

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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**Agenda Item 3**

**CX/EXEC 22/82/CRD4**  
**Original language only**

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

**Eighty-second Session**

**20-24 and 30 June 2022**

#### **CCEXEC SUB-COMMITTEE ON THE APPLICATION OF THE STATEMENTS OF PRINCIPLE CONCERNING THE ROLE OF SCIENCE- REPORT FROM THE CHAIRPERSON**

Comments by the Member for Europe

Germany as Member for Europe thanks the Chairperson for his report on the work of the Sub-committee on the Application of the 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 (SoP).

Noting the Terms of Reference of the Sub-committee and the conclusions presented, as well as information contained in CRD1, Germany would like to make the following comments in contribution to the discussion of Agenda Item 3.

- (para. 21 and CRD1): There appears to be neither a rule nor standard practice in Codex that would prevent the insertion of a statement on the abstention from acceptance of a standard by one or several members into the standard concerned. Chairpersons and members should thus be aware of this possibility for the application of Statement 4.
- (para 26. and para. 3 of Appendix 4): While recognizing the lack of a common definition or understanding of the terms “abstain from acceptance”, the report does not offer any guidance that would allow Members wishing to apply Statement 4 to understand the consequences of an abstention from acceptance. There seems to be confusion among Members as to the distinction between reservations and the use of abstentions. A mere classification of reservations as “a well-established practice in Codex” is not sufficient guidance. An interpretation by the legal counsels of FAO/WHO of the terms “abstain from acceptance” and reservations in the context of the Codex Alimentarius would be appreciated.
- (Appendix 1): As “other considerations” are not further defined in the Statement 4 and members of the Sub-committee seemed to agree that this term is different from the terms “other legitimate factors”, it is suggested that an interpretation be provided in the guidance on Statement 4 noting that “other considerations” may also include factors that are not generally applicable or relevant worldwide. The guidance should also make clear that Codex subsidiary bodies as a part of their risk management discussions and CCEXEC ensure that, before and during the development of Codex standards, discussions effectively take place in order to (a) determine the relevance and acceptability on a worldwide basis of the “other legitimate factors” and how they are taken into account and (b) seek to reconcile differing views on “other considerations”.
- Lastly, the final guidance should underline at the outset that SoP, particularly Statement 4, should only be applied in exceptional circumstances as Codex has the ambition to develop standards that are useful and widely used internationally. A thorough critical review is key to avoiding referral to the SoP. All options available in the event of a divide over the adoption or advancement of a standard should be contained in the guidance.