

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
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JOINT OFFICE: Viale delle Terme di Caracalla 00100 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON GENERAL PRINCIPLES

*Seventeen Session, Paris, 15-19 April 2002*

## COOPERATION BETWEEN THE CODEX ALIMENTARIUS COMMISSION AND OTHER INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

### Summary

1. At the Twenty-fourth Session of the Codex Alimentarius Commission, reference was made to Article I of the Statutes of the Commission which provides a general framework for cooperation with other international standardization organizations. Reference was also made to Step 1 of the Uniform Elaboration Procedure which provides for the allocation of work items to bodies other than subsidiary bodies. The need for clear guidance on when and how to proceed when assigning work to organizations other than subsidiary bodies of the Commission was raised. The Commission agreed that a document should be developed to provide guidance on cooperation with other International Intergovernmental Organizations on the elaboration of Codex Standards and Related Texts. The Commission decided to entrust the elaboration of these guidelines to the Codex Committee on General Principles.<sup>1</sup>

2. The present paper analyses the issues discussed by the Commission, but recommends that in the matter of cooperation between the Commission and other international bodies, no distinction should be made between intergovernmental bodies and non-governmental bodies in order to maintain consistency with Article 1 of the Commission's Statutes.

3. The paper also proposes amendments to the Uniform Elaboration Procedures contained in the Procedural Manual, rather than developing separate guidelines for this purpose.

<sup>1</sup> ALINORM 01/41, para. 31.

## Introduction

4. Article 1 of the Statutes of the Commission states that one of the objectives of the Joint FAO/WHO Food Standards Programme is "... promoting coordination of all food standards work undertaken by international governmental and non governmental organizations". This Article implies that international governmental and non-governmental organizations other than the Commission may undertake work in the area of food standards and it urges the Commission to co-ordinate this work. As a consequence of this Article, the Commission's Elaboration Procedures allow work to be undertaken by a body other than a subsidiary body while at the same time maintaining the authority of the Commission to consider the draft texts at the critical Steps 5 and 8 of the Elaboration Procedure.

5. In practice, the ability of the Commission to entrust the elaboration of standards to a body other than a subsidiary body has been used only for the Codex standards for quick frozen foods and for fruit juices which were drafted by Joint ECE/Codex Groups of Experts. These Groups of Experts were not established as "subsidiary bodies" under Rule IX of the Commission's Rules of Procedure but as ad hoc working arrangements between the Commission and the United Nations Economic Commission for Europe (UN/ECE). Texts drafted by these Groups of Experts followed the full 8-step Codex Procedure for the Elaboration of Codex Standards and Related Texts.

6. In the area of standards for Olive Oil and Table Olives, the standards of the International Olive Oil Council (IOOC) and those of Codex have been harmonized by the process of exchanging views during the independent elaboration processes of the two standards-setting bodies. Also in these cases the relevant Codex texts followed the full 8-step Codex Procedure.

7. The 47<sup>th</sup> Session of the Executive Committee approved the redrafting of the Codex Recommended Code of Practice for the Processing and Handling of Quick Frozen Foods (CAC/RCP 8-1976) and agreed that the redrafting be undertaken by the International Institute for Refrigeration (IIR) from Steps 2 to 5 after which the work would be transferred to a Codex Subsidiary Body. The decision was taken with a view to making rapid progress on the work and took into consideration that the IIR was an intergovernmental organization with specialized knowledge in the field and that the IIR had been established by international convention and that its membership was open to all Members of the Commission. The Commission at its 24<sup>th</sup> Session did not agree to this arrangement and the further revision of the Code was entrusted to subsidiary bodies within the Codex structure.

8. The Terms of Reference of the Codex Committee on Fresh Fruits and Vegetables requires the Committee to consult with the UN/ECE Working Party on Standardization of Perishable Produce in the elaboration of world wide standards and codes of practice with particular regard to ensuring that there is no duplication of standards or codes of practice and that they follow the same broad format. An extended footnote to the Terms of Reference describes that relationship. The UN/ECE Working Party may prepare "proposed draft standards" for fresh fruits or vegetables at the request of the Committee or the Commission for distribution by the Codex Secretariat at Step 3 of the Codex Procedure, and for further action by the Codex Committee on Fresh Fruits and Vegetables.

9. In the case of residues of pesticides and veterinary drugs, the findings of the respective Joint FAO/WHO expert bodies (JMPR and JECFA) also enter the Codex Procedure at Step 3. The Revised Draft Codex Standard on Irradiated Foods developed by the FAO/WHO/IAEA International Consultative Group on Food Irradiation also entered the Codex Procedure at Step 3. It should be noted that in the cases of milk and milk products or individual standards for cheeses, the Secretariat distributes the recommendations of a non-governmental organization (International Dairy Federation, IDF) for Step 3 comments.

10. The Commission has also adopted as Codex standards, texts developed fully independently by other organizations, especially in the field of methods of analysis and sampling. Such texts have been developed by scientific organizations that are not necessarily standards-setting organizations (e.g., International Union for Pure and Applied Chemistry, IUPAC), and the use of these texts has contributed substantially to the work of the Commission without the need for detailed negotiation on their content. These texts, adopted as "Guidelines" are published in the Codex Alimentarius by reference only.

## Other Considerations

11. It should be noted that the Commission is not able to enter into formal agreements with other international intergovernmental organizations as relations between the Commission and other international organizations are handled under the applicable regulations of FAO and WHO by the respective Directors-General, as appropriate.<sup>2</sup> Nevertheless, as mentioned above, the Commission has the authority under its Statutes to allocate work to other international bodies for the development of standards and related texts.

12. The Committee on General Principles may wish to address the issue within the context of Objective 3 of the Strategic Framework adopted by the Commission at its 24<sup>th</sup> Session. This Objective indicates that "the Commission needs to interact closely with related international bodies and take due account of international regulatory initiatives and developments thereby promoting coordination of all food standards work undertaken by international governmental and nongovernmental organizations. Such cooperation is also important to minimize duplication of effort."

13. In addition to avoiding duplication of effort, the development of Codex standards and related texts within the recognized Codex process but by external bodies offers the following potential benefits:

- coverage of a wider range of issues than that covered by existing Codex bodies;
- reduction of the workload of existing Codex bodies; and
- efficiency and timeliness in specialized subjects.

14. On the other hand several potential drawbacks may be noted:

- lack of inclusiveness, openness and transparency at critical drafting stages;
- need for increased coordination at the national level when different national agencies are represented on other international bodies;
- increased workload and cost at the national level in monitoring and contributing to the standards-setting process by multiple international organizations.

## Matters for Consideration

15. Taking the above points into account, the Committee may wish to consider:

- the extent to which texts developed by other international organizations could be considered for adoption as Codex texts or as joint texts between the Commission and the organization concerned;
- the extent to which texts developed by other international organizations could be used as the basis for developing Codex texts and at what stage in the Codex Step Procedure such texts should be introduced;
- the extent to which the texts of other international organizations should be taken into account by the Commission in relation to the development of its own standards; and
- criteria by which texts developed by other international organizations could be evaluated for use as Codex texts.

16. On this basis, the Committee is invited to consider the attached proposed amendments to the Uniform Procedure for the Elaboration of Codex Standards and Related Texts. The proposed amendments make no distinction between international intergovernmental organizations and international non-governmental organizations. Specific reference to just one international body (IDF) at Step 3 has been deleted, as the amendments proposed would cover all cooperating international bodies.

17. The proposed amendments envisage three forms of cooperation:

- the delegation of work on the elaboration of a standard to an external body for some or all of the elaboration process, with the Commission deciding the details of the process on a case-by-case basis and also maintaining authority over the development of the standard at Steps 5 and 8;

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<sup>2</sup> Rules of Procedure of the Codex Alimentarius Commission: Rule VII.5.

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- the joint development of standards in cooperation with an external body with competence in the relevant field, in conformity with the Codex Procedures; and
  - the adoption by the Commission of standards developed by an external body.

18. The first of these approaches takes into account the processes used currently for the elaboration of standards for milk and milk products and for fresh fruits and vegetables but expands the concept to cases where the Commission may not wish to establish its own subsidiary body for the purpose of elaborating a draft text. The second approach builds on the experience gained previously with standards for fruit juices and quick frozen foods, but formalizes such arrangements. Finally, a formal procedure for the adoption of externally developed standards and guidelines by the Commission would clarify the procedures that have been followed by the Committee on Methods of Analysis and Sampling for some years.

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**PROPOSED AMENDMENTS TO THE UNIFORM PROCEDURE  
FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS**

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*Proposed additions are indicated by underlined text in square brackets. Proposed deletions are indicated by stricken text in square brackets.*

## INTRODUCTION

1. The full procedure for the elaboration of Codex standards is as follows. The Commission decides, taking into account the “Criteria for the Establishment of Work Priorities”, that a standard should be elaborated and also which subsidiary body or other [international governmental or non-governmental] body should undertake the work. Decisions to elaborate standards may also be taken by subsidiary bodies of the Commission in accordance with the above-mentioned criteria subject to subsequent approval by the Commission or its Executive Committee at the earliest possible opportunity, [except that a decision to refer work to any other international body shall be taken only by the Commission]. [The Commission may also decide to undertake the elaboration of a standard jointly with another international body as described in Part X of this document.] [In allocating work to, or prior to undertaking work jointly with, another international body, the Commission shall have before it a report from the Directors-General confirming that the requirements of Rule VII.5 of the Commission's Rules of Procedure have been fulfilled].

1 bis. The Secretariat arranges for the preparation of a “proposed draft standard” which is circulated to governments for comments and is then considered in the light of these by the [~~subsidiary~~] body concerned which may present the text to the Commission as a “draft standard”. If the Commission adopts the “draft standard” it is sent to governments for further comments and in the light of these and after further consideration by the [~~subsidiary~~] body concerned, the Commission reconsiders the draft and may adopt it as a “Codex standard”. The procedure is described in Part 1 of this document.

2. The Commission or the Executive Committee, or any subsidiary body, subject to the confirmation of the Commission or the Executive Committee may decide that the urgency of elaborating a Codex standard is such that an accelerated elaboration procedure should be followed. While taking this decision, all appropriate matters shall be taken into consideration, including the likelihood of new scientific information becoming available in the immediate future. The accelerated elaboration procedure is described in Part 2 of this document.

2 bis. The Commission may also decide, on the basis of a proposal of one of its subsidiary bodies and on a two-thirds majority of votes cast, to adopt as a Codex Standard or related text a the integral version of a text developed by another international body. Such texts shall be published by reference in the Codex Alimentarius.

3. The Commission or the subsidiary body or other body concerned may decide that the draft be returned for further work at any appropriate previous Step in the Procedure. The Commission may also decide that the draft be held at Step 8.

4. The Commission may authorize, on the basis of two-thirds majority of votes cast, the omission of Steps 6 and 7, where such an omission is recommended by the Codex Committee entrusted with the elaboration of the draft. Recommendations to omit steps shall be notified to Members and interested international organizations as soon as possible after the session of the Codex Committee concerned. When formulating recommendations to omit Steps 6 and 7, Codex Committees shall take all appropriate matters into consideration, including the need for urgency, and the likelihood of new scientific information becoming available in the immediate future.

5. The Commission may at any stage in the elaboration of a standard entrust any of the remaining Steps to a Codex Committee or other body different from that to which it was previously entrusted.

6. It will be for the Commission itself to keep under review the revision of “Codex standards”. The procedure for revision should, *mutatis mutandis*, be that laid down for the elaboration of Codex standards, except that the Commission may decide to omit any other step or steps of that Procedure where, in its opinion, an amendment proposed by a Codex Committee is either of an editorial nature or of a substantive nature but consequential to provisions in similar standards adopted by the Commission at Step 8.

7. Codex standards are published and governments are invited to notify the Commission's Secretariat of the status or use of the Codex standard in accordance with their established legal and administrative procedures. They are also sent to international organizations to which competence in the matter has been transferred by their Member States. See Part 3 of this document. Details of notifications are published periodically by the Commission's Secretariat.

## **PART 1: UNIFORM PROCEDURE FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS**

### ***Steps 1, 2 and 3***

(1) The Commission decides, taking into account the "Criteria for the Establishment of Work Priorities", to elaborate a World-wide Codex Standard and also decides which subsidiary body or other [international governmental or non-governmental] body should undertake the work. [In allocating work to another international body, the Commission may specify that the body shall be responsible for only certain steps of the Procedure. [In allocating work to another international body, the Commission shall have before it a report from the Directors-General confirming that the requirements of Rule VII.5 of the Commission's Rules of Procedure have been fulfilled]. A decision to elaborate a World-wide Codex Standard may also be taken by subsidiary bodies of the Commission in accordance with the above mentioned criteria, subject to subsequent approval by the Commission or its Executive Committee at the earliest possible opportunity, [however only the Commission shall have the authority to allocate work to a body other than a subsidiary body of the Commission]. In the case of Codex Regional Standards, the Commission shall base its decision on the proposal of the majority of Members belonging to a given region or group of countries submitted at a session of the Codex Alimentarius Commission.

(2) The Secretariat arranges for the preparation of a proposed draft standard. In the case of Maximum Limits for Residues of Pesticides or Veterinary Drugs, the Secretariat distributes the recommendations for maximum limits, when available from the Joint Meetings of the FAO Panel of Experts on Pesticide Residues in Food and the Environment and the WHO Core Assessment Group on Pesticide Residues (JMPR), or the Joint FAO/WHO Expert Committee on Food Additives (JECFA). ~~In the cases of milk and milk products or individual standards for cheeses, the Secretariat distributes the recommendations of the International Dairy Federation (IDF).~~

(3) The proposed draft standard is sent to Members of the Commission and interested international organizations for comment on all aspects including possible implications of the proposed draft standard for their economic interests.

### ***Step 4***

The comments received are sent by the Secretariat to the subsidiary body or other [international] body concerned which has the power to consider such comments and to amend the proposed draft standard.

### ***Step 5***

The proposed draft standard is submitted through the Secretariat to the Commission or to the Executive Committee with a view to its adoption as a draft standard.<sup>3</sup> In taking any decision at this step, the Commission or the Executive Committee will give due consideration to any comments that may be submitted by any of its Members regarding the implications which the proposed draft standard or any provisions thereof may have for their economic interests. In the case of Regional Standards, all Members of the Commission may present their comments, take part in the debate and propose amendments, but only the majority of the Members of the region or group of countries concerned attending the session can decide to amend or adopt the draft. In taking any decisions at this step, the Members of the region or group of countries concerned will give due consideration to any comments that may be submitted by any of the Members of the Commission regarding the implications which the proposed draft standard or any provisions thereof may have for their economic interests. [In the case of proposed draft standards elaborated by another international body, the Commission or the Executive

<sup>3</sup> Without prejudice to any decision that may be taken by the Commission at Step 5, the proposed draft standard may be sent by the Secretariat for government comments prior to its consideration at Step 5, when, in the opinion of the subsidiary body or other body concerned, the time between the relevant session of the Commission and the subsequent session of the subsidiary body or other body concerned requires such action in order to advance the work.

Committee shall confirm the responsibility for the further development of the standard by the body concerned, except that the Executive Committee shall not have the authority to extend the responsibility for the development of the standard beyond the steps already authorized by the Commission.]

### **Step 6**

The draft standard is sent by the Secretariat to all Members and interested international organizations for comment on all aspects, including possible implications of the draft standard for their economic interests.

### **Step 7**

The comments received are sent by the Secretariat to the subsidiary body or other [international] body concerned, which has the power to consider such comments and amend the draft standard.

### **Step 8**

The draft standard is submitted through the Secretariat to the Commission together with any written proposals received from Members and interested international organizations for amendments at Step 8 with a view to its adoption as a Codex standard. In the case of Regional standards, all Members and interested international organizations may present their comments, take part in the debate and propose amendments but only the majority of Members of the region or group of countries concerned attending the session can decide to amend and adopt the draft.

*The following proposals are new text to be included as Part 3 and Part 4 of the Elaboration Procedures, with renumbering of the later parts.*

## **PART X: PROCEDURE FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS JOINTLY WITH OTHER INTERNATIONAL BODIES**

The Commission may decide to elaborate standards and related texts jointly with other international governmental or nongovernmental organizations upon the request of such organizations or upon the advice of a subsidiary body or the Executive Committee. Prior to undertaking work jointly with another international body, the Commission shall have before it a report from the Directors-General confirming that the requirements of Rule VII.5 of the Commission's Rules of Procedure have been fulfilled.

The procedure for the elaboration of joint standards shall be the Codex procedure; however, the approval of both the Commission and the collaborating international organization body at Steps 5 and 8 of the Procedure shall be required.

The Commission may authorize joint meetings of any of its subsidiary bodies with other international organizations collaborating on the development of joint standards, provided that the privileges enjoyed by the delegates of Members of the Commission shall not be diminished at such joint meetings. The Commission shall not establish new joint bodies except in accordance with the *Criteria for the Establishment of Subsidiary Bodies of the Codex Alimentarius Commission*.

Standards and related texts elaborated jointly by these procedures shall bear the title "Joint Codex/(Other Organization) Standard for .." or similar wording depending on the nature of the text. The Secretariat shall arrange for the publication of such standards in the Codex Alimentarius, where necessary jointly with the secretariat of the organization concerned.

The Commission and the collaborating international body concerned shall agree on the amendment, revision or withdrawal of such joint standards, or, failing such agreement, the standard shall no longer be considered as a "Joint Standard".

## **PART Y: PROCEDURE FOR THE ADOPTION AS CODEX STANDARDS AND RELATED TEXTS OF TEXTS DEVELOPED BY OTHER INTERNATIONAL ORGANIZATIONS**

Upon the proposal of a subsidiary body, the Commission may decide to adopt as a Codex Standard, a text developed by another international organization. Such a decision shall be taken on the basis of a two-thirds majority of votes cast. Such standards shall not be considered as joint standards or texts and shall be published in the Codex Alimentarius by reference only.