

**STATEMENT MADE BY THE FAO/WHO CODEX ALIMENTARIUS COMMISSION
AT THE MEETING OF 15-16 NOVEMBER 1995**

Since the March 1991 Conference on Food Standards, Chemicals in Food, and Food Trade (organized by FAO and WHO in cooperation with GATT), the Codex Alimentarius Commission has made a number of significant changes to its working procedures and the general orientation of its work to meet the post-Uruguay Round situation. The most significant implication for the CAC is that its decisions have a semi-binding effect on governments. This means that the Commission is no longer a “gentlemen’s club” and that negotiations within the CAC are more intense than previously was the case. There is also the risk that serious differences of opinion between major players in the CAC will delay or prevent consensus being reached on certain matters. On the other hand, the need for timeliness in arriving at final Codex recommendations is now greater than before.

The SPS Agreement calls for food safety standards to be based on risk assessment procedures. This is a relatively new approach to traditional food safety standards-setting procedures, both at national and international level, where risks to the consumer were assumed to be zero. New approaches and new decision-making processes will need to be established by Codex and at the national level.

Action taken to date

Risk assessment procedures (called “risk analysis” in the jargon of quarantine and food control) are being integrated into Codex decision-making, but rather slowly. A FAO/WHO Expert Consultation was held in Geneva in March 1995 to provide scientific advice. Follow-up technical meetings are foreseen on risk management decision-making and on risk communications.

Changes have been made to the Codex procedures for the elaboration of standards to reduce delays in the process, especially where there is consensus on a particular standard or other recommendation. The 21st Session of the CAC (3-8 July 1995) adopted a record number of new and revised standards, guidelines and related texts - many of them established in a relatively short time period using the new streamlined procedures. Four statements of principle on the role of science in the Codex decision-making process were also adopted. The 28th Session of FAO Conference (20-31 October 1995) fully supported the science-based approach to the Codex standards-setting procedures.

The 21st Session of the CAC also adopted a number of recommendations to strengthen its capability to respond to the post-Uruguay Round environment. These are attached as Annex 1. The CAC is also reviewing its old procedures on “Notification of Acceptances of Codex Standards” to bring them up-to-date with respect to the SPS/TBT requirements. A consultant is currently working on this review. The first output will be an assessment of the status of countries’ acceptance and use of Codex standards and this will assist the SPS Committee of WTO to go ahead with its foreseen harmonization programme.

The Executive Committee of the CAC has stressed that although close and effective working relations between the WTO and CAC is important, the programme of work of the CAC is independent of that of the WTO and must be integrated with those of its parent organizations.

Resource needs of standards-setting organizations

The Codex Alimentarius Commission is an FAO body jointly funded by FAO and WHO under a long-standing agreement in relation to the operation of the Joint FAO/WHO Food Standards Programme. FAO provides the large majority of funds to the Joint Programme, in excess of 80%. The budget of the programme is around \$5 m per biennium. This supports a staff in Rome consisting of the Secretary, 5 other professional staff, and 8 general service staff mainly concerned in the preparation and distribution of documentation. The budget is matched by voluntary contributions by the Host Governments of Codex technical committees. They provide essential translation, documentation and interpretation services for Codex Meetings in specific technical areas.

The Codex Programme covers both SPS and TBT issues - although in recent years there has been a strong movement of the resources internal to the Programme from TBT issues to SPS issues. It is probably the case that this movement of resources has gone about as far as it can go without compromising Codex TBT-related work. In real point of fact, the resources of the Programme are about stretched to the limit. We do not know to what extent there is further scope for cost reduction without affecting output - both quality and quantity of output.

The Codex Secretariat therefore sees that any wish of this Committee (or the TBT Committee) to expand or accelerate the work of Codex, has to be considered within the availability of additional resources.

**RECOMMENDATIONS CONCERNING THE IMPLEMENTATION OF THE
URUGUAY ROUND ADOPTED BY THE 21ST SESSION
OF THE CODEX ALIMENTARIUS COMMISSION**

Recommendations by the Executive Committee

- I. The Executive Committee recommended that:
 - A. the Codex Alimentarius Commission and Codex Committees become more responsive to current and emerging problems in the international trade in food;
 - B. there be greater expediency in the development of Codex standards, guidelines and recommendations;
 - C. a consistent approach to risk management in the specification of Codex standards, guidelines and recommendations be developed and documented;
 - D. a procedure to identify those standards, guidelines and recommendations which have a major trade impact and the extent to which these standards are used by Member countries be developed;
 - E. detailed documentation be made available on the technical basis of decision-making in the development of Codex standards, guidelines and recommendations and for transparency;
 - F. the Codex system monitor closely scientific developments relevant to matters covered by Codex standards, guidelines and recommendations; and
 - G. the Codex Secretariat become more service oriented in providing information and in responding to client inquiries.
- II. Further, the Executive Committee recommended that:
 - A. Codex Committees deal expeditiously with current and emerging problems in the international trade in food that come to their attention;
 - B. Codex Committees expedite the development of Codex standards, guidelines and recommendations, urging stronger leadership in this matter within Committees on the Codex Secretariat and National Secretariats; and
 - C. Codex Committees provide detailed documentation of the technical basis of decision-making in the development of standards, guidelines and recommendations so as to ensure the transparency of their development.
- III. Finally, the Executive Committee requested the Codex Secretariat to:
 - A. take necessary action to develop and document the application of risk assessment as it relates to the human life and health protection aspects of food;
 - B. establish systems to closely monitor scientific developments relevant to matters covered by Codex standards, guidelines and recommendations;

- C. set up a system to maintain a comprehensive register of eminent persons in fields related to Codex standards, guidelines and recommendations;
- D. take action necessary to become more service oriented in providing information services and in responding to client inquiries; and
- E. monitor the work priorities of Codex Committees and draw to the attention of the Executive Committee, for consideration and possible action, any need for re-ordering or redirection.

Recommendations concerning Notification/Acceptance

The Commission:

- I. agrees to the development of a computer based wider notification scheme to cover acceptance and non-acceptance of Codex standards and related texts;
- II. requests the Secretariat to revise the form for notification of acceptance to include:
 - A. the new category of acceptance for free distribution as agreed at the 20th Session of the Commission in 1993;
 - B. information on the use of Codex standards or related texts in total or in part; whether domestically and/or as a condition of import, including reasons for non use and whether Members consider the relevant standard or related text is not stringent enough to provide the appropriate level of sanitary or phytosanitary protection, or does not adequately meet other legitimate objectives;
 - C. new information about the use or otherwise as above of Codex related texts;
 - D. information on whether Codex standards and relevant texts are considered equivalent to domestic provisions; and
 - E. information on any regulations of other countries which have been recognised as equivalent to domestic regulations for trade purposes.
- III. requests the Codex Committee on General Principles to draft revised Guidelines for the Acceptance Procedure for Codex Standards to more accurately reflect the current categories of acceptance and to accommodate the proposed change of the notification of acceptance form to encompass a wider notification scheme.
- IV. requests the Codex Committee on General Principles to consider further revision of clause 4.B of the General Principles to remove the slightly anomalous clause 4.B. (i) which asks Members which cannot accept a standard in any of the ways mentioned, including free distribution, whether products conforming to the standard may be distributed freely, given the new category of acceptance for free distribution.
- V. reminds Members:
 - A. of their obligations to respond to every issue of new or amended standards, including giving detailed responses as to local requirements where Codex standards are not formally accepted, and the reasons for those differences; and

- B. the need to keep this information up to date when national laws or practices are later changed.

- VI. agreed to the establishment of priorities for the order of Members' responses to the revised notification scheme;

- VII. agreed that the first priority should be standards and related texts which have a major trade impact;

- VIII. requested Members to indicate within a given period those sanitary and phytosanitary standards and related texts which are considered to have a major trade impact, to form the basis of a list to be considered in conjunction with the SPS Committee and to be the highest priority for Members in responding to the revised notification scheme; and

- IX. requested Members to suggest further priorities and a time-frame for responding to the revised notification scheme.