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Page: 1/1

Committee on Sanitary and Phytosanitary Measures

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CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

COMMUNICATION FROM BELIZE

The following communication, received on 25 March 2013, is being circulated at the request of the Delegation of Belize.

1. The delegation of Belize would like to draw Members' attention to several issues associated with SPS-related private standards:

- a. We believe that the proliferation of SPS-related private standards calls into question the relevance of competent authorities; given that these private sanitary and phytosanitary requirements consistently continue to be measures which go beyond those prescribed by governments, while we know that governments, in the development of measures, take into account the country's appropriate level of protection;
- b. These more trade restrictive than necessary sanitary and phytosanitary requirements automatically call into question the relevance of standard-setting organizations such as Codex, as these requirements, although without scientific basis, continue to dictate market access.

2. We know that governments do not trade, however Members have a legal obligation under the Agreement on the Application of Sanitary and Phytosanitary Measures ("SPS Agreement") to ensure that measures applied in trade are not more trade restrictive than necessary. If Members are to say that governments should not interfere with "market requirements" as a few Members prefer to call the private sanitary and phytosanitary requirements, because it is the private bodies or non-governmental entities that trade, then what is the scope of Annex C of the SPS Agreement?

3. What and who were the negotiators thinking of, when they saw the need to elaborate a whole Annex that speaks to control, inspection and approval procedures?

4. If as Members we believe that since it is the private bodies or non-governmental entities that trade, because perhaps they are believed to be more competent (or are in the best position) to verify compliance, then it means that either, directly or indirectly, we are delegating our responsibility to these bodies and if so then Article 13 of the SPS Agreement applies. If there is disagreement in that regard, our question to Members is this: how will we as Members of this Committee ensure that sanitary and phytosanitary measures applied in the trade of goods are not applied in a manner that is more trade restrictive than necessary?
