

CHAPTER 5

SANITARY AND PHYTOSANITARY MEASURES

Article 5.1 : Objectives

The objectives of this Chapter are to:

- (a) protect human, animal or plant life or health in the territory of the Parties while minimising negative effects on trade between the Parties;
- (b) enhance the Parties' implementation of the SPS Agreement, taking into account international standards, guidelines and recommendations developed by the relevant international organisations; and
- (c) enhance mutual co-operation between the Parties, including discussing sanitary and phytosanitary matters, and collaboration in the relevant international organisations.

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 under the SPS Agreement.

Article 5.4 : Committee on Sanitary and Phytosanitary Matters

1. The Parties hereby establish a Committee on Sanitary and Phytosanitary Matters (hereinafter referred to as "the Committee") which shall include representatives of the competent authorities of the Parties.
2. The Committee shall discuss, monitor and review the implementation of this Chapter, including arrangements for co-operative activities, expert dialogue to identify and address relevant technical and scientific issues, and any other relevant sanitary and phytosanitary matters.
3. The Committee shall, to the extent possible, endeavour to facilitate consultation between the Parties to resolve any differences of interpretation of the provisions of this Chapter.
4. The Committee shall meet within one year of the entry into force of this Agreement and subsequently at times mutually agreed by the Parties. The Committee may meet in

person, via teleconference, via video conference, or through any other means, as agreed by the Parties. The Committee may address issues through correspondence, including via electronic communication. The Committee shall keep a written record of its decisions.

5. For the proper operation of the Committee and the exchange of relevant information between the Parties, the Parties shall designate their contact points as follows:

- (a) for Korea, the Ministry of Agriculture, Food and Rural Affairs or its successor;
and
- (b) for New Zealand, the Ministry for Primary Industries or its successor.

Article 5.5 : Sanitary and Phytosanitary Contact Points

1. The contact points designated in accordance with Article 5.4.5 shall function as a channel for communication on sanitary and phytosanitary matters affecting trade between the Parties.

2. The contact points shall exchange information regarding any significant, sustained or recurring pattern of non-compliance with a Party's sanitary and phytosanitary measures and any appropriate remedial action to be undertaken by the other Party.

3. At the same time as notification is provided to the WTO in accordance with paragraph 6(a) of Annex B of the SPS Agreement, a contact point shall notify provisional protection measures taken when a situation arises or threatens to arise which will have a serious and urgent impact on human, animal or plant life or health in that Party.

4. On the request of a Party, a contact point shall endeavour to provide an explanation of a sanitary and phytosanitary measure which may be considered by the other Party to have a significant impact on trade between the Parties.

5. The contact points shall exchange information on any significant food safety issues, or changes in animal or plant life or health status, or any significant structural changes in competent authorities, or legal changes in the sanitary and phytosanitary system of each Party.

Article 5.6 : Dispute Settlement

Neither Party shall have recourse to dispute settlement under this Agreement for any matter arising under this Chapter.