



14 June 2013

(13-3100)

Page: 1/2

Committee on Sanitary and Phytosanitary Measures

Original: English

**50<sup>TH</sup> ANNIVERSARY OF THE CODEX ALIMENTARIUS COMMISSION -  
THE IMPORTANCE OF THE SCIENTIFIC PRINCIPLE<sup>1</sup>**

COMMUNICATION FROM BRAZIL

The following communication, received on 14 June 2013, is being circulated at the request of the Delegation of Brazil.

1. In 2013, we celebrate the 50<sup>th</sup> anniversary of the Codex Alimentarius Commission (CAC). Fifty years after its first session (1963), the CAC remains fully committed to its mission to protect the health of consumers and ensure fair practices in the food trade through development of science-based international food standards.
2. Global trade in food products has grown exponentially since 1963, and the Commission has contributed to this growth. Recent years have seen a proliferation of private standards, however, which has led to difficulties in market access for small and marginal farmers in developing countries. We need to ensure that Codex remains the pre-eminent food standards setting organization by encouraging greater acceptance of harmonized Codex standards.
3. The CAC has established itself as the internationally recognized food standards-setting body, with a membership that has increased progressively, from 30 countries in 1963 to over 180 countries in 2012.
4. Scientific principles provide the strongest foundation for establishing and, as appropriate, updating Codex standards, guidelines and recommendations. Knowledge, data and resources for improving international processes in order to establish science-based SPS standards in a timely way is of paramount importance to the proper functioning of the multilateral trading system. In fact, it is because of their recognition that Codex standards are based on science and risk assessment that the framers of the SPS Agreement recognized Codex as the international standards setting body for food safety in the text of the Agreement itself.
5. Science must be the foundation of both national and international food standards and control systems to ensure production of safe food and consumer protection. Additionally, food safety measures improve the sustainability of food supply chains, facilitate trade, and contribute to food security.
6. Recently, there has been a marked increase in demand for scientific advice to support food control systems, due to growing complexities in worldwide food production systems and changing consumption patterns, as well as WTO's recognition of Codex standards as the international benchmark for food safety requirements.
7. It is important to stress that food safety is an essential means for achieving food security. Governments are charged with the task of implementing measures that ensure the food we eat is

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<sup>1</sup> The documents G/SPS/GEN/1165 (Importance of Scientific Advice Body – Science for Safe Food) and G/SPS/GEN/1143/Rev.2 (SPS Measures and International Standards, Guidelines and Recommendations) were used as a basis for this document.

safe. Codex texts provide countries with a sound basis for developing policies to achieve these goals.

8. The FAO/WHO scientific advice bodies make an essential contribution to inform and strengthen the decision making processes focused on food safety. The Joint FAO/WHO Expert Committee on Food Additives (JECFA), the Joint FAO/WHO Meeting on Pesticide Residues (JMPR) and the Joint FAO/WHO Expert Meeting on Microbiological Risk Assessment (JEMRA), make available international scientific advice, including risk assessments, that support Codex standards, guidelines, and recommendations.

9. Scientific advice from these recognized international expert bodies provides the necessary basis for international food standards, guidelines and codes of practice developed by the Codex Alimentarius Commission. Moreover, the scientific advice provided by these expert committees is also used extensively by national risk managers in charge of food safety and food control activities in member countries. Such information supports the decisions of a broad range of actors: government, producers, processors, industry, consumers, researchers, academia and non-governmental organizations.

10. Collectively, these actors look for neutral and independent scientific advice regarding food safety standards. The outcomes are of high importance for the international community: improvement of food safety, international standards harmonization, and ensuring fair practices in the global food trade.

11. The increase in the number of SPS measures that are not based on international standards, guidelines and recommendations, or that lack scientific justification, is a point of concern that has often been raised by many Members in the SPS Committee and other contexts. These measures may unduly restrict trade and appear to be associated with objectives that are not deemed as legitimate under international trade rules.

12. Given these recent concerns and in order to fulfil the objectives of the SPS Agreement, it is useful to reaffirm:

- a. The need for science-based international guidelines, standards and recommendations;
- b. The need to support and strengthen confidence in SPS international standard-setting bodies, specifically Codex;
- c. The need for scientific justification whenever a WTO Member decides to impose sanitary and phytosanitary measures which result in a higher level of protection than would be achieved by measures based on the relevant international standards, guidelines and recommendations.

13. It should be recalled that the WTO SPS Agreement allows Members to determine their appropriate level of protection, taking into account the objective of minimizing negative trade effects as well as avoiding arbitrary or unjustifiable distinctions that result in discrimination or disguised restriction on international trade.

14. Members of the SPS Committee can positively contribute to minimizing the negative effects on trade through their actions not only in the SPS Committee, but also their actions in the relevant SPS international standard-setting bodies, ensuring that standards, guidelines and recommendations are faithful to the spirit and intent of the SPS Agreement.

15. Therefore, on this occasion when we join together to celebrate the 50<sup>th</sup> anniversary of the Codex Alimentarius Commission, we also reaffirm our commitment to ensuring that food standards, guidelines and other recommendations of the Codex Alimentarius are based on the principle of sound scientific analysis. Codex needs to base its decisions on science and risk assessment, especially in view of the status of Codex standards as a reference point under the WTO SPS Agreement. Codex should not consider factors outside the mandate of Codex in making its decisions. Strong guidance and governance from the Codex Secretariat will help ensure that Codex remains focused on its mandate and continues to contribute to public health and fair trade practices in the coming years.

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