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Transnational Supermarket Standards in Global Supply Chains

The Emergence and Evolution of GlobalGAP

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Introduction

In our global world, large volumes of food products cross state borders every day. The food we eat and the ingredients it is made of originate from different places in the world: beef may come from Argentina, haricots verts from Kenya or Senegal, wheat from France, palm oil from Malaysia and mango and pineapple from Thailand. This article is about the transnational regulation of food safety, that is, the regulation of food safety beyond nation state borders.

Sound regulations for controlling the safe production, processing, transport and consumption of these food products are important. Nobody wants to become ill from the consumption of food products, as recently happened to almost 3,000 consumers in Germany and 15 other countries¹ due to the consumption of, it is believed, bean sprouts infected with the Enterohemorrhagic *E. coli* bacterium, better known as EHEC.²

Food safety regulations cannot prevent all incidents, as the EHEC outbreak demonstrates, but the assumption is that without such regulations many more incidents would happen, for example, because farmers from different countries have different understandings of what food safety is or how it should be achieved.

Food safety is regulated by both public and private actors through many different transnational regulations, such as the Codex Alimentarius and the General Food

1 On 20 June 2011, Germany's national disease control centre, the Robert Koch Institute, reported 2,773 infected people, of whom twelve had died. Another 814 people had been infected with the life-threatening disease HUS (haemolytic uraemic syndrome) which is a severe complication of the EHEC infection. HUS had resulted in 27 fatalities to date. Five days earlier, the World Health Organization reported 109 EHEC and HUS cases in fifteen other countries. (http://www.rki.de/cln_109/nn_217400/DE/Home/Info-HUS.html, 21-6-2011, <http://www.euro.who.int/en/what-we-do/health-topics/emergencies/international-health-regulations/news/news/2011/06/ehec-outbreak-update-18>, 20-6-2011).

2 According to the World Health Organization (WHO) 'Enterohaemorrhagic *E. coli* (EHEC) is a harmful strain of the *E. coli* bacterium that can cause severe foodborne disease. It is transmitted to humans primarily through consumption of contaminated foods, such as raw or undercooked ground meat products and raw milk. The infection may lead to a life-threatening disease, such as haemolytic uraemic syndrome (HUS). ... The prevention of infection requires control measures at all stages of the food chain, from agricultural production on the farm to processing, manufacturing and preparation of foods in both commercial establishments and the domestic environment. ... The only effective method of eliminating EHEC from foods is to introduce a bactericidal treatment, such as heating (e.g., cooking or pasteurisation) or irradiation.' For more information about EHEC see: <http://www.who.int/mediacentre/factsheets/fs125/en/>.

Law (EG 178/2002).³ Recently, several different transnational supermarket standards have emerged. These are standards developed by supermarkets to guarantee food safety and quality on farms around the world. The label *transnational* indicates that they apply to suppliers beyond, across and within national boundaries.⁴

Examples of such supermarket standards include Tesco Nature's Choice, which was introduced in 1991 by the British retailer Tesco; BRC Global Standard for Food Safety, which was introduced in 1998 by British retailers united in the British Retail Consortium; and GlobalGAP (Global Partnership for Good Agricultural Practices), which was introduced in 2001 by a group of supermarkets in West European countries. These standards still exist, albeit they have been reviewed and modified several times in the course of time. More than 100,000 food companies throughout the world have implemented one or more of these standards.

The emergence of transnational supermarket standards gives rise to interesting theoretical and empirical questions about the development, legitimacy and effectiveness of these standards. Why have transnational supermarket standards emerged to certify food safety performance of farms? How is food safety protected in transnational supermarket standards? What does it mean for local farmers when they have to comply with transnational standards? This article focuses on the first question. It explores the emergence and evolution of transnational supermarket standards by analyzing the development of GlobalGAP, one of the most commonly implemented supermarket standards on farms throughout the world.⁵ In the literature, the emergence of transnational regulation is often attributed to one or two factors that played a role at a particular moment in time.

3 The Codex Alimentarius (1963) is a collection of transnational standards, codes of practice, guidelines and other recommendations for food products. The main purposes of the Codex Alimentarius are protecting the health of consumers and ensuring fair practices in the food trade. (www.codexalimentarius.nl). See ftp://ftp.fao.org/codex/Publications/understanding/Understanding_EN.pdf

The General Food Law includes general principles and requirements regulating food in general and food safety in particular. It lays down the responsibilities of food companies in food chains to guarantee food safety, including the obligation to establish systems and procedures for traceability purposes.

See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:031:0001:0024:EN:PDF>.

4 Transnational regulatory regimes resemble international or global regimes. According to Meindinger (2009), the core difference is that the label *transnational* suggests that states are only one type of actor among others. Regulatory functions are increasingly distributed among a wide array of actors, including government bodies, businesses, trade associations, professional organisations and non-governmental organisations. Djelic and Sahlin-Andersson (2009) see another main difference between the labels *transnational* and *global*. They say that *transnational* implies vagueness and blurred boundaries to a degree the label *global* could not. That label suggests activities taking place all over the world. This generalising term is therefore less suitable for indicating regimes that regulate activities cross national boundaries, but which do not extend across the entire world.

5 In October 2010, more than 102,000 farmers and growers in more than one hundred countries had their farms certified under GlobalGAP: http://www.globalgap.org/cms/upload/Resources/Publications/Flyer/100920_D-FactsFigures-low.pdf, 12-11-2010.

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The main argument made in this article is that the emergence of transnational supermarket standards is best understood when it is studied as a process. The argument is constructed as follows. First, in Section 2, the most relevant characteristics of transnational supermarket standards are explained by comparing them with other private food standards. The results are then presented of a literature study on factors that contribute to the emergence of transnational (private) regulation. The eight factors found in the literature are discussed in Sections 3 and 4. The following two sections describe the development of GlobalGAP: Section 5 focuses on the reasons why GlobalGAP has emerged while Section 6 explains how GlobalGAP has evolved in the course of time. The article concludes in Section 7 by explaining why the emergence of transnational supermarket standards is best understood when it is studied as a process.

Transnational Standards

There are many definitions of what a standard is. In general terms, a standard is a set of rules to guide and judge behaviour in a uniform way.⁶ They transmit information to customers and end-users about a product's technical specifications, its compliance with safety criteria or the processes by which it has been produced and sourced.⁷

Transnational standards developed by supermarkets have been studied extensively by Henson and Humphrey. In an article prepared for the International Workshop on Globalisation, Global Governance and Private Standards, held in Leuven (Belgium) in 2008, they argue the importance of acknowledging the differences between standards.⁸ According to these authors, transnational standards created by supermarkets are often 'thrown into the same (often negative) basket' with public regulation and other private standards without appreciating their distinctions. The negative image of private standards would have been influenced by a lack of clarity about the impact of these standards.

Henson and Humphrey distinguish four categories of standards, as shown in Table 1:

Table 1 *Categories of standards*

	Government	Non-governmental actor
Mandatory	Regulations	Legally-mandated non-governmental standards
Voluntary	Governmental voluntary standards	Voluntary non-governmental standards

Source: Henson & Humphrey 2008

Transnational supermarket standards are represented in the far-right column below: they are designed by private actors, in this particular case by supermar-

6 Abbott & Snidal 2001, p.345.

7 Nadvi 2008, p.325.

8 Main parts of this paper have been published in an article in: *Journal of Development Studies* 2010 46 (9), p.1628-1646.

kets, and they are voluntary in the sense that there is no legal compulsion on compliance. These standards can become mandatory in a commercial sense when compliance is a requirement to gain access to certain markets.

The position of a particular standard may change over time. It is not uncommon for standards to migrate between cells. Henson and Humphrey state:

For example, the Safe Quality Food series of standards was originally developed by the government of Western Australia, which can be categorised as a governmental voluntary standard, but they were subsequently acquired by the Food marketing Institute (an industry organisation representing the US food retail and wholesale sectors), implying reclassification as a non-governmental voluntary standard.⁹

Standards may also change in character. As the analysis below indicates, GlobalGAP has developed from a voluntary standard into a commercial, mandatory standard, at least from the standpoint of suppliers. Farmers have to have their farms GlobalGAP certified because supermarkets and other food companies in the supply chain want to see a certificate before doing business.

The distinction between public and private standards is less clear than Table 1 suggests. The difference between these standards is blurred by the various regulatory roles associated with standards: standard-setting, monitoring compliance and enforcement.¹⁰ Public and private actors can perform each of these roles, alone and together. Many forms of transnational regulation are characterised by a mix of public and private organisations involved in these regulatory roles. This means that a middle category of standards can be distinguished: standards where the regulatory roles are performed by a mix of public and private actors. The standard analysed in this article is a truly private standard as it is set by supermarkets and monitored and enforced by external certification companies.

Transnational Supermarket Standards

Transnational supermarket standards have in common that they are designed by supermarkets in order to be adopted and implemented by their suppliers throughout the world. They vary, however, in the form they take, who implements them, and the issues they address.¹¹ Popular transnational supermarket standards are Tesco Nature's Choice, GlobalGAP (both apply to primary production processes), BRC Global Standard for Food Safety, and IFS Food (these two apply to the processing of food) (Table 2).

Transnational supermarket standards can take two forms: individual company standards and collective standards. Individual company standards are set by individual supermarkets, mainly large ones. Examples of such standards are Tesco Nature's Choice and the Albert Heijn Protocol, which was introduced in 2009.

9 Henson & Humphrey 2008, p.3.

10 Henson & Humphrey 2008.

11 Henson & Humphrey 2008.

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Table 2 *Characteristics of four popular transnational supermarket standards*

	Tesco Nature's Choice	GlobalGAP	BRC Global Standard for Food Safety	IFS Food
Standard owner	Tesco	FoodPLUS	British Retail Consortium	IFS (International Featured Standards)
Year of introduction	1991	2001	1998	2002
Form	Individual company standard	Collective standard	Collective standard	Collective standard
Scope	Primary production: fruits and vegetables	Primary production: crops, livestock, aquaculture	Processing, handling, packaging of food products	Processing, handling, packaging of food products
Issues	- Food safety - Workers health, safety and welfare - Environmental protection ¹	- Food safety - Workers health, safety and welfare - Environmental protection - Animal welfare	- Food safety - Workers health, safety and welfare - Environmental protection ²	- Food safety - Workers health, safety and welfare ³
Number of certified suppliers / countries	15,000 / 70 (2009) ⁴	102,300 / 108 (Oct 2010) ⁵	13,067 / 104 (Nov 2010) ⁶	12,000 / 90 (Feb 2010) ⁷

Sources: see footnotes

1 <http://www.tescofarming.com/tnc.asp>, 17-11-2010.

2 BRC, Overview and Contents of BRC Global Standard for Food Safety Issue 5.

3 http://www.ifs-certification.com/index.php?page=home&content=public_content&desc=ifs_standards_food_5&language=english, 18-11-2010.4 http://www.investis.com/plc/storage/tesco_cr_09.pdf, 18-11-2010.5 http://www.globalgap.org/cms/upload/Resources/Publications/Flyer/100920_D-FactsFigures-low.pdf, 17-11-2010.6 <http://www.brcdirectory.com/>, 17-11-2010.7 http://www.ifs-certification.com/download_public.php?ifs_testi_engl_okt2010_WEB.pdf, 18-11-2010.

Transnational supermarket standards can also be developed by coalitions of supermarkets, which may consist of supermarkets from the same country, such as the British Retail Consortium, or supermarkets from different countries, such as GlobalGAP.

Transnational supermarket standards are designed to be implemented by supermarket suppliers in different countries. These suppliers are the companies that sell food products directly to supermarkets and those companies upstream in the supply chain that produce, process and distribute food products. Many transnational supermarket standards focus either on the production or the processing stage in the supply chain. GlobalGAP and Tesco Nature's Choice, for example,

apply to primary producers¹² – farmers, growers, fishermen – while BRC Global Standard for Food Safety and the IFS Food standard apply to companies that process, handle or pack food products.¹³

Transnational supermarket standards also vary in the issues they address. The first transnational supermarket standards addressed food safety issues. Many of them now also encompass requirements on environmental protection and labour conditions; some include requirements to do with animal welfare.

Factors Contributing to the Emergence of Transnational (Private) Regulation

Transnational regulation can be defined as the regional or global diffusion of norms and standards.¹⁴ It suggests regulatory regimes that reach or operate beyond nation-state borders, trying to regulate border-crossing activities or relations.

In the literature on transnational regulation, several explanations can be identified for why this specific form of regulation has emerged.¹⁵ Two observations can be made on the literature. First, the factors contributing to the emergence of transnational regulation are rather widely dispersed in the literature. Many authors mention one or two factors. The different factors have not been studied in relation to each other. In this article, eight different explanations identified in that literature are brought together to try to analyse the emergence of transnational regulation in a more integrated approach. Secondly, in explaining the emergence of transnational regulation, many authors tend to focus on one moment in time, while a more historical approach may give a more complete explanation for why transnational regulations emerge.¹⁶ This article therefore tries to analyse the emergence of GlobalGAP as a process. The eight different explanations found in the literature are presented below.

A frequently identified explanation refers to *weaknesses of nation-states* as regulators of cross-border issues.¹⁷ Individual states have difficulties regulating issues that reach beyond nation state borders, such as environmental pollution or markets that operate across state borders, because these issues fall under the jurisdiction of more than one country. Also, when nation-states try to regulate

12 http://www.globalgap.org/cms/front_content.php?idcat=2, 17-11-2010, <http://www.tescofarming.com/tnc.asp>, 17-11-2010.

13 <http://www.brcglobalstandards.com/standards/food/what-does-it-cover/>, 17-11-2010, http://www.ifs-certification.com/index.php?SID=1f0ddcf58009b5d1d7d782d6e156007c&page=home&content=public_content&desc=ifs_standards, 17-11-2010.

14 This definition has been inspired by the definition Veerle Heyvaert (2010) gives to, what she calls, 'rules globalization', that is 'the regional or global diffusion of normative frameworks'.

15 Abbott & Snidal 2009; Bartley 2003; Bartley 2007; Braithwaite & Drahos 2000; Cafaggi 2011; Caswell & Bach 2007; Diller 1999; Djelic & Sahlin-Andersson 2006; Fransen 2011; Glasbergen 2008; Heyvaert 2010; Meidinger 2009; Spar 1998; Vorley et al. 2007.

16 Van der Kloet & Havinga 2008.

17 Abbott & Snidal 2009; Cafaggi 2011; Djelic & Sahlin-Andersson 2006; Meidinger 2009.

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transnational issues together, it has proved difficult to achieve regulations; even where they exist, they are rarely uniformly implemented.¹⁸

Many of the transnational issues that demand transnational regulation are somehow related to public scares or other perceived *risks*.¹⁹ Scandals such as the EHEC outbreak, the nuclear disaster in Japan in 2011 and the oil debacle in the Gulf of Mexico in 2010 generate commotion and distrust and a demand for more (transnational) regulation and closer monitoring.²⁰ This was also the case after a number of food safety incidents²¹ in the 1990s. These incidents contributed to a decline in consumer confidence in the safety and quality of food²² and in the capacity of regulators to guarantee food safety.²³ Governments responded to the alleged decline in consumer confidence with stricter regulations.

The *emergence of transnational regulation* may in itself encourage the emergence of more transnational regulations, especially when the monitoring and auditing activities are associated with a decline in trust.²⁴ As audits reveal failures in compliance they may, rather than building trust, generate distrust, leading to demands for more regulation.

Transnational regulation may also emerge out of the *need to harmonise* existing regulations. This need may be a response to fragmented national regulation (too many separate regulations, regulating different aspects of a single issue) or may arise from an increase in the number of private regulations regulating the same issue.²⁵ Harmonisation may also be encouraged to reduce costs.

Regulating *distributional effects* of existing transnational regulations can be another reason for developing transnational regulations. Distributional effects, like the costs of regulation and its impact, cannot be regulated by public and private actors from one country.²⁶ Costs of rule-making, monitoring and enforcement transfer from nation-states to private actors and between Western developed states and developing states. Another effect related to the development of transnational regulation is a reallocation of regulatory powers, which is likely to favour developed states over developing states and large-scale companies over small ones.²⁷ New transnational regulations may emerge to protect the interests of small-scale firms in developing countries.

Ambition and *strategic interests* are also reasons why regulators develop transnational standards. At least this is why Veerle Heyvaert thinks the European Union has developed REACH (EC 1907/2006), 'a world standard for chemicals manage-

18 Cafaggi (2011) suggests that 'failure to reach political consensus over treaty-based solutions has triggered' the development of transnational private forestry certification systems.

19 Meidinger 2009.

20 Djelic & Sahlin-Andersson 2006.

21 Such as mad cow disease, hormones in beef, salmonella in eggs, dioxin in animal feed and pesticide residues in fruit and vegetables.

22 FAO 2006.

23 Jaffee & Masakure 2005.

24 Djelic & Sahlin-Andersson 2006.

25 Cafaggi 2011.

26 Cafaggi 2011.

27 Cafaggi 2011.

ment'.²⁸ The European Union believed it was able to develop a global standard and was powerfully motivated to do so because of two main interests: to protect the EU's chemicals industry by imposing the same requirements on competitive non-European chemical industries, and secondly, to increase its global influence.²⁹

Two Other Explanations

Whereas some of the explanations mentioned above tend to locate the emergence of transnational regulation in the *individual* interests of public and private actors, other explanations relate the emergence of transnational regulation to *collective* interests. The literature on the emergence of transnational private regulation identifies two such explanations.³⁰

These explanations suggest that companies develop standards either to solve collective action problems in their markets or because the standards are the outcome of strategic negotiations among companies, states, NGOs and social movements about the regulation of transnational problems in markets and societies.³¹ Tim Bartley, who studied the emergence of transnational private regulations in the area of forest products and clothing, calls these two ways of explaining the emergence of transnational private standards the 'market-based approach' and the 'political-institutional approach' (Table 3).

The *market-based approach* emphasises the role of market actors in constructing standards. This explanation suggest that incentives, risks and uncertainties in the market – such as consumer concerns about product safety and working conditions – create *collective* dilemmas related to reputation, information and competition. Due to sharper media scrutiny and increased communication facilitated by the Internet, much more is known about where our food products come from and the conditions under which they are produced.

In competitive markets it is unlikely, says Bartley, that one single company will tie itself down with stricter rules or costs for better inspections as this company fears it would be more expensive than competitors, with a consequent loss of market share. This is even more the case when the reputations of individual companies are interdependent. In such situations, some companies will attempt to ride for free on the efforts of others to improve the industry's reputation. This 'free rider' problem can be solved through collective action. If all supermarkets – or at least a good majority of the larger ones – follow the same standards, none

28 Regulation on the Registration, Evaluation, Authorisation and Restriction of Chemicals. See: http://ec.europa.eu/enterprise/sectors/chemicals/reach/index_en.htm.

29 Heyvaert 2010.

30 Bartley 2007; Caswell & Bach 2007; Diller 1999; Braithwaite & Drahos 2000; Fransen 2011; Glasbergen 2008; Meidinger 2009; Spar 1998; Vorley et al. 2007.

31 The first type of reasoning is discussed in Bartley 2007; Caswell & Bach 2007; Glasbergen 2008; Spar 1998; Vorley et al. 2007. The second one in Bartley 2003; Bartley 2007; Braithwaite & Drahos 2000; Henson & Caswell 1999; Henson & Humphrey 2008, 2010; Kerwer 2005.

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Table 3 *Two additional explanations for the emergence of transnational private regulation*

	Market-based approach	Political-institutional approach
Key actors	Firms	Governments, NGOs, social movement organisations, companies
Driving factors	Collective action problems rooted in dilemmas of reputation, information and competition	Political conflicts about regulating global capitalism
Contextual factors	Pressures and spotlights on companies and market conditions	Neoliberal projects and institutionalised rules about free trade
Mechanism of institutional emergence	Cooperation for collective benefits	Conflicts and bargaining
Metaphor for new institutions	Solutions	Settlements
Theoretical background	Institutional economics and rational choice theory	Historical institutionalism, some variants of organisational neo-institutionalism, rational choice theory

Source: Bartley 2007

is individually punished.³² Even better, following the same standards enables those companies to share costs and collect credible information about how products are made. It also enables them to distinguish themselves from the 'bad guys' and to source their products from a larger pool of 'responsible' farmers.

The *political-institutional approach* goes beyond the argument that standards are developed by companies in response to external pressures. This explanation treats standards as the outcome or resolution of conflicts among different groups with unequal power and different demands and interests. The key players – companies, states, NGOs and social movements – disagree on how transnational problems in markets and societies should be regulated. They bargain and negotiate about the best manner of regulation. These negotiations are shaped by the power, facilities and strategies available to the different actors. The outcome may not be an optimum solution for any group of actors because companies prefer weaker commitments with minimum enforcement, while NGOs and social movements prefer stronger, binding standards.³³

Both types of explanation are suitable to explain the emergence of transnational supermarket standards. They both suggest the involvement of private actors in rulemaking and recognise the capacity and willingness of those actors to solve problems in markets and society. Following the first type of explanation, transnational supermarket standards may have emerged from coalitions of supermarkets because they had collective problems which they wanted to resolve. According to the second type of explanation, the emergence of transnational supermarket standards can be considered the outcome of negotiations among governments,

32 Spar 1998.

33 Bartley 2007.

supermarkets, farmers, consumer organisations and other affected groups about the best way of regulating food safety in transnational supply chains.

The following section examines the emergence of GlobalGAP. GlobalGAP is a relevant case for studying the emergence of transnational supermarket standards because it can be considered as one of the most popular standards, which is used by many farmers throughout the world to guarantee food safety.

The Emergence of GlobalGAP

The development of the GlobalGAP standard (which was called EurepGAP until 2007) started in 1996. In that year, twelve European supermarkets and retailers – Tesco, Safeways, Sainsbury's, GB Supermarkets, Continent, Delhaize, ICA Handlarna, KF, Albert Heijn, MARTINAVARRO, APO and Promodores³⁴ – founded the Euro-Retailer Produce Working Group (Eurep). Their aim was to take first steps towards the harmonisation of their own standards and develop one European standard for Good Agricultural Practices.³⁵

According to Van der Grijp et al., the basic idea of establishing Eurep came from British supermarkets which had three main reasons for developing EurepGAP.³⁶ First, British supermarkets took the lead in the Eurep initiative because they wanted to impose the same standards on overseas suppliers as they already did on national suppliers.

Secondly, the supermarkets were responding mainly to two, newly developed food regulations which imposed new obligations on British supermarkets. The UK Food Safety Act of 1990 included new obligations on British supermarkets and other food companies to take responsibility in guaranteeing food safety in supply chains. The EU's programme of harmonisation of maximum levels for pesticide residues in foodstuffs sold in the EU restricted the range of pesticides that were acceptable and lowered residue levels for other pesticides.³⁷ By working together on developing (costly) measures to fulfil their new obligations, no single supermarket was placed at a market disadvantage.

Thirdly, British supermarkets were under particular pressure to take collective action because of the government's policy to publish the results of the government's residue monitoring programme annually, including the names of the supermarkets that sell products that exceed the permitted MRLs.³⁸ As the larger British supermarkets worked together, none of them was individually penalised for taking efforts to improve the industry's reputation.

Stricter regulations on product liability were also one of the motives for the other supermarkets that set up Eurep, but it was not one of their main ones. This is probably due to the differences between the liability laws in the European Union

34 Healy & Gunningham 2003.

35 <http://www.ehi.org/en/about-us/history.html>, 22-11-2010.

36 Van der Grijp et al. 2005.

37 Chan & King 2000; Humphrey 2008; Van der Grijp et al. 2005.

38 Chan & King 2000.

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and in the United Kingdom at that time. In 1996, supermarkets in continental Europe were affected by the European Directive for product liability, Directive 85/374/EEC. This Directive is based on the principle that producers,³⁹ including supermarkets, are liable for damage caused by a defect in their product, regardless of whether or not the damage is their fault.

An important difference from the UK Food Safety Act, however, concerns the party who has to prove that the damage was caused by the defective product.⁴⁰ The Directive states that in such a case 'the injured person shall be required to prove the damage, the defect and the causal relationship between defect and damage'. The Food Safety Act, on the other hand, states that 'the burden of proof lies with the person or company accused; they need to persuade the court that they exercised due diligence on the balance of probabilities.' Due to this difference, the fear of being held liable for damages and injuries was probably a more important reason for British supermarkets to develop a single, common standard than it was for supermarkets on the continent. Some supermarkets on the continent considered the liability issue a normal part of any business activity and not an excessive constraint on the food sector.⁴¹

Supermarkets in continental Europe claim to have had two main reasons for developing EurepGAP: building (or rebuilding) their reputations, which was also important for British supermarkets, and reducing risks and costs.⁴² Until recently, food safety was not an important issue for many supermarkets in Europe. This changed in the 1990s when several food safety incidents occurred. Food scandals created a feeling of fear among many consumers, leading them to question the safety and quality of food.⁴³ Supermarkets considered food safety incidents, and the media coverage following those incidents, as risks that could damage their reputation and their future sales and earnings.⁴⁴

Before 1996, European supermarkets responded to emerging incidents by creating firm-specific protocols to ensure the safety of food. The twelve supermarkets and retailers that set up Eurep realised they had a common interest in guaranteeing the safety and quality of food products: if consumers lose confidence in meat (BSE, hormones) or eggs (salmonella), this affects all supermarkets. This shared interest motivated them to start working together on a common standard for food safety. The advantage of a common standard applied by all supermarkets was maximum pressure on suppliers to comply with the standard, leaving super-

39 According to Article 3 of the Directive, a producer is: '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 name, trade mark or other distinguishing feature on the product presents himself as its producer. Without prejudice to the liability of the producer, any person who imports into the Community a product for sale, hire, leasing or any form of distribution in the course of his business shall be deemed to be a producer within the meaning of this Directive and shall be responsible as a producer.'

40 In both regulations, a product is defective when it does not provide the safety that a person may expect.

41 Fulponi 2006.

42 Fulponi 2006, Havinga 2006.

43 FAO 2006.

44 Fulponi 2006.

markets the choice to source from as many certified suppliers as possible.⁴⁵ Moreover, supermarkets were provided with information about how their products were produced. They needed this information to reassure their consumers that their food was safe.

A second reason for supermarkets to develop EurepGAP was cost reduction. Before EurepGAP, each supermarket had to formulate its own standard for the quality and safety of food. Formulating a standard generates two types of costs: costs of writing or rewriting the standard, which requires knowledge, experience and time; and costs of monitoring compliance and enforcement, which requires company visits and capable inspectors. By developing a standard together, supermarkets could share the costs and each supermarket no longer had to formulate its own standard. Supermarkets also wanted to reduce their inspection costs, so they decided that these costs in the EurepGAP standard should be borne by the farmers. As EurepGAP had to improve food safety, supermarkets expected fewer recalls and consequently lower costs. The wish of these supermarkets to reduce costs may also have been influenced by the emergence of discount supermarkets in the 1990s. Supermarkets in the Netherlands, for example, had to reduce costs in order to be able to compete with cheap supermarkets like Aldi and Lidl.

By building (and rebuilding) their reputations and reducing risks and costs, supermarkets ultimately aimed to gain more control over the way farmers in their supply chains produced their food products. They were frustrated that they suffered for failures that, in their eyes, had been caused by other companies in the supply chain. This can be concluded from the following statement by the chairman of the Dutch supermarket association CBL⁴⁶ in a Dutch news article in 2001:

Being the final link in the supply chain, which has direct contact with consumers, and the first to be addressed in case of unsafe food, supermarkets are sick of suffering for food safety failures caused by others in the supply chain.⁴⁷

These words go to show the frustration of Dutch supermarkets and their willingness to take action to change this situation. Apparently supermarkets had good hopes that defining and imposing a food safety standard together would enable them to prevent or reduce the negative effects of food safety failures.

Evolution of GlobalGAP in Course of Time

The twelve supermarkets and retailers first got to work on harmonising the requirements for their suppliers of fresh fruit and vegetables. According to Healy and Gunningham:

45 Havinga 2003, 2006.

46 Centraal Bureau Levensmiddelenhandel.

47 Het Financieele Dagblad 15 maart 2001.

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In November 1997, members agreed on the first draft protocol for Good Agricultural Practice (GAP), which represented the first step towards integrated production, and a harmonisation of production standards. In August 1999, the first official version of the EurepGAP Protocol was subject to consultation with growers, produce marketing organisations, verification bodies, agrochemical companies, farmers' organisations and scientific institutions.⁴⁸

After trials in 2000, the EurepGAP standard was officially introduced in 2001. The standard set out a framework for Good Agricultural Practice on farms and defined the minimal requirements acceptable to the leading supermarkets in Europe.⁴⁹ It contained 254 requirements covering food safety (e.g., chemical use and traceability), environmental protection (e.g., waste and pollution management) and worker welfare (e.g., personal hygiene and safety). The requirements were divided into 'major musts', for which 100% compliance is compulsory, 'minor musts', for which 95% is compulsory and 'recommendations', which are inspected, but compliance is not a prerequisite for the granting of the EurepGAP certificate.

In the introduction of the standard's document, Eurep recognised the efforts already made to minimise adverse impacts on the environment and encouraged further work to improve growers' capability in this area. Eurep stressed that all organisations in the supply chain should accept their share of the tasks and responsibilities to ensure that EurepGAP is implemented. The tasks and responsibility of growers were to demonstrate their commitment to maintaining consumer confidence in food quality and safety; minimising detrimental impact on the environment; reducing the use of agrochemicals; improving the efficient use of natural resources; and ensuring a responsible attitude to worker health and safety.⁵⁰ Growers who complied with the requirements and were inspected by an independent certification body approved by Eurep were eligible for the EurepGAP certificate. The first certificate was issued in October 2001.

Membership

Since 1996, both Eurep and EurepGAP have changed considerably.⁵¹ The membership of Eurep has changed in two ways.⁵² First, the number of supermarkets and their countries of origin have increased. Supermarkets from sixteen different countries in Europe, North America, Asia and Africa have joined the organisation. The total number of retailers has grown from twelve in 1996 to 46 in November 2010. Most of them still come from North European countries, such as Germany (12), the United Kingdom (7) and the Netherlands (5).

The second important change has been the opening up of membership to retailer suppliers. As members, suppliers are allowed to participate in standard setting

48 Healy & Gunningham 2003.

49 EurepGAP Protocol for fresh Fruit and Vegetables. Version September 2001.

50 EurepGAP Protocol for fresh Fruit and Vegetables. Version September 2001.

51 Humphrey 2008.

52 Humphrey 2008; Van der Kloet & Havinga 2008.

and decision-making. Retailers and suppliers are equally represented in the organisation's sector committees and the board consists of an equal number of supplier and retailer representatives.⁵³ Sector committees are responsible for technical decision-making for the sector in which they operate. They are supported and controlled by a secretariat. Final decisions are made by the board. In recent years, the number of companies with a supplier membership has grown well, from 109 in April 2007 to 150 in May 2009 and 168 in November 2010.⁵⁴ These companies are mainly food processors, importers, exporters, and their associations. Most of them come from European countries. In May 2009, for example, more than two-thirds (109) were companies from European countries. The others came from South America (15), North America (8), Africa (8), Asia (4), the Middle East (3) and New Zealand (3).⁵⁵

A closer look at the board and sector committees teaches us that while retailers and suppliers have equal representation, there are asymmetries in membership.⁵⁶ Suppliers from developing countries are unequally represented. The board only has one member from a developing country, while the three sector committees (Crops, Livestock and Aquaculture) have only seven members who are not from Europe, the United States or New Zealand. All three sector committees are chaired by retailers. Obviously, there are unequal relationships between retailers and suppliers, and between developed countries and developing countries. Small-scale suppliers (farmers) from developing countries are represented in the sector committees by the Africa Observer. This smallholders' ambassador, who has been appointed by GlobalGAP, is invited to participate in meetings but is not given voting rights. Meidinger has observed that transnational regimes, such as GlobalGAP, tend to face northwards and have only haltingly and partially incorporated the voices and interests of developing country suppliers and publics.⁵⁷ This supports the statement by Konefal et al. that suppliers in developing countries have become standard takers while retailers in industrialised countries have become standard setters.⁵⁸

Global Aspirations

Throughout the years, GlobalGAP has become an organisation with global aspirations. On the website it describes itself as 'a private sector body that sets voluntary standards for the certification of agricultural products around the globe. The aim is to establish *one* standard for Good Agricultural Practice with different

53 The standard has a third type of membership, which is open to companies from the input and service side of agriculture, such as companies from the crop protection industry and certification bodies. These so-called associate members give advice, but are not directly involved in the standard setting and decision-making process. In May 2009, there were 104 associate members (Europe: 69, South America: 9, Asia: 7, North America: 7, Africa: 5, Central America: 3, Oceania: 3, Middle East: 1).

54 Humphrey 2008 and GlobalGAP website: <http://www2.globalgap.org/members.html?memtype=associate>, May 2009 and November 2010.

55 <http://www2.globalgap.org>, 11-05-2009.

56 Fuchs et al. 2011; Konefal et al. 2004; Van der Kloet & Havinga 2008.

57 Meidinger 2009.

58 Konefal et al. 2004.

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product applications capable of fitting to the whole of global agriculture'.⁵⁹ The geographical diffusion of the members is only one part of this process. GlobalGAP exports its standard by having the standard benchmarked against SQF 1000 (Safe Quality Food), another international food safety standard, and by establishing partnerships with other industry organisations such as the Global Food Safety Initiative and with private organisations such as the World Wildlife Fund (WWF).⁶⁰ At the same time, GlobalGAP has adopted a policy that encourages the benchmarking of national and regional farm standards against the GlobalGAP standard. This offers the possibility to adapt GlobalGAP to national circumstances. Standards that have completed the benchmarking process are acknowledged as GlobalGAP equivalent. By November 2010, fifteen national standards had been fully benchmarked against GlobalGAP, including New Zealand GAP, ChileGAP and MexicoGAP.⁶¹

Guidance in Implementation

Another part of GlobalGAP's global aspirations is to guide suppliers in their implementation of the standard. GlobalGAP offers national members the option to establish national technical working groups, whose role it is to develop national interpretation guidelines and address specific local adaptation and implementation challenges.⁶² These guidelines tell suppliers how the requirements should be interpreted and implemented in their specific context. In November 2010, 35 national working groups had been established in twelve European countries and twenty countries outside Europe.

Further indications of EurepGAP's global aspirations include the 108 countries with certified farmers and the meetings and presentations held with the EU Commission, WTO and several national governments and development agencies about how private voluntary standards relate to national and international law. In response to these changes in membership and objectives, EurepGAP re-branded the name of the organisation and standard as GlobalGAP. This change was announced at the 8th global conference in Bangkok in September 2007 and came into force as of 1 January 2008.

More Agricultural Products Covered

The GlobalGAP standard has also changed in course of time. The range of products covered by the standard has expanded. While GlobalGAP initially only applied to fruit and vegetables, it now also covers meat products and fish from aquaculture, as well as plant propagation material and animal feed. The GlobalGAP standard currently consists of four standards: GlobalGAP Integrated Farm Assurance Standard (fruit and vegetables), GlobalGAP Compound Feed Manufac-

59 http://www.globalgap.org/cms/front_content.php?idcat=2, 29-11-2010.

60 http://www.globalgap.org/cms/front_content.php?idcat=44&idart=756, 29-11-2010 and GlobalGAP Annual Report 2010.

61 http://www2.globalgap.org/full_app_stand.html, 29-11-2010.

62 <http://www.globalgap.org/cms/upload/Resources/Publications/FAQs/080229-FAQ-NTWG.pdf>, 29-11-2010.

turers Standard (animal feed), GlobalGAP Plant Propagation Material Standard and GlobalGAP Risk Assessment on Social Practice (worker welfare).

New Versions

These standards are constantly improved and revised to ensure continued relevance and effectiveness.⁶³ Since its introduction in 2001, three new versions of GlobalGAP have been developed. The second version was introduced in 2004, the third in 2007. Version four was introduced in March 2011.

The changes in the standard are also reflected in the number and status of the requirements in each version. Version 1, for example, counted a total of 254 requirements, while version 2 counted 'only' 210 requirements. This second standard, however, included more major musts and some issues had gained in importance, including pesticide residues, hygiene during harvesting and produce handling.⁶⁴

Impact

The development and evolution of GlobalGAP has placed food safety (higher) on the agenda of more than 100,000 farmers in many countries. This has undoubtedly resulted in some improvements in the safety of production processes on farms.

At the same time, the emergence and evolution of GlobalGAP may also have reproduced and magnified power inequalities in global supply chains, especially between supermarkets and their suppliers. First, GlobalGAP includes requirements that apply to farmers and growers, not to supermarkets. This makes supermarkets standard setters and farmers standard takers.

Secondly, many supermarkets in Europe as well as exporters, importers and national food traders demand a GlobalGAP certificate from their suppliers. This has turned GlobalGAP from a voluntary standard to a commercially mandatory standard, leaving farmers with hardly any other option than to apply for certification. It is suggested that this hinders or denies access to export markets for small-scale farmers in developing countries. Such farmers are often faced with more difficulties when implementing the standard than large-scale farmers or farmers in developed countries. In order to compensate for this distributional effect, GlobalGAP has introduced a regulation that allows farmers to choose group certification. In this way, farmers can reduce certification costs and requirements necessary for GlobalGAP can be centralised, such as pesticide control and building toilets and other facilities.

Thirdly, whereas suppliers do indeed participate in decision-making processes, they are largely from developed countries, with far less representation from developing countries.

63 http://www.globalgap.org/cms/upload/The_Standard/Standards-Development/GLOBALGAP_Standard_setting_procedure_V1_Aug08.pdf, 29-10-2010.

64 Van der Grijp et al. 2005.

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Conclusion

This article has explored the emergence and evolution of transnational supermarket standards by analyzing the development of GlobalGAP, one of the most commonly implemented transnational supermarket standards on farms throughout the world. In the literature, the emergence of transnational regulation is often attributed to one or two factors that were important for the development at one particular moment in time. In this article it is argued that the emergence of transnational regulations is best understood when it is studied as a process in time.

The factors explaining the emergence of GlobalGAP correspond with some of the factors found in the literature. In short, GlobalGAP has emerged because supermarkets wanted to gain more control in their supply chains and because they wanted to rebuild their reputation, reduce risks and costs, inspire consumer confidence in the safety of food products and generate credible information about product specifications. These explanations correspond with Bartley's market-based approach of explaining transnational private regulation (regulations as solutions to collective action problems) and with the reasons suggested by Heyvaert⁶⁵ (emergence due to ambition and strategic interests of regulators) and Meidinger⁶⁶ (new regulation in response to public scares).

When analyzing the different factors that have contributed to the emergence of GlobalGAP together, a development process can be identified that may be helpful in analyzing the emergence of other transnational private standards. This process has four main characteristics. First, transnational supermarket standards are likely to emerge in response to commotions and concerns among large numbers of people within and beyond nation-states related to real or perceived safety or health risks. The emergence of EurepGAP can be seen as a response to a number of global food safety incidents during the 1990s which contributed to a decline in consumer confidence in the safety and quality of food.⁶⁷

Second, for transnational supermarket standards to emerge there must be what Bartley calls 'pressuring actors' who publicly demand measures to reduce or prevent the risks concerned.⁶⁸ By doing so, these actors create a situation that demands the emergence of transnational regulation. British and continental supermarkets reacted, for example, to stricter government regulations.

Third, someone has to be held responsible for taking corrective measures. This is not necessarily the one who caused the incident. The GlobalGAP case demonstrates that supermarkets were pressured by national governments and NGOs to take measures against food safety incidents, which, according to supermarkets, had been caused by actors in other parts of the supply chain.

A fourth and final characteristic is that those who are held responsible for taking action are encouraged to develop new regulations, and are capable of doing so. These 'institutional' actors may be encouraged if they experience disadvantages of

65 Heyvaert 2010.

66 Meidinger 2009.

67 FAO 2006.

68 Bartley 2007.

being held responsible or see advantages in developing regulations. The supermarkets that developed EurepGAP were triggered by both: they experienced reputation damage and increased costs, but they also saw a possibility to gain more control over their supply chains.

This article provides a preliminary insight into the development of one transnational supermarket standard. In order to gain a more complete and reliable picture, more research is required, for example, on the emergence of other transnational supermarket standards like BRC and Tesco Nature's Choice, or transnational standards in other food sectors and non-food sectors. An interesting comparison would be between transnational standards developed by firms and transnational standards developed by NGOs or a combination of firms and NGOs.

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