

Article 7.3: Committee on Sanitary and Phytosanitary Measures

1. Recognizing the benefits of a bilateral program of technical and institutional cooperation, the Parties hereby establish a Committee on sanitary and phytosanitary measures, composed of representatives of each Party who are responsible for sanitary and phytosanitary matters.

2. The Committee provides a forum for discussions and cooperation:

- (a) to enhance the effectiveness of each Party's sanitary and phytosanitary regulations in a manner which is fully consistent with, and supportive of, relevant WTO rights and obligations, with a view to improving food safety, animal health and plant health; and
- (b) to facilitate discussions on bilateral issues with a view to avoiding disputes between the Parties.

3. The Committee may consider the following:

- (a) the design, implementation and review of technical and institutional cooperation programs;
- (b) the development of operational guidelines to facilitate implementation of, inter alia, mutual recognition and equivalence agreements, and product control, inspection and approval procedures;
- (c) the promotion of enhanced transparency of sanitary and phytosanitary measures;
- (d) the identification and resolution of problems related to sanitary and phytosanitary matters;
- (e) the recognition of pest- or disease-free areas; and
- (f) the promotion of bilateral discussions on sanitary and phytosanitary issues under discussion in multilateral and international fora.

4. The Committee should meet annually if the Parties so decide. To the extent possible, the Committee shall meet using any technological means available, such as teleconference or videoconference. The Committee shall report on its activities and work plans to the Coordinators.

Chapter Eight: Technical Barriers to Trade

Article 8.1: Objectives

The objectives of this Chapter are to:

- (a) improve the implementation of the *Agreement on Technical Barriers to Trade* (TBT Agreement), which is part of the WTO Agreement;

- (b) ensure that standards, technical regulations, and conformity assessment procedures, including those related to metrology, do not create unnecessary obstacles to trade; and
- (c) enhance joint cooperation between the Parties in order to resolve specific issues related to the development and application of standards, technical regulations, and conformity assessment procedures, thereby facilitating the conduct of international trade in goods.

Article 8.2: Affirmation of the TBT Agreement

1. Further to Article 1.3(1) (Objectives and Initial Provisions – Relation to Other Agreements), the Parties affirm their existing rights and obligations with respect to each other under the TBT Agreement.
2. The WTO Agreement exclusively governs the settlement of any formal disputes about the matters referred to in paragraph 1.

Article 8.3: Scope

1. This Chapter applies to the preparation, adoption and application of standards, technical regulations and conformity assessment procedures of national governmental bodies that may affect the trade in goods between the Parties.
2. This Chapter does not apply to:
 - (a) a purchasing specification prepared by a governmental body for production or consumption requirements of a governmental body; or
 - (b) a sanitary or phytosanitary measure.

Article 8.4: Cooperation

1. The Parties shall engage in technical cooperation activities directed at reaching effective and full compliance with the obligations set forth in the TBT Agreement, while taking into account the different levels of development of each Party's standardizing, accreditation, conformity assessment, and metrology institutions. To this end, each Party shall encourage its national government bodies responsible for coordinating its standardization, notification, and conformity assessment systems to undertake:
 - (a) the design, implementation, and review of technical and institutional cooperation activities;
 - (b) the promotion of institutional and regulatory information exchange and technical cooperation; and
 - (c) the promotion of co-ordination in international fora.

2. At the request of a Party, the Parties shall discuss an issue related to standards, technical regulations, or conformity assessment procedures at the next Commission meeting.

Chapter Nine: Emergency Action

Article 9.1: Definitions

For the purposes of this Chapter:

competent investigating authority means:

- (a) for Canada, the Canadian International Trade Tribunal, or its successor; and
- (b) for Honduras, the Directorate General for Economic Integration and Trade Policy of the Secretary of State of Industry and Trade (*Dirección General de Integración Económica y Política Comercial de la Secretaría del Estado en los Despachos de Industria y Comercio*), or its successor;

domestic industry means, with respect to an originating good, the producers as a whole of the like or directly competitive good operating in the territory of the importing Party or those producers whose collective production of a like or directly competitive good constitutes a major proportion of the total domestic production of that good;

emergency action means an emergency action described in Article 9.3;

serious injury means a significant overall impairment of a domestic industry;

threat of serious injury means serious injury that is clearly imminent based on facts and not based on allegation, conjecture, or remote possibility; and

transition period means the 8 year period beginning on the date that this Agreement enters into force, unless, in the case of Honduras, the tariff elimination for the good against which the emergency action is taken occurs over a longer period of time, in which case the transition period is the period of the staged tariff elimination for that good plus 2 years.

Article 9.2: Global Safeguard Measures

Each Party retains its rights and obligations under Article XIX of the GATT 1994 and the Agreement on Safeguards.

Article 9.3: Bilateral Emergency Actions