

Annex 15
Annex on Sanitary and Phytosanitary Measures
Under Article 26 of the Agreement

Article 1
Scope and definitions

For the purposes of this Annex, definitions used in the WTO SPS Agreement (hereinafter referred to as "the SPS Agreement") and international standard-setting bodies, namely the Codex Alimentarius Commission, the International Plant Protection Convention (IPPC) and the World Organisation for Animal Health (OIE) shall apply.

Article 2

1. The Tripartite Member States reaffirm the principles and objectives of the SPS Agreement, the International Plant Protection Convention (IPPC), the Codex Alimentarius Commission and the World Organisation for Animal Health (OIE).
2. These principles and objectives shall underlie the activities of the Tripartite Member States.

Article 3
Objectives

1. Tripartite Member States agree to facilitate trade and investment within the Tripartite region by ensuring that measures adopted shall apply only to the extent necessary to protect human, animal or plant health or life in accordance with the provisions of the SPS Agreement.
2. Tripartite Member States undertake to collaborate in strengthening cooperation on matters concerning sanitary and phytosanitary measures (hereinafter referred to as "SPS measures") and to address problems arising from SPS measures on agreed priority sectors and products, as shown in Appendix I, and to facilitate collaboration aimed at recognition of appropriate levels of protection.
3. Tripartite Member States agree to establish and enhance their technical capacity to implement and monitor SPS measures, including promoting greater use of international standards and other matters concerning SPS.

Article 4
Transparency

1. Tripartite Member States reaffirm the principle of transparency in the application of SPS measures, in accordance with the SPS Agreement.
2. Tripartite Member States recognise the importance of effective mechanisms for consultation, notification and exchange of information with respect to SPS measures in accordance with the SPS Agreement.
3. A Tripartite Member State shall inform other Tripartite Member States of any changes in its sanitary and phytosanitary requirements that may affect trade falling under the scope of this Annex. Tripartite Member States undertake to establish mechanisms for the exchange of such information.

4. Tripartite Member States will apply the principle of zoning or compartmentalisation taking into account international standards. Zones or compartments of defined sanitary or phytosanitary status may also be identified and proposed jointly by the Tripartite Member States, on a case by case basis, wherever possible, in order to avoid disruption to trade.

Article 5 Information Exchange and Consultations

1. Tripartite Member States agree to establish an early-warning system to ensure that other Tripartite Member States are informed in advance of new SPS measures that may affect their exports under this Agreement.
2. Tripartite Member States agree to collaborate in the further development of the epidemiological surveillance network on animal diseases and in plant health. The Tripartite Member States will exchange information on the occurrence of pests of known and immediate danger to the other Tripartite Member States.
3. If a Tripartite Member State considers that another Tripartite Member State has taken measures which are likely to affect, or have affected, access to its market, appropriate consultations will be held with a view to avoiding undue delays and finding an appropriate solution in conformity with the WTO SPS Agreement. In this regard, the Tripartite Member States shall exchange names and addresses of contact points with sanitary and phytosanitary expertise in order to facilitate communication and the exchange of information.

Article 6 Implementation

Tripartite Member States shall establish a Tripartite SPS Sub-Committee, under the Trade and Customs Committee for the technical elaboration of policy and implementation of this Annex. Its main functions shall include:

- (a) oversee development, coordination and implementation of a harmonised SPS programme within the Tripartite region;
- (b) strengthen cooperation and capacity on SPS matters and related infrastructure within the Tripartite region;
- (c) provide a forum for cooperation, discussion and exchange of information;
- (d) review the list of priority sectors and products as necessary;
- (e) enhance cooperation on the development, application, enforcement and compliance with SPS measures, including ensuring full involvement of the private sector; and
- (f) deal with any other relevant matters.

Article 7 Cooperation, Capacity Building and Technical Assistance on SPS Measures

1. The Tripartite Member States agree to promote cooperation among their SPS institutions.

2. The respective SPS authorities shall be the competent authorities in the Tripartite Member States and shall be responsible for the implementation of the measures referred to in this Annex and undertake, in accordance with this Annex, to inform each other of their respective competent SPS authorities and any changes thereto.
3. The Tripartite Member States agree to cooperate in facilitating regional harmonisation of measures and the development of appropriate regulatory frameworks and policies within and among their countries, thereby enhancing intra-regional trade and investment.
4. The Tripartite Member States agree to ensure that measures adopted do not become unnecessary barriers to trade, while recognising a Tripartite Member States' rights to set their own appropriate levels of protection.
5. The Tripartite Member States agree on the following priority areas for cooperation:
 - (a) building of technical capacity in the public and private sectors of Tripartite Member States to facilitate efficient and effective implementation and monitoring of sanitary and phytosanitary measures;
 - (b) strengthen coordination mechanisms at national, regional and tripartite level for managing SPS programmes;
 - (c) strengthening Tripartite Member States' notification and enquiry points as well as other matters concerning relevant international standards setting bodies, and support their participation in these bodies;
 - (d) development of capacities for risk analysis, harmonisation, compliance, testing, certification mutual recognition, residue monitoring, border inspection systems, traceability and accreditation including upgrading or of laboratories and other equipment to help Tripartite Member States comply with international standards; and
 - (e) development of harmonised guidelines for the registration of plant protection products and veterinary drugs.

Appendix I
Tripartite Member States' Priority Products and Sectors

Fish, fishery products, aquaculture products, fresh or processed
Live animals and poultry
Fresh meat
Processed meat products
Tallow and animal fats
Hides and skins
Cereals
Vegetables
Pulses and beans
Spices
Oilseeds
Coconut
Copra
Cotton seeds
Groundnut
Cassava
Alcoholic and non-alcoholic beverages, including fruit and vegetables juices
Fruit and tree nuts
Coffee
Tea
Sugar
Tobacco
Eggs
Dairy products
Natural and wild harvested products e.g. honey, marula, baobab, etc.