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Subject to Legal Review for Accuracy, Clarity, and Consistency
January 28, 2004

Chapter Six

Sanitary and Phytosanitary Measures

Objectives

The objectives of this Chapter are to protect human, animal, and plant health conditions in the Parties' territories, enhance the Parties' implementation of the SPS Agreement, provide a forum for addressing sanitary and phytosanitary matters, resolve trade issues, and thereby expand trade opportunities.

Article 6.1: Scope and Coverage

This Chapter applies to all sanitary and phytosanitary measures of a Party that may, directly or indirectly, affect trade between the Parties.

Article 6.2: General Provisions

1. The Parties affirm their existing rights and obligations with respect to each other under the SPS Agreement.
2. No 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. The Parties hereby agree to establish a Committee on Sanitary and Phytosanitary Matters composed of representatives of each Party who have responsibility for sanitary and phytosanitary matters as set out in Annex 6.3.
2. The Parties shall establish the Committee no later than 30 days after the date of entry into force of this Agreement 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 enhance the implementation by each Party of the SPS Agreement, protect human, animal and plant life and health, enhance consultation and cooperation on sanitary and phytosanitary matters, and facilitate trade between the Parties.
4. The Committee shall seek to enhance any present or future relationships between the Parties' agencies and ministries with responsibility for sanitary and phytosanitary matters.

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5. The Committee shall enhance communication between the Parties' agencies and ministries with responsibility for sanitary and phytosanitary matters and, whenever possible, shall seek to facilitate a Party's response to a written request for information from another Party without undue delay. Where appropriate, the Committee shall also endeavor to ensure that at the earliest opportunity the responding Party communicates to the requesting Party the steps involved with responding to the request.
6. 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) addressing bilateral or plurilateral sanitary and phytosanitary issues to facilitate trade;
 - (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) coordinating technical cooperation programs on sanitary and phytosanitary matters in consultation with the Trade Capacity Building Committee;
 - (f) improving understanding related to specific implementation issues concerning the SPS Agreement; and
 - (g) reviewing progress on addressing sanitary and phytosanitary matters that may arise between the Parties' agencies and ministries with responsibility for such matters.
7. The Committee shall meet at least once a year unless the Parties otherwise agree.
8. The Committee shall perform its work in accordance with the terms of reference referenced in paragraph 2. The Committee may revise the terms of reference and may develop procedures to guide its operation.
9. Each Party shall ensure that appropriate representatives with responsibility for the development, implementation, and enforcement of sanitary and phytosanitary measures

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from its relevant trade and regulatory agencies or ministries participate in meetings of the Committee.

10. The Committee may agree to establish *ad hoc* working groups in accordance with the Committee's terms of reference.

Article 6.4: Definitions

1. For purposes of this Chapter:
 - (a) **sanitary or phytosanitary measure** means any measure referred to in Annex A, paragraph 1, of the SPS Agreement.
 - (b) **SPS Agreement** means the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.

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Annex 6.3

Committee on Sanitary and Phytosanitary Matters

Further to Article 6.3.1, the Committee on Sanitary and Phytosanitary Matters shall be composed of the following individuals, or their successors:

El Salvador: Representatives of el Ministerio de Economia; el Ministerio de Agricultura y Ganaderia; and el Ministerio de Salud Publica y Asistencia Social.

Guatemala: Representatives of la Unidad de Normas y Regulaciones del Ministerio de Agricultura Ganaderia y Alimentacion; el Departamento de Regulacion y Control de Alimentos y Medicamentos del Ministerio de Salud Publica y Asistencia Social; and el Ministerio de Economia.

Honduras: El Director General del Servicio Nacional de Sanidad Agropecuaria and el Director General de Integracion Economica y Politica Comercial de la Secretaria de Industria y Comercio.

Nicaragua: Representatives of el Ministerio de Fomento, Industria y Comercio; el Ministerio Agropecuario y Forestal; and el Ministerio de Salud.

United States: Representatives of the Office of Agricultural Affairs of the United States Trade Representative; the Food Safety and Inspection Service of the United States Department of Agriculture (USDA); the Foreign Agricultural Service of the USDA; the Animal and Plant Health Inspection Service of the USDA; and the Food and Drug Administration of the Department of Health and Human Services.