



## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEx ALIMENTARIUS COMMISSION

#### Forty-fifth Session

FAO Headquarters, Rome, Italy

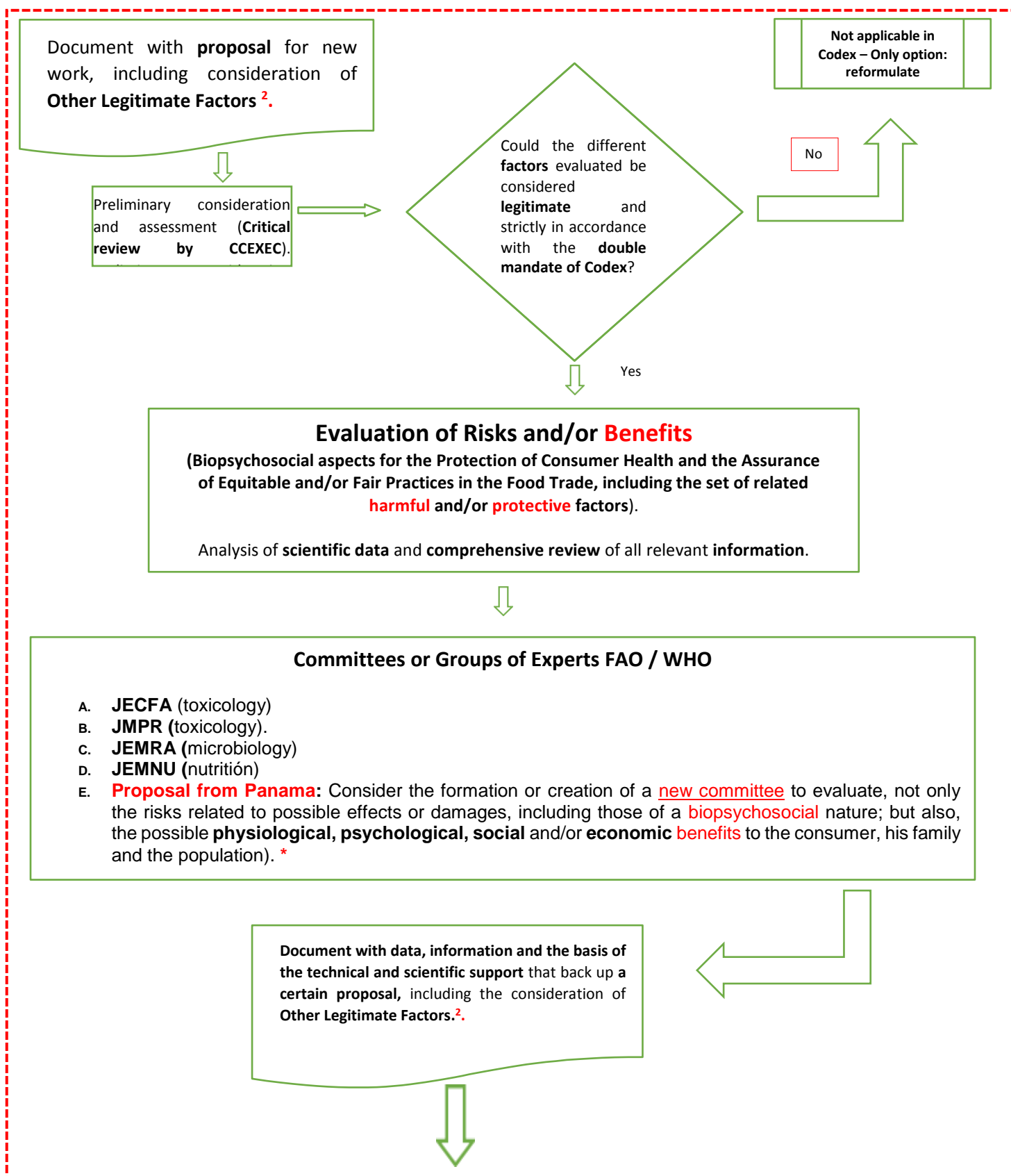
21-25 November and 12-13 December 2022

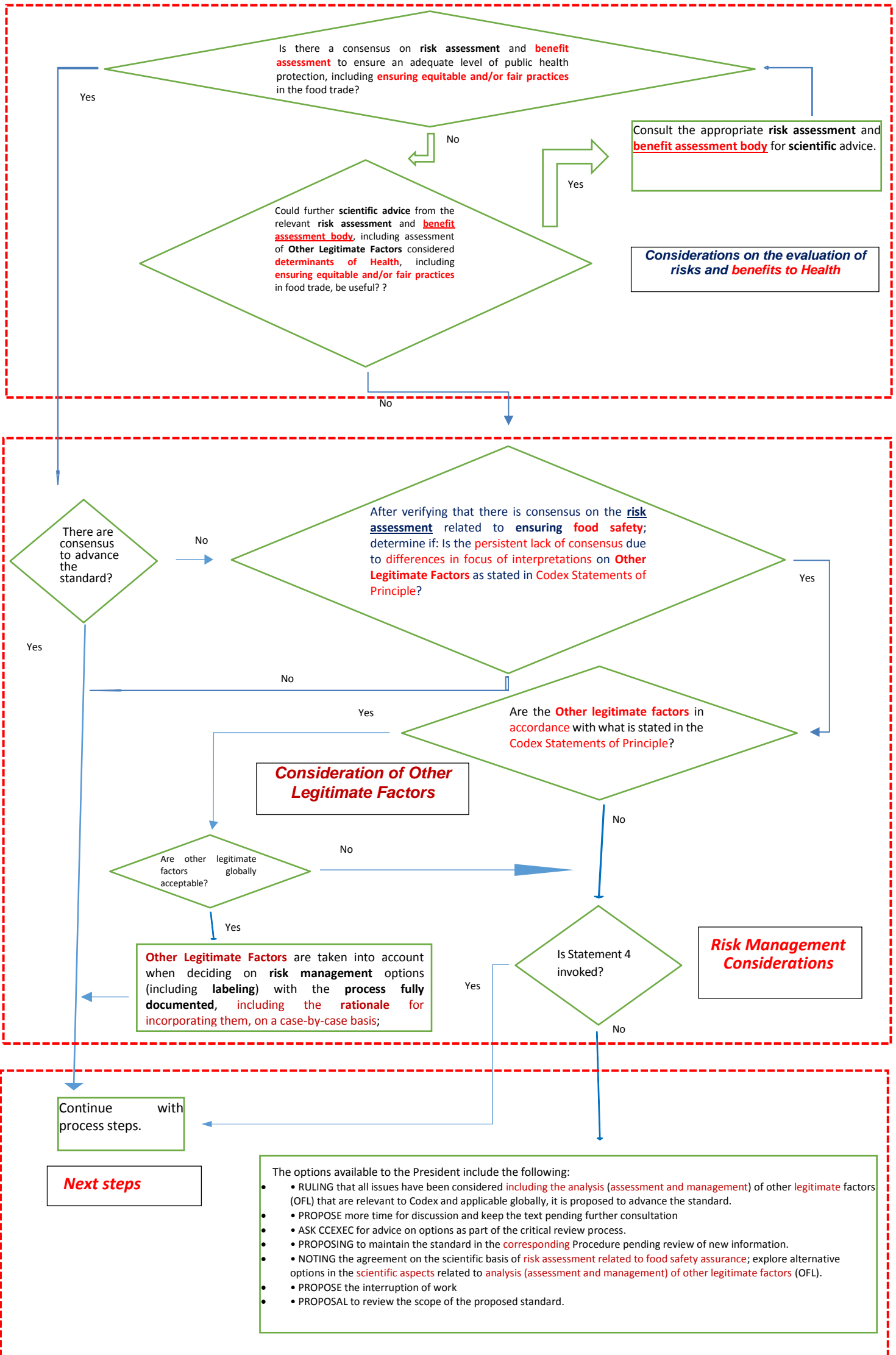
### **Decision guide/Flowchart for Chairpersons in discussions relating to the advancement or adoption of standards in all steps – Revised**

(Proposal prepared by Panama)

Based on the original flowchart below has been drafted by the Chairperson and Vice-Chairpersons of the Codex Alimentarius Commission and is presented here for discussion at CCEXEC82. Following a revision of the flowchart presented in CRD9, taking into consideration the discussions at CCEXEC82 on 22 June 2022.

Decision guide/Flowchart for Chairpersons in discussions relating to the advancement or adoption of standards **in all steps**<sup>1</sup>





<sup>1</sup> The question of whether other legitimate factors (OLFs) should be considered may arise from the early stages of proposing new work and/or during discussions of risk and/or benefit management options at any stage of the process for the standards development. The Statements of Principles limit consideration of OLFs to those within the scope and mandate of Codex.

<sup>2</sup> See: In developing and taking decisions on food standards, the Codex Alimentarius shall take into account, where appropriate, other legitimate factors relevant to the protection of the health of consumers and the promotion of fair practices in the food industry. food trade (Statements of Principles, paragraph 2):

## Justification Proposal Codex Panama CAC45

### Risks and Health benefits Assessment considerations

#### Rationale:

The object (fundamental purpose) of the Joint **FAO / WHO** Food Standards Program, which is: (a) to **protect the health of consumers** and **ensure fair practices** in the food trade.

**Specific comment:** We must bear in mind that "**Health is a state of complete physical, mental and social well-being, and not only the absence of affections or diseases**" (WHO Constitution, 1948). This definition shows us that **Health** has a dimension beyond the **simple physical manifestation of a visible pathology or disease** (objectively measurable signs and symptoms), but that it has a broader scope and a **much more complex dimension** of a **Biopsychosocial** nature (which includes consider "**Determinants of Health**").

Ref: **STATEMENTS OF PRINCIPLE CONCERNING THE ROLE OF SCIENCE IN THE CODEX DECISION-MAKING PROCESS AND THE EXTENT TO WHICH OTHER FACTORS ARE TAKEN INTO ACCOUNT.**

1. The food standards, guidelines and other recommendations of Codex Alimentarius shall be based on the principle of **sound scientific analysis and evidence**, involving a **thorough review of all relevant information**, in order that the standards **assure the quality and safety** of the food supply.

**Specific comment:** See: **Quality** Attributes and their **value** to the Consumer!

**Quality** is the **degree** to which a set of inherent **characteristics** of an **object** (product, service, process, person, organization, system, resource) fulfils **requirements**. (ISO 9000:2015).

The "**quality of food**" refers to the set of **properties** or **attributes** that confer **value** and/or that satisfy certain **requirements** or **expectations** of customers or **consumers**. Therefore, we consider it extremely important to point out that, although **food safety** can be considered the most important or critical **attribute** or **factor** of **food quality** from the perspective of **Public Health** related to **foodborne diseases (FBD)**, **is not the only factor related to Health**. On the contrary, there are definitely "**other factors** or **other legitimate aspects**" related to the (comprehensive) **protection of Health, related to the physical, mental and social well-being of the consumer, which must also be scientifically evaluated**; such as: **dietary and/or nutritional aspects** and their relationship with **non-communicable diseases (NCDs)**; its appropriate **denomination** and **promotion**; its **integrity, authenticity** and/or **composition**, its form of production, elaboration, presentation and/or conservation; your **fitness, suitability**, sanitation; among **other attributes** or **requirements that must be met**. For this reason, it is not acceptable, from the perspective of **Public Health** (Comprehensive Health), neither the lack of **integrity** nor hygiene, nor deception nor fraud nor misleading or confusing the **consumer**.

**Comprehensive Public Health Approach:** "Food is not only related to the **risks** of possible **adverse health effects**, due to the possibility of **contamination** or the presence of biological, chemical or physical **hazards**, or with the possibility of considering **other harmful factors** related to its **condition, composition or presentation**; but, in addition, they represent **important contributions and benefits to Health**, either due to their **composition** characteristics, **nutritional** qualities, or **other protective factors** for **Health**.

**Food Safety** and **Food Quality Security** is of vital importance to **Public Health**. (Vision: "The two sides of the same coin").

Therefore, it is not only **the risks** related to possible **harmful factors** that must be **analysed, evaluated, managed and communicated**; but also, **the possible benefits** related to **other protective factors of Health** must be **analysed, evaluated, managed and communicated**.

Is there consensus on **risk assessment, and benefit assessment**, to ensure an **appropriate** level of **public health protection, including ensuring equitable or fair practices in the food trade**?

**Rationale:**

**Reference:** Appropriate level of sanitary or phytosanitary protection – DEFINITIONS - The WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

**Observation:** Only focuses on “risks arising from additives, contaminants, toxins or disease-causing organisms”. But it does not include the **other Public Health** measures, and to **ensure fair practices** in the food trade, that cover the **other biopsychosocial aspects of Health**, explained above.

Could further **scientific** advice from the relevant **risk assessment body and benefit assessment body**, including the evaluation of the **other legitimate factors** considered **determinants of Health, including ensuring equitable or fair practices of the food trade**, be useful?

**Rationale:**

As we have explained before, we believe that is not only necessary, useful and convenient the **scientific risk assessment** by the **expert advisory bodies of the FAO / WHO**, currently in operation, such as: JECFA, JMPR, JEMRA and/or JEMNU, but we believe that the **scientific evaluation of the possible health benefits** is also required, including the **assurance of equitable or fair practices in the food trade**. That is why we consider necessary, useful and appropriate the creation and implementation of a **new committee of advisory experts of the FAO / WHO** to **evaluate**, with **scientific** rigor, not only the **risk factors**, but also **protective factors** and/or or the **possible benefits** related to **biopsychosocial** aspects considered **determinants for Health**.

Refer to **appropriate risk assessment and benefit assessment body** for **scientific** advice.

**Rationale:**

Not only should the possible **risks** be **evaluated**, on a **scientific** basis, but also the possible **health benefits**. For this, it is necessary to have the advice of specialists and experts in **other scientific areas** more related to the **determinants of Health** and **social determinants of Health** (which include **psychological, sociological** and **economic** studies).

After verifying that there is consensus on the **risk assessment** related to ensuring **food safety**; determine if: Is the **persistent** lack of consensus **due to differences in focus of interpretations on other legitimate factors such as what is stated in Codex policy statements**?

**Rationale:**

**Risk assessment** related to **food safety assurance** is only one part of a broader **scientific** process, which includes the evaluation of **risk factors** and **protective factors** and potential **health benefits**, and the **assurance of equitable or fair practices of the food trade**.

*Consideration of Other Legitimate Factors*

**Rationale:**

**Ref:** STATEMENTS OF PRINCIPLE CONCERNING THE ROLE OF SCIENCE IN THE CODEX DECISION-MAKING PROCESS AND THE EXTENT TO WHICH OTHER FACTORS ARE TAKEN INTO ACCOUNT

Are the **Other Legitimate Factors in accordance with what is stated in the Codex Statements of Principle**?

**Rationale:**

It is important to emphasize that **subjective** considerations about "**any type of factors**" **outside the Codex mandate** are not acceptable; rather, **only** "**Other Legitimate Factors**" that have been **scientifically proven to be consistent** with what is established in the "**Codex Statements of Principles**" **should be considered**.

**Other Legitimate Factors** are taken into account when deciding on **risk management** options (including **labeling**) with the process **fully documented**, including the **rationale** for incorporating them on a **case-by-case basis**;

**Rationale:**

It is important to emphasize that it's not about "**any type of factors**" **outside the Codex mandate**; but of "**Other Legitimate Factors**" that have been **scientifically** proven to be in accordance with what is established in the "**Codex Statements of Principles**", including the **justification** for incorporating them, on a **case-by-case basis**.