CODEX ALIMENTARIUS COMMISSION

Food and Agriculture Organization of the United Nations

World Health Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: codex@fao.org - www.codexalimentarius.org

Agenda Item 8 **CX/EXEC 23/85/6**

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

Eighty-fifth Session
FAO Headquarters, Rome. Italy
20 – 24 November 2023

Regional standards – challenges with application of the criteria for regional standards in the context of current regional needs

1. INTRODUCTION

1.1 Following a request from CCASIA22, a document on *"Challenges with application of the criteria for regional standards in the context of current regional needs"*[1] was presented at CCEXEC84 for comment and consideration.

1.2 CCEXEC84 noted the additional information provided by Members; requested the Codex Secretariat to update the working document in line with the discussions; and agreed to include the item on the agenda of CCEXEC85 for discussion and advice back to CCASIA and other FAO/WHO Coordinating Committees (RCCs) as appropriate.

1.3 Following CCEXEC84, the Codex Secretariat undertook further analysis internally and also consulted with the Regional Coordinators, with inputs received from the Coordinators for Asia and Europe. An overview of the analysis is provided in section 2. The update to CX/EXEC 23/84/8 is available here for information.

1.4 CCEXEC85 is tasked with advising CCASIA, and other RCCs on

- how to address new work proposals, for processed (and often ready-to-eat) products mainly produced in the region and traded globally for which no appropriate active commodity committee exists; and
- whether there is a need to develop standards for such processed products individually or take a more horizontal or group approach considering the rapid developments in food processing technologies.

2. ANALYSIS

2.1 Considering the questions posed by CCASIA22, the following points emerged from a review of the relevant provisions within the Codex Procedural Manual (PM) and past discussions/experiences within Codex subsidiary bodies. In the following the focus is on RCCs; however, aspects relating to discussion papers, project documents and the preparation, review and approval of new work proposals are pertinent to all subsidiary bodies and Members/Observers preparing such documents.

2.2 The current procedures within the PM provide the means to address challenges related to regional standards, but it is essential these procedures are applied fully.

2.3 Clarity of the scope and objective of a proposed standards is essential to support the Codex decision-making processes.

2.4 It is necessary to have a well-researched discussion paper of the issue proposed for standard setting for consideration by the RCC concerned and a well-presented and complete project document which provides a careful and full analysis of the issue. Such documents should carefully consider and provide information relevant to the criteria for new work proposals, including criteria for the establishment of work priorities and its guideline. This will facilitate assessment against such criteria and help to clearly define the purpose and problem/challenge being addressed in order to determine if

[1] CX/EXEC 23/84/8

the issue should be taken up as new work and whether it can be addressed in a horizontal manner, or through a specific/commodity standard.

2.5 The RCC, in discussing a proposal for a new standard, may also conclude there is insufficient information to take a decision and recommend additional information be provided by the new work proponent. Such practices are common.

2.6 It is the role of the CCEXEC to undertake the critical review of all new work proposals. If such proposals do not provide sufficient information to enable CCEXEC to advise CAC on whether and how the work should be undertaken, they should be returned to the RCC for further elaboration.

2.7 It is for CAC to approve new work and determine whether a standard should be regional or worldwide in nature. If there is no overall support for a worldwide standard by Members of CAC, but regional support exists, development of a regional standard can rather be approved.

2.8 The options available to CAC for standard elaboration, include assigning the work to a relevant general subject or commodity committee (the terms or reference of which are most closely related to the proposed scope and purpose of the standard) or assigning the work to the coordinating committee[2] in the event that there are no relevant commodity committees that have eh mandate or interest to undertake this work. It is for Members to ensure that their delegations to the designated committee are composed of the appropriate experts to discuss a particular topic.

2.9 It is important to note that while regional standards are developed with a particular regional focus, there is no impediment to any Codex Member using them if they so wish.

2.10 One of the roles of RCCs, as stated within their terms of reference in the PM, is to “recommend to the Commission the development of worldwide standards for products of interest to the region, including products considered by the committee to have an international market potential in the future”. Thus, there is no impediment to RCCs submitting proposals for new work that may lead to the development of a worldwide rather than regional standard, irrespective of where the work might be undertaken.

2.11 The PM also provides the procedure for converting a regional standard to a worldwide standard.

2.12 It should also be noted that CAC23, as part of its medium-term plan 1998-2002, highlighted the ongoing modernization and simplification of commodity standards. This required that commodity committees, or committees developing commodity standards, review their standards and apply a more horizontal approach in order to facilitate their uptake by Codex Members i.e. the transfer of material from commodity standards to applicable general standards and consider incorporating similar products within the scope of a commodity or developing group standards. This does not preclude the elaboration of commodity-based standards that, depending on the nature of the product, could be written in such a way that will allow future enlargement of the scope by adding similar products as has been the approach taken by the Codex Committee on Processed Fruits and Vegetables (CCPFV), and more recently the Codex Committee on Spices and Culinary Herbs (CCSCH), (i.e. group standards).

2.13 The outcome of the request of CEXEC83[3] to the Codex Secretariat to draft practical guidance for Codex Members on how to apply existing procedures when developing new work proposals should also be beneficial when faced with issues such as highlighted by CCASIA.

3. CONCLUSIONS

3.1 For situations where a commodity is mainly produced regionally but traded internationally and there may not be a subsidiary body of CAC who could fully accommodate a specific new work proposal, it is up to CCEXEC in its Critical review role, and then CAC, as the decision-making body, to consider whether such work should proceed and if so the most appropriate way to deal with such new work. Options include:

- entrusting the proposing RCC with the development of the worldwide standard, if there is agreement that a worldwide standard is needed (open to full participation of all Codex Members);

[2] There is no example of this approach to date and in case it should be considered it is essential to highlight that in case a RCC is tasked with developing a worldwide standard the agenda item should be open to all Codex Members, and not limited solely to Members within the region.
[3] REP22/EXEC2 para 118

- assigning the task to a committee with a terms of reference that are most appropriate to the scope and objective of the standard; or
- developing a regional standard which may later be converted to a worldwide standard if there is an interest to do so and in accordance with the procedures outlined in the PM.

3.2 A prerequisite to such decisions is a well-researched and prepared project document and discussion paper. If new work is approved, Members should be encouraged to ensure they include relevant experts in their delegations to be facilitate consideration of the proposed standard.

3.3 As standards can always be reviewed in light of new developments in science and technology, the interest may be to first develop a standard applicable to a particular commodity, and if there is interest from Codex Members, the scope could be expanded to become a more horizontal standard in future, with the potential future expansion taken into consideration in initial drafting. Clear examples are provided in CCPFV. Otherwise, it may be possible that existing horizontal standards could accommodate specific requirements to cover the quality and safety of the concerned products or simply that existing horizontal standards in their common provisions applicable across foods, are sufficient to address the specific concerns of the product in questions.

4. RECOMMENDATIONS

4.1 CCEXEC85 is invited to consider recommending that:

- regardless of whether a commodity is traded internationally or not, a proposal for new work for either a regional or worldwide standard can be submitted from a RCC to CCEXEC for critical review, and to CAC for final approval and decision on the nature of the standard and by whom it should be developed;
- RCCs (and proponents of new work) prepare well researched and prepared discussion papers / proposals for new work, which will facilitate the role of CCEXEC, and enable them to advise CAC accordingly on a possible way forward; and
- the Codex Secretariat work to prepare practical guidance to Members to address the challenges related to new work and work prioritization as recommended by CCEXEC83, which will also be of benefit to RCC.