

# codex alimentarius commission



FOOD AND AGRICULTURE  
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Agenda Item 6 b)

CX/GP 06/23/6 Part II

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

Twenty-third Session

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### REVIEW OF THE PROCEDURES FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS

#### Review of *Guides* and *Arrangements* in Part 5 of the Procedures for the Elaboration of Codex Standards and Related Texts

#### BACKGROUND

1. The 28<sup>th</sup> Session of the Codex Alimentarius Commission adopted the amendments proposed by the Committee on General Principles concerning the abolition of the Acceptance Procedure, including some consequential amendments to Arrangements for the Amendment of Codex Standards Elaborated by Codex Committees which have adjourned *sine die*.
2. The 28<sup>th</sup> Session of the Commission reviewed the implementation status of the Other Decisions of the 26<sup>th</sup> Session of the Commission and considered the proposals in Table 2 of the working document<sup>1</sup>. The Commission agreed that, since the abolition of the Acceptance Procedure had been decided at the present session, the Committee on General Principles should undertake the review of the three other sections of the Procedural Manual mentioned in Table 2, on the basis of a document to be prepared by the Secretariat at its next session.<sup>2</sup>
3. Furthermore, in regard to revisions (specific) of Codex standards for fresh fruits and vegetables, the 28<sup>th</sup> Session of the Commission noted the request of the Committee on the possibility to establish a more expeditious procedure for revising Codex standards for fresh fruits and vegetables when considering minor changes such as additions and/or deletions of some provisions (e.g. the introduction of new varieties) for which the presentation of a project document might not be considered imperative. The Commission noted that a similar situation might arise in relation to updating of other commodity standards. The Commission agreed that this matter should be considered in a general context and requested the Committee on General Principles to look into this issue at its next session.<sup>3</sup>
4. In accordance with the Commission's decisions, this document deals with the following texts:
  - Guide to the Consideration of Standards at Step 8 of the Procedure for the Elaboration of Codex Standards and Related Texts, including consideration of any Statement Relating to Economic Impact;
  - Guide to the Procedure for the Revision and Amendment of Codex Standards; and
  - Arrangements for the Amendment of Codex Standards Elaborated by Codex Committees which have Adjourned *sine die*.

<sup>1</sup> ALINORM 05/28/9C Part I

<sup>2</sup> ALINORM 05/28/41 para. 127

<sup>3</sup> ALINORM 05/28/41 paras 198 and 199

## ANALYSIS

### A. Guide to the Consideration of Standards at Step 8 of the Procedure for the Elaboration of Codex Standards including Consideration of any Statement Relating to Economic Impact

5. Originally, the Guide was included in the 2<sup>nd</sup> Edition of the Procedural Manual (1969)<sup>4</sup> and Paragraph 6 of the Guide was added from its 5<sup>th</sup> Edition (1981)<sup>5</sup>.

6. The provisions in paragraphs 1 to 3 of this Guide are of a general nature and provide recommendations on the practical aspects of the submission of comments at Step 8 that might not be necessary in the framework of the Elaboration Procedures. In practice these recommendations have not been really followed and proposed amendments have generally been considered by the Commission whether they had been submitted in a specific time frame or not. It is important to recall that government comments, in general, should be sent in time. This could be addressed in this Guide as part of the Elaboration Procedure, but may better be addressed in another part of the Procedural Manual that deals with the operational and practical aspects of Codex work. Some of this text may therefore be transferred to the section on Reports in the *Guidelines on the Conduct of Meetings of Codex Committees and Ad hoc Intergovernmental Task Forces* with a reference to Circular Letters and the need to provide comments in a timely manner.

7. Paragraphs 4 and 5 may also be considered as a source of confusion. They describe a procedure that does not reflect current practice and may be questioned from the viewpoint of transparency and practical implementation. When an amendment is proposed at the Commission, it is discussed by the Commission in plenary. In that context, the main question to be addressed by the Commission is not always whether the amendment is substantive (or substantial) or minor but whether it can be accepted by consensus by the Commission. Some amendments may be substantial but do not require returning to Step 6 to the Committee or Task Force concerned for further consideration. This is the case of consequential changes, such as those agreed upon by the 28<sup>th</sup> Session of the Commission as a result of the abolition of the acceptance procedure, which entailed the deletion of the reference to acceptance in several standards.<sup>6</sup>

8. Paragraph 6 of the Guide includes an essential element which relates to how the Commission should address the implications of a draft standard for the economic interests of any Member of the Commission. Similar provisions appear in the provisions regarding Step 5 in Parts 3 and 4 of the Elaboration Procedure. In order to ensure consistency and uniformity in the procedures and to place more emphasis on this recommendation, it is proposed to integrate this statement into the provisions on Step 8 in Part 3 of the Elaboration Procedure. This would also allow to harmonise the provisions applicable at Step 8 and at Step 5 regarding the outcome of the critical review.

9. In addition to the above, several further observations can be made on the Guide as follows, if the Guide is retained in its current form.

10. Since the 2<sup>nd</sup> Edition, the Guide was placed immediately after the Parts describing the Step Procedure, until a Part entitled “Subsequent Procedure Concerning Publication and Acceptance of Codex Standards” was inserted before the Guide in the 8<sup>th</sup> Edition of the Procedural Manual, which resulted in interrupting a logical flow in the Manual. Later, the Guide was misguidedly brought under the Part on Subsequent Procedure in the 9<sup>th</sup> Edition (1995). The presentation should thus be changed so that the Guide will not be seen as part of current Part 5.

11. It is noted that the Guide refers to “Codex committee” throughout the text, while Parts 3 and 4 of the Elaboration Procedure, to which the Guide is logically linked, uniformly refer to “subsidiary body or other body”. Now that Codex *ad hoc* intergovernmental Task Forces have been created, the current wording should be harmonised with Parts 3 and 4 of the Elaboration Procedure.

12. It is recalled that in the 2<sup>nd</sup> Edition of the Procedural Manual, the Elaboration Procedure consisted of 10 Steps for Worldwide Codex Standards and of 11 Steps for Regional Codex Standards. It is therefore considered that the term “beyond Step 8” in paragraph 5 most probably referred to Steps 9, 10 and 11. Since these Steps do not exist any more and, particularly, Step 8 has become the final stage in the Codex standard-setting process subsequent to the abolition of acceptance procedures, the language needs be adjusted to avoid confusion.

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<sup>4</sup> ALINORM 69/67 paras 23-24 and Appendix VIII

<sup>5</sup> ALINORM 79/35 paras 5-14 and Appendix II; ALINORM 79/38 paras 123-125

<sup>6</sup> ALINORM 05/28/41 paras 196 and 197

## B. Guide to the Procedure for the Revision and Amendment of Codex Standards

13. The Guide was first published in the 2<sup>nd</sup> Edition of the Procedural Manual (1969) in accordance the decision of the 6<sup>th</sup> Session of the Commission<sup>7</sup>, and was complemented by the *Arrangements* (see Section C, below) in the 6<sup>th</sup> Edition of the Procedural Manual (1986)<sup>8</sup>.

14. Paragraph 3 of the Guide refers to “paragraphs 5 and 6 of the Introduction to the Procedure”. However, these paragraphs of the Introduction do not deal with matters relating to amending or revising a Codex standard. This error was already present in the 2<sup>nd</sup> Edition of the Procedural Manual, in which the reference was made to “paragraphs 4 and 5 of the Introduction”. In fact, paragraphs 4 and 5 of the Introduction in the 1<sup>st</sup> Edition of the Procedural Manual (1968) had been renumbered as paragraphs 5 and 6 in the 2<sup>nd</sup> Edition. Paragraphs 5 and 6 of the Introduction in the 2<sup>nd</sup> Edition of the Procedural Manual read as follows:

“5. It will be for the Commission itself to keep under review the revision of “recommended standards”. The procedure for revision should, *mutatis mutandis*, be that laid down for the elaboration of Codex standards, except that, in the case of amendments to standards proposed by Codex committees, Step 2 of the Procedure in Parts 1 and 2 of this document may be omitted.

6. The provisions set out in Part 2 of this document apply, *mutatis mutandis*, to the elaboration of Codex standards for groups of countries specifically enumerated by the Commission.”

Paragraph 5 cited above corresponds to paragraph 8 of the Introduction to the Elaboration Procedures in the 15<sup>th</sup> Edition of the Procedural Manual, while paragraph 6 was later deleted.

15. Similarly to the Guide to the Consideration of Standards at Step 8 of the Procedure for the Elaboration of Codex Standards including Consideration of any Statement Relating to Economic Impact, the reference to “Codex committee” should be amended to take account of Codex *ad hoc* intergovernmental Task Forces (see paragraph 11, above).

16. Another point on which more clarity could be added in this document regards the use of two terms: “amendment” and “revision”. In some cases they seem to be used in an interchangeable manner. In other cases the terms “amendment or amend” appear to refer to the modification of one or a few of articles/sections in a Standard, or annexes thereof, whereas the terms “revision or revise” appear to refer to an undertaking that usually leads to the modification of many sections of a Standard, through its complete review. Modifications to a Codex text that do not follow all eight steps of the Elaboration Procedure have often been referred to as “amendments” but this terminology has not been applied systematically either. If it is difficult to precisely define or differentiate between these terms, attempts could be made to provide explanatory examples for both categories of terms.

17. Another, related question is whether there is justification for considering a simplified or expeditious procedure (e.g. exemption from requiring a project document, omission of certain Steps and/or the critical review) in the case of “amendment” of limited nature, in contrast to more holistic “revision”. In the past, there were situations where a Codex committee proposed a minor amendment to an adopted text and the Commission adopted such amendment by consensus.<sup>9</sup> It is questioned whether all proposals, including those for minor amendments of uncontroversial nature, should always be substantiated by a project document and be subjected to the full critical review of proposals for new work by the Executive Committee. Such requirement could put a burden on timely updating of Codex standards and related texts, especially when the subsidiary body concerned is not holding annual sessions. Consideration should also be given to how to handle amendments of editorial nature, in general. Consequential or editorial amendments could also be prepared by the Secretariat and be proposed for adoption by the Commission, even if there is an active Committee or Task Force concerned.

18. Paragraph 5 could be deleted since it is the common understanding that Codex standards and related texts lose their status as adopted texts only when they have been revoked or be replaced by new or revised standards.

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<sup>7</sup> ALINORM 69/67 paras 25-26 and Appendix VII

<sup>8</sup> ALINORM 83/4 paras 50-54 and Appendix; ALINORM 83/43 para. 15

<sup>9</sup> One recent example of such practice is the adoption by the 28<sup>th</sup> Session of the Commission of the addition of a footnote to Codex Guidelines CAC/GL 47-2003, upon the proposal of CCFICS (ALINORM 05/28/41 para. 188).

### **C. Arrangements for the Amendment of Codex Standards Elaborated by Codex Committees which have Adjourned *sine die***

19. This document, after endorsement by the Commission in 1983, was first sent in a circular letter to inform member countries of the new administrative procedures, and was later included in the Procedural Manual (see paragraph 9 above). Therefore the document must be read and interpreted in conjunction with the Guide to the Procedure for the Revision and Amendment of Codex Standards.

20. The reference to “Codex committee” in the title and content of the document requires amendment to take account of Codex *ad hoc* intergovernmental Task Forces (see paragraphs 11 and 15, above).

21. It should be made clear that the document addresses amendments to Codex standards and related texts elaborated by (i) abolished Codex Committees, (ii) dissolved Task Forces and (iii) Codex Committees adjourned *sine die*, in a manner complementary to the above Guide (see Section B). In this connection, paragraph 3(b) would require adjustment since abolished or dissolved subsidiary bodies, contrary to a Committee which has adjourned *sine die*, have no host government.

22. Point (a) of paragraph 1 includes a list of food safety related provisions but does not mention veterinary drug residues and microbiological hazards. The scope of this point may need clarification also in the light of the recent development of general standards for food additives and for contaminants and toxins in food, vis-à-vis the provisions in Codex commodity standards.

23. Point (c) of paragraph 1 refers to “Guidelines on Date Marking”. The Guidelines on Date Marking for the Use of Codex Commodity Committees were adopted in 1978 and were amended in 1981.<sup>10</sup> The Guidelines do not exist today since they were superseded by the provisions of the Revised General Standard for the Labelling of Prepackaged Foods, of the Format for Commodity Standards, and of the Relations between Commodity committees and General Committees. With regard to “Guidelines on Labelling of Non-retail Containers”, their elaboration started in the Committee on Food Labelling in 1973. However, the 18<sup>th</sup> Session of the Commission in 1985 decided to discontinue the elaboration of the Guidelines, then at Step 5. The references to these Guidelines should therefore be removed.

24. Points (a) – (f) of the same paragraph do not seem to address the need for amendments of Codex commodity standards subsequent to amendments to the so-called standard language provided for in “Format for Codex Commodity Standards” and “Relations between Commodity Committees and General Committees” contained in the Procedural Manual.

25. Paragraph 2 of the document includes a sentence that reads: “In the case of amendments proposed to Codex standards elaborated by Codex Committees which have adjourned *sine die*, the procedure places an obligation on the Commission to “determine how best to deal with the proposed amendment”. However, the Guide to the Procedure for the Revision and Amendment of Codex Standards does provide for such obligation “if such committee is not in existence”. When a committee has adjourned *sine die*, the committee continues to exist, together with its host government. This logical inconsistency should be removed.

26. The document also refers to “revision” of Codex standards. After the introduction of the critical review, all revision work is supposed to fully follow the Elaboration Procedure in principle, and therefore be excluded from the scope of this document whose focus is on how to deal with amendments of limited scope.

### **PROPOSALS**

27. The *Guide to the Consideration of Standards at Step 8 of the Procedure for the Elaboration of Codex Standards including Consideration of any Statement Relating to Economic Impact* may be deleted, by transferring relevant provisions to other sections of the Procedural Manual. Specific amendments, including those aiming at resolving other inconsistencies in the current provisions in the Procedural Manual, are presented in Annex 1 for consideration by the Committee.

28. If the Committee decides to retain the *Guide*, several amendments, at least, should be made for consistency with other provisions in the Procedural Manual. The Guide with some proposed amendments is presented in Annex 2.

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<sup>10</sup> The Guidelines were published in Codex Alimentarius Volume VI - Codex Standards and Guidelines for the Labelling of Foods and Food Additives - First Edition, 1981 (not to be confounded with current Volume 6)

29. The *Guide to the Procedure for the Revision and Amendment of Codex Standards*, with proposed amendments including some editorial amendments, is presented in Annex 3 for consideration by the Committee.

30. The *Arrangements for the Amendment of Codex Standards Elaborated by Codex Committees which have Adjourned sine die*, with proposed amendments including some editorial amendments, are presented in Annex 4 for consideration by the Committee.

31. Notwithstanding the proposals set out in the two preceding paragraphs, the *Arrangements for the Amendment of Codex Standards Elaborated by Codex Committees which have Adjourned sine die* and the *Guide to the Procedure for the Revision and Amendment of Codex Standards* may be combined into a single document which would systematically address both (a) amendment and (b) revision of Codex standards elaborated by (i) Codex Committees which have been abolished or Task Forces dissolved, (ii) Codex Committees which have adjourned *sine die*, and (iii) by active Codex Committees and Task Forces. Such new document, which could be prepared by the Secretariat on the basis of the proposals in Annexes 2 and 3 and any views and opinion of the Committee as appropriate, may form a separate Part in the Elaboration Procedure. If this approach proves to be a preferred option of the Committee, consequential amendments to the Elaboration Procedure, including paragraph 8 of its Introduction, could also be considered as necessary.

## CONCLUSION

32. The Committee is invited to review this document and provide such views and guidance as may be required, particularly to the proposals set out in paragraphs 27-21 above and Annexes 1-4. Proposals in paragraph 27 and 28 are mutually exclusive; so are those in paragraphs 29 and 30 and those in paragraph 30. In the annexes, newly inserted words are underlined while deleted words are stricken out.

33. In order to aid in better understanding of the matters at hand, Finally, the table below provides an overview of various cases addressed in the *Guide to the Procedure for the Revision and Amendment of Codex Standards* and in the *Arrangements for the Amendment of Codex Standards Elaborated by Codex Committees which have Adjourned sine die*. The *Guide* addresses all the cases enumerated in the table. Paragraph 3(a) of the *Arrangements* provides further guidance in cases A1a, A2a and A3a, while paragraph 3(b) of the *Arrangements* deals with cases A1b, A2b and A3b.

|   | <b>Originator of the Text</b>             | <b>Amendment</b>               | <b>Revision</b> |
|---|---|--------------------------------|-----------------|
| <b>Relevant body not in existence</b>   | Codex Committee abolished                 | A1a (editorial)<br>A1b (other) | R1              |
|   | Task Force dissolved                      | A2a (editorial)<br>A2b (other) | R2              |
| <b>Relevant body still in existence</b> | Codex Committee adjourned <i>sine die</i> | A3a (editorial)<br>A3b (other) | R3              |
|   | Codex Committee or Task Force active      | A4a (editorial)<br>A4b (other) | R4              |

## **Proposed Amendments consequential to the Deletion of the Guide to the Consideration of Standards at Step 8 of the Procedure for the Elaboration of Codex Standards including Consideration of any Statements relating to Economic Impact**

### **PROCEDURES FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS**

#### **PART 3. UNIFORM PROCEDURE FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS**

##### **Step 8**

The draft standard is submitted through the Secretariat to the Executive Committee for critical review and 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 taking any decision at this step, the Commission will give due consideration to the outcome of the critical review and to any comments that may be submitted by any of its Members regarding the implications which the draft standard or any provisions thereof may have for their economic interests. 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.

#### **PART 4. UNIFORM ACCELERATED PROCEDURE FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS**

##### **Step 5**

In the case of standards identified as being subject to an accelerated elaboration procedure, the proposed draft standard is submitted through the Secretariat to the Executive Committee for critical review and to the Commission, together with any written proposals received from Members and interested international organizations for amendments, with a view to its adoption as a Codex standard. In taking any decision at this step, the Commission will give due consideration to the outcome of the critical review and 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 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 proposed draft.

### **GUIDELINES ON THE CONDUCT OF MEETINGS OF CODEX COMMITTEES AND AD HOC INTERGOVERNMENTAL TASK FORCES**

#### **REPORTS**

[... no change ...]

The Joint FAO/WHO Secretariat should ensure that, as soon as possible and in any event not later than one month after the end of the session, copies of the final report, as adopted in the languages of the Committee, are sent to all members and observers of the Commission participants, and all Codex Contact Points.

Circular Letters should be attached to the report, as required, requesting comments on Proposed Draft or Draft Standards or Related Texts at Step 5, 8 or Step 5 (Accelerated), with the indication of the date by which comments or proposed amendments must be received in writing, so as to allow such comments to be considered by the Commission.

## **Guide to the Consideration of Standards at Step 8 of the Procedure for the Elaboration of Codex Standards and Related Texts including Consideration of any Statements relating to Economic Impact<sup>11</sup>**

1. In order:

- (a) to ensure that the work of the ~~Codex committee~~ subsidiary body or other body concerned is not made less valuable by the passage of an insufficiently considered amendment in the Commission;
- (b) at the same time to provide scope for significant amendments to be raised and considered in the Commission;
- (c) to prevent, as far as practicable, lengthy discussion in the Commission on points that have been thoroughly argued in the ~~Codex committee~~ subsidiary body or other body concerned;
- (d) to ensure, as far as practicable, that delegations are given sufficient warning of amendments so that they may brief themselves adequately,

amendments to Codex standards at Step 8 should, as far as practicable, be submitted in writing, although amendments proposed in the Commission would not be excluded entirely, and the following procedure should be employed:

2. When Codex standards are distributed to Member Countries prior to their consideration by the Commission at Step 8, the Secretariat will indicate the date by which proposed amendments must be received; this date will be fixed so as to allow sufficient time for such amendments to be in the hands of governments not less than one month before the session of the Commission.

3. Governments should submit amendments in writing by the date indicated and should state that they had been previously submitted to the appropriate ~~Codex committee~~ subsidiary body or other body with details of the submission of the amendment or should give the reason why the amendment had not been proposed earlier, as the case may be.

4. When amendments are proposed during a session of the Commission, without prior notice, to a standard which is at Step 8, the Chairperson of the Commission, after consultation with the chairperson of the appropriate subsidiary body or other body ~~committee~~, or, if the chairperson is not present, with the delegate of the chairing country, or, in the case of subsidiary bodies which do not have a chairing country, with other appropriate persons, shall rule whether such amendments are substantive.

5. If an amendment ruled as substantive is agreed to by the Commission, it shall be referred to the appropriate ~~Codex committee~~ subsidiary body or other body for its comments and, until such comments have been received and considered by the Commission, the standard shall not be adopted ~~at advanced beyond~~ Step 8 of the Procedure.

6. It will be open to any Member of the Commission to draw to the attention of the Commission any matter concerning the possible implications of a draft standard for its economic interests, including any such matter which has not, in that Member's opinion, been satisfactorily resolved at an earlier step in the Procedure for the Elaboration of Codex Standards and Related Texts. All the information pertaining to the matter, including the outcome of any previous consideration by the Commission or a subsidiary body thereof should be presented in writing to the Commission, together with any draft amendments to the standard which would, in the opinion of the country concerned, take into account the economic implications. In considering statements concerning economic implications the Commission should have due regard to the purposes of the Codex Alimentarius concerning the protection of the health of consumers and the ensuring of fair practices in the food trade, as set forth in the General Principles of the Codex Alimentarius, as well as the economic interests of the Member concerned. It will be open to the Commission to take any appropriate action including referring the matter to the appropriate ~~Codex committee~~ subsidiary body or other body for its comments.

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<sup>11</sup> The present Guide also applies to the consideration of standards and related texts at Step 5 of the Accelerated Procedure.

## Guide to the Procedure for the Amendment Revision and Revision Amendment of Codex Standards and Related Texts

1. Proposals for the amendment or revision of Codex standards should be submitted the subsidiary body or other body concerned, where such body is still active, or to the Commission.

[New paragraph 1bis] Proposals for amendment or revision should be submitted to the Commission's Secretariat in good time (not less than three months) before the session of the Commission or its subsidiary body at which they are to be considered. The proposer of an amendment or revision should prepare a project document ~~indicate the reasons for the proposed amendment~~ and should also state whether the proposal ~~proposed amendment~~ had been previously submitted to and considered by the subsidiary body Codex committee concerned and/or the Commission. If the proposal ~~proposed amendment~~ has already been considered by the Commission Codex committee and/or its subsidiary body Commission, the outcome of the consideration of the proposal ~~proposed amendment~~ should be stated. When the amendment proposed is of an editorial or limited nature, the preparation of a project document is not required unless the Executive Committee or the Commission decides otherwise.

2. Taking into account such information regarding the proposed amendment or revision, as may be supplied in accordance with paragraph 1bis above, and the outcome of the on-going critical review conducted by the Executive Committee, the Commission will decide whether the amendment or revision of a standard is necessary. If the Commission decides in the affirmative and confirms that the Elaboration Procedure should be followed, ~~and the proposer of the amendment is other than a Codex committee~~, the approved new work ~~proposed amendment~~ will be referred ~~for consideration~~ to the appropriate subsidiary body Codex committee, if such body committee is still in existence. If such body committee is not in existence, the Commission will determine how best to deal with the new work ~~proposed amendment~~. ~~If the proposer of the amendment is a Codex committee, it would be open to the Commission to decide that the proposed amendment be circulated to governments for comments prior to further consideration by the sponsoring Codex Committee.~~ In the case of an amendment agreed upon and proposed by a Codex subsidiary body Committee, it will also be open to the Commission to adopt the amendment at Step 5 or Step 8 as appropriate, where in its opinion the amendment is either of an editorial nature or of a substantive nature but consequential to provisions in similar standards adopted by it at Step 8, or otherwise adopt the proposed amendment at Step 5 when the Executive Committee so recommends.

3. The procedure for amending or revising a Codex standard ~~is would be as laid down in paragraphs 8 5 and 6~~ of the Introduction to the Procedure for the Elaboration of Codex Standards and Related Texts.

4. When the Commission has decided to amend or revise a standard, the unrevised standard will remain the applicable Codex standard until the amendment or the revised standard has been adopted by the Commission.



**Arrangements for the Amendment of Codex Standards Elaborated by Subsidiary Bodies which have been Abolished or Dissolved, or by Codex Committees which have Adjourned *sine die***

1. The need to consider amending ~~or revising~~ adopted Codex standards and related texts arises from time to time for a variety of reasons amongst which can be:
  - ~~(a) changes in the evaluation of food additives, pesticides and contaminants;~~
  - (b) finalization or updating of methods of analysis;
  - ~~(c) editorial amendments of guidelines or other texts adopted by the Commission and related to all or a group of Codex standards e.g. “Guidelines on Date Marking”, “Guidelines on Labelling of Non-retail Containers”, “Carry-over Principle”;~~
  - (d) consequential amendments to earlier Codex standards arising from Commission decisions on currently adopted standards of the same type of products;
  - (e) consequential and other amendments arising from either revised or newly elaborated Codex standards and other texts of general applicability (including the provisions in the Procedural Manual) which have been referenced in other Codex texts standards (Revision of General Principles of Food Hygiene, Codex Standard for the Labelling of Prepackaged Foods);
  - (f) technological developments or economic considerations (e.g. provisions concerning styles, packaging media or other factors related to composition and essential quality criteria) and consequential changes in labelling provisions;
  - (g) changes in the scientific advice of expert bodies (e.g. JECFA, JMPR, JEMRA) on risk assessment;
2. The “Guide to the Procedure for the Amendment ~~Revision~~ and ~~Revision Amendment~~ of Codex Standards and Related Texts” covers sufficiently amendments to Codex standards and related texts which have been elaborated by ~~still active~~ Codex Committees and Task Forces still in existence. In the case of amendments proposed to Codex standards and related texts elaborated by subsidiary bodies which have been abolished or dissolved ~~Codex Committees which have adjourned *sine die*~~, the procedure places an obligation on the Commission to “determine how best to deal with the new work proposed amendment”. The same approach may be applied, on a case-by-case basis and where appropriate, to amendments proposed to Codex standards and related texts elaborated by Codex committees which have adjourned *sine die*. ~~In order to facilitate consideration of such amendments, the Commission has established more detailed guidance within the existing procedure for the amendment and revision of Codex standards.~~
3. In the case where Codex subsidiary bodies have been abolished or dissolved, or Codex committees have adjourned *sine die*:
  - ~~(a) the Secretariat keeps under review all Codex standards and related texts elaborated by these bodies originating from Codex Committees adjourned *sine die* and to determines the need for any amendments arising from decisions of the Commission, in particular amendments of the type mentioned in para. 1(a), (b), (c), (d) and those of (e) if of an editorial nature. If a need to amend the text standard appears appropriate then the Secretariat should prepare proposed amendments a text for consideration and adoption by ~~in~~ the Commission;~~
  - (b) amendments of the type in paras (f); and (g) and those of (e) of a substantive nature, the Secretariat in cooperation with the national secretariat of the adjourned Committee if applicable and, if possible, the Chairperson of that Committee, should agree on the need for such an amendment and prepare a working paper containing the wording of a proposed amendment and the reasons for proposing such amendment, and request comments from Member Governments: (a) on the need to proceed with such an amendment and (b) on the proposed amendment itself. If the majority of the replies received from Member Governments is affirmative on both the need to amend the standard and the suitability of the proposed wording for the amendment or an alternative proposed wording, the proposal should be submitted to the Commission with a request to adopt approve ~~the amendment of the standard concerned~~. In cases where replies do not appear to offer an uncontroversial solution then the Commission should be informed accordingly and it would be for the Commission to determine how best to proceed.