

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 3, 4 and 6.1

GP/31 CRD/15

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON GENERAL PRINCIPLES

Thirty-first Session

Bordeaux, France, 11 - 15 March 2019

(Comments from the African Union)

AFRICAN UNION (AU)

AGENDA ITEM 3: PROCEDURAL GUIDANCE FOR COMMITTEES WORKING BY CORRESPONDENCE (CX/GP 19/31/3)

Issue: African Union appreciates the work done by the legal offices of FAO and WHO, in highlighting the strengths and weakness of the practice of working by correspondence within the UN system. AU notes that the procedural implications and other issues relating to committees working by correspondence have been mostly discussed within CCEXEC and CAC. And therefore, CCGP31 presents an opportunity to further discuss the procedural issues related to this method of work, with a view of finding practical solutions to advancing standards under Committees working by correspondence.

African Union notes that the only time the Codex procedural manual recommends work by correspondence is when there is need for the extension of the territorial application of a commodity standard (i.e. regional standard) into a worldwide standard (26th Edition of the Codex Procedural Manual Section II, Part 5b (ii)).

It appears that outside the conversion of a regional standard into a worldwide standard, there is no specific guidance on “working by correspondence”. Existing procedures for organizing eWGs seem to have been used to conduct the work for standards developed or being developed through correspondence. And occasionally physical working groups have been held to further consolidate discussions. Nevertheless, questions of reporting and validation of the outcome of the work by correspondence still remain major subjects of concern.

There is currently no definitive articulation on the *modus operandi* for “working by correspondence”, even when it is mentioned as an option for Codex work no guidance has been provided. Though there has been some successes in advancing some standards through work by correspondence, there has also been stalemates in other cases. Hence, the question seem to be whether to continue with the method of working by correspondence. If CAC agrees to continue using work by correspondence as one of the methods for standards development, African Union proposes the following:

1. There should not be any new work by correspondence until procedural concerns associated with working by correspondence have been addressed and necessary guidelines adopted by the Commission.
2. A clear definition in the Codex procedural manual of what is meant by “working by correspondence”,
3. Formulation of guidelines for committees working by correspondence, taking into account reporting needs and validation requirements in order to assure the legitimacy of Codex standard and consistent with Codex core principles of consensus building, inclusivity and transparency. Such guidelines should cover all Codex committees adjourned sine die and not only for situation where a regional standard is to be converted into a worldwide standard.

AGENDA ITEM 4: USE OF EXAMPLES IN CODEX STANDARDS (CX/GP 19/31/4)

African Union appreciates the opportunity to provide comments on the Use of Examples in Codex Standards. AU notes that in several Codex committees, there is the practice of using explanatory material/examples in Codex texts during the development of Codex texts. Such explanatory examples vary in length, specificity and placement (i.e. in the body of the text, footnote, annex or appendix or referenced information documents). Some Codex members have raised concerns on the inclusion of examples in Codex texts since they may not

be relevant in all areas of the food sector and may create unnecessary and inapplicable links to different contexts.

African Union is of the opinion that the use of examples should be on a case by case basis with the aim of making Codex texts understandable and to guide their application. The guidance for the development of examples for Codes of hygienic practice in CCFH can be expanded to other Codex committees. In this regard, African Union also supports recommendations 6.1 and 6.2 in the discussion paper for the case by case inclusion of examples in Codex texts.

AGENDA ITEM 6: OTHER BUSINESS

6.1 DISCUSSION PAPER ON EMERGING AND FUTURE ISSUES OF RELEVANCE TO CCGP (CX/GP 19/31/6)

African Union thanks the Chair for preparing this discussion paper to stimulate discussions on emerging and future issues that could be taken up by the CCGP. The issues include a non-exhaustive list of work items which the CCGP may consider relevant in terms of improving or facilitating the work of all Codex subsidiary bodies.

African Union wishes to draw attention to the Terms of Reference of CCGP as defined in the Codex procedural manual as follows:

- review or endorsement of procedural provisions/texts forwarded by other subsidiary bodies for inclusion in the Procedural Manual of the Codex Alimentarius Commission; and
- consideration and recommendation of other amendments to the Procedural Manual.

Based on the above-mentioned Terms of Reference, African Union notes that:

African Union notes that some of the proposed areas of work overlap with mandates of some Codex subsidiary bodies and could potentially lead to duplication of work. African Union therefore recommends that CCGP should work on procedural and general matters as referred by the Commission and its subsidiary bodies, in line with its TORs. It is also important to differentiate between policy matters that are handled at CAC and CCEXEC and procedural matters which are the responsibility of CCGP. Below are AU's comments on specific proposed areas of work for CCGP as indicated in CX/GP 19/31/6:

Proposal 2: Monitoring Codex results in the context of the Sustainable Development Goals (SDGs)

Monitoring Codex results and in the context of the SDGs falls within the jurisdiction of CCEXEC. This is a policy issue which must be handled by CCEXEC.

Proposal 3: Food fraud / food integrity and food authenticity

African Union notes that this subject is currently being discussed within CCFICs. African Union recognizes that some issues such as terms, definitions and principles may ultimately be referred to the CCGP for review or endorsement. However, until then, discussions on food fraud/food integrity should continue within CCFICs as the committee determines the nature of guidance needed on this subject.

Proposal 4: Consumer information

This proposal touches on the role of food labelling when consumers have to be provided with unambiguous information. The proposal suggest that the CCGP could suggest starting discussions on how to provide consumers with information on both the health factors (warning labels for sensitive consumers) and factors concerning fair practices. African Union is of the opinion that this work falls under the scope of work of the CCFL.

Proposal 6: System for improving coordination with other international organizations including periodic review of references and mechanisms to avoid duplicate or contradictory standards

This activity forms part of the periodic review and monitoring of Codex work by the CCEXEC. The CCEXEC has been giving regular update in this regard during Commission meetings. AU is of the opinion that this arrangement has worked well and should be continued.

Proposal 7: Possible changes to the Procedural Manual

Based on the explanation given in the discussion paper, African Union notes that this is not a matter of changing the technical content of the procedural manual. Rather the proposal is in regards to formatting and indexing the procedural manual, an activity which African Union considers should be undertaken by the Codex Secretariat as part of its work on documentation of Codex texts.