

CHAPTER 6

SANITARY AND PHYTOSANITARY MEASURES

ARTICLE 6.1: OBJECTIVES

The objectives of this Chapter are to:

- (a) protect human, animal and plant life or health in the territory of each Party;
- (b) ensure that the Parties' sanitary and phytosanitary measures do not create unjustified barriers to trade; and
- (c) enhance the implementation of the SPS Agreement.

ARTICLE 6.2: GENERAL PROVISIONS

1. The Parties reaffirm their existing rights and obligations with respect to each other under the SPS Agreement, and to this end the SPS Agreement is incorporated into and made part of this Agreement, *mutatis mutandis*.

2. The Parties shall not apply their sanitary and phytosanitary measures in a manner that constitutes an arbitrary or unjustifiable discrimination or a disguised restriction on trade between them.

ARTICLE 6.3: TRANSPARENCY

The Parties shall exchange information on:

- (a) any changes in their sanitary and phytosanitary status, including important epidemiological findings, which may affect the trade between the Parties;
- (b) results of import checks in case of rejected or non-compliant consignments, within three working days; or
- (c) results of verification procedures, such as inspections or on site audits within 60 days, which may be extended for a similar period in case of appropriate justification.

ARTICLE 6.4: RISK ASSESSMENT

When the import requirements include an assessment of risk, the importing Party shall initiate the assessment in a timely manner and, without prejudice to the duration of the process, shall inform the exporting Party on the estimated period of time needed for such assessment. Technical justification shall be given in case the assessment takes longer. The exporting Party shall send information upon request to the importing Party to support the risk assessment, and the importing Party shall, as appropriate, use this information for the risk assessment process.

ARTICLE 6.5: ADAPTATION TO THE REGIONAL CONDITIONS

The Parties will develop procedures, as needed, taking into account guidelines of WTO Committee on Sanitary and Phytosanitary Measures (hereinafter referred to as the "SPS Committee"), the International Plant Protection Convention (IPPC), the World Organization for Animal Health (OIE), and Codex Alimentarius for the recognition of:

- (a) pest or disease free areas;
- (b) areas of low pest or disease prevalence; and
- (c) pest or disease free production sites and/or compartments.

ARTICLE 6.6: INSPECTION AND APPROVAL PROCEDURES

1. Upon request, the importing Party shall inform the exporting Party of its sanitary and phytosanitary import requirements.
2. In cases where approval of establishments is required by the importing Party the exporting Party will apply the importing Party's requirements in order to approve the establishments.
3. Once the importing Party has concluded that the commodity and where applicable the approved establishments of the exporting Party meets its sanitary and phytosanitary requirements, such Party will notify the other party of its eligibility to export.

ARTICLE 6.7: COMPETENT AUTHORITIES

For the purpose of implementing the provisions of this Chapter, the competent authorities are the following:

- (a) for the Republic of Colombia:

Colombian Agriculture and Livestock Institute (Instituto Colombiano Agropecuario – ICA) under the Ministry of Agriculture and Rural Development (Ministerio de Agricultura y Desarrollo Rural);

National Institute for the Surveillance of Foods and Drugs (Instituto Nacional de Vigilancia de Medicamentos y Alimentos– INVIMA) under the Ministry of Health and Social Protection (Ministerio de Salud y Protección Social);

- (b) for the State of Israel:

Plant Protection and Inspection Services ("PPIS"), Ministry of Agriculture and Rural Development;

Veterinary Services and Animal Health ("IVSAH"), Ministry of Agriculture and Rural Development;

The National Food Services - Ministry of Health;

Cosmetic Department, Pharmaceutical Administration - Ministry of Health;

or their respective successors.

ARTICLE 6.8: SUBCOMMITTEE ON SANITARY AND PHYTOSANITARY MATTERS

1. The Subcommittee on Sanitary and Phytosanitary Matters (hereinafter referred to as the "Subcommittee") established pursuant to Chapter 13 (Institutional Provisions) shall have the following functions:

- (a) facilitating the implementation and cooperation between the parties in all matters pertaining to this Chapter;
- (b) monitoring the implementation, enforcement and administration of this Chapter;
- (c) promptly addressing, with the aim of solving, any issue that a Party raises related to the development, adoption, application or enforcement of sanitary and phytosanitary measures that affect, or may affect, trade between the Parties;
- (d) exchanging information, at a Party's request, on each Party's actual or planned SPS measures;
- (e) exchanging information on developments in non-governmental, regional and multilateral fora engaged in activities related to SPS;
- (f) reviewing this Chapter in light of any developments under the SPS Committee and, if necessary, developing recommendations for amendments to this Chapter; and
- (g) taking any other steps that the Parties consider will assist them in implementing this Chapter.

2. The Subcommittee shall meet upon request of a Party. Meetings may be conducted in person, via teleconference, videoconference, or any other means as mutually determined by the Parties.

3. The Subcommittee will be comprised of representatives of the competent authorities and will be co-chaired by representatives of both Parties from their respective ministries primarily responsible for international trade.

4. The contact points set out in Article 6.9 will be responsible for coordinating with the

relevant institutions and persons of the respective Parties as well as ensuring that such institutions and persons are engaged in the Subcommittee.

5. The Subcommittee shall report to the Joint Committee of its activities and work plans.
6. The Subcommittee shall establish its rules and procedures during its first meeting.
7. The Subcommittee may establish *ad hoc* technical working groups, as needed, in accordance with its rules and procedures.

ARTICLE 6.9 CONTACT POINTS

The Parties agree to establish contact points for facilitating the implementation of this Chapter, and for coordinating every SPS matter related to the implementation of this Agreement with its national competent authorities:

- (a) for the Republic of Colombia, the Ministry of Trade, Industry and Tourism (Ministerio de Comercio, Industria y Turismo) ; and
- (b) for the State of Israel, the Ministry of Economy;

or their successors.