

## 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.

#### **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. No 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, as set out in Annex 6.3.
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 between the Parties on sanitary and phytosanitary matters, and facilitate trade between the Parties.
4. The Committee shall seek to promote communication and otherwise enhance present or future relationships between the Parties' agencies and ministries with responsibility for sanitary and phytosanitary matters.

5. To the extent possible, the Committee shall seek to facilitate a Party's response to a written request for information from another Party with minimal delay. The Committee shall endeavor to ensure that at the earliest opportunity the responding Party communicates to the requesting Party the steps involved in responding to the request.
6. 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) addressing bilateral or plurilateral sanitary and phytosanitary matters 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;
  - (f) improving the Parties' understanding of specific issues relating to the implementation of the SPS Agreement; and
  - (g) reviewing progress in addressing sanitary and phytosanitary matters that may arise between the Parties' agencies and ministries with responsibility for such matters.
7. 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.
8. The Committee shall meet at least once a year unless the Parties otherwise agree.
9. 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.
10. The Committee may establish *ad hoc* working groups in accordance with its terms of reference.
11. All decisions of the Committee shall be taken by consensus, unless the Committee otherwise decides.

### Annex 6.3

#### 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 Costa Rica, the *Dirección de Aplicación de Acuerdos Comerciales Internacionales del Ministerio de Comercio Exterior*, the *Dirección de Salud Animal y el Servicio de Protección Fitosanitaria del Estado del Ministerio de Agricultura y Ganadería*, and the *Ministerio de Salud*;
- (b) in the case of El Salvador, the *Ministerio de Economía*, the *Ministerio de Agricultura y Ganadería*, and the *Ministerio de Salud Pública y Asistencia Social*;
- (c) in the case of Guatemala, the *Unidad de Normas y Regulaciones del Ministerio de Agricultura Ganadería y Alimentación*, the *Departamento de Regulación y Control de Alimentos del Ministerio de Salud Pública y Asistencia Social*, and the *Ministerio de Economía*;
- (d) in the case of Honduras, the *Dirección General de Integración Económica y Política Comercial de la Secretaría de Estado en los Despachos de Industria y Comercio* and the *Dirección General del Servicio Nacional de Sanidad Agropecuaria de la Secretaría de Estado en los Despachos de Agricultura y Ganadería*;
- (e) in the case of Nicaragua, the *Ministerio de Fomento, Industria y Comercio*, the *Ministerio Agropecuario y Forestal*, and the *Ministerio de Salud*; and
- (f) 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,

or their successors.