

**TERMS OF REFERENCE FOR THE WORKING GROUP
ON PRIVATE STANDARDS**

Proposal by Uruguay

The following proposal, received on 16 June 2008, is being circulated at the request of Uruguay.

1. Uruguay welcomes the creation of a working group on private standards within the framework of the WTO Committee on Sanitary and Phytosanitary Measures. As stated by many Members during the last few meetings of the Committee, private standards adversely affect market access possibilities and conditions; they have a negative impact on development, particularly as regards small farmers and enterprises; and they entail additional costs associated with compliance and private certification.

2. As regards the terms of reference of the working group, Uruguay would like to make the following proposal:

- (a) The group should be chaired by a developing country.
- (b) A deadline should be established for the completion of the work, which should include precise recommendations to the Committee.
- (c) The following subjects should be addressed:
 - (i) Clarification of the scope of the group's work, restricted to sanitary and phytosanitary aspects of private standards. Consideration of the possibility of conducting a joint SPS Committee – TBT Committee workshop once the working group has progressed in its discussions;
 - (ii) comparative analysis of the deviation of private standards from international standards developed by the reference organizations (Codex Alimentarius, OIE, IPPC). In areas where there are no international reference standards, the analysis will cover private-standard deviations from the official regulations of WTO Members.
 - (iii) The responsibilities of governments with respect to:
 - The need to explain to domestic consumers that the tighter requirements of private standards do not enhance the protection of human, animal or plant health;

- the measures to be developed in response to the sanitary or phytosanitary requirements of private enterprises;
 - the need to promote the credibility of their regulations and their authorities and competent institutions.
- (d) Communication and coordination with the reference organizations in this area, because:
- The increasing use of private standards as a condition for international trade discredits the standard-setting work being conducted at the international level;
 - gaps in international standards favour the tendency to resort to private standards.
- (e) Legal analysis of the consistency of private standards with the principles and disciplines of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.
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