



REPORT OF THE UNITED STATES DELEGATE  
TO THE 31<sup>ST</sup> SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES  
MARCH 11-15, 2019  
BORDEAUX, FRANCE

The 31<sup>st</sup> Session of the Codex Committee on General Principles (CCGP) met March 11 – 15, 2019, in Bordeaux, France. Approximately 150 delegates representing 59-member countries, one-member organization (the European Union) and eight international organizations, along with the Codex Secretariat and representatives of the UN Food and Agriculture Organization (FAO) and World Health Organization (WHO) 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 and Drug Administration) as alternate delegate, six government advisors and two non-government advisors. The United States was successful in achieving our overarching goals for the session, including ensuring that the scope of work for the committee remained consistent with its Terms of Reference<sup>[1]</sup>, and issues were concluded consistent with U.S. positions. No texts were advanced to the Codex Alimentarius Commission (CAC) for consideration or adoption. The U.S. delegation coordinated with aligned member countries to support each other's positions and achieve consensus where possible throughout the week.

### **Summary/Highlights**

The principal agenda item referred to CCGP by the CAC related to the development of procedural guidance for committees working by correspondence. The Committee also considered at length, under "Other Business," a discussion paper drafted by France on emerging issues of potential relevance to CCGP.

- Participants concluded that the possibility of working by correspondence should be maintained, and the Committee agreed to establish an Electronic Working Group (EWG), chaired by New Zealand and co-chaired by the United States, Germany, and Japan, to develop criteria to identify work that would be appropriate for committees working by correspondence, and to consider whether procedural changes related to committees working by correspondence were necessary. Committees now working by correspondence may continue as they are currently operating.
- Work on food fraud/authenticity will continue in the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS), and issues related to consumer

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<sup>[1]</sup> "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."

information and labeling should be raised in the Codex Committee on Food Labelling (CCFL). (Document CX/GP 19/31/6 had suggested that CCGP might be an appropriate forum.)

- There is no need to develop specific guidance on the use of examples in Codex texts.
- France volunteered to develop discussion papers on the issues of monitoring Codex work relevant to the Sustainable Development Goals (SDGs) and monitoring the use of Codex standards, for consideration at the next session.
- The Codex Secretariat will also prepare a discussion paper on revision and amendment procedures for Codex standards. (See Conference Room Document (CRD) 10. This document was posted too late for delegates to review and discuss.)

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

### **Agenda Item 1 – Adoption of the Agenda**

The Chair began by proposing a modification to the order of agenda items to facilitate the WHO representative's participation in the discussions of Agenda Items 2 and 5. Chile asked for clarification on the source of the discussion paper for Agenda Item 6 (Other Business) to which the chair responded that the French delegation was responsible for drafting the paper and would present it. The Committee adopted the agenda as modified without further discussion.

### **Agenda Item 2 – Matters Referred to the Committee (Document CX/CP 19/31/2)**

In response to a question from Japan, the Chair clarified that the matters referred were for the Committee's information and not for action. On the matter of the CCGP-led review of the consistency of Codex risk analysis texts across committees, several Latin American countries intervened to recall their reservations at CAC 39 (2016) and stated their view that the work had not been completed. The Secretariat and the FAO representative responded that the work was closed by the Commission but offered to consult further with the FAO/WHO Regional Coordinating Committee for Latin America and the Caribbean to better understand members' remaining concerns. The United States did not intervene during this discussion. The Chair closed discussion on the other three matters referred to the Committee by noting that they would be covered under later agenda items. Australia, as Chair of CCFICS, provided the Committee with information on progress made by the EWG on Food Fraud and noted the March 22<sup>nd</sup> deadline for registering to participate in the group.

### **Agenda Item 3 – Procedural Guidance for Committees Working by Correspondence (Document CX/CP 19/31/3)**

The Codex Secretariat and the Legal Office of FAO summarized the discussion paper and observed that fundamental Codex principles of transparency, consistency, consensus [sic], and effective participation should guide work by correspondence. New Zealand noted that Codex enjoys relative autonomy within the UN system and should adopt procedures to operate

effectively and take advantage of new technologies. The United States expressed support for correspondence as a legitimate means of conducting Codex committee work, consistent with Codex' established values (collaboration, inclusiveness, consensus-building, and transparency), but suggested that physical meetings may be necessary for decision making when standards are far enough advanced (e.g., before consideration by the CAC and adoption at Step 5 as a draft standard and/or before final adoption at Step 5/8 or 8). Other countries expressed similar views; none supported the discussion paper's first recommendation for consideration, which suggested discontinuing the practice of committees working by correspondence.

The Chair concluded that the that recommendation to discontinue committee work by correspondence was rejected. The Committee agreed to establish an EWG to develop recommendations on criteria for the type of work that could be done by committees through correspondence. The EWG would also consider whether procedural changes were appropriate to accommodate work by correspondence. Following an intervention by the United States, the Chair clarified that that this work would focus on committees working by correspondence, and not on guidance for EWGs. Although the discussion paper suggested review of the EWG guidance in the *Procedural Manual*, discussion was deferred on that subject because it is under consideration by the Codex Executive Committee (CCEXEC).

After a meeting on the margins with potential EWG co-chairs (including the United States), New Zealand proposed Terms of Reference for the EWG. Subsequent interventions by the United States, agreed to by the Chair, made clear that criteria developed by the EWG should be consistent with the *Codex Procedural Manual*, that the same procedures should apply to decision making by correspondence as apply to physical meetings, and that the mandate of the EWG would not pre-judge the need for any changes in the *Procedural Manual*. Ultimately, the Committee adopted EWG Terms of Reference as follows:

Taking into account CX/GP19/31/3 and comments made at CCGP31, the EWG will:

- a. Develop criteria to identify work appropriate to be undertaken by committees working by correspondence and develop procedural guidance for such committees based on and consistent with relevant guidance in the *Procedural Manual* (including decision making, reporting) and in keeping with the values of the Commission; and
- b. Consider, and make recommendations as appropriate, whether procedural changes related to committees working by correspondence are necessary

#### **Agenda Item 4 – Use of Examples in Codex Texts (Document CX/CP 19/31/4)**

Following the Codex Secretariat's summary of the discussion paper, several member countries, particularly from Latin America, expressed concerns about potentially ambiguous legal implications resulting from the use of examples in Codex standards and stated that Codex texts should be clear, so as to avoid the need for examples. The United States stated that committees should consider the use of examples carefully, on a case-by-case basis, and

expressed agreement with the advice of Legal Counsel that Information Documents (which may contain examples) should not be referenced in Codex texts, since they are not adopted by the CAC and by definition are not intended as international standards. The Committee generally agreed that examples are for illustrative purposes only. Participants further concluded that committees overall were successfully exercising the various options available on a case-by-case basis and that there was no need to develop further guidance.

#### **Agenda Item 5 – Information on Activities of WHO and FAO Relevant to CCGP (Document CX/CP 19/31/5)**

The WHO representative introduced this agenda item with an appeal to the CAC to direct work to measure the impact of Codex standards at the country level. He also asked member countries who have seats on the Governing Council of the WHO International Agency for Research on Cancer (IARC) to support new procedures for coordination of its work program with WHO headquarters to ensure there is no duplication of effort with Codex scientific review bodies. The United States welcomed these new coordination procedures.

The FAO representative then provided reflections on the recent FAO/WHO/African Union (AU) International Food Safety Conference (Addis Ababa, February 12-13) and highlighted support for the UN's declaration of June 7 as World Food Safety Day. The United States expressed support for the goals of the Addis conference and key points in the Chairperson's Summary: to increase investment in national food safety control systems through a science- and risk- based approach that will benefit public health and developing economies, to ensure prevention-based management of food supply chains, and to enhance participation by all countries in the Codex standards setting process. The United States also noted its intention to participate fully in the upcoming International Forum on Food Safety and Trade (Geneva, April 23-24) as well as World Food Safety Day.

Other member countries, including Canada and Australia, expressed similar support for these initiatives. The FAO representative welcomed further support from and discussion within Codex on the funding of scientific advice, for which the United States had also expressed appreciation in its earlier intervention. The European Union (EU) directed attention to a discussion paper on sustainable funding for scientific advice (see Annex to CRD 8) and appealed for support on this subject at the CAC in July.

#### **Agenda Item 6 – Other Business**

##### **Emerging and Future Issues Relevant to the Work of the Committee (Document CX/CP 19/31/6)**

The French delegation began by summarizing their objectives for the discussion paper, to allow broad discussion of future work by CCGP. The United States followed with an intervention noting that the CCGP Terms of Reference are unique, and limit it to work on general and procedural matters referred to it by the CAC, and stressing the importance of avoiding overlap

and intrusion into other committees' work and terms of reference. Broad policy issues and directions in Codex are properly considered by the CAC and CCEXEC.

The discussion paper lists seven potential subject areas for consideration of work by CCGP.

1. Facilitating the elaboration of standards by Codex

The first item in the discussion paper suggests that CCGP “look into how the CCGP’s work on the Committees working by correspondence could help manage the EWGs or foster the rollout of innovative working methods (e.g., webinars).”

The United States noted that the issue of EWG guidance is currently before the CAC and the CCEXEC and has not been referred to CCGP; CCGP should await the outcome of these discussions and possible referrals. Australia and Canada supported the U.S. intervention while Germany and Norway noted that CCGP could suggest work for approval by the Commission and Executive Committee. The Chair confirmed that the Committee was not trying to self-task and or extend beyond its Terms of Reference. After a proposal for CCGP to submit a discussion paper on proposed guidelines for EWGs to CAC, the United States, Chile, and Norway, all expressed concerns about moving forward with work that is still with the CAC and CCEXEC. The Committee concluded, and the Chair confirmed, that it was best to wait for the Secretariat’s paper on the issue to be submitted to CCEXEC and CAC, which may then refer work to CCGP.

2. Monitoring Codex results in the context of the Sustainable Development Goals (SDGs)

On the issue of Sustainable Development Goals (SDGs), the United States pointed out that these goals are voluntary and are intended for countries to implement according to their national contexts and priorities, not for international organizations to implement. While Codex standards can be helpful to countries in achieving their objectives under the SDGs (as outlined in the new draft Strategic Plan), the scope of the SDGs goes far beyond the scope of Codex. Codex should not spend scarce resources attempting to monitor and assess member countries’ progress, nor should members need to report to Codex on implementation.

Several delegations including Ecuador, South Africa, and Senegal, noted the introductory discussion of SDGs in the new draft Codex Strategic Plan, observing further that that CCGP should stick to its mandate. The Chair noted France’s offer to draft a discussion document on the topic for the next CCGP meeting.

3. Food fraud/food integrity and food authenticity

4. Consumer information

On the issues of food fraud and consumer information, Australia as Chair of CCFICS and Canada as Chair of the CCFL reminded the Committee of their committees’ mandates and provided updates on discussions in these areas. The United States supported these interventions and

noted that CCFICS and CCFL were the proper venues for continued discussion and/or work on these issues.

5. *Observation structure for the application of Codex standards*

The Committee considered France's suggestion that a "dedicated structure" might be needed to gain knowledge on how Codex standards are used and applied, and reviewed information provided by International Organization for Animal Health (OIE), which has initiated a project to collect data on the implementation of OIE standards (CRD 2). Several delegations, including Argentina and the United States, questioned the utility of undertaking such an exercise. They noted that Codex previously had abolished procedures to monitor acceptance of Codex standards by member countries and that the World Trade Organization (WTO) Committee on Sanitary and Phytosanitary Measures (SPS Committee) now has a standing agenda item on monitoring the use of international standards.

Delegations expressed concern about the complexity of such a project and the likelihood of obtaining sound information in light of experience with reporting under the old acceptance procedures, and suggested that it might be desirable to learn from OIE's experience, after that project gets underway.

The Chair accepted France's offer to prepare a discussion paper for the next CCGP session.

6. *System for improving coordination with other international organization*

As part of its regular review of Codex work management, in July 2018 the Secretariat presented an analysis of Codex coordination with other international organizations to CCEXEC. This matter remains with CCEXEC.

7. *Possible changes to the Procedural Manual*

The final point listed in the discussion paper dealt with accessibility and usability of the Codex *Procedural Manual*. The Secretariat is currently working to make the publication electronically searchable and proposed to prepare a document for presentation to the next session. After clarifying that this review would not involve substantive revisions in the *Procedural Manual*, the United States, with the support of Canada, Chile, and Argentina, welcomed the Secretariat's paper, which should focus on accessibility and readability. The Chair concluded by noting the Secretariat's paper would address organization and format.

**Agenda Item 7 – Date and Location of Next Session**

The 32<sup>st</sup> session of the Codex Committee on General Principles is tentatively set for March 23-27, 2020 in France, with the exact location to be decided at a later date.