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Chapter X

Cooperation in the Field of Agriculture

Article 1

Objectives

1. Recognising that promoting trade in agricultural products¹ and foods between both Parties is of mutual interest, and aiming at promoting cooperation in the fields of sustainable agriculture including rural development including exchange of technical information and best practices for providing safe and high quality foods for consumers of Japan and the [EU: European] Union, the Parties shall cooperate in those fields, in accordance with the applicable laws and regulations of each Party. The Parties shall encourage and facilitate the cooperation among relevant groups, competent authorities, entities, agencies and organisations of the Parties.

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2. The scope of cooperation referred to in paragraph 1 shall be:

- (a) promotion of trade in agricultural products and foods, including dialogue on regulation;
- (b) cooperation for the improvement of farm management, productivity and competitiveness, including exchange of best practices regarding sustainable agriculture, as well as the use of technology and innovation;
- (c) cooperation in production and technology in agriculture and foods;
- (d) cooperation in agricultural quality policies including geographical indications², as long as such cooperation does not overlap with the tasks of the Committee on Intellectual Property Rights related to geographical indications set out in Article XXX of the Agreement; and
- (e) cooperation and exchange of best practices to promote rural development (such as policies aiming at maintaining producers and young farmers in rural areas); and
- (f) consultation on other issues related to agriculture and foods as may be agreed between the Parties.

Article 2

Committee on Cooperation in the Field of Agriculture

1. For the purposes of the effective implementation and operation of this Chapter the Parties hereby establish a Committee on Cooperation in the Field of Agriculture (hereinafter referred

¹ For the purposes of this Chapter (Cooperation in the Field of Agriculture), the term “agricultural products” does not include forestry or fishery products.

² For the purposes of this Chapter, the term agricultural quality policies on geographical indications refers to agricultural quality policies on geographical indications for products covered by Article 22 in Chapter XX [IPR].

related to agriculture or foods to the other Party. The requested Party shall, as soon as possible, but no later than 60 days, after the receipt of the request, unless otherwise agreed between the Parties, provide written comments as regards the request made by the requesting Party.

Article 5
Communications

1. Each Party shall designate upon entry into force of this Agreement at least one contact point to facilitate communications between the Parties on any matter relating to this Chapter.
2. The requests under Article 4 and other relevant issues raised by relevant entities other than the Governments of the Parties shall be reported by each Party's contact point to the other Party's contact point and the Agriculture Committee within a reasonable period of time.
3. Communications referred to in this Chapter shall be made in English.

Article 6
Relation to Other Chapters

Unless otherwise agreed upon between the Parties in this Agreement, this Chapter shall not apply to issues within the scope of Chapter XX [TiG], Chapter XX [TBT], Chapter XX [SPS] or Chapter XX [IPR]. Nothing in this Chapter shall affect the rights and obligations of either Party under Chapter XX [TiG], Chapter XX [TBT], Chapter XX [SPS] or Chapter XX [IPR].

Article 7
Dispute settlement

The dispute settlement procedure provided for in Chapter [] shall not apply to this Chapter.

Japan-EU EPA (SPS) (Non-Paper)

Legend: [Text under consideration]

Article 1: Objectives

The objectives of this Chapter are:

1. to protect human, animal or plant life or health through the development, adoption and enforcement of sanitary and phytosanitary (hereinafter referred to as “SPS”) measures while minimizing negative effects of SPS measures on trade between the Parties;
2. to promote cooperation between the Parties on the implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures in Annex 1A to the WTO Agreement (hereinafter referred to as “SPS Agreement”); and
3. to provide a mean to improve communication and cooperation, and a framework for addressing issues related to the implementation of sanitary and phytosanitary measures, and achieve mutually acceptable solutions.

Article 2: Scope of Application

This Chapter shall apply to all SPS measures of the Parties under the SPS Agreement that may, directly or indirectly, affect trade between the Parties.

Article 3: Definitions

For the purposes of this Chapter:

1. the definitions set out in Annex A of the SPS Agreement shall apply.
2. The Parties may agree on other definitions for the application of this Chapter taking into consideration the glossaries and definitions developed by relevant international organisations, such as the CODEX Alimentarius Commission (hereinafter referred to as “Codex Alimentarius”), the International Office of

accordance with relevant provisions, including Article 5, of the SPS Agreement.

Article 7: Import conditions, import procedures and trade facilitation

1. Import conditions shall be established by the importing Party in order to achieve the appropriate level of protection and shall be based on consultations between the Parties when necessary.
2. Without prejudice to the rights and obligations each Party has under the SPS Agreement, the importing Party should apply import conditions for products to the total [territory][Area] of the exporting Party in a consistent manner if so requested by the exporting Party.
3. The provisions of the previous paragraphs shall not affect the import conditions existing between the Parties on the date of entry into force of this Agreement. The Parties shall give consideration to any request for a review of these import conditions.
4. The Parties shall ensure, with respect to any import procedure to check and ensure the fulfilment of sanitary or phytosanitary measures, including that for approval and clearance process that:
 - (a) such procedures are simplified, expedited and completed without undue delay, in accordance with the SPS Agreement;
 - (b) such procedures are not applied in a manner which would constitute an arbitrary or unjustifiable discrimination against the other Party;
 - (c) the standard processing period of each procedure is published or that the anticipated processing period is communicated to the applicant upon request; and
 - (d) information requirements are limited to what is necessary for appropriate control, inspection and approval procedures, including for approval of the use of additives or for the establishment of tolerances for contaminants in food, beverages or feedstuffs.

[5. EU: More specifically, concerning approval procedure for food additives, food enzymes and food flavourings, on receipt of an application the Party shall acknowledge receipt of the application in writing to the applicant within 14 working days of receiving it shall as soon as possible request an opinion from a risk assessment body, where applicable. The risk assessment authority shall give its opinion within 9 months of

9. Where a range of alternative sanitary or phytosanitary measures may be available to attain the appropriate level of protection of the importing Party, the Parties shall, upon request of the exporting Party, consider selecting more practicable and less trade-restrictive solution.

10. Where a certificate issued by the exporting Party is required for sanitary or phytosanitary objectives, the format of the certificate and its contents shall be agreed between the Parties, taking into account international standards, guidelines or recommendation of Codex Alimentarius, OIE or IPPC.

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

12. Verifications by officials of the importing Party in the [territory][Area] of the exporting Party should be to facilitate new trade and not be applied as a permanent measure. The importing Party shall accept replacing an existing verification measure by an alternative measure which verifies the compliance with the agreed requirements for phytosanitary measures by the exporting Party, if so requested by the exporting Party and subsequently agreed by the Parties without undue delay.

13. Consignments of regulated commodities shall be accepted on the basis of adequate assurances by the exporting Party, without specific import authorisations in the form of a licence or permit, except where official consent for import is necessary, based on the relevant standards, guidelines and recommendations of IPPC.

14. Pest risk analysis shall begin as promptly as possible and conclude without undue delay.

15. Any fees imposed for the procedures on imported products from the exporting Party shall be equitable in relation to any fees charged on like domestic products and should be no higher than the actual cost of the service.

Article 8: Audit

1. In order to attain and maintain confidence in the effective implementation of this Chapter, the Parties shall assist each other to carry out audit of:

- (a) all or parts of the exporting Party's inspection and certification system;
- (b) the results of the controls carried out under the exporting Party's inspection and certification system; in accordance with the provisions of the SPS

4. The importing Party shall make these lists publicly available as appropriate.

Article 10: Adaptation to Regional conditions

Animals, animal products and animal by-products

1. The Parties recognise the concept of zone and compartment specified in the OIE Terrestrial Animal Health Code and the OIE Aquatic Animal Health Code.
2. When establishing or maintaining sanitary import conditions upon the request by the exporting Party, the importing Party shall recognise the zones or compartments established by the exporting Party as a basis for consideration towards the determination of allowing or maintaining the import.
3. The exporting Party shall identify its zones or compartments referred to in paragraph 2 and, if requested, provide a full explanation and supporting data based on the OIE Terrestrial Animal Health Code or the OIE Aquatic Animal Health Code, or in other ways as deemed appropriate by both Parties based on the knowledge acquired through experience of the exporting Party's relevant sanitary authorities.
4. The Parties shall ensure that the procedures and provisions indicated in paragraphs 2 and 3 are carried out without undue delay.
5. The SPS Specialised-Committee will exchange information on or review a way to establish and maintain a mutual recognition of health status, unless otherwise agreed between the Parties, based on the OIE Terrestrial Animal Health Code and recommendations.
6. Each Party may establish zones or compartments referred to in paragraph 2 for diseases not covered by the OIE Terrestrial Animal Health Code or the OIE Aquatic Animal Health Code and agree to apply such zones or compartments in the trade between the Parties.

Plants and plant products

7. The Parties recognize the concepts of pest free areas, pest free places of production and pest free production sites, as well as areas of low pest prevalence specified in the International Standards for Phytosanitary Measures developed under IPPC, as well as of protected zones which the Parties agree to apply in their trade.

- (c) upon reasonable request from the other Party and as soon as possible provide information on its SPS measures and their application, including:
- i. import conditions that apply to the import of specific products;
 - ii. progress on the application for authorisation of specific products;
 - iii. the frequency of import checks carried out on products from the other Party; and
 - iv. matters related to the development and application of its SPS measures, including the progress on new available scientific evidence, that affect, or may affect, trade between the Parties with a view to minimising their negative trade effects.

2. When the information referred to in paragraphs 1(a) and (c) has been made available by notification of a Party under the SPS Agreement or when such information has been made available on an official, publicly accessible and fee free web-site of that Party, the information referred to in paragraphs 1(a) and (c) shall be considered to have been provided.

Article 12: Technical Consultations

1. Where a Party has significant concerns regarding human, animal, or plant life or health or measures proposed or implemented by the other Party, that Party can request technical consultations.
2. The other Party shall respond to such a request without undue delay and shall engage in the technical consultations to address these concerns.
3. Each Party shall endeavour to provide necessary information to avoid a disruption in trade and/or to reach a mutually acceptable solution.
4. Where the Parties have already established other mechanisms to address the concerns than those referred to in this Article, they shall utilize them to the maximum extent possible in order to avoid unnecessary duplication.
5. Each Party shall seek to resolve any concerns with respect to an SPS measure of the other Party through technical consultations pursuant to this Article prior to initiating dispute settlement proceedings under this Agreement.

measures.

3. In (determining) equivalence, the Parties shall take into account the relevant guidance of the WTO SPS Committee and international standards, guidelines and recommendations, in particular the “Decision on the Implementation of Article 4 of the Agreement on the Application of Sanitary and Phytosanitary Measures” adopted by the Committee on SPS Measures of the WTO (G/SPS/19/Rev.2).

4. Where equivalence has been determined, the Parties may agree on alternative import conditions and simplified certificates, taking into account international standards, guidelines or recommendations of Codex Alimentarius, OIE or IPPC.

Article 15: Specialised-Committee on SPS Measures

1. For the purposes of the effective implementation and operation of this Chapter, the Parties hereby establish a Specialised-Committee on SPS Measures (hereinafter referred to in this Article as “the Specialised-Committee”).

The Specialised-Committee shall be composed of representatives of the Parties who have a responsibility for SPS measures with relevant expertise.

2. The objectives of the Specialised-Committee are to:

- (a) Enhance each Party's implementation of this Chapter;
- (b) Consider Sanitary and Phytosanitary matters of mutual interest;
- (c) Enhance communication and cooperation on Sanitary and Phytosanitary matters of mutual interest.

3. The Specialised-Committee:

- (a) Shall provide a forum to improve the Parties' understanding of SPS issues that relate to the implementation of the SPS Agreement;
- (b) Shall provide a forum to enhance mutual understanding of each Party's SPS measures and the regulatory processes that relate to those measures;
- (c) Shall monitor, review and exchange information on the implementation and operation of this Chapter;
- (d) Shall serve as a forum to address with a view to reaching mutually acceptable solutions, the concerns referred to in paragraph 1 of Article 12 provided that the Parties have first attempted to address them through the technical consultations pursuant to Article 12 and other topics agreed between the Parties;
- (e) Shall determine the appropriate means, which may include ad hoc working groups, to undertake specific tasks related to the functions of the

**Annex to SPS Chapter
FOOD ADDITIVES**

Recognising the importance of transparency and predictability with respect to the application and approval procedures for food additives, the Parties reaffirm and undertake as follows:

Article 1 General Principle

Nothing in this Annex shall be construed so as to prevent the Parties from establishing, maintaining amending or modifying their respective approval procedures in line with the provisions of this Chapter.

Article 2 Publication

Relevant guidelines are available at an official web site free of charge. The Parties are encouraged to make available these guidelines in English. Upon request by a Party, the other Party will consider translating a specific guideline in English where possible.

Article 3 Information Requirements

Information requirements are limited to what is necessary for the approval of a food additive.

Article 4 International Standards and Guidelines

Relevant international standards and guidelines on food additives, enzymes, processing aids or nutrients, including their scopes, definitions and principles, and the risk assessments of the international bodies for the approval of such food additive are taken into account.

Article 5 Processing Period

Authorisation of food additives is undertaken and completed without undue delay. The standard processing period of each procedure for the approval of a food additive is published. Each Party has legitimate expectation that the approval procedure of the other Party is conducted according to standard processing period, in accordance with its approval procedure.

Article 6 Exchange of Information

If their respective approval procedures for food additives undergo significant changes, the Parties shall apply the procedures as laid out in Article 11 (Transparency and exchange of information) of this Chapter.

Article 7 Procedures for Consultations

For matters under this Annex, the other Party may apply the procedures of consultation and dispute settlement as laid out in Chapter XX (Dispute settlement) subject to and in conformity with the relevant provisions of this Chapter.