

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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Agenda Item 6

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME
EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION
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**REVIEW OF CRITERIA FOR NEW WORK AND GUIDELINES FOR THE ESTABLISHMENT
OF “INCLUSIVE” STANDARDS**

BACKGROUND

1. During its review of proposals for new work, the Forty-fifth Session of the Executive Committee expressed concern that careful consideration had to be given by Codex Committees when proposing new work to the Criteria set out in the Procedural Manual. Codex Committees should also follow the instructions of the guidance established by the Commission by giving preference to standards which were inclusive of all products traded within commodity groups rather than highly specific standards, in order to avoid problems of achieving consensus at the time of adopting these standards. The Secretariat was asked to prepare a paper on (a) a review of the criteria for new work and (b) guidelines for the establishment of “inclusive” standards, for consideration at the present session.¹

CRITERIA FOR NEW WORK

2. The 13th Session of the Codex Committee on General Principles (September 1998) endorsed proposals for “Criteria for the Establishment of Work Priorities” and these have been submitted to the Commission for adoption. These criteria are expressed in broad terms, link proposals for new work to the priorities established by the Commission in its Medium-Term Plan of Work and take into consideration the prospect of the work being completed within a reasonable period of time.² If adopted by the Commission they will be included in the Commission’s Procedural Manual.

3. The Executive Committee was aware, however, of the criteria applied by the Codex Committee on Milk and Milk Products in its review of the individual cheese standards developed under the Code of Principles concerning Milk and Milk Products. The application of these criteria resulted in the Committee’s recommendation to revoke 14 individual cheese standards.³ The criteria applied by the Codex Committee on Milk and Milk Products related to the volume traded and the number of countries trading and consuming the individual cheeses. The methodology is specific to cheese standards, but the approach could be applied more generally.

“INCLUSIVE STANDARDS”

4. Several Codex Committees reviewing the large number of existing commodity-specific standards, have agreed to combine several individual standards for related commodities in the form of “inclusive

¹ ALINORM 99/3, para. 27.

² ALINORM 99/33, Appendix II and ALINORM 99/10.

³ ALINORM 99/11, paras. 80-83; CX/MMP 98/6 and CX/MMP 98/6 Corrigendum.

standards”.⁴ Revision of the existing Codex Standards for Quick Frozen Foods (Fruits and Vegetables) and Fruit Juices will require similar consideration. This approach should be encouraged.

5. At its last session, the Executive Committee approved a proposal for new work that would establish a Codex standard for a traditionally prepared product to the exclusion of similar products made with different technologies. The question of whether Codex Standards should be “inclusive” or “exclusive” in nature was raised. This matter had been discussed previously by the Commission and the Codex Committee on General Principles in relation to the meaning of the phrase “name and description laid down in the standard” that appears in the text of the Procedure for Full Acceptance in the *General Principles of the Codex Alimentarius*.⁵

6. At the time of the Commission’s previous discussions on this issue several solutions were proposed to ensure that the acceptance of a Codex standard would not prevent the legitimate use of the “Name of the Food” for products not included in the Scope of the Standard provided that the General Principles of Section 2 of the Codex General Standard for the Labelling of Prepackaged Food were respected. No clear guidance emerged from these earlier discussions and it should be noted that the issue has largely been superseded by the entry-into-force of the Agreement on Technical Barriers to Trade (TBT). The TBT Agreement states that technical regulations should not create unnecessary obstacles to trade and shall not be more trade restrictive than necessary to fulfil a legitimate objective (in this case prevention of deceptive practices), taking account of the risks that non-fulfilment would create.⁶

RECOMMENDATIONS

REVIEW OF THE CRITERIA FOR NEW WORK

7. The Executive Committee may wish to recommend that Commission adopt the proposals of the Codex Committee on General Principles for “Criteria for the Establishment of Work Priorities” to establish an effective basis for deciding on proposals for new work at its future sessions. It is proposed that following an appropriate period these Criteria should be further re-examined to determine their effectiveness. They should also be drawn to the attention of all Codex Committees and taken into consideration when making proposals for new work.

8. The Executive Committee may wish to refer the more specific decision-tree approach used by the Codex Committee on Milk and Milk Products to the Codex Committee on General Principles with the objective of establishing a general set of criteria that could be used by other Codex Commodity Committees.

GUIDELINES FOR THE DEVELOPMENT OF “INCLUSIVE” STANDARDS

9. The approaches followed by the Codex Committees on Fats and Oils, Fish and Fishery Products, and other Codex Commodity Committees which have successfully merged a number of similar standards into more general or inclusive standards, should be followed by other Codex Committees, but on a case-by-case basis, taking into account the practicalities of the situation. In general, where it appears that enough common provisions exist between individual standards, Committees should give preference to the development of inclusive or general standards incorporating all relevant individual standards. No detailed guidelines spelling out this approach appear to be needed.

10. In relation to proposed standards which potentially exclude similar products, the Executive Committee may wish to refer the matter to the Codex Committee on General Principles with a view to incorporating a statement in the “Criteria for the Establishment of Work Priorities” emphasizing that Codex standards should be no more trade restrictive than necessary to meet the legitimate objectives of protection of the consumers’ health and the assurance of fair practices in the food trade. Also in this case, the development of separate “Guidelines” does not seem to be necessary.

⁴ Codex Committees on Fats and Oils, Sugars, Fish and Fishery Products, Processed Fruits and Vegetables.

⁵ ALINORM 76/39, paras. 33-35; ALINORM 78/41, paras. 508-509; ALINORM 79/35, paras. 54-64; ALINORM 79/38, paras. 127 and 136.

⁶ TBT Agreement, Article 2.2. Codex Standards, or relevant parts of them, may be used by governments as technical regulations with the meaning of the TBT Agreement.