

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
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World Health
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: codex@fao.org - www.codexalimentarius.org

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CODEX ALIMENTARIUS COMMISSION

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COMMENTS ON COMMITTEES WORKING BY CORRESPONDENCE AND PILOT FOR A COMMITTEE ON STANDARDS ADVANCEMENT ¹

Comments of Cuba, European Union, Iran, Japan, Malaysia

Cuba

Cuba agradece poder expresar sus comentarios a esta carta circular y manifiesta que el documento presentado por la secretaria del Codex aun no es suficientemente claro en lo que plantea y además no tenemos mucha claridad si se quiere decir que las conclusiones del comité serían examinadas por el Comité Ejecutivo?, o sea lo que logre avanzar como documento en el nuevo comité pasaría de nuevo al Comité Ejecutivo?

Sabemos que el trabajo de los diferentes documentos de Comités que han recesado su trabajo, y se han reactivado electrónicamente, no es nada fácil llegar a consenso, pero eso siempre ha sido una dificultad en el Codex, sobre todo en los debates de los documentos en las sesiones de la Comisión que hasta el momento es donde se aprueban todas las decisiones.

En el documento del tema que se propone, se define que la creación de este comité solo aplica para los casos de avance de normas de comités que trabajan por correspondencia y en otros casos?

Se expresa también en el documento que la falta de creación de consenso y adopción de decisiones por los comités por correspondencia, es la principal dificultad, sin embargo, en otros comités que no trabajan por correspondencia el problema está latente, y no se logra consenso, ni adopción de decisiones en muchos casos.

Somos del criterio que esto es un problema antaño del Codex, y si leemos el Artículo V del Manual de Procedimiento, al final del punto 2, queda bien expresado que le corresponde al Comité Ejecutivo supervisar los avances en la elaboración de las normas y también no se descarta lo que se expresa en el punto 4, que el Comité Ejecutivo podrá crear entre sus Miembros los subcomités que estime necesarios para estar en condiciones de desempeñar sus funciones con la mayor eficacia posible.

En conclusión, vemos el problema más bien de que el propio Comité Ejecutivo logre superar estas dificultades o vacíos, que se encuentran presentes en muchos comités a la hora de tomar decisiones y de aprobar documentos. También sucede que los procesos de aprobación de normas es un problema serio desde hace años en el Codex, por lo demorado que es el mismo, en comparación con otras organizaciones no gubernamentales que elaboran normas que si son más dinámicas.

European Union

The Member States of the European Union (MSEU) welcome the revised document prepared by the Codex Secretariat on Committees working by correspondence. The MSEU would like to provide general comments on the Codex Secretariat's analysis of the different options available where Committees are working by correspondence as well as comments on the implementation of a pilot for a Codex Committee on Standard Advancement.

¹ This document compiles comments submitted in reply to CL 2018/48/CAC.

General Comments

The MSEU identify a clear need for procedural guidance where new work is initiated or continues by correspondence after Committees have been adjourned *sine die*. Amendments to the Codex Procedural Manual would be necessary in order to codify the step-wise approach that needs to be followed in the different case scenarios.

The MSEU strongly believe that the Codex core values of inclusiveness, transparency and consensus need to be respected whatever standard setting procedure CAC might decide to follow. This requires in certain cases or in certain phases of the process interactive exchanges and discussions among the membership, which usually take place in physical meetings. We would therefore welcome a clear procedure which would be followed to revert to physical meetings in cases where the issue dealt with by correspondence becomes too complex and/or controversial.

Experience has shown that Committees working by correspondence face several challenges, including the need to ensure adequate representation of different Codex regions and the consensus-based elaboration of standards. In particular, adequate participation of Codex members at an early stage of the work needs to be encouraged, so as to ensure that the necessary quorum is met. For this reason, the MSEU would propose to explore the possibility of agreeing on the basic principle that work by correspondence on a new standard should only be undertaken when a sufficient number of Codex members have registered to participate in this new work.

Comments on the Codex Secretariat's analysis of the different options available where Committees are working by correspondence

The MSEU take note of the different options set out in document **CX/CAC** 18/41/12 and agree with the recommendation to start new work on procedural gaps and on procedural guidance for each option. We consider that this new work should be assigned to CCGP with a view enabling inclusive and transparent discussions among all Codex members and observers. These discussions should take place as early as possible.

We would also like to underline the need to maintain flexibility in the choice of working methods and to explore all the options analysed in document CX/CAC 18/41/12. Decisions on how to deal with new work or to continue working on a given draft standard should be taken on a case-by-case basis. In fact, while some of the new work might warrant the creation of a new Task Force or Committee (e.g. antimicrobial resistance), others could be dealt with by existing active Committees (e.g. guidance on histamine control) or by reactivating adjourned Committees.

The MSEU believe furthermore that only new work on standards of regional interest should be assigned to Regional Committees. This option should indeed not introduce the possibility of mandating Regional Committees to elaborate standards that are meant to be applied globally.

The MSEU agree with the Codex Secretariat's analysis that certain options could have an important impact on costs, as well as on the already heavy workload for Codex members and the Codex Secretariat.

Comments on the implementation of a pilot for a Codex Committee on Standard Advancement (CCSA)

Following up on the conclusions in the CAC40 report (paragraphs 144, 145 as well as 150 – 152), the MSEU support the implementation of a pilot for a Codex Committee on Standards Advancement (CCSA) according to rule XI (Subsidiary Bodies) of the Procedural Manual as a tool to be developed for isolated work.

During this pilot, the CCSA should deal with the advancement of standards under development for a long time and for which there is currently no Committee that holds physical meetings (e.g. adjourned Committees which were reactivated).

This would provide Codex with the possibility to determine operability and efficiency for the advancement of standards that were worked on for a long time by correspondence only. This tool could then be used whenever deemed necessary.

The MSEU would appreciate more information about the proposed best practice for standard development by correspondence, as it seems to be a good starting point for this work.

If the Codex members agree on the need to schedule a pilot meeting of the CCSA before the next CAC, we would suggest considering the possibility of also scheduling such a session back-to-back with the next CCGP session.

Iran

Iran believes that recommendations of CCEXEC75 for re-establishing a committee or task force working by correspondence is a good opportunity for reviewing the documents and reaching the consensus about different issues. In addition it is helpful for solving many problems such as absence of delegates for different reasons in the meetings such as visa issue.

We recommend that it is better to establish a committee as a pilot then we can analyze pros and cons of it.

Japan

Japan finds the document prepared by the Secretariat well prepared, informative and useful for further debate on this important issue. Japan is pleased to submit the following comments.

1. The present issue was raised in connection to development of commodity standards (see CX/CAC 18/41/12, background 1.1). Therefore, this work should primarily focus on work on “commodity issues”. Japan believes that the horizontal work should, in principle, be conducted following step procedures as delineated in the current procedural manual.
2. In the Secretariat’s document, procedural issues, rule for “work by correspondence” and managerial issues, “how to work on a subject that is not under existing committees or that could be worked under a committee adjourned sine die”, are intermingled.
3. As for the former, rules on “work by correspondence only” may have to be established in the procedural manual. In that case, step procedures (including quorum) for the physical meetings and those for works by correspondence only are to be harmonized.
4. As for the latter, simplest solution could be to create a task force as suggested by 2002 Codex external review (option 1.3.1).
5. Once the rule of procedures for work by correspondence is established, however, the responsible committee/task force may be able to use the rule flexibly, such as in combination of physical meetings and deliberation through correspondence.

Malaysia

Malaysia supports approach 1.3.4 to create or re-establish a Committee or Task Force working by correspondence. We specifically prefer Option 3 to establish a pilot subsidiary body under Rule XI.1 (a) of the Rules of Procedure “Codex Committee on Standard Advancement: CCSA”.

Malaysia is of the view that this approach enables greater inclusiveness and transparency of the consensus building and decision making. This approach enables Members to have ample opportunities to comment on the proposed draft standard, similar to those being conducted by active Codex Committee.