

CHAPTER 6

SANITARY AND PHYTOSANITARY MEASURES

ARTICLE 6.1

Objectives

The objectives of this Chapter are to:

- (a) protect human, animal or plant life or health in the territory of the Parties while facilitating trade between the Parties in so far as sanitary and phytosanitary (hereinafter referred to as "SPS") measures are concerned;
- (b) establish cooperation on the implementation of the SPS Agreement;
- (c) ensure that SPS measures do not create unjustified barriers to trade between the Parties;
- (d) enhance cooperation on technical and scientific issues related to the adoption and application of SPS measures;
- (e) improve the exchange of information and consultations between the Parties on SPS matters; and
- (f) establish cooperation in multilateral fora dealing with SPS matters.

ARTICLE 6.2

Scope

1. This Chapter applies to all SPS measures¹ that may, directly or indirectly, affect trade between the Parties.
2. This Chapter applies to cooperation in multilateral fora dealing with SPS matters.

ARTICLE 6.3

Definitions

1. For the purposes of this Chapter, the following definitions apply:
 - (a) the definitions set out in Annex A of the SPS Agreement;
 - (b) the definitions adopted by the Codex Alimentarius;
 - (c) the definitions adopted by the World Organisation for Animal Health (hereinafter referred to as the "WOAH");

¹ In case of conflict, this Chapter prevails over other Chapters of this Agreement when applied to SPS measures, including when such measures are part of a measure.

- (d) the definitions adopted by the International Plant Protection Convention (hereinafter referred to as the "IPPC"); and
- (e) "protected zone" means an officially defined geographical part of the territory of the European Union in which a specific regulated pest is known not to be established in spite of favourable conditions and its presence in other parts of the territory of the European Union.

Protected zones are pest-free areas under European Union control in the European Union territory. They are recognised by Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC². This concept is not applied outside the European Union territory. For trade purposes, the European Union shall not require the other Party to establish protected zones in its territory. In such cases, the conditions of pest-free areas shall apply. For the purposes of Chapter 6 and for the recognition of protected zones, the same conditions as for pest-free areas shall apply.

2. In the event of any inconsistency between the definitions in Annex A to the SPS Agreement and the definitions agreed by the Parties or the definitions adopted by the Codex Alimentarius, WOAHP and IPPC, the definitions set out in Annex A of the SPS Agreement shall prevail.

² OJ EU L 317, 23.11.2016, p. 4.

ARTICLE 6.4

Rights and obligations

The Parties affirm their rights and obligations under the SPS Agreement. Nothing in this Chapter shall affect the rights and obligations of each Party under the SPS Agreement.

ARTICLE 6.5

Competent authorities

1. For the purposes of this Chapter, the official competent authority of a Party is the authority that, in accordance with a Party's law, is empowered to enforce its laws and regulations falling within the scope of this Chapter to ensure compliance with its requirements, or any other authority to which those authorities have delegated that power (hereinafter referred to as "competent authorities").
2. Upon the date of entry into force of this Agreement, each Party shall provide in writing to the other Party the name of the competent authorities referred to in paragraph 1, specifying where this information is made publicly available and a description of the distribution of competences between the respective competent authorities.
3. The Parties shall, in accordance with Article 6.11(4), inform each other of any change to these competent authorities.

ARTICLE 6.6

General obligations

1. Products exported from a Party shall meet the applicable SPS requirements of the importing Party.
2. The SPS requirements of the importing Party shall be the same for the entire territory of the exporting Party, as long as the same SPS conditions prevail throughout that territory, without prejudice to decisions and measures adopted in accordance with Article 6.10. Each Party shall ensure that their SPS measures are applied in a proportionate manner and do not arbitrarily or unjustifiably discriminate between Member States of the European Union or Signatory MERCOSUR States where identical or similar conditions prevail, including between its own territory and that of the other Party. SPS measures shall not be applied in a manner which would constitute a disguised restriction on trade between the Parties.
3. The procedures referred to in this Chapter shall be applied without undue delay and in a transparent manner, and the information requested shall be limited to what is necessary for the appropriate approval, control, inspection and verification purposes.
4. Each Party shall ensure that any fees imposed for import procedures to check and ensure the fulfilment of SPS requirements are equitable in relation to any fees charged on like domestic products or products originating in any other WTO Member and shall not be higher than the actual cost of the service.

5. Except as provided for in Article 6.14, when modifying SPS import requirements, each Party, and where appropriate MERCOSUR, shall allow for a transitional period, taking into account the nature of the modification, in order to avoid the unnecessary interruption or disruption of trade flows of products and to allow the exporting Party to adjust its export procedures accordingly to such modification.

6. The implementation of this Chapter shall not jeopardise the SPS requirements for trade between the Parties existing at the date of entry into force of this Agreement.

7. Without prejudice to similar provisions in other Chapters of this Agreement, nothing in this Chapter shall affect the rights and obligations of each Party to protect confidential information, in accordance with each Party's relevant laws and regulations. Each Party shall ensure that procedures are in place to prevent the disclosure of confidential information that is acquired during the procedures referred to in this Chapter.

8. Each Party shall ensure that the necessary resources are available for the effective implementation of this Chapter.

ARTICLE 6.7

Trade-facilitation measures

Approval of establishments for the import of animals, animal products, products of animal origin and animal by-products

1. The importing Party may require the approval of establishments situated in the territory of the exporting Party for the import of animals, animal products, products of animal origin and animal by-products from such establishments.
2. Such approval shall be granted without prior inspection of individual establishments by the importing Party if:
 - (a) the importing Party has recognised the official control system of the competent authority of the exporting Party;
 - (b) the importing Party has authorised the import of the concerned products; and
 - (c) the competent authority of the exporting Party has provided sufficient guarantees that such establishments comply with the sanitary requirements of the importing Party.
3. The exporting Party shall only authorise exports from approved establishments as referred to in paragraph 1. The exporting Party shall suspend or withdraw its approval of establishments that do not comply with the sanitary requirements of the importing Party and shall notify such suspension or withdrawal to the importing Party.

4. The exporting Party shall propose to the importing Party a list of establishments to be approved. This list shall be accompanied by guarantees of the competent authority of the exporting Party that the establishments comply with the guarantees referred in to point (c) of paragraph 2.

5. The importing Party shall authorise imports from approved establishments no later than 40 (forty) working days after the receipt of the list and guarantees referred to in in paragraph 4 of the exporting Party. If additional information is requested and as a result an authorisation cannot be granted within the deadline of 40 (forty) working days, the importing Party shall inform the exporting Party and establish a new deadline for such authorisation. That deadline shall not exceed 40 (forty) working days after the receipt of the additional information.

6. The importing Party shall draw up lists of approved establishments and shall make those lists publicly available.

7. The importing Party may refuse the approval of establishments that are not compliant with its sanitary requirements. In such cases, the importing Party shall inform the exporting Party about such refusal, including the justification therefor.

8. The importing Party may carry out verifications of the official control system in accordance with Article 6.15. Based on the results of these verifications, the importing Party may amend the lists of approved establishments.

SPS import checks

9. Each Party shall adopt or maintain procedures relating to SPS import checks allowing for the expedited release of products for import without undue delay.

10. Each Party shall, where appropriate, simplify controls and verifications and reduce the frequency of the SPS import checks made by the importing Party on products of the exporting Party. Each Party shall base its decision on the following:

- (a) the risks involved;
- (b) the controls carried out by the producers or importers which are validated by the competent authorities of the Parties;
- (c) the guarantees given by the competent authority of the exporting Party that the establishments comply with the sanitary requirements of the importing Party; and
- (d) the international guidelines, standards and recommendations of the Codex Alimentarius, WOAHP or IPPC, as applicable.

11. Each Party may apply other criteria to simplify the controls and verifications pursuant to paragraph 10 if they do not undermine the commonly agreed criteria that are listed therein.

12. If import checks reveal non-compliance with SPS import requirements and products or consignments are rejected, the importing Party shall notify the exporting Party thereof in accordance with the procedure referred to in Article 6.12, as soon as possible and no later than 5 (five) working days after the date of the rejection.

13. If import checks reveal non-compliance with the relevant SPS import requirements, the action taken by the importing Party shall be justified, based on the identified non-compliance, and shall not be more trade-restrictive than required to achieve the Party's appropriate level of sanitary or phytosanitary protection.

Simplification of the import and approval procedures of MERCOSUR

14. The Parties recognise the different levels reached by regional integration processes within the European Union, on the one hand, and MERCOSUR on the other. With a view to facilitating trade between their respective territories, MERCOSUR shall make its best efforts to gradually adopt for import and approval procedures for products and establishments of the European Union, if applicable:

- (a) one single questionnaire;
- (b) one single certificate; and
- (c) one list of approved establishments.

15. MERCOSUR will make its best efforts to harmonise the SPS import requirements, certificates and import checks of the individual Signatory MERCOSUR States.

ARTICLE 6.8

Alternative measures

1. Upon request of the exporting Party, the importing Party shall examine whether exceptionally an alternative SPS measure to the SPS measure of the importing Party ensures the appropriate level of protection of the importing Party. The alternative measure may be based on international guidelines, standards and recommendations of the Codex Alimentarius, WOHAI or IPPC or on SPS measures of the exporting Party.
2. Article 6.9 shall not apply to alternative SPS measures.

ARTICLE 6.9

Equivalence

1. An exporting Party may request a determination from the importing Party that there is equivalence of a specific SPS measure or specific SPS measures related to a product or group of products or on a system-wide basis with its own SPS measures.

2. In order to implement this Article, the Subcommittee on SPS matters, referred to in Article 6.18, shall make recommendations to establish a procedure for the recognition of equivalence based on the Decision on the implementation of Article 4 of the Agreement on Sanitary and Phytosanitary Measures of the WTO Committee on Sanitary and Phytosanitary Measures³ and any subsequent updates thereof, and on international guidelines, standards and recommendations adopted in the framework of the Codex Alimentarius, WOHAT and IPPC. This procedure should include a process whereby the Parties hold consultations in order to determine the equivalence of SPS measures, the information to be required from the Parties, the responsibilities of the Parties and the deadlines for the recognition of equivalence.

3. Upon receipt of a specific request, the Parties shall enter into consultations based on the procedure to be established pursuant to paragraph 2, with the aim of achieving an agreement on recognition of equivalence.

4. Upon request of the exporting Party, the importing Party shall inform the exporting Party of the stage of the procedure for the recognition of equivalence.

³ WTO Document G/SPS/19/Rev.2, dated 13 July 2004.

ARTICLE 6.10

Recognition of animal health and plant pest status and regional conditions

1. The Parties recognise the concept of zoning and compartmentalisation, including pest-free areas or disease-free areas and areas of low pest or low disease prevalence and shall apply it in the trade between the Parties, in accordance with the SPS Agreement, including the Guidelines to further the practical implementation of Article 6 of the SPS Agreement adopted by the WTO Committee on Sanitary and Phytosanitary Measures⁴ and the relevant guidelines, recommendations and standards of the WOAHP or IPPC.
2. At the request of the exporting Party, the importing Party shall decide whether to recognise pest and disease-free areas, areas of low pest and low disease prevalence and compartments of the exporting Party, whether for the first time or after an outbreak of an animal disease or a plant pest. The importing Party shall base this decision on the information provided by the exporting Party in accordance with the SPS Agreement and WOAHP and IPPC standards, and shall take into account the establishment of pest and disease-free areas, areas of low pest and low disease prevalence and compartments by the exporting Party. The Parties shall follow the procedures set out in Annex 6-A.
3. The decision of the importing Party pursuant to paragraph 2 shall be taken without undue delay. If, without prejudice to Article 6.14, the importing Party decides to recognise pest and disease-free areas, areas of low pest and low disease prevalence and compartments of the exporting Party, it shall allow trade from those areas or compartments without undue delay.

⁴ WTO Document G/SPS/48, dated 16 May 2008.

4. The Subcommittee on SPS matters, referred to in Article 6.18, may define further details for the procedure for the recognition of pest and disease-free areas, areas of low pest and low disease prevalence and compartments set out in paragraph 2, taking into account the SPS Agreement and the guidelines, standards and recommendations of the IPPC and WOA. H.

Animals, animal products, products of animal origin and animal by-products

5. The procedure for the recognition of the disease-free zones or compartments for animals, animal products, products of animal origin and animal by-products is set out in paragraphs 7 to 9 of this Article and in Annex 6-A.

6. When establishing or maintaining the zones or compartments referred to in paragraph 2 for animals, animal products, products of animal origin and animal by-products, the Parties shall consider factors such as geographical location, ecosystems, epidemiological surveillance and the effectiveness of sanitary controls.

7. No later than 60 (sixty) working days after the receipt of the information referred to in paragraph 2 from the exporting Party, the importing Party may:

- (a) explicitly object to the request for recognition of disease-free zones or compartments for animals, animal products, products of animal origin and animal by-products;
- (b) request additional information from the exporting Party; or
- (c) request verifications pursuant to Article 6.15.

The importing Party shall assess any additional information no later than 30 (thirty) working days after its receipt. If verifications are required by the importing Party, the deadline for assessing the additional information shall be interrupted.

8. The importing Party shall expedite the procedure established in paragraph 7 if the zones or compartments for which recognition is sought by the exporting Party are officially recognised by the WOAHP as having disease-free status or if disease-free status has been recovered after an outbreak.

9. If after following the procedure in paragraph 7, the importing Party decides not to recognise the zones or compartments for which recognition was sought by the exporting Party, it shall notify its decision to the exporting Party and explain the reasons for not recognising the zones or compartments concerned and, upon request, hold consultations in accordance with Article 6.13.

Plants and plant products

10. Each Party shall establish a list of regulated pests and regulated plants and plant products for which phytosanitary requirements exist. The importing Party shall make available to the other Party its list of regulated pests, and regulated plants and plant products and the phytosanitary import requirements that apply thereto. The phytosanitary import requirements for regulated plants and plant products shall be limited to what is necessary to protect plant health or safeguard the intended use of the plants and plant products. The importing Party shall inform the other Party about any required additional declaration.

11. The phytosanitary requirements of the importing Party shall be established taking into account the phytosanitary status in the exporting Party and, if required by the importing Party, the result of a pest risk analysis (hereinafter referred to as "PRA"). The PRA shall be carried out in accordance with the relevant International Standards for Phytosanitary Measures (hereinafter referred to as "ISPM") of the IPPC. Such risk analysis shall take into account available scientific and technical information as well as the intended use of the plants and plant products under consideration.

12. The importing Party shall update the lists referred to in paragraph 10 when the exporting Party makes a request to export new products to the other Party. When the importing Party requires a PRA to authorise the import of a certain product, in order to expedite the process, a PRA already carried out for the same or similar products may be used as a basis, together with any additional information that the importing Party considers necessary to be analysed.

13. The importing Party, when conducting the process for the determination of the pest status of the exporting Party, shall take into account paragraphs 10 to 17 of this Article, Annex 6-A and the recommendations of the ISPM of the IPPC.

14. The Parties 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 ISPM of the IPPC, and of protected zones which they shall apply in trade between them.

15. 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, as well as protected zones if they are established by the exporting Party.

16. 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 provide, upon request, an explanation and supporting information as provided for in the relevant ISPM or as otherwise deemed appropriate. The status of the exporting Party shall be recognised by the importing Party unless the importing Party:

- (a) explicitly objects to the request for approval of pest-free areas, pest-free places of production, pest-free production sites or areas of low pest prevalence to the other Party or protected zones if they are established by the exporting Party;
- (b) requests additional information from the exporting Party;
- (c) requests verifications pursuant to Article 6.15; or
- (d) initiates consultations pursuant to Article 6.13 no later than 150 (one hundred and fifty) working days after receiving such information.

17. The importing Party shall assess any additional information requested pursuant to paragraph 16 no later than 90 (ninety) days after its receipt. Any verifications requested by the importing Party pursuant to paragraph 16 shall be carried out in accordance with Article 6.15 taking into account the biology of the pest and the plant concerned. If the importing Party requests such verifications, the deadline for assessing additional information shall be interrupted.

18. If, after following the procedure in paragraph 16, the importing Party decides not to approve pest-free areas, pest-free places of production, pest-free production sites or areas of low pest prevalence or protected zones if they are established by the exporting Party for which recognition was sought by the exporting Party, it shall notify its decision to the exporting Party and explain the reasons for not approving them and, upon request, hold consultations in accordance with Article 6.13.

ARTICLE 6.11

Transparency and exchange of information

1. Upon request of a Party and no later than 15 (fifteen) working days after the date of such request, the Parties shall exchange information on:

- (a) procedures for the authorisation to import a product, including, if possible, the expected timeframe;
- (b) requirements for the import of a product, including the model for a certificate, as appropriate;
- (c) the animal disease and plant pest status of a product, including surveillance, eradication and containment programmes and the results thereof in order to support such disease and pest status and import sanitary or phytosanitary measures;
- (d) the stage of progress of the procedure for import approval of a product; and

- (e) the relationship between a SPS measure and the international guidelines, standards and recommendations and, if an SPS measure is not based on international guidelines, standards and recommendations, the scientific information as to how the SPS measure is not in conformity with international guidelines, standards and recommendations and an explanation of the reasons for such measure.

2. In cases where the relevant scientific evidence is insufficient, a Party adopting a provisional SPS measure shall provide the available pertinent information on which the measure is based and, if available, additional information for a more objective assessment of the risk, and shall review the SPS measure within a reasonable period of time.

3. The Parties shall make publicly available, by any means, updated information about their:

- (a) SPS import requirements and approval procedures; and
- (b) a list of regulated pests.

4. The Parties shall inform each other of:

- (a) any change in the SPS status that may affect trade between the Parties;
- (b) matters related to the development and application of SPS measures that may affect trade between the Parties; and
- (c) any other information relevant for the effective implementation of this Chapter.

5. Without prejudice to paragraph 1, if the information referred to in this Article has been made available by the Parties through a notification to the WTO or to the relevant international standard-setting body in accordance with its relevant rules, or on publicly accessible and free of charge websites of the Parties, the exchange of information pursuant to paragraph 1 shall not be required.

6. Each Party shall designate a contact point for communication on all matters covered by this Chapter and inform the other Party thereof no later than 1 (one) month after the date of entry into force of this Agreement. Each Party shall promptly notify the other Party of any change of its contact point.

ARTICLE 6.12

Notifications

1. Any serious or significant risk to human, animal or plant life or health, including any food or feed control emergencies, shall be notified to the contact points of the other Party designated in Article 6.11, within 2 (two) working days from the identification of that risk.

2. Risks to human, animal or plant life or health which are not serious shall also be notified to the contact points of the other Party within a reasonable period of time that is sufficient to avoid threatening human, animal or plant life or health or jeopardising existing trade between the Parties.

3. Notifications referred to in paragraphs 1 and 2 shall be done through an established system of notifications or through specific ad hoc notifications, in accordance with the legislation of the notifying Party. In both cases, the notification shall be sent to the competent authorities of the concerned Parties.
4. If the notifying Party adopts or maintains any SPS measure in relation to the notification (including the rejection of a product or consignment), that notification shall be accompanied by an explanation of the reasons justifying such measure.
5. The notifying Party shall withdraw any notification based upon information which is subsequently found to be unsubstantiated or which was transmitted erroneously. Such withdrawal shall take place as soon as possible, and be notified to the exporting Party, in order to avoid a negative impact on trade between the Parties.
6. The Parties shall identify contact points for the notifications under this Article and inform the other Party thereof, if they are not the same as the contact points identified pursuant to Article 6.11(6).

ARTICLE 6.13

Consultations

1. Without prejudice to Chapter 21, if the SPS measures or draft measures of the importing Party, or the implementation thereof, are considered to be inconsistent with this Chapter, the Parties shall enter into consultations no later than 60 (sixty) days after the exporting Party has introduced a reasoned request for such consultations.

2. Notwithstanding paragraph 1, if a notification has been made by a Party pursuant to Article 6.12 or if a Party has serious concerns regarding a risk to human, animal or plant health, affecting products traded between the Parties, consultations shall, upon request of a Party, be held as soon as possible. Each Party shall endeavour, in such conditions, to provide the information necessary to avoid a disruption in trade, including a limitation thereof.

3. At the request of the exporting Party, the importing Party shall provide the information necessary to avoid a disruption in trade, including a limitation thereof. Such information includes the information referred to in Article 6.11(1).

4. Consultations may be held for a reasonable period of time that allows the Parties to reach a mutually satisfactory solution.

5. Consultations may be held by e-mail, video, audio conference or any other means of communication which are available to both Parties. The Party which requested consultations shall be responsible for preparing the minutes. The minutes shall be formally approved by the parties to the consultations.

6. If the parties to the consultations do not reach a mutually satisfactory solution, the matter may be submitted to the Subcommittee on SPS matters, referred to in Article 6.18.

ARTICLE 6.14

Emergency measures

1. If a Party adopts any measure to control any serious risks to human, animal and plant life or health, such measure shall, without prejudice to paragraph 2, also aim to prevent the introduction of any SPS risk into the territory of the other Party.
2. The importing Party may, in the event of serious risks to human, animal or plant life or health, adopt emergency measures against such risks.
3. For products in transit between the Parties, the importing Party shall consider the most suitable and proportional solution in order to avoid unnecessary disruptions to trade.
4. Measures referred to in paragraph 2 may be adopted without prior notification pursuant to Article 6.12. The Party adopting emergency measures shall notify the other Party as soon as possible of the adoption of these measures and, in any case, no later than 48 (forty-eight) hours thereafter.
5. Each Party may request any information related to the SPS situation and the emergency measures adopted. Each Party shall answer such requests as soon as the requested information is available.
6. Upon request of either Party and in accordance with Article 6.13, the Parties shall hold consultations regarding the emergency measures no later than 15 (fifteen) working days of the notification of the emergency measures. The Parties may consider options to facilitate the implementation, or the replacement, of the emergency measures.

ARTICLE 6.15

Verifications of the official control system

1. Each Party, within the scope of this Chapter, has the right to:
 - (a) carry out verifications, including audits, of the official control system of the other Party, including verification visits; and
 - (b) receive information about the official control system of the other Party and the results of the controls carried out under that system.
2. The nature and frequency of verifications, including audits, shall be determined by the importing Party, taking into account the import requirements, the inherent characteristics of the product concerned, the track record of past import checks and other available information, such as audits and inspections undertaken by the competent authority of the exporting Party.
3. The objective of the verifications shall be to evaluate the capacity of the competent authorities of the exporting Party to ensure that the products exported or to be exported meet the SPS requirements of the importing Party.
4. Verification visits shall be carried out without undue delay and be notified to the exporting Party at least 60 (sixty) working days before such verifications are carried out, except in cases of emergency or if the Parties decide otherwise. Any modification to the date of the visit shall be agreed by the Parties.

5. Verifications shall be conducted in accordance with the audit plan agreed by the Parties concerned, based on the Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems⁵. The importing Party shall provide to the other Party the reasons for any modification to the audit plan of the visit.

6. The expenses incurred by the Party carrying out the verification shall be borne by that Party.

7. The Party carrying out the verification shall send a draft report on the verification to the Party subject to the verification no later than 60 (sixty) working days after the end of the verification visit. The Party subject to the verification may comment on the draft report no later than 60 (sixty) working days after its receipt. Comments and an action plan, if required, shall be attached to the final report. The Party carrying out the verification shall send the final report to the Party subject to the verification no later than 30 (thirty) working days after the receipt of the comments on the draft report.

8. Any measure taken as a consequence of verifications shall be proportionate to shortcomings or risks identified. If requested, technical consultations regarding the matter shall be held in accordance with Article 6.13.

9. If a significant public, animal or plant health risk has been identified during the verification, the Party subject to the verification shall be informed as quickly as possible and, in any case, no later than 10 (ten) working days after the end of the verification.

⁵ FAO, CAC/GL 26-1997.

ARTICLE 6.16

Cooperation in multilateral fora

1. The Parties shall promote cooperation between them in all the multilateral fora relevant for SPS issues, in particular in international standard-setting bodies recognised in the framework of the SPS Agreement and shall exchange information to that end.
2. The Subcommittee on SPS matters, referred to in Article 6.18, shall be the forum for promoting cooperation as referred to in paragraph 1.

ARTICLE 6.17

Cooperation

1. The Parties shall endeavour to cooperate in implementing this Chapter and to optimise the results thereof with a view to expanding opportunities and obtaining the greatest benefits for the Parties. Such cooperation shall be developed within the legal and institutional framework governing cooperation relations between the Parties.
2. To achieve the objectives referred to in paragraph 1, the Parties shall give consideration to the cooperation needs identified by the Subcommittee on SPS matters, referred to in Article 6.18.

ARTICLE 6.18

Subcommittee on SPS matters

1. The Subcommittee on SPS matters, established pursuant to Article 22.3(4), shall meet for the first time no later than 1 (one) year after the entry into force of this Agreement.

2. The Subcommittee on SPS matters shall have the following functions, in addition to those listed in Article 22.3:

- (a) provide a forum to discuss problems arising from the application of SPS measures with a view to reaching mutually acceptable solutions provided that the Parties have first attempted to address them through technical consultations pursuant to Article 6.13 and the matter has then been referred to the Subcommittee.
- (b) provide a forum to discuss the information exchanged in accordance with Article 6.11;
- (c) promote exchange of information and cooperation in multilateral fora pursuant to Article 6.16;
- (d) exchange the lists of contact points pursuant to Article 6.11(6) to share information related to this Chapter;
- (e) conduct the preparatory internal work necessary for the amendment of Annex 6-A by the Trade Council;

- (f) make recommendations to establish a procedure for the recognition of equivalence in accordance with Article 6.9(2);
- (g) may define further details for the procedure for the recognition of pest and disease-free areas, areas of low pest and low disease prevalence and compartments in accordance with Article 6.10(4); and
- (h) identify cooperation needs in implementing this Chapter, pursuant to Article 6.17(2).

ARTICLE 6.19

Special and differential treatment

In accordance with Article 10 of the SPS Agreement, if Paraguay identifies difficulties with a proposed measure notified by the European Union, Paraguay may request, in its comments submitted to the European Union, pursuant to Annex B to the SPS Agreement, an opportunity to discuss the issue. The European Union and Paraguay shall, without prejudice to Article 6.13, enter into consultations in order to agree on:

- (a) alternative import conditions to be applied by the importing Party in accordance with Article 6.8 of this Chapter;
- (b) the provision of technical assistance in accordance with Article 6.17 of this Chapter; or

- (c) a transitional period of 6 (six) months for the proposed measures to apply to products from Paraguay, which could be exceptionally extended for another period of no longer than 6 (six) months.