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JOINT OFFICE: Viale delle Terme di Caracalla 00100 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

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REPORT OF THE FIFTY-FIFTH SESSION OF THE EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

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INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission held its Fifty-fifth Session at FAO Headquarters, Rome, from 9 to 11 February 2005, under the chairmanship of Dr Stuart Slorach (Sweden), Chairperson of the Codex Alimentarius Commission. The meeting was attended by the three Vice-Chairpersons of the Commission and Members of the Executive Committee elected on a regional basis from Asia, Africa, Europe, Latin America and the Caribbean, Near East, North America, and the Southwest Pacific. The Coordinators for Asia, Europe, Near East, the Latin America and the Caribbean and North America and the Southwest Pacific attended as observers. A complete list of participants is given in Appendix to this report.

2. The Session was opened by Mr Hartwig de Haen, Assistant Director-General, Economic and Social Department of FAO. Mr de Haen noted that following the FAO/WHO Evaluation of Codex, a team of international consultants had prepared a preliminary report on the review of Codex Committee structure. He invited the members of the Executive Committee to provide unbiased and far-sighted guidance on this matter so that a revised and improved final report with concrete recommendations to be presented to the next session of the Commission. Mr de Haen also pointed out that, for the first time, the Executive Committee was reviewing the state of overall standard-setting work of the Commission and monitoring its progress. He expressed his hope that this work should lead to the guidance for the Commission on how the available resources could be used for matters of priority by streamlining, where necessary, the work being done by the subsidiary bodies of the Commission. Mr de Haen stressed that the FAO/WHO Project and Trust Fund for Enhanced Participation in Codex had been very successful so far in assisting more effective participation of delegates from developing countries in Codex meetings. He invited the Committee to forward a clear message calling for growing contributions from the current and potential donors to the Trust Fund.

3. Dr Jorgen Schlundt, Director, Food Safety Department, World Health Organization, presented opening remarks on behalf of Dr Kerstin Leitner, Assistant Director-General of WHO. He drew the attention of the Executive Committee to the fact that WHO had identified food safety as a priority area by a landmark World Health Assembly (WHA) resolution on food safety in 2000. The Representative of WHO pointed out that it was very important to align the activities of Codex with general health policy directions given by WHA and noted that Codex should move forward on the three major issues defined by the Codex Evaluation: more focus on health-related matters, more speed in standards setting and more participation of countries in its process. The Representative, referring to a draft WHA resolution prepared by the Executive Board in January 2005, informed the Committee that the WHA in May 2005 would be invited to request the Director-General of WHO to issue guidance on how the Codex Alimentarius Commission could contribute to full implementation of international public health policies within the framework of its operational mandate. This would constitute part of WHO's general advice towards Codex work. Finally, the Representative wished the Committee success in further deliberations.

ADOPTION OF THE AGENDA (Agenda Item 1)¹

4. The Executive Committee agreed to the proposal of the Codex Secretariat to consider a summary on the replies to the Circular Letter regarding the distribution of Codex documents under Agenda Item 9 "Other Business" and agreed to consider Agenda Item 4 before Agenda Item 3. With these changes, it adopted the Provisional Agenda as the Agenda for its Session.

5. The Executive Committee agreed that the team of consultants (Mrs Eve Kasirye-Alemu from Uganda, Mrs Mariam Abdul Latif from Malaysia, Mr L. Robert Lake from the United States, and Mr Grant Meekings from United Kingdom) who were working on the review of the Codex Committee structure and mandates of Codex Committees and Task Forces, would participate in the discussions under Item 2 (c) of the Agenda.

¹ CX/EXEC 05/55/1

STRATEGIC PLANNING OF THE COMMISSION (Agenda Item 2)

(a) Preparation of Strategic Plan 2008-2013²

6. The Executive Committee recalled that the Commission, at its 27th Session, had agreed to initiate the preparation of a new Strategic Plan 2008-2013 and had recommended that the Executive Committee, at its current session, discuss the structure and format of the Plan as well as ways to further proceed with the development of the Plan.

7. The Secretariat introduced to the Executive Committee document CX/EXEC 05/55/2 Part I which contained proposals on the structure and format of the Strategic Plan 2008-2013 as well as the process and timetable for the preparation of the Strategic Plan.

Format and Structure of the Strategic Plan

8. The Committee considered a new Strategic Plan that would comprise three parts: the first part (Part 1) broadly stating Commission-wide objectives, the second part (Part 2) listing achievable outputs covering the areas for priority action by subsidiary bodies, and the third part (Part 3) setting out the working timetables by subsidiary body with the indication of a timeframe for each of the activities being undertaken, planned frequency of meetings of the subsidiary body as well as relevance to the outputs defined in Part 2.

9. The Executive Committee noted the importance of general direction provided at the Commission level, while acknowledging that priorities agreed on at the Committee level should duly be taken account of, especially in Part 2 of the Strategic Plan. It was also pointed out that the Plan, once developed, should guide the work of subsidiary bodies in a useful and practical manner.

10. The Executive Committee further agreed that the third part of the Plan should be regularly updated with appropriate input from the subsidiary bodies and be organised in such a way to facilitate the standards management function of the Executive Committee. The Executive Committee noted that it would be useful if the same part also contained information on the provision of scientific advice associated with specific draft standards or related texts under development.

11. The Committee confirmed that the current Strategic Framework as well as elements of the draft Medium-Term Plan 2003-2007 would provide a useful basis to the preparation of the Strategic Plan 2008-2013.

Process and Timetable for Preparation of the Strategic Plan

12. The Executive Committee generally supported the process and timetable proposed in the working document. The Committee agreed that a working group, comprising the Chairperson and three Vice Chairpersons to be elected by the 28th Session of the Commission, should prepare a preliminary draft of the Strategic Plan, with assistance from the Codex Secretariat, for consideration at the 57th Session of the Executive Committee.

13. The Executive Committee also agreed that in order to ensure early inputs from Codex Members and Observers in the development of the Strategic Plan, a Circular Letter be issued by April 2005 to request comments on areas in which the current Strategic Framework was considered insufficient or needed to be improved or strengthened. The comments received would be used by the working group when elaborating the preliminary draft. The Committee noted that the parent organizations of the Commission could also contribute useful elements to the preparation of the preliminary draft.

14. The Executive Committee further agreed that the comments from the governments as well as Codex Committees should be sought, as appropriate, in the subsequent stages of the development of the Strategic Plan, before the draft Plan be submitted to the Commission for final adoption by 2007.

(b) Implementation of the Joint FAO/WHO Evaluation of the Codex Alimentarius and other FAO and WHO Work on Food Standards³

15. The Committee noted, with satisfaction, the progress being made on the implementation of the proposals from the FAO/WHO Evaluation of the Codex Alimentarius Commission which had been endorsed

² CX/EXEC 05/55/2 Part I

³ CX/EXEC 05/55/2 Part II

by the 26th session of the Codex Alimentarius Commission as presented in the Table 1 and 2 of the working document CX/EXEC 05/55/2 Part II.

(c) Review of Codex Committee Structure and Mandates of Codex Committees and Task Forces⁴

16. The Executive Committee recalled that as a follow up to the Joint FAO/WHO Evaluation of the Codex Alimentarius and Other FAO and WHO Work on Food Standards conducted in 2002 and the ongoing implementation of its recommendations by Codex, a team of consultants had been recruited to conduct a review of the Codex Committee Structure and Mandates of Codex Committees and Task Forces, with a view to formulating recommendations for consideration by the Commission. To assist the work of the consultants, a questionnaire had been sent to the chairpersons of Codex Committees and Task Forces and the host governments. The consultant prepared a Preliminary Report based on the responses to the questionnaire and the information provided by the officers of the Codex Secretariat. The working document presented to the Executive Committee incorporated the Preliminary Report with a number of proposals and recommendations.

17. The Executive Committee noted that on the basis of the guidance provided at the present session of the Committee a Final Report would be prepared and be sent as a Circular Letter to all Codex Members and Observers for comments. The recommendations in the Final Report, in the light of the comments received, would be considered by the 56th Session of the Executive Committee and by the 28th Session of the Commission. To bring necessary changes to the relevant sections of the Procedural Manual, including the Terms of Reference of subsidiary bodies, the Commission would then invite the 23rd Session of the Committee on General Principles (2006) to formulate concrete proposals for revision of the provisions in the Procedural Manual.

18. The Executive Committee further noted that those amendments to the Procedural Manual with no budgetary implications could be implemented once they were approved by the Commission, while other amendments which require budgetary provisions to be made would not be implemented before the 2008-2009 biennium.

General Comments

19. The members of the Executive Committee expressed their appreciation for the work done by the consultants and noted that this exercise was extremely important for the future of Codex. The Committee noted that the Preliminary Report triggered lively discussion at the national level in several countries.

20. The Executive Committee noted various views expressed by members as follows:

- the report did not fully differentiate between the issues relating to the strategic and standards management of Codex and the issues to be resolved mainly through the review of the committee structure and mandates. Several problems currently present would be addressed as and when the management was improved, including the implementation of the strategic management function of the Executive Committee;
- consideration should be given to the relative importance of vertical and horizontal standards, food safety and quality standards, as well as global and regional standards, within the overall Codex strategy;
- factors leading to timely development of standards could be further analysed from the past experiences;
- the proposed increased use of working groups, together with the possible establishment of a number of Task Forces, could be in conflict with the goal to reduce the number of Codex meetings; and
- any options for reorganization should ensure transparency and inclusiveness, particularly from the developing country perspective, and should be accompanied by more detailed analysis of cost implications to Codex members, host governments and the Codex Secretariat as well as the impact on the efficiency and speed of Codex work.

Options for Structural Change

21. Some members expressed concern that the a “super commodity committee” might require a relatively long session with the participation of a large number of experts in a national delegation to cover a variety of technical areas. It was also pointed out that it might be difficult to find a single country to accept to host such a large meeting.

22. In regard to the concept of a Commodity Management Committee and the proposed evolution of the CCFAC towards another Management Committee, concern was expressed that the unique oversight role of the Executive Committee in standards management was in conflict with the proposed role of these Management Committees and that the latter could constitute an additional layer of bureaucracy in Codex. It was also pointed out that it was premature to contemplate changes to the management role of the Executive Committee, since this new role was starting to be implemented.

23. Some members stated consideration could be given the elimination of standards development work carried out by Regional Coordinating Committees, particularly in the light of the increased emphasis being given to world-wide standards in the context of international trade framework. It was also pointed out that proposals to convert regional standards into worldwide standards during the elaboration process sometimes resulted in the overload of technical Committees and delayed the speed of Codex work. These members stated that more resources should then given to the standards development relevant to the protection of public health.

24. Other members stated that Codex should also give due emphasis to the development of food quality standards, including regional standards, to protect developing countries from the dumping of products of inferior quality and to ensure fair practices in food trade, which was part of the stated objective of the Commission.

25. The Executive Committee welcomed the proposal to split the Codex Committee on Food Additives and Contaminants into two subsidiary bodies, one for additives and one for contaminants. Many members supported this recommendation because the agenda and workload of CCFAC were too long and heavy, the two themes required different expertise and approach, and the extensive use of working groups, as currently observed, was not desirable from the transparency point of view.

26. Several members expressed the view that the meeting of Codex Committee Chairs should be formalized in one way or another, since this meeting could provide useful guidance to the Executive Committee in its critical review function. The interaction between Codex Chairs could also facilitate the coordination between Codex Committees, which were jointly involved in the development of a standard. The resource implications of formalising the meeting of Codex Chairs should however been fully analysed.

27. As a reply to certain issues raised by members of the Executive Committee, the consultants expressed their appreciation for the opportunity given to assist in the effort to make Codex more efficient, while noting that this was a challenging assignment. They were under impression that Codex was composed of quasi-autonomous committees which were setting their own agenda and were receiving little oversight from the Commission. Their goal was to propose changes that would result in the Commission which was task-oriented rather than Committee-oriented, with more control and flexibility over its own programme of work.

28. The proposed Commodity Management Committee was not intended to be composed of technical experts, but rather a management body that would identify issues of high priority and would oversee technical work within time limits and prepare terms of reference for ad hoc Task Forces. Such management role could be assumed by the Commission or by the Executive Committee, but in the latter case, consideration was needed as regards transparency and inclusiveness of the process.

Preparation of a Final Report

29. The Committee agreed to request the consultants to prepare a Final Report taking account of the discussion held and in particular the following aspects:

- the impact of any of the options on the workload and other resource questions faced by the Codex Secretariat, the host countries of subsidiary bodies and Codex members particularly developing countries;
- the impact of any options for reorganization on transparency and inclusiveness, particularly from the developing country perspective, and on the efficiency and speed of Codex work.

- exploration of other possible options for reorganization than those contained in the Preliminary Report, with the analysis of their advantages and disadvantages;
- the practical details and implications of the concept of a Commodity Management Committee (e.g. funding, host country, institutional and working relations with the Commission and the Executive Committee, timing and frequency of meetings);
- the role the Executive Committee was expected to play in improving standards management;
- analysis of the factors having positive or negative impact on the productivity and efficiency in different areas of work or in different subsidiary bodies;
- consideration of a half-way option whereby commodity committees be re-organized, without introduction of a super commodity committee or a management committee, by merging existing committees along the lines of natural groupings (e.g. products of animal versus non-animal origin, raw versus processed products);
- the impact of eliminating or reducing the weight of regional standards development;
- the relationship between the number of meetings by working groups and the productivity in standards development;
- more specific recommendations on the work related to methods of analysis and sampling; and
- the Executive Committee's position on splitting the Committee on Food Additives and Contaminants into two committees.

30. The Executive Committee also indicated that it would be useful if the Final Report would contain an executive summary.

CRITICAL REVIEW OF PROPOSALS FOR NEW WORK AND MONITORING PROGRESS OF STANDARDS DEVELOPMENT (Agenda Item 3)⁵

31. The Secretariat recalled that the revised Elaboration Procedure, as adopted by the 27th Session of the Commission, included a critical review of proposals for new work and standard development, and informed the Committee that the review of new work would be presented at the session of the Executive Committee immediately preceding the session of the Commission. The Secretariat introduced the document presenting the status of all Codex standards and related texts in the Elaboration Procedure, with a summary of the main issues, and highlighted the items that had been under discussion for more than five years or that raised specific problems from the viewpoint of standards management.

32. Several members expressed the view that the working document provided a useful basis for discussion as a first step but should state more clearly the reasons for delays in the advancement of draft texts, and provide an analysis of controversial issues. The Committee agreed that the comments of the Chairpersons of Committees and their suggestions on how to resolve the issues would facilitate the critical review and should continue to be sought in the future. The Committee noted that for the present session, comments had been provided by the Chairpersons of the Committee on General Principles and the Committee on Fish and Fishery Products.

33. Several members expressed the view that the critical review should provide guidance to Committees, especially when the same items were discussed for several sessions with no prospect of consensus, in order to avoid a waste of resources of member countries and host countries.

34. The Chairperson noted that several issues would be considered by Codex Committees prior to the 28th Session of the Commission and that it was not necessary for the Executive Committee to discuss these issues in detail at this stage. Some members proposed to discuss some of the main issues on the basis of the information available in the document, and the Committee made the following comments.

35. Some Members pointed out that the questions related to the Code of Ethics for International Trade in Food in the Committee on General Principles were mainly related to the Scope and might be solved if the scope was clarified, following the questions put forward by the 27th Session of the Commission.

⁵ CX/EXEC 05/55/3, CRD 4 (Comments of the Philippines), CRD 6 (CX/EXEC 05/55/3 Add.1: CCFPP work on Sardine and information provided by the Chairperson of CCFPP), CRD 7 (Information provided by the Chairperson of CCGP)

36. Several Members pointed out that the Committee on Food Labelling had been discussing the labelling of foods derived from biotechnology for many sessions without any progress and recommended that the CCFL consider suspending discussion for a period of time or discontinuing work if it could not solve the issue.

37. The Member for North America proposed to consider the problems faced by the Committee on Nutrition and Foods for Special Dietary Uses in the development of some standards during the general discussion on nutrition issues in Codex under Agenda Item 6(c). The Member also questioned the need to adopt revised criteria for work priorities at the next session of the Commission, as the structure and mandate of Codex Committees was under review.

38. The Member for North America further suggested that standards retained at Step 8 for several years might not need to be included in the Agenda of the Commission, unless a member of the Commission specifically proposed to consider this issue.

39. The Member for Europe stressed the importance of expediting the work of the Committee on Food Additives and Contaminants as regards maximum levels for contaminants that had been under consideration for several sessions, and proposed to proceed with the elaboration of the Code of Practice for Quick Frozen Foods that had been delayed for five years.

40. The Committee recalled the importance of adhering to the project document prepared for new work when a standard was developed, but also noted that unforeseen problems might arise in the elaboration process, and that the critical review should provide guidance to Committees in such cases.

41. The Executive Committee agreed to give a general recommendation to Codex Committees to make all efforts to achieve progress on controversial issues, and, if progress was slow or consensus was unlikely to be reached, to consider the following options: redefining or narrowing the scope of the text, concentrating on the areas where consensus could be reached; suspending consideration of the issue for a period of time; or discontinuing the work.

MATTERS ARISING FROM THE REPORTS OF CODEX COMMITTEES AND TASK FORCES (Agenda Item 4)

Matters Referred by the Commission⁶

Antimicrobial Resistance

42. The Executive Committee recalled that the 27th Session of the Codex Alimentarius Commission requested its advice on how to deal with antimicrobial resistance related to non-human use of antimicrobials. It noted that the Codex Secretariat had distributed a Circular Letter 2004/32-EXEC requesting comments on what should be achieved by Codex on the issues of antimicrobial resistance and on the mechanisms that should be used to achieve these outcomes. The responses from Members and Observers underlined the increasing risk arising from the non-human use of antimicrobials due to the widespread use of antimicrobials in livestock, aquaculture and horticulture, and were generally supportive of activities aimed at preventing or reducing antimicrobial resistance. While urging the Commission to undertake work on this matter, they however diverged on which mechanisms should be used by Codex.

43. The Representative of WHO recalled that this issue had already been considered extensively and that the Commission should undertake new work on antimicrobial resistance as a matter of high priority, and pointed out that the establishment of a Task Force would be the most efficient way to expedite work. The Representative proposed that Codex should consider the issues of resistant strains of pathogens; examine current risk assessment policies with a view to determining if additional specific policies are required; and establish, in cooperation with JEMRA, the need for additional risk assessment methodologies. The Representative also informed the Executive Committee that WHO had already implemented some of the recommendations of the two joint FAO/OIE/WHO Experts Workshops on Non-Human Antimicrobial Usage and Antimicrobial Resistance.

⁶ CX/EXEC 05/55/4, CRD 3 (Comments of Japan), CRD 9 (Non Paper on Antimicrobial Resistance from WHO)

44. The Executive Committee noted that Codex subsidiary bodies, such as CCRVDF, CCFH and ad hoc Task Force on Animal Feeding, had looked at certain aspects of antimicrobial resistance within their respective mandate and that there was a need to establish a mechanism to deal with this matter in a consistent and efficient way.

45. The Executive Committee recommended that the Commission adopt the Code of Practice to Minimize and Contain Antimicrobial Resistance prepared by the Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF) and the Guidelines for Cooperation with International Intergovernmental Organizations prepared by the Codex Committee on General Principles (CCGP).

46. Some Members expressed the view that these issues could be addressed more efficiently in the framework of existing Committees, and that the establishment of a separate Task Force was not necessary. Some Members and Coordinators proposed to establish a specific Task Force as this would ensure a more comprehensive and consistent approach to all aspects of antimicrobial resistance. The Committee noted the offer of the Republic of Korea to host the new Task Force if it was established.

47. The Executive Committee strongly supported Codex work on antimicrobial resistance; it recognised that this work should be followed with a holistic approach, should take into account the work already undertaken at national and international level and should be done in close collaboration with the OIE, FAO and WHO.

48. The Executive Committee could not come to a conclusion on the best mechanism to deal with this matter and whether an ad hoc Task Force or a joint Working Group of relevant Codex Committees and Task Forces would be more appropriate. It considered that the establishment of an ad hoc Task Force would imply a formal decision of the Commission and the allocation of additional resources on the Codex budget. However, such decision could be made at the next session of the Commission, thereby ensuring timely initiation of work.

49. The Secretariat indicated that a joint CCFH, CCRVDF, CCPR Working Group could be established based on decisions at the Committee level or by the Commission; and that, once the new work on the basis of project documents had been approved by the Commission, joint meetings of the Committees would be convened to advance the text(s) through the Codex elaboration procedure. Concern was expressed by the Representative of WHO as to the potential time constraints arising from such a process due to the differences in the schedules of the Committees concerned.

50. The Committee agreed that the scope and expected outcome of Codex work on antimicrobial resistance should clearly be delineated before a decision on the procedure be taken by the Commission.

51. The Executive Committee noted the proposals put forward by the Representative of WHO in CRD 9, that included the options for a Task Force and for an inter-committee Working Group, and highlighted the types of work that should be carried out, in particular, identification of specific risk assessment policies; consideration on how to apply risk analysis in this area; development of risk profile; identification of risk assessment needs; and guidance on how to contain the risk. However, it was not possible to discuss the proposals further, due to time constraints.

52. The Executive Committee agreed that the Secretariat, with the contribution of FAO and WHO, would prepare a document containing an analysis of the comments received and the main issues raised, proposals for terms of reference and description of specific work to be carried out; and practical options to achieve this objective, in particular a new Task Force or a inter-committee Working Group, taking into account the proposals presented in CRD 9, for consideration by the next sessions of the Executive Committee and the Commission.

Matters Referred by the Codex Committee on Processed Fruits and Vegetables⁷

Proposed Draft Standard for Soy Sauce

⁷ CRD 5 (CX/EXEC 05/55/4-Add.1)

53. The Executive Committee noted the decision of the 22nd Session of the Codex Committee on Processed Fruits and Vegetables (September 2004) to discontinue work on the standardization of soy sauce while recommending the Executive Committee to entrust this work to the Codex Committee on Cereals, Pulses and Legumes (CCCPL) on the understanding that, before proceeding further with the elaboration of the Standard, the CCCPL should have a full discussion on the need for a Codex Standard for Soy Sauce in the light of the Criteria for the Establishment of Work Priorities⁸.

54. The Executive Committee acknowledged that CCCPL had been adjourned *sine die* although it was currently working by correspondence on the finalization of the draft Codex Standard for Instant Noodles. It also noted the decision of the 27th Session of the Codex Alimentarius Commission (July 2004) to entrust the initial elaboration of similar standards on fermented soybean paste (doenjang) and hot pepper fermented soybean paste (gochujang) to the Coordinating Committee for Asia and if required, finalization by the Codex Committee on Cereals, Pulses and Legumes⁹.

55. The Executive Committee agreed that the Commission should consider, in the first place, whether there was need for continuing to develop a Codex Standard for Soy Sauce. If the answer to this question was affirmative, then the subsequent question on whether to entrust its elaboration to the Codex Committee on Cereals, Pulses and Legumes should be addressed. The Committee noted that possible options included discontinuation of this work within Codex as well as finalization of the draft standard as a regional standard.

56. The Executive Committee decided to consider this matter at its 56th Session of the Committee in the framework of the Critical Review Process. The recommendation of the Executive Committee would be then put forward to the 28th Session of the Codex Alimentarius Commission for final decision. In order to facilitate the discussion at the next session of the Committee, it was agreed that a Circular Letter be issued to seek the views of Codex Members and Observers on the need for the standardization of this product within Codex.

FAO/WHO PROJECT AND TRUST FUND FOR ENHANCED PARTICIPATION IN CODEX (Agenda Item 5)¹⁰

57. The Representative of WHO, while presenting the Annual Report 2004 and the Update on Applications and Funding 2005, noted that 92 participants representing 75 countries, had benefited from the Trust Fund and that priority had been given to Least Developed Countries. The Committee noted with appreciation that several donors had made commitments to provide funds for two or three years, increasing the sustainability of the Trust Fund. The Committee also noted that more funds would be available in 2005, which would facilitate and improve the operation of the Trust Fund.

58. The Coordinator for Latin America and the Caribbean asked for clarification on how frequently the World Bank classification was updated. Supported by the Member for North America, the Coordinator expressed the view that the criteria should be kept under review and proposed to include a list of all applicants and beneficiaries by Codex session in forthcoming reports, in order to obtain a better overview of the needs of countries in this respect. The Representative of WHO clarified that the World Bank classification was updated on a yearly basis and pointed out that the current criteria provided an objective basis for the selection of applicant countries. It was also noted that a more detailed list of applicants and beneficiaries could be provided in the next progress report on the operation of the Trust Fund.

59. Several members stressed the importance of effective participation in the Codex process, that could be assessed by several means such as the feedback provided by the countries as regards their experience in Codex or the comments made by countries on the items under consideration in a Committee. Some Members pointed out that several developing countries encountered serious problems to participate effectively if their experience at the national level in the area of food legislation and food control was limited, due to lack of resources and training; in such case additional capacity building would be necessary to ensure that

⁸ ALINORM 05/28/27, paras 85 - 87.

⁹ ALINORM 04/27/41, paras 95 - 97.

¹⁰ CX/EXEC 05/55/5, CRD 1 (CX/EXEC 05/55/5-Add.1: Update on Applications and Funding 2005), CRD 4 (Comments of the Philippines)

participation in Codex meetings was really useful. It was suggested that in the application, member countries indicate how they would benefit from participation in Codex at the national level. It was also suggested to monitor the impact of participation in Codex meetings on the capacity of the countries concerned as regards Codex matters, and from a wider perspective as regards food legislation and food control systems at the national level. The Member for Africa pointed out that the principle of sustainability in the participation of developing countries should be retained, especially as member states should take over from the Trust Fund.

60. The Representative of WHO indicated that applicant countries were required to describe their expectations in relation to participation in Codex and how it would benefit them at the national level. The Representative confirmed that countries were required to provide a report following each participation in a Codex meeting if they wished to benefit from further support from the Trust Fund; and informed the Committee that all beneficiaries had submitted such reports so far.

61. Some Members proposed to consider the possibility of providing additional training to delegates prior to Codex meetings, possibly with the assistance of host countries. The Representative of FAO indicated that the Codex training package developed by FAO and WHO would be soon available and would be used in several training programmes, especially in conjunction with Regional Coordinating Committee meetings.

62. The Member for Latin America and the Caribbean noted that in the initial Project, three output levels of participation in Codex had been foreseen and asked whether these would be funded in the future. The Representative of WHO indicated that in 2004 only Output level 1 (widening participation) had been funded in view of the difficulties encountered by countries to establish output levels in their request, but that in 2005, it would be possible to apply also for Output level 2 (strengthening overall participation including training) or level 3 (enhancing scientific/technical participation).

63. Some Members drew the attention of the Committee to practical difficulties arising from short time between the approval of their participation and the actual date of the Codex meeting, that had prevented some delegates from participating in Codex meetings due to lack of time to complete practical arrangements. The Representative of WHO indicated that all efforts had been made to extend deadlines in order to allow the participation of as many countries as possible and noted some difficulties with communications in the countries concerned; however, it was expected that these difficulties would be solved as more experience was gained with administrative procedures.

64. The Member for Africa expressed concern with the use of the Codex Contact Point as exclusive channel of communication with the Trust Fund Secretariat as this did not allow for efficient communications to interested officials in some countries, and therefore proposed to use the FAO and WHO channels of communications in addition to the Contact Point. The Chairperson and the Representative of WHO recalled the earlier decision by FAO and WHO that applications should be forwarded by Codex Contact Points and noted that the Consultative Group would consider how to address specific problems that may be faced by individual countries.

65. As regards the coordination at national level, the Representative of WHO recalled that applications were granted only when the country could demonstrate that all concerned ministries, especially the Ministry of Health and the Ministry of Agriculture, had been involved in the selection of the delegate to a Codex meeting.

66. The Executive Committee expressed its appreciation to FAO, WHO and the donor countries for their considerable achievements during the first year of operation of the Trust Fund, and encouraged current and potential donor countries to support the Trust Fund. The Committee recognized the need for feedback from beneficiary countries on their participation and noted that training might be necessary in order to allow some countries to benefit more from participation and to contribute effectively to the Codex process, and stressed the importance of FAO and WHO capacity building activities in this area.

67. The Executive Committee welcomed the initiative of FAO and WHO to hold an information meeting of both donors and beneficiary countries of the Trust Fund in conjunction with the 28th Session of the Commission (July 2005).

OTHER MATTERS ARISING FROM FAO and WHO (Agenda Item 6)**(a) Consultative Process on the Provision of Scientific Advice¹¹**

68. The Representative of FAO, on behalf of FAO and WHO, presented the working document CX/EXEC 05/55/6 Part I to explain the progress being made on the FAO/WHO Consultative Process on the provision of scientific advice to Codex and member countries. The Representative informed that as follow-up activities of the recommendations from the Workshop held in January 2005, FAO and WHO were preparing a Procedural Guideline which compiled all written procedures followed by FAO and WHO in the provision of scientific advice, and a technical workshop to explore the new approaches to enhance the participation of experts and use of data on a more global basis. The Committee was also informed that FAO and WHO were planning an inter-governmental meeting or an expert consultation to finalize the Procedural Guideline for the completion of the review process on the provision of scientific advice by FAO and WHO.

69. The Committee noted the progress made, expressed its appreciation to FAO and WHO and requested to be kept informed of the further progress on the Consultative Process.

(b) Priority Setting of Request for Scientific Advice¹²***Criteria to be Used by FAO and WHO for Prioritization of Requests by Codex for Scientific Advice***

70. The Executive Committee recalled that, at its 53rd Session, it was requested to provide advice to FAO and WHO in order to enable the parent Organizations to better prioritize the requests arising from Codex when organizing expert consultations and/or meetings to provide scientific advice. The Committee had started discussion on the criteria for prioritization; however, it could not conclude the discussion due to lack of time¹³.

71. The Committee considered finalizing the criteria for prioritization on the basis of a proposal contained in CRD 10, summarising the criteria set out in paragraphs 3, 4, 5 and 6 of working document CX/EXEC 05/55/6-Part II. In discussing the set of criteria proposed in CRD 10, the Committee agreed with the first and second criteria, while noting that the criteria were not listed in a hierarchical order. The Committee recognized that not only public health relevance but also food trade relevance should be given consideration when prioritizing the requests for scientific advice. In order that both of these be considered, it was agreed to amend the third criterion to refer to "public health and/or food trade relevance". It was also agreed that reference be made to the needs of developing countries in this criterion.

72. The Committee had an exchange of views on the fourth criterion related to the availability of scientific knowledge and data required to perform risk assessment with a view to providing scientific advice. Some Members referred to the difficulties experienced by developing countries in obtaining and/or producing data to carry out risk assessments. In this respect, the Committee noted that the criteria was meant to reflect the fact that in the absence of base data it would be difficult for FAO and WHO to organise expert meetings to conduct the risk assessment.

73. With regard to the fifth criterion, the Committee agreed that priorities for requesting scientific advice from FAO/WHO should be established by the Codex Alimentarius Commission.

74. Several delegations questioned the inclusion of the sixth criterion, as it could leave aside requests for scientific advice from Member countries without any means to provide extra-budgetary or in kind resources to assist FAO/WHO in the elaboration of scientific advice. It was also pointed out that while funding limitation was an important issue but this was a factor for the decision making by FAO and WHO, rather than a criterion for priority setting for scientific advice. As a result, the Executive Committee agreed to

¹¹ CX/EXEC 05/55/6 Part I

¹² CX/EXEC 05/55/6-Part II, CRD 4 (Comments of the Philippines), CRD 11 (Criteria for Prioritization to be used by FAO and WHO).

¹³ ALINORM 04/27/3, paras 76 - 83.

remove this criterion from the set of criteria, acknowledging that the final decision on the planning and implementation of the activities related to the provision of scientific advice rested with FAO and WHO.

75. The Committee agreed to recommend to FAO and WHO the following set of criteria for the prioritization of requests from Codex for scientific advice:

- Relevance in relation to the strategic objectives and priorities as defined in the Strategic Plan;
- Clear definition of the scope and objective of the request as well as clear indication of the way in which the advice will be used in the work of Codex;
- Significance and urgency to the development or advancement of Codex texts taking into account public health and/or food trade relevance of the issue and the needs of developing countries;
- Availability of scientific knowledge and data required to conduct the risk assessment or to elaborate the scientific advice;
- High priority assigned by the Codex Alimentarius Commission.

Tables 1 and 2

76. The Committee noted a list of Codex requests to FAO and WHO on scientific advice (until November 2004) and other initiatives undertaken by FAO/WHO in relation to the provision of scientific advice as contained in Tables 1 and 2 of CX/EXEC 05/55/6-Part II. Due to time constraints, the Committee did not make specific comments on the Tables.

Financial Situation Related to the Provision of Scientific Advice

77. The Committee was informed of the critical funding situation in relation to the provision of scientific advice especially due to a decrease in the extra-budgetary funding to WHO which will result in a situation where the requests for such advice cannot be met any more. The Executive Committee expressed its concern on this issue in view of the importance of scientific advice for the work of Codex.

78. Recognizing that the provision of scientific advice was critical to progressing the work of Codex related to the protection of consumers' health, the Executive Committee strongly urged FAO and WHO to renew their efforts to provide sufficient ongoing funding through the Regular Programme budget to support the work of JECFA, JMPR, JEMRA and other expert meetings. In the interim, the Committee urged FAO and WHO to seek extra-budgetary funding from Member States for the provision of scientific advice and encouraged Member States to provide such funding. The Committee noted that, in view of the current financial constraints of the parent Organizations, FAO and WHO should explore additional and alternative ways to provide Codex with the requested scientific advice, while ensuring the independence, soundness and neutrality of such advice. The Committee noted that FAO and WHO were considering the opportunity for creating alternative funding mechanisms such as a Trust Fund. The Committee agreed that some flexibility should be allowed for FAO and WHO to employ the most effective means to address requests for scientific advice. Possible options to provide scientific advice in an expeditious way included the convening of meetings of a small group of experts, instead of formal expert consultations.

(c) FAO/WHO Activities relevant to Codex Work¹⁴

79. The Representative of FAO, on behalf of FAO and WHO, informed the Committee about several joint activities, and in particular the forthcoming Regional Fora to be held in 2005; the tools under development as regards Food Safety Risk Analysis; Assessing Food Safety Capacity Building Needs, and Improving Participation in the Work of Codex. The Representative also drew the attention of the Committee to the International Portal on Food Safety, Animal and Plant Health (IPFSAH) developed by FAO in cooperation with other agencies in order to provide information to member countries on official sanitary and phytosanitary measures; and to the on-going work by FAO on the development of normative texts on Good Agricultural Practices, covering plant, animal and fish production.

¹⁴

CX/EXEC 05/55/6 Part III, CRD 8 (WHA57.17: Global Strategy on Diet, Physical Activity and Health)

80. The Coordinator for Latin America inquired about the finalization of the manual on Food Safety Risk Analysis and stressed the importance of this document in order to facilitate current discussions on risk analysis in the Committee on General Principles. The Representative of FAO informed the Committee that it was expected to be finalized in the coming weeks and the Executive Committee encouraged FAO and WHO to proceed with its publication as soon as possible.

81. The Representative of WHO recalled that following the FAO/WHO Expert Consultation on *Enterobacter sakazakii* and other pathogens in powdered infant formula, the Committee on Food Hygiene was currently revising the Code of Practice for Foods for Infants and Children. The Representative stressed the importance of this food safety issue and recalled that the World Health Assembly would consider and probably adopt, in May 2005, a Resolution on infant and young child nutrition addressing the concerns about *Enterobacter sakazakii* and other relevant microorganisms in powdered infant formula.

82. The Executive Committee urged the Committee on Food Hygiene to finalize the revision of the Code of Practice for Foods for Infants and Children, including appropriate microbiological criteria for *Enterobacter sakazakii* and other relevant microorganisms, as a matter of high priority.

83. The Representative of WHO informed the Committee that the new International Food Safety Authorities Network (INFOSAN) had been launched to allow exchange of food safety information and collaboration between food safety authorities. The INFOSAN, which included an emergency component, currently had focal points in 137 countries.

Global Strategy on Diet, Physical Activity and Health

84. The Representative of WHO informed the Committee that the World Health Assembly had adopted the Global Strategy on Diet, Physical Activity and Health in May 2004 through Resolution WHA57.17. The Global Strategy provided a comprehensive set of policy options, and underlined the importance of Codex standards for member countries, especially as regards nutrition and labelling, in order to provide better information to consumers.

85. The Representative also informed the Committee that a report on the implementation of the Global Strategy in Codex had been prepared by a consultant to assist in the discussion within WHO, and was currently under consideration, but that it did not represent WHO policy. The Committee expressed its interest in being informed about the WHO position, when finalized, on the recommendations in the report.

86. The Member for North America, supported by other Members, pointed out that several recommendations of the Global Strategy were directed to member countries and should be implemented at the national level but were not within the mandate of Codex, in particular as regards nutrition education and healthy life styles. The Member noted that this question should be approached carefully in view of the multi-factorial nature of non-communicable diseases, including cultural and life-long dietary patterns and other risk factors, and that Codex work should proceed on nutrition and labelling issues within its terms of reference.

87. The Member for Europe stressed the importance of non communicable diseases and the need for member countries to take measures at the national level to implement the WHA Resolution, and proposed that relevant Codex committees continue addressing the issues related to nutrition and labelling within their mandate. The Member expressed the view that general consideration should be given to how nutrition issues should be integrated into Codex work, while retaining the current mandate of Codex. The Member pointed out that the WHO position, when finalized, would provide orientation to future work in this area and enquired about the FAO position.

88. The Representative of FAO supported further Codex work in the areas relevant to the Global Strategy, especially nutrition and labelling, while noting that such work should not go beyond the Codex mandate.

89. The Executive Committee recognized the importance of a public health approach to the prevention of non-communicable diseases, which called for actions by international agencies as well as national and local governments. The Executive Committee recommended that the Commission continue to give full consideration, within the framework of its mandate, to evidence-based action it might take to improve the health standards of foods consistent with the aims and objectives of the strategy, and agreed that this could

be achieved through the work of the existing subsidiary bodies such as the Committee on Nutrition and Foods for Special Dietary Uses and the Committee on Food Labelling.

90. The Executive Committee also agreed to ask WHO, in cooperation with FAO, to prepare a document highlighting the action that could be taken by Codex, in the framework of its mandate, to facilitate the implementation of the Global Strategy. This document would be considered by the next session of the Commission.

RELATIONS BETWEEN THE CODEX ALIMENTARIUS COMMISSION AND OTHER INTERNATIONAL ORGANIZATIONS (Agenda Item 7)¹⁵

Relation between Codex and ISO

91. The Executive Committee was informed that in accordance with the decisions of the Executive Committee and the Commission, contacts for information exchange were maintained between the Codex Secretariat and ISO since the last session of the Committee. The Committee noted that Technical Committee 34 (Food products) of ISO was currently working on three items of relevance to Codex: food irradiation (ISO/AWI 22810), traceability in feed and food chain (ISO/CD 22519), and food safety management systems (ISO/DIS 22000).

92. The Executive Committee noted that the Codex Secretariat had sent written comments to the Secretariat of ISO/TC 34 regarding ISO/CD 22519 and ISO/DIS 22000 in September and November 2004 respectively to draw the attention of ISO/TC 34 to the existing and on-going work of Codex in the areas in question.

93. The Executive Committee was informed that the General Assembly of ISO had adopted in September 2004 the ISO Strategic Plan 2005-2010, of which Objectives 4 and 5 called for increased collaboration between ISO and intergovernmental standard setting bodies such as Codex.

94. The Executive Committee agreed that contacts should be maintained between the Secretariats of Codex and ISO. It was also agreed that in order to minimise duplication of work and to increase consistency of normative guidance between Codex and ISO, national Codex Contact Points should be encouraged to strengthen communication and coordination with the respective national focal point for ISO.

Relation between Codex and OIE

95. The Executive Committee recalled that the issue of how to strengthen cooperation between Codex and OIE had been discussed in the recent sessions of the Committee and the Commission. In particular, the 27th Session of the Commission reiterated its interest for increased cooperation with OIE, suggested that FAO and WHO initiate discussion in accordance with the recommendation of the 53rd Session of the Executive Committee¹⁶, and requested the Committee on General Principles to finalise the Guidelines at an early opportunity and recommended that the collaboration between Codex and OIE be strengthened also at national and regional level¹⁷.

96. The 21st Session of the Committee on General Principles in November 2004 had finalised the "Draft Guidelines on Cooperation between the Codex Alimentarius Commission and International Intergovernmental Organizations in the Elaboration of Standards and Related Texts" and agreed to forward the Guidelines to the 28th Session of the Codex Alimentarius Commission for adoption¹⁸.

97. Based on the proposals in the working document, the Executive Committee agreed to recommend to the Commission that:

- OIE be encouraged to continue to participate actively in the standard-setting work of the Commission, namely through the work of relevant subsidiary bodies of the Commission;

¹⁵ CX/EXEC 05/55/7, CRD 10 (ISO Strategic Plan 2005-2010), CRD 4 (Comments of the Philippines)

¹⁶ ALINORM 04/27/3 paras 100-104

¹⁷ ALINORM 04/27/41 paras 175-180

¹⁸ ALINORM 05/28/33 paras 82-104 and Appendix VIII

- OIE be invited to regularly submit, to relevant Codex subsidiary bodies, reports on its activities relevant to the work of these subsidiary bodies, while these subsidiary bodies continue to seek ways to improve cooperation with OIE in their respective area of work and inform the Executive Committee of their decisions/recommendations accordingly; and
- OIE be invited to submit a summary report to the regular sessions of the Commission on its activities of relevance to the work of the Commission, including the outcome of the OIE Working Group on Animal Production Food Safety.

98. The Executive Committee further recommended that the effectiveness of cooperative arrangements being made between Codex and OIE as above should be reviewed by the 30th Session of the Commission (2007) with a view to considering if further arrangements would be necessary or desirable, including those provisions mentioned in paragraph 13 of the Draft Guidelines.

99. The Executive Committee also noted some information provided by the representative of the legal counsel of FAO on the relationship between FAO and OIE.

DRAFT PROVISIONAL AGENDA FOR THE 28TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION (Agenda Item 8)¹⁹

100. The Executive Committee noted that the draft Provisional Agenda for the 28th Session of the Codex Alimentarius Commission had been prepared on the basis of a six-day session and that besides the core business of the Commission (adoption of standards and related texts, etc.), there were a number of issues that required substantive discussion, such as the review of the Codex committee structure and mandates of Codex Committees and Task Forces. The Chairperson indicated that best efforts would be made to appropriately allocate time among the various work items. He also highlighted the need to make all efforts to reach the required quorum at the next session of the Commission so that the amendments to the Rules of Procedure be adopted without further delaying the process of implementing the recommendations of the Codex Evaluation.

OTHER BUSINESS (Agenda Item 9)²⁰

101. The Executive Committee was informed of the replies received in response to the CL 2004/38-GEN on the subscription to Codex electronic distribution lists and the distribution of Codex documentation. The Committee noted that replacing paper distribution with electronic documentation would assist in cost-savings and better use of available human and other resources while reducing communication gaps with Codex Members and Observers.

102. The Executive Committee also noted that while an increasing number of Codex members and Observers were considered to have access to Internet, the low response rates to the CL from Codex Members and Observers which did not allow for definite decisions to be taken on the matter at this stage. In view of this, the Committee agreed that the Secretariat should continue to solicit replies from Codex Members and Observers to the questionnaire in the CL. The Committee noted a view that at a certain point of time a default decision to discontinue or reduce paper distribution could be taken in cases where no reply was received. The Committee recognized the need to ensure that any reduction in distribution of printed documents and other associated cost-saving measures should not result in difficulties for developing country members of the Commission.

103. The Committee further noted a set of preliminary recommendations in CRD 2, prepared by the Codex Secretariat based on the replies to the questionnaire. However, due to lack of time, the Committee was unable to consider them in detail. The Committee therefore agreed to revisit this matter at its next Session with a view to elaborating final guidance for consideration by the Commission on the basis of the responses to the questionnaire and their analysis, which would be provided in a working document to be prepared by the Codex Secretariat.

¹⁹ CX/EXEC 05/55/8

²⁰ CRD 2 (Summary for responses to Circular Letter 2004/38-GEN on distribution of Codex documentation).

APPENDIX

List of Participants
Liste des participants
Lista de participantes

CHAIRPERSON

Dr Stuart Alexander Slorach
Deputy Director-General
National Food Administration
PO Box 622
SE-75126 Uppsala
Sweden

Phone: +46.18.175594

Fax: +46.18.105848

Email: stsl@slv.se

VICE-CHAIRPERSONS

Mr Paul Mayers
Acting Director General
Food Directorate, Health Products and Food Branch
Health Canada
Building #7, Room 1110 (0701A5)
Tunney's Pasture
Ottawa, Ontario, K1A 0L2
Canada

Phone:+613.957.1821

Fax: +613.957.1784

Email: paul_mayers@hc-sc.gc.ca

Dr C.J.S. Mosha
Chief Standards Officer (Food Safety & Quality)
Head, Agriculture and Food Section
Tanzania Bureau of Standards
P.O. Box 9524
Dar Es Salaam
Tanzania

Phone: +255.22.245.0206 (mobile: 255.741.32.44.95)

Fax: +255.22.245.0959

Email: cjsmosha@yahoo.co.uk ; info@tbs.or.tz

Dr Hiroshi Yoshikura
Chairperson of Food Sanitary Council
National Institute of Infectious Diseases
1-23-1 Toyama, Shinjuku-ku
Tokyo 162-8640
Japan

Phone: +81.3.5285.1111

Fax: +81.3.5285.1193

Email: yoshikura@nih.go.jp

**MEMBERS ELECTED ON A
REGIONAL BASIS:****AFRICA**

Mr Medi Moungui
Représentant Permanent-Adjoint de Cameroun
auprès de la FAO
Ambassade de la République du Cameroun
Via Siracusa 4-6
00161 Rome
Phone: +39.06.44.03644
Fax: +39.06.44.03644
Email: medimoungui@virgilio.it

ASIA

Mr Noel de Luna
Agricultural Attaché
Embassy of the Republic of the Philippines
Viale delle Medaglie d'Oro, 112
00136 Rome
Phone: +06. 39746717/39746622
Fax: +06. 39740872/9889925
Email: philrepfao@libero.it

EUROPE

Mr Charles Crémer
Directeur
Service Public Fédéral, Santé publique
Sécurité de la chaîne alimentaire
et Environnement
DG Animaux, Végétaux et Alimentation
Service denrées alimentaires, alimentation animale et
autres produits de consommation
Place Victor Horta, 40
Boîte 10
B-1060 Bruxelles
Belgium
Phone: +32.2 524 7371
Fax: +32.2 524 7399
Email: charles.cremer@health.fgov.be

Advisers to the Member for Europe

Mr Niek Schelling
Senior Policy Officer
International Food Safety Matters
National Coordinator of Codex Alimentarius
Ministry of Agriculture, Nature and Food Quality
Department of Food Quality and Animal Health
P.O. Box 20401
2500 EK The Hague
The Netherlands
Phone: +31.70.378.4426
Fax: +31.70.378.6141
Email: n.schelling@minlnv.nl

Mr Nick Tomlinson
Head of Chemical Safety Division
Food Standards Agency
Room 527
Aviation House
125 Kingsway
London WC2B 6NH
United Kingdom

Phone: +44.207.276.8562

Fax: +44.207.276.8513

Email: nick.tomlinson@foodstandards.gsi.gov.uk

LATIN AMERICA AND THE CARIBBEAN

Bióloga Aída Albuerne Piña
Comisionada de Operación Sanitaria
Comisión Federal para la Prevención de Riesgos Sanitarios
(COFEPRIS)
Monterrey 33, Floor 2o
Col. Roma.
06700 Mexico D.F.
Mexico

Phone : +5255.55.14.64.57

Fax : +5255.50.80.50.05

Email: aalbuerne@salud.gob.mx

Adviser to the Member for Latin America and the Caribbean

Lic. Renée Salas Guerrero
Subdirectora Ejecutiva de Operación Internacional
Comisión Federal para la Prevención de Riesgos Sanitarios
(COFEPRIS)
Monterrey 33 – Floor 1
Col. Roma.
D.F. Mexico 06700
Mexico

Phone : + 52.55.5514 8586

Email: rsalas@salud.gob.mx

NEAR EAST

Dr Mahmoud Eisa
President of the Board of Directors and Chairman of the
National Codex Committee
Egyptian Organization for Standardization
16 Tadreeb El - Moderbeen
Amyria
Cairo
Egypt

Phone: +20.2.2845528

Fax: +20.2.2845504

Email: moi@idsc.net.eg

Adviser to the Member for the Near East

Dr Maryam Moustafa Moussa
Minister Plenipotentiary for Agricultural Affairs
Deputy Permanent Representative of Egypt to U.N. Agencies in Rome
Agricultural Office of Arab Republic of Egypt in Rome
Embassy of the Arab Republic of Egypt
Via Salaria 267 (Villa Savoia)
00199 Rome
Italy

Phone: +39.06.8548956

Fax: +39.06.8542603

Email: maryam.moussa@tiscali.it

NORTH AMERICA

Dr F. Ed. Scarbrough
Manager, U.S. Codex Office
Food Safety and Inspection Service
U.S. Department of Agriculture
Room 4861 South Building
1400 Independence Avenue, SW
Washington, DC 20250
U.S.A.

Phone: +202.720.2057

Fax: +202.720.3157

Email: ed.scarbrough@fsis.usda.gov

Adviser to the Member for the North America

Mr Greg Orriss
Director
Bureau of Food Safety and Consumer Protection
Food Safety Directorate
Canadian Food Inspection Agency
159 Cleopatra Drive
Nepean, Ontario, K1A 0Y9
Canada

Phone: +613.221.7162

Fax: +613.221.7295

Email: orrissgr@inspection.gc.ca

SOUTH WEST PACIFIC

Dr Gardner Murray
Australian Chief Veterinary Officer and Special Advisor
Australian Government Department of Agriculture,
Fisheries and Forestry
GPO Box 858
Canberra ACT 2601
Australia

Phone: +61.2.6272.5848

Fax: +61.2.6272.5697

Email: gardner.murray@daff.gov.au

Adviser to the Member for the South West Pacific

Mr Sundararaman Rajasekar
Programme Manager (Codex)
Codex Coordinator and Contact Point for New Zealand
New Zealand Food Safety Authority
PO Box 2835
Wellington
New Zealand

Phone: +64.4.463.2576

Fax: +64.4.463.2583

Email: RajasekarS@nzfsa.govt.nz

OBSERVERS**Coordinator for Asia**

Mr Lee SeoungYong
Deputy Director
Dept. of Food Safety, Food Safety Bureau
Korea Food & Drug Administration

Phone: 82-2-380-1726-7

Fax: 82-2-388-6396

Email: sylee0@kfda.go.kr

Coordinator for Europe

Prof. Milan Kováč
Director
National Focal Point for Codex Alimentarius
Food Research Institute
Priemysel'ná 4
P.O. Box 25
82475 Bratislava 26
Slovak Republic

Phone: +4212-5557 4622

Fax: +4212-5557 1417

Email: milan.kovac@vup.sk

Coordinator for Latin America and the Caribbean

Dr Gabriela Alejandra Catalani
Technical Coordinator of the Codex Contact Point
Dirección Nacional de Mercados Agroalimentarios
Subsecretaría de Política Agropecuaria y Alimentos
Secretaría de Agricultura, Ganadería, Pesca y Alimentos
Paseo Colón 922, Of. 29
1063 Buenos Aires
Argentina

Phone: +54.11.4349.2549

Fax: +54.11.4349.2244/2549

Email: gcatal@sagpya.minproduccion.gov.ar
codex@sagpya.minproduccion.gov.ar

Coordinator for the Near East

Mr Salem Al-Qheiwí
Assistant Director-General
Institution for Standards and Metrology "JISM"
P.O. Box 941287
Amman 11194
Jordan

Phone: +0962.6. 5665276

Email: squheiwí@jism.gov.jo

Coordinator for the South West Pacific

Mr. Lemalu Samau Tate Simi
Chief Executive Officer
Ministry of Commerce, Industry & Labour
Chairman Samoa National Codex Committee
Level 4, ACB House
P.O. Box 862
Apia,
Samoa

Phone: (0685) 20441

Fax: (0685) 20443

Email: itsimi@mcil.gov.ws

WORLD HEALTH ORGANIZATION (WHO)

Dr Jorgen Schlundt
Director
Food Safety Department
World Health Organization (WHO)
20 Avenue Appia
CH-1211 Geneva 27
Switzerland

Phone: +41.22.791.3445

Fax: +41.22.791.4807

Email: schlundtj@who.int

Dr Colin Tukuitonga
Coordinator
Primary Prevention of Chronic Diseases Unit
Department of Chronic Diseases and Health Promotion,
Noncommunicable Diseases and Mental Health (NMH)
World Health Organization (WHO)
20 Avenue Appia
CH-1211 Geneva 27
Switzerland

Phone: +41.22.791.1437

Fax: +41.22.791.1581

Email: tukuitongac@who.int

Dr Angelika Tritscher
Chemical Safety (PSC)
World Health Organization (WHO)
20 Avenue Appia
CH-1211 Geneva 27
Switzerland

Phone: +41.22.791.4348

Fax: +41.22.791.3590

Email: tritschera@who.int

**FOOD AND AGRICULTURE
ORGANIZATION OF THE UNITED
NATIONS (FAO)**

Mr Hartwig de Haen
Assistant Director-General
Economic and Social Department
Food and Agriculture Organization (FAO)
Viale delle Terme di Caracalla
00100 Rome
Italy

Phone: 39-06-570-54110
Fax: 39-06-570-54110
Email: hartwig.dehaen@fao.org

Mr Ezzeddine Boutrif
Chief, Food Quality and Standards Service
Food and Nutrition Division
Food and Agriculture Organization (FAO)
Viale delle Terme di Caracalla
00100 Rome
Italy

Phone: +39.06.570.56156
Fax: +39.06.570.54593
Email: ezzeddine.boutrif@fao.org

Mr Shetty Prakash Sarvotham
Chief
Nutrition Planning, Assessment and Evaluation Service
Food and Nutrition Division
Food and Agriculture Organization (FAO)
Viale delle Terme di Caracalla
00100 Rome
Italy

Phone: +39.06.570.53341
Fax: +39.06.570.54593
Email: shetty.prakash@fao.org

Ms M. de Lourdes Costarrica
Senior Officer, Food Quality Liaison Group
Food and Nutrition Division
Food and Agriculture Organization (FAO)
Viale delle Terme di Caracalla
00100 Rome
Italy

Phone: +39.06.570.56060
Fax: +39.06.570.54593
Email: lourdes.costarrica@fao.org

Mr Antonio Tavares
Legal Counsel
Legal Office
Food and Agriculture Organization (FAO)
Viale delle Terme di Caracalla
00100 Rome
Italy

Phone: +39.06.570.55132
Fax: +39.06.570.
Email: antonio.tavares@fao.org

SECRETARIAT

Dr Kazuaki Miyagishima
Secretary, Codex Alimentarius Commission
Joint FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla
00100 Rome
Italy

Phone: +39.06.570.54390

Fax: +39.06.570.54593

Email: kazuaki.miyagishima@fao.org

Ms Selma H. Doyran
Senior Food Standards Officer
Joint FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla
00100 Rome
Italy

Phone: +39.06.570.55826

Fax: +39.06.570.54593

Email: selma.doyran@fao.org

Ms Noriko Iseki
Senior Food Standards Officer
Joint FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla
00100 Rome
Italy

Phone: +39.06.570.

Fax: +39.06.570.54593

Email: noriko.iseki@fao.org

Ms AnnaMaria Bruno
Food Standards Officer
Joint FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla
00100 Rome
Italy

Phone: +39.06.570.56254

Fax: +39.06.570.54593

Email: annamaria.bruno@fao.org

Mr Jeronimas Maskeliunas
Food Standards Officer
Joint FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla
00100 Rome
Italy

Phone: +39.06.570.53967

Fax: +39.06.570.54593

Email: jeronimas.maskeliunas@fao.org

Mr Yoshihide Endo
Food Standards Officer
Joint FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla
00100 Rome
Italy

Phone: +39.06.570.54790
Fax: +39.06.570.54593
Email: yoshihide.endo@fao.org

Ms Gracia Brisco
Food Standards Officer
Joint FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla
00100 Rome
Italy

Phone: +39.06.570.52700
Fax: +39.06.570.54593
Email: gracia.brisco@fao.org

Mrs Young-Ae Ji
Food Standards Officer
Joint FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla
00100 Rome
Italy

Phone: +39.06.570.55854
Fax: +39.06.570.54593
Email: youngae.ji@fao.org

Mr John Allan
Associate Professionel Officer
Joint FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla
00100 Rome
Italy

Phone: +39.06.570.53283
Fax: +39.06.570.54593
Email: john.allan@fao.org

Mrs Barbara McNiff
Consultant
Joint FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla
00100 Rome
Italy

Phone: +39.06.570.56089
Fax: +39.06.570.54593
Email: barbara.mcniff@fao.org

**Codex Consultants
(item 2(c) only):**

Mr Grant Meekings
6 Parkside
London N3 2PJ
United Kingdom
Phone: +44.0.208346.0364
Email: gmeekings@voila.fr
gmeekings@totalise.co.uk

Ms Mariam Binti Abdul Latif
Principal Assistant Director (Certification)
Department of Islamic Development Malaysia (JAKIM)
Islamic Food & Consumer Goods Research Division
1st Floor, Block D7, Parcel D
Federal Government Administration Centre
62519 Putrajaya
Malaysia
Phone: +03.8886.4126 (Direct)
Fax: +03.8889.4951
Email: mariamlatif@islam.gov.my

Dr Eve Kasirye-Alemu
Senior Consultant & Managing Director
Quality Assurance, Agro-business & Management Consultants
SUSIE HOUSE
Ggaba Road
P.O. Box 9652
Kampala
Uganda
Phone: +256.41.510960
+256.77.550708
Email: ekasiye@utlonline.co.ug

Mr Lloyd Robert Lake
4284 Candlestick Court
Dumfries, VA 22026
United States of America
Phone: +703.670.4898
Email: bobpenlake@worldnet.att.net