

**CHAPTER 5**  
**SANITARY AND PHYTOSANITARY MEASURES**

**Article 5.1**  
**Definitions**

1. For the purposes of this Chapter, the following definitions apply:
  - (a) the definitions in Annex A of the SPS Agreement;
  - (b) the definitions adopted under the auspices of the Codex Alimentarius Commission (“Codex”);
  - (c) the definitions adopted under the auspices of the World Organisation for Animal Health (“OIE”); and
  - (d) the definitions adopted under the auspices of the International Plant Protection Convention (“IPPC”).
2. Further to paragraph 1, in the event of an inconsistency between the definitions set out in the SPS Agreement and the definitions adopted under the auspices of the Codex, the OIE, or the IPPC, the definitions set out in the SPS Agreement shall prevail.
3. For the purposes of this Chapter:
  - (a) **“competent authority”** means a government body of a Party responsible for measures and matters referred to in this Chapter;
  - (b) **“import check”** means an assessment, that may include consignment documentation and identity examination and testing, which is conducted by an importing Party or its delegated representative to determine if a consignment complies with the sanitary and phytosanitary requirements of the importing Party;
  - (d) **“SPS Agreement”** means the *Agreement on the Application of Sanitary and Phytosanitary Measures* in Annex 1A to the WTO Agreement.

**Article 5.2**  
**Scope**

1. Except as provided in paragraph 3, this Chapter shall apply to all sanitary and phytosanitary measures of a Party that may, directly or indirectly, affect trade between the Parties.

2. Notwithstanding paragraph 1, this Chapter shall not apply to a measure or good covered by the Sanitary Agreement.
3. This Chapter shall also apply to cooperation on antimicrobial resistance (“AMR”).

### **Article 5.3 Objectives**

The objectives of this Chapter are to:

- (a) protect human, animal and plant life and health in the territory of the Parties while facilitating trade between them;
- (b) ensure that the Parties’ sanitary and phytosanitary measures do not create unjustified barriers to trade;
- (c) further the implementation of the SPS Agreement;
- (d) promote transparency and understanding on the application of each Party’s sanitary and phytosanitary measures;
- (e) maintain and enhance cooperation between the Parties in the Codex, the OIE, and the IPPC to develop international standards, guidelines, and recommendations on animal health, food safety, and plant health; and
- (f) enhance cooperation between the Parties to reduce the development and spread of AMR.

### **Article 5.4 Affirmation of the SPS Agreement**

1. The Parties affirm their rights and obligations with respect to each other under the SPS Agreement.
2. Nothing in this Chapter shall affect the rights and obligations of each Party under the SPS Agreement.

### **Article 5.5 Competent Authorities and Contact Points**

1. Each Party shall notify to the other Party a list of its competent authorities upon the date of entry into force of this Agreement. The notification shall include contact information of these authorities.

2. Each Party shall also designate and notify a contact point for matters arising under this Chapter including, if different, a contact point to coordinate the Sanitary and Phytosanitary Measures Sub-Committee (“SPS Sub-Committee”) agenda on the date of entry into force of this Agreement.
3. Each Party shall promptly notify the other Party of any change in its competent authorities, the contact information of its competent authorities, or its contact point.

### **Article 5.6** **Equivalence**

1. The Parties acknowledge that recognition of the equivalence of sanitary and phytosanitary measures is an important means to facilitate trade. The determination of equivalence rests with the importing Party.
2. In determining the equivalence of a specific sanitary or phytosanitary measure, group of measures, or equivalence on a systems-wide basis, each Party shall take into account the relevant guidance of the WTO SPS Committee and international standards, guidelines, and recommendations.
3. At the request of the exporting Party, the importing Party shall, within a reasonable period of time, explain the objective and rationale of its sanitary or phytosanitary measure and clearly identify the risk the sanitary or phytosanitary measure is intended to address.
4. When determining the equivalence of phytosanitary measures, each Party shall apply the principles laid down in the International Standard for Phytosanitary Measures (“ISPM”) No. 24 *Guidelines for the determination and recognition of equivalence of phytosanitary measures* adopted under the IPPC.
5. If the importing Party receives a request for an equivalence assessment, it shall initiate the equivalence assessment without unreasonable delay.
6. The importing Party shall recognise the equivalence of sanitary or phytosanitary measures, even if the measures differ from its own, if the exporting Party objectively demonstrates to the importing Party that the exporting Party’s measures achieve the importing Party’s appropriate level of protection.
7. If an equivalence assessment does not result in an equivalence determination by the importing Party, the importing Party shall provide the exporting Party with the rationale for its decision.

**Article 5.7**  
**Recognition of Pest Freedom**

1. Each Party shall recognise the concepts of Pest Free Areas, Pest Free Places of Production, and Pest Free Production Sites, as well as areas of low pest prevalence as specified in the ISPMs.
2. For the purposes of trade, each Party shall accept the other Party's determinations regarding Pest Free Areas, Pest Free Places of Production, Pest Free Production Sites, and areas of low pest prevalence.
3. Without prejudice to Article 5.10 (Trade Conditions), where the importing Party's import requirements permit the use of Pest Free Areas, Pest Free Places of Production, Pest Free Production Sites, or areas of low pest prevalence by the exporting Party in respect of a particular commodity and a specific pest, the importing Party shall take into account subparagraphs (a) to (g) and the relevant ISPMs:
  - (a) for the purposes of trade, each Party will accept the other Party's official controls<sup>1</sup> in the establishment and maintenance of Pest Free Areas, Pest Free Places of Production, and Pest Free Production Sites;
  - (b) the exporting Party shall communicate Pest Free Areas, Pest Free Places of Production, Pest Free Production Sites, or areas of low pest prevalence to the other Party and, on request for additional information, shall provide an explanation and supporting data as provided for in the relevant ISPMs or as otherwise deemed appropriate;
  - (c) if the importing Party is satisfied with the evidence provided under subparagraph (b), the importing Party shall undertake the approval process to allow trade from Pest Free Areas, Pest Free Places of Production, Pest Free Production Sites, or areas of low pest prevalence without undue delay;
  - (d) without prejudice to Article 5.11 (Emergency Measures), when establishing or maintaining phytosanitary measures, the importing Party shall take into account Pest Free Areas, Pest Free Places of Production, Pest Free Production sites, and areas of low pest prevalence established and maintained by the exporting Party;
  - (e) the importing Party retains the right to request additional information as provided for under subparagraph (b) from Pest Free Areas, Pest Free Places of Production, Pest Free Production Sites, or areas of low pest prevalence, and restrict or prohibit trade following an audit conducted

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<sup>1</sup> For greater certainty, "official controls" includes plant health certification for any good that requires health certification.

in accordance with Article 5.9 (Audit) or in accordance with Article 5.11 (Emergency Measures);

- (f) in the event that the importing Party does not approve or withdraws its approval for trade from Pest Free Areas, Pest Free Places of Production, Pest Free Production Sites, or areas of low pest prevalence, it shall notify its decision to the exporting Party as soon as possible, explaining the reasons for the rejection and, on request, hold consultations in accordance with Article 5.17 (Technical Consultations); and
  - (g) if verification activities are required by the importing Party, they shall be conducted in accordance with Article 5.9 (Audit) and take into account the biology of the pest and the commodity concerned.
4. The SPS Sub-Committee established under Article 30.9 (Sub-Committees – Institutional Provisions) may, while taking into account the SPS Agreement and IPPC guidelines, standards, and recommendations, define further details for the procedures set out in this Article.

### **Article 5.8 Risk Analysis**

1. The Parties shall ensure that their sanitary and phytosanitary measures are based on the relevant international standards, guidelines, or recommendations, or if its sanitary and phytosanitary measures are not based on international standards, guidelines, or recommendations, that they are based on a risk analysis carried out in accordance with relevant provisions, including Article 5 of the SPS Agreement.
2. When conducting its risk analysis, each Party shall:
  - (a) take into account relevant guidance of the WTO SPS Committee and standards, guidelines, and recommendations of the IPPC and Codex; and
  - (b) ensure that a measure that is established is not more trade restrictive than necessary to achieve the appropriate level of protection, taking into account technical and economic feasibility.
3. If requested by the exporting Party, the importing Party shall provide its risk assessment within a reasonable period of time.

## **Article 5.9**

### **Audit<sup>2</sup>**

1. A Party may carry out audits to verify that all or part of the regulatory control programme of the exporting Party's competent authority is functioning as intended.<sup>3</sup>
2. Each Party shall assist the other to carry out audit procedures.
3. Prior to the commencement of an audit, the competent authorities of the Parties shall discuss the rationale and mutually agree the objectives and scope of the audit, the criteria or requirements against which the exporting Party will be assessed, and any other relevant matter.
4. The Parties shall carry out those audits in accordance with the SPS Agreement, taking into account the relevant guidance of the WTO SPS Committee, international standards, guidelines, and recommendations of the Codex or the IPPC.
5. Each Party shall endeavour to limit the frequency and number of audit visits. In case of a subsequent audit related to the same product, the importing Party shall carry out an audit only in duly justified circumstances and provide the exporting Party with an explanation as to the reason for the audit.
6. The importing Party shall provide the exporting Party with the opportunity to comment in writing on the findings of any audit. The importing Party shall take these comments into account before reaching its conclusions and taking any action thereon. The importing Party shall, within a reasonable period of time, provide the exporting Party with a written report setting out its conclusions.
7. The costs for an audit shall be borne by the importing Party unless the Parties agree otherwise.
8. A measure taken as a consequence of an audit shall:
  - (a) be proportionate to the risk or risks identified;
  - (b) be supported by objective evidence which shall be provided to the exporting Party on request;
  - (c) take into account the importing Party's knowledge of, relevant experience with, and confidence in, the exporting Party; and

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<sup>2</sup> For greater certainty, for the purposes of this Chapter, the scope of audit activities shall be confined to the regulatory control programme of the exporting Party's competent authority insofar as it relates to sanitary and phytosanitary measures within the scope of this Chapter.

<sup>3</sup> For greater certainty, for the purposes of this Chapter, an audit may include desk assessments and virtual, remote, or physical audits.

- (d) not be more trade restrictive than necessary to achieve the importing Party's appropriate level of protection.
9. The Parties shall:
- (a) each ensure that procedures are in place to prevent the disclosure of confidential information that is acquired during the audit process; and
  - (b) jointly determine how and to whom any report is made available.

**Article 5.10**  
**Trade Conditions**

1. Neither Party shall use sanitary and phytosanitary measures to disrupt existing trade in a commodity, except in accordance with Article 5.8 (Risk Analysis) or Article 5.11 (Emergency Measures).
2. The importing Party shall make available its general sanitary and phytosanitary import requirements for all commodities.
3. For the purposes of establishing the specific sanitary and phytosanitary import requirements, the exporting Party shall, at the request of the importing Party:
  - (a) provide all relevant available information required by the importing Party; and
  - (b) give reasonable access to the importing Party to conduct an audit of the approval procedures undertaken by the exporting Party, in accordance with Article 5.9 (Audit).
4. Where a risk assessment is required to enable the commencement of trade in a new commodity, the importing Party shall avoid unnecessary or unduly burdensome information requests. An information request shall be limited to what is necessary and shall take into account information that may already be available to the importing Party. The importing Party shall, within a reasonable period of time following the date of receipt of the required information for importing the product, make available the risk assessment it conducts as part of the approval procedure.
5. Without prejudice to Article 5.11 (Emergency Measures), Article 5.12 (Import Checks and Fees), and Article 5.9 (Audit), the importing Party shall:
  - (a) accept the inspection and official controls applied by the exporting Party for trade; and

- (b) where it has sanitary and phytosanitary approval processes for establishments or facilities for commodities within the scope of this Chapter, accept without subsequent processes, those establishments or facilities that are approved by the exporting Party for trade.
- 6. Except as provided for in Article 5.7 (Recognition of Pest Freedom), each Party shall apply its phytosanitary import conditions to the entire territory of the other Party where the same pest status prevails.
- 7. With regard to import requirements for plants and plant products, each Party shall follow the principles set out in the relevant ISPMs developed under the IPPC.
- 8. Without prejudice to Article 5.11 (Emergency Measures), the importing Party shall not refuse or prevent the importation of a commodity of the exporting Party solely for the reason that it is undertaking a review of its sanitary or phytosanitary measure if the importing Party permitted the importation of that commodity of the other Party when the review was initiated.

#### **Article 5.11 Emergency Measures**

- 1. A Party shall notify the other Party of an emergency sanitary or phytosanitary measure as soon as possible after its decision to implement the measure and no later than 24 hours after the decision has been taken.
- 2. If a Party requests technical consultations pursuant to Article 5.17 (Technical Consultations) to address the emergency sanitary or phytosanitary measure, the technical consultations shall be held as soon as possible, and in any case within 14 days of the request. In addressing the emergency measure, the Parties shall consider any information provided through the technical consultations.
- 3. The importing Party shall provide its objective and rationale for its emergency sanitary or phytosanitary measure at the request of the other Party.
- 4. The importing Party shall consider the information, which was provided promptly by the exporting Party, when it makes its decision with respect to a consignment that, at the time of adoption of the emergency sanitary or phytosanitary measure, is being transported between the Parties.
- 5. If the importing Party applies an emergency measure, it shall commence a science-based review of the measure as soon as possible. The importing Party shall then review the need for the emergency measure as required and if it remains in place provide, on request, the justification for maintaining the emergency measure.



**Article 5.12**  
**Import Checks and Fees**

1. The importing Party shall have the right to carry out import checks based on the sanitary and phytosanitary risks associated with imports. These checks shall be carried out without undue delay and with minimum trade disrupting effects.
2. If import checks reveal non-compliance with the relevant import requirements, the action taken by the importing Party shall be based on an assessment of the risk involved and not be more trade restrictive than required to achieve the importing Party's appropriate level of protection.
3. A Party may collect fees for the costs incurred to conduct import checks, which shall not exceed the recovery of the costs.

**Article 5.13**  
**Official Certification**

1. In respect of phytosanitary certification for plants and plant products and other regulated articles,<sup>4</sup> each Party shall apply the principles laid down in ISPM No. 7 *Export Certification System* and ISPM No. 12 *Guidelines for Phytosanitary Certificates*.
2. The SPS Sub-Committee established under Article 30.9 (Sub-Committees – Institutional Provisions) may agree to specify further guidance, procedures, and requirements in relation to export certification.
3. The Parties shall promote the implementation of electronic certification to facilitate trade and deter fraud.
4. The Parties recognise:
  - (a) their existing laws and regulations do not require certification for trade in low risk food commodities within the scope of this Chapter; and
  - (b) the introduction of a new certification requirement for trade in these low risk foods would be based on a risk assessment.
5. Nothing in paragraph 4 shall preclude a Party from requiring phytosanitary certification for trade in food within the scope of this Chapter.

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<sup>4</sup> “regulated articles” has the meaning adopted under the auspices of the IPPC.

**Article 5.14**  
**Cooperation on Antimicrobial Resistance**

1. The Parties recognise that AMR is a serious threat to human and animal health and that the agricultural and aquaculture sectors are capable of contributing to this health threat.
2. The Parties recognise that the nature of the threat requires a transnational and multidisciplinary approach, acknowledging the interdependencies between animal health, human health, food safety, food security, and the environment.
3. The Parties shall explore initiatives to promote the reduction or prohibition of unnecessary use of antibiotic agents in the rearing of animals for food production.
4. For the purposes of this Article, “unnecessary use” means any use of antibiotic agents in animals other than use which is necessary for safeguarding animal health, when there is no effective alternative option such as:
  - (a) availability of an effective vaccine;
  - (b) availability of an effective alternative treatment;
  - (c) improved animal management systems; or
  - (d) improved infection prevention and control measures.
5. The Parties acknowledge that:
  - (a) their respective strategies and policies are designed to deliver comparable outcomes in reducing the development and spread of AMR; and
  - (b) protecting the efficacy of antibiotic agents that are critical to human and animal treatment and health are a core focus of their respective AMR strategies.
6. Consistent with the Parties’ commitments in this Article and the serious threat presented by AMR, the Parties shall promote collaboration in all relevant multilateral fora, in particular in the OIE, the Food and Agriculture Organization of the United Nations, and the Codex.
7. The Parties shall facilitate the exchange of information, expertise, data on AMR surveillance, and experiences in the field of combatting of AMR, and identify common views, interests, priorities, and policies in this area with the aim of implementing this Article.

8. The exchange of information, experiences, and expertise under paragraph 7 may include exchanging information which would support the implementation of national action plans, such as:
  - (a) guidelines for veterinarians and animal producers and experiences or expertise in the application of these guidelines;
  - (b) experiences with quality assurance programmes for antimicrobial stewardship; and
  - (c) where appropriate, information on their respective domestic approaches to harmonisation of surveillance and data collection.
9. The Parties shall cooperate in<sup>5</sup> and follow, where practical and economically feasible, existing and future guidelines, standards, recommendations, and actions developed in relevant international organisations, initiatives, and plans, aiming to promote the prudent and responsible use of antimicrobial agents.
10. The Parties shall support the implementation of agreed international action plans<sup>6</sup> and strategies on AMR.
11. Any working group established under paragraph 2 of Article 30.2 (Functions of the Joint Committee – Institutional Provisions) relating to AMR shall be composed of government representatives of each Party responsible for AMR matters and act as a forum for cooperation under this Article.
12. Any working group relating to AMR shall address matters referred to it by the SPS Sub-Committee and make recommendations to the SPS Sub-Committee on these matters. In cases where the working group is unable to agree on a recommendation, the working group shall report this fact to the SPS Sub-Committee.

**Article 5.15**  
**Transparency, Notification, and Information Exchange**

1. Each Party shall promptly notify the other Party of a:
  - (a) significant change to pest status; and
  - (b) significant food safety issue related to a product traded between the Parties.
2. The Parties shall exchange information on other relevant issues including:

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<sup>5</sup> Cooperation under this Article may include cooperation in areas of mutual interest relating to crop production and plant health.

<sup>6</sup> For the purposes of this Article, “agreed international action plans” includes the Global Action Plan.

- (a) changes to a Party's sanitary and phytosanitary measures that may affect trade between the Parties;
  - (b) significant changes to the structure or organisation of a Party's competent authority;
  - (c) on reasonable request, information on matters related to the development and application of sanitary and phytosanitary measures, including the progress concerning newly available scientific evidence that affects, or may affect, trade between the Parties with a view to minimising their negative effects; and
  - (d) any other pertinent information for the adequate implementation of this Chapter.
3. Unless the SPS Sub-Committee decides otherwise, when the information referred to in paragraphs 1 and 2 has been made available via notification to the WTO or to the relevant international standard-setting body, in accordance with its relevant rules, or on publicly available websites of the Parties, the requirement in those paragraphs is deemed to be fulfilled.
4. In addition, and with regard to plant pests:
- (a) the Parties shall exchange relevant information on the pest status in their territory in accordance with applicable standards agreed under the IPPC;
  - (b) the Parties shall, at the request of the other Party, provide the justification for pest categorisation and related phytosanitary measures;
  - (c) each Party shall establish and update a list of regulated pests for products for which a phytosanitary concern exists. The list shall contain:
    - (i) the quarantine pests that are not present within any part of its territory;
    - (ii) the quarantine pests present but not widely distributed and under official control; and
    - (iii) where applicable, the regulated non-quarantine pests.

**Article 5.16**  
**Technical Working Groups**

1. A technical working group established under paragraph 2 of Article 30.2 (Functions of the Joint Committee – Institutional Provisions) shall function on an *ad hoc* basis.
2. Technical working groups shall be co-chaired by expert level representatives of the Parties and shall address matters referred to it by the SPS Sub-Committee and make recommendations to the SPS Sub-Committee on these issues. In cases where a technical working group is unable to agree a recommendation, the technical working group shall report this fact to the SPS Sub-Committee.
3. A technical working group, when addressing an issue agreed by the SPS Sub-Committee in accordance with paragraph 2, may:
  - (a) engage, at the earliest appropriate stage, in technical exchange and cooperation regarding these issues;
  - (b) consider any sanitary or phytosanitary measure or set of measures within the scope of this Chapter identified by a Party that is likely to affect, directly or indirectly, trade, and provide technical advice with a view to facilitating the resolution of specific trade concerns relating to that measure or set of measures;
  - (c) serve as a forum to facilitate discussion and consideration of specific risk assessments and possible risk management options;
  - (d) provide an opportunity for the Parties to discuss developments relevant to the work of the technical working group; and
  - (e) report to the SPS Sub-Committee on progress of work.
4. A technical working group may recommend to the SPS Sub-Committee that it be continued or dissolved.

**Article 5.17**  
**Technical Consultations**

1. In the event that a Party considers that a measure or draft measure within the scope of this Chapter, or its implementation, is inconsistent with this Chapter, it may, through its contact point, request that technical consultations be held.
2. Unless the Parties agree otherwise, the technical consultations shall be held as soon as possible and, in any case, within 30 days of the request.

Consultations may be conducted by electronic or any other means, as mutually determined by the Parties.

3. The purpose of technical consultations is to share information and increase mutual understanding, with a view to resolving any concerns about the specific measure that is the subject of the consultations within a reasonable period of time.
4. If the Parties have already established other mechanisms than those referred to in this Article to address the concerns, they shall make use of them to the extent practicable in order to avoid unnecessary duplication.

**Article 5.18**  
**Sanitary and Phytosanitary Measures Sub-Committee**

1. The SPS Sub-Committee established under Article 30.9 (Sub-Committees – Institutional Provisions) shall be composed of the responsible competent authorities of each Party. Any SPS Sub-Committee decision shall be made by mutual agreement of the representatives of the Parties.
2. The functions of the SPS Sub-Committee within the scope of this Chapter include serving as a forum:
  - (a) to monitor the implementation of this Chapter, to consider any matter related to this Chapter, and to examine all matters which may arise in relation to its implementation;
  - (b) to provide direction for the identification, prioritisation, management, and resolution of issues;
  - (c) to consider any request by a Party to modify the modalities of import checks;
  - (d) to provide a regular forum to exchange information that relates to each Party's regulatory system; and
  - (e) to maintain a written record of the discussions between the Parties on their work and decisions made by the SPS Sub-Committee.
3. The SPS Sub-Committee may, within the scope of this Chapter, among other matters:
  - (a) identify opportunities for greater bilateral engagement, including the temporary exchange of competent authority officials;
  - (b) discuss, at an early stage, a change or proposed change to a measure being considered;

- (c) promote cooperation between the Parties on sanitary and phytosanitary issues under discussion in multilateral fora, including the WTO SPS Committee, the Codex, and the IPPC, as appropriate;
  - (d) identify and discuss, at an early stage, regulatory initiatives that would benefit from cooperation;
  - (e) refer any relevant matter to a working group or technical working group reporting to it under this Chapter;
  - (f) consider any recommendation or report from a working group under paragraph 12 of Article 5.14 (Cooperation on Antimicrobial Resistance);
  - (g) consider any recommendation or report from a technical working group under paragraph 2 of Article 5.16 (Technical Working Groups) in order to reach a resolution that is mutually acceptable to the Parties; and
  - (h) consider any recommendation from a technical working group under paragraph 4 of Article 5.16 (Technical Working Groups) and make a recommendation to the Joint Committee that a technical working group be continued or dissolved.
4. A Party may refer any matter within the scope of this Chapter or Chapter 6 (Animal Welfare) to the SPS Sub-Committee. The SPS Sub-Committee shall consider the issue as expeditiously as possible.
  5. If the SPS Sub-Committee is unable to resolve an issue expeditiously, including an issue relating to any recommendation or report from a working group or technical working group reporting to it under this Chapter, it shall, at the request of a Party, report promptly to the Joint Committee.
  6. Recognising that the Joint Management Committee established under Article 16 of the Sanitary Agreement (the “Joint Management Committee”) may have relevant knowledge or experience in relation to matters which may arise between the Parties in relation to the implementation of this Chapter or Chapter 6 (Animal Welfare), the SPS Sub-Committee may:
    - (a) invite the participation of members of the Joint Management Committee in its meetings;
    - (b) exchange information with the Joint Management Committee which arises under this Chapter or Chapter 6 (Animal Welfare) and may be relevant to the implementation of the Sanitary Agreement; and

- (c) receive reports from and consider information shared by the Joint Management Committee in relation to any matter that may arise under the auspices of the Sanitary Agreement which may affect the implementation of this Chapter or Chapter 6 (Animal Welfare).
7. The functions of the SPS Sub-Committee shall also include supervision of the working group reporting to it under Chapter 6 (Animal Welfare) and, in this regard, the SPS Sub-Committee may:
- (a) refer any relevant matter to the working group reporting to it under Chapter 6 (Animal Welfare);
  - (b) consider any report, recommendation, or matter referred to it by the working group reporting to it under Chapter 6 (Animal Welfare);
  - (c) report any matter referred to it under subparagraph (b) to the Joint Committee; and
  - (d) consider any other implementation matter within the scope of Chapter 6 (Animal Welfare).
8. Unless the Parties agree otherwise, the SPS Sub-Committee shall meet and establish its terms of reference, work programme, and its rules of procedure no later than one year following the date of entry into force of this Agreement. The SPS Sub-Committee shall modify its own rules of procedure, if the SPS Committee deems it appropriate.
9. Following its initial meeting, the SPS Sub-Committee shall meet normally on an annual basis. Additional meetings may be held at the request of a Party or the Joint Committee. The SPS Sub-Committee may decide to meet by electronic means and it may also address issues out of session by correspondence.
10. The SPS Sub-Committee shall report as required on its activities and work programme to the Joint Committee.

### **Article 5.19 Dispute Settlement**

Neither Party shall have recourse to dispute settlement under Chapter 31 (Dispute Settlement) for a matter arising under this Chapter.