



BELIZE'S COMMENTS ON PRIVATE STANDARDS

63RD WTO/SPS COMMITTEE MEETING
JULY 2015

Communication from Belize

The following communication, received on 9 July 2015, is being circulated at the request of the Delegation of Belize.

Belize would like to thank the co-stewards and the Members of the electronic working group for their important contributions in addressing this important agenda item. In that light, it is important then to remind Members that the importance of the working definition is to provide some guidance on the scope of coverage of what should be considered under the terms "SPS-related private standards" rather than on developing a legal definition.

1 REACTIVATION OF THE ELECTRONIC WORKING GROUP

1.1. We believe that it is now time to reactivate the electronic working group, since advances can only be made with Members engaged in discussion and openly demonstrating their commitments in moving the process forward. It is in the spirit of moving the process forward that Belize would like to propose a new definition for consideration.

2 DEFINITION OF SPS-RELATED PRIVATE STANDARDS – "REQUIREMENTS"

2.1. Members will recall that one of the first activities of the physical working group, was to look at the different examples of "SPS-related private standards" provided by members, in their response to the questionnaire circulated by the Secretariat. In the examples provided by the respective countries, it was observed that most of these "SPS-related private standards" included: maximum residues limits, guidelines for preventing and reducing microbial contaminants; limits for microbial contaminants, acceptable diagnostic techniques for certain diseases just to mention a few. These facts demonstrated that "SPS-related private standards" are "animal health, plant health and food safety requirements". We understand that some Members have concerns with the use of the term "requirements" but the only alternative language would be "conditions of importation" and those are used to describe measures applied by governments. As a result Belize believes it is more appropriate to use "requirements". This portion of the definition eliminates "related-to" which would address the concerns of those not comfortable with its inclusion.

3 "A REQUIREMENT" OR "REQUIREMENTS"; "VERBAL OR WRITTEN"

3.1. It is also understood that some Members are of the view that the definition should be extremely explicit: qualifying that requirements could be singular or plural and that they can be written or verbal. Belize is of the opinion that by only using the term "requirements" we address both concerns since in its plural form, it does not preclude the inclusion of those that could be single or multiple and incorporates all, irrespective of the manner in which it is expressed (way of document or verbal instruction).

4 "DEVELOPED" AND "APPLIED"

4.1. Members will also recall that discussions were also held on whether the definition should also incorporate who developed and applied the requirements. Belize is of the opinion that for the purposes of the definition, it is more appropriate that the focus be on those requirements which are applied since those are the ones which are affecting trade.

5 "NON-GOVERNMENTAL ENTITY"

5.1. We believe that inclusion of the term "non-governmental entity" is most appropriate to differentiate from measures applied by governments.

6 DISCLAIMER

6.1. The inclusion of the disclaimer either as a footnote or part of the definition has already been addressed and Belize would simply reiterate its flexibility in that regard; meaning it could be included or excluded and that if it is included it matters not if it is in the form of a footnote or part of the definition itself.

Having addressed those our new proposal then would be as follows:

"SPS-related private standards are animal health, plant health and food safety requirements applied by non-governmental entities". (with the inclusion of the disclaimer since that is what some Members prefer).
