

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
HEALTH  
ORGANIZATION



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**Agenda Item 2**

**CX/GP 05/22/2**

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME  
CODEX COMMITTEE ON GENERAL PRINCIPLES  
Twenty-second Session  
Paris, France, 11 – 15 April 2005**

**MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION  
AND OTHER CODEX COMMITTEES**

Matters referred by the 27<sup>th</sup> Session of the Codex Alimentarius Commission were considered by the 21<sup>st</sup> (Extraordinary) Session of the Committee. The Revision of the *Code of Ethics for International Trade in Foods* will be considered specifically under **Agenda Item 4**.

**A. MATTERS ARISING FROM THE 21<sup>ST</sup> SESSION OF THE COMMITTEE ON GENERAL PRINCIPLES**

The Delegation of India, referring to its written comments (CRD 2), made several proposals to amend the Elaboration Procedures, and in particular that the omission of Steps 6 and 7 of the Procedure be decided by “consensus” rather than by “a two thirds majority of votes cast”, in view of the need to work by consensus in the Commission. The Delegation also proposed a definition of “consensus” for further consideration. The Delegation of Malaysia supported the views of India that the role of the Executive Committee should not extend, in the framework of the Critical Review, to consideration of draft standards and related texts submitted to the Commission by its subsidiary bodies.

The Committee agreed with the proposal of the Chairperson that no new work should be undertaken on a definition of “consensus” at this stage, until more experience had been gained in the application of the *Measures to Facilitate Consensus*. The Committee agreed that the detailed comments proposed by the Delegation of India on the Elaboration Procedure be considered by the next session of the Committee on General Principles (ALINORM 05/28/33, paras. 7-10).

**B. MATTERS REFERRED FROM OTHER COMMITTEES**

**1. FAO/WHO Coordinating Committee For Europe**

Proposed Draft Working Principles for Risk Analysis for Food Safety

The Delegation of the Netherlands, speaking on behalf of the Member States of the European Union present at the session and referring to the EC common position in CRD 4, expressed the following view: principles for risk analysis applicable by governments should be developed and the Committee on General Principles should proceed with its work on the basis of the Proposed Draft presented in CL 2004/34-GP; the section on risk management should be included as risk analysis should follow a structured approach; and the principles should take into account the possibility for governments of taking provisional measures when available scientific data did not allow a complete risk assessment. This position was supported by the Delegations of Switzerland and Norway and agreed by the Committee (ALINORM 05/28/19, para. 24-25).

**2. FAO/WHO Coordinating Committee for Latin America and the Caribbean**

Definition of the term “interim”

The delegation of Chile referred to the discussion of the Commission concerning the adoption of new definitions related to food safety on an interim basis and pointed out that certain terms should be clarified. The Committee agreed to ask the Committee on General Principles to consider a definition or clarification of the term “interim” for the purpose of adoption of standards.

## Proposed Draft Working Principles for Risk Analysis for Food Safety

The delegation of Argentina informed the Committee that the Committee on General Principles had held a Working Group, co-chaired by Argentina and Canada, on 6 November 2004 to consider the Proposed Draft Working Principles for Risk Analysis for Food Safety, and that the final report would be circulated for consideration by the next session of the CCGP. The Working Group had not reached consensus on the need for working principles intended for governments, which would require further discussion by the Committee, and due to time constraints had considered the document until the end of the section on risk assessment. The main controversial issues in the document were the application of precaution in risk analysis and risk management and reference to environmental and ecological factors.

The delegation of Chile, supported by other delegations, recalled that the WTO SPS Agreement stated that the guidelines for risk assessment were to be drawn up by the reference scientific organizations and that the OIE and IPPC had established risk assessment provisions and that Codex should do likewise. The establishment of guidance on risk analysis for governments would be useful in the framework of Codex to prevent unilateral and discretionary provisions and the consequent creation of barriers to trade, and that consideration should be given to Article 5.7 of the WTO SPS Agreement which drew attention to the unusual nature of the measure. The Delegation also suggested that if it was not possible to reach consensus on risk management issues, the scope of application of the working principles could be limited to risk assessment, taking into account the provisions of the SPS Agreement in this respect.

Some delegations expressed the view that the development of working principles intended for governments should be discontinued, as the Codex Procedural Manual and the recommendations of FAO/WHO expert consultations provided adequate guidance for the realization of risk analysis and the issue of interim measures was covered by Article 5.7 of the SPS Agreement. Some delegations pointed out that the working principles could only be taken further if the two controversial issues, i.e. precaution and environmental conditions, were resolved since the other provisions did not raise specific problems.

After extensive discussion, the Committee agreed that precaution in risk management should only be considered as a qualified and provisional exception to the obligation to base sanitary and phytosanitary measures on adequate scientific evidence, on the basis of Article 5.7 of the SPS Agreement, and expressed its opposition to any reference to environmental or ecological conditions. The Committee also agreed that if these issues could not be resolved in compliance with the above, the working principles should only be developed for risk assessment. The delegation of Uruguay reserved its position, as this issue was still under examination at the national level (ALINORM 05/28/36, paras. 103-107).

The Proposed Draft Working Principles for Risk Analysis for Food Safety will be considered specifically under **Agenda Item 3**.

### **3. Codex Committee on Meat Hygiene**

#### Risk Analysis Definitions

The Committee noted the risk analysis definitions on Food Safety Objective, Performance Objective and Performance Criterion adopted by the 27<sup>th</sup> Session of the Commission on an interim basis and recommended that the Committee on General Principles propose these definitions for final adoption. The Committee used these definitions as appropriate in the draft Code of Hygienic Practice for Meat being elaborated at this Session.

The Committee also noted that definitions for “process criterion” and “risk-based” were elaborated for use in the draft Code of Hygienic Practice for Meat and, as they had generic application, there was a need for their definition and application in a harmonized way throughout the Codex system.

#### Process criterion

The physical process control parameters (e.g. time, temperature) at a specified step that can be applied to achieve a performance objective or performance criterion .

#### Risk-based

Containing any performance objective, performance criterion or process criterion developed according to risk analysis principles (ALINORM 05/28/16, paras 6-7 and Appendix II).