



Committee on Sanitary and Phytosanitary Measures

**EXISTING DEFINITIONS OF PRIVATE STANDARDS
IN OTHER INTERNATIONAL ORGANIZATIONS**

NOTE BY THE SECRETARIAT¹

1 BACKGROUND

1.1. The SPS Committee has been discussing the issue of SPS-related private standards since June 2005, when Saint Vincent and the Grenadines raised a specific trade concern regarding EurepGAP (now GLOBALGAP) requirements for bananas destined for sale in the United Kingdom.²

1.2. In March 2011, the Committee adopted five actions to address some of the identified concerns. Under action 1, Members agreed to develop a working definition of SPS-related private standards ("The SPS Committee should develop a working definition of SPS-related private standards and limit any discussions to these").³

1.3. Discussions have been ongoing in the Committee, including through an electronic working group. At its meeting in March 2014, the Committee discussed the following working definition put forward by the co-stewards of the electronic working group: "An SPS-related private standard is a written requirement or a set of written requirements of a non-governmental entity which are related to food safety, animal or plant life or health and for common and repeated use."⁴ However, the Committee has, so far, not been able to reach a consensus on a working definition of SPS-related private standards.

1.4. At its March 2014 meeting, following a suggestion by Canada, the Committee requested the Secretariat to seek to identify any existing definitions of a "private standard" that might be used by other international organizations, and to present its findings for consideration by the Committee at its July 2014 meeting.

2 EXISTING DEFINITIONS OF A PRIVATE STANDARD IN OTHER INTERNATIONAL ORGANIZATIONS

2.1. The table below presents a compilation of the existing definitions of a "private standard" as used in other international organizations.

Organization	Existing Definition of a Private Standard	Source/Reference
FAO	Private food safety standards are generally set by private firms and standard setting coalitions and aim to facilitate supply chain management (...).	" <i>Private Food Safety Standards: Their Role in Food Safety Regulation and their Impact.</i> " Paper prepared by Renata Clarke for presentation and discussion at the 33 rd Session of the Codex Alimentarius Commission. FAO 2010, p. ii.

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.

² G/SPS/R/37/Rev.1, paras. 16-20; G/SPS/GEN/766; STC No. 219.

³ G/SPS/55.

⁴ G/SPS/W/276.

Organization	Existing Definition of a Private Standard	Source/Reference
	<p>Private standards are standards that are set (created) by commercial or non-commercial private entities, including firms, industry organisations and NGOs. (Brunsson and Jacobsson, 2000).</p>	<p>http://www.fao.org/docrep/016/ap236e/ap236e.pdf</p> <p>"The Impacts of Private Food Safety Standards on the Food Chain and on Public Standard-Setting Processes"</p> <p>Paper Prepared for FAO/WHO - Spencer Henson and John Humphrey. May 2009, p.5 of main paper.</p> <p>http://ec.europa.eu/food/international/organisations/sps/docs/private_standards_codex_en.pdf</p>
International Trade Centre	<p>Private standards are understood as norms developed by private entities such as companies, non-governmental organizations or multi-stakeholder coalitions. These standards may vary in scope, ownership and objectives. Objectives range from environmental conservation, ensuring food safety or protection of social and human rights to promoting good agricultural and manufacturing practices. Private standards can be numerical standards defining required characteristics of products such as contaminant limits or maximum residue limits, or process standards prescribing the production processes (including performance objectives) or pertaining to management systems and documentation requirements.</p>	<p>"When do Private Standards Work?" Geneva: ITC, 2012. ix, 52 pages (Literature Review Series on the Impacts of Private Standards; Part IV) Doc. No. MAR-12-227.E, p.2</p> <p>http://www.intracen.org/uploadedFiles/intracenorg/Content/Policy_Makers/Articles/When%20do%20Private%20Standards%20Work%20-%20Part%20IV%20for%20web.pdf</p>
OECD ⁵	<p>The efficacy of exchange is enhanced by two main functions of a standard – as a guarantee of a minimum quality and by defining the characteristics or specifications of the product or its production process and associated criteria of performance. Standards reflect the needs of the groups that express them and as long as groups differ, their optimal standards will reflect these differences.</p>	<p>"Interaction of Public and Private Standards in the Food Chain", Smith, G. (2009), OECD Food, Agriculture and Fisheries Papers, No. 15, OECD Publishing. p.11</p> <p>http://dx.doi.org/10.1787/221282527214</p>
UNCTAD	<p>Sustainability claims by design are private standards. They are designed and implemented by organizations outside the public sector and promoted for use by producers and retailers as a service. In the case of agriculture, this document, referred to as a standard, will define which pest products are allowed or prohibited, soil preparation mechanisms that are allowed, and handling practices of all farm inputs.</p>	<p>http://www.unctad.info/en/Sustainability-Claims-Portal/Discussion-Forum/Environmental/</p>

⁵ The OECD has been working on a tentative definition of private standards since 2013. Discussions are still ongoing on the tabled proposals.

Organization	Existing Definition of a Private Standard	Source/Reference
World Bank	Private standards are standards that are set (created) by commercial or non-commercial private entities, including firms, industry organisations, nongovernmental organisations, etc.	http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/TRADE/0,,contentMDK:20629901~menuPK:222955~pagePK:148956~piPK:216618~theSitePK:239071,00.html

3 EXISTING DEFINITIONS OF A PRIVATE STANDARD OR OF A STANDARD FROM ADDITIONAL SOURCES

3.1. The table below presents an additional compilation of existing definitions of a "private standard" or of a "standard" from other pertinent sources.

Organization	Existing Definition of a Private Standard	Source/Reference
TBT Agreement	Standard - Document approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.	TBT Agreement, Annex 1, paragraph 2 http://www.wto.org/english/docs_e/le gal_e/17-tbt_e.htm#annex1
ISO	A standard is a document that provides requirements, specifications, guidelines or characteristics that can be used consistently to ensure that materials, products, processes and services are fit for their purpose. A standard is a document, established by consensus and approved by a recognized body that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context.	http://www.iso.org/iso/home/standards.htm "ISO/TMB policy and principles statement global relevance of ISO technical work and publications" FAO, 2004, p.1 http://www.iso.org/iso/global_relevance.pdf
UNIDO	Industry/private/buyer standards can be broken down into three categories: 1. Consortia standards – which are often developed by a sector-specific consortium (i.e. GlobalGAP); 2. Civil society standards - established as an initiative by a non-profit organization usually as a response to concerns over social and environmental conditions (e.g. Forest Stewardship Council); and 3. Company-specific standards - which are developed internally and apply to the whole supply chain of a company (i.e. codes of conduct).	http://www.unido.org/en/what-we-do/trade/quality-and-compliance-infrastructure/standards-and-conformity/private-standards.html