

## **CHAPTER FIVE**

### **SANITARY AND PHYTOSANITARY MEASURES**

#### **ARTICLE 5.1: OBJECTIVE**

The objective of this Chapter is to protect human, animal, or plant life or health in the Parties' territories while minimizing the negative effects of sanitary and phytosanitary measures on trade between the Parties.

#### **ARTICLE 5.2: SCOPE**

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

#### **ARTICLE 5.3: RIGHTS AND OBLIGATIONS**

The Parties affirm their existing rights and obligations with respect to each other under the SPS Agreement, taking into account guidelines, procedures, and information from the Codex Alimentarius Commission, the *International Plant Protection Convention* (IPPC), and the World Organization for Animal Health (OIE).

#### **ARTICLE 5.4: RISK ASSESSMENT**

Risk assessment on a Party's sanitary and phytosanitary measures shall be conducted and evaluated by the relevant regulatory agencies of each Party. A Party shall endeavor to give due consideration to a request for risk assessment of the other Party.

#### **ARTICLE 5.5: 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") comprising representatives of each Party's competent authorities who have responsibility for sanitary and phytosanitary matters.

2. The objective of the Committee is to discuss matters related to the development or application of sanitary and phytosanitary measures that affect, or may affect, trade between the Parties. For this purpose, the Committee shall:

- (a) monitor the implementation of the SPS Agreement;
- (b) enhance mutual understanding of each Party's sanitary and phytosanitary measures;

- (c) strengthen communication and cooperation between the Parties' competent authorities responsible for the matters covered by this Chapter;
- (d) facilitate the exchange of information on regulations, procedures, or any change in sanitary status that may affect trade between the Parties;
- (e) encourage expeditious notification for the approval of exporting establishments in order to pursue transparency regarding sanitary and phytosanitary measures;
- (f) discuss issues, positions, and agendas for meetings of the WTO Committee on Sanitary and Phytosanitary Measures, the Codex Alimentarius Commission, the World Organization for Animal Health (OIE), the relevant international and regional organizations operating within the framework of the *International Plant Protection Convention* (IPPC), and other international and regional fora on food safety and on human, animal, or plant life or health; and
- (g) provide channels for discussion of problems arising from the application of certain sanitary and phytosanitary measures and the application of this Chapter with a view to seeking mutually acceptable ideas.

3. The Parties shall establish the Committee not later than 45 days after the date of entry into force of this Agreement through an exchange of letters identifying the primary representative of each Party to the Committee and establishing the Committee's terms of reference.

4. The Committee shall meet every two years unless the Parties otherwise agree. The Committee may meet in person or by any technological means available to the Parties.

5. The Committee shall be coordinated by:

- (a) for Korea, the *Ministry for Food, Agriculture, Forestry and Fisheries*, or its successor; and
- (b) for Colombia, the *Colombian Agriculture and Livestock Institute (Instituto Colombiano Agropecuario – ICA)* under the *Ministry of Agriculture and Rural Development*, and the *National Institute for the Surveillance of Foods and Drugs (Instituto Nacional de Vigilancia de Medicamentos y Alimentos– INVIMA)* under the *Ministry of Health and Social Protection*, or their respective successors.