

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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TO: Codex Contact Points
Interested International Organizations

FROM: Secretariat of the Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, 00153 Rome, Italy

SUBJECT: Definition of the term competent authority

DEADLINE: 28 February 2010

Background

The 32nd Session of the Commission following advice from the 62nd Session of the Executive Committee¹ decided the following:

“The Commission noted the discussion that took place in the Executive Committee in relation to the different terms and definitions used in a variety of Codex texts for “competent authority” and endorsed the recommendation of the Executive Committee that the CCFL and CCNFSDU harmonize the terms used within their remit and that the Committee on General Principles be requested to look into the merit of developing a general definition for “competent authority” for inclusion in the Procedural Manual.”²

Present use of the term in Codex

Presently the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (CAC/GL 32-1999) in section 2.2 define the term as follows:

“Competent authority means the official government agency having jurisdiction.”

The Code of Hygienic Practice for Meat (CAC/RCP 58-2005) in section 3 defines the following terms:

“Competent authority” The official authority charged by the government with the control of meat hygiene, including setting and enforcing regulatory meat hygiene requirements.

Competent body A body officially recognised and overseen by the competent authority to undertake specified meat hygiene activities.

¹ ALINORM 09/32/3, paras 62-64,

² ALINORM 09/32/REP, para 105

Competent person A person who has the training, knowledge, skills and ability to perform an assigned task, and who is subject to requirements specified by the competent authority.”

Footnote 9 creates the link to Codex texts on food import and export inspection and certification systems and relevant OIE texts:

The Competent Authority provides official assurances in international trade of meat. Requirements for certification for public health and fair trade purposes have been developed by the Codex Committee on Food and Import and Export Inspection and Certification Systems (ref. CAC/GL 26-1997). Requirements for certification for animal health (including zoonoses) purposes are contained in the OIE Terrestrial Animal Health Code (ref. Section 1.2 Obligations and ethics in international trade). Both should be read in parallel where veterinary certification is required.

The term competent authority is used in several texts from the Committee on Food Import and Export Inspection and Certification Systems and the texts describe the role and functioning on the competent authority within a food import and export inspection and certification system but do not define it as such.

Proposal

If merit is seen in including a general definition of the term in the procedural manual it should be wide enough to capture different ways of organization within Codex members.

The two existing definitions seem to have slightly different notions as to the nature of the authority. In one a competent authority is an “*official government agency*” and in the other an “*official authority charged by the government*”. It should be discussed whether there is merit in this difference or if a more general term could be used such as “*official authority charged by or part of the government...*”.

It should also be discussed if there is merit in including the definition of “competent body” as in many countries tasks may be delegated to bodies that are not directly related to or part of the government.

Governments and international organizations wishing to submit comments on the above proposal should do so in writing, preferably by E-mail to the Secretariat of the Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Viale delle Terme di Caracalla, 00153 Rome, Italy (Email: codex@fao.org, fax : +39 06 57054593) **before 28 February 2010.**