

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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Agenda Item 3

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON GENERAL PRINCIPLES

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RISK ANALYSIS: 1) WORKING PRINCIPLES FOR RISK ANALYSIS GOVERNMENT COMMENTS IN REPLY TO CL 1999/16-GP COMMENTS OF CIAA

CIAA (Confederation of the Food and Drink Industries of the EU)

CIAA views on the use of risk analysis, and the application of the Precautionary Principle, in the decision making process for setting food safety regulations

The Codex Committee on General Principles agreed, at its 14th session, that the section on Risk management in the working document "Proposed Draft Working Principles", should be circulated for further comments, especially to discuss the opportunity to include a reference to the precautionary principle.

The Confederation of the Food and Drink Industries of the EU (CIAA) welcomes this opportunity and likes to contribute to the discussion by providing the following comments to the Codex Secretariat in response to its Circular Letter CL 1999/16-GP.

CIAA would propose to describe the Precautionary Principle along the following lines: "*The precautionary principle is an approach in risk management for consumer health protection that is applied in the case of a unknown risk of a potentially significant hazard while awaiting further results of scientific research*"

Such an approach in risk management will only be applicable in exceptional cases. CIAA is of the opinion that guidelines for the use of the precautionary principle in risk management need to be developed. These guidelines should define a structure that ensures that the decision-making process controls perceived health risks without resort to excessively restrictive measures and without abuse of the principle.

CIAA fully supports the view that guidelines are essential to avoid unwarranted recourse to the PP. An unnecessary application of such a principle could be in contradiction with the regulatory mechanisms in place or duplicate the precautions or safety factors already taken into account in earlier stages of the risk analysis process. A subjective or arbitrary application of the PP may also have an adverse effect upon innovation and technical progress in the food sector or even disguise economic protectionism.

This approach should therefore be based on the following guidelines:

1. The implementation of a process based on the precautionary principle should start with an **objective risk assessment, identifying at each stage the degree of scientific uncertainty.**

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2. All the **stakeholders should be involved** in the decision to study the various management options that may be envisaged once the results of the risk assessment are available and the procedure be as transparent as possible.

It is essential that all relevant factors affecting risk analysis are identified and debated in a transparent and objective manner. The food industry has a role to play in the process.

Industry's technical expertise is essential for bodies involved in the process to help set the risk assessment conditions and to understand performance characteristics of various food processing systems. It is also important in the evaluation of the various risk management options. It is particularly important that the business community is consulted during the implementation process that should also be objective and transparent.

3. Measures based on the precautionary principle must be **proportionate** to the risk and the hazard which is to be limited or eliminated.

CIAA fully supports the principle that food safety measures should be proportionate to the food safety problem to be limited or eliminated. Restrictive measures are to be taken only if established that other measures less restrictive cannot achieve a similar result for the protection of health. Measures taken should be the least restrictive that are needed to achieve the objective.

Public perception represented by the interested and affected parties as a major driver for non-proportionate food safety measures should be explicitly excluded from the risk management process and be addressed as part of risk communication.

4. Measures based on the precautionary principle must include a **cost/benefit assessment** (advantages/disadvantages) with the intention to reducing the risk to a level that is acceptable to all the stakeholders

5. Measures based on the precautionary principle must always be of a **provisional nature**, pending the results of scientific research performed to furnish the missing data and perform a more objective risk assessment.

In addition to the above comments, CIAA would like to restate its position that Codex guidelines on the use of risk analysis as being important instruments for national authorities when drafting their regulations relating to food safety matters in line with their specified appropriate level of protection should be developed.