaffirm the rights and obligations relating to sanitary and phytosanitary measures under the SPS Agreement.**
- 2. The Parties agree to apply the principles of the SPS Agreement in the development, application or recognition of any sanitary and phytosanitary measures, while protecting human, animal or plant life or health in the territory of each Party.**

Article 6.5: Transparency and Exchange of Information

- 1. The Parties confirm their commitment to implementing the transparency provisions set out in Article 7, Annex B to the SPS Agreement and relevant Decisions and Recommendations on transparency adopted by the WTO Committee on Sanitary and Phytosanitary Measures (WTO Committee on SPS).**
- 2. The Parties shall inform in a timely and appropriate manner in writing through the contact points, established in Article 6.11, of any significant food safety issue or change in the sanitary and phytosanitary status in their territory that is relevant to existing trade among them.**

Article 6.6: Adaptation to Regional Conditions

The Parties recognise that the principle of adaptation to regional conditions, as set out in Article 6 of the SPS Agreement, is an important mean to facilitate trade. To that end, each Party shall take into account, as appropriate, standards, guidelines and recommendations, developed by the WTO Committee on SPS and relevant international standard-setting bodies, consistent with Annex A to the SPS Agreement.

Article 6.7: Equivalence

- 1. The Parties recognise that the application of equivalence, as set out in Article 4 of the SPS Agreement, is an important tool for facilitating trade for the mutual benefit of the Parties.**
- 2. Upon request, the Parties may enter into technical consultations with the aim of achieving bilateral recognition of the equivalence of specified sanitary and phytosanitary measures in line with the principle of equivalence in the SPS Agreement, standards, guidelines, and recommendations, developed by the WTO Committee on SPS and relevant international standard-setting bodies, consistent with Annex A to the SPS Agreement.**

Article 6.8: Risk Analysis

- 1. The Parties recognise the principle of risk assessment, as set out in Article 5 of the SPS Agreement. Sanitary and phytosanitary measures adopted by the Parties shall be based on assessment of risk for human, animal health and infectious diseases of animals and pests of plants in accordance with the risk assessment techniques adopted by the relevant international standard-setting bodies.**
- 2. The initiation of a risk assessment process should not interrupt the existing bilateral trade of that product, except in the case of a justified emergency situation.**
- 3. When conducting its risk assessment, each Party shall take into account Decisions and Recommendations adopted by the WTO Committee on SPS and international standards, guidelines and recommendations from Codex, OIE and IPPC.**
- 4. The Parties shall consider risk management options that are not more trade restrictive than required to achieve the objectives of this Chapter, as set out in Article 6.2.**

Article 6.9: Consultations

- 1. On 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 established in Article 6.11.**
- 2. Consultations shall be carried out by the Parties, under the Sub-Committee on Sanitary and Pythosanitary as referred to in Article 6.10, within 30 days of the receipt of a request, unless agreed otherwise. Such consultations may be conducted via teleconference, video conference, or any other means mutually agreed upon by the Parties.**
- 3. If such consultations failed to resolve the matter between the Parties, then the interested Party could initiate the dispute settlement procedure contained in Chapter 12 (Dispute Settlement). For greater certainty, consultations under this Article should not replace those provided in Article 12.5 (Consultations).**

Article 6.10: Sub-Committee on Sanitary and Phytosanitary Measures

- 1. The Parties hereby establish a Sub-Committee on Sanitary and Phytosanitary Measures (Sub-Committee on SPS) with the objective of ensuring the implementation of this Chapter.**
- 2. For the purposes of the effective implementation and operation of this Chapter, the Sub-Committee on SPS shall be a forum for:**

- (a) enhancing mutual understanding of the sanitary and phytosanitary measures of each Party and the regulatory processes that relate to those measures;
- (b) discussing on matters related to the development or application of sanitary and phytosanitary measures 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 sanitary and phytosanitary measures between the Parties;
- (d) reviewing progress on addressing sanitary and phytosanitary measures that may arise between the Competent Authorities listed in Annex 6-A, from the implementation of sanitary and phytosanitary measures between the Parties;
- (e) coordinating technical cooperation programs on sanitary and phytosanitary measures;
- (f) consulting on issues, relating to the meetings of the WTO Committee on SPS, Codex, OIE and IPPC;
- (g) improving bilateral understanding related to specific implementation issues concerning the SPS Agreement;
- (h) enhancing cooperation between the agencies of the Parties responsible for sanitary and phytosanitary measures; and
- (i) reporting to the Committee on Trade in Goods on the implementation of this Chapter.

3. The Sub-Committee on SPS shall comprise and be co-chaired by representatives of the Competent Authorities of each Party responsible for sanitary and phytosanitary measures, as established in Article 6.11.

4. Unless agreed otherwise by the Parties, the Sub-Committee on SPS shall meet annually in person, via teleconference, video conference, or through any other means as mutually determined by the Parties.

5. The Sub-Committee on SPS shall establish its own rules of procedure during its first meeting to guide its operation. These rules may be revised or further developed at any time.

6. The Sub-Committee on SPS may agree to establish *ad hoc* technical working groups in accordance with its rules of procedure.

Article 6.11: Competent Authorities and Contact Points

1. The Competent Authorities responsible for the implementation of the measures referred to in this Chapter are listed in Annex 6-A. The contact points that have the responsibility relating to communications between the Parties are set out in Annex 6-B.
2. The Parties shall inform each other of any significant changes in the structure, organisation and division of the competency of its Competent Authorities or contact points.

Article 6.12: Cooperation

To facilitate the implementation of this Chapter, the Parties agree to explore opportunities for further cooperation, collaboration and information exchange on sanitary or phytosanitary measures of mutual interest.

ANNEX 6-A

COMPETENT AUTHORITIES

For Chile:

**The General Directorate of International Economic Affairs (DIRECON)
Ministry of Foreign Affairs
Head of Regulatory Department,
or its successor;**

**Agriculture and Livestock Service (SAG)
Ministry of Agriculture
Head of International Affairs Division
Head of Livestock Protection Division
Head of Agriculture and Forestry Protection Division,
or its successor;**

**Ministry of Health
Head of Food and Nutrition Department
Division of Healthy Public Policies and Promotion
Undersecretary of Public Health,
or its successor, and**

**National Fisheries Service (SERNAPESCA)
Ministry of Economy
Head of Fisheries Health Department,
or its successor.**

For Indonesia:

**Indonesia Agricultural Quarantine Agency
Ministry of Agriculture
Head of Center for Animal Quarantine and Biosafety
Head of Center for Plant Quarantine and Biosafety
or its successor;**

**Directorate General of Horticulture
Ministry of Agriculture
Director of Horticulture Protection
Director of Processing and Marketing of Horticulture
or its successor;**

**Directorate General of Plantation
Ministry of Agriculture
Director of Estate Crop Protection
Director of Processing and Marketing of Estate Crop
or its successor;**

**Directorate General of Livestock and Animal Health
Ministry of Agriculture
Director of Animal Health
Director of Veterinary Public Health and Post-Harvest
Director of Processing and Marketing of Livestock
or its successor;**

**Agency of Fish Quarantine and Inspection Agency
Ministry of Marine Affairs and Fisheries
Head of the Center for Fish Quarantine
or its successor;**

**Directorate General of Strengthening Competitiveness of Marine and Fishery
Products
Ministry of Marine Affairs and Fisheries
Director of Processing and Quality
or its successor;**

**Deputy II of Traditional Drug Inspection, Cosmetics, and Complementary
Products
Indonesia National Agency of Drug and Food Control
Director of Inspection and Traditional Drug Certification, Cosmetics, and
Complementary Products
or its successor;**

**Deputy III of Food Safety Inspection and Hazardous Materials
Indonesia National Agency of Drug and Food Control
Director of Food Inspection and Certification
or its successor; and**

**Prime Secretary
Indonesia National Agency of Drug and Food Control
Head of the Bureau of International Cooperation
or its successor.**

ANNEX 6-B

CONTACT POINTS

For Chile:

The Regulatory Department of the General Directorate of International Economic Affairs (DIRECON) of the Ministry of Foreign Affairs.

For Indonesia:

The Indonesian Agricultural Quarantine Agency (IAQA), Ministry of Agriculture.