

Part 1

Overview of
standards:
international
agreements, national
regulations and
private standards

Introduction

Over the past 20 years the number of standards and certification programmes for agricultural production has grown rapidly. In addition to the numerous technical regulations on food safety, plant protection and labelling developed by national governments, the private sector has increasingly established new standards for products and processes.

This chapter presents an overview of agricultural trade standards, notably those defined by international agreements, government regulations and the civil society including the business sector. It focuses on those standards which, according to researchers and industry sources, may significantly influence market opportunities for developing-country exporters of fresh fruits and vegetables. The number of standards that may affect agricultural trade, be they public or private, is large and increases virtually every day. This overview does not claim to be comprehensive but aims to briefly describe the main standards and regulations that may have an impact on international trade in fresh fruits and vegetables. In the case of regulatory standards set by governments, in particular, this report focuses on the European Union and the United States, which are by far the largest markets for the fresh produce exports of many developing countries.

Standards are firstly classified according to the most relevant subject category they tackle, and then according to the type of institutions that define and apply them. The matrix below shows how examples of major standards that could affect international trade fall in this classification system, all of which are discussed in this document. Please note that “n/a” means that no standard is considered in this report that affects international trade within the category. Note also that some standards fall within more than one subject category. In order to avoid repetition, and when this was feasible, the author has chosen to describe standards in one subject category only, therefore readers wanting to know about specific standards are advised to find them first in the complete matrix of all reviewed standards presented in the Annex 1 page 75.

Examples of various types of standards

	Governments		Civil society	
	International Agreements	National Regulations	Corporate Private	Non-profit
Frameworks	SPS	ANSI	AccountAbility	ISEAL
Product classification	HS	General Food Law	GS1	n/a
Phytosanitary	IPPC	APHIS	n/a	n/a
Food quality and safety	Codex	EPA	GFSI	n/a
Sust. Agric. and GAP	GAP	n/a	EUREPGAP	Rainforest Alliance
Environmental	ISO 14001	n/a	UK Assured Produce	n/a
Organic	Codex	NOP	ECOCERT	IFOAM
Labour and social	ILO	n/a	OHSAS	FLO

n/a: not considered in this report

1. Frameworks for standard settings and conformity assessment systems

1.1. INTERNATIONAL AGREEMENTS

The World Trade Organization

The World Trade Organization (WTO) is an international organization that defines and arbitrates over trade rules that are applicable to the bulk of the world's trading nations. It was born in 1994 out of the Uruguay Round of Multilateral Trade Negotiations and its agreements concern not only trade in goods (GATT), but also in services (GATS) and intellectual property rights (TRIPS). The WTO claims to have some 30 000 pages of agreements, annexes, commitments, understandings and decisions that specify the rights and obligations of Member Nations vis-à-vis lowering trade barriers and opening of markets. WTO texts contain no standards, i.e. the WTO is not involved in establishing standards. It houses rules that guarantee that standards should not be used as disguised trade barriers.

These WTO rules govern standards set by governments or government-related institutions. Private standards are set by non-governmental entities, including civil society organizations and private enterprises and their coalitions, which may not be challenged directly before the WTO. While governmental standards are expected to be set within the framework of WTO rules, private standards (including not only food safety but also environmental and social standards) obviously have no single internationally recognized set of rules in which they should be based.

Governmental standards can be mandatory or voluntary depending on whether compliance is required for a product to enter into a particular country. Private standards can be voluntary by consensus, in the sense that every market player agrees to adopt them voluntarily. Private standards can also be de facto mandatory if they have penetrated in the market to such an extent that players wanting to participate in the market have no option other than adopting them. Due to the perceived increasing importance of private standards on world trade, some WTO member countries have proposed that these should be discussed within the realm of WTO. The concern for addressing the impact of private standards on international trade within the realm of the WTO can be better understood in light of the increasing concentration and geographical reach of the retail industry. Countries raised their concern specifically over European retailers who have created and implemented a series of sector specific farm certification standards.

In June 2005 and for the first time in the history of the Committee on Sanitary and Phytosanitary Measures (SPS Committee), the issue of private standards was raised by member countries, reflecting the perception that in some cases private standards are acting de facto mandatory. This claim concerned the EurepGAP standard, a private sector standard applied by several large-scale retailers of the European Union. The European Union explained that it could not object to private standards that were not in conflict with EU legislation. Some countries enquired about the interpretation of SPS Article 13, which reads: "Members shall take such reasonable measures as may be available to them to ensure that non-governmental entities 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." Others asked what recourse was available to exporting countries when faced with private sector requirements that

were more stringent than governmental standards. At a meeting of the SPS Committee in June 2005, the representative of Argentina stated that:

“If the private sector was going to have unnecessarily restrictive standards affecting trade and countries had no forum in which to advocate some rationalization of these standards, twenty years of discussions in international fora would have been wasted.”

WTO - G/SPS/R/37/Rev.11

For a better understanding of this debate, this chapter first discusses briefly the WTO rules that govern standards and regulations of its Members and then continues with relevant international standards.

The General Agreement on Tariffs and Trade

Articles I and III of GATT are the basic principles of WTO and advocate non-discrimination in trade. Article I is titled General Most-Favoured-Nation Treatment, and principally means that WTO members are bound to treat the products of one country no less favourable than the like products of any other country. Article III is titled National Treatment on Internal Taxation and Regulation and principally means that once goods have entered a market, they must be treated no less favourable than like products of national origin.⁴

The term like products has been defined in the past to mean products with the same or similar physical characteristics or end uses. This has resulted in a debate on Process and Production Methods (PPMs). The WTO allows countries to adopt trade measures regulating product characteristics or their related processing and production methods, but does not allow trade restrictions on the basis of unrelated PPMs (i.e. PPMs that do not affect product characteristics).⁵

In cases where standards, certification or labelling schemes would violate Article I or III, they could still comply with GATT rules if one of the General Exceptions of Article XX applied. Nevertheless, such exceptions should not be applied arbitrarily or be unjustifiably discriminative between countries where the same conditions prevail.

The most relevant exceptions listed in GATT Article XX are:

...nothing in this Agreement shall be construed to prevent adoption or enforcement by any Member of measures:

- (a) necessary to protect public morals;
- (b) necessary to protect human, animal or plant life or health;
- (d) [...] relating to the protection of patents, trade marks and copyrights, and the prevention of deceptive practices;
- (g) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption.

Technical Barriers to Trade Agreement⁶

The Agreement on Technical Barriers to Trade (TBT) deals with standards and certification in general. Under the TBT, a standard is called a technical regulation if compliance is mandatory and a standard if it is not mandatory. According to TBT Articles, technical regulations shall not be more trade restrictive than necessary to fulfil a legitimate objective. Such legitimate objectives are inter alia: national security requirements; the prevention of deceptive practices; and protection of human health or safety, animal or plant life or health, or the environment. A Member shall upon the request of another Member explain the justification of that technical regulation. The TBT encourages the

⁴ Adapted from: FAO. 2000. Multilateral Trade Negotiations on Agriculture: A resource manual: pp. 103-104.

⁵ After: FAO. 2001. Product certification and eco-labelling for fisheries sustainability. By C.R. Wessells, K. Cochrane, C. Deere and P. Wallis. FAO Fisheries Technical Paper, No.42: pp. 60-63.

⁶ WTO. 1994. The results of the Uruguay Round of Multilateral Trade Negotiations: the legal texts. Annex 1a Multilateral Agreements on Trade in Goods. Geneva.

international harmonization of technical regulations and standards.

The Code of Good Practice for standards (TBT Annex 3, acceptance of the Code is optional) requests standardizing bodies to apply the Most Favoured Nation (MFN) principle and the National Treatment (NT) Principle of the GATT in their work. Furthermore, the standardizing body shall ensure that standards are not prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to international trade.

TBT Articles 5 to 9 on Conformity Assessment apply to both regulations and standards. They require that conformity assessment procedures should be non-discriminatory for like products and shall not be more strict than necessary. Information requirements should be limited to what is necessary to assess conformity and determine fees. Confidentiality should be respected. In addition, a complaints and corrective action procedure should exist in each country, and the international harmonization of conformity assessment procedures is sought. Members shall accept conformity assessment procedures in other countries provided that they are satisfied with the level of equivalence.

Each member shall have an enquiry point, which has to be able to provide information on any regulations, standards and conformity assessment procedures in its territory. Members shall take account of the special situation of developing countries to ensure that no unnecessary obstacles are created to exports from developing countries.

SPS Agreement^{7, 8}

The Agreement on the Application of Sanitary and Phytosanitary Measures (or SPS agreement) allows countries to set their own standards. But it also indicates that regulations must be based on science. Measures should be applied only to the extent necessary to protect human, animal or plant life or health. In addition, they should not arbitrarily or unjustifiably discriminate between countries where identical or similar conditions prevail.

Member countries are encouraged to use international standards where they exist. Annex A of the SPS Agreement specifically defines international standards, guidelines and recommendations to be:

- for food safety, those established by the Codex Alimentarius Commission
- for plant health, those developed under the auspices of the FAO's Secretariat of the International Plant Protection Convention.
- for animal health and zoonoses, those of the International Office of Epizootics
- for matters not covered by the above organizations, appropriate standards, guidelines and recommendations promulgated by other relevant international organizations open for membership to all Members, as identified by the Committee.⁹

Members may use measures which result in higher levels of protection than those defined under the above, provided the scientific justification is valid. They can also set higher standards based on appropriate assessment of risks so long as the approach is consistent and not arbitrary. In cases where relevant scientific evidence is insufficient, a Member may provisionally adopt SPS measures on the basis of available pertinent information. In such circumstances, members shall seek to obtain the additional information necessary for a more objective assessment of risk and review the measure accordingly within a reasonable period of time.

⁷ WTO. 1994. The results of the Uruguay Round of Multilateral Trade Negotiations: the legal texts. Annex 1a Multilateral Agreements on Trade in Goods. Geneva.

⁸ WTO. 2003. Understanding the WTO. 3rd edition.

⁹ "Members" are WTO members. The requirement that international organizations should be open for membership by all WTO members may mean that SPS standards set by trade associations and/or international NGOs would not fall under the definition of international standards of the SPS Agreement.

The agreement still allows countries to use different standards and different methods of inspecting products. If an exporting country can demonstrate that the measures it applies to its exports achieve the same level of health protection as in the importing country, then the importing country is expected to accept the exporting country's standards and methods.

The agreement includes provisions on control, inspection and approval procedures that may be used to ensure compliance with their sanitary and phytosanitary measures. In addition, the agreement stipulates that governments must provide advance notice of new or changed sanitary and phytosanitary regulations, and establish a national enquiry point to provide information. The agreement complements that on Technical Barriers to Trade and they are equal in the WTO hierarchy.

Other WTO Agreements

The Agreement on Agriculture. The Uruguay Round produced the first multilateral agreement dedicated to the agricultural sector. It was implemented over a six year period (and is still being implemented by developing countries under their 10-year period), that began in 1995. The new rule for market access in agricultural products is "tariffs only" and many quotas have been replaced by tariffs. Furthermore, commitments have been made to reduce tariffs and trade-distorting subsidies. The Uruguay Round agreement included a commitment to continue the reform through new negotiations and these were launched in 2000. The result is that there are fewer trade barriers as result of quotas and tariffs. Thus, technical barriers to trade have become relatively more important.

The Agreement on Import Licensing Procedures defines import licensing as administrative procedures (...) requiring the submission of an application or other documentation (other than that required for customs purposes) to the relevant administrative body as a prior condition for importation into the customs territory of the importing Member. The Agreement says import licensing should be simple, transparent and predictable. The agreement tries to minimize the importers' burden in applying for licenses, so that the administrative work does not in itself restrict or distort imports. The agreement also sets criteria for automatic licensing so that the procedures used do not restrict trade.

Rules of origin are the criteria to define where a product was made, essential for implementing quotas, preferential tariffs, anti-dumping actions etc. and to compile trade statistics and for made in labels. This is complicated because products may contain ingredients from - or may have undergone processing in - several countries. The Rules of Origin Agreement requires that rules are transparent; that they do not have restricting, distorting or disruptive effects on trade; that they are administered in a consistent, uniform, impartial and reasonable manner; and that they are based on a positive standard (the standard should state what does confer origin rather than what does not). The agreement establishes a harmonization work programme that aims for a single set of rules of origin to be applied under non-preferential trading conditions by all WTO members.¹⁰ The work was due to end in July 1998, but in July 2002, the Committee on Rules of Origin forwarded 93 core policy issues to the General Council.¹¹ In August 2004 the General Council extended the deadline for completion of the policy issues to July 2005.¹²

A place name is sometimes used to identify a product. Well known examples include Champagne and Roquefort cheese. The use of such geographical indication does not fall under the Rules of Origin agreement but under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Unlike the other agreements mentioned, the TRIPS Agreement does not specify the general principles in GATT, but is an agreement on its

¹⁰ WTO. 2003. Understanding the WTO. 3rd edition.

¹¹ WTO G/RO/52; WT/GC/M/75.

¹² WTO G/RO/59.

own, on the same level as GATT. On geographical indications, the TRIPS Agreement says countries have to prevent the misuse of place names to prevent misleading the public. Some exceptions are allowed, for example if the name is already protected as a trademark or if it has become a generic term. The TRIPS agreement also defines what types of signs must be eligible for protection as trademarks, and what the minimum rights conferred on their owners must be.

Bendell and Font argue that standardization, certification and accreditation are a services industry and may thus fall within the context of the General Agreement on Trade in Services (GATS).¹³ Like TRIPS, GATS is an agreement on its own. The agreement covers all internationally-traded services. It also defines four ways (or “modes”) of trading services: cross border supply (services supplied from one country to another); consumption abroad (consumers or firms making use of a service in another country); commercial presence (a company setting up subsidiaries or branches in another country); presence of natural persons (individuals travelling from their own country to supply services in another). Analytical work of what GATS would mean for standardization, certification and accreditation services is not known to the author of this report and conducting such an analysis falls outside the scope of this study.

The Trade and Environment Committee¹⁴

At the end of the Uruguay Round in 1994, trade ministers from participating countries decided to begin a comprehensive work programme on trade and environment in the WTO. They created the Trade and Environment Committee. This has brought environmental and sustainable development issues into the mainstream of WTO work.

The CTE states that the most effective way to deal with international environmental problems is through international environmental agreements. In other words, using the provisions of an international environmental agreement is better than one country trying on its own to change other countries’ environmental policies. Labelling environmentally-friendly products is an important environmental policy instrument. For the WTO, the key point is that labelling requirements and practices should not discriminate — either between trading partners (most favoured nation treatment should apply), or between domestically-produced goods or services and imports (national treatment). Discussion in the CTE continues on how to handle (under the rules of the TBT Agreement) labelling used to describe whether processing methods are environmentally-friendly.

The Doha Round of Multilateral Trade Negotiations

At the Fourth Ministerial Conference in Doha, Qatar, in November 2001 WTO Member Governments agreed to launch new negotiations. They also agreed to work on other issues, in particular the implementation of the present agreements.

- Among the many issues under discussion, some are relevant for standards and certification: Implementation issues of the Agreement on Sanitary and Phytosanitary (SPS) measures.
- Implementation issues of the Agreement on Technical Barriers to Trade.
- Completing the harmonization of Rules of Origin and dealing with interim arrangements.
- Review of GATT Articles 5 (Freedom of Transit), 8 (Fees and Formalities Connected with Importation and Exportation) and 10 (Publication and Administration of Trade Regulations) and identification of the trade facilitation needs and priorities of Members, in particular developing and least-developed countries (by the WTO Goods Council).

¹³ Bendell, J. and Font, X. 2004. Which tourism rules? Green standards and GATS. In: *Annals of Tourism Research* Vol. 31. No. 1 pp. 139-156. (Page 152).

¹⁴ WTO. 2003. *Understanding the WTO*. 3rd edition

Furthermore Ministers set priorities for the discussions in the Committee on Trade and Environment. Among them were:

- The effect of environmental measures on market access, especially for developing countries.
- Environmental labelling requirements: impact of ecolabelling on trade and whether existing WTO rules stand in the way of ecolabelling policies. Parallel discussions are to take place in the Technical Barriers to Trade (TBT) Committee.

Codex Alimentarius¹⁵

The Codex Alimentarius Commission (CAC) was created in 1963 by FAO and WHO to develop food standards and related texts such as guidelines, codes of practice, etc. under the Joint FAO/WHO Food Standards Programme. The main purposes of this Programme are protecting the health of consumers and ensuring fair practices in the food trade, and promoting coordination of all food standards work undertaken by international governmental and non-governmental organizations.

As of January 2005, the Commission had 174 Members (173 member countries and one member organization, i.e. the European Community). The Commission meets annually. Subsidiary bodies are allocated the responsibility to develop proposed draft and draft standards which are circulated to Member Governments and observers for comments. After the Commission adopts the draft standard it is included in the Codex Alimentarius, which is a collection of internationally adopted food standards and related texts presented in a uniform manner.

Participation in all standard setting activities of Codex requires expertise and resources. To address this, FAO/WHO launched a Trust Fund for Enhanced Participation in Codex in 2003. The fund is seeking US\$40 million over a 12-year period to help developing countries and countries in transition to increase their participation in the Codex Alimentarius Commission.¹⁶

Codex standards, guidelines and recommendations are voluntary in nature. However, since the creation of the WTO on 1 January 1995 and, in particular, under the WTO SPS and TBT Agreements that encourage member countries to harmonize their national regulations with international standards, an increasing number of countries are using Codex texts as a basis for their national food regulations. In other words, Codex standards and related texts have become international benchmarks under the WTO framework.

Codex standards fall into two groups, the general (horizontal) standards applying across commodities and the commodity (vertical) standards applying to single foods or a group of foods. Codex standards and related texts can be found on the Codex official standards search web site: <http://www.codexalimentarius.net/search/advanced.do?lang=en>

While a number of Codex standards apply to specific commodities, other Codex texts such as codes of practices, guidelines, etc. are directed to assist countries in improving national food control systems and complying with the provisions established in Codex standards. For example some texts give guidance on good hygienic/production practices throughout the whole processing and handling system.

Codex texts that set a framework for national certification systems include among others¹⁷:

CAC/GL 20 Principles for food import and export inspection and certification.

¹⁵ FAO/WHO. 2005. Understanding the Codex Alimentarius. Rome.

¹⁶ <http://www.who.int/foodsafety/codex/trustfund/en/>

¹⁷ A complete list of food import and export inspection and certification texts adopted by the Codex Alimentarius Commission is available at <http://www.codexalimentarius.net/> by directing to Official Standards, Special Publications.

These guidelines include definitions of terms such as audit, certification etc. They state that inspection systems for food safety should be based on a risk assessment. In general the guidelines are very similar to TBT requirements on conformity assessment, i.e. non-discrimination, not more trade restrictive than necessary, international harmonization and transparency.

http://www.codexalimentarius.net/download/standards/37/CXG_020e.pdf

CAC/GL 26 Guidelines for the design, operation, assessment and accreditation of food import and export inspection and certification systems.

This guideline also stresses the importance of the use of risk analysis. It promotes the use of HACCP. It states that governments should take into account the voluntary utilization of quality assurance procedures by food businesses and that these may influence the official control methods and procedures. It gives guidelines on the recognition of equivalence of inspection and certification systems between states. Furthermore it provides advice on the infrastructure necessary for an effective inspection system: the legislative framework; the elements of control programmes; facilities, equipment, transportation and communications; laboratories; personnel; and decision criteria and actions in case of non-conformity. Finally it gives guidelines on certification systems, the accreditation of inspection and certification bodies to provide services on behalf of official agencies, and advises to regularly evaluate the whole national system. Operations of the inspection and certification system should be as transparent as possible, both for consumers and for exporting countries to be able to demonstrate equivalency.

http://www.codexalimentarius.net/download/standards/354/CXG_026e.pdf

CAC/GL 34 Guidelines for the development of equivalence agreements regarding food import and export inspection and certification systems.

Practical guidance for governments desiring to enter into bilateral or multilateral equivalence agreements. http://www.codexalimentarius.net/download/standards/362/CXG_034e.pdf

CAC/GL 47 Guidelines for food import control systems.

Additional guidelines to CAC/GL 20 and 26.

http://www.codexalimentarius.net/download/standards/10075/CXG_047e.pdf

ISO and the IAF¹⁸

The International Organization for Standardization (ISO) consists of 150 national standards institutes that are either governmental or parastatal bodies or are non-governmental bodies dominated by industry representatives. ISO allows only one member institute per country. The ISO system has long been considered the major standard setting body for international harmonized industry standards and is explicitly recognized by the TBT as providing internationally accepted standards.

Many developing countries have so far not been able to participate in ISO because of the lack of a national standards institute or the lack of funds for membership. However, membership of developing countries has increased fast in the last decade. ISO has launched a Five-year Plan for Developing Countries, which aims to increase the participation of its developing country members and strengthen their standardization infrastructures.

ISO standards and guidelines for standard-setting procedures and conformity assessment procedures are being widely adopted by other standard-setting bodies and by accreditation and certification bodies. These standards have recently been updated and expanded. The most important ISO standards in this respect are standards for:

- the definitions (Guide 2),

¹⁸ Although ISO is not an intergovernmental organization, its standards are widely recognized by governments and therefore they will be discussed together with intergovernmental standards across this document.

- standard-setting (Guides 7 and 59),
- suppliers' declaration of conformity (Guides 17050-1/2),
- third-party certification system (Guide 28),
- conformity assessment (Guide 53, 60 (code of good practice), 67, 17000, 17002, 17003) auditing (Guide 10011),
- accreditation (Guide 17011, formerly guide 61),
- the operation of inspection and certification bodies (Guides 62, 65, 17020, 17024, 17040),
- the recognition and acceptance of conformity assessment results (Guide 68),
- third party marks of conformity (labelling) (Guide 17030).

ISO has also developed standards for quality systems, environmental management systems and recently for food safety management systems. It is in the process of developing its first standards on social responsibility. These will be dealt with under the respective following chapters.

ISO itself does not certify companies nor does it accredit certification bodies. For this reason, the ISO logo can not be used in connection with certificates or on product labels. Certification against ISO standards is carried out by either governmental or private certification bodies on their own responsibility. Usually these bodies are required by national law to be accredited by the national accreditation authorities.

The International Accreditation Forum (IAF) is the world association of Conformity Assessment Accreditation Bodies. Similarly to ISO it admits only one member institute per country. It aims to harmonize and improve accreditation systems and members must declare their intention to join the IAF Mutual Recognition Agreement. Many companies that require certification do require certification from a body that is accredited by an IAF member against ISO standards 62 or 65.

1.2. NATIONAL STANDARD SETTING SYSTEMS

United States

In the United States various federal and state departments are responsible for technical regulations related to fruits and vegetables, such as the United States Department of Agriculture (USDA), the Food and Drug Administration (FDA) and the Environmental Protection Agency (EPA). If such regulations include certification requirements, certifications are carried out by governmental bodies or by private certification bodies that are accredited by a governmental body.

For voluntary industry standards and related certification and accreditation, the American National Standards Institute (ANSI) plays a central role. ANSI is the US member of ISO. ANSI does not itself develop standards but accredits standard developers. For example, it accredited the Agricultural Research Service of the US Department of Agriculture for developing common names for pest control chemicals.

ANSI also accredits certification bodies, specifically for product and personnel certification programmes, and it accredited one body to conduct EurepGAP certification. The ANSI-ASQ National Accreditation Board (ANAB) is the US accreditation body for management systems and IAF members. ANAB accredits certification bodies for ISO 9001 quality management systems and ISO 14001 environmental management systems, as well as a number of industry-specific requirements.

European Union

Technical regulations affecting fruit and vegetable exporters in developing countries are increasingly being harmonized across the European Union. EU Directives require conformity assessment procedures for regulations (mandatory standards) to be carried out by testing laboratories, and certification or inspection bodies notified by the Member

Governments to the European Commission.

CEN, the European Committee for Standardization, was founded in 1961 by the national standards bodies in the EEC and EFTA countries. Formally adopted standards must be implemented at national level and conflicting standards withdrawn. On behalf of governments, the European Commission or EFTA Secretariat may request the European Standards Organizations to develop standards by issuing formal mandates.

CEN may delegate preparatory standard development to its members. Some of the biggest are the British Standards Institute in the United Kingdom, the Association Française de Normalisation (AFNOR) in France and the Deutsches Institut für Normung (DIN) in Germany. All three are part of larger groups with commercial subsidiaries that offer certification or consultation services. The standard setting work is partly financed by these commercial activities and/or the selling of the official standards documents. Many ISO norms and CEN norms are the same or equivalent (e.g. ISO 62 = EN 45012, ISO 65 = EN 45011).

Due to historic differences, there still may exist differences between EU member countries in their standard setting, certification and accreditation systems. For example, in the United Kingdom and France there is just one recognized accreditation body (UKAS and COFRAC, respectively), whereas in Germany there are several accreditation bodies for different industries or regions. For international representation, in the IAF for example, the German Accreditation Council (DAR) has been formed.

1.3. CORPORATE STANDARDS

The private sector, at least the bigger companies, has a strong influence on the ISO standards through the national standards organizations. Furthermore, they form an important constituency of AccountAbility and the Global Reporting Initiative (GRI).

AccountAbility and the Global Reporting Initiative

AccountAbility is a non-profit organization established in 1996. Currently it has over 300 members in 20 countries. Members include businesses, NGOs, service providers and researchers. AccountAbility has developed the AA1000 series of standards to establish a systematic stakeholder engagement process for generating indicators, targets, and reporting systems. It does not prescribe what should be reported on but rather the how of reporting, and thus complements the GRI Reporting Guidelines (see below). For more information on AccountAbility and the AA1000 series, please see <http://www.accountability.org.uk/default.asp>.

Furthermore, the AA1000 Assurance standard is a standard for assurance practitioners (i.e. auditors and certification bodies, etc.). Since 2005 these practitioners can seek certification against this standard through the Certified Sustainability Assurance Practitioner programme.

GRI is a multistakeholder process incorporating representatives from business, accountancy, investment and NGOs from around the world. Created in 1997, GRI became independent in 2002 and is an official collaborating centre of the United Nations Environment Programme (UNEP) and the UN Global Compact.

GRI has developed Sustainability Reporting Guidelines. These guidelines are for voluntary use by organizations for reporting on the economic, environmental and social dimensions of their activities, products, and services. In addition to the guidelines, GRI is developing technical protocols on indicator measurement. Each protocol addresses a specific indicator (e.g. energy use, child labour) by providing detailed definitions, procedures, formulae and references to ensure consistency across reports. GRI is also developing sector supplements to address specific issues of certain industries. Currently there is no supplement for the agricultural sector.

Organizations that have used the GRI guidelines in their sustainability reporting can request to be included in GRI's database. They can also indicate if their report is in accordance with the guidelines. GRI does not verify if these claims are true.

Only two companies from the agricultural sector are included in the database, neither of which is from the fruit and vegetable sector. For more information, see

<http://www.globalreporting.org/index.asp>.

AccountAbility and GRI have not themselves developed certification systems for their stakeholder engagement and reporting standards. However, certification bodies have developed such systems. Certification companies such as SGS and BVQI offer certification programmes to verify if a company's stakeholder engagement system and reporting comply with the AA1000 and Sustainability Reporting Guidelines.

1.4. CIVIL SOCIETY AND NGOS

Some civil society organizations and NGOs are represented in the AccountAbility and Global Reporting Initiative discussed above. A purely NGO organization is the ISEAL Alliance.

International Social and Environmental Accreditation and Labelling (ISEAL) Alliance

ISEAL Alliance brings together leading international standard-setting, accreditation and labelling organizations that are concerned with social and environmental criteria in product and renewable resource management certification. The main goals of the ISEAL Alliance are to attain credibility and recognition for the participating organizations, to defend common interests and to promote continuing professional improvement of member activities.

Standards and accreditation programmes of ISEAL members are international in nature and focus on production and trade methods and processes. These characteristics combine to make ISEAL member organizations unusual within the fields of conformity assessment and voluntary labelling instruments. As such, members have prioritized the need to monitor and provide input into policy development. In this way, members can ensure that interpretations of regulatory issues and voluntary frameworks are favourable to member programmes, and that these types of conformity assessment programmes are recognized as legitimate.

ISEAL developed a Code of Good Practice for Setting Social and Environmental Standards through a multistakeholder discussion process, to complement Annex 3 of the TBT Agreement and relevant elements of ISO Guide 59. The code was launched in April 2004 and a first public review conducted in 2005.

A programme of peer review is being implemented for both standard-setting and accreditation. ISEAL members which run accreditation programmes are being assessed against ISO Guide 17011 (before Guide 61) on accreditation.

A long-term objective for ISEAL is to act as a broker in the harmonization of members' systems. This begins with the harmonization of procedures for setting standards and carrying out accreditation, and will move to the elimination of duplication of standards.

For more information and the Code of Good Practice, please see: <http://isealliance.org>.

2. General quality and import requirements, product classification, traceability and labels of origin

There are many product classification systems and commercial product identification code systems. Classification systems are hierarchical systems of product categories used for the application of customs duties and taxes. Quality classification or grading is the process of assigning quality indications to a batch, lot or other unit of one product category.

Identification codes are neutral numbers used for traceability purposes. They can convey information on the location of production, the producing or trading company, shipping container codes, etc. In vertical and closely integrated supply chains, identification codes are of less importance (e.g. in banana production, where the growing and packaging are usually done on the same plantation).

2.1. INTERNATIONAL AGREEMENTS

The World Customs Organization (WCO) and the Harmonized System

WCO is an independent intergovernmental body whose mission is to enhance the effectiveness and efficiency of customs administrations. The 166 WCO members are responsible for processing more than 98 percent of all international trade.

The WCO developed and introduced the Harmonized Commodity Description and Coding System (or, in short, Harmonized System - HS). HS numbers are classification numbers assigned to individual products. They are typically 6 to 10 digits long. The HS number is used by customs authorities around the world to identify products for the application of duties and taxes. HS numbers are used to determine tariff rates and may be needed for various documents along the supply chain.

In June 1999, a revised International Convention on the Simplification and Harmonization of Customs Procedures (the Kyoto Convention) was approved by the Council. The revised Kyoto Convention must have at least 40 Contracting Parties before it can enter into force. In April 2004 the European Union and 12 of its Member States acceded to the convention, which brought the number of contracting parties to 31. The United States has not yet ratified the convention.

The WCO also has an official role regarding the implementation of the WTO Agreement on Rules of Origin and administers the WTO Valuation Agreement. A Cooperation Agreement with the International Chamber of Commerce (ICC) seeks to further standardize and improve the level of customs capabilities worldwide.¹⁹

¹⁹ WCO. WCO brochure 2002 available at: <http://www.wcoomd.org/ie/index.html>

United Nations Standard Products and Services Code (UNSPSC)²⁰

The Harmonized System cannot be used for procurement because it does not include services. For procurement and electronic commerce, the UNSPSC system is more suitable. The UNSPSC was jointly developed by the United Nations Development Programme (UNDP) and Dun & Bradstreet Corporation in 1998. It is a global classification system similar to the HS. At its core is an eight-digit classification code.

Codex Alimentarius

CAC/GL 1 General guidelines on claims

These guidelines contain general provisions on prohibited/potentially misleading claims and on conditions for use of claims vis-à-vis origin, nutritional properties, nature, production, processing, composition or any other quality.

http://www.codexalimentarius.net/download/standards/33/CXG_001e.pdf

CAC/RCP 44 Recommended international code of practice for packaging and transport of fresh fruit and vegetables

This code recommends proper packaging and transport of fresh fruit and vegetables in order to maintain produce quality during transportation and marketing.

http://www.codexalimentarius.net/download/standards/322/CXP_044e.pdf

Codex STAN 1: General standard for the labelling of pre-packaged food

This standard addresses mandatory and voluntary labelling requirements applicable to pre-packaged foods. The standard requires that labelling of pre-packaged food is not false, misleading or deceptive. Labels of pre-packaged foods shall contain: the name of the food; list of ingredients and declaration of allergens; net contents and drained weight; name and address of the manufacturer, packer, distributor, exporter, importer or vendor; country of origin if its omission would mislead or deceive the consumer; lot identification; and date marking and storage instructions.

http://www.codexalimentarius.net/download/standards/32/CXS_001e.pdf

Traceability/product tracing

According to Codex, traceability/product tracing is defined as: the ability to follow the movement of a food through specified stage(s) of production, processing and distribution. Codex is currently elaborating the draft Principles for the Application of Traceability/Product Tracing in the Context of Food Import and Export Inspection and Certification Systems (these principles may be adopted in July 2006).

Codex commodity standards: many standards for specific fruits and vegetables and for groups of fruits and vegetables

There are separate standards for every form in which the fruits and vegetables are marketed: fresh, quick frozen, canned, dried, and/or as juice (single strength, concentrated etc.), including nectars and purées. There are also standards for multi-ingredient fruit and vegetable products such as mango chutney, pickled cucumbers, bouillons and consommés. On fresh products, there are many more standards for fruits than for vegetables.

There are 26 standards for fresh fruits and vegetables.²¹ They mainly address quality provisions covering classification, sizing, presentation and labelling. They usually contain maximum tolerances for quality and sizing requirements, e.g. levels of bruising, rot and

²⁰ <http://www.unspsc.org/Defaults.asp>

²¹ They are: STAN 182 Pineapple, 183 Papaya, 184 Mango, 185 Nopal, 186 Prickly Pear, 187 Carambola, 188 Baby Corn, 196 Litchi, 197 Avocado, 204 Mangosteens, 205 Bananas, 213 Limes, 214 Pummelos (Citrus grandis), 215 Guavas, 216 Chayotes, 217 Mexican Limes, 218 Ginger, 219 Grapefruits (Citrus paradisi), 220 Longans, 224 Tannia, 225 Asparagus, 226 Cape Gooseberry, 237 Pitahayas, 238 Sweet Cassava, 245 Oranges, 246 Rambutan.

other damages or malformations. They also usually contain minimum requirements for other quality provisions such as maturity indicators, freshness, soundness and cleanness. For quality classification purposes, specific requirements are given for each class that is normally used in international trade for that product (e.g. "extra", class I, class II).

The Codex commodity standards normally also refer to non-product-specific Codex standards (the so-called horizontal standards) on packaging, transport and labelling, as well as maximum levels of additives and contaminants and maximum pesticide residue limits that should be observed.

UN/ECE and the OECD Scheme

The Working Party on Standardization of Perishable Produce and Quality Development of the United Nations Economic Commission for Europe (UN/ECE) has been working since 1949 on commercial quality standards for fresh fruit and vegetables, dry and dried fruit, potatoes, meat products, eggs and egg products and cut flowers.

The standard layout for UN/ECE standards for fresh fruits and vegetables contains provisions for quality (sound, clean, practically free from pest and damage by pests and free of any foreign smell and/or taste) maturity requirements and classification. Furthermore it contains provisions on sizing, tolerances, presentation and marking (=labelling). Depending on the nature of the produce a list of varieties may be included with information on known trademark protections.

There are 50 UN/ECE standards for fresh fruits and vegetables ²². http://www.unece.org/trade/agr/standard/fresh/fresh_e.htm

To avoid duplication, the Codex Committee on Fresh Fruits and Vegetables consults with UN/ECE in the elaboration of standards and codes of practice and a number of standards have been developed in Joint Codex/UNECE Groups of Experts (e.g. on fruit juices).

The OECD Scheme for the Application of Standards for Fresh Fruit and Vegetables facilitates the adaptation of quality standards to present production, trade and marketing conditions, promotes uniform quality control procedures and disseminates quality assurance guidelines. The OECD standards are the same as the UN/ECE standards.

The Scheme develops explanatory brochures and provides guidance for the application of quality assurance and inspection systems. The Scheme is open to any member country of the World Trade Organization or the United Nations or one of its Specialized Agencies. Twenty-three countries currently participate in the Scheme.

http://www.oecd.org/departement/0,2688,en_2649_33907_1_1_1_1_1,00.html

International Organization for Standardization (ISO)

Quality determination, transport, storage and bar coding

ISO's Technical Committee 34 (TC 34) is responsible for developing standards for quality determinations in agricultural products (e.g. standards for the determination of acidity in fruit and vegetable products). They are basically standards for laboratories. However, Subcommittee 14 of this Technical Committee 34 has also developed guides for storage and transport for a variety of fruits and vegetables, for example ISO 931:1980 Green bananas – guide to storage and transport, or ISO 8683:1988 Lettuce – guide to pre-cooling and refrigerated transport.

²² They are: FFV 02 Apricots, 03 Artichokes, 04 Asparagus, 05 Aubergines, 06 Beans, 07 Bilberries and blueberries, 08 Brussels sprout, 09 headed cabbage, 10 carrots, 11 cauliflowers, 12 ribbed celery, 13 cherries, 14 citrus fruit, 15 cucumbers, 16 fennel, 17 fresh figs, 18 garlic, 19 table grapes, 20 horse-radish, 21 leeks, 22 lettuce and endives, 23 melons, 24 cultivated mushrooms, 25 onions, 26 peaches and nectarines, 27 peas, 28 sweet peppers, 29 plums, 30 early potatoes, 31 ware potatoes, 32 raspberries, 33 scorzonera, 34 spinach, 35 strawberries, 36 tomatoes, 37 watermelons, 38 chicory (witloof), 39 edible sweet chestnuts, 40 rhubarb, 41 courgettes, 42 avocados, 43 radishes, 44 chinese cabbages, 45 mangoes, 46 kiwifruit, 47 annonas, 48 broccoli, 49 pineapples, 50 apples, 51 pears

The Codex Alimentarius Commission is in liaison with TC 34.

More recently, TC 34 working group 8 on food safety management systems developed the ISO 22000 series on food safety (see Chapter 3.1).²³

ISO also has various standards on automatic information and data capture techniques, including bar coding. They are developed by subcommittee 31 of technical committee 1.

These include standards on terminology, symbology specifications and equipment quality and testing.

Furthermore ISO is developing the standard Traceability in the feed and food chain - General principles and basic requirements for system design and implementation. Publication is expected at the end of 2006. The draft is already available under code ISO/DIS 22005. This standard will be part of the ISO 22000 series discussed in chapter 3.1.

ISO 9000

The ISO 9000 series on quality management systems was originally published in 1994 and revised in 2000. The original ISO 9001, 9002 and 9003 were integrated into one standard: ISO 9001:2000. Now the series consists of:

ISO 9000:2000 Quality management systems – Fundamentals and vocabulary

ISO 9001:2000 Quality management systems – Requirements

ISO 9004:2000 Quality management systems – Guidelines for performance improvement

Some standards for quality management in specific situations are: ISO 10006:2003, 10007:2003 and 10012:2003.

ISO 10015:1999: Quality management – Guidelines for training

ISO 19011:2002 Guidelines for quality and/or environmental management systems auditing

ISO 9001:2000 is the only standard in the 9000 series against which a company can seek certification by an external agency. ISO 9001:2000 specifies requirements for a quality management system for any organization that needs to demonstrate its ability to consistently provide products (or services) that meet customer and applicable regulatory requirements. ISO 9001 certifications certify management systems and not products. Therefore, products cannot be labelled as ISO 9001 certified, but an indication that the firm producing the product is ISO 9001 certified is permitted (still without using the ISO logo).

ISO 9001 has been adopted globally and in many sectors has become a “default certification”. The standard contains requirements for documentation and the development of a quality manual. Frequently complaints are heard that many auditors have only looked at those two aspects. Furthermore, widespread conflicts of interests have been reported, with the same company consulting about implementation as well as conducting the audits. Both developments, global implementation and non-rigorous auditing, have resulted in ISO 9000 certification losing part of its significance in the market.

2.2. NATIONAL REGULATIONS

United States

Classification

The US product codes for imports and exports are normally called schedule B numbers. The first six digits are those of the HS system, after which they will likely be very close to or the same as those of the exporting/importing country.²⁴

²³ ISO TC34 <http://www.iso.org/iso/en/CatalogueListPage.CatalogueList?COMMID=1337&scopelist=PROGRAMME>

²⁴ Trade Information Center 1-800-USA-TRADE http://www.ita.doc.gov/td/tic/tariff/hs_numbers.htm

Quality classification/ grades

In the United States quality classifications are called grades. The USDA standards for fruits and vegetables defining these grades can be found on: <http://www.ams.usda.gov/standards/stanfrfv.htm>

These standards cover only products produced in the United States. However, Section 8e of the Agricultural Marketing Agreement Act of 1937 (Act) provides that when certain domestically produced commodities are regulated under a Federal marketing order, imports of the commodity must meet the same or comparable grade, size, quality and maturity requirements.²⁵ For these commodities, inspection of the grading and quality by the Agricultural Marketing Service of the USDA is required for each lot (shipment) imported. However, this applies only during the period of time that the domestic commodity is also being shipped and regulated, and not for counterseasonal imports. Section 8e import regulations are consistent with the purpose of Article III of the GATT. For more on Section 8e requirements, see: <http://www.ams.usda.gov/fv/moab-8e.html>.

The Perishable Agricultural Commodities Act (PACA)

PACA fosters trading practices in the marketing of fresh and frozen fruits and vegetables in interstate and foreign commerce. It prohibits unfair and fraudulent practices and provides a means of enforcing contracts. Under the PACA, anyone buying or selling commercial quantities of fruit and vegetables must be licensed by the USDA.

According to PACA, "Good Delivery" in connection with free on board (FOB) contracts of purchase and sale means that the commodity meets the requirements of the contract at the time of loading or sale. Moreover, if the shipment is handled under normal transportation service and conditions, it will meet the requirements on delivery at the contract destination.

In connection, the USDA has also developed FOB Good Delivery Guidelines, which specify tolerances for condition defects allowable under the assumption of a typical five-day transit time by truck (for domestic trade in the United States). <http://www.ams.usda.gov/fv/paca.htm>.

Food quality assurance and Commercial Item Descriptions (CIDs) for government procurement

Since 1979 the US Government-wide Food Quality Assurance Program has been assisting governmental agencies in procuring food. The programme develops Commercial Item Description (CID) formats for food items and establishes quality assurance policies and procedures applicable to the procurement of food by interested parties. CIDs concisely describe salient characteristics of commercial products. There are 139 CIDs, including for processed and fresh cut fruits and vegetables. Food purchasing agencies that use CIDs may choose to require certification. Certification may be done by USDA, in which case the USDA will select random samples of the packaged product and evaluate the conformance of the product based on the requirements of the CID. <http://www.ams.usda.gov/fqa/fqfqap.htm>

Country of origin labelling

On 13 May 2002, the Farm Security and Rural Investment Act of 2002, more commonly known as the 2002 Farm Bill, was signed into law. One of its many initiatives requires country of origin labelling (COOL) for beef, lamb, pork, fish, perishable agricultural commodities and peanuts. Implementation of the COOL law was foreseen for September

²⁵ Currently, these commodities are: avocados, dates (other than dates for processing), hazelnuts (filberts), grapefruit, table grapes, kiwifruit, olives (other than Spanish-style), onions, oranges, Irish potatoes, plums, prunes (suspended 1 August 2003 through 31 July 2006), raisins, tomatoes and walnuts.

2004. However, it has been delayed until 30 September 2006 for all covered commodities except fish and shellfish.²⁶

This means that COOL remains optional for fruits and vegetables. Voluntary origin labelling should comply with Guidelines for the Interim Voluntary Country of Origin Labelling published in 2002 and available on: <http://www.ams.usda.gov/cool/ls0213.pdf>. For recent information on the development of the mandatory Country of Origin Labelling, please see: <http://www.ams.usda.gov/cool/>.

The pending mandatory COOL law has already prompted some large wholesalers and retailers to take action. For example Merchants Distributors Inc., a large wholesaler, sent a letter to its suppliers as early as August 2003 to inform them about the pending law and require them to take preparatory steps.²⁷

General labelling requirements

In the United States, labelling for foods is regulated under the Federal Food Drug and Cosmetic Act and its amendments. Food labelling is required for most prepared foods, including canned and frozen fruits and vegetables.

The law states that required label information must be conspicuously displayed and in terms that the ordinary consumer is likely to read and understand under ordinary conditions of purchase and use. Details concerning type sizes, location, etc. of required label information are contained in FDA regulations (Title 21 CFR 101), which cover the requirements of the Federal Food, Drug and Cosmetic Act and the Fair Packaging and Labelling Act.

The food labelling requirements in the regulations can be summarized as follows. With a few exceptions, if the label of a food bears representations in a foreign language, the label must bear all of the required statements in the foreign language as well as in English. If the food is packaged, the following statements must appear on the label in the English language: The name and address of the manufacturer, packer or distributor. If the food is not manufactured by the person or company whose name appears on the label, the name must be qualified by "Manufactured for," "Distributed by," or similar expression. An accurate statement of the net amount of food in the package must be present. The common or usual name of a food must appear. The ingredients in a food must be listed by their common or usual names in decreasing order of their predominance by weight. Food additives and colours are required to be listed as ingredients.

Nutrition labelling, i.e. information on the nutritional value of the product, on packaged food is compulsory. Nutrition labelling for raw produce (fresh fruits and vegetables) and fish is voluntary, but should follow the FDA voluntary nutrition labelling regulations. An amendment of these voluntary labelling regulations is expected in 2005 (comment period closed June 2005). For details on the labelling requirements, please see <http://www.cfsan.fda.gov/~dms/qa-indlq.html>.²⁸ (The United States has recently notified the TBT Committee that it is considering a revision of its nutrition labelling rules in view of the increasing obesity problems in the country.)

Bioterrorism Act, prior notice and registration of food facilities

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act) includes new authority for the Secretary of Health and Human Services (HHS) to take action to protect the nation's food supply against the threat of intentional contamination. The FDA, as the food regulatory arm of HHS, is responsible for developing and implementing these food safety measures. For more information on the Bioterrorism Act, see <http://www.access.fda.gov> and <http://www.cfsan.fda.gov/~dms/fsbtact5.html>.

²⁶ <http://www.ams.usda.gov/cool/>

²⁷ <http://www.merchantsdistributors.com/>

²⁸ <http://www.cfsan.fda.gov/~dms/qa-indlq.html>

One of the measures implemented in the wake of the Bioterrorism Act is the prior notice requirement. The FDA must be notified electronically in advance of any shipments of food that are imported into the United States. The measure has been applied since December 2003 and is explained in the booklet "What you need to know about prior notice of imported food shipment" available at <http://www.cfsan.fda.gov/~acrobat/fsbtpn.pdf>.

Another measure implemented at the same time was the requirement for registration of food facilities. All domestic and foreign facilities that manufacture, process, pack or hold food for consumption in the United States must register with the FDA. If a foreign facility sends the food to another foreign facility for further manufacturing/processing or packaging before the food is exported to the United States, only the second foreign facility is required to register. However, if the second facility performs only a minimal activity, such as putting on a label, both facilities must register. Farms are exempt from registration.

For details please see the booklet "What you need to know about Registration of Food facilities" at <http://www.cfsan.fda.gov/~acrobat/fsbtreg.pdf>.

Traceback/Traceability

Another result of the Bioterrorism Act was that traceback rules in the United States were tightened. Section 306 on administration and record keeping regulation requires that each company in the supply chain keep information about: the company from which it received the products (previous source nontransporter); the company that delivered the product (previous source transporter), the company who took it away (subsequent source transporter); and the company the product was given (sold) to (subsequent source nontransporter). The recordkeeping regulations specify what information must be made available. However, they do not specify how the records must be kept, as long as the information can be retrieved within a 24-hour period.

The Final Rule on the Establishment and Maintenance of Records to Enhance the Security of the US Food Supply Under the Bioterrorism Act was published in 2004 and is available at <http://www.cfsan.fda.gov/~acrobat/fr04d09a.pdf>. The final rule excludes foreign entities except for persons who transport food in the United States. For more information, see <http://www.cfsan.fda.gov/~dms/fsbtac25.html>. and the booklet "What you need to know about establishment and maintenance of records" at <http://www.cfsan.fda.gov/~acrobat/fsbtrec.pdf>.

European Union

For an overview of all agricultural import regulations in the European Union, see the Food and Agricultural Import Regulations and Standards (FAIRS) report, produced by the US mission to the European Union in Brussels, which is updated yearly. The issue of August 2005 is available at: <http://www.fas.usda.gov/gainfiles/200508/146130611.pdf>. For new editions and reports for specific EU Member States, see: <http://www.useu.be/agri/fairs.html>.

In the paragraphs that follow, the general regulations that are most relevant for fresh fruits and vegetables are discussed.

Classification

The European Union uses the Combined Nomenclature (CN) for the customs classification of goods. The first six digits refer to the Harmonized System codes and the two digits that follow represent the CN subheadings. Commodity codes and import duties can be found in the European Union's customs database: http://europa.eu.int/comm/taxation_customs/dds/en/tarhome.htm.

The United Economic Commission for Europe (UN/ECE) Working Party on Facilitation of International Trade Procedures is responsible for the development of

standard international trade data terminology and a uniform system for automatic processing and transmission of trade data. In 1990, CEN created a technical committee on bar coding (TC 225) which has published various standards on terminology, symbology specifications and equipment quality and testing.

<http://www.cenorm.be/CENORM/BusinessDomains/TechnicalCommitteesWorkshops/CENTechnicalCommittees/Standards.asp?param=6206&title=CEN%2FTC+225>

Quality classification

Since January 2002, all imports of fruits and vegetables must have a certificate of conformity to the EU marketing standards (regulation 1148/2001). In general, these marketing standards contain specifications for the minimum quality, classification (Extra, I and II), grading and labelling. EU marketing standards normally follow the Codex commodity standards quite closely. A standard does not exist for every tropical fruit or vegetable (e.g. no standard for pineapples). For an overview of EU marketing standards see: <http://www.defra.gov.uk/hort/hmi.htm>.

Each importer has to apply for a certificate to the relevant authority in the country of import. The procedures and inspections are organized differently in each country. A list of coordinating authorities designated by the Member States for the purpose of conformity checks in the sector of fruit and vegetables is available at: http://europa.eu.int/eurllex/lex/LexUriServ/site/en/oj/2005/c_023/c_02320050128en00090013.pdf

In April 2004 Regulation 907/2004 amended the marketing standards with regard to the presentation and labelling provisions. The amendment was in response to the increased use of pre-packaging and reusable transport packages. In the original regulation all packages had to include the name and address of the packer/dispatcher, the nature of the produce, its origin and commercial specification. Now, transport packages are exempt from this requirement provided that the sales packages are correctly labelled and visible from the outside. The amendment also adds that stickers on individual products may not leave visible traces or glue and may not damage the skin of the fruit after they have been removed.

Import licenses and the entry price system

Fresh fruits and vegetables are not generally subject to import licence restrictions. For garlic, a quota system is in place, which is monitored by the issuing of licenses. The banana import regime has recently been changed into a tariff-only system.

However, 15 products are subject to an entry price system.²⁹ This system sets a minimum import value for each product depending on the EU season. If the CIF import value of a consignment is below the entry price, but not more than 8 percent below, an additional duty is charged which equals the difference between the entry price and the import price. If the import price is more than 8 percent below the entry price, the full maximum tariff equivalent duty is charged in addition to normal customs duty (ad valorem duty).

The system is complicated by special agreements, such as those with Mediterranean countries under regulation 747/2001. This regulation sets quotas for specific products for each country. Imports within the quota are exempt from the normal customs duty. For products with an entry price system, the system applies also within the quota.

The provision for the entry price system and tariff quotas resulting from agreements within the Framework of the Uruguay Round is stipulated in Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables. The regulation and all amendments and corrigenda can be downloaded from:

http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdo

²⁹ These are: apples, apricots, artichokes, cherries, clementines, courgettes, cucumbers, grapes, lemons, mandarins, oranges, peach/nectarines, pears, plums and tomatoes.

c&lg=EN&numdoc=31996R2200&model=guicheti (Note: the site does not provide information on actual duties or entry prices)

The tariff quota system for garlic can be found at:

http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32002R0565&model=guicheti

The consolidated text (January 2004) of regulation 747/2001 for Mediterranean countries can be found at: http://europa.eu.int/eur-lex/en/consleg/pdf/2001/en_2001R0747_do_001.pdf.

For subsequent amendments see:

http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32001R0747&model=guicheti

Traceback/traceability

In January 2005 article 18 of regulation EC 178/2002 (the General Food Law, establishing the European Food Safety Authority) came into effect. This article stipulated that "the traceability of food [...] shall be established at all stages of production, processing and distribution."

The European Union published a guidance document in December 2004. The document explains that article 18 requires food business operators inside the European Union to identify from whom and to whom a food product or ingredient has been supplied (the "one step back, one step forward" approach). The traceability provisions do not have an extraterritorial effect outside the European Union. It is enough that the European Union importer is able to identify from whom the product was exported in the third country. The term "supply" should not be interpreted as mere delivery, so the identification of the shipper does not fulfil the requirements.

Article 18 does not specify what information should be kept, but the guidance document considers the following necessary to fulfil the objective of article 18:

- name and address of supplier, nature of products which were supplied.
- name and address of customer, nature of products that were delivered to that customer.
- date of transaction/delivery.

Furthermore, it is highly recommended that information be kept on the volume and batch number, and a more detailed description of the product (e.g. variety of fruit/vegetable). It is essential that the traceability system be designed to follow the physical flow and not only the invoices. Article 18 does not foresee a minimum period of time for recordkeeping, but the guidelines indicate a period of six months for highly perishable products such as fruits and vegetables. http://europa.eu.int/comm/food/food/foodlaw/guidance/index_en.htm.

Implementation of food law and third-country status

Regulation 882/2004 sets rules for the official controls and actions to be undertaken to ensure compliance with the food law. The regulation will be applicable as of 1 January 2006. Frequency of physical checks will depend on: risks associated with the type of food; the history of compliance (of the country of origin and the operators); the controls carried out by the importer; and the guarantees given by the competent authority of the third country of origin.

Approved third countries may inspect and issue certificates at the port of departure. These shipments may still be subject to spot checks. Approved third countries (non EU-25) are (as per end 2003) India, Israel, Morocco, South Africa and Switzerland. These inspections and certifications may cover compliance with the food law as well as with the marketing standards. For details on the implementation of the food law and control system, see regulation 882/2004 (cor):

http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_191/l_19120040528en00010052.pdf

General labelling requirements and label of origin

Labelling requirements for final sale are based on the marketing standards (1148/2001, discussed above in the paragraph on quality classification), the mixed product packaging regulation (regulation 48/2003), the lot identification directive (89-396) and the labelling directive (2000-13). The labelling directive basically requires that labelling not be misleading and that information be provided on: the name of the product; ingredients and their quantity (except for e.g. whole fruits and vegetables); (net) quantity; use by date; special storage or use conditions and instructions; name and address of manufacturer, packager or seller; and place of origin if omission may mislead the consumer. Unlike in the United States, nutrition labelling is not compulsory in the European Union, unless any nutrition claims are made on the label or in advertising. See <http://europa.eu.int/scadplus/leg/en/lvb/l21092.htm>.

2.3. CORPORATE STANDARDS

Bar codes: the Universal Product Code (UPC) and Global Standards 1/European Article Numbering-Uniform Code Council (GS1/EAN-) systems

The UPC system for bar codes was developed in the United States by a grocery trade association. Directly upon acceptance of the numeric system, the optical bar code symbol was developed which contains the numeric information. The bar code originally had 12 digits. On request of the EAN system, in the 1970s a thirteenth digit was added for country specification. In practice, the UPC system is now a subset of the EAN- system.

Membership to EAN was extended to organizations from outside Europe, and the name was changed to EAN International in 1992 and again to GS1. Today GS1 has 101 member organizations representing companies in 103 countries. Member organizations are usually national associations of companies. They allocate unique company numbers (company prefix) to their members and manage the allocation of Global Location Numbers, Global Trade Item Numbers and Serial Shipping Container Codes. They also provide training on numbering, bar coding and Electronic Data Interchange (EDI).

To be able to use the EAN- system, a company number is needed, and hence membership in GS1. Membership fees differ between membership organizations. Companies in countries without a member organization can apply for direct GS1 individual membership.

Traceability guidelines for the North American fresh produce industry

The Canadian Produce Marketing Association (CPMA) and the Produce Marketing Association (PMA) from the United States joined forces in late 2002 in the CPMA/PMA Traceability Task Force. Members include 17 appointed broad-based representatives from the North American produce industry, consisting of grower-shippers, retailers, food service operators, wholesalers, distributors and regional produce associations. They produced a collection of best-practice examples in traceability, available at <http://www.pma.com/Template.cfm?Section=Traceability&CONTENTID=4662&TEMPLATE=/ContentManagement/ContentDisplay.cfm>.

Subsequently they produced a guide for implementing traceability systems (March 2005):

<http://www.pma.com/Template.cfm?Section=Traceability&CONTENTID=7399&TEMPLATE=/ContentManagement/ContentDisplay.cfm>. Whereas the United States and European Union require segmented traceability (one step up, one step down), they encourage whole-chain traceability. They give guidance for paper-based, bar-code based and RFID-based systems.

Furthermore, they endorse the Can-Trace Data Standard as the North American produce traceability data standard. This Standard defines the data requirements but does not advise which data carriers to use. The Can-Trace Standard (version 1.0) was

published in November 2004. A stakeholder consultation process was organized in the spring of 2005, and on the basis of the comments, a second version was produced. The standard can be downloaded from:

<http://www.can-trace.org/portals/0/docs/CFTDS%20version%202.0%20FINAL.pdf>

Qualipom'fel

In France, a certification programme for fruit and vegetable wholesalers, Qualipom'fel, has been in place since 1995. The standard was developed in a tripartite structure with government, the industry (represented by l'Union) and its clients. The standard is organized in seven engagements/promises/obligations. One of these regards the relations with the suppliers. The wholesalers are supposed to communicate quality requirements to them on the basis of formalized criteria, evaluate the suppliers' attitude versus these criteria, and check incoming produce. For wholesalers who used to have only telephone contact with their suppliers to agree on volume and price, this was a substantial change in the way of doing business.

<http://www.qualipomfel.com/index.htm>

L'Union, the industry association of fruit and vegetable wholesalers in France, also developed another quality initiative: Fel'engagement. This is a procedure for quality monitoring of the produce at the point of reception by the wholesaler. Participants receive recognition by the Directorate of Competition, Consumption and Repression of Fraud (DGCCRF). <http://www.qualipomfel.com/felengagement.html>

3. Phytosanitary standards

A useful source of information on phytosanitary regulations is the International Portal on Food Safety, Animal Health and Plant Health (<http://www.ipfsaph.org/En/default.jsp>). This reader-friendly portal includes IPPC standards, WTO rules and notifications and national regulations.

3.1. INTERNATIONAL AGREEMENTS

As discussed in chapter 1.1, the WTO SPS Agreement is not a standard, but a framework for standard setting around sanitary and phytosanitary issues. It recognizes the need for SPS standards but at the same time tries to prevent SPS standards from being used for trade protectionism. To this end, the SPS Agreement promotes the use of internationally harmonized standards. In the area of phytosanitary standards, it specifically mentions the International Plant Protection Convention (IPPC).

International Plant Protection Convention (IPPC)

The IPPC is an international treaty to prevent the introduction and spread of plant and plant product pests, and to promote appropriate measures for their control. The convention was initially adopted by the Conference of FAO in 1951. Currently (as of 25 April 2005) 137 governments adhere to the convention. The IPPC Secretariat coordinates the activities of the Convention and is hosted by FAO.

The Convention was last revised in 1997, and the new text will come into force after it is accepted by two-thirds of the contracting parties to the IPPC. As of 21 June 2005, there were still nine signatures needed. The revision provides for the establishment of a Commission on Phytosanitary Measures to be the standard-setting body for International Standards for Phytosanitary Measures (ISPMs). An Interim Commission on Phytosanitary Measures has been established by FAO until the New Revised Text comes into force.

The IPPC is a legally binding international agreement, but the standards developed and adopted by the Convention are not legally binding under the IPPC. However, WTO members are required to base their phytosanitary measures on international standards developed within the framework of the IPPC. Currently there are 24 adopted ISPMs. They cover principles for: plant quarantine; determination of pest status and pest risk analysis; the use of biological control agents; the establishment of pest free areas; export certification systems; etc.

The Convention itself requires its contracting parties to issue phytosanitary certificates of compliance with the phytosanitary regulations of other contracting parties. ISPM 7 describes an export certification system to produce valid and credible phytosanitary certificates.

ISPM 15 on wood packaging is being used by increasingly more countries to prevent the introduction of wood pests. For export to these countries, wooden packaging must be pre-treated in a specifically prescribed way.

More information on the IPPC and the texts of adopted and draft standards can be found on: <https://www.ippc.int/IPPC/En/default.jsp>

3.2. NATIONAL REGULATIONS

United States

Import permits

Plant quarantine regulations for phytosanitary reasons are divided into two classes – prohibitory and restrictive. Prohibitory orders forbid the entry of designated plants and

plant products that are subject to attack by plant pests or plant diseases for which there is no treatment available. Restrictive orders allow the entry of plants or plant products under either a treatment or an inspection requirement.

The Animal and Plant Health Inspection Service (APHIS) is responsible for implementing phytosanitary controls and measures. For most fruits and vegetables, import permits are required as per federal regulation Title 7 CFR 319.56 Foreign Quarantine Notices, subpart Fruits and vegetables. [http://199.132.50.50/Oxygen_FOD/FB_MD_PPQ.nsf/d259f66c6afb45e852568a90027bcad/4fd5f501221cc9db852568f2006b255a/\\$FILE/0018.pdf](http://199.132.50.50/Oxygen_FOD/FB_MD_PPQ.nsf/d259f66c6afb45e852568a90027bcad/4fd5f501221cc9db852568f2006b255a/$FILE/0018.pdf)

The manual Regulating the Importation of Fresh Fruit and Vegetables is intended for the inspection services, but it is also very useful for exporters, since it includes lists of approved fruits and vegetables for import per country of origin. The latest update can be downloaded from

http://www.aphis.usda.gov/ppq/manuals/pdf_files/FV_Chapters.htm.

The permit application process is quite simple for these approved fruits and vegetables. Permits are free and valid for five years so long as the pest/disease risk has not changed and/or so long as actual shipments are not found violative. However, achieving admissibility for a new product from a foreign country can be time consuming and costly.

An explanation for obtaining permits is given at: <http://www.aphis.usda.gov/ppq/permits>

The Aphis Import Authorization System currently allows customers to submit applications for import permits online. <https://web01.aphis.usda.gov/IAS.nsf/Mainform?OpenForm>

Aphis has developed pre-clearance programmes with plant protection services and export industries in exporting countries, but its web site does not indicate which countries or industries.

<http://www.aphis.usda.gov/ppq/preclearance/>

Bioterrorism Act

The Agricultural Bioterrorism Protection Act of 2002 also has some phytosanitary provisions. A list of selected agents and toxins deemed to pose a severe threat to animal or plant health or products was published in March 2005. Entities handling such agents and toxins must register themselves.

Wood packaging

APHIS has set new standards for Wood Packaging Material imported into the United States through Title 7 CFR 319.40 – Importation of Wood Packaging Material, published on 16 September 2004. This rule states that all regulated wood packaging material shall be appropriately treated and marked under an official programme developed and overseen by the National Plant Protection Organization (NPPO) in the country of export. This new regulation has been gradually implemented from September 2005 and full enforcement is planned to start from July 2006. Countries are also required to comply with ISPM 15. More information, including the rule, is available at: www.aphis.usda.gov/ppq/wpm/import.html.

Heat treatment

In 1984 the United States prohibited fumigation by ethylene dibromide because it had been found to be carcinogenic. However, for several fruit flies the USDA security level of quarantine pest control (no more than 3.2 survivors out of 100 000 larvae) still needed to be met. Several heat treatment methods for mango and other susceptible fruit were tested. Hot water immersions are currently used for mango. There are now approximately 85 commercial hot water treatment facilities in Latin America. The cost of core equipment

is only around US\$200 000, but additional cold rooms, water purification equipment and other refinements can bring the total investment to as high as US\$ 1 million. APHIS/PPQ must certify the facility, and each treated batch and truckload must be checked by an approved inspector.³⁰

Europe

European and Mediterranean Plant Protection Organization (EPPO)

EPPO is an intergovernmental organization of 47 member countries responsible for cooperation in plant protection in the European and Mediterranean region. Under the International Plant Protection Convention (IPPC), EPPO is the regional plant protection organization for Europe.

EPPO makes recommendations (in the form of Regional Standards) to the National Plant Protection Organizations of its member countries. These recommendations are Regional Standards in the sense of the revised IPPC. EPPO Standards have been developed for plant protection products and for phytosanitary measures.

<http://www.eppo.org/Standards/standards.html#pms>

EU phytosanitary certification for fruits and vegetables

For imports into the European Union, certain plants, plant products or other objects (listed in Part B of Annex V to Directive 2000/29/EC) must be accompanied by a phytosanitary certificate, issued by the National Plant Protection Organization of the exporting country. These include various fruits and vegetables intended for commercial sale.³¹

Phytosanitary certificates should be issued conforming to the models set out under the IPPC, certifying that the plants, plant products or other objects: have been subject to the appropriate inspections; are considered to be free from quarantine harmful organisms and practically free from other harmful organisms; and are considered to conform to the phytosanitary regulations of the importing country. All Member States are required to introduce the harmonized phytosanitary certificates by 1 July 2005.³²

As of 1 January 2005, each individual consignment of controlled plants and produce that requires a certificate must undergo an identity check and physical plant health inspection. However, a reduction in the frequency of inspections is allowed if the number of consignments from the same origin that was found to be infected by harmful organisms is less than 1 percent of at least 600 consignments. (For details, please see Commission Regulation 1756/2004.

http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_313/l_31320041012en00060009.pdf).

The EU Commission has agreed that from 1 January 2005, reduced levels of inspection can be carried out on 32 trades. Reduced levels of inspection range from 3 to 50 percent. (For more information, see <http://www.defra.gov.uk/plant/newsitems/reduced.pdf>). For many countries of origin the new inspection regime means an increase in the number of physical inspections.

³⁰ Lamb, J.E., Velez J.A. and Barclay R.W. 2004. The Challenge of Compliance with SPS and Other Standards Associated with the Export of Shrimp and Selected Fresh Produce Items to the United States Market. World Bank Agriculture and Rural development Discussion paper. (page 41)

³¹ These are (as of May 2004): citrus fruits (including Kumquat), Momordica (e.g. balsampear and bitter melon), eggplant, Annona (e.g. cherimoya, soursop, durian, custard apple), quince, Diospyros (Persimmon, sapote), apple, mango, passion fruit, prunus (plums, prunes, cherries and almonds), guava, pear, ribes (e.g. currant), syzygium (litchi, rose apple), vaccinium (blueberry, cranberry) and grapes. See the consolidated version of Directive 2000/29 and its amendments of May 2004: http://europa.eu.int/eur-lex/en/consleg/pdf/2000/en_2000L0029_do_001.pdf

³² Summary report of the meeting of the standing committee on plant health (SCPH) held on 26-27 May 2005 [05/05] http://europa.eu.int/comm/food/fs/rc/scph/rap81_en.pdf

Wood packaging

The European Union has adapted its directive on solid wood packing material according to ISPM-15 (Directive 2004/102/EC). The new provisions came into effect in March 2005 for wood thicker than 6mm. The measures cover all packing material made of non-manufactured coniferous wood, including packing cases, boxes, crates, drums, pallets, box pallets and other load boards. Pallets must satisfy the standard of the UIC (International Union of Railways) and be marked accordingly. From March 2006, in addition to ISPM-15 requirements, solid wood packaging material is required to be debarked. For details, please see the directive at

http://europa.eu.int/eurlex/pri/en/oj/dat/2004/l_309/l_30920041006en00090025.pdf.

4. Food safety standards

A useful source of information on food safety regulations is the International Portal on Food Safety, Animal Health and Plant Health (<http://www.ipfsaph.org/En/default.jsp>). This user-friendly portal includes Codex standards, WTO rules and notifications and national regulations.

4.1. INTERNATIONAL AGREEMENTS

Codex

General features of Codex were outlined under Chapter 1.1. The commodity quality standards, which generally also contain food safety-related requirements, were discussed under chapter 2.1. This paragraph concentrates on food safety standards that are valid across commodities.

Food hygiene

CAC/RCP 1-1969, Rev. 4-2003. Recommended International Code of Practice. General Principles of Food Hygiene.

These are basic rules for the hygienic handling, storage, processing, distribution and final preparation of all food along the food production chain. This document should serve as a basis for the establishment of Good Hygiene Practices (GHP). Topics addressed by the code include: design and adequate facilities; control of operations (including temperature, raw materials, water supply, documentation and recall procedures); maintenance and sanitation; personal hygiene; and training of personnel. This code contains the Annex on Hazard Analysis and Critical Control Point (HACCP) System and Guidelines for its Application.

www.codexalimentarius.net/download/standards/23/CXC_001_2003e.pdf

CAC/GL 21-1997. Principles for the Establishment and Application of Microbiological Criteria for Foods www.codexalimentarius.net/download/standards/394/CXG_021e.pdf

CAC/GL 30-1999. Principles and Guidelines for the Conduct of Microbiological Risk Assessment www.codexalimentarius.net/download/standards/357/CXG_030e.pdf

CAC/RCP 53-2003. Code of Hygienic Practice for Fresh Fruits and Vegetables

This code of practice covers general hygienic practices for the primary production and packing of fresh fruits and vegetables cultivated for human consumption. The code has been established in order to produce a safe and wholesome product, particularly for those products intended to be consumed raw. The code is applicable to fresh fruits and vegetables grown in the field (with or without cover) or in protected facilities (hydroponic systems, greenhouses). It concentrates on microbial hazards and addresses physical and chemical hazards only insofar as these relate to good agricultural practices (GAP) and good manufacturing practices (GMP). The code does not provide recommendations for handling practices to maintain safety of fresh fruits and vegetables at wholesale, retail, food services or in the home.

This code is supplemented by the Annex for Ready-to-eat Fresh Pre-cut Fruits and Vegetables (Annex I) and the Annex for Sprout Production (Annex II). Annex I covers the hygienic practices for the processing of ready-to-eat, pre-cut fruits and vegetables. Annex II covers the hygienic practices that are specific to the primary production of seeds for sprouting and the production of sprouts for human consumption.

Hazard Analysis Critical Control Point (HACCP)

The HACCP system is a widely accepted food safety management system. It originated in the 1960s in the United States for aerospace purposes. In 1985, the United States National Academy of Science recommended that the HACCP approach be adopted in food processing establishments to ensure food safety. Currently, many international organizations recommend HACCP and many national food safety regulations and corporate standards require its implementation.

In 1993 the Codex Alimentarius Commission adopted Guidelines for the application of the HACCP system (ALINORM 93/13A, Appendix II). In 1997 the HACCP guidelines were incorporated into the food hygiene code (CAC/RCP 1, see above) as an Annex.

Codex definitions:

HACCP: A system which identifies, evaluates and controls hazards that are significant for food safety.

- Hazard: A biological, chemical or physical agent in, or condition of, food with the potential to cause an adverse health effect.
- Hazard analysis: The process of collecting and evaluating information on hazards and conditions leading to their presence to decide which are significant for food safety and therefore should be addressed in the HACCP plan.
- Critical Control Point: A step at which control can be applied and is essential to prevent or eliminate a food safety hazard or reduce it to an acceptable level.
- Control measure: Any action and activity that can be used to prevent or eliminate a food safety hazard or reduce it to an acceptable level.

The HACCP system consists of 12 tasks, related to 7 principles:

- assemble the HACCP team
- describe product
- identify intended use
- construct flow diagram (and plant schematic)
- on-site confirmation of flow diagram (and plant schematic)
- list all potential hazards associated with each step, conduct a hazard analysis and consider any measures to control identified hazards - Task 6/Principle 1
- determine critical control points - Task 7/Principle 2
- establish critical limits for each critical control point - Task 8/Principle 3
- establish a monitoring system for each critical control point - Task 9/Principle 4
- establish corrective actions - Task 10/Principle 5
- establish verification procedures - Task 11/Principle 6
- establish documentation and record keeping - Task 12/Principle 7

In other words, the HACCP system is designed to control significant hazards at those points in the food chain where its control is most effective and efficient (the critical control point).

Pesticide residues

The Codex Committee on Pesticide Residues (CCPR) is responsible for identifying substances that require priority evaluation. The evaluation is then carried out by the independent Joint FAO/WHO Meeting on Pesticide Residues (JMPR). Based on the JMPR evaluation, the CCPR prepares draft standards for submission to the Codex Alimentarius Commission (CAC).

There are currently (2005) 2 579 maximum limits for pesticide residues, covering 213 pesticides. Codex maximum residue limits for pesticides can be most easily consulted via FAOSTAT:

<http://faostat.fao.org/faostat/collections?version=int&hasbulk=1&subset=FoodQuality>

Additives and contaminants

Similar to the procedure for pesticide residue limits, the Codex Committee on Food Additives and Contaminants (CCFAC) identifies substances for priority evaluation. Substances are then evaluated by the independent Joint FAO/WHO Expert Committee on Food Additives (JECFA). Based on the evaluation, the CCFAC prepares maximum levels for additives and contaminants for inclusion in the corresponding general Standards for Food Additives, Contaminants and Toxins in Foods after adoption by the Commission.

CX STAN 192-1995, Rev.5-2004.

Codex General Standard for Food Additives.

There are currently (2005) 638 food additive provisions covering 222 food additives. In relation to fresh fruits and vegetables, there are a number of adopted maximum levels for additives, mainly waxes. However, for fresh fruits and vegetables additives are not very relevant.

Codex texts for contaminants include maximum and guideline levels for contaminants as well as codes of practices for a number of contaminants-food combinations. Selected relevant texts for fruits and vegetables are cited below:

CX STAN 193-1995, Rev.1-1997.

Codex General Standard for Contaminants and Toxins in Foods.

www.codexalimentarius.net/download/standards/17/CXS_193_2004e.pdf

CAC/RCP 49-2001.

Code of Practice for source directed measures to reduce contamination of food with chemicals.

www.codexalimentarius.net/download/standards/373/CXP_049e.pdf

CAC/RCP 56-2004.

Code of Practice for the prevention and reduction of lead contamination in foods.

www.codexalimentarius.net/download/standards/10099/CXC_056_2004e.pdf

Irradiation

Irradiation is increasingly used to be able to preserve fresh fruits and vegetables longer, without changing the appearance and taste of the product.

CX STAN 106-1983, Rev.1-2003.

Codex general standard for irradiated food.

This standard applies to foods processed by ionizing radiation. This is used in conjunction with applicable codes of practice and food standards including conditions for re-irradiation of foods. It does not apply to foods exposed to doses imparted by measuring instruments used for inspection purposes.

In addition to mandatory labelling requirements laid down in the General Standard for the Labelling of Pre-packaged Foods, this standard states that the declaration of the fact of irradiation should be made clear on the relevant shipping documents. In the case of products sold in bulk to the consumer, the international logo and the words "irradiated" or "treated with ionizing radiation" should appear, together with the name of the product on the container in which products are placed.

www.codexalimentarius.net/download/standards/16/CXS_106_2003e.pdf

Foods Derived from Biotechnology

The following texts address the risk analysis and risk assessment aspects of foods derived from recombinant-DNA organisms.

CAC/GL 44-2003

Codex Principles for Risk Analysis of Foods derived from Modern Biotechnology.

An overarching framework for undertaking risk analysis on the safety and nutritional aspect of foods derived from biotechnology.

CAC/GL 45-2003

Codex Guideline for the Conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Plants

A guideline, based on the above principles, for conducting safety assessments specifically for foods derived from recombinant-DNA plants

CAC/GL 46-2003

Codex Guideline for the Conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Micro-organisms

A guideline, based on the principles, for conducting safety assessments specifically for foods derived from recombinant-DNA micro-organisms.

ISO 22000

ISO published its new standard for food safety management systems, ISO 22000, in September 2005. ISO 22000 specifies the requirements for a food safety management system in the food chain in order to provide consistently safe end products that meet both the requirements agreed with the customer and those of applicable food safety regulations.

According to ISO, ISO 22000 will combine the HACCP principles with prerequisite programmes (i.e. a specified procedure or instruction). The standard will distinguish between two types of prerequisite programmes: infrastructure & maintenance programmes and operational programmes.

According to ISO, ISO 22000 can be applied by organizations ranging from primary producers, to food manufacturers, transport and storage operators and subcontractors, to retail and food service outlets – together with interrelated organizations such as producers of equipment, packaging material, cleaning agents, additives and ingredients.

The standard can be applied on its own, or in combination with other management system standards, such as ISO 9001:2000, with or without independent (third party) certification of conformity. The publication of ISO 22000 is complemented by an ISO Technical Specification (ISO/TS 22004, published November 2005), which gives guidance on the implementation of the standard, with specific attention to small and medium-sized enterprises. In 2006, another Technical Specification ((ISO/TS 22003) will be published explaining certification requirements applicable when third-party certification is used.

These documents are being developed by working group WG 8, Food safety management systems, of ISO technical committee ISO/TC 34, Food products. Experts from 23 countries are participating, and organizations with liaison status include: Confederation of the Food and Drink Industries of the European Union (CIAA); International Hotel and Restaurant Association; CIES/Global Food Safety Initiative; and World Food Safety Organisation (WFSO).

4.2. NATIONAL FOOD SAFETY STANDARDS

United States

Food code and liability

Retail establishments that sell food must comply with the Food Code (2001 edition). The code simply states that food sold in the retail establishment must be safe. Regarding the source of the food, it simply says that the source should comply with the food law. The code includes an Annex with HACCP guidelines. <http://vm.cfsan.fda.gov/%7Edms/fc01-toc.html>

Hygiene and microbiological contamination

The document Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables (1998) focuses on microbial food safety hazards for fresh fruit. It also provides good agricultural practices (GAP) and good manufacturing practices (GMP) common to the growing, harvesting, washing, sorting, packing and transporting of most fruits and vegetables sold to consumers in an unprocessed or minimally processed (raw) form. The guide does not specifically address other areas of concern to the food supply or the environment (such as pesticide residues or chemical contaminants).

The guide discusses the microbial hazards and control of potential hazards on the following subjects: water; manure and municipal biosolids; worker health and hygiene; sanitary facilities; field sanitation; packing facility sanitation; transportation; and traceback.

Although voluntary from a regulatory point of view, some US supermarket chains (e.g. Safeway) have required implementation of these FDA guidelines and third-party auditing of implementation as a prior condition of doing business.

Furthermore, the guide cites some specific federal regulations that are mandatory for domestic producers. These are:

- under the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labelling Act (Title 21 CFR):
 - 21 CFR 110.10 on worker health and hygienic practices within the context of GMP in the manufacturing, packing or holding of human food.
 - 21 CFR 110.20 to 110.93 on good manufacturing practices for buildings and facilities, equipment, and production and process controls for foods, including rules on water used for food and food contact surfaces in processing facilities.
 - 21 CFR 179 on irradiation (see paragraph on irradiation below).
- under the Occupational Safety and Health Act (Title 29 CFR):
 - 29 CFR 1928.110 subpart I, on field sanitation.
 - 29 CFR 1910.141, subpart J, on sanitation for enclosed packing facilities.

The guide may be downloaded from: <http://www.foodsafety.gov/~acrobat/prodguid.pdf>

More recently the Food and Drug Administration has developed a food safety action plan that looks to the entire produce chain: Produce Safety from Production to Consumption: 2004 Action Plan to Minimize Foodborne Illness Associated with Fresh Produce Consumption. June, 2004. The action plan has four objectives: prevent contamination of fresh produce; minimize the public health impact when contamination of fresh produce occurs; improve communication with producers, preparers and consumers about fresh produce; and facilitate and support research relevant to fresh produce. <http://www.cfsan.fda.gov/~dms/prodpla2.html>

Pesticide residues

In the United States, the Environmental Protection Agency (EPA) is responsible for establishing maximum residue limits, which are known as tolerances. Since 1998 EPA has been conducting a re-registration process for older agrochemicals, and since the Food Quality Protection Act of 1996 pesticides must meet new food safety standards. As a

consequence, many agrochemicals viewed as necessary for imported specialty products have still not been re-registered. The Pesticide Registration Improvement Act, which came into effect in March 2004, is meant to speed up the process and make it more predictable.

The tolerance database previously offered by EPA is being reviewed and updated. In the interim, tolerance information can be found within Title 40 CFR 180, as published 1 July 2004: http://www.access.gpo.gov/nara/cfr/waisidx_04/40cfr180_04.html.

For information on new tolerances or changes to tolerances since 1 July 2004, see EPA's Federal Register site: <http://www.epa.gov/fedrgstr/EPA-PEST/index.html>.

When the EPA database is updated it will again be available at:

<http://www.epa.gov/pesticides/food/viewtols.htm>

Another source of information on residue tolerances is the National Pesticide Information Retrieval System (NPIRS). The NPIRS is a collection of pesticide-related databases available by subscription. <http://aboutnpirs.ceris.purdue.edu/>

Irradiation

Irradiation is regulated by Federal Regulation 21 CFR 179 Irradiation in the Production, Processing and Handling of Food. This regulation establishes maximum (and sometimes minimum) doses for specific uses. Food that has been irradiated must be labelled with the radura symbol accompanied by the claim "treated by irradiation" or "treated with radiation".³³

http://www.access.gpo.gov/nara/cfr/waisidx_02/21cfr179_02.html

Genetically Modified Foods

Genetically modified crops must be approved before they can be grown commercially in the United States. There are no restrictions on marketing foods derived from genetically modified organisms. One of the largest food industry associations, the Food Marketing Institute (FMI), is calling for some regulation. They have asked the FDA to communicate a clear definition as to what constitutes genetically modified foods or food or food products and establish criteria for GM Free and Non-GM ingredient labelling.³⁴

European Union

An exhaustive, user-friendly and up-to-date overview of all EU and Norwegian legislation related to food safety and food labelling can be found on the CBI web site. The site is regularly updated. The site can be searched for specific sectors and export destination countries and the search result can then be filtered to select only information on legislation. The information is free to companies and organizations in developing countries, but they have to register first.

<http://www.cbi.nl/marketinfo/cbi/>

Product liability

The directive on Product Liability of 1985 (amended in 1999)³⁵ covers any product as well as raw materials from EU origin or imported. It makes the producer liable for damage caused by a defect in the product when the injured party proves the damage, the defect and the causal relationship between the two. This applies even if the producer proves he/she was not negligent. "Producer" means the manufacturer of a finished product, the producer of any raw material or the manufacturer of a component part and any person who, by putting his/her name, trademark or other distinguishing feature on the product,

³³ Source: www.eco-labels.org.

³⁴ <http://www.publix.com/about/qa/QAProducts.do>

³⁵ Directive 85/374/EEC, amended by 1999/34/EC, see <http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/consleg/1985/L/01985L0374-19990604-en.pdf> for consolidated text.

presents him/herself as its producer. All importers are considered to be producers within the meaning of the directive.³⁶

General Food Law

Regulation EC 178/2002, the General Food Law, was adopted in 2002. It established the European Food Safety Authority (EFSA: <http://www.efsa.eu.int>) and laid down procedures for food safety issues which included the reorganization of the regulatory system.

Parts of the law became effective immediately, while other parts were implemented at later dates. For the official text, see:

http://europa.eu.int/eurlex/pri/en/oj/dat/2002/L_031/L_03120020201en00010024.pdf

Food hygiene

Since January 2006 the new regulation 853/2004 on the hygiene of foodstuffs has applied. The main difference with the old Directive 93/43/EEC on Food Hygiene³⁷ is that the new regulation also applies to foreign operators who produce food for consumption in the European Union.

According to the new regulation, primary producers of foodstuffs must comply with the hygiene provisions in part A of Annex I. For producing plant products, this includes: keeping equipment, facilities and transport means clean; using clean water whenever necessary to prevent contamination; and ensuring that staff are in good health and undergo training on health risks. Food business operators other than primary producers must also comply with the hygiene requirements in Annex II, which are more detailed and prescriptive. (For example they have to have an adequate number of flush lavatories.)

The second group must also implement procedures based on the HACCP principles and provide the competent authority with evidence of this. Registration of both groups will have to take place with the appropriate competent authority.

http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/L_226/L_22620040625en00030021.pdf

Pesticide residues

The European Union is in the process of harmonizing all of its Maximum Residue Limits (MRLs) and is expected to reach complete harmonization soon. Harmonized MRLs for fruits and vegetables are published in the consolidated text of EC Directive 76/895/EEC. The latest update of this consolidated text is from 5 January 2004:

http://europa.eu.int/eur-lex/en/consleg/pdf/1976/en_1976L0895_do_001.pdf

The European Union also provides lists of harmonized MRLs by pesticide, by crop group and by commodity. The lists were last updated in November 2004:

http://europa.eu.int/comm/food/plant/protection/pesticides/index_en.htm

Another source of MRLs is the Pesticides Action Network (PAN) Pesticides database. A country search gives pesticide registrations and Prior Informed Consent information per country: http://www.pesticideinfo.org/Search_Countries.jsp#Europe%20and%20Central%20Asia

Genetically modified organisms

Although commercial production of genetically modified fruits and vegetables is still very limited (e.g. only tomato and pepper in China³⁸), many field trials are being conducted around the world on a variety of vegetables and several fruits. Therefore, in the future, EU legislation on GMOs and labelling of food derived from GMOs may also become relevant for fruit and vegetable producers.

³⁶ <http://www.newapproach.org/>

³⁷ Food hygiene directive consolidated text:

http://europa.eu.int/eur-lex/en/consleg/pdf/1993/en_1993L0043_do_001.pdf

³⁸ Runge, C.F. 2005 Genetically Modified Crops/foods: Diffusion and Development in 2005, presentation at FAO, Rome.

Regulation 1829/2003 regulates the placing on the market of food and feed products containing or consisting of GMOs and also provides for the labelling of such products for the final consumer. In practice, it is the seed companies developing GMO varieties that invest in the EU approval process.

http://europa.eu.int/eur-lex/pri/en/oj/dat/2003/L_268/L_26820031018en00010023.pdf

Regulation 1830/2003 introduces a harmonized EU system to trace and label GMOs and to trace food and feed products produced from GMOs.

http://europa.eu.int/eur-lex/pri/en/oj/dat/2003/L_268/L_26820031018en00240028.pdf

Irradiation

Irradiation is regulated by the EU Directives 1999/2/EC (ionizing radiation standards) and 1999/3/EC (list of foodstuffs that may be irradiated). This list is very short: only dried aromatic herbs, spices and vegetable seasonings are allowed to be irradiated. National legislation may allow other product groups to be irradiated. The words "irradiated" or "treated with ionizing radiation" must appear on the label or packaging.

http://europa.eu.int/eur-lex/pri/en/oj/dat/1999/L_066/L_06619990313en00160022.pdf

http://europa.eu.int/eur-lex/pri/en/oj/dat/1999/L_066/L_06619990313en00240025.pdf

4.3. CORPORATE STANDARDS

Global Food Safety Initiative (GFSI)

GFSI is a food retailer initiative and was launched in May 2000. It is based on the principle that food safety is a non-competitive issue, as any potential problem arising may cause repercussions in the whole sector. The Initiative is facilitated by CIES-The Food Business Forum. In July 2005, the GFSI-Foundation was established as a separate legal entity.

The mission of GFSI is to strengthen consumer confidence in the food they buy in retail outlets. GFSI did not produce a new standard but a benchmark model. The model identifies three key elements that a food safety standard should contain:

- a food safety management system
- good agricultural practices and/or good manufacturing practices and/or good distribution practices (depending on the types of entities to be certified under the benchmarked standard)
- an HACCP system, based on or equivalent to the Codex Alimentarius HACCP.

The benchmark model is contained in the GFSI Guidance Document, of which the fourth edition was published in July 2004. Currently there are four standards that comply with the GFSI guidelines:

1. The BRC Global Standard – Food
2. International Food Standard
3. Dutch HACCP code
4. SQF 2000 code

In theory, retailers should accept certification against one of these standards, which is considered equivalent to certification against any of the remaining ones. However, in practice, retailers prefer certification against their "own" standard. For example, suppliers to European retailers may need BRC certification for the UK market, IFS certification for the German and French markets and Dutch HACCP certification for the Dutch market.

The GFSI has also published a document Implementing Traceability in the Food Supply Chain in response to the EU traceability requirements. GFSI is also undertaking a project on the coordination of Good Retail Practices.

For more information, please see: www.ciesnet.com,

http://www.ciesnet.com/pdf/globalfood/GFSI_Year_Book_2004_FINAL.pdf

<http://www.ciesnet.com/pdf/globalfood/2005-09-newsletter.pdf>

British Retail Consortium (BRC)

BRC is the trade association that represents 90 percent of the retail sector in the United Kingdom. In the United Kingdom, under the terms of the Food Safety Act 1990, retailers have an obligation to take all reasonable precautions and exercise all due diligence to avoid failure in the development, manufacture, distribution, advertising or sale of food products to the consumer. This obligation led to the introduction of various standards. (See also <http://www.brcglobalstandards.com>).

BRC Global Standard - Food

Formerly called The BRC Food Technical Standard, the latest version was published in January 2005 as the BRC Global Standard – Food, Issue 4, and came into effect in July 2005. The standard covers topics such as: the HACCP system; quality management; factory environment standards; and product and process control. Further details on the standard's requirements are not available since the standard needs to be purchased.

Scope: The standard is meant for use by food service companies, catering companies and food manufacturers. It covers the supply of retailer-branded products, branded food products and processed or prepared food or ingredients. The standard is intended to be implemented by suppliers of retailers recognizing the standard (i.e. BRC members).

Certification system: Suppliers need to be certified by an EN45011/ISO65-accredited certification body. The standard provides certification to be awarded at two levels: Foundation Level and Higher Level.

Labelling: Certified suppliers cannot use the BRC Logo unless they sign up (and pay) to use the Global Standards Directory. In this case, they may use the logo in company brochures, etc. but not on any commercial product.

BRC-IoP Global Standard - Packaging

Manufacturers have an obligation to put appropriate systems and controls in place to ensure the suitability of their packaging for safe food use. This Standard is most applicable to manufacturers of food contact packaging. The standard came into effect in March 2005.

The standard covers the following topics: organization; hazard and risk management system; technical management system; factory standards; contamination control; personnel; risk category determination; and the evaluation protocol.

BRC/FDF Technical Standard for the Supply of Identity-preserved Non-Genetically Modified Food Ingredients and Products

The Food and Drink Federation (FDF) is the voice of the UK food and drink manufacturing industry. Together with the BRC they developed this standard for sourcing on non-GMO soybeans and maize. In a later stage it may also be applied to other products as it "provides a framework for identity-preserved systems for other commodities."

The International Food Standard (IFS)

In 2002, German food retailers from the HDE (Hauptverband des Deutschen Einzelhandels) developed a common audit standard called International Food Standard (IFS). In 2003, French food retailers and wholesalers from the FCD (Fédération des entreprises du Commerce et de la Distribution) joined the IFS Working Group and have contributed to the development of IFS version 4.

IFS has been designed as a uniform tool to ensure food safety and to monitor the quality level of producers of retailer-branded food products. The standard can apply in all steps of the processing of foods subsequent to their agricultural production. The HDE Trade Services GmbH was assigned to take over the administration of the IFS. IFS version 4 is available in German, English and French at a price of €39.00, and in

Polish, Dutch, Italian and Spanish for €59.00 (plus shipping and handling).

The content of the standard can be summarized as follows:

- Management of the Quality System: the HACCP system, team and analysis; the quality manual; and the obligation to keep reports and documents.
- Management responsibility: management responsibility, commitment and review; and customer focus.
- Resource management: personnel issues (hygiene, medical screening); and staff facilities.
- Product realization: adherence to specifications for products, factory environment, pest control, maintenance and traceability; GMO and allergen.
- Measurements, analyses, improvements: e.g. internal audit, all types of controls during production steps; product analysis; and corrective actions.

There are criteria at three levels: Foundation level (minimum requirements); Higher level; and Recommendations (for demonstration of “best practice”). The IFS compendium of doctrines, which summarizes clarifications about some IFS requirements, applies from 1 June 2005.

Certification may only be done by certification bodies that are accredited against EN 45011 (ISO 65) on IFS. Only IFS-authorized auditors who have passed a written and oral examination and have competence in the specific sector can audit against the standard. A BRC audit cannot be used for IFS certification.

An Internet audit portal has been developed. Every passed audit report with an IFS certificate will be included in the online database. Only the name and the address of the audited company/branch are published. The audited company can choose to make more details of the audit available to customers by giving them specific access.

Market penetration: German and Swiss retailers in the HDE-Committee for Food Law and Quality Assurance and French retailers in the FCD-Quality Committee “support” the standard.³⁹ It is not clear if “support” also means that certification against the standard is required from all suppliers of their retailer-branded products. The application of IFS in Poland, Austria, Belgium, Netherlands, United Kingdom and Italy is being discussed with wholesalers and retailers and their federations. <http://www.food-care.info/>

The Dutch HACCP code

The Requirements for an HACCP-based Food Safety System or the Dutch HACCP code was developed by a committee of experts represented by retailers, consumers, governmental food safety inspection agencies and producer associations. A food business operator may use the code to develop its HACCP-based Food Safety System.

In addition to implementing an HACCP system, the Dutch HACCP code requires the implementation of relevant elements of ISO 9000 to support the food safety management system and some GAP and GMP elements. The requirements reference the Codex guidelines on HACCP, the EU Directive on Food Hygiene and specific food safety legislation. Where specific requirements do not exist, the Codex General Principles on Food Hygiene are applied.

Certification bodies wishing to certify operators against the code must be accredited against ISO/IEC Guide 62:1996 (EN 45012) and the Standards for auditing (ISO 10011, Parts 1, 2 and 3). The Dutch HACCP code also provides rules for the certification process (e.g. minimum auditor time). The standard and the requirements for certification bodies (in Dutch) can be downloaded for free from: <http://www.foodsafetymanagement.info>.

³⁹ HDE: Metro AG, REWE, EDEKA, Aldi, Tengelmann, AVA, Tegut, Globus, Markant, Lidl, Spar, COOP (Switzerland) and Migros (Switzerland). FCD: Auchan, Carrefour, EMC - Groupe Casino, Metro, Monoprix, Picard Surgelés, Provera (Cora and Supermarchés Match).

Market penetration: The Dutch HACCP code is the smallest of the three European-based systems benchmarked by the CIES Global Food Safety Initiative. It is mainly supported by the Dutch retailers.

The Safe Quality Food Program (SQF 1000 and SQF 2000)

The SQF Program originated in Australia but is now administered by the SQF Institute, a division of the Food Marketing Institute in the United States. The Food Marketing Institute has 1 500 food retail and wholesale member companies, operating in approximately three-quarters of all food retail store sales in the United States.

The SQF Program is based on the principles of HACCP, Codex, ISO and Quality Management Systems. The SQF 1000 Code is designed specifically for primary producers. It combines Good Agricultural Practices with Food Safety and Food Quality Plans. The SQF 2000 Code is for implementation by food manufacturing and distribution sectors. It combines Good Manufacturing Practices with the Food Safety and Food Quality Plans.

A number of modules are provided as voluntary options to suppliers whose markets require additional assurances. They include Social Accountability, Environment, Animal Welfare, Organic and Bioterrorism (no content of these modules was found on the web).

Market penetration: Most of the approximately 1 600 SQF1000-certified companies are Australian, with 12 from the Republic of Korea and 1 (Dole Stanfilco) from the Philippines. Recently more and more US companies have become certified (about 250).

SQF2000 certification is much more international. There are many certifications issued in the Netherlands, Thailand, Korea, Saudi Arabia, India and China. Furthermore, one or several companies are certified from Japan, Viet Nam, United Arab Emirates, Singapore, Sri Lanka, Philippines, Peru, New Zealand and Mauritius.

Source: <http://sqfi.com/>

Scientific Certification Services (SCS) – CertiClean and NutriClean certification

SCS is an environmental certification company that began offering certifying services in 1984. SCS offers several certification programmes, including CertiClean. SCS assists with the development and documentation of HACCP-based food safety management programmes. Implementing and executing the food safety programme successfully for 60 days will qualify a company's programme for certification through the CertiClean programme. Certified companies are subject to quarterly audits to maintain certification. Companies outside the United States have also been certified.

SCS offers also a Vendor Verification Program designed for distributors, processors, packers, and retailers who need to assess the food safety practices of their suppliers. Vendor verification is essentially a Good Manufacturing Practices check on a client's suppliers.

SCS offers also two pesticide residue-testing programmes. The Dock programme tests samples of incoming produce, both domestically grown and imported, for grocery retailers, at their distribution dock, to ensure that pesticide levels are within US governmental tolerances. In addition, SCS has developed the NutriClean - Pesticide Residue Free Certification programme. For this scheme, maximum residue limits are all set to the limit of detection as defined by the US Government. Certified products may carry the NutriClean label.

Market penetration: Although most CertiClean and NutriClean certifications are of US operators, some Central American operators have been certified as well (e.g. Guatemala and Mexico). No information on buyer recognition of SCS programmes could be found. With respect to consumer response, Lamb et al. claim that focus-group research found that consumers actually reacted negatively to any mention of pesticides,

and pesticide-free labelling was therefore largely abandoned in the mid-1990s.⁴⁰ <http://www.scs-certified.com/foodAgriculture/>

European Food Safety Inspection Service (EFSIS) food standards

EFSIS is a UK-based certification body with its core business in the livestock sector. It certifies worldwide against many of the standards discussed in this publication. EFSIS has also developed two of its own standards for packers and manufacturers: The Standard for companies supplying food products and The Health & Safety Standard. No indication of their content and certification criteria or level of recognition from buyers could be found on the EFSIS web site <http://www.efs-s.com>.

One of the EFSIS standards was benchmarked by the GFSI and found to be in compliance with its guidance document. However, after the last revision of the GFSI guidance document, EFSIS withdrew its standard from the benchmark process.

American Institute of Baking (AIB) standards and certification programmes

AIB is a non-profit corporation founded in 1919 by the North American wholesale and retail baking industries. The Institute currently serves many segments of the food processing, distribution, food service and retail industries worldwide.

AIB has developed many standards, but also offers certification against standards from other organizations, such as the BRC standard, HACCP and organic certification. AIB also offers help in designing nutrition labels according to US law. Based on basic ingredient information, AIB calculates nutritional value per 100 grams and per serving.

AIB's own standards on food safety include:

- Consolidated Standards for Agricultural Crops
- Consolidated Standards for Food Contact Packaging Manufacturing Facilities
- Consolidated Standards for Food Distribution Centres
- Consolidated Standards for Food Safety
- Consolidated Standards for Fresh-cut Produce
- Consolidated Standards for Fresh Produce & Fruit Packinghouses
- Consolidated Standards for Nonfood Contact Packaging Manufacturing Facilities

These standards (also available in Spanish) form the basis of an AIB International food safety/hygiene audit, whose purpose is internal learning by the audited company. This includes an optional rating system that provides management with an index of how well a facility is complying with food safety regulations as well as with the established internal standards set by the individual company. It is also possible for a company to write its own standard and have an audit of its factories conducted against this standard. AIB International conducts audits worldwide.

Furthermore, AIB International offers the Gold Standard Certification Program, an integrated quality system for the food industry. It consists of a Good Manufacturing Practices Audit Qualification; HACCP Validation and Verification; and a Quality Systems Evaluation. Certified facilities may use the AIB gold standard logo. <http://www.aibinternational.com/>

Certification of implementation of FDA-guidelines

Many US retailers require third-party verification of implementation of the FDA Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables of 1998. However, this requirement is often only directly communicated to the suppliers in question and not made public. Therefore, it is not possible to provide a list of US retailers requiring FDA-

⁴⁰ Lamb, J.E., Velez J.A. and Barclay R.W. 2004. The Challenge of Compliance with SPS and Other Standards Associated with the Export of Shrimp and Selected Fresh Produce Items to the United States Market. World Bank Agriculture and Rural development Discussion paper. (page 50)

Guide certification. Various certification programmes to satisfy this demand have been developed by certification bodies.

ProSafe Certified Program by Davis Fresh

An example of a certification programme to verify the implementation of the FDA Guide is ProSafe. Davis Fresh is an independent consultancy company in the fresh produce industry. The company offers the ProSafe Certified Program, a three-step programme that includes: Food Safety Risk Assessment, Food Safety Risk Mitigation and Final Audit and Certification. <http://www.davisfreshtech.com/prosafe/index.html>

From the ProSafe master listing of buyers, it can be presumed that certification is “recognized” by: Albertsons, DFT, Kroger, MARKON, Raley’s Supermarkets, Royal Ahold, Safeway, Sainsbury, Sam’s Club, SYSCO, Times Supermarkets, Waitrose and Wal-Mart. This does not mean that these retailers have made certification obligatory.

GAP Certification Program of PrimusLabs

Another example is the GAP Certification Program by PrimusLabs:
<http://www.primuslabs.com>.

PrimusLabs offers a programme with three phases. In the first phase, suppliers must develop operation-specific manuals according to PrimusLabs procedures and train staff. For growers and/or packers of fruits and vegetables, these can be:

- GAP Manual to comply with USA (i.e. the FDA guide)
- GreenHouse Manual

Manual of Packing Operations and Food Safety Issues (including GMP, HAZARD PLAN and Sanitation Standard Operating Procedures).

In the second phase, they must conduct self-audits. In the third phase, the supplier must contract an approved auditing firm to verify implementation of the FDA Guide 1998. <http://intranet.primuslabs.com/igap/>

With some variations, this programme is recognized, promoted or required by Avendra, Publix, Rubios, Albertsons, Subway and Safeway. Avendra is a large procurement company for the hospitality industry in North America and the Caribbean, and began the programme in 2001. Publix Super Markets is the largest and fastest-growing employee-owned supermarket chain in the United States. Publix began implementation of the food safety programme in 2002. Rubios Fresh Mexican Grill has over 150 restaurants and started the programme in 2004. In addition to implementation of the FDA guide, Avendra requires HACCP implementation for production, storage and distribution and Albertsons encourages HACCP implementation from processors.

Albertsons claims to be the second-largest grocery chain in the United States. Albertsons does not formally require the programme but recognizes levels of commitment according to the progress in implementation. It is not clear what consequences or benefits each recognition level brings for the supplier. Apart from PrimusLabs, Albertsons also directs its suppliers to other sources of assistance, such as the FMI SQF programme, the International Fresh-cut Produce Association (IFPA), the Produce Marketing Association (PMA) and the United Fresh Fruit and Vegetable Association (UFFVA)

Subway is the world’s largest sandwich chain, with more than 21 000 restaurants in 75 countries. In 2001 and 2002 Subway worked with PrimusLabs to implement its Gold Standard Program for its fresh produce suppliers. In 2001 it asked its suppliers (produce buyers) to register all of their food safety practices utilizing the PrimusLabs Document Development Program. These suppliers, including farmers, also needed to carry out self-audits. In 2002 third-party audits were required for all produce sold under the Subway label. The requirements, against which audits take place, were explained in manuals developed by PrimusLabs. There is a manual for every step in the supply chain: farm; cooling/cold store; packing house; and trace recall for the shipper.

Safeway

Since 1999 Safeway has required third-party verification of compliance with GAP and GMP for growers and shippers of produce that had been implicated in food-borne illness outbreaks. Audit parameters included: ranch history; adjacent land use; harvest practices; transportation; and food production and handling during growing, harvesting, coding and storage. Safeway had already identified some Independent third-party auditors, but would accept other auditors as well. Suppliers were free to communicate audit results to other customers.⁴¹

Since May 2004 all new produce suppliers are being asked to sign an extra agreement on top of the normal supplier-Safeway agreement. One requirement of the extra agreement is third-party verified compliance with GAP and GMP as described in the FDA Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables and in Title 21 of the Code of Federal Regulations (see: www.safeway.com).

In June 2004, Safeway sent a letter to its suppliers of refrigerated and frozen products, in which it communicated mandatory temperature receiving requirements, including for bagged and pre-packaged salads and fresh herbs.

Merchants Distributors

Merchants Distributors, Inc. (MDI) is a privately owned wholesale grocery store distributor in the United States supplying over 600 retail food stores. MDI is also implementing a food safety programme, but its suppliers are free to choose a consultancy or request assistance from a specific programme of a certification body. No deadlines for third-party audits are set.

⁴¹ Source: <http://intranet.primuslabs.com/igap/letters/safeway.htm>. Primuslabs was one of identified ITPA.

5. Sustainable agriculture and good agricultural practices (GAP)

This chapter gives an overview of standards for sustainable agriculture or good agricultural practices (GAP). The standards are “mixed”, in the sense that they combine environmental, social and/or food safety standards. (“Purely” environmental standards are discussed in the next chapter. Organic agriculture is discussed in chapter 7. Standards that focus mainly on labour conditions and/or other social issues are discussed in chapter 8.)

5.1. INTERNATIONAL POLICY INSTRUMENTS

The Earth Summit and Agenda 21

The Earth Summit

In 1983, the United Nations appointed an international commission to propose strategies for “sustainable development”. Its report, *Our Common Future* (also known as the *The Brundtland Report*), was published in 1987 and had worldwide impact on policy development. At the 1992 United Nations Conference on Environment and Development (UNCED, or the Earth Summit) in Rio de Janeiro, the international community adopted Agenda 21, a global plan of action for sustainable development. The Commission on Sustainable Development (CSD) was created in December 1992 to ensure effective follow-up of UNCED. It falls under the United Nations Department for Economic and Social Affairs (UN-DESA): <http://www.un.org/esa/sustdev/csd/csd.htm>.

Agenda 21 designated nine sectors of society, known as Major Groups, as critical for the development and implementation of policies for sustainable development.⁴²

Agenda 21, Chapter 4 and the Marrakech Process

Chapter 4 of Agenda 21 is titled *Changing consumption patterns* and states that governments should encourage the expansion of environmental labelling and other environmentally related product information programmes designed to assist consumers to make informed choices.

The Marrakech Process is a series of international and regional meetings organized by UN-DESA and UNEP to develop a 10-Year Framework of Programmes for Sustainable Consumption and Production. It is named after the first international expert meeting organized by the UN Social and Economic Council in Marrakech in 2003. One of the discussion topics of the meeting was ecolabelling (mainly national ecolabelling schemes for industrial products, but also fair-trade labelling), and the meeting requested UNEP to explore the feasibility of a partnership with the Global Eco-labelling Network.

<http://www.un.org/esa/sustdev/sdissues/consumption/MarrakechReport.pdf>

After a series of regional meetings, a second international meeting under the Marrakech Process on the 10-Year Framework was held in September 2005 in Costa Rica. The Working Group on Sustainable Consumption and Product Development considered three key issues: institutional procurement; sustainable product design; and sustainable lifestyles. Institutional procurement officers would benefit from a product database, including information on products of small- and medium-sized enterprises

⁴² The nine Major Groups are: Farmers, NGOs, Indigenous Peoples, Workers and Trade Unions, Business & Industry, Local Authorities, the Research and Technological Community, and Women and Youth.

and on fair-trade products. Existing databases of UNEP and IGPN (International Green Purchasing Network) could be enhanced.

The Working Group on Regional and National Strategies for Sustainable Consumption and Production agreed on the need to link Sustainable Consumption and Production to the Millennium Development Goals. This would highlight and demonstrate the contribution of Sustainable Consumption and Production to reducing poverty (e.g. fair-trade and organic agriculture can increase income and quality of life of farmers in developing countries).

<http://www.un.org/esa/sustdev/sdissues/consumption/Marrakech/conprod10Y2ndafr.htm>
UNEP/IAPSO product criteria database (for sustainable procurement):

http://www.uneptie.org/pc/sustain/policies/green_find.asp

IGPN: <http://www.gpn.jp/igpn/index.html>

Agenda 21, Chapter 14: Sustainable Agriculture and Rural Development (SARD)

Chapter 14 of Agenda 21 deals specifically with Sustainable Agriculture and Rural Development (SARD). FAO was appointed task manager to monitor the implementation of Chapter 14. Following an electronic conference, a multistakeholder forum on SARD was organized concurrently with the FAO Committee on Agriculture (COAG) in April 2001. The dialogue was continued at the World Food Summit Five Years Later (Fyl) in June 2002 and progress was reported at the World Summit on Sustainable Development (WSSD) in Johannesburg, 2002.

The FAO SARD-Interdepartmental Task Force has identified three programme thrusts:

1. Sustainable Livelihoods
2. Sustainable Intensification of Integrated Production Systems and
3. Integrated Natural Resources Management.

For Thrust 2, COAG endorsed that the development and mainstreaming of FAO's multisectoral Good Agricultural Practices (GAP) approach and other action to enhance sustainability and safety of food chains should be a priority.

Good Agricultural Practices (GAP)

Adoption of agricultural practices which protect the environment and ensure the quality and safety of food as well as increasing productivity should enable farmers to increase their incomes from existing markets and take advantage of new market opportunities, thus achieving sustainable improvements in their livelihoods.

FAO's approach to Good Agricultural Practices (GAP) is non-prescriptive, and would not lead to the development of new international mandatory standards or codes. Further, it does not affect the definition or scope of GAP as they appear in existing texts. Instead, local-level GAP defined by concerned stakeholders would draw inspiration both from existing international texts and from the broader GAP principles. These broad principles were presented to the Committee on Agriculture in 2003 and relate to: soil; water; crop and fodder production; crop protection; animal production; animal health and welfare; harvest and on-farm processing and storage; energy and waste management; human welfare, health and safety; and wildlife and landscape (see Annex 3 of http://www.fao.org/DOCREP/MEETING/006/Y8704e.HTM#P53_14805).

GAP work in FAO has already proved effective in helping production experts to better understand how to incorporate food safety and quality requirements into their technical recommendations, and in helping food safety experts to better understand broader sustainability considerations at farm level.

5.2. NATIONAL REGULATIONS

United States

As described in Chapter 4 on food safety, the FDA Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables of 1998 contains guidance on good agricultural practices. However, because these practices focus entirely on the reduction of microbiological contamination, they are considered food safety guidelines for the purpose of this publication.

European Union

There is no legislation on good agricultural practices in the European Union that has any effect on foreign suppliers, except for specific food safety regulations discussed in chapter 4.

5.3. CORPORATE STANDARDS

EurepGAP

Introduction

EurepGAP is driven by European retail chains, more specifically the members of the Euro-Retail Produce Association (EUREP). FoodPLUS GmbH, a commercial company, serves as legal owner of the normative documents of the EUREP Good Agricultural Practices (EurepGAP) standards, and hosts the EUREP Secretariat.

The EurepGAP Fruits and Vegetables standard was developed by the EurepGAP Technical Committee – Fruits and Vegetables. This Committee used to be dominated by retailers, but now consists equally of retailers and supplier representatives. In this text, the term EurepGAP is used to indicate “EurepGAP Fruits and Vegetables”.

EurepGAP has the declared aim of increasing consumer confidence in the safety of food and of harmonizing buyers’ requirements for food hygiene and for Maximum Residue Limits for pesticides. The norms also address some environmental and labour issues although in practice only a minority of the control points relate to these issues.

Requirements

The EurepGAP® Standard has a checklist of 49 major control points, 99 minor control points and 62 recommendations. Producers must comply with all applicable major control points and with 95 percent of the applicable minor control points. Producers must also provide justification for considering a control point not applicable, and some control points cannot be excluded.

Requirements applicable to all stages in the production process are those on traceability, record keeping and self-inspection, waste and pollution management and worker health and safety. Other requirements address specific production phases: varieties and rootstocks; site history and management for site selection; soil and substrate management; fertilizer use; irrigation and crop protection for crop production; harvesting; and produce handling.

Certification bodies wishing to certify against EurepGAP have to be accredited against ISO65/EN45011 and FoodPLUS. A particularity of the EurepGAP system is the possibility of issuing non-accredited certificates. Each applicant certification body is given a period of six months to complete the required accreditation, which includes the issuing of non-accredited certificates as a practical exercise. In communications with the retailer, such non-accredited certificates are said to also be accepted. In addition to the certification costs, certified producers have to pay a small annual fee to FoodPLUS (around €25 per year).

A grower can have EurepGAP-registered and -non-registered products. However, each registered crop or product must be completely covered by a EurepGAP certificate – e.g. if a farm grows cauliflower, and part of it is marketed through other channels, all of the cauliflower must still be produced and certified according to EurepGAP.

Farmer associations that have already implemented an existing farm assurance scheme with third-party verification can benchmark that scheme against EurepGAP. If the farm assurance scheme is accepted as equivalent and is accredited, the farm audit for that scheme would serve as a EurepGAP audit as well. Requests for a benchmarking procedure should be made by the legal owner of the scheme. In the case of government ownership, this means the request should come from a government representative.

It is also possible for a so-called Produce Marketing Organization (PMO) to obtain a group certification. A PMO can be a cooperative or other group of growers that has a legal entity. This entity would take over responsibilities, through an internal control system, of EurepGAP implementation for the associated and contracted growers. Detected non-compliance of one farmer in the group may lead to de-certification of the entire group.

Penetration and market

There is no product label associated with EurepGAP certification and no premium. EurepGAP is currently preparing the rules and prerequisites for carrying a reference to EurepGAP at individual box level. The market for products from EurepGAP-certified produce consists of the retailers promoting the certification. Of Europe's ten largest chains, three promote EurepGAP (Tesco, Metro-Group and Ahold). Certification will not be a guarantee for being listed by those supermarkets, but may become a prerequisite. It was said that some retailers would require EurepGAP certification for fresh fruits and vegetables as early as January 2003. According to a guidance document by the Australian Government, Albert Heijn in the Netherlands requested their suppliers to implement EurepGAP® by 1 January 2003. In the United Kingdom market, Sainsbury's instructed its suppliers to commence implementation of EurepGAP® by 1 January 2004.⁴³

However, in spring 2003, information on the EurepGAP web site read: "Some retailers are saying that all their suppliers must be EurepGAP-certified by 2004. Others do not have a deadline, but will in time question why preferred suppliers are not EurepGAP-certified and perhaps review their decision to do business with them."

Since 2003 no statements about implementation deadlines for suppliers have been made public (at least the author of this report could not find any). Thus, there is considerable uncertainty about the degree of flexibility in implementation schedules and about if, when and which retailers really will exclude suppliers from their preferred lists if they have not yet been certified.

Lamb et al. state that EurepGAP is also increasingly accepted in the United States in lieu of other third-party certification such as SQF1000.⁴⁴

The number of certifications in developing countries has increased sharply during the last two years, with certificates issued in 37 different developing countries. There are now also a number of certification bodies with headquarters in developing countries (see Table 1). Of course, European-based certifiers also certify in developing countries.

There are only three farm assurance schemes that completed the (re-)benchmarking procedure and were fully recognized. They are from Austria, Spain and Chile. Re-benchmarking against the new version of 2004 is about to be completed for another four schemes in the United Kingdom, Spain and New Zealand, and another five European schemes are at various stages of the benchmarking process.

KenyaGap and the Mexico Supreme Quality programme have also requested to start benchmarking procedures. The Fresh Produce Exporters Association of Kenya

⁴³ Commonwealth of Australia. 2004. Guidelines for implementing EUREPGAP for Australian Fruits and vegetable Producers. Available at: http://www.daff.gov.au/corporate_docs/publications/pdf/food/eurepgap_guidelines.pdf.

⁴⁴ Lamb, J.E., Velez J.A. and Barclay R.W. 2004. The Challenge of Compliance with SPS and Other Standards Associated with the Export of Shrimp and Selected Fresh Produce Items to the United States Market. World Bank Agriculture and Rural Development Discussion paper. (page 39 and 50)

(FPEAK) established a National Technical Working Group to develop smallholder

Table 1 - EurepGAP-accredited certification bodies in developing countries

EurepGAP Interpretation Guidelines and sustainable compliance modalities for small-scale farmers that will be used in Kenya. The results will be incorporated into the revision of KenyaGap, which will then be benchmarked against EurepGAP.

The Mexico Supreme Quality logo has been implemented to drive a promotional programme in key export markets. The standards implemented to use the logo have laid the foundations for EurepGAP compliance.

In a further effort to promote EurepGAP implementation outside Europe, in May 2005 EurepGAP chairman Nigel Garbutt visited China, where he met vice-chairperson Cheng Fang of the Certification and Accreditation Administration of the People's Republic of China (CNCA).

The Farm Accreditation Scheme of Malaysia is developing MalaysiaGap in order to become benchmarked and recognized as equivalent by EurepGAP.

Complaints about EurepGAP in SPS Committee

Private-sector standards have never been discussed in the SPS Committee, although they have been raised in the Technical Barriers to Trade (TBT) Committee. Saint Vincent and the Grenadines, supported by Jamaica, Peru, Ecuador and Argentina, complained in the SPS committee meeting of June 2005 that EurepGAP's requirements were tougher than the EU requirements. The European Union replied that it was not in a position to intervene because the business-sector organizations claim they are reflecting consumer demand.

Some called for SPS Article 13 to be clarified. This article states that:

"(..) Members shall take such reasonable measures as may be available to them to ensure that non-governmental entities 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. (..)" (A similar requirement in the TBT Agreement was discussed in chapter 1.1).⁴⁵

Sustainable Agriculture Initiative (SAI) Platform

Introduction

The SAI-Platform was founded in 2002 by three major global food industry companies – Unilever, Nestlé and Danone – to actively support the development of sustainable agriculture and to communicate it worldwide. By 2005, 19 food industry companies were already members of the SAI-Platform⁴⁶. The platform defines sustainable agriculture as a productive, competitive and efficient way to produce agricultural raw materials, while at the same time protecting and improving the natural environment and socio-economic conditions of local communities.

The SAI-Platform aims for recognition and implementation of sustainable practices for mainstream agriculture (not niche markets) on a worldwide scale. The individual SAI-Platform members are free to decide whether to participate in assessment processes, and are free to take any specific action, such as with respect to implementation. The SAI-Platform held its first General Assembly in April 2003.

There are Working Groups on Cereals, Dairy, Palm Oil, Fruits, and Potatoes and Vegetables. Draft guidelines are tested through pilot projects and discussed with stakeholders. Furthermore, the Steering Group on the social and economic benefits of

⁴⁵ WTO 2005 news item, 4 July 2005.

⁴⁶ They were: Unilever, Danone Group and Nestlé. Furthermore Campina, CIO (Consorzio Interregionale Ortofrutticoli), Danisco, Dole, Ecom, Efico, Findus, Fonterra, Friesland Foods, Kraft, McCain, McDonald's, Neumann Kaffee Gruppe, Sara Lee/DE, Tchibo, Volcafé.

Africa		
Africert LTD	Kenya	December 2004
Center of Organic Agriculture in Egypt (COAE)	Egypt	August 2004
Egyptian Center of Organic Agriculture	Egypt	April 2004
Perishable Products Exports Control Board (PPECB)	South Africa	April 2002
SABS Certification (Pty) Ltd	South Africa	August 2002
SGS ICS (Pty) Ltd	South Africa	May 2005
Latin America		
BSi Inspectorate de Argentina S.A.	Argentina	June 2004
BVQI do Brasil Sociedade Certificadora Ltda	Brazil	March 2004
Eco-LOGICA	Costa Rica	June 2005
IBD-Institut Predefined report from http://europa.eu.int/comm/agriculture/ofis_public/pdf/r8_0000_en.pdf , generated August 2005 o Biodinamico	Brazil	April 2005
IRAM-Instituto Argentino de Normalización y Certificación	Argentina	May 2003
LATU Sistemas S.A.	Uruguay	December 2001
Organización Internacional Agropecuaria	Argentina	April 2004
Serviço Brasileiro de Certificações Ltda	Brazil	May 2005

Table 1 - EurepGAP - accredited certification bodies in developing countries

sustainable agriculture aims to compile concrete information on the advantages and disadvantages (costs/benefits, risks, etc.) of conversion to sustainable agriculture.

Before starting the SAI-Platform, Unilever was already working in pilot projects on good agriculture practices and on sustainability indicators. The ten indicators are: soil fertility and health; soil loss; nutrients; pest management; biodiversity; product value; energy; water; social and human capital; and local economy. Unilever guidelines for best practices have been developed for tea (plantations and smallholders), palm oil, peas and spinach, and are being developed for tomato, rapeseed and sunflower. The guidelines are specific for the country in which the pilot project that developed them operates or operated.⁴⁷

Requirements

The SAI-Platform's Working Group on Potatoes and Vegetables consists of McCain (chair) and Consorzio Interregionale Ortofrutticoli (CIO), Findus, Kraft, McDonald's, Nestlé and Unilever. They have just published (July 2005) draft principles containing chapters on:

- Sustainable farming system (site selection; planting material; IPM; sustainability management system; access to information and support services)
- Economic sustainability (safety with MRL targets below legal MRLs, quality and transparency; financial structure; relation to market; diversification)
- Social sustainability (labour conditions; training; strengthening local economy)
- Environmental sustainability (soil conservation; water conservation; biodiversity conservation; integrated waste and crop by-product management; energy conservation; air conservation).

Of note is that HACCP is not mentioned. The principles in chapter 3 are based on ILO Conventions 111 (on Discrimination), 100 (on Equal Remuneration), 29 and 105 (on Forced Labour), 87 (on Freedom of Association) and 98 (on the Right to Organize and Collective Bargaining), 138, 182 and 190 (on Child Labour), the ILO Encyclopaedia on Health and Safety and the Universal Declaration of Human Rights.

http://www.saiplatform.org/our-activities/potatoesvegetables/SAI_Platform_Principles_Practices_Potatoes_Vegetables.pdf

⁴⁷ Unilever, 2002. Growing for the future II, Unilever and sustainable agriculture. Rotterdam, the Netherlands.

The Working Group on Fruits is chaired by Friesland Foods (RiedelDrinks), and the other members are Dole, Danone, McDonald's and Nestlé. Draft Principles and Practices for Sustainable Fruit Production were published in November 2005 and will be discussed with stakeholders and tested in pilot projects. <http://www.saiplatform.org/our-activities/fruit/default.htm>.

Market penetration

There is no certification system or label associated with the SAI-Platform. When the guidelines are finalized, implementation will be the responsibility of member companies. These members form a large part of the total market for food products. Suppliers to these firms may be asked to participate in pilot projects or in general to implement the guidelines.

Filière Qualité Carrefour

This quality supply chain label has been developed for cheese, meat, fruit and vegetables, and fish and seafood. The five key principles behind the programme are: taste and authenticity (traditional products typical for the region); long-term sustainable partnership along the entire chain; fair price; constant product quality; and environmental sustainability. After harvesting, no chemical treatments are applied for conservation. The specific "norms" are different for every supply chain. There is no information available about the verification system, costs and benefits.

Quality supply chains have been mainly developed in France, with 250 chains and more than 35 000 producers. However, there are also 350 quality supply chains with producers outside France and another 150 in development. Most of these are supplying local supermarkets owned by Carrefour. For example, there are 37 quality supply chains in Brazil supplying Brazilian supermarkets. For the French market the only quality supply chain relevant for fruit producers in developing countries is the one concerned with pineapple from Côte d'Ivoire.

Like Tesco Nature's Choice, this programme may be considered a business-to-business product specification and not a standard.

<http://www.melchior.fr/melchior/melchior.nsf/0/95d4c3060c19cd61c1256e2b00344779?OpenDocument>

Europe/Africa-Caribbean-Pacific Liaison Committee (COLEACP) Harmonized Framework

COLEACP is an interprofessional association of exporters, importers and other stakeholders in the EU-ACP⁴⁸ horticultural trade.⁴⁹ To improve market recognition of ACP produce and to respond to market demands for environmentally and socially responsible conditions of production, COLEACP took the initiative to encourage horticultural export associations to move towards harmonization of their Codes of Practice. The COLEACP Harmonized Framework is meant as a minimal set of food safety, environmental and social standards to be incorporated into national codes. There are 12 participating fresh-produce trade associations, coming from nine African and Caribbean countries.

The COLEACP Framework does not have any recognition in the US or EU markets. However, it does influence production practices through the capacity building within the participating export associations and the improvement of the codes of its members (for example, the Fresh Produce Exporters Association of Kenya, which developed the KenyaGap that has recently started a benchmarking process against EurepGAP).

⁴⁸ Country in Africa, the Caribbean or the Pacific that has signed the Cotonou agreement with the European Union.

⁴⁹ COLEACP, 2001. The COLEACP Harmonized Framework for ACP Codes of Practice. See: <http://www.coleacp.org>.

5.4. CIVIL SOCIETY AND NGO STANDARDS

Rainforest Alliance

The Sustainable Agriculture Network (SAN – formerly the Conservation Agriculture Network) is a coalition of ten conservation-oriented NGOs in the Americas. The programme initially focused on the environmental impact of production methods and on habitat conservation, but has increasingly incorporated standards for community relations and labour conditions. The Rainforest Alliance is the main force behind the initiative, and its Costa Rican office is the secretariat of SAN (the Rainforest Alliance head office is in New York).⁵⁰

The product-specific standards have been developed together with producers, mainly from Costa Rica and other Latin American countries. The programme has set standards for five tropical crops: bananas, citrus, coffee, cocoa, and ferns and ornamental plants.

Currently “whole farm” standards are being developed for farms that grow additional crops for which no crop-specific standards currently exist. Additional chain-of-custody requirements are being developed to ensure that certified products and non-certified products are segregated from the moment they leave the farm until they reach the consumer.

Requirements

Environmental standards include the prohibition against clearing of primary forest; requirements for soil and water management and conservation and buffer zones; detailed requirements for the use, storage and transport of agrochemicals; integrated pest management; criteria for waste management and recycling; and requirements for a monitoring system. With respect to the social criteria, the certified company should respect all ILO conventions ratified by the country in which they operate. For those issues for which the ILO conventions are not ratified, the certification standards apply directly. These include requirements for a social policy and communication to workers; contracts and wages; no discrimination; no child labour below 14 and specific conditions for young and disabled workers and pregnant women; no forced labour; freedom of expression and the right to organize and collective bargaining; occupational health and safety; working hours; training; accommodation; and linkages with local communities.

There is no accreditation system. In most cases the certification is done by the local SAN member. The Rainforest Alliance operates the certification system in Costa Rica and Honduras and in countries where there is no SAN member. All auditors, including those from SAN members, are trained by the Sustainable Agriculture Programme secretariat, i.e. the Rainforest Alliance. The producers pay for the auditing and certification costs, depending on service delivered (e.g. actual auditor days and travel, etc.) plus a fixed amount per hectare.⁵¹

Penetration and markets

Promotion and uptake of the standards have mainly been confined to the Americas. The former Better Banana Project and ECO-OK seals have been replaced by the Rainforest Alliance Certified label. The seals are used mostly in public relations activities of certified producers, and in relations between producers and buyers (importers, wholesalers and retailers). The label is administered by the Rainforest Alliance, with a fee for use of the

⁵⁰ Other SAN members are Conservación y Desarrollo (CyD) in Ecuador; Centro Científico Tropical (CCT) in Costa Rica; Toledo Institute for Development and the Environment (TIDE) in Belize; SalvaNatura in El Salvador; Instituto Para la Cooperación y Autodesarrollo (ICADE) in Honduras; Fundación Interamericana de Investigación Tropical (FIIT) in Guatemala; Pronatura Chiapas in Mexico; Fundación Natura in Colombia; and Imaflora in Brazil.

⁵¹ SAN, pers. comm.

label on products, although this fee may be waived. Since many products from certified facilities are not labelled, there is no clear market segment for Rainforest Alliance Certified products. However, for bananas, market penetration can be discerned from the market share of the certified companies. In 2000 Chiquita achieved 100 percent certification of its company-owned farms in Latin America. In addition, 30 percent of the independent farms that supply Chiquita with bananas have achieved certification. Chiquita claims the production from these farms cover 90 percent of Chiquita's banana volume into Europe and approximately two thirds of the volume to North America. Reybanpac in Ecuador is also certified.

The Rainforest Alliance has recently upgraded its marketing efforts through the Certified Sustainable Products Alliance, funded by the United States Agency for International Development (USAID). It focuses on timber, coffee and bananas.

<http://www.rainforestalliance.org/programs/agriculture/san/index.html>

6. Environmental standards

In this chapter, environmental standards are discussed. Most standards in the previous chapter also have requirements related to the environment. The difference is that the standards in this chapter do not have requirements that are not related to the environment. (Standards for organic agriculture are not discussed here but in the next chapter.)

6.1. INTERNATIONAL AGREEMENTS

International codes and conventions related to pesticides

Maximum residue limits were discussed in Chapter 4 on food safety. In this paragraph agreements on pesticides are discussed that relate mostly to environmental consequences of pesticide production, distribution and use.

International Code of Conduct on the Distribution and Use of Pesticides

This Code is the worldwide guidance document on pesticide management for all public and private entities engaged in, or associated with, the distribution and use of pesticides. It was adopted for the first time in 1985 by the FAO Conference. Following the adoption of the Rotterdam Convention in 1998, it was updated and the revised version was approved in November 2002.

The Code is designed to provide standards of conduct and to serve as a point of reference in relation to sound pesticide management practices, in particular for government authorities and the pesticide industry. <http://www.fao.org/ag/agp/agpp/Pesticid/Default.htm>

Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals in International Trade

In 1989, FAO and UNEP jointly introduced the voluntary Prior Informed Consent (PIC) procedure. Chapter 19 of Agenda 21, adopted at the 1992 Rio Earth Summit, called for a legally binding instrument on the PIC procedure. This resulted in the adoption by the Convention of the Prior Informed Consent Procedure for Certain Hazardous Chemicals in International Trade in 1998 in Rotterdam. It entered into force on 24 February 2004.

The Convention enables the world to monitor and control trade in certain hazardous chemicals. Export of a chemical covered by the Convention can only take place with the prior informed consent of the importing party. The Convention covers chemicals from which the PIC Secretariat has received official notification by at least two Parties from different regions that these chemicals have been banned or severely restricted in these countries.. The Convention currently covers 24 pesticides, 6 severely hazardous pesticide formulations and 11 industrial chemicals.

Once a chemical is included in the PIC procedure, a decision guidance document (DGD) is circulated to importing countries. These countries are given nine months to prepare a response (to allow import of the chemical, not to allow import, or to allow import subject to specified conditions) or an interim response. Decisions by an importing country must be trade-neutral (i.e. apply equally to domestic production as well as to imports). The decisions of the importing countries are circulated, and exporting country Parties are obligated under the Convention to take appropriate measures to ensure that exporters within their jurisdiction comply with the decisions. <http://www.pic.int/>

Stockholm Convention on Persistent Organic Pollutants

The Stockholm Convention, which entered into force in May 2004, is a global treaty to protect human health and the environment from persistent organic pollutants (POPs). POPs are chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of living organisms and are toxic to humans and wildlife.

The Convention agrees to eliminate (with certain exceptions for specific uses) nine pesticides⁵², to severely restrict the use of DDT, and to prevent the unintentional production and release of dioxins, furans, HCB and PCBs (in particular via waste burning). The 12 chemicals concerned are also known as the “dirty dozen”.

Convention text: http://www.pops.int/documents/convtext/convtext_en.pdf

For more information see <http://www.pops.int>

Montreal Protocol and methyl bromide

Under the Montreal Protocol on Substances that Deplete the Ozone Layer, developed countries agreed to phase out completely by 1 January 2005 their controlled uses of methyl bromide, an effective fumigant and pesticide. Developing countries committed to a slower phase-out. Quarantine and pre-shipment uses do not fall under the 2005 phase-out. In 1997, the Parties recognized that for some uses there were no technically or economically feasible alternatives. Therefore, they have allowed “critical use exemptions”.

http://www.unep.ch/ozone/Treaties_and_Ratification/2B_montreal_protocol.asp

ISO 14001

ISO/TC 207 is the ISO Technical Committee responsible for developing and maintaining the ISO 14000 series. TC 207 consists of business and government experts from 55 countries. The first standards of the series were published in 1996.⁵³ The standard that can be implemented by companies and against which companies can be certified is ISO 14001 Environmental management systems – Specification with guidance for use. ISO 14004 gives guidelines on principles, systems and supporting techniques for the implementation of environmental management systems, including guidance that goes beyond requirements of ISO 14001. Other standards in the ISO 14000 series are “tools” for implementing an environmental management system. These tools deal with environmental monitoring and auditing, labelling and product life cycle assessment.

As with ISO 9001, ISO 14001 certifications certify management systems and not products. Therefore, products can not be labelled as ISO 14001-certified. However, an indication that the firm producing the product is ISO 14001 certified is permitted (although the ISO logo may not be used).

Requirements

ISO 14001 has been written to support implementation of environmental management systems in many different types of organizations, including manufacturing and service companies, government agencies, associations and NGOs. Requirements for certification are the development of an environmental policy, including an implementation and communication plan, definition of responsibilities, staff training activities, documentation and monitoring. Apart from compliance being required with local (environmental) rules and legislation, the standard does not set specific performance targets. Instead, ISO 14001 aims at continuous improvement.

⁵² aldrin, chlordane, dieldrin, endrin, heptachlor, hexachlorobenzene (HCB), polychlorinated biphenyls (PCBs), mirex, and toxaphene

⁵³ ISO, 1998. ISO 14000 – Meet the whole family! Geneva. Available at: <http://www.iso.ch>.

Penetration and markets

A growing number of farms are being certified against the ISO 14001 standard. More and more ISO 14001 certified firm claims can also be found on products. ISO 14001 is rapidly becoming a default certification for plantations. Managers of large production units often claim that ISO 14001 has been very useful for them in structuring their documentation, providing environmental management tools and, in some cases, reducing costs. Because there is no price premium and the certification can be costly and requires extensive documentation, ISO 14001 might be less attractive for smaller agricultural operations.

6.2. NATIONAL REGULATIONS

A country search of the Pesticide Action Network (PAN) Pesticides database gives pesticide registrations and Prior Informed Consent information per country.

http://www.pesticideinfo.org/Search_Countries.jsp#Europe%20and%20Central%20Asia

United States

The United States does not have any purely environmental regulation that is imposed on growers outside the United States or that has any impact on them.

The US green seal does not include food. The Canadian Environmental Choice scheme's only food product is coffee.

European Union

Germany has a strict recycling and packaging law. All packaging materials must be easily recyclable. There are also restrictions on the type of pallets allowed.

Furthermore, there are various lifecycle ecolabelling schemes in Europe⁵⁴ that are supported by governments, but they do not cover food.

6.3. CORPORATE STANDARDS

UK Assured Produce and Tesco Nature's Choice

Assured Produce is a UK Integrated Crop Management scheme. Assured Produce-certified products (with the red tractor logo) are sold by all UK multiple retailers. The Assured Produce scheme requires its member suppliers and growers to undergo regular audits.

Nature's Choice is a programme of Tesco. Nature's Choice promotes the use of beneficial insects rather than chemicals to control pests, and encourages water and energy efficiency and recycling. Growers are asked to draw up a farm conservation plan, which guides them in protecting important wildlife and landscapes. Tesco has pilot schemes that monitor the effects of Nature's Choice. All UK growers of fresh fruit, vegetables, flowers and other ornamental plants have to meet Nature's Choice standards and obtain third-party verification in order to do business with Tesco. Tesco accepts the standards of Assured Produce as equivalent to Nature's Choice. Several certification bodies in the United Kingdom (e.g. ProCert) offer Nature's Choice certification. Tesco is introducing the guidelines to foreign suppliers, particularly in Spain and in the Netherlands, but also in Kenya, Australia and New Zealand.

Because Nature's Choice is specific to Tesco, it may be considered a business-to-business specification and not a standard. However, it is not a product specification in the traditional sense as it refers to production methods and not product characteristics.

For more information, see <http://www.tescofarming.com/navigate.php?go=cop2>.

Other corporate standards with environmental requirements have been discussed in the previous chapter on sustainable agriculture and GAP.

⁵⁴ Such as Community Eco-Label Award Scheme, the Nordic Swan, the Swedish Environmental Choice, the German Blue Angel and the French NF environnement.

6.4. CIVIL SOCIETY AND NGO STANDARDS

Many NGO standards for the agricultural sector address environmental issues, but all of them have additional social requirements and are therefore discussed in Chapter 5 (sustainable agriculture) or in Chapter 8 (labour and social standards) if the social requirements are the most important part of the standard. Furthermore, organic standards are discussed separately in the next chapter. As a consequence, there are no “purely environmental” NGO standards to be discussed here.

7. Organic agriculture standards

Introduction

Organic production refers to holistic management of the agro-ecosystem, emphasizing biological processes and minimizing the use of non-renewable resources. Although the terms “organic”, “ecological” or “biological” have developed in Europe and North America to distinguish organic from conventional agriculture, many low-input traditional agriculture systems in other parts of the world are also de facto organic systems.

Requirements

Organic standards for plant production typically include: criteria for conversion periods; seeds and propagation material; maintenance of soil fertility through the use and recycling of organic materials; and pest, disease and weed control. The use of synthetic fertilizers and pesticides and of genetically engineered organisms is prohibited. There are also criteria for the admission and use of organic fertilizers and natural pesticides.

Market penetration

Global retail sales of organic products in 2004 were estimated at some US\$28 billion, up from US\$10 billion in 1997. The European market was estimated at US\$14 billion in total organic sales in 2004. The largest organic food markets in Europe are Germany, the United Kingdom, France and Italy. Although their populations are smaller, Scandinavian countries (in particular Sweden and Denmark), Austria and Switzerland are also important as they have relatively high consumption of organic foods per capita. In addition, organic foods tend to fetch higher prices in these countries. Consumption per capita tends to be lower in South European countries such as Spain, Portugal and Greece. Consumption of organic foods in the Netherlands is relatively low but imports are substantial. This is due to the re-export trade to other European countries. Some of the major European suppliers of organic foods are Dutch.

Market penetration in Europe was very rapid in the late 1990s due to consumer concerns for the environment and the search for healthy foods. This tendency was further fuelled by several well-publicized food contamination scandals such as the BSE crises and dioxin contamination. Organic foods have been shown to contain no or lower quantities of pesticide residues than conventional products and a large number of European consumers associate them with healthy eating. At the peak of growth in the late 1990s and early 2000s, retail sales of organic foods rose by over 20 percent annually. However, the growth rate has decreased recently. It was estimated at between 8 and 15 percent annually depending on the country in 2004. It should be noted however that this reduced rate is still much higher than the growth of conventional food sales (estimated at between 2 and 3 percent per year in Western Europe).

There are several reasons for this decrease. The most obvious one is the price difference with conventional foods. Organic foods are on average 20 to 30 percent more expensive than their conventional equivalents, even though this difference tends to diminish. In addition, the small quantity of supply gives rise to inefficiencies in the marketing chain. The lack of regularity and consistency of deliveries is often quoted as a constraint. It is expected that these constraints will be gradually solved as production increases and scale economies are generated throughout the marketing chain. This should lead to a further decrease in the price of organic foods. Another factor that is contributing to the expansion of the organic market is the rising involvement of large-scale retailers. Many

mainstream supermarket chains have announced that they intend to carry more organic products. Moreover, recent years have witnessed the emergence of supermarket chains specialized in organic and natural foods. Consequently, the market for organic foods is projected to grow at a steady rate in the short and medium term.⁵⁵

In the United States, retail sales of organic food and beverages were about US\$12 billion in 2004 according to media reports.⁵⁶ Sales have been growing at over 20 percent annually since the early 1990s. Contrary to the European market, the growth rate has not decreased in the past few years. Experts indicate that the adoption of a single national standard under the National Organic Program in 2001 has been instrumental in supporting this growth. Other reasons include the involvement of large-scale retailers, the rapid rise of specialized supermarket chains (such as Whole Foods) and the consumer search for healthy foods.

7.1. INTERNATIONAL AGREEMENTS

Codex Alimentarius guidelines

Codex formulated guidelines for the production, processing, labelling (including claims) and marketing of organically produced vegetables. The guidelines were adopted in 1999 and revised in 2001 to include provisions for livestock and livestock products.

CAC/GL32 Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods. http://www.codexalimentarius.net/download/standards/360/CXG_032e.pdf

IFOAM, FAO, UNCTAD International Task Force

In an effort to harmonize existing organic guarantee systems, a task force was formed by IFOAM, FAO and UNCTAD. This International Task Force on Harmonization and Equivalence in Organic Agriculture started work in 2003, and serves as an open-ended platform for dialogue. It works on proposals related to mechanisms establishing equivalence of standards, regulations and conformity assessment systems for the consideration of governments, the Codex Alimentarius Commission and other relevant bodies.

7.2. NATIONAL REGULATIONS

United States

The first organic regulations were adopted in the United States (in Oregon in 1974 and California in 1979). US-wide standards were developed by the USDA in 2002 as part of the National Organic Program (NOP).

The NOP requires that all products sold in the United States as “organic” be certified by a certification body or a state certification programme that is accredited by the USDA. Accredited bodies may be based in the United States or abroad. For certification bodies in the NOP system, ISO Guide 65 accreditation is voluntary.

Foreign accreditation agencies may also be recognized by USDA to perform NOP accreditations. Recognized accreditation programmes as of August 2005 were those of Denmark, New Zealand, Canada (Quebec, British Columbia) and the United Kingdom. Certification bodies in those countries may be assessed by their own government agency to determine if they fulfil NOP requirements. The USDA is also working with the Governments of Canada, Israel and Spain to recognize their ability to accredit for the NOP system.

Another option is recognition of equivalence of a foreign organic certification programme. In this case, specific NOP accreditation of certification bodies is no longer necessary. The USDA is currently working with India, Japan, Australia and

⁵⁵ This section is a summary of original market research that the FAO contracted to a consultant and data obtained from specialized media sources

⁵⁶ Eurofood 2005 and Kortbech-Olesen, R. 2003. The North American Market pp 11-13. In: Liu P. 2004. Production and export of organic fruit and vegetables in Asia. Proceedings of the seminar held in Bangkok, Thailand, 3-5 November 2003. FAO Commodities and trade paper 6. Rome. FAO/Earth Net Foundation/IFOAM

the European Union to determine whether their organic certification programmes are equivalent to the technical requirements and conformity assessment system of the NOP.

NOP came into force in October 2002, and currently (August 2005) has 99 accredited certification bodies, of which 43 are registered outside the United States and 11 from developing countries (see Table 2). This does not include the certification bodies accredited under the above-mentioned recognized accreditation programmes.

The use of the USDA organic logo is voluntary, provided the requirements for use are fulfilled. For more information and the text of the regulation, see:

<http://www.ams.usda.gov/nop/NOP/NOPhome.html>

In addition to the organic standards and certification systems, an international voluntary Code of Practice for Organic Trade has been developed by the IFOAM traders group and was launched in February 2003. The core of the Code of Practice consists of eight principles, including transparency and accountability of negotiations and equitable distribution of returns. Any organic trader can sign up for the code and participate in a continual self-assessment process.⁵⁷

For more information on IFOAM, please see: <http://www.ifoam.org/index.html>

European Union

France was the first country to adopt an organic regulation (1985). EU Regulation 2092/91, covering the labelling of organic foods, was adopted in 1991. The regulation has been corrected and amended many times.

EU regulation EEC 2092/91 provides for national accreditation of certification bodies or certification by national authorities. Certification bodies are usually required to conform to European standard EN 45011 or ISO Guide 65, both of which are standards for the operation of certification systems. The organic guarantee system of countries outside the European Union may be recognized as being equivalent, and those countries appear on a "third-country" list. The list may specify production units or inspection bodies within the country for which equivalency is determined. Countries outside the European Union on this list are: Argentina, Australia, Costa Rica, Israel, New Zealand and Switzerland.

For imports from non-listed countries, importers may obtain an authorization from individual EU Member States for each imported product, so-called article 11(6) authorizations. The importer must show evidence that the product was produced and inspected according to rules equivalent to EU organic standards and was certified by a certification body that operates in compliance with ISO Guide 65. Since 2002, an original certificate must be sent with the goods. This transitional arrangement is expected to be extended until December 2006. It is also expected that before that time a new system will be developed for technical equivalency evaluations.⁵⁸

The use of the European organic logo is voluntary, provided the requirements for use are fulfilled. A consolidated version of the regulation as per 1 May 2004 can be found at http://europa.eu.int/eur-lex/en/consleg/pdf/1991/en_1991R2092_do_001.pdf

For amendments after this date, the following page should be consulted:

http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31991R2092&model=guicheti

The European Union has also prepared a brochure on the organic regulation, but it is from 2001 and some information is outdated:

http://europa.eu.int/comm/agriculture/qual/organic/brochure/abio_en.pdf

⁵⁷ Predefined report from http://europa.eu.int/comm/agriculture/ofis_public/pdf/r8_0000_en.pdf, generated August 2005

⁵⁸ Predefined report from http://europa.eu.int/comm/agriculture/ofis_public/pdf/r8_0000_en.pdf, generated August 2005.

For up-to-date information on article 11(6) authorizations, please see:
http://europa.eu.int/comm/agriculture/ofis_public/index.cfm

7.3. CORPORATE STANDARDS

There are countless organic labels, reflecting the many organic certification programmes developed by organic farmer associations and certification bodies. Many of the original internal control systems of organic farmer associations developed into certification programmes. With the implementation of the first regulations, certification bodies were split off from the associations to provide independent certification. Some of these initially small certification bodies have grown into big businesses.

These certification bodies often offer certification programmes against national standards, but they may also offer certification against their own standard. The latter standards may go beyond the minimum requirements of the national regulations and of the IFOAM basic standard (see below) or include areas that are not yet regulated (e.g. for organic textiles). Examples are the standards of Ecocert in France.

Other large certification companies not originating from the organic community have also included organic certification in the services they offer, but in most cases they have not developed their own standards.

Table 2 - NOP-accredited certification bodies in developing countries

Argencert SRL	Argentina	November 2002
Food Safety SA	Argentina	July 2003
LETIS SA	Argentina	December 2002
Organización Internacional Agropecuaria	Argentina	October 2002
Bolicert	Bolivia	March 2003
Instituto Biodinamico	Brazil	July 2002
Certificadora Chile Orgánico SA	Chile	August 2004
Biolatina	Colombia	April 2002
Eco-Logica	Costa Rica	July 2002
Mayacert SA	Guatemala	May 2003
ETKO- Ecological Farming Controlling Organization	Turkey	January 2003

7.4. NGO STANDARDS

International Federation of Organic Agricultural Movements (IFOAM) Basic Standards

Introduction

The International Federation of Organic Agriculture Movements (IFOAM) was founded in 1972. IFOAM is an umbrella organization with a global membership base of organic farmers associations, certification bodies, traders, consumers and advisory bodies. Its headquarters are in Bonn, Germany.

IFOAM formulated the first version of the IFOAM Basic Standards (IBS) in 1980 and has revised them regularly ever since, first every two years, now about every three years. The IBS therefore preceded all legislation. The IBS serves as a guideline, on the basis of which public and private standard-setting bodies can develop more specific organic standards. The IBS also has criteria for the functioning of internal control systems for group certification. These were later adopted by the European Union and incorporated into the EU legislation.

The International Organic Accreditation Service (IOAS) accredits certification bodies that have organic certification programmes that comply with IBS and the IFOAM Accreditation Criteria for certification bodies. Because the IBS is a generic standard, the IOAS requires that certification bodies elaborate some standards in more detail. As of June 2005 there were 31 accredited bodies, six of which were from developing countries

Table 3 - Approved inspection bodies based in developing countries inspecting the exporters involved in imports from third countries according to article 11(6)

Latin America	
Argencert	Argentina
Instituto Biodinamico	Brazil
Biolatina S.a.c.	Peru
Bio Latina	Colombia
Biologicos del Tropico	Colombia
Bolicert	Bolivia
Cenipae	Nicaragua
Certimex H. Escuela	Mexico
PROA	Chile
SGS de Peru	Peru
SGS Uruguay	Uruguay
Asia	
BCS Öko Garantie GmbH T	Turkey
Ekolojiktarım Kontrol Organ. Ltd Sirketi	Turkey
IMO Turkey	Turkey
INAC GmbH (International Nutrition and Agriculture Certification)	Turkey
NASAA	Sri Lanka
OFDC Organic Food Dev. Center	Tajikistan
Organic Agriculture Certification Thailand	Thailand
SGS India	India
SGS-SSTC Standard	China
SKAL	Turkey
Africa	
Bionoor	Algeria
Center of Organic Agriculture	Egypt
Egyptian centre Organic Agric	Egypt

Source: European Parliament Legislative Observatory. Procedure file reference CNS/2005/0094 <http://www2.europarl.eu.int/oeil/FindByProcnum.do?lang=2&procnum=CNS/2005/0094>.

(Argencert and Organización Internacional Agropecuaria SA from Argentina, Bolicert from Bolivia, Instituto Biodinamico from Brazil, Organic Agriculture Certification from Thailand and Organic Food Development & Certification Center from China). In 1999, the IFOAM Accredited Certification Bodies (ACBs) signed a multilateral agreement to facilitate acceptance of products that were certified by an ACB. However, the agreement contains an additional requirements clause stating that those products should also comply with standards beyond the IBS, i.e. those that the “accepting” body might have in its own standards.

Requirements

During the last revision of IBS, the standards for ecosystem management were strengthened to include issues of landscape, contamination control and soil and water conservation. There are ongoing discussions about whether the standards should also include criteria for labour conditions and other social issues, to which only a general

reference is currently made.⁵⁹ Processing, packaging and traceability standards usually include requirements to prevent mingling of conventional and organically produced products. They also include criteria for additives and processing aids. Because long travel distances contribute to the use of external inputs, it is debated whether criteria for local sourcing and means of transport should be developed (the “food miles” debate).

Market penetration

IFOAM is the largest organic association, with over 750 member organizations in 108 countries. IFOAM members represent a large part of all organic producers. The IFOAM accredited seal may appear on the product only as part of the logo of the certification body and in the body’s own promotional material. Some US and EU buyers require organic certification from an IOAS-accredited programme.

In addition to the organic standards and certification systems, an international voluntary Code of Practice for Organic Trade has been developed by the IFOAM traders group and was launched in February 2003. The core of the Code of Practice consists of eight principles, including transparency and accountability of negotiations and equitable distribution of returns. Any organic trader can sign up for the code and participate in a continual self-assessment process.⁶⁰

For more information on IFOAM, please see: <http://www.ifoam.org/index.html>.

⁵⁹ Schmid, O. 2002. Comparison of EU Regulation 2092/91, Codex Alimentarius Guidelines for organically Produced Food 1999/2001 and IFOAM basic standards 2000. pp. 12-18; Riddle, J. and Coody, L. 2002. Comparison of the EU and US organic regulations. Both in: G. Rundgren and W. Lockeretz (eds). IFOAM Conference on Organic Guarantee Systems; Reader. Tholey-Theley, Germany: IFOAM.

⁶⁰ IFOAM, 2003. IFOAM Code of Conduct for Organic Trade: Guidance document. See: www.ifoam.org.

8. Labour and social standards

8.1. INTERNATIONAL AGREEMENTS

International human rights

The United Nations High Commissioner of Human Rights is the principal UN official with responsibility for human rights and is accountable to the Secretary-General. The Office of the High Commissioner provides an overview of all international human rights law and UN bodies involved in human rights. <http://www.ohchr.org/english/law/> and <http://www.ohchr.org/english/bodies/>

- Apart from the International Bill of Human Rights there are seven core international human rights treaties:
- International Convention on the Elimination of All Forms of Racial Discrimination.
- International Covenant on Civil and Political Rights.
- International Covenant on Economic, Social and Cultural Rights.
- Convention on the Elimination of All Forms of Discrimination against Women.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Convention on the Rights of the Child.
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

International Labour Organization (ILO) labour conventions

Labour rights are human rights applied to employment situations. The ILO is a UN specialized agency that seeks the promotion of social justice and internationally recognized human and labour rights. Unique in the UN system, the ILO is a tripartite organization, bringing together representatives of governments, employers and workers in its executive bodies.

The first six International Labour Conventions in the industry sector were adopted in 1919. Several years later the International Court of Justice declared that the ILO's domain also extended to international regulation of work conditions in the agricultural sector.

The ILO's fundamental human rights conventions are⁶¹:

No.29 Force Labour Convention, 1930 (168 ratifications)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029>

No. 105 Abolition of Forced labour Convention, 1957 (165 ratifications)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C105>

No. 87 Freedom of Association and Protection of the Right to Organize Convention, 1948 (144 ratifications)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C087>

No. 98 Right to Organize and Collective Bargaining Convention, 1949 (154 ratifications)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C098>

No. 100 Equal Remuneration Convention, 1951 (162 ratifications)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C100>

No. 111 Discrimination, Employment and Occupation Convention, 1958 (163 ratifications)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C111>

⁶¹ Information on ratifications from: <http://www.ilo.org/ilolex/english/docs/declworld.htm>, consulted 2 September 2005.

No. 138 Minimum Age Convention, 1973 (141 ratifications)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C138>

No. 182 Worst Forms of Child Labour Convention, 1999 (156 ratifications)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182>

Additional ILO conventions that are especially relevant for the agricultural sector are:

No. 99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951

The convention calls for the creation or maintenance of "adequate machinery whereby minimum rates of wages can be fixed for workers employed in agricultural undertakings and related occupations." It states that "the employers and workers concerned shall take part in the operation of the minimum wage fixing machinery, or be consulted or have the right to be heard...on a basis of complete equality." Ratified by 53 countries. <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C099>

No. 101 Holidays with pay (Agriculture) Convention, 1952

Requires that workers employed in agricultural undertakings shall be granted an annual holiday with pay. Ratified by 46 countries. <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C101>

No. 110 Plantations Convention, 1958

This convention deals with employment conditions of plantation workers. It is a very long and detailed Convention that covers conditions of work, contracts of employment, the official encouragement of collective bargaining, methods of wage payment, holidays with pay, weekly rest, maternity protection, accident compensation, freedom of association, labour inspection, housing and medical care. Ratified by 12 countries. <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C110>

No. 129 Labour Inspection (Agriculture) Convention, 1969

This convention provides that ratifying governments shall maintain a system of labour inspection in agriculture. Ratified by 40 countries. <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C129>

No. 141 Rural Workers' Organizations Convention, 1975

This convention defines rural workers as any person engaged in agriculture, handicrafts or a related occupation in a rural area, whether as a wage earner or a self-employed person, such as a tenant, sharecropper or small owner-occupier. But the Convention only applies to those tenants, sharecroppers or small owner-occupiers who derive their main income from agriculture, and who work the land themselves, with the help of only their family or occasional outside labour. The Convention reaffirms trade union rights for rural workers. It goes on to state that "it shall be an objective of national policy concerning rural development to facilitate the establishment and growth, on a voluntary basis, of strong and independent organizations of rural workers [...]" Ratified by 38 countries. <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C141>

No. 184 Safety and Health in Agriculture Convention, 2001

The Convention covers preventive and protective measures regarding machinery safety, handling and transport of materials, chemicals management, animal handling, and the construction and maintenance of agricultural facilities. Other provisions address the needs of young workers, temporary and seasonal workers, and women workers before and after childbirth. Ratified by three countries. <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C184>

For more information on ILO work and guidelines for agriculture:

<http://www.ilo.org/public/english/dialogue/sector/sectors/agri.htm>

In addition governments, employers' and workers' organizations, and multinational enterprises are recommended to observe the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. This Declaration, adopted in 1977 and revised in 2000, sets out principles in the fields of employment, training, conditions of work and life and industrial relations.

<http://www.ilo.org/ilolex/english/iloquerymtn1.htm>

The Global Compact

Introduction

The Global Compact is a personal initiative of the United Nations Secretary-General dating from 2000. It is aimed at encouraging business leaders to voluntarily promote and apply within their corporate domains ten principles relating to human rights, labour standards and the environment. At present, approximately 1 300 companies, most of them large transnational companies, from all continents have signed on to the Global Compact.

Requirements

The Global Compact's ten principles enjoy universal consensus and are derived from: The Universal Declaration of Human Rights; The International Labour Organization's Declaration on Fundamental Principles and Rights at Work; The Rio Declaration on Environment and Development; and The United Nations Convention Against Corruption.

Human Rights

Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights; and

Principle 2: make sure that they are not complicit in human rights abuses.

Labour Standards

Principle 3: Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;

Principle 4: the elimination of all forms of forced and compulsory labour;

Principle 5: the effective abolition of child labour; and

Principle 6: the elimination of discrimination in respect of employment and occupation.

Environment

Principle 7: Businesses should support a precautionary approach to environmental challenges;

Principle 8: undertake initiatives to promote greater environmental responsibility; and

Principle 9: encourage the development and dissemination of environmentally friendly technologies.

Anti-corruption

Principle 10: Businesses should work against all forms of corruption, including extortion and bribery.

Market penetration

The Global Compact includes nearly 2 200 companies from more than 80 countries. There are 38 participating companies from the agricultural sector (primary production), of which 35 are from developing countries. There are a further 163 companies from the food and drinks industry, among them Danone and Nestlé subsidiaries in Argentina and South Africa.

The so-called Communication on Progress policy requires that participants develop an annual disclosure to their stakeholders on implementation actions within two years of joining the Global Compact initiative. The policy went into effect on 30 June 2005 for the 977 participants that have been in the Global Compact for at least two years. Of these companies, only 38 percent – or 367 companies – have developed Communications on Progress for their stakeholders. The rest either did not develop a Communication on Progress by the deadline or did not inform the Global Compact Office that such a communication had been developed.

<http://www.unglobalcompact.org/Portal/Default.asp?>

Norms on responsibilities of business

The Sub-Commission on the Promotion and Protection of Human Rights adopted in August 2003 the (draft) Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights. They have been transmitted to the Commission on Human Rights for consideration and eventual adoption. The norms were discussed in the last Commission meeting in April 2005, but views about the norms were still divided. They will probably not be adopted in the current version but may be amended and adopted in the future.

The Norms document is therefore not a formal treaty under international law.

[http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.Sub.2.2003.12.Rev.2.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.Sub.2.2003.12.Rev.2.En?Opendocument)

Organisation for Economic Co-operation and Development (OECD) guidelines

The OECD has also developed recommendations for multinational enterprises.

OECD Guidelines for Multinational Enterprises (1976, revised 2000)

These guidelines provide voluntary principles and standards for responsible business conduct in a variety of areas, including employment and industrial relations, human rights, environment, information disclosure, combating bribery, consumer interests, science and technology, competition, and taxation. http://www.oecd.org/departement/0,2688,en_2649_34889_1_1_1_1_1,00.html

8.2. NATIONAL REGULATIONS

The United States and Europe have their own national labour laws, but they are applicable only domestically. Some national regulations may have an impact on producers in developing countries.

United States

In the FDA Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables of 1998, which some foreign suppliers are required to implement (see Chapters D2 and D3), reference is made to the Occupational Safety and Health Act. Regulations under this Act have Title 29 CFR codes. <http://www.osha.gov/index.html>

The referenced regulations in the FDA guide are:

- 29 CFR 1928.110 subpart I, on field sanitation
- 29 CFR 1910.141, subpart J, on sanitation for enclosed packing facilities

European Union

Article 50 of the Cotonou Agreement of 2003 states that the European Union and the ACP countries will respect the ILO's Core Labour Standards.

The Belgian social label

In 2002 the Belgian Parliament adopted the Law for the promotion of socially responsible production. The law aims to create a label that companies voluntarily affix to their products if the eight core ILO labour conventions (see chapter 8.1 above) are respected during the production process.⁶² In April 2003 the official decisions necessary to implement the label were taken. The first labels have already been granted. Companies with SA8000 certification may use the Belgium social label.

To be granted use of the label, a company must submit a preliminary request to the implementing committee. The committee decides whether the company is eligible. If yes, the company requests one of the accredited auditing bodies to review the documentation and execute an audit. On the basis of the preliminary report, the company may take immediate corrective action if necessary. The auditing body

⁶² http://www.just.fgov.be/mopdf/2002/03/26_2.pdf.

submits a final report to the committee, which advises the minister on the granting of the label.

To be accredited, auditing bodies have to be accredited against EN 45004 (general criteria for the operation of inspection bodies) or be SAI-accredited to certify against SA8000. To date, only SAI-accredited bodies are accredited for auditing against the Belgium social label.

More information may be obtained from <http://www.social-label.be/>.

Italy and Denmark are developing a similar social label. The European Union has decided to wait until more countries have implemented a social label before a decision is taken on whether to develop a European label.

8.3. CORPORATE STANDARDS

Occupation Health and Safety Assessment Series (OHSAS) 18001

OHSAS 18001 was created by a group of 14 standards bodies, certification bodies and specialist consultancies.⁶³

OHSAS 18001 is an Occupational Health and Safety Assessment Series for health and safety management systems. A main driver for the series was to try to remove confusion in the workplace due to the proliferation of certifiable OHSAS specifications. A number of older documents were used in the creation process, some of which were standards and certification programmes offered by the participating bodies.

OHSAS 18001 has been developed to be compatible with the ISO 9001 and ISO 14001 management systems standards. As a management systems standard, it does not state specific performance criteria, nor does it give detailed specifications for the design of a management system. It does require companies to have a health and safety manual, and for convenience sells a blueprint.

OHSAS forms part of the Health and Safety Electronic Book, published by the British Standards Institution. This includes not only the text from OHSAS 18001, but also BS8800 and various other materials and information.

No information on market penetration was found.

<http://www.ohsas-18001-occupational-health-and-safety.com/index.htm>

Blueprint manual available at: <http://www.osha-occupational-health-and-safety.com/>

8.4. CIVIL SOCIETY AND NGO STANDARDS

International Confederation of Free Trade Unions (ICFTU)/International Trade Secretariats (ITS) Basic Code of Labour Practice

The ICFTU was established in 1949 and has 231 affiliated organizations in 150 countries, with a membership of 158 million. It is a confederation of national trade union centres, each of which links together trade unions of that particular country. It also maintains close links with Global Union Federations, which link together national unions from a particular trade or industry at international level. The agriculture sector is included in the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Association (IUF).

The Basic Code of Labour Practice was developed in by the ICFTU/ITS Working Party on Multinational Companies, in consultations with trade union organizations and other stakeholders. It was adopted by the ICFTU Executive Board in 1997. The Basic Code aims to establish a minimum list of standards to be included in all codes of conduct covering labour practices. These could be company codes of

⁶³ National Standards Authority of Ireland; Standards Australia; South African Bureau of Standards; British Standards Institution; Bureau Veritas Quality International; Det Norske Veritas; Lloyds Register Quality Assurance; National Quality Assurance; SFS Certification; SGS Yarsley International Certification Services; Asociación Española de Normalización y Certificación; International Safety Management Organisation Ltd; Standards and Industry Research Institute of Malaysia; International Certification Services.

conduct, especially codes that are meant to apply to the international operations of a multinational company.

The Basic Code promotes the primacy of international labour standards and to incorporate freedom of association and the right to collective bargaining. It is not intended that collective bargaining agreements be limited to the provisions of the code. The Basic Code is also meant to encourage the use of consistent language in codes of conduct and to assist any trade union in negotiations with companies and in working with NGOs in campaigns involving codes of conduct.

The content of the code follows the core ILO conventions (29, 87, 98, 100, 105, 111 and 138) plus the Workers Representatives' Convention (No. 135) of 1971. The ICFTU Basic Code is a generic code and not meant for certification purposes.

<http://www.icftu.org/displaydocument.asp?Index=991209513&Language=EN>

Fair-trade

Introduction

The fair-trade initiatives seek to provide better market access and trading conditions for small-scale farmers and to improve the conditions for workers. The Fairtrade Labelling Organizations (FLO) International was founded in 1997 as an umbrella organization of 19 national fair-trade labelling initiatives. The Fair Trade Association of Australia and New Zealand and Comercio Justo Mexico joined FLO recently. Producers and traders are represented on the board and on various committees.

Since January 2003, the certification unit has been a legally independent certification body and has achieved ISO Guide 65 accreditation. Inspection is done by local auditors, while the certification decision is taken at FLO headquarters in Bonn, Germany. FLO will also recognize Certimex, an organic certification body in Mexico, as an inspection body for FLO.

Certification had been free of cost to producers, but since December 2003 they have had to pay a certification fee. Initial fees depend on the size of the operation, whereas renewal fees depend on the value of products sold under the fair-trade arrangements.

Requirements

FLO has developed one set of generic standards for small producers and one set of generic standards for hired labour. They contain standards for social development, economic development, environmental development and labour standard (if applicable).

Standards for farmers' associations and cooperatives set criteria for a democratic and participative organizational structure. Labour standards for plantations and factories include criteria for: freedom of association; wages and accommodation; and occupational health and safety. No child or forced labour can occur.

Traders who wish to trade in FLO-labelled products have to register and respect the trading standards. They must pay the FLO minimum price plus the fair-trade premium, partially pay in advance when producers ask for it, and commit themselves to a long-term trade relationship. To determine the minimum price, FLO first defines, per product and per region, the Cost of sustainable Production (CoP), and Cost of sustainable Living (CoL). The minimum price covers at least the CoP and CoL. For the registration of traders, FLO has developed a trader application evaluation policy. Registered traders have to report their sales figures to FLO; the figures are checked against reported sales figures from producer organizations.

In addition to the generic standards there are product-specific standards, with separate versions for small farmers and hired labour situations. Currently, product-specific standards for small farmers exist for bananas, cocoa, coffee, cotton, dried fruit, fresh fruit and vegetables, honey, juices, nuts and oilseeds, quinoa, rice, spices and herbs, sugar, tea and wine. For hired labour situations, standards exist for bananas, cut flowers, fresh fruit, juices, ornamental plants, sport balls, tea and wine. There are also "contract

production standards" for cotton from India and Pakistan, and rice from India.

New environmental standards for both the generic standards and the product-specific standards are being developed and will probably enter into force in 2006.

Penetration and markets

Since 2003, the various national fair-trade labels have been replaced by the new International Fairtrade Certification Mark. In the United States, Canada, Mexico and Switzerland the national labels will continue to be used for the time being. The international label will greatly reduce logistical costs, as products will not have to be packaged separately for each destination.

For the last several years, year-on-year growth of fair-trade volumes has been around 20 percent. The largest volumes have been reached for bananas, with some 100 000 tonnes traded in 2004. The largest fair-trade markets are Switzerland and the United Kingdom. In 2004, sales volumes of other fresh fruits were estimated at 5 000 tonnes, of which 2 150 were for pineapples. Other certified fruits included mangoes, oranges, lemons, apples and grapes.

For more information on FLO, the standards and markets, see:

<http://www.fairtrade.net/index.html>

For more information on the certification system and FLO-Cert Ltd, see:

<http://www.fairtrade.net/sites/certification/certification.html>

For the trader evaluation policy, see: <http://www.fairtrade.net/pdf/FLO%20Trader%20Application%20Evaluation%20Policy.pdf>

Social Accountability (SA) 8000 Standard

Introduction

SA 8000 is a workplace standard developed by Social Accountability International (SAI) in 1998. The SAI Advisory Board includes experts from trade unions, businesses and NGOs from various countries. SAI is based in New York.

The standard promotes the implementation of International Labour Organization (ILO) conventions covering social justice and working conditions. The standards were initially developed for the manufacturing industry, and approved for use in the agriculture sector in 2000. The standards were revised in 2001 and the guidance documents in 2004. They can be purchased for US\$100 (US\$35 for small businesses and NGOs).

SAI accredits certification bodies to audit production facilities. Accreditation requirements include demonstrated adherence to ISO/IEC Guide 62 and indications as to how the necessary information to make a certification decision will be obtained. The individual auditors performing the inspections must be trained in SA000 and be accredited as well. SAI is currently exploring whether and how NGOs that have experience in promoting better labour conditions may become accredited.

Companies that do a substantial amount of sourcing from contracted suppliers can join the Corporate Involvement Programme as an Explorer (level 1) or a Signatory (level 2). Signatories work with SAI to develop and execute a plan for implementation of SA8000 and/or certification of designated company-owned and/or supplier facilities within agreed-upon scope. They have to communicate progress on SA8000 implementation goals and progress to stakeholders via SAI verified annual reports or the SAI Multi-stakeholder evaluation and recommendation process. Signatories may use SAI and SA8000 logos in their communications.

Requirements

The requirements for SA8000 certification can be summarized as follows (for details please see the original standard and guidance documents, which can be found at the website provided below):

- No workers under the age of 15; minimum age lowered to 14 for countries operating under the ILO Convention 138 developing-country exception; remediation of any child found to be working.
- No forced labour, including prison or debt bondage labour; no lodging of deposits or identity papers by employers or outside recruiters.
- Provide a safe and healthy work environment; take steps to prevent injuries; regular training for workers in health and safety; system to detect threats to health and safety; access to bathrooms and potable water.
- Respect the right to form and join trade unions and bargain collectively; where law prohibits these freedoms, facilitate parallel means of association and bargaining.
- No discrimination based on race, caste, origin, religion, disability, gender, sexual orientation, union or political affiliation, or age; no sexual harassment.
- No corporal punishment, mental or physical coercion or verbal abuse.
- Comply with the applicable law on working hours but, in any event, no more than 48 hours per week with at least one day off for every seven-day period; voluntary overtime paid at a premium rate and not to exceed 12 hours per week on a regular basis; overtime may be mandatory if part of a collective bargaining agreement.
- Wages paid for a standard work week must meet the legal and industry standards and be sufficient to meet the basic need of workers and their families; no disciplinary deductions.
- Facilities have to integrate the standard into their management systems and practices.

Penetration and markets

The SAI-SA8000 label is not used on products. Certified facilities and signatories may use the label in their communications. Consequently there is no differentiated market for SA8000-certified products. The “market” could be understood to be those large buyers (e.g. retailers) that are Signatory Members and consequently try to move their suppliers towards SA8000 certification.

SA8000 was approved for use in the agriculture sector in 2000, and so far 25 agriculture facilities/divisions have been certified, covering growing, packing and processing of bananas, pineapples, canned fruit, coffee, tobacco and wine. One certified facility may include several farms, as is the case of Chiquita and Dole certifications. Certifications in fruit and vegetable production are provided in Table 4.

Dole has been a signatory member since 1999. Initially the progress in terms of certification was very slow, but according to the SAI web site 61 farms have now been certified.

SA8000 standard: <http://www.sa-intl.org/Document%20Center/2001StdEnglishFinal.doc>

For more information on SAI and SA8000 related activities: <http://www.sa-intl.org>

Ethical Trading Initiative (ETI)

Introduction

The ETI is a multi-stakeholder alliance in the United Kingdom. It has a tripartite structure in which NGOs, unions and the business sector are represented, with support from government. The ETI focuses on ethical sourcing by companies, in particular retail chains. Although the ETI is a national initiative, the sourcing of its members and therefore its impact are international. The ETI is a learning initiative to gain insight into how social standards can be developed and implemented.

Requirements

The Base Code was first published in 1998. It is based on the eight core ILO conventions. Furthermore it draws on conventions: 175 Part-time Work Convention of 1994; 183 Maternity Protection Convention of 2000; 177 Home Work Convention of 1996 and its related recommendation; and 159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 and its related recommendation. The ETI published smallholder guidelines in 2005.

The ETI conducts various pilot projects to learn about implementing the Base Code in various circumstances. Pilot projects conducted to date in the agriculture sector are a horticulture project in Zimbabwe and a project in the wine industry in South Africa. A pilot project on bananas in Costa Rica was stopped at mid-term due to the inability of the three parties of the Costa Rican tripartite steering committee to agree.

The horticulture pilot project in Zimbabwe resulted in the formation of the Agricultural Ethics Assurance Association of Zimbabwe, a tripartite association of local business, trade unions and development agencies. They developed their own code of practice, which is expected to gain recognition of equivalence by the Dutch MSP flower code.

Penetration and market

Companies involved in the ETI execute internal business evaluation programmes to assess compliance with the ETI Base Code and subsequently try to address any non-conformities encountered in the evaluations. There is no certification system and consequently no label or specific market. There is no information available on extent to which ETI members request implementation of the Base Code from their suppliers, or if and how they monitor this.

Large food retailer members of ETI are: Asda, Marks and Spencer, Sainsbury's, Somerfield, Tesco and the Co-operative group (Co-op UK).

Other members from the fruit and vegetable sector are: Chiquita International Brands, Fyffes Group. <http://www.ethicaltrade.org/>

The Base Code and principles of implementation can be downloaded from:
<http://www.ethicaltrade.org/Z/lib/base/index.shtml>

Table 4 - SA8000 certifications in the fruit and vegetable sector, March 2005

Company	Country	Product	Sites
Chiquita Brands	Costa Rica	Bananas	
Standard Fruit Company de Costa Rica S.A.	Costa Rica	Bananas and pineapples	10 sites
Cirio del Monte Hellas S.A.	Greece	Canned fruit	
Compañía Bananera Guatemalteca Ind. S.A. / Operación Compra de fruta Costa Sur.	Guatemala	Fruit purchase	Offices; central office and warehouse at Tiquisate
Chiquita Division Maya Guatemala/Honduras	Guatemala / Honduras	Bananas	Guatemala: 9 sites Honduras: 18 sites
Tata Coffee Limited (Plantation Division)	India	Coffee, tea, pepper, cardamom, vanilla	Coorg, Hassan, Chickmagalur Districts
PT Great Giant Pineapple	Indonesia	Pineapple	
Mehadrin Tnuport Export	Israel	Fresh fruits	
Yevuley Nanir (R.A.C.S)	Israel	Vegetables, fruit, bulbs, flowers	
Cirio del Monte Kenya Ltd.	Kenya	Pineapples, other food	
Dole Philippines, Inc.	Philippines	Pineapples, other products	
Stanfilco, A Division of Dole Philippines, Inc.	Philippines	Bananas	6 sites
Bocas Fruit Company	Panama	Bananas	all operations

Source: SAI website, consulted July 2005

Annex 1 - Matrix of standards (logistical and general labelling standards and single-company standards have not been included)

	Intergovernmental	ISO	National regulations (that affect foreign producers)	Corporate	Civil society/ NGOs
Framework	GATT, TBT, SPS, TRIPS, GATS	Guides 2, 7, 28, 53, 59, 60, 67, 68, 10011, 17000series	EN 45011, EN 45012	AA1000 and GRI (with civil society)	ISEAL code of good practice for setting social and environmental standards
Quality	Codex commodity standards	ISO 9000	USDA grades, USFOAP EU marketing standards	Qualipomfel	n.e.
Phytoosanitary	IPPC (ISPM 7 on export certification system and ISPM 15 on wood packaging)	n.e.	US Title 7 CFR 319.56 (import permits) and CFR 319.40 (wood packaging) EU Directive 2000/29/EC (phytosanitary certificates) and 2004/102/EC (wood packaging)	n.e.	n.e.
Food safety	Codex texts, incl.: food hygiene (incl. HACCP), pesticide MRLs, MRLs for additives, contaminants, irradiation, food safety assessment of GMOs	ISO 22000	US Food Code, FDA guide for ffl&v 1998, MRLs (tolerances), irradiation, EU Food Law, directive on food hygiene, MRLs, irradiation	GFSI, BRC, IFS, Dutch HACCP, SOF, Certiclean, EFSA, AIB gold standard certification against FDA guidelines, MDI	n.e.s
Sustainable agriculture, GAP	Agenda 21, SARD, GAP	n.e.	Not relevant*	EuropeGAP, SAI-Platform, Filière Qualité Carrefour, COLEACP Framework	Rainforest Alliance
Purely environmental (excl. organic)	Pesticide Code, PIC, Stockholm convention Montreal protocol,	ISO 14001	Not relevant*	Not relevant**	Not relevant****
Organic	Codex, ITF	n.e.	US NOP EU regulation 2092/91	Certification body's own standards	IFOAM
Social	Human rights treaties, ILO, Global compact, OECD guidelines for multinationals	Future ISO CSR standard	Belgian social label	OHSAS 18001	ICFTU/ITS Basic Code of Labour Practice, Fair trade, SA 8000, ETI

n.e. = not existing

* National domestic regulations on sustainable agriculture and the environment do not apply to foreign producers and exporters and therefore are not dealt with in this report.

There are no corporate environmental codes that affect fruit and vegetable exports from developing countries to the United States and the European Union. Corporate environmental codes such as waste management are implemented in the country of operation and do not affect suppliers and are furthermore often "single company" standards. *There are no purely environmental NGO codes that are relevant for the fruit and vegetable sector, other than organic standards. The Rainforest Alliance standards initially were a purely environmental standard but the Alliance has incorporated many social standards and therefore is classified under "sustainable agriculture".

