



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEx ALIMENTARIUS COMMISSION

Thirty-seventh Session

Geneva, Switzerland, 14 - 18 July 2014

REPORT OF THE TWENTY-EIGHT SESSION OF THE CODEx COMMITTEE ON GENERAL PRINCIPLES

Paris, France, 7 – 11 April 2014



Food and Agriculture
Organization of
the United Nations



World Health
Organization

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To: Codex Contact Points
Interested International Organizations

From: Secretariat,
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Subject: Distribution of the Report of the Twenty-eighth Session of the Codex Committee on General Principles (REP14/GP)

The report of the Twenty-eight Session of the Codex Committee on General Principles will be considered by the 37th Session of the Codex Alimentarius Commission (Geneva, Switzerland, 14-18 July 2014).

MATTERS FOR ADOPTION BY THE 37TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Proposed Amendments to the Procedural Manual

1. **Proposed amendments to the *Definitions of Risk Analysis Terms related to Food Safety: risk characterization and risk estimate*** (para. 13 and Appendix II);
2. **Proposed amendments to the Terms of Reference of the Committee on General Principles** (para. 43 and Appendix III);
3. **Proposed amendments to the *Procedures for the Elaboration of Codex Standards and Related Texts*** (para. 98 and Appendix IV).

Governments and international organizations wishing to submit comments on the above texts should do so in writing to the Secretariat, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Viale delle Terme di Caracalla, 00153 Rome, Italy (e-mail: codex@fao.org) **before 15 June 2014.**

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SUMMARY AND CONCLUSIONS

The Twenty-eighth Session of the Codex Committee on Food General Principles reached the following conclusions:

Matters for adoption by the 37th Session of the Commission:

The Committee forwarded to the Commission the following amendments to the Procedural Manual for adoption:

- Proposed amendments to the Definitions of Risk Analysis Terms related to Food Safety: risk characterization and risk estimate (para. 13 and Appendix II);
- Proposed amendments to the Terms of Reference of the Committee on General Principles (para. 43 and Appendix III);
- Proposed amendments to the Procedures for the Elaboration of Codex Standards and Related Texts (para. 98 and Appendix IV).

Matters of interest to the Commission:

The Committee:

- Endorsed the revised Terms of Reference of the Committee on Fresh Fruits and Vegetables, as proposed by the 18th CCFFV and the provisions on Extrapolation of Maximum Residue Limits (MRLs) of Veterinary Drugs to Additional Species and on the Use of the Concern Form for the CCRVDF, as proposed by the 21st CCRVDF (paras 14 and 15);
- Agreed to forward guidance to promote collaboration between Codex and OIE to the Commission for endorsement (paras 72-73);
- Referred to all Codex committees guidance regarding information documents through the Commission (para. 86);
- Held a general debate on the issue related to the role of Chair and Vice-chairs of the Codex Alimentarius Commission for the purpose of Rule V.1 of the Rules of Procedures (paras 126-133);
- Noted the proposal to begin a reflection on the functioning of the Executive Committee and how to improve the efficiency and effectiveness, including how to improve its role with regard to the Critical Review (paras 138-142).

Matters of interest to the Executive Committee:

The Committee agreed to propose to the Executive Committee to:

- Develop an inclusive and clearly scoped process to review the work management systems and practices of Codex according to strategic goal 4 of the Codex Strategic Plan 2014-2019;
- Envisage a review, under the auspices of FAO and WHO, of the status of implementation of the recommendations and associated proposals arising from the 2002 Codex Evaluation, including the review of the structure and mandates of committee and task forces (paras 122 and 125).

Other matters of interest:

- Agreed to consider the consistency of the risk analysis texts across the relevant committees at its next session (para. 18);
- Noted the discussion on the report of the facilitated session on the root causes of standards held at Step 8 (para. 25);
- Agreed that the current provisions in the Procedural Manual were sufficient to address the issues of economic impact and to revisit the issues when more experience would be gained on comments related to economic impact (paras 34-35).

INTRODUCTION

1. The Codex Committee on General Principles (CCGP) held its Twenty-eighth Session in Paris, France, from 7 to 11 April 2014 at the kind invitation of the Government of the French Republic. Professor Michel Thibier (France) chaired the session. The session was attended by 195 delegates representing 69 member countries, one Member Organization (European Union), and 16 international organizations, including FAO and WHO. A full list of participants, including the Secretariat, is attached as Appendix I.

OPENING

2. Mr Jean-Louis Gérard, Assistant Director for Food and Agricultural Markets, Ministry for the Economy, the Industrial Renewal and the Digital Sector, opened the Session and welcomed the participants on behalf of the French Government. In his opening remarks, Mr Gérard recalled that the Session was the first organized by France within the framework of the new Strategic Plan 2014-2019 of the Codex Alimentarius Commission. He recalled the Codex core values of transparency, inclusiveness, collaboration and consensus building and highlighted the importance of taking into account consumers' expectations.

3. Mr Gérard emphasized the vital role of risk assessment for Codex to be able to set standards that protect the health of consumers and congratulated JECFA, JEMRA, JMPR and JEMNU for their work. He also pointed out the importance of Codex in ensuring fair practices in food trade.

4. Mr Gérard concluded his remarks by wishing that Codex may meet the challenge of its strategic vision and will stand as the preeminent international food standard-setting body to protect the health of consumers and ensure fair practices in food trade.

Division of Competence

5. The Committee noted the division of competence between the European Union and its Member States, according to paragraph 5, Rule II of the Procedure of the Codex Alimentarius Commission, as presented in CRD 1.

ADOPTION OF THE AGENDA (Agenda Item 1)¹

6. The Committee noted that:

- Agenda Item 7 would be discussed in the afternoon of the second day and that the order of the agenda would be re-arranged accordingly; and
- CRD 14, related to Agenda Item 12, replaced document CX/14/28/11, which was not issued.

7. The Committee further noted that Canada had not prepared document CX/GP 14/28/7, related to Item 8, as they considered that it was not possible to present a sufficiently compelling case at this moment also in light of discussions with other members. The Committee agreed to delete the item from its agenda.

8. The Committee agreed to consider under Agenda Item 13 (Other business) CRD 11, prepared by Egypt, and to have a general discussion on the role of the Executive Committee (proposal of Cameroon).

9. In this regard, the Representative of WHO noted that in accordance with its TOR, the CCGP could address a wide range of topics but only at the specific request of the Codex Alimentarius Commission. This restriction should be because contrary to other committees the CCGP did not have to submit a project document in addressing procedural matters. The Committee should be prudent in adding new items to its agenda without the agreement of the Commission while the Committee could draw the attention of the Commission to specific issues.

10. With these modifications the Committee agreed to adopt the Provisional Agenda as proposed in document CX/GP 14/28/1 as the agenda for the session.

MATTERS REFERRED TO THE COMMITTEE (Agenda Item 2)²

11. The Committee noted several items which were submitted to it for information and that the endorsement of the risk analysis texts of the Committee on Residues of Veterinary Drugs in Foods (CCRVDF) would be considered under Agenda Item 3.

¹ CX/GP 14/28/1.

² CX/GP 14/28/2, CX/GP 14/28/2-Add.1; Comments of Egypt and Philippines (CRD 3).

Committee on Food Hygiene (CCFH)

12. The Committee agreed to the proposal of the 45th CCFH to amend the definitions of *hazard characterization* and *risk estimate* in the Procedural Manual³ to align them with the amended definitions in the *Principles and Guidelines for the Conduct of Microbiological Risk Assessment* (CAC/GL 39-1999) with the clarification of the Representative of WHO that the first sentence in the definition of hazard characterization covered the deleted text.

13. The Committee agreed to forward the proposed amendments to the definitions of *hazard characterization* and *risk estimate* to the 37th Session of the Commission for adoption (Appendix II).

Committee on Fresh Fruits and Vegetables (CCFFV)

14. The Committee endorsed the revised Terms of Reference of the Committee on Fresh Fruits and Vegetables, as proposed by the 18th CCFFV (REP14/FFV, Appendix IX).

REVIEW OF RISK ANALYSIS TEXT OF DIFFERENT COMMITTEES - CCRVDF (Agenda Item 3)⁴

Endorsement of the Risk Analysis Texts (CCRVDF)

15. The Committee endorsed the provisions on Extrapolation of Maximum Residue Limits (MRLs) of Veterinary Drugs to Additional Species and on the Use of the Concern Form for the CCRVDF, as proposed by the 21st CCRVDF for inclusion in the *Risk Analysis Principles Applied by the CCRVDF* and the *Risk Assessment Policy in the Setting of Maximum Limits for Residues of Veterinary Drugs in Foods* (REP14/RVDF, Appendices VIII and IX).

16. In response to requests from the Observer from WTO, the Secretariat clarified that temporary MRLs and the holding of the MRLs following the submission of a concern form⁵ would remain in place only until such time as JECFA provided the requested clarifications.

17. The Committee noted that the French version of the CCRVDF documents needed to be reviewed by the Codex Secretariat to ensure linguistic accuracy.

Consistency of Risk Analysis Texts

18. The Committee noted that the Committee on Pesticide Residues (CCPR) was completing the revision of its risk analysis principles and agreed to consider the consistency of the risk analysis texts across the relevant committees at its next session in the light of a document, prepared by the Secretariat, which would compare and analyse the texts of the different committees.

19. The Observer from WTO announced that a workshop on SPS related risk analysis would be held in Geneva on 13-14 October 2014 and WTO would fund 50 participants based on their applications.

STANDARDS HELD AT STEP 8 (Agenda Item 4)⁶

20. The Delegation of the United States of America introduced the report of the facilitated discussion on the root causes of standards held at Step 8 prepared jointly with the European Union. They recalled that CCGP27 had agreed to hold a facilitated discussion, co-chaired by the United States of America and the European Union and facilitated by the three vice-Chairs of the Commission. The Delegation further noted that the facilitated session had been held during the 36th Session of the Commission with presentations from the Netherlands, Canada, Brazil, Kenya, Thailand and by the Chair of the Commission and thanked the presenters and participants for their contributions to the discussion. The Delegation further noted that the report included a summary of the discussion and that it had not been the task of the facilitated session to formulate specific recommendations to the Committee and that the facilitated session had not done so.

21. The Delegation of European Union noted that the facilitated discussion had been very useful and had for the first time created an open space for delegates to exchange experience and views on Codex values such as the role of science and the pillar of consensus. The delegations also congratulated all presenters and delegates, including the United States of America for the work carried out together.

Discussion

22. Many delegations congratulated the Chairs and the Vice-Chairs for the useful discussion and exercise undertaken. They noted: that even though the issue of standards at Step 8 was drawing less interest at the

³ Section IV: Risk Analysis; Definitions of Risk Analysis Terms Related to Food Safety.

⁴ CX/GP 14/28/3, CX/GP 14/28/2-Add.1; Comments of Egypt and Philippines (CRD 4); Ghana (CRD16).

⁵ CX/GP 14/28/3, Appendix paras 3 and 28.

⁶ CX/14/28/4; Comments of Nigeria and Philippines (CRD 5); Chile (CRD 13); Ghana (CRD16).

moment, it would be suitable to continue the discussion; that many countries continued to examine this issue at the country level; that the report of the facilitated session was useful to better understand the values, consensus mechanisms and decision making process of Codex. They also observed that the facilitated session had been a good opportunity for many countries to exchange views on the best ways to deliberate on the basis of science and provide input to the work of technical committees.

23. The Delegation of Cameroon, speaking as Coordinator for Africa expressed appreciation as to the progress made in the development of a Guide for delegates and chairs on consensus building and proposed that a seminar using the Guide as reference, similar to the one organised for the Chairs on 6 April 2014, be held in the margins of next session of the FAO/WHO Coordinating Committee for Africa (CCAFRICA) in early 2015.

24. The Representative of FAO confirmed that when the Guide was finalised it would be part of the FAO/WHO suite of capacity building tools and that activities based on the Guide were envisaged. The Representative also noted that the side events to be organised in conjunction with the upcoming sessions of the FAO/WHO Coordinating Committees would be discussed, as per standard practice, between FAO, WHO, the Codex Secretariat and the Regional Coordinators and that the use of the Guide and related training could be considered in the programme of these events.

Conclusion

25. The Chairperson concluded the discussion on this item and invited the Committee to take note of the document presented.

ISSUES RELATED TO ECONOMIC IMPACT STATEMENTS (Agenda Item 5)⁷

26. The Delegation of Malaysia introduced the discussion paper prepared jointly with Australia, recalling the history of the discussion in the CCGP, general considerations of economic implications in development of standards, existing provisions in Codex as well as three case studies showing where Codex committees had balanced economic impact of measures with food safety issues and other elements and where economic impact was the main concern.

27. The delegation stated that the case studies showed that early recognition of economic impact could provide the relevant Committee with clear data to help make decisions whereas failure to recognise such impact could delay agreement amongst members.

28. For this reason the Delegation was of the opinion that guidance on how and to what extent economic impact statements should be considered in the development of a standard could be beneficial to members and that Codex should continue to acknowledge the differences in interests, expectations, views and concerns including potential economic implications of a standard being elaborated which could avoid suspension or delay of work.

Discussion

29. Several delegations, while acknowledging the importance of consideration of economic implications were of the opinion that the guidance contained in the Procedural Manual was sufficient to allow Codex members to provide such information at the early stages of standard development. They were also of the opinion that there was no need for a template for the submission of information as all cases were different and that there was a need for flexibility.

30. It was mentioned that the evaluation of economic impact could be very expensive, complex and difficult, in particular for developing countries. It was also mentioned that the focus of Codex, FAO and WHO was more on consumer protection and health and thus the food safety risk considerations should take precedence over economic considerations.

31. Other delegations were of the opinion that the case studies showed that CCGP should look into the development of a guidance document for delegations and chairs specifying the criteria and process that could be followed in examining the economic impact of standards as well as a harmonized template for submitting such information.

32. The Observer from WTO commented that economic impacts could be positive or negative. The adoption of Codex standards normally had overwhelming positive economic impacts, as they permitted many countries to move their food products into international markets. It was possible, however, that proposed Codex standards could create requirements that would be costly for developing countries to meet, and these economic concerns should be taken into consideration in the development of standards. A third type of

⁷ CX/GP 14/28/5; Comments of Egypt, India, Nigeria and Philippines (CRD 6); Ghana (CRD16).

economic concern, which was that the adoption of Codex standards might result in increased international trade and competition amongst producers, should not be a reason to block adoption of standards.

33. The Codex Secretariat proposed to include the option to provide comments on economic implications in the template used by the Codex Secretariat when requesting comments while clarifying that the provision of such comments was not mandatory

Conclusion

34. The Committee agreed that the current provisions in the Procedural Manual were sufficient to take into consideration the economic implication⁸ of a new or revised Codex text in the Codex standards development process.

35. The Committee also agreed that the issue could be revisited when more experience with comments related to economic implications of standards had been obtained based on voluntary contributions of members.

PROPOSED AMENDMENT TO THE TERMS OF REFERENCE OF THE COMMITTEE (Agenda Item 6)⁹

36. The Secretariat recalled that the present Terms of Reference (TOR) of the CCGP contained only one point: "To deal with such procedural and general matters as are referred to it by the Codex Alimentarius Commission.", which was supplemented by a list of examples. The Secretariat further recalled that the Committee at its 26th Session had proposed to amend its TORs by adding three additional points and removing the list of examples.

37. The last point, related to the outcome of the discussion on issues related to the economic impact statements (Agenda Item 5), had been put in square brackets as there had been no consensus to remove it.¹⁰

Discussion

38. Several delegations supported the deletion of the point in square brackets as the previous three points gave the Committee with sufficient flexibility to undertake such work if needed.

39. The Representative of the WHO, speaking on behalf of FAO and WHO, stated that the parent organizations had a particular interest in making sure that the Codex system, as a whole, worked efficiently. He was of the opinion that the Committee had provided good services to the Commission with its present TOR and that the list of examples could be deleted. Referring to the proposed amendments and reiterating the point made earlier (Agenda Item 1), the Representative noted that the proposed amendments could result in CCGP becoming a self-tasking Committee and, as clarified by the Representative of the Legal Counsel of WHO, working without passing through the Commission.

40. A number of delegations supported the deletion of the point in square brackets. Other delegations said that although they had been prepared to adopt the TOR as proposed, the point raised by WHO merited further reflection.

41. Several other delegations were of the opinion that the additional points were meant to allow for more flexibility and to describe current practice, without broadening the competence of the Committee.

42. The Representative of WHO further explained that the second point of the proposed TOR could oblige the Committee to meet regularly in order to provide the necessary endorsement, which was presently flexibly handled by the Commission in the years when the CCGP did not meet. In his view, the third point of the proposed TOR contained the risk of being interpreted in such a broad way that CCGP could initiate revision of any text in the Procedural Manual on its own, including those texts developed by other committees to guide their work.

Conclusion

43. The Committee concluded its discussion and agreed to delete the last bullet in square brackets and retain the other three points. The Committee noted that there was no intention to expand its authority through its revised TOR and agreed to forward the proposed amendments to its TORs to the 37th Session of the Commission for adoption (Appendix III).

⁸ In the Uniform Procedure for the Elaboration of Codex Standards and Related Texts (Procedural Manual of the Codex Alimentarius Commission) this is referred to as: "Implications which the proposed draft/draft standards or any provisions thereof may have for their economic interest".

⁹ ALINORM 10/33/33 Appendix IV; Comments of Ghana (CRD16).

¹⁰ ALINORM 10/33/33, paras 64-73.

CODEX/OIE COOPERATION (Agenda Item 7)¹¹

44. Dr Vallat, Director General of the OIE, addressed the Committee and recalled that the OIE had been striving, for a long time, to formalise mechanisms of work between Codex and OIE to ensure a coordinated approach to standard setting in areas of mutual interest and therefore to avoid the risk of developing standards, with contradictory texts or gaps. He recalled the work of the Animal Production Food Safety Working Group (APFSWG) of the OIE, which has been very effective in addressing such harmonisation issues. Dr Vallat further recalled that there was no legal basis underpinning the collaboration of Codex and OIE and that some years back the OIE agreements with FAO and WHO had been amended to cover the subject of food safety and that the work of the Committee on the cooperation between Codex and OIE could be integrated into the OIE cooperative agreements with WHO and FAO.

45. Dr Vallat expressed satisfaction with the work carried out by the electronic (EWG) and physical working (PWG) groups, led by Canada, which had resulted in a document that he considered had made good progress on the development of guidance for cooperation. He hoped that the document could be endorsed by the Committee so OIE could explore specific recognition of these agreed guidelines in the Cooperative agreements between the OIE and WHO and FAO.

46. The Delegation of Canada introduced the EWG and PWG reports and noted the active collaboration of the OIE in their work. The Delegation recalled the mandate received by the 27th CCGP to “propose guidance to better take into account relevant work that has been undertaken or is in progress by each organization and identify means to consistently reference each other’s standards and guidance, as appropriate”¹² and noted that the EWG had considered that the “farm-to-fork” approach as well as the concept of “One Health” were imperative in the development of standards relevant to the entire production chain.

47. The EWG had recognised that current Codex guidelines provided a framework for effective collaboration and communication between Codex and OIE; that the difference in the mandate, priorities and operating procedures between Codex and OIE would have made it difficult to develop joint standards in an efficient manner; that stronger work coordination and increased consistency and transparency would result in enhanced effectiveness of collaboration between Codex and OIE.

48. The EWG had identified a number of documents that referenced Codex and/or OIE and had developed a guidance document focusing on three main themes: (a) adoption of systematic procedures for cross referencing to increase consistency; (b) enhancing processes to identify joint priorities in areas of common interest and improving transparency through information sharing and recognition of best practices in communication and collaboration; and (c) strengthen collaboration at the national and regional level.

49. The Delegation of Canada explained that the PWG had revised the guidance document, as presented in Annex A of CRD 2. The Delegation stated that the measures identified in the document should not be considered exhaustive; that the measures were not intended to be mandatory for OIE but suggested a reciprocity of actions and could be useful guidance for OIE in its collaboration with Codex; and that from the onset the document was not intended to be included in the Procedural Manual and that the Committee should decide on its best placement.

General Comments

50. Delegations considered the document useful and consistent with the guidelines already developed by Codex. These delegations highlighted that strengthened collaboration between Codex and OIE would allow ensuring food safety throughout the entire food chain; recognised the difference of work and procedures between the Codex and OIE; considered the document a good means of fostering this collaboration; and suggested that the guidance could be used in the future to strengthen collaboration of Codex with other relevant organizations.

51. The Representative of WHO noted that the Codex Alimentarius Commission (CAC) was operating by FAO and WHO rules and that the management of the relations of CAC with other organizations was primarily the prerogative of the WHO and FAO Directors-General. In this regard the Representative recalled that granting of Codex Observer status to international organizations shall be handled by the WHO and FAO Directors-General¹³.

52. The Representative recalled the *Guidelines on Cooperation between the Codex Alimentarius Commission and Intergovernmental Organizations in the Elaboration of Standards and Related Texts*,

¹¹ CX/14/28/6; Report of the physical Working group on Codex/OIE Cooperation (CRD 2); Comments of Egypt and Philippines (CRD 7); Mexico (CRD 15); Ghana (CRD16).

¹² REP12/GP, para. 70.

¹³ Rule IX “Observers”, para. 5 of Rules of Procedure of the Codex Alimentarius Commission (Procedural Manual of the Codex Alimentarius Commission).

adopted by Codex in 2005 and included in the Procedural Manual, which had been elaborated by the Committee not exclusively but specifically with OIE in mind. He recalled that the Commission, at its 28th Session, endorsed the recommendations of the 55th Session of the Executive Committee, namely:

- OIE be encouraged to continue to participate actively in the standard-setting work of the Commission, namely through the work of relevant subsidiary bodies of the Commission;
- OIE be invited to regularly submit, to relevant Codex subsidiary bodies, reports on its activities relevant to the work of these subsidiary bodies, while these subsidiary bodies continue to seek ways to improve cooperation with OIE in their respective area of work and inform the Executive Committee of their decisions/recommendations accordingly; and
- OIE be invited to submit a summary report to the regular sessions of the Commission on its activities of relevance to the work of the Commission, including the outcome of the OIE Working Group on Animal Production Food Safety.¹⁴

53. He further noted that the 30th Session of the Commission had reviewed the effectiveness of the cooperative arrangements and had requested FAO and WHO to review their respective agreements with OIE to ensure that effective measures were in place.

54. The Representative congratulated OIE for the work of the APFSWG, which provided a useful forum for exchange of information and coordination of work, and recalled that the scope of the annual meetings of FAO, WHO and OIE (Tripartite meeting) had been recently enlarged to include food safety. The Representative stated that in the view of WHO there were a number of mechanisms in place to ensure coordination of work between Codex and OIE and that they had successfully prevented any conflicts between Codex and OIE standards and increased synergies.

55. The Representative of the WHO Legal Counsel informed the Committee that an amendment to the already existing Agreement between WHO and OIE¹⁵ had been approved by the World Health Assembly (WHA) in 2010 in accordance with the procedure stated in the WHO Constitution; she noted that any further amendment to it fell under the WHA authority.

56. The Director-General of OIE concurred with the Representative of the WHO Legal Counsel that amendments to the Agreements with FAO and WHO should follow the required procedures and he said that it was important for OIE to have a document to strengthen the collaboration between Codex and OIE validated by the CCGP and the Commission.

57. The Observer from WTO welcomed improved collaboration between the Codex and the OIE. She recalled that when a formal trade dispute was brought before the WTO in the context of the SPS Agreement, the dispute settlement panel first considered whether a relevant international standard existed, that is, a standard developed by Codex, OIE or IPPC. For a number of food products derived from animals, both Codex and OIE standards could exist, and it was important that the Codex and OIE ensured that these standards were fully coherent, with clear cross-references to each other. Similarly, there was a need for coherence, if not alignment, regarding the definitions developed by Codex and OIE. Furthermore, the countries present at the SPS Committee meeting, which are members of the WTO and of Codex, had decided in October 2011 to encourage Codex and OIE (and IPPC) to consider joint work on matters such as certification, inspection, approval procedures and risk analysis, and WTO would welcome such joint activities.

58. The Delegation of Canada further clarified that the guidance developed was intended only to enhance the collaboration between Codex and OIE and not to develop joint standards.

59. Based on the above discussion the Chairperson suggested that the guidance document could become a stand-alone document, not to be included in the Procedural Manual, given that the document was intended to provide a concrete basis for promoting the cooperation between Codex and OIE and not a legal basis for this cooperation.

60. The Representative of the WHO Legal Counsel recalled that the Codex Alimentarius Commission was the principal organ of the FAO/WHO Joint Food Standards Programme, while OIE is an Intergovernmental organisation. She indicated that this aspect should be taken into account when considering the current document.

¹⁴ ALINORM 05/28/41, para. 202.

¹⁵ Inclusion of art 4.7 "Joint development of international standards relating to relevant aspects in animal production which impact on food safety, in collaboration with other appropriate international agencies."

Specific comments

61. The Chairperson proposed the Committee to consider the guidance document, as revised by the PWG (CRD 2, Annex A).

62. The Committee considered the document section by section, noted comments and made the following decisions:

Introduction

63. The Committee deleted the first sentence of the paragraph, which was more relevant to an agreement than to a guidance document, and corrected the reference to the Chapter and article of the OIE Organic Rules.

Theme A – Adoption of Systematic Procedures for Cross-Referencing to Increase Consistency

64. The Committee considered a proposal to delete the examples of cross-referencing to Codex and OIE texts; however, it considered the examples practical guidance for Codex and OIE. It noted the difficulties of the Secretariat if the year of publication of the OIE Codes and Manuals were to regularly updated (to reflect the latest publication) and agreed that the year did not need to be regularly updated, unless the text actually referenced (i.e. relevant chapter) changed.

Theme B – Enhancing Processes to Identify Joint Priorities in Areas of Mutual Interest and Improving Transparency through Information Sharing and Recognition of Best Practices in Communication and Collaboration

65. The Delegation of Canada clarified that the intent of the section was to encourage cooperation and not to prescribe any specific ways.

66. The Representative of WHO observed that several bullet points of the section provided many details in the areas that belong to the prerogatives of the Directors-Generals of FAO and WHO, such as, the frequency of contacts to be made between the Codex Secretariat and relevant intergovernmental organizations in Observer status and the need, if at all, for criteria in selecting the representatives of Codex in such meetings.

67. The Representative of WHO noted that certain recommendations were already put into practice by Codex, in particular: (i) all information on Codex text (adopted and in the elaboration process) were available to the public on the Codex website; (ii) OIE, as an Observer could attend all meetings of the Commission and its subsidiary bodies, and (iii) Codex was regularly inviting OIE to provide information on its activities to relevant Codex committees.

68. The Representative of WHO observed that the intent and feasibility of “joint sessions” (point e) and “joint representation of CAC and OIE experts” (point g) were not clear.

69. Finally, the Representative of WHO wondered, if these recommendations were intended to both Codex and OIE, whether a similar guidance document was or would be discussed within OIE for possible inclusion in the OIE Procedure.

70. In response to the WHO representative, the Committee agreed to the proposal to delete all bullet points (point a-g) and keep with some modifications the introductory paragraph of the section.

Theme C – Strengthen Collaboration at the National and Regional Level

71. The Committee agreed to keep the entire section with some changes to better reflect the role, structure and membership of Codex and OIE.

Conclusion

72. The Committee agreed to forward the following guidance to the 37th Session of the Commission for endorsement, to promote collaboration between the CAC and OIE, noting that this guidance might be utilized to foster on-going collaboration between the two organizations and their members at the national and regional level, with the understanding that this guidance should be read in conjunction with the “Agreements between the Food and Agriculture Organization of the United Nations (FAO)/ the World Health Organization (WHO) and the Office International des Épizooties (OIE)”, the “Guidelines on Cooperation between the Codex Alimentarius Commission and International Intergovernmental Organizations in the Elaboration of Standards and Related Texts” and the “Organic Rules, Chapter III, Article 6 (k)¹⁶ of the Office International des Épizooties”.

¹⁶ Chapter III, Article 6: (k) to establish with other international organisations such relationships as may assure collaboration in the achievement of their respective aims, and its own aims.

- CAC and OIE should adopt a consistent systematic cross-referencing process for relevant Codex/OIE texts, which involves referencing formats and regular updates as necessary.

Recommended Referencing Format:

a. Codex Documents:

CAC Reference Number. *Title of the standard/guideline/text.*

Example: CAC/GL 78-2011. *Guidelines for the Control of Campylobacter and Salmonella in Chicken Meat.*

Example: CAC/RCP 58-2005. *Code of Hygienic Practice Meat.*

b. OIE Documents:

For OIE Codes: *Title of the Code (Year)*, Chapter Number, Chapter Title, and Article Number and Title (where relevant).

Example: *Terrestrial Animal Health Code (2012)*, Chapter 5.3. OIE procedures relevant to the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization, Article 5.3.2. Introduction on the judgement of the equivalence of sanitary measures.

For OIE Manuals: *Title of the Manual (Year)*, Chapter Number, Chapter Title.

Example: *Manual of Diagnostic Tests for Aquatic Animals (2012)* Chapter 2.3.5. Infectious Salmon Anaemia.

- Information exchanges should continue between the CAC and OIE to identify areas of mutual interest and share work program priorities.
- CAC and OIE should post a list of areas of mutual interest on their respective websites.
- Member governments are encouraged to strengthen collaboration at the national and regional level by promoting dialogue between their Codex Contact Point and the appropriate OIE focal point in their jurisdiction and through national and regional level working groups/subcommittee meetings. This will enable enhanced understanding and collaboration on the management of risks for the farm to fork/food production continuum approach.
- Member governments are also encouraged to share information and coordinate and align national positions on issues of mutual interest (e.g. relevant texts under development by each organization) between national delegates or representatives of Codex and OIE through deliberate dialogue (e.g. joint meetings and forums).

73. The Committee noted that the above guidance was not intended for use in, or for incorporation into any legally binding agreements.

74. Several delegations said that it was regrettable that WHO remarks had not been made available at an early stage of the development of the guidance and encouraged FAO and WHO to maintain and strengthen the collaboration with OIE. In this regard the Representative of FAO highlighted the excellent collaboration between FAO/WHO/OIE, including the increasing number of joint experts meetings (e.g. on parasites), development of global action plans (e.g. antimicrobial resistance) and capacity development activities carried out together by the three organizations. She noted that reports on these activities were regularly presented at the Codex Alimentarius Commission.

75. The Chairperson concluded the discussion noting that the Committee was able to agree on guidance for strengthening cooperation between Codex and OIE, demonstrating in a concrete way the desire of Codex to cooperate with the OIE.

REPRESENTATION OF OFFICERS OF THE CAC IN CODEX SESSIONS OTHER THAN SESSIONS OF THE CCEXEC AND CAC (Agenda Item 8)¹⁷

See Agenda Item 1.

¹⁷ CX/14/28/7 (not issued).

REFERENCE TO INFORMATION DOCUMENTS (Agenda Item 9)¹⁸

76. The Delegation of the United States of America, as lead country, explained the background of this work and explained that the EWG had: identified and reviewed a list of documents that would fall into the category of reference or informational documents; proposed how to name these documents; developed criteria for including a text in this category; proposed options for assigning responsibility for determining that the documents meet these criteria; and identified options how the documents could be made available.

Discussion

77. The Committee agreed to the proposal of the Chairperson to discuss five questions as follows.

Should information documents be made available?

78. Some delegations cautioned that the administration of information documents might put an additional burden on the Secretariat and divert from the core business to develop standards guidelines and recommendation. They noted: that Codex had existed for 50 years without this type of documents; that it was not the task of Codex to create such documents; and that these documents might be confused with official Codex texts.

79. In this regard, the Observer from WTO clarified that there would be no confusion of such documents with official Codex texts in a potential trade dispute.

80. The Committee agreed that information documents were needed but noted that they should not be deliberately developed as such and that it was expected that their number would be limited.

What should information documents be named?

81. Several proposals for the naming of the documents were made (reference and information documents, support documents, orientation documents), however after some discussion the Committee agreed to name them "information documents".

What should be the criteria for including a document under information documents?

82. The Committee agreed to the following set of criteria to determine if a document is an information document: (i) it has been developed and agreed upon by a Codex committee; (ii) it contains information that is useful to national governments and/or Codex members and observers and Codex Committees; and (iii) it is not appropriate to be adopted as a Codex standards, guidelines or codes of practice or as recommendations to be included in the Procedural Manual.

Who determines if the criteria have been fulfilled?

83. The Committee agreed that the responsibility to determine if the criteria have been fulfilled lies with the relevant Codex committee and that there was no need to involve the Executive Committee or the Commission.

How should information documents be made available?

84. Some delegations were of the opinion that the Codex website might not be the best place where to keep information documents as there was the risk to confuse them with official Codex documents and proposed that they could be made available on the FAO website.

85. After some discussion the Committee agreed that it would be most user-friendly if the information documents would be placed in a new tab on the page of the relevant Codex committee.

Conclusion

86. The Committee agreed that the following guidance regarding information documents be referred to all Codex committees through the 37th Session of the Commission:

- i. It is recognised that there is the occasional need for Codex committees to make available information documents, however Codex committees should not deliberately develop such documents and these documents should be by-products of ongoing work of the Committee.
- ii. Documents are considered to be information documents if they:
 - Have been developed and agreed upon by a Codex committee;
 - Have been determined by the Committee to contain information that is useful to national governments and/or Codex members and observers and Codex Committees; and

¹⁸ CX/GP 14/28/8; Comments of Philippines (CRD 9); Republic of Korea (CRD 12); Ghana (CRD16).

- Are not considered appropriate by the Committee to be adopted as a Codex standards, guidelines, or codes of practice or as recommendations for inclusion in the Procedural Manual.
- iii. Information documents will be made available on the Codex website of the relevant committee, clearly separated from official Codex documents and adopted texts.
87. The Committee noted the reservation of Brazil with regards to the decision on point (iii) above.

COOPERATION BETWEEN GENERAL SUBJECT COMMITTEES AND COMMODITY COMMITTEES (Agenda Item 10)¹⁹

88. The Delegation of Norway introduced document CX/GP 14/28/9 and explained that the purpose of the proposal was to improve transparency and coordination between work of general subject and commodity committees by amending two provisions in: (i) Part 2. Critical Review - "*Proposals to Undertake New Work or to Revise a Standard*"; and (ii) Criteria for the Establishment of Work Priorities - "*Criteria applicable to general subjects and Criteria applicable to commodities*".²⁰

89. The Committee noted that the comments of Chile (CRD 13) were not strictly related to the proposal of Norway and agreed to discuss the matter separately.

Discussion

90. The Committee acknowledged that gaps and overlaps existed and recognized that it was the responsibility of the relevant committees, the Executive Committee and the Codex Secretariat during the Critical Review to ensure proper coordination.

91. A number delegations generally supported the proposal of Norway because it could improve work efficiency and also noted that the Procedural Manual provided guidance regarding gaps and overlaps to commodity committees, i.e. point (e) of the *Guidelines on the Application of the Criteria for the Establishment of work Priorities (Criteria applicable to Commodities)*²¹ but not to general subject committees.

92. Other delegations acknowledged that Codex committees should avoid duplication and that there was an active role of the Chairpersons and the Codex Secretariat in achieving this. However, they were of the opinion that the existing procedures contained adequate guidance and there was no need to amend them. The concerns could be addressed by applying the existing procedures on the project documents and critical review more rigorously. It was also mentioned that there was a relation to the proposal of Japan in Agenda Item 11.

93. After some discussion, the Committee developed two proposals to amend the *Procedures for the Elaboration of Codex Standards and Related Texts*, Part 2. Critical Review: (i) to clarify in para. 1 (sixth bullet) that also ongoing Codex work should be included in the information given; and (ii) to include in para. 3, a new bullet to clarify that the critical review might also give advice on the need for coordination of work between relevant Codex subsidiary bodies.

94. One delegation expressed the concern that the proposed amendment could lead to the work of one committee being blocked by another committee.

95. One delegation proposed that this matter should be discussed first in the Executive Committee.

96. The Delegation of Brazil expressed the understanding that there was no consensus on the adoption on the amendments.

97. A number of delegations were of the opinion that more time for reflection was needed before taking a decision. In this regard, the Committee noted that all members and observers had the possibility to send written comments and could also state their opinion at the Commission.

Conclusion

98. The Committee agreed to forward the proposed amendments to the 37th Session of the Commission for adoption (Appendix IV) and noted the reservations of Argentina, Brazil, Cameroon, Costa Rica, Ecuador and Paraguay on this decision.

¹⁹ CX/GP 14/28/9; Comments of Philippines (CRD 9); Chile (CRD 13); Ghana (CRD16).

²⁰ Pages 29 and 40 of the Procedural Manual of the Codex Alimentarius Commission (English version, 21st Edition).

²¹ Page 42 of the Procedural Manual of the Codex Alimentarius Commission (English version, 21st Edition).

Comments of Chile

99. The Delegation of Chile explained their concern (CRD 13) as follows: the 33rd session of the Committee on Fish and Fishery Products (CCFFP) had discussed the "Draft Performance Criteria for Reference and Confirmatory Methods for Marine Biotoxins (Section I.8.6 Determination of biotoxins) in the *Standard for Live and Raw Bivalve Molluscs* (CODEX STAN 292-2008). The CCFFP had agreed to forward the text to the 37th Session of the Commission for adoption through the Committee on Methods of Analysis and Sampling (CCMAS), without specifying which session of CCMAS would consider the matter. However, the matter was addressed at the 35th Session of CCMAS, held two weeks later, on the basis of an addendum presented on the first day of the session. Chile considered it necessary that the agendas of Codex committees are clearly defined and working documents be timely available, particularly for important issues.

100. The Delegation of Chile requested the Committee to note their concern without expecting to resolve it, as they would take it to the 37th Session of the Commission, only to reconsider the endorsement of the 35th Session of CCMAS but not to review the decisions of the 33rd Session of CCFFP.

101. The Codex Secretariat explained that in the interest of ensuring coordination and not delaying adoption of standards, addenda were prepared to refer matters arising from Committees, including endorsement, to other Committees which were held closely in time (as in the case of CCFFP and CCMAS). The Codex Secretariat also noted that when documents were late it was the prerogative of members to state that they preferred not to discuss them. The Codex Secretariat further noted that in the case of the 33rd CCFFP referral to CCMAS, the endorsement had been undertaken without any objection. However, it was still possible for members to send comments on this text before its adoption by the Commission. The Secretariat concluded by saying that it was not clear how the existing procedure could be improved but any suggestions from members were welcome.

102. A number of countries supported the concern of Chile and mentioned that the CCMAS endorsement had strong economic impact on countries.

CODEX WORK MANAGEMENT: COMMITTEES AND CRITICAL REVIEW (Agenda Item 11)²²

103. The Delegation of Japan introduced the working document in which they proposed to discuss two issues:

- Whether there is need of reviewing the current Codex practice and provisions in the Procedural Manual to bring more clarity for example to the rules for the creation of new committees and task forces.
- Whether after over 10 years there is a need to review the implementation of the recommendations by the 2002 Joint FAO/WHO Evaluation of the Codex Alimentarius Commission.

104. The Delegation said that the evaluation should be external and independent and the issue should be discussed in the Executive Committee and that as Codex was a joint FAO/WHO body, the parent organizations should conduct the review.

Discussion

105. A number of delegations were of the opinion that it was timely to examine how Codex manages its work and review current work practices.

106. Other delegations said that there should be a clear prioritization of the problems to be examined rather than having an evaluation of all aspects of Codex work.

107. Other delegations felt that the lapse of ten years was not long enough to fully appreciate the impact of the implementation of the recommendations and associated proposals arising from the 2002 Evaluation and a new evaluation would be premature.

108. A number of delegations proposed that the composition of the FAO/WHO scientific bodies should be examined, especially the geographical balance of participating experts. They also suggested that a matrix be established showing which recommendations of the 2002 Evaluation had been implemented and which not.

109. A number of delegations mentioned that Codex was doing an excellent work as an international standard setting body and that a new review should not duplicate the 2002 Evaluation; instead, it should focus on how to maintain and increase the effectiveness of Codex in an ongoing way. Specific items to be examined could be the role and functioning of the Executive Committee or better ways for different committees and task forces to work together. Codex should have a framework for conducting a continuous review and looking at creative and pragmatic ways to apply the existing procedures. It was mentioned that

²² CX/GP 14/28/10; Comments of Egypt, India and Philippines (CRD 10).

such an approach would fit in well with strategic objective 4 of the Strategic Plan 2014-2019 and that within Codex there was a vast array of experience that could be used to work on this.

110. The Representative of WHO speaking on behalf of FAO and WHO, recalled that the Joint FAO/WHO Evaluation of Codex Alimentarius in 2002 was conducted and funded by FAO and WHO by investing significant financial resources, which were not available at present. The Representative was of the opinion that a continuing monitoring of the performance of Codex was considered to already be built into the system based on the Codex Strategic Plan. The Representative stressed further that the general work management of Codex work including the critical review and standards management functions was entrusted to Executive Committee, not to CCGP; when it came to the evaluation of the Joint FAO/WHO Food Standards Programme, it could be undertaken by FAO/WHO on their initiative or upon request by the Commission. The Representative further stated that the scope of an evaluation or a review should be matched to the need and the availability of funds. He suggested that FAO, WHO and the Codex Secretariats work on mapping the actions that were undertaken after the 2002 Evaluation and the possible areas where their impact should be measured, which could form a basis for exploring the conduct of a “mini-evaluation”, focusing on the implementation of the 2002 Evaluation.

111. The Representative of the Legal Counsel of WHO confirmed that the conduct of an evaluation of Codex should be the responsibility of the parent organizations.

112. The Committee agreed to establish an in-session working group working in English, French and Spanish and chaired by the Chairperson of the Committee with the terms of reference to “explore the various modalities for evaluating Codex and the management of Codex”.

Report of the in-session working group

113. The Delegation of Australia as rapporteur of the in-session working group, reported on the results of the in-session working group.

114. The question framed to the group was whether there was need or justification with regards to a review of Codex management practices. In response the group focused predominantly in two areas. The first related to the assessment of the implementation of the 2002 Evaluation’s recommendations under the auspices of FAO/WHO. In this context cost and scope were considered critical and could be shaped effectively through close consultation with Executive Committee. With regard to resources it was noted that substantial capability and capacity for evaluation sits within FAO/WHO.

115. The second work area was developed around the concept of an internal review. It was seen to provide an inclusive and transparent process that through the use of tools such as an electronic working group would ensure full participation by all Codex members and observers. In this context, discussion considered the option of such a working group being under either Executive Committee or CCGP. In the context of the Strategic Plan and in particular Goal 4 it was seen that this might more appropriately sit with the Executive Committee. The Strategic Plan was also seen as providing a legitimate authority for the progression of this initiative.

116. In summary, the in-session working group agreed to support and give priority to the review of Codex work management practices. Points to consider in this regard are as follows:

- The need for inclusiveness;
- The need to scope the exercise for the most effective use of resources;
- To be clear as to its purpose;
- The need for strong consultation across the Codex Secretariat and FAO/WHO throughout the process;
- That the above options are not mutually exclusive;
- To draw upon all areas of experience in Codex work management (chairs, etc.);
- To keep in mind the broadening membership of Codex and the appropriateness of processes and procedures.

117. Further discussion in relation to the Chairs informal meetings highlighted the benefit brought to Codex process by a Guide for Chairs and delegates under development.

Further discussion

118. The Committee discussed the message to be addressed to the Executive Committee and what kind of work should be proposed and under which Committee it should be undertaken.

119. Different options were proposed such as an electronic working group working under CCGP or a sub-committee of the Executive Committee or a working group of the Commission, and it was noted that a sub-committee of the Executive Committee would only be composed of members of the Executive Committee.

120. The Representative of WHO, speaking on behalf of FAO and WHO, indicated that Codex needed to operate under the applicable rules and practices of FAO and WHO, which included not only financial and operational rules but also the evaluation of its performance. FAO and WHO had their own dedicated units to guide and oversee review or evaluation of their programmes including intergovernmental Commissions, using established procedures and methodologies. The Representative stated that FAO and WHO were willing to enter into dialogue with Executive Committee and the Commission to explore the need, possible scope and timelines for a review. The most appropriate means for the involvement and consultations of Codex members at appropriate stages would be identified in coordination with the evaluation units of FAO and WHO and with the Executive Committee. The Representative stated that member states should not immediately embark on an evaluation exercise that was member states driven and not guided by FAO and WHO.

121. The Representative of FAO confirmed that FAO actually hosted several intergovernmental bodies and that its Evaluation Service had ample and solid experience in conducting evaluations of these bodies and other programmes.

Conclusion

122. After some discussion, the Committee agreed to propose the following to the Executive Committee:

- To develop an inclusive and clearly scoped process to review the work management systems and practices of Codex according to strategic goal 4 of the Codex Strategic Plan 2014-2019;
- To envisage a review, under the auspices of FAO and WHO, of the status of implementation of the recommendations and associated proposals arising from the 2002 Codex Evaluation.

Discussion on Codex procedure for the creation of new subsidiary bodies of the Commission

123. The Delegation of Japan drew the attention of the Committee to the fact that the matter was one of the important recommendations of the 2002 Codex Evaluation. In addition it drew the Committee's attention to "Proposal 7: Next comprehensive review" in the 2008 report of the Commission²³ in which the Commission recalled "that it was recommended to undertake the next comprehensive review of the structure and mandates of committees and task forces after 2011. However as the current review was not completed, the proposed timetable did not appear achievable. The Commission therefore agreed that the next comprehensive review would be initiated at an appropriate time and would depend on the completion of the ongoing review." The delegation was of the opinion that such a review was timely in light of the recent creation of a new committee.

124. One delegation mentioned that while appreciating the concerns associated with the establishment of new Codex committees, for most occasions the Commission had kept to the recommendation of establishing time-bound task forces and the delegation was not sure that any new procedures could have led to a different outcome.

Conclusion

125. The Committee agreed that the concerns identified by Japan would be addressed as part of the second recommendation made above and in the context of a review of the structure and mandates of committees and task forces, whose conduct had already been recommended by the Commission.

ROLE OF THE CHAIR AND VICE-CHAIRS OF THE CODEX ALIMENTARIUS COMMISSION FOR THE PURPOSE OF RULE V.1 OF THE RULES OF PROCEDURE (Agenda Item 12)²⁴

126. The Representative of the Legal Counsel of WHO, also speaking on behalf of the Legal Office of FAO, while introducing the document, recalled that it was prepared following a request of the 36th Session of the Commission; she noted that the matter had already been considered in 2004 by the CCGP and had recently arisen in 2009 and 2013 at the Commission at the time of elections. It was underlined that the issue under

²³ ALINORM 08/31/REP, para. 151.

²⁴ CX/GP 14/28/11 (not issued); Role of the Chair and Vice-chairs of the Codex Alimentarius Commission for the Purpose of Rule V.1 of the Rules of Procedure, prepared by FAO and WHO Legal Counsels (CRD 14)

discussion related to the role and functions of the Chairperson and Vice-Chairpersons of the Commission and the meaning of the term "delegate" as employed in Rule V.1, within the more general context of the Rules of Procedure of the Codex Alimentarius Commission.

127. A number of delegations were concerned to have to express their country's views on a document (CRD 14), which had been made available only on the first day of the current Session and in English only. They were of the view that the legal nature of the subject and the potential impact of a decision on this matter, required countries to have adequate time to consult with their governments and formulate their positions.

128. In view of these concerns and noting that working documents should be distributed two months before the session²⁵, the Committee agreed to only hold a general debate on the issue and not to formulate any recommendation for the Commission's consideration because of the possible implication that the proposal might have on other international organizations.

Discussion

129. The following comments were made in the discussion:

- The question had been raised several times in the past but had not been consistently dealt with, as presented in CRD 14, para.10 and in the meantime there remains legal uncertainty should this situation occur again in the future;
- A distinction should be made between cases where members elected on a geographical basis resigned and decisions taken by the Commission on a no-objection basis;
- Different approaches depended on the interpretation and use of the term "delegate" contained in Rule V.1 of the Rules of Procedure of the Codex Alimentarius Commission when referring to the Chairperson and Vice-Chairpersons of the Commission in light of their role and functions within the Executive Committee;
- There was a need to clarify as to whether, for the purposes of Rule V.1 the Chairperson and Vice-Chairpersons of the Commission serve as "delegates" of a country;
- There was a need to clarify the role and responsibility of the Executive Committee and to reconsider its membership;
- In view of the enlarged Codex membership there was a need to give an equal/comparable possibility to all countries to be part of the Executive Committee as a small number of countries had been members of the Executive Committee over many years in different functions;
- In view of the importance of "inclusiveness", as highlighted in the Strategic Plan 2014-2019 and the growing membership of Codex, it would be preferable to apply the rule that "not more than one delegate from any one country shall be a member of the Executive Committee" to all Members of the Executive Committee;
- An interpretation of the Rule V.1 which would exclude the Chairperson and Vice-Chairpersons from the restriction on overlapping country membership should equally apply to the other members of the Executive Committee, as the Members elected on a geographical basis were acting within the Executive Committee in the interest of the Commission as a whole and the regional coordinators act on behalf of the region;
- It was important to distinguish two issues: (i) the role and responsibility of the Chairperson and Vice-Chairpersons as compared to role and responsibility of the other Executive Committee members; and (ii) the issue of the representativeness within the Executive Committee;
- There was a link with discussions under Agenda Item 11;
- It was clear that the Chairperson and vice-Chairpersons were elected by the whole membership and they represent the interest of Codex as a whole. Any other interpretation would be dangerous for Codex as it would imply that Chair and vice Chairs should represent their individual countries when serving on the Executive Committee and the Commission;
- The Commission had dealt with the issue consistently and accepted this interpretation when the question was posed to the Commission for decision;

²⁵ Guidelines to Host Governments of Codex Committee and Ad Hoc Intergovernmental Task Force - Section: Preparation and Distribution of Papers (Procedural Manual of the Codex Alimentarius Commission).

- Some regions within the UN system have a specific nature with regard to the number of countries, diversity of composition and level of economic development;
- The Procedural Manual does not explicitly mention that the rule that “Not more than one delegate from any one country shall be a member of the Executive Committee.” (Rule V.1) does not apply to the Chairperson and the Vice-Chairpersons of the Commission.

130. In response to several questions, the Representative of the Legal Counsel of WHO clarified that the Chairperson and Vice-Chairpersons act as presiding officers as individuals for the smooth conduct of business of meetings and, as such, they do not represent country’s views, while maintaining a relation with their respective delegations. She further emphasized, as described in the document prepared by the Legal Offices of FAO and WHO, that the matter under discussion should be considered in the broader context of the Rules of Procedure of the Codex Alimentarius Commission by taking into consideration Rule V.1, Rule III.1 and Rule III.2. In relation to the potential establishment of a practice based on Commission’s past decisions, she recalled that in the two most recent cases, in 2009 and 2013, the Commission agreed to an interpretation of the word “delegates” whereby officers of the Commission should not be considered “delegates” of a country for the purpose of Rule V.1. She noted that the language of rule V.1 leads to ambiguity regarding whether the term delegate includes officers. She also made it clear, as stated in the relevant Commission’s reports, that those decisions were taken on a no-objection basis and that they could not be seen as conclusive guidance on the matter. For this reason the issue remains unsettled and was under consideration by this Committee.

Conclusion

131. The Chair noted that no decision was taken on this issue. The above discussion would be considered under Matters Referred at the 37th Session of the Commission.

132. Several delegations emphasised that delaying the decision to resolve the issue at this session of the Committee, was likely to lead to a situation where new precedents were created and thus considered as favouring a particular course of action when this matter was eventually decided.

133. Other delegations noted that due to the late availability of the document it had not been possible for the Committee to have a proper discussion on it. These delegations recommended that working documents be made available in a timely manner to allow the examination by Members and consideration at the session to ensure the efficiency of Codex work and the efficient use of its resources.

OTHER BUSINESS (Agenda Item 13)

Proposal of Egypt

134. The Delegation of Egypt introduced their proposals (CRD 11) for amending Rule III “Officers” and Rule VIII “Voting and Procedures”. The Delegation explained that Egypt’s proposals aimed at limiting one of the seat for vice-chair to members of coordinating committees (amendment to Rule III) and at adopting/approving matters related to consumer health and safety only by consensus (amendment to Rule VIII).

135. The Committee noted that the proposal related to the amendment to Rule III was linked to the discussion on Agenda Item 12.

136. The Representative of WHO referring to his previous interventions, recalled that the Committee should limit its work to issues referred to it by the Commission and could not initiate work on revision of the Procedural Manual without the agreement of the Executive Committee.

Conclusion

137. The Committee noted that the Delegation Egypt would prepare a discussion paper for consideration of the 37th Session of the Commission.

Proposal of Cameroon

138. The Delegation of Cameroon explained that the proposal arose from the discussion held during the Seminar for the Chairs, held on 6 April 2014. Several Chairs had expressed some concerns as to effectiveness and representativeness of the Executive Committee and its role as a governance body of Codex and right arm of the Commission, particular for the Critical Review. The Delegation explained that the purpose of the request was to begin a reflection on the current functioning of the Executive Committee and how to improve the efficiency and effectiveness in order to provide it with tools that would allow it to fulfill its strategic function in a transparent and inclusive manner.

139. The Chairperson suggested adding this matter, i.e. functioning of the Executive Committee in relation to the Critical Review, to the proposal agreed under Agenda Item 11.

140. Some delegations felt that it was premature to take this decision and/or have an informed discussion without any supporting document explaining the issues to be addressed and proposed to defer this discussion at the next session.

141. Mr Sanjay Dave, speaking as the Chairperson of the Codex Alimentarius Commission, explained that the issues raised during the Seminar for the Chairs had not been a criticism to the functioning of the Executive Committee; he clarified that the Chairs' reflection had recognised the important role of the Executive Committee and touched on several points, including how to improve the Executive Committee's role with regard to the Critical Review, its strategic role, and how the Chairs could better contribute their experience to the Executive Committee.

Conclusion

142. The Chairperson noted that no decision was taken on this proposal but that both the Executive Committee and the Commission would be informed of the reflection.

DATE AND PLACE OF NEXT SESSION (Agenda Item 14)

143. The Committee noted that its 29th Session was scheduled in April 2016 unless the Commission would decide otherwise.

144. The Committee noted that France as host government would look into the possibility to use projection equipment at the next session to facilitate any necessary drafting work and to allow for more effective participation of delegations during this process, as suggested by the Delegation of Costa Rica.

SUMMARY STATUS OF WORK

SUBJECT MATTER	ACTION BY	DOCUMENT REFERENCE (REP14/GP)
Amendments to the Procedural Manual		
Definitions of Risk Analysis Terms related to Food Safety: risk characterization and risk estimate	Governments, CAC37	Para. 13 and App. II
Terms of Reference of the Committee on General Principles	Governments, CAC37	Para. 43 and App. III
Procedures for the Elaboration of Codex Standards and Related Texts	Governments, CAC37	Para. 98 and App. IV
Other topics		
Consistency of the risk analysis texts across the relevant committees at its next session	CCGP29	Para. 18
Codex/OIE cooperation	CAC37	Paras 72-73
Reference to information documents	CAC37, All committees	Para. 86
Process to review the work management systems and practices of Codex according to strategic goal 4 of the Codex Strategic Plan 2014-2019	CCEXEC69	Para. 122
Functioning of the Executive Committee	CCEXEC69	Paras 138-142
Representation of Officers of the CAC in Codex sessions other than sessions of the CCEXEC and CAC	---	Para. 6
Standards held at step 8	---	Para. 25
Mechanism and template for examining economic impact statements	---	Paras 34-35

Appendix I

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Appendix II**PROPOSED AMENDMENTS TO THE DEFINITIONS OF RISK ANALYSIS TERMS RELATED
TO FOOD SAFETY****(for adoption by the Commission)**

Please Note: New text is presented in underlined font; and deleted text in ~~striketrough font~~

Hazard Characterization – The qualitative and/or quantitative evaluation of the nature of the adverse health effects associated with biological, chemical and physical agents, which may be present in food. ~~For chemical agents, a dose-response assessment should be performed. For biological or physical agents, a dose-response assessment should be performed if the data are obtainable.~~

Risk Estimate – The qualitative and/or quantitative estimation of risk resulting from risk characterization.

Appendix III**PROPOSED AMENDMENTS TO THE TERMS OF REFERENCE OF THE
COMMITTEE ON GENERAL PRINCIPLES****(for adoption by the Commission)**

Please Note: New text is presented in underlined font; and deleted text in ~~striketrough font~~

To deal with such procedural and general matters as are referred to it by the Codex Alimentarius Commission or one of its subsidiary bodies and the Executive Committee.

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.

~~Such matters have included the establishment of the General Principles which define the purpose and scope of the Codex Alimentarius, the nature of Codex standards and the forms of acceptance by countries of Codex standards; the development of Guidelines for Codex Committees; the development of 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; the establishment of a Code of Ethics for the International Trade in Food."~~

Appendix IV**PROPOSED AMENDMENTS TO THE PROCEDURES FOR THE ELABORATION OF CODEX
STANDARDS AND RELATED TEXTS
(for adoption by the Commission)**

Please Note: New text is presented in underlined font

Part 2. Critical Review**Proposal to undertake New Work or to Revise a Standard**

Para.1 (sixth bullet)

- Information on the relation between the proposal and other existing Codex document as well as other ongoing Codex work;

Para.3 (after second bullet)

- Advice on the need for coordination of work between relevant Codex subsidiary bodies;