

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 3

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

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CCEXEC sub-committee on the application of the Statements of Principle concerning the role of Science – Report

(Comments from Latin America and Caribbean Region)

The Latin American and Caribbean region appreciates the effort in making this new proposal. In this regard, we would like to make the following comments:

Regarding paragraph 20:

The Latin American and Caribbean Region understands that the problem that this proposal seeks to contemplate refers to standards that some countries may have difficulties in implementing. Examples of this situation may include the following:

Deficiencies in the level of development of a country's analytical capabilities that may cause difficult to implement the standard, or a diet composition in that country that is significantly different from the reference diet on which the risk analysis carried out by the Codex experts committees is based. These are valid problems that must be addressed; however, in the proposed wording, there is a risk that some countries could interpret, so they can reformulate the Codex standard according to what it understands to be its spirit; such an interpretation would run counter to good standardization practices.

In our proposal, the reports take on a more substantive content by considering the implementation problems that countries may have and how the wording of the standard has contemplated them. Therefore, the following alternative drafting is proposed:

Paragraph. 20 – When a committee has detected that some Members may face problems related to the application of the standard in process because of particularities of that country that relate to issues that are relevant in the Codex sphere, the report should include a detailed explanation of how the standard finally elaborated contemplates these difficulties of application.

Regarding the new proposal for paragraph 23, we believe that it adequately addresses the concerns raised by members. Without prejudice to this, we understand that the example that is included should be eliminated for reasons of substance and form.

Regarding the substantive issue, we understand that once a proposal has been voted negatively by the Codex Commission, it is not appropriate to continue dealing with the subject.

In matters of form, from the point of view of legislative technique, whenever possible, it would be desirable to avoid examples. For both considerations, we suggest not including examples in the paragraph. Here is the proposed paragraph with suggested adjustments:

[In the event that the CAC (or its subsidiary bodies), despite all efforts, is unable to advance/adopt a standard, the Chairperson may propose other options taking into account the provisions of the Procedural Manual including the Measures to facilitate Consensus. ~~Such situations may arise, for example, where a Chairperson has ruled that all issues within the remit of Codex have been considered and has proposed advancement/adoption of the standard, but has been overruled by the Commission/subsidiary body by consensus or by means of a vote. Some of the other options include :~~ Proposing more time for discussion; asking advice of CCEXEC as part of critical review process; proposing holding standard pending any new

~~information that may be presented and; proposing revision of scope of standard. If all these options are exhausted, the chairperson may propose suspension or discontinuation of work]~~