

# **Codex Reform Initiatives and Consumer Health Protection**

A presentation of  
Consumers International's Project on  
Decision-Making in the Global Market

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# Outline of the presentation

- Distinguish the purposes of Codex and the WTO SPS Agreement
- Outline the historic shift in Codex's work
- Outline challenges to consumer health protection resulting from this shift
- What Consumers International is doing to address these challenges
- CI recommendations for decision-making to protect consumer health

# The Purpose of the Codex Alimentarius

- Trade facilitation
- Protection of consumer health
- Ensuring fair practices in the international trade of food

Source: “Purpose of the Codex Alimentarius”,  
*Procedural Manual*, 29

# Purpose of the WTO SPS Agreement

- Trade facilitation and avoidance of trade disputes
- Non-binding objectives of the Preamble”: “improve the human health, animal health and phytosanitary situation of Members”
- Members are required to notify existing or proposed SPS measures when they are “not substantially the same as the content of an international standard, guideline or recommendation” or when there is no corresponding standard, except “where urgent problems of health protection arise” (Annex B, paragraphs 5 and 6)

# The Shift in Emphasis in Codex's Work

- The FAO/WHO's Food Standards Programme's "importance has gradually shifted from providing a basis for national standards to providing the point of reference in standards, guidelines and codes of practice for international trade".

Source: "Working Terms of Reference – Joint FAO/WHO Evaluation of the Codex Alimentarius and Other FAO/WHO Work on Food Standards", PC 87.INF/3, paragraph 13.

# **Some Challenges to Protection of Consumer Health Resulting from This Shift**

1. Standards must be implemented, monitored and enforced by governments to protect consumer health. The ‘speeding up’ of standard setting poses a challenge to governments without the resources to implement, monitor and enforce the standards.
2. The scientific basis for standards must be reviewed periodically to taken into account new scientific literature
3. Emphasis on international standards to facilitate trade applies to only the ca. 10% of food production that is traded internationally.

# **Some Challenges to Protection of Consumer Health Resulting from This Shift**

3. Disuse of Codex Acceptance Procedure and de-emphasis on Codex work as a basis for national standards reduces the utility of Codex work to assist governments to protect consumer health.
4. Proposals to substitute notification of SPS measures to the WTO to avoid trade disputes for fuller and more timely use of the Codex Acceptance Procedure provide no fulfillment of the Codex mandate to protect consumer health.

# **Some Challenges to Protection of Consumer Health Resulting from This Shift**

5. Lack of adequate support for the Codex Secretariat impedes effective implementation of the Acceptance Procedure to assist governments in protecting consumer health.
6. Lack of adequate technical assistance for developing countries results in implementation of standards only in selected food export establishments with few, if any, domestic consumer health protection benefits.

# **What Consumers International Is Doing To Address These Challenges**

- Capacity building work to enhance ability of CI member organizations in about 110 countries to intervene in national Codex decision-making and regional Codex meetings
- Participation of CI experts in FAO/WHO workshops to enhance quality of scientific advice provided to Codex and the Food Standards Programme and to improve quality of risk communication to consumers
- Participation of CI in meetings of the Commission, regional Codex meetings, eight committees and two task forces

# Recommendations for Codex reform to protect consumer health

1. Codex should extend formal invitations to international public health organizations to participate in Codex work. The Secretariat should organize orientation sessions for interested officials of these organizations.
2. Codex should renew its work on benchmarking consumer organization participation in national Codex meetings to implement the ‘Core Functions of Codex Contact Points’ in the *Procedural Manual*.
3. FAO/WHO expert consultations should be opened to the public, and should allow for verbal and written questions from the public, and for a comment period on the draft report of the consultation.

# **Recommendations for Codex reform to protect consumer health**

4. Codex should work to revise the Acceptance Procedure, to enhance ease of its use, and to provide the Secretariat with resources to post on its Web site timely information on Member adoption of standards, guidelines and recommendations.
5. Codex should request the WHO, as part of its Global Food Safety Strategy, to commission a study of the consumer health protection impacts of the adoption and implementation of selected Codex standards in selected Member countries. Codex should request Members to fund such a study.

# **Recommendations for Codex reform to protect consumer health**

6. Codex should not make SPS notification to the WTO a criterion for eligibility to apply to the Trust Fund. Requiring such a criterion would not only disqualify at least 23 Codex Members, but make Codex participation subordinate to WTO participation, a bad legal precedent for the United Nations system.
7. Codex should request of FAO and WHO that all Codex recognized observers be invited to participate in the meetings of all Food Standards Programme capacity building activities.

# Concluding Remarks

- The Evaluation Report noted a “stark contrast between developing countries’ stated priorities for development assistance and the volume of voluntary contributions by developed countries which share those priorities” (paragraph 214).
- At a time of increased volume of food trade and trade related migration, when an outbreak of avian influenza could become pandemic in a matter of days, targeted food safety development aid is an urgent public health matter.
- Thank you for your participation in this meeting and support for consumer participation in Codex activities.