

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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Agenda Item 3

CX/GP 07/24/3-Add.2

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON GENERAL PRINCIPLES
Twenty-fourth Session
Paris, France, 2 - 6 April 2007**

PROPOSED DRAFT WORKING PRINCIPLES FOR RISK ANALYSIS FOR FOOD SAFETY

**Comments At Step 3
(European Community, Kenya, Mali, New Zealand, Paraguay, Peru,
Consumers International)**

European Community

Mixed Competence

European Community Vote

The European Community and its Member States (ECMS) congratulate the Working Group for its achievement and are satisfied with the outcome obtained by consensus of a very representative group. The ECMS therefore fully support the progress of this document in the Codex procedure.

Kenya

Kenya commends the working group co-chaired by Canada and Norway for developing a comprehensive Proposed Draft Working Principles for Risk Analysis for Food Safety.

We find it acceptable, and recommend that it be adopted as a Draft Working Principles for Risk Analysis for Food Safety.

Mali

Mali congratulates the Working Group on the Proposed Draft Working Principles for Risk Analysis for Food Safety, chaired by Canada and co-chaired by Chile and Norway, on the quality of the document.

Overall, Mali approves the conclusions of group's work and suggests that this activity be continued by drawing up guidelines for the governments.

Mali is in favour of taking the precaution principle into account in future work and of providing support to developing countries in their efforts to implement the principles for risk analysis for food safety.

We would like to make the following comments:

Paragraph 2

We propose to add the words "of consumers" in the following sentence:

“2. The overall objective of risk analysis applied to food safety is to ensure health protection **of consumers.**”

Paragraph 13

We propose to delete the words “and their experts groups, OIE and IPPC” in the following sentence:

“13. National governments should take into account relevant guidance, information and outputs obtained from risk analysis activities conducted by international organizations, with particular emphasis on the activities of Codex, FAO, WHO [~~and their experts groups, OIE and IPPC~~].”

Reason:

The risk analysis activities conducted by OIE and IPPC do not apply specifically to food safety.

New Zealand

New Zealand would like to congratulate Canada as chair of the Working Group in significantly redirecting and progressing a difficult draft standard. We participated in the Working Group and are strongly supportive of the outcomes. We offer the following suggestions:

Paragraph 12 states that the assumptions used in risk assessment and in selecting risk management options should reflect the degree of uncertainty and the characteristics of the hazard. The intent of this principle is unclear. Firstly, the degree of uncertainty in the output of the risk assessment is often a result of the assumptions made during risk assessment. Secondly, what actually are “the characteristics” of the hazard that are referred to and how will “assumptions” reflect these?

Paragraph 13: Use correct terminology when referring to OIE and IPPC

Paragraph 17 on risk assessment policy refers to evaluation of different risk management options. This should be part of the scope and purpose of the risk assessment i.e. supports the “fit for purpose” principle. In some cases, this activity may not be sought. Also refer to paragraph 35 where this activity is described as a part of risk management.

Paragraph 13 includes a list of practices that should be taken into account, however this is far from exhaustive. It would be better to address this intent in terms of a principle that risk assessment should include all steps in the “production-to-consumption” food chain that are relevant to the particular scope and purpose of the risk assessment i.e. this supports the “fit for purpose” principle.

The last words in paragraph 24, “to the extent that is scientifically achievable” could be replaced with “to the extent possible and practical”

The intent of paragraph 28 is unclear in respect of “unjustified differences in the level of consumer protection”. This seems to refer to technical aspects of measures. It is suggested that the second sentence be deleted.

Paragraph 31: See comment for paragraph 13.

Paragraph 33: Suggest deleting “on risk management” in the second line.

Paragraph 35: Suggest rephrasing as “Risk management options should be assessed in terms of the scope and purpose of the risk assessment, the risk management options available and the level of consumer protection that that they are likely to achieve”.

Paragraphs 42 and 43 refer to “implementation” of risk analysis principles etc. This would be better described as “application”, especially as “implementation” has specific meaning in terms of implementation of risk management options as a sequential part of a risk management framework.

Paraguay

Background

At the 23rd Session of the CCGP (April 2006), despite the preparation of the structure and outline of a possible new document, considerable differences of opinion continued to be expressed about the need for such a document and about the purpose and scope of future work. The Committee agreed to convene a physical Working Group that would be chaired by Canada and co-chaired by Chile and Norway.

The Working Group met in Brussels from the 26th to the 28th of September 2006. Only three CCLAC (Codex Regional Coordinating Committee for Latin America and the Caribbean) countries attended the meeting.

Paraguay's Position

In our opinion, the work on this proposal is a commendable effort. Nevertheless, we maintain that the document "Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius" and the WTO Agreement on the Application of Sanitary and Phytosanitary Measures are sufficient, enough so that we consider that working on another proposal with very similar characteristics is not needed.

Specific Comments about the Document

Without prejudice to the above, we will develop some of the specific points in the document that reflect what we pointed out previously.

Paragraph 12 refers to the precautionary principle. Paraguay's opinion is that numerous discussions have been held on this topic within the Codex and that no agreement at all has been reached. To date, the countries have maintained the same positions still the same so going over this issue again is not worth it. On this subject, the WTO's Agreement on the Application of Sanitary and Phytosanitary Measures already establishes the respective limits.

Importantly, it should be pointed out that the Committee has adopted a decision not to draft standards as long as there was not sufficient scientific evidence, clearly establishing a principle and thus limiting the use of the precautionary principle.

We would also like to point to another aspect of the document, regarding the change of terminology. The adoption of "sanitary measures" is referred to when talking about risk management, in general terms. However in the document submitted by the Working Group, the term "decisions" is used.

The Codex Alimentarius as well as the WTO (SPS) Agreement on the Application of Sanitary and Phytosanitary Measures do define "sanitary measures" whereas "decisions" are not defined by the Codex or the WTO.

CONCLUSION: We repeat, WITHOUT PREJUDICE TO WHAT WAS SAID AT THE BEGINNING OF THIS DOCUMENT, i.e., that PARAGUAY does not deem it relevant to continue working on the Proposed Draft Working Principles for the above-mentioned reasons, THAT, if proceedings continued to draw up a document of this type and if the concept of the "precautionary principle" was included in the said document, it would have to be formulated in such a way that would clearly establish that the "precautionary principle" was a qualified exception for limited application within strict criteria and deadlines, which could not extend beyond those found in the WTO SPS Agreement. Furthermore, the relevant terminology, "measures" as opposed to "decisions" for instance, would have to be brought in line with the terminology in the said WTO SPS Agreement and the relevant Codex documents.

Peru

Peru is grateful to be able to comment on the Proposed draft Principles and considers to be in agreement with the text in general terms.

Consumers International

Background

Consumers International (CI) is the global voice of consumers, representing over 220 consumer organisations from 115 countries around the world.

We have strongly supported Codex work developing working principles for risk analysis and believe that this work needs to be urgently progressed. Consistent, robust working principles will help to ensure the safety of food that consumers consume around the world leading to improved health protection.

Report of the Working Group

CI was very pleased to be able to participate in the Working Group convened in Brussels in September 2006 and chaired by Canada and Norway. We believe that this Working Group made considerable progress and support the outcome of the discussions. We therefore hope that the CCGP can endorse these Working Principles for Risk Analysis and enable them to progress.

While it may be possible to nuance certain aspects of the Working Principles, we believe that after years of discussion and debate, including the splitting of the Working Principles into advice for Codex and for member governments, these Principles now provide a sound basis for health protection and should be advanced for adoption.