

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
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World Health
Organization

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CODEX PROCEDURAL MANUAL: REVIEW OF THE POTENTIAL USE OF EXISTING PROVISIONS TO PROMOTE MORE RESOURCE-EFFICIENT PRACTICES IN THE REVIEW OF NEW-WORK PROPOSALS WHICH DO NOT FALL WITHIN THE REMIT OF AN ACTIVE CODEX COMMITTEE

(Comment of EU, India, Kenya and Thailand)

EU

Member States Competence Member States Vote

The Member States of the European Union (MSEU) welcome the paper prepared by the secretariat. The identification and work on emerging issues are amongst the Strategic Priorities of Codex (see 2020-2025 and 2026-2031 Strategic Plans). The development of efficient, inclusive, and transparent approaches for addressing new work proposals, including those which are not fall within the terms of reference of active committees, is a critical contribution to achieve this objective.

With respect to the possible ways forward identified by the secretariat, the MSEU have the following views:

VI. RECOMMENDATIONS

32. CCGP34 is invited to:

ii. propose a possible way forward, which may include recommending:

a. that proponents of new work carefully review the terms of reference of existing committees and, in consultation with the Codex Secretariat (and consultation with the committee chairperson as appropriate), submit the proposal to the relevant active committee for further consideration.

The MSEU support this approach. The Codex Secretariat and Chairpersons can provide substantial support to proponents of new proposals, both in terms of the most adapted process to be followed and the information to be provided under the different sections of the discussion paper and the project document.

This approach could also result in the identification of the most appropriate process to pursue the development of the new work proposal in accordance with the other options that will be recommended by CCGP34.

The MSEU would also like to note that, as indicated in the document, Circular Letters are a well-established mechanism that enable to collect the views of the Codex membership and that can be used solely or in combination with the other approaches that will be recommended by CCGP34.

b. that where such an active committee cannot be identified, proponents of new work should submit the proposal for consideration by one or more coordinating committees as a means of gaining further input on the

proposal, which could then be submitted from the coordinating committee or by the proponent based on input by the coordinating committee.

The MSEU are concerned about the practical implications of this approach. While Coordinating Committees are useful to gather views on different subjects at regional level, they usually only meet every two years, which in consequence results in a very lengthy process and would place a significant time investment on the proponents of new work. In addition, it is often not feasible to ensure the presence of technical experts for a targeted discussion under a single agenda item at a coordinating committee. The MSEU therefore favour the use of other mechanisms ensuring the involvement of the whole membership.

c. that when options a. or b. are not feasible but a relevant adjourned committee exists, consider proposing reactivating that committee for the sole purpose of discussing the proposal, noting the importance of cost effectiveness and use of ICT tools.

The MSEU are not opposed to this approach. This approach would in particular be efficient if resources to reactivate a committee can be limited to what is necessary to consider the new work proposal. Working by correspondence with the possibility of virtual meetings could be an appropriate working modality. The MSEU are however of the opinion that a more resource-efficient approach could also be considered (see hereunder, new proposal of establishment of an EWG under CAC).

d. that where none of the above approaches are appropriate, the proponent consider organizing an event, which could be held in the margins of a Codex meeting or virtually, and open to all Members and Observers, to seek input on the proposal before discussion.

The MSEU are of the view that the organization of an “event” is not sufficient to gather the views of Codex Members in a way that is as comprehensive as Circular Letters, EWGs, or virtual or physical meetings in the framework of a Committee session or an EWG.

e. encourage optimal use of ICT tools, irrespective of the approach, and a combination of the above may also be appropriate. Innovation in the implementation of the approaches e.g. co-hosting or temporary transfer or hosting of adjourned committees could be encouraged; and

This point covers two issues that are extremely different and should be discussed separately.

- Point e (first part). The MSEU support the optimal use of ICT tools, including virtual meetings. This should be done in a transparent manner and as foreseen in the Procedural Manual (see MSEU positions on other agenda items highlighting the importance to include in the Procedural Manual provisions related to virtual meetings).

- Point e (second part). The MSEU are of the view that the issue of co-hosting or transfer of the hosts of committees for the sole purpose of considering a new work proposal would not be appropriate. The role of the Chairperson (see Section 3.3 of the procedural Manual “Guidelines for Chairpersons of Codex committees and ad hoc intergovernmental task forces) is to lead a whole Committee and to integrate different perspectives and should not be driven by the sole interest of a member to initiate Codex work on a given topic. The MSEU are in favour to maintain the well-established and useful practice that proponents of given topics are chairing EWGs in charge of developing new work proposals.

Proposal for an additional approach to consider new work proposals.

The MSEU propose that a possible approach would consist in the establishment of an EWG that could be either under an active committee, a re-activated committee (possibly working by correspondence) or directly under the CAC.

The establishment of EWG under General Subject Committees or Commodity committees for the development of new work proposals is a common practice. The establishment of an EWG under CAC, while possible under the current procedures, is not a common practice. This approach could however be a pragmatic and resource-efficient mechanisms in the absence of an active committee. It would be an alternative to point c (reactivation of committee) acknowledging that a Committee could be reactivated by the CAC at a later stage (i.e. when a proposal of work has reached a sufficient level of maturity) and point e (second part). This approach would also be suitable for addressing new work proposals on issues that either cut across or fall outside the scope of any technical committee, leaving them without a suitable forum for in-depth assessment.

Comment: India supports option a, c, and e, of the recommendations mentioned in the paragraph 32 and India would like to propose to include following options;

- i. **A circular letter may be issued by the codex secretariat to seek inputs from members and observers for interest in pursuing work**
- ii. **Establish on EWG under the commission with ToR and timeline. Example; Amendment in the fruit nectar for specific TSS**

Kenya

Recommendation ii)

Comment: Kenya supports the multi-approach way forward provided in recommendation (ii) from (a) - (e) in order of priority. In addition, Kenya proposes the addition of a new paragraph **(b bis): that proponents of new work falling outside the remit of an active Codex committee be encouraged to co-host or lead the development of the proposed work.** Further, Kenya takes note that co-hosting is mentioned as an example in recommendation (ii)(e) and proposes its deletion from (e) as an example and its inclusion as a substantive way forward in the proposed b bis.

Justification: This would promote and ensure continuity and facilitate efficient utilization of resources.

Recommendation iii)

Kenya recommends the development of a **structured decision-making framework or flowchart** within the Procedural Manual to:

- Guide proposers in determining the appropriate pathway for new work;
- Clarify consultation steps;
- Define Secretariat responsibilities in supporting proposers.
- Integrate regional committee inputs more systematically.

Justification: A flowchart is an easier presentation of the decision-making steps.

Thailand

Firstly, Thailand appreciates Codex Secretariat for excellent work done in preparation of the working document. Thailand views that the existing provisions of the Codex Procedural Manual support resource-efficient practices in the review of new work proposals. Proposals for new work, as well as for the amendment or revision of Codex standards and related texts, should be submitted to the Commission by the relevant subsidiary body, the Codex Secretariat, or a Member of the Commission. In principle, we consider that the assignment of responsibility for carrying out the proposed new work should be based on the following considerations.

- In cases where a proposed new work does not fall under the mandate of an existing Codex committee specifically established for that purpose, but the scope of the proposed work is related to or falls within the responsibility of another existing technical Codex committee (whether currently active or adjourned sine die), in principle, the responsibility for the new related work may be assigned to that existing Codex committee, for example, new work related to hygiene practice for the production of cultured meat that the CCEXEC has recommended to submit the proposal to CCFH for consideration.
- In cases where a proposed new work does not fall within the mandate of any existing Codex committee, whether currently active or adjourned sine die, especially for the development of standards related to commodity standards. The work may be undertaken under an existing committee whose terms of reference (TOR) are closely related. However, this approach requires thorough consideration and decision based on the consultation with Codex Secretariat and chairperson of the host country. If there is a potential that new works in that area will continue proposed for consideration, then its TOR may be considered for adjustment to cover the subject matter. The adjusted TOR should be sufficiently broad to facilitate the consideration of future new similar works as well. However, to avoid any disruption to the process before a decision can be made to adjust the TOR of the Committee, new work proposal could be circulated to Members and Observers of the Commission for comments to consider by the Committee assigned by the Commission.

- However, if it is considered that a proposed new work is complex and involves multiple areas, it is suggested to consider the establishment of a dedicated Task Force to carry out the work. This approach allows for the participation of experts with specific expertise, which would enable thorough consideration and increase the likelihood of successful outcomes. In this regard, it may also be appropriate to consider revising the name of the committee to ensure it aligns with and reflects the revised scope of the TOR. Alternatively, the work may also be undertaken through ad hoc cross-committee task forces, in accordance with paragraph 14 (d) of Section 2.1, Part 2: Critical Review. In addition, when there is a specific point falling within the mandate of an existing General Subject Committee, the relevant provision from that committee is generally

referenced. However, if such information is not available, the specific matter should be requested to the relevant General Subject Committee for further consideration or recommendation.

- In principle, Codex Committees and Task Forces should conduct their work through physical meetings, particularly when addressing new or complex issues. Any decision on working by correspondence shall follow the criteria for Codex Committees and ad hoc Intergovernmental Task Forces Working by Correspondence set in the Codex Procedural Manual. Nonetheless, appropriate communication technology tools may be used for support the effectiveness and the core values of Codex.

In addition, Thailand can agree with the approach of co-hosting or temporary transfer of adjourned committee if a country is willing. If not so, the country of proponent or host country of active committee that has TOR closely related to such work may be invited to consider the possibility. Similarly, to avoid any disruption to the process before a decision can be made, new work proposal could be circulated to Members and Observers of the Commission for comments or inputs prior to the discussion by the Commission.