

# SINGAPORE-AUSTRALIA FREE TRADE AGREEMENT

## Chapter 5

### TECHNICAL REGULATIONS AND SANITARY AND PHYTOSANITARY MEASURES

#### SECTORAL ANNEX ON FOOD PRODUCTS

Pursuant to Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures), the Parties agree to this Sectoral Annex on Food Products for the purpose of facilitating trade between the Parties.

*Recognising* the importance of improving market access opportunities and of minimising possible negative effects of sanitary measures and technical regulations on trade;

*Recognising* that the Parties operate different food inspection and certification systems;

*Noting* that the application of the principle of equivalence has mutual benefits for both exporting and importing countries;

*Noting* that equivalence of mandatory requirements does not require duplication or sameness of requirements, but the acceptance of alternative requirements that meet an importing country's appropriate level of sanitary protection, or regulatory objectives.

The Parties have agreed as follows:

#### **1. Scope**

1.1 This Sectoral Annex applies to:<sup>1</sup>

(a) food standards relating to food products exported from one Party to the other Party; and

(b) assessments of manufacturers or manufacturing processes of food products exported from one Party to the other Party.

1.2 This Sectoral Annex shall not affect the Parties' existing rights and obligations to each other under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures and the WTO Agreement on Technical Barriers to Trade.

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<sup>1</sup> For the avoidance of doubt, this Sectoral Annex shall not apply to transhipped goods.

## **2. Definitions**

2.1 For the purpose of this Sectoral Annex:

2.1.1 “conformity assessment” means any activity undertaken by the exporting Party concerned with determining directly or indirectly that the relevant food standards of the exporting Party are fulfilled;

2.1.2 “food product” means any good defined as food in the Food Standards Australia New Zealand Act 1991 (Australia) and the Sale of Food Act (Singapore) or the respective successor Act; and

2.1.3 “food standard” means a mandatory requirement relating to food products that is made pursuant to the Food Standards Australia New Zealand Act 1991 (Australia) or the Sale of Food Act (Singapore) or the respective successor Act.

## **3. Obligations**

### **3.1 Determination of Equivalence**

3.1.1 A Party shall accept a food standard of the other Party as equivalent, even if that standard differs from its own, or from those used by other countries trading in the same food product, if the exporting Party objectively demonstrates to the importing Party that its food standard achieves the purposes of the importing Party’s food standard.

3.1.2 The Parties shall follow the procedures for determining equivalence of sanitary measures and technical regulations set down by the relevant WTO bodies and the Codex Alimentarius Commission, as amended from time to time.

3.1.3 The determination of equivalence of food standards may include consideration of conformity assessment procedures.

3.1.4 Compliance by a food product with a food standard that has been accepted as equivalent to a food 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.

3.1.5 The regulatory authorities designated by the Parties to determine and accept equivalence of food standards are listed in the Schedule to this Annex.

### **3.2 Conformity assessment**

3.2.1 Regulatory authorities designated by the Parties shall enter into conformity assessment arrangements for the purpose of ensuring

that food products exported by a Party under this Agreement meet the food standards of the exporting Party that are accepted as equivalent by the importing Party.

- 3.2.2 Subject to compliance with relevant conformity assessment arrangements, the importing Party shall recognise the conformity assessment certificates, issued and/or endorsed by the exporting Party, that demonstrate compliance with food standards that are accepted as equivalent to food standards of the importing Party.
- 3.2.3 Where the importing Party identifies or suspects that food products, in respect of the manufacture of which a conformity assessment certificate has been issued and/or endorsed under 3.2.2, do not comply with its relevant mandatory requirements, the importing Party may implement measures to ensure its appropriate level of sanitary protection or regulatory objectives are achieved.
- 3.2.4 The regulatory authorities designated by the Parties to enter into arrangements on conformity assessment of food products are listed in the Schedule to this Annex.

#### **4. Changes to Food Standards**

- 4.1 In addition to the notification requirements in Article 8.1 of Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures), each Party shall notify the other Party of any proposed changes to its food standards at least 60 working days before the changes come into effect, unless considerations of public health and safety warrant more urgent action. For urgent action, such notification shall be provided to the exporting Party at least one working day before the changes enter into force.
- 4.2 If a food standard of one Party, which has been accepted by the other Party as equivalent, is changed, the first Party shall advise the second Party of this change and seek advice as to whether the acceptance of equivalence will need to be determined again.

## **5. Technical Cooperation and Information Exchange**

- 5.1 The Parties shall exchange information on matters concerning relevant food products, food standards and conformity assessment procedures.
- 5.2 The Parties shall explore opportunities for joint technical cooperation programmes with a view to developing a joint work programme, consistent with the provisions of Chapter 5 (Technical Regulations and Sanitary and Phytosanitary Measures).
- 5.3 The Parties shall exchange information on emergency recalls of food products and shall identify in the Schedule contact points for this information.
- 5.4 The Parties shall establish contact points for the exchange of information, as appropriate, and shall identify in the Schedule contact points for this information, in relation to the following:
- (a) development of new food standards;
  - (b) changes to existing food standards;
  - (c) food product safety information;
  - (d) risk assessments of food products; and
  - (e) any internal guidelines relevant to the determination of equivalence.
- 5.5 The Parties shall seek to improve communications between them in matters relevant to the development of domestic food standards and the development of international standards and guidelines through the Codex Alimentarius Commission, and the relevant WTO Committees.

## **6. Review of Annex and Change of Regulatory Authorities**

- 6.1 The Parties agree to undertake a review of the operation of this Sectoral Annex 24 months after the coming into force of this Sectoral Annex.
- 6.2 Each Party shall inform the other Party in writing of any change in its regulatory authorities responsible for the implementation of this Sectoral Annex.

## **7. Entry into Force**

Notwithstanding Article 10(2) of Chapter 5, this Sectoral Annex shall enter into force on the date on which the Parties have exchanged notes confirming the completion of their respective procedures for the entry into force of this Sectoral Annex.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed this Sectoral Annex.

DONE in duplicate at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

***For Australia***

***For Singapore***

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**SCHEDULE: DESIGNATED REGULATORY AUTHORITIES AND CONTACT POINTS FOR DETERMINATION OF EQUIVALENCE OF FOOD STANDARDS, PURSUANT TO 3.1.5**

For Singapore:

Agri-Food and Veterinary Authority of Singapore  
5 Maxwell Road  
#04-00 Tower Block MND Complex  
Singapore 069110  
Fax: (65) 6220 6068  
Email: AVA\_Email@ava.gov.sg  
Designated position:  
Director-General, Agri-Food and Veterinary Services

For Australia:

Food Standards Australia New Zealand  
PO Box 7186  
Canberra BC ACT 2610  
Australia  
Fax: (61 2) 6271 2261  
Email: ceo@foodstandards.gov.au  
Designated position:  
Chief Executive Officer

**FOR NEGOTIATION OF CONFORMITY ASSESSMENT ARRANGEMENTS IN RELATION TO FOOD STANDARDS, PURSUANT TO 3.2.4**

For Singapore:

Agri-Food and Veterinary Authority of Singapore  
5 Maxwell Road  
#04-00 Tower Block MND Complex  
Singapore 069110  
Fax: (65) 6220 6068  
Email: AVA\_Email@ava.gov.sg  
Designated position:  
Director-General, Agri-Food and Veterinary Services

For Australia:

Australian Quarantine and Inspection Service  
GPO Box 858  
Canberra ACT 2601  
Australia  
Fax: (61 2) 6271 6522  
Email: peggy.douglass@affa.gov.au  
Designated position:  
General Manager, Market Maintenance Group

## **FOR EMERGENCY FOOD RECALL INFORMATION, PURSUANT TO 5.3**

For Singapore:

Agri-Food and Veterinary Authority of Singapore  
5 Maxwell Road  
#04-00 Tower Block MND Complex  
Singapore 069110  
Fax: (65) 6220 6068  
Email: [AVA\\_Email@ava.gov.sg](mailto:AVA_Email@ava.gov.sg)  
Designated position:  
Director-General, Agri-Food and Veterinary Services

For Australia:

Food Standards Australia New Zealand  
PO Box 7186  
Canberra BC ACT 2610  
Australia  
Fax: (61 2) 6271 2278  
Email: [food.recalls@foodstandards.gov.au](mailto:food.recalls@foodstandards.gov.au)  
Designated position:  
*Food Recall Officer*

## **FOR EXCHANGE OF INFORMATION, PURSUANT TO 5.4**

For Singapore:

Agri-Food and Veterinary Authority of Singapore  
5 Maxwell Road  
#04-00 Tower Block MND Complex  
Singapore 069110  
Fax: (65) 6220 6068  
Email: [AVA\\_Email@ava.gov.sg](mailto:AVA_Email@ava.gov.sg)  
Designated position:  
Director-General, Agri-Food and Veterinary Services

For Australia:

Food Standards Australia New Zealand  
PO Box 7186  
Canberra BC ACT 2610  
Australia  
Fax: (61 2) 6271 2278  
Email: [slo@foodstandards.gov.au](mailto:slo@foodstandards.gov.au)  
Internet site: [www.foodstandards.gov.au](http://www.foodstandards.gov.au)  
Designated position:  
*Standards Liaison Officer*

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