

CHAPTER 5

SANITARY AND PHYTOSANITARY MEASURES

Article 5.1: Objectives

The objectives of this Chapter are to protect human, animal, or plant life or health in the territory of the Parties, and to provide a framework to address any bilateral sanitary and phytosanitary matters so as to facilitate and increase trade between the Parties.

Article 5.2: Scope and Coverage

1. This Chapter applies to all sanitary and phytosanitary measures that may, directly or indirectly, affect trade between the Parties.
2. For this purpose:
 - (a) Sanitary or Phytosanitary measure means any measure referred to in Annex A, paragraph 1 of the *WTO Agreement on the Application of Sanitary and Phytosanitary Measures* ("SPS Agreement");
 - (b) Trade between the Parties refers to trade in goods produced, processed or manufactured in the territory of the Parties.
- 3 This Chapter does not apply to standards, technical regulations and conformity assessment procedures as defined in the *WTO Agreement on Technical Barriers to Trade* which are covered by Chapter 6 (*Technical Barriers to Trade*) of this Agreement.

Article 5.3: General Provisions

- 1 The Parties affirm their existing rights and obligations with respect to each other under the SPS Agreement.
- 2 With a view to facilitating and increasing bilateral trade, the Parties shall seek to enhance their cooperation in the area of sanitary and phytosanitary measures and deepen their mutual understanding and awareness of their respective systems.

Article 5.4: Trade Facilitation

1. The Parties shall cooperate and jointly identify work in the field of sanitary and phytosanitary measures with a view to facilitating trade between the Parties. In particular, the Parties shall seek to identify initiatives that are appropriate for the particular issues or sectors. Such initiatives may include

cooperation on regulatory issues, such as unilateral recognition of equivalence, harmonisation or other cooperative arrangements.

2. At the request of the other Party, each Party shall give favourable consideration to any sector-specific proposal that the other Party makes for consideration under this Chapter.

Article 5.5: Coordinators

1. To facilitate the implementation of this Chapter and cooperation between the Parties, each Party shall designate a Coordinator, who shall be responsible for coordinating with interested persons in the Party's territory and communicating with the other Party's Coordinator in all matters pertaining to this Chapter. The Coordinators' functions shall include:

- (a) monitoring the implementation and administration of this Chapter;
- (b) enhancing communication between the Parties' agencies and ministries with responsibility for sanitary and phytosanitary matters, seeking 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 sanitary and phytosanitary measures and the regulatory processes that relate to those measures and their impact on trade in such goods between the Parties;
- (d) promptly addressing any bilateral sanitary and phytosanitary issue that a Party raises to enhance cooperation and consultation between the Parties to facilitate trade between the Parties;
- (e) promoting the use of international standards by both Parties in their respective adoption and application of sanitary and phytosanitary measures;
- (f) reviewing progress on addressing sanitary and phytosanitary matters that may arise between the Parties' agencies and ministries with responsibility for such matters; and
- (g) without prejudice to Article 17.1 (*Administrative Commission of the Agreement*), 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 solution that would facilitate trade. Both Parties shall endeavour to convene the *ad hoc* technical working group without undue delay.

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

Article 5.6: 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 or the environment. In pursuance of this, each Party retains all authority to interpret its laws, regulations and administrative provisions.

2. For the purposes of Article 5.5, the Coordinator for:

- (a) Panama shall be:

Ministry of Trade and Industries
Edison Plaza, Ave, Ricardo J. Alfaro, El Paical, 2nd Floor
Panama, Republic of Panama
Tel: (507) 360-0690
Fax : (507) 360-0691
Email: admtratados@mici.gob.pa

- (b) Singapore shall be:

Ministry of Trade and Industry,
Trade Division,
100 High Street # 09-01, The Treasury,
Singapore 179434, Republic of Singapore
Tel: (65) 6225 9911
Fax: (65) 6332 7260
Email: mti_fta@mti.gov.sg

or their successors or designated contact points.