

CODEx ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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PRESENT AND FUTURE CHALLENGES OF THE INSTITUTIONALITY OF THE CODEx ALIMENTARIUS

Prepared by the CCLAC Coordinator and Costa Rica

Supported by Brazil, Ecuador and Paraguay

The Codex Alimentarius is a fundamental tool for the formulation of national food regulations on scientific grounds. From the moment that the World Trade Organization transformed it into the reference to determine when a regulation is justified or not, it also became an essential instrument in preventing the introduction of food regulations as barriers to trade. The purpose of contributing to the facilitation of world food trade through the establishment of equitable practices is at the very origins of the Codex Alimentarius, already 60 years ago.

It is precisely the Codex Alimentarius, the instrument created 60 years ago, where the multilateral dialogue among countries established mechanisms to safeguard a healthy balance among all these strategic objectives. Robust science was established as the key actor that mediates or arbitrates an open, inclusive, consultative dialogue, adhering to the best practices of normative framework formation, where public administration, scientific and academic community, consumers, various productive sectors, and relevant international institutions must converge.

In recent times, there have been initiatives to introduce food regulations that are not based on Codex-Alimentarius standards, the implementation of which in some countries has led to the introduction of obstacles to trade. One case, for example, is front-of-pack nutritional labeling, the definition of nutrient profiles and the labeling of foods as "unhealthy". These regulations are not based on the scientific evidence on which Codex standards are based and have not been harmonized at the international level. As a consequence, some countries have introduced regulations on this matter that do not even coincide with neighboring countries that have approved regulations of the same nature. We recognize the right of all Member countries to exercise their sovereignty and take measures to protect the health of consumers and guarantee food and nutritional safety, even beyond the guidelines established by Codex, but these measures must not be discriminatory or constitute technical barriers to trade. In this sense, the fact that some countries have introduced regulations of this type cannot be an obstacle for Codex Alimentarius to address the issue and analyze it based on scientific evidence. In this regard, the Coordinator of the CCLAC, Costa Rica and the Member Countries reiterate that there are no areas of food regulation with an impact on the health of the population that are outside their tasks. In this sense, we firmly maintain that the existence of non-harmonized regulations on food issues by some countries do not generate any limitation that prevents the approach of this issue at the Codex level.

Codex Alimentarius aims to provide harmonized guidelines at the international level. However, countries can implement their own standards to address their specific needs and priorities in protecting consumer's health and ensuring food and nutritional security, as stated in the General Agreement on Tariffs and Trade (GATT), provided that they are non-discriminatory and not used as hidden protectionism. Nevertheless, it is imperative to analyze whether the Codex is responding promptly to these needs; otherwise, countries are exposed to a scenario that jeopardizes the objectivity, reasonableness, and balance of science as central pillars of normative construction, leading to imminent disharmony.

For this reason, the Coordinator of the CCLAC, Costa Rica and the Member Countries that support this document, invite to pay more attention when setting priorities in CODEX to those areas where the introduction of food legislation that is not based on the standards of the CODEX are becoming barriers to trade. We also urge that these issues be addressed and that it be defined whether or not it is possible and necessary to establish standards based on science, and if the answer is affirmative, proceed to establish harmonized standards that allow compliance with the objectives in terms of trade facilitation that they are our reason for being.