

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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Agenda Item 6

CX/LAC 04/14/6
October 2004

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

FAO/WHO COORDINATING COMMITTEE FOR LATIN AMERICA AND THE CARIBBEAN

14th Session

Buenos Aires, Argentina, 29 November - 3 December 2004

CONSUMER PARTICIPATION IN FOOD STANDARDS SETTING AT THE CODEX AND NATIONAL LEVEL

GOVERNMENTS' COMMENTS

(Brazil, Chile, Colombia, Guatemala, Honduras, Mexico, Panama and Paraguay)

BRAZIL

Bodies representing consumers (governmental and non-governmental) have been involved in the work of the Codex Alimentarius Committee of Brazil (CCAB) since 1992. The non-governmental body representing consumers in the CCAB is the Brazilian Institute for Consumer Defence (IDEC) and the governmental body is the Department of Consumer Protection and Defence / Ministry of Justice. Consumers are, both legally and formally, fully involved in the activities carried out by the National Committee and its Technical Groups. Thus, they participate in the development of the national position for Codex meetings and may involve Brazilian delegations for these meetings.

Consumers participate not only in the activities by the National Committee but also in its Technical Groups.

Consumers have financial and technical difficulties in achieving wider participation. Bodies representing consumers do not have their own resources to participate in meetings and rely on the support of the body coordinated by the National Committee. They also have technical difficulties due to the lack of experts for other Codex issues, who might participate in National Committee meetings.

Considering the non-governmental body representing Brazilian consumers, there is a need for more effective governmental support for consumers' organizations to provide a group of experts with training, so that they can work in Codex and actively participate in meetings, which are held monthly or even more often, due to technical groups. They also understand that there should be equality between consumers and the productive sector (industries, agriculture).

At a national level, in 2004 the National Council of Industrial Metrology, Standardization and Quality (Conmetro) approved the creation of a Permanent Commission of Consumers with the aim of making viable the participation of consumers in standardization and regulation activities, recognizing in its terms of reference—among other aspects—that “... civil consumer defence bodies’ work together with standardization and technical regulation cannot be dispensed with, due to their legitimate nature in representing consumers’ interests and needs. One of the main reasons for civil bodies’ failure to increase their participation in the follow-up of standardization activities is the lack of financial resources”.

CHILE

In Chile consumer participation in the National Codex Committee is established in Decree No. 18/97 of the Ministry of Health, “Creation of the National Codex Alimentarius Committee”, assigning a member of organized consumers the representation of food interests and concerns within the Committee, with the same level of representation and the same powers and obligations as the other National Committee members.

Consumers are also officially involved in Codex Alimentarius Subcommittees, which are working groups made up of representatives from Ministries and from public and private bodies and of people with expertise in the specific issues they discuss, with knowledge about the national reality, mainly in the areas of food regulation, marketing and technology.

However, consumer participation in Codex work has often been hindered and diminished because the organizations do not have sufficient financial resources and with personnel working without a salary, which has prevented consumers to participate in all spheres of Codex work.

Consumer law reform

Law No. 19496 provides the general framework of protection to consumers in Chile and is related to a set of laws oriented towards special markets or sectors, whose purpose is to constitute a systematic regime of protection.

The above-mentioned Consumer Law has recently been changed in aspects which had been considered inadequate since its entry into force in 1997.

In particular, the “new consumer law” is intended to facilitate consumer association. In effect, it has improved the conditions needed for the creation and functioning of Consumer Associations, matching its constitution requirements with those of Company Associations. Thus, a faster procedure for consumer organization is established, which is also fairer in relation with company organizations, with a view to fostering the creation of bodies representing their rights throughout the national territory.

It is worth pointing out that, thanks to changes in the Consumer Law, Consumer Associations in Chile now have the right to legal representation in connection with collective or “common” interests.

In addition, a trust fund has been created in order to finance research on consumption, dissemination of rights, information, guidance and education by consumer associations, which may be applied for. The fund is made up of contribution related with the budget law and may take into account donations from national or foreign non-profit organizations.

Last, it is worth mentioning that there has been a rise in the number of fines for misleading advertising and for failure to provide appropriate information about the risks of products sold in the market. In effect, the maximum fine has been increased to 750 *Unidades Tributarias Mensuales*. (1 UTM= US\$ 50, approximately). The same sanction is provided for where there is a failure to provide information on consumer risk, which increases fines to 1000 UTM in cases of false advertising, is provided where health, security or the environment may be affected.

As regards “measurable objectives”, we may inform the Coordination of the following:

- a) The National Codex Committee was established in 1997 by Supreme Decree No. 19 of 1997 of the Ministry of Health.
- b) Chile has established a Codex Contact Point. Decree No. 19 of 1997 of the Ministry of Health.
- c) National positions are developed at the Subcommittees; these bodies have consumer representation and are approved technically and politically by the National Committee—where consumers are also represented. Public consultation of national positions through a web page is considered in a project which is to be implemented this year.
- d) Consumer organizations have been identified which are represented at the National Committee. These may have initiatives regarding the issues addressed by these bodies with the same prerogatives as other members, including written comments.
- e) Chilean consumers participate in the development of national positions as members National Codex committee.
- f) The two main Chilean consumer organizations participate in the development of national positions through the representatives they select.

COLOMBIA

The Checklist of Measurable Objectives is as follows:

- a) Colombia has established a Contact Point.
- b) Colombia has established the National Codex Committee.
- c) We do not hold public consultations related to the national position for Codex meetings.
- d) In our country, the Colombian Consumer Confederation is a National Committee member. Colombia Consumers also participates in the meetings.
- e) Both consumer organizations participate, but their technical participation is small.
- f) Both consumer organizations participate in the National Codex Committee in Colombia.

GUATEMALA

Organized consumers in Guatemala represent one of the eight chairs in the National Codex Committee. Currently, LIDECON, member of “Consumers International”, is the representative of this sector. Consumers are invited to participate in technical committees’ deliberations on consideration of Codex Alimentarius Commission proposals. They also participate in training and public events of the National Codex Committee in Guatemala City and in the interior of the Republic. Representatives of 20 NGOs participated in Codex activities in Guatemala during 2004, until 1 October.

HONDURAS

The Checklist of Measurable Objectives is as follows:

- a) Honduras has established its Contact Point
- b) Honduras has established the National Codex Committee
- c) Honduras holds public consultations, particularly with the National Codex Committee to develop its positions
- d) Honduras has identified an independent consumer association and has invited it to participate, but has received no response. The consumer defence office of the Secretariat of Industry and Trade has participated.
- e) The consumer defence office of the Secretariat of Industry and Trade has participated.
- f) The consumer defence office of the Secretariat of Industry and Trade has participated.

MEXICO

The Checklist of Measurable Objectives is as follows:

- a) Mexico has established its Codex Contact Point
- b) Mexico has had a National Committee since 1983
- c) and d) Currently, Mexico does not have NGOs representing consumers. However, the Federal Office of Fair Trading (Procuraduría General del Consumidor, PROFECO) is in charge of representing this sector. Also, Mexico has guidelines to comply with International Bodies' provisions, which establish, in Article 4, that international standardization work shall include, as much as possible, the balanced participation of technical staff representing, at a national level, federal public administration bodies and departments, national standardization bodies, boards, producers, distributors, traders, service suppliers, consumers, higher education institutes and schools, research institutes and professional associations, as well as areas of general interest, without excluding any sector of society which may be interested in the international project being developed.
- e) PROFECO
- f) PROFECO

PANAMA

At national level, consumers are represented and participate in regulation activities through the Commission on Free Competition and Consumer Issues, a governmental body, and the Consumer and User Advisory Council, both in the Codex National Committee and in technical committees.

PARAGUAY

Brief comments regarding “measurable objectives”

- a) As pointed out above, the National Institute of Technology and Regulation has been the Codex Contact Point in Paraguay since 1968
- b) The National Committee of Codex Alimentarius was established in 1997
- c) There are no public consultation mechanisms; positions are established at technical subcommittees and are, or are not, approved by the National Committee for subsequent submission.
- d) Only three independent NGOs have been identified in the country, which are not, apparently, very representative and are hardly acknowledged at international level.

It is worth mentioning that promoting these organizations' participation in national Codex work is part of the 2004-2005 Action Plan of the National Codex Committee.

- e) and f) The General Regulation of the National Codex Committee – Paraguay clearly states that “Those organizations which are not part of the National Codex Committee but are, due to the nature of their work, closely related to the food sector may participate actively in technical subcommittees of the National Codex Committee through their representatives. These organizations belong to the private sector; they are related to food production, industry and trade, research centres, non governmental organizations (NGOs) related to legislation or science, and consumer defence organizations.”

During the implementation of Project TCP/PAR/2801 and the various workshops within this framework, consumer NGO **APACODES** participated and provided some technical input. However, in spite of preliminary approaches, NGOs have not participated actively or effectively in Technical Subcommittees' work so far.