

TACD

TRANS ATLANTIC
CONSUMER DIALOGUE

DIALOGUE TRANSATLANTIQUE
DES CONSOMMATEURS

DOC NO. FOOD-3PP-99

DATE ISSUED: SEPTEMBER, 1999

CONSUMER PARTICIPATION IN THE SETTING OF FOOD STANDARDS

(see resolution Food-3-99)

Introduction:

Increasingly, food standards are set at the global level via the Codex Alimentarius Commission. Codex standards have been established ostensibly to facilitate trade as well as to protect consumers, who generally bear the consequences of those standards. The importance of Codex standards has increased significantly since the establishment of the World Trade Organization (WTO). They are used now as a reference point for decisions made by the WTO on international trade disputes.

However, the imbalance at Codex meetings between industry and consumer representation has changed little in line with this new status. Consumer participation at Codex is restricted by a number of factors including limited financial resources, a lack of training and, in some cases, by limited access to documents and to interpretation.

Codex has made efforts to improve the situation in recent years but, despite a commitment to greater consumer representation, we have yet to see what this means in concrete terms. Many key Codex Committees are still not attended by consumer representatives and have very limited consumer input. In particular, consumers do not yet have access to meetings of the Codex Executive Committee. The development of a check-list to monitor progress in this area, a task that the Commission has assigned to the Codex Committee on General Principles, will therefore be crucial. Availability of Codex documents has undoubtedly been improving steadily through use of the Internet, but many consumer organizations still have limited access to the Internet. The EU is to be commended for providing a grant to Consumers International (CI), through which CI is training member NGOs in all regions of the world to participate more actively and effectively in Codex work.

Consumer participation in Codex work at the national level is essential if government positions are to reflect consumers' needs. However, this is somewhat uneven and some nations need to improve the openness of their national Codex process. Such improvements are a focus of efforts under way now within Codex, and deserve strong support.

Although further improvements are still needed within Codex, other international fora lag even further behind. The WTO, and negotiations on the Sanitary and Phytosanitary Standards (SPS) and Technical Barriers to Trade (TBT) Agreements, remain largely inaccessible to consumers. Opening up these processes to consumer participation needs to be a high priority.

Reasons for improving consumer participation:

- Consumers have the right to participate meaningfully in, and be informed of, public decisions affecting them;
- Consumers may contribute essential information or insights relevant to the decision-making;
- Participation by consumers can build public confidence in the decision-making process.

Changes required:

To be effective, consumer participation must be focussed at all the key levels of decision-making. For many areas of food policy this means participation both at the national level, where individual governments' positions are formed, and at the global level, where international consensus positions are worked out. It is also important for consumers to be involved in formulating and amending the rules and procedures of global organizations such as the WTO and Codex. Consumers are now participating in this manner in Codex, and there are opportunities for improving the current situation with respect to the WTO at the review of the WTO in the year 2000.

The basis for decision-making at the WTO and Codex must be open, transparent and subject to review.

Consumer participation in Codex can be improved by:

- attending as observers at all Codex meetings;
- opening meetings of the Codex Executive Committee to observers;
- improving the openness and transparency of the expert committees that advise Codex - JECFA (Joint FAO/WHO Expert Committee of Food Additives) and JMPR (Joint Expert Meeting on Pesticide Residues) - for example, by increasing the transparency of their selection processes and by broadening participation in the identification of members to serve on these important bodies;
- continuing and expanding efforts to enhance consumer participation at national and regional Codex meetings; and
- expanding consumer representation on national Codex delegations.

Sources of funding must be sought to support the participation of independent consumer groups in Codex.

Equivalency agreements and Mutual Recognition Agreements (MRAs):

Consumer participation must also be improved in the development of equivalency agreements and MRAs. The TACD urges the EU and the US to provide consumers with adequate notice of, and an opportunity to comment on, proposed equivalency agreements and MRAs before they are finalized. The Codex standard relating to this matter is insufficient because it does not clearly provide for consumer participation before key governmental decisions regarding equivalency agreements and MRAs are made.

