

6 August 2024

CODEX COMMITTEE ON GENERAL PRINCIPLES (CCGP)

European Union comments on

CL 2024/25-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

Codex Members and Observers are invited to review the proposed updates to Section 2 Elaboration of Codex standards and related texts, Part 7 on Procedures for the elaboration of Codex standards and related texts, and any related paragraphs, and provide comments on:

- The appropriateness and clarity of the revisions
- Whether there are any other parts of the text of Part 7 that would benefit from revision for clarity
- Whether Part 7 could be further simplified

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 work done and considers that Section 2 Elaboration of Codex standards and related texts, Part 7 on Procedures for the elaboration of Codex standards and related texts does indeed need further updating.

The MSEU would like to propose changes in the Annex below and in addition would like to raise the following observations:

Paragraph 8

- It is proposed to replace the terms “not in existence” by “abolished” for consistency with the terms used in Section 5 of the PM (also in paragraph 29 below).

Paragraph 25:

- With regard to the definition of corrections, the MSEU would welcome clarification on what is covered by the terms "incorrect transcription".
- With regard to the last point of the definition of an amendment, the MSEU would like to receive clarification on whether what is covered corresponds to the replacement of an existing reference to a Codex standard or related text in the initial version of the considered text by another reference or whether it concerns the replacement of content of any kind by a reference to a Codex standard or related text.

Paragraph 26:

- The MSEU can support the principle of not reporting to the Commission editorial corrections made by the Codex secretariat. However, we would also be in favour of finding a way of informing Members of corrections made by the Codex secretariat as they occur. A dedicated page on the Codex website could be created for this purpose.

Paragraph 28:

- There were extensive discussions during CCGP33 on whether a project document would always be needed for an amendment or for a new edition of a Codex standard. In the new wording of

paragraphs 28 and 29, no clear distinction is made regarding the procedure applicable to amendments and new editions in this matter. This could call into question the relevance of developing these two distinct categories of modification. We consider it is necessary to accentuate the difference between the two, especially given the lesser scope of amendments compared to new editions.

- We propose that project documents be only needed for new editions and not for amendments unless the Commission decides otherwise (see revisions in the annexe below).
- We also consider that the implication of the Executive Committee in that matter, through the critical review process, is to advise the Commission, which shall take the final decision. It is therefore proposed to suppress the mention of the Executive Committee in that paragraph.

Paragraph 29:

- In the current 28th edition, two paragraphs specify the conditions where certain steps of the procedure can be omitted when amending or revising Codex standards:
 - Paragraph 8 (introduction): “[...] *the Commission may decide to omit any other step or steps of that procedure where, in its opinion, an amendment proposed by a Codex committee 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.*”
 - Paragraph 31:
 - Editorial amendments: can be adopted at Step 8
 - Amendment agreed by a committee: can be adopted at Step 5
 - Other cases: approved as new work, step process to be followed.
- Against this background, we understand that new editions, which mainly correspond to “revisions” in the current edition of the PM, are not primarily intended to benefit from omission of steps. Proposals are made in that sense in the Annex.
- The possibility to reconvene committees that have been adjourned sine die to undertake new work should also be stated more explicitly. The use of modern tools/virtual meetings facilitates such reactivation.

Paragraph 30:

- Regarding the management of Codex standards developed by inactive committees a better distinction between amendments and new editions should be made.
- Paragraph 32 in the current 28th edition of the PM deals with amendments of substantive nature, which mainly correspond to regular amendments (i.e. not corrections or new editions) in the new terminology.
- For new editions, we believe that the responsibility of their development primarily lies with Members. A project document should be required and the proposal should follow the step process. This does not prevent the Codex Secretariat to bring to the attention of Members the need to issue new editions of standards developed by inactive committees.
- A simplified redaction of this paragraph is proposed. The responsibility of corrections is already covered in paragraph 26 and does not need to be restated. It is also suggested to move this paragraph up before paragraph 29 so as to better reflect the chronological order of the steps involved.

Comments are also requested on the proposed updates to the related paragraphs in the PM as follows (see Annex):

- **Section 2 Elaboration of Codex standards and related texts, Introduction, paragraph 8**
- **Section 2 Elaboration of Codex standards and related texts, Part 2. Critical Review, paragraph 12**

See proposals in the Annex.

Are there other texts of the PM that would need to be updated in light of the proposed updates to Section 2?

Consequential amendments of the other texts of the PM would be necessary in order to align current terminology in the 28th edition (amendments/revisions) with the new one (corrections/amendments/new editions) when adopted. In particular, it is regularly referred to “revision” as a generic term in the PM, which should be updated as “modification” where appropriate, notably in the following paragraphs (not exhaustive):

- Section 2, paragraph 10: *Taking into account Section 2: Criteria for the establishment of work priorities, the strategic plan shall state broad priorities against which individual proposals for standards (and ~~revision~~ **modification** of standards) can be evaluated during the critical review process.*
- Section 2, paragraph 13: *The decision to undertake new work or to ~~revise~~ **modify** standards shall be taken by the Commission taking into account a critical review conducted by the Executive Committee.*
- Section 2, paragraph 14: *The critical review includes: a) examination of proposals for development/~~revision~~ **modification** of standards [...]*
- Section 2, paragraph 15: *The decision to undertake new work or ~~revision~~ **modification** of individual maximum residue limits for pesticides or veterinary drugs, or the maintenance of the General Standard for Food Additives (CXS 192-1995) [...]*
- ...
- Section 3, paragraph 8(f): *the review and, as necessary, ~~revision~~ **modification** of existing standards and related texts*
- *Section 3, paragraph 39(b): for consistency, an additional bullet point (v.) should be considered reflecting the need for the description of amendments and justification for new editions, according to the new publishing rules, that correction must be listed in a corrigendum.*
- ...

The MSEU would welcome the preparation of an exhaustive list of all consequential modifications that would be necessary following the implementation of the new terminology.

**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**

Introduction

Paragraph 8. It will be for the Commission itself to keep under review the modification of Codex standards or related texts. The procedure for modification should, *mutatis mutandis*, be that laid down for the elaboration of Codex standards. The Commission may decide to omit steps of that procedure where, in its opinion, a modification proposed by the subsidiary body concerned, or the Codex Secretariat or a Member of the Commission where the subsidiary body concerned is abolished or has been adjourned *sine die*, is in line with relevant guidance outlined in Part 7 - Guide to the procedure for the modification (corrections, amendments and new editions) of Codex standards and related texts.

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, when in line with the guidance outlined in Part 7, modification consisting of a new edition of a standard shall be accompanied by a project document, prepared by the Committee or Member proposing new work or modification of a standard detailing:

Part 7. Guide to the procedure for the modification (corrections, amendments and new editions) of Codex standards and related texts

Paragraph 24. The procedure for modification of Codex standards and related texts 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 procedure for modifying Codex standards and related texts, which includes corrections, amendments and new editions.

Paragraph 25. For the purpose of this guide:

Correction: Apply to editorial errors including incorrect spelling, incorrect bold or italics, other incorrect formatting of text, an incorrect transcription, an incorrectly numbered or located footnote, or errors in language translation. A corrigendum itemizing the changes made is required for all corrections and included in the standard.

Amendment: Any modification that does not impact the scope or application. In particular, amendments address:

- technical errors or incorrectly reported numbers;
- partial re-writes or partial deletions of sections when there is no new data or information introduced;
- explanatory footnotes;
- alignment of provisions consequential to the adoption, or modification of Codex standards and related texts of general applicability, including the provisions in the *Procedural Manual* when there is no new data/information introduced;
- finalization or updating of methods of analysis and sampling; and
- replacement of content with a reference to another Codex text when there is no new data or information introduced.

An explanation of the changes made to the text is required for all amendments and included in the standard.

New edition: Any modification, regardless of the length, not covered by a correction or amendment, including:

- any new data or information added to the text that impacts its application;
- any modification to, or addition or deletion of a footnote that changes the scope or application;
- the addition or deletion of a section or an appendix; and
- re-writes of entire section(s).

A justification for the new edition is required for all new editions and included in the standard.

Paragraph 26. The Commission has the final authority to determine whether a proposed modification constitutes an amendment or a new edition. Corrections, as described in paragraph 25 will be the responsibility of the Codex Secretariat.

Paragraph 27. When the Commission has decided to amend a Codex standard or related text or develop a new edition, the existing text will remain the applicable Codex text until the amendment or the new edition has been adopted by the Commission.

Paragraph 28. Proposals for amendments or new editions of Codex standards and related texts should be submitted to the Commission by the subsidiary body concerned. Proposals for amendments should not be accompanied by a project document (see Part 2: Critical review) unless the Commission decides otherwise. Proposals for new editions should be accompanied by a project document unless the Commission decides otherwise. Where the subsidiary body concerned has been abolished, dissolved or adjourned *sine die*, proposals for amendments or new editions should be submitted to the Commission by the Codex Secretariat or a Member of the Commission. Such proposals should be prepared and made available in good time (not less than three months) before the session of the Commission at which they are to be considered.

(from para 30 revised) The Codex Secretariat should keep under review all Codex standards and related texts elaborated by abolished, dissolved or adjourned *sine die* subsidiary bodies. If the need for an amendment is identified, in particular those arising from decisions of the Commission, the Codex secretariat should prepare a working document containing the reasons for proposing an amendment and the wording of such amendment as appropriate, and request comments from Members of the Commission: a) on the need to proceed with such an amendment and b) on the proposed amendment itself. The replies received from Members should be submitted for consideration to the Commission along with the proposed amendment.

Paragraph 29. Taking into account the outcome of the ~~ongoing~~ critical review conducted by the Executive Committee, the Commission decides whether a proposed amendment or 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, 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) In the case of a new edition, the Commission will approve the proposal as new work and the approved new work will be referred for consideration to the appropriate subsidiary body, including by reconvening committees that have been adjourned *sine die*, ~~if such body is still in existence~~. If such body is abolished ~~not in existence~~, the Commission will determine how best to deal with the new work.