

## 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, facilitate the resolution of 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. 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 that 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 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. The Committee shall endeavor to ensure that sanitary and phytosanitary matters raised in the Committee are addressed in a timely manner.
6. The Committee may 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 establish procedures to guide its operation.
11. All decisions of the Committee shall be taken by mutual agreement.

### 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 Panama, the *Dirección Nacional de Administración de Tratados Comerciales Internacionales y de Defensa Comercial*, 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 *Autoridad Panameña de Seguridad de Alimentos*; the *Departamento de Protección de Alimentos*, the *Departamento de Zoonosis* and the *Dirección de Farmacias y Drogas del Ministerio de Salud*; and the *Autoridad Nacional del Ambiente*.
- (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 Foreign Agricultural Service of the United States Department of Agriculture (USDA), the Food Safety and Inspection Service of the USDA, the Animal and Plant Health Inspection Service of the USDA, the Environmental Protection Agency, the Food and Drug Administration of the Department of Health and Human Services, and the Department of Homeland Security,

or their successors.