

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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ALINORM 99/33A

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Twenty-third Session
Rome, 28 June - 3 July 1999

REPORT OF THE FOURTEENTH SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES

Paris, France, 19 - 23 April 1999

Note: This document incorporates Circular Letter CL 1999/8-GP

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April 1999

TO: - Codex Contact Points
- Interested International Organizations
- Participants at the 14th Session of the Codex Committee on General Principles

FROM: - Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, 00100 Rome, Italy

SUBJECT: Distribution of the Report of the 14th Session of the Codex Committee on General Principles (ALINORM 99/33A)

MATTERS FOR ADOPTION BY THE 23rd SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Amendments to the Rules of Procedure

1. Amendment to Rule X to extend its scope to the adoption of standards and stress the importance of adopting standards by consensus (para. 46, Appendix II)

Amendments to the Procedural Manual

Definitions of Risk Analysis Terms Related to Food Safety

2. Revised Definitions for Risk Communication and Risk Management (para. 15, Appendix III)

Additional Sections

3. Draft Principles Concerning the Participation of INGOs in the Work of the Codex Alimentarius Commission (para. 90, Appendix IV)
4. Core Functions of Codex Contact Points (para. 95, Appendix V)

Governments and international organizations wishing to submit comments on the above documents should do so in writing to the Secretary, Joint FAO/WHO Food Standards Programme, FAO, via delle Terme di Caracalla, 00100 Rome, Italy **before 30 May 1999**.

SUMMARY AND CONCLUSIONS

The summary and conclusions of the 14th Session of the Codex Committee on General Principles are as follows:

Matters for consideration by the Commission:

The Committee:

- recommended the amendment of Rule X of the Rules of Procedure to extend its scope to the adoption of standards and stress the importance of adopting standards by consensus (para. 46, Appendix II)
- agreed to revise the Definitions for *Risk Management* and *Risk Communication* in the *Definitions of Risk Analysis Terms Related to Food Safety* (para. 15, Appendix III)
- agreed on *Draft Principles Concerning the Participation of INGOs in the Work of the Codex Alimentarius Commission*, for inclusion as an additional section in the Procedural Manual (para. 90 , Appendix IV)
- agreed on *Core Functions of Codex Contact Points*, for inclusion as an additional section in the Procedural Manual (para. 95 , Appendix V)
- agreed to inform the Commission that consensus could not be reached on the Role of Science and Other Factors - Application in the Case of BST (para. 85)
- agreed to inform the Commission that consensus could not be reached on the revision of the Acceptance Procedure (para. 57)

Other Matters of Interest to the Commission

The Committee:

- agreed to return to Step 3 for further comments the Working Principles for Risk Analysis (para. 37)
- agreed to consider further the following questions at its next session:
 - measures intended to facilitate consensus (para. 51)
 - food safety objectives (para. 9)
 - the role of science and other legitimate factors in relation to risk analysis (para. 74)

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ALINORM 99/33A**INTRODUCTION**

1. The Fourteenth Session of the Codex Committee on General Principles was held from 1-23 April 1999 in Paris at the kind invitation of the Government of France. The Session was chaired by Professor Pierre Louisot and was attended by 178 delegates and representatives from 47 Member governments and one Observer nation and 57 representatives of 6 international governmental organizations and 26 international non-governmental organizations. A complete list of participants including members of the Secretariat but not including members of the press and public is attached as Appendix I to this report.

2. The Session was opened by Mme Marion Guillou, Directeur Général de l'Alimentation of the Ministry of Agriculture, on behalf of the Minister of Agriculture and Fisheries, M. Jean Glavany. Her opening address underlined the importance of risk analysis for authorities responsible for taking decisions in food safety. But such decisions took into account other factors, such as the concerns of consumers, animal health or socio-economic consequences. Mme Guillou noted that the role of Codex Standards as reference points for the World Trade Organization (WTO) conferred upon Codex a significant responsibility. It was essential that such standards took into account all of the concerns expressed, including those that did not relate directly to food safety and that they should be adopted on the basis of the largest consensus possible. Obtaining such a consensus at the level of the Codex Committees or the Commission would facilitate the harmonization of national standards and the development of international trade.

ADOPTION OF THE AGENDA (AGENDA ITEM 1)¹

3. The Committee adopted the Provisional Agenda as the Agenda for the Session, with a change in the order of certain items to facilitate discussions.

MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES (AGENDA ITEM 2)²***CODEX COMMITTEE ON METHODS OF ANALYSIS AND SAMPLING: AMENDMENTS TO THE PROCEDURAL MANUAL***

4. The Committee noted that the Committee on Methods of Analysis and Sampling (CCMAS) had undertaken work to revise the *Principles for the Establishment or Selection of Codex Methods of Analysis* and the Section of the Procedural Manual dealing with the relations between Codex Commodity Committees and General Subject Committees on the matter of methods of analysis and sampling. It was noted that this work was subsequent to recommendations made by the 1st Session of CCGP to relevant Codex Committees. The Committee agreed that the objective of such revisions was to ensure that the Procedural Manual contained only matters relating to the Commission's procedures; guidelines or other recommendations that were better directed to Member governments should be transferred from the Procedural Manual, revised as appropriate, and after adoption by the Commission, included in the Codex Alimentarius.

5. The Committee noted that the proposals of the CCMAS in this regard were at a relatively early stage of discussion and expressed the wish to consider them at a later stage after further deliberation by the Committee concerned.

SPECIAL TREATMENT OF DEVELOPING COUNTRIES

6. The Committee recalled the recommendation made at its last session that the Code of Ethics for International Trade in Foods was the appropriate instrument for developing statements relating to the special treatment of developing countries in the application of food standards³. The Committee requested the Commission to give positive consideration to its proposal to initiate the early revision of the Code of Ethics

¹ CX/GP 99/1.

² CX/GP 99/2.

³ ALINORM 99/33, paras. 31-41 and 84-90.

for this purpose. Several Delegations expressed the need for this matter to be urgently discussed at the Committee's next session.

FOOD SAFETY OBJECTIVES

7. The Committee noted that the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) had requested approval of the Commission to undertake the elaboration of *Guidelines for the Judgement of Equivalence of Sanitary Measures associated with Food Inspection and Certification Systems*.⁴ The proposal included consideration of the concept of *Food Safety Objectives*.

8. Several Delegations were of the opinion that the concept of Food Safety Objectives and its linkage with the concept of the determination of the Appropriate Level of Protection were general matters that should be discussed by the CCGP and other relevant Codex Committees, for example the Codex Committee on Food Hygiene where work in the same area had also been initiated. Other Delegations pointed out that the Executive Committee had approved the idea that the concepts in this regard should first be developed by CCFICS in regard to food control for import and export. The CCFICS would also suggest how a systematic approach might be developed and the application of these concepts would then be taken up at an appropriate time by other relevant Committees including the CCGP.⁵ It was also pointed out that the application of these concepts at a technical level would probably differ in the different fields covered by specialist Codex Committees.

9. The Committee agreed that the matter was one of importance to the work of all Codex Committees and agreed to consider the general aspects of the development and application of food safety objectives at its next session.

RISK ANALYSIS (AGENDA ITEM 3)

10. The Committee noted that definitions relating to risk analysis needed to be read in conjunction with the relevant texts in which the terms were used or applied. In this regard, it was agreed that definitions should be limited to an explanation of the terms used, and that substantive statements of application or principle should be made in the appropriate text and not in the definitions themselves.

DEFINITIONS (AGENDA ITEM 3.1)⁶

11. The Committee noted that it had, at its last session, agreed that the current definitions for *Risk Management* and *Risk Communication* required further consideration in the light of reports of recently held Joint FAO/WHO Expert Consultations.⁷ A draft definition for *Risk Assessment Policy* had been developed at the same time. These definitions had been circulated for comment. The Committee had also agreed that there was no need for a definition of *Risk Profile*.

12. The Committee agreed to use the definition of *Risk Communication* recommended by the *Joint FAO/WHO Expert Consultation on Risk Communication in relation to Food Standards and Safety Matters* as a basis for its discussions. It agreed to modify the definition on the basis of comments received, stressing in particular the relevance of including a reference to "risk-related factors" and to "perceptions of risk" and extending the specific examples of "interested parties".

13. In relation to the definition of *Risk Management*, the Committee agreed to incorporate a reference to both prevention and control options, and to highlight the fact that risk management was distinct from risk assessment. It also noted that for Codex purposes, the result of risk management decisions would not be regulatory measures, but the elaboration of standards, codes of practice, or other advice to governments. The reference to implementation of regulatory measures was therefore deleted.

⁴ ALINORM 99/30A, paras. 69-84.

⁵ ALINORM 99/3, paras. 35-36.

⁶ ALINORM 99/33, paras. 15-17; CL 1998/32-GP; CL 1998/33-GP; CX/GP 99/3 (Comments of Canada, Egypt, United States, Consumers International); CX/GP 99/3-Add. 1 (Comments of Australia, European Community).

⁷ Risk Management and Food Safety; Report of a FAO/WHO Expert Consultation, FAO Food and Nutrition Paper No. 65, FAO, Rome; *Joint FAO/WHO Expert Consultation on Risk Communication in relation to Food Standards and Safety Matters*, Report in press.

14. In regard to the definition of *Risk Assessment Policy*, the Committee noted the views of delegations that there had been recent conceptual changes in the relationships between risk assessment policy, risk management and risk assessment. In particular it was noted that risk management was a broad activity encompassing risk assessment policy and was not merely the following stage after risk assessment. The Committee also noted that these relationships were complex and implied an understanding of value judgements at steps in both the risk assessment and risk management processes. It agreed that working principles on the application of risk assessment policies needed to be developed at least to a common level of understanding before it would be possible to develop an appropriate definition.

Status of the Definitions

15. The Committee agreed to submit the revised definitions of *Risk Communication* and *Risk Management* as contained in Appendix III to this report, to the Commission for adoption.

WORKING PRINCIPLES FOR RISK ANALYSIS (AGENDA ITEM 3.2)⁸

16. The Committee recalled that the last session had considered Proposed Draft Working Principles, developed as part of an Action Plan adopted by Commission at its 22^d Session, and had agreed that the Principles should be redrafted for further consideration. The Committee examined the Working Principles section by section and had a general discussion on the application of the Principles, and especially whether they were directed to Codex Committees or to governments. Some delegations pointed out that several recommendations were of a general nature and could be used in both cases, while certain provisions could be interpreted differently at the national and international levels. The Committee recalled that the mandate of the Commission was to consider Working Principles for general application in Codex, following which guidelines should be developed to aid the uniform application of the principles.

Risk Analysis

17. The Committee agreed with the proposal of the Observer from Consumers International to insert a sentence indicating that the primary purpose of risk analysis was the protection of public health.

18. The Committee agreed that the section should be reorganized so that matters relating to risk assessment should be transferred to the appropriate section. It was further agreed that the three components of risk analysis should be separately and systematically documented, with the documentation accessible to interested parties. The Committee agreed to add a sentence on the need for communication and interaction where appropriate between the parties involved, as this should apply to all stages of the risk analysis process. Further references to documentation were therefore deleted.

19. The Committee discussed the need for harmonization of Codex procedures with those of other organizations. Several delegations pointed out that Codex should take the lead in this area and that harmonization should be a mutual process; some delegations proposed to refer only to intergovernmental organizations. The Committee agreed to retain the sentence with a reference to non-governmental organizations in square brackets and to refer to harmonization “ where appropriate”.

20. The Committee had an exchange of views on the opportunity of including in the section a reference to the specific needs of developing countries. Several delegations, while recognizing that those needs should be addressed, pointed out that the document considered risk analysis principles in the Codex process and that the needs of countries at the national level were not under consideration. The Delegation of the Philippines pointed out that the situation of developing countries should be taken into account in the framework of Codex, for example to include the consideration of data from those countries in the risk analysis process. The Committee agreed to clarify that the needs of developing countries should be identified and addressed in this context.

21. The Committee agreed with the proposal of the Representative of WHO to specify that the risk analysis process should be consistent, in addition to the current reference to openness and transparency.

⁸ CX/GP 99/4, CX/GP 99/4-Add.1 (comments of New Zealand, European Community, Consumers International, Council for Responsible Nutrition, CRD 12 (Malaysia), Unnumbered CRDs (Korea, IASDA, EFLA)

Risk Assessment

22. The four *Statements of Principle Relating to the Role of Food Safety Risk Assessment* were included in the section. The Committee agreed with the proposal of the Delegation of France to include a statement to the effect that experts should be selected on the basis of their competence and independence.

23. The section referring to acute and chronic health effects was combined with the section concerning exposure, and the Committee agreed to refer to “different situations” instead of “worst case” situations as this was a more general wording and covered all possible cases.

Risk Assessment Policy

24. Some delegations stressed the need for clarification on the identification of the risk assessors and risk managers, as the current text might be understood as applying to governments rather than to the Codex process. The Secretariat recalled that the mandate of the Commission to the CCGP was to define principles for risk analysis applicable within Codex, for inclusion in the Procedural Manual, and not recommendations to governments. The Committee noted that the identification of risk assessors (Joint FAO/WHO Expert Committees and Expert Consultations) and risk managers (Codex committees) might be included as a footnote after the definition had been finalized.

25. The Committee agreed with the proposal of the Observer from the EC to indicate that the mandate given by risk managers to risk assessors must be clearly specified and delineated. The Committee discussed the proposal of the Delegation of France concerning the achievability of the mandate given to risk assessors by risk managers and agreed to leave it in square brackets for further comments. The Committee agreed to add a sentence indicating that risk managers should invite interested parties to submit proposals and comments to ensure that the risk assessment process was systematic and complete.

26. The Committee recognized that it was not possible to come to a conclusion at this stage as further discussion was necessary on risk management and on the principles as a whole, in order to clarify the matters related to risk assessment policy. It was agreed that the amended text would be circulated for further comments and consideration at the next session.

Risk Management

27. The Committee noted that the important issue was how to address uncertainty in scientific evaluation while conducting the risk management process; several delegations and the Observer from the EC pointed out that there was always a measure of uncertainty in the scientific evidence available, and that should not prevent necessary measures to protect public health.

28. The Delegation of Sweden proposed to clarify that the precautionary principle could be applied in specific circumstances in the framework of risk management to address uncertainty, as follows: “Lack of full scientific certainty shall not be used as a reason to delay measures intended to prevent adverse effects on human health from hazards present in food. When a preliminary risk assessment indicates a threat of adverse effects on human health from a hazard present in food, it is justifiable to take measures to prevent such effects without awaiting additional scientific data and a full risk assessment. Such measures should be proportionate to the potential health risk and should be kept under review.”

29. The Delegation of Germany, speaking on behalf of the members of the European Union, supported the inclusion of the precautionary principle in view of its relevance in risk management decisions and the elaboration of guidelines on the use of this principle; this was also essential to build the confidence of consumers in the risk analysis process and reflect that the protection of public health was the primary objective of Codex. This position was supported by other delegations and the Observers of the EC, Consumers International, IBFAN, and IACFO.

30. The Delegation of the United States expressed its objection to the inclusion of the precautionary principle as there was no internationally recognized definition and a precautionary approach was already built in risk assessment; this concept should not be used by risk managers to overrule risk assessment. The Delegation recalled that under Article 5.7 of the SPS Agreement, national governments may adopt provisional measures in cases of insufficient scientific evidence but they should seek to obtain additional information for a more objective assessment of risk; at the international level and in the framework of

Codex, standards should be based on scientific evidence. This position was supported by other delegations and the observers from CRN, COMISA and GCPF.

31. The Delegation of France proposed that if the precautionary principle were not integrated in the Working Principles, the following sentence should be included in the section on Risk Management: “ The Codex Alimentarius Commission should not adopt standards or related texts when scientific evidence is insufficient or adverse effects are difficult to assess.”

32. The Observer from CIAA pointed out that clear guidelines were needed to define the precautionary principle and its application in order to avoid constraints to technological innovation and to ensure that the industry could develop its activities in a transparent and predictable framework. The Observer from EFLA, referring to its written comments, drew the attention of the Committee to the legal implications of the debate and, if the principle were to be introduced as such, stressed the necessity of defining it and clarifying the conditions for its application, with special attention to the question of the burden of proof.

33. The Delegation of Canada referred to the definition of the precautionary principle in the area of environment and indicated that for the purposes of Codex, it would be preferable to refer to a precautionary approach, which corresponded to current practice when considering health protection issues and did not represent a new concept. The Delegation of New Zealand stressed the importance of clarifying the principles for risk assessment policy, as this was the essential element in the application of a precautionary approach in the framework of Codex, whereas the precautionary principle was more relevant at the national level.

34. Several delegations expressed the view that although there was general agreement on the application of a precautionary approach in order to protect public health, the main difficulty was to define and explain this approach in the framework of Codex risk management. The Committee recognized that for the purposes of health protection in the framework of Codex, a precautionary approach had been consistently taken in health protection matters, but it would be useful to consider further how to integrate this approach in the framework of risk management, possibly through the definition of guidelines. It was agreed that for the moment the text would remain in square brackets and that comments would be sought on a definition of the precautionary principle or a statement of precautionary approach and the conditions under which it would be applied. The Secretariat would then prepare an analysis of all relevant aspects and proposals for further consideration. The Delegation of the United Kingdom requested that the analysis include guidelines for the application of the precautionary principle or approach.

Risk Communication

35. The Delegation of Australia pointed out that since the principles were intended for use within Codex, the reference in the draft text to communication with the public was not appropriate. The Committee agreed that this matter should be clarified. The Secretariat informed the Committee that the Commission would be considering specifically the recommendations of the Joint FAO/WHO Expert Consultation on Risk Communication and this would provide guidance to the CCGP for further consideration of this matter. The Committee agreed to defer consideration of this section until the next session.

Documentation

36. The Committee noted that there were some repetition in this section and that it should be redrafted accordingly and further considered at the next session.

Status of the Proposed Draft Working Principles for Risk Analysis

37. The Committee agreed to return to Step 3 the Proposed Draft Working Principles, as amended during the current session, for further comments and consideration at the next session.

MEASURES INTENDED TO FACILITATE CONSENSUS (AGENDA ITEM 4)⁹

38. The Committee recalled that the 13th session had considered a document prepared by the FAO Legal Counsel, following the request of the Commission that the Committee should consider the improvement of

⁹ CX/GP 99/5

procedures to facilitate consensus in the formulation and adoption of standards. It had been agreed that the paper should be redrafted and considered further at the 14th session.¹⁰

39. The FAO Legal Counsel introduced the revised document, which recalled the relevance of Codex standards in the framework of the WTO Agreements and focused on the measures intended to achieve consensus throughout the decision process, in order to avoid resorting to a vote for the adoption of standards. The document also proposed to clarify the conditions under which voting could be called for in Rule VI and to amend the majority required for the adoption of Codex texts, with the understanding that voting could be resorted to only if other means had been thoroughly explored.

40. The Committee expressed its appreciation to the Legal Counsel for the comprehensive analysis of this complex issue and the constructive proposals presented in the document and considered the following aspects: the proposals for improving consensus in the decision process; the conditions for voting in the Rules of Procedure; and the amendment of the majority.

CONSENSUS IN THE DECISION PROCESS

41. The Committee recalled that according to the Guidelines for Codex Committees “chairpersons should always try to arrive at a consensus” and reasserted the importance of this recommendation, especially for matters submitted to the Commission for adoption. The Committee recommended that draft texts should be submitted for adoption to the Commission only when a large measure of consensus had been reached. Some delegations expressed the view that complete agreement on all aspects of a particular text was not always possible, and that such a requirement would prevent progress in Codex work, but acceptable compromises should be sought in order to complete the elaboration of Codex texts in a reasonable period of time.

42. Some delegations supported the recommendation to organize informal meetings and pointed out that it was useful to resolve controversial issues and generally to facilitate discussions in the Committees. Other delegations expressed their concern with any general recommendation to establish informal meetings and stressed that the objectives of such meetings should be clearly defined by the Committee concerned and that participation should be open to all interested delegations and observers in order to ensure transparency.

43. The Delegation of the Philippines noted the important role of the Chairperson in facilitating consensus and offered the view that the measures recommended could be differentiated between those that were procedural in nature and those that could be left as options of the Chairperson, such as the conduct of informal meetings.

44. Several delegations sought clarification on the proposals concerning the reallocation of work priorities and expressed the view that the priorities of the Commission and the Committees should be selected on the basis of their importance for member governments, and Codex work should not be limited to the areas where consensus was easily achievable.

RULE VI

45. The Committee recognized the importance of an interpretation of Rule VI *Voting and Procedures* to reflect that Rule VI.2 did not provide for automatic decision-making by voting and to clarify Rule VI.2 as to the power of a single Member to call for a vote, and agreed that relevant amendments should be proposed for consideration at the next session.

RULE X

46. The Committee recalled that the Guidelines for Codex Committees included recommendations on reaching consensus but recognized the necessity for a reference to consensus in the Rules of Procedure as they apply primarily to the Commission and to the adoption of Codex texts. In order to make it clear that decisions could be taken by vote only when other means of reaching a decision had been thoroughly explored, the Legal Counsel proposed to add a sentence to this effect in Rule X *Elaboration of Standards* and to amend its title to *Elaboration and Adoption*. The Committee had a short exchange of views on the wording proposed and agreed to forward the proposed amendment to Rule X *Elaboration* to the Commission for adoption and inclusion in the Procedural Manual (see Appendix II).

¹⁰ ALINORM 99/33, paras. 24-30; CX/GP 98/6.

MAJORITY

47. Many delegations supported the amendment of the majority to two-thirds for the adoption of standards pointing out that if consensus could not be reached, it would still be preferable to adopt standards by a larger majority, in view of the relevance of Codex texts as a reference in international trade. The Delegation of Australia expressed its objection to this proposal as it would make it more difficult to adopt new standards or revise existing standards and generally expedite the work of the Commission, and pointed out that consensus on all aspects of a standard was not always possible.

48. Several delegations supported the proposal to require a two-thirds majority of the votes cast on the first two sessions at which a text was considered for adoption, and a simple majority at a subsequent session if the two-thirds majority could not be met, in order to avoid excessive delays in the adoption of standards.

49. Some delegations, while not opposing the amendment, proposed that the discussion should focus on the measures to achieve consensus as a first stage and on the clarification of Rule VI.4 before considering specifically the amendment of the majority.

50. Some delegations proposed to consider postal voting in order to take into account the difficulties of developing countries and to ensure that the standards reflected the agreement of a large number of member countries, although they could not attend the meeting. The Delegation of Mexico drew the attention of the Committee to the possibility of using information technologies (such as the Internet) for discussions and voting. Many delegations however stressed that current procedures allowed for full discussion and exchange of views on the issues under consideration, in order to ensure the transparency of the process and arrive at compromises that would facilitate consensus. The Committee recognized that the involvement of developing countries should be facilitated and increased, and noted that this could be done through a number of measures, especially technical assistance to improve the infrastructure and capacity of the countries to participate in the Codex process.

51. The Committee agreed that the document should be redrafted in the light of the above discussion and would include the relevant proposals for amendments to the Rules or other sections for inclusion in the Procedural Manual.

**REVIEW OF THE GENERAL PRINCIPLES OF THE CODEX ALIMENTARIUS COMMISSION:
REVISION OF THE ACCEPTANCE PROCEDURE
(AGENDA ITEM 5)¹¹**

52. The Committee noted that this matter had been under consideration since the 21st Session of the Commission (1995), when the Commission agreed that a revision of the Acceptance Procedure was a matter of high priority due to the entry into force of the WTO SPS and TBT Agreements. The 12th Session of the Committee (1996) recommended that a revised procedure should have clearly defined objectives and simple procedures, the least bureaucratic possible.¹² This was confirmed by the 22nd Session Commission (1997), which noted that the present procedures were no longer appropriate in the light of the WTO Agreements and which also recommended that the procedures be revised, rather than abolished.³

53. The Committee had reviewed Secretariat proposals for the revision of the Acceptance Procedure at its 13th Session (1998) and several proposals were made.¹⁴ The text before the Committee was a revised version of that presented to the 13th Session with these proposals incorporated.

54. Several Delegations stated that the Acceptance Procedure had no legal meaning or was redundant, and was of little or no practical use, and questioned its practical implementation in whatever form. Furthermore, in any form, it would constitute a burden for Member countries and additional work for the Secretariat. Some Delegations called for its abolition.

55. Other Delegations were of the opinion that a notification procedure would be useful because it would provide additional transparency of national requirements and could also be used as a measure of

¹¹ CX/GP 99/6.

¹² ALINORM 97/33, para. 23.

¹³ ALINORM 97/37, paras. 174-175.

¹⁴ ALINORM 99/33, paras. 42-49.

performance. Some Delegations stated that the understanding of the status of Codex Standards and related texts in relation to the WTO Agreements was still in a state of flux, and since the status of Codex texts was linked to the Acceptance Procedure, it would be preferable not to make any changes for the time being. It was also suggested that the notion of “free distribution”, as described in the Acceptance Procedure, was valuable and should be retained.

56. In relation to the proposals contained in the Secretariat document, several Delegations questioned the introduction of the concept of “Equivalence” which was a term that had acquired special meaning as a result of the WTO Agreements, the consequences of which were still under debate in other Codex Committees.

57. The Committee agreed to advise the Commission that due to the diversity of opinions it was not possible to recommend changes to the current Acceptance Procedure at the present time. The Committee agreed to return to this matter in the future, but decided that it would not be appropriate to include the matter on the agenda of its next session.

REVIEW OF THE STATUS OF CODEX TEXTS (AGENDA ITEM 6)

STATUS OF CODEX TEXTS WITHIN THE FRAMEWORK OF THE TBT AGREEMENT¹⁵

58. The Committee recalled that at its last meeting it had discussed the matter of so-called “advisory” Codex texts, especially the question of whether it was appropriate for the Commission to establish provisions intended for voluntary application by commercial partners and, as a consequence, whether the Annexes of certain standards containing such provisions should be withdrawn. Noting that such provisions could fall within the scope of the WTO TBT Agreement, the Committee requested the Secretariat to prepare, together with the Secretariat of the Committee on Technical Barriers to Trade, an analysis of the status of Codex standards with respect to that Agreement.¹⁶ The paper presented to the Committee had been prepared in consultation with the Secretariat of the TBT Committee and with the Legal Counsels of FAO and WHO.

59. Many Delegations expressed the opinion that the material contained in the “advisory” annexes of Codex standards was of use in international trade as technical guidance for trading partners and should therefore be retained. Moreover, it was noted that technical Codex Committees had devoted considerable time and effort in developing this guidance and that it would be difficult and time-consuming to review, again, all of the standards that contained such annexes. The Committee therefore could not arrive at a conclusion in relation to the proposals contained in the document concerning the “voluntary Annexes”.

60. Several Delegations pointed out that Codex texts should continue to be developed in a manner that met the needs of Codex Members and that the elaboration of standards should not be impeded by way in which WTO Members might refer to them. The Delegation of Malaysia stated that it was important that WTO Members should be aware of the intention of the Commission in relation to the elaboration and adoption of standards and “advisory” texts in view of the possibility, in the opinion of Malaysia, that non-compliance with Codex “advisory” texts could be challenged under the WTO dispute settlement procedures. However, it was noted that the Committee at its last Session had agreed that the development of a set of preambular statements explaining the intent of the different types of Codex texts was unnecessary.¹⁷

61. As regards the status of Codex texts under the TBT Agreement, the Committee agreed that all Codex texts, including standards and their annexes, were covered by the TBT definition of “standard”, and that distinctions based on Acceptance (under the Codex Procedures) were not relevant in the framework of WTO.

DISCUSSION PAPER ON THE APPLICATION OF CODEX ADVISORY TEXTS¹⁸

62. The Delegation of Australia presented a paper describing the use of advisory texts within the Australia’s domestic food regulatory framework. This paper had been prepared to illustrate how such texts

¹⁵ CX/GP 99/7.

¹⁶ ALINORM 99/33, paras. 55-57.

¹⁷ ALINORM 99/33, para. 54.

¹⁸ CX/GP 99/8.

could be used, and arose from the debate on this matter at the Committee's 13th Session.¹⁹ The Delegation noted that advisory texts were developed within a clear and consistent policy framework and included:

- Codes of practice intended to achieve uniform compliance with legislation, where industry compliance was voluntary but expected;
- Guidelines that indicated how objectives might be achieved but which could be applied flexibly to suit individual situations; and
- Ancillary documents that provided general background and information on standards and their intent.

63. The Committee expressed its appreciation for the Australian paper and the information provided in it.

REVIEW OF THE STATEMENTS OF PRINCIPLES ON THE ROLE OF SCIENCE AND THE EXTENT TO WHICH OTHER FACTORS ARE TAKEN INTO ACCOUNT (AGENDA ITEM 7)

ROLE OF SCIENCE AND OTHER FACTORS IN RELATION TO RISK ANALYSIS (AGENDA ITEM 7.1)²⁰

64. The Committee recalled that at its last session it had reviewed a paper on the role of science and the extent to which other factors are taken into account in relation to BST. It was agreed at the time that a separate paper should be prepared on the application of other legitimate factors in the framework of risk analysis.²¹

65. The Delegation of the United States expressed the view that the scientific basis of risk assessment was essential in the decision process and that the introduction of other factors that are more appropriately considered at the national level was not appropriate in Codex; in particular economic interests should not be considered when the primary focus was health protection. According to the Delegation, environmental aspects were not in the mandate of Codex. The Delegation pointed out that the precautionary principle should not be considered as an other factor as it related to uncertainty, which was already addressed in the framework of risk assessment. This position was supported by several countries and the Observers of ICGMA, COMISA, GCPF and CRN.

66. The Delegation of Germany, speaking on behalf of the member states of the European Union, and referring to its written comments, supported the consideration of other legitimate factors, as the Commission had requested on the basis of the recommendations of the FAO/WHO Expert Consultation on Risk Management. The Delegation pointed out that some of these factors would be relevant for the Working Principles for Risk Analysis, and proposed that guidelines should be prepared on their integration in the decision process.

67. The Delegation of the Netherlands, supported by the Delegation of Denmark, emphasized the importance of other legitimate factors linked to the production process such as animal welfare, biotechnology and the use of growth promoters, which might influence the decision-making process; for this reason Codex should take into account the recommendations made at the international level on these issues.

68. The Delegation of Norway pointed out that animal health and welfare were already taken into account in relation to the registration and administration of veterinary drugs at the national level and environmental aspects were also relevant to public health; it would therefore be necessary to clarify whether the second statement included aspects which were relevant for health but not for food safety.

69. Several delegations expressed the view that environmental aspects should be considered as other legitimate factors, while other delegations expressed their disagreement with their consideration in the framework of Codex as it was outside its mandate. Some delegations pointed out that even if Codex did not consider such issues *per se*, it should take into account recommendations made at the international level, as

¹⁹ ALINORM 99/33, para. 57.

²⁰ CX/GP 99/9; CRD 2 (Germany/EU); CRD 4 (CRN); CRD 8 (France); CRD 10 (COMISA/ ASSINSEL/GCPF/ FIS/IMS); Unnumbered CRDs (EFLA; ICA; Consumers International)

²¹ ALINORM 99/33, paras. 59-70.

in the case of methods of analysis using ozone-depleting substances. However, many delegations agreed that Codex standards should avoid, to the extent possible, having a negative impact on the application of internationally agreed environmental measures.

70. Several delegations pointed out that according to the second Statement of Principle, only legitimate factors which were relevant for health protection and fair trade practices should be taken into account in Codex. Other delegations and the Observer from the EC expressed the view that the factors which affected human health indirectly should be taken into account and that consumer concerns and societal factors were relevant to fair trade practices and important elements of the decision process. This position was supported by the Observers of Consumers International, ICA and IACFO.

71. Several delegations expressed the view that a list of other factors could not be exhaustive and might put an additional constraint on the work of committees, and proposed to consider the relevance of other factors on a case-by-case basis in the elaboration of Codex texts. Other delegations suggested that it would be preferable to provide general guidelines on the integration of such factors for the guidance of the committees. Other legitimate factors mentioned by some delegations included the concept of ALARA (As Low As Reasonably Achievable), the appropriate level of protection and religious and ethical considerations.

72. The Delegation of Uruguay pointed out that, in view of the differences between the consumers' points of view and concerns in different countries, only those other legitimate factors that could be accepted on a world-wide basis should be taken into account in Codex.

73. The Delegation of Sweden, supported by other delegations, stressed the importance of considering the whole food chain, and especially primary production, when deciding on measures for the protection of human health, and stressed that some of the factors mentioned, such as GAP and GMP had a scientific basis and were part of the overall risk analysis process. The Observer from CGPF agreed with this statement as regards Good Agricultural Practice.

74. The Committee agreed that other factors should be defined according to the principles of transparency, objectivity, and proportionality and that their application should be clearly documented in the decision process. The Committee recognized that there was no consensus on the integration of a number of other factors including animal health, animal welfare and the environment, and agreed that the document should be revised in the light of the above discussion for further consideration at the next session.

75. The Representative of WTO indicated that under the TBT Agreement member countries could take measures addressing environment, animal welfare or other legitimate objectives; under the SPS Agreement they could take measures to protect animal and plant life and health on their territory, and noted that measures concerning animal health relevant for international trade were the competence of OIE.

76. The Committee agreed to ask the relevant committees to identify and clarify the relevant factors taken into account in their work, in the framework of risk analysis, as this would facilitate the general debate in the CCGP on other legitimate factors.

APPLICATION IN THE CASE OF BST (AGENDA ITEM 7.2)²²

77. The Committee recalled that the Commission at its 22nd Session had adopted by roll-call vote, a proposal to suspend consideration of the adoption of the MRLs for BST pending the re-evaluation of scientific data by JECFA and the CCRVDF and the examination of the application of the "other legitimate factors" in relation to BST by this Committee. It was further recalled that this matter was discussed at the Committee's 13th Session, when it was agreed that separate papers would be prepared on the application of

²² CX/GP 99/9; CRD. No. 3 (comments of Consumers International); CRD No.6 (Report of the European Commission's Scientific Committee on Veterinary Measures relating to Public Health on the Public Health Aspects of the Use of BST); CRD No. 7 (Report of the European Commission's Scientific Committee on Animal Health and Animal Welfare Aspects of the Use of BST); CRD No9 (France); Unnumbered CRD (Germany on behalf of EU).

“other legitimate factors” in general, and on “other legitimate factors” in relation to BST in order to respond more precisely to the request of the Commission.²³

78. The Delegation of Germany, speaking on behalf of the member states of the European Union, pointed out that the EC could not accept the adoption of MRLs for BST for reasons including consideration of other legitimate factors (OLFs), and proposed that after the discussion on OLFs had been completed the Commission should refer this question back to the Committee for further consideration.

79. Some Delegations drew attention to the potential public health implications of the use of BST, especially as milk was an important element in the diet of children. However, it was noted that these matters did not fall under “other legitimate factors” since they were taken into account in the scientific risk analyses of the use of BST. Delegations noted the lateness of the publication of the relevant JECFA reports and monograph and some delegations stated that consensus had not been achieved by the CCRVDF on this matter. Delegations stressed that the protection of consumers’ health was the primary consideration.

80. The Delegation of France expressed the view that the proceedings used in the case of BST had not respected the principles of risk analysis (separation between risk assessment and risk management, documents allowing risk managers to take decisions in case of uncertainty) and that the decision taken by the CCRVDF was contrary to the objective of seeking to achieve consensus.

81. Some Delegations referred to recently published scientific reports in which the conclusions differed from those of JECFA and stated that there may be a need to recognize that there was a difference of scientific opinion on some matters related to the use and safety of BST.

82. Several Delegations stated that apart from the protection of consumers’ health, no other legitimate factors needed to be addressed since the scientifically-based risk analysis should be the determining factor. They expressed concern that consideration of other factors that were more legitimately addressed at the national level, would lead to paralysis of the Codex system. The countries making this point also stressed that individual countries did not have to approve the use of BST on their territories. The Delegation of Canada pointed out that it had used this approach in its recent decision on BST.

83. Other Delegations referred explicitly to animal health and welfare as legitimate factors that had to be taken into account in relation to the use of BST. It was noted that the welfare of animals was included in the Codex International Recommended Code of Practice for the Control and Use of Veterinary Drugs (CAC/RCP 38/1993). Furthermore, it was suggested that different consideration should be given to the evaluation of substances used for therapeutic purposes than those use for production efficiency and growth promotion. The Observer from Consumers International suggested that in the light of the Committee’s earlier decision to seek the advice of Codex Committees on their use of other factors, the CCRVDF should be asked to indicate which factors it had included in its consideration of BST.

84. Attention was also drawn to consumer concerns expressed in several countries and some delegations stated that this was a legitimate factor that had to be addressed especially in relation to the acceptability of products by consumers. Other delegations however stated that while such concerns might be appropriate considerations at the national level, they were not “other legitimate factors” within the meaning of the second of the Four Statements of Principle Concerning the Role of Science for Codex purposes.

85. The Committee noted that Delegations remained divided on the consideration of other factors as requested by the Commission in the mandate given to the Committee and that as a result it had not been possible to arrive at a consensus decision. It agreed to inform the Commission accordingly.

²³ ALINORM 97/37, para. 68-69; ALINORM 99/33, para. 70.

REVISION OF THE PROCEDURAL MANUAL (AGENDA ITEM 8)***DRAFT PRINCIPLES CONCERNING THE PARTICIPATION OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS (AGENDA ITEM 8.1)***²⁴

86. In response to a request from the 22nd Session of the Commission, the 13th Session of the Committee had considered proposals for the development of guidelines for the participation of International Non-Governmental Organizations (INGOs) in the work of Codex. The Committee requested the Secretariat to revise the draft proposals in the light of discussion and to circulate them for comments prior to the present session.²⁵

87. The Committee welcomed the revised proposals. In relation to the paragraph restricting the admission of several organizations working in the same field of interest, the Committee agreed that such a restriction could limit the legitimate participation of a wider number of smaller organizations with different points of view and decided to delete the paragraph. Nevertheless, it maintained in the Annex of information to be provided by applicants for observer status, a request for information that would allow a pragmatic approach to be followed when considering requests from organizations with similar competencies.

88. The Committee also agreed that the list of Observer Organizations published by the Secretariat should indicate the nature of the membership of organizations, especially whether organizations represented trade and industry groups, consumer and other public sector groups, or scientific and professional groups. It was noted that such a distinction would be helpful in the interests of transparency and also in relation to proposals before the Commission for the admission of observers to the Executive Committee on a representational basis. The Secretariat noted that the attribution of organizations into one or other of these groups would have to be tentative in the first instance, pending information from the organizations concerned.

89. The Committee also agreed to include in the Annex of information required from applicant organizations, information on the sources of funding for such organizations. The Observer of Consumers International pointed out that such information would be useful in determining the *bona fides* of organizations, consistent with the recommendations of the FAO Expert Consultation in this matter.²⁶

Status of the Draft Principles Concerning the Participation of International Non-Governmental Organizations

90. The Committee agreed to transmit the revised Draft Principles as contained in Appendix IV of this report, to the Commission for adoption and publication in the Procedural Manual.

CORE FUNCTIONS OF CODEX CONTACT POINTS (AGENDA ITEM 8.2)²⁷

91. The Committee recalled that the Codex Coordinating Committees for Asia and for Europe had held discussions concerning the definition of the core functions of Codex Contact Points and had agreed, at its last session, to consider this matter on the basis of proposals put forward by the Coordinating Committee for Asia.²⁸ A Circular Letter was subsequently sent to all Codex Contact Points.

92. The Committee revised the draft Core Functions in the light of the comments received, in particular to simplify them and to make them more generally applicable. It was noted that countries had different constitutional and legislative systems, administrative structures, resources and procedures, and that the draft Core Functions could not therefore be specific in making reference to the types of government structures or

²⁴ CL 1998/31-GP; CX/GP 99/11 (Comments of Canada, Germany, United States, International Sweeteners Association, European Food and Feed Cultures Association, European Network of Childbirth Association, International Baby Food Action Network, Institute of Food Technologists, Center for Science in the Public Interest); Unnumbered CRD (Comments of Consumers International).

²⁵ ALINORM 97/37, paras 155-159; ALINORM 99/33, paras. 71-78.

²⁶ Report of the FAO Expert Consultation in the Integration of Consumers Interest in Food Control, Rome, 14-18 June 1993. Published by FAO, Rome.

²⁷ CL 1998/34-GP; CX/GP 99/12 (Comments of Brazil, Canada, Costa Rica, Malawi, United States); CRD 5 (Comments of Consumers International).

²⁸ ALINORM 99/30, para. 7.

procedures that participated in Codex at the national level. An introductory statement was included to this effect.

93. It was also noted that whereas many countries had established national Codex Committees, this practice was not universal and depended on the administrative structures, resources and practices in effect in the different countries. The text was amended to reflect this. The Observer from Consumers International expressed concern that many countries do not yet have an effective National Codex Committee or Codex Contact Points and urged that this should be given greater priority.

94. The Delegation of Thailand suggested that the Codex Contact Point could become a strategic unit for capacity building and information exchange on executive and technical matters relating to national food safety plans.

Status of the Draft Core Functions of Codex Contact Points

95. The Committee agreed to transmit the revised Draft Core Functions as contained in Appendix V of this report, to the Commission for adoption and publication in the Procedural Manual.

APPLICATION OF RULE VII OF THE COMMISSION'S RULES OF PROCEDURE: ATTENDANCE OF MEMBERS AT SESSIONS OF THE SUBSIDIARY BODIES (AGENDA ITEM 9)²⁹

96. The Committee noted that the Codex Coordinating Committee for Europe had asked for clarification on the application of Rule VII concerning the participation of Members of the Commission as Observers in subsidiary bodies of the Commission in relation to Rule III concerning the composition of the Executive Committee, in order to determine to what extent they had the possibility of attending meetings of the Executive Committee (ALINORM 99/19, para. 46). Advice had been sought from Legal Counsel and the views of Legal Counsel were before the Committee.

97. The Committee noted the views of Legal Counsel that the Executive Committee was a subsidiary body of the Commission and that consequently any Member of the Commission that had a special interest in the work of the Commission may attend sessions of the Executive Committee as an observer. Nevertheless, Legal Counsel also noted that Members of the Commission that are not Members of the Executive Committee have not, in practice, participated in its meetings, nor had any requests been received to that effect. This was in line with practice in other FAO bodies.

98. It was noted that current working procedures allowed the participation of two *advisors* to Regional Representatives, and that these advisors could be from countries in the Region other than the country of the Representative. Moreover, the interests of the Region were strengthened by the attendance of the Regional Coordinators at sessions of the Executive Committee.

99. The Delegations of Japan and the Republic of Korea stated that, in their view, the representation of Members on the Executive Committee should be proportional to their membership in the Commission.

100. The Committee decided that the current situation in regard to the participation of Members of the Commission as observers in the Executive Committee was satisfactory and that there was no need to change the current arrangements in this regard.

OTHER BUSINESS, FUTURE WORK AND DATE AND PLACE OF NEXT SESSION (ITEM 10)

101. There was no Other Business.

102. The Committee noted that, as a result of discussions at its present session, its future work would include the following (in addition to any additional work conferred upon it by the Commission):

- Measures to achieve consensus;
- Consideration of food safety objectives;

²⁹ CX/GP 99/13.

- Working Principles of Risk Analysis
- Consideration of legitimate factors other than science in the Codex decision-making process;
- Revision of the Code of Ethics for International Trade in Foods, including consideration of special and differential treatment for developing countries.

103. The Committee noted that its 15th Session was scheduled to be held in Paris, 10-14 April 2000, the date to be confirmed between the Host Government and Codex Secretariats.

SUMMARY STATUS OF WORK

Subject Matter	Step	Action by	Reference in ALINORM 99/33A
Amendment of Rule X		Governments 23rd CAC	para. 46 Appendix II
Risk Analysis Definitions		Governments 23rd CAC	para. 15 Appendix III
Draft Principles concerning the participation of INGOs in the work of Codex		Governments 23rd CAC	para. 90 Appendix IV
Core Functions of Codex Contact Points		Governments 23rd CAC	para. 95 Appendix V
Working Principles for Risk Analysis		Governments 15 th CCGP	para. 37
Food Safety Objectives		CCFICS 15 th CCGP	para. 9
Measures to facilitate consensus		Secretariat 14 th CCGP	para. 51
Acceptance Procedure		23rd CAC	para. 57
Role of science and other factors in relation to BST		23rd CAC	para. 85
Role of science and other factors in relation to risk analysis		Secretariat 15 th CCGP	para. 74
Revision of the Code of Ethics (including special treatment for developing countries)		CAC 15 th CCGP	para. 6

ALINORM 99/33A
Appendix I

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**ALINORM 99/33A
APPENDIX II**

DRAFT AMENDMENT TO THE RULES OF PROCEDURE

(PROPOSED ADDITIONS ARE UNDERLINED)

Rule X – Elaboration and adoption of Standards

1. Subject to the provisions of these Rules of Procedure, the Commission may establish the procedures for the elaboration of world-wide standards and of standards for a given region or group of countries, and when necessary, amend such procedures.
2. The Commission shall make every effort to reach agreement on the adoption or amendment of standards by consensus. Decisions to adopt or amend standards may be taken by voting only if such efforts to reach consensus have failed.

**ALINORM 99/33A
APPENDIX III****DEFINITIONS OF RISK ANALYSIS TERMS RELATED TO FOOD SAFETY
(submitted to the Commission for adoption)*****RISK COMMUNICATION***

The interactive exchange of information and opinions throughout the risk analysis process concerning hazards and risk, risk-related factors and risk perceptions, among risk assessors, risk managers, consumers, industry, the academic community and other interested parties, including the explanation of risk assessment findings and the basis of risk management decisions.

RISK MANAGEMENT

The process, distinct from risk assessment, of weighing policy alternatives, in consultation with all interested parties, considering risk assessment and other factors relevant for the health protection of consumers and for the promotion of fair trade practices, and, if needed, selecting appropriate prevention and control options.

ALINORM 99/33A
APPENDIX IV

**DRAFT PRINCIPLES CONCERNING THE PARTICIPATION OF INTERNATIONAL NON-
GOVERNMENTAL ORGANIZATIONS IN THE WORK OF THE CODEX ALIMENTARIUS
COMMISSION**

(SUBMITTED TO THE COMMISSION FOR ADOPTION)

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1 PURPOSE

The purpose of collaboration with International Non-Governmental Organizations is to secure for the Codex Alimentarius Commission, expert information, advice and assistance from international non-governmental organizations and to enable organizations which represent important sections of public opinion and are authorities in their fields of professional and technical competence to express the views of their members and to play an appropriate role in ensuring the harmonizing of intersectoral interests among the various sectoral bodies concerned in a country, regional or global setting.

Arrangements made with such organizations shall be designed to advance the purposes of the Codex Alimentarius Commission by securing maximum cooperation from International Non-Governmental Organizations in the execution of its programme.

2 TYPES OF RELATIONSHIP

Only one category of relationship shall be recognized, namely “Observer Status”; all other contacts, including working relations, shall be considered to be of an informal character.

3 ORGANIZATIONS ELIGIBLE FOR “OBSERVER STATUS”

The following shall be eligible for Observer Status:

- International Non-Governmental Organizations in consultative status, specialized consultative status or liaison status with FAO;
- International Non-Governmental Organizations having official relations with WHO; and
- International Non-Governmental Organizations that:
 - (a) are international in structure and scope of activity, and representative of the specialized field of interest in which they operate;
 - (b) are concerned with matters covering a part or all of the Commission’s field of activity;
 - (c) have aims and purposes in conformity with the Statutes of the Codex Alimentarius Commission; and

- (d) have a permanent directing body, authorized representatives and systematic procedures and machinery for communicating with its membership in various countries. Its members shall exercise voting rights in relation to its policies or action or shall have other appropriate mechanisms to express their views.

4 PROCEDURE FOR OBTAINING “OBSERVER STATUS”

4.1 INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS HAVING STATUS OR OFFICIAL RELATIONS WITH FAO AND WHO

“Observer status” shall be accorded to those International Non-Governmental Organizations in consultative status, specialized consultative status or liaison status with FAO or International Non-Governmental Organizations having official relations with WHO that inform the Secretary of the Codex Alimentarius Commission of their desire to participate in the work of the Commission and/or any or all of the Commission’s subsidiary bodies¹ on a regular basis. They may also request invitations to participate at specific sessions of the Commission or its subsidiary bodies on *ad hoc* basis.

4.2 NON-GOVERNMENTAL ORGANIZATIONS NOT HAVING STATUS OR OFFICIAL RELATIONS WITH FAO AND WHO

Before any form of formal relationship is established with a Non-Governmental Organization, such Organization shall supply the Secretary of the Commission with the information outlined in the Annex to these Procedures. The Secretary shall transmit this information to the Directors-General of FAO and WHO.

Upon confirmation that the Directors-General are satisfied that the applicant Organization is in a position to make a significant contribution in advancing the purposes of the Codex Alimentarius Commission, Observer Status shall be granted to the applicant Organization.

Observer Status at specific meetings will not normally be granted to individual organizations that are members of a larger organization authorized and that intends to represent them at these meetings.

5 PRIVILEGES AND OBLIGATIONS

International Non-governmental Organizations in Observer status shall have the following privileges and obligations:

5.1 PRIVILEGES OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN “OBSERVER STATUS”

An Organization in Observer Status:

- (a) shall be entitled to send an observer (without the right to vote) to sessions of the Commission, who may be accompanied by advisers; to receive from the Secretary of the Commission, in advance of the session, all working documents and discussion papers; to circulate to the Commission its views in writing, without abridgement; and to participate in discussions when invited by the Chairperson¹
- (b) shall be entitled to send an observer (without the right to vote) to sessions of specified Subsidiary Bodies, who may be accompanied by advisers; to receive from the Secretaries of the Subsidiary Bodies, in advance of the session, all working documents and discussion papers; to circulate to these Bodies its views in writing, without abridgement; and to participate in discussions when invited by the Chairperson²;
- (c) may be invited by the Directors-General to participate in meetings or seminars on subjects organized under the Joint FAO/WHO Food Standards Programme which fall within its fields of interest, and if it does not so participate it may submit its views in writing to any such meeting or seminar;
- (d) will receive documentation and information about meetings planned on subjects agreed upon with the Secretariat;

¹ The term “subsidiary bodies” means any body established under Rule IX of the Commission’s Rules of Procedure.

² An invitation to a Codex meeting and representation thereat by an observer shall not imply the granting to an international non-governmental organization of a status different from that which it already enjoys.

- (e) may submit, under the authority of its governing body, written statements on matters before the Commission, in one of the languages of Commission, to the Secretary, who may communicate them to the Commission or the Executive Committee as appropriate.

5.2 OBLIGATIONS OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN “OBSERVER STATUS”

An Organization in Observer Status shall undertake:

- (a) to cooperate fully with the Codex Alimentarius Commission for the furtherance of the objectives of the Joint FAO/WHO Food Standards Programme;
- (b) in cooperation with the Secretariat, to determine the ways and means of co-ordinating activities within the scope of the Joint FAO/WHO Food Standards Programme, with a view to avoiding duplication and overlapping;
- (c) to contribute, as far as possible, and at the request of the Directors-General, to the promotion of a better knowledge and understanding of the Codex Alimentarius Commission and the Joint FAO/WHO Food Standards Programme through appropriate discussions or other forms of publicity;
- (d) to send to the Secretary of the Commission on an exchange basis, its reports and publications concerned with matters covering all or part of the Commission’s field of activity;
- (e) to keep the Secretary of the Commission informed of changes in its structure and membership, as well as of important changes in its secretariat.

6 REVIEW OF “OBSERVER STATUS”

The Directors-General may terminate arrangements for Observer Status which are no longer considered necessary or appropriate in the light of changing programmes or other circumstances, and will report such action to the Commission. However, the international non-governmental organization concerned may appeal the termination of Observer Status.

An international non-governmental organization in Observer Status which has not shown any interest and has not attended any meetings during a period of four years may be deemed not to have sufficient interest to warrant the continuance of such relationship.

The Secretary shall report to the Codex Alimentarius Commission on the relations between the Codex Alimentarius Commission and international non-governmental organizations established in accordance with the present Procedures and shall provide a list of organizations granted Observer Status, with an indication of the membership that they represent.

The Commission shall periodically review these principles and procedures and shall consider, as necessary, any amendments which may seem desirable.

ANNEX: INFORMATION REQUIRED OF NON-GOVERNMENTAL ORGANIZATIONS REQUESTING “OBSERVER STATUS”

1. Official name of the organization in different languages (with initials)
2. Full postal address, Telephone, Telex address, Facsimile and Email as appropriate
3. Aims and subject fields (mandate) of organization, and methods of operation. (Enclose charter, constitution, by-laws, rules of procedures, etc.)
4. Member organizations (name and address of each national affiliate, method of affiliation, giving number of members where possible, and names of principal officers. If the organization has individual members, please indicate approximate number in each country)
5. Structure (assembly or conference; council or other form of governing body; type of general secretariat; commissions on special topics, if any; etc.)
6. Indication of source of funding (e.g., membership contributions, direct funding, external contributions, or grants)

7. Meetings (indicate frequency and average attendance; send report of previous meeting, including any resolutions passed) that are concerned with matters covering all or part of the Commission's field of activity
8. Relations with other international organizations:
 - UN and organs (indicate consultative status or other relationship, if any)
 - UN Specialized Agencies (indicate consultative status or other relationship, if any)
 - Other international organizations
9. Expected contribution to the Joint FAO/WHO Food Standards Programme
10. Past activities on behalf of, or in relation to, the Codex Alimentarius Commission and the Joint FAO/WHO Food Standards Programme (indicate any relationship by national affiliates with the Regional Coordinating Committees and/or the National Codex Contact Points or Committees)
11. Area of activity in which participation as an observer is requested (Commission and/or Subsidiary Bodies). If more than one organization with similar interests is requesting observer status in any field of activity, such organizations will be encouraged to form themselves into a federation or association for the purpose of participation. If the formation of such a single organization is not feasible, the application should explain why this is so.
12. Language (English, French or Spanish) in which documentation should be sent to the international non-governmental organizations
13. Name, Function and address of the person providing the information
14. Signature and date

**ALINORM 99/33A
APPENDIX V****DRAFT CORE FUNCTIONS OF CODEX CONTACT POINTS**

(submitted to the Commission for adoption)

The operation of Codex Contact Points will differ in each country depending on national legislation, government structures and practices.

Codex Contact Points:

- 1 Act as the link between the Codex Secretariat and Member countries;
- 2 Coordinate all relevant Codex activities within their own countries;
- 3 Receive all Codex final texts (standards, codes of practice, guidelines and other advisory texts) and working documents of Codex sessions and ensure that they are circulated to those concerned within their own countries;
- 4 Send comments on Codex documents or proposals to the Codex Alimentarius Commission or its subsidiary bodies and/or the Codex Secretariat;
- 5 Work in close cooperation with the national Codex committee, where such a committee has been established. The Codex Contact Point acts as the liaison point with the food industry, consumers, traders and all other concerned to ensure that the government is provided with an appropriate balance of policy and technical advice upon which to base decisions relating to issues raised in the context of the Codex work;
- 6 Act as a channel for the exchange of information and coordination of activities with other Codex Members;
- 7 Receive the invitation to Codex sessions and inform the relevant chairpersons and the Codex Secretariat of the names of participants from their own countries;
- 8 Maintain a library of Codex final texts; and
- 9 Promote Codex activities throughout their own countries.