

ANNEX 5-B

FOOD PRODUCTS

1. For the purposes of this Annex:

food product means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drinks, chewing gum and any substance which has been used in the manufacture, preparation or treatment of food but does not include cosmetics or tobacco or substances used only as drugs.

2. This Annex shall apply to technical regulations, standards and conformity assessment procedures that may, directly or indirectly, affect trade in food products between the Parties.

3. Each Party shall identify agencies that are authorised to regulate import and export of food products and manage food safety incidents in its Area and make that information publicly available or provide that information, on request, to the other Party.

4. Each Party shall ensure that its regulation of food products and the provision of food product safety assurances are based on risk assessment procedures in accordance with any applicable international standards, guides and recommendations, including those developed by the Codex Alimentarius Commission.

5. If a Party prepares or adopts good manufacturing practice guidelines for food products, it shall use relevant international standards for food products, or the relevant parts of them, as a basis for its guidelines unless those international standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued.

6. A Party may require that an importer or supplier ensures that:

- (a) any statement required by that Party to be placed on a food product is:
 - (i) clear, specific, truthful, accurate and not misleading to the consumer; and
 - (ii) legible to the consumer; and
- (b) any label be firmly affixed.

7. Each Party shall endeavour to share, subject to its laws and regulations, information from post-market surveillance of food products for food products traded between the Parties, with the other Party.

8. Each Party shall endeavour to share, subject to its laws and regulations, information on its findings or the findings of its relevant agencies regarding food product ingredients which could cause human health concerns, with the other Party.
9. If a Party detects non-conformity of a food product from the other Party that results in a consignment being refused entry, and cannot promptly resolve the issue, it shall contact the other Party through the contact point designated pursuant to Article 5.10 as soon as possible, and in any event within 14 days of refusing entry of a consignment, with information about their decision of refusing the entry of the food product.
10. On request of a Party for consultations on any matter arising in relation to the trade in food products under this Chapter, the Parties shall enter into consultations as soon as practicable and in any event within 14 days of receiving the request for consultations from the requesting Party, unless the Parties otherwise agree.
11. The Parties shall endeavour to collaborate through relevant regional and international initiatives, as appropriate, to improve the alignment of their respective regulations and regulatory activities for food products.
12. Each Party shall endeavour to be acquainted with the other Party's laws, regulations and requirements in respect of production practices, with the aim of enhancing understanding of each other's mechanisms for regulating production practices and informing requests for the acceptance of each other's regulatory processes, where appropriate.
13. Each Party shall give positive consideration to accepting as equivalent the technical regulations and standards of the other Party, even if these regulations and standards differ from its own, if the exporting Party objectively demonstrates to the importing Party that such technical regulations and standards achieve the purposes of the importing Party's regulatory regime for food products.
14. The Parties may decide to negotiate recognition of their food safety systems, for all or some food products covered by this Annex. When negotiating system recognition, the Parties shall take into account the relevant guidance documents developed by the Codex Alimentarius Commission.
15. With a view to preventing avoidable loss or deterioration of perishable goods, and provided that all regulatory requirements have been met, each Party shall provide for the release of perishable goods under normal circumstances within the shortest possible time.