

CHAPTER 6

TECHNICAL BARRIERS TO TRADE AND SANITARY AND PHYTOSANITARY MEASURES

Article 55: Scope and Definitions

1. This Chapter shall apply to all sanitary and phytosanitary measures, standards, technical regulations, and conformity assessment procedures that may affect trade in goods between the Parties.
2. This Chapter shall not apply to purchasing specifications prepared by governmental bodies for production or consumption requirements of such bodies.
3. For the purposes of this Chapter,

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

TBT Agreement means the *Agreement on Technical Barriers to Trade*, which is part of the WTO Agreement.

4. For the purposes of this Chapter, the definitions in the SPS Agreement and the TBT Agreement shall apply.

Article 56: Objectives

The objectives of this Chapter are to:

- (a) facilitate bilateral trade and access to respective markets within the scope of this Chapter and further the implementation of the TBT Agreement and the SPS Agreement between the Parties;
- (b) facilitate information exchange and technical cooperation between the Parties, and enhance mutual understanding of each Party's regulatory system; and
- (c) strengthen cooperation between the Parties in the field of sanitary and phytosanitary measures and technical regulations, standards and conformity assessment procedures.

Article 57: Affirmation

1. The Parties affirm their rights and obligations with respect to each other under the TBT Agreement and the SPS Agreement.
2. Except as otherwise provided for in this Chapter, the TBT Agreement and the SPS Agreement shall apply between the Parties, and both Agreements are hereby incorporated into and made part of this Chapter, *mutatis mutandis*.

Article 58: Transparency

1. Each Party shall make available the full text of its sanitary and phytosanitary measures, technical regulations and conformity assessment procedures which are notified to the WTO, in available languages, to the requesting Party within 30 working days after receiving a written request. Upon request by competent authorities of a Party, the other Party shall provide summaries of the above documents in English.
2. Each Party shall allow at least 60 days for the other Party to present comments, except in circumstances where risks to health, safety and the environment have arisen or is threatening to arise and warrant urgent action.
3. Each Party shall take the comments of the other Party into due consideration and shall endeavor to provide responses to these comments, within a reasonable time, upon request.

Article 59: Measures at the Border

Where a Party detains, at a port of entry, goods exported from the other Party due to a perceived failure to comply with a sanitary and phytosanitary measure, technical regulation or conformity assessment procedures, the reasons for the detention shall be promptly notified to the importer or his or her representative.

Article 60: Cooperation

The Parties shall strengthen their cooperation in the areas of mutual interest relating to technical barriers to trade, sanitary and phytosanitary measures in the following areas, including but not limited to:

- (a) communication between each other's competent authorities, exchange of information in respect of technical regulations, standards, conformity assessment procedures and sanitary and phytosanitary measures;

- (b) reinforcing the role of international standards as a basis for technical regulations, conformity assessment procedures and sanitary and phytosanitary measures;
- (c) cooperation between the standardizing body or bodies of the Parties, where such cooperation shall include, but is not limited to, exchange of information and experience on standards; and
- (d) any other areas agreed by the Parties.

Article 61: Contact Points

1. Without prejudice to Article 15, each Party shall establish a contact point which shall have the general responsibility of coordinating and implementation of this Chapter. The contact points will be:
 - (a) for China, the General Administration of Quality Supervision, Inspection and Quarantine or its successor; and
 - (b) for Maldives, Ministry of Economic Development or its successor.
2. Each Party shall provide the other Party with the name of the designated contact point and the contact details of the relevant official in that organization, including telephone, facsimile, email and any other relevant details.
3. Each Party shall notify the other Party promptly of any change in its contact point or any amendments to the details of the relevant official.

Article 62: Consultation and Dispute Settlement

1. Without prejudice to Article 15, each Party may at any time request consultations with the other Party on any matter arising from the operation or implementation of this Chapter. Such consultations shall be coordinated by the contact points of the Parties, and shall take place within 60 days from the request, unless the Parties otherwise determine. Consultation may be conducted via teleconference, videoconference, or through any other means mutually agreed by the Parties.
2. In the event that such consultations fail to reach a mutually satisfactory solution, the requesting Party may refer the matter to the Committee on Trade in Goods for consideration.

3. Any issues under this Chapter shall not be subject to Chapter 13 (Dispute Settlement).