



Committee on Sanitary and Phytosanitary Measures

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

NOTE BY THE SECRETARIAT¹

Revision

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 (e-WG). At its meeting in March 2014, the Committee discussed a working definition put forward by the co-stewards of the electronic working group.⁴ However, the Committee has, so far, not been able to reach a consensus on a working definition of SPS-related private standards. Following a suggestion by Canada, in March 2014 the Committee requested the Secretariat 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 in July.

1.4. At its July 2014 meeting, the Committee discussed the existing definitions of private standards contained in the Secretariat note circulated on 18 June (document G/SPS/GEN/1334). Argentina drew attention to additional definitions from the OIE and Codex, both international standards-setting bodies referenced in the SPS Agreement. Canada referred to a draft OECD definition of private standards from a forthcoming report on synergies between private standards and public regulations.

1.5. The Committee agreed that the e-WG would pursue its work on a definition of SPS-related private standards, and would do so based on the working definition tabled by the e-WG co-stewards and contained in document G/SPS/W/276, namely: "**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**".

1.6. In that regard, it was agreed that: (i) the Secretariat would revise document G/SPS/GEN/1334 to reference the three additional definitions mentioned; (ii) Members should submit by 5 September 2014 to the co-stewards of the e-WG, through the Secretariat, any comments they may have on the co-stewards' draft definition and regarding elements of other existing definitions that could be incorporated into the co-stewards' definition; and (iii) the e-WG

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.

should circulate its report on a compromise working definition of an SPS-related private standard to the Committee no later than the end of September, for consideration at the SPS Committee meeting scheduled for 16-17 October 2014.

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/WHO Codex Alimentarius Commission	Private standards are standards that are designed and owned by non-governmental entities.	<p><i>"Consideration of the Impact of Private Standards"</i> (citing Liu, P: <i>"Private standards in international trade: issues, opportunities and long-term prospects"</i>. FAO expert meeting, Feeding the World by 2050, Rome 2009, p.2)</p> <p>CX/CAC 10/33/13 Joint FAO/WHO Food Standards Programme. Codex Alimentarius Commission, 33rd Session, 5-9 July 2010</p> <p>ftp://ftp.fao.org/codex/Meetings/CAC/cac33/cac33_13e.pdf</p>
International Trade Centre	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><i>"When do Private Standards Work?"</i> 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>When do Private Standards Work: http://www.intracen.org/When-do-Private-Standards-Work/</p>
OECD	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><i>"Interaction of Public and Private Standards in the Food Chain"</i>, 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>

Organization	Existing Definition of a Private Standard	Source/Reference
	Draft OECD definition of private standards from a forthcoming report on synergies between private standards and public regulations (as referred to by Canada at the July 2014 informal meeting on private standards). ⁵	
OIE	Private standards can be defined as "commercial requirements developed, owned and implemented by non-governmental entities, with which suppliers must comply to have access to specific markets for animals and animal products. They sometimes include sanitary safety and animal welfare issues." ⁶	Report of OIE <i>ad hoc</i> Group on Private Standards and International Trade in Animals and Animal Products, 4-5 June 2009, p. 1007. http://www.oie.int/fileadmin/Home/eng/International_Standard_Setting/docs/pdf/A_TAHSC_Sept_2009_Part_B_b.pdf
UNCTAD	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.	<i>Environmental Sustainability Claims: a Summary of Issues for ACP Countries</i> http://www.unctad.info/en/Sustainability-Claims-Portal/Discussion-Forum/Environmental/
World Bank	Private standards are standards that are set (created) by commercial or non-commercial private entities, including firms, industry organisations, nongovernmental organisations, etc. ⁷ Private standards may serve as catalysts, further reducing the transaction costs in long-distance trade, providing both a stimulus and guide for investments in firm and supply chain modernization, and providing increased incentives for the adoption of better and safety farming and manufacturing practices.	http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/TRADE/0,contentMDK:20629901~menuPK:222955~pagePK:148956~piPK:216618~theSitePK:239071,00.html

⁵ The document entitled "Synergies between Private Standards and Public Regulations" is only available on "OLIS" with an embargo, and therefore not for public or official use yet. Declassification and publication of the final document is likely to occur only at the end of November.

⁶ Official working definition of private standards used by OIE as described in the Terms of Reference and ad hoc Group meeting report.

⁷ This definition previously available on the World Bank website now appears to have been replaced with definition included above.

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	<p>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.</p>	<p>TBT Agreement, Annex 1, paragraph 2 http://www.wto.org/english/docs_e/le gal_e/17-tbt_e.htm#annex1</p>
ISO	<p>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.</p> <p>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.</p>	<p>http://www.iso.org/iso/home/standards.htm</p> <p>"ISO/TMB policy and principles statement global relevance of ISO technical work and publications" ISO, 2004, p.1</p> <p>http://www.iso.org/iso/global_relevance.pdf</p>
UNIDO	<p>Industry/private/buyer standards can be broken down into three categories:</p> <ol style="list-style-type: none"> 1. Consortia standards – which are often developed by a sector-specific consortium (i.e. GlobalGAP); 2. Civil society standards - established as an initiative by an 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). 	<p>http://www.unido.org/en/what-we-do/trade/quality-and-compliance-infrastructure/standards-and-conformity/private-standards.html</p>