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At a meeting of the Committee on Sanitary and Phytosanitary (SPS) Measures, members agreed to a proposal from the co-stewards of the e-working group for a “cooling off” period to reflect on how to overcome the impasse.

Members of the e-working group have been unable to agree on a working definition of an SPS-related private standard. This definition, as Chairperson Ms Lillian Bwalya of Zambia pointed out, is not meant to be a legal definition but rather provide a framework to limit the scope of issues considered by the committee.

Private standards are a growing concern among developing countries, many of whom took the floor at the committee meeting to urge continued efforts to find a compromise. A [survey](#) carried out by the WTO Secretariat in 2009 found that the main entities imposing private standards were large retailers such as supermarkets and hypermarkets and that products identified as being most affected by these standards are fresh fruit and vegetables and fresh, chilled or frozen meat.

WTO members agreed in [March 2011](#) on five “actions” for how WTO members might deal with private sector standards for food safety and animal and plant health. Securing a working definition on private standards is the first of these five actions.

China and New Zealand are co-stewarding the electronic working group on the issue and have put forward a proposed working definition ([G/SPS/W/283](#)). While most members gave their support to the proposed definition, several developed country members said they could not support the proposal because it might imply that private standards are covered by the SPS Agreement.

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Others said they were ready to be flexible but echoed the argument that private standards fall outside the scope of the SPS Agreement.

China and New Zealand proposed the following working definition: "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."

The proposal also included a statement or footnote stating that the working definition did not prejudice the rights and obligations of members under the SPS Agreement or the views of members on the scope of this agreement.

China and New Zealand reported that opponents objected in particular to the use of the terms "non-governmental entity" and "requirements" in the proposed definition. Argentina countered that these terms have been used by standards bodies such as the World Organization for Animal Health (OIE) in their definitions of private standards and had never received any objections.

Many African, Latin American and Caribbean countries took the floor to urge compromise, with some arguing that their exporters were being negatively affected by costly and arbitrary private standards. Among those intervening on the issue on 27 March were Argentina, Belize, Brazil, Burkina Faso, Cape Verde, the Central African Republic, Cuba, Ecuador, India, Kenya, Mali, Nigeria, Senegal, and Uruguay.