

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of  
the United Nations



World Health  
Organization

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Agenda Item 6

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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON GENERAL PRINCIPLES

#### Twenty-ninth Session

Paris, France, 9 - 13 March 2015

### CODEX WORK MANAGEMENT AND FUNCTIONING OF THE EXECUTIVE COMMITTEE

**Comments of Brazil, Dominican Republic, El Salvador, European Union, Ghana, Guinea, United States of America, IFAH**

#### **BRAZIL**

Brazil acknowledges the work done by the Secretariat regarding this agenda item, but due to the complexity of the issues presented and the late distribution of the document, Brazil understands that this issue should not be discussed during this 29th meeting of CCGP.

#### **DOMINICAN REPUBLIC**

República Dominicana, agradece la oportunidad de realizar sus comentarios. Asimismo, reconoce la importancia del documento sobre la gestión del trabajo del Codex y funcionamiento del Comité Ejecutivo.

**En relación a la remisión del documento CX/GP 15/29/6, República Dominicana se opone a la discusión de este tema en la 29ª reunión del CCGP fundamentado en lo siguiente:**

El Manual de Procedimiento indica que los documentos para una Reunión deben ser enviados por lo menos dos meses antes de que ésta comience. (22ª.-Manual de Procedimiento: Preparación y distribución de documentos; *Directrices para los Comités y Grupos de Acción Intergubernamentales Especiales del Codex*, Sección III: Directrices para los órganos auxiliares, página 100 versión en Español)

Debido al corto plazo en la distribución del documento (distribución documento en español el 12 de febrero de 2015) y a la complejidad del mismo, la República Dominicana no ha contado con el tiempo suficiente para realizar un **análisis exhaustivo** de las propuestas que ahí se contemplan.

**Por todo lo anterior República Dominicana, no presenta comentarios en este momento, se opone a la discusión del tema en la reunión y se reserva el derecho a pronunciarse posteriormente.**

#### **EL SALVADOR**

El Salvador reconoce la importancia del documento, por lo cual expresa su preocupación en cuanto al tiempo en el que se distribuyó en idioma español (8 días disponibles para emitir comentarios), lo que dificulta el análisis y emisión de Posición País.

El Codex Alimentarius debe actualizarse constantemente, con el objeto de mantener el liderazgo en la elaboración de normativa alimentaria que proteja la salud del consumidor y se apliquen prácticas equitativas en el comercio.

Dentro del documento se exponen temas que se consideran críticos en el funcionamiento del Codex tales como:

- 3.1.2 Evaluar el uso que se hace de las normas del Codex y su impacto en la protección de la salud de los consumidores, y garantizar prácticas leales en el comercio de los alimentos.
- 3.1.3 Desarrollar mecanismos eficaces para identificar de forma estratégica e incluir nuevas cuestiones en el programa de trabajo;
- 3.3.1 Considerar la posibilidad de sustituir el Comité Ejecutivo por una Junta Ejecutiva del Codex (CX-EB);

- 3.3.2 Analizar qué elementos podrían integrar el mandato de una Junta Ejecutiva del Codex (CX-EB) **[Se solicita ampliar cómo funcionaría, pudiéndose presentar un cuadro comparativo entre las actuales funciones del Comité Ejecutivo y las propuestas para la Junta Ejecutiva]**
- 3.5.1 Examinar la forma en que se redactan los informes del Codex y el uso que se hace de las grabaciones de audio existentes. **[Los informes deben contener resultados concretos, las grabaciones de audio deben ser distribuidas oportunamente a todos los países miembros]**
- 3.5.2 Simplificar el actual procedimiento consistente en 8 trámites de forma que tenga solamente 5 trámites **[Considerar la evaluación de tiempos en cada uno de los trámites]**
- 3.5.3 Seguir trabajando para crear consenso y analizar hasta qué punto el Codex podría servirse de votaciones en caso de bloqueo sin generar división **[Se solicita aclarar qué criterios se seguirán para que la Junta Ejecutiva recomiende votación (tiempos, número de reuniones, justificación clara, entre otros)]**
- 3.5.4 Explorar formas de garantizar una distribución geográfica más igualitaria de los países que presiden comités, sin por ello obstaculizar el proceso de establecimiento de normas.
- 3.5.6 Considerar la posibilidad de examinar la manera en que los diferentes comités utilizan los marcos de análisis de riesgos en la práctica e informan de las esferas de mejora. **[Todos los Comités deben basarse en los Principios generales del Codex para el establecimiento de Análisis de riesgo]**

## **EUROPEAN UNION**

The Member States of the European Union (MSEU) would like to thank the Codex Secretariat for preparing, in collaboration with FAO and WHO, a clearly scoped paper that launches a timely discussion to review the work management and practices of Codex for the consideration of this session of CCGP.

The MSEU believe that this document faithfully follows what was requested of the Secretariat, in collaboration with FAO and WHO. In that sense, and using the Codex Evaluation of 2002 as a starting point, the document provides an excellent basis for our discussions. The MSEU thus look forward to having a useful discussion on the proposals with a view to strengthening Codex's role as the leading, international, food safety, standard-setting body.

As a general comment, the MSEU welcome the discussion papers foreseen for the attention of the CAC as outlined in Table 1: Overview of Proposals. The MSEU consider it advisable for CCGP to also be involved in reviewing these discussion papers before they are brought to the attention of the CAC.

More specifically, the MSEU would like to make the following comments on the proposals contained in Sections 3 and 4 of the document.

### **3.1. Mandate and Priorities**

Insofar as Section 3.1 on the mandate and priorities of Codex is concerned, the MSEU believe that the evaluation of the use of Codex standards and their impact on consumers and food trade could be useful. Indeed, a number of attempts have already been made to analyse the impact of Codex standards, however, not always with great success due to the difficulty of quantifying a notion such as: impact. The MSEU are also aware of the fact that the WTO SPS Agreement has a specific provision that monitors the use of international standards that, again, for the above-mentioned reasons, has been somewhat underutilised to date.

The MSEU therefore think that while such an evaluation could provide useful insights, any such evaluation should not prevent Codex from starting its work as per the suggestions contained in the document, immediately. The MSEU also have particular concerns regarding the cost-benefit ratio of any such an assessment given the major external costs anticipated for proposal 3.1.2 in particular and FAO/WHO/Codex staff resources that appear to be required when the deliverables are, as yet, uncertain.

The MSEU therefore call for this matter to be considered only at a later stage once clarity is achieved around what is already possible in the near future, and what the exact cost-benefit ratio of such an evaluation really is.

### **3.2. Management of the Codex Programme and links to FAO/WHO**

When considering Section 3.2 on the management of the Codex Programme and the links to FAO/WHO, the MSEU recognise the importance of the issues outlined in *paragraphs 129-133* and believe that the Codex Secretariat and the parent organisations, FAO and WHO, are well placed to follow up the proposals made in this section.

The MSEU believe that two-way communication between Codex and the parent organisations is vital to support Codex's ability to work in the most efficient and effective way possible. However more clarity is needed around the nature of the strategic and policy guidance from the WHO and FAO and more importantly, the modalities of any such input to be given by the parent organisations to Codex. (*paragraphs 127 and section 3.2.1 refer*). The MSEU are of the view that Codex should continue to be primarily guided by its membership in its standard-setting function, while fully appreciating the scientific support offered by the Joint Committees such as JECFA, JMPR and JEMRA. However, the MSEU acknowledge that other broader considerations related to the policies of the parent organisations could also have an influence on Codex work

### **3.3. Strategic Governance within Codex - "Executive Board" (CX-EB).**

Insofar as Section 3.3 on the question of strategic governance using an Executive Board is concerned, the MSEU recognise the validity of a number of the elements highlighted in *paragraph 134*.

The MSEU believe that, while careful consideration must be given to an executive function for the Codex Alimentarius Commission in order to maximise Codex's ability to deliver on its mandate, it is not necessary to determine the exact shape and form of this body at this initial stage. It is rather more necessary to consider the primary purpose of any such executive function, with a view to agreeing on a set of principles that will guide it in its work.

The MSEU believe that it is paramount that the members of any such executive body act in the interest of the Commission as a whole – not constrained by country or regional positions (as outlined in *paragraph 136*).

Equally, in respect of *paragraph 135* which deals with the mandate of any such executive body, the MSEU can support the considerations put forward that call for a better, strategic overview of Codex work. In addition, the MSEU would like to highlight the following:

- on the standards management and critical review: while the current process could be maintained, there is a need to further improve its implementation. With this in mind, the MSEU see the need for the criteria for conducting the critical review to be reviewed and institutionalised;
- on developing a standards development plan, the MSEU feel this is important to also further enable the efficient management of Codex resources;
- insofar as budget planning and handling of observer applications is concerned, the MSEU recognise that the recommendations made in *paragraph 135* will facilitate a more joined-up approach to the way of working in Codex. Some additional considerations on the conduct of observers may also merit being considered, albeit as part of a separate exercise to this one.

On Section 3.3.3 which deals with the composition of any such executive body, (*paragraphs 136-142*), the MSEU encourage any steps taken to ensure an inclusive, transparent and balanced representation of the Codex membership. The MSEU support considerations that call for any such executive body to be fully transparent and recognise the role played by meeting reports in transmitting information to the entire Codex membership.

### **3.4. Structure of Codex Subsidiary Bodies**

The MSEU do not see a major need to revisit the structure of Codex Subsidiary bodies at this time. It is clear that the recommendation to use time bound task forces for commodity work remains valid and that commodity committees should be adjourned *sine die* or abolished when they finish their work.

The MSEU do not perceive an urgent necessity to channel efforts towards making subsidiary bodies work better. It is therefore unclear why it is considered necessary, at present, to revisit the proposals made at the time of the 2002 and 2005 evaluations related to subsidiary bodies working better. It would be interesting to obtain further information on the intention behind any such proposal. It is our understanding that the way Codex works through subsidiary bodies is an integral part of the critical review.

### **3.5. Efficiency of Committee Work**

Regarding the reporting system (*paragraphs 148-151*), the MSEU are satisfied with the current way of reporting on Codex meetings. The MSEU have some concerns about the idea of introducing audio recordings to Codex committee meetings, as this could incur cost implications for host countries and will be of limited value as a point of reference, due to the fact that it is time-consuming to go over discussions, many of which take place over days. In addition, there are some legislative restrictions on audio recordings in certain national jurisdictions which might further complicate the organisation of Codex committee meetings. Due account should also be taken of how audio recordings in committee meetings might impact the debate.

Insofar as simplifying the current 8-step procedure (*paragraphs 152*), the MSEU note that in practice in most standards are sent for final adoption at step 5/8, meaning in effect that the adoption process has only 5

steps. However, sometimes it is very useful to have the opportunity to adopt a standard at step 5 with a view to further discussion later in the step process, as this can allow any further consultation at steps 6 and 7 to be limited to only key, outstanding issues. If the standard were sent back to step 2, then, in effect, the entire standard could be re-opened. If the objective is to simplify Codex procedures, it is important to make sure that it is not the opposite effect that is achieved.

The MSEU strongly believe that, as an international standard setting body seeking to harmonise standards across the globe, Codex should work on the basis of consensus-based decision-making, one of the fundamental principles of the organisation (*paragraphs 154-155*). It is clear that for standards to be universally applicable, they also need to be universally accepted. Therefore, decision-making based on consensus should be further strengthened. Voting should only be permissible as a last-resort and then fully justified, as part of a predictable decision-making process. On those exceptional occasions when voting is required, the MSEU are in favor of ensuring that votes are taken on the basis of a 2/3 qualified majority, which is aligned with the voting procedures of the other international standard-setting, sister organisations, namely IPPC and OIE.

Adopting decisions by vote - on the basis of a qualified majority and a well-known and predictable process - will also go a long way to ensure that voting is not seen as divisive, but part of the natural Codex, democratic, decision-making process. The introduction of a higher voting threshold into the decision-making process is, in addition, perceived to be important in encouraging consensus-seeking.

With regard to Section 3.5.4, the MSEU are willing to further explore opportunities for other countries to get involved in chairing committees (*paragraphs 157-158*) and to introduce a rotating system to give more countries the opportunity to host and chair a Codex Committee. The current guidance given to host countries on how to select Codex Committee Chairpersons seems to be sufficient. However, a closer look might be needed on how this guidance is implemented in practice in order to further improve its effectiveness.

On Section 3.5.5, regarding the effectiveness of working groups (*paragraph 159*), the MSEU recognise the immense value of their work particularly working inter-sessionally however in order to ensure these do not proliferate unnecessarily and to limit the additional workload created, a ceiling on the number of such working groups could be considered.

The MSEU are open to a review of the risk analysis frameworks use (*paragraph 160*) insofar as this could be a useful exercise. Particular attention should be paid to the recommendation 19 of the 2002 Codex evaluation, emphasising the need to strive for a clearer separation of the risk assessment and the risk management functions to ensure greater transparency, the usefulness of scientific advice and the speed of decision-making.

#### **Section 4 - Suggested Steps Forward**

The MSEU believe that in order to make progress on this important topic, a prioritisation of the proposals that are currently up for consideration by CCGP could be useful. It would be helpful if the present session of the CCGP provided its views, to be considered by the Commission, as to which proposals should be prioritised for earlier action, ahead of other potentially less pressing proposals.

### **GHANA**

#### **3.3 Strategic governance within Codex- “Executive Board”**

##### *3.3.1 Consider replacing the Executive Committee with a Codex Executive Board (CX-EB)*

Ghana does not support the consideration of replacing the Executive Committee with a Codex Executive Board (CX-EB).

Ghana is of the opinion that the Executive Committee should be maintained because it is all inclusive and allows for all regional representations. This allows for more transparency and all inclusiveness.

Again, this consideration was not captured in the Codex Strategic Plan 2014-2019.

Ghana is of the opinion that the goals and objectives of the Strategic Plan 2014-2019 should be followed to ensure its effective implementation and achievements.

*Ghana will also take this opportunity to ask for the rationale or justification for the replacement of the Executive Committee?*

Ghana also noted the omission of clause 3.5.5 in **Table 1** of the English version of the document and therefore proposes the inclusion of clause 3.5.5 in the table.

## **GUINEA**

### 3.2.3 : Déterminer quelles sont les meilleures modalités pour intégrer les propositions de la FAO et de l'OMS aux travaux du codex à différents niveaux (Commission, comités et groupes de travail)

Nous pensons qu'il existe de larges opportunités d'intégrer les contributions de la FAO et de l'OMS aux travaux du Codex à différents niveaux: Commission, Comité Exécutif, comités et groupes de travail

C'est pourquoi, la Guinée demande que le secrétariat apporte davantage de clarifications sur les types d'informations.

### 3.3. : Gouvernance stratégique au sein du codex

#### 3.3.1. : Envisager de remplacer le comité exécutif par un conseil d'administration du Codex

Proposition retenue :

Après les débats qui ont été largement partagés il est ressorti que parmi les recommandations formulées en 2002, certaines qui pouvaient être mises en œuvre l'ont été.

Donc celle concernant la création du CA en remplacement du Comité Exécutif, qui n'a pas été mise en œuvre, n'est pas acceptable pour les raisons suivantes : risque de transparence, d'efficacité et d'inclusivité.

C'est pourquoi, nous devons tous nous consacrer essentiellement sur la mise en œuvre du plan stratégique qui prend le dessus sur toutes les autres recommandations.

La Guinée approuve cette proposition de la région Afrique qui consiste à maintenir le Bureau Exécutif de la Commission du Codex et non le remplacer par un Conseil d'Administration.

#### 3.5.2 : Simplifier la procédure actuelle en huit étapes pour la ramener à 5 étapes seulement

La plupart des normes ont été adoptées à des étapes accélérées 5/8

C'est important de maintenir la procédure à 8 étapes pour les normes qui ont besoin davantage de commentaires .

La Guinée approuve cette position.

#### 3.5.3 : Continuer à rechercher le consensus et étudier dans quelle mesure un recours au vote pourrait aider le codex en cas de blocage sans pour autant entraîner de divisions

Proposition retenue :

Sur la question concernant le mode de prise de décision: il a été retenu que le consensus est la règle, vote est l'exception. Donc n'écartons pas le vote.

Restons sur les prescriptions qui figurent sur le Manuel des Procédures.

La Guinée approuve de continuer avec le consensus sans écarter le vote conformément au Manuel de Procédure.

#### 3.5.4 : Étudier les moyen de parvenir à une distribution géographique plus équitable des pays présidant les comités sans entraver le processus de normalisation

Pour la Guinée, héberger un comité est très coûteux et nombreux sont les pays qui ne disposent de ressources suffisantes pour faire face à cette charge.

Au cours des sessions annuelles de la commission, l'opportunité est donnée à tous les pays de proposer une candidature et que celle-ci soit accordée.

La répartition géographique proposée n'est pas approuvée par la Guinée.

#### 3.5.5 : Absence du point 3.5.5

Dans le Tableau, il y a une erreur dans la numération de la version anglaise où il a été omise le 3.5.5

### Conclusion

Le document comporte 50 pages et n'a été distribué que le jeudi 12/02/2015 dans sa version française. De plus les commentaires devaient être envoyés au plus tard le 21/02/2015. Ce qui est matériellement impossible.

Cependant nous sommes disposés à entreprendre des discussions portant sur les propositions, mais ne pourrions prendre aucune décision définitive cette année au CCGP 2015.

Ainsi toutes les discussions devraient être soumises au CCGP de 2016.

## **UNITED STATES OF AMERICA**

The United States recognizes the effort that was expended by the Codex Secretariat, FAO and WHO in preparing CX/GP 15/29/6 and appreciates the opportunity to comment on this document. The document is very wide-ranging and because of the limited time in which to comment, we will only make general comments.

The review of the recommendations of the 2002 evaluation and 2005 follow up is very comprehensive, and indicates that most of the recommendations were carefully considered and debated. Some were adopted and have been addressed by adoption of a number of new texts, while in other cases the Commission decided not to accept the recommendation, e.g., with respect to the proposals to reduce the Executive Committee, or to make changes in voting procedures. (Changes in voting procedures were also discussed at the 2012 Codex Committee on General Principles, and the Committee agreed to retain the current Rules of Procedure with respect to voting.) Thus, we are not convinced that the amount of time and resources a further detailed discussion and evaluation of these recommendations would need is warranted. We would also note that the Commission recently concluded a very extensive and inclusive process to identify current priorities, culminating in the adoption of a Strategic Plan for 2014-2019. It may be most productive for Codex to focus on implementation, before undertaking another cycle of review and evaluation.

The bases for the proposals elaborated by the Secretariat in Section 3 of CX/GP 15/29/6 are unclear. We question whether some of the proposals would result in significant practical differences in terms of the efficient management of Codex work or address issues of significant concern to Codex member countries. For example, Paragraph 157 suggests giving more countries the opportunity to host and chair a Codex committee. This opportunity is presented at each session of the CAC. It is important to note, of course, that hosting a committee is resource intensive. If countries are not in a position to assume the financial responsibilities, the best course may be to explore opportunities to share expenses in co-hosting arrangements, as already provided for in Codex procedures. Paragraph 159 acknowledges that working groups are a very well used tool of Codex committees, and questions if there is a need to revise the current guidelines. Many countries cannot fully participate in electronic working groups (eWGs) because of language limitations. Rather than focus on revision of existing texts, it may be more productive to concentrate on ways to conduct eWGs in real time and in multiple languages. This would ensure more effective and inclusive working groups, and we believe it may be possible to make progress by exploring how the results of successful pilot efforts could be integrated into current practices. We also have concerns about the use of the Committee's time to discuss some of the other proposals, such as those pertaining to greater involvement of FAO and WHO in Codex work (FAO and WHO already have ample opportunity to participate in all Codex meetings; this suggestion also seems to run counter to the 2002 evaluation's recommendation for greater independence of Codex); the further reduction of detail in committee reports; and the simplification of the 8 step procedure to 5 steps (as a practical matter, this has been largely achieved through use of the accelerated procedure and adoption of many standards at Step 5/8 when possible).

There are some proposals relative to contentious issues, and while we believe discussion and debate are critical to Codex, these issues have been discussed as recently as two years ago, without arriving at any new consensus. As the Secretariat has noted, these discussions can be divisive, and we believe that re-opening debates may divert attention from our common purposes and the consensus we reached in adopting the Strategic Plan. For example, the United States is concerned about "Proposal 3.3. 'Strategic governance within Codex – 'Executive Board.'" We recall that at the 28<sup>th</sup> Session of the CCGP, the then-Chair of the Commission, among others, stated that the suggestion to discuss CCEXEC emanated out of the meeting of the chairs and should not be construed as criticism of CCEXEC. This seems to be contradicted by the sweeping negative statements found in CX/GP 15/29/6 regarding the Executive Committee and the proposal to disband CCEXEC and supplant it with a new structure which would require extensive revamping of the *Procedural Manual*. Our primary concern is that some of the proposed changes would lead to a loss of transparency and representation.

The United States believes that all Codex delegates would like Codex to continue to be the "premiere science-based standard setting body," and to that end, we believe that there are some points on which we could possibly achieve consensus in the attainment of this goal. Among them are:

- raising the profile of Codex in WHO and FAO as a standard agenda item.
- allowing Codex member countries to have meaningful input into budgetary priorities and allocation. Currently the necessary budgetary information is provided too late to accomplish this.
- advocating for administrative efficiencies recommended by the Secretariat, e.g., finding new ways to ensure documents are prepared and translated in a timely manner, thereby ensuring timely distribution of documents.

- addressing and regularizing support for the expert bodies that provide the scientific advice upon which Codex depends.

We recognize that some of these proposals will require input and changes in FAO and WHO, not just Codex, but we believe they are important enough to warrant discussion and action by Codex. It may be most appropriate for the Commission and Executive Committee to review these issues, and refer questions as appropriate to CCGP if necessary to develop additional guidance.

The United States also believes the committee's time could be well spent in focusing on the implementation of the recently adopted Strategic Plan, in particular those elements that are relevant to CCGP. The development of the Strategic Plan was a very elaborate process, involving multiple consultations in all of the Codex regions – and after much discussion and negotiation, the Plan was adopted by consensus. We would note that during the adoption of the Strategic Plan, in response to the concerns expressed by many countries, the Commission gave assurances that the Strategic Plan would be implemented consistent with the *Procedural Manual*. There was no charge to CCGP to revise the *Procedural Manual*. It may be useful for the Executive Committee to review Committees' progress, as reflected in the responses to the reporting template, to identify any problem areas. One potential problem area that the United States has noted is lack of compliance with the established time frames for timely availability of documents.

The United States would also be interested in learning the status of the communications strategy that has been under discussion and development for some time. We believe an effective communications strategy can help promote support for and interest in Codex at the national and international level.

### **IFAH (International Federation for Animal Health)**

IFAH is very grateful for the possibility to comment on this important document which may influence future Codex work. IFAH thanks the Secretariat for the extensive review done of previous efforts to improve the Codex process and outcomes. Generally, IFAH is supportive of efforts to improve the speed and efficiency of standard-setting, and therefore can support some of the measures proposed, like the reduction of the number of steps. Although they are not included in the proposals of the document, IFAH would very strongly continue to support the recommendations of 2002 concerning scientific advice. All efforts should be undertaken to bolster the quality and output of FAO/WHO scientific advice and equally should remain focused on achieving consensus. IFAH also supports a reform of the Executive Committee in so much that it would clarify its role and representativeness. Whilst many of the proposals are conducive to adoption of standards, some may actually have a different impact and these need to be very carefully examined."