



**JOINT FAO/WHO FOOD STANDARDS PROGRAMME
EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION**

Seventy-seventh Session

WHO Headquarters, Geneva, Switzerland

FOLLOW-UP ON THE REGULAR REVIEW OF CODEX WORK MANAGEMENT 2017-2018:

USE OF REFERENCES IN CODEX TEXTS

(Prepared by the Codex Secretariat)

1. INTRODUCTION

1.1. The Regular Review of Codex Work Management 2017-2018 focused on collaboration between the Codex Alimentarius Commission (CAC) and other international standard-setting organizations¹. The review made four recommendations for consideration by the Executive Committee of the Codex Alimentarius Commission (CCEXEC). The third recommendation was to: "Discuss what should be the principles (if any) for making reference to standards/methods of other international organizations (both IGOs and NGOs) to capitalize on synergies and avoid or reduce duplication of standards".

1.2. At CAC41² Members noted the importance of avoiding duplication or contradiction in standards, and expressed divergent views on the appropriate Committee (CCGP or CCEXEC) to consider the matter further. CCEXEC76³ requested that the Codex Secretariat prepare a paper on recommendation three for further discussion at CCEXEC77. This paper reviews the current guidance and practices concerning referencing of other international standard-setting organizations in Codex standards and provides a basis for further discussion on how to proceed by CCEXEC77.

1.3. This paper does not consider references to FAO and WHO documents, which have also been subject to discussion at CCEXEC75⁴, as these fall outside the scope of the 2017-2018 Regular Review.

2. CURRENT GUIDANCE RELATED TO REFERENCING

2.1. The 2017-2018 Regular Review concluded that many international standard-setting organizations reference Codex and its standards, but that there was inconsistency in the Codex Alimentarius as regards the referencing of international organizations or their standards/methods (conclusion (v)).

Generic guidance on taking into account work of other organizations

2.2. While not providing any explicit guidance on referencing, the CAC Statutes can be considered the starting point for any discussion of the matter. Article I of the Codex Statutes (mandate) states that the Commission's purpose (among others) is to:

- promote coordination of all food standards work undertaken by international governmental and non-governmental organizations (IGOs and NGOs);
- determine priorities, initiate and guide the preparation of draft standards through and with the aid of appropriate organizations; and
- finalize standards and publish them in a Codex Alimentarius [...] together with international standards already finalized by other bodies [...], wherever this is practicable.

¹ CX/CAC 18/41/13

² REP 18/CAC para. 117

³ REP19/EXEC1 para. 9

⁴ REP18/EXEC2-Rev.1 paras 12-19

2.3. The promotion of coordination with other international standard-setting organizations is also embedded in the Codex “Criteria for the Establishment of Work Priorities”. Work already undertaken by other international organizations and/or suggestions by the relevant IGOs constitutes one of the criteria for establishing work priorities that needs to be taken into account in the development of both general and commodity standards⁵.

2.4. For commodity standards, the Procedural Manual (PM) contains further guidance which states that when assessing this criterion, information should be provided in the project document on “activities that have been already undertaken by other relevant international organizations, including an analysis of areas of potential complementarities, gaps, duplication, or conflict with the above activities”⁶. This information should then be examined by CCEXEC when performing its Critical Review. Guidance for the application of the criteria for general subject standards have not been developed by CCEXEC.

2.5. The “Guidelines on cooperation between CAC and IGOs in the elaboration of standards and related texts” (IGO Guidelines) allow for IGOs, in particular the International Organization for Animal Health (OIE) and the International Plant Protection Convention (IPPC), to conduct the initial drafting of a proposed draft standard. IGO-developed standards or parts of them may also serve as a basis for Codex standard preparation (at Step 2).

2.6. The “Principles concerning the participation of NGOs in the work of CAC” (NGO Principles) do not mention the involvement of NGOs in the elaboration of Codex standards. However, for historical reasons Step 2 of the “Uniform Procedure for the Elaboration of Codex Standards and Related Texts” foresees that recommendations of the International Dairy Federation (IDF), an international NGO, are distributed at Step 2 by the Codex Secretariat in the case of milk and milk products or individual standards for cheese.

Guidance from General Subject Committees

2.7. The Codex Committee on Methods of Analysis (CCMAS) constitutes a special case in the Codex system as it is the only Committee that develops standards which routinely reference standard methods of analysis or sampling which are developed by other IGOs or NGOs. As Codex does not develop methods itself, CCMAS follows general criteria in selecting and referencing methods developed by other organizations.⁷

2.8. Both the Terms of Reference (TORs) of CCMAS and of Codex Committee on Food Import and Export Certification and Inspection Systems (CCFICS) make mention of the collaboration/consultation with “other international groups” when working on Committee related matters.

2.9. The Codex Committee on General Principles (CCGP) at its 28th session provided explicit guidance on referencing OIE texts, which was endorsed by CAC³⁷⁸. CCGP28 recommended that “CAC and OIE should adopt a consistent systematic cross-referencing process for relevant Codex/OIE texts, which involves referencing formats and regular updates as necessary”⁹.

Guidance from Commodity Committees

2.10. The TORs of two out of six currently active commodity committees explicitly mention “to consult, as necessary, with international organizations in the standards development process to avoid duplications”. These committees are Codex Committee on Spices and Culinary Herbs (CCSCH) and Codex Committee on Fresh Fruits and Vegetables (CCFFV). The special mention of the United Nations Economic Commission for Europe (UNECE) in a footnote to the CCFFV TORs was removed in 2014.

3. CURRENT USE OF REFERENCES IN CODEX TEXTS

3.1. Current references to other organizations or their standards in final Codex texts:

- concern methods of analysis;
- are used to demonstrate the intent of a standard;¹⁰
- are contained in annexes to a standard in order to provide additional guidance;¹¹; or
- appear in the main body of a Codex text.¹²

⁵ See Codex Procedural Manual (PM) Section II, Criteria for the establishment of work priorities

⁶ See PM Section II, Guideline on the application of the criteria for the establishment of work priorities (criteria applicable to commodities).

⁷ See PM, Principles for the Establishment of Codex Methods of Analysis.

⁸ REP14/CAC para.104

⁹ CCGP28 noted that the guidance was not intended for use in, or for incorporation into any legally binding agreements.

¹⁰ E.g. AC/GL 67-2008 Model Export Certificate for Milk and Milk Products and CAC/GL 87-2016 Guidelines for the Control of Nontyphoidal Salmonella spp. in Beef and Pork Meat refer to OIE in the scope.

¹¹ E.g. CAC/RCP 1-1969 General Principles of Food Hygiene refers to ISO 900 series in Annex I.

¹² E.g. CAC/RCP 36-1987 Code of Practice for the Storage and Transport of Edible Fats and Oils in Bulk refers to ISO

3.2. IGOs as well as NGOs are referenced in Codex texts and their referenced standards/methods may be free of charge or fee based.

4. CURRENT DISCUSSIONS RELATED TO REFERENCES IN CODEX TEXTS

4.1. The 2017-2018 Regular Review mentions that references to standards of other international standard-setting organization have been subject of discussion and sometimes disagreement in several Codex committees.

4.2. In the following, three examples of disagreement are provided to substantiate the discussion about the need for development of principles and/or other steps to address the matter.

Codex Committee on Food Additives (CCFA)¹³

4.3. When discussing whether the use of specific food additives in the production of wine should be set at numerical limits or Good Manufacturing Practices, CCFA considered the possibility of inserting a footnote indicating the consistency requirements with the International Organization of Vine and Wine (OIV). CCFA noted the divergent views on the reference to OIV and agreed to discontinue discussions of this topic.

Task Force on Anti-Microbial Resistance (TFAMR)

4.4. When discussing the proposed draft revision of the Code of Practice to contain and minimize foodborne antimicrobial resistance, TFAMR6 noted the proposal by some delegations to delete reference to VICH¹⁴, given its nature and membership. Others were in favour of retaining such a reference. The Committee agreed to establish an Electronic Working Group which will continue discussing the matter looking at the different options such as including reference to VICH guidelines or including relevant text from the VICH guidelines.

Codex Committee on Fresh Fruits and Vegetables (CCFFV) and Codex Committee on Processed Fruits and Vegetables (CCPFV)

4.5. UNECE develops agricultural marketing standards in the areas of Fresh Fruit and Vegetables, Dry and Dried Produce, Seed Potatoes and Meat. UNECE standards and their terminologies on quality have been used as the basis for the development of a number of Codex commodity standards and discussions were held on several occasions both at committee¹⁵ and CAC¹⁶ level regarding potential duplication of work and the possible creation of confusion for standard users. Codex standards for which UNECE standards exist (around 15) currently do not make reference to UNECE although relevant UNECE standards reference the food safety requirements in Codex standards for the same products.

5. CONCLUSIONS

5.1. Although references to other standard-setting organizations have been included in final Codex texts, there is currently no mention of referencing other organizations in the legal foundations and rules for the practical functioning of CAC and its subsidiary bodies.

5.2. While Codex has the mandate to promote coordination with other international organizations and avoid duplication or contradiction in the elaboration of its standards, inconsistencies can be found within written procedures and between these procedures and *de facto* practices within Codex, in particular as regards

- (a) the type of organization (IGO or NGO) being involved in the elaboration of Codex standards (IGO Guidelines versus NGO Principles versus Step Procedure);
- (b) the type of standard being developed (Guideline on the application of the criteria for the establishment of work priorities (criteria applicable to commodities)); and
- (c) additional guidance provided by CAC (e.g. systematic cross-referencing between CAC and OIE).

5.3. Occasions in which the inclusion of a reference to another standard-setting organization has been controversial mainly concerned organizations that have a more restrictive membership than Codex¹⁷.

8501-1: 1988 in its section 3. The ISO standard has in the meanwhile (2007) been revised.

¹³ REP17/FA, para. 91-102

¹⁴ VICH stands for International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products. VICH is a trilateral (EU-Japan-USA) programme aimed at harmonising technical requirements for veterinary product registration.

¹⁵ E.g. REP18/FFV para. 62-64; ALINORM97/35 para. 4-11; REP17/PFV para. 85-97

¹⁶ E.g. ALINORM 01/41 para. 19-23; ALINORM 10/33/REP para. 135.; ALINORM 99/37 para. 206, ALINORM97/35 para. 31-32.

¹⁷ See examples in paragraphs 4.3. - 4.5.

5.4. In principle, it is important to limit references of any kind to a minimum in Codex texts as anything included (in a footnote, annex or main body) becomes an integral part of the text and requires life-long monitoring to ensure any changes in the referred standard/method or external factors impacting on the validity of said standard/method are also reflected in the Codex text. Therefore, for each case there needs to be careful consideration at the Committee level as to the necessity of including the reference in a Codex text under discussion.