CODEX ALIMENTARIUS COMMISSION

Food and Agriculture Organization of the United Nations

World Health Organization

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Agenda Item 2, 3, 4, 6, 7 **GP/32 CRD/12**

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 African Union (AU)

Agenda item 2 - Matters referred to the Committee

A. MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION

Matters for information

42nd Session of the Codex Alimentarius Commission (CAC42)

Issue: CAC42 endorsed the recommendations of 77th Session of the Executive Committee of the Codex Alimentarius Commission (CCEXEC77) to establish a sub-committee of the CCEXEC on the application of the Statements of Principle Concerning the Role of Science, while not reopening them.

CAC42 stressed that while the lead for this work would be with the CCEXEC and its sub-committee, it was desirable to reinforce transparency and the possibility for all members to give input to this work by:

i. Making the online exchanges and documents distributed by the sub-committee via the forum for Electronic Working Groups (EWGs) accessible to all members;

ii. ii. Holding informal discussions on the issue in the margins of appropriate meetings, e.g. FAO/WHO Coordinating Committees and the Codex Committee on General Principles (CCGP);

iii. iii. Issuing Circular Letters to request comments from all members in advance of both CCEXEC78 and CCEXEC79; and

iv. iv. Ensuring the timely distribution of documents and in all languages where relevant.

Comment: African Union (AU) takes note of the development and particularly supports the emphasis on the need for CCEXEC and its Sub-Committee to be transparent and to allow all Members to give input to the work on Statements of Principle concerning the Role of Science. The arrangement is necessary for the continued engagement of all Codex members of on this important procedural matter.

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

Issue: **UN Food Systems Summit 2021**

In 2021, UN Secretary-General António Guterres will convene a Food Systems Summit as part of the Decade of Action to achieve the Sustainable Development Goals (SDGs) by 2030. The Summit will launch bold new actions to deliver progress on all 17 SDGs, each of which relies to some degree on healthier, more sustainable and equitable food systems. More details are available on its dedicated website.

The Action Tracks are tasked to create synergies and solutions at local, national, regional, and global levels and to scale up and to accelerate existing initiatives which align to the

Summit Vision and principles. To support this work, the Action Tracks will identify challenges, opportunities, and barriers, with the goal of reaching a multi-stakeholder alignment on actions for transforming food systems. The Action Tracks are:

1. Ensure Access to Safe and Nutritious Food for All
2. Shift to Sustainable (and healthy) Consumption Patterns
3. Boost Nature Positive Production at sufficient scale
4. Advance Equitable Livelihoods
5. Build Resilience to Vulnerabilities, Shocks and Stress

Comments: African Union commends the effort already put into organizing the food systems summit. The Summit presents another opportunity to elevate the global discourse on sustainable food systems and African Union commits to contribute to the vision and objectives of this Summit.

Agenda item 4: Procedural guidance for Committees Working by Correspondence

General comments: African Union thanks the EWG Co-chairs for the progress made on the discussions on procedural guidance for committees working by correspondence. African Union notes that several procedures already exist for managing Codex Committees, many of which are applicable also to Committees Working by Correspondence (CWBC). However, we recognize that there may still be limitations related to how Committees Working by Correspondence operate. AU recommends that in case such additional procedural guidance is developed they should be integrated into already existing relevant procedures in the Codex Procedural Manual. Such changes should only seek to reinforce the Codex core values of transparency, collaboration, inclusiveness and consensus building. Moreover, the additional guidance should draw from documented learning experiences whilst operating CWBC over the years. African Union would also like to provide specific comments on the proposed procedural guidance for CWBC in Annex of CX/GP 21/32/4:

Issue (Need for definition on Committees Working by Correspondence): Although the term CWBC seem to have been used extensively within the Codex fraternity, there seem to be no clear definition. African Union has noticed that in some Codex discussions, the term CWBC have been construed to mean virtual meetings or means of consultations**.** Clarity in terms of definition is therefore required to facilitate all discussions related to CWBC and virtual meetings.

Issue (Criteria 2): Circumstances relevant to decision making on CWBC

Comments: African Union is of the opinion that CWBC should be convened only on needs basis and after a thorough assessment of the potential for the particular CWBC to deliver on its mandate taking into consideration potential limitations. African Union therefore supports the criterion that CWBC will be the exception rather that the rule and shall only be considered in specific circumstances or situations.

Issue (Criteria 3): Criteria Relevant for Selection and Assignment of Work by Correspondence

To date, CWBC have only been implemented for commodity standards (and, therefore, there was an inherent focus on commodity committees in considering the correspondence setting). It is important to recognize that while commodity committees may have dominated the requests to work by correspondence to date, it is reasonable that the criteria developed should apply broadly to all Codex committees to ensure they are relevant and durable and cover the full range of Codex work.

Comment: AU supports the recommendation that the procedures for selecting and assigning work in CWBC should be consistent with Procedures for Elaboration of Codex Standards and Related Texts and the Criteria for the Establishment of Work Priorities as set out in the Procedural Manual. Whilst discussions on CWBC have so far focused only on commodity committees, as a preemptive measure, additional procedures to be developed should broadly apply to CWBC within the context of both commodity and horizontal committees. Furthermore, AU is also of the opinion that CWBC and Committees holding virtual sessions are distinct. And currently the subject of discussion at the CCEXEC, hence the criterion in square bracket "*vi [Potential for the use of web-based tools and real-time technology to facilitate meetings either and committee or working group level to help progress the work of the Committee among members (including for a limited number of issues that may be challenging to manage in the*

correspondence setting);] should be deleted and not included in the broad criteria at this moment.

Issue (Criteria 4): Verification of membership and credentials for participation

Position: African Union recommends that the Procedural Manual provisions that apply to physical meetings of committees and working groups (Rule I and IV) should also apply to CWBC with respect to verification of membership and credentials for participation.

Issue (Criteria 5): Sessions of CWBC

Comment: Whilst African Union does not oppose the use of virtual tools in Codex work, we maintain that the subject of CWBC is distinct from virtual means of decision making. In this respect AU proposes to delete the requirement in square bracket as follows that the sentence …To ensure comparability of sessions of committees meeting physically and those meeting by correspondence, sessions of CWBC are those occasions when the committee engages in formal consultations with members by correspondence ~~[or virtual means],~~ over a specified date or period of time as approved by the CAC.

Issue (Criteria 6): Inclusiveness, participation and languages

Position: African Union recommends that the same rules that apply to physical meetings of committee and working groups should also apply to CWBC with respect to inclusiveness, participation and languages for CWBC.

Issue (Criteria 7): Determining a quorum (before a CWBC session can begin, and make decisions)

Position: African Union recommends that the same rules that apply to a committee holding a physical meeting should apply to CWBC.

Issue (Criteria 8): Roles of the Chairperson and the Codex Secretariat in CWBC Consensus

Comment on consensus: African Union suggests to modify the last line on "Consensus) as follows: ……. The terms of reference of an appointed facilitator should be clearly stated and agreed among the members of the Committee and the facilitator should be someone who is experienced in Codex matters but neutral on the matter concerned, **"with the ability in decision-making process, effective in resolving disagreements and has the leadership in guiding members to consensus".**

Issue (Criteria 9): Advancement of standards and related texts

Position: African Union recommends that in principle, the same processes and practices used by physical committee chairpersons to propose conclusions and to arrive at consensus should be used during the deliberations of CWBC.

Issue: Voting

Position: African Union recommends that "voting" should not be included in this procedural guidance as voting situations are adequately provided for in the Codex Procedural Manual.

Agenda item 6: Format and Structure of the Codex Procedural Manual

Issue: Current format and structure of the Codex Procedural Manual

Recognizing that some information contained in the PM was also available on the Codex website and could easier be kept up-to-date there, the Codex Alimentarius Commission (CAC) has in the past agreed to remove parts from the manual, e.g. the list of Codex Contact Points (CCPs) and the list of Codex meetings. For the same reason, Sections V and VI, could be transferred to the Codex website.

Comment: African Union supports the position to maintain sections V and VI in the procedural manual with summarized text and broader guidance but transfer the details to the Codex website with an active hyperlink in the manual. This will help in keeping the PM leaner and ensure regular updates of sections on website, which is easier to undertake.

Issue Section 3: Proposal for a New Format of the Procedural Manual

A digital version of the Codex Procedural Manual

Position: African Union welcomes the proposal to improve the digital version of the Codex Procedural Manual. AU notes that this work does not aim to change the substance and content of the

Procedural Manual, but simply to make the digital version more attractive and understandable. AU recognizes that with the ever-increasing use of digital technology, it is more than ever necessary to adapt to this new method of work and communication. AU is of the opinion that the digital PDF version of the online procedure manual on the Codex website should evolve towards an interactive and animated version, easy to use with practical examples. Development of a digital version of the procedural manual is consistent with current trends of documents management and provides for better navigation experience.

Issue, Section 4: Future Substantive Revisions of the Procedural Manual

The Codex Secretariat has started the process to carry out a comprehensive review of the Procedural Manual, which will also require discussions with the legal offices of FAO and WHO. The Secretariat will present a document at the next session of the Committee (CCGP33) including whether any changes might be needed to make Codex more resilient and prepared for situations such as remaining operational during the COVID-19 pandemic or other future crises.

Position: African Union recalls that CCGP31 had agreed that the review of the Procedural Manual by the Codex Secretariat would only focus on improving the usability of the PM. African Union further notes that where the need for substantive reviews are identified in the course of the Secretariat's review, this will be brought to the attention of the CCGP for a decision to be made on how to proceed. In this context, African Union supports the Secretariat's comprehensive review of the Procedural Manual.

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

General Comments

African Union thanks France for initiating the discussion on Monitoring of the Use of Codex Standards. AU notes that this is an important activity that can enable better assessment of the impact of Codex standards and their relevance especially in a rapidly changing global trading environment. In this regard AU is not opposed to having a systematic framework that can be used to collate relevant information on the use and impact of Codex standards. African Union also commends the Codex Secretariat for compiling practices used in other international standard setting bodies to monitor the use of standards.

AU recalls that this is not the first time the issue of Monitoring the Use of Codex Standards have been discussed, and that until 2005, the Acceptance Procedure was used as a mechanism for monitoring use of Codex standards. AU would like to find out what has changed since 2005, especially given the reasons under which the Acceptance Procedure was abolished.

African Union would like to make specific comments on the Recommendations as follows:

Recommendation 1:

Issue: Agree as to what should be considered as "use" to monitor Codex standards. We could, for instance:

- Define the term "use" or
- Pinpoint relevant practices for use

Comment: African Union supports the need to define the term "use as it might be differently understood. While some of member countries "use" Codex Standards as they are adopted and/or are referenced in their domestic legislation, some may consider parts of Codex standards when developing domestic legislation. In defining "use" consideration should be given to all classes of Codex texts. In addition, AU recommends that a list of relevant practices for use are also provided as examples to guide countries in identifying "use of Codex standards"

Recommendation 2

Issue: Establish a method to list existing data and identify the main gaps. Drawing on the standards, a systematic approach could involve mapping existing data concerning their use. The idea would be to determine whether or not there is available data for each Codex standard and to list its nature and source, where applicable.

Comment: African Union supports that Codex establishes a method to list existing data and identify the main gaps including obtaining information on selected grouped standards to be deployed in a

pilot manner to enable appropriate deployment of resources. AU further supports use of the table with the following amendments in bold:

Standard	**Adoption method (Identical/ Modified /not applicable**	**Type of adoption at national level (Voluntary Standard, Regulation, law….)**	**Reference of adopted document (Number of standard, regulation….)**	User(s) (Competent Authority, Ministry, etc.)	Available data (yes/no)	Source (i.e.: FAOLEX, SPS Committee, etc.)	**Constraints**

Recommendation 5

Comment: The AU supports the recommendation including the different options and Codex should learn from already existing frameworks in order to structure one that takes into consideration already identified shortcomings by other ISSO.

Rationale: This is in line with the recommendation already made by the CAC43 for the Secretariat to explore mechanisms implored by the OIE, ISO and IPPC.

Recommendation 6

Issue: CCGP could suggest that the conclusions of its examination of this issue be sent to help draft the annual progress report which will have to be presented to Codex Members as part of Objective 3.3 of the Codex Strategic Plan 2020-2025 (“Progress on the development of a mechanism to measure impact of Codex standards”).

Comment: African Union supports this recommendation.