

Private Voluntary Water Footprint Labelling and the TBT Agreement

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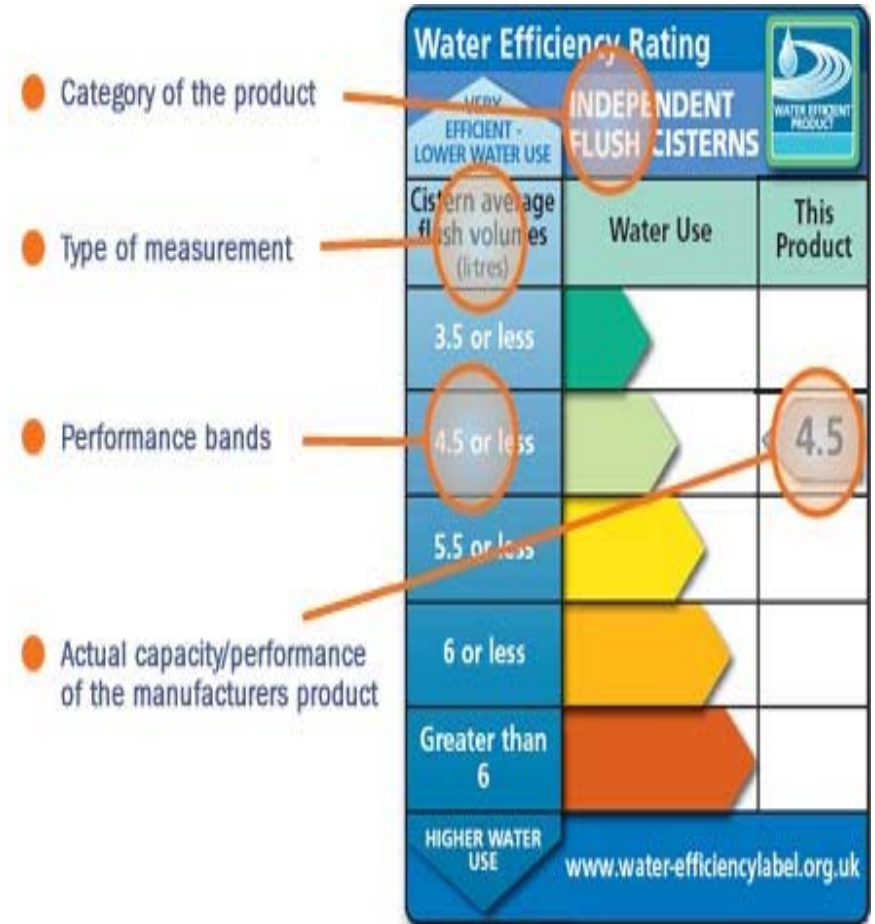
Saving fresh water by “virtual water trade”

- Virtual water trade (Allan, 1997)
- Water footprint (Hoekstra, 2002)
- Global water saving (Oki & Kanae, 2004)
- Irrigation (and related) subsidies
- Water Process and Production Methods
- Private voluntary water footprint labelling

- Water footprint of a product
- Water footprint of a business
- Blue water footprint
- Green water footprint
- Grey water footprint



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Agreement on Technical Barriers to Trade (TBT) → *lex specialis*

- 2 types of labelling schemes → technical regulations and standards
- 3 types of issuing bodies → central government bodies, local government bodies and non-governmental bodies
- 3 types of mandatory labelling issued by a central government body (art. 2.1, 2.2 and 2.4 TBT) or a local government body (art. 3 TBT)

Is the private labelling sector regulated under TBT?

- Definition of a “non-governmental body”?
 - *Not clear. However:*
 - *Non-governmental standardizing organizations such as ISEAL and IFOAM could fall under the definition*
 - *Can even apply to private businesses*
- Standards issued by “non-governmental bodies” are covered by article 4 TBT and Annex 3 TBT (Code of Good Practice)
 - *A “non-governmental body” is free to accept the Code of Good Practice*
 - *Irrespective of acceptance, A WTO member state can be held responsible for the non-compliance of a “non-governmental body” with the provisions of the Code*

Open questions

- Private voluntary labelling is based on consumers choice
 - Any advantage on the market place will be a consequence of consumers choice
 - Should WTO interfere with consumers choice?
- A “non-governmental body” can be a global organization
 - Which member state will be held responsible?
- Conflict WTO law – environmental issues?
 - Principle of mutual supportiveness
- Conflict WTO law – freedom of information?

Recommendations

- WTO should not interfere with private voluntary labelling schemes
 - Unless these could be considered as “de facto mandatory”
- Carve out private voluntary labelling schemes issued by global NGO’s and the private sector from the ambit of the TBT agreement
 - Definition of “non-governmental body” (case law)

Thank you for your attention!