

Chapter 5

Sanitary and Phytosanitary Measures

Article 5.1: Objectives

The objectives of this Chapter are to:

- (a) protect human, animal, or plant life or health in the territory of the Parties, and to provide a framework to address any sanitary and phytosanitary (SPS) bilateral matters so as to facilitate and increase trade between the Parties;
- (b) uphold and enhance the implementation of the SPS Agreement and applicable international standards, guidelines and recommendations developed by relevant international organizations; and
- (c) strengthen cooperation between the Parties' competent SPS authorities having responsibility for matters covered by this Chapter and to deepen mutual understanding of each Party's regulations and procedures.

Article 5.2: Definitions

For purposes of this Chapter:

- (a) the definitions in Annex A of the SPS Agreement and the definitions provided in the glossary of harmonized terms of the relevant international organizations shall apply to this Chapter; and
- (b) **relevant international organizations** refers to the organizations mentioned in the SPS Agreement, namely International Plant Protection Convention (IPPC), Codex Alimentarius (Codex) and World Organization for Animal Health (OIE).

Article 5.3: Scope and Coverage

1. This Chapter applies to all SPS measures that may, directly or indirectly, affect trade between the Parties.
2. This Chapter does not apply to standards, technical regulations and conformity assessment procedures as defined in the TBT Agreement which are covered by Chapter 6 (Technical Barriers to Trade) of this Agreement.

Article 5.4: General Provisions

1. The Parties reaffirm their existing rights and obligations with respect to each other under the SPS Agreement.
2. The Parties recognize and apply the decisions on the application of the SPS Agreement adopted by the WTO Committee on Sanitary and Phytosanitary Measures (WTO SPS Committee).

Article 5.5: Trade Facilitation

1. The Parties shall cooperate and jointly identify work in the field of SPS measures with a view to facilitating trade between the Parties. In particular, the Parties shall seek to identify initiatives that are appropriate for particular issues or sectors. Such initiatives may include cooperation on regulatory issues, such as unilateral recognition of equivalence, harmonization or other cooperative arrangements.
2. At the request of a Party, the other Party shall give favourable consideration to any sector-specific proposal that the former Party makes for consideration under this Chapter.

Article 5.6: Transparency

1. The Parties affirm their obligations on the transparency provisions set out in the SPS Agreement, as well as the relevant decisions of the WTO SPS Committee.
2. The importing Party shall notify to the exporting Party through the relevant competent SPS authority, within a reasonable period of time, the information regarding serious non-compliance of SPS requirements and which results in rejection by the importing Party.

Article 5.7: SPS Coordinators

1. To facilitate the implementation of this Chapter and cooperation between the Parties, each Party shall designate a SPS Coordinator, who shall be responsible for coordinating with competent SPS authorities in the Party's territory and communicating with the other Party's SPS Coordinator on all matters pertaining to this Chapter. The SPS Coordinators' functions shall include, among others:
 - (a) monitoring the implementation and administration of this Chapter;

- (b) enhancing communication between the Parties' competent SPS authorities and shall seek to facilitate a Party's response to written requests for information from the other Party in print or electronically without undue delay, and in any case within 30 days after the date of receipt of the request, at no cost or at reasonable cost;
- (c) facilitating information exchange so as to enhance mutual understanding of each Party's SPS measures and the regulatory processes that relate to those measures and their impact on trade in goods between the Parties;
- (d) promptly addressing any bilateral SPS issue that a Party raises, so as to enhance cooperation and consultation between the Parties and facilitate trade between them;
- (e) promoting the use of international standards by both Parties in their respective adoption and application of SPS measures;
- (f) reviewing progress on addressing SPS matters that may arise between the Parties' competent SPS authorities; and
- (g) without prejudice to Article 16.1 (The Free Trade Commission), convening, as necessary and appropriate, an *ad hoc* technical working group for addressing requests for technical clarification with the objective of identifying practical and workable solutions that would facilitate trade. Both Parties shall endeavour to convene the *ad hoc* technical working group without undue delay.

2. The SPS Coordinators shall normally carry out their functions through agreed communication channels such as telephone, facsimile, email; whichever is most expedient in the discharge of their functions.

3. Notwithstanding paragraph 2, in technical issues like notifications of interceptions, risk assessments or others, the contact between the competent SPS authorities can be made directly, with due communication to the SPS Coordinators.

Article 5.8: Technical Cooperation

The Parties agree to explore opportunities for future cooperation and collaboration on SPS matters of mutual benefit, which may include training and exchange visits. Such activities shall be mutually agreed upon and subject to the availability of resources.

Article 5.9: Final Provisions

1. Nothing in this Chapter shall limit the authority of a Party to determine the level of protection it considers necessary for the protection of, *inter alia*, human health or safety, animal or plant life or health. In pursuance of this, each Party retains all authority to interpret its laws, regulations and administrative provisions.
2. For purposes of this Chapter, the competent authorities are:
 - (a) in the case of Costa Rica:

Dirección de Aplicación de Acuerdos Comerciales Internacionales ("DAACI")
Ministerio de Comercio Exterior
(Directorate for the Application of International Trade Agreements, Ministry of Foreign Trade)
Address: 1st and 3rd Avenue, 40th Street, Paseo Colón, San José.
Tel: (506) 22 99 47 00
Fax: (506) 22 56 84 89
P.O. Box: 297-1007 Centro Colón
E-mail: daaci@comex.go.cr
Web: www.comex.go.cr

Dirección General de Salud Animal
Servicio Nacional de Salud Animal ("SENASA")
Ministerio de Agricultura y Ganadería
(Directorate-General of Animal Health, National Service of Animal Health, Ministry of Agriculture and Livestock)
Address: Campus Universidad Nacional, Lagunilla, Heredia.
Tel: (506) 22 62 02 21
Fax: (506) 22 62 02 21
P.O. Box: 3-3006 CENADA, Heredia
E-mail: infoepidemiologica@senasa.go.cr
Web: www.senasa.go.cr

Dirección Ejecutiva
Servicio Fitosanitario del Estado ("SFE")
Ministerio de Agricultura y Ganadería
(Executive Directorate, State Phytosanitary Service, Ministry of Agriculture and Livestock)
Address: Campus Universidad Nacional, Lagunilla, Heredia.
Tel: (506) 22 60 61 90
Fax: (506) 22 60 83 01
P.O. Box: 70-3006 Barreal de Heredia
E-mail: direccion@sfe.go.cr / centroinfo@sfe.go.cr
Web: www.sfe.go.cr

Dirección de Regulación de la Salud
Ministerio de Salud
(Directorate of Health Regulation,
Ministry of Health)
Address: 6th and 8th Avenue, 16th Street, San José.
Tel: (506) 22 58 67 65
Fax: (506) 22 55 45 12
P.O. Box: 10123-1000 San José
E-mail: infosalud@netsalud.sa.cr
Web: www.ministeriodesalud.sa.cr

- (b) in the case of Singapore:

Agri-Food and Veterinary Authority of Singapore
Address: 5 Maxwell Road # 04-00, Tower Block MND Complex
Singapore 069110, Republic of Singapore
Tel: (65) 6222 1211
Fax: (65) 6220 6068
E-mail: AVA_email@ava.gov.sg
Web: www.ava.gov.sg

or their successors.

3. For purposes of Article 5.7 (SPS Coordinators), the SPS Coordinators shall be:

- (a) in the case of Costa Rica:

Dirección de Aplicación de Acuerdos Comerciales
Internacionales ("DAACI")
Ministerio de Comercio Exterior
(Directorate for the Application of International Trade
Agreements, Ministry of Foreign Trade)
Address: 1st and 3rd Avenue, 40th Street, Paseo Colón,
San José.
Tel: (506) 22 99 47 00
Fax: (506) 22 56 84 89
P.O. Box: 297-1007 Centro Colón
E-mail: daaci@comex.go.cr
Web: www.comex.go.cr

- (b) in the case of Singapore:

Ministry of Trade and Industry
Trade Division
Address: 100 High Street # 09-01, The Treasury
Singapore 179434, Republic of Singapore
Tel: (65) 6225 9911
Fax: (65) 6332 7260

E-mail: mti_fta@mti.gov.sg
Web: www.mti.gov.sg

or their successors or designated contact points.