# codex alimentarius commission

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

WORLD HEALTH ORGANIZATION

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ALINORM 99/33

#### JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX ALIMENTARIUS COMMISSION

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

# REPORT OF THE THIRTEENTH SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES

Paris, France, 7 – 11 September 1998

Note: This document incorporates Circular Letter CL 1998/32-GP

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CX 4/10 CL 1998/32-GP September 1998

**TO:** - Codex Contact Points

- Interested International Organizations

- Participants at the 13th Session of the Codex Committee on General Principles

FROM: - Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards

Programme, FAO, 00100 Rome, Italy

SUBJECT: <u>Distribution of the Report of the 13th Session of the Codex Committee on</u>

General Principles (ALINORM 99/33)

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

#### Amendments to the Procedural Manual

- 1. Criteria for the Establishment of Work Priorities and for the Establishment of Subsidiary Bodies of the Codex Alimentarius Commission
- 1. Criteria for the Establishment of Work Priorities (para. 82, Appendix II)
- 2. Criteria for the Establishment of Subsidiary Bodies of the Codex Alimentarius Commission (para. 82, Appendix III)

#### Relations between Commodity Committees and General Subject Committees

3. Food Hygiene Provisions (para. 6 and see also ALINORM 99/13, para. 53, Appendix VI)

#### TERMS OF REFERENCE OF CODEX COMMITTEES

4. Amendments of the Terms of Reference of the Committee on Milk and Milk Products (para. 8)

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 1 March 1999**.

#### B. REQUEST FOR COMMENTS AND INFORMATION

#### DEFINITIONS OF RISK ANALYSIS TERMS RELATED TO FOOD SAFETY

5. Inclusion of a Definition of Risk Assessment Policy (para. 16)

Governments wishing to submit comments should do so in writing to the Secretary, Joint FAO/WHO Food Standards Programme, FAO, via delle Terme di Caracalla, 00100 Rome, Italy, **before 15 January 1999.** 

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#### SUMMARY AND CONCLUSIONS

The summary and conclusions of the 13th Session of the Codex Committee on General Principles are as follows:

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

#### The Committee:

- recommended the amendment of the *Criteria for the Establishment of Work Priorities* and the *Criteria for the Establishment of Subsidiary Bodies of the Codex Alimentarius Commission* (para. 82, Appendices II and III)
- endorsed the amendment to the Food Hygiene Provisions in *the Relations between Commodity Committees and General Subject Committees Committee* proposed by the Committee on Food Hygiene (para. 6)
- agreed to propose an amendment to the Terms of Reference of the Committee on Milk and Milk Products (para. 8)

#### **Other Matters of Interest to the Commission**

#### The Committee:

- agreed to propose a definition of *Risk Assessment Policy* to be circulated for further comments and to review the current definitions of *Risk Management* and *Risk Communication* (para. 16-17)
- agreed to return to Step 2 the Working Principles for Risk Analysis (para. 23)
- agreed to consider further the following questions at its next session:
  - measures intended to facilitate consensus (para. 30)
  - consideration of special treatment for developing countries (paras. 41, 88)
  - revision of the acceptance procedure (para. 49)
  - the role of science and other legitimate factors in general and in the specific case of BST (para. 70)
  - the principles concerning the participation of NGOs in the work of Codex (para. 78)
- agreed to initiate the revision of the Code of Ethics for International Trade in Food as new work (para. 90)

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#### INTRODUCTION AND OPENING OF THE SESSION (AGENDA ITEM 1)

1. The Thirteenth Session of the Codex Committee on General Principles was held in Paris from 7 to 11 September at the kind invitation of the Government of France. The Session was chaired by Professor Pierre Louisot, and was attended by 250 Delegates and observers representing 57 Member countries and 24 international organizations. A complete list of participants at the Session is given in Appendix I.

- 2. The Session was opened by Mr. Dominique Strauss-Kahn, Minister of Economy, Finance and Industry, who welcomed participants on behalf of the French Government and stressed the involvement of the services in his Ministry in the work of Codex Alimentarius. The Minister highlighted the relationship between Codex and the World Trade Organization and the importance of Codex standards as a reference in international trade.
- 3. As regards the adoption of standards, the Minister strongly reasserted the necessity to seek all means to reach consensus in order to facilitate their acceptance at the international level. Hemphasized the importance of scientific evaluation, which would be reflected in France by the creation of an Agency on food safety, while pointing out the need to respect consumers' expectations and concerns. This would offer the best guarantee for a balance in international trade, as decisions should be based on objective and measurable data in order to avoid creating barriers to trade. Recognizing the importance of the work of the Committee in this perspective, Mr. Strauss-Kahn wished delegates all success in their work.

#### **ADOPTION OF THE AGENDA (AGENDA ITEM 2)**<sup>1</sup>

- 4. The Committee deleted Item 4.3 of the Provisional Agenda (Food Safety Objectives) on the basis of the advice of the Executive Committee that this matter should first be discussed by the Codex Committee on Food Import and Export Inspection and Certification Systems. On the basis of the proposal made by the Delegation of India, it agreed that there would be discussion on the following items of the agenda, but not a decision, in view of the late despatch of documents for the items concerned: Item 5, Item 6.1, Item 10. It agreed to discuss under Other Business the question of coordination between Codex Committees, especially in the areas of pesticide and veterinary drug residues.
- 5. The Committee adopted the Provisional Agenda as amended above, as the Agenda for the Session.

# MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER COMMITTEES (AGENDA ITEM 3)<sup>2</sup>

- 6. The Committee agreed that the draft revised food hygiene provisions proposed by the Committee on Food Hygiene should be forwarded to the Commission for adoption and inclusion in Section K Relations between Commodity and General Committees.
- 7. The Committee was informed of the discussions held at the Coordinating Committees for Asia and for Europe concerning the definition of Core Functions of Codex Contact Points for inclusion in the Procedural Manual. The Committee agreed that this matter would be considered by its next session and that the proposals put forward by the CCASIA would be circulated for comments as a basis for discussion.
- 8. The Committee noted that the Code of Principles concerning Milk and Milk Products was being converted into a Codex standard and agreed to propose the following amendment to the Terms of Reference of the Committee on Milk and Milk Products:

To elaborate world-wide standards, codes and related texts for milk and milk products

- 9. The Observer from IDF proposed to replace "for" with "concerning" to adapt the Terms of Reference to the current programme of work of the Committee.
- 10. The Delegation of Malaysia indicated that it had reservations on certain labelling aspects of the Draft General Standard for Use of Dairy Terms and brought to the attention of the Committee the contradiction between the status of the draft standard in the report of the 5th Session of the CCMMP and the report of the 26th Committee on Food Labelling. The Secretariat recalled that the draft standard had been forwarded to the Commission at Step 8 subject to the endorsement of the labelling provisions and that it would be referred to the

<sup>1</sup> CX/GP 98/1

<sup>&</sup>lt;sup>2</sup> CX/GP 98/2

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CCFL for that purpose, as indicated in the report of the last CCFL (ALINORM 99/22) and in accordance with current procedures.

- 11. The Committee noted that the Coordinating Committee for Europe had requested some clarification on the application of Rule VII concerning the participation of Members as observers in the subsidiary bodies of the Commission in relation to Rule III establishing the composition of the Executive Committee (ALINORM 99/19, para. 46). It was agreed that a paper would be prepared for consideration by the next session with a view to clarifying the application of Rule VII.
- 12. In reply to a question from the Delegation of India on the information exchange through Internet between WHO and member countries, the Representative of WHO informed the Committee that the newly appointed Director-General was undertaking work to improve information technology in WHO and to strengthen communication with national authorities.

#### **RISK ANALYSIS (AGENDA ITEM 4)**

- 13. The Delegation of India made a general statement in regard to the application of risk analysis by the Codex Alimentarius Commission. The Delegation stressed the following:
  - The need for developing countries to gain sufficient knowledge and experience in the application of risk analysis;
  - The need for flexibility in the application of risk levels, since risk tolerances in various countries were different;
  - That data from developing countries, in particular epidemiological data and exposures studies, needed to be taken into account;
  - That special consideration needed to be given to the problems in the application of risk analysis at the primary production level and in small andartisanal businesses in developing countries.
  - That scientific advisory bodies should indicate the confidence limits of their evaluations on the basis of the data received from both developed and developing countries and clearly define the relevant assumptions;
  - That measures should be practical and achievable;
  - The need for FAO, WHO and WTO to provide education and training in risk analysis; and
  - That the economic consequences of the application of risk management decisions needed to be considered and where the concept was impractical for implementation by developing countries, that measures be introduced in a phased manner.
- 14. It was noted that a number of these points would be taken up under the present Agenda Item and under Item 6. Concerning the data from developing countries mentioned above, the Representative of WHO informed the Committee that WHO was implementing several activities to assist member countries in the surveillance of foodborne diseases.

#### ITEM 4.1 DEFINITIONS RELATED TO RISK MANAGEMENT<sup>3</sup>

- 15. On the basis of the comments received and comments made by a number of Delegations, the Committee agreed that the Draft Definitions should be reworded to make them concise, clear and consistent with the Proposed Draft Working Principles for Risk Analysis. In the interest of achieving consensus on these issues, the Committee established an *ad hoc* working group, chaired by Sweden, to prepare draft revised definitions for **Risk Assessment Policy** and **Risk Profile** and consider the existing definitions for **Risk Management** and **Risk Communication** for the Committee's consideration.
- 16. On the basis of the recommendations of the *ad hoc* working group, the Committee proposed the following definition for **Risk Assessment Policy** and <u>agreed</u> that it should be circulated to governments for comment:

<u>Risk Assessment Policy</u>: Guidelines for scientific judgements and policy choices applied at appropriate decision points during the risk assessment process. These guidelines should be elaborated by risk managers in consultation with all interested parties and applied by risk assessors.

CX/GP 98/3; CX/GP 98/3.-Add.1 (Comments of Denmark, Spain, India, Consumers International); CRD 8 (Comments of IDF). Unnumbered CRD (European Commission).

17. The Committee also <u>agreed</u> with the recommendation of the *ad hoc* working group that there was no need for a definition of **Risk Profile**. It also agreed that the current interim definitions of **Risk Management** and **Risk Communication** required further consideration in the light of the reports of recently held FAO/WHO Expert Consultations and agreed to circulate these definitions for comment with a view to their revision.

#### ITEM 4.2 WORKING PRINCIPLES FOR RISK ANALYSIS (AT STEP 4 OF THE PROCEDURE)<sup>4</sup>

- 18. The Committee noted that the Proposed Draft Working Principles had been developed as part of an Action Plan for Codex-Wide Development and Application of Risk Analysis Principles and Guidelines adopted by the Commission at its 22nd Session (ALINORM 97/37, para. 164). Several Delegations were of the opinion that the Working Principles needed to be redrafted to include an adequate Preamble indicating their relationship with other Codex texts and their scope of application, and to re-order the subsequent sections of the text to reflect better the hierarchy and inter-relationship of the components of Risk Analysis.
- 19. The Observer from the European Community recommended that the document should also indicate that the determination of level of protection that a country deemed to be appropriate was a sovereign right. Several countries stressed that the statement that risk analysis should be based on "sound science" needed to be maintained. It was agreed that the first priority of risk management was the protection of public health.
- 20. Several Delegations and the Observer from Consumers International requested the inclusion of a reference to the "precautionary principle", stating that the use of this principle was a common factor in many Codex decision-making procedures. Other Delegations, however, stated that the inclusion of such a reference would need to be based on an agreed definition of the "precautionary principle" and understanding of its scope of application.
- 21. Several delegations stressed the need for an explicit reference to the need for "realistic" estimates of intake or exposure, especially in different countries and cultures. Some delegations and the Observer from Consumers International stated that particular attention should be to be paid to high-risk consumers and exposures at high levels of intake.
- 22. Among other elements referred to by delegations and observers were: the need to take into account the economic and commercial effects of decisions; provisions to mention expressly divergent scientific opinions; openness and transparency and the participatory nature of decision-making.

#### STATUS OF THE PROPOSED DRAFT WORKING PRINCIPLES FOR RISK ANALYSIS

23. The Committee decided to return the Proposed Draft Principles to Step 2 for re-drafting by the Secretariat in light of the above discussion.

#### MEASURES INTENDED TO FACILITATE CONSENSUS (AGENDA ITEM 5)<sup>5</sup>

- 24. The FAO Legal Counsel introduced the document which had been prepared following the request of the Commission that the Committee should consider the improvement of procedures to facilitate consensus in the formulation and adoption of standards. The document reviewed the current procedures and stressed that Codex texts should reflect a large international support in view of their relevance under the WTO Agreements. To achieve this objective, two options were proposed: retaining a simple majority for the adoption of standards with systematic recourse to practical arrangements to reach consensus; or the adoption of standards by a majority of two thirds, which would have the effect of strengthening the need for consensus before standards were submitted to the Commission.
- 25. Several delegations indicated that while not opposed to the application of a qualified majority in cases where voting was necessary, all efforts should be made to ensure that decisions were reached by consensus. Other delegations expressed their objections to a qualified majority as it would not facilitate consensus and might make it more difficult to adopt or amend standards and related texts; this would introduce additional delays into the process and discourage the undertaking of new work. The Delegation of India stressed the need for ensuring that the decision was representative in nature and to achieve this, proposed that in case consensus failed, efforts should be also made to reach consensus at the level of regional committees.

<sup>4</sup> CX/GP 98/4; CX/GP 98/4-Add.1 (Comments of Canada, Slovak Republic, Spain, Consumers International); CRD 8 (Comments of IDF); Unnumbered CRD (European Community).

CX/GP 98/6, CRD 4 (Comments of CSPI); CRD 6 (Comments of France), CRD 9 (Comments of Thailand), Unnumbered CRD (European Community)

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26. Some delegations stressed the difficulties of developing countries regarding the diffusion of information and attendance at meetings and recalled that the views of countries which could not participate in the meetings should be taken into consideration. Several delegations favoured further consideration of postal or electronically facilitated systems of voting, while other delegations were concerned that this would not allow for the transparency necessary in the decision process, as a full exchange of views on controversial issues was essential to come to an agreement.

- 27. The Committee had an exchange of views on the practical arrangements which would facilitate consensus. Some delegations supported the establishment of working groups or other informal mechanisms which might be useful to resolve controversial issues; however, the mandate of such groups should be clearly defined and the Committee recognized that the way principle of transparency in the discussions was essential. The Committee also recognized that the way by which Chairpersons of Committees ran meetings played an important part in achieving consensus and agreed that they should collectively attempt to provide guidance on practical measures that Committee Chairs could take to facilitate consensus.
- 28. Several delegations stressed that Committees should make sure that the proposals forwarded to the Commission for adoption reflected a consensus; the delegations which opposed a particular decision should present their objections clearly to facilitate discussion. It was also suggested that the procedures whereby one Member might request a vote should be reconsidered as such an important decision should reflect larger support within the Commission. It was also noted that a Guide on the Conduct of Plenary Meetings was in preparation.
- 29. The Committee identified other issues which would require further consideration: the definition of consensus; further consideration of alternative systems used by other international standards setting bodies; careful consideration of new work when it appeared that agreement could not be reached; the need to identify clearly contentious issues and to concentrate on them; clarity and precision of reports when dealing with controversial issues; the recognition of minority views; the possibility to postpone decisions when it appeared that no satisfactory compromise could be found.
- 30. The Committee agreed that, in order to focus more specifically on consensus in the decision process, the document should be redrafted in the light of the comments received and the above discussion for consideration at the next session.

#### REVIEW OF THE GENERAL PRINCIPLES OF CODEX (AGENDA ITEM 6)

#### ITEM 6.1 CONSIDERATION OF SPECIAL TREATMENT OF DEVELOPING COUNTRIES<sup>6</sup>

- 31. The Committee reviewed the paper provided by the Secretariat which provided an analysis of the provisions included in the SPS and TBT Agreements and examined how or if similar provisions could be applied in Codex procedures. The Committee stressed that it would not be the Commission's intention when applying special or differential treatment to developing countries, to recommend different standards for consumer health protection in different countries or to reduce the level of health protection inherent in its standards. The Committee stated that the right to health protection was the same for all countries. The scientific basis of Codex standards could be used to provide the necessary protection which all countries should be able to accept.
- 32. Several Delegations raised the issue of the implications of Codex standards on commercial considerations and trade, and in this regard special consideration should be given to the position of developing countries and their socio-economic situation. In particular, it was stressed that Codex standards should not have the effect of creating trade barriers for exporting developing countries. It was pointed out that small island countries had very particular problems requiring special consideration.
- 33. Several delegations noted that the genuine constraints of developing countries in meeting their full commitment to accept Codex standards should be recognized. The point was raised that developing countries needed time to adapt their national requirements and to develop their infrastructures to meet new standards. It was also pointed out that standards relating to quality also had a significant impact on commercial transactions and trade.
- 34. Several Delegations from developing countries stated that many of their problems in trade arose from the fact that trading partners did not apply Codex standards and that as a result they had to meet a variety of

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<sup>&</sup>lt;sup>6</sup> CX/GP 98/7; CRD 3 (Comments of CSPI).

different national requirements applied by importing countries. The Observer from CSPI noted that many consumers in developed countries would not support Codex standards unless they provided the same level of protection as national standards in these countries.

- 35. The Committee agreed that special efforts were needed to enhance the participation of developing countries in Codex. A number of Delegations pointed out that among the most significant problems to be addressed was the lack of well-organized and structured Codex Contact Points or national Codex Committees, inadequate capacity for risk assessment, access to important documentation and problems of communication. Proposals were made to enhance the participation of developing countries through training in the use of risk analysis in the elaboration of Codex standards, sharing of risk assessment data between countries, and the increased use of written communications to achieve world-wide consensus on the issues before Codex, especially through remote participation via email, internet and other modern technologies. Some delegations stated that the difficulties faced by developing countries in attending sessions due to financial constraints should be recognized by Codex. The Delegation of Chile proposed that as a way of promoting participation, specific work which required special meetings or working groups of Codex Committees should be held in developing countries where possible, and organized jointly between the country chairing the meeting and the host country.
- 36. In the search for more universal consensus, which required the active participation of developing countries and therefore led to greater acceptability of Codex Standards, it was stated that there was a need to develop intake and exposure information from the developing countries and for these data to be shared with other countries. It was also stated that experts from developing countries should play an enhanced role in the scientific expert panels that advise Codex.
- 37. Many Delegations raised the need for technical assistance in several areas, in particular in the strengthening of national Codex structures; in training in the application of risk analysis; and in enhancing skills and infrastructures. The work of FAO, WHO, other multilateral agencies and bilateral agencies was noted and strongly supported. It was also stated that developing countries should establish the internal political support for strengthening their national Codex and food control systems within the framework of national priorities in order for external technical assistance to be of lasting value. It was stated that inter-country exchanges of experience and information could sometimes be considered to strengthen the Codex structures in developing countries and that there was an opportunity to discuss these issues at the regional level.
- The Representative of FAO drew attention to the need for greater compliance with Codex standards and noted that FAO continued its normative activities to develop guidance on food quality, including food safety, to assist developing countries to establish basic food laws, regulations and standards; train inspectors technicians and laboratory personnel; and help equip laboratories. Funding to support the participation of developing countries at Codex meetings, particularly Regional Coordinating Committees, had been made possible with external support. It was also noted that national and sub-regional workshops on the establishment and administration of Codex Contact Points had now been held in over 30 countries. The Representative of WTO stated that some practical steps to facilitate participation had been taken, including the scheduling of meetings of the WTO SPS Committee close to the major meetings of Codex so as to reduce travel costs. Technical assistance was a standing item on the agenda of the SPS Committee. The Representative noted that with the assistance of the World Bank and with generous contributions to trust funds, practical measures such as the provision of Internet communication facilities in least-developed countries in Africa and the holding of information exchange workshops were being undertaken. The Representative of WHO indicated that its document Food Safety and Globalization of Trade: a challenge for the public health sector had been translated into 7 languages and transmitted by the Director-General of WHO to all Ministers of Health. Representative also noted that Ministries of Health had been asked to consider using part of their national WHO budget to sponsor participation at Codex sessions.
- 39. The Committee also noted that the possibilities of remote communication had been extended, with a majority of Codex Contact Points participating in the Codex-L electronic distribution list being from developing countries. Moreover, the Codex Committee on Milk and Milk Products had established two electronic working group\$\mathcal{g}\$ (open to all Members of the Commission) to develop and discuss draft standards scheduled for discussion at the Committee's next meeting.
- 40. The Delegation of India reiterated that minimum standards should be representative and be arrived at after considering all regional socio-economic factors. The Delegation proposed that standards for food

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<sup>7</sup> CCMMP-L@mailserv.fao.org

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commodities having significant international trade implications be identified and taken up for review by consensus on a priority basis.

41. The Committee in general observed that there had to be a uniform and scientific approach to the elaboration of food safety standards, and that such standards should be respected by all countries. It stressed that the level of protection should not be lowered for commercial or trade reasons. The Committee stressed the need for enhanced participation of developing countries in the Codex process through improved infrastructures and communication (especially Internet and other remote participation) and for the provision of technical assistance, partnerships and regional activities. It noted that any consideration of special and differential treatment would need to be on a case-by-case basis and noted the conclusions presented in the working paper. It was suggested that the above issues should be taken up in the consideration of the revision of the Code of Ethics for International Trade in Foods (See also Item 10).

#### Item 6.2 Revision of the Acceptance Procedure<sup>8</sup>

- 42. The Committee recalled that following the decision of the 21st Session of the Commission to initiate the revision of the acceptance procedure, the last session had considered proposals for an amended procedure, and agreed that it should be redrafted for further consideration. The Secretariat presented the revised document that had been prepared following the recommendation of the 22nd Session of the Commission to proceed with the revision the procedure rather than abolish it.
- 43. The Committee recognized that the current procedures had not been used frequently and recalled that Codex standards were a reference in the framework of the WTO Agreements irrespective of acceptance. It was therefore agreed that the current procedure should be revised and updated as it was not any longer adapted to the current context, but should not be abolished.
- 44. The Committee also noted that although acceptance was not commonly applied, many governments used Codex texts as a basis for their legislation or as a reference for import and export in the areas where no national legislation existed, as it appeared from the information provided at the level of Coordinating Committees. The Committee recognized the necessity to establish a mechanism which would make it easier for governments to provide relevant information on the application and use of Codex standards.
- 45. Some delegations expressed the view that the present system should be maintained as it allowed governments some time to consider new standards and adapt their regulations accordingly, especially in developing countries. Other delegations pointed out that in view of the request for notification under SPS, the establishment of another such system within Codex would put an additional burden on governments, without any appreciable result. It was also suggested that, in order to simplify the system, notification might be required from governments only in the cases when their national legislation was significantly different from Codex texts. With a view to avoid duplication and coordinate efforts, the Delegation of Chile proposed to study the formalization of an agreement with the SPS and TBT Committees.
- 46. Some delegations, referring to the notification systems under the SPS and TBT Agreements, pointed out that Codex as an independent body also needed a notification system for its own purposes. This would be useful to provide information to member countries on the application of Codex texts in national regulations, especially for developing countries which might face difficulties to obtain information on the legislation of importing countries. In addition, the establishment of a comparative record would allow monitoring the harmonization of standards in the perspective of the WTO Agreements.
- 47. In order to simplify the notification system and to make it workable, some delegations were in favour of a suggestion to define priorities for notification and to test the new notification system with a limited set of standards (to be determined), in order to evaluate its efficiency after a few years. It was however recalled that following the request of the 21st Session of the Commission, the establishment of priorities had been considered in Coordinating Committees and in view of the reports provided, the 22nd Session of the Commission had decided that this exercise should be discontinued.
- 48. Several delegations expressed the view that the proposals included in the document should be simplified; in particular governments should not be required to identify the differences between national regulations and Codex texts. The Committee agreed that this should not be included in the new notification system and noted a proposal to retain "free distribution" as included in the current provisions.

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49. The Committee agreed that the document should be redrafted by the Secretariat in the light of the above discussion in order to establish a simplified system of notification, for consideration by the next session.

# REVIEW OF THE STATUS AND OBJECTIVES OF CODEX TEXTS (AGENDA ITEM 7)9

- 50. The Committee noted that the current status of Codex texts in relation to the SPS Agreement had been clarified by the reply given by the SPS Committee to the Commission's request on this matter. He Executive Committee at its 45th Session had noted the following features in the reply:
  - the SPS Committee cannot formally interpret the provisions of the SPS Agreement;
  - the Agreement does not differentiate between the terms "standards", "guidelines" or "recommendations";
  - there is no legal obligation on WTO Members to apply any of these Codex texts;
  - how a text would be applied depended on its substantive content rather than on the category of the text;
  - Regional standards are not included in the definition of "international standards" used in the Agreement, but may be applied within a given Region.
- 51. The Executive Committee had agreed that:
  - the reply of the SPS Committee should be brought to the attention of all Codex Committees;
  - the reply by the SPS Committee seemed to conclude the correspondence on this matter;
  - the work of Codex should move forward without concern arising from mimderstandings or misinterpretations as to how Codex standards and related texts might be used;
  - the guidance given by the 22<sup>d</sup> Session of the Commission in relation to the status of Codex advisory texts should continue to be adhered to; and
  - the Committee on General Principles should examine the possibility of developing a set of appropriate preambular statements explaining the intent of different types of Codex texts.
- 52. The Committee focussed its attention on the Conclusions and Recommendations contained in paragraphs 56 to 59 of the working paper. It <u>agreed</u> that there was no need for action to be taken in relation to Codex Standards and related texts that:
  - meet either or both of the objectives of the Joint FAO/WHO Food Standards Programme and are intended for application by governments; or
  - meet either or both of the objectives and are recommendations to Member governments, but where it is for governments to decide how to apply the recommendations within their national legislative framework; or
  - provide additional information for the uniform application and interpretation of other standards and texts.
- 53. Nevertheless, the Committee recommended that the process of review and revision of standards and related texts by specialist Codex Committees should also attempt to clarify the status of several texts identified in the Secretariat report, in particular those listed in paragraphs 32-36 of the working paper.
- 54. In view of the reply of the SPS Committee, the Committee was of the opinion that the development of a set of preambular statements explaining the intent of the different types of Codex texts was unnecessary.
- 55. There was considerable debate on the question raised in paragraph 58 of the document, whether the intergovernmental Codex Alimentarius Commission was an appropriate forum for the establishment of standards for voluntary application by commercial partners and whether the so-called "advisory" material should be removed from the Annexes to existing standards. The Delegation of Malaysia drew attention to the Commission's decision reported in paragraph 171 of the report of its 22nd Session (ALINORM 97/37) and stated that until and unless the decision of the Commission was transmitted to all relevant committees, the matter was not appropriate for discussion. Many Delegations expressed their full support for the retention of the advisory material on the basis that it facilitated fair practices in the food trade and was of specific use to developing countries.

9 CX/GP 98/9.

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56. Other Delegations expressed concern at how such advisory material might be interpreted by the WTO Committee on Technical Barriers to Trade and questioned how such material was to be applied, since it was noted that the TBT Agreement applied to texts whose provisions were not mandatory. It was suggested that a further category of Codex documents might be established which would not be subject to the provisions of the TBT Agreement. Some Delegations were of the opinion that the advisory material in the Annexes to Codex standards should be transferred to such documents, while other delegations proposed that it should be eliminated or phased out progressively.

- 57. 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, for consideration at its next Session. It also accepted the offer of the Delegation of Australia to prepare a paper on its experiences in applying such advisory material through voluntary industry/government/consumer codes of practice.
- 58. The Committee therefore decided to take no further action at this time on the recommendation in paragraph 58 of the working document.

# REVIEW OF THE STATEMENTS OF PRINCIPLE ON THE ROLE OF SCIENCE AND THE EXTENT TO WHICH OTHER FACTORS SHOULD BE TAKEN INTO ACCOUNT - APPLICATION IN THE CASE OF BST AND PST (AGENDA ITEM 8) $^{10}$

- 59. The Committee recalled that the Commission at its 22nd Session had decided to suspend consideration of the adoption of the MRLs for Bovine Somatotropin pending re-evaluation of scientific data by JECFA and the CCRVDF and examination of the application of "other legitimate factors" in relation with BST by the CCGP. In reply to a question concerning the re-evaluation of the data by the 50th Session of JECFA, the Committee was informed that the Summary report of this meeting, which included the complete section on BST evaluation had been published and distributed and was available on the Internet. However, the supporting toxicological monographs were not yet available and the final report, following editing, would be published by WHO in the coming months. Since PST had not been evaluated by JECFA, the Committee could not consider this specific case.
- 60. The Committee reasserted the primary role of science in health related issues, as reflected in the current work on risk analysis in relation to food safety. It had an extensive discussion on the application of the second statement of principle concerning "other legitimate factors relevant for the health protection of consumers and for the promotion of fair practices in the food trade".
- 61. Several delegations and the Observer from the EC expressed the view that Codex Committees were not expert groups and that their role was not limited to systematic integration of JECFA recommendations in standards and other texts. They expressed policy choices consistent with the overall responsibility of Codex committees in carrying out risk management, whereas risk assessment was the role of expert groups. As representatives of governments, member countries had to take political decisions which integrated a number of factors in addition to risk assessment. They pointed out that Codex standards aimed at both protecting consumer health and ensuring fair practices in the food trade, and that the distinction between safety and quality aspects was not always clear.
- 62. In this perspective, these Delegations stated that the consideration of other legitimate factors in the decision process was essential and several elements should be considered in the case of BST. Toxicological evaluation was not the only element to be considered; as in the case of additives with an ADI not specified, technological justification and need had to be considered and these did not exist in the case of BST. In addition they stated that only intensive production systems allowed its use, which was contrary to the agricultural policy followed by many countries and generally detrimental to the environment, while it would not be generally accessible to developing countries. Reference was also made to a potential reduction of animal immune defences and the risk of increased antibiotics use as a consequence. These delegations, recalling the opposition of some consumers to the use of BST, emphasized the importance of consumer concerns as a legitimate factor, in order to ensure that Codex standards were based on consensus and were largely accepted. The Observer from CSPI stated that the wider acceptance of standards in world trade depended on recognition of societal values.

International); Unnumbered CRD (Comments of CIAA).

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<sup>&</sup>lt;sup>10</sup> CX/GP 98/10, CRD 7 (comments of France); CRD 9 (Comments of Thailand); CRD 2 (Comments of CSPI); CRD 5 (Comments of COMISA); CRD 10 (Discussion paper by Consumers

The Observer of the WVA asked the Committee to consider animal health and animal welfare in the case of BST as a legitimate factor to be considered in the discussion process.

- 63. Other delegations and the Observer from COMISA supported the recommendations of the document and stressed that science-based risk assessment should be the determining factor when addressing a food safety issue such as the setting of MRLs for veterinary drugs. They recognized that while other factors were integrated in the definition of policy at the national level, the purpose of international standards was to provide a reference for the protection of health, as defined under the SPS Agreement, when sanitary measures were concerned. The factors mentioned by those delegations opposing the MRL for BST might be considered at the national level but were not relevant in the framework of Codex; especially matters such as animal health and environment were outside its competence. In addition, no objective criteria had been put forward to justify specific economic or other problems related to BST, and the prohibition of BST appeared to be more restrictive to trade than necessary.
- 64. These Delegations were of the opinion that the application of factors such as environmental concerns, consumer choice, animal welfare greatly differed from one country to another and should be addressed at the national level; some delegations also pointed out that consumer concerns or preferences were different between developed and developing countries.
- 65. The Observer from the European Community wished to clarify an erroneous impression that the EC had prohibited the import of milk and milk products derived from animals treated with BST. In fact, no such prohibition had been introduced: there was a moratorium on the use of BST in the European Union until the end of 1999. Therefore no trade problems existed.
- 66. Attention was also drawn to the fact that in the Codex Statements of Principle, the term "other legitimate factors" was not open-ended but was limited to those relevant to the health protection of the consumer and ensuring fair practices in the food trade. It was considered important to work within the terms of reference of these principles. Other Delegations believed that even though animal welfare and the environment were not part of Codex objectives, states should legitimately ensure consistency in their actions by refusing decisions taken in the area of Codex work which would have negative effects on animal health or the environment.
- 67. Some delegations and the Observer from Consumers International noted both the difficulties and the importance of determining the legitimacy or relevance of other factors and imphasized that they should be clearly identified and based on objective criteria, in order to prevent their use as a disguised barrier to trade, especially in view of the TBT Agreement provisions that "technical regulations shall not be more traderestrictive than necessary". Some delegations also raised the issue of the stage in the decision process where other factors should be taken into account, and how this could be achieved at the national and the international levels.
- 68. It was pointed out that in practice, other factors were already being integrated in the elaboration process and that should be recognized formally in the Procedural Manual through appropriate recommendations. This was the case of risk management decisions, where practical aspects such as manufacturing practices, feasibility and economic cost, had to be integrated into the process. In addition, several areas of Codex work were not related to food safety and science was not the critical element in the decision process: the objective of food labelling texts was to provide reliable information to the consumer, as well as consideration of sound science in relation to health-related issues where applied to specific labelling provisions in Codex Standards and guidelines; while many commodity standards were intended to ensure fair trade practices and protect the economic interests of exporting and importing countries. The Observer from CIAA stated that labelling was a limited resource that should not be over-used and that consumer protection and consumer information should not be confused. The Chairperson of the Codex Committee on Food Labelling and others suggested that in order to ensure that other factors were being identified appropriately and consistently by different bodies of Codex, a general policy on the integration of other factors be articulated by the Committee on General Principles.
- 69. Several delegations proposed to discuss first the other factors from a general point of view before applying them to the case of BST. The Secretariat however recalled that the mandate given to the Committee by the Commission referred explicitly to the application of these factors to BST, and not to a general consideration of the issue. However, it was also noted that in the framework of the discussion on risk analysis the Commission had endorsed the recommendations of the Joint FAO/WHO Expert Consultation on Risk

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Management to the effect that the application of the second Statement of Principle should be clarified. It was therefore recognized that this issue should be addressed by the Committee.

70. The Committee recognized that no consensus existed at this stage on the application of other factors in the case of BST and that further discussion was needed. It agreed that although the general and specific issues under consideration were related, they should be clearly identified in order to avoid confusion and to facilitate discussion. To this effect, the Committee agreed that two papers should be prepared by the Secretariat on these issues: 1) consideration of other legitimate factors in the framework of risk analysis as recommended by the Commission, and 2) application of other legitimate factors to the case of BST. The Committee agreed to return to these matters at its next Session. It was noted that the Commission at its 23rd Session. It was further noted that the general consideration of other legitimate factors should be viewed as a longer-term process.

#### REVISION OF THE PROCEDURAL MANUAL (AGENDA ITEM 9)

- ITEM 9.1 PROPOSED DRAFT PRINCIPLES CONCERNING THE PARTICIPATION OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN THE WORK OF THE CODEX ALIMENTARIUS COMMISSION<sup>12</sup>
- 71. The Committee noted that the Commission had requested the development of guidelines for the participation of International Non-governmental Organizations NGOs) in the work of Codex. The Committee welcomed the proposals contained in the document as contributing to the process of transparency and clarity in decision-making in the framework of the Joint FAO/WHO Food Standards Programme. The Committee noted that the proposals related only to the procedures for granting "Observer Status" toNGOs in Codex under the provisions of Rule VII of the Commission's Rules of Procedure and did not relate to the participation dNGOs in national delegations, as the composition of national delegations was a matter for national governments to decide.
- 72. Furthermore, it was noted that the proposals did not relate to the participation of NGOs specified in other parts of the Procedural Manual, for example the special reference made to the role of IDF in the Uniform Procedures for the Elaboration of Codex Standards and Related Texts.
- 73. Several Delegations expressed the need for rules and guidelines which, while encouraging the participation of NGOs (especially consumer NGOs) did not diminish the role of the Commission as an intergovernmental body. There was general agreement that the proposal to include a provision foNGOs that were national in structure, but international in their scope of activity, should not be pursued. It was proposed that the relationship between an NGO and its members could be based on appropriate methods whereby members expressed their views.
- 74. Several Delegations questioned the proposal that where several NGOs were active in a given field of the Commission's activity, in principle only one should be granted Observer status on the basis that this would discourage the open participation of many NGOs which contribute positively to the Codex process. Other Delegations felt that this provision was helpful. The Committee decided to place the provision in square brackets and ask for further comments.
- 75. The Committee agreed that there should be clarification as to the nature of the documentation provided to NGOs, and that the limit of 2,000 words for written statements submitted by NGOs to Codex meetings should be deleted.
- 76. In regard to the review of "Observer Status" it was agreed that the period of time during which an NGO might be deemed not to have sufficient interest to warrant continuation of the status, be extended from 2 years to 4 years. It was also agreed to revise the questionnaire of information required of NGOs applying for "Observer Status" to simplify it and to ask essential questions relating to the credibility of the applicant organization.
- 77. The Committee noted that Rule VII provided for the relationship between NGOs and the Commission to be handled by the Directors-General. The question was raised as to whether Members of the Commission

ALINORM 97/37, para. 163.

CX/GP 98/11-Part 1; CX/GP 98/11-Part , Addendum 1 (Comments of Consumers International); CRD 1 (Comments of CSPI); CRD 13 (Comments of Cyprus).

should not decide the extent of NGO participation and whether proposals for admission to "Observer Status" should not be approved by the Commission itself, on the recommendation of the Directors-General.

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

78. The Committee requested the Secretariat to revised the proposed Draft Guidelines in light of the above discussion and circulate them for government comments and for consideration at the Committee's next Session.

## ITEM 9.2 PROPOSED DRAFT CRITERIA FOR THE ESTABLISHMENT OF *AD HOC* INTERGOVERNMENTAL TASK FORCES<sup>13</sup>

- 79. The Committee recalled that the establishment of ad hoc Intergovernmental Task Forces had been proposed by FAO Conference and Council as a means of providing flexibility in the establishment of new subsidiary bodies in place of establishing new permanent subsidiary bodies. The Committee noted that the proposals before it envisaged a revision of the Criteria for the Establishment of Work Priorities and for the Establishment of Subsidiary Bodies of the Codex Alimentarius Commission by separating the criteria for work priorities from the criteria for the establishment of subsidiary bodies.
- 80. Concerns were expressed that the establishment of ad hoc task forces might result in a duplication of work with ordinary Codex Committees and no budget savings would be made. However, the Committee agreed with the general direction of the proposal. It stressed that when new work was being considered, first priority should be to allocate work to an existing body, if necessary by expanding its Terms of Reference. New bodies should be established only if this were deemed to be impractical or inappropriate. It also agreed that the guidelines should state explicitly that ad hoc Intergovernmental Task Forces would be open to all Members of the Commission and follow the same Rules and Elaboration Procedures as other Codex bodies.
- 81. On this basis, the Committee amended the proposed criteria.

## STATUS OF THE CRITERIA FOR THE ESTABLISHMENT OF WORK PRIORITIES AND CRITERIA FOR THE ESTABLISHMENT OF SUBSIDIARY BODIES

- 82. The Committee agreed to submit these two texts, as contained in Appendices II and III to this report, to the Commission for adoption at its 23rd Session and subsequent inclusion in the Procedural Manual. The existing Criteria for the Establishment of Work Priorities and for the Establishment of Subsidiary Bodies of the Codex Alimentarius Commission would then be withdrawn.
- 83. The Delegation of Switzerland expressed the view that criteria regarding the establishment of formal working groups in Codex Committees were needed.

#### REVIEW OF THE CODE OF ETHICS IN INTERNATIONAL TRADE IN FOODS

#### $(AGENDA ITEM 10)^{14}$

- 84. The Committee recalled that a Circular Letter had been sent to seek the views of member countries on the opportunity of revising the Code in view of the need to update a number of references, especially as a result of the conclusion of the WTO Agreements and the work of the Committee on Food Import and Export Inspection and Certification Systems.
- 85. The Committee generally agreed that the Code of Ethics was still needed to provide general guidance for the conduct of international trade, although several texts already covered the issues relating to import/export.
- 86. The Delegation of Austria, expressing the views within the European Union, stressed the importance of ethical aspects, suggesting that the title of the Code should be amended to reflect more precisely its broadened purpose (viz. "Ethical and General Principles"). It was proposed that the revised text should include the following elements: other legitimate factors; problems related to rejection of consignments on safety grounds; nutrition and health claims; and the status of Codex texts. It was also proposed to introduce a general requirement to limit chemical substances to a reasonable minimum.

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<sup>13</sup> CX/GP 98/11-Part II.

CL 1998/2-GP, CX/GP 12 (comments of the Netherlands, United States, Slovak Republic, Cuba, European Community, Consumers International), CRD 13 (Cyprus)

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87. Other delegations, while supporting the revision of the current text, expressed their objection to the inclusion of new elements such as "other factors", as the Code should focus on ethical issues; in addition, questions concerning the limits for chemical substances in food should be addressed in the framework of the discussion on risk analysis in the CCGP and in other concerned committees.

- 88. Several delegations supported the inclusion in the Code of a statement on special and differential treatment for developing countries. It was proposed that the Code should be self-standing and would include all of the pertinent provisions coming from other Committees.
- 89. The Committee agreed that coordination with other concerned committees would be exercised where necessary, especially as regards inspection and certification and food safety matters. As regards health claims, it was recalled that the Committee on Food Labelling was currently elaborating guidelines in this area, and was generally responsible for such matters, in coordination with the Committee on Nutrition and Foods for Special Dietary Uses.
- 90. The Committee agreed to propose to the Commission the revision of the Code as new work, following which a revised draft would be prepared by the Secretariat and circulated for comments prior to the 15th Session of the Committee.

# OTHER BUSINESS, FUTURE WORK AND DATE AND PLACE OF THE NEXT SESSION (AGENDA ITEM 11)

#### MRLs for pesticides and veterinary drugs

- 91. The Chairman of the Committee on Pesticide Residues, Dr. vanEck (Netherlands) drew the attention of the Committee to the problems arising from the establishment of differenMRLs for the same compounds in the same commodity when used as pesticides or as veterinary drugs, and stressed the importance of improving coordination between the CCPR and the Committee on Residues of Veterinary Drugs in Foods, as well as among delegates at the national level attending meetings of these committees; similarly the approaches followed by the corresponding expert groups, JECFA and JMPR should beharmonized. These views were supported by the Chairman of the CCRVDF, Dr. Sundlof (USA).
- 92. The Delegation of Canada indicated that other inconsistencies existed in the definition of some commodities and the expression of the MRL for pesticides and for veterinary drugs, and the Committee agreed that this should be addressed by the concerned committees (CCPR, CCRVDF, Committee on Methods of Analysis and Sampling, Committee on Meat Hygiene). The Delegation also stressed the importance of coordinating the work on method validation currently underway in the CCPR, CCRVDF and CCMAS, while recognizing that the objectives and needs of these committees might be different.
- 93. The Secretariat informed the Committee that the Joint FAO/IAEA Expert Consultation on the Validation of Analytical Methods for Food Control (Vienna, December 1997) had been convened with the purpose of establishing a common basis for method validation and would provide guidance to Codex Committees in this area, with a view to achieving aharmonized approach. The Committee recognized that the harmonization of risk assessment and risk management procedures across Codex work was an essential element of the standard setting process and that efforts should be pursued to strengthen coordination between committees in this perspective.
- 94. The Delegation of Egypt raised the issue of the establishment of pesticid MRLs in fish and in aromatic herbs, in view of its importance for export purposes and the Committee noted that this question should be submitted to the CCPR, which would be prepared to consider proposals if relevant data were provided.

#### **DISTRIBUTION OF DOCUMENTS**

95. In reply to a question by the Delegation of Switzerland, the Secretariat recalled that Codex working documents were placed on the Internet prior to the sessions of committees and that the distribution of Circular Letters was restricted to Codex Contact Points and international organizations. The Codex-L List included the Contact Points, chairpersons of Committees and international organizations, and was used to distribute Circular Letters, working documents and reports. The Secretariat drew the attention of the Committee to the document prepared for the Executive Committee5, which provided the update on the distribution of documents, including the modalities of access to the Codex web site and Codex-L List. Throughout the meeting countries

raised the problems they had in receiving documents and stressed the necessity to provide documents in the non-English languages in time in order to avoid additional costs to developing countries.

#### **FUTURE WORK**

96. The Committee noted that its future work would include the following items carried forward from its discussions at the present session:

- Risk Analysis (Definitions and Working Principles);
- Measures intended to facilitate consensus;
- Special and differential treatment of developing countries;
- Acceptance/notification procedures;
- Examination of the TBT Agreement as it relates to Codex standards and texts;
- Application of Codex "Advisory" texts (Paper by Australia);
- The role of science and other legitimate factors in general;
- The role of science and other legitimate factors in relation to BST;
- Draft Principles concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission:
- Proposed "Core Functions" of Codex Contact Points;
- Application of Rule VII of the Commission's Rules of Procedure;
- Revision of the Code of Ethics (subject to approval by the 2<sup>rd</sup> Session of the Commission.
- 97. The Delegation of Switzerland recalled its proposal to discuss the subject of criteria for the establishment and operation of ad hoc working groups, but the Committee agreed not to consider the matter at this stage.

#### DATE AND PLACE OF THE NEXT SESSION

98. The Committee was informed that its Fourteenth Session would be held from 26 to 30 April 1999 in Paris.

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#### **SUMMARY STATUS OF WORK**

Subject Matter		Action by	Reference in ALINORM 99/33
Criteria for the Establishment of Work		Governments	para. 82
Priorities (revised)		23rd CAC	Appendix II
Criteria for the Establishment of Subsidiary		Governments	para. 82
Bodies (revised)		23rd CAC	Appendix III
Definitions of Risk Analysis Terms		Governments	para. 16
		14 <sup>th</sup> CCGP	
Status of Codex Standards and Related texts			
- Standards		Australia/Secretariat	para. 57
- Related Texts		14 <sup>th</sup> CCGP	para. 53
Related Texts		Codex Committees	
Measures to facilitate consensus		Secretariat	para. 30
		14 <sup>th</sup> CCGP	
Consideration of special treatment for		Secretariat	paras. 41, 88
developing countries		14 <sup>th</sup> CCGP	
Acceptance Procedure		Secretariat	para. 49
		14 <sup>th</sup> CCGP	
Consideration of factors other than science in		Secretariat	para. 70
the decision process/ in relation to BST		14 <sup>th</sup> CCGP	
Principles concerning the participation of		Secretariat	para. 78
NGOs in the work of Codex		14 <sup>th</sup> CCGP	
"Core Functions" of Codex Contact Points		Secretariat/Governments	paras. 7, 96
		14 <sup>th</sup> CCGP	
Application of Rule VII of the Rules of		Secretariat	paras. 11, 96
Procedures		14 <sup>th</sup> CCGP	
Review of the Code of Ethics		CAC	para. 90
		15 <sup>th</sup> CCGP	

#### ALINORM 99/33 APPENDIX I

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#### ALINORM 99/33 APPENDIX II

#### PROPOSED AMENDMENTS TO THE PROCEDURAL MANUAL

#### CRITERIA FOR THE ESTABLISHMENT OF WORK PRIORITIES

When a Codex Committee proposes to elaborate a standard, code of practice or related text within its terms of reference, it should first consider the priorities established by the in the Medium-Term Plan of Work, any specific relevant strategic project currently being undertaken by the Commission and the prospect of completing the work within a reasonable period of time. It should also assess the proposal against the criteria set out below.

If the proposal falls in an area outside the Committee's terms of reference the proposal should be reported to the Commission in writing together with proposals for such amendments to the Committee's terms of reference as may be required.

#### Criteria

#### A. CRITERIA APPLICABLE TO GENERAL SUBJECTS

- (a) Consumer protection from the point of view of health and fraudulent practices.
- (b) Diversification of national legislations and apparent resultant or potential impediments to international trade.
- (c) Scope of work and establishment of priorities between the various sections of the work.
- (d) Work already undertaken by other international organizations in this field.

#### B. CRITERIA APPLICABLE TO COMMODITIES

- (a) Consumer protection from the point of view of health and fraudulent practices.
- (b) Volume of production and consumption in individual countries and volume and pattern of trade between countries.
- (c) Diversification of national legislations and apparent resultant or potential impediments to international trade.
- (d) International or regional market potential.
- (e) Amenability of the commodity tostandardization.
- (f) Coverage of the main consumer protection and trade issues by existing or proposed general standards.
- (g) Number of commodities which would need separate standards indicating whether rawsemi processed or processed.
- (h) Work already undertaken by other international organizations in this field

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ALINORM 99/33 APPENDIX III

#### PROPOSED AMENDMENTS TO THE PROCEDURAL MANUAL

## CRITERIA FOR THE ESTABLISHMENT OF SUBSIDIARY BODIES OF THE CODEX ALIMENTARIUS COMMISSION

When there is a proposal for the elaboration of a standard, code of practice or related text in an area not covered by the terms of reference of any existing subsidiary body, or the revision of standards, codes of practice or other texts elaborated by subsidiary bodies adjourned *sine die*, such a proposal should be accompanied by a written statement to the Commission explaining its justification in light of the Commission's Medium-Term Objectives and containing, as far as practicable, the information contained in the Criteria for the Establishment of Work Priorities.

Should the Commission decide to establish a Subsidiary Body for the purpose of elaborating an appropriate draft standard or related text or for the purpose of revising an existing standard(s) or related text(s), first consideration should be given to the establishment of anad hoc Intergovernmental Task Force under Rule IX.1(a) of the Commission's Rules of Procedure under the following conditions:

#### **Terms of Reference:**

- the terms of reference of the proposed *ad hoc* Intergovernmental Task Force shall be limited to the immediate task at hand and normally shall not be subsequently modified;
- the terms of reference shall clearly state the objective(s) to be achieved by the establishment of the dhoc Intergovernmental Task Force;
- the terms of reference shall clearly state either i) the number of sessions to be convened, or (ii) the date (year) by which the work is expected to be completed, which in any case shall not exceed five years;

#### **Reporting:**

The *ad hoc* Intergovernmental Task Force shall report to the Codex Alimentarius Commission and to the Executive Committee on the progress of its work. The reports of the *ad hoc* Intergovernmental Task Force shall be transmitted to all Members of the Commission and interested international organization.

#### **Operating Expenses:**

No provision shall be made concerning the operating expenditures of the doc Intergovernmental Task Force in the estimate of expenditures of the Joint FAO/WHO Food Standards Programme, except insofar as costs involved in preparatory work are recognized as operating expenses of the Commission in accordance with Article 10 of its Statutes.

#### **Host Government Arrangements:**

The Commission, at the time of the establishment of the ad hoc Intergovernmental Task Force shall ascertain that there will be appropriate host government arrangements adequate to ensure the functioning of the Task Force for the duration of its assignment.<sup>17</sup>

#### **Working Procedures:**

*Ad hoc* Intergovernmental Task Forces shall be open to all Members of the Commission and the Rules Procedure of the Codex Alimentarius Commission and the Uniform Procedure for the Elaboration of Codex Standards and Related Texts shall apply *mutatis mutandis* to *ad hoc* Intergovernmental Task Forces.

#### **Dissolution:**

The *ad hoc* Intergovernmental Task Force shall be dissolved after the specified work has been completed or when the number of sessions or the time limit allocated for the work has expired.

The Commission may wish to considerextending the Terms of Reference of an appropriate existing body to accommodate the proposal.

This may involve Host Government arrangements with one or more Members of the Commission.