



CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

BELIZE'S INTERVENTION AT THE 62ND WTO SPS COMMITTEE MEETING GENEVA, SWITZERLAND; 25-27 MARCH 2015

Communication from Belize

The following communication, received on 10 July 2015, is being circulated at the request of the Delegation of Belize.

1 ACTION 1: REPORT FROM THE CO-CHAIRS

1.1. Belize thanks the delegations of China and New Zealand for their efforts as co-chairs of the electronic working group and also for the report contained in document G/SPS/W/283.

1.2. Members will recall that when discussions on private standards initiated in this Committee, it was important that only those that are SPS-related be discussed. It was thus in this spirit that a questionnaire was circulated to Members for them to provide additional information which could assist this Committee in determining what actions, if any, can be taken.

1.3. Document G/SPS/GEN/932/Rev.1: "Effects of SPS-related private standards – compilation of Replies", contains the summary of responses to the questionnaire that was circulated by the Secretariat. The response from Members indicated that the products that were often affected included: fresh fruit (HS Codes 0804, 0805, and 0810); fresh vegetables (HS Codes 0701 and 0710); and fresh, chilled or frozen meat – both bovine and poultry (HS Codes 0201 and 0207).

1.4. Paragraph 15 of the same document states that over two-third of the replies stated that the scope of the content of the private standards were food safety, while a few others mentioned animal and plant health. In paragraph 18, responses compiled informed that under the umbrella of food safety, the specific requirements were often related to HACCP, maximum residue limits (MRLs) for pesticides, hygienic practices for meat and fresh fruits, testing laboratories, as well as commodity specific standards such as those on bananas olive oil and so on.

1.5. One Member in its response to the Questionnaire provided specific references to the OIE standards including references to chapter 10.4.26 (inactivation of the avian flu virus) and chapter 11.6 (BSE) of the Terrestrial Animal Health Code among others.

1.6. Paragraph 21 of the same document informs that deviations from the International Standards included: more detailed and prescriptive operational procedures (the example cited was in comparison to the Codex guidelines for HACCP); lower MRLs than those of Codex; more demanding requirements regarding absence of *Listeria* in raw meat compared to Codex, just to mention a few.

1.7. According to the responses from Members, compiled in document G/SPS/GEN/932/Rev.1, the primary entities imposing private standards are retailers such as supermarkets and hypermarkets, example Marks and Spencer's, Metro, Primus Labs, Tesco and Wal-Mart.

1.8. The aforementioned information was compiled with the objective of helping this Committee to guide its decision in regards to the recommended actions contained in document G/SPS/GEN/256.

1.9. The examples cited document G/SPS/GEN/932/Rev.1, confirms that the specifications set by these entities cover health and safety. To differentiate them from those set by governments we have proposed the use of the term "non-governmental entity" in the definitions; and as mentioned on several different occasions in this Committee, due to their mandatory nature and their scope of application, the term that best describes them is "requirement(s)".

1.10. We believe that a working definition should be clear so to guide the process forward. We are aware that many times history is lost in the deliberation of ideas and concepts and thus the clearer a working definition; the better it is for all concerned.

1.11. In conclusion, Belize would like to urge Members to support the working definition of an SPS-related private standard as proposed by the Co-Chairs of the Electronic Working Group:

"An SPS-related private standard is a written requirement or condition, or a set of written requirements or conditions, related to food safety, or animal or plant life or health that may be used in commercial transactions and that is applied by a non-governmental entity that is not exercising governmental authority."

1.12. We are flexible with the inclusion of the disclaimer as proposed by Members. In the spirit of cooperation and with the objective of advancing on this agenda item, Belize urges Members to support the adoption of this working definition as it more accurately defines the scope of issues under private standards that should be considered by this Committee.

2 ACTIONS 6-12

2.1 Under Action 6

2.1. Members are encouraged to exchange relevant information regarding SPS-related private standards to enhance understanding and awareness on how these compare or relate to international standards and governmental regulations, without prejudice to the different views of Members regarding the scope of the SPS Agreement.

2.2. Belize would like Members to consider the questions contained in document G/SPS/GEN/932/Rev.1 as a possible guide for the implementation of Action 6. We believe that the format used in that document along with the table in Annex II could be a possible template for submission of additional examples, to this Committee, of SPS-related private standards and how these compare to or related to international standards and governmental regulations.

2.2 Conclusion

2.3. It is understood that a few Members are of the view that work on these actions should only be considered once the Committee has developed a working definition for SPS-related private standards. Belize would like to encourage Members to reconsider that position and instead once more, take time, to revisit the text contained in each of those recommendations.

2.4. Those actions can be dealt with in parallelism with the development of a working definition for SPS-related private standards, particularly at this stage where significant advances have been made under action one.

2.5. As a result, Belize once more reaffirms its former recommendations under these actions (6-12) and encourages Members to advance work in these areas either through the formation of a physical or electronic working group.

3 OTHER MATTERS

3.1. The 19th Session of the Joint FAO/WHO Coordinating Committee for Latin America and the Caribbean was held in San Jose, Costa Rica from 9-14 November 2014.

3.2. During that session, the delegation of Belize informed the Committee that SPS-related private standards continued to have a negative impact on their exports. Some of the concerns included increasing costs associated with certification; the difficulties with different schemes having conflicting requirements; in several instances the absence of science to justify some of the stricter requirements. The delegation stated that the private sector called into question the relevance of food safety authorities as a number of importing countries did not require official food safety attestations. Belize also noted that governments are responsible for setting measures and should be guided by international standards where those exist. Furthermore it reaffirmed that it was the responsibility of governments to set the appropriate level of protection and not the private sector.

3.3. During its intervention Belize also encouraged the Food and Agriculture Organization (FAO) and the Codex Secretariat to continue their participation in Global Food Safety Initiative (GFSI) due to possible influence in areas of harmonization, consistency and application of science-based principles.

3.4. Paragraphs 161-166 of the Codex Document: REP/15/LAC contains a summary of the concerns raised; an update by the Codex secretariat and the recommendations of the Committee.

3.5. The Committee reiterated its 2012 recommendations on private standards and these included:

- a. to express concern over the negative effects of private standards in developing countries and in international trade, and over the misleading of consumers;
- b. to reaffirm that Codex standards are the guarantee to protect consumers' health and that the stricter requirements of private standards do not ensure "greater protection";
- c. to reaffirm the need for a scientific basis for requirements regarding food;
- d. to continue coordination with other relevant international organizations (for example OIE);
- e. to continue a constructive dialogue with the non-governmental organizations imposing compliance with private standards;
- f. to provide information and guidance to its members on this subject;
- g. to propose to the Commission that it monitor the private standards that cause problems for exports from developing countries, and also establish an information system so that the causes of the problems can be quantified; and
- h. to continue urging private standard-setting bodies to participate in Codex as observers.

3.6. In relations to this SPS-related private standards, the Committee also:

- a. urged CCLAC countries to submit information to the Codex secretariat about specific cases where the negative impact of private standards on trade has been shown; and
- b. encouraged the FAO and the Codex secretariat to continue their participation in GFSI.