

22 September 2023

CODEX COMMITTEE ON GENERAL PRINCIPLES

(Thirty-third Session)

Bordeaux, France, 2-6 October 2023

European Union comments on

CL 2023/80/OCS-GP

Proposed updates to the Codex Procedural Manual, section 2

Elaboration of Codex standards and related texts; Procedures for the elaboration of Codex standards and related texts

Member States Competence

Member States Vote

The Member States of the European Union (MSEU) support the new approach suggested by the Codex Secretariat to improve the way Codex standards are revised. The MSEU notably welcome the improvements around the traceability of the various iterations of Codex texts over time.

The MSEU are of the opinion that the procedural transposition of this new approach should be achieved promptly to enable its practical implementation without unnecessary delay. However, we would like to propose some additional modifications (in revision mode thereafter) that aim at improving the overall clarity, consistency and easy understanding of the new procedures.

Finally, the MSEU also would like to raise the following points:

- It is unclear whether an amendment, in its new meaning, should now be submitted to critical review. The revised Part 2 only qualifies proposals for new work and new edition as eligible to critical review and necessitating a project document. However, paragraph 31 of the Guide also seems to imply that amendments are considered by the Executive Committee during critical review. This should be discussed and clarified. The MSEU believe that a full critical review is not necessary as a project document is not needed to submit an amendment.
- There could be benefits in specifying the conditions under which a proposal for a new edition would not need a project document (see para 30).
- Guidance and clear communication will be needed to ensure that this new approach and new procedures are well-understood and implemented consistently across the different committees. This could notably be an aspect of the practical guidance that the Codex Secretariat was tasked to draft on new work proposals (see CX/GP 23/33/2, paras 30-31).
- Apart from methods of analysis, there is no mention in the working document of specific standards whose elaboration and revision are governed by *ad hoc* procedures, such as MLs or MRLs. While the MSEU believe that this is not a hurdle to the implementation of the new approach, further work could be undertaken to evaluate

whether other modifications are necessary in the Procedural Manual to ensure global consistency and harmonization.

Introduction

Paragraph 8. It will be for the Commission itself to keep under review the ~~revision~~ modification of existing Codex standards, the term “modification” being understood as either corrections, amendments or new editions (see Part 7 of this section). The procedure for ~~revision~~ a new edition should, mutatis mutandis, be that laid down for the elaboration of Codex standards, ~~except that~~ The Commission may decide to omit ~~any other step or steps~~ of that procedure where, in its opinion, an amendment or new edition proposed by a Codex subsidiary body, the Codex Secretariat, or a Member of the Commission is in line with the criteria outlined in part 7 - Guide to the procedure for the modification of Codex standards and related texts. ~~is either of an editorial nature or of a substantive nature but consequential to provisions in similar standards adopted by the Commission at Step 8.~~

Rationale: The word “update” has a specific meaning (bringing more recent information) that may not encompass the 3 possible changes to which an existing standard can now be submitted (correction, amendment, new edition). Same remark for the word “revision”, hence the proposed use of the word “modification” that is more inclusive. The EUMS believe that the terms “corrections, amendments or new edition” should be properly introduced at this stage for clarity reasons as two of them are used in the subsequent sentences of this paragraph.

Part 2. Critical review

Proposals to undertake new work or to modify a standard

Paragraph 12. Prior to approval for development, each proposal for new work or ~~revision~~ a new edition of a standard shall be accompanied by a project document, prepared by the Committee or Member proposing new work or ~~revision~~ a new edition of a standard detailing:

Part 7. Guide to the procedure for the modification of Codex standards and related texts

Paragraph 24. The procedure for ~~amending or revising~~ modifying a Codex standard is laid down in paragraph 8 of the introduction of Section 2: Procedures for the elaboration of Codex standards and related texts. This guide provides more detailed guidance on the ~~existing~~ procedure for the modification of Codex standards: the corrections, amendments and revision new editions of Codex standards and related texts.

Paragraph 25. For the purpose of this guide:

A **correction** means editorial fixes and includes spelling mistakes, incorrect bold or italics, other incorrect formatting of text, an incorrect footnote, or an incorrect value or symbol. Omit steps 1-7 when making a correction. A corrigendum itemizing the changes made is required.

Paragraph 26. An **amendment** refers to any change to the standard that updates the existing information. means any addition, change or deletion of text or numerical values in a Codex standard or related text, may be editorial or substantive, and concerns one or a limited number of articles in the Codex text. In particular, amendments of an editorial nature may include but are not limited to:

- fixing a technical inaccuracy or an incorrectly reported number ;
- partial re-writing of existing sections or sub-sections when there is no new data introduced;
- inserting or updating of an explanatory footnote; and
- updating of references and other relevant content of Codex texts consequential to the adoption, amendment or new edition ~~revision~~ of other Codex standards and ~~other~~ related texts of general applicability, including the provisions in the *Procedural Manual* when there is no new data introduced; and
- replacing content with a reference to another Codex text when there is no new data introduced; and

- ~~Paragraph 27 finalization or updating of methods of analysis and sampling when there is no new data introduced, as well as alignment of provisions, for consistency, to those in similar standards or related texts adopted by the Commission may be handled by the Commission in the same manner as amendments of an editorial nature, as far as the procedure described in this guide is concerned~~

An explanation of the changes made to the text is required for all amendments.

~~Paragraph 27. Revision means any changes to a Codex standard or related text other than those covered under “amendment” as defined above. **New edition** applies to any change to a standard made in the spirit of updating the content, and for anything not covered by a correction or amendment, including:~~

- any new data/provision added to the text, regardless of how small the change;
- the addition or deletion of a section or end matter (appendix);
- changing titles of sections or sub-sections; and
- re-writes of entire sections, regardless of length.

A sentence justifying the reason for the new edition is required for all new editions.

~~Paragraph 28. When the Commission has decided to amend or ~~revise~~ develop a new edition of a standard, the ~~unrevised~~ existing standard will remain the applicable Codex standard until the amendment to the standard or the ~~revised~~ new edition of the standard has been adopted by the Commission. Corrections, as described in paragraph 25, will be the responsibility of the Codex Secretariat, who will inform the subsequent Commission of any corrections made to Codex standards since its previous session.~~

~~Paragraph 29. The Commission has the final authority to determine whether a proposal made constitutes an amendment or a ~~revision~~ new edition, ~~and whether an amendment proposed is of an editorial or substantive nature.~~~~

~~Paragraph 30. Proposals for the amendments to or for a revision new edition of Codex standards and related texts should be submitted to the Commission by the subsidiary body concerned or, when the subsidiary body concerned is not in existence or has been adjourned *sine die*, by the Secretariat or a Member of the Commission. In the latter case, proposals should be received by the Secretariat in good time (not less than three months) before the session of the Commission at which they are to be considered. The proposal for a new edition should be accompanied by a project document (see Part 2 of the elaboration procedures) unless the Executive Committee or the Commission decides otherwise. ~~However, if the amendment proposed is of an editorial nature, the preparation of a project document is not required.~~~~

~~Paragraph 31. Taking into account the outcome of the ongoing critical review conducted by the Executive Committee, the Commission decides whether the proposed amendment or ~~revision~~ new edition of a standard is necessary. If the Commission decides in the affirmative, one of the following courses of action will be taken:~~

- ~~a) In the case of an amendment of an editorial nature, it will be open to the Commission to adopt the amendment at Step 8 of the uniform procedure (see Part 3 of the elaboration procedures).~~
- ~~b) a) In the case of an amendment proposed and agreed upon by a subsidiary body, it will also be open to the Commission to adopt the amendment at Step 8 of the uniform procedure (see Part 3 of the elaboration procedures).~~
- ~~e) b) In ~~other~~ case of a new editions, the Commission will approve the proposal as new work and the approved new work will be referred for consideration to the appropriate subsidiary body, if such body is still in existence. If such body is not in existence, the Commission will determine how best to deal with the new work.~~

~~Paragraph 32. Where Codex subsidiary bodies have been abolished or dissolved, or Codex committees have been adjourned *sine die*, the Secretariat keeps under review all Codex standards and related texts elaborated by these bodies and determines the need for any corrections, amendments or new editions, in particular those arising from decisions of the Commission. If the need for corrections of an editorial nature is identified, then the Secretariat should prepare proposed amendments for makes the corrections and informs consideration and adoption by the Commission accordingly. If the need for amendments or a new edition ~~a substantive nature~~ is identified, the Secretariat, in cooperation with the national secretariat of the adjourned committee if applicable, should prepare a working paper containing~~

the reasons for proposing amendments or a new edition and the wording of such amendments or new edition as appropriate, and request comments from Members of the Commission: a) on the need to proceed with such an amendment or new edition and b) on the proposed new wording itself. If the majority of the replies received from Members of the Commission is affirmative on both the need to amend the standard or make a new edition, and the suitability of the proposed wording for the amendment or new edition or an alternative proposed ~~ed~~ wording, the proposal should be submitted to the Commission for consideration and adoption. In cases where replies do not appear to offer an uncontroversial solution then the Commission should be informed accordingly, and it would be for the Commission to determine how best to proceed.