



Report of the U.S. Delegate, 29th Session, Codex Committee on General Principles (CCGP)

The 29th Session of the Codex Committee on General Principles (CCGP) met March 9 – 13, 2015, in Paris, France. Approximately 200 delegates representing 75 member countries, one member organization (the European Union) and 14 observer organizations participated in the session, which was chaired by France.

The United States was represented by Mary Frances Lowe (U.S. Department of Agriculture/U.S. Codex Office) as delegate and Camille Brewer (U.S. Food Drug Administration) as alternate delegate, one government advisor and two non-government advisors. Overall, the meeting was successful, and the outcome of most of the agenda items reflected the positions that the United States worked closely with other Codex delegates to advance.

Summary/Highlights

At this session, CCGP:

- identified the activities of the Strategic Plan 2014 – 2019 that were relevant to CCGP;
- proposed revised Terms of Reference (TORs) for CCGP for approval by the 38th session of the Codex Alimentarius Commission (CAC 38) (July 2015);
- proposed minor amendments to the *Procedural Manual* relating to Cooperation between General Subject Committees and Commodity Committees, for approval by the CAC 38; and
- conducted a limited discussion on Codex work management and the functioning of the Executive Committee but reached no decisions and made no recommendations to the CAC.

The following paragraphs discuss the conclusions of the Committee in more detail. The full official report of the session is available on the Codex Alimentarius website at <http://www.codexalimentarius.org/meetings-reports/en/>.

Agenda Item 1 - Agenda

Due to the lack of a document, the committee agreed to defer discussion on “Consistency of risk analysis texts” until the next session of CCGP. At the request of delegations from Latin America and the Caribbean, assurances were given that this item would be included on the agenda of the next session based on a paper to be prepared by the Secretariat.



Agenda Item 2. Matters Referred

Under this agenda item, the CCGP, like all other committees, reviewed the activities of the Strategic Plan and completed a questionnaire prepared by the Codex Secretariat, identifying those activities to which CCGP could contribute and that were relevant to the committee.

The CCGP recognized that, unlike other committees, it did not directly use the scientific advice provided by joint expert bodies and consultations convened by the UN Food and Agriculture Organization (FAO) and World Health Organization (WHO) and that, while scientific advice is critical to the work of Codex, it was not always relevant to CCGP's work.

Consistent with the *Procedural Manual*, the committee clarified that CCGP could only take into account in its work legitimate factors relevant to the health of consumers and the promotion of fair practices in the food trade.

Much of the discussion focused on increasing participation by developing countries in Codex activities, by making serious efforts to promote the use of multiple Codex languages, especially in working groups, by encouraging co-chairing committee meetings and facilitating the issuance of visas. Some delegations also noted that there were guidelines in the *Procedural Manual* for the timely distribution of Codex documents, but these were not followed in all cases. This makes full participation very difficult for many countries.

The CCGP acknowledged difficulties in achieving consensus on some issues.

The United States supported forwarding the responses to the 70th Session of the Codex Executive Committee (CCEXEC 70, June 2015) and CAC 38 for consideration

Agenda item 3. Terms of Reference of CCGP

The 28th CCGP (2014) had forwarded revised Terms of Reference (TORs) for CCGP to the 37th CAC for adoption in 2014. At the Commission, however, several delegations opposed the revised TORs proposed by the Committee, and the CAC returned the proposed revisions as well as an alternative text back to CCGP for consideration. The alternative text was developed by FAO and WHO and notably restored the provision in the existing TORs that limited the mandate to matters referred to CCGP by the CAC, to avoid creating the possibility that the updated TORs could be interpreted as expanding the mandate of CCGP to become, in effect, a "self-tasking" committee. The EU, Switzerland, Norway and Uruguay preferred the text previously recommended by CCGP 28.



The Committee agreed to the alternative text prepared by FAO and WHO with slight modifications and forwarded the following proposed revised TORs to the CAC for adoption at its July 2015 session:

“To deal with such procedural and general matters as are referred to it by the Codex Alimentarius Commission, including:

- the review or endorsement of procedural provisions/texts forwarded by other subsidiary bodies for inclusion in the *Procedural Manual* of the Codex Alimentarius Commission; and
- the consideration and recommendation of other amendments to the *Procedural Manual*.”

This outcome was consistent with the U.S. position and the statement in the last CCGP report that there was no intent to expand the scope or authority of the Committee. The United States supported the revised TORs as recommended by this session.

Agenda Item 4. Proposed Amendments to the Procedures for the Elaboration of Codex Standards and Related Texts

The 28th CCGP (2014) forwarded to the CAC 37 (2014) proposed amendments to the *Procedural Manual* with the ostensible purpose of improving coordination between the work of general subject committees and commodity committees. The amendments are concerned primarily with the critical review process for new work proposals, and mandate (1) that project documents for new work detail not only information on the relation between the new work proposal and other existing Codex documents, but also on “other ongoing Codex work,” and (2) that the critical review process include, “Advice on the need for coordination of work between relevant Codex subsidiary bodies.”

After a number of delegations objected to the amendments at CAC 37 (2014), the CAC Chair returned the proposal to CCGP for further discussion at its 2015 session. During the discussion at this session, some delegates indicated that they were not aware of any problems with the current procedures and noted that, to date, no one had provided a clear example of where the lack of communication between commodity committees and general subject committees had been a problem. They pointed out that there were already procedures in place to ensure coordination between committees and these should be followed. Other delegates believed the amendments would increase transparency and avoid duplication of work.

There was some question about the meaning of “ongoing work” which the Secretariat clarified as work that was in the Codex step process.

The committee agreed to forward the amendments to the CAC 38 (2015) once again for adoption. There were reservations from several Latin American countries regarding the proposal.

The United States firmly believes that Codex should operate effectively and avoid duplication of effort and recognizes that communication among the Codex committees is critical to achieving this. The United States is not aware that this is a significant problem in Codex committees requiring amendment of the *Procedural Manual*, however, and was not supportive of the proposed changes.

Agenda Item 6. Codex Work Management and Functioning of the Executive Committee

The establishment of the Codex Committee on Spices and Culinary Herbs prompted some delegations to question whether the CAC was adhering to the recommendations of the 2002 Evaluation and the *Procedural Manual* both of which recommended the establishment of time-limited *ad hoc* task forces rather than new committees. The 69th Executive Committee (CCEXEC 69) (2014) considered a proposal by the 2014 CCGP to review the work management systems and practices of Codex in accordance with Strategic goal 4 of the Codex Strategic Plan 2014 – 2019 and to undertake a review of the status of the implementation of the recommendations of the 2002 Evaluation. The 2014 CAC endorsed the CCEXEC recommendation that the Secretariat prepare a paper identifying the scope and process to evaluate the work management of Codex. The paper was also expected to address the effectiveness and representation of the Executive Committee.

While the paper prepared by the Secretariat was very comprehensive and wide-ranging, many delegations believed it went far beyond what was expected. Other delegations pointed out that many of the recommendations had already been carefully considered and debated and they were not convinced that further in-depth discussions were warranted on recommendations which the CAC had already decided not to accept. Some of the issues were very divisive and there was concern among the delegates about the negative impact discussion would have on work in other areas of Codex.

Unfortunately, the paper was not distributed in all working languages until shortly before the committee meeting, and had not been distributed in any language within the two month time frame prescribed in the *Procedural Manual*. As a result, countries did not have sufficient time to review the document and formulate country positions. Consequently, the Chair proposed that the Committee have a general, “open and free” discussion/exchange of views on the paper but not attempt to reach any conclusions, take any decisions, make any recommendations or refer any texts to other committees or the CAC. The report would contain a summary of the discussion. . Brazil, Colombia



and Costa Rica expressed reservations on the decision to keep the item on the agenda. The Secretariat clarified that the paper had been requested by the CAC and would be on the agenda of the next meeting of the and CAC. (It is also on the agenda of the June 2015 meeting of CCEXEC.)

Below is a summary of some of the major issues discussed:

Strategic governance within Codex – the Executive Board

The Secretariat's paper proposed replacing the current CCEXEC (Executive Committee) with a smaller Executive Board which would be comprised of less than 10 members which could be elected by the CAC as a whole. While this proposal was not fully developed, the new executive body as outlined in the Secretariat paper appeared to be less inclusive and transparent than the current CCEXEC. There was little support from the committee members for such a new executive body. A former CAC Chair observed that the proposal for a smaller Executive Board had also been made d previously and was not only rejected, but the CAC had adopted to go in a different direction and increase the membership of the CCEXEC.

Voting in Codex

While it was acknowledged that consensus should be the principal way in which decisions are made in Codex, the Secretariat suggested that voting could be part of the democratic Codex process and not necessarily a divisive tool, as it could prompt members to strive harder for consensus. The Secretariat suggested that voting be based on a 2/3 majority and only happen in the CAC. This proposal received virtually no support except from European countries; it is likely many delegates perceived it to be an opportunity for one region to exercise veto power over all standards that did not comply with their legislation. The argument that other international organizations, such as World Organization for Animal Health (OIE) use a 2/3 majority for voting (at least for some matters) was rebuffed as it was pointed out that Codex was different from these organizations and we had already rejected some of the practices of these less inclusive organizations. Delegations also questioned why we were discussing this issue again as the committee had decided as recently as the 2012 CCGP session to retain the current voting procedures.

Co-hosting Committees

In order to achieve a more equitable geographical distribution of countries chairing committees, the Secretariat suggested that a rotation system could be developed which would provide more countries with the opportunity to host and chair a Codex committee.

The Secretariat also suggested that a definite time period of, for example 6 – 8 years, could be set for hosting a committee, after which other countries could apply to host. While acknowledging the principle behind this recommendation, many delegates pointed out that hosting a committee required a substantial commitment of human and financial resources, and most countries were not able to commit these resources. Also, the value of stable chairing was recognized. Host countries are encouraged to continue co-hosting with developing countries as a way of increasing participation in Codex, and more robust co-hosting arrangements could be explored, to give countries more experience in actually chairing sessions.

Effectiveness of Working Groups

While most delegates acknowledged that working groups are a critical tool of Codex committees, it was pointed out that the limited use of languages – usually only English - made participation in these groups very difficult for many countries. India noted that it had prepared a review of working groups: there were currently more than 50 electronic working groups (eWGs); it was a struggle for all countries to participate in all of them; and actual participation by developing countries was quite low. The United States pointed out that there were examples of eWGs' using technology to promote wider participation and suggested that examining how these methods could be more widely employed would be worthwhile.

Codex Reports and Audio Recordings of Codex Committee Meetings

The Secretariat recommended that the committee reports should be short and outcome oriented as a way to reduce translation costs and to free up the Secretariat's time. However, it was also recognized that such reports do not contain adequate information for delegates to understand what transpired at the committee meetings. It was suggested that audio recordings of the meetings could supplement the short reports. Several delegates pointed out the impracticality of relying on audio recordings, e.g., the length of time it would take to listen to the full recording. Other delegates pointed out that there may be legal implications with recording delegates, and that it could alter the nature of the debate and adversely affect consensus-building. The FAO legal counsel advised that FAO/WHO meetings are not subject to national legislation and pointed out that audio recordings could only supplement the written report, which is required by the *Procedural Manual*.

In keeping with the decision made at the time of adoption of the agenda, there were no recommendations or outcomes forwarded to the CAC regarding these discussions.



Next Session

The next session of the Committee (CCGP 30) is currently scheduled for May 2-6, 2016, at a location to be determined.