

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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Agenda Item 7

CX/GP 10/26/7

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON GENERAL PRINCIPLES
Twenty-sixth Session
Paris, France, 12 - 16 April 2010**

PROPOSED AMENDMENT TO THE TERMS OF REFERENCE OF THE COMMITTEE

Replies to CL 2009/37-GP

**(Argentina, Chile, Colombia, Costa Rica, Dominican Republic, European Union, Guatemala, Iran,
Japan, Kenya, Malaysia, Philippines)**

Argentina

General Comments:

- Argentina generally agrees with the proposal submitted by the Secretariat.

Specific Comments:

- Argentina considers that the Terms of Reference of the CCGP should keep the reference to the definition of the purpose and scope of the work of the Codex Alimentarius and proposes the following text:

*“To deal with procedural and general matters, **including the purpose and scope of the work of the Codex Alimentarius**, as referred to it by the Codex Alimentarius Commission or one of its subsidiary bodies.”*

Argentina considers that the paragraph on **“the development of a mechanism for examining any economic impact statements submitted by governments concerning possible implications for their economies of some of the individual standards or some of the provisions thereof”** should not be deleted. Because the fact that to date, no mechanism has been found does not mean that considering this aspect is not important.

We suggest keeping the paragraph until we have determined the best way for the countries that have economic concerns about the implications of the standards or their provisions to provide the appropriate information, and the easiest way for the Codex to take these matters into consideration.

- Argentina considers the fourth paragraph too prescriptive and, therefore, suggests amending it with the general wording suggested below:

“To keep under review all the standards and related texts of the Codex.”

Chile

Proposal: CL 2009/37-GP December 2009	CCGP Proposal – Chile	Grounds
1. “To deal with procedural and general matters referred to it by the Codex Alimentarius	1. “To deal with procedural and general matters referred to it by the Codex Alimentarius	1. We accept the proposal without any changes. The

<p><u>Commission or one of its subsidiary bodies.”</u></p> <p><u>2. “To endorse procedural provisions/texts forwarded by subsidiary bodies (e.g. work management, risk analysis).”</u></p> <p><u>3. “To propose amendments to the Procedural Manual of the Codex Alimentarius Commission and to develop its structure.”</u></p> <p><u>4. To keep under review the Code of Ethics for International Trade in Food, the Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius Commission and the Principles for Risk Analysis for Application by Governments.</u> Such matters have included the establishment of the General Principles which define the purpose and scope of the Codex Alimentarius, the nature of Codex standards and the forms of acceptance by countries of Codex standards; the development of Guidelines for Codex Committees; the development of a mechanism for examining any economic impact statements submitted</p>	<p><u>Commission or one of its subsidiary bodies.”</u></p> <p><u>2. To take cognizance of, assess and propose, within the general legal framework of Codex procedures, the acceptance or rejection of the procedural provisions/texts forwarded by subsidiary bodies.</u></p> <p><u>3. To propose amendments to the Procedural Manual of the Codex Alimentarius Commission and to develop its structure.</u></p> <p>4. Delete the entire paragraph.</p>	<p>addition of the last phrase appropriately completes the Terms of Reference by broadening the range of competence as it confers the Commission with a legitimate power to take cognizance of, and manage matters.</p> <p>2. We propose deleting the verb ‘to endorse’ insofar as this is a power of the Codex Commission. We suggest replacing it with take cognizance of, assess and submit proposals to the provisions/texts drawn up by the subsidiary bodies within the legal framework set by the Codex. Our proposal includes the need for issuing a recommendation on whether to accept or reject any proposals.</p> <p>3. This should stand as is insofar as it is a recognized function of the CCGP.</p> <p>4. The Terms of Reference should not include dealing with such specific standards, as (from a conceptual standpoint) this is a finite task that ends with the review, while leaving aside the possible review of other standards that are as important as the ones mentioned. Moreover, the terms of reference in point no. 1 are inclusive enough to cover all the tasks for the review of Codex codes, guidelines and other regulations.</p>
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<p>by governments concerning possible implications for their economies of some of the individual standards or some of the provisions thereof; the establishment of a Code of Ethics for the International Trade in Food.”²</p>		
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Colombia

PARAGRAPH 1:

To deal with procedural and general matters referred to it by the Codex Alimentarius Commission or one of its subsidiary bodies.

COUNTRY POSITION:

To deal with procedural and general matters referred to it by the Codex Alimentarius Commission or one of its subsidiary bodies **subject to prior confirmation by the Commission**.

COMMENTS:

Adding “prior confirmation” or “subsequent approval” by the Commission for the matters referred to it by the Commission subsidiary bodies is essential to avoid any procedural errors.

PARAGRAPH 2:

To endorse procedural provisions/texts forwarded by subsidiary bodies (e.g. work management, risk analysis).

COUNTRY POSITION:

~~To endorse~~ To address procedural provisions/texts forwarded by subsidiary bodies (e.g. work management, risk analysis).

COMMENTS:

We suggest changing the verb “to endorse” by “to address” because the term “endorse” implies that the Committee on General Principles would always have to support the documents referred to it.

The Committee on General Principles may not always endorse the provisions/texts. A case may arise where it does not agree with the proposal sent by a working party and consequently express a contrary opinion.

PARAGRAPH 3:

To propose amendments to the Procedural Manual of the Codex Alimentarius Commission and to develop its structure.

COUNTRY POSITION:

We agree with this amendment as formulated in the proposal.

PARAGRAPH 4:

To keep under review the Code of Ethics for International Trade in Food, the Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius Commission and the Principles for Risk Analysis for Application by Governments.

~~such matters have included the establishment of the general principles which define the purpose and scope of the codex alimentarius, the nature of codex standards and the forms of acceptance by countries of codex standards; the development of guidelines for codex committees; the development of a mechanism for examining any economic impact statements submitted by governments concerning possible implications for their economies of some of the individual standards or some of the provisions thereof; the establishment of a code of ethics for the international trade in food.”~~

COUNTRY POSITION:

To keep under review the Code of Ethics for International Trade in Food, the Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius Commission and the Principles for Risk Analysis for Application by Governments.

To propose a mechanism for examining any economic impact statements submitted by governments concerning the possible implications for their economies of the individual standards or some of the provisions thereof.

COMMENTS:

- When establishing a term of reference on specific technical matters, it would be advisable to take into account other matters that are not specifically mentioned.
- It is important that the examination of the potential economic impacts of the Codex standards be included in the mandate of the Committee. We believe that there should be a separate paragraph addressing this topic.

Costa Rica

Concerning Malaysia's proposal at the 25th meeting of the Codex Committee on General Principles in Paris from 30 March to 3 April 2009, where it “*opposed the decision because of the deletion of the reference to the economic impact statements,*” Costa Rica, considers that this matter is beyond the scope of the Committee on General Principles since all the aspects related to the impact of a standard have been developed in the **“CRITERIA FOR THE ESTABLISHMENT OF WORK PRIORITIES”** that says:

“When a Codex Committee proposes to elaborate a standard, code of practice or related text within its terms of reference, it should first consider the priorities established by the Commission in the Medium-Term Plan of Work, any specific relevant strategic project currently being undertaken by the Commission and the prospect of completing the work within a reasonable period of time. It should also assess the proposal against the criteria set out in paragraph 4, below.”

The other governments have the opportunity of referring to the said proposals concerning the economic implications for their countries, during the approval stage of new work before the Codex Alimentarius Commission and after the elaboration process of the standard during steps 2, 4 and 6.

Dominican Republic

After assessing the proposal sent by the Secretariat of the Codex Alimentarius Commission, we consider that its entire approach is satisfactory. Consequently, we agree that it should be the new provision for the terms of reference of the Codex Committee on General Principles.

Amendment of the Committee Terms of Reference:

“To deal with procedural and general matters referred to it by the Codex Alimentarius Commission or

one of its subsidiary bodies.

To endorse procedural provisions/ texts forwarded by subsidiary bodies (e.g. work management, risk analysis).

To propose amendments to the Procedural Manual of the Codex Alimentarius Commission and to develop its structure.

To keep under review the Code of Ethics for International Trade in Food, the Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius Commission and the Principles for Risk Analysis for Application by Governments.”

European Union

The Member States of the European Union (MSEU) would like to thank the Codex Secretariat for preparing the proposed revised terms of reference (TOR) for the CCGP.

The proposed TOR reflect the tasks of the CCGP. They are sufficiently descriptive by listing certain specific tasks of the CCGP while at the same time the necessary flexibility is ensured by giving a general mandate for the CCGP to deal with any procedural and general matter referred to it by the CAC or its subsidiary bodies.

To further clarify, focus and condense the proposed TOR of the CCGP, the MSEU would suggest the following amendments to the text proposed by the Codex Secretariat:

(a) *To deal with procedural and general matters (e.g. Ethics for International Trade in Food, Principles for Risk Analysis) referred to it by the Codex Alimentarius Commission or one of its subsidiary bodies.*

(b) *To endorse procedural provisions / texts forwarded by subsidiary bodies (e.g. work management, risk analysis).*

(c) *To propose amendments to the Procedural Manual of the Codex Alimentarius Commission and to develop its structure.*

~~*To keep under review the Code of Ethics for International Trade in Food, the Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius Commission and the Principles for Risk Analysis for Application by Governments.*~~

Guatemala

It is important that the Terms of Reference of the Committee keep the specific reference to “**the mechanism for examining any economic impacts of the standards.**” Deleting this paragraph may be detrimental to developing countries because, as a rule, they are the most likely to be affected by the implementation of new standards.

Although current Committee activities no longer correspond to the Terms of Reference in effect, it would be advisable to re-examine the activities and readjust them to the original TOR while moving forward with ongoing work. It is often easier to adapt a paragraph to current functions rather than resume earlier activities. The last sentence refers to the establishment of a Code of Ethics for the International Trade in Food. As the document already exists, it would be advisable to replace the word “**establishment**” by “**keep under review**”. If the subsidiary bodies also remit their matters to the Committee, the text should mention this.

The Terms of Reference in effect are more generic and not as detailed as the proposed amendment and grant the Committee greater leeway for intervention.

Iran

Altogether we find the current proposal on the terms of reference to be an improvement, with a clearer delineation of the Committee's purpose and responsibilities. However, we are also of the opinion that the omission of a reference to the possible economic impact of standards is a loss.

Article 1 of the Codex Statutes states: "Protecting the health of the consumers and ensuring fair practices in the food trade".

Please be reminded that the quality of food itself is influenced primarily by prevailing commercial practices and that the implications of unfair trade practices are not limited to matters of food safety and quality alone, but can also have undesirable economic consequences.

Thus in keeping with Codex' overriding principles of protection from unfair trade practices, the Iran Committee recommends that the development of a mechanism for examining the possible economic implications of standards and provisions thereof to be maintained.

Japan

1. Japan supports the amendments to the first sentence and the insertion of the new third and fourth sentences.
2. Japan does not support the insertion of the new second sentence since the second sentence is already covered by the first sentence. However Japan can accept possible insertion of examples appearing in the new second sentence into the first sentence, hence the first sentence should read as follows:

“To deal with procedural and general matters (e.g. work management, risk analysis) referred to it by the Codex Alimentarius or one of its subsidiary bodies”.
3. Japan supports the proposed deletion of the whole second sentence of the current TOR, in particular, the deletion of the text regarding the examination of economic impact. The text is unnecessary, because the matter on the economic impact has been properly dealt with by relevant committees at Steps 4 and 7. And also during the elaboration of proposed draft/draft standards at Step 5 and 8, possible implications of the draft standards for economic interest of Members are taken into account.

Kenya

Kenya is in agreement with the proposal of Committee on General Principles TOR's amendment stated below and at the same time retains the mechanism to examine the economic impact of standards.

- “To deal with procedural and general matters referred to it by the Codex Alimentarius Commission or one of its subsidiary bodies.
- To endorse procedural provisions/ texts forwarded by subsidiary bodies (e.g. work management, risk analysis).
- To propose amendments to the Procedural Manual of the Codex Alimentarius Commission and to develop its structure.

To keep under review the Code of Ethics for International Trade in Food, the Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius Commission and the Principles for Risk Analysis for Application by Governments.

Malaysia

Malaysia appreciates the opportunity to comment on the proposed amendments to the Terms of Reference (TOR) of the CCGP prepared by the Codex Secretariat. We would like to propose the following amendments, which also include the insertion of a new clause and numbering of clauses:

Amendments proposed by Codex Secretariat	Malaysia's Proposals and Comments
<p>“To deal with such procedural and general matters as are referred to it by the Codex Alimentarius Commission <u>or one of its subsidiary bodies.</u></p>	<p>To deal with <u>such</u> procedural and general matters <u>as are</u> referred to it by the Codex Alimentarius Commission, <u>Executive Committee</u> or one of its Codex subsidiary bodies.</p> <p>Comments: It is appropriate for all procedural and general matters be referred to CCGP. We also propose that this be positioned as clause (c).</p>
<p><u>To endorse procedural provisions/ texts forwarded by subsidiary bodies (e.g. work management, risk analysis).</u></p>	<p><u>To endorse procedural provisions / and texts <u>and principles, forwarded by subsidiary bodies prior to consideration by the Commission</u> (e.g. work management, risk analysis).</u></p> <p>Comments: It is important for all procedural provisions be considered by this Committee prior to Commission. We also propose that this be positioned as clause (b).</p>
<p><u>To propose amendments to the Procedural Manual of the Codex Alimentarius Commission and to develop its structure.</u></p>	<p><u>To propose amendments to the Procedural Manual of the Codex Alimentarius Commission and to develop its structure.</u></p> <p>Comments: Amendments to the Procedural Manual could include changing the existing structure of the Procedural Manual. We also propose that this be positioned as clause (d).</p>
<p><u>To keep under review the Code of Ethics for International Trade in Food, the Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius Commission and the Principles for Risk Analysis for Application by Governments.</u></p>	<p>To keep under review the Code of Ethics for International Trade in Food, the Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius Commission and the Principles for Risk Analysis for Application by Governments.</p> <p>Comments: We propose that this clause be omitted. This clause is superfluous, as it is well understood that all Codex texts should be kept under review. The TOR should be broad enough so that it remains relevant, and does not necessitate frequent updating of the TOR.</p>
<p>Such matters have included the establishment of the General Principles which define the purpose and scope of the Codex Alimentarius, the nature of Codex standards and the forms of acceptance by countries of Codex standards; the development of Guidelines for Codex Committees; the development of a mechanism for examining any economic impact statements submitted by governments concerning possible implications for their economies of some of the individual standards or some of the provisions thereof; the</p>	<p>We do not support the deletion of the whole clause.-We strongly believe that the provision on ‘<i>the development of a mechanism for examining any economic impact statements submitted by governments concerning possible implications for their economies of some of the individual standards or some of the provisions thereof</i>’ should be retained.</p> <p>We propose that this provision be worded as follows:-</p> <p><u>To develop mechanisms for examining any</u></p>

Amendments proposed by Codex Secretariat	Malaysia's Proposals and Comments
<p>establishment of a Code of Ethics for the International Trade in Food.”</p>	<p><u>justifiable economic impact statements submitted by governments concerning possible implications for their economies of some of the individual standards or some of the provisions thereof.</u></p> <p>This clause highlights the importance of economic impacts and allows for development of possible solutions to these concerns identified during the Codex Step Procedure. We also propose that this be positioned as clause (e).</p>
	<p>We propose inserting the following new clause:-</p> <p><u>To develop general principles, guidelines, definitions with a view to harmonisation within Codex to protect the health of consumers, ensure fair trading practices and facilitate international trade.</u></p> <p>Comments: It is appropriate for this Committee to develop general principles, guidelines and definitions to address cross-cutting issues within the Codex system. We also propose that this be positioned as clause (a).</p>

In summary, the full text of Malaysia's proposal for the TOR of CCGP will read as follows:

- a. **To develop general principles, guidelines, definitions with a view to harmonisation within Codex to protect the health of consumers, ensure fair trading practices and facilitate international trade.**
- b. **To endorse procedural provisions and texts and principles, prior to consideration by the Commission.**
- c. **To deal with such procedural and general matters as are referred to it by the Codex Alimentarius Commission, Executive Committee or Codex subsidiary bodies.**
- d. **To propose amendments to the Procedural Manual of the Codex Alimentarius Commission.**
- e. **To develop mechanisms for examining any justifiable economic impact statements submitted by governments concerning possible implications for their economies of some of the individual standards or some of the provisions thereof.**

Mexico

“To deal with procedural and general matters referred to it by the Codex Alimentarius Commission or one of its subsidiary bodies.”

~~To endorse To examine and issue the necessary recommendations~~ on the procedural provisions/texts forwarded by subsidiary bodies (e.g. work management, risk analysis).

~~To propose amendments to the Procedural Manual of Codex Alimentarius Commission and to develop its structure.~~

~~To keep under review the Code of Ethics for International Trade in Food, the Working Principles for Risk Analysis for Application in the Framework of the Code Alimentarius Commission and the Principles for Risk Analysis for Application by Governments.~~

~~Such matters have included the establishment of the General Principles which define the purpose and scope of the Codex Alimentarius, the nature of Codex standards and the forms of acceptance by countries of Codex standards; the development of Guidelines for Codex Committees; the development of a mechanism for examining any economic impact statements submitted by governments concerning possible implications for their economies of some of the individual standards or some of the provisions thereof; the establishment of a Code of Ethics for the International Trade in Food.”~~

Philippines

Proposal: Amend the TOR of the Committee as follows:

To deal with procedural and general matters as are referred to it by the Codex Alimentarius Commission or ~~one of~~ its subsidiary bodies.

The Philippines proposes deletion of the phrase “one of” and supports the three succeeding statements:

- *To endorse procedural provisions/texts forwarded by subsidiary bodies (e.g. work management, risk analysis)*
- *To propose amendments to the Procedural Manual of the Codex Alimentarius Commission and to develop its structure*
- *To keep under review the Code of Ethics for International Trade in Food, the Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius Commission and the Principles for Risk Analysis for Application by Governments.*

Proposal:

~~Such matters have included the establishment of the General Principles which define the purpose and scope of the Codex Alimentarius, the nature of Codex standards and the forms of acceptance by countries of Codex standards; the development of Guidelines for Codex Committees; the development of a mechanism for examining any economic impact statements submitted by governments concerning possible implications for their economies of some of the individual standards or some of the provisions thereof; the establishment of a Code of Ethics for the International Trade in Food.”~~

The Philippines supports deletion of the above paragraph but proposes the retention of the third aspect of work of the Committee on General Principles stated therein, i.e.: development of a mechanism for examining any economic impact statements submitted by governments concerning possible implications for their economies of some of the individual standards or some of the provisions thereof.

We believe this task is relevant and will contribute to the realization of one of the key purposes of the CAC, which is to ensure fair practices in food trade. A mechanism that has been developed through a robust exchange of ideas and mutually-agreed on by CAC Members and observers will be beneficial as it would provide a guiding framework and a neutral approach for examining any economic impact statement submitted by governments.

As to the reference to the adoption of Codex standards by Member Countries, this aspect of work has already been deleted in the present Procedural Manual. This can thus be deleted in the TOR of CCGP for consistency purposes.