

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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Agenda item 4.2

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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON GENERAL PRINCIPLES

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### CODEX PROCEDURAL MANUAL: REVIEW OF INCONSISTENCIES IN LANGUAGE AND SUPERSEDED CONTENT, APART FROM SECTION 3

(Comment of Brazil European Union, India, Indonesia, Kenya South Africa and Thailand)

#### Brazil

Brazil considers it important to make a comprehensive review on how the term “step 5/8” is mentioned in the Procedural Manual, to ensure harmonized references to this step.

#### EU

#### *Member States Competence Member States Vote*

The Member States of the European Union (MSEU) welcome the 30<sup>th</sup> edition of the Codex Procedural Manual (PM) and thank for the document (CX/GP 25/34/5) prepared by the Codex Secretariat.

While the MSEU agree with the majority of the analysis and/or proposed follow-ups to the comments received in CX/GP 25/34/5, the MSEU would like to comment on the following items:

**Table 3: Section 2.1 Procedures for the elaboration of Codex standards and related texts**

Location	Nature of comment received	Analysis and/or proposed follow-up
Paragraph 6 and Part 3	A proposal to clarify the text concerning adoption at Step 5/8 to better reflect current practices. Also consider possible consequential amendments to other parts of the <i>Codex Procedural Manual</i> .	Final adoption of Codex texts with the omission of steps 6 and 7 as foreseen in paragraph 6 is an application of the existing procedure, often referred to as adoption at Step 5/8. To avoid misunderstanding and improve clarity, it is proposed to add a footnote, after the first sentence in paragraph 6, indicating:  “this is sometimes referred to as ‘adoption at Step 5/8’.”

The MSEU believe that an explicit mention of an adoption at “Step 5/8” should be given in Para 6 and Part 3 of Section 2.1 (not only in a footnote as proposed), as this modality is used on a regular basis to expedite the approval standards or parts of standards.

We understand that paragraph 6 of Section 2.1 forms the procedural basis for an adoption at Step 5/8: “*The Commission may authorize, on the basis of two-thirds majority of votes cast, the omission of Steps 6 and 7, where such an omission is recommended by the Codex committee entrusted with the elaboration of the draft. [...] When*

*formulating recommendations to omit Steps 6 and 7, Codex committees shall take all appropriate matters into consideration, including the need for urgency, and the likelihood of new scientific information becoming available in the immediate future.”*

However, this description no longer fully corresponds to the current use of an adoption at Step 5/8 as i) consensus is the basis in our decision-making process, and ii) it is mostly motivated by flexibility reasons rather than urgency or scientific aspects.

We suggest that this paragraph and the Uniform procedure (Part 3) be re-drafted to better reflect the current practices.

Part 2 Critical review, paragraph 19b(ii)	To delete the entire sentence: <del>19b(ii) to ensure that the requirements of the endorsement procedure have been fulfilled, where appropriate;</del>	normally exceed five years.  Endorsement is an important part of the standards development process as outlined in Section 2.5 and also contributes to consistency across Codex texts which together make up the Codex Alimentarius. Endorsement should be considered in a timely manner so potential issues can be identified as early as possible in the standard setting process to avoid delays to the finalization of the standard.  This text serves as an important check point as was recognized by the last session of CCEXEC and CAC. It is therefore proposed to retain the text as is.
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The MSEU would like to highlight that the term “endorsement procedure” is not explicitly mentioned in the Procedural Manual. The MSEU suggest the following rewording of para 19b(ii): To ensure that the requirements of the endorsement by the relevant committees have been fulfilled, as appropriate.

Section 2.5 (Relations between commodity committees and general subject committees) mentions that “*where commodity committees are of the opinion that the general provisions are not applicable to one or more commodity standards, they may request the responsible general subject committees to endorse deviations from the general provisions of the Codex Alimentarius*” (para.56). The section then mentions some specifications on endorsement for CCFL, CCFA, CCCF, CCFH and CCMAS, but does not describe a general endorsement procedure for reference to or deviations from general provisions.

Part 3 Uniform procedure for the elaboration of Codex standards and related texts, Step 2	Why are milk and dairy products singled out and why is IDF mentioned?	Standards for Milk and Milk products were developed originally by the Joint FAO/WHO Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products established in 1957. In 1991, the committee was integrated into the framework of the CAC with the same arrangements whereby related costs were covered by a host country. CCGP10 discussed the procedures for the elaboration of Codex standards for milk and milk products which they considered should be the same as for other committees but noted that “In the special case of standards for individual named cheeses where the depositing country for the standard was normally consulted at the first stage of the elaboration process, it was noted that this consultation could be done by the International Dairy Federation when formulating its recommendations to the Committee on Milk and Milk Products at Step 2”. CAC20 supported this proposal and as a result there is specific reference to IDF in this step of the procedure.
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The MSEU would like to clarify whether specific mentioning of milk and milk products, individual standards for cheeses and IDF under Step 2 is considered necessary, given that also in other areas of Codex work recommendations of Observer Organizations may be distributed by the Codex Secretariat or published on a committee webpage. For example, consideration of relevant documents of WOAHA was even part of the Terms of Reference of TFAMR.

To keep the statement more general, the MSEU suggest to ensure that the step procedure applies broadly to all types of food standards and avoid implying a preference for a specific Observer Organization. The MSEU prefer the deletion of the last statement in Step 2.

The entire section (2.1) in conjunction with: 2.3 Criteria for the establishment of work priorities and 2.4 Guidelines on the application of the criteria for the establishment of work priorities	A proposal to undertake a review of Section 2.1 with the criteria described in Section 2.3 and the criteria applicable to commodities described in 2.4, in particular the parts that relate to new work proposals.	Currently, practical guidance on new work proposals is being developed. It is proposed that any discussion of potential amendments related to this in the <i>Codex Procedural Manual</i> be postponed until after that practical guidance is available.
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The MSEU support to review of Section 2.1 “Procedures for the elaboration of Codex standards and related texts” in conjunction with Section 2.3 “Criteria for the establishment of work priorities” and 2.4 “Guidelines on the application of the criteria for the establishment of work priorities (criteria applicable to commodities)”. However, MSEU are of the view that, in principle, the review of the PM should take precedence on the development of the guidance, the purpose of a guidance being to support the application of the PM.

It should be avoided that the development of the guidance would be based on outdated provisions of the PM.

**Table 4: 2.2 Criteria for the establishment of subsidiary bodies of the Codex Alimentarius Commission**

Location	Nature of comment received	Analysis and/or proposed follow-up
The entire section (2.2), see also Section 3.6 Guidelines on electronic working groups	Revise how working groups are established under the Commission either in this section, or Section 3.6 Guidelines on electronic working groups, or both.	A working group is not a subsidiary body, therefore Section 2.2 is proposed to remain as is.  Any discussion on changes to the procedural guidelines as regards working groups should be considered under Agenda Item 4.1. This is a more substantive issue than superseded text and therefore goes beyond the scope of this document.

The PM does not explicitly mention the possibility for the Commission to establish EWGs under its responsibility. The *Guidelines on electronic working groups* (Section 3.6), only mention EWGs as being established by Codex committees. It should be considered to extend this section with EWGs established under CAC, as there was a recent case.

## SECTION 4 RISK ANALYSIS

Table 6: 4.8 Risk analysis principles applied by the Codex Committee on Pesticide Residues

Location	Nature of comment received	Analysis and/or proposed follow-up
Paragraph 218	Add a new item (f) to the list: f) Table 5 – Unsupported compounds	These principles were developed by the CCPR and adopted by CAC. Therefore, any proposals for substantive changes need to be brought to the attention of CCPR.  The purpose of this exercise was to address inconsistencies and superseded content, and this goes beyond that mandate.
Paragraphs 219-224	The priority list now has a rolling submission and does not follow the prescribed dates necessarily and that the EWG invitation also does not wait until after the CAC to be issued.	These dates are considered indicative and such flexibility has so far not impacted negatively on the work of CCPR, nor have concerns been expressed by Codex Members at CCPR. Therefore, it is proposed to retain the text as is and, if needed, concerns may be brought to the attention of CCPR.
Paragraph 220	Remove struck through text, add bold text: “In early September of each year, the EWG Chair will issue <del>a broadcast email</del> <b>message</b> to Members/Observers...”	It is proposed to retain the text as is as an email is issued by the EWG chair to all Members/Observers.
Paragraph 246	The JMPR report is not always available by February.	These dates are indicative of when the JMPR report is needed, and some degree of flexibility is required: The JMPR report is usually available between December and January. Therefore, it is proposed to retain the text as is.

The MSEU suggest to forward the proposals above to CCPR for further consideration.

As a general comment, the MSEU would stress that that any deviation from the PM should be the exception and not the rule. When flexibility is required, it should be directly provided for in the procedures, not in their implementation.

The MSEU suggest that paragraph 246.b should be changed: **The JMPR report is available electronically at least three months prior the CCPR session.**

**Table 7: 6.1 Core functions of Codex contact points**

Location	Nature of comment received	Analysis and/or proposed follow-up
Codex contact points (CPPs) no. 3	CCPs do not receive final Codex texts, but rather they are downloaded from Codex website.	It is proposed to replace "Receive" with "Access" to reflect current practice.  "Receive <b>Access</b> all Codex final texts..."
Entire section	Consider updating the section to reflect current practice, specifically paragraphs 12 and 17 as Codex texts and working documents are now exclusively online and paragraph 16 as it does not align with paragraph 14 of Section 3.1 Guidelines to host governments of Codex committees and ad hoc intergovernmental task forces currently under review by host secretariats.  In-depth revision of this text would be welcome	The proposal above addresses the problem identified with paragraph 12 as per the 28th edition.  While the CCP no longer needs to maintain a physical library of Codex Texts, there is nevertheless the expectation that they remain the national focal point for any information on Codex texts. Members may wish to consider whether "library" continues to give the sense of this role or other terms may be more appropriate such as overview, inventory etc.

As the MSEU have already indicated Core functions of Codex contact points (Section 6) is outdated, especially paragraphs 3 and 8 as Codex texts and working documents are now exclusively online. In-depth revision of this text would be welcome.

Furthermore, following the recommendation of CCGP33 and the decision of CAC46 to move the section on Membership from the PM to the Codex website, the Core functions of Codex contact points is now the only text in Section 6: Membership. A new location for this text should be reflected upon.

Location	Nature of comment received	Analysis and/or proposed follow-up
Paragraphs 26a-c	Remove the struck through text in the following:  [...]  c) may be invited by the Directors-General to participate in meetings <del>or seminars</del> on subjects organized under the Joint FAO/WHO Food Standards Programme which fall within its fields of interest, and if it does not so participate, it may submit its views in writing to any such meeting <del>or seminar</del> ;	[...]  For paragraph c), it is proposed to retain the word seminars as Observers may be and indeed have been invited to participate in events other than Codex committees and this provides the flexibility to do so.

The MSEU support the deletion of the word "seminar" as it is not commonly used in daily Codex work. This deletion would not prevent Observers from participating to such events other than Codex committees. If it is maintained, a definition should be provided.

#### India

- In the appendix-ii paragraph 1, India proposes to maintain the uniformity in using the term **Codex texts** across all the relevant sections for more clarity and better understanding and it was proposed to define **Codex texts** as an explanation that it includes codex standards, Code of Practices (CoPs), and Guidelines

#### Indonesia

Indonesia would like to address the issue raised in Table 1 concerning Rule VI on Sessions of the Commission. We note that the current wording of Rule VI implies that Commission sessions are to be conducted exclusively in-person, as paragraph 1 states: "The Commission shall in principle hold one regular session each year at the headquarters of either FAO or WHO."



However, recognizing the constraints faced by some Member Countries in attending in-person sessions due to budgetary limitations, security concerns, and other challenges, Indonesia proposes amending Rule VI to explicitly allow for hybrid sessions. This adjustment would formalize the practice that has been successfully implemented since 2022.

While acknowledging that hybrid meetings may require additional budgetary resources, Indonesia maintains that this format better aligns with Codex's core values, particularly in promoting inclusiveness and transparency. The hybrid modality ensures broader participation from all Member Countries, thereby strengthening the legitimacy and effectiveness of the Commission's work.

Consequently, Indonesia recommends that Rule VI be revised to formally incorporate hybrid sessions as an approved format for Commission's session.

### Kenya

**General Comment:** Kenya welcomes and supports the Codex Secretariat's initiative to review inconsistencies in language and superseded content in the Codex Procedural Manual. Kenya emphasizes the importance of clear, harmonized, and up-to-date guidance, particularly for low- and middle-income countries (LMICs) that rely heavily on Codex texts for national food control systems.

### South Africa

South Africa has noted the comments submitted regarding language inconsistencies, translation errors, and superseded content; and b) prepare a document based on the comments on the possible superseded content for consideration by CCGP34.

[Some of the specific comments are made following the tables in Appendix 1 as prepared by the Secretariat](#)

#### Table 3: Section 2.1 Procedures for the elaboration of Codex standards and related texts

Paragraph 6 and Part 3. South Africa supports the need to avoid misunderstanding and improve clarity, it is proposed to add the text "**this is sometimes referred to as 'adoption at Step 5/8'**", after the first sentence in paragraph 6, and not as a footnote

**Rationale:** The proposed text would immediately explain what is means by Step 5/8, rather that referring to the footnote.

#### Part 3 Uniform procedure for the elaboration of Codex standards and related texts, Step 2

**SA Comments:** South Africa appreciates that there was a lot of work done by the IDF before the establishment of the CCMMP

The question remains that the work done on standards for milk and milk products before the establishment of the Codex Committee on Milk and Milk Products (CCMMP) was referred to as the commodity committee. Why is the work of the International Dairy Federation (IDF) not mentioned in the Codex standards but is referred to in the Codex Procedural Manual?

#### Rationale:

There is a specific Committee that was established to deal with Milk and Milk products. Although CCMMP is *adjourned sine die* it has not been abolished as such the standards developed on the specific commodities related to the Committee should have been transferred as part of the "Terms of Reference" of the Committee in being responsible for all the Standards related to Milk and milk products, most of which have been revised lately. IDF is also an observer to the CCMMP and continues to make inputs.

### Thailand

Thailand appreciates Codex Secretariat for hard working and preparing the document. In general, Thailand does not object to the editorial amendment recommended by the Codex Secretariat for the 31<sup>st</sup> edition and those already applied by the Codex Secretariat to the 30<sup>th</sup> edition of Codex Procedural manual. However, we would like to provide some specific comments as the following details.

#### Section 1 basic texts and definitions

As the scope of this work covers only editorial modifications to the Codex Procedural Manual, Thailand agrees with the Codex Secretariat's recommendation not to amend the Rules of Procedure of the Codex

Alimentarius Commission. In particular, we support retaining the text “and presentation” in Section 1.3 General Principles of the Codex Alimentarius to accurately reflect the full scope of Codex work.

#### Section 2 elaboration of codex standards and related texts

In general, Thailand agrees with the amendment and deletion of text that is not consistent with current practices in Section 2 elaboration of codex standards and related texts. However, we would like to propose some specific comments related to the standard-setting procedures to seek further clarification as follows:

**Paragraph 6:** Thailand does not object to the Codex Secretariat's proposal to add the footnote “this is sometimes referred to as ‘adoption at Step 5/8’” to the first sentence of paragraph 6. However, we would like to seek clarification regarding the provision that allows the Codex Alimentarius Commission to omit Steps 6 and 7 of the standard-setting procedure if a two-thirds majority vote is obtained, as Codex work is fundamentally based on achieving consensus and the voting is mostly not occurred.

**Paragraph 11:** We agree that the Codex Strategic Plan shall be renewed as needed to improve it for greater appropriateness. However, we would like seek clarification whether it is still necessary to set a timeframe every two years.

**Part 6 and Paragraph 22:** Thailand would like to seek clarification on whether the provision in Part 5, “Subsequent Procedure Concerning Publication of Codex Standards,” paragraph 20, also applies to regional standards, as referenced in Part 6, paragraph 22. Particularly, we would like to seek clarification on whether the coding system used for assigning codes to international Codex standards is the same as that used for regional standards. If the coding system is indeed the same for both types of standards, Thailand could support the proposed deletion. However, if different coding systems are used, we would recommend retaining the current text that is specific to regional standards.

#### Section 4 risk analysis

Thailand agrees with Codex secretariat's recommendation not to consider the proposed changes in the *Section 4.8 Risk analysis principles applied by the Codex Committee on Pesticide Residues*, as this goes beyond CCGP's mandate.

#### Section 6 membership

Thailand agrees with Codex secretariat's that Section 6 should remain as is since it was recommended by CCGP33 and adopted by CAC46 to move only the first part of Section 6 (Membership of the Codex Alimentarius Commission) to the Codex website with a link to the list provided in the Codex Procedural Manual. Section 7 relations with other organizations

Thailand agrees with Codex secretariat's recommendation to retain the term “or seminars” in Paragraphs 26 c) and Annex: Information required of INGOs requesting observer status, paragraph 13 to provides the flexibility and facilitates participation of INGOs in Codex's work.

However, we would like to propose additional editorial amendment to the referring paragraph (a) under paragraph 17. We notice that the nineteenth edition of Procedural Manual does not mention paragraph (a). When comparing with the twenty-eighth edition, the paragraph (a) is currently as paragraph 16 c) i. Consequently, we propose to amend the referring paragraph (a) to paragraph 16 c) i.