

C O D E X A L I M E N T A R I U S C O M M I S S I O N



Food and Agriculture
Organization of
the United Nations



World Health
Organization

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C O D E X A L I M E N T A R I U S C O M M I S S I O N

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COMMENTS ON CODEX WORK MANAGEMENT AND FUNCTIONING OF THE EXECUTIVE COMMITTEE

(Comments submitted by 25 June 2015)

COMMENTS OF BRAZIL

3.1 Mandate and Priorities
Proposal 3.1.1 Examine the amount of Codex resources spent on health-related vs. other work.
Comment on the proposal: We believe that is not necessary to examine the amount of Codex resources spent on health-related vs. other work. Commodity standards continue to be an important part of Codex work. This activity is useful to improve market access and in preventing food trade impediments.
What further action do you recommend with regard to this proposal : Search for sustainable funding for the provision of scientific advice to Codex.
Which priority do you assign to this proposal (high, medium, low)? None. However, we assign high priority for the sustainable funding for the provision of scientific advice to Codex.
3.1.2 Evaluate the use made of Codex standards and their impact in protecting the health of consumers and ensuring fair practices in the food trade.
Comment on the proposal: It is necessary to clarify the purpose of this evaluation since it will have impacts on costs.
What further action do you recommend with regard to this proposal : None
Which priority do you assign to this proposal (high, medium, low)? Low
3.1.3 Develop effective mechanisms to strategically identify and include emerging issues in the programme of work.
Comment on the proposal: It is not necessary develop effective mechanisms to strategically identify and include emerging issues in the programme of work. The Codex Procedural Manual has already effective mechanism to strategically identify and include emerging issues in the programme of work. Below there some examples: <ul style="list-style-type: none">• <u>Any Member</u> of the Commission, and the Directors-General of FAO and WHO, <u>may</u>, after the dispatch of the Provisional Agenda, <u>propose the inclusion of specific items in the Agenda with respect to matters of an urgent nature.</u>• The Commission or any subsidiary body, subject to the confirmation of the Commission <u>may decide that the urgency of elaborating a Codex standard is such that an accelerated elaboration procedure should be followed.</u> While taking this decision, all appropriate matters shall be taken into consideration, including the likelihood of new scientific information becoming available in the immediate future.• When establishing the agenda for a JECFA meeting, <u>the JECFA Secretariat should give priority to substances that are known or expected problems in international trade or that present an emergency or imminent public health risk.</u>• When establishing the agenda for a JECFA meeting, the JECFA Secretariat work closely with CCCF and the Codex Secretariat to ensure that CCCF's work priorities are addressed in a timely manner. The JECFA Secretariat should give first priority to substances that present an emergency or imminent public health risk and then to substances that are known or expected problems in international trade.• At the risk analysis principles applied by the CCCF states: This document addresses the applications of risk analysis principles by the Codex Committee on Contaminants in Foods (CCCF) and the Joint FAO/WHO Expert Committee on Food Additives (JECFA). For urgent matters that may pose human health risk and for matters that

<p>are not in the terms of reference of JECFA, this document does not preclude the possible consideration of recommendations arising from other internationally recognized expert bodies, or FAO/WHO <i>ad hoc</i> consultations.</p> <ul style="list-style-type: none"> At the risk analysis principles and procedures applied by CCFH states: <u>A higher priority should be given to proposals for new work needed to control an urgent public health problem.</u> <p>The Codex Strategic Plan already requires committees to implement a systematic approach for the identification of emerging issues.</p> <p>Therefore, the Commission is already capable of proactively responding in a timely manner to emerging food safety, quality and nutrition issues with the aim to protect consumers health and ensure fair practices in the food trade.</p>
<p>What further action do you recommend with regard to this proposal :</p> <p>None</p>
<p>Which priority do you assign to this proposal (high, medium, low)?</p> <p>None</p>
<p>Do you have any additional proposal with regard to Mandate and Priorities (3.1)</p>
<p>The mandate should remain as it is nowadays, but the priorities should focus on sustainable funding for scientific advice.</p>
<p>3.2 Management of the Codex Programme and links to FAO/WHO</p>
<p>3.2.1 Examine what processes could be used so that Codex can give appropriate input to FAO/WHO governing bodies and how FAO/WHO can best give strategic and policy guidance/direction/input to Codex.</p>
<p>Comment on the proposal:</p> <p>It is necessary to clarify how these fora (FAO/WHO governing bodies and Codex) interact nowadays.</p>
<p>What further action do you recommend with regard to this proposal :</p> <p>There should be an internal interaction between the delegations attending codex meetings and the delegations attending FAO and WHO meeting. This would allow a better communication and the adequate input/policy guidance between these fora.</p>
<p>Which priority do you assign to this proposal (high, medium, low)?</p> <p>Medium</p>
<p>3.2.2 Develop a clear, transparent budget planning process for Codex that will continue to give the security to the Secretariat to organize and implement the relevant Codex meetings and FAO and WHO to justify and provide adequate funding.</p>
<p>Comment on the proposal:</p> <p>It is very important to have a transparent budget planning process for Codex to organize and implement the relevant meetings. However it is also essential to make available sustainable funding for the provision of scientific advice to Codex and Member states.</p>
<p>What further action do you recommend with regard to this proposal :</p> <p>To integrate the provision of scientific advice into the Joint FAO/WHO Food Standards Programme and cover this action by the Regular Budgets of FAO and WHO. This will solve the continue problem of resources for implementing the scientific advice activities.</p>
<p>Which priority do you assign to this proposal (high, medium, low)?</p> <p>High</p>
<p>3.2.3 Explore the best modalities to incorporate FAO and WHO input to Codex work at different levels (Commission, Committee and working groups)</p>
<p>Comment on the proposal:</p> <p>WHO and FAO inputs are important and should be taken into account. It should be emphasized that the Codex decision process is well established in the Procedural Manual</p>
<p>What further action do you recommend with regard to this proposal :</p> <p>None</p>
<p>Which priority do you assign to this proposal (high, medium, low)?</p> <p>Medium</p>
<p>3.2.4 Review process followed for observer applications</p>
<p>Comment on the proposal:</p> <p>It is necessary, before deciding to approve this proposal, to know if this process has been effective.</p>
<p>What further action do you recommend with regard to this proposal :</p> <p>None</p>
<p>Which priority do you assign to this proposal (high, medium, low)?</p> <p>Low.</p>
<p>Do you have any additional proposal with regard to Management of the Codex Programme and links to FAO/WHO (3.2)</p> <p>No</p>

3.3 Strategic governance within Codex - “Executive Board” (CX-EB)
3.3.1 Consider replacing the Executive Committee with a Codex Executive Board(CX-EB)
Comment on the proposal: Brazil does not agree to replace the Executive Committee with a Codex Executive Board. We strong believe that the present Executive Committee (EC) acts in the interest of the Commission as a whole in a transparent way and communicate with Members and other Codex subsidiary bodies to obtain the best information.Besides this, the present EC follows the Codex core values in fulfilling its strategic vision: collaboration, inclusiveness, consensus building and transparency.
What further action do you recommend with regard to this proposal : None
Which priority do you assign to this proposal (high, medium, low)? None
3.3.2 Examine what could be elements of the mandate for a Codex Executive Board (CX-EB)
Comment on the proposal: Brazil does not agree to replace the Executive Committee with a Codex Executive Board thus we do not agree to change the current mandate of the present Executive Committee (EC).
What further action do you recommend with regard to this proposal : None
Which priority do you assign to this proposal (high, medium, low)? None
3.3.3 Develop and evaluate different proposals for the composition of CX-EB
Comment on the proposal: Brazil does not agree to replace the Executive Committee with a Codex Executive Board thus we do not agree to change the current composition of the present Executive Committee (EC).
What further action do you recommend with regard to this proposal : None
Which priority do you assign to this proposal (high, medium, low)? None
3.3.4 Develop a modus operandi for CX-EB
Comment on the proposal: Brazil does not agree to replace the Executive Committee with a Codex Executive Board thus we do not agree to change the modus operandi of the present Executive Committee (EC). We strong believe that the current modus operandi of Executive Committee (EC) acts in the interest of the Commission as a whole in a transparent and adequate way.
What further action do you recommend with regard to this proposal : None
Which priority do you assign to this proposal (high, medium, low)? None
Do you have any additional proposals with regard to Management of the Codex Programme and links to FAO/WHO (3.3) No
3.4 Structure of Codex Subsidiary Bodies
3.4.1 Review the recommendations of the 2002 and 2005 evaluations with regards to the Codex committee structure
Comment on the proposal: Brazil believes that the current Codex committee structure is adequate.
What further action do you recommend with regard to this proposal : <i>Brazil strongly requests that Codex ensure that electronic working groups should be the choice when deciding to undertake work between sessions, and if the committee considers it necessary to establish a physical working group, this should be held in conjunction with committee meetings and in the official languages of the Committee (English, Spanish and French).</i> To followthe recommendation 16, which clearly states: “No new committee should be established even in a horizontal area of work until the possibilities for progress and the need for continuing work have been established through a task force”.
Which priority do you assign to this proposal (high, medium, low)? None. However, we assign high priority for the following: <ul style="list-style-type: none"> - No new committee should be established even in a horizontal area of work until the possibilities for progress and the need for continuing work have been established through a task force; - Ensure that electronic working groups should be the choice when deciding to undertake work between sessions, and if the committee considers it necessary to establish a physical working group or in-session working group, this should be held in conjunction with committee meetings and in the official languages of the Committee

(English, Spanish and French).
Do you have any additional proposals with regard to Structure of Codex Subsidiary Bodies (3.4)
No
3.5 Efficiency of Committee Work
3.5.1 Review the way Codex reports are drafted and the use made of current audio recordings
Comment on the proposal:
<p>Brazil does not agree with this proposal. Reports should describe the discussion not only the outcome. Furthermore, it should have a balanced view of the whole debate. This sort of report fulfill the need of the readers to fully understand the discussion. Concise reports does not allow members and observers to review the whole proceeding whenever needed. Likewise does not allow those who could not attend the meeting to understand the discussion held.</p> <p>Audio recordings of full session could help. However should not be used as a tool to make the reports more shorter than they are nowadays. Furthermore, audio recording, if used, should be available in an easy way to use.</p> <p>Beyond that it is important to describe the name of country in the report, especially when is the only one country who made that statement since is important to know which delegation expressed.</p> <p>Adicionaly it is necessary that the reports should be available with more time to analyse before your adoption. Nowadays we could not make an adequate analyse of it. Maybe at least three hours before start the session of adoption.</p>
What further action do you recommend with regard to this proposal :
It is necessary to review the way Codex reports are drafted, especially in order to reflect a balanced view of the whole discussion and with enough time for the delegations to analyse it.
Which priority do you assign to this proposal (high, medium, low)?
None. However, high priority should be assigned to review the way Codex reports are drafted, especially related to reflect a balanced view of the whole discussion and the way they are approved, providing the delegations enough time to analyse them.
3.5.2 Propose to simplify the present 8-Step procedure to have only 5 steps.
Comment on the proposal:
Brazil does not agree with this proposal.
What further action do you recommend with regard to this proposal :
None
Which priority do you assign to this proposal (high, medium, low)?
None
3.5.3 Continue striving for consensus and examine to what extent voting could assist Codex in case of blockages without being divisive
<p>Brazil strongly disagrees with this proposal. We have confidence that the Codex Procedural Manual has enough statements to achieve consensus. However we are convinced that the problem is when members or chairs do not follow these declarations.</p> <p>Diversification of national legislation has created impediments to international trade. Some legitimate concerns of governments when establishing their national legislation are not generally applicable or relevant worldwide and confusion should be avoided between justification of national measures under the SPS Agreements and their validity at the international level. Factors outside the mandate of Codex should not be considered while trying to achieve consensus during the Codex decision taking process.</p> <p><i>While recognizing the dual purposes of the Codex Alimentarius are protecting the health of consumers and ensuring fair practices in the food trade, Codex decisions and recommendations on risk management should have as their primary objective the protection of the health of consumers. Unjustified differences in the level of consumer health protection to address similar risks in different situations without scientific basis should be avoided".</i> In accordance of Codex Procedural Manual: <i>The decisions should be based on risk assessment, and taking into account, where appropriate, other legitimate factors relevant for the HEALTH protection of consumers and for the promotion of fair practices in food trade.</i></p> <p>Regarding to the Codex Procedural Manual "<i>only those other factors which can be accepted on a worldwide basis, or on a regional basis in the case of regional standards and related texts, should be taken into account in the framework of Codex. The integration of other legitimate factors in risk management should not create unjustified barriers to trade.</i></p> <p><i>The Codex Procedural Manual describes the legal foundations and practical functioning of the Commission and its subsidiary bodies. Knowledge of the contents of this Manual is essential for Codex members and observers to participate effectively in the work of the Commission".</i> Non-compliance the Procedural Manual undertakes Codex decisions. The Codex should strictly follow its Procedural Manual, basing its decisions on sound science to protect the health of consumers.</p> <p>Although the members of Codex have diverse social, economic, political and cultural situations, these differences should not block the approval of new standards nor lead to the rejection of internationally accepted scientific research.</p> <p>Codex needs to base its decisions on science, in view of the status of Codex standards under the WTO SPS Agreement and should not be based on nonscientific factors.</p>
What further action do you recommend with regard to this proposal :
None

Which priority do you assign to this proposal (high, medium, low)?
None. However, we assign high priority for the chairs to follow the Procedural Manual Rules.
3.5.4 Explore ways to ensure a more equal geographical distribution of committees while not obstructing the standard setting process.
Comment on the proposal:
It is a positive proposal. Nowadays there isn't a mechanism of alternance of host countries for the committees and it would be very positive if the host country could be choosed in a more democratic way.
What further action do you recommend with regard to this proposal :
None
Which priority do you assign to this proposal (high, medium, low)?
High
3.5.5 Review the effectiveness of working groups
Comment on the proposal:
Brazil believes that there is a strong necessity to review the effectiveness of working groups. There are many working groups in progress and there was not a broad evaluation of the real need of a new work development giving the impression that the main reason for this is to keep committees on demand. In addition, physical working groups do not follow the Codex Core Values in fulfilling collaboration, inclusiveness, consensus building and transparency. Physical working groups do not contribute to increase the effective participation of developing countries in Codex work and in some cases makes the participation practically unfeasible. Therefore, physical working groups do not allow Codex to fulfill its core values. Furthermore, Art. 10.4 of SPS Agreement states that Members should encourage and facilitate the active participation of developing country Members in the relevant international organizations. Thus, Brazil strongly requests that Codex ensure that electronic working groups should be the choice when deciding to undertake work between sessions, and if the committee considers it necessary to establish a physical working group or in-session working group, this should be held in conjunction with committee meetings and in the official languages of the Committee (English, Spanish and French).
What further action do you recommend with regard to this proposal :
To ensure that electronic working groups should be the choice when deciding to undertake work between sessions, and if the committee considers it necessary to establish a physical working group, this should be held in conjunction with committee meetings and in the official languages of the Committee (English, Spanish and French).
Which priority do you assign to this proposal (high, medium, low)?
High priority to ensure that electronic working groups should be the choice when deciding to undertake work between sessions, and if the committee considers it necessary to establish a physical working group or in-session working group, this should be held in conjunction with committee meetings and in the official languages of the Committee (English, Spanish and French).
3.5.6 Consider to review how different Committees use risk analysis frameworks in practice and report areas for improvements.
Comment on the proposal:
It is a positive proposal and it would be interesting to clarify how this review would be done and what would be the role of CCGP. The Risk Analysis Principles applied by the Codex Committee on Pesticide Residues was recently approved. However, Brazil considers while recognising that the periodic review had become more flexible, the review procedure still allowed Codex maximum residue limits (MRLs) for pesticides to be revoked without scientific evidence. This is inconsistent with the Working Principles for Risk Analysis for Application in the framework of the Codex Alimentarius and the risk analysis principles developed by other Codex committees.
What further action do you recommend with regard to this proposal :
The CCGP should ensure consistent use of risk analysis principles and scientific advice.
Which priority do you assign to this proposal (high, medium, low)?
High priority for CCGP to ensure consistent use of risk analysis principle by CCPR and all the committees.
Do you have any additional proposals with regard to Efficiency of Committee Work (3.5)
The Chairs of the Codex Committees should follow the Procedural Manual, which would facilitate enormously the progress of Codex work in an inclusive manner.