

## CHAPTER 7

### SANITARY AND PHYTOSANITARY MEASURES

#### Article 7.1: Definitions

1. The definitions in Annex A of the SPS Agreement are incorporated into this Chapter and shall form part of this Chapter, *mutatis mutandis*.

2. In addition, for the purposes of this Chapter:

**competent authority** means a government body of each Party responsible for measures and matters referred to in this Chapter;

**emergency measure** means a sanitary or phytosanitary measure that is applied by an importing Party to another Party to address an urgent problem of human, animal or plant life or health protection that arises or threatens to arise in the Party applying the measure;

**import check** means an inspection, examination, sampling, review of documentation, test or procedure, including laboratory, organoleptic or identity, conducted at the border by an importing Party or its representative to determine if a consignment complies<sup>1</sup> with the sanitary and phytosanitary requirements of the importing Party;

**import programme** means mandatory sanitary or phytosanitary policies, procedures or requirements of an importing Party that govern the importation of goods;

**primary representative** means the government body of a Party that is responsible for the implementation of this Chapter and the coordination of that Party's participation in Committee activities under Article 7.5 (Committee on Sanitary and Phytosanitary Measures);

**risk analysis** means the process that consists of three components: risk assessment; risk management; and risk communication;

**risk communication** means the exchange of information and opinions concerning risk and risk-related factors between risk assessors, risk managers, consumers and other interested parties; and

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<sup>1</sup> For greater certainty, the Parties recognise that import checks are one of many tools available to assess compliance with an importing Party's sanitary and phytosanitary measures.

## 第 7 章

### 卫生与植物卫生措施

#### 第 7.1 条 定义

1. 《实施卫生与植物卫生措施协定》附件 A 中的定义在细节上作必要修改后纳入本章并成为本章一部分。

2. 此外，就本章而言：

**主管机关**指每一缔约方负责本章中所指措施和事项的政府机构；

**紧急措施**指一进口缔约方为应对其领土内出现或威胁出现的人类、动物或植物的生命或健康保护方面的紧急问题而对另一缔约方采取的卫生或植物卫生措施；

**进口检查**指一进口缔约方或其代表在边境开展的用以确定装运货物是否符合<sup>1</sup>该进口缔约方卫生与植物卫生要求的检查、检验、抽样、文件审核、测试或程序，包括实验室、感官鉴定或识别；

**进口程序**指一进口缔约方管辖货物进口的强制性卫生或植物卫生政策、程序或要求；

**首席代表**指负责实施本章和协调一缔约方参与第 7.5 条(卫生与植物卫生措施委员会)下委员会活动的该缔约方的政府机构；

**风险分析**指由风险评估、风险管理和风险沟通三部分组成的程序；

**风险沟通**指风险评估者、风险管理者、消费者和其他利害关系方之间就风险和风险相关因素进行的信息和意见交流；以及

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<sup>1</sup> 为进一步明确，缔约方认识到进口检查是评估是否符合一进口缔约方卫生与植物卫生措施的众多可使用的工具之一。

**risk management** means the weighing of policy alternatives in light of the results of risk assessment and, if required, selecting and implementing appropriate control options, including regulatory measures.

### **Article 7.2: Objectives**

The objectives of this Chapter are to:

- (a) protect human, animal or plant life or health in the territories of the Parties while facilitating and expanding trade by utilising a variety of means to address and seek to resolve sanitary and phytosanitary issues;
- (b) reinforce and build on the SPS Agreement;
- (c) strengthen communication, consultation and cooperation between the Parties, and particularly between the Parties' competent authorities and primary representatives;
- (d) ensure that sanitary or phytosanitary measures implemented by a Party do not create unjustified obstacles to trade;
- (e) enhance transparency in and understanding of the application of each Party's sanitary and phytosanitary measures; and
- (f) encourage the development and adoption of international standards, guidelines and recommendations, and promote their implementation by the Parties.

### **Article 7.3: Scope**

1. This Chapter shall apply to all sanitary and phytosanitary measures of a Party that may, directly or indirectly, affect trade between the Parties.
2. Nothing in this Chapter prevents a Party from adopting or maintaining halal requirements for food and food products in accordance with Islamic law.

### **Article 7.4: General Provisions**

1. The Parties affirm their rights and obligations under the SPS Agreement.
2. Nothing in this Agreement shall limit the rights and obligations that each Party has under the SPS Agreement.

**风险管理**指根据风险评估结果衡量政策选择，并视需要选择并实施适当的控制选项，包括监管措施。

## 第 7.2 条 目标

本章的目标为：

- (a) 保护缔约方领土内的人类、动物或植物的生命或健康，同时通过使用多种方式处理并寻求解决卫生与植物卫生问题以便利和扩大贸易；
- (b) 强化并拓展《实施卫生与植物卫生措施协定》；
- (c) 加强缔约方之间特别是缔约方主管机关和首席代表之间的沟通、磋商和合作；
- (d) 保证一缔约方实施的卫生或植物卫生措施不对贸易构成不合理的障碍；
- (e) 加强每一缔约方实施卫生与植物卫生措施的透明度和对这些措施的理解；以及
- (f) 鼓励制定和采用并促进缔约方实施国际标准、指南和建议。

## 第 7.3 条 范围

1. 本章应适用于一缔约方采取的、可能直接或间接影响缔约方之间贸易的所有卫生与植物卫生措施。
2. 本章中任何内容不得阻止一缔约方依照伊斯兰法对食品和加工食品采取或维持清真要求。

## 第 7.4 条 总则

1. 缔约方确认其在《实施卫生与植物卫生措施协定》项下的权利和义务。
2. 本协定中任何条款不得限制每一缔约方在《实施卫生与植物卫生措施协定》项下拥有的权利和义务。

**Article 7.5: Committee on Sanitary and Phytosanitary Measures**

1. For the purposes of the effective implementation and operation of this Chapter, the Parties hereby establish a Committee on Sanitary and Phytosanitary Measures (Committee), composed of government representatives of each Party responsible for sanitary and phytosanitary matters.
2. The objectives of the Committee are to:
  - (a) enhance each Party's implementation of this Chapter;
  - (b) consider sanitary and phytosanitary matters of mutual interest; and
  - (c) enhance communication and cooperation on sanitary and phytosanitary matters.
3. The Committee:
  - (a) shall provide a forum to improve the Parties' understanding of sanitary and phytosanitary issues that relate to the implementation of the SPS Agreement and this Chapter;
  - (b) shall provide a forum to enhance mutual understanding of each Party's sanitary and phytosanitary measures and the regulatory processes that relate to those measures;
  - (c) shall exchange information on the implementation of this Chapter;
  - (d) shall determine the appropriate means, which may include *ad hoc* working groups, to undertake specific tasks related to the functions of the Committee;
  - (e) may identify and develop technical assistance and cooperation projects between the Parties on sanitary and phytosanitary measures;
  - (f) may serve as a forum for a Party to share information on a sanitary or phytosanitary issue that has arisen between it and another Party or Parties, provided that the Parties between which the issue has arisen have first attempted to address the issue through discussions between themselves; and
  - (g) may consult on matters and positions for the meetings of the Committee on Sanitary and Phytosanitary Measures established under Article 12 of the SPS Agreement (WTO SPS Committee), and meetings held under the auspices of the Codex Alimentarius

## 第 7.5 条 卫生与植物卫生措施委员会

1. 为使本章有效实施和运用，缔约方特此设立卫生与植物卫生措施委员会(委员会)，由每一缔约方负责卫生与植物卫生事务的政府代表组成。
2. 委员会的目标为：
  - (a) 加强每一缔约方对本章的实施；
  - (b) 考虑具有共同利益的卫生与植物卫生事项；以及
  - (c) 加强就卫生与植物卫生事项的沟通与合作。
3. 委员会：
  - (a) 应提供场所，以提高缔约方对与实施《实施卫生与植物卫生措施协定》和本章相关的卫生与植物卫生问题的理解；
  - (b) 应提供场所，以加强每一缔约方对彼此卫生与植物卫生措施及与这些措施相关的监管程序的相互理解；
  - (c) 应就本章的实施交流信息；
  - (d) 应确定承担与该委员会职能相关的特定工作的适当方式，可包括特别工作组；
  - (e) 可确定并制定缔约方间关于卫生与植物卫生措施的技术援助和合作项目；
  - (f) 可作为一缔约方分享关于该缔约方与另一个或多个缔约方之间产生的卫生或植物卫生问题的信息的场所，条件是产生该问题的缔约方间已先行尝试通过相互之间的讨论解决该问题；以及
  - (g) 可就根据《实施卫生与植物卫生措施协定》第 12 条设立的卫生与植物卫生措施委员会 (WTO/SPS 委员会)会议以及在国际食品法典委员

Commission, the World Organisation for Animal Health and the International Plant Protection Convention.

4. The Committee shall establish its terms of reference at its first meeting and may revise those terms as needed.
5. The Committee shall meet within one year of the date of entry into force of this Agreement and once a year thereafter unless Parties agree otherwise.

#### **Article 7.6: Competent Authorities and Contact Points**

Each Party shall provide the other Parties with a written description of the sanitary and phytosanitary responsibilities of its competent authorities and contact points within each of these authorities and identify its primary representative within 60 days of the date of entry into force of this Agreement for that Party. Each Party shall keep this information up to date.

#### **Article 7.7: Adaptation to Regional Conditions, Including Pest- or Disease-Free Areas and Areas of Low Pest or Disease Prevalence**

1. The Parties recognise that adaptation to regional conditions, including regionalisation, zoning and compartmentalisation, is an important means to facilitate trade.
2. The Parties shall take into account the relevant guidance of the WTO SPS Committee and international standards, guidelines and recommendations.
3. The Parties may cooperate on the recognition of pest- or disease-free areas, and areas of low pest or disease prevalence with the objective of acquiring confidence in the procedures followed by each Party for the recognition of pest- or disease-free areas, and areas of low pest or disease prevalence.
4. When an importing Party receives a request for a determination of regional conditions from an exporting Party and determines that the information provided by the exporting Party is sufficient, it shall initiate an assessment within a reasonable period of time.
5. When an importing Party commences an assessment of a request for a determination of regional conditions under paragraph 4, that Party shall promptly, on request of the exporting Party, explain its process for making the determination of regional conditions.
6. On request of the exporting Party, the importing Party shall inform the exporting Party of the status of the assessment of the exporting Party's request for a determination of regional conditions.

会、世界动物卫生组织和《国际植物保护公约》主持下召开的会议中的事项和立场进行磋商。

4. 委员会应在其首次会议上制定其职权范围并可视需要对职权范围进行修改。
5. 委员会应在本协定生效之日起 1 年内召开会议并在此后每年召开一次会议，除非缔约方另有议定。

### **第 7.6 条 主管机关和联络点**

每一缔约方应在本协定对其生效之日起 60 天内，向其他缔约方提供一份书面说明，包含其主管机关在卫生与植物卫生方面的职责及每一机关的联络点，并确定其首席代表。每一缔约方应保持该信息是最新的。

### **第 7.7 条 适应地区条件，包括适应病虫害非疫区和低度流行区的条件**

1. 缔约方认识到适应地区条件，包括区域化、分区化和分隔区，是便利贸易的重要方法。
2. 缔约方应考虑 WTO/SPS 委员会的相关指导及国际标准、指南和建议。
3. 缔约方可在承认病虫害非疫区和病虫害低度流行区方面进行合作，以获得对每一缔约方承认病虫害非疫区和病虫害低度流行区所遵循的程序的信任。
4. 如一进口缔约方收到来自一出口缔约方关于确定区域条件的请求并确定该出口缔约方提供的信息是充分的，则应在合理期限内启动评估。
5. 如一进口缔约方根据第 4 款对关于确定区域条件的请求开始进行评估，则应该出口缔约方请求，该缔约方应迅速说明作出区域条件确定的流程。
6. 应该出口缔约方请求，该进口缔约方应告知该出口缔约方对其关于确定区域条件的请求所开展评估的情况。



7. When an importing Party adopts a measure that recognises specific regional conditions of an exporting Party, the importing Party shall communicate that measure to the exporting Party in writing and implement the measure within a reasonable period of time.

8. The importing and exporting Parties involved in a particular determination may also decide in advance the risk management measures that will apply to trade between them in the event of a change in the status.

9. The Parties involved in a determination recognising regional conditions are encouraged, if mutually agreed, to report the outcome to the Committee.

10. If the evaluation of the evidence provided by the exporting Party does not result in a determination to recognise pest- or disease-free areas, or areas of low pest and disease prevalence, the importing Party shall provide the exporting Party with the rationale for its determination.

11. If there is an incident that results in the importing Party modifying or revoking the determination recognising regional conditions, on request of the exporting Party, the Parties involved shall cooperate to assess whether the determination can be reinstated.

#### **Article 7.8: Equivalence**

1. The Parties acknowledge that recognition of the equivalence of sanitary and phytosanitary measures is an important means to facilitate trade. Further to Article 4 of the SPS Agreement, the Parties shall apply equivalence to a group of measures or on a systems-wide basis, to the extent feasible and appropriate. In determining the equivalence of a specific sanitary or phytosanitary measure, group of measures or 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.

2. On request of the exporting Party, the importing Party shall 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.

3. When an importing Party receives a request for an equivalence assessment and determines that the information provided by the exporting Party is sufficient, it shall initiate the equivalence assessment within a reasonable period of time.

4. When an importing Party commences an equivalence assessment, that Party shall promptly, on request of the exporting Party, explain its equivalence process and plan for making the equivalence determination and, if the determination results in recognition, for enabling trade.

7. 如一进口缔约方采取一项措施承认一出口缔约方的特定区域条件，则该进口缔约方应将该措施书面告知该出口缔约方，并在合理期限内实施该措施。
8. 一项特定确定所涉进口和出口缔约方也可事先决定在情况发生变化时将适用于相互之间贸易的风险管理措施。
9. 鼓励一项关于承认区域条件的确定所涉缔约方，如双方同意，将结果向委员会进行报告。
10. 如对出口缔约方提供的证据所进行的评估无法作出承认病虫害非疫区或低流行区的确定，则进口缔约方应向出口缔约方提供作出确定的理由。
11. 如发生导致进口缔约方修改或撤销关于承认区域条件确定的事件，则应出口缔约方请求，所涉缔约方应开展合作以评估该项确定是否可恢复。

### 第 7.8 条 等效

1. 缔约方认识到，承认卫生与植物卫生措施的等效性是便利贸易的重要方法。在《实施卫生与植物卫生措施协定》第 4 条的基础上，在可行且适当的限度内，缔约方应对一组措施或在全体体系基础上实施等效。在确定一特定卫生或植物卫生措施一系列措施或在全体体系基础上的等效性时，每一缔约方应考虑 WTO/SPS 委员会的相关指导及国际标准、指南和建议。
2. 应出口缔约方请求，进口缔约方应说明其卫生或植物卫生措施的目标和理由，并明确确定该卫生或植物卫生措施拟处理的风险。
3. 如一进口缔约方收到一等效评估请求并确定该出口缔约方提供的信息是充分的，则应在合理期限内启动等效评估。
4. 如一进口缔约方开始等效评估，则应该出口缔约方请求，该缔约方应迅速说明其等效性流程和作出等效性确定的计划，且如所作确定的结果为予以承认，则说明促进贸易的计划。

5. In determining the equivalence of a sanitary or phytosanitary measure, an importing Party shall take into account available knowledge, information and relevant experience, as well as the regulatory competence of the exporting Party.

6. The importing Party shall recognise the equivalence of a sanitary or phytosanitary measure if the exporting Party objectively demonstrates to the importing Party that the exporting Party's measure:

- (a) achieves the same level of protection as the importing Party's measure; or
- (b) has the same effect in achieving the objective as the importing Party's measure.<sup>2</sup>

7. When an importing Party adopts a measure that recognises the equivalence of an exporting Party's specific sanitary or phytosanitary measure, group of measures or measures on a systems-wide basis, the importing Party shall communicate the measure it has adopted to the exporting Party in writing and implement the measure within a reasonable period of time.

8. The Parties involved in an equivalence determination that results in recognition are encouraged, if mutually agreed, to report the outcome to the Committee.

9. If an equivalence determination does not result in recognition by the importing Party, the importing Party shall provide the exporting Party with the rationale for its decision.

#### **Article 7.9: Science and Risk Analysis**

1. The Parties recognise the importance of ensuring that their respective sanitary and phytosanitary measures are based on scientific principles.

2. Each Party shall ensure that its sanitary and phytosanitary measures either conform to the relevant international standards, guidelines or recommendations or, if its sanitary and phytosanitary measures do not conform to international standards, guidelines or recommendations, that they are based on documented and objective scientific evidence that is rationally related to the measures, while recognising the Parties' obligations regarding assessment of risk under Article 5 of the SPS Agreement.<sup>3</sup>

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<sup>2</sup> No Party shall have recourse to dispute settlement under Chapter 28 (Dispute Settlement) for this subparagraph.

<sup>3</sup> No Party shall have recourse to dispute settlement under Chapter 28 (Dispute Settlement) for this paragraph.

5. 在确定一卫生或植物卫生措施的等效性时，一进口缔约方应考虑可获得的知识、信息和相关经验以及出口缔约方的监管能力。
6. 如出口缔约方向进口缔约方客观证明出口缔约方的一卫生或植物卫生措施可达到下列水平或实现下列效果，则进口缔约方应承认出口缔约方措施的等效性：
  - (a) 实现与进口缔约方的措施相同的保护水平；或
  - (b) 具有与进口缔约方的措施所实现目标的相同效果。<sup>2</sup>
7. 如一进口缔约方采取一措施承认一出口缔约方的特定卫生或植物卫生措施、一组措施或在全体体系基础上措施的等效性，则进口缔约方应将其已采取的措施书面告知出口缔约方，并在一合理期限内实施该措施。
8. 鼓励一项结果为予以承认的等效性确定所涉缔约方，如双方同意，将结果向委员会进行报告。
9. 如一等效性确定的结果无法使进口缔约方予以承认，则该进口缔约方应向出口缔约方提供作出决定的理由。

### 第 7.9 条 科学和风险分析

1. 缔约方认识到保证各自卫生与植物卫生措施基于科学原则的重要性。
2. 每一缔约方应保证其卫生与植物卫生措施符合相关国际标准、指南或建议，或如其卫生与植物卫生措施不符合国际标准、指南或建议，则应保证这些措施以与该措施合理相关的记录在案的客观科学证据为根据，同时认识到缔约方在《实施卫生与植物卫生措施协定》第 5 条下的风险评估义务。<sup>3</sup>

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<sup>2</sup> 任何缔约方不得对本项援引第 28 章(争端解决)下的争端解决。

<sup>3</sup> 任何缔约方不得对本项援引第 28 章(争端解决)下的争端解决。

3. Recognising the Parties' rights and obligations under the relevant provisions of the SPS Agreement, nothing in this Chapter shall be construed to prevent a Party from:

- (a) establishing the level of protection it determines to be appropriate;
- (b) establishing or maintaining an approval procedure that requires a risk analysis to be conducted before the Party grants a product access to its market; or
- (c) adopting or maintaining a sanitary or phytosanitary measure on a provisional basis.

4. Each Party shall:

- (a) ensure that its sanitary and phytosanitary measures do not arbitrarily or unjustifiably discriminate between Parties where identical or similar conditions prevail, including between its own territory and that of other Parties; and
- (b) conduct its risk analysis in a manner that is documented and that provides interested persons and other Parties an opportunity to comment, in a manner to be determined by that Party.<sup>4</sup>

5. Each Party shall ensure that each risk assessment it conducts is appropriate to the circumstances of the risk at issue and takes into account reasonably available and relevant scientific data, including qualitative and quantitative information.

6. When conducting its risk analysis, each Party shall:

- (a) take into account relevant guidance of the WTO SPS Committee and international standards, guidelines and recommendations;
- (b) consider risk management options that are not more trade restrictive<sup>5</sup> than required, including the facilitation of trade by not taking any measure, to achieve the level of protection that the Party has determined to be appropriate; and

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<sup>4</sup> For greater certainty, this subparagraph applies only to a risk analysis for a sanitary or phytosanitary measure that constitutes a sanitary or phytosanitary regulation for the purposes of Annex B of the SPS Agreement.

<sup>5</sup> For the purposes of subparagraphs (b) and (c), a risk management option is not more trade-restrictive than required unless there is another option reasonably available, taking into account technical and economic feasibility, that achieves the appropriate level of sanitary or phytosanitary protection and is significantly less restrictive to trade.

3. 认识到缔约方在《实施卫生与植物卫生措施协定》相关条款下的权利和义务，本章中任何内容不得解释为阻止一缔约方：
- (a) 建立其确定属适当的保护水平；
  - (b) 建立或设立批准程序，要求在缔约方给予一项产品市场准入前进行风险分析；或
  - (c) 采取或设立一临时卫生或植物卫生措施。
4. 每一缔约方应：
- (a) 保证其卫生与植物卫生措施不在情形相同或相似的缔约方之间，包括在缔约方各自领土和其他缔约方领土之间构成任意或不合理的歧视；及
  - (b) 以留存记录的方式开展风险分析，并向利害关系方和其他缔约方提供进行评论的机会，具体方式由该缔约方确定。<sup>4</sup>
5. 每一缔约方应保证其开展的每一项风险评估适合争议风险的情况，并考虑可合理获得且相关的科学数据，包括定性和定量信息。
6. 在开展风险分析时，每一缔约方应：
- (a) 考虑 WTO/SPS 委员会的相关指导及国际标准、指南和建议；
  - (b) 考虑对贸易的限制作用<sup>5</sup>不超过达到缔约方已确定的适当保护水平所要求的限度的各种风险管理选项，包括不采取任何措施的便利贸易做法；以及

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<sup>4</sup> 为进一步明确，本项仅适用于对构成《实施卫生与植物卫生措施协定》附件 B 而言的卫生或植物卫生法规的一卫生或植物卫生措施所进行的风险分析。

<sup>5</sup> 就(b)项和(c)项而言，除非存在从技术和经济可行性考虑可合理获得的另一选项，可达到适当的卫生或植物卫生保护水平，且对贸易的限制大大减少，否则一风险管理选项对贸易的限制作用即为不超过所要求的限度。

- (c) select a risk management option that is not more trade restrictive than required to achieve the sanitary or phytosanitary objective, taking into account technical and economic feasibility.

7. If an importing Party requires a risk analysis to evaluate a request from an exporting Party to authorise importation of a good of that exporting Party, the importing Party shall provide, on request of the exporting Party, an explanation of the information required for the risk assessment. On receipt of the required information from the exporting Party, the importing Party shall endeavour to facilitate the evaluation of the request for authorisation by scheduling work on this request in accordance with the procedures, policies, resources, and laws and regulations of the importing Party.

8. On request of the exporting Party, the importing Party shall inform the exporting Party of the progress of a specific risk analysis request, and of any delay that may occur during the process.

9. If the importing Party, as a result of a risk analysis, adopts a sanitary or phytosanitary measure that allows trade to commence or resume, the importing Party shall implement the measure within a reasonable period of time.

10. Without prejudice to Article 7.14 (Emergency Measures), no Party shall stop the importation of a good of another Party solely for the reason that the importing Party is undertaking a review of its sanitary or phytosanitary measure, if the importing Party permitted the importation of that good of the other Party when the review was initiated.

#### **Article 7.10: Audits<sup>6</sup>**

1. To determine an exporting Party's ability to provide required assurances and meet the sanitary and phytosanitary measures of the importing Party, each importing Party shall have the right, subject to this Article, to audit the exporting Party's competent authorities and associated or designated inspection systems. That audit may include an assessment of the competent authorities' control programmes, including: if appropriate, reviews of the inspection and audit programmes; and on-site inspections of facilities.

2. An audit shall be systems-based and designed to check the effectiveness of the regulatory controls of the competent authorities of the exporting Party.

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<sup>6</sup> For greater certainty, nothing in this Article prevents an importing Party from performing an inspection of a facility for the purposes of determining if the facility conforms with the importing Party's sanitary or phytosanitary requirements or conforms with sanitary or phytosanitary requirements that the importing Party has determined to be equivalent to its sanitary or phytosanitary requirements.

- (c) 从技术和经济可行性考虑，选择对贸易的限制作用不超过实现卫生或植物卫生目标所要求的限度的风险管理选项。

7. 如一进口缔约方要求进行风险分析以评估一出口缔约方提出的批准其一货物进口的请求，则进口缔约方应出口缔约方请求，应提供关于风险评估所需信息的说明。收到出口缔约方提供的所需信息后，进口缔约方应依照进口缔约方的程序、政策、资源以及法律法规制定针对该请求的工作进度表，以努力便利对批准进口请求所进行的评估。

8. 应一出口缔约方请求，进口缔约方应告知该出口缔约方一具体风险评估请求的进展情况，并告知相关过程中可能发生的任何迟延。

9. 如作为风险分析的结果，进口缔约方采取允许贸易开始或恢复的一卫生或植物卫生措施，则该进口缔约方应在一合理期限内实施该措施。

10. 在不损害第 7.14 条(紧急措施)的情况下，任何缔约方不得仅由于进口缔约方正在对其卫生或植物卫生措施开展审议，而停止进口另一缔约方的货物，如该进口缔约方在审议启动时曾允许进口该缔约方的货物。

### 第 7.10 条 审查<sup>6</sup>

1. 为确定一出口缔约方提供所要求提供的保证并满足进口缔约方卫生与植物卫生措施要求的能力，每一进口缔约方有权在遵守本条的前提下，审查出口缔约方的主管机关及其相关或指定的检查体系。该审查可包括对主管机关控制程序的评估，包括：如适当，对检查和审查程序的审议，以及对设施的现场检查。

2. 一审查应以体系为基础，旨在检查出口缔约方主管机关管理控制的有效性。

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<sup>6</sup> 为进一步明确，本条中任何内容不阻止一进口缔约方为确定设施是否符合进口缔约方的卫生或植物卫生要求或符合进口缔约方已经确定与其卫生或植物卫生要求具有等效性的卫生或植物卫生要求而实施的设施检查。



3. In undertaking an audit, a Party shall take into account relevant guidance of the WTO SPS Committee and international standards, guidelines and recommendations.
4. Prior to the commencement of an audit, the importing Party and exporting Party involved shall discuss the rationale and decide: the objectives and scope of the audit; the criteria or requirements against which the exporting Party will be assessed; and the itinerary and procedures for conducting the audit.
5. The auditing Party shall provide the audited Party the opportunity to comment on the findings of the audit and take any such comments into account before the auditing Party makes its conclusions and takes any action. The auditing Party shall provide a report setting out its conclusions in writing to the audited Party within a reasonable period of time.
6. A decision or action taken by the auditing Party as a result of the audit shall be supported by objective evidence and data that can be verified, taking into account the auditing Party's knowledge of, relevant experience with, and confidence in, the audited Party. This objective evidence and data shall be provided to the audited Party on request.
7. The costs incurred by the auditing Party shall be borne by the auditing Party, unless both Parties decide otherwise.
8. The auditing Party and audited Party shall each ensure that procedures are in place to prevent the disclosure of confidential information that is acquired during the audit process.

#### **Article 7.11: Import Checks**

1. Each Party shall ensure that its import programmes are based on the risks associated with importations, and the import checks are carried out without undue delay.<sup>7</sup>
2. A Party shall make available to another Party, on request, information on its import procedures and its basis for determining the nature and frequency of import checks, including the factors it considers to determine the risks associated with importations.
3. A Party may amend the frequency of its import checks as a result of experience gained through import checks or as a result of actions or discussions provided for in this Chapter.

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<sup>7</sup> For greater certainty, nothing in this Article prohibits a Party from performing import checks to obtain information to assess risk or to determine the need for, develop or periodically review a risk-based import programme.

3. 在实施审查时，一缔约方应考虑 WTO/SPS 委员会的相关指导及国际标准、指南和建议。
4. 在审查开始前，所涉进口缔约方和出口缔约方应讨论相关理由并决定：审查的目标和范围、对出口缔约方进行评估的标准或要求，以及开展审查的行程安排和程序。
5. 开展审查的缔约方应向被审查缔约方提供对审查结果进行评论的机会，并在开展审查的缔约方作出结论并采取任何行动之前考虑任何此类评论意见。开展审查的缔约方应在一合理期限内向被审查缔约方提供列出其结论的书面报告。
6. 开展审查的缔约方作为审查结果作出的决定或采取的行动应能得到可予以核实的客观证据和数据的支持，同时考虑开展审查的缔约方对被审查缔约方的了解程度、相关经验和信任程度。应请求，这一客观证据和数据应向被审查缔约方提供。
7. 开展审查的缔约方所产生的费用应由其自身承担，除非双方另有决定。
8. 开展审查的缔约方和被审查缔约方均应保证设立程序以防止披露审查过程中获得的机密信息。

### 第 7.11 条 进口检查

1. 每一缔约方应保证其进口程序根据与进口相关的风险设立，且进口检查的实施不受到不当迟延。<sup>7</sup>
2. 应请求，一缔约方应向另一缔约方提供关于其进口程序的信息及其确定进口检查性质和频率的根据，包括其确定与进口相关风险所考虑的因素。
3. 一缔约方可根据通过进口检查所获经验，或根据本章中所规定的行动或讨论，修改其进口检查的频率。

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<sup>7</sup> 为进一步明确，本条中任何内容不禁止一缔约方实施进口检查以获得用于评估风险的信息或获得用于确定是否需要、制定或周期性审议以风险为基础的进口程序的信息。

4. An importing Party shall provide to another Party, on request, information regarding the analytical methods, quality controls, sampling procedures and facilities that the importing Party uses to test a good. The importing Party shall ensure that any testing is conducted using appropriate and validated methods in a facility that operates under a quality assurance programme that is consistent with international laboratory standards. The importing Party shall maintain physical or electronic documentation regarding the identification, collection, sampling, transportation and storage of the test sample, and the analytical methods used on the test sample.

5. An importing Party shall ensure that its final decision in response to a finding of non-conformity with the importing Party's sanitary or phytosanitary measure, is limited to what is reasonable and necessary, and is rationally related to the available science.

6. If an importing Party prohibits or restricts the importation of a good of another Party on the basis of an adverse result of an import check, the importing Party shall provide a notification about the adverse result to at least one of the following: the importer or its agent; the exporter; the manufacturer; or the exporting Party.

7. When the importing Party provides a notification pursuant to paragraph 6, it shall:

- (a) include:
  - (i) the reason for the prohibition or restriction;
  - (ii) the legal basis or authorisation for the action; and
  - (iii) information on the status of the affected goods and, if appropriate, on their disposition;
- (b) do so in a manner consistent with its laws, regulations and requirements as soon as possible and no later than seven days<sup>8</sup> after the date of the decision to prohibit or restrict, unless the good is seized by a customs administration; and
- (c) if the notification has not already been provided through another channel, transmit the notification by electronic means, if practicable.

8. An importing Party that prohibits or restricts the importation of a good of another Party on the basis of an adverse result of an import check shall provide an opportunity for a review of the decision and consider any relevant information

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<sup>8</sup> For the purposes of this paragraph, the term "days" does not include national holidays of the importing Party.

4. 应请求，一进口缔约方应向另一缔约方提供有关其用以检测一货物的分析方法、质量控制、抽样程序和设施的信息。进口缔约方应保证任何检测均使用适当且有效的方法，在一根据符合国际实验室标准的质量保证程序运行的设施中进行。进口缔约方应保存关于检测样本识别、收集、抽样、运输和存储的实物或电子记录，以及关于对检测样本所使用的分析方法的实物或电子记录。
5. 一进口缔约方应保证其对于不符合该进口缔约方卫生或植物卫生措施的调查结果所作出的最终结论仅限于合理和必需的范围，且与现有科学合理相关。
6. 如一进口缔约方根据进口检查的不利结果禁止或限制另一缔约方一货物的进口，则该进口缔约方应至少向以下各方中的一方提供不利结果的通知：进口商或其代理、出口商、生产商或出口缔约方。
7. 如进口缔约方根据第 6 款提供一通知，则通知应：
  - (a) 包括：
    - (i) 禁止或限制的理由；
    - (ii) 法律根据或行动的授权；以及
    - (iii) 受影响货物的状态信息，及如适当，对其处置信息；
  - (b) 以符合其法律、法规和要求的方式，尽快且不迟于作出禁止或限制决定之日后 7 天<sup>8</sup>作出通知，除非货物被海关没收；以及
  - (c) 如通知尚未通过另一渠道提供，则如可行，应以电子方式发送通知。
8. 根据一进口检查的不利结果禁止或限制另一缔约方一货物进口的进口缔约方，应提供对该决定进行复审的机会，并考虑为有助于复审而提供的任何相关信息。复审请求和信息应在一合理

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<sup>8</sup> 就本款而言，“天”一词不包括进口缔约方的法定假日。

submitted to assist in the review. The review request and information should be submitted to the importing Party within a reasonable period of time.<sup>9</sup>

9. If an importing Party determines that there is a significant, sustained or recurring pattern of non-conformity with a sanitary or phytosanitary measure, the importing Party shall notify the exporting Party of the non-conformity.

10. On request, an importing Party shall provide to the exporting Party available information on goods from the exporting Party that were found not to conform to a sanitary or phytosanitary measure of the importing Party.

### **Article 7.12: Certification**

1. The Parties recognise that assurances with respect to sanitary or phytosanitary requirements may be provided through means other than certificates and that different systems may be capable of meeting the same sanitary or phytosanitary objective.

2. If an importing Party requires certification for trade in a good, the Party shall ensure that the certification requirement is applied, in meeting the Party's sanitary or phytosanitary objectives, only to the extent necessary to protect human, animal or plant life or health.

3. In applying certification requirements, an importing Party shall take into account relevant guidance of the WTO SPS Committee and international standards, guidelines and recommendations.

4. An importing Party shall limit attestations and information it requires on the certificates to essential information that is related to the sanitary or phytosanitary objectives of the importing Party.

5. An importing Party should provide to another Party, on request, the rationale for any attestations or information that the importing Party requires to be included on a certificate.

6. The Parties may agree to work cooperatively to develop model certificates to accompany specific goods traded between the Parties, taking into account relevant guidance of the WTO SPS Committee and international standards, guidelines and recommendations.

7. The Parties shall promote the implementation of electronic certification and other technologies to facilitate trade.

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<sup>9</sup> For greater certainty, nothing in this Article prevents an importing Party from disposing of goods which are found to have an infectious pathogen or pest that, if urgent action is not taken, can spread and cause damage to human, animal or plant life or health in the Party's territory.

期限内提交进口缔约方。<sup>9</sup>

9. 如一进口缔约方确定存在与一卫生或植物卫生措施不符的严重、持续或重复发生的模式，则该进口缔约方应将此种不符情况通知出口缔约方。

10. 应请求，一进口缔约方应向出口缔约方提供被发现不符合该进口缔约方一卫生或植物卫生措施的源自该出口缔约方的货物可获得的信息。

### 第 7.12 条 认证

1. 缔约方认识到，对卫生或植物卫生要求的保证可以通过证书之外的其他方式提供，且不同体系可能能够满足相同卫生或植物卫生目标。

2. 如一进口缔约方要求对交易一货物进行认证，则该缔约方应保证其为符合该缔约方的卫生或植物卫生目标而适用的认证要求仅限于保护人类、动物或植物的生命或健康所必要的限度。

3. 在适用认证要求时，一进口缔约方应考虑 WTO/SPS 委员会的相关指导及国际标准、指南和建议。

4. 进口缔约方应将其证书上所要求的证明和信息限定在与该进口缔约方卫生或植物卫生目标相关的基本信息之内。

5. 应请求，一进口缔约方应向另一缔约方提供该进口缔约方要求在证书上包括任何证明或信息的理由。

6. 缔约方可同意开展合作以制定证书模板用于缔约方之间所交易的特定货物，同时考虑 WTO/SPS 委员会的相关指导及国际标准、指南和建议。

7. 缔约方应促进电子认证和其他技术的实施以便利贸易。

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<sup>9</sup> 为进一步明确，本条中任何内容不阻止一进口缔约方处置发现带有传染性病菌或害虫的货物，如不采取紧急行动，则可能传播并对该缔约方领土内的人类、动物或植物的生命或健康造成损害。

**Article 7.13: Transparency**<sup>10</sup>

1. The Parties recognise the value of sharing information about their sanitary and phytosanitary measures on an ongoing basis, and of providing interested persons and other Parties with the opportunity to comment on their proposed sanitary and phytosanitary measures.
2. In implementing this Article, each Party shall take into account relevant guidance of the WTO SPS Committee and international standards, guidelines and recommendations.
3. A Party shall notify a proposed sanitary or phytosanitary measure that may have an effect on the trade of another Party, including any that conforms to international standards, guidelines or recommendations, by using the WTO SPS notification submission system as a means of notifying the other Parties.
4. Unless urgent problems of human, animal or plant life or health protection arise or threaten to arise, or the measure is of a trade-facilitating nature, a Party shall normally allow at least 60 days for interested persons and other Parties to provide written comments on the proposed measure after it makes the notification under paragraph 3. If feasible and appropriate, the Party should allow more than 60 days. The Party shall consider any reasonable request from an interested person or another Party to extend the comment period. On request of another Party, the Party shall respond to the written comments of the other Party in an appropriate manner.
5. The Party shall make available to the public, by electronic means in an official journal or on a website, the proposed sanitary or phytosanitary measure notified under paragraph 3, the legal basis for the measure, and the written comments or a summary of the written comments that the Party has received from the public on the measure.
6. If a Party proposes a sanitary or phytosanitary measure which does not conform to an international standard, guideline or recommendation, the Party shall provide to another Party, on request, and to the extent permitted by the confidentiality and privacy requirements of the Party's law, the relevant documentation that the Party considered in developing the proposed measure, including documented and objective scientific evidence that is rationally related to the measure, such as risk assessments, relevant studies and expert opinions.
7. A Party that proposes to adopt a sanitary or phytosanitary measure shall discuss with another Party, on request and if appropriate and feasible, any scientific or trade concerns that the other Party may raise regarding the proposed

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<sup>10</sup> For greater certainty, this Article applies only to a sanitary or phytosanitary measure that constitutes a sanitary or phytosanitary regulation for the purposes of Annex B of the SPS Agreement.

### 第 7.13 条 透明度<sup>10</sup>

1. 缔约方认识到持续分享各自卫生与植物卫生措施信息并向利害关系方和其他缔约方提供对各自卫生与植物卫生拟议措施进行评论机会的价值。
2. 在实施本条时，每一缔约方应考虑 WTO/SPS 委员会的相关指导及国际标准、指南和建议。
3. 一缔约方应就可能对另一缔约方贸易产生影响的一拟议卫生或植物卫生措施作出通知，包括符合国际标准、指南或建议的任何措施，使用 WTO/SPS 通报提交系统作为向其他缔约方作出通知的一种方式。
4. 除非发生或威胁发生人类、动物或植物的生命或健康保护的紧急问题，或该措施具有贸易便利化性质，否则一缔约方通常应给予利害关系方和其他缔约方在其根据第 3 款作出通知后至少 60 天时间就拟议措施提供书面评论。如可行且适当，该缔约方应给予超过 60 天的评论期。该缔约方应考虑利害关系方或另一缔约方关于延长评论期的任何合理请求。应另一缔约方请求，该缔约方应以适当方式对上述该另一缔约方的书面评论作出答复。
5. 缔约方应在一官方刊物或网站上以电子方式向公众提供其根据第 3 款作出通知的拟议卫生或植物卫生措施、该措施的法律根据以及该缔约方已收到的公众对该措施的书面评论或书面评论摘要。
6. 如一缔约方拟议采取不符合国际标准、指南或建议的一卫生或植物卫生措施，则应请求，该缔约方应在该缔约方法律中的机密性和隐私性要求所允许的限度内，向另一缔约方提供该缔约方在制定拟议措施过程中曾考虑的相关文件，包括与该措施合理相关的记录在案的客观科学证据，例如风险评估、相关研究和专家意见。
7. 拟采取一卫生或植物卫生措施的缔约方，应请求且如适当且可行，应与另一缔约方讨论另一缔约方可能就拟议措施提出的

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<sup>10</sup> 为进一步明确，本条仅适用于就《实施卫生与植物卫生措施协定》附件 B 而言的构成一卫生或植物卫生法规的卫生或植物卫生措施。



measure and the availability of alternative, less trade-restrictive approaches for achieving the objective of the measure.

8. Each Party shall publish, preferably by electronic means, notices of final sanitary or phytosanitary measures in an official journal or website.

9. Each Party shall notify the other Parties of final sanitary or phytosanitary measures through the WTO SPS notification submission system. Each Party shall ensure that the text or the notice of a final sanitary or phytosanitary measure specifies the date on which the measure takes effect and the legal basis for the measure. A Party shall also make available to another Party, on request, and to the extent permitted by the confidentiality and privacy requirements of the Party's law, significant written comments and relevant documentation considered to support the measure that were received during the comment period.

10. If a final sanitary or phytosanitary measure is substantively altered from the proposed measure, a Party shall also include in the notice of the final sanitary or phytosanitary measure that it publishes, an explanation of:

- (a) the objective and rationale of the measure and how the measure advances that objective and rationale; and
- (b) any substantive revisions that it made to the proposed measure.

11. An exporting Party shall notify the importing Party through the contact points referred to in Article 7.6 (Competent Authorities and Contact Points) in a timely and appropriate manner:

- (a) if it has knowledge of a significant sanitary or phytosanitary risk related to the export of a good from its territory;
- (b) of urgent situations where a change in animal or plant health status in the territory of the exporting Party may affect current trade;
- (c) of significant changes in the status of a regionalised pest or disease;
- (d) of new scientific findings of importance which affect the regulatory response with respect to food safety, pests or diseases; and
- (e) of significant changes in food safety, pest or disease management, control or eradication policies or practices that may affect current trade.

12. If feasible and appropriate, a Party should provide an interval of more than six months between the date it publishes a final sanitary or phytosanitary measure and the date on which the measure takes effect, unless the measure is intended to

任何科学或贸易关注以及用于实现该措施目标的、贸易限制较小的替代措施的可获性。

8. 每一缔约方应，最好以电子方式，在一官方刊物或网站上公布卫生或植物卫生最终措施的通知。

9. 每一缔约方应通过 WTO/SPS 通报提交系统向其他缔约方就卫生或植物卫生最终措施作出通知。每一缔约方应保证卫生或植物卫生最终措施的文本或通知中规定该最终措施的生效日期及该措施的法律根据。应请求并在该缔约方法律的机密性和隐私性要求所允许的限度内，一缔约方还应向另一缔约方提供在评论期内收到的考虑支持该措施的重要书面评论和相关文件。

10. 如一卫生或植物卫生最终措施系对拟议措施的实质性改变版本，则缔约方应在其公布的关于卫生或植物卫生最终措施的通知中同时包括关于下列内容的说明：

- (a) 该措施的目标和理由及该措施如何实现该目标和理由；及
- (b) 其对拟议措施所作任何实质性修改。

11. 一出口缔约方应通过第 7.6 条(主管机关和联络点)中所指的联络点，以及时和适当的方式就下列各项向该进口缔约方作出通知：

- (a) 如其知悉与自其领土出口的一货物相关的重大卫生或植物卫生风险；
- (b) 在该出口缔约方领土内的动物或植物健康状况的变化可能影响现行贸易的紧急情况；
- (c) 区域性害虫或疾病状态的重大改变；
- (d) 影响食品安全、害虫或疾病监管对策的新的重要科学发现；以及
- (e) 可能影响现行贸易的食品安全、害虫或疾病管理、控制或根除政策或做法的重大变化。

12. 如可行且适当，一缔约方应在其卫生或植物卫生最终措施公布日期和该措施生效日期之间留出 6 个月以上时间间隔，除非

address an urgent problem of human, animal or plant life or health protection or the measure is of a trade-facilitating nature.

13. A Party shall provide to another Party, on request, all sanitary or phytosanitary measures related to the importation of a good into that Party's territory.

#### **Article 7.14: Emergency Measures**

1. If a Party adopts an emergency measure that is necessary for the protection of human, animal or plant life or health, the Party shall promptly notify the other Parties of that measure through the primary representative and the relevant contact point referred to in Article 7.6 (Competent Authorities and Contact Points). The Party that adopts the emergency measure shall take into consideration any information provided by other Parties in response to the notification.

2. If a Party adopts an emergency measure, it shall review the scientific basis of that measure within six months and make available the results of the review to any Party on request. If the emergency measure is maintained after the review, because the reason for its adoption remains, the Party should review the measure periodically.

#### **Article 7.15: Cooperation**

1. The Parties shall explore opportunities for further cooperation, collaboration and information exchange between the Parties on sanitary and phytosanitary matters of mutual interest, consistent with this Chapter. Those opportunities may include trade facilitation initiatives and technical assistance. The Parties shall cooperate to facilitate the implementation of this Chapter.

2. The Parties shall cooperate and may jointly identify work on sanitary and phytosanitary matters with the goal of eliminating unnecessary obstacles to trade between the Parties.

#### **Article 7.16: Information Exchange**

A Party may request information from another Party on a matter arising under this Chapter. A Party that receives a request for information shall endeavour to provide available information to the requesting Party within a reasonable period of time, and if possible, by electronic means.

该措施旨在处理人类、动物或植物的生命或健康保护的紧急问题，或该措施具有贸易便利化性质。

13. 应请求，一缔约方向另一缔约方提供与一货物进口至该缔约方领土相关的所有卫生或植物卫生措施。

#### **第 7.14 条 紧急措施**

1. 如一缔约方采取一项为保护人类、动物或植物的生命或健康所必需的紧急措施，则该缔约方应通过首席代表和第 7.6 条(主管机关和联络点)中所指的相关联络点迅速通知其他缔约方。采取紧急措施的缔约方应考虑其他缔约方针对该通知所提供的任何信息。

2. 如一缔约方采取一项紧急措施，则应在 6 个月内审议该措施的科学依据，并应请求向任何缔约方提供审议结果。如在审议后因采取措施的原因仍然存在，该紧急措施得以维持，则该缔约方应定期审议该措施。

#### **第 7.15 条 合作**

1. 缔约方应在符合本章的情况下，为在缔约方之间就具有共同利益的卫生与植物卫生事项开展进一步合作、协作和信息交流探索机会。这些机会可包括贸易便利化倡议和技术援助。缔约方应开展合作以便利本章的实施。

2. 缔约方应开展合作，并可以共同确定在卫生与植物卫生事务方面的工作，以消除缔约方之间贸易的不必要障碍。

#### **第 7.16 条 信息交流**

一缔约方可请求另一缔约方就本章下产生的事项提供信息。收到提供信息请求的一缔约方应努力在一合理期限内向提出请求的缔约方提供可获得的信息，如可能，通过电子方式提供。

**Article 7.17: Cooperative Technical Consultations**

1. If a Party has concerns regarding any matter arising under this Chapter with another Party, it shall endeavour to resolve the matter by using the administrative procedures that the other Party's competent authority has available. If the relevant Parties have bilateral or other mechanisms available to address the matter, the Party raising the matter shall endeavour to resolve the matter through those mechanisms, if it considers that it is appropriate to do so. A Party may have recourse to the Cooperative Technical Consultations (CTC) set out in paragraph 2 at any time it considers that the continued use of the administrative procedures or bilateral or other mechanisms would not resolve the matter.
2. One or more Parties (requesting Party) may initiate CTC with another Party (responding Party) to discuss any matter arising under this Chapter that the requesting Party considers may adversely affect its trade by delivering a request to the primary representative of the responding Party. The request shall be in writing and identify the reason for the request, including a description of the requesting Party's concerns about the matter, and set out the provisions of this Chapter that relate to the matter.
3. Unless the requesting Party and the responding Party (the consulting Parties) agree otherwise, the responding Party shall acknowledge the request in writing within seven days of the date of its receipt.
4. Unless the consulting Parties agree otherwise, the consulting Parties shall meet within 30 days of the responding Party's acknowledgement of the request to discuss the matter identified in the request, with the aim of resolving the matter within 180 days of the request if possible. The meeting shall be in person or by electronic means.
5. The consulting Parties shall ensure the appropriate involvement of relevant trade and regulatory agencies in meetings held pursuant to this Article.
6. All communications between the consulting Parties in the course of CTC, as well as all documents generated for CTC, shall be kept confidential unless the consulting Parties agree otherwise and without prejudice to the rights and obligations of any Party under this Agreement, the WTO Agreement or any other international agreement to which it is a party.
7. The requesting Party may cease CTC proceedings under this Article and have recourse to dispute settlement under Chapter 28 (Dispute Settlement) if:
  - (a) the meeting referred to in paragraph 4 does not take place within 37 days of the date of the request, or such other timeframe as the consulting Parties may agree under paragraphs 3 and 4; or

### 第 7.17 条 联合技术磋商

1. 如一缔约方就本章下产生的任何事项对另一缔约方提出关注，则该缔约方应努力使用该另一缔约方主管机关可获得的管理程序解决该事项。如相关缔约方设有双边或其他现有机制处理该事项，则提出该事项的缔约方如认为适当，应努力通过这些机制解决该事项。一缔约方如认为继续使用该管理程序或双边或其他机制无法解决该事项时，则可随时援用第 2 款中所列联合技术磋商(CTC)。
2. 通过向另一缔约方的首席代表递送请求，一个或多个缔约方(请求方)可与该另一缔约方(回应方)启动联合技术磋商，以讨论请求方认为可能对其贸易造成不利影响的本章下产生的任何事项。请求应书面提出并确定请求的原因，包括关于请求方对该事项关注的说明，并列出于该事项相关的本章条款。
3. 除非请求方和回应方(磋商双方)另有议定，否则回应方应在其收到该请求之日后 7 天内书面确认收到该请求。
4. 除非磋商双方另有议定，否则磋商双方应在回应方确认收到申请后 30 天内召开会议，讨论请求中所确定的事项，以期在可能的情况下在提出该请求后 180 天内解决该事项。会议应以面对面或电子方式召开。
5. 磋商双方应保证相关贸易和监管机构适当参与根据本条召开的会议。
6. 在联合技术磋商过程中磋商双方之间的通信以及联合技术磋商产生的所有文件应保密，除非磋商双方另有议定，且不得影响任何缔约方在本协定、《WTO 协定》或其作为参加方的任何其他国际协定项下的权利和义务。
7. 在下列情况下，请求方可终止本条下的联合技术磋商进程而援用第 28 章(争端解决)下的争端解决：
  - (a) 第 4 款中所指的会议未在提出请求之日后 37 天内或在磋商双方根据第 3 款和第 4 款可能议定的其他时限内召开；或

- (b) the meeting referred to in paragraph 4 has been held.

8. No Party shall have recourse to dispute settlement under Chapter 28 (Dispute Settlement) for a matter arising under this Chapter without first seeking to resolve the matter through CTC in accordance with this Article.

**Article 7.18: Dispute Settlement**

1. Unless otherwise provided in this Chapter, Chapter 28 (Dispute Settlement) shall apply to this Chapter, subject to the following:

- (a) with respect to Article 7.8 (Equivalence), Article 7.10 (Audits) and Article 7.11 (Import Checks), Chapter 28 (Dispute Settlement) shall apply with respect to a responding Party as of one year after the date of entry into force of this Agreement for that Party; and
- (b) with respect to Article 7.9 (Science and Risk Analysis), Chapter 28 (Dispute Settlement) shall apply with respect to a responding Party as of two years after the date of entry into force of this Agreement for that Party.

2. In a dispute under this Chapter that involves scientific or technical issues, a panel should seek advice from experts chosen by the panel in consultation with the Parties involved in the dispute. To this end, the panel may, if it deems appropriate, establish an advisory technical experts group, or consult the relevant international standard setting organisations, at the request of either Party to the dispute or on its own initiative.

(b) 第 4 款中所指的会议已经召开。

8. 对于本章下产生的一事项，任何缔约方在未首先依照本条寻求通过联合技术磋商解决之前，不得援用第 28 章(争端解决)下的争端解决。

### 第 7.18 条 争端解决

1. 除非本章中另有规定，否则第 28 章(争端解决)应适用本章，但需遵守下列规定：

(a) 对于第 7.8 条(等效)、第 7.10 条(审查)和第 7.11 条(进口检查)，第 28 章(争端解决)应在本协定对一回应方生效之日后 1 年起对该缔约方适用；及

(b) 对于第 7.9 条(科学和风险分析)，第 28 章(争端解决)应在本协定对一回应方生效之日后 2 年起对该缔约方适用。

2. 在本章下涉及科学或技术问题的争端中，专家组应寻求专家组与争端各方磋商后选定的专家的意见。为此目的，专家组如认为适当，可应任何争端方请求或自主设立一技术咨询专家小组，或咨询相关国际标准制定组织。