

# CODEX ALIMENTARIUS COMMISSION



**Food and Agriculture  
Organization of  
the United Nations**



**World Health  
Organization**

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**REP12/GP**

## **JOINT FAO/WHO FOOD STANDARDS PROGRAMME**

### **CODEX ALIMENTARIUS COMMISSION**

*Thirty-fifth Session*

*Rome, Italy, 2-7 July 2012*

### **REPORT OF THE TWENTY-SEVENTH SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES**

**Paris, France, 2 – 6 April 2012**

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## SUMMARY AND CONCLUSIONS

### **Matters for adoption by the Commission:**

The Committee endorsed the following texts forwarded to the Commission for adoption:

- The Provisions on the Use of Proprietary Methods in Codex Standards developed by the CCMAS (para 9).
- The revised *Risk Analysis Principles and Procedures Applied by the Codex Committee on Food Hygiene* provided by the CCFH (para 48).
- The separated Risk analysis principles applied by the CCFA and the CCCF (para 49).
- The revised Definition of contaminants provided by the CCCF (para 99)

### **Matters of interest to the Commission:**

- The Committee agreed on holding a facilitated work session on issues related to standards held at step 8 (para 19).
- The Committee agreed to consider further at its next session the following items: issues related to economic impact statements. (para 43); Codex/OIE cooperation (para 71); the revision of its terms of reference after examining the discussion paper on economic impact statements (para 60).
- The Committee will consider at its next session the following new items: representation of Officers of the CAC in Codex sessions other than sessions of the CCEXEC and CAC (para 93); reference to information documents; and cooperation between General Subject Committees and Commodity Committees (para 106).

## INTRODUCTION

1. The Codex Committee on General Principles (CCGP) held its Twenty-seventh Session in Paris, France, from 2 to 6 April 2012 at the kind invitation of the Government of the French Republic. Professor Michel Thibier (France) chaired the session. The session was attended by 170 delegates representing 64 member countries, one Member Organization (European Union), and 12 international organizations. A full list of participants, including the Secretariat, is attached as Appendix I.

2. Mr Patrick Dehaumont, Director General of Food, Ministry of Agriculture and Food welcomed the participants on behalf of the French Government, recalling that France had always supported the work of the Codex Alimentarius Commission in order to protect the health of consumers and ensure fair practices in food trade. He pointed out that risk analysis is the basis of food safety standards: following risk assessment, the risk management process carried out by Codex Committees and the Commission should take into account other legitimate factors and in particular consumer concerns, which cannot be ignored. He recalled that current elaboration procedures and adoption by consensus ensure their legitimacy and their subsequent uptake. Mr Dehaumont recalled that in order to ensure an integrated approach throughout the food chain it is important that Codex should cooperate with OIE on the development of standards of common relevance, and wished delegations all success in their deliberations.

### Division of Competence

3. The Committee noted the division of competence between the European Union and its Member States, according to paragraph 5, Rule II of the Procedure of the Codex Alimentarius Commission, as presented in CRD 1.

### ADOPTION OF THE AGENDA (Agenda Item 1)<sup>1</sup>

4. The Committee agreed to discuss all matters related to risk analysis referred by the CCFH (CX/GP 12/27/2), CCFA (CX/GP 12/27/2-Add.1) and CCCF (CRD 18) under Agenda Item 5b.

5. The Committee agreed to discuss the following issues under Agenda Item 9 (Other business): Representation of Officers of the Codex Alimentarius Commission in Codex Sessions other than the Executive Committee and Commission Sessions (proposed by Canada in CRD 11); Cooperation between General Subject Committees and Commodity Committees (proposed by Norway in CRD 5); Proposed Revised Definition for Contaminants (referred by the CCCF in CRD 18); and Ways to Make Information and Other Similar Documents Available in the Codex System (referred by the CCCF in CRD 18).

6. The Committee noted that document CX/GP 12/27/9 on Distribution of documents and length and content of reports had not been prepared and agreed to discuss the results of the discussion on this topic by the CCLAC and the CCNEA as contained in CX/GP 12/27/2 under Agenda Item 8.

7. With these modifications the Committee agreed to adopt the Provisional Agenda as proposed in document CX/GP 12/27/1 as the agenda for the session.

### MATTERS REFERRED TO THE COMMITTEE (Agenda Item 2)<sup>2</sup>

8. The Committee noted several items were submitted to it for information or would be further considered under relevant agenda items.

### Provisions on the Use of Proprietary Methods in Codex Standards

9. The Committee endorsed the text as proposed by the CCMAS for inclusion in the Procedural Manual.

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<sup>1</sup> CX/GP 12/27/1

<sup>2</sup> CX/GP 12/27/2, CX/GP 12/27/2-Add.1

**STANDARDS HELD AT STEP 8 (Agenda Item 3)<sup>3</sup>**

10. The Committee recalled that its last session had agreed to establish an electronic working group co-chaired by Canada and the Netherlands to consider issues related to standards held at Step 8 and to propose recommendations for consideration by the 27<sup>th</sup> session. The Delegations of the Netherlands and Canada, recalling that consideration of other legitimate factors was outside the mandate of the working group, indicated that the reasons for holding standards at Step 8 had been analysed, and highlighted the recommendations put forward for consideration by the Committee.

11. The Committee expressed its thanks to Canada, the Netherlands and the working group for their excellent work and considered the recommendations provided in the working document as described below.

**Recommendation 1**

12. Many delegations expressed the view that Codex procedures worked well and did not require amendments as there were currently only two standards held at Step 8 due to lack of consensus, while other standards had been held at Step 8 only for a short time and a specific purpose and were subsequently adopted by consensus. The Committee therefore agreed that there was no need to amend the Elaboration Procedure and proceeded to discuss how to address the issues related to standards held at Step 8.

13. It was recalled that the use of a facilitator to reach consensus was included in the Guidelines to Chairpersons but that there were no detailed provisions on the facilitation process and the Committee discussed a proposal to develop more guidance in this respect. The Committee however agreed to consider only the recommendations of the working document at the present session.

14. Several delegations stressed the importance of the scientific basis of Codex standards and recalled that the Procedural Manual allows the use of other factors as long as their consideration does not affect the scientific basis of risk analysis, and therefore adoption of standards should be in compliance with the provisions of the Manual.

15. One delegation proposed that when establishing the priority list of pesticides or veterinary drugs for evaluation by JMPR or JECFA, lower priority should be given to substances, which were banned in some member countries, taking into account the impact on public health and economy.

16. Some delegations expressed the view that the discussion should focus on the real issues which prevented progress of standards held at Step 8 due to lack of consensus, as procedures were not responsible for these delays. They considered that a more open discussion was possible in a workshop or facilitated meeting rather than in the Committee or an electronic working group.

17. One delegation pointed out that the Committee should clarify the issues to be addressed in a facilitated session, its expected outcome, the role of the facilitators and how the session should be planned. The Committee noted that the Committee on Food Labelling had held a facilitated session and that useful experience could be drawn from this example.

18. Another delegation noted that the successes achieved in various Codex committees or task forces should also be considered in order to draw experience on how to address difficult issues, and the Committee should also consider how to address controversial issues before they reach Step 8.

19. After some discussion, the Committee agreed to hold a facilitated discussion group with the following terms of reference:

- The discussion group will be conducted in English, French and Spanish
- The discussion group will identify and consider the root causes for holding standards at Step 8. The purpose of the discussion is to enhance awareness and understanding of these issues amongst members.
- The discussion group will prepare a summary report of the discussion, but will not make specific recommendations to the CCGP

20. The Committee agreed that the discussion group would be chaired by the European Union and the United States of America, facilitated by the three Vice-Chairs of the Commission, and planned by the co-chairs and facilitators, including preparation of documents to be distributed in advance of the meeting. To facilitate maximum participation from members, it was agreed to hold it in conjunction with the 36<sup>th</sup> Session

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<sup>3</sup> CX/12/27/3, CRD 3 (comments of Kenya), CRD 4 (comments of Ghana), CRD 6 (comments of Brazil), CRD 7 (comments of Norway), CRD 8 (comments of Philippines), CRD 9 (comments of Mali), CRD 12 (Costa Rica, Mexico and Dominican Republic), CRD 14 (comments of Nigeria), CRD 15 (comments of China), CRD 16 (comments of Consumers International), CRD 19 (proposed mandate of the facilitated discussion group), CRD 20 (comments of India)

of the Commission (2013). The Secretariat indicated that it would arrange for interpretation in the working languages of the Committee.

21. The Committee also agreed that the work started on this issue by the working group would not affect the disposition of any ongoing work.

#### **Recommendation 2**

22. The Committee agreed that no additional guidance to Chairs was necessary in the Procedural Manual but it was important that Chairs apply the provisions in the Manual consistently. Several delegations pointed out that training on facilitation and on the correct application of the Manual would be useful. The Secretariat recalled that training related to consensus building had been carried out on several occasions in conjunction with the Commission and a one-day workshop was scheduled at the next session in 2012.

23. Some delegations pointed out that it was important to evaluate chairs and it was recalled that the satisfaction survey distributed after each session gave the opportunity to Committee members to evaluate committee Chairs after each session.

#### **Recommendation 3**

24. Several delegations recognized that it was useful to identify potential challenges when work was initiated but agreed that there was no need to amend current procedures for this purpose, including the critical review.

#### **Recommendation 4**

25. Some delegations supported the use of concern forms used in the Committee on Pesticide Residues (CCPR) in other committees. The Representative of WHO clarified that the concern form used in the CCPR was intended to allow members to put forward specific questions to JMPR on scientific risk assessment, such as ADI or ARfD.

26. Some delegations indicated that the actual format could be adapted to other food safety issues to address questions related to scientific advice or extended to other Codex committees. One delegation pointed out that if the concern form was generalised for other purposes, it should be clarified first who should analyse it. Another delegation expressed the view that the concern form should be discussed in committees with an experience similar to CCPR, such as the Committee on Residues of Veterinary Drugs in Foods, rather than in the CCGP.

27. In reply to a question on the legal implications of such a form, it was noted that this was only an internal procedure intended to improve the standard-setting process within Codex in case there were different views on the result of the scientific risk assessment.

28. Some delegations pointed out that, in addition to the concern form used in CCPR, the good practices used by various committees should be shared between committees in order to improve the overall process. The Secretariat recalled that an analysis of good practices had been carried out under the Strategic Plan Activity 3.4 *Analyse work-management approaches that facilitate the advancement of texts in the Codex step process* and was included in the study on the speed of the Codex standard-setting process presented to the 65<sup>th</sup> CCEXEC (June 2010). All work management approaches had been considered in detail, including the concern form from the CCPR. The Executive Committee had recommended that Committees consider adopting the good practices identified in the report in line with Activity 3.5: *Adopt approaches proven to facilitate advancement of texts in the Codex step procedure by subsidiary bodies not currently using such approaches* (ALINORM 10/33/3A, para. 66-114)

29. The Committee noted this recommendation and asked the advice of the concerned committees including the CCRVDF as to the relevance of using concern forms.

#### **Recommendation 5**

30. Several delegations expressed the view that the Commission should have the possibility of retaining standards at Step 8 to allow some flexibility when a standard required further work in the committee concerned, especially when only a limited section was returned for a specific purpose and the whole standard did not require redrafting. The Committee noted a proposal to indicate that "The Commission may also decide that the standard be held at Step 8 as long as there is a scientific justification" but recognized that standards might be held at Step 8 for other reasons and not only in the case of food safety issues. The Committee therefore agreed not to amend the Elaboration Procedure in this respect.

**Recommendation 6**

31. The Committee agreed that the adoption of standards on a regional basis was not a solution as food safety standards should be set on a world-wide basis.

**Recommendation 7**

32. Some delegations expressed the view that there should be no time limit for holding standards at Step 8 as it was essential that all efforts should be made to reach consensus. The Delegation of Brazil supported the Recommendation and further consideration of voting in the Rules of Procedure. The Committee agreed to retain the current Rules of Procedure with respect to voting.

**MECHANISM FOR EXAMINING ECONOMIC IMPACT STATEMENTS (Agenda Item 4)<sup>4</sup>**

33. The Committee recalled that at its last session it had considered proposed amendments to its Terms of Reference (TOR) and had agreed on three points to be included in the TOR (see ALINORM 10/33/33, Appendix IV and also Agenda Item 6). There was no consensus on the inclusion of a paragraph on development of a mechanism for examining economic impact statements in the TOR, which was maintained in square brackets.

34. The Committee had agreed that independently of the decision on the inclusion of the paragraph in its TOR it would explore work in this area through an electronic working group with the mandate of developing a mechanism for examining any economic impact statements submitted by governments concerning possible implications for their economies of some of the individual draft standards or some of the provisions thereof, including the development of a template or harmonized format for the submission of such economic impact statements.

35. The Delegation of Malaysia as lead country introduced the working mechanisms and results of the working group and said that the positions according to the replies could be classified into three groups in accordance with CRD 17: (1) Provisions exist in the current step procedure for addressing economic impact concerns but without clear procedure. A mechanism and template would facilitate members to submit such statements and ensure that they are submitted and can be evaluated in a uniform and transparent manner. The template will ensure core information is made available in a uniform manner while allowing flexibility to submit additional information (2) Provisions are in place in the Procedural Manual thus there is no need to create a specific new mechanism. It might be a burden to developing countries to provide the information and to those who need to review it and a template could deprive members of flexibility. The existing provisions for the Elaboration of Codex Standards and Related Texts of the Procedural Manual allow adequate opportunity for members to raise concerns with regard to the possible economic implications of a particular standard. The Guidelines to Chairpersons of Codex Committees and Ad Hoc Intergovernmental Task Forces in the Codex Procedural Manual also cite economic interests. No further guidance on this is needed. (3) CCGP could remind other Committees of the importance of considering potential economic impacts of draft standards if Codex members raise such issues. It could be useful to develop some general guidance for Codex members on issues they should consider when preparing comments on implications of draft Codex standards on their economic interests

36. Based on the exchanges in the working group and acknowledging that there had been a low participation from members, the Delegation of Malaysia proposed three options to the Committee: (a) to continue working on developing a mechanism and template for examining economic impact statements; (b) not to proceed with such work; and (c) to develop additional guidance for Chairpersons concerning the importance of considering potential economic impacts of draft standards if Codex members raise such issues. The delegation proposed specific text to be included in the Guidelines to Chairpersons to ensure that questions related economic impact would be treated within the relevant committees at steps 4 and 7 of the procedure.

37. The Committee thanked Malaysia and the working group for their work on this issue. In the general debate on the usefulness of the Committee to continue work on a mechanism and template for examining economic impact statements the opinions in the Committee were divided as in points (1) to (3) above.

38. One delegation was of the opinion that the working group did not fulfill its mandate because some of the participants were not committed to the mandate. One delegation indicated it may be useful to consider economic impact much earlier in the elaboration process.

39. The Committee discussed in detail the proposal from Malaysia under (c) (see CRD 17). Several delegations supported the proposal as presented while others supported the principle of the proposal but not the specific text or its proposed placement. In the end the Committee concluded that the specific text

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<sup>4</sup> CX/GP 12/27/4, CRD2 (Annex to EWG report), CRD 4 (Ghana), CRD 8 (Philippines), CRD 9 (Mali), CRD 14 (Nigeria) and CRD 17 (Malaysia)

proposed by Malaysia did not add sufficient new elements to what was already contained in the Guidelines to Chairpersons.

40. In the discussion on how to move forward on the issue, several delegations mentioned that the consideration of economic impact was an important aspect of the standard development process in Codex and that it was especially important for developing countries, who felt that there was insufficient application of the provisions of the Procedural Manual to this respect. Others mentioned that the Codex process was working well and economic impact had been taken into account at the relevant steps of the standard setting procedure (steps 5 and 8). The work in relation to olive oil and bitter cassava was mentioned to illustrate the point.

41. Several delegations were of the opinion that the process of making and analysing economic impact statements should be better understood for example it could be examined how other international organizations dealt with the subject. It was also mentioned that when considering economic impact of food safety standards not only the economic impact on trade should be considered but also the value of public health benefits.

42. After some discussion, the Committee agreed that it was premature to propose any amendments to the procedural manual at this stage or harmonized templates for the submission of economic impact statements.

43. The Committee agreed to the proposal from Australia to continue discussions at the next session on the basis of a discussion paper that would be developed jointly by Malaysia and Australia. The paper would be pragmatic and explain how committees can consider balancing economic impact of measures with food safety issues and other elements. The paper would consider examples from Codex committees and show how these have been considered and identify if any further Codex provisions were needed on this issue.

## **REVIEW OF THE RISK ANALYSIS POLICIES OF CODEX COMMITTEES (Agenda Item 5)<sup>5</sup>**

### **Definition of the term “hazard” (Agenda Item 5a)**

44. The Committee recalled that at the last session, the Observer from CRN had pointed out that the definition of hazard in the Procedural Manual, referring to an “agent” was different from the definitions used in authoritative scientific documents relating to nutrient risk assessment, which referred to “effect” and therefore proposed to insert a footnote to the definition of “hazard” in the Procedural Manual. The Committee had decided to refer the proposal to the relevant Committees for their opinion.

45. As the replies from CCFSDU, CCFH, CCFA, CCCF, CCPR and CCRVDF were unanimous stating that there was no need to amend the definition of “hazard”, the Committee decided that there was no need for further discussion on this issue.

### **Status of reviews (Agenda Item 5b)**

46. The Committee recalled that at its last session it had agreed that the risk analysis policies developed by Codex committees were generally consistent with the *Working Principles for Risk Analysis*, which complied with the mandate given to the Committee under Activity 2.1. The Committee had also agreed to forward the review presented in CL 2010/1-GP to the committees concerned for their consideration and review of their risk analysis policies, which would initiate Activity 2.2 of the Strategic Plan.

47. The Committee noted that the CCFSDU had agreed that it was not necessary to revise its Principles as they had been adopted only in 2009 and it was too early to revise them for the time being.

48. The Committee endorsed the revised CCFH Risk Analysis Principles and noted that the CCFH had originally produced Risk Analysis Principles and an Annex in which it had compiled certain procedural and prioritization aspects. The Committee had reviewed its principles and had integrated a number of items from the annex into the main document.

49. The Committee endorsed the separate risk analysis principles from CCFA and CCCF and decided that the term “as approved by the Commission” should be maintained in para. 1 of both texts for consistency.

50. The Committee noted that the CCFA had agreed that the proposed amendments to address animal feed were not relevant to its work and that CCCF had included feed in their principles.

51. The Committee also noted that the CCCF had proposed to revise the definition of “contaminant” and forwarded the revision to the CCGP for endorsement. The relevant discussion is presented under Agenda Item 9.

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<sup>5</sup> CX/GP 12/27/2; CX/GP 12/27/2-Add.1; CX/GP 12/27/5; CX/GP 12/27/6; CRD 8 (Philippines); CRD 9 (Mali); CRD 10 (Egypt); CRD 13 (Republic of Korea); and CRD 20 (India)



52. The Committee noted that CCPR and the CCRVDF were currently reviewing their risk analysis principles and that this review included the applicability of the principles to animal feed and their consistency with the Working Principles for Risk Analysis.

#### **TERMS OF REFERENCE OF THE COMMITTEE (Agenda Item 6)<sup>6</sup>**

53. The Committee recalled the introduction to Agenda Item 4 (see para 33). The revised terms of reference (TOR) with the paragraph on economic impact statements remaining in square brackets had been circulated for comments in CL 2010/11-GP.

54. Several delegations were in favour of deleting the text in square brackets. They pointed out that the terms of reference should be as clear as possible and of a general nature to allow the Committee to consider any procedural matter. The mention of specific items of work was more appropriate for a work plan and when included in the TOR such specific items could rather lead to confusion as to the priorities of the work of the Committee. It was also mentioned that economic impact was already well covered at different steps of the Codex procedure.

55. The delegation of Brazil proposed to reformulate the sentence in square brackets in a more general way as follows: "To study economic impact within the CAC context with a view to assess the statements on this issue presented by Codex members."

56. The Secretariat clarified that this would mean a substantive change to the TOR of the Committee such that the Committee would actually have to evaluate any economic impact statement submitted by governments whereas the role of the CCGP was normally to develop general and procedural guidance.

57. Several delegations recalled that the Committee had decided under Agenda Item 4 to develop a discussion paper on mechanisms for evaluating economic impact statements. They were of the opinion that no decision should be taken on the statement in square brackets until that discussion paper had been examined.

58. The delegation of Australia said that the first three paragraphs of the revised TOR offered unlimited possibilities for general and procedural work of the Committee and that including the statement in square brackets rather limited the work being undertaken under Agenda Item 4.

59. The Delegation of Malaysia proposed to move part of the sentence in square brackets to the first sentence of the revised TOR (CRD 21). Many delegations supported this proposal, however, several other delegations were of the opinion that this would overly highlight this particular aspect of work in the TOR and lead to confusion. It was also mentioned that the text might be better placed in the third paragraph.

60. As there was no consensus in the Committee on any of the proposals, it was decided to leave the TOR unchanged and to continue discussions on the proposed revision of the TOR as contained in Appendix IV of ALINORM 10/33/33 at the next session when the discussion paper from Australia and Malaysia would be available.

#### **DEVELOPMENT OF JOINT CODEX/OIE STANDARDS (Agenda Item 7)<sup>7</sup>**

61. The Committee recalled that, following the proposal from OIE at its 25<sup>th</sup> Session to consider arrangements for the development of joint Codex/OIE standards, the 26<sup>th</sup> Session had discussed a document on this question (CX/GP 10/26/8) and had agreed to circulate this document for further comments and consideration at the 27<sup>th</sup> Session.

62. The Observer from OIE recalled that to fully protect the food production continuum, the OIE and CAC collaborate closely, with the OIE focusing on the management of food safety hazards arising at the on-farm level, and that for the purpose of assuring safe international trade in products of animal origin, the standard setting activities of the OIE and Codex are interdependent and complementary. It was recalled that to ensure good coordination between the OIE and Codex, in 2002, the OIE established the Working Group on Animal Production Food Safety and that representatives of the Secretariats of the OIE and Codex and experts nominated by the two organisations regularly participate in meetings on standards development and review. The use of these mechanisms has helped to improve the coverage of the whole food production continuum and to avoid gaps, duplications and potential contradictions in the standards and guidelines of the two organisations. The OIE recalled that, while cooperation in standard setting is now greatly improved there is still room for progress and noted the WTO SPS Committee's interest in exploring ways for the 'three sisters' to achieve closer collaboration and harmonised approaches. The OIE is also taking steps to build linkages

<sup>6</sup> CL 2010/11-GP, CX/GP 12/27/7 (European Union, Japan and Malaysia); CRD 3 (Kenya); CRD 4 (Ghana); CRD 8 (Philippines); CRD 9 (Mali); CRD 11 (Egypt); and CRD 21 (Malaysia).

<sup>7</sup> CL 2010/22, CX/27/8 (comments of Australia, Brazil, Colombia, European Union, New Zealand, Philippines, United States), CRD 3 (Kenya), CRD 4 (Ghana), CRD 9 (Mali), CRD 14 (Nigeria), CRD 20 (India), and CRD 23 (terms of reference of the working group)

between agencies responsible for animal health, food safety and SPS at the national level, via the creation of OIE National Animal Production Food Safety Focal Points under the authority of the OIE National Delegate and the conduct of regional seminars.

63. The Observer from OIE recalled that OIE had made a proposal for the development of joint standards, to improve harmonization of standards on common topics, such as traceability, antimicrobial resistance, salmonellosis and certification and that Codex Members had expressed concerns about this approach, in the light of differences between the standard-setting procedures of the two Organisations. In view of these concerns, the OIE would like to withdraw this proposal. It was recalled that OIE and Codex have been including key references to each other's standards in normative texts on a regular basis, and that the efficient OIE and CAC collaboration on standards for zoonotic parasites in meat provides a good model for the future. With the objective of assuring the continued use of these good practices and further strengthening them, the Observer from OIE proposed that the OIE and CAC explore options and procedures for mutual recognition of standards.

64. The Committee expressed its satisfaction with the ongoing cooperation with OIE and recalled that there were several concrete examples, such as work on *Salmonella* and *Campylobacter* and zoonotic parasites, and supported strengthened cooperation with OIE in order to avoid duplication and gaps in the standards of both organizations.

65. Several delegations recalled that the *Guidelines on Cooperation between the CAC and International Intergovernmental Organisations in the Elaboration of Standards and Related Texts* provided an adequate framework for cooperation and that current arrangements should be retained, and that in view of the different procedures of Codex and OIE it would be difficult to develop joint standards, while other modalities of cooperation could be considered.

66. The Observer from WTO recalled that the SPS Committee had encouraged joint work by two or all three of the relevant international organizations on cross-cutting issues such as certification, inspection, approval procedures and/or risk analysis (G/SPS/58) and welcomed the initiative to increase such cooperation, in view of the importance of Codex and OIE standards for WTO members.

67. One delegation highlighted the importance of cooperation between OIE and FAO and WHO. Another delegation stressed the importance of coordination at the national level between the authorities responsible for OIE and Codex matters.

68. As regards the proposal for mutual recognition, some delegations pointed out that the use of this term and its implications should be considered carefully in view of its meaning in the framework of WTO.

69. Following a request for clarification by the Legal Counsel of FAO regarding the legal content of the notion of 'mutual recognition', the Observer from OIE clarified that his proposal did not intend to have legal consequences, but was rather geared towards clarifying a small number of procedures to ensure harmonization of OIE and Codex standards. The Committee agreed that this question should be further discussed at the next session in view of the new proposal from OIE.

70. The Committee therefore agreed to establish an electronic working group chaired by Canada and working in English with the following mandate: Reaffirming the commitment to collaboration in the development of standards of mutual interest, respecting the mandates and procedures of Codex Alimentarius and OIE, including a commitment to an open, transparent and inclusive process, the working group will propose guidance to better take into account relevant work that has been undertaken or is in progress by each organization and identify means to consistently reference each other's standards and guidance, as appropriate.

71. It was further agreed that a physical working group, working in English, French and Spanish, with the same mandate, would be held prior to the next session of the CCGP and the Committee welcomed the kind offer of OIE to provide logistical support to the meeting.

**DISTRIBUTION OF DOCUMENTS AND LENGTH AND CONTENT OF REPORTS (Agenda Item 8)<sup>8</sup>**

72. The Committee recalled that the delegation of Chile had presented a discussion paper at the last session including recommendations on ways to approach the timely and simultaneous distribution of documents and the length and content of reports taking into account concerns raised at the Commission and from the FAO/WHO Coordinating Committee for Latin America and the Caribbean. The 26<sup>th</sup> CCGP had briefly considered the document and agreed that the document would be discussed in the CCLAC and submitted for information to the other coordinating committees and the issue would continue to be discussed at the present session.

73. The delegations of Chile and Costa Rica (as CCLAC coordinator) introduced the discussion held at the last CCLAC session as contained in document CX/GP 12/27/2 and reiterated the concerns of many countries with the late availability of working documents and reports in all languages, which had been discussed repeatedly without reaching any adequate solution. Concerning reports the CCLAC had concluded that drafting of reports should follow the current practice i.e. a summary of the main aspects of the negotiation process or the relevant discussion points, including differing opinions (as well as minority opinions).

74. One delegation also requested clarification as to why language coverage of the Commission had recently been extended to Russian while availability of documents was not yet satisfactory in the other languages.

75. One delegation supporting the concerns voiced by the Coordinating Committee for Latin America and the Caribbean (CCLAC) said that they had for some time already promoted the use of machine translation to speed up the availability of translations and reduce costs. They recognised however there was still a lot of development in the area but in their opinion it was worthwhile to explore this possibility.

76. One delegation noted that simultaneous distribution of documents (i.e. distribution of documents only at a time when all language versions were available) was one option to ensure that all members had equal opportunity to prepare for the meetings.

77. It was observed that the draft reports of Codex meetings were available at the end of each session but that it took a long time for the final reports to be distributed, in case of the Commission it had taken several months.

78. The Codex Secretariat recalled that the majority of Codex delegations had to work in languages that were not their national language and thus depended on the early availability of at least one version of the documents. The Secretariat said further that the late availability of translations was less a problem of the capacity of the Codex Secretariat because only minor translations such as for invitations or agendas (which were distributed simultaneously) were done by the Secretariat. For all other translations the Secretariat relied on FAO/WHO services or the generous contributions from the host governments of Codex committees and task forces. The Secretariat said that part of the problem was also the annual session of the Commission at the beginning of July while committees were still held until end of May. This naturally led to the fact that some documents were late for the Commission.

79. The Secretariat said that as previously announced, the tables of preparation for Codex meetings including the responsibility for document preparation would be made available on the Codex ftp server. They said further that machine translation had been tried but had not yet delivered the expected results.

80. The Secretariat acknowledged that improving the processes in the Secretariat could lead to a quicker turnover of documents for example with the help of an online commenting system such as was used by the IPPC Secretariat.

81. The Secretariat also explained that the extension of language coverage was in line with the rules of FAO and there was a specific fund for Russian language within FAO.

82. Following a question about language coverage in CCAFRICA the Secretariat said that Portuguese had been used as language of interpretation in recent sessions of the CCAFRICA and this practice would be continued, however it was not yet possible to extend it to translations of documents.

83. The Chairperson concluded: that it was important that the vacant posts in the Codex Secretariat were filled as soon as possible; that the Secretariat would make available the table of preparation of documents for each meeting showing the dates of documents received and the responsibility for the documents; that the Secretariat should strictly enforce deadlines for comments; that while progress had been made with machine translation, the quality was not yet acceptable to serve as official translation without needing manual editing; and that drafting of reports should follow the current practice i.e. a summary of the main aspects of the

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<sup>8</sup> CX/GP 12/27/2;

negotiation process or the relevant discussion points, including differing opinions (as well as minority opinions).

84. The delegation of Lebanon speaking as coordinator for the Near East region said that it was important that all final products of Codex (standards, guidelines and codes of practice) were available in all six official UN languages and that all working documents were available on time in the languages of the Committees and the Commission. The delegation further proposed to review the languages used for interpretation in CCGP to evaluate if all six official languages could be used as the Committee dealt with issues of general interest to all members of the Commission.

85. The Codex Secretariat acknowledged that presently not all Codex texts had been translated or updated on the Codex website but that this was an ongoing project of the Codex Secretariat.

#### **OTHER BUSINESS AND FUTURE WORK (Agenda Item 9)**

##### **Proposed New Work to Determine Representation of Officers of the Codex Alimentarius Commission in Codex Sessions Other than the Executive Committee and Commission Sessions (Agenda Item 9a)<sup>9</sup>**

86. The Delegation of Canada introduced their proposal suggesting work on a clarification of the status of the Chairperson and Vice-chairs at meetings other than sessions of the Commission and the Executive Committee, and raising the possibility of establishing a bureau, consisting of the Chair and Vice-chairs, as an entity within the Codex structure.

87. In response, the Legal Counsel of FAO clarified the status of the Chair and Vice-chairs by confirming the current rules under which there is no status or role ascribed to the Chair and Vice-chairs other than chairing sessions of the Commission and the Executive Committee. He acknowledged that a practice had arisen in relation to the presence of the Chair of the Commission at sessions of the CCGP, but without the right to speak. This could be considered appropriate in view of the particular role and functions of the CCGP as a general committee with a rule development mandate, and the presence of the Chair could be useful to clarify matters and to ensure that the debates taking place in the CCGP could be fully appreciated.

88. The Legal Counsel further clarified that, in relation to sessions of technical committees, the Chair and Vice-chairs would normally be part of their national delegations and speak on behalf of their country rather than act as Chairs or Vice-chairs of the Commission.

89. In relation to a possible bureau, the Legal Counsel advised against the use of the term bureau, in view of the risk of confusion with similar bureaus in other bodies, such as the Committee of World Food Security (CFS) and the Commission on Phytosanitary Measures (CPM). In fact, the Executive Committee of Codex performs functions similar to the Bureaus of those bodies, and in that sense a bureau already existed.

90. As regards the establishment of a bureau as a new entity within Codex, the Legal Counsel observed that this proposal carried a significant cost in terms of the need to thoroughly address a number of related aspects, including a definition of its functions, the relationships to other Codex entities, monitoring and reporting requirements, funding arrangements, external representation, as well as other complex issues.

91. The Legal Counsel also emphasized that the Commission, in legal terms, acts through the Secretariat consisting of staff members of one of the parent organizations. In this context, he noted that the parent organizations could not agree with external representational functions on behalf of Codex of the Chair or Vice-chairs in the absence of a reporting line to the Directors-General of the parent organizations.

92. The Committee noted the following comments in the discussion: it would be useful to clarify the role of the Chair and Vice-chairs, which was evolving in relation to the functions of the Executive Committee, such as strategic planning; in view of their experience in Codex at the national level, Vice-chairs should retain the possibility of representing their country as part of their national delegation; and as current arrangements allowed for flexibility and appeared to work efficiently, it may not be necessary or cost effective to develop new procedures, since it would be preferable to concentrate on the role of the Executive Committee.

93. The Delegation of Canada clarified that the proposal to establish a bureau had the more limited objective to define a role of the Chair and Vice-chairs in relation to meetings of technical committees, and that it was not intended to have any external representational role. The Committee agreed that Canada would prepare a paper to further define and clarify the proposal in CRD 11 for further discussion and comments, including from FAO and WHO.

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<sup>9</sup> CRD 11 (Canada)

**Definition of “contaminant” (Agenda Item 9b)<sup>10</sup>**

94. The Committee on Contaminants in Foods, while considering the Code of Practice for Source Directed Measures to Reduce Contamination of Food with Chemicals, had considered the issues related to feed additives/feed additive residues and had amended the definition of “contaminant” as follows:

**“Contaminant** means any substance not intentionally added to food **or feed for food producing animals**, which is present in such food **or feed** as a result of the production (including operations carried out in crop husbandry, animal husbandry and veterinary medicine), manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food **or feed**, or as a result of environmental contamination. The term does not include insect fragments, rodent hairs and other extraneous matter.”

95. The Committee noted that this amendment would affect the general definition of contaminants in the Procedural Manual and noted the following comments on the proposed amendment.

96. One delegation expressed the view that since the definition had been initially developed the situation had evolved and its revision may require further consideration: for example it did not address intentional adulteration as in the case of melamine, and may not take into account feed process related to contamination such as waste from biomass. Another delegation proposed to refer to substances which may be present as a result of the “production process” rather than “production”

97. One delegation pointed out that referring to “contaminant” as any substance “not intentionally” added to food “or feed”, introduced a discrepancy with section 1.2.2 of the General Standard for Contaminants and Toxins in Food and Feed, which did not explicitly exclude feed additives (intentionally added to feed).

98. Some delegations recalled that the Committee had no expertise in the area of contaminants and could not discuss in detail the technical aspects of the definition, and supported the adoption of the proposed amendment resulted from extensive consideration in the CCCF.

99. After some discussion, the Committee agreed to endorse the revised definition of “contaminant” as proposed by the Committee on Contaminants in Food

**Reference to information documents (Agenda Item 9c)<sup>11</sup>**

100. The Committee was informed that the Committee on Contaminants in Foods had considered a document on “Guidance for risk management options in light of different risk assessment options” and had found that it contained useful guidance for the Committee and for governments, but did not believe it should be integrated into the Procedural Manual or developed as a Codex document intended for governments. The CCCF had therefore agreed to append the document to the report for future reference and asked the CCGP to explore ways to make information and other similar documents available in the Codex system.

101. The Secretariat recalled that, while the objective of Codex was to develop standards and related texts and appendices normally included only texts progressing through the Procedure, all Codex working documents were available on the website and could easily be used by governments if they found them useful, and that an alternative was to publish or develop such documents as FAO or WHO publications.

102. The Representative of FAO indicated that if Codex information documents provided useful guidance to governments, FAO would be interested in using them in their training programmes and possibly develop them as FAO publications.

103. Some delegations noted that such information or reference documents had been produced in other committees than CCCF and supported the proposal to make them widely available through the Codex website, not only as working documents. In reply to a question on their legal status, the FAO Legal Counsel clarified that they were not legally binding and would be placed on the website only for information purposes.

104. The Committee agreed to establish an electronic working group working in English and chaired by the United States of America to consider ways to make such documents more widely available (e.g. Codex website); and to develop criteria for selecting such documents.

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<sup>10</sup> CRD 18 and 22 (relevant sections from the report of the CCCF)

<sup>11</sup> CRD 18 (extract from the CCCF report)

**Cooperation between General Subject Committees and Commodity Committees (Agenda Item 9d)<sup>12</sup>**

105. The Delegation of Norway indicated that general subject committees sometimes develop standards and related texts with elements that are already included in commodity standards without referring to the commodity Committees concerned and that in order to work more efficiently and avoid duplications, this issue should be addressed through the amendment to relevant sections of the Procedural Manual: requirements for project documents; criteria applicable to general subjects; and guidelines on the elaboration and/or revision of codes of hygienic practice.

106. One delegation pointed out that improved communication between committees required the cooperation of all involved but did not necessarily require procedural amendments. Some delegations expressed the view that this question was important but that no decision could be taken at this stage as the proposals for amendment were presented at the session, and would require some further consideration. The Committee therefore agreed that the Delegation of Norway would prepare a discussion paper on the cooperation between general subject and commodity committees for further consideration at the next session.

**DATE AND PLACE OF NEXT SESSION (Agenda Item 10)**

107. The Committee agreed to hold its 28<sup>th</sup> session in 2014 in Paris unless the Commission would decide otherwise.

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<sup>12</sup> CRD 5

### SUMMARY STATUS OF WORK

SUBJECT MATTER	ACTION BY	REFERENCE
<b>Amendments to the Procedural Manual</b>		
Use of proprietary methods in Codex standards	Governments, CAC35	para 9
Risk Analysis Principles: CCFH, CCFA and CCCF	Governments, CAC35	paras 48 and 49
Definition of contaminants	Governments, CAC35	para 99
<b>Other topics</b>		
Standards held at step 8	Facilitated Session (EU, USA, Vice-Chairs), CCGP28	para 19
Mechanism and template for examining Economic impact statements	Australia, Malaysia, CCGP28	para 43
Amendment to the terms of reference of the Committee	CCGP28	para 60 ALINORM 10/33/33, Appendix IV
Codex/OIE cooperation	EWG/PWG (Canada), CCGP28	para 71
Representation of Officers of the CAC in Codex sessions other than sessions of the CCEXEC and CAC	Canada, CCGP28	para 93
Reference to information documents	EWG (United States), CCGP28	para 104
Cooperation between General Subject Committees and Commodity Committees	Norway, CCGP28	para 106

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