

## **CHAPTER 5**

### **SANITARY AND PHYTOSANITARY MEASURES**

#### **ARTICLE 5.1: OBJECTIVES**

The objectives of this Chapter are to protect human, animal and plant life or health in the territory of each Party while eliminating unnecessary obstacles to trade between the Parties.

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

This chapter shall apply to all SPS measures that may, directly or indirectly, affect trade between the Parties.

#### **ARTICLE 5.3: GENERAL PROVISIONS**

The Parties affirm their existing rights and obligations under the SPS Agreement

#### **ARTICLE 5.4: SPS CONTACT POINTS**

1. For the purpose of facilitating communication on trade-related SPS matters, the Parties agree to designate Contact Points as follows:

- (a) for Korea, the Ministry of Agriculture, Food and Rural Affairs, or its successor; and
- (b) for Israel, Foreign Trade Administration, Ministry of Economy and Industry, or its successor.

2. The functions of Contact Points may include, but are not limited to:

- (a) exchange information relating to SPS matters, including information on the competent authorities of each Party;
- (b) coordinate the Committee on Sanitary and Phytosanitary Measures referred to in Article 5.6; and
- (c) facilitate any other communication between the Parties on any matter covered by this Chapter.

#### ARTICLE 5.5: COOPERATION

1. The Parties shall make efforts to enhance the relationship between the Parties' competent authorities. For this purpose, competent authorities of the Parties may:

- (a) enhance regulatory cooperation on SPS measures; and
- (b) promote cooperation on matters related to the implementation of the SPS Agreement and related international standards, guidelines and recommendations within the framework of the relevant international organizations, including the Codex Alimentarius Commission, the World Organization for Animal Health (OIE), and the relevant international and regional organizations operating within the framework of the International Plant Protection Convention (IPPC).

2. The Parties shall exchange information on SPS measures, including proposed SPS measures, which may affect or are likely to affect trade between the Parties.

3. The Parties shall exchange information, including through their competent authorities, regarding any significant, sustained or recurring pattern of non-compliance with a Party's SPS measures and any appropriate remedial action to be undertaken by the exporting Party.

4. When an importing Party imposes an emergency measure, the Party shall notify the exporting Party promptly of the decision and of the relevant information. Pursuant to the acceptance of such notification, the exporting Party may request consultations between the competent authorities. The Parties shall hold a discussion as agreed.

#### ARTICLE 5.6: COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES

1. The Parties hereby 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 SPS matters.

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

- (a) monitor the implementation of this Chapter;
- (b) enhance mutual understanding of each Party's SPS measures;
- (c) strengthen communication and cooperation between the Parties' competent authorities responsible for the matters covered by this Chapter;

- (d) exchange information regarding SPS measures, which may affect trade between the Parties;
  - (e) discuss issues, positions, and agendas for meetings of the WTO Committee on Sanitary and Phytosanitary Measures, the Codex Alimentarius Commission, OIE, the relevant international and regional organizations operating within the framework of the IPPC, and other international and regional forum on food safety and on human, animal, or plant life or health;
  - (f) consult on SPS matters related to the development or application of SPS measures that affect, or may affect, trade between the Parties, or arising under this Chapter;
  - (g) coordinate cooperative activities on SPS matters referred to in Article 5.5 (Cooperation); and
  - (h) carry out other functions as mutually agreed by the Parties.
3. The Committee may establish terms of reference for the conduct of its work.
4. The Committee shall meet once a year unless the Parties otherwise agree. The Committee may meet either in person or using available technological means.
5. Each Party shall ensure that appropriate representatives with responsibility for SPS matters participate in the Committee meetings, and all decisions made by the Committee shall be by mutual agreement.

#### ARTICLE 5.7: DISPUTE SETTLEMENT

Neither Party shall have recourse to Chapter 20 (Dispute Settlement) under this Agreement for any matter arising under this Chapter.

#### ARTICLE 5.8: DEFINITIONS

For the purposes of this Chapter:

- (a) **SPS Agreement** means the *Agreement on the Application of Sanitary and Phytosanitary Measures* in Annex 1A to the WTO Agreement; and
- (b) **the definitions contained in Annex A to the SPS Agreement shall apply**

**ANNEX 5-A**  
**COMPETENT AUTHORITIES**

For the purposes of this Chapter, Competent Authority means:

(a) for Korea:

- (i) The Ministry of Agriculture, Food and Rural Affairs (MAFRA) and the Animal and Plant Quarantine Agency (QIA), or its successor;
- (ii) The Ministry of Ocean and Fisheries (MOF) and the National Fishery Products Quality Management Service (NFQS), or its successor;
- (iii) The Ministry of Food and Drug Safety (MFDS) or its successor; and
- (iv) The Ministry of Trade, Industry and Energy (MOTIE) or its successor.

(b) for Israel:

- (i) Plant Protection and Inspection Services (PPIS), Ministry of Agriculture and Rural Development, or its successor;
- (ii) Veterinary Services & Animal Health (IVSAH), Ministry of Agriculture and Rural Development, or its successor;
- (iii) The National Food Service – Ministry of Health, or its successor; and
- (iv) The Institute for supervision and standards of medicinal products– Ministry of Health, or its successor.