

## **CHAPTER 4**

### **SANITARY AND PHYTOSANITARY MEASURES**

#### **ARTICLE 4.1: OBJECTIVES**

1. The objectives of this Chapter are to:
  - (a) facilitate trade between the Parties while protecting human, animal or plant life or health in the territories of the Parties;
  - (b) enhance transparency in and mutual understanding of the application of each Party's Sanitary and Phytosanitary Measures (hereinafter referred to as "SPS measures")
  - (c) strengthen cooperation between the Parties; and
  - (d) facilitate implementation of the principles of the *Agreement on the Application of Sanitary and Phytosanitary Measures* in Annex 1A of the WTO Agreement (hereinafter referred to as "the SPS Agreement").

#### **ARTICLE 4.2: SCOPE**

This Chapter shall apply to all SPS measures of the Parties, which may, directly or indirectly, affect trade between the Parties.

#### **ARTICLE 4.3: DEFINITIONS**

For the purposes of this Chapter, the definitions in Annex A of the SPS Agreement shall apply. Moreover, competent authorities shall mean the authorities within each Party recognised by the national government as responsible for developing and administering the SPS measures within that Party.

#### **ARTICLE 4.4: GENERAL PROVISION**

Except as otherwise provided for in this Chapter, the SPS Agreement shall apply between the Parties and is hereby incorporated into and made part of this Agreement, *mutatis mutandis*.

#### **ARTICLE 4.5: EQUIVALENCE**

The Parties shall strengthen co-operation on equivalence of SPS measures in

accordance with the SPS Agreement and relevant international standards, guidelines and recommendations, in order to facilitate trade.

#### **ARTICLE 4.6: HARMONISATION**

The Parties shall base their SPS measures on international standards, guidelines and recommendations established by the Codex Alimentarius Commission (CAC), the World Organisation for Animal Health (OIE), and relevant international and regional organisations operating within the framework of the International Plant Protection Convention (IPPC), where they exist, except as otherwise provided for in paragraph 3 of Article 3 of the SPS Agreement.

#### **ARTICLE 4.7: 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 sanitary or phytosanitary requirements, the reasons for the detention shall be promptly notified to the importer or his or her representative. Official measures taken in relation to such goods shall be proportionate to the risk associated with such goods.

#### **ARTICLE 4.8: TRANSPARENCY AND INFORMATION EXCHANGE**

1. Each Party affirms its commitment to ensuring that information regarding proposed new or amended SPS measures is made available in accordance with the relevant requirements of the SPS Agreement.
2. Each Party shall make available the full text of its notified SPS measures, to the requesting Party within 15 working days after receiving the written request.
3. Each Party shall allow at least 60 days following the notification of its proposed SPS measures to WTO for the other Party to present comments except where risks to human, animal or plant life or health arising or threatening to arise warrant urgent actions.
4. Each Party may request information from the other Party on a matter arising under this Chapter. The requested Party shall endeavour to provide available information to the requesting Party within a reasonable period of time.
5. The Parties agree to notify each other of any emergency situation which may affect bilateral trade.
6. Each Party agrees to provide timely and appropriate information directly to the contact point of the other Party where:

(a) changes in animal or plant health status may affect existing trade between the Parties;

(b) significant non-compliance to SPS measures associated with a consignment is identified by the importing Party; or

(c) provisional SPS measures adopted by a Party against or affecting the exports of the other Party is considered necessary to protect human, animal or plant life or health.

#### **ARTICLE 4.9: COOPERATION**

1. The Parties agree to explore the opportunities for further cooperation on SPS issues, with a view to enhancing the mutual understanding of the regulatory systems of the Parties and facilitating bilateral trade.

2. Each Party, on request, shall give due consideration to cooperation in areas of mutual interest relating to SPS issues, such as animal health, plant protection and/or food safety, subject to the availability of resources.

#### **ARTICLE 4.10: CONTACT POINTS / COMPETENT AUTHORITIES AND CONTACT POINTS**

1. Each Party shall designate a contact point which shall, for that Party, have the responsibility for coordinating the implementation of this Chapter. The contact points shall be:

(a) for China, General Administration of Customs; and

(b) for Mauritius, the National Plant Protection Office (NPPO).

2. Each Party shall provide the other Party with the contact details of the relevant officials in their respective contact points, 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 amendment to the details of the relevant officials acting as or on behalf of its contact point.

#### **ARTICLE 4.11: TECHNICAL CONSULTATIONS**

1. Where a Party considers that a relevant SPS measure of the other Party has constituted unnecessary obstacles to its exports, it may request technical consultations. The requested Party shall respond as early as possible to such request.

2. The requested Party shall enter into technical consultations within a period mutually agreed, with a view to reaching a solution. Technical consultations may be conducted via any means mutually agreed by the Parties.