

July 2006

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
HEALTH  
ORGANIZATION



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

**Agenda Item 3**

**ENGLISH ONLY**

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX ALIMENTARIUS COMMISSION

*Twenty-ninth Session*

*International Conference Centre, Geneva (Switzerland), 3 – 7 July 2006*

#### COMMENTS ON AMENDMENTS TO THE PROCEDURAL MANUAL

#### INDIA

#### AGENDA ITEM 3: AMENDMENTS TO THE PROCEDURAL MANUAL (ALINORM 06/29/4)

India would like to comment on the Appendix II: Proposed Amendments to the Rules of Procedures for the Elaboration of Codex Standards and Related Texts and to the Guidelines on Conduct of Meetings of the Codex Committees and Ad-Hoc Intergovernmental Task Forces

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

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

##### Step 8

India would like to observe that the 28th Session of the Commission had agreed that, following the abolition of the Acceptance Procedure, the CCGP should undertake the review of the three last sections in Elaboration Procedures, on the basis of a document to be prepared by the Secretariat.

Guide to the Consideration of Standards at Step 8 of the Procedure of the Elaboration of Codex Standards including Consideration of any Statement Relating to Economic Impact was one of such section of the Procedures for the Elaboration of Codex Standards and Related Texts that was reviewed by CCGP in its 23<sup>rd</sup> Session held in April, 2006. (Para 115-121, ALINORM 06/29/33)

In the document prepared by the Secretariat for consideration of CCGP, the Secretariat indicated that several provisions of a general nature in the *Guide* were adequately covered in other sections of the Procedural Manual, especially the Elaboration Procedures, and therefore proposed to delete the *Guide* and to transfer its main provisions to other relevant sections of the Manual; alternative proposals for amendment to the *Guide* were also presented in the working document.

The CCGP agreed to delete the current *Guide* and to transfer its relevant provisions to other sections of the Procedural Manual, as follows:-

(i) The Committee agreed to insert a statement concerning economic impact in the section on Step 8 in the Uniform Procedure for the Elaboration of Codex Standards and Related Texts, as a similar statement already existed in the section on Step 5.

(ii) The Committee agreed to harmonize the provisions concerning Step 5, Step 5 (accelerated) and Step 8 regarding the outcome of the Critical Review, and the provisions concerning Step 5 (Accelerated) and Step 8 regarding regional standards.

(iii) The Committee agreed to insert additional clarification on the submission of Circular Letters requesting comments at Step 8 in the Guidelines on the Conduct of Meetings of Codex Committee and *Ad hoc* Intergovernmental Task Forces.

In this context, it is pointed out that under para 2 and 6 of the existing guidelines, it had been included that:-

**“Para 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.”

**“Para 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. 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 for its comments.”

However, while deleting the **Guide to the Consideration of Standards at Step 8 of the Procedure of the Elaboration of Codex Standards including Consideration of any Statement Relating to Economic Impact** and incorporating some of the important provision of this guidelines in the procedure in part 3: Uniform procedure for the elaboration of Codex standards and related texts under step 8, the above two provision have not been included.

These provisions under existing para 2 are important for countries to be able to form objective and considered views on Codex documents before presenting those views in the meetings, while the existing provision in the para 6 is critically important provision to ensure democratic functioning of the Codex while ensuring the science - and consensus - based approach. This provision is the only enabling provision available to the Member Countries to draw the attention of the Commission on any matter concerning the possible implications of a draft standard to 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, the para also provides guidelines to the Member Countries regarding the specific details which need to be included in its written submission to the Commission.

India therefore, urges that the provisions in para 2 and para 6 included in the Procedural Manual under the Guide to the Consideration of Standards at Step 8 of the Procedure of the Elaboration of Codex Standards including Consideration of any Statement Relating to Economic Impact should also be appropriately reflected under step 8 part 3: Uniform procedure for the elaboration of Codex standards and related texts.

After incorporating the above provisions, the amended provisions would read as under:-

#### **“Step 8**

*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.*

*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. 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 for its comments.*

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.”

## **B. PART 4. UNIFORM ACCELERATED PROCEDURE FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS AT STEP 5**

### **Step 5**

In the proposed amendment in step 5, it is mentioned that 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.

In this regard, India would like to point out that as already agreed and included under the Procedural Manual, the chairpersons should always try to arrive at a consensus and should not ask the Committee to proceed to voting if agreement on the Committee’s decision can be secured by consensus. The *Procedure for the Elaboration of Codex Standards and Related Texts* allows for full discussion and exchange of views on the issue under consideration, in order to ensure the transparency of the process and arrive at compromises that would facilitate consensus.

Accordingly, it is urged that the amendment or adoption of any draft standard or related text should be decided on the basis of consensus and not on the basis of majority of members of the regions of the country attending the session.

India would this like to propose the procedure under Step 5 may be modified as under:

### **“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~~ Consensus of Members of the region or group of countries concerned attending the session can decide to amend and adopt the proposed draft.**

---

**C. GUIDELINES ON THE CONDUCT OF MEETINGS OF THE CODEX COMMITTEES AND AD-HOC INTERGOVERNMENTAL TASK FORCES**

The proposed amendment is agreeable. However, India feels that-

In the Circular Letters to be issued at step 5, 8 or step 5 (accelerated), sufficient time to the members to examine and provide their comments should be indicated. Therefore, the text in the added new paragraph may be modified as follows:

**“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),. The Circular Letters should have indication of the date that provides sufficient time to the Members to send ~~by which~~ comments or proposed amendments ~~must be received~~ in writing, so as to allow such comments to be considered by the Commission.”**