

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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Agenda Item 7

CX/GP 00/8-Add.2

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

Fifteenth Session

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REVISION OF THE CODE OF ETHICS FOR INTERNATIONAL TRADE IN FOOD

COMMENTS RECEIVED ON CX/GP 00/8

CUBA (Spanish and English versions)

Sección Preámbulo, Pag. 2, inciso b de los Considerando:

Proponemos se redacte el inciso b) completando el concepto de certificación de la siguiente manera:

b) El mejor modo de lograr estos objetivos es que cada país promulgue una legislación alimentaria y establezca directrices para la implantación de sistemas de inspección y certificación en importaciones y exportaciones de alimentos.

Artículo 4 - Principios Generales - Párrafo 4.2, inciso a), b),d),e)

Proponemos las redacciones siguientes:

a) Tenga o contenga cualquier sustancia en cantidades que lo hagan venenoso, nocivo o de cualquier forma perjudicial para la salud, según lo estipulado en las normas del Codex Alimentarius u otra norma internacional reconocida.

b) Esté integrado total o parcialmente por cualquier sustancia o materia extraña, sucia, podrida, dañada, descompuesta o enferma, o que por cualquier otra razón no sea apta para el consumo humano, según lo estipulado en las normas del Codex Alimentarius u otra norma internacional reconocida.

d) Esté etiquetado o presentado de forma que se engañe al consumidor o induzca a error en las relaciones comerciales.

e) Se venda, exporte, envase, almacene o transporte para su comercialización en condiciones insalubres.

English version

Preamble, page 2, indent b of the Considering

We propose the following wording for indent b) to complete the concept of certification as follows:

b) these objectives can best be achieved by each country promulgating its food legislation and defining guidelines for the establishment of food import and export inspection and certification systems.

Article 4 – General Principles – Paragraphs 4.2, indent a), b), d) and e)

We propose the following wording:

a) has in or upon it any substance in an amount which renders it poisonous, harmful or otherwise injurious to health, as specified in the Codex Alimentarius standards or other recognized international standard

- b) consists in whole or in part of any filthy, putrid, rotten, decomposed or diseased substance, or substances unfit for human consumption for any reason as specified in the Codex Alimentarius standards or other recognized international standard
- c) is labelled or presented in a manner that is misleading for the consumer or results in unfair trade practices
- d) is prepared, packaged, stored, transported for marketing under unsanitary conditions

URUGUAY (Spanish and English versions)

1. Las normas del Código de Ética para el Comercio Internacional de Alimentos deberían ser prescriptivas y no meramente indicativas u optativas. En consecuencia, sería pertinente que se estableciera un régimen y un procedimiento especial para el caso en que se transgredan dichas normas.

2. Observaciones al texto revisado propuesto

a) Artículo 1 – Objetivo

La traducción al español de “fair trade practices” debe ser “prácticas comerciales leales”.

b) Artículo 2 – Ambito de aplicación

Se propone suprimir el numeral 2.1 puesto que las normas del Código implican compromisos a ser asumidos por personas.

c) Artículo 4 – Principios generales, numeral 4.2

Se propone la siguiente redacción : “A reserva de las normas del Codex Alimentarius, no se distribuirá en el mercado internacional ningún alimento que..”

d) Artículo 5 – Requisitos específicos

Numeral 5.1: se propone agregar al final, después “..la Comisión del Codex Alimentarius”) lo siguiente: ‘especialmente las referentes a la higiene, etiquetado, aditivos, residuos de plaguicidas, contaminantes y alimentos irradiados y para lactantes, niños y otros grupos vulnerables.’

Numerales 5.2 a 5.11: eliminar

e) Artículo 7 – responsabilidades sobre la implementación y Artículo 8 – Circunstancias excepcionales

Estos Artículos deberían ser revisados a la luz de lo expuesto en el punto 1. de estas observaciones.

English version

1. The provisions in the Code of Ethics for International Trade in Food should be prescriptive and not only indicative or optional. Consequently, it would be necessary to establish a framework and a specific procedures in case of non-compliance with these standards.

2. Comments on the proposed revised text.

a) Article 1 – Objective

The Spanish translation of fair trade practices should be “prácticas comerciales leales”.

b) Article 2 – Scope

It is proposed to delete point 2.1 since the provisions of the Code entail obligations which are the responsibility of individuals.

c) Article 4 – General Principles, point 4.2

The following wording is proposed: “Except for the standards of Codex Alimentarius, no food should be in international trade which..”

d) Article 5. Specific Requirements

At the end of point 5.1, it is proposed to add:, (after “..the Codex Alimentarius Commission”): “especially those referring to hygiene, labelling, additives, pesticide residues, contaminants and irradiated foods for infants, children and other vulnerable groups”.

Delete Points 5.2 to 5.11.

e) Article 7 – Responsibilities for Implementation and Article 8 – Exceptional Circumstances
These Articles should be revised in the light of what is proposed in point 1 of the present comments.

ENCA (European Network of Childbirth Associations)

We welcome the proposed draft revised code of ethics.

ENCA strongly supports a Code of ETHICS governing international food trade. This revision is necessary to reflect major developments within Codex, the WTO, and other relevant dimensions, since its last revision in 1985. This is essential to ensure the highest level of consumer protection and transparent and fair food trade. It should be the basis of all Codex work and be followed by all those in food manufacture and trade.

We submit these comments because they are very important for a good consumer protection and they reiterate some proposals which we made during the first call for comments.

Preamble

f) add: but should not be used to inhibit governments from setting adequate food regulations to attain the highest level of consumer protection

And considering that

(b) Add “independent” before "international organization"

To the recommendation in Capitals should be added the following

"all those engaging in the manufacturing of food and" ..

“change: "and undertake to support its implementation” to “and to implement this code in the.....”

Article 1: Add "Manufacturing, distributing" before "regulating it"

Article 2.1.: "add food aid, transaction" from the foot line up here

Article 2.2.: add and food-aid manufacturers, distributors and governments

Article 4.2.: add after trade" ..or food aid.."

Add new section f.. to reflect the protection of consumers when only inconclusive scientific evidence is available

Article 5.1.: add: "There must be adequate resources to monitor the standards and the food laws."

Article 5.3.: add in “appropriate languages”

IBFAN (International Baby Food Action Network)

The International Baby Food Action Network (IBFAN) is supportive of the amendments proposed for the revision of the Code. IBFAN wishes to make further suggestions and reiterate several proposals which we made in the first round of comments which we feel would improve the text.

First we would like to respond to the Secretariat's explanations of the revising process. Regarding the question as to whether to include manufacturers and distributors along with governments as those responsible for the implementation of the Code, IBFAN feels that they should be included for the following reasons:

a) The Code is indeed addressed to "all those engaged in international trade in food" (articles 1, 2.2, 7.1, and CAC decision text)

b) Governments are not usually themselves engaged in international trade in food. Manufacturers and distributors of food are, however.

IBFAN suggests the following changes to the revised draft:

Preamble

(a) Add "accessible" after "safe".

For individuals and their families to attain a standard of living adequate for health and wellbeing they must be able to acquire the necessary.

(c) Change "wholesome" to "nutritious", to read: "...for whom ensuring of safe, sound and nutritious food and protection ..."

IBFAN agrees with the Canadian comment that this change would enhance the nutritional aspects of the food supply.

Change the CAC recommendation the read "HEREBY DECIDES TO RECOMMEND THAT ALL THOSE ENGAGED IN THE INTERANTIONAL TRADE IN FOOD COMMIT THEMSELVES TO THIS CODE AND UNDERTAKE ITS IMPLEMENTATION IN THE LARGER INTEREST OF THE WORLD COMMUNITY" (delete "to the ethical framework set forth in" and "to support")

These changes strengthen commitment to Code implementation and clarifies CAC's decision at to what it is recommending.

Article 3- Definition and Interpretation

3.1 Add " in the growing, the production" after "used in.." to read "... and any substance which has been used in the growing, production, manufacture, preparation or treatment of "food"..."

IBFAN agrees with the Canadian comments that the whole food chain be included.

Article 4 General Principles

4.2 Add "or food aid" after international trade to read: "Subject to the provsions of Article 5 below, no food should be in international trade or food aid which:"

Food aid should not be an exception to providin g the consumer with the adequate, safe and nutritious food.

4.2 (a) Delete the phrase beginning with "unless the food is...on such processing"

Traded food should not have in or on it any substance which makes its poisonous, harmful or otherwise injurious to health no matter what processes or cooking it undergoes. Relying on other processes or cooking methods to make it fit to eat can be dangerous to health.

Article 5 - Specific Requirements

Labelling

5.3 Change "accompanied by" to "labelled with" to read: " All food should be labelled with accurate and adequate descriptive information particularly:"

A label properly attached to the product is less likely to be lost than descriptive information accompanying the product.

Contaminants

5.7 Change "take into account" to "comply with" to read: "Maximum levels of contaminants in food should be subject to control and should comply with the maximum levels for contaminants elaborated by the Codex Alimentarius Commission".

Food in international trade should be as free as possible from contamination. Complying with CAC maximum levels is necessary to fulfil this.

Foods for Infants, Children and other Vulnerable groups

5.10 Delete "(Article 9)".

Not only article 9 of the International Code deals with labelling as defined by CAC General Standard for the Labelling of Prepackaged Foods. Labelling is defined not only as printed matter that is present on the label, but also "printed matter ...(that) accompanies the food, or its displayed near the food, including that for the purpose of promoting its sale..."

Article 8- Exceptions

8. Change to read: "Even in exceptional circumstances, such as famines and other emergency situations, exporting and importing countries and humanitarian aid organizations should ensure that their policies and practices conform to articles 4, 5 and 6 of this Code."

The addition of a reference to the Codex Guidelines for the Exchange of Information between Countries on Rejection in Food Control Emergency Situations (sic?) improves the text of Article 9. However, Article 8 allows for the possible import and export of unsuitable foods in emergency situations.

IACFO (International Association of Consumer Food Organizations)

The International Association of Consumer Food Organizations (IACFO) supports revising the Code of Ethics to take account of developments since its last revision in 1985. IACFO offers the following specific comments on the current draft:

In Article 4.2(d): after "misleading" add "(including the failure to reveal information that is material to consumers)". This change makes it clear that a label or presentation can be misleading both by what it says and by what it omits. Thus, for example, it should be unethical to export food containing pork to a country where many persons do not eat pork for religious reasons -- unless the food is labeled as containing pork.

In Article 5.1: substitute "may in some cases" for "can." This change reflects the fact that in some cases Codex standards and related texts reflect a political compromise among governments rather than international harmonization of national requirements at a level that best protects consumers from unsafe products and unfair trade practices. For example, at the 23rd session of the Codex Alimentarius Commission in June 1999, the United States acquiesced to international residue levels for methyl parathion and other pesticides even though in August 1999 the United States Environmental Protection Agency banned methyl parathion for fruits and vegetables because of its potential adverse effect on children. Similarly, the European Union (EU) has failed to support a mandatory nutrition labeling standard and instead supports Codex requirements that are akin to current EU law in this area.

In Articles 5.3(a), 5.3(b), 5.8, and 5.10: substitute "take into account" for "be in accordance with" and in Article 5.11(b): substitute "take account of" for "follow." These five changes would make the wording in 5.3(a) and 5.3(b) (labeling), 5.8 (irradiated food), 5.10 (food for infants, children and other vulnerable groups), and 5.11(b) (nutritional information) consistent with the wording in 5.4 (food additives), 5.5 (residues of agricultural and veterinary chemicals), 5.7 (contaminants), and 5.9 (foods derived from biotechnology) and would make it clear that there is no presumption that a Codex standard is preferable to a national standard that provides a higher level of protection to consumers.

Article 6.1(a) should be omitted. This change would also make it clear that there is no presumption that Codex standards and related text are preferable to a national standard that provides a higher level of protection to consumers.

The following new Article should be inserted: Governance. International nongovernmental organizations should be permitted to attend as observers all sessions of all Codex Committees, working groups, and drafting groups. The criteria for the selection of scientific experts by Codex Committees should be made publicly available and there should be public disclosure of a detailed "declaration of financial interest" of selected private experts and the government agency for which selected government experts work. This change emphasizes the need for greater transparency about the possible bias of experts, which will help ensure public support for Codex activities.

CONSUMERS INTERNATIONAL

Consumers International is supportive of the amendments proposed in CX/GP 00/8. In Consumers International's opinion the updating and clarifications proposed significantly improve the Code. However,

there is one significant point originally presented in the Consumers International response to CL1999/19-GP that we believe is very important and is not adequately reflected in this revision.

This additional point concerns **Good Governance**.

Given the responsibilities for Codex under WTO and public interest therein, International Trade rules should be seen to operate under the tenets of 'good governance'. The Code of Ethics should explicitly incorporate principles of openness, transparency and accountability into the principles for Decision-Making, including the modus operandi for the application of scientific principles and advice into standards and recommendations for application and implementation.

Consumers International is particularly concerned to see this reflected in the Revised Code and suggests the following be considered for inclusion by CCGP:

Recommendation 12 of the FAO Conference on International Food Trade Beyond 2000 stated that "Member Governments, FAO and WHO should adopt policies wholly consistent with the need for an independent and transparent risk assessment in particular in relation to the selection of scientific experts, the working procedures and the tightening of the conflict of interest requirements".

The selection process for expert bodies should be open, inclusive and transparent, with nominations solicited from a wide range of sources and perspectives. While the primary criterion for selection should be relevant expertise, the selection process must take care to ensure a balance of views and critical perspectives.

Nominees should declare financial conflicts-of-interest (including, but not limited to, past or present employment by, ownership of stock in, or receipt of other financial considerations from an entity with an interest in the outcome).

Generally, a conflict of this sort should disqualify an expert from participation, but in any case, members of expert bodies should be required to declare their financial interests, and those declarations should be publicly available.

Given that the work of expert committees is sometimes confidential and/or controversial, a procedural rule should be adopted whereby members should be required to disclose to all interested parties the nature of any information which they make available to any one party, such as industry.