

## CHAPTER 4

### SANITARY AND PHYTOSANITARY MEASURES

#### ARTICLE 50

##### Objective

1. The objective of this Chapter is to facilitate trade in commodities covered by sanitary and phytosanitary measures (SPS measures), including all measures listed in Annex IV to this Agreement, between the Parties, whilst safeguarding human, animal or plant life or health, by:
  - (a) ensuring full transparency as regards measures applicable to trade, listed in Annex IV to this Agreement;
  - (b) approximating the Georgian regulatory system to that of the Union;
  - (c) recognising the animal and plant health status of the Parties and applying the principle of regionalisation;
  - (d) establishing a mechanism for the recognition of equivalence of measures maintained by a Party, listed in Annex IV to this Agreement;
  - (e) continuing to implement the SPS Agreement;
  - (f) establishing mechanisms and procedures for trade facilitation; and
  - (g) improving communication and cooperation between the Parties on measures listed in Annex IV to this Agreement.

2. This Chapter also aims at reaching a common understanding between the Parties concerning animal welfare standards.

## ARTICLE 51

### Multilateral obligations

The Parties re-affirm their rights and obligations under the WTO Agreements, and in particular the SPS Agreement.

## ARTICLE 52

### Scope

This Chapter shall apply to all sanitary and phytosanitary measures of a Party that may, directly or indirectly, affect trade between the Parties, including all measures listed in Annex IV to this Agreement. This scope is without prejudice to the scope of approximation as set out in Article 55 of this Agreement.

## ARTICLE 53

### Definitions

For the purposes of this Chapter, the following definitions shall apply:

- (1) "sanitary and phytosanitary measures" means measures as defined in paragraph 1 of Annex A to the SPS Agreement (SPS measures);
- (2) "animals" means animals as defined in the Terrestrial Animal Health Code or the Aquatic

Animal Health Code of the World Organisation for Animal Health (OIE), respectively;

(3) "animal products" means products of animal origin, including aquatic animal products as defined in the Aquatic Animal Health Code of the OIE;

(4) "animal by-products not intended for human consumption" means entire bodies or parts of animals, products of animal origin or other products obtained from animals that are not intended for human consumption as listed in Part 2(II) of Annex IV-A to this Agreement;

(5) "plants" means living plants and specified living parts thereof, including seeds and germplasm:

(a) fruits, in the botanical sense, other than those preserved by deep freezing;

(b) vegetables, other than those preserved by deep freezing;

(c) tubers, corms, bulbs, rhizomes;

(d) cut flowers;

(e) branches with foliage;

(f) cut trees retaining foliage;

(g) plant tissue cultures;

(h) leaves, foliage;

(i) live pollen; and

(j) bud-wood, cuttings, scions.

(6) "plant products" means products of plant origin, unprocessed or having undergone simple preparation in so far as these are not plants, set out in Part 3 of Annex IV-A to this Agreement;

(7) "seeds" means seeds in the botanical sense, intended for planting;

(8) "pests" means any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products (harmful organisms);

(9) "protected zones" means zones within the meaning of Article 2(1)(h) of Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community, or any successor provision;

(10) "animal disease" means a clinical or pathological manifestation in animals of an infection;

(11) "aquaculture disease" means clinical or non-clinical infection with one or more of the aetiological agents of the diseases referred to in the Aquatic Animal Health Code of the OIE;

(12) "infection in animals" means the situation where animals maintain an infectious agent with or without presence of clinical or pathological manifestation of an infection;

(13) "animal welfare standards" means standards for the protection of animals developed and applied by the Parties and, as appropriate, in line with the OIE standards;

(14) "appropriate level of sanitary and phytosanitary protection" means the appropriate level of sanitary and phytosanitary protection as defined in paragraph 5 of Annex A to the SPS Agreement;

(15) "region" means with regard to animal health a zone or a region as defined in the Terrestrial Animal Health Code of the OIE, and with regard to aquaculture a zone as defined in

the Aquatic Animal Health Code of the OIE. For the Union the term "territory" or "country" shall mean the territory of the Union;

(16) "pest free area (PFA)" means an area in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained;

(17) "regionalisation" means the concept of regionalisation as described in Article 6 of the SPS Agreement;

(18) "consignment of animals or animal products" means a number of animals or a quantity of animal products of the same type, covered by the same certificate or document, conveyed by the same means of transport, consigned by a single consignor and originating in the same exporting Party or region(s) of the Party. A consignment of animals may be composed of one or more commodities or lots;

(19) "consignment of plants or plant products" means a quantity of plants, plant products and/or other objects being moved from a Party to another Party and covered, when required, by a single phytosanitary certificate. A consignment may be composed of one or more commodities or lots;

(20) "lot" means a number or units of a single commodity, identifiable by its homogeneity of composition and origin, and forming part of a consignment;

(21) "equivalence for trade purposes" (equivalence) means that the measures listed in Annex IV to this Agreement applied in the exporting Party, whether or not different from the measures listed in that Annex applied in the importing Party, objectively achieve the importing Party's appropriate level of protection or acceptable level of risk;

(22) "sector" means the production and trade structure for a product or category of products in a Party;

- (23) "sub-sector" means a well-defined and controlled part of a sector;
- (24) "commodity" means the products or objects referred to in points 2 to 7;
- (25) "specific import permit" means a formal prior authorisation by the competent authorities of the importing Party addressed to an individual importer as a condition for import of a single consignment or multiple consignments of a commodity from the exporting Party, within the scope of this Chapter;
- (26) "working days" means weekdays except Sunday, Saturday and public holidays in one of the Parties;
- (27) "inspection" means the examination of any aspect of feed, food, animal health and animal welfare in order to verify that such aspect(s) comply with the legal requirements of feed and food law and animal health and animal welfare rules;
- (28) "plant health inspection" means official visual examination of plants, plant products or other regulated objects to determine if pests are present and/or to determine compliance with phytosanitary regulations;
- (29) "verification" means checking, by examination and consideration of objective evidence, whether specified requirements have been fulfilled.

## ARTICLE 54

### Competent authorities

The Parties shall inform each other about the structure, organisation and division of competences of their competent authorities during the first meeting of the Sanitary and Phytosanitary Sub-Committee referred to in Article 65 of this Agreement ("SPS Sub-Committee"). The Parties

shall inform each other of any change of the structure, organisation and division of competences, including of the contact points, concerning such competent authorities.

## ARTICLE 55

### Gradual approximation

1. Georgia shall continue to gradually approximate its sanitary and phytosanitary, animal welfare and other legislative measures as laid down in Annex IV to this Agreement to that of the Union in accordance with the principles and procedure set out in Annex XI to this Agreement.
2. The Parties shall cooperate on gradual approximation and capacity building.
3. The SPS Sub-Committee shall regularly monitor the implementation of the approximation process set out in Annex XI to this Agreement in order to provide necessary recommendations on approximation.
4. No later than six months after the entry into force of this Agreement, Georgia shall submit a list of the EU sanitary and phytosanitary, animal welfare and other legislative measures as defined in Annex IV to this Agreement that Georgia will approximate. The list shall be divided into priority areas, in which trade in a specific commodity or a group of commodities will be facilitated by means of approximation. This approximation list shall serve as a reference document for the implementation of this Chapter.

## ARTICLE 56

### Recognition for trade purposes of animal health and pest status and regional conditions

#### Recognition of status for animal diseases, infections in animals or pests

1. As regards animal diseases and infections in animals (including zoonosis), the following shall apply:
  - (a) the importing Party shall recognise for trade purposes the animal health status of the exporting Party or its regions determined in accordance with the procedure set out in Annex VI to this Agreement, with respect to animal diseases specified in Annex V-A to this Agreement;
  - (b) where a Party considers that it has, for its territory or a region within its territory, a special status with respect to a specific animal disease other than a disease listed in Annex V-A to this Agreement, it may request recognition of this status in accordance with the procedure laid down in Annex VI Part C to this Agreement. In this regard, the importing Party may request guarantees, accompanied with an explanatory note, in respect of imports of live animals and animal products, which are appropriate to the agreed status of the Parties;
  - (c) the Parties recognise as the basis for trade between them the status of the territories or the regions, or the status in a sector or a sub-sector of the Parties related to the prevalence or the incidence of an animal disease other than a disease listed in Annex V-A to this Agreement, or related to infections in animals and/or the associated risk, as appropriate, as determined by the OIE. In this regard, the importing Party may request guarantees, in respect of imports of live animals and animal products, which are appropriate to the defined status in accordance with the recommendations of OIE; and



(d) without prejudice to Articles 58, 60 and 64 of this Agreement, and unless the importing Party raises an explicit objection and requests supporting or additional information, consultations and/or verification, each Party shall take without undue delay the necessary legislative and administrative measures to allow trade on the basis of the provisions of points (a), (b) and (c) of this paragraph.

2. As regards pests, the following shall apply:

(a) the Parties recognise for trade purposes the pest status in respect of pests specified in Annex V-B to this Agreement as determined in Annex VI-B; and

(b) without prejudice to Articles 58, 60 and 64 of this Agreement, and unless the importing Party raises an explicit objection and requests supporting or additional information, consultations and/or verification, each Party shall take without undue delay the necessary legislative and administrative measures to allow trade on the basis of the provision of point (a) of this paragraph.

Recognition of regionalisation/zoning, pest free areas (PFAs)  
and protected zones (PZs)

3. The Parties recognise the concept of regionalisation and PFAs as specified in the relevant International Plant Protection Convention of 1997 (IPPC) and the International Standards for Phytosanitary Measures (ISPMs) of the Food and Agriculture Organisation (FAO), and of protected zones in accordance with Directive 2000/29/EC, which they agree to apply to trade between them.

4. The Parties agree that regionalisation decisions for animal and fish diseases listed in Annex V-A to this Agreement and for pests listed in Annex V-B to this Agreement shall be taken in accordance with the provisions of Part A and B of Annex VI to this Agreement.

5. As regards animal diseases in accordance with the provisions of Article 58 of this Agreement the exporting Party seeking recognition of its regionalisation decision by the

importing Party shall notify its measures with full explanations and supporting data for its determinations and decisions. Without prejudice to Article 59 of this Agreement, and unless the importing Party raises an explicit objection and requests additional information, consultations and/or verification within 15 working days following receipt of the notification, the regionalisation decision so notified shall be deemed accepted.

The consultations referred to in the first subparagraph of this paragraph shall take place in accordance with Article 59(3) of this Agreement. The importing Party shall assess the additional information within 15 working days following receipt of the additional information. The verification referred to in the first subparagraph of this paragraph shall be carried out in accordance with Article 62 of this Agreement within 25 working days following receipt of the request for verification.

6. As regards pests, each Party shall ensure that trade in plants, plant products and other objects takes account, as appropriate, of the pest status in an area recognised as a protected zone or as a PFA by the other Party. A Party seeking recognition of its PFA by the other Party shall notify its measures and, upon request, provide full explanation and supporting data for its establishment and maintenance, as guided by appropriate FAO or IPPC standards, including ISPMs. Without prejudice to Article 64 of this Agreement, and unless a Party raises an explicit objection and requests additional information, consultations and/or verification within three months following the notification, the regionalisation decision for PFA so notified shall be deemed accepted.

The consultations referred to in the first subparagraph of this paragraph shall take place in accordance with Article 59(3) of this Agreement. The importing Party shall assess the additional information within three months following the receipt of the additional information. The verification referred to in the first subparagraph of this paragraph shall be carried out in accordance with Article 62 of this Agreement within 12 months following the receipt of the request for verification, taking into account the biology of the pest and the crop concerned.

7. After finalisation of the procedures of paragraphs 4 to 6, and without prejudice to Article 64 of this Agreement, each Party shall take, without undue delay, the necessary legislative and administrative measures to allow trade on that basis.

#### Compartmentalisation

8. The Parties may engage in further discussions with regard to the issue of compartmentalisation.

### ARTICLE 57

#### Recognition of equivalence

1. Equivalence may be recognised in relation to:

- (a) an individual measure;
- (b) a group of measures; or
- (c) a system applicable to a sector, sub-sector, commodities or a group of commodities.

2. As regards recognition of equivalence the Parties shall follow the process set out in paragraph 3 of this Article. This process shall include an objective demonstration of equivalence by the exporting Party and an objective assessment of the request by the importing Party. This assessment may include inspections or verifications.

3. Upon request of the exporting Party concerning recognition of equivalence as set out in paragraph 1 of this Article the Parties shall without delay and no later than three months following the receipt of such a request by the importing Party, initiate the consultation process which includes the steps set out in Annex VIII to this Agreement. In case of multiple requests

from the exporting Party, the Parties, upon request of the importing Party, shall agree within the SPS Sub-Committee referred to in Article 65 of this Agreement on a time schedule in which they shall initiate and conduct the process referred to in this paragraph.

4. Georgia shall notify the Union as soon as approximation is achieved in relation to a measure, a group of measures or a system as set out in paragraph 1 of this Article as a result of the monitoring provided for in Article 55(3) of this Agreement. This fact shall be considered as a basis for a request of Georgia to initiate the process of the recognition of equivalence of the measures concerned, as set out in paragraph 3 of this Article.

5. Unless otherwise agreed, the importing Party shall finalise the process for recognition of equivalence referred to in paragraph 3 of this Article within 360 days after the receipt of the request of the exporting Party, including a dossier demonstrating the equivalence. This time-limit may be extended with regard to seasonal crops when it is justifiable to delay the assessment to permit verification during a suitable period of growth of a crop.

6. The importing Party determines equivalence as regards plants, plant products and other objects in accordance with the relevant ISPMs.

7. The importing Party may withdraw or suspend equivalence on the basis of any amendment by one of the Parties of measures affecting equivalence, provided that the following procedure is followed:

- (a) in accordance with the provisions of Article 58(2) of this Agreement, the exporting Party shall inform the importing Party of any proposal for amendment of its measures for which equivalence of measures is recognised and the likely effect of the proposed measures on the equivalence which has been recognised. Within 30 working days following the receipt of this information, the importing Party shall inform the exporting Party whether or not equivalence would continue to be recognised on the basis of the proposed measures;

(b) in accordance with the provisions of Article 58(2) of this Agreement, the importing Party shall promptly inform the exporting Party of any proposal for amendment of its measures on which recognition of equivalence has been based and the likely effect of the proposed measures on the equivalence which has been recognised. Should the importing Party not continue to recognise equivalence, the Parties may agree on the conditions under which to reinitiate the process referred to in paragraph 3 of this Article on the basis of the proposed measures.

8. The recognition, suspension or withdrawal of equivalence rests solely with the importing Party acting in accordance with its administrative and legislative framework. That Party shall provide to the exporting Party in writing full explanation and supporting data used for the determinations and decisions covered by this Article. In case of non-recognition, suspension or withdrawal of equivalence, the importing Party shall indicate to the exporting Party the required conditions on the basis of which the process referred to in paragraph 3 may be reinitiated.

9. Without prejudice to Article 64 of this Agreement, the importing Party may not withdraw or suspend equivalence before the proposed new measures of either Party enter into force.

10. In case equivalence is formally recognised by the importing Party, on the basis of the consultation process as set out in Annex VIII to this Agreement, the SPS Sub-Committee shall, in accordance with the procedure set out in Article 65(5) of this Agreement, declare the recognition of equivalence in trade between the Parties. This decision may also provide for the reduction of physical checks at the frontiers, simplification of certificates and pre-listing procedures for the establishments, as applicable.

The status of recognition of equivalence shall be listed in Annex XII to this Agreement.

## ARTICLE 58

### Transparency and exchange of information

1. Without prejudice to Article 59 of this Agreement, the Parties shall cooperate to enhance mutual understanding of the other Party's official control structure and mechanisms tasked with the application of the measures listed in Annex IV to this Agreement and of the performance of such structure and mechanism. This can be achieved, inter alia, through reports of international audits when these are made public and the Parties can exchange information on the results of such audits or other information, as appropriate.
2. In the framework of approximation of legislation as referred to in Article 55 of this Agreement or of recognition of equivalence as referred to in Article 57 of this Agreement, the Parties shall keep each other informed of legislative or procedural changes adopted in the concerned areas.
3. In this context, the Union shall inform Georgia well in advance of changes to the Union legislation to allow Georgia to consider modification of its legislation accordingly.

The necessary level of cooperation should be reached in order to facilitate transmission of legislative documents upon request of one of the Parties.

To this effect, each Party shall notify the other Party of its contact points. The Parties shall also notify each other of any changes to the contact points.

## ARTICLE 59

### Notification, consultation and facilitation of communication

1. Each Party shall notify in writing the other Party within two working days of any serious or significant human, animal or plant health risk, including any food control emergencies or situations where there is a clearly identified risk of serious health effects associated with the consumption of animal or plant products, in particular:
  - (a) any measures affecting regionalisation decisions referred to in Article 56 of this Agreement;
  - (b) the presence or evolution of any animal disease listed in Annex V-A to this Agreement or of the regulated pests listed in Annex V-B to this Agreement;
  - (c) findings of epidemiological importance or important associated risks with respect to animal diseases and pests which are not listed in Annexes V-A and V-B to this Agreement or which are new animal diseases or pests; and
  - (d) any additional measures beyond the basic requirements to their respective measures taken to control or eradicate animal diseases or pests or protect public or plant health and any changes in prophylactic policies, including vaccination policies.
2. Notifications shall be made in writing to the contact points referred to in Article 58(1) of this Agreement.

A notification in writing means notification by mail, fax or e-mail.

3. Where a Party has serious concerns regarding a risk to human, animal or plant health, consultations regarding the situation shall, upon request of that Party, take place as soon as possible and, in any case, within 15 working days from the date of that request. In such

situations, each Party shall endeavour to provide all the information necessary to avoid a disruption in trade, and to reach a mutually acceptable solution consistent with the protection of human, animal or plant health.

4. Upon request of a Party, consultations regarding animal welfare shall take place as soon as possible and, in any case, within 20 working days from the date of notification. In such situations, each Party shall endeavour to provide all the requested information.

5. Upon request of a Party, consultations as referred to in paragraphs 3 and 4 of this Article shall be held by video or audio conference. The requesting Party shall ensure the preparation of the minutes of the consultation, which shall be formally approved by the Parties. For the purposes of this approval, the provisions of Article 58(3) of this Agreement shall apply.

6. A mutually applied rapid alert system and early warning mechanism for any veterinary and phytosanitary emergencies will start at a later stage after Georgia implements the necessary legislation in this field and creates conditions for their proper working on the spot.

## ARTICLE 60

### Trade conditions

1. Import conditions prior to recognition of equivalence:
  - (a) The Parties agree to subject imports of any commodity covered by Annexes IV-A and IV-C(2) and (3) to this Agreement to conditions prior to recognition of equivalence. Without prejudice to the decisions taken in accordance with Article 56 of this Agreement, the import conditions of the importing Party shall be applicable to the total territory of the exporting Party. Upon entry into force of this Agreement and in accordance with the provisions of Article 58 of this Agreement, the importing Party shall inform the exporting Party of its sanitary and/or phytosanitary import requirements for commodities referred to



in Annexes IV-A and IV-C to this Agreement. This information shall include, as appropriate, the models for the official certificates or declarations or commercial documents, as prescribed by the importing Party; and

- (b) (i) Any amendment or proposed amendment of the conditions referred to in paragraph 1(a) of this Article shall comply with the relevant notification procedures of the SPS Agreement;
- (ii) Without prejudice to the provisions of Article 64 of this Agreement, the importing Party shall take into account the transport time between the Parties to establish the date of entering into force of the amended conditions referred to in paragraph 1(a) of this Article; and
- (iii) If the importing Party fails to comply with the notification requirements referred to in paragraph 1(a) of this Article, it shall continue to accept the certificate or the attestation guaranteeing the previously applicable conditions until 30 days after the amended import conditions enter into force.

2. Import conditions after recognition of equivalence:

- (a) Within 90 days following the date of the decision on recognition of equivalence as specified in Article 57(10) of this Agreement, the Parties shall take the necessary legislative and administrative measures to implement the recognition of equivalence in order to allow on that basis trade between them of commodities referred to in Annexes IV-A and IV-C(2) and (3) to this Agreement. For those commodities, the model for the official certificate or official document required by the importing Party may, then, be replaced by a certificate drawn up as provided for in Annex X-B to this Agreement;
- (b) For commodities in sectors or sub-sectors for which not all measures are recognised as equivalent, trade shall continue on the basis of compliance with the conditions referred to in paragraph 1(a) of this Article. Upon request of the exporting Party, the provisions of

paragraph 5 of this Article shall apply.

3. From the date of entry into force of this Agreement, the commodities referred to Annexes IV-A and IV-C(2) to this Agreement shall not be subject to an import permit between the Parties.

4. For conditions affecting trade of the commodities referred to in paragraph 1(a) of this Article, upon request of the exporting Party, the Parties shall enter into consultations within the SPS Sub-Committee in accordance with the provisions of Article 65 of this Agreement, in order to agree on alternative or additional import conditions of the importing Party. Such alternative or additional import conditions may, when appropriate, be based on measures of the exporting Party recognised as equivalent by the importing Party. If agreed, the importing Party shall within 90 days take the necessary legislative and/or administrative measures to allow import on the basis of the agreed import conditions.

5. List of establishments, provisional approval

(a) For the import of animal products referred to in Part 2 of Annex IV-A to this Agreement, upon request of the exporting Party accompanied by the appropriate guarantees, the importing Party shall provisionally approve processing establishments referred to in Annex VII.2 to this Agreement which are situated in the territory of the exporting Party, without prior inspection of individual establishments. Such approval shall be consistent with the conditions and provisions set out in Annex VII to this Agreement. Except when additional information is requested, the importing Party shall take the necessary legislative and/or administrative measures to allow import on that basis within 30 working days following the date of receipt of the request and the relevant guarantees by the importing Party.

The initial list of establishments shall be approved in accordance with the provisions of Annex VII to this Agreement.

(b) For the import of animal products referred to in paragraph 2(a) of this Article, the exporting Party shall inform the importing Party of its list of establishments meeting the

importing Party's requirements.

6. Upon request of a Party, the other Party shall provide the necessary explanation and the supporting data for the determinations and decisions covered by this Article.

## ARTICLE 61

### Certification procedure

1. For purposes of certification procedures and issuing of certificates and official documents the parties agree on the principles set out in Annex X to this Agreement.

2. The SPS Sub-Committee referred to in Article 65 of this Agreement may agree on the rules to be followed in case of electronic certification, withdrawal or replacement of certificates.

3. In the framework of approximated legislation as referred to in Article 55 of this Agreement, the Parties shall agree on common models of certificates, where applicable.

## ARTICLE 62

### Verification

1. In order to maintain confidence in the effective implementation of the provisions of this Chapter each Party has the right:

(a) to carry out verification of all or part of the inspection and certification system of the other Party's authorities, and/or of other measures, where applicable, in accordance with the relevant international standards, guidelines and recommendations of Codex Alimentarius, OIE and IPPC;

(b) to receive information from the other Party about its control system and be informed of the results of the controls carried out under that system respecting the confidentiality provisions applicable in either Party.

2. Either Party may share the results of the verifications referred to in paragraph 1(a) of this Article with third parties and make the results publicly available as may be required by provisions applicable to either Party. Confidentiality provisions applicable to either Party shall be respected in such sharing and/or publication of the results, where appropriate.

3. If the importing Party decides to carry out a verification visit to the exporting Party, the importing Party shall notify the exporting Party of this verification visit at least 60 working days before the verification visit is to be carried out, except in emergency cases or if the Parties agree otherwise. Any modification to this visit shall be agreed by the Parties.

4. The costs incurred in undertaking a verification of all or part of the other Party's competent authorities' inspection and certification systems and/or other measure, where applicable, shall be borne by the Party carrying out the verification or the inspection.

5. The draft written communication of verifications shall be forwarded to the exporting Party within 60 working days after the end of verification. The exporting Party shall have 45 working days to comment on the draft written communication. Comments made by the exporting Party shall be attached to and, where appropriate included in the final outcome. However, where a significant human, animal or plant health risk has been identified during the verification, the exporting Party shall be informed as quickly as possible and in any case within 10 working days following the end of the verification.

6. For clarity the results of verification may contribute to the procedures referred to in Articles 55, 57 and 63 of this Agreement conducted by the Parties or one of the Parties.

## ARTICLE 63

### Import checks and inspection fees

1. The Parties agree that import checks by the importing Party of consignments from the exporting Party shall respect the principles set out in Part A of Annex IX to this Agreement. The results of these checks may contribute to the verification process referred to in Article 62 of this Agreement.
2. The frequencies of physical import checks applied by each Party are set out in Part B of Annex IX to this Agreement. A Party may amend these frequencies within its competences and in accordance with its internal legislation, as a result of progress made in accordance with Articles 55, 57 and 60 of this Agreement, or as a result of verifications, consultations or other measures provided for in this Agreement. SPS Sub-Committee referred to in Article 65 shall modify Part B of Annex IX to this Agreement by decision, accordingly.
3. Inspection fees, if applicable, may only cover the costs incurred by the competent authority for performing import checks. The fee shall be calculated on the same basis as the fees charged for the inspection of similar domestic products.
4. The importing Party shall upon request of the exporting Party inform the latter of any amendment, including the reasons for such an amendment concerning the measures affecting import checks and inspection fees, and of any significant changes in the administrative conduct for such checks.
5. From a date to be determined by the SPS Sub-Committee referred to in Article 65 of this Agreement, the Parties may agree on the conditions to approve each other's controls referred to in Article 62(1)(b) of this Agreement with a view to adapt and reciprocally reduce, where applicable, the frequency of physical import checks for the commodities referred to in Article 60(2)(a) of this Agreement.

From that date the Parties may reciprocally approve each other's controls for certain commodities and, consequently reduce or replace the import checks for these commodities.

## ARTICLE 64

### Safeguard measures

1. Should the exporting Party take measures within its territory to control any cause likely to constitute a serious hazard or risk to human, animal or plant health, the exporting Party, without prejudice to the provisions of paragraph 2 of this Article, shall take equivalent measures to prevent the introduction of the hazard or risk into the territory of the importing Party.
  
2. On the basis of serious human, animal or plant health grounds, the importing Party may, take provisional measures necessary for the protection of human, animal or plant health. For consignments en route between the Parties, the importing Party shall consider the most suitable and proportionate solution in order to avoid unnecessary disruptions to trade.
  
3. The Party adopting measures under paragraph 2 of this Article, shall inform the other Party no later than one working day following the date of the adoption of the measures. Upon request of either Party, and in accordance with the provisions of Article 59(3) of this Agreement, the Parties shall hold consultations regarding the situation within 15 working days of the notification. The Parties shall take due account of any information provided through such consultations and shall endeavour to avoid unnecessary disruption to trade, taking into account, where applicable, the outcome of the consultations provided for in Article 59(3) of this Agreement.

## ARTICLE 65

### Sanitary and Phytosanitary Sub-Committee

1. The SPS Sub-Committee is hereby established. It shall meet within three months after the date of entry into force of this Agreement, upon request of either Party thereafter, or at least once every year. If agreed by the Parties, a meeting of the SPS Sub-Committee may be held by video or audio-conference. The SPS Sub-Committee may also address issues out of session, by correspondence.

2. SPS Sub-Committee shall have the following functions:

- (a) to consider any matter relating to this Chapter;
- (b) to monitor the implementation of this Chapter and examine all matters which may arise in relation to its implementation;
- (c) to review the Annexes IV to XII to this Agreement, notably in the light of progress made under the consultations and procedures provided for under this Chapter;
- (d) to modify by means of an endorsement decision Annexes IV to XII to this Agreement in the light of the review provided for in point (c) of this paragraph, or as otherwise provided in this Chapter; and
- (e) to give opinions and make recommendations to other bodies as defined in Title VIII (Institutional, General and Final Provisions) of this Agreement in light of the review provided for in point (c) of this paragraph.

3. The Parties agree to establish technical working groups, when appropriate, consisting of expert-level representatives of the Parties, which shall identify and address technical and scientific issues arising from the application of this Chapter. When additional expertise is required, the Parties may establish ad hoc groups, including scientific and expert groups.

Membership of such ad hoc groups need not be restricted to representatives of the Parties.

4. SPS Sub-Committee shall regularly inform by means of a report the Association Committee in Trade configuration, as set out in Article 408(4) of this Agreement, on its activities and decisions taken within competence.

5. The SPS Sub-Committee shall adopt its working procedures at its first meeting.

6. Any decision, recommendation, report or other action by the SPS Sub-Committee or any group established by the SPS Sub-Committee shall be adopted by consensus between the Parties.