



REPORT OF THE UNITED STATES DELEGATE

TO THE 32nd SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES

FEBRUARY 8, 9, 11, 12, 15, and 17, 2021

(VIRTUAL)

The 32nd Session of the Codex Committee on General Principles (CCGP32) met virtually on February 8, 9, 11, 12, 15, and 17, 2021. Approximately 500 delegates registered for the virtual meeting and more than 300 delegates joined the sessions, representing 94 member countries, one member organization (the European Union), and 24 international observer organizations, along with the Codex Secretariat and representatives of the United Nations (UN) Food and Agriculture Organization (FAO) and World Health Organization (WHO). Mr. Jean-Luc Angot of France chaired the session. This was a landmark meeting in that it was the first time in the history of the Codex Alimentarius that a Codex committee has convened virtually. The session was complemented by a side event on February 10, 2021 that discussed the new African Continental Free Trade Area (AfCFTA).

The United States was represented by Mary Frances Lowe (U.S. Department of Agriculture/U.S. Codex Office) as delegate and Susan Berndt (U.S. Food and Drug Administration) as alternate delegate, eight government advisors, and three non-government advisors. The United States was successful in achieving its key goals for the session, including ensuring that the scope of work for the committee remained consistent with its Terms of Reference¹, and issues were concluded consistent with U.S. positions. The major outcome of this meeting was that the procedural guidance for committees working by correspondence (CWBC) was advanced to the Codex Alimentarius Commission (CAC) for adoption at its 44th session (CAC44, projected to convene in November 2021). The U.S. delegation coordinated with aligned member countries to support each other's positions and achieve consensus throughout the virtual session.

Summary/Highlights

The principal agenda item and only item of work referred to CCGP by the CAC was the development of procedural guidance for committees working by correspondence (CWBC). The Committee also considered two agenda papers prepared by the Codex Secretariat and two discussion papers voluntarily prepared by France. CCGP32:

- Agreed to forward draft procedural guidance for CWBC to CAC44 for adoption and recommended it be included in the *Codex Procedural Manual*, preferably in Section III, Guidelines for Subsidiary Bodies.
- Supported further development of the Secretariat's proposals on revision/amendment of Codex texts. The Codex Secretariat agreed to prepare a document with recommended amendments to

¹ 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.

the *Guide to the Procedure for the Amendment and Revision of Codex Standards and Related Texts*, including examples of how the suggested changes would affect different workflows, and proposals to incorporate version numbering and history information for Codex documents. The Secretariat paper will take into account the comments made at CCGP32 and be presented for consideration by the next session of the CAC and possible referral by the CAC to CCGP.

- Agreed that the Codex Secretariat proceed with the development of a digital version of the *Procedural Manual*, which would be made available for testing and review by Members before being published online.
- Noted the interest of Members in the issue of monitoring the use of Codex standards and the need to “increase impact through the recognition and use of Codex standards” as articulated in the [Codex Strategic Plan 2020-2025](#); acknowledged the experience of other standard-setting organizations and encouraged further exchanges with them; and agreed to forward the considerations of CCGP to the Codex Executive Committee (CCEXEC) Strategic Planning Sub-Committee and CAC for further guidance.
- Noted the discussion paper prepared by France on monitoring Codex results in the context of the UN’s Sustainable Development Goals (SDGs) and the recent publication on *Codex and the SDGs*, which highlights how Codex standards can assist Members in their efforts to achieve SDGs, and agreed to forward the results of its discussions to the CCEXEC Strategic Planning Sub-Committee and CAC for consideration.

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 (Document [CX/GP 21/32/1](#))

The Chair opened this agenda item by asking the Committee for any comments or points to be added to Agenda Item 9 (Other Business). There were no interventions, so the Committee adopted the agenda as proposed.

During the course of the meeting, however, former CAC Chair Awilo Ochieng Pernet (as a member of the delegation of Switzerland) informed the CCGP Chair of her wish to provide information to the Committee under Agenda Item 9 (Other Business) on Switzerland’s intent to prepare a discussion paper on the upcoming 60th anniversary of the Codex Alimentarius, and this was permitted.

Agenda Item 2 – Matters Referred to the Committee (Documents [CX/GP 21/32/2](#) and [CX/GP 21/32/2 Add.1](#))

The two meeting documents contained matters for information for the Committee from CAC42 (2019) and CAC43 (2020) and CCEXEC77-80 (2019-2021), as well as a number of subsidiary bodies. There were no matters referred for action by CCGP.

Portugal, speaking on behalf of EU Member States (EUMS), and Norway brought up the (forthcoming) practical guidance on the application of the *Statements of Principle*². The United States, supported by Japan, indicated that the work was assigned currently to the CCEXEC and the next step would be for the Codex Secretariat to prepare a draft document/guidance in conjunction with the FAO and WHO legal offices.

In the end, the Committee simply noted the information contained in the Matters Referred documents.

Agenda Item 3 – Information on activities of FAO and WHO relevant to the work of CCGP (Documents [CX/GP 21/32/3](#) and [CX/GP 21/32/3 Add.1](#))

The two documents contained only matters for information for the Committee from FAO and WHO on issues related to COVID-19, the UN Food Systems Summit (FSS) planned for 2021, decisions from the FAO and WHO Governing Bodies, WHO “transformation,” plans for updating the WHO Global Strategy for Food Safety, and FAO’s study on the international harmonization of pesticide maximum residue limits in rice. Representatives from the FAO, WHO, and the Codex Trust Fund (CTF) presented reports and information.

Costa Rica, supported by the United States, Brazil, and the African Union, advocated that the FSS Action Tracks need to be inclusive and based on scientific evidence.

There were several interventions regarding the FAO’s pesticide maximum residue limit (MRL) study. Portugal (EUMS), Norway, and Thailand expressed support for the study and suggested that it be further discussed during Agenda Item 7.

In the end, the Committee noted the updates from FAO and WHO, including the update from the CTF; acknowledged and recognized FAO and WHO for providing technical guidance and tools to Members to support their response to the COVID-19 pandemic; encouraged FAO and WHO to continue their preparatory work and technical inputs supporting the delivery of a successful UN FSS and to include Codex in these efforts, particularly with respect to Action Tracks 1 and 2; expressed its satisfaction with the adoption of the World Health Assembly (WHA) resolution on food safety and looked forward to its implementation; acknowledged the remarkable efforts made by scientific experts to ensure the continuation of the scientific advice program to support Codex work continuity during the pandemic and encouraged the experts’ employers to continue to support their participation in this important international work; highlighted the ongoing importance of ensuring adequate resources for scientific advice which underpins Codex work; and expressed appreciation for the FAO study on use of Codex pesticide MRLs in rice.

Agenda Item 4 – Procedural Guidance for Committees Working by Correspondence (Documents [CX/GP 21/32/4](#) and [CX/GP 21/32/4 Add.1](#))

The Procedural Guidance for Committees Working by Correspondence (CWBC) was the only agenda item for the CCGP referred by the CAC. The previous session of CCGP (CCGP31, 2019) formed an electronic working group (EWG) to advance this work, chaired by New Zealand with the United States, Japan, and Germany as co-chairs. Taking advantage of the time available for additional rounds of

² See the [Codex Procedural Manual](#), Appendix, *Statements of Principle on the Role of Science in the Codex Decision-Making Process and the Extent to which other Factors are Taken into Account*

comment, the EWG developed both a working document and draft stand-alone guidance for consideration by CCGP32. Discussion of the draft procedural guidance began on Day 1 of the plenary and concluded on Day 4. New Zealand as EWG Chair presented the agenda item and reflected on the deliberations of the EWG as well as the responses to the most recent Circular Letter (CL). New Zealand's reflections and the starting point for the Committee's deliberations are found in Conference Room Document 4 ([CRD4](#)).

The following issues were deliberated at length by the Committee:

1. **Virtual Meetings** - New Zealand reminded the Committee that CAC43 had determined that no additional guidance is needed for virtual meetings/sessions of Codex bodies. The EWG Chair also made the distinction between CWBC and virtual committee sessions. Thailand, Portugal (EUMS), the United States, Brazil, Ecuador, Canada, China, Indonesia, Korea, Iran, El Salvador, supported this position. Some delegations (e.g., Uruguay and Argentina) noted that virtual meetings can be used to help supplement or complement the work of CWBC and should be available as an option should the CWBC need to reach consensus on an issue. Malaysia noted that virtual tools and technologies can and should be used with a CWBC. Chile and Paraguay, supported by El Salvador, intervened that they do not believe that it would be a good idea to restrict the CWBC and that virtual technologies should be considered in the guidance. Finally, several delegations noted that a CWBC should be an exception, rather than the rule. Ultimately, the Chair suggested that the issue be re-considered during deliberations on subsequent sections of the draft procedural guidance.
2. **Criteria for CWBC** – Sections 2 and 3 of the meeting document (and [CRD4](#)) discussed suggested circumstances and criteria to be considered by the CCEXEC and CAC in determining whether approved new work should be undertaken by a CWBC. Morocco noted that work within a CWBC would depend on the circumstances and the complexity of the agenda. Ultimately, these two sections were condensed and combined into Section 2 of the revised guidance (in Appendix II of the CCGP32 meeting report ([REP21/GP](#))). The Committee debated the merits of each of the suggested criteria. Several delegations, notably Russia and Norway, stated that there should not be any duplication of provisions already in the *Codex Procedural Manual*. Other members and observers, including the United States, recalled the history of CWBC to date and noted that some repetition was warranted to emphasize applicability in the correspondence setting. A common thread in this specific discussion and throughout the whole CWBC discussion was the exceptional nature of CWBC.
3. **Definition of a CWBC** – This discussion centered around Footnote 1 in Section 1 of the draft procedural guidance and New Zealand's proposal to delete it. The following text was Footnote 1 which appeared in the CWBC agenda paper (CX/GP 21/32/4) in square brackets:

For the purposes of this work, 'working by correspondence' may include the use of virtual technology and conference calls for informal discussions and working groups. Guidance on practical management of web tools may require separate and dedicated consideration (this may be already underway given the discussion on the subcommittee report at CAC43).

The proposal to delete Footnote 1 was supported by some delegations including Chile, the United States, Costa Rica, Norway, Japan, Russia, China, Canada. Some advocated that the

footnote be retained in whole, or in part, or integrated into the main body of the document (e.g., Ecuador, El Salvador, Morocco, Indonesia, Argentina). Norway suggested that the footnote be integrated into the Chair's Handbook. Germany raised a concern about potentially deleting the footnote and the guidance becoming too restrictive. The issue was resolved by including language in the introductory section of the procedural guidance that states: "working by correspondence describes a working modality which can be assigned by the Codex Alimentarius Commission to a Codex Committee or Task Force which will not hold sessions that require the simultaneous presence of all those attending it." This description is intended to distinguish CWBC from committees that convene physical or virtual sessions.

4. **Inclusiveness, participation, and languages** – Brazil's initial intervention underscored the Codex core values and their view that the documents in CWBC should be shared in all of the Codex working languages. Paraguay advocated that the guidance specify that all documents 'shall' be translated into no less than three (3) of the official Codex languages. The Committee agreed to refer to Rule XIV of the *Procedural Manual*, which provides that the languages of subsidiary bodies "shall be not less than three of the working languages, as shall be determined by the Commission...."
5. **Quorum** – In discussing the issue of a quorum for a CWBC, the Codex Secretariat observed that the text was, in part, repeating the Rules of Procedure. The United States noted that the CWBC EWG had several rounds of discussion on this specific provision and concluded that the minimum requirement of registration was necessary as a way of determining whether there was sufficient interest to warrant devoting Codex resources to the work. Senegal added that they would like the quorum to apply only to member countries. Costa Rica offered that there should be a quorum to make decisions, which was supported by Morocco. Norway and Uruguay cautioned about setting a new precedent. The Netherlands advocated that the CWBC should be equivalent to a Committee and that this should be reflected in the text – i.e., if your Codex Contact Point registers you for a CWBC, then you are considered to be 'attending' the CWBC. Germany provided an example of how the EU Member States consider this issue. Argentina, supported by Russia, noted that, ultimately, it will be the Commission that adopts the documents produced by the CWBC: the Commission decides that the Committee will be a CWBC and, therefore, the procedural guidance should abide by the *Codex Procedural Manual's* quorum provisions. Brazil, Chile, India, Ecuador, and Colombia all advocated that the reference to the quorum should remain in the guidance.

Cameroon offered a suggestion that "in absence of a quorum, the CWBC might still meet in an informal setting for efficiency's sake." The United States offered "in the absence of a quorum, then the Chair of the CWBC should report that fact to the CAC." Germany supported that notion noting that it is for the CAC to decide if not achieving a quorum is a problem; it is for the Chair of the CWBC to provide the awareness to the CAC. Cameroon had concerns about the United States' proposal.

Later in the meeting, Thailand, supported by Argentina, wanted to be sure that if the procedural guidance was going to quote the *Procedural Manual*, and that it was accurately quoted. The Secretariat committed to this. The revised guidance refers to the relevant provisions of the *Procedural Manual* that apply to all Codex committees, notes that registering for a session of a CWBC would be considered as "attending" the session, and provides that the absence of a quorum will be reported to the CAC.

6. **The Role of the CWBC Chair** – After New Zealand summarized the proposed changes in the text, Japan, the United States, Russia, and Brazil voiced their support. The Codex Secretariat provided some suggested edits to the chapeau text for this section. Cameroon added that the role of Chair should be differentiated from the role of the members participating in the CWBC.
7. **Advancement of standards and related texts** – Members, including the United States supported by Norway, the Netherlands, and the United Kingdom, expressed disappointment that the New Zealand proposed text in CRD4 deleted reference to Rule XI and the potential use of a “standards advancement committee” as an option when a CWBC was unable to reach consensus. The Codex Secretariat noted that Rule XI has never been invoked and suggested that deleting the whole section could be an option, since the Rules of Procedure would still apply, *mutatis mutandis*. Brazil and Uruguay agreed with the Codex Secretariat that deleting the text is a viable option. Cameroon, supported by Chile, was concerned that the text was overly prescriptive and subject to legal interpretations.

The Committee concluded that the guidance should only include three exemplary options, and agreed to the following text:

When a CWBC is not able to progress work, it may recommend to the Executive Committee/the Commission switching from working by correspondence to an alternative, for example, but not limited to:

- i. Convening a session that requires the simultaneous presence of all those attending it;
- ii. Referring the work to a committee (other than the original committee) that has relevant expertise on the topic under consideration and is meeting physically; or
- iii. Discontinuing the work.

In addition, the Chairperson has the opportunity, as part of the Critical Review process, to report on the status of work and prospects for advancement to the Executive Committee/the Commission for consideration.

8. **Placement of the Procedural Guidance** – Portugal (EUMS), Norway, Germany, and Japan advocated placing the procedural guidance in the Codex *Procedural Manual*. The United States, supported by Australia, suggested it be included in the Chair’s Handbook which is easier to update and readily available to all members. Norway, supported by Argentina, Chile, Germany, Kazakhstan, Afghanistan, Thailand, and Panama, indicated that while the procedural guidance should be in the *Procedural Manual*, it was not opposed to also including some of the relevant text in the Chair’s Handbook. Finally, the Chair guided the discussion towards what section of the *Procedural Manual* would be most appropriate suggesting that Section II (Elaboration of Codex Standards and Related Texts) or Section III (Guidelines for Subsidiary Bodies) would be suitable. Ecuador suggested that the CAC decide, and Cameroon (supported by Chile) suggested that Section III of the *Procedural Manual* would be the most appropriate place.

In conclusion, the Committee agreed to forward the draft Procedural Guidance for CWBC as amended and included in Appendix II of the CCGP32 meeting report ([REP21/GP](#)) to CAC44 for adoption and inclusion in the Codex *Procedural Manual* (preferably in Section III). The United States supported the Committee's conclusion and the updated text of the draft Procedural Guidance for CWBC and supported Japan's request that the revised version of the guidance as amended be made available for final review before conclusion of the plenary sessions, in light of the many changes that had been made. Unfortunately, this did not happen, so there may be some need for further revision during CCEXEC Critical Review and consideration by CAC44.

Agenda Item 5 – Revisions/amendments to Codex texts (Document [CX/GP 21/32/5](#))

The Codex Secretariat provided some introductory remarks about this agenda item and the working document. Delegations such as Portugal (EUMS), Brazil, Thailand, the Dominican Republic, Costa Rica, and the United States generally supported the work, but many (including Senegal, India, Malaysia, and Argentina) requested clarification, mainly regarding the distinction between editorial and substantive amendments and the proposed numbering system for version history. Specifically, delegations pointed out that the Commission must always evaluate proposals for substantive changes. The United States, supported by Canada, requested a more detailed proposal be submitted to the Commission. The Commission could possibly refer work to the CCGP, in line with the CCGP's Terms of Reference (TOR).

The Committee agreed that the Codex Secretariat would prepare a document for consideration by the next CAC and possible referral to CCGP, taking into account the comments made at CCGP32.

Agenda Item 6 – Format and Structure of the Codex *Procedural Manual* (Document [CX/GP 21/32/6](#))

The Codex Secretariat provided some introductory remarks about this agenda item and the working document on the format and structure of the Codex *Procedural Manual*. Many delegations, (including Norway, Brazil, Portugal (EUMS), Ecuador, Malaysia, the United States, Senegal, and Chile), spoke in general support of the initiative. The United States and several other delegations stressed the continued need for a PDF version of the *Procedural Manual* that could be downloaded in its entirety, noting that the working document supported this. Brazil (supported by Ecuador and the United States) questioned the reference to a "comprehensive review" of the *Procedural Manual* and the development of a paper for consideration by CCGP33. They pointed out that any substantive changes should be brought to the CAC, not CCGP33, consistent with the TOR of CCGP. The Codex Secretariat confirmed Brazil's intervention. Argentina underscored the legal foundation of the *Procedural Manual* and some delegations (including Argentina and the United States) called for Members to be able to review the digital version as well as the search mechanism before the digital version is made publicly available.

In conclusion, the Committee agreed that the Codex Secretariat would proceed with the development of a digital version of the *Procedural Manual*, which would be made available for testing and review by the Members before being published online.

Agenda Item 7 – Discussion paper on monitoring the use of Codex standards (Document [CX/GP 21/32/7](#))

France provided an overview of this agenda item and the discussion paper that they voluntarily drafted. Additionally, representatives from the World Organization for Animal Health (OIE) and the International Organization for Standardization (ISO) presented an overview of work to monitor use of their standards, as outlined in their CRDs. Portugal (EUMS) was the first delegation to take the floor, expressing support for the discussion paper and recommending that a pilot phase be launched. In their intervention, they suggested that the FAO's pesticide MRL study (as discussed during Agenda Item 3) was a good example of work in this area and highly relevant to the discussion.

Chile intervened that this work was not the task of CCGP, but agreed with the need for Codex to pursue efforts in this area consistent with the [Codex Strategic Plan](#), Goal 3 ("Increase impact through the recognition and use of Codex standards"). They added that notifications to the World Trade Organization (WTO) already include information on how Codex standards are being implemented. The United States supported Chile's intervention, noting that this work had not been referred to the CCGP by the CAC and the work was not within the CCGP's TOR. The United States, supported by Costa Rica, pointed out that the CCEXEC Strategic Planning Sub-Committee as reauthorized in January 2021 by CCEXEC80 has a scope of work relevant to this matter. Further, the WTO Committee on Sanitary and Phytosanitary Measures has responsibility for monitoring use of international standards and a standing agenda item that reviews related issues at each session. The United States also noted that the reasons that Codex had abolished its former "acceptance procedure" remain valid. Brazil expressed support for the points made by the United States.

The United Kingdom recognized that the use of Codex standards is an intermediate indicator and that the Codex should prioritize its efforts on case studies. The UK view was expressed by CAC Vice Chair Steve Wearne, who also serves as chair of the CCEXEC Strategic Planning Sub-Committee. Wearne further suggested that the Sub-Committee be informed fully of the debate.

Japan intervened to say that the working paper recommendations would involve a huge amount of work, requiring a lot of resources and time, and that the work does not fit within the mandate of Codex or the mandate of CCGP. Malaysia and China both intervened to say that developing a monitoring mechanism was beyond the scope of CCGP and that the issue would be better handled by the CCEXEC Strategic Planning Sub-Committee. Ecuador, Paraguay, and Uruguay supported the earlier interventions including those of the United States, Brazil, and Japan. Canada supported the points made by the United States and did not support CCGP undertaking this work.

On the other hand, Kazakhstan underscored its view that there was a need to operationalize Codex standards and that Codex should take a much deeper look at this problem. They believe that policy decision-makers have only a superficial understanding of Codex standards that protect public health and facilitate fair trade and think that Codex Contact Points just respond to emails. Norway stated that CCGP should be able to do this work and that they believed it was within the CCGP's TOR. They reinforced that the WTO is not a part of Codex and that Codex needs to understand how its own standards are being used (or not used). Russia expressed the view that there is a need for a better understanding of if and how Codex texts are being used and advocated initiation of a pilot program. They noted that the WTO is not a part of Codex, the UN, the WHO, or the FAO. Germany also took the floor to express support for CCGP taking on this work and noted that WTO's work would be a good complement to work in CCGP. Morocco supported recommendations in the discussion paper for work to be conducted at the CCGP level which would be better for transparency.

Indonesia intervened that, as a standard-setting body, Codex should have a mechanism to monitor the impact of Codex standards, but cautioned that Codex needs to consider if CCGP has the mandate to undertake this work under its TOR. Uganda supported the framework as outlined in the discussion paper and most of the recommendations, but questioned whether there were enough resources to undertake the task.

In conclusion, the Committee noted the interest of Members in the issue; noted the need to “increase impact through the recognition and use of Codex standards” as articulated in the [Codex Strategic Plan 2020-2025, Goal 3](#); acknowledged the experience of other standard-setting organizations and encouraged further exchanges with them; and agreed to forward the considerations of CCGP to the CCEXEC Strategic Planning Sub-Committee and the CAC for further guidance.

Agenda Item 8 – Discussion paper on monitoring Codex results in the context of the Sustainable Development Goals (SDGs) (Document [CX/GP 21/32/8 Rev.1](#))

France, along with the Codex Secretariat and ISO, provided an overview of this agenda item and the discussion paper. The Codex Secretariat noted that the Chair of the UN Economic and Social Council (ECOSOC) regularly writes to the Codex Chair for information on Codex work that supports achievement of the SDGs, and that the Codex Secretariat has been responding to these requests since 2018.

Uganda, Portugal (EUMS), and Senegal expressed support for the recommendations in the discussion paper. Ecuador questioned if the CCGP would be the correct body to work on these issues. Similar to the intervention on Agenda Item 7, the United States pointed out that this work had not been referred to the CCGP by the CAC and was not within the CCGP’s TOR. The United States also referred to past CAC discussions and decisions related to the SDGs and noted that those decisions had been carried out in the context of the Codex Strategic Plan and in the recently published document, [Codex and the SDGs](#). Brazil and Canada supported the interventions of Ecuador and the United States.

In conclusion, the Committee noted the discussion paper; noted the recent publication of *Codex and the SDGs*, which highlights how Codex standards can assist Members in their efforts to achieve SDGs; and agreed to forward the results of its discussions to the CCEXEC Strategic Planning Sub-Committee and CAC for consideration.

Agenda Item 9 – Other Business

Through [CRD24](#), Switzerland informed the Committee of its intention to prepare a discussion paper on the 60th Anniversary of Codex Alimentarius for consideration by CCEXEC81 (2021) and CAC44 (2021), and committed to update the CCGP33 (2022) on progress made.

During the plenary session, no other delegations took the floor during this agenda item. During consideration of the adoption of the meeting report, however, the Dominican Republic challenged the legitimacy of Switzerland’s intervention, because it had not provided notice during Agenda Item 1, Adoption of the Agenda. Generally, delegations who wish to add topics to the agenda must raise them at the time the agenda is adopted. In this case, however, the Swiss intervention was purely informational and called for no discussion or action by the Committee, and the CCGP Chair and the Codex Secretariat believed some flexibility was in order.

Agenda Item 10 – Date and Place of Next Session

CCGP33 is tentatively scheduled for the second half of 2022 (likely in September or October 2022), in France. Final arrangements are subject to confirmation by the host government in consultation with the Codex Secretariat.