

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 2, 3, 5, 6, 7, 8

GP/32 CRD/02 Rev.2
Original language only

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON GENERAL PRINCIPLES

Thirty-second Session

Virtual, 8, 9, 11, 12, 15 and 17 February 2021

Comments of the European Union

Agenda item 2 - Matters referred to the Committee

Mixed Competence Member States Vote

The EU and its Member States (EUMS) thank the Secretariat for the information on matters arising from Codex subsidiary bodies, as provided in section B of the document and, in particular, the information about the recent sessions of CCEXEC and the sub-committee on the application of the Statements of Principle concerning the role of science (SoP).

As regards the SoP, we welcome the results of the sub-committee and the outcome of CCEXEC78 and CCEXEC80, which requested that the Codex Secretariat, in collaboration with FAO and WHO, develop a first draft of the practical guidance on the operationalisation of the SoP, in accordance with the Terms of Reference agreed by CAC42.

In this regard, EUMS would like to reiterate their full endorsement of the views set out in the outcome document of the informal discussions on the SoP at CCEURO-31 as contained in CX/EURO19/31/CRD 9. In particular, we consider that the guidance to be drafted by the Codex Secretariat should include all options available to Chairpersons in case of disagreements/difficulties finding consensus in the standards development process (i.e. adoption by vote; holding a standard at step 8; building differences of application into the text; not approving new work or discontinuation of work because of non-amenability to standardization; reservations/SoP) and that it should also provide examples of their use. This would enhance awareness of the available options and their utility, noting that those options are outlined in the paper on the "History and implications of the fourth paragraph of the statements of principle"¹ presented to CCEXEC77.

With regard to the account of the discussion in the report of CCEXEC80 we would like to point out that the SoP contain terminology which is open to interpretation, e.g. terms which are similar but not synonymous, or the term "abstain from acceptance" in Statement 4.

We agree with the view that the guidance on the SoP should be relevant to Codex members as well as the Chairpersons of Codex subsidiary bodies, in particular new chairpersons, to enhance their understanding and facilitate Members' participation in Codex meetings, clarifying all available options when consensus is difficult to reach.

Finally, EUMS would like to stress the importance of ensuring the engagement of the wider Codex membership in the development of the guidance.

Unfortunately, a discussion on this issue in the margins of CCGP-32 had to be postponed due to the delays of this work caused by the COVID-19 pandemic. However, the EUMS are keen to continue to contribute to this important process, together with the whole Codex membership.

Therefore, we very much look forward to contributing, together with the wide Codex membership, to the development of the guidance, as concluded by CCEXEC80.

¹ CX/EXEC 19/77/10

This is also in accordance with the CAC42 conclusions on this issue, which stressed the desirability to reinforce transparency and the possibility for all members to give input to this work, e.g. by making the exchanges and documents of the CCEXEC Sub Committee accessible to all Members.

Report of the CCEXEC Sub Committee on Codex and the Pandemic – Strategic challenges and opportunities

The EUMS would like to thank the Sub-Committee on Codex and the Pandemic and the Codex Secretariat for their work and the enormous efforts made by the Codex Secretariat, and FAO and WHO to keep the momentum of Codex work in these difficult times of the COVID-19 pandemic.

We take note that at present CCEXEC80 advises not to enter into a discussion about changes to formal Codex procedures (REP21/EXEC1 para. 35 iii), thus also excluding the initiation of the development of a Codex procedure for circumstances where physical meetings are not possible at this stage.

We further note that one virtual CAC sessions and two virtual CCEXEC sessions have been held thus far and that CCGP will kick off an unprecedented series of virtual sessions of CAC subsidiary body in 2021. In this regard, we observe some procedural particularities and practical uncertainties and we are of the opinion that a record of these should be kept, in order to inform the Codex membership and be prepared to engage in a discussion on potential changes or additions to Codex procedures in future.

These particularities include for instance:

- the application of Rule XV (Amendments and Suspension of Rules) of the Rules and Procedures of the CAC through an electronic approval process in order to suspend for the 43rd CAC session: Rule III, VI, VII and XII in part or entirely;
- the decision of CAC43 to interpret, on an exceptional basis and only for 2021, Rule XI (Subsidiary Bodies) and in a manner that includes a virtual setting;
- the changes to the usual meeting duration and times impacting the regular working hours for delegates;
- the current uncertainty about the possibility to hold elections at the 44th session of CAC;
- the current uncertainty about the possibility to establish ad hoc working groups during virtual sessions of CAC subsidiary bodies that complete work prior to the end of a plenary session which is an important tool for accelerating standard development processes.

Work Plan for the implementation of the Strategic Plan 2020-2025

The EUMS welcome the information on the Work Plan for the implementation of the Strategic Plan 2020-2025 and the decision of CCEXEC80 to reconvene the strategic planning sub-committee with renewed terms of reference. In particular, we fully support that the sub-committee be tasked to take into consideration how Codex can contribute to and achieve recognition for its key food standards work in relation to global and UN initiatives such as the 2030 Agenda for Sustainable Development and the UN Food Systems Summit.

Webcasting of CCEXEC sessions

The EUMS note with great interest that CCEXEC80 touched the question of webcasting of sessions of CCEXEC. We think this is a legitimate and timely question about the way the CAC and its executive organ addresses its core values of transparency and inclusiveness. Hence, we are very much in favour of putting this issue on the agenda of CAC44 for discussion by the whole membership.

Agenda item 3 - Information on activities of FAO and WHO relevant to the work of CCGP

Mixed Competence Member States Vote

COVID-19:

- The European Union and its Member States (EUMS) highly appreciate efforts of FAO and WHO to aid Members in managing the COVID-19 pandemic.
- While the pandemic is not a food safety issue, it has impact on food production and trade and it is therefore important to ensure resilience in these sectors.

UNFSS:

- EUMS welcome and commend the objectives of the UN Food System Summit.
- This Summit, called by the UN Secretary General the ‘people summit’, must serve as a turning point in the journey towards sustainable, safe and nutritious, fair and environmentally friendly food systems and must give a strong response to urgent global health and environmental challenges. Common principles will be necessary for reaching all these objectives.
- FAO and WHO, as well as their Members, play a key role in the successful outcome of the Summit. The engagement in the International and National dialogues is also an essential tool for involving all actors in the required actions and activities.
- Joint efforts and synergies are necessary to ensure that food systems deliver healthy and safe diets and improve people’s health and wellbeing (as part of a One Health approach).
- In the EU, at the heart of the EU Green Deal, the Farm to Fork Strategy, adopted in May 2020, aims to safeguard food security and to ensure access to healthy diets sourced from a healthy planet. The Strategy will enable the transition to sustainable food systems in the EU and promote and support global efforts towards more sustainable food systems.
- In line with the Farm to Fork Strategy objectives, the EU is fully committed to seek ambitious policy outcomes of the Summit in cooperation with all partners and strong commitments from stakeholders to take concrete actions on health and sustainability.
- We also welcome CCEXEC80’s decision to mandate the Sub-Committee on the implementation of the Codex Strategic Plan to consider how Codex can contribute to and achieve recognition for its key food standards work in the global and UN initiatives such as the 2030 Agenda for Sustainable Development and the UN Food Systems Summit.

FAO Governing body:

- EUMS welcome the conclusions of the 165th Council of FAO and in particular the endorsement of the new FAO Action Plan on AMR 2021-2025, which further promotes the One Health approach to tackle AMR.
- We also note with satisfaction FAO’s continued support to Members in developing sustainable food systems and FAO’s commitment on sustainable funding for the food safety advice programme and the Codex Secretariat.

FAO’s study - International harmonization of pesticide maximum residue limits in rice:

- EUMS would like to thank FAO for sharing the results of the study ‘Understanding international harmonization of pesticide maximum residue limits with Codex standards’ and presenting the very helpful summary in the document on item 3.1. The study provides very interesting information that is highly relevant in the context of monitoring the use of Codex standards and the implementation of our Strategic Goal 3 of our Strategic Plan (an important issue which will also be addressed under agenda item 7 of this session).
- Among the many findings of this study we noted with particular interest that the analysis revealed that the majority of Codex pesticides MRLs in rice are not adopted at national level. The level of harmonization with Codex pesticides MRLs in rice varies greatly across countries and regions. With regard to the reasons for this the document states that some of the major differences in MRLs and residue definitions are due to, for example, the consideration of different data for the various countries/region and to inconsistency among the commodity descriptions in different countries.

- EUMS consider this study most relevant and noted the section 'The Way forward' with particular interest. In this regard we would like to invite Members to consider the suggested steps that could be taken by countries towards improving harmonization with Codex standards. For example, the paper suggests that Codex MRLs could be taken into consideration in the absence of national MRLs. Furthermore, the study indicates that, for the optimal functioning of the Codex MRL standard-setting process, it would be important that countries actively notify whenever they have reservations and are not in the position to adopt a newly established Codex MRL.

World Health Assembly (WHA) Resolution on food safety:

- EUMS welcome the adoption of the World Health Assembly Resolution on Strengthening Food Safety. We look forward to supporting the implementation of the Resolution, including the development of the WHO global strategy for food safety and the increased WHO support to the Codex Alimentarius Commission.
- We further recall that the Resolution identifies the need to ensure predictable and sustainable financing of scientific advice to Codex, with a financing mechanism coming from the WHO core budget and not from individual members.

Agenda item 5 - Revisions/amendments to Codex texts

Member States Competence Member States Vote

The Member States of the European Union (MSEU) welcome the proposals put forward by the Codex Secretariat to clarify how to distinguish between, in particular, the 'amendment' and the 'revision' of Codex texts and how to implement that distinction in a consistent way.

Furthermore, the MSEU welcome the suggestion put forward by the Codex Secretariat to implement a numbering system that would make it easier to track changes made to Codex standards and related texts and to include a version history in the standards. The MSEU would welcome further clarifications on how to ensure that the proposed numbering system does not lead to implementation issues. For instance, how to deal with a situation where the revision of a standard results in two standards (as is the case with the revision of the Guidelines for Follow-up formulas)?

The MSEU would suggest that the Codex Secretariat explore the possibility of submitting a proposal for further work on this item that could be discussed at CAC44 under the standing CAC agenda item «Changes to the Procedural manual». CAC44 could then task CCGP to prepare the necessary amendments to the Guide, if considered appropriate.

Agenda item 6 - Format and structure of the Codex Procedural Manual

Member States Competence Member States Vote

The Member States of the European Union (MSEU) would like to thank the Codex Secretariat for preparing the document on the format and structure of the Codex Procedural Manual. The MSEU note and welcome the proposed new format of the PM and agree that an improvement of the usability and searchability through the provision of a digital version of the PM is a necessary step in contribution to Goal 5 of the CAC Strategic Plan.

With regard to further revisions and the comprehensive review process started by the Codex Secretariat, the MSEU would like to underline that the PM can only serve its purpose to guide and assist if it covers all relevant guidance and decisions available.

Certain general decisions of the Codex Alimentarius Commission are currently not part of the PM and should be taken into account in the review process. Examples regard the:

- criteria for conducting the critical review (CAC-29, report in ALINORM 06/29/41, para. 13);
- composition of CCEXEC- role of the advisors;
- criteria to be used by FAO and WHO for the prioritization of scientific advice;
- use of information documents;

- use of ad hoc Codex Intergovernmental Task Forces;
- number of Codex committees by biennium.

Agenda item 7 - Discussion paper on monitoring the use of Codex standards

Mixed Competence Member States Vote

The European Union and its Member States (EUMS) would like to thank France for preparing the discussion paper on the monitoring the use of Codex standards. The paper provides an excellent basis to further discuss this important issue.

Past experience has shown that monitoring the use of Codex standard is a complex and potentially laborious task. Nevertheless, such monitoring would be needed for the implementation of goal 3 of the Strategic Plan 2020-2025 (increase the impact of Codex through the recognition and use of Codex standards).

We note that the Codex Secretariat has started surveying the use of individual standards that were identified by the Secretariat and Members as being of high relevance (start in 2016, 2nd round in 2019). The term “use” was employed very broadly to include not only the incorporation of Codex standards into national legislation, but also other types of use such as in support of training or extension programmes. Activities targeted at measuring the use of standards should build on this baseline data and continue to apply a broad definition of the term as Codex standards are voluntary normative instruments.

At this stage, it would be useful to learn more from monitoring mechanisms being established by other standard setting organisations, in particular OIE and IPPC, as suggested in Recommendation 5 of the paper (paragraph 6.10.2). The OIE’s pilot project for creating an Observatory on the implementation of OIE standards would be of particular relevance.

Furthermore, as recommended by CCEXEC78, the Codex Secretariat could observe the OECD-led 'partnership for effective international rule-making' as a means of learning from other standard-setting organisations and to inform the implementation of goal 3 of the Strategic Plan 2020-2025.

Concerning the proposal set out under Recommendation 2 of the document (paragraph 6.7.2) to launch a pilot phase for selected standards, the EUMS would see MRLs for pesticides as an appropriate topic for such a pilot. In this regard, last year’s FAO case study on pesticides MRLs in rice is also highly relevant.

The EUMS are very much in favour of taking specific steps towards a monitoring of the use of Codex standards. We are open to all the options mentioned in Recommendation 4 regarding the implementing actor(s) and resources that would need to be allocated. We would be very interested to hear the views of the Codex Secretariat and the parent organizations on this.

The EUMS hope that, eventually, the results of these monitoring activities can provide useful input to the development of a monitoring and evaluation framework for the Codex Strategic Plan which has been initiated by the Codex Secretariat and Chairperson of the CCEXEC Sub Committee for the implementation of the Strategic Plan 2020-25.

Agenda item 8 - Discussion paper on monitoring Codex results in the context of the Sustainable Development Goals (SDGs)

Member States Competence Member States Vote

The Member States of the European Union (MSEU) would like to thank France for the discussion paper on monitoring Codex results in the context of the SDGs, which provides a very good basis for our discussions on this agenda item.

The Codex Strategic Plan 2020-2025 clearly acknowledges the need to monitor and assess the impact of Codex standards and also fully recognises that Codex standards can help countries in achieving progress

towards those SDGs that are closely linked to Codex's mandate, i.e. SDGs 2, 3, 12 and 17. The MSEU therefore welcome the objective of identifying the most effective means of tracking Codex's performance in relation to the SDGs.

The useful indicator framework included in the Strategic Plan provides a good starting point. We welcome Recommendation 3 in the discussion paper, namely that Codex's track record with regard to the objectives and goals set out in its Strategic Plan could be used by the parent organisations and possibly other UN agencies to collate data on the SDG indicators for which they are responsible.

We also welcome Recommendations 1 and 2 in the discussion paper, aimed at communicating effectively to decision-makers how Codex standards and texts can help meet the SDGs, including through the development of an online tool similar to that used by the International Organisation for Standardisation (ISO).

We agree that the Codex Secretariat also has a self-evident and important role to play and welcome in particular Recommendation 4 to that effect. We see particular merit in the proposal that the Codex Secretariat could develop one or two detailed case studies related to selected Codex standards, which could help to identify implementation challenges, drawing lessons and - ultimately - enhancing the performance of Codex in general. In this regard, we also welcome the recently published common FAO and WHO study on the way in which Codex work can help countries achieve the SDGs.