

CHAPTER 4

SANITARY AND PHYTOSANITARY MEASURES

Article 4.1

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 (hereinafter referred to as “SPS”) matters so as to facilitate and increase trade between the Parties.

Article 4.2

Scope

1. This Chapter shall apply to all SPS measures of a Party that may, directly or indirectly, affect trade between the Parties.
2. This Chapter shall not apply to standards, technical regulations and conformity assessment procedures as defined in the TBT Agreement which are covered by Chapter 5 (Technical Barriers to Trade).
3. Nothing in this Chapter shall limit the rights or obligations of the Parties pursuant to the SPS Agreement.

Article 4.3

Definitions

For the purposes of this Chapter:

- (a) “SPS measure” means any measure referred to in paragraph 1, Annex A of the SPS Agreement; and
- (b) The Parties may agree on other definitions for the application of this Chapter taking into consideration the glossaries and definitions of relevant international organisations, such as the *CODEX Alimentarius Commission* (hereinafter referred to as “Codex Alimentarius”), the *World Organisation for Animal Health* (hereinafter referred to as “OIE”) and under the *International Plant Protection Convention* (hereinafter referred to as “IPPC”).

Article 4.4

Rights and Obligations

The Parties affirm their existing rights and obligations with respect to each other under the SPS Agreement.

Article 4.5
General Principles

When implementing this Chapter, the Parties:

- (a) shall not apply their SPS measure in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade;
- (b) shall ensure that any SPS measure is applied only to the extent necessary to protect human, animal or plant life or health, is based on scientific principles and is not maintained without sufficient scientific evidence; and
- (c) will neither use the procedures established under this Chapter nor any requests for additional information to delay, without scientific and technical justification, access to their respective markets.

Article 4.6
Competent Authorities

The competent authorities of the Parties responsible for the implementation of this Chapter are set out in Annex 4-A. The Parties shall notify each other of any change in their respective competent authorities.

Article 4.7
Trade Facilitation

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.

Article 4.8
Transparency

- 1. The Parties reaffirm their transparency obligations under the SPS Agreement.
- 2. Each Party shall publish all SPS measures in force on a website. Where possible, and upon request, the Parties shall provide information regarding the measure(s) in English.
- 3. Upon request of a Party, the other Party shall communicate the import requirements that apply for the import of specific products as soon as possible.
- 4. Where a Party has serious concerns regarding any risk to human, animal or plant life or health, affecting commodities for which trade takes place, technical discussions regarding the situation shall, upon request, take place as soon as possible. In this case,

each Party shall endeavour to provide in due time all necessary information to avoid any disruptions to trade.

Article 4.9
Emergency Measures

1. In case of serious human, animal or plant life or health risk, the importing Party may take, without previous notification, measures necessary to protect human, animal or plant life or health. For consignments in transport between the Parties, the importing Party shall consider the most suitable and proportional solution in order to avoid unnecessary disruptions to trade.
2. Either Party may request any information related to the SPS situation and any measures adopted. The other Party shall answer as soon as the requested information is available.

Article 4.10
Equivalence

1. The Parties recognise that the principle of equivalence, as set down in Article 4 of the SPS Agreement, has mutual benefits for both exporting and importing countries.
2. In determining the equivalence of SPS measures, the Parties shall take into account guidance developed by the SPS Committee and the Codex Alimentarius, the OIE and the IPPC, as amended from time to time.
3. The Parties shall give favourable consideration to accepting the equivalence of each other's SPS measures, in order to ease trade of the products subject to SPS measures and foster mutual confidence between the respective competent authorities.
4. Compliance by an exported product with an SPS standard that has been accepted as equivalent to an SPS standard of the importing Party shall not remove the need for that product to comply with any other relevant mandatory requirements of the importing Party.
5. Whenever an agreement on recognition of the equivalence is in process of negotiation and no final approval is achieved, the Parties should neither stop nor apply SPS measures more restrictive than those in force in their mutual trade, except where SPS emergencies arise or threaten to arise for a Party.

Article 4.11
Import Requirements

1. The importing Party shall ensure that its import conditions are applied to products imported from the exporting Party in a proportional and non-discriminatory manner.

2. Any fees imposed for the procedures on products imported from the exporting Party shall be equitable in relation to any fees charged on like domestic products and should be no higher than the actual cost of the service.
3. The importing Party shall have the right to carry out import checks on products imported from the exporting Party for the purposes of implementing SPS measures.
4. The import checks carried out on products imported from the exporting Party shall be based on the SPS risk associated with such importation. They shall be carried out without undue delay and with a minimum effect on trade between the Parties.
5. The information on the frequencies of import checks carried out on products imported from the exporting Party shall be made available on request. The importing Party may amend the frequencies of physical checks within their responsibilities, as appropriate, as a result of:
 - (a) on-site checks;
 - (b) import checks; or
 - (c) other actions or consultations provided for in this Chapter.
6. In the event that the import checks reveal non-conformity with the relevant standards and/or requirements of the importing Party, any action taken by the importing Party should be proportionate to the SPS risk involved.

Article 4.12
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 competent authorities in the Party's territory and communicating with the other Party's Coordinator on all matters pertaining to this Chapter.
2. The Coordinators' functions shall include:
 - (a) enhancing communication between the Parties' competent authorities, 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 from the date of receipt of the request and at no cost or at reasonable cost;
 - (b) 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 such goods between the Parties;

- (c) promptly addressing any bilateral SPS issues that a Party raises to enhance cooperation and consultation between the Parties to facilitate trade between the Parties; and
 - (d) simultaneously informing the contact points set out in Article 18.16 (Contact Points) of Chapter 18 (Institutional, General and Final Provisions) of any communication between the Parties.
- 3. The Coordinators may communicate through teleconference, videoconference, or any other means, as mutually determined by the Parties.
- 4. For the purposes of this Article, the Coordinator for:
 - (a) Turkey shall be:

General Directorate of European Union and Foreign Relations of the Ministry of Food, Agriculture and Livestock or its successor.
Email: fta@tarim.gov.tr
 - (b) Singapore shall be:

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

or their successors.

Article 4.13

Sub-committee on Sanitary and Phytosanitary Measures

- 1. The Sub-committee on SPS measures established pursuant to Article 18.2 (Committees and Working Groups) of Chapter 18 (Institutional, General and Final Provisions) may:
 - (a) develop the necessary procedures or arrangements for the implementation and administration of this Chapter;
 - (b) monitor the progress of the implementation and administration of this Chapter;
 - (c) provide a forum for discussion of problems arising from the application of certain sanitary or phytosanitary measures with a view to reaching mutually acceptable alternatives; and
 - (d) enhance communication and cooperation on SPS matters.

2. The Sub-committee shall meet in the first year after the entry into force of this Agreement and once a year thereafter, or as otherwise mutually agreed by the Parties, to perform its work in accordance with the terms of reference established during the first meeting of the Sub-committee.

Article 4.14
Technical Cooperation

1. The Parties shall endeavour to develop a work programme and mechanisms for co-operative activities in the areas of technical assistance and capacity building to address plant, animal and public health and food safety issues of mutual interest.
2. The financial arrangements to cover expenses for the cooperative activities undertaken shall be mutually agreed upon by the Parties on a case-by-case basis subject to the availability of funds.

Article 4.15
Final Provisions

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.

Annex 4-A
Competent Authorities

For the purposes of Article 4.6 (Competent Authorities), the competent authority for:

- (a) Turkey shall be:

The Ministry of Food, Agriculture and Livestock or its successor
Email: fta@tarim.gov.tr
Web: www.tarim.gov.tr

- (b) Singapore shall be:

Agri-Food & Veterinary Authority of Singapore or its successor
Address: 52 Jurong Gateway Road #14-00, Singapore 608550
Fax: (65) 63341381
Email: WTO_Contact@ava.gov.sg
Web: www.ava.gov.sg