

Chapter Six

Sanitary and Phytosanitary Measures

Objectives

The objectives of this Chapter are to protect human, animal, or plant life or health in the Parties' territories, enhance the Parties' implementation of the SPS Agreement, provide a forum for addressing sanitary and phytosanitary matters, resolve trade issues, and thereby expand trade opportunities.

Article 6.1: Affirmation of the SPS Agreement

Further to Article 1.3 (Relation to Other Agreements), the Parties affirm their existing rights and obligations with respect to each other under the SPS Agreement of the WTO.

Article 6.2: Scope and Coverage

1. This Chapter applies to all sanitary and phytosanitary measures of a Party that may, directly or indirectly, affect trade between the Parties.
2. Neither Party may have recourse to dispute settlement under this Agreement for any matter arising under this Chapter.

Article 6.3: Committee on Sanitary and Phytosanitary Matters

1. Not later than 30 days after the date of entry into force of this Agreement, the Parties shall establish a Committee on Sanitary and Phytosanitary Matters, comprising representatives of each Party who have responsibility for sanitary and phytosanitary matters.
2. The Parties shall establish the Committee through an exchange of letters identifying the primary representative of each Party to the Committee and establishing the Committee's terms of reference.
3. The objectives of the Committee shall be to help each Party implement the SPS Agreement, assist each Party to protect human, animal, or plant life or health, enhance consultation and cooperation on sanitary and phytosanitary matters, and facilitate trade between the Parties.
4. The Committee shall seek to promote communication and otherwise enhance present and/or future relationships between the Parties' agencies and ministries with responsibility for sanitary and phytosanitary matters, as set out in Annex 6.3.
5. Committee members will work together to ensure that concerns raised through the Committee process are addressed in a timely manner.

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6. The Committee may agree to establish ad hoc working groups in accordance with its terms of reference.
7. The Committee shall provide a forum for:
 - (a) enhancing mutual understanding of each Party's sanitary and phytosanitary measures and the regulatory processes that relate to those measures;
 - (b) consulting on matters related to the development or application of sanitary and phytosanitary measures that affect, or may affect, trade between the Parties;
 - (c) reviewing progress on sanitary and phytosanitary matters that may arise between the Parties' relevant agencies and ministries with a view to facilitating trade between the Parties.
 - (d) consulting on issues, positions, and agendas for meetings of the *WTO SPS Committee*, the various *Codex* committees (including the *Codex Alimentarius Commission*), the *International Plant Protection Convention*, the *International Office of Epizootics*, and other international and regional fora on food safety and human, animal, and plant health;
 - (e) making recommendations on technical cooperation programs on sanitary and phytosanitary matters to the Committee on Trade Capacity Building; and,
 - (f) improving the Parties' understanding of specific issues relating to the implementation of the SPS Agreement.
8. Each Party shall ensure that appropriate representatives with responsibility for the development, implementation, and enforcement of sanitary and phytosanitary measures from its relevant trade and regulatory agencies or ministries participate in meetings of the Committee.
9. The Committee shall meet at least once a year unless the Parties otherwise agree.
10. The Committee shall perform its work in accordance with its terms of reference. The Committee may revise its terms of reference and may establish procedures to guide its operation.
11. All decisions of the Committee shall be taken by consensus unless the Committee decides otherwise.

Article 6.4: Definitions

For purposes of this Chapter,

sanitary or phytosanitary measure means any measure referred to in Annex A, paragraph 1, of the SPS Agreement.

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Annex 6.3.4

Committee on Sanitary and Phytosanitary Matters

The Committee on Sanitary and Phytosanitary Matters shall comprise representatives of the following agencies and ministries:

- (a) In the case of Panama, the Dirección Nacional de Negociaciones Comerciales Internacionales and the Dirección General de Normas y Tecnología Industrial del Ministerio de Comercio e Industrias; the Oficina de Política Comercial, the Dirección Nacional de Sanidad Vegetal, the Dirección Nacional de Salud Animal, the Unidad de Negociación Agropecuaria y Dirección Ejecutiva de Cuarentena Agropecuaria del Ministerio de Desarrollo Agropecuario; the Departamento de Protección de Alimentos, the Departamento de Zoonosis and the Dirección de Farmacias y Drogas del Ministerio de Salud; the Autoridad Nacional del Ambiente; the Ministerio de Relaciones Exteriores; and the Ministerio de Gobierno y Justicia.

- (b) In the case of the United States, the Office of the United States Trade Representative, the Department of State, the Department of Commerce, the Food Safety and Inspection Service of the United States Department of Agriculture (USDA), the Foreign Agricultural Service of the USDA, the Animal and Plant Health Inspection Service of the USDA, the Environmental Protection Agency, and the Food and Drug Administration of the Department of Health and Human Services, and Department of Homeland Security,

or their successors.