



U.S. Delegate's Report, 26th Session, Codex Committee on General Principles

The United States believes the 26th Session of the Codex Committee on General Principles was productive. Among other things, the Committee:

- Completed work on revision to the Code of Ethics for International Trade in Food, recommending adoption by the Codex Alimentarius Commission (CAC) at Steps 5/8.
- Established an electronic working group to prepare a Discussion Paper examining issues that result in the draft standards being held at Step 8 of the Codex Step Procedure.
- Amended the *Codex Guidelines to Chairpersons of Codex Committees and Ad-Hoc Intergovernmental Task Forces* to provide further guidance on the concept of consensus and its application in Codex committee/task force decision-making.
- Proposed revisions to the Committee's Terms of Reference and, on a related matter, established an electronic working group to develop a mechanism for examining any economic impact statements submitted by governments associated with the Codex draft standards.
- Further considered the possibility of Codex developing joint standards with the International Organization for Animal Health (OIE).
- Considered the consistency between Codex *Working Principles of Risk Analysis for Application in the Framework of the Codex Alimentarius* and committee specific Principles for Risk Analysis, and agreed that sufficient consistency currently existed between the overarching document and the committee-specific texts.
- Agreed that a definition for the term "competent authority" was not necessary.
- Amended the *Guidelines for Host Governments of Codex Committees and Ad-Hoc Intergovernmental Task Forces* to provide specific guidance on co-hosting of committee/task force sessions, including a specific timetable for carrying out advance preparations of co-hosted sessions.

The 26th Session of CCGP was attended by 209 Delegates representing 81 member countries, one member organization (EU), and 14 international organizations. The United States was represented by the U.S. Delegate, Ms. Karen Stuck, U.S. Manager for Codex; U.S. Alternate Delegate, Ms. Camille Brewer, FDA; 9 government advisors; and 5 non-government advisors.

The full report of the 26th Session of CCGP can be found in ALINORM 10/33/33 on the Codex website, www.codexalimentarius.net.

The following summarizes the results of the Session.

Revision of the Code of Ethics for International Trade in Food

The Committee, at its 2009 (25th) Session, completed revision of the Code and forwarded it to the Codex Alimentarius Commission for adoption. However, a number of countries recommended that further review of the Code was needed and that their concerns had not been taken into account. The Commission returned the Draft Code to CCGP for additional review.

The Committee carried out a paragraph by paragraph review, making several technical adjustments to the text.

Significant discussion occurred with respect to Section 3.2(f) relating to shelf life. Several delegations indicated that the term "shelf life" was not sufficiently precise, was not a term used in the Codex General Standard for the labelling pre-packaged food, and proposed alternative wording. The Committee agreed to replace "shelf-life" with "expiration date".

As in prior Sessions, the Committee discussed the appropriateness of including a reference in the Code to the International Code of Marketing of Breast Milk Substitutes," and agreed to retain the current text unchanged with respect to this item.

The Committee, recognizing that all issues had been sufficiently considered, forwarded the Code for adoption at Step 8 by the Commission.

Consideration of Issues Surrounding Draft Standards Held at Step 8

At its 32nd (2009) Session, the Commission, noting provisions in the Codex Procedural Manual that permitted standards to be held at Step 8, that a few standards had been held at Step 8, and that the reasons for holding standards at Step related to the inability to achieve consensus, proposed a working group to examine the issues surrounding the causes of holding standards at Step 8. The Commission could not reach consensus on the proposal



and agreed that the issue could be discussed in CCGP if countries wished to do so.

The subject of issues surrounding draft standards held at Step 8 came forward to this Session of CCGP under Matters Referred.

The Committee was of mixed views as to whether there was a need examine the subject, and in particular whether the wording of the second sentence of paragraph 5 of the *Codex Procedures for the Elaboration of Codex Standards and Related Texts*, "The Commission may also decide that the draft be held at Step 8," required specific guidance for its application. Several delegations were of the opinion that sufficient guidance, particularly on the issue of reaching consensus on draft standards, existed. Many other delegations supported the need to clarify the issue. After significant discussion, the Committee agreed to establish an electronic Working Group, co-chaired by the Netherlands and Canada, to develop a Discussion Paper on the subject for consideration by the next Session of CCGP. The Terms of Reference for the Working Group were agreed to be the following:

- to prepare a discussion paper examining the issues surround paragraph 5 of the *Procedures for the Elaboration of Codex Standards and Related Texts* and in particular the second sentence of this paragraph;
- the discussion paper will describe the issues that result in draft standards being held by the Commission at Step 8, even if the subsidiary body responsible for drafting the standard had concluded its work taking into account the *Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius*;
- that the *Statements of Principles Concerning the Role of Science in the Codex Decision-Making Process and the Extent to Which Other Factors are taken into Account* are not subject to discussion and are not be reopened;
- The discussion paper will suggest what recommendations CCGP may wish to consider at its 27th Session. The Committee also agreed that the work started on this issue would not affect the disposition of any ongoing work.

Amending the Codex Guidelines to Chairpersons of Codex Committees and Ad-Hoc Intergovernmental Task Forces

The Delegation of Malaysia, during previous discussions on consensus, had proposed that the following new paragraph be added to the *Codex Guidelines to Chairpersons of Codex Committees and Ad-Hoc Intergovernmental Task Forces*.

"Where there is justified sustained opposition to substantial issues the Chairperson should ensure that the views of concerned members be taken into consideration by reconciling conflicting arguments before deciding that a consensus has been reached."

No consensus on the proposal had been reached in prior CCGP discussions and the issue had been submitted to countries for comment and placed on the Agenda for this Session for further consideration.

Substantial discussion occurred on the proposal with mixed views as to the need for the additional provision. While many delegations supported the proposal, many other delegations expressed concern over the vagueness of the terms "justified," "sustained," and "substantial." Some delegations indicated that the provisions of the proposal were already covered in existing guidance on consensus while other delegations expressed concern that the proposal would place an undue burden on Codex committee chairpersons.

Various proposals were put forward amending the Malaysian proposal. After some discussion the Committee agreed to delete the terms "justified," "sustained," and "substantial" and to make certain other modifications, which resulted in a revised proposal:

"Where there is opposition to an issue under discussion, the chairperson should ensure that the views of concerned members be taken into consideration by striving to reconcile conflicting arguments before deciding whether consensus has been reached."

This proposal will be submitted to the CAC for adoption.

Revision to the Terms of Reference of CCGP/Establishment of a Working Group on Economic Impact Statements

CCGP, at its 25th (2009) session, during consideration of removal of the acceptance procedure from the Committee's Terms of Reference (TOR), had proposed simplifying its TOR to a single enabling provision: "To deal with such procedural and general matters as are referred to it by the Codex Alimentarius Commission," deleting references to specific examples of work it had or should undertake. The proposal was not accepted by the CAC as many countries wished a more substantive and complete TOR.



The Codex Secretariat developed a discussion paper with a proposed TOR that both encompassed a general enabling provision and spoke to certain specific responsibilities.

Substantive discussion occurred on the proposal. In particular, the Committee extensively discussed the need to include consideration of the economic impact of draft Codex standards in the terms of reference. Many delegations were of the view that no specific mention of economic impact was needed as this area was already addressed in the Codex Step Procedure, specifically in Steps 3, 5, 6, and 8. Other delegations believed that the TOR should refer to a mechanism for assessing the economic impact of standards. The Committee could not reach consensus on this issue, but agreed to retain a reference to economic impact statements in square brackets (signifying lack of consensus at this time), circulate the revised TOR for country comment, and consider the revised TOR at the Committee's next Session.

The proposed TOR are:

- To deal with such procedural and general matters as are referred to it by the Codex Alimentarius Commission or one its subsidiary bodies.
- To review and endorse procedural provisions/texts intended for inclusion in the Procedural Manual forwarded by subsidiary bodies.
- To propose amendments to the Procedural Manual of the Codex Alimentarius Commission.
- [To develop 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.] Additionally, the Committee agreed to establish an electronic Working Group, co-chaired by Malaysia and Brazil, to develop a proposed mechanism for examining any economic impact statements submitted by governments concerning possible implications for their economies of some of the individual draft standards or some of the provisions thereof, including the development of a template or harmonized format for submitting economic impact statements. The results of this working group will be considered at the next Session of CCGP.

Developing Joint Codex-OIE Standards

At its 2009 (25th) Session, the Committee renewed discussion from previous years on the appropriateness of Codex developing Joint Standards with the International Organization for Animal Health (OIE).¹ CCGP invited the OIE to submit a Discussion Paper on the subject of Joint Standards to the current 26th Session of the Committee.

A general discussion occurred on the proposal for undertaking Joint Standards. Several delegations, while supporting a close cooperation with OIE and the need to avoid duplication of work, indicated that, because of the late arrival of the Paper, they were not in a position to discuss the content of the document.

The United States noted that there was an opportunity to better define the roles and responsibilities of the two organizations and to discuss how they might best interact where the roles and responsibilities interface in order to avoid duplication and overlap. Further, that while there were many similarities between Codex and OIE, their mission, priorities and processes were different and thus, the missions of the two organizations would best be served by separate but coordinated work products.

The Committee agreed that the Codex Secretariat would send a Circular Letter, including the working Paper, requesting comments from Members on the Paper for consideration at the next Session of CCGP.

Consistency of Codex Working Principles of Risk Analysis

The Committee recalled that the Codex Strategic Plan called for reviewing the consistency of the various committee specific² working principles for risk analysis with the Codex *Working Principles of Risk Analysis for Application in the Framework of the Codex Alimentarius*. The Codex Secretariat had prepared a Discussion Paper analyzing the issue of consistency and making certain recommendations for revision of the various committee specific risk analysis documents.

Generally, the Committee, while concurring with the analysis and recommendations presented by the Secretariat, was of the view that risk analysis policies developed by the various Codex committees were generally consistent with the *Codex Working Principles of Risk Analysis for Application in the Framework of the Codex Alimentarius* and that in-depth revisions of the various committee-specific risk analysis texts were not needed. The Committee agreed that the analysis and recommendations prepared by the Codex Secretariat should be forward to the relevant Committees for consideration and review. The Committee further agreed that the activities carried out to date plus the reviews to be undertaken by the relevant Codex committees would fulfill the requirements of the Codex Strategic Plan.

Establishing a Codex Definition for the Term "Competent Authority"



The Codex Committee on Nutrition and Foods for Special Dietary Uses and the Codex Committee on Food Labelling had recommended that consideration be given to establishing a definition for the term "Competent Authority," noting that this term, as well as other similar terms (e.g., national competent authority) were used interchangeably in various Codex texts and that a definition of the term would provide clarity and consistency.

The Delegation of Australia, as the Chair of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) indicated that the term "competent authority" was highly relevant to the work of CCFICS as it is extensively used in 8 of 9 texts developed by CCFICS and had considered defining the term but concluded that the term was self-explanatory and was defined through its use in CCFICS texts and, therefore, a general definition would impact on each of these texts.

The Committee carried out a general discussion on the need for a definition of "competent authority" and concluded that a definition would either have to be very general to encompass all possible uses or very complicated which would restrict its usefulness. With this in mind, the Committee agreed that there was no merit in having a Codex definition for the term "competent authority."

Amending the *Guidelines for Host Governments of Codex Committee and Ad-Hoc Intergovernmental Task Forces*

The 2009 (32nd) Session of the Commission considered an analysis of the co-hosting of Codex committees; that is, having a second country (usually a developing country) other than the Commission-approved host country of a Codex committee/task force serve as a co-host for the committee/task force. While the Commission strongly supported continuance of co-hosting, it noted that additional guidance to countries considering co-hosting, beyond that given in the *Codex Guidelines for Host Governments of Codex Committees and Ad-Hoc Intergovernmental Task Forces* could be helpful, particularly with respect to arrangements. The Commission requested that CCGP undertake consideration of what additional guidance would be appropriate.

The Committee considered a Paper prepared by the Codex Secretariat that presented amendments to the *Guidelines for Host Governments of Codex Committee and Ad-Hoc Intergovernmental Task Forces* to clarify terms, make the practice of co-hosting more explicit, and to provide specific guidance on co-hosting arrangements and co-chairing of Sessions. The Paper also included proposed text to be placed on the Codex website, describing the requirements and obligations for co-hosting including schedules that needed to be met.

The Committee was in general agreement with the recommendations presented by the Codex Secretariat. The Committee also agreed with a proposal from the United States for a stricter schedule for undertaking co-hosting arrangements, particularly with respect to the timing for initial decisions to co-host and in obtaining the letter of interest and letter of agreement. The Committee agreed to forward the recommendations for amendment to the *Guidelines for Host Governments of Codex Committee and Ad-Hoc Intergovernmental Task Forces* to the Commission for adoption.

Other Matters

Proposed Draft Risk Analysis Principles and Procedures Applied by the Codex Committee on Food Hygiene
The Committee endorsed the *Proposed Draft Risk Analysis Principles and Procedures Applied by the Codex Committee on Food Hygiene* with an Annex on *The Process by which the Codex Committee on Food Hygiene will Undertake its Work* as received from CCFH and recommended adoption by the Commission.

Distribution of Documents and Length and Content of Reports

The 32nd (2009) Session of the Commission had requested that Chile prepare a Discussion Paper providing recommendations on ways to approach the timely and simultaneous distribution of documents and on ways to improve the length and content of reports, taking into account the concerns of various countries regarding these issues.

A general discussion noted several aspects of the subject including: the importance of identifying the source and extent of the problems; the existence of guidance on length of reports in the Procedural Manual and the need to adhere to this guidance; the need for all parties to adhere to deadlines; the value and cost of audio recordings of meetings; and the need for Session reports to strike a balance between length and adequate description of the results of discussion.

The Committee agreed that the Discussion Paper would be discussed in the Codex Regional Coordinating Committee for Latin America and the Caribbean; submitted for information to the other Codex Regional Coordinating Committees; and remain on the Agenda of the next session of CCGP.



Definition of Hazard with Respect to Nutrition

The Observer from the Council for Responsible Nutrition requested CCGP to consider whether the definition of hazard in the *Codex Procedural Manual* differed from how the term was used in the nutrient risk assessment; specifically, the definition of hazard in the *Procedural Manual* referring to an "agent" differed from that in nutrition referring to an "effect." The Observer further stated that this difference should not be interpreted as producing any conflict in the interpretation or application of the *Working Principles of Risk Analysis within the Framework of the Codex Alimentarius*.

Some delegations expressed the view that the current definition of "hazard" in the *Procedural Manual* was consistent with the definition of nutrient-related hazard and that there was no need to revise it. The Committee decided to forward the matter to the relevant Codex committees (CCFA, CCCF, CCRVDF, CCPR, CCNFSDU, CCFH) for their advice; the question will be considered at the next Session of CCGP.

Date and Place of the Next Session

The 27th Session of the Committee will be held in 2012, unless actions taken by the CAC establish a need for a session in 2011. The Government of Mali invited CCGP to meet in Mali for its next Session.

Footnotes

¹The earlier discussion did not result in joint standards, but encouraged OIE to actively engage in the work of pertinent Codex committees/task forces and their working groups through its Observer status in Codex as an international intergovernmental organization.

²The Committees involved were the following: Codex Committee on Food Additives; Codex Committee on Contaminants in Foods; Codex Committee on Pesticide Residues; Codex Committee on Residues of Veterinary Drugs in Foods; Codex Committee on Food Hygiene; and, Codex Committee on Nutrition and Foods for Special Dietary Uses.