

ANNEX VI

SANITARY AND PHYTOSANITARY MEASURES

Article 1 – Objective

The objective of the present Annex is to facilitate trade, between the Signatory Parties in animals and animal products, plants, and plant products, and any other regulated articles or any other product, deemed to require sanitary and phytosanitary measures, included in the Preferential Trade Agreement between MERCOSUR and SACU, whilst safeguarding human, animal and plant health.

Article 2 – Multilateral Obligations

The Signatory Parties confirm their rights and obligations established in the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization, by virtue of article 22 of the Preferential Trade Agreement between MERCOSUR and SACU.

Article 3 – Transparency

The Signatory Parties agree to exchange the following information:

- a) Any changes in the sanitary and phytosanitary status, including important epidemiological findings which may affect the Signatory Parties trade;
- b) Result of inspections and verifications within a 60-day term, which may be extended for a similar period in case of appropriate justification;
- c) Result of import controls in case the goods were rejected or considered non-compliant with official requirements, no further than a 48 hour term.

Article 4 – Consultations on Specific Trade Concerns

1. The Signatory Parties agree to create a consultation mechanism to facilitate the settlement of problems arising from the adoption and application of sanitary or phytosanitary measures, in order to prevent these measures from becoming unjustifiable barriers to trade.
2. The competent official authorities, as defined in Article 5 of this Protocol, shall implement the mechanism established in paragraph 1, as follows:
 - a) The exporting Signatory Party affected by a sanitary or phytosanitary measure shall inform the importing Signatory Party of this concern through the form established in Annex 1 and communicate this to the Joint Administration Committee.

- b) The importing Signatory Party shall respond to the request, in writing, before a thirty-day term specifying whether the measure:
- Conforms to an international standard, guideline or recommendation, in which case, it should be identified by the importing Party; or
 - Is based on an international standard, guideline or recommendation. In this case, the importing Party shall supply the scientific justification and other information to support the aspects differing from the international standard, guideline or recommendation; or
 - Results in a higher level of protection for the importing Party otherwise than through an international standard, guideline or recommendation. In this case, the importing Party shall supply the scientific justification for such measure, including the description of the risk/risks to be avoided and, if pertinent, the risk assessment; or
 - In the absence of an international standard, guideline or recommendation, the importing Party shall supply a scientific justification for such measure, including the description of the risk/risks to be avoided and, if pertinent, the risk assessment.
- c) Additional technical consultations may be made, whenever necessary, to analyze and suggest any procedures to overcome difficulties, within a 60-day term.
- d) In case the exporting Signatory Party finds the mentioned consultations to be satisfactory, a joint report shall be submitted to the Joint Administration Committee. If a satisfactory solution is not reached, each Signatory Party shall pass its report to the Joint Administration Committee.

Article 5 – Competent Official Authorities

For the purpose of implementing the preceding provisions, the competent official authorities are the following:

For MERCOSUR

Argentina

Secretaría de Agricultura, Ganadería, Pesca y Alimentos – SAGPyA (Agriculture, Livestock, Fisheries and Food Secretariat)
Servicio Nacional de Sanidad y Calidad Agroalimentaria – SENASA (Animals, Plants and Food Safety and Quality National Service)
Administración Nacional de Alimentos, Medicamentos y Tecnología Médica – ANMAT (National Administration of Food, Medicines and Medical Technology)
Instituto Nacional de Alimentos – INAL (National Food Institute)

Brazil

Ministério da Agricultura, Pecuária e Abastecimento – MAPA (Ministry of Agriculture, Livestock and Supply)
 Agência Nacional de Vigilância Sanitária - ANVISA (National Health Surveillance Agency)

Paraguay

Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas – SENAVE (National Service for Health and Quality Plants and Seeds)
 Ministerio de Agricultura y Ganadería – MAG (Ministry of Agriculture and Livestock)
 Subsecretaría de Estado de Ganadería - SSEG - (Under Secretariat of Livestock)
 Servicio Nacional de Calidad y Salud Animal – SENACSA - (National Service for Quality and Animal Health)

Uruguay

Dirección General de Servicios Agrícolas/MGAP DSSA (General Directorate of Plants Inspection Services/ Ministry of Livestock, Agriculture and Fisheries)
 Dirección General de Recursos Acuáticos/MGAP – DINARA (General Directorate of Aquatic Resources/ General Directorate of Livestock/Ministry of Livestock, Agriculture and Fisheries)
 Dirección General de Servicios Ganaderos/MGAP - DSSG (General Directorate of Livestock/Ministry of Livestock, Agriculture and Fisheries)
 Dirección Nacional de Salud/MSP (National Health Office/Ministry of Health)

For SACUBotswana

Measure: Phytosanitary / plant health
 Contact: Mr Molatlhegi Modise
 Title/position: Chief Plant Protection Officer
 Address: Division of Plant Protection
 Private Bag 0091
 GABORONE
 Country: Botswana
 Language: English
 Telephone: (+267) 392 8745/6 or 292 8766

Measure: Sanitary / animal health
 Contact: Director of Animal Health and Production
 Address: Ministry of Agriculture: Room 104
 Private Bag 0032
 GABORONE
 Botswana
 Language: English
 Telephone: (+267) 395 0635
 Fax: (+267) 390 3744 or 318 1383

Lesotho

Measure: Phytosanitary / plant health
 Contact: Dr. Matla Ranthamane
 Title/position: Director of Agricultural Research
 Address: Department of Agricultural Research
 P.O Box 829
 MASERU, 100
 Lesotho

Language: English
 Telephone: (+266) 22320786 / Mobile: (+266) 58883572
 Fax: (+266) 22310362
 E-Mail: mmranthamane@yahoo.co.uk

Measure: Sanitary (animal health and animal products)
 Contact: Dr. Marosi Molomo
 Title/position: Director of Livestock Services
 Address: Department of Livestock Services
 Private Bag A 82
 MASERU, 100
 Lesotho

Language: English
 Telephone: (+266) 22317282 / (+266) 324843 (Direct) / Mobile: (+266) 62000922
 Fax: (+266) 22311500
 E-Mail: marosimolomo@yahoo.com

Namibia

Measure: Phytosanitary / Plant health
 Contact: Director of Law Enforcement
 Address: Ministry of Agriculture, Water and Forestry
 Private Bag 13184
 WINDHOEK
 Namibia

Language: English
 Telephone: (264 61) 208 7461
 Fax: (264 61) 208 7786
 E-Mail: burgerr@mawrd.gov.na

Measure: Animal health
 Contact: Director Veterinary Services
 Address: Ministry of Agriculture, Water and Forestry
 Private Bag 13184
 WINDHOEK
 Namibia

Language: English
 Telephone: (264 61) 208 7513
 Fax: (264 61) 208 7779
 E-Mail: huebschleo@mawrd.gov.na

South Africa

Measure: Phytosanitary / plant health
 Contact: Ms Alice Baxter
 Title/Position: Directorate Plant Health
 Address: Department of Agriculture
 Private Bag 14
 PRETORIA 0031
 South Africa
 Language: English
 Telephone: (+27 12) 319 6114
 Fax: (+27 12) 319 6580;
 Email: DPH@nda.agric.za or PA.DPH@nda.agric.za

Measure: Animal health
 Contact: Dr. Mpho Maja
 Title/Position: Director: Animal Health
 Address: Department of Agriculture
 Private Bag X138
 PRETORIA 0001
 South Africa
 Language: English
 Telephone: (+27 12) 379 7456
 Fax: (+27 12) 329 7218
 E-mail: mphom@nda.agric.za or SMAH@nda.agric.za

Measure: Food safety
 Contact: Ms J.M.Rathebe
 Title/Position: Director: Food Safety and Quality Assurance
 Address: Department of Agriculture
 Private Bag X343
 PRETORIA 000
 South Africa
 Language: English
 Telephone: (+27 12) 319 7304
 Fax: (+27 12) 319 6764
 E-mail: SMFSQA@nda.agric.za

Measure: Competent National Authority under the
 Cartagena Protocol on Biosafety, & Registrar of the Genetically
 Modified Organisms Act
 Contact: Dr Julian Jaftha
 Title/Position: Director: Genetic Resources Management
 Address: Department of Agriculture
 Private Bag X973
 PRETORIA 0001
 Language: English
 Telephone: (+27 12) 319 6024
 Fax: (+27 12) 319 6385
 E-mail: smgrm@nda.agric.za or michellev@nda.agric.za

Measure: Plant Breeders' Rights Act
 Contact: Ms Michelle Vosges
 Title/Position: Registrar: Plant Breeders' Rights Act
 Address: Department of Agriculture
 Private Bag X973
 PRETORIA 0001
 South Africa
 Language: English
 Telephone: (+27 12) 3196253

Fax: (+27 12) 319 6385
Email: michellev@nda.agric.za

Swaziland

Measure: Phytosanitary / plant health
Contact: Mr. George Similo Mavimbela
Title/Position: Research Officer
Address: Agricultural Research Division (ARD)
Ministry of Agriculture and Co-operatives
Malkerns Research Station
P.O. Box 4
MALKERNS
Country: Swaziland
Language: English
Telephone: (+268) 5283038 / 5283220
Fax: (+268) 5283360
E-mail: mrs@realnet.co.sz or Seemelo@yahoo.com

Measure: Sanitary / Animal health
Contact: Dr Roland Xolani Dlamini
Title/Position: Regional Veterinary Officer
Address: Directorate of Veterinary Services
Ministry of Agriculture and Cooperatives
P.O. Box 4192
MANZINI
Country: Swaziland
Language: English
Telephone: (+268) 5052270 / (+268) 505 2113
Fax: (+268) 505 6443
Email: roland@africaonline.co.sz

ANNEX 1**FORM FOR CONSULTATIONS ON SPECIFIC TRADE CONCERNS
REGARDING SANITARY AND PHYTOSANITARY MEASURES**

Measure under consultation causing concerns: _____

Country, which applies the measure: _____

Responsible institution for application of the measure: _____

WTO Notification Number, whenever if applicable: _____

Consulting country: _____

Consultation date: _____

Responsible Institution for consultation: _____

Division name: _____

Name of Responsible Official: _____

Title of Responsible Official: _____

Telephone, fax, e-mail and mailing address: _____

Product(s) affected by the measure: _____

Sub-tariff item(s): _____

Product(s) description (specify): _____

Is there any relevant international standard? Yes _____ No _____

In case this does exist, give the number and title of the specific international standard(s), guideline(s) or recommendation(s): _____

Objective or reason for consultation: _____