

Committee on Sanitary and Phytosanitary Measures

QUESTIONNAIRE ON SPS-RELATED PRIVATE STANDARDS

Note by the Secretariat¹

1. The Secretariat document G/SPS/W/230 recommended, as part of its proposed actions, that a comparative study be undertaken on the effects of private SPS standards. The first phase of that comparative study consists of inviting interested Members to identify products of export interest whose trade is affected by private standards. G/SPS/W/230 also suggested that the Secretariat develop a format for the use of Members in providing the relevant information, to ensure some consistency and comparability of the information provided and to facilitate its consideration by the Committee.
2. At its meeting in October, the Committee decided to proceed to gather and consider that information. The attached questionnaire on SPS-related private standards is hence being circulated to seek information from Members regarding products and markets of concern, the relevant private and international standards, trade effects, costs of compliance and of certification, and other elements as described on pages 11 and 12 of G/SPS/W/230. With respect to the understanding reached at the October meeting, there is no limitation on the number of products a Member may identify as being affected by private standards.
3. It should be noted that, in order to help Members in identifying studies or organizations that may assist them in determining the effects of SPS-related private standards on trade and development, the Secretariat has circulated a list of organizations that are active in research on the effects of private standards (G/SPS/GEN/891).
4. Please send your responses to the attached questionnaire by e-mail only to gretchen.stanton@wto.org with copy to irma.bracco@wto.org, by 16 February 2009.

¹ This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights or obligations under the WTO.

QUESTIONNAIRE ON SPS-RELATED PRIVATE STANDARDS

PRODUCT-SPECIFIC INFORMATION	
(to be filled out for each export product facing private standards)	
Question	Reply
<p>1. Product of export interest affected by private standards</p>	
<ul style="list-style-type: none"> • HS number (4-6-8 digit) • Full description (incl. raw or processed) • Commodity scope (e.g. fresh produce, integrated, etc) 	
<p>2. Identify the product's (main) export market (s)</p>	
<ul style="list-style-type: none"> • Country name • Countries (regional, international) 	
<p>3. Retailer/company/private trader/entity imposing the private standard</p>	
<p>4. Identify the type of your domestic businesses whose exports need to meet the private standards (e.g. small, medium, large, national, foreign or multi-national, private traders, farmers, etc)</p>	
<p>5. Description of the relevant private standard (s) applied in each of the product's export markets</p>	
<ul style="list-style-type: none"> • Collective international schemes (e.g., some schemes are applied in a number of countries) • Collective national schemes (e.g., some schemes are applied in one Member country in a particular market segment such as retailers of fresh fruits and vegetables) • Individual firm schemes (e.g., particular manufacturer or retailer schemes operating at a company/firm level) 	

PRODUCT-SPECIFIC INFORMATION (to be filled out for each export product facing private standards)	
Question	Reply
6. Content of the private standard	
<ul style="list-style-type: none"> • Scope² (e.g. food safety, environmental, etc) • SPS-related provisions included/excluded in the private scheme • Date of entry into force/application 	
7. Relevant Codex, IPPC or OIE standards (if any) for the product in question	
8. Do the private standard(s) requirements for the product in question correspond to the relevant Codex, IPPC and OIE standards for that same product?	
<ul style="list-style-type: none"> • Exceed the international standards • Do not exceed the international standards • Specific differences/contradictions with the international standard 	
9. Do the private standard(s) requirements for the product in question correspond to the relevant official import requirements for that same product?	
<ul style="list-style-type: none"> • Exceed the official requirements • Do not exceed the official requirements • Specific differences/contradictions with the official requirements 	

² The focus of this questionnaire is on those requirements relating to food safety, animal and plant health.

PRODUCT-SPECIFIC INFORMATION	
(to be filled out for each export product facing private standards)	
Question	Reply
<p>10. Do the private standard(s) requirements for the product in question correspond to official national regulatory requirements for that same product?</p>	
<ul style="list-style-type: none"> • Exceed the official regulatory requirements • Do not exceed the official regulatory requirements • Specific differences/contradictions with the official regulatory requirements 	
<p>11. Negative (trade inhibiting) effects of the private standard (s) on the export of the product</p>	
<ul style="list-style-type: none"> • Difficulties/impediments to trade • Data on trade impact (qualitative or quantitative) • Cost of compliance with the standard (s) (if any) • Cost of certification (if any) • Concerns related to accredited laboratories for certification (if any) • Multiplication of different standards for the same product • Development impact (exclusionary effect of smallholders from supply chain) • Other specific/quantifiable examples of negative impact 	

PRODUCT-SPECIFIC INFORMATION (to be filled out for each export product facing private standards)	
Question	Reply
<p>12. Positive (trade creating) effects of the private standard (s) on the export of the product</p> <ul style="list-style-type: none"> • Additional market opportunity (if any) • Data on trade impact (qualitative or quantitative) • Other specific examples of positive impact (e.g. premium prices) • Benefits obtained from compliance with the private standards • Do the private standards facilitate compliance with the international standards? Specific examples of where this has occurred / is occurring? • Do the private standards facilitate compliance with official SPS requirements (national requirements and/or the international standards)? Specific examples of where this has occurred / is occurring? • Help in meeting development objectives 	
<p>13. Information on recognition of compliance with the private standard (s) for the export product</p> <ul style="list-style-type: none"> • Recognition of exporters' certification or of available certification capacity (e.g. national certification available or certification by international body used) • Benchmarking mechanism with other standards • Identification/categorization of domestic businesses that meet the private standards (e.g. small, medium, large, national, foreign or multi-national) 	

PRODUCT-SPECIFIC INFORMATION	
(to be filled out for each export product facing private standards)	
Question	Reply
14. Any technical/financial assistance received to assist compliance with the private standard (s); and from who (government, standard setter, NGO, etc)?	
15. What is the main concern at issue regarding the private standard (s) face by your export product (s)?	
<ul style="list-style-type: none"> • Transparency • Inclusiveness • Predictability • Harmonization • Equivalence • Scientific justification • Number of standards faced • Cost of compliance/availability of compliance certification • Possibilities to challenge the decisions of the standard setter or of the certification body 	
16. Identify which, if any, provisions of the SPS Agreement are relevant with regard to the difficulties arising from the requirements of the private standard (s)?	
17. For each product, describe what practical steps, if any, have been/are taken (or will be taken) with the export market to resolve the trade concerns posed by the private standard(s)?	
<ul style="list-style-type: none"> • At the government level • At the private trader/businesses level 	

PRODUCT-SPECIFIC INFORMATION (to be filled out for each export product facing private standards)	
Question	Reply
18. What other issues does your product face on export markets in relation to the requirements established by private standards in those markets?	
19. Are you aware of any private standards imposed by your domestic businesses, private traders, etc? For which products? For what reasons? Which country(ies) are affected? Any concerns raised by foreign exporters?	
