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Revision of the Geneva Protocol

Geneva Understanding (draft)

Note by the secretariat

This document is submitted by the delegation of the United States in support of the revision of the draft Geneva Understanding (document ECE/TRADE/C/WP.7/2013/3).

In cases where sections are deleted with a ~~strike-through~~ without any rationale given is because the section does not add any emphasis to the topic or it is redundant.

Geneva Understanding on Agricultural Quality Standards

This Understanding replaces and supersedes the Geneva Protocol of 1985.

I. Introduction

1. The standard-setting activities of the United Nations Economic Commission for Europe (UNECE) are carried out by the Working Party on Agricultural Quality Standards, operating in accordance with its terms of reference and working procedures. UNECE standards are developed to comply with the aims of the World Trade Organization (WTO) Agreement on Technical Barriers to Trade and take into account the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.
2. For the best results, when implementing UNECE and/or any international agricultural produce quality standard, an appropriate national legal framework and technical infrastructure is needed; and inspection services/providers should always follow internationally accepted inspection procedures.

II. Agricultural quality standards

3. For agricultural products to move in trade, commercial agricultural quality standards are needed as a common trading language. These standards are an important component of a broader system of quality assurance and control, ~~along with food safety and phytosanitary aspects,~~ supporting international trade.

Rationale: We should not mix food safety with quality control, though in some countries food quality is synonymous with food safety. UNECE Standards are “quality standards” which should be always emphasized.

4. UNECE standards ~~set~~define minimum quality levels that provide a common language to facilitate fair trade, prevent technical barriers to trade and increase transparency in the markets. They promote sustainable marketing of quality agricultural produce, keep low-quality agricultural products out of the market and protect consumer interests.

Rationale: standards do not set but define quality requirements. Also “set” implies the standards are mandatory.

5. The standards are intended for adaptation and/or adoption in national standard-setting. The use of their common terminology and harmonized quality requirements helps buyers and sellers to understand the quality of the products being marketed, and also minimizes the risk of technical barriers to trade.

6. UNECE develops and updates standards, and promotes them worldwide. It helps countries translate the standards into practice and prepares explanatory material to make them more easily understood. It cooperates with other international bodies including the Codex Alimentarius Commission, the Organisation for Economic Co-operation and Development (OECD), ~~the European Union (EU)~~ and WTO.

Rationale: The EU is not an international body like the other standardization organizations listed. We are concerned that if EU is mentioned, then all non EU members of the UNECE should be listed as well.

7. It develops and revises its standards in an inclusive, transparent process. All member countries of the United Nations or of its specialized agencies may participate on an equal footing and all with the same rights. Decisions are taken on a consensual basis.

8. Countries initiate the development of new standards or the revision of existing standards to reflect changing conditions of production, marketing, inspection and regulation. After the standards are adopted – and for their effective practical application by producers, traders and inspection services – each specialized section of the Working Party sets the publication of new versions of the standards within an agreed time frame to ensure stability in the use of the standards.

9. Any country wishing to participate in the UNECE work on agricultural quality standards should notify the UNECE secretariat indicating its designated national authority, i.e. the national focal point for this work and the institution responsible for commercial quality control. Non-governmental organizations accredited to the Economic and Social Council of the United Nations may take part in the discussions. National delegations may include representatives of the private sector, with the agreement of the national designated authority.

III. Framework to secure adoption and application of quality standards

10. The UNECE quality standards, explanatory material and other related documents have the status of recommendations, and the Geneva Understanding acts as a basis to secure their adoption and practical application. It is considered that ~~participating countries recognize the present framework~~ countries are engaged in the work under the present Understanding if they:

Rationale: The use of the term “recognize and accept” implies some type of formal recognition or acceptance of the standards through formal signatures, which is not being requested or done by member delegations attending Working Party 7 meetings or those of its specialized sections.

- participate in the international standard-setting work
- ~~do not prevent the use of UNECE standards in commercial trade~~

Rationale: This blanket statement is not appropriate, for in some cases market conditions, and special need purchases require the application of very particular quality standards that may be stricter than established standards.

- ~~put into effect, as nationally relevant,~~ promote the use of the standards and other recommendations by one or several of the following measures:
 - making reference to or reproducing UNECE standards in their national legislation
 - using UNECE quality standards when they are adopted or adapted as a basis for national quality standards, as appropriate to domestic market conditions; ~~at the import stage standards should not be stricter than the relevant UNECE standards; at the export stage standards may set stricter quality requirements.~~

Rationale: Quality standards are voluntarily applied in some countries while in others they are mandatory, therefore their adoption or adaptation as national quality standards should be dependent on domestic market situations. E.g. except for a limited number of products, the United States does not have

mandatory quality standards; all other US quality standards are entirely voluntary.

11. Countries that have accepted this Understanding through participation in and support of the UNECE quality standardization work

- ~~Agree to~~*Support* the UNECE quality standard-~~development~~*setting* process, as set out in the terms of reference and working procedures of the Working Party on Agricultural Quality Standards
- ~~Agree to take~~*Consider* UNECE quality standards~~into account~~ when developing national standards
- ~~Agree to inform~~*Inform* the UNECE secretariat, in their area of competence, of the status of national implementation of quality standards, as well as of changes, additions or deletions to the quality standards according to the procedures defined by the secretariat
- ~~Agree to accept~~*Accept* that the UNECE secretariat periodically publishes a report on the status of implementation of standards, as well as of changes, additions and deletions made to them.

IV. International cooperation

12. UNECE aims at coordinating its activities with other international organizations active in the area of agricultural quality standards.

13. Countries that have accepted this Understanding recognize they should also consider other consensus-based international standards when developing a national standard.

Rationale: It is important that countries are reminded to consider the existing agricultural quality standards when they are developing new standards, as well as the role the standards play beyond the country's national borders along with implications for international trade.
