

**REPORT OF THE UNITED STATES DELEGATE
TO THE 33rd SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES
Bordeaux, France
October 2-6, 2023**

The 33rd Session of the Codex Committee on General Principles (CCGP33) met from October 2-6, 2023, in Bordeaux, France. Mr. Jean-Luc Angot, General Inspector of Veterinary Public Health at the French Ministry for Agriculture and Food, chaired the session. Participants included delegations from 49 Member countries, one Member Organization (the European Union (EU)), and 7 Observer Organizations. There were also representatives from the United Nations Food and Agriculture Organization (FAO) and the World Health Organization (WHO). The United States was represented by the Delegate, Mary Frances Lowe, U.S. Manager for Codex Alimentarius, U.S. Department of Agriculture, along with four government advisors and one non-government advisor.

The United States was successful in achieving its key goals for the session, including ensuring that the plenary discussions remained consistent with CCGP's Terms of Reference¹ and that issues concluded consistent with U.S. objectives. The session was generally productive, although several documents were distributed late, which limited time for meaningful consideration by all Members. Despite this, the Committee was successful in referring several requests for further action or consideration to the 46th Session of the Codex Alimentarius Commission (CAC46, November 2023).

The session, which was webcast in English, French, and Spanish, was complemented by two side events - "Efforts of the Three Sisters to monitor the use and impact of their standards" and the "Model for future Codex work - informal consultations."

This report summarizes significant agenda items and issues discussed at CCGP33. The full official report of the session along with all documents considered at the meeting are available on the Codex website at: <https://www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CCGP&session=33>.

HIGHLIGHTS

Highlights from the 33rd Session of CCGP include:

- Initial discussions on proposed editorial changes to the *Codex Procedural Manual*
 - Presentation of new format and observations on consistency and superseded content
 - Proposed update to the "Guide to the Procedure for the Amendment and Revision of Codex Standards and Related Texts"
- Deferral of consideration of a possible amendment to the *Codex Rules of Procedure* to allow for virtual sessions of the Codex Alimentarius Commission (CAC)
- Request for collection of additional information and data on the participation of non-governmental organizations (NGOs) with Observer Status in Codex to identify and analyze the scope of and barriers to participation
- Affirmation of the policy that NGO representatives can only represent their own organizations at the CAC and in Codex committees

¹ To deal with such procedural and general matters as are referred to it by the CAC, including:
- the review or endorsement of procedural provisions/texts forwarded by other subsidiary bodies for inclusion in the Procedural Manual of the Codex Alimentarius Commission; and
- the consideration and recommendation of other amendments to the Procedural Manual.

NEXT SESSION OF CCGP

The 34th Session of CCGP (CCGP34) is tentatively scheduled for 18 months from CCGP33 (i.e., sometime in early 2025), at a location in France still to be determined.

SUMMARY OF KEY MEETING TOPICS

Agenda Item 2: Matters Arising from the Codex Alimentarius Commission and its Subsidiary Bodies

To Be Presented for Adoption at Next CAC? No

Have the United States' Objectives Been Met? Yes

Is it anticipated that this item will or should be raised at the CAC because it is contentious? No

United States Objective

The United States is generally satisfied with the progress reported and will continue to participate in the work and file comments in the appropriate Codex fora. There is nothing requiring work in CCGP.

Discussion in Relation to United States' Objectives

The Codex Secretariat presented a summary of the matters that were for information and for action from the CAC and its subsidiary bodies. Although most items were for information only at CCGP, there were a number of comments made by Members on the following topics of interest. The Matters for Action items in the agenda paper were covered under the respective agenda items.

Future of Codex

Members commented on the need to revisit the guidance on virtual participation in in-person meetings for optimal clarity and on the importance of Codex not to overlap with the mandate of other multilateral organizations, while recognizing that Codex needs to be able to adapt to new challenges.

New food sources and production systems (NFPS)

Members generally agreed that the structure and procedures that already exist within Codex were sufficient to handle any new work proposals related to new food sources and production systems. This position is consistent with the U.S. position expressed in response to earlier Circular Letters (CLs).

New work proposals, prioritization mechanisms and regional standards

There were differing views expressed regarding the procedural considerations related to new work proposals, prioritization mechanisms and regional standards. Spain, speaking on behalf of EU Member States, stated the view that a more balanced allocation of work was needed within the CAC subsidiary bodies, and suggested that CCGP could help alleviate the workload of the Codex Executive Committee (CCEXEC), noting its limited membership. Norway saw this as an opportunity for a discussion paper on stocktaking of prioritization mechanisms, which could identify any gaps and inconsistencies for further consideration. (Note: CCEXEC had previously requested that the Secretariat prepare a paper on this topic for its consideration.)

The United States and Brazil presented the counter perspective in recognizing the value of the work undertaken by CCEXEC, which through its Members and Regional Coordinators has adequate global representation, underscoring that CCEXEC Members act in the interest of the CAC as a whole. The United States strongly believes that far-reaching topics warrant equitable representation and participation by Codex members and that they are better suited to be discussed at the Executive Committee and Commission rather than a subsidiary body of the Commission. Any decision to refer work to CCGP would require a decision by the Commission.

The Codex Secretariat noted that the requested work on prioritization mechanisms for new work proposals and a Delegates Handbook were on the 2024 Codex Secretariat's work plan.

Electronic Working Groups (EWGs)

The Codex Secretariat clarified that it is currently finalizing the EWG Handbook for publication by the end of 2023. As requested by CCEXEC, it would be shared with all committees once published.

Late Availability of Documents

There were several comments regarding the late availability of working documents for CCGP and other committees, in particular the availability of translations into all working languages, which causes challenges for meeting preparation. The Coordinator for CCEURO stated that the increased workload in CCEXEC in combination with a persistent lateness of documents hindered regional coordinators in undertaking regional consultation in advance of CCEXEC meetings.

Regarding the late availability of CCGP working documents, the Codex Secretariat explained that this was a result of a heavy Codex schedule combined with unexpected changes in personnel and noted that issues such as the meeting schedule and the potential role of new technology as a means to enhance efficiency could be further considered in discussions on the future of Codex

Outcome/ Conclusion

The Committee noted the updates provided for information in the meeting document and the various comments that came in response.

Agenda Item 3: Information on activities of FAO and WHO relevant to the work of CCGP

To Be Presented for Adoption at Next CAC? No

Have the United States' Objectives Been Met? Yes

Is it anticipated that this item will or should be raised at the CAC because it is contentious?

No, but CCGP gets its mandate from CAC and so these topics may be the subject of further discussion at future sessions of CCGP.

United States Objective

The document was for information only. The United States is satisfied with the plenary discussion in general, and specifically that the Committee encouraged the FAO and WHO to seek suitable and predictable funding mechanisms for the joint scientific advice program that supports Codex standard-setting work.

Discussion in Relation to United States' Objectives

FAO and WHO reported on the actions of their governing bodies and highlighted other activities of potential interest to CCGP, as listed below. This agenda item is typically for information only and there were no recommendations in the paper prepared by FAO and WHO.

Codex Trust Fund

The Codex Trust Fund (CTF2), now in its second iteration, is a joint FAO/WHO program providing support to developing and transition economy countries to build strong and sustainable capacity to engage in Codex work. Since 2016, CTF2 has issued annual calls for individual and group applications from eligible low- and middle- income countries eligible. To date, CTF2 has funded 41 projects in 50 countries. The United States has supported the CTF initiative since its inception.

Codex eLearning Courses

The Codex Secretariat has developed a series of eLearning courses to improve the understanding of Codex and to develop sustainable national capacities to engage in and benefit from Codex work. The Committee welcomed this useful tool and the promise from the Codex Secretariat to translate the materials from the e-courses into all three working languages.

Outcome/ Conclusion

CCGP33 noted the information provided by FAO and WHO and expressed appreciation for the Codex e-learning courses and other training initiatives related to Codex. The Committee also noted its support for the CTF and looked forward to the implementation of the results of the recent mid- term evaluation of the CTF. Lastly, CCGP33 noted the work of the joint FAO and WHO scientific advice program and requested that both FAO and WHO continue in their efforts to secure sustainable funding for the program which was fundamental to the standard setting work of Codex. The United States intervened to support the interventions of Japan and Canada on sustainable funding for scientific advice.

Agenda Item 4: Codex Procedural Manual: Presentation of new format and observations on consistency and superseded content

To Be Presented for Adoption at Next CAC? Yes

Have the United States' Objectives Been Met? Yes

Is it anticipated that this item will or should be raised at the CAC because it is contentious?

No, but CAC will need to take action on amendments to the *Procedural Manual*.

United States Objective

The U.S. objective was met in that review of any proposed changes on the new format will require further deliberation and any proposed substantive changes should be directed from the CAC to CCGP. The current review does not involve substantive changes and can be accepted as proposed in the working document.

Discussion in Relation to United States' Objectives

At the 32nd Session of the CCGP (CCGP32, virtual, 2021), the Committee considered a document on the Format and Structure of the Codex *Procedural Manual* (PM) and agreed that the Codex

Secretariat should develop a digital version of the PM to be made available for testing and review by Members before being published online. The move towards digitization continues and recent preparatory work showed that a review of the content of the PM was needed to ensure consistency of language and format to reflect how Codex practices have evolved with advances in technology and new communication tools. No substantive changes were proposed as part of this review.

In the agenda paper, the Codex Secretariat concluded that a further review of the PM is needed before investing in its digitization to ensure it is as up to date as possible. Such work could be mandated to the Codex Secretariat, with CCGP33 providing guidance on potential changes identified in Appendix II of the working paper. (All further proposed changes will be submitted for consideration at future sessions of CCGP.)

CCGP33 was invited to:

- consider the new format of the 28th edition of the PM, provide feedback on its usability, and make suggestions for further improvement to the layout
- note that in line with the FAO and WHO policies, future PM editions will only be available electronically
- note that with changes in technology, the move to paperless meetings, and the evolution of processes to ensure efficiency, some aspects of the PM no longer reflect current practice and accordingly
 - advise the Codex Secretariat how to proceed with changes identified in Appendix II of the working document (CX/GP 23/33/4)
 - determine how to identify and consider further updates to ensure that the PM is in line with current practice
 - note that investment in digitization would proceed once all issues of inconsistent and superseded text have been addressed.

CCGP33 discussed the agenda document and the proposed updates in Appendix II in detail and reached the following conclusions:

- to recommend that CAC46 approve moving Section 6 of the PM (Membership of the Codex Alimentarius Commission) to the Codex website with a link in the PM itself, so that the list could be updated without issuing new editions of the PM
- to recommend that CAC46 approve the changes proposed in Appendix II of the working document, as modified by CCGP
- to ask host country secretariats to review the procedures in Section 3 of the PM, *Guidelines for Subsidiary Bodies*, to identify text to be updated for consistency with current practice, and to request the Codex Secretariat to circulate any proposed changes for comments by the Members
- to recommend to CAC46 that this issue be referred to CCGP
- to request that CAC46 approve issuance of a Circular Letter (CL) soliciting comments from Members on inconsistencies in language and superseded content of the PM, apart from Section 3, for consideration by a future session of CAC for possible referral to CCGP

A PWG may be convened in conjunction with CCGP34, chaired by the United States and cochaired by France, working in English, (and French and Spanish, resources permitting), to

consider proposals for updates to Section 3 of the PM (*Guidelines for Subsidiary Bodies*) and comments received thereon and any other possible updates to the PM identified by the Codex Secretariat, and to prepare a revised proposal for consideration by the plenary session of CCGP34.

Outcome/ Conclusion

The United States joined in the consensus CCGP conclusions and supports the steps outlined above, in particular the approach of having host country secretariats review the procedures in Section 3 of the PM, *Guidelines for Subsidiary Bodies*. The United States is host country secretariat to several Codex Committees and agreed to chair the potential PWG at CCGP34 with France as co-chair.

Agenda Item 5: Codex Procedural Manual: Proposed update to the Guide to the Procedure for the Amendment and Revision of Codex Standards and Related Texts

To Be Presented for Adoption at Next CAC? No

Have the United States' Objectives Been Met? Yes

Is it anticipated that this item will or should be raised at the CAC because it is contentious?

No, but it will be raised to allow for relevant CLs to be issued.

United States Objective

The U.S. objective was to support greater clarity and consistency in the application of these PM provisions, but also to ensure that there was sufficient input from all relevant parties before finalizing the text. The United States welcomes the opportunity for further review by host country secretariats, as well as the broader Codex membership.

Discussion in Relation to United States' Objectives

For many years the *Guide to the Procedure for the Amendment and Revision of Codex Standards and Related Texts* contained in the PM has been applied inconsistently across committees. Some Codex texts have been revised with no record of what was revised within the standard. Examples of this include: the *General Standard for Contaminants and Toxins in Food and Feeds* (CXS 193-1995), which was revised in 2008 -- the comment in the report of the 2nd Session of the Codex Committee on Contaminants in Foods (CCCF2) indicates only that there was a proposal for revision of text; and the *Code of Ethics for International Trade in Food Including Concessional and Food Aid Transactions* (CAC/RCP 20-1979), which was revised in 1985, but no meetings before that year reference specific changes to the Code.

As a result, CAC45 (2022) requested that the Codex Secretariat prepare a document for CCGP33 that would:

- examine how amendments and revisions of Codex texts have been treated historically
- suggest improvements to enhance consistency and alignment with FAO and industry publishing standards
- recommend clear criteria and options for current and future publications concerning amendments/revisions and new editions
- prepare draft revised text for the PM *Guide to the Procedure for the Amendment and Revision of Codex Standards and Related Texts*

This agenda document prepared for CCGP33 described the way changes to Codex texts have been handled over the years and proposed new text to promote greater clarity and consistency. According to the Codex Secretariat, this proposal represented a clear and logical set of guidelines to harmonize with industry standards and the FAO digital publishing guidelines. To improve consistency and clarify hierarchy, and align with international publishing practices, it was proposed to apply three distinct categories of change, each with specific criteria. The three categories would be: “correction, amendment and new edition.”

CCGP33 considered the analysis and the proposed changes to the PM as outlined in Appendix I of the agenda paper, and whether the changes should be recommended for adoption by the CAC. CCGP33 appreciated the detailed analysis and information on the hierarchy of modification types proposed for publications, and in particular the version control and traceability aspects presented, and made substantial progress had been made toward revising Section 2, Part 7 of the PM for corrections, amendments, and new editions.

Outcome/ Conclusion

CCGP33 made a number of changes to the Codex Secretariat's draft. The Committee further noted that other paragraphs of the PM may need to be reviewed for consistency and that additional time was needed to review the proposed revisions in depth. The Committee requested the Codex Secretariat to prepare a CL for distribution to all Members and Observers to collect comments on the proposed amendments as included in Appendix III of the Committee report (REP23/GP), for consideration by CCGP34. CCGP33 also agreed to inform other Codex committees of the ongoing work to amend Section 2 Part 7 of the PM to provide greater clarity and better align with current practices in Codex and international publishing standards.

The United States appreciates the efforts of the Codex Secretariat in this initiative; however more thoughtful consideration and consultation is needed before making any final decisions or recommending adoption by the CAC. It is important that the procedures be clear and not result in delays or disruptions in the work. Each committee should review the proposals in light of its current ways of working. The United States therefore welcomes the opportunity for further review and the issuance of a CL to collect comments.

Agenda Item 6: Review and possible amendments to the rules of procedure on Sessions of the Commission

To Be Presented for Adoption at Next CAC? No

Have the United States’ Objectives Been Met? Yes

Is it anticipated that this item will or should be raised at the CAC because it is contentious?

No, but will be raised to allow for relevant CLs to be issued.

United States Objective

The U.S. objective was met in that the United States believes that while virtual meetings have helped Codex continue its work over the last few years, given the complexity involved in changing the Codex *Rules of Procedure*, it is in the best of interest of Codex to defer until consultations with FAO and WHO have been completed, as recommended in the working paper.

Codex can then consider whether changes to its rules regarding the CAC are appropriate.

Discussion in Relation to United States' Objectives

The Interim Report prepared by the subcommittee of the Executive Committee (CCEXEC) on the Future of Codex was considered at CAC45. CAC45 requested the Codex Secretariat to consult with the FAO and WHO Legal Offices on a possible amendment to the *Codex Rules of Procedure* to allow the CAC to take place virtually if needed and to prepare a paper for consideration by CCGP33, which in turn would advise CAC46 (2023). This work stems from the COVID-19 pandemic which presented new challenges to the work of Codex, in particular with regard to the convening of in-person and virtual meetings.

The Codex Secretariat suggested that it would be best to defer the amendments of the *Codex Rules of Procedure* incorporating virtual meetings of the Commission until a comprehensive approach to virtual meetings is developed by the two parent organizations, in particular FAO, considering that the rules of FAO apply to matters that are not specifically dealt with under the *Codex Rules of Procedure*.

CCGP33 agreed that work on the rules of procedure to reflect current practices could help Codex improve in the future. Japan indicated that it was important for virtual and hybrid meetings to stay viable options, but that there was not clear endorsement process for the hybrid option. Spain, speaking on behalf of the EU Member States, indicated that an in-depth study of the situation would be welcome.

China noted that virtual meetings allow more people to watch broadcasts and to learn about Codex. Brazil supported earlier interventions and added that virtual and hybrid modalities allow experts to help support the delegation team present at the meetings. Chile and Uruguay underlined that Codex needs to be flexible and efficient and supported points made in China's earlier intervention.

Senegal highlighted issues with obtaining visas for attendance at meetings in person and welcomed input from all Member countries. Gambia highlighted the challenges in budgeting and technology, adding that virtual meetings add value by promoting transparency and increased participation.

Canada and New Zealand questioned whether the FAO and WHO were actually looking into amending their rules for virtual options and welcomed a response before further action. The United States intervened to remind the Committee that subsidiary bodies are not affected by these rules and that Codex committees could continue to have virtual and hybrid meetings without changing the rules, which decreased the urgency of addressing the question. Therefore, the United States agreed to defer any rules changes for now.

The Codex Secretariat suggested that Members also bring this issue to the attention of FAO and WHO directly through their representatives to the FAO and WHO governing bodies, to ascertain plans for consideration of rules changes in those organizations.

Outcome/ Conclusion

CCGP33 agreed to defer review of a possible amendment to the *Codex Rules of Procedure* to allow virtual sessions of the Commission, noting that this should not be for an indefinite time

period. The Committee also requested FAO and WHO to inform CCGP34 on their possible plans to amend their rules of procedure to include virtual meetings of their Governing Bodies, including how decision-making modalities such as voting would be handled; and emphasized the importance of flexibility in working modalities for Codex meetings.

**Agenda Item 7: Review and possible amendment of the
“Principles concerning the participation of international non-governmental
organizations in the work of the Codex Alimentarius Commission”**

To Be Presented for Adoption at Next CAC? No

Have the United States’ Objectives Been Met? Yes

Is it anticipated that this item will or should be raised at the CAC because it is contentious? No

United States Objective

The U.S. objective was to support the Codex Secretariat’s conclusion that more information was needed before making any potential amendments to the text regarding Observer participation.

Discussion in Relation to United States’ Objectives

The Codex Secretariat presented the agenda paper and recalled that the purpose of the work was to provide an overview of the different ways by which non-governmental organizations (NGOs) with Observer Status with Codex currently promote and contribute to Codex work, and to address whether the “Review of Observer Status” contained in the “Principles concerning the participation of NGOs in the work of Codex,” should be amended to reflect such contributions. The Codex Secretariat further recalled that the essential purpose of having NGOs in Codex was to secure data, information, and experts that would contribute to Codex work.

The Codex Secretariat presented the results of their initial findings, highlighting that NGOs, even if not attending Codex meetings or sending comments on draft texts, were contributing to Codex work via new means such as workshops, webinars, social media and publications. These new means of promoting Codex are currently not formally considered when reviewing observer status, however, they do have the potential to reach broader audiences. An amendment would be needed to take these promotional activities into account for the purposes of assessing “active engagement” in Codex.

On a separate but related point, the Codex Secretariat added that on several occasions a representative of an NGO registered for a Codex meeting intervened and attempted to speak on behalf of another NGO. After consulting with the Legal Offices of FAO and WHO, it was decided that representatives of NGOs could only intervene to represent their own organizations.

The United States intervened to support the inclusion of Observers in Codex since they contribute much to Codex, but underlined the Codex Secretariat view that Observers can only represent one delegation. This is consistent with the practice for Members; an individual can only serve on one delegation. The U.S. intervention was supported by Senegal and Brazil.

Outcome/ Conclusion

CCGP33 welcomed the Codex Secretariat’s initiative to continue to collect information and data on the participation of organizations with Observer Status in Codex and to present the results at

the relevant CCEXEC and CCGP sessions following the next regular Review of NGOs with Observer Status, scheduled for 2026.

The committee affirmed, based on existing procedures and the views of the FAO/WHO Legal Offices, that a representative from an NGO can only represent their own organization in Codex committees and the CAC, including EWGs, PWGs and when sending comments via the Online Commenting System (OCS) and other means.

Agenda Item 8: Other Business

(1) Discussion Paper on Practical Toolkits to Promote the Use of Codex Standards and Guidelines (CRD2, United Kingdom)

(2) Proposed Changes to the *Procedural Manual* (Comments of China) (CRD3, China)

To Be Presented for Adoption at Next CAC? No

Have the United States' Objectives Been Met? Yes

Is it anticipated that this item will or should be raised at the CAC because it is contentious? No

United States Objective

The U.S. objective was to ensure that the late Discussion Papers (DP/ Conference Room Documents (CRD) submitted under this agenda item were only discussed in brief as no work had been assigned to CCGP and the documents had not been posted with sufficient time for consideration.

Discussion in Relation to United States' Objectives

The United Kingdom introduced its DP, explaining that its purpose was to start a broad discussion among Codex Members and observers on the merits of Codex developing toolkits, with the intent to support an increased use of Codex standards by national governments. The paper illustrated the concept by suggesting that that the *Working Principles for Risk Analysis for Food Safety Application by Governments* (CXG 62-2007) could be used as an anchor for a potential Codex self-assessment toolkit to benchmark Members' capacity and capability to carry out risk analysis.

Members appreciated the intent of the United Kingdom to promote the use of Codex texts, but requested clarifications on the added value and linkages between the proposed toolkit and other existing tools such as the FAO/WHO Food Control System Assessment Tool, which included a substantial component on risk analysis. Other delegations indicated the need to carefully design such tools, taking into account their operational and detail-oriented nature, noting that it may conflict with the outcome-based focus of guidelines and recommendations in Codex texts.

There was also brief discussion of the comments from China contained in CRD3 on enhancing the role of Chairpersons of subsidiary bodies in Codex proceedings.

Outcome/ Conclusion

CCGP33 noted the CRDs and (1) requested that FAO and WHO organize a workshop on toolkits on the margins of CCGP34, together with the United Kingdom and other interested Members; (2) encouraged the Codex Secretariat to continue strengthening the critical review process with active participation of committee Chairpersons both in providing written comments and through informal meetings with the CAC Chairperson and Vice-Chairpersons prior to CCEXEC; and (3) encouraged committee Chairpersons to participate in CAC so that they can intervene as needed during discussions of items from their committees.