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Committee on Sanitary and Phytosanitary Measures

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CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

FORMAL MEETING OF THE WTO SPS COMMITTEE – 12 JULY 2018

Communication from Belize

The following communication, received on 24 July 2018, is being circulated at the request of the Delegation of Belize.

1. Belize, with the kind support of the Food and Agriculture Organization of the United Nations, was able to have representation at the government to government and government to business meetings held in Japan in the month of March 2018.

2. We also thank the governments of Canada and Japan for the invitation and the Global Food Safety Initiative (GFSI) for waiving the registration fee for the Global Food Safety Conference.

3. At the margins of the Food Safety Conference, a few Members of the GFSI Board gave us the opportunity to register our concerns on matters related to private and commercial standards, and their negative impact on the exporting companies in Belize.

4. Belize informs Members that since concerns with private and commercial standards were first raised in the SPS Committee (2005) to now (2018), the private sector has noted the following:

- Audits to maintain certification continue to be conducted annually by the certification bodies;
- Audits by the buyers are now at an average of two per annum (in addition to audits by competent authorities and the private certification bodies);
- Financial costs associated with the audits continue to be the sole responsibility of the exporting company (except where it is conducted by a competent authority of the importing country);
- The scientific basis for some requirements continues to be lacking; and
- MRLs and limits for microbial contaminants are still not aligned with those of Codex.

5. In addition to the Committee Decision on "Actions Regarding SPS-Related Private Standards", as contained in document G/SPS/55, we encourage Members to:

- Continue the dialogue with the certification programme owners and buyers to continue for them to understand the impact of their requirements, especially on exporters from developing and least developing countries;
- Advise certification programme owners and buyers of the importance of ensuring that sanitary and phytosanitary requirements are based on science and applied only to the extent necessary;

- Encourage participation in the Codex standard-setting process to assist certification programme owners and buyers to align their requirements with those of the international standard setting body; and
- Ensure that the technical support that is available to some countries in which these standards are being applied, is also made available, especially to those developing countries where the exporters are most negatively affected.

6. Finally, without prejudice to the views of Members on whether this agenda item should continue to be discussed in this Committee or whether it falls within the scope of the Application of the Agreement on Sanitary and Phytosanitary Measures, we would like to remind Members of the legal obligations contained in Article 13 of the SPS Agreement. In particular, we draw Members attention to the second and third sentences in that provision:

*"Members shall formulate and implement positive measures and mechanisms in support of the observance of the provisions of this Agreement by **other than central government bodies** [emphasis added]."*

*"Members shall take such reasonable measures as may be available to them to ensure that **non-governmental entities** [emphasis added] within their territories, as well as regional bodies in which relevant entities within their territories are members, comply with the relevant provisions of this Agreement."*

7. We believe that the development of guidelines for the implementation of Article 13 are far overdue, and as such strongly recommend that the Committee make an effort to initiate work in that regard.

8. Our hope is that the work currently being undertaken in the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) on "Guidance for Competent Authorities to assess Third Party Assurance and its Potential to Inform National Food Control System Planning" serves as a catalyst to advance the work on this agenda item and influences the development of guidelines for the implementation of Article 13.
