

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
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ORGANIZATION



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Agenda Item 5

CX/GP 04/20/5-Add.1

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

Twentieth Session

Paris, France, 3 - 7 May 2004

PROPOSED DRAFT REVISED CODE OF ETHICS FOR INTERNATIONAL TRADE IN FOODS

GOVERNMENT COMMENTS AT STEP 3

(Argentina, Cuba, European Community, Ghana, CI, IBFAN, ISDI, 49P)

### ARGENTINA

#### ARTICLE 4 – GENERAL PRINCIPLES

4.2 International food trade should comply with the obligations of member countries under the SPS and TBT Agreements

**Paragraph 4.2 should read:**

**“The measures that may affect international food trade directly or indirectly should be established and applied in conformity with the provisions of the SPS and TBT Agreements”**

4.3 Countries should ensure that their regulations do not create unjustified barriers to international trade.

**Paragraph 4.3 should read:**

**“Countries should ensure that their national regulations are not applied in an arbitrary or unjustified manner or create a disguised restriction to international trade.”**

4.4 Appropriate national food standards, based on risk analysis where applicable, should be established and enforced [through harmonisation with] [taking into account] the standards and related texts established by the Codex Alimentarius Commission.

**In our view paragraph 4.4 should read as follows:**

**Appropriate national food standards based on the standards and related texts established by the Codex Alimentarius Commission should be established and enforced, or when this is not the case, national standards should be based on risk assessment, as appropriate.**

4.5 In the preparation and application of food regulations, countries should take into account the special needs and situation of developing countries, in conformity with the provisions of the SPS and TBT Agreements. ~~While not lowering the level of consumer health protection, importing countries should recognise the difficulties of developing countries in ensuring that the food they produce, import and export meets international standards.~~

**As regards the first paragraph of Article 4.5 Argentina considers that reference should be made in a footnote to Article 10 of the SPS Agreement and Article 12 of the TBT Agreement.**

**The second part of paragraph 4.5 conveys the idea that developing countries cannot ensure food safety in international trade. It is our understanding that this sentence is an inadequate generalization and therefore should be eliminated. Similarly we suggest adding a footnote to Article 4.5 referring to Article 9 of the SPS Agreement and Article 12 of the TBT Agreement.**

## ARTICLE 5

No food should be in international trade that:

- (a) has in or upon it any substance in an amount which renders it poisonous, harmful or otherwise injurious to health.
- (b) is labelled or presented in a manner that is misleading, deceptive or that may adversely affect the safety of the food; or

**Argentina understands the intent of paragraph 5.3, however wishes to make the following comment. Taking into account that the establishment of the adequate level of protection or level of acceptable risk will differ between Codex members, the wording of paragraph a) and also that of paragraph b) establishes a criterion that is too broad, as it does not specify the reference parameters to determine compliance with these objectives.**

**According with the above we consider that this article is irrelevant, because the general rule of international trade is free circulation of goods and products, under the conditions established by the WTO Agreements (in this case SPS and TBT). In application of this, Codex should not convert an exception into a general principle.**

## ARTICLE 6 – APPLICATION

6.2 Except when the food represents a hazard to health, food that has been exported and subsequently rejected may be

- allowed to be re-exported to the exporting country, or allowed to be re-exported to another country only if the precise reasons for the rejection are disclosed to the potential importer

**As in the preceding Article we consider that a reference parameter should be defined to decide when a food may represent a hazard to health, and this cannot be understood for the purposes of this Article as the appropriate level of protection established by the importing country, but should be considered in conformity with Codex standards.**

**For this reason, we suggest to include in paragraph 6.2 the following text: “it will be understood that food exported and refused may represent a hazard to health when it is not in conformity with Codex standards and related texts.”**

## ARTICLE 9 - EXCHANGE OF INFORMATION

In our opinion this paragraph should be revised in the light of the progress made in the document on Codex Guidelines for Exchange of Information between countries in emergency situations.

## CUBA

### Article 1 Objectives, paragraphs 1.1 and 1.2

It is mentioned that the objective of the Code is to provide (advice/guidance) and that it is intended to be used to determine whether trade practices are acceptable.

However, there is no provision made to encourage countries to adopt it.

Although its adoption is voluntary, we recommend that some type of encouragement or promotion of its adoption be included in the said Article, and that it should not be considered only for consultation purposes.

### Article 4. General Principles

Paragraph 4.6 indicates that “developing countries should be encouraged to ensure food safety and quality of the food they produce” without extending this requirement also to developed countries that in some specific cases have not managed to ensure the safety and quality of the food they produce and/or export.

The current text appears to give a responsibility in this respect only to developing countries.

We consider that the text should read as follows:

4.6 Countries should be encouraged to ensure the safety and quality of the food they import, produce and export, on the basis of international standards. Developed countries should facilitate programmes, including those of FAO and WHO, in order to increase the capacity of developing countries to produce, import and export safe and wholesome food.

## **Article 5. Requirements for Food in International Trade**

In indent b) in paragraph 5.1 it is recognized that the legislation of the importing country may be stricter than the requirements in relevant Codex standards and related texts, and that the importing country may only communicate it to the exporting country.

However, in Annex 2 - Preamble, indent c) of the “Considering” section, it is recommended that the best way to achieve the objectives of the present code is the elaboration of national food legislation taking into account the standards and related texts of the Codex Alimentarius Commission.

We are concerned by the above mentioned indent b) of section 5.1 that tends to accept food regulations that are stricter than Codex, and the fact that the importer is only requested to communicate it to the exporter.

Notwithstanding the fact that the document encourages compliance with the SPS and TBT Agreements in order to avoid technical barriers, we propose that indent b) of paragraph 5.1 should read as follows:

b) Food legislation applicable in the exporting and/or importing country shall be stricter than the requirements of the relevant Codex standards and related texts only in highly justified exceptional circumstances, the country having notified or informed the exporting country or countries, according to the procedures established in the above mentioned SPS and TBT Agreements.

Rationale: the main argument is to avoid that the future Code should recognize that when they inform the exporting country, importing member countries comply with the provisions of the document.

## **EUROPEAN COMMUNITY**

The EC would like to thank the Codex Secretariat for this amended version of the draft revised code of ethic, which has taken into account a large part of the previous comments. The EC could support the text with the following modifications.

### **ARTICLE 1**

The EC considers that the word “guidance”, which is used in the Procedural Manual, is more appropriate to Codex than the word “advice”.

### **ARTICLE 3**

The discussion paper prepared by the Secretariat (CX/GP 04/20/5-Add.2) is not yet available. Pending, the EC suggests keeping the existing definition of “food” in the Procedural manual.

### **ARTICLE 4**

4.2 As the Committee did not come to a consensus on the reference to the SPS and TBT, because not all Member of Codex are member of the WTO, and considering that the SPS and TBT Agreements are binding to the WTO Members, the EC would not be against the deletion of this paragraph.

4.3

Not creating unjustified barriers to trade is only one of the objectives of the SPS/TBT Agreements and this paragraph should be completed as following in order to take into account the other objectives:

*“Countries should ensure that their national regulations are applied only to the extent necessary to achieve their appropriate level of protection, do not create unjustified barriers to trade and do not arbitrarily discriminate between Members.”*

4.4 The EC supports the wording “*taking into account*” rather than “*through harmonization with*” because Members are allowed to establish their own national standards achieving their appropriate level of protection, provided that they have complied with their international obligations. This would be consistent with 5.1(d). The EC suggests also adding the word “*relevant*” before “*the standards and related texts*” because all the standards and related texts of Codex are not relevant.

### **ARTICLE 5**

5.1 The EC believes that the Codex Standards are not mandatory requirements to Governments and propose to amend the (a) as follows:

*“(a) to the requirements based on relevant Codex Alimentarius Commission’s standards and related texts,”*

5.3 The EC supports the text as it is and proposes to remove the brackets.

5.4 The EC supports the modifications proposed by the Secretariat.

## **ARTICLE 6**

6.1 If a food is hazardous for the health, it should not be re-exported but destroyed to protect the health of the consumers of the country of destination. This is real ethic governance and behaviour. The EC propose to modify the end of the sentence of paragraph (c) first indent, as follows:

*“inform the competent authorities of the exporting country of details of rejection including reasons for rejection or destruction.”*

This would be consistent with the provisions of the 6.2.

## **ARTICLE 7**

7.1

(a) (ii) The EC believe that Member countries should not work only with the regulated industry but should involve also the consumers. The EC suggest adding *“and with consumers”* after *“transporters”* and before *“and all others concerned”*.

(b) (i) and (ii) Exporting countries can export their own production but also can re-export food produced by an other country. They should take the same care for food re-exported and the EC proposes to add the word *“or re-exportation”* after *“exportation”* in these two sub-paragraphs.

7.2 For the same reason than explained in paragraph 4.4 and 5.1, the EC prefers the wording *“take into account”* rather than *“apply”*.

## **GHANA**

Ghana would like to thank the secretariat of the Codex Committee on General Principles for its efforts in the development of the ‘Proposed draft revised code of ethics for international trade in foods (At step 3 of the procedure)’.

In paragraph 4.3 of page 4 the following amendment is suggested:

Insert ‘Food’ between national and regulations to be consistent with other references such as in paragraph 4.5 line 1.

## **MEXICO**

### **ARTICLE 1 – OBJECTIVE**

1.1 The objective of this code is to provide **guidance** to governments and thereby to protect the health of the consumers and ensure fair practices in the food trade.

1.2 The code **along with other international instruments** is designed for use by member governments, by those engaged in international trade and by producers and consumers **as supports** for determining whether trade practices are acceptable.

### **ARTICLE 4 – GENERAL PRINCIPLES**

4.2 **The member countries involved** in international food trade **should comply with the goals set forth in the various international instruments such as the SPS and TBT Agreements.**

4.4 Appropriate national food standards, based on risk analysis where applicable, should be established and enforced **taking into account** the standards and related texts established by the Codex Alimentarius Commission.

4.5 In the preparation and application of food regulations, countries should take into account the special needs and situation of developing countries, in conformity with the provisions of the SPS and TBT

Agreements, **among others**. While not lowering the level of consumer health protection, importing countries should recognise the difficulties of developing countries in ensuring that the food they produce, import and export meets international standards.

## ARTICLE 6 - IMPLEMENTATION

6.1 Where, in an importing country, a food product:

- a) is found not meeting health and safety requirements, or
- b) claiming to be in compliance with a standard, code of practice or other generally accepted certification system is found **not to comply with said requirements**, whether in respect of the label accompanying the product or otherwise, or

6.2 Except when the food represents a hazard to health, food that has been exported and subsequently rejected may be

- allowed to be re-exported to the exporting country, or
- allowed to be re-exported to another country only if the precise reasons for the rejection are disclosed to the potential importer and **that said importer complies with the food legislation in effect in said other country**

## ARTICLE 7 – RESPONSIBILITIES FOR IMPLEMENTATION

ii) work with the regulated industry, including all food manufacturers, **wholesalers**, distributors, transporters and all others concerned with the international trade in food – particularly in respect of Article 5.1 (d) – to ensure the Requirements of Article 5 are taken into account, and

7.2 In order to facilitate the implementation of the Code, countries should **take into account** the Codex *Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems* to the fullest extent possible.

## CONSUMERS INTERNATIONAL

Consumers International welcomes the revision of the code of ethics for International Trade Code of Ethics is a useful instrument to set some guiding principles on ethical conduct of food trade practices to protect the consumers.

Proposed changes are in **bold** letters.

First page (Preamble)

Add to read:

- (a) Adequate, safe, **unadulterated**, and wholesome food is a vital element for the achievement of **adequate** standards of living and that the right to a standard of living adequate for health and well-being of individual is proclaimed in the Universal Declaration of Human Rights...and the **International Covenant of Economic, Social and Cultural Rights;**

These adjectives are in the text of the International Covenant of Economic, Social and Cultural Rights of the Economic and Social Council of the UN ( see the general comments to article 11 in E/C.12/ 1999/5, CESCR distributed by the secretariat at the last session of the CCGP). Adding these words will bring new important elements, to point a), already agreed upon in other fora.

- (b) ***The publication of Codex Alimentarius is intended to insist in the harmonization of the definitions and requirements for food and in doing so as facilitate consumer health protection and International trade;***

## ARTICLE 1 - OBJECTIVE

1.1 The square brackets and the word ‘guidance’ be dropped and the word ‘advice’ retained.

## ARTICLE 2 – SCOPE

Change to read:

2.1 This code applies to all foods **and drinks – food commodities, food products, novel foods, nutraceutical foods** - introduced into international trade and applies to concessional and food aid transactions, **including transactions by non-governmental** .

## ARTICLE 3 - DEFINITION

*Although the definition of food in the Code of Ethics is based on the definition contained in the CAC Procedural Manual (pg 41, 12<sup>th</sup> edition), it needs to be up-dated . CI proposes the following definition:*

For the purposes of this code, “foods means any **food, food ingredient, or food substance, whether processed naturally or synthetically**, semi-processed, raw, or **genetically altered** which is intended for human consumption and includes drink, **medicinal foods, nutraceutical foods, novel foods**, or any substance which has been used in the manufacture, preparation or treatment of “food” but does not include cosmetics or tobacco or substances used only as drugs.

## ARTICLE 4 - GENERAL PRINCIPLES

4.2 Add at the end .. **and their paramount duty to protect the health of their consumers.**

4.4 It is preferable to use the term, **through harmonization** and delete [taking into account] please add :The monitoring and enforcement of Standards and Food laws must be adequately taken care by member governments.

## ARTICLE 5 REQUIREMENT S FOR FOOD IN INTERNATIONAL TRADE

5.3 Remove square bracket

Change to read:

5.3 (a) has in or upon it any substance which renders it poisonous, harmful or otherwise injurious to **human health, animal health or the environment.**

5.3(d) Add **idealizing** after misleading & Add after deceptive **or that fails to reveal information that is material to consumers**

read as

is labeled or presented in a manner that is false, misleading, **idealizing**, deceptive or **that fails to reveal information that is material to consumers** or that may adversely affect the safety of the food; or

5.3 (f)

Add at the End **and has a minimum 60% residual shelf life before such food enters International trade.**

Add as

5.6 **All foods and food products containing ingredients derived from biotechnology should be labeled as such.**

## IBFAN (INTERNATIONAL BABY FOOD ACTION NETWORK)

### Preamble

IBFAN would like to propose an additional word to the newly inserted additional paragraph so as to read:

(b) The publication ... to facilitate **fair** international trade’.

This is in conformity with the first part of the preamble and the rest of the code of ethics.

## Article 1 – Objective

1.1. We would prefer the word “advice” in this article.

As the objective of this code is to establish standards of ethical conduct it should be as strong as possible to fulfill this objective. The current sentence is still very weak.

## Article 3 - Definition

While waiting for the discussion paper of the secretariat, IBFAN repeats its text proposal already submitted in 2003 see below:

3.1 For the purposes of this code, “foods means any **food, food ingredient, or food substance, whether processed naturally or synthetically**, semi-processed, raw, or **genetically altered** which is intended for human consumption and includes drink, **medicinal foods, nutraceutical foods, novel foods**, or any substance which has been used in the manufacture, preparation or treatment of “food” but does not include cosmetics or tobacco or substances used only in drugs.

## Article 4 - General Principles

4.1 Change to read:

4.1 International trade in food and food aid transactions should be conducted in a manner that is consistent with the objectives of ensuring the protection of consumers’ health and fair practices in food trade, **food safety, the right to unadulterated, accessible and wholesome food and** especially taking into account the *Codex Principles for Food Import and Export Inspection and Certification* **and international protocols like the Cartagena Protocol on Food Safety and the CITES- treaty.**

4.2 We would like to see this sentence deleted. The Codex Alimentarius is a reference document for the WTO, not the other way round.

4.4 It is preferable to use the term, **through harmonization** and delete [taking into account]

please add :The monitoring and enforcement of standards and Food laws must be adequately sourced by member governments

Article 4.5

See comments on 4.2 for the reason. We would like to see the following part of the text deleted: ‘~~in conformity with the provision of the SPS and TBT Agreements~~’

## Article 5 –Requirements for Food in International Trade

5.1 (b) Add to read:

to such food legislation as may be in force in the exporting, **transshipping**, and/or importing country;..

Article 5.1 (c)

Make this sentence in line with the upper sentence: ‘to the provisions.....country; when these are more stringent than the requirements in relevant Codex standards and related texts; or

Article 5.1 (d)

change to read: ‘in the absence...taking ~~into account~~ the provisions of Codex Standards and related texts as a reference wherever possible.

Add at the end of 5.1.

***Regardless of food standard measures taken by countries, it remains the responsibility of the exporting countries to comply with this Code of Ethics.***

5.3. Delete brackets around 5.3.a - f and retain the text, as it is the heart of the Code of Ethics

5.3. (a) Add to read:

(a) has in or upon it any substance in an amount which renders it poisonous, harmful or otherwise injurious to **human health, animal health or the environment.**

(d) Add **idealizing** after misleading and add after deceptive **or that fails to reveal information that is material to consumers.**

This addition 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.

5.3.(d) now reads:

(d) is labeled or presented in a manner that is false, misleading, **idealizing**, deceptive or **that fails to reveal information that is material to consumers** or that may adversely affect the safety of the food;

5.3.(f)add after distribution: **and consumption** to read:

(f) has a remaining shelf-life that will not allow its distribution **and consumption** in the importing country before the expiry date

Add a sentence g:

5.3. (g) **contains ingredients of which the long-term impact on human health cannot be adequately assessed due to inconclusive scientific evidence.**

5.5 It is vital that the article **5.5 Specific requirements; Foods for Infants and Children and other Vulnerable Groups** remains part of the Code of Ethics. We agree with the actual wording of the text. This critical section includes recommendations for infants, children and vulnerable groups and makes an important reference to the International Code of Marketing of Breastmilk Substitutes and WHA resolutions.

### **Article 7 - Responsibilities for Implementation**

7.1 (a) (i) add at the end of the sentence: **to protect the health of consumers**

7.1 (a) (ii) delete “taken into account” and insert “ **followed**”

b (iv) **change to read : regulate industry**, including.....

Further on add the following sentences at the end of 7.1

All concerned with international trade should ensure that:

- \* **their employees are fully informed of the contents of this code and the ethical principles embodied therein, and their responsibilities under it;**
- \* **independent of any other measures taken for implementation, manufacturers and distributors are responsible for monitoring their products and policies according to the articles of this Code and for ensuring that their conduct at every level conforms with them.**
- \* **Non-governmental organizations, professional groups, institutions, and individuals concerned should have the responsibility of drawing attention of governments, manufacturers and distributors to activities which are incompatible with the principles and the aims of this Code, so that appropriate action can be taken.**

7 (2) delete brackets around apply and keep apply and delete [take into account]

### **Article 8 – Exceptional Circumstances**

8. Change the two last lines to read:

.....mutually agreed criteria ) **they should ensure that their policies and practices conform to Articles 4, 5 and 6 of this Code.**

Add an Article 10.

**submitted by Consumers International to the CCGP 2001, IBFAN supports this text:**

“Member governments, FAO and WHO should ensure an independent and transparent risk assessment, They should take steps to ensure that all parties including private parties engaged in the course of international trade should ensure that there is no perceived or actual conflict of interests of experts on international expert bodies involved in risk assessment. That all such experts should act independently, declare their financial conflict of interest truthfully and openly to all concerned and ensure impartiality in their work as experts and disclose to all

interested parties the nature of any information which they make available to any one party, such as private commercial parties in industry or one or more governments”.

## **ISDI (International Special Dietary Foods Industries)**

### • **Preamble (g)**

If cited, the aim of the International Code of Marketing of Breast-milk Substitutes should be accurately quoted. In accordance with Article 1 of the latest Code, Point (g) would then read:

*“The International Code of Marketing of Breast-milk Substitutes and relevant resolutions of the World Health Assembly contribute to the provision of safe and adequate nutrition for infants by the protection and promotion of breastfeeding, and by ensuring the proper use of breast-milk substitutes when these are necessary, on the basis of adequate information through appropriate marketing and distribution. ~~set forth principle for the protection and promotion of breastfeeding, and which is an important aspect of primary care.~~”*

### • **Article 5.5: Foods for Infants, Children and other Vulnerable Groups**

- **The title of article 5.5 is not in line with the food categories described under Commodity Standards.**
- **The provisions in Article 5.5 are irrelevant and inaccurate.**
- ➔ **Article 5.5 should therefore be deleted.**

Article 5.5 reads:

“Foods for infants, children and other vulnerable groups should be in accordance with standards elaborated by the Codex Alimentarius Commission. The marketing and labeling of foods for infants and children should be in accordance with relevant provisions of the International Code of Marketing for Breast-milk Substitutes (Article 9), World Health Assembly resolutions and Codex Standards and related texts.”

- Codex Standard for Infant Formula (72-1981) and Codex Standard for Processed cereal-based foods for infants and young children (74-1981) are currently being revised at step 5 by the Codex Committee on Nutrition and Food for Special Dietary Uses (see Alinorm 04/26 Appendices V and VI respectively). In both the proposed revised Standards, the International Code of Marketing of Breast Milk Substitutes and WHA resolutions are quoted:

*Proposed draft revised standard for infant formula*

Section 1. Scope, Point 1.3 reads: *“The application of the standard should take into account the recommendations given to countries under the International Code of marketing of Breast-milk Substitute and the World Health Assembly resolution WHA 54.2 (2001).”*

*Proposed draft revised standard for processed cereal-based foods for infants and young children*

Both proposals for the wording of Section 1. Scope include the following sentence: *“This standard covers processed cereal-based foods..., in accordance with the World Health Assembly resolution WHA 54.2 (2001)”*

- “Infant” and “young children” are 2 specific categories of people defined in Codex, but the terms “children” and “vulnerable group” are not.
- Furthermore, processed cereal-based foods and baby foods for infants over 6 months are not considered as breast milk substitutes. But Article 5.5 seems to imply that the Code of Marketing of Breast Milk Substitutes applies also to these categories of foods.

**Article 5.5 is therefore not relevant and should be deleted.**

The 49 P organization is pleased to have this opportunity to comment on the current draft document. We support the importance of a Code of Ethics for International Trade in Foods. We note the valuable discussion of the “need to be more explicit about the broader social, cultural, environmental and other values that are inevitably incorporated in science-based food safety decisions” incorporated in the recently released report FAO Expert Consultation on Food Safety: Science and Ethics.

However, we are concerned about the frequent language in the draft text concerning the *promotion* of trade. Our organization does not oppose trade; indeed, we utilize traded goods and services in our 49 P work and in our individual lives. But, while trade may be of *economic* or even *cultural* significance, we do not see how, in and of itself, it has inherent *ethical* dimensions. We know of no study that indicates a correlation between nations’ levels of trade and their moral stature. Trade can be used in a program of liberation; it has been used to oppress. Trade has made some countries wealthy; it has immiserated others.

This text is back at Step 3, and so we understand that all its provisions are available for discussion and review. On this basis, we suggest the following changes to the draft text:

- In the Preamble, the second subsection (b), and in the “Introduction” section on p. 2 concerning the Preamble, **the language about “facilitating” international trade should be deleted.** The promotion of trade is not among the authorized objectives of the Codex, under its statutes.
- **Article 4.5 should be deleted.** It is inconsistent with Article 4.1 by appearing to subsume “the protection of consumers’ health”—one of the basic mandates of Codex—to the policies of another organization. Since the regulations of the World Trade Organization’s SPS and TBT agreements look to the Codex for guidance on international food procedures, it is circular, irrational, and inconsistent with Codex’s specified objectives, for Codex to have as an ethical norm “conformity” to the provisions of the WTO.
- **Article 4.3 should be deleted.** Whether a policy is a “barrier” to trade—and certainly whether it is an “unjustified” barrier—is language so subjective as to be meaningless.
- In Article 5.1 (c), we believe that the exportation of food should conform with the international obligations assumed by even one of the parties; thus we suggest that **the “and” in the last line be amended to read “and/or”**. This amendment would be consistent with Article 5.2 regarding conformity with the “regulations” and legal “requirements” of the importing country. For example, there is already food being traded that falls under the provisions of the Cartagena Biosafety Protocol, imported by a Party from a non-Party. In this case, Article 24 of the Protocol obligates the signatory to act consistent with the objectives of that agreement; for it to fail to do so would certainly be unethical in our view, and should be so declared by the language of this provision.
- In Article 7.2, we advocate using the bracketed language **“take into account”**. We are not aware that the CCFICS Guidelines referenced there were developed with any special scrutiny as to ethical issues. Even if they were, situations change and ethical principles must apply to unanticipated conditions. It seems to undercut the purpose of this Ethical Code to tie it to the “application” of another document which may come to be “the dead hand of history.”