

# CODEX ALIMENTARIUS COMMISSION

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Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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REP19/GP

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX ALIMENTARIUS COMMISSION

*42<sup>nd</sup> Session*

*CICG, Geneva, Switzerland*

*8 – 12 July 2019*

## REPORT OF THE 31<sup>st</sup> SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES

**Bordeaux, France**

**11– 15 March 2019**

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## SUMMARY AND STATUS OF WORK

Responsible Party	Purpose	Text/Topic	Code	Step	Paragraph
EWG (Chaired by New Zealand, co-chaired by the United States of America, Germany, and Japan)  CCGP32	Drafting  Discussion	Guidance for Committees working by correspondence:  a. Develop criteria to identify work appropriate to be undertaken by committees working by correspondence and develop procedural guidance for such committees based on and consistent with relevant guidance in the Procedural Manual (including decision making, reporting) and in keeping with the values of the Commission; and  b. Consider, and make recommendations as appropriate, whether procedural changes related to committees working by correspondence are necessary.	-	-	26
Codex Secretariat  CCGP32	Review  Possible discussion	CCGP should await the completion of the implementation of the recommendations of the 2016/17 regular review by the Codex Secretariat before considering to propose new work to review the <i>Guidelines for Electronic Working Groups</i>	-	-	63
France  CCGP32	Drafting  Discussion	Discussion paper on monitoring Codex results in the context of the Sustainable Development Goals (SDGs)	-	-	67
France  CCGP32	Drafting  Discussion	Discussion paper on monitoring the use of Codex standards	-	-	81
Codex Secretariat CCGP32	Drafting  Discussion	Document on the format and structure of the Codex Procedural Manual	-	-	87
Codex Secretariat CCGP32	Drafting  Discussion	Discussion paper on revisions/amendments to Codex texts	-	-	92

**LIST OF ABBREVIATIONS**

CAC	Codex Alimentarius Commission
CCP	Codex Contact Point
CCEXEC	Executive Committee of the Codex Alimentarius Commission
CCFICS	Codex Committee on Food Import and Export Inspection and Certification Systems
CCFH	Codex Committee on Food Hygiene
CCFL	Codex Committee on Food Labelling
CCGP	Codex Committee on General Principles
CCMMP	Codex Committee on Milk and Milk Products
CCSA	Codex Committee on Standards Advancement
CRD	Conference Room Document
CTF	Codex Trust Fund
EU	European Union
EWG	Electronic Working Group
FAO	Food and Agriculture Organization of the United Nations
IARC	International Agency for Research on Cancer
IPPC	International Plant Protection Convention
ISO	International Organization for Standardization
JECFA	Joint FAO/WHO Expert Committee on Food Additives
JMPR	Joint FAO/WHO Meeting on Pesticide Residues
OIE	World Organisation for Animal Health
OIV	International Organization of Vine and Wine
RCC	Regional Coordinating Committee
SPS	Sanitary and Phytosanitary
SDGs	Sustainable Development Goals
TOR	Terms of Reference
UN	United Nations
WFSD	World Food Safety day
WHO	World Health Organization
WTO	World Trade Organization

## INTRODUCTION

1. The Codex Committee on General Principles (CCGP) held its thirty-first session in Bordeaux, France, from 11 to 15 March 2019, at the invitation of the Government of the French Republic. Dr. Jean-Luc Angot (France) chaired the session, which was attended by delegates representing 59 member countries, 1 member organization (European Union) and 9 observer organizations. A full list of participants is attached as Appendix I.

## OPENING OF THE SESSION<sup>1</sup>

2. Ms Sandrine Gaudin, Secretary General, European Affairs, Office of the Prime Minister of France and Mr Patrick Dehaumont, Director General for Food, Ministry of Agriculture, France addressed the Committee and extended their warmest welcome to all participants. Ms Renata Clarke, head of the Food Safety and Quality Unit of the Food and Agriculture Organization of the United Nations (FAO), Mr Kazuaki Miyagishima, Director of the Food Safety and Zoonoses Department of the World Health Organization (WHO), Mr Guilherme da Costa Junior, Chairperson of the Codex Alimentarius Commission (CAC) and Mr Tom Heilandt, Secretary of the Codex Alimentarius Commission also addressed the Committee.

## Division of Competence<sup>2</sup>

3. The Committee noted the division of competence between the European Union (EU) and its Member States, in accordance with paragraph 5, Rule II, of the Rules of Procedure of the Codex Alimentarius Commission.

## ADOPTION OF THE AGENDA (Agenda item 1)<sup>3</sup>

4. The Chair noted that CX/GP 19/31/6 was a Discussion paper from France intended to stimulate discussion on possible future work for CCGP and would be discussed under Other Business (Agenda item 6).
5. The Committee adopted the Provisional Agenda as the Agenda for the session, noting that Agenda item 5 would be discussed immediately after Agenda item 2.

## MATTERS REFERRED TO THE COMMITTEE (Agenda item 2)<sup>4</sup>

6. The Committee noted that the matters arising from CAC39, CAC40, CAC41 and CCFICS24 contained in the working document were for information.
7. With regard to the Consistency of the Risk Analysis Texts across the Relevant Committees (CAC39 (2016), the delegations of Argentina, Brazil, Costa Rica, Ecuador, Paraguay and Uruguay reiterated their reservations already stated at CAC39 related to the discontinuation of the discussion on the consistency of the risk analysis principles across Codex committees in CCGP because they considered that the mandate given by CAC to CCGP had not been completed, because only the structure of the text was examined and not the consistency between the principles governing risk analysis.
8. With regard to the work of CCFICS24 (2018) on Food Integrity and Food Authenticity, the Committee noted the update provided by the Chairperson of the CCFICS including the recent establishment of the Electronic Working Group (EWG) on Food Fraud, and the associated timetable.

## DISCUSSION PAPER ON PROCEDURAL GUIDANCE FOR COMMITTEES WORKING BY CORRESPONDENCE (Agenda Item 3)<sup>5</sup>

9. The Codex Secretariat introduced the history of this item, recalling that in recent years, several Codex Committees which were adjourned *sine die* had been reactivated and were working by correspondence. The Commission and the Executive Committee have considered working by correspondence as one of the options available to efficiently organize the work of Codex. However, in recent meetings of the Commission delegations have raised questions on how committees working by correspondence have undertaken their work, including

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<sup>1</sup> Opening remarks: Ms Sandrine Gaudin, Secretary General, European Affairs, Office of the Prime Minister, France (CRD19); Opening remarks: Mr Patrick Dehaumont, Director General for Food, Ministry of Agriculture, France (CRD20); Opening remarks: Mr Guilherme da Costa Junior, Chairperson of the Codex Alimentarius Commission (CRD21).

<sup>2</sup> Division of Competence between the European Union and its Member States (CRD1)

<sup>3</sup> CX/GP 19/31/1 Rev.2

<sup>4</sup> CX/GP 19/31/2; Comments of Kenya (CRD4); Comments of Ghana (CRD6); Comments of the European Union (CRD8); Comments of Brazil (CRD12); Comments of Senegal (CRD13); Comments of the Dominican Republic (CRD14); Comments of Ecuador (CRD17); Comments of Argentina (CRD18).

<sup>5</sup> CX/GP 19/31/3; Comments of Kenya (CRD4); Comments of Morocco (CRD5); Comments of India (CRD7 Rev.); Comments of the European Union (CRD8); Comments of the Codex Secretariat (CRD10); Comments of Brazil (CRD12); Comments of Senegal (CRD13) Comments of Dominican Republic (CRD14); Comments of the African Union (CRD15); Comments of the Republic of Korea (CRD16 Rev.); Comments of Ecuador (CRD17); Comments of Argentina (CRD18); Comments of El Salvador (CRD22).

on aspects related to transparency and reporting. CAC41 (2018) thus requested CCGP to formulate procedural guidance for committees working by correspondence based on and consistent with relevant existing guidance in the Procedural Manual. The Secretariat recalled that the Commission had requested the Codex Secretariat to prepare a discussion paper on this issue, and in doing so had consulted the Legal Offices of FAO and WHO. The Secretariat noted that this consultation highlighted the need for a thorough analysis from a legal perspective on the implications of working by correspondence before procedural guidance could be considered by CCGP31.

10. The Representative of the Legal Office of FAO, speaking also on behalf of the Legal Office of WHO, noted that CCGP31 presented the first opportunity to examine in detail procedural issues related to Codex committees working by correspondence. The Legal Offices of FAO and WHO considered that it was appropriate to highlight the procedural challenges of working by correspondence from a legal perspective, and in light of the practice in the United Nations (UN) system considering that Codex is an entity of FAO and WHO.
11. The Representative first highlighted differences between Codex committees working by correspondence versus EWGs, which are already provided for in the Procedural Manual. The Representative noted that higher procedural standards must apply to committees working by correspondence as compared to EWGs, considering that such committees would take decisions, and that committees are the essential forum where consensus within Codex is developed.
12. The Representative noted that the Rules of Procedure of the UN, FAO and WHO are drafted for physical meetings only, and do not address decision-making by correspondence except in very limited circumstances. The Representative highlighted, in particular, three organizations within the UN that have made provision for work by correspondence in their respective rules of procedure, i.e. the Commission on Narcotic Drugs, the World Meteorological Organization and the Standards Committee of the Commission on Phytosanitary Measures established under the International Plant Protection Convention (IPPC). The examples of correspondence procedures within the UN system are exceptional, and in all cases are applied under conditions of urgency, are reserved for decisions of a limited nature, and/or to limited membership bodies. In addition, correspondence procedures are in all cases embedded within a regular schedule of physical meetings.
13. The Representative noted that most examples of correspondence procedures in the UN originate in the 1960s-1970s and that, despite technological advances and increased connectivity, this type of procedure had not expanded, and that the low proliferation of correspondence procedures was, in fact, deliberate. It is the position of the UN that decision-making meetings should take place in a physical setting in light of a number of procedural issues. In addition, the Representative further observed that it is the objective of the UN to facilitate genuine interaction and dialogue between members with a view to achieving international cooperation, and it is considered that effective cooperation should rely on meetings in a physical setting.
14. The Representative further recalled that the fundamental function of any rule of procedure within the UN system is to protect the right of each member nation to participate in the deliberations and decision-making of relevant bodies, and to exercise such rights on an equal basis. With regard to Codex, the Representative noted that FAO and WHO as parent organizations share a duty to ensure the proper conduct of meetings, particularly in respect of the core values of Codex, inclusiveness, transparency and consensus, all of which are relevant in this context.
15. The Representative indicated the main procedural issues in respect of Codex committees working by correspondence, such as credentials of delegations, the role of Chairpersons and effective participation. Effective participation is an essential requirement before consensus can be achieved and the Representative noted that in a correspondence context, debates necessarily take place in a more rigid and isolated manner, with more limited opportunities for direct interaction and consensus building. Physical meetings also allow for a number of more intangible and subtle interactions between members, and between members and the Chairperson, which are not available in a correspondence context. It was also noted that correspondence procedures entail, in practice, a shift of authority to the Chairperson, necessarily at the expense of members. The Representative also referred to other issues noted in the context of reviewing EWGs, such as a higher workloads and the large number of electronic discussions, low registration rates and issues related to languages and translation.
16. The Committee noted that the document provided important and timely insight and also emphasized the core values of Codex work, namely collaboration, inclusiveness, transparency and consensus-building.
17. The Committee had an extensive exchange of views on the issue. Many delegations highlighted the importance of having different options and maintaining flexibility for working and welcomed electronic ways of working, which can help increase inclusiveness and be cost-saving.
18. The Committee recognized that committees working by correspondence are conceptually different from EWGs, in particular pertaining to decision-making since in the case of an EWG, it reports back to a committee meeting

physically where decisions are then taken. Nevertheless, there are linkages and similarities between the two in terms of working and therefore experience gained in one area may be relevant to the other.

19. Some delegations questioned whether having Codex committees working by correspondence was compatible with UN rules. The Representative of the Legal Office of FAO noted that discussions on committees working by correspondence had already progressed, and that Codex has enjoyed some autonomy in practice. On that basis, Codex could decide to pursue the development of correspondence procedures within the parameters evidenced by the practice of the UN and taking into account document CX/GP 19/31/3. Topics suitable for discussion by correspondence should be limited or linear in nature, and any matters that prove to be too intricate should be referred to physical meetings. The Representative also underlined that procedures for committees working by correspondence could not rely on the current guidance for EWGs, since correspondence procedures affect the rights of members in relation to decision-making. On this basis, the Representative suggested that an explicit procedural framework should normally be developed.
20. The Committee also considered the experience of committees working by correspondence on both complex and more straightforward issues and noted the experience of the Codex Committee on Milk and Milk Products (CCMMP) where it was identified that it was the complexity of the issue rather than the mechanism of working that determined the rate of progress and outcomes. Nevertheless, this experience highlighted the challenge that complex issues present, and the need to reflect on this when considering topics referred for work by correspondence and guidance for committees working by correspondence.
21. It was further noted that the challenges faced by committees working by correspondence, such as accreditation and tracking participation, were common to both physical and virtual meetings and therefore it was important to be flexible when looking for more effective working mechanisms. Issues regarding reporting and decision making were noted. Many delegations expressed the need for developing procedural guidance for committees working by correspondence and held the view that CCGP should initiate work to that effect, in line with the mandate given to it by CAC41. Based on the discussion and the advice of the Legal Offices of FAO and WHO, the Committee recognized that further work was needed to identify the type of work that could be managed by committees working by correspondence.
22. While some delegations also expressed the view that there was a need for reviewing and possibly updating the current Guidelines on EWGs contained in the Procedural Manual, it was agreed to address this issue separately under Agenda item 6.1.
23. Following some observations on the link between working by correspondence and the issue of a Codex Committee on Standards Advancement (CCSA) discussed at CAC41, the Committee noted that CAC had agreed to await the outcome of the CCGP discussion on guidance for committees working by correspondence before returning to the question of whether a CCSA should be established, and agreed not to discuss this issue.
24. The Committee agreed to set up an EWG to address the areas and needs identified by the Committee and discussed the terms of reference in the context of recommendations 2-5 in CX/GP 19/31/3. The task of the EWG encompasses and includes specific guidance in respect of committees that are currently holding regular physical meetings but with no current work items, as well as committees that have been adjourned *sine die*.
25. The Committee was of the opinion that in the interim, committees currently working by correspondence may continue as they are operating at present.

### **Conclusions**

26. The Committee agreed to set up an EWG, chaired by New Zealand and co-chaired by the United States of America, Germany and Japan, working in English only, through the EWG platform, with the following Terms of Reference (TOR):

Taking into account CX/GP19/31/3 and comments made at CCGP31, the EWG will:

- a. Develop criteria to identify work appropriate to be undertaken by committees working by correspondence and develop procedural guidance for such committees based on and consistent with relevant guidance in the Procedural Manual (including decision making, reporting) and in keeping with the values of the Commission; and
- b. Consider, and make recommendations as appropriate, whether procedural changes related to committees working by correspondence are necessary.

The report of the EWG should be made available to the Codex Secretariat at least three months before CCGP32 for circulation for comments.

**USE OF EXAMPLES IN CODEX STANDARDS (Agenda Item 4)<sup>6</sup>**

27. The item was introduced by the Codex Secretariat, who highlighted the background to this issue, summarised the previous discussions on the use of examples, presented some of the current uses of examples in Codex standards and recalled previous discussions in CCGP on the use of information documents to provide examples. The Secretariat noted that examples were important considerations in the development of Codex texts and that Codex committees were generally successful in using the options available to them regarding the use of examples on a case-by-case basis.
28. The Codex Secretariat presented the two recommendations included in CX/GP 19/32/4 for consideration by the Committee; recommendation 1, which indicated that given the diverse nature of examples and their use, specific guidance to committees on the use of examples would not be practical; and recommendation 2, which indicated that if considered appropriate by the Committee the current guidance in the Procedural Manual to CCFH regarding the use of examples, which states that '*provisions in Codex Codes of Hygienic Practice should be drafted in a sufficiently clear and transparent manner such that extensive explanatory material is not required for interpretation*', could be recommended as a general principle for all Codex committees.
29. Delegations expressed a range of views on the use of examples and on the two recommendations proposed by the Codex Secretariat.
30. It was noted that examples had been used in Codex for a long time, served an important purpose in ensuring clarity of the texts and provided additional information useful in the implementation of Codex texts. It was further noted that committees were generally making appropriate use of examples and due to the diverse nature of both the work of Codex committees and the resulting standards, it was important to maintain flexibility in the way examples could be used. Delegations of this view supported recommendation 1 that no specific guidance was needed.
31. Other delegations, while recognizing that the use of examples in Codex texts was a reality, highlighted their concerns with the lack of clarity on the legal implications of the inclusion of examples within Codex standards, recalling the report of CCGP14 (1999), which indicated that explanatory texts included in Codex texts, in whatever form, are considered an integral part of the Codex text.
32. Delegations indicated that in the context of trade there may be an expectation to not only implement the Codex standards, but also any examples included in the standards. In this context, these delegations noted that while examples can play a valuable role in the development of Codex texts, they should not be included in the final Codex text, but rather be made available by other means such as information documents.
33. One delegation also emphasized that, as noted by the FAO and WHO Legal Offices in CX/GP 19/31/4, information documents should not be referenced in Codex texts to avoid any possible confusion on their status, as such documents are not endorsed by CAC. The delegation further noted that, by definition information documents are not considered appropriate for adoption as Codex standards.
34. There was general agreement that examples were not a substitute for clearly drafted text and their inclusion in Codex texts required careful consideration.
35. Recognizing the concerns raised with regard to the legal implications of including examples in Codex texts, some delegations suggested that while they did not consider specific guidance was needed it may be appropriate to clearly indicate that when examples are used it is for illustrative purposes only and they are not prescriptive. Others suggested that since examples were considered an integral part of the text there should be some overarching principles regarding their use and supported recommendation 2 in CX/GP 19/31/4. It was further suggested that examples should be kept to a minimum and if used be as clear and concise as possible. It was also suggested that, if used, examples should be published as information documents, so as to avoid any confusion with the standard
36. The Codex Secretariat recalled para 2.2 of CX/GP 19/31/4, which clarifies that anything included in a Codex text, in whatever form (footnote, annex, example etc.), is an integral part of the text, and therefore committees should carefully design the content of standards.
37. The Secretariat recalled the CAC22 (1997) conclusion that 'the degree of explanatory material contained in Codex texts should be adequate for the interpretation of the text'. The Secretariat also noted that together with the guidance to CCFH on explanatory texts in the Procedural Manual these two elements could represent the 'range of guidance' on the use of examples in Codex.

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<sup>6</sup> CX/GP 19/31/4; Comments of Kenya (CRD4); Comments of Morocco (CRD5); Comments of Ghana (CRD6); Comments of India (CRD7 Rev.); Comments of the European Union (CRD8); Comments of Nicaragua (CRD11); Comments of Brazil (CRD12); Comments of Senegal (CRD13); Comments of Dominican Republic (CRD14); Comments of the African Union (CRD15); Comments of the Republic of Korea (CRD16 Rev.); Comments of Ecuador (CRD17); Comments of Argentina (CRD18); Comments of El Salvador (CRD22).



38. Following the exchange of views, there was a general understanding that examples in Codex texts were for illustrative purposes only.

### **Conclusions**

39. The Committee agreed that:
- i. Codex committees are overall successfully using the different options available to them regarding the use of examples on a case-by-case basis; and
  - ii. Given the diverse nature of examples and their use, there was no need to develop specific guidance on use of examples in Codex texts at this time.

### **INFORMATION ON ACTIVITIES OF FAO AND WHO RELEVANT TO THE WORK OF CCGP (Agenda item 5)<sup>7</sup>**

40. The Representatives of FAO and WHO introduced the item.

#### **The First FAO/WHO/AU International Food Safety Conference and the FAO/WHO/WTO International Forum on Food Safety and Trade**

41. Introducing the joint FAO/WHO activities, the Representative of FAO reported on the recent FAO/WHO/AU International Food Safety Conference held in Addis Ababa, Ethiopia, recalling that the main objectives of the Conference were to raise global attention to the issue of food safety and underline the fact that the changing environment of food systems, presented both opportunities and challenges for food safety. Noting that the conference had been opened by the Directors-General of FAO, WHO and WTO as well as by the Chairperson of the AU Commission, the Representative highlighted their emphasis on the high importance accorded to food safety within their Organizations. The Representative further noted: the other international organizations who partnered in the conference organization, demonstrating their support to the need for increased attention to food safety in the Global Agenda; and that 119 countries as well as a number of non-State actors were represented at the meeting. On behalf of FAO and WHO, the Representative also recognized the donors who supported the conference: Canada, EU, Germany, Norway, the Netherlands and the United States of America.
42. The Representative also reminded delegates of the follow-up FAO/WHO/WTO International Forum on Food Safety and Trade to be held in Geneva on 23-24 April 2019, which will recall the main issues discussed at the conference in Addis Ababa and pay particular attention to those food safety issues likely to impact on trade. The Representative noted that to date more than 138 countries were registered to participate as well as a large number of non-state actors.
43. Given the recognition of several countries, through CRDs, of the importance of Codex Members periodically discussing pressing food safety issues, the Representative of FAO highlighted that the Regional Coordinating Committees (RCCs) should provide a regular forum for such exchange.
44. Delegations expressed their appreciation for the organization of the Addis Conference as well as their satisfaction with the outcome. Some of the recurring themes in the discussions included: the insight it provided into food safety in developing countries and the challenges they face; the commitment of African countries to work together to enhance food safety in Africa; the importance of raising the profile of food safety to promote investment in food safety both nationally and internationally; the emphasis on the important role that food safety plays in food security; the link between food safety and nutrition; the critical importance of investment from various sectors and the role of partnerships in order to achieve food safety; the importance of enhancing Codex participation; facilitating use of Codex standards; and the importance of consumer engagement and involvement.
45. Delegations also expressed their support for the Addis Conference Chairperson's summary that served as a means of communicating the outcome of the conference as well as their strong interest and commitment to participate in the upcoming Forum in Geneva in April 2019.

#### **World Food Safety Day (WFSD)**

46. Referring to the update on preparations for WFSD, the Representative of FAO noted that the Office of the Director General had taken direct interest in preparations for WFSD celebrations. The Representative noted that all updates and new information would be made available on the WFSD webpage, which is temporarily hosted on the Codex website. The Representative of WHO stated that WHO, together with FAO, was ready to support the celebration of this UN Day by providing tools and information that can be used by Member States to drive national campaigns.

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<sup>7</sup> CX/GP 19/31/5; Comments of Ghana (CRD6); Comments of India (CRD7 Rev.); Comments of the European Union (CRD8); Comments of Senegal (CRD13); Comments of Dominican Republic (CRD14); Comments of the Republic of Korea (CRD/16 Rev.); Comments of Ecuador (CRD17); Comments of El Salvador (CRD22).

47. Delegations expressed the importance of and their great interest in celebrating the first WFSD on 7 June 2019, recognizing its value in further raising the profile on the importance of food safety. While noting that this was a UN World Day and did not belong to any particular organization, several delegations welcomed any support in terms of tools and relevant materials that could be provided by FAO and WHO to assist countries to effectively mark the first WFSD.

#### **Matters arising from WHO**

48. The Representative of WHO informed the Committee that WHO's 13th General Programme of Work, adopted in May 2018 and covering the period 2019-2023, placed emphasis on the measurement of the impact of WHO work at country level, including that of Codex. Noting that the impact would be monitored against more than 40 target indicators, the Representative highlighted how the work of Codex contributes to several of these. In this context the Representative hoped that the new Codex Strategic Plan 2020-2025 would strengthen monitoring of the use of Codex standards and their impact on improving public health.
49. The Representative of WHO also reported on the evolution of the relations between the WHO Headquarters and the International Agency for Research on Cancer (IARC), which is the specialized cancer agency of the WHO, having a membership of 26 countries and enjoying a certain autonomy. The Representative recalled that some foodborne chemical hazards had been evaluated by both JMPR/JECFA and the IARC, with apparently divergent outcomes, resulting in sending confusing messages to risk managers and the general public. While highlighting the interim Standard Operating Procedure<sup>8</sup> that was adopted by the Governing Council of the IARC in May 2018, following discussions with WHO on the need to reduce the risks of duplication of work between WHO HQ-based programmes and the IARC, the Representative noted that such risks have not been totally eliminated. The Representative therefore encouraged the participating countries of the IARC to exercise appropriate oversight through the IARC Governing Council to ensure that the IARC would not duplicate and undermine the work of JMPR and JECFA on chemicals in food.
50. In commending WHO's efforts to better coordinate the work between WHO HQ-based programmes and the IARC, one delegation highlighted the importance of this with reference to those issues addressed by the FAO/WHO scientific advice bodies, the evaluations of which form the basis of Codex work.

#### **Funding for Scientific Advice**

51. The Representative of FAO noted that since the 2016 Session of the Committee on Agriculture (COAG), the issue of sustainable funding for food safety scientific advice has been discussed by various sessions of FAO Programme Committee and Council. The Representative indicated that there will most likely be further discussion at the Programme Committee taking place 18-22 March 2019.
52. The delegation of the EU informed the Committee of a paper on sustainable funding for scientific advice that it was preparing for consideration by CAC42 to continue to highlight its importance for the work of Codex and invited other like-minded Members to join them as co-signatories to this paper. Many delegations reiterated the importance of this issue and urged FAO and WHO to provide adequate core funding to support scientific advice to Codex. Some delegations also indicated their support for the paper prepared by the EU.
53. The Representative of WHO welcomed the past and ongoing discussion aiming at increasing sustainability and predictability of funding, and further clarified that due to the particular revenue structure of WHO, where the Assessed Contribution amounts for 20% only, the ear-marking of the core budget for a specific area of work in both staff and activity is unlikely to take place unless such prioritization be made as a decision of WHO's governing bodies.

#### **Conclusions**

54. The Committee noted:
- i. The appreciation of Members for the organization of the First FAO/WHO/AU International Food Safety Conference;
  - ii. Support for the outcome of the conference;
  - iii. The great interest and plans of Members to participate in the FAO/WHO/WTO International Forum on Food Safety and Trade (Geneva, 23-24 April 2019);
  - iv. The strong support of Members for World Food Safety Day and their willingness to engage in its celebration to continue to raise the profile of food safety; and
  - v. The importance of sustainable funding for scientific advice and the support for further discussion on this issue at CAC42.

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<sup>8</sup>[http://governance.iarc.fr/GC/GC60/En/Docs/GC60\\_13\\_CoordinationWHO.pdf](http://governance.iarc.fr/GC/GC60/En/Docs/GC60_13_CoordinationWHO.pdf) and [http://governance.iarc.fr/GC/GC60/En/Docs/GC60\\_13\\_Corr1.pdf](http://governance.iarc.fr/GC/GC60/En/Docs/GC60_13_Corr1.pdf)

**OTHER BUSINESS (Agenda item 6)****DISCUSSION PAPER ON EMERGING AND FUTURE ISSUES OF RELEVANCE TO CCGP (Agenda item 6.1)<sup>9</sup>**

55. The Delegation of France introduced the paper containing a list of topics for consideration by the Committee as possible future work.
56. Some delegations noted that the TOR of CCGP state that CCGP is “to deal with such procedural and general matters as are referred to it by CAC” and that many of the topics in the paper had not been referred to the CCGP by CAC or were in the purview of another Codex committee.
57. In response to this query, the Codex Secretariat recalled that at CCGP29, in the context of the revision of the TOR of CCGP, it had been confirmed “that the proposed TOR allowed CCGP to continue to make proposals to CAC for new work and that CCGP can continue its current way of working. It was further confirmed that the proposed TOR were not substantially different from the existing TOR and that the change was only a replacement of the specific examples with more general ones.”<sup>10</sup>

**1. Facilitating the elaboration of standards by Codex**

58. The delegation of France explained that this topic could build on the fact that EWGs were a very successful tool in Codex (currently 61 active EWGs), but that following the 2016/17 regular review, CAC had noted areas for improvement. The delegation further noted that new technologies such as webinars had been used to facilitate participation of members in physical working groups and that CCGP work on procedural guidance for committees working by correspondence could possibly also be used to improve management of the work of EWGs.
59. In the discussion, Members were divided between those wishing to immediately start a review of the *Guidelines for Electronic Working Groups* by CCGP to take into account issues as outlined in the working document CX/EXEC 17/73/3 (para 40)<sup>11</sup> and REP17/EXEC2 (para 88)<sup>12</sup> including new technologies (e.g. webinars) and challenges in running such working groups, and those preferring to await the finalization of the implementation of the recommendations of the Codex Secretariat’s regular review of EWGs as the regular review already covered many of the preoccupations mentioned in the discussions.
60. Some Members suggested that it could be beneficial for CCEXEC and CAC that the practical guidance on EWGs, to be developed by the Secretariat, be presented to CCGP32 in order to use the expertise present at CCGP.
61. The Codex Secretariat informed the Committee that the mandate given to the Secretariat by CAC40<sup>13</sup> was to:
- Develop practical guidance for EWGs as outlined in the working document<sup>11</sup> and paragraph 88 of REP17/EXEC2;
    - Harmonize guidance for EWG Chairs on roles and responsibilities; procedures and planning; and monitoring, reporting and communication, when leading an EWG, to promote consistency and enhance participation<sup>11</sup>;
    - Provide members with continued support on the use and management of Codex online tools (e.g. platform)<sup>11</sup>;
    - Continue exploring new technologies to track and “improve Member participation in (electronic) Working Groups” and to increase the visibility of EWGs<sup>11</sup>;
    - Offer members opportunities to learn and exchange best practices on how to manage EWGs (e.g. webinars)<sup>11</sup>;
    - When to establish an EWG and alternatives<sup>12</sup>;
    - How to manage EWG reports in plenary (for Committee Chairs)<sup>12</sup>;
    - The process of managing an EWG (chaired and co-chaired)<sup>12</sup>;
    - Templates for reporting (including list of participants) (for EWG’s Chairs)<sup>12</sup>;
    - Coordination at the level of Codex Contact Points (for participants); and
    - Digital tools available (for EWG Chairs and participants)<sup>12</sup>;

<sup>9</sup> CX/GP 19/31/6; Comments of OIE (CRD2); Comments of ISO (CRD3); Comments of Kenya (CRD4); Comments of India (CRD7 Rev); Comments of the European Union (CRD8); Comments of the Philippines (CRD9); Comments of the Codex Secretariat (CRD10); Comments of Nicaragua (CRD11); Comments of Brazil (CRD12); Comments of Senegal (CRD13); Comments of Dominican Republic (CRD14); Comments of the African Union (CRD15); Comments of Ecuador (CRD17); Comments of Argentina (CRD18); El Salvador (CRD22); Comments of OIV (CRD23).

<sup>10</sup> REP15/GP, para 37

<sup>11</sup> CX/EXEC 17/73/3, para 40

<sup>12</sup> REP17/EXEC2, para 88

<sup>13</sup> REP17/CAC, para 116

- Work with regional coordinators in examining barriers to active participation and identifying possible solutions and that the matter be included on the agenda of forthcoming RCC meetings; and to
- Record actions taken as part of the report on the implementation of the Codex Strategic Plan 2014–2019.

62. The Codex Secretariat informed the Committee that due to issues related to workload as well as the postponement of the Regional Coordinating Committees, the implementation of some aspects of the recommendations on EWGs had not advanced as much as expected. However, others had been addressed in a series of workshops in almost all regions in which a total of 125 CCPs had been trained on Codex webtools. The Secretariat further noted that training and support continues via virtual means to CCPs and EWG chairs on request. Efforts would be made between now and CAC43 (2020) to implement more of the tasks and, in line with the CAC decision in paragraph 60 (last bullet), regular updates on the progress of the implementation would be given to the CCEXEC in the framework of the strategic plan implementation. The Secretariat noted further that the CAC had also taken note of the proposal by several delegations to discuss EWG-related guidance at CCGP if considered necessary in future.

#### *Conclusion*

63. The Committee agreed that CCGP should await the completion of the implementation of the recommendations of the 2016/17 regular review by the Codex Secretariat before considering to propose new work to review the *Guidelines for Electronic Working Groups*.

## **2. Monitoring Codex results in the context of the Sustainable Development Goals (SDGs)**

64. The Delegation of France proposed that as part of the monitoring of the Codex Strategic Plan, CCGP could consider developing relevant indicators to show Codex's contribution to achieving the SDGs, notably Goals 2, 3, 12 and 17.

65. Delegations expressed the following views in the discussion:

- i. The SDGs are voluntary goals for use by Member countries according to their national priorities. They are not for international organizations like Codex to implement and it would go far beyond the scope of Codex and the capacity of the Secretariat to undertake such monitoring.
- ii. The Codex Chair and Secretary annually receive requests from UN/ECOSOC to give information on the contributions of Codex to the SDGs and any advice on how this could be done would be welcome.
- iii. While acknowledging that the work of Codex is important in the context of achieving the SDGs and that the contribution of Codex is recognized, it was recalled that the primary responsibility for reporting on progress towards achievement of the SDGs remains with the Member countries and the parent organizations of Codex. Excessive time should not be spent on this, especially in a time of limited resources for other important issues.
- iv. All UN bodies and countries are required to honor and respect their commitments regarding the SDGs, but further investigation on tools/indicators is not part of the CCGP mandate.
- v. Codex is a joint FAO/WHO body and a mechanism on how to respond to the SDGs would be useful and could be developed in the course of implementing the Codex Strategic Plan to ensure efficiency and avoid any duplication of effort.
- vi. Given their nature, the RCCs could play a role in this type of reporting. This could be supported by the development of a consistent framework for reporting by RCCs with the help of CCGP and could be considered when they develop implementation plans for the Codex Strategic Plan.
- vii. The work of CCEXEC on the Codex Strategic Plan shows how Codex can assist countries in achieving their goals under the SDGs.
- viii. There is a connection between the standard setting work of Codex and achieving the SDGs. The fact that Codex standards contribute to the achievement of the SDGs has been an important element in securing funds for the Codex Trust Fund (CTF).

66. The Chairperson noted that the SDGs are important for all actors working in the UN system and that a close connection between Codex work and four of the SDGs had been noted and also referred to in the new Codex Strategic Plan. The Chairperson further noted that it was important to contribute to the reporting of FAO and WHO without impinging on any efforts made by the parent organizations. The Chairperson added that it was not CCGP's task to monitor progress towards the achievement of the SDGs, however proposing indicators that could demonstrate the contribution of Codex standards could fall within the remit of CCGP.

*Conclusion*

67. The Committee noted that the delegation of France offered to prepare a discussion paper on this topic for consideration at CCGP32.

**3. Food fraud / food integrity and food authenticity**

68. The Chairperson of CCFICS updated the Committee on the status of work on food fraud in CCFICS (REP19/FICS) citing paragraphs 57-59 as follows:

CCFICS agreed to establish an EWG, chaired by the United States of America and co-chaired by the EU and the Islamic Republic of Iran, working in English only, to:

- (i) further consider the role of CCFICS with respect to tackling the challenge of food fraud in the context of food safety and fair practices in the food trade; and
- (ii) conduct a comprehensive analysis of existing relevant Codex texts within and outside of CCFICS to avoid overlapping or intrusion onto the mandate of other Codex general subject or commodity committees, noting that a number of related Codex texts existed within and outside of CCFICS.

Should the EWG identify gaps in existing CCFICS texts, it may: propose new work, within the scope and mandate of CCFICS, for consideration at CCFICS25; consider what definitions need to be developed; and propose definitions that may be needed in any future project document, consistent with existing Codex texts, scope and mandate for use in prospective project documents as appropriate.

The results of the discussion and any proposals for new work in CCFICS would not preclude other Codex Committees from initiating new work that may complement the work of CCFICS falling within the scope and mandate of their respective Committees.

69. The Chairperson also updated the Committee on the timing of the work of the EWG including that a final document would be ready by January 2020 ahead of the next CCFICS session in April 2020.

*Conclusion*

70. The Committee noted the information regarding the work of CCFICS on Food Fraud and encouraged members to participate in the CCFICS EWG on Food Fraud.

**4. Consumer information**

71. The Chairperson of CCFL informed the Committee that, at its last session, CCFL had discussed possible future topics for the Committee including innovations in food labelling and that these would be further considered by the upcoming CCFL. The Chairperson also noted that these topics fell within the purview of CCFL and CCNFSDU.

*Conclusion*

72. The Committee noted that consumer information in a time of rapidly changing technology was an important topic and is under the responsibility of CCFL.

**5. Observation structure for the application of Codex standards**

73. The Delegation of France, reflecting on the importance of the use of Codex Standards, noted that Codex standards could be used in many ways and that more information on how they were used could contribute to the development of more effective and useful standards. It was also noted that monitoring of the use of Codex standards had been included in the draft Codex Strategic Plan 2020-2025. The Delegation proposed that CCGP could discuss approaches that would provide a better overview of the use of Codex standards. For this purpose, Codex could draw upon the experience of other international organizations facing similar challenges.

74. The Chairperson noted that relevant information had been received from World Organisation for Animal Health (OIE) and the International Organization for Standardization (ISO).

75. The Representative of the OIE highlighted their ongoing efforts to establish an observatory on the use of OIE standards to gain insights on the extent of use and the reasons they are not used. The Representative noted that the ultimate objective of this work was to identify work priorities in terms of standard setting and enable the organization to provide more targeted support to countries on standard implementation. The Representative further noted that a reference group of members, regions and organizations had been set up to assist OIE in this undertaking, to which Codex had also been invited.

76. The Representative of ISO presented an overview of the monitoring system used in ISO which provides information on both the use and usefulness of ISO standards and informs their systematic review of them. The

Representative noted that the application of ISO standards in some cases also invoked Codex standards as for example the Codex HACCP system was an important component of ISO 22000.

77. One delegation noted that the acceptance procedure had been deleted by CAC in 2005 following a recommendation by CCGP because it had not been used sufficiently by Members and following the creation of the World Trade Organization (WTO) it had been expected that relevant information could be obtained through the WTO Sanitary and Phytosanitary Measures (SPS) notification requirements. The delegation noted however, that the information that could be obtained from SPS or Technical Barriers to Trade (TBT) notifications was not sufficient to give information about the use of Codex standards. The delegation further noted that they had been opposed to the deletion of the acceptance procedure and would rather have opted for revising it to make it more useful. The delegation finally noted that the reasons for countries not adopting Codex standards could be quite diverse, ranging from not being considered strict enough, to being so strict that they exceeded national capacity. This information would be important for Codex to guide its standard setting activities.
78. Another Delegation noted that there is a standing agenda item on monitoring the use of international standards at the WTO SPS Committee.
79. A diverse range of opinions were expressed in the course of the debate, which highlighted the value of having more information on use to guide and improve the standard setting work of Codex as well as the challenges from a methodological, data analysis and resource perspective of embarking on the monitoring of use of Codex standards. Some of the recurring themes in the course of the debate included the following:
  - i. The definition of “use” was questioned including whether private standards that take Codex standards into consideration should be considered as “use”.
  - ii. The application of Codex standards and improving health outcomes as well as enabling countries to trade in safe foods should be considered.
  - iii. The impact of Codex standards can be measured in different ways. It should be clear what is being measured and with what approaches. Decisions on how to monitor and the questions asked will determine the results.
  - iv. Measuring use of Codex standards is complex. There are no binary questions regarding use of Codex standards even for numerical standards such as MRLs, as a number of factors can contribute to how they are used. For complex texts such as codes of practice, monitoring of use is challenging. Not all texts become part of laws or technical regulations but could be used in many other ways e.g. training programs.
  - v. Collecting meaningful information on the use of Codex standards would be resource intensive because of the different possible uses (import or domestic) and the challenges in obtaining such information.
  - vi. The WTO SPS monitoring (through notifications) as well as the attempts of monitoring through the RCCs using questionnaires have not been successful.
  - vii. In the context of the RCCs, the relatively simplified questionnaires on the use of Codex standards, which were circulated to countries, were not easy to respond to and need to be reviewed for the following series of RCCs as this remains an agenda item.
  - viii. Knowledge on the use of Codex standards is relevant to the monitoring of progress towards the achievement of the SDGs as well as the implementation of the Codex Strategic Plan.
  - ix. The Codex mandate is not amendable to direct monitoring. How far Codex standards contribute to the global food trade is an interesting, but difficult question to address. If a methodology to address such questions were developed, would Codex be ready to acknowledge and accept the results?
  - x. Approaches to monitoring should be broad, flexible, sustainable and not overly complex.
  - xi. Consideration needs to be given to the concrete use that will be made of the information collected; and who the end user of the information is.
  - xii. It would be helpful to understand how standards are contributing to the facilitation of trade.
  - xiii. Codex standards are not mandatory, and it is important to have feedback, via the right tools, on how they are used. Such feedback could help Codex understand how standards are implemented and how countries can best be assisted.
  - xiv. Codex should endeavor to learn from the ongoing work of other international standard setting bodies in this area, could benefit from OIE’s experience before proceeding and also seek to avoid duplication.

80. While the Committee agreed that the topic was important and there may be value in having a more developed and detailed analysis of the issue, the discussions also clearly highlighted the need for careful consideration and evaluation before moving forward.

*Conclusion*

81. The Committee noted that the Delegation of France, supported by other interested delegations, would prepare a discussion paper for CCGP32 on monitoring the use of Codex standards, taking into account the comments made at CCGP31.

**6. System for improving coordination with other international organizations**

82. The Committee noted that the 2017/18 regular review of Codex work management had focused on “Relations with other international organizations” and that a number of follow up actions to that review had been requested by the CCEXEC. These were currently underway and the issue would be further considered by CCEXEC77.

**7. Possible changes to the Procedural Manual**

83. The Committee noted that the review of the structure of the Procedural Manual was under the purview of the Codex Secretariat and that work was currently ongoing on making the information contained in the Procedural Manual more easily accessible for users. Work was also progressing on making general decisions of the Commission of a procedural or principle nature more accessible.
84. The Committee clarified that the ongoing review did not have the objective to make substantive changes to the Procedural Manual but would seek to improve its usability. The Secretary noted that if the Codex Secretariat in the context of their review, discover any need for substantive changes to the Procedural Manual, these would be brought to the attention of the CCGP for discussion.
85. The Committee welcomed the “Codex Chairpersons’ Handbook” and the intention of the Secretariat to further develop and update it. The Committee suggested that it also be made accessible through the Codex website.
86. The Committee noted information from FAO that a “Guide on facilitation and consensus-building” was also under preparation, led by the FAO Food Safety and Quality Unit. The draft document had been used successfully in a CTF project and it was expected to be finalized soon.

*Conclusion*

87. The Committee noted that the Codex Secretariat will present a document for CCGP32 on the format and structure of the Procedural Manual.

**Information from the International Organization of Vine and Wine (OIV)**

88. The Representative of OIV made comments on point 2, 3, 4 and 6 of the document CX/GP 19/31/6 and reiterated their wish to continue their close cooperation with the Codex Alimentarius Commission.

**Revisions/amendments to Codex texts<sup>14</sup>**

89. The Secretariat introduced the document which had been prepared as a result of reviewing the *Guide to the Procedure for the Amendment and Revisions of Codex standards and Related Texts* in the Procedural Manual. The Secretariat noted that the document was for information only and that no discussion was expected at this session as it had been made available just prior to the session.
90. In the document, the Secretariat questions the usefulness of distinguishing between amendments and revisions and proposes a new versioning system for Codex texts together with the inclusion of a version history in the standards. The Secretariat also proposed to discuss the procedure relevant to submitting proposals for revisions and amendments, particularly as it relates to issues for which no active committee or task force exists.
91. One delegation suggested that the paper could be submitted to CCEXEC.
92. The Committee noted that the Secretariat would submit a discussion paper on this subject to CCGP32.

**DATE AND PLACE OF THE NEXT SESSION (Agenda item 7)**

93. The Committee noted that the thirty-second session of CCGP is tentatively scheduled to be held in France from 23 – 27 March 2020, the final arrangements being subject to confirmation by the host government in consultation with the Codex Secretariat

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<sup>14</sup> CRD/10 (Comments of the Codex Secretariat)

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