

AGREEMENT BETWEEN THE GOVERNMENT OF JAPAN
AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA
ON COOPERATION IN ANIMAL HEALTH AND QUARANTINE

The Government of Japan and the Government of the People's Republic of China (hereinafter referred to as "the Parties"),

DESIRING to improve the environment in both countries for bilateral cooperation in the areas of animal health and quarantine;

WISHING to intensify efforts for the prevention of transboundary spread of animal epizootic diseases;

INTENDING to protect the agriculture, animal husbandry, fishery and public health in the respective countries; and

RECOGNIZING that a fair and equitable friendly relationship between the Parties on a reciprocal basis will serve these aims;

HAVE agreed as follows:

ARTICLE 1

For the purpose of this Agreement:

- (a) "animals" are domestic or wild animals, such as livestock, poultry, beasts, fish, shrimps and prawns, crabs, shellfish and bees;
- (b) "products of animal origin" include meat, hide, raw wool, down, internal organs, fat, blood, semen, ova, embryos, bones, hooves, heads, horns and tendons of animal origin, as well as milk and eggs; and
- (c) "veterinary certificates" are valid documents patterned after the model certificate of the World Organisation for Animal Health (hereinafter referred to as the "OIE") and issued by animal quarantine authorities on the health or sanitation status of animals, products of animal origin or other items subject to quarantine.

ARTICLE 2

With a view to facilitating safe trade of animals and products of animal origin, the Parties shall improve mechanisms for cooperation in transboundary animal disease control to protect their countries against transboundary spread of animal epizootic diseases resulting from import, export or transit of animals, products of animal origin, feed, packaging, containers and other fomites which could possibly be contaminated by pathogens.

ARTICLE 3

The competent authorities responsible for implementing this Agreement shall be:

- (a) for the People's Republic of China, the Ministry of Agriculture and Rural Affairs and the General Administration of Customs; and
- (b) for Japan, the Ministry of Agriculture, Forestry and Fisheries.

ARTICLE 4

1. The Parties shall respectively authorise the Ministry of Agriculture, Forestry and Fisheries of Japan and the Ministry of Agriculture and Rural Affairs of the People's Republic of China, as veterinary authorities, to negotiate and sign memoranda of cooperation or other documents related to animal health under the framework of this Agreement.

2. The Parties shall respectively authorise the Ministry of Agriculture, Forestry and Fisheries of Japan and the General Administration of Customs of the People's Republic of China, as regulatory authorities of import and export quarantine of animals, to negotiate and sign memoranda of cooperation or other documents related to animal health and quarantine requirements for import, export and transit of animals, products of animal origin and feed, and to confirm and exchange samples of relevant veterinary certificates, under the framework of this Agreement.

3. The signed memoranda of cooperation or other documents mentioned above must be faithfully implemented in accordance with the provisions of this Agreement.

ARTICLE 5

1. Animals, products of animal origin and feed exported from the country of one Party to the country of the other Party shall be subject to the laws, regulations and rules concerning animal health and quarantine of the importing country and the memoranda of cooperation or other documents referred to in Article 4.

2. The Parties shall ensure that the exported animals, products of animal origin and feed referred to in paragraph 1 shall be accompanied by original veterinary certificates issued by the regulatory authority of the exporting Party, if such certificates are required by the importing Party.

3. The technical format of the veterinary certificates referred to in paragraph 2 shall be mutually agreed through consultation by the regulatory authorities referred to in subparagraph 2 of Article 4.

4. The importing Party is entitled to perform quarantine on animals, products of animal origin, feed, packaging, containers and other fomites, imported from the country of the exporting Party, in accordance with the laws, regulations and rules concerning animal health and quarantine of the importing country and the memoranda of cooperation or other documents referred to in Article 4. When problems are detected, the importing Party is entitled to apply quarantine treatment or adopt restrictive measures in order to prevent introduction of foreign animal diseases, parasites and hazardous substances found in the consignment.

5. The importing Party shall notify the exporting Party in a timely manner, when items subject to quarantine are found to carry pathogens or other pests, or do not meet requirements of its animal quarantine laws, regulations and rules.

ARTICLE 6

The Parties shall facilitate cooperation on information exchange on administration, science and technology concerning trade of animals, products of animal origin, feed, packaging, containers and other fomites, by way of:

- (a) informing each other in a timely manner about details of the following events taking place within their countries:

- (i) first occurrence and/or recurrence of an OIE-listed disease and/or infection;
 - (ii) first occurrence of new strains of pathogens of an OIE-listed disease; and
 - (iii) a sudden and unexpected increase in the distribution, incidence or mortality of an OIE-listed disease;
- (b) exchanging the semi-annual official reports on other OIE-listed infectious animal diseases that have occurred within their own countries;
 - (c) notifying each other of the prevention and control measures applied to prevent the introduction of OIE-listed diseases that have occurred in neighboring countries;
 - (d) conducting cooperation and experience sharing on veterinary administration and management to learn about the other Party's measures on animal health and achieve equivalence in these measures, with a view to facilitating bilateral trade;
 - (e) exchanging technical information on animal health, veterinary public health, entry-exit inspection and quarantine, animal identification and traceability, and antimicrobial resistance in animal health through such ways as seminars;
 - (f) exchanging journals and other publications concerning laws, regulations and rules in the field of animal quarantine and veterinary services; and
 - (g) cooperating in research and development of veterinary diagnostic methods and vaccines.

ARTICLE 7

The Parties shall protect copyrights, patent and other intellectual property in accordance with their respective laws and regulations as well as applicable international agreements which are in force between the Parties, in the implementation of cooperation specified in the subparagraphs of Article 6.

ARTICLE 8

1. Each Party shall bear, within its available budgetary resources, the costs of the following activities:

- (a) visits of its delegations relating to animal quarantine and animal health management, including those related to its implementation or exchange of management experience; and
- (b) dispatch of its specialists or researchers to seminars and other scientific conferences.

2. Each Party shall bear the costs of sending information, journals and publications to the other Party.

3. Notwithstanding the provisions of paragraphs 1 and 2, the Parties may decide the financing arrangements of any activity within the scope of this Agreement.

ARTICLE 9

1. Any dispute arising from the interpretation or implementation of this Agreement shall be resolved through consultations between the Parties via diplomatic channels.

2. Any dispute arising from the interpretation or implementation of the memoranda of cooperation or other documents referred to in Article 4 shall be resolved through consultations between the competent authorities referred to in Article 3. If the dispute cannot be resolved through consultations by the competent authorities, it shall be resolved through consultations between the Parties via diplomatic channels.

ARTICLE 10

1. This Agreement shall enter into force on the date of receipt of the later of the notifications whereby the Parties notify each other, in writing through diplomatic channels, that their respective legal procedures necessary for the entry into force of this Agreement have been completed. This Agreement shall be implemented by the Parties subject to the relevant laws and regulations in force in each country.

2. This Agreement shall remain in force for an indefinite period. Either Party may give to the other Party, via diplomatic channels, written notice of termination of this Agreement. In that event, this Agreement shall remain in force until the last day of the six months following the date on which the termination notice is received.

ARTICLE 11

This Agreement shall not affect the rights and obligations of each Party under other international agreements, conventions, treaties and protocols.

ARTICLE 12

Any amendment of this Agreement shall be made by written agreement between the Parties and shall enter into force in accordance with the same procedure as set out in paragraph 1 of Article 10.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

DONE in duplicate at Tokyo on this twenty-fifth day of November, 2019 in the Japanese, Chinese and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

FOR THE GOVERNMENT
OF JAPAN

FOR THE GOVERNMENT OF
THE PEOPLE'S REPUBLIC
OF CHINA

横井裕

孔鉉佑