

03/02/2015

**European Union comments for the**

**CODEX COMMITTEE ON GENERAL PRINCIPLES  
29th Session**

**Paris, 9 – 13 March 2015**

**Agenda Item 6**

**Codex Work Management and Functioning of the Executive  
Committee**

**(CX/GP 15/29/6)**

***Member States Competence  
Member States Vote***

The Member States of the European Union (MSEU) would like to thank the Codex Secretariat for preparing, in collaboration with FAO and WHO, a clearly scoped paper that launches a timely discussion to review the work management and practices of Codex for the consideration of this session of CCGP.

The MSEU believe that this document faithfully follows what was requested of the Secretariat, in collaboration with FAO and WHO. In that sense, and using the Codex Evaluation of 2002 as a starting point, the document provides an excellent basis for our discussions. The MSEU thus look forward to having a useful discussion on the proposals with a view to strengthening Codex's role as the leading, international, food safety, standard-setting body.

As a general comment, the MSEU welcome the discussion papers foreseen for the attention of the CAC as outlined in Table 1: Overview of Proposals. The MSEU consider it advisable for CCGP to also be involved in reviewing these discussion papers before they are brought to the attention of the CAC.

More specifically, the MSEU would like to make the following comments on the proposals contained in Sections 3 and 4 of the document.

**3.1 Mandate and Priorities**

Insofar as Section 3.1 on the mandate and priorities of Codex is concerned, the MSEU believe that the evaluation of the use of Codex standards and their impact on consumers and food trade could be useful. Indeed, a number of attempts have already been made to analyse the impact of Codex standards, however, not always with great success due to the difficulty of quantifying a notion such as: impact. The MSEU are also aware of the fact that the WTO SPS Agreement has a specific provision that monitors the use of international standards that, again, for the above-mentioned reasons, has been somewhat underutilised to date.

The MSEU therefore think that while such an evaluation could provide useful insights, any such evaluation should not prevent Codex from starting its work as per the suggestions contained in the document, immediately. The MSEU also have particular concerns regarding the cost-benefit ratio of any such an assessment given the major external costs anticipated for proposal 3.1.2 in particular and FAO/WHO/Codex staff resources that appear to be required when the deliverables are, as yet, uncertain.

The MSEU therefore call for this matter to be considered only at a later stage once clarity is achieved around what is already possible in the near future, and what the exact cost-benefit ratio of such an evaluation really is.

### **3.2. Management of the Codex Programme and links to FAO/WHO**

When considering Section 3.2 on the management of the Codex Programme and the links to FAO/WHO, the MSEU recognise the importance of the issues outlined in *paragraphs 129-133* and believe that the Codex Secretariat and the parent organisations, FAO and WHO, are well placed to follow up the proposals made in this section.

The MSEU believe that two-way communication between Codex and the parent organisations is vital to support Codex's ability to work in the most efficient and effective way possible. However more clarity is needed around the nature of the strategic and policy guidance from the WHO and FAO and more importantly, the modalities of any such input to be given by the parent organisations to Codex. (*paragraphs 127 and section 3.2.1 refer*). The MSEU are of the view that Codex should continue to be primarily guided by its membership in its standard-setting function, while fully appreciating the scientific support offered by the Joint Committees such as JECFA, JMPR and JEMRA. However, the MSEU acknowledge that other broader considerations related to the policies of the parent organisations could also have an influence on Codex work

### **3.3. Strategic Governance within Codex - "Executive Board" (CX-EB).**

Insofar as Section 3.3 on the question of strategic governance using an Executive Board is concerned, the MSEU recognise the validity of a number of the elements highlighted in *paragraph 134*.

The MSEU believe that, while careful consideration must be given to an executive function for the Codex Alimentarius Commission in order to maximise Codex's ability to deliver on its mandate, it is not necessary to determine the exact shape and form of this body at this initial stage. It is rather more necessary to consider the primary purpose of any such executive function, with a view to agreeing on a set of principles that will guide it in its work.

The MSEU believe that it is paramount that the members of any such executive body act in the interest of the Commission as a whole – not constrained by country or regional positions (as outlined in *paragraph 136*).

Equally, in respect of *paragraph 135* which deals with the mandate of any such executive body, the MSEU can support the considerations put forward that call for a

better, strategic overview of Codex work. In addition, the MSEU would like to highlight the following:

- on the standards management and critical review: while the current process could be maintained, there is a need to further improve its implementation. With this in mind, the MSEU see the need for the criteria for conducting the critical review to be reviewed and institutionalised;
- on developing a standards development plan, the MSEU feel this is important to also further enable the efficient management of Codex resources;
- insofar as budget planning and handling of observer applications is concerned, the MSEU recognise that the recommendations made in *paragraph 135* will facilitate a more joined-up approach to the way of working in Codex. Some additional considerations on the conduct of observers may also merit being considered, albeit as part of a separate exercise to this one.

On Section 3.3.3 which deals with the composition of any such executive body, (*paragraphs 136-142*), the MSEU encourage any steps taken to ensure an inclusive, transparent and balanced representation of the Codex membership. The MSEU support considerations that call for any such executive body to be fully transparent and recognise the role played by meeting reports in transmitting information to the entire Codex membership.

#### **3.4. Structure of Codex Subsidiary Bodies**

The MSEU do not see a major need to revisit the structure of Codex Subsidiary bodies at this time. It is clear that the recommendation to use time bound task forces for commodity work remains valid and that commodity committees should be adjourned *sine die* or abolished when they finish their work.

The MSEU do not perceive an urgent necessity to channel efforts towards making subsidiary bodies work better. It is therefore unclear why it is considered necessary, at present, to revisit the proposals made at the time of the 2002 and 2005 evaluations related to subsidiary bodies working better. It would be interesting to obtain further information on the intention behind any such proposal. It is our understanding that the way Codex works through subsidiary bodies is an integral part of the critical review.

#### **3.5. Efficiency of Committee Work**

Regarding the reporting system (*paragraphs 148-151*), the MSEU are satisfied with the current way of reporting on Codex meetings. The MSEU have some concerns about the idea of introducing audio recordings to Codex committee meetings, as this could incur cost implications for host countries and will be of limited value as a point of reference, due to the fact that it is time-consuming to go over discussions, many of which take place over days. In addition, there are some legislative restrictions on audio recordings in certain national jurisdictions which might further complicate the organisation of Codex committee meetings. Due account should also be taken of how audio recordings in committee meetings might impact the debate.

Insofar as simplifying the current 8-step procedure (*paragraphs 152*), the MSEU note that in practice in most standards are sent for final adoption at step 5/8, meaning in effect that the adoption process has only 5 steps. However, sometimes it is very useful to have the opportunity to adopt a standard at step 5 with a view to further discussion

later in the step process, as this can allow any further consultation at steps 6 and 7 to be limited to only key, outstanding issues. If the standard were sent back to step 2, then, in effect, the entire standard could be re-opened. If the objective is to simplify Codex procedures, it is important to make sure that it is not the opposite effect that is achieved.

The MSEU strongly believe that, as an international standard setting body seeking to harmonise standards across the globe, Codex should work on the basis of consensus-based decision-making, one of the fundamental principles of the organisation (*paragraphs 154-155*). It is clear that for standards to be universally applicable, they also need to be universally accepted. Therefore, decision-making based on consensus should be further strengthened. Voting should only be permissible as a last-resort and then fully justified, as part of a predictable decision-making process. On those exceptional occasions when voting is required, the MSEU are in favor of ensuring that votes are taken on the basis of a 2/3 qualified majority, which is aligned with the voting procedures of the other international standard-setting, sister organisations, namely IPPC and OIE.

Adopting decisions by vote - on the basis of a qualified majority and a well-known and predictable process - will also go a long way to ensure that voting is not seen as divisive, but part of the natural Codex, democratic, decision-making process. The introduction of a higher voting threshold into the decision-making process is, in addition, perceived to be important in encouraging consensus-seeking.

With regard to Section 3.5.4, the MSEU are willing to further explore opportunities for other countries to get involved in chairing committees (*paragraphs 157-158*) and to introduce a rotating system to give more countries the opportunity to host and chair a Codex Committee. The current guidance given to host countries on how to select Codex Committee Chairpersons seems to be sufficient. However, a closer look might be needed on how this guidance is implemented in practice in order to further improve its effectiveness.

On Section 3.5.5, regarding the effectiveness of working groups (*paragraph 159*), the MSEU recognise the immense value of their work particularly working inter-sessionally however in order to ensure these do not proliferate unnecessarily and to limit the additional workload created, a ceiling on the number of such working groups could be considered.

The MSEU are open to a review of the risk analysis frameworks use (*paragraph 160*) insofar as this could be a useful exercise. Particular attention should be paid to the recommendation 19 of the 2002 Codex evaluation, emphasising the need to strive for a clearer separation of the risk assessment and the risk management functions to ensure greater transparency, the usefulness of scientific advice and the speed of decision-making.

#### **Section 4 - Suggested Steps Forward**

The MSEU believe that in order to make progress on this important topic, a prioritisation of the proposals that are currently up for consideration by CCGP could be useful. It would be helpful if the present session of the CCGP provided its views, to be considered by the Commission, as to which proposals should be prioritised for earlier action, ahead of other potentially less pressing proposals.