

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

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ORGANIZATION



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Agenda Item 6 (b)

CX/GP 07/24/6 Part II

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

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

**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***

BACKGROUND

1. The 28th 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 28th Session of the Commission reviewed the implementation status of the Other Decisions of the 26th Session of the Commission and considered the proposals in Table 2 of the working document¹. 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.²
3. Furthermore, in regard to revisions (specific) of Codex standards for fresh fruits and vegetables, the 28th 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.³
4. In accordance with the Commission's decisions, the 23rd Session of the Codex Committee on General Principles examined proposals to amend 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;

¹ ALINORM 05/28/9C Part I

² ALINORM 05/28/41 para. 127

³ ALINORM 05/28/41 paras 198 and 199

- 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*.⁴
5. The Committee agreed on the proposal to delete the Guide to the Consideration of Standards at Step 8 of the Procedure for the Elaboration of Codex Standards and Related Texts and transfer relevant texts to the main text of the Elaboration Procedure; it also agreed to an editorial correction on the second document.⁵ As regards the latter two documents, the Committee supported the approach whereby the amendment and revision of Codex standards elaborated by all subsidiary bodies, whether active or adjourned, be addressed in a more systematic manner, including the possibility of merging the two documents into a single text, and agreed that the Secretariat would prepare a draft of this combined document for consideration by the next session.⁶

PROPOSAL

6. A proposal to merge the two documents (*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*) is presented in Annexes for consideration by the Committee.

7. With regard to the proposal, the Secretariat wishes to draw the attention of the Committee to the following points:

- The terms “revision” and “amendment” were clarified for the purpose of the present Guide. The term “amendment” is used in the Rules of Procedure in such a manner to encompass the concept of “revision”;
- Three cases were addressed: (1) the subsidiary body that developed the Codex standard does not exist (Committee abolished or Task Force dissolved), (2) the subsidiary body that developed the Codex standard exists but has been adjourned sine die, and (3) the subsidiary body that developed the Codex standard exists and its session is forthcoming;
- Clarification was added to avoid confusion between Step 5 of the normal Elaboration Procedure and Step 5 of the Accelerated Procedure;
- Care was taken to ensure that at least one round of government comments is requested before any substantive amendment is adopted by the Commission;
- Explanatory text on the circumstances under which amendments or revisions might become necessary (e.g. paragraphs 1 and 2 of the “Arrangements”) has been deleted for the sake of simplicity and avoiding redundancy;
- The establishment of a new “more expeditious procedure” for making minor changes to Codex standards for fresh fruits and vegetables (e.g. the introduction of new varieties) was not considered as such. Instead, some flexibility has been introduced in new paragraph 4. Under the proposed procedure, the use of the provisions of new paragraph 5 (ii) of the Guide also is expected to contribute to timely amendments of Codex standards. In this connection, it is recalled that the 57th Session of the Executive Committee agreed that flexibility should be allowed in order to facilitate timely development of Codex documents.⁷

CONCLUSION

8. The Committee is invited to review the proposal and to recommend appropriate amendments to the 30th Session of the Commission for adoption.

9. Annex 1 presents the proposal in a track-change mode while Annex 2 presents the clean text.

⁴ CX/GP 06/23/6 Part II

⁵ ALINORM 06/29/41 paras 22 and 23

⁶ ALINORM 06/29/33 paras 123 - 128

⁷ ALINORM 06/29/3 paras 72-75

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

13. The procedure for amending or revising a Codex standard is laid down in paragraph 8 of the Introduction to the Procedure for the Elaboration of Codex Standards and Related Texts. This Guide provides more detailed guidance on within the existing procedure for the amendment and revision of Codex standards and related text.

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

3. For the purpose of this Guide:

Amendment means any addition, change or deletion of text or numerical values in a Codex standard or related text, may be editorial or substantive, and concerns one or a limited number of articles in the Codex text. In particular, amendments of an editorial nature may include but are not limited to:

- correction of an error;
- insertion of an explanatory footnote; and
- updating of references consequential to the adoption, amendment or revision of Codex standards and other texts of general applicability, including the provisions in the Procedural Manual.

Finalization or updating of methods of analysis and sampling as well as alignment of provisions, for consistency, to those in similar standards or related texts adopted by the Commission may be handled by the Commission in the same manner as amendments of an editorial nature, as far as the procedure described in this Guide is concerned.

Revision means any changes to a Codex standard or related text other than those covered under “amendment” as defined above.

The Commission has the final authority to determine whether a proposal made constitutes an amendment or a revision, and whether an amendment proposed is of an editorial or substantive nature.

42. Proposals for the amendment or revision of Codex standards and related texts should be submitted to the Commission by the subsidiary body concerned, by the Secretariat, or a member of the Commission where the subsidiary body concerned is not in existence or has been adjourned *sine die*. In the latter case, proposals should be received by the Commission’s Secretariat in good time (not less than three months) before the session of the Commission at which they are to be considered. The proposer of an amendment should indicate the reasons for the proposed amendment and should also state whether the proposed amendment had been previously submitted to and considered by the Codex committee concerned and/or the Commission. If the proposed amendment has already been considered by the Codex committee and/or Commission, the outcome of the consideration of the proposed amendment should be stated. The proposal should be accompanied by a project document (see Part 2 of the Elaboration Procedures) unless the Executive Committee or the Commission decides otherwise. However, if the amendment proposed is of an editorial nature, the preparation of a project document is not required.

53. Taking into account such information regarding the proposed amendment, as may be supplied in accordance with paragraph 1 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, one of the following courses of action will be taken:

(i) In the case of an amendment of an editorial nature, it will be open to the Commission to adopt the amendment at Step 8 of the Uniform Procedure (see Part 3 of the Elaboration Procedures).

(ii) 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 proposed and agreed upon by a subsidiary body-Codex Committee, it will also be open to the Commission to adopt the amendment at Step 5 of the Uniform Procedure

(see Part 3 of the Elaboration Procedures) 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.

(iii) In other cases, the Commission will approve the proposal as new work and the approved new work and the proposer of the amendment is other than a Codex committee, the 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.

[Paragraphs 1 and 2 of the “Arrangements” are removed.]

~~65. In the case w~~Where Codex subsidiary bodies have been abolished or dissolved, or Codex committees have been adjourned *sine die*, 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, in particular those 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 standard appears appropriate. If the need for amendments of an editorial nature is identified then the Secretariat should prepare proposed amendments a text for consideration and adoption by in the Commission. If the need for amendments of the type in para (f) and those of (e) of a substantive nature is identified, 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 amendments and the wording of such amendments as appropriate, and request comments from members of the Commission 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 members of the Commission 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 approve the amendment of the standard concerned for consideration and adoption. 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.

ANNEX 2

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

1. The procedure for amending or revising a Codex standard is laid down in paragraph 8 of the Introduction to the Procedure for the Elaboration of Codex Standards and Related Texts. This Guide provides more detailed guidance on within the existing procedure for the amendment and revision of Codex standards and related text.
2. When the Commission has decided to amend or revise a standard, the unrevised standard will remain the applicable Codex standard until the amendment to the standard or the revised standard has been adopted by the Commission.
3. For the purpose of this Guide:

Amendment means any addition, change or deletion of text or numerical values in a Codex standard or related text, may be editorial or substantive, and concerns one or a limited number of articles in the Codex text. In particular, amendments of an editorial nature may include but are not limited to:

- correction of an error;
- insertion of an explanatory footnote; and
- updating of references consequential to the adoption, amendment or revision of Codex standards and other texts of general applicability, including the provisions in the Procedural Manual.

Finalization or updating of methods of analysis and sampling as well as alignment of provisions, for consistency, to those in similar standards or related texts adopted by the Commission may be handled by the Commission in the same manner as amendments of an editorial nature, as far as the procedure described in this Guide is concerned.

Revision means any changes to a Codex standard or related text other than those covered under “amendment” as defined above.

The Commission has the final authority to determine whether a proposal made constitutes an amendment or a revision, and whether an amendment proposed is of an editorial or substantive nature.

4. Proposals for the amendment or revision of Codex standards and related texts should be submitted to the Commission by the subsidiary body concerned, by the Secretariat, or by a member of the Commission where the subsidiary body concerned is not in existence or has been adjourned *sine die*. In the latter case, proposals should be received by the Secretariat in good time (not less than three months) before the session of the Commission at which they are to be considered.

The proposal should be accompanied by a project document (see Part 2 of the Elaboration Procedures) unless the Executive Committee or the Commission decides otherwise. However, if the amendment proposed is of an editorial nature, the preparation of a project document is not required.

5. Taking into account the outcome of the on-going critical review conducted by the Executive Committee, the Commission decides whether the amendment or revision of a standard is necessary. If the Commission decides in the affirmative, one of the following courses of action will be taken:

(i) In the case of an amendment of an editorial nature, it will be open to the Commission to adopt the amendment at Step 8 of the Uniform Procedure (see Part 3 of the Elaboration Procedures).

(ii) In the case of an amendment proposed and agreed upon by a subsidiary body, it will also be open to the Commission to adopt the amendment at Step 5 of the Uniform Procedure (see Part 3 of the Elaboration Procedures).

(iii) In other cases, the Commission will approve the proposal as new work and the approved new work will be referred to the appropriate subsidiary body, if such body is still in existence. If such body is not in existence, the Commission will determine how best to deal with the new work.

6. Where Codex subsidiary bodies have been abolished or dissolved, or Codex committees have been adjourned *sine die*, the Secretariat keeps under review all Codex standards and related texts elaborated by these bodies and determines the need for any amendments, in particular those arising from decisions of the Commission. If the need for amendments of an editorial nature is identified then the Secretariat should prepare proposed amendments for consideration and adoption by the Commission. If the need for amendments of a substantive nature is identified, the Secretariat, in cooperation with the national secretariat of the adjourned Committee if applicable, should prepare a working paper containing the reasons for proposing amendments and the wording of such amendments as appropriate, and request comments from members of the Commission: (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 members of the Commission 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 for consideration and adoption. 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.