

# CODEX ALIMENTARIUS COMMISSION E



**Food and Agriculture  
Organization of  
the United Nations**



**World Health  
Organization**

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - Fax: (+39) 06 5705 4593 - E-mail: [codex@fao.org](mailto:codex@fao.org) - [www.codexalimentarius.net](http://www.codexalimentarius.net)

**ALINORM 10/33/3A**

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME**

**CODEX ALIMENTARIUS COMMISSION**

*Thirty-third Session*

*Geneva, Switzerland, 5 - 9 July 2010*

**REPORT OF THE SIXTY-FOURTH SESSION OF THE  
EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION**

*Geneva, Switzerland, 29 June - 2 July 2010*

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## INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission held its Sixty-fourth Session at WHO Headquarters, Geneva, from 29 June to 2 July 2010. Ms Karen Hulebak (United States of America), Chairperson of the Codex Alimentarius Commission, presided over the session with assistance from the three Vice-chairpersons of the Commission, Mr Knud Østergaard (Denmark), Mr Sanjay Dave (India) and Mr Ben Manyindo (Uganda). A complete list of participants is attached as Appendix I to this report.

2. The Session was opened by Dr Keiji Fukuda, Special Advisor on Pandemic Influenza to the Director-General, WHO. Dr Fukuda said that for over 50 years FAO and WHO had worked together on food safety with an integrated intersectorial approach covering the whole food chain from farm to table. Recent challenges such as globalisation, greater complication of the food chain, climate change and the global financial crisis had increased the need for such cooperation. He noted that the 2010 session of the WHA had passed a resolution on food safety containing a number of points for action (such as technical assistance, scientific estimate of disease burden) and acknowledging the achievements of the Codex system. He noted further that the Codex trust fund assisting developing countries to effectively participate in Codex work had reached the mid-term of its life span and was undergoing an evaluation and advice from the Executive Committee was welcome.

3. Mr Mobido Traore, Assistant Director General, FAO also addressed the session. He said that FAO in the process of introducing results based budgeting in the organisation had renewed its support to Codex and related activities. Member states had unanimously underlined the importance of Strategic Objective D - *Improved quality and safety of foods at all stages of the food chain*, which included among others the Codex Secretariat and the groups dealing with scientific advice and capacity building. He congratulated the Committee on having implemented in its work the function of standards management through the critical review process and said that it was important for Codex to avoid delays in standards development and though the Secretariat study on speed of the Codex process showed that it was overall satisfactory, there were still areas for improvement. He stressed the importance of participation of developing countries and capacity building and thanked the donors to the Codex trust fund for their contributions and WHO for the administration of the fund.

### **ADOPTION OF THE AGENDA (Agenda Item 1)<sup>1</sup>**

4. The Executive Committee adopted the Provisional Agenda as the Agenda for the session with the following additions under Agenda Item 9 (Other business and future work): (a) Study on using machine translations for Codex documents; (b) Outcome of the 2010 retreat for Codex Chairpersons; and (c) Information on proposals for new work in the area of meat hygiene.

### **CRITICAL REVIEW FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS (Agenda Item 2)**

#### **DRAFT STANDARDS AND RELATED TEXTS SUBMITTED TO THE COMMISSION FOR ADOPTION (Agenda Item 2a)<sup>2</sup>**

##### **Part I – Proposed Draft and Draft Standards and Related Texts at Steps 8, 5/8 or 5 Accelerated**

##### **Committee on Fresh Fruits and Vegetables**

###### Draft Standard for Bitter Cassava

5. The Committee noted that all issues had been resolved and that the Draft Standard was ready for adoption at Step 8. As regards the need for scientific advice, the Representative of FAO clarified that cyanogenic glycosides were on the priority list established by the Committee on Contaminants in Foods but that the JECFA Secretariat would not issue any call for data on these substances in 2010 in view of other higher priorities.

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<sup>1</sup> CX/EXEC 10/64/1.

<sup>2</sup> CX/EXEC 10/64/2.

## **Committee on Milk and Milk Products**

### Draft Standard for Fermented Milks

6. The Coordinator for the Near East expressed concern with the decision of the Committee on Milk and Milk Products (CCMMP), which had not agreed to include provisions for ayran and doogh in the standard, or to mention them as examples of drinks based on fermented milks. Referring to the possibility of developing regional standards, the Coordinator explained that a regional standard for doogh was proposed at the 5<sup>th</sup> Session of the CCNEA but the Committee decided to refer it to the CCMMP to study the possibility to include doogh in the Standard for Fermented Milks (CODEX STAN 243-2003). The decision not to include doogh in this standard and the recommendation to re-submit the proposal to the 6<sup>th</sup> Session of the CCNEA was likely to create further delay and duplication.

7. Other members supported the decision of the Committee as the standard had been discussed extensively, the products proposed did not meet the composition requirements of the standard and there were many other types of drinks based on fermented milks.

8. The Executive Committee recognized that the draft standard met the criteria of the critical review, that comments on specific provisions in standards would be addressed by the Commission, and noted that additional standards for ayran and doogh could be developed by the relevant Coordinating Committees.

### **Other standards and related texts**

9. The Committee, recognising that the criteria for the critical review were met, supported the adoption of all other texts submitted by the following Committees:

- Committee on Fresh Fruit and Vegetables
- Committee on Fish and Fishery Products
- Committee on Nutrition and Foods for Special Dietary uses
- Committee on Food Hygiene
- Committee on Food Import and Export Inspection and Certification Systems
- Committee on Methods of Analysis and Sampling
- Committee on Food Additives
- Committee on General Principles
- Committee on Pesticide Residues
- Committee on Contaminants in Foods
- Committee on Food Labelling

### **Part II – Proposed Draft Standards and Related Texts at Step 5**

10. The Committee recommended the adoption at Step 5 of all Proposed Draft Standards and related texts submitted by the following subsidiary bodies:

- Committee on Fresh Fruits and Vegetables
- Committee on Fish and Fishery Products
- *Ad hoc* Intergovernmental Task Force on Antimicrobial Resistance
- Committee on Nutrition and Foods for Special Dietary Uses
- Committee on Methods of Analysis and Sampling
- Committee on Pesticide Residues
- Committee on Food Labelling

### **Other issues**

11. While recalling that linguistic consistency is one of the criteria in the critical review, the Committee discussed how to address corrections in languages other than English.

12. The Secretariat indicated that comments at Step 8 on translation issues would be taken into account in the preparation of the final texts and invited all delegations concerned to provide relevant suggestions.

13. One member noted in a few cases, the translation proposed by Spanish speaking delegations to certain texts in CCFICS had appeared to be in contradiction with existing terminology in the Procedural Manual. The Committee recognized that terminology should be generally consistent throughout Codex and noted that the translation of specific terms in the Procedural Manual might be reviewed if adequate justification was put forward.

14. The Committee welcomed the proposal from the Coordinator for Latin America and the Caribbean to act as a focal point for ensuring an accurate translation into Spanish at the level of the Committees.

### **PROPOSALS FOR THE ELABORATION OF NEW STANDARDS AND RELATED TEXTS AND FOR DISCONTINUATION OF WORK (Agenda Item 2b))<sup>3</sup>**

15. The Secretariat indicated that the document was presented as a Table since project documents were available in the reports of Committees and only the project documents submitted later were presented in full, as was already the case at the 62<sup>nd</sup> Session in 2009. Some members, while recognising the need to save printing costs, expressed the view that it was difficult to refer to other documents and the Committee agreed to return to the previous practice of attaching all project documents to the list of proposals for new work.

16. The Committee considered the proposals for new work and made the following comments.

#### **Committee on Food Labelling**

17. As regards the proposal for new work on organic aquaculture, some members asked for clarification on the nature of this work and the fact that it was the responsibility of the Committee on Food Labelling rather than the Committee on Fish and Fishery Products.

18. The Secretariat recalled that work on organically produced foods was the responsibility of the CCFL because the term "organic" was a labelling claim and that a section on aquaculture developed by the CCFFP was included in the Code of Practice for Fish and Fishery Products.

19. The Committee agreed that new work on organic aquaculture should be developed by the CCFL and that the advice of the CCFFP should be requested in the process as necessary.

#### **Committee on Pesticide Residues**

20. One member questioned the feasibility of the pilot project planned for 2011 in which "JMPR would conduct an independent, parallel review along with a global joint review team and recommend MRLs before national governments establish MRLs" due to the full schedule of JMPR until 2013. The member also noted that some of the substances concerned were also scheduled for evaluation as veterinary drugs. The Representative of WHO confirmed that the JMPR Secretariat was ready to carry out this project and to integrate the review into its programme of work, as agreed during the discussion in CCPR.

#### **Other Proposals for New Work**

21. The Committee agreed to recommend that the Commission approve all items proposed as new work as proposed in the tables in CX/CAC 10/33/7-Rev.1 and CX/CAC 10/33/7-Add.1.

#### **Discontinuation of Work**

22. The Committee agreed to recommend to the Commission to discontinue work on all items as proposed in Table 2 of CX/CAC 10/33/7.

### **FINANCIAL AND BUDGETARY MATTERS (Agenda Item 3)**

#### **CODEX PROGRAMME AND BUDGET (Agenda Item 3a))<sup>4</sup>**

23. The Secretariat informed the Committee that, as mentioned in earlier sessions, FAO had moved in the 2010-11 biennium to a results-based budgeting process, connecting resource allocations to measurable results and presented the new structure of the programme of work and budget in FAO as it applied to the Joint FAO/WHO Food Standard Programme. In the definition of the various elements of the programme of work and budget, the Codex Strategic Plan 2008-2013 was taken into account in order to reflect its goals and activities in

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<sup>3</sup> CX/CAC 10/33/7, CX/CAC 10/33/7-Add.1, CX/CAC 10/33/7-Add.2 .

<sup>4</sup> CX/CAC 10/33/9.

relation to the use of resources. The Committee was informed that the budget for FAO/WHO scientific support to Codex was included in the document.

### **Budget 2008-2009**

24. The Secretariat, while presenting Table 1 *Budget and Expenditure 2008-2009*, explained that the difference between the approved budget and total expenditure was due to additional funds allocated by FAO in 2008, which were intended to establish an additional post. As it was not filled in 2009, the funds were used mainly to increase the language coverage, to prepare publications by thematic areas and to carry out the initial phases of the website redesign. The Tables in Annex 1 showed the detail of expenditure by activity for the biennium, and in addition the breakdown for each calendar year, with an explanation of the differences between some specific expenses, where applicable.

25. The Secretariat highlighted the importance of the contribution of host countries, amounting to a total figure of USD 2,369,197 in 2009.

### **Budget 2010-2011**

26. The Representative of WHO stressed the importance of the link between the Codex programme and scientific advice, highlighted the budget constraints affecting WHO and the expected reduction in the budget in 2012-2013, and recalled that 75% of resources in WHO were extra budgetary. In this perspective, he stressed the importance of using available resources efficiently and to proceed with cost saving measures.

27. The Representative of FAO explained that in the FAO Programme of Work and Budget, Codex and scientific advice were part of the same Organizational Result D01. *New and revised internationally agreed standards and recommendations for food safety and quality that serve as the reference for international harmonization*, which allowed to consider resources as a whole. Budgetary constraints in FAO were also significant, and for this purpose efficiency savings had been implemented in the 2010-2011 budget throughout FAO. As regards Codex, the additional funds allocated in 2008 and intended for an additional post were not made available in 2010-2011 and there was also a reduction in the budget for scientific advice. In order to supplement the limited resources from the Regular Programme for scientific advice, FAO had launched a Strategy for the Provision of Scientific Advice on Food Safety and developed a resource mobilization plan through the Global Initiative for Food-related Scientific Advice (GIFSA) and other mechanisms in place in FAO.

28. The Committee noted the information and expressed its thanks to FAO and WHO for their continuous support to the Codex Programme and the provision of scientific advice.

### **Sessions of the Executive Committee**

29. The Secretariat recalled the background to the current schedule of sessions, as presented in the document, and noted that following the increase from two to three sessions per biennium after 2003, it was not possible for budgetary reasons to hold a fourth session, and therefore some alternative suggestions were put forward, such as holding two intermediate sessions instead of the sessions held before the Commission.

30. Several members expressed the view that it was necessary to hold four sessions in the biennium to allow the Committee to carry out its strategic functions, especially the critical review, and pointed out that when there was no intermediate session, the workload of the committee was very heavy in the following session.

31. In reply to some questions on further savings, such as travel costs, and the possibility for the host countries to carry out the tasks of the Secretariat, the Committee was informed that, as indicated in the budget tables, travel costs had been reduced by more than USD 120,000 between 2008 and 2009, and that cost saving measures were always under consideration and would be reported regularly in the budget document. The Representative of FAO said that they have been trying to contain costs and believe that cutting travel costs would demonstrate that they are trying to use resources effectively.

32. The Representative of WHO pointed out that the number of Commission and CCEXEC sessions had increased since 2003 and that the present schedule of sessions allowed the Committee to carry out its work efficiently and therefore there was no clear argument to justify a fourth session and the corresponding additional expenses.

33. The Committee noted the following proposals in the discussion: in view of the heavy workload of the CCEXEC, holding a shorter session prior to the Commission, which would consider only the critical review and essential tasks but would not discuss other general issues; redistributing the work between the sessions; or holding a longer session prior to the Commission when no intermediate session was held in order to absorb the additional workload.

34. Some delegations noted that these proposals were interesting but that it was not possible at this stage to put forward precise recommendations to the Commission. The Committee therefore agreed that the Secretariat

would prepare a paper considering all possible options for the schedule of sessions, including the costs involved and the possible redistribution of work, for consideration by the next session of the Committee

### **DEVELOPMENT OF A BUSINESS PLAN FOR CODEX (Agenda item 3(b))<sup>5</sup>**

35. The Committee recalled that following a request from the 31<sup>st</sup> Session of the Commission, the 62<sup>nd</sup> and 63<sup>rd</sup> sessions of the Executive Committee had discussed drafts for a business plan for Codex prepared by the Delegations of Australia and New Zealand. The 63<sup>rd</sup> Session of the Executive Committee had invited Australia, New Zealand and the Codex Secretariat with the assistance of FAO and WHO to further develop the business plan concentrating on activities 1.1 to 1.4 of the Codex Strategic Plan, including actual figures, defining performance indicators and including also the contributions from host countries, taking into account comments made at the session and the new FAO budgeting process.

36. The Member from the South West Pacific (Australia) introduced the working document, which had been reviewed, taking into account the previous discussions and noted that it could also be used as a tool for better communicating with FAO and WHO on Codex budgetary needs. They asked the Executive Committee to recommend the plan as an appropriate tool for the budget planning and reporting for the next biennium.

37. The Committee welcomed the revised document and noted additional comments as follows.

38. A member supported the view that the plan should also recognize contributions from member states (as host governments or through secondments).

39. A coordinator suggested including an additional column "previous budget" in the tables in order to facilitate comparison with the previous biennium and discussions on necessary increases or cuts.

40. A member said that the business plan was hierarchically situated beneath the strategic plan and it should be considered how to present the business plan in relation to the strategic plan. While he considered a business plan invaluable for Codex, the member considered there may also be difficulties related to the plan such as setting out under each activity the proportion of the funds spent or the splitting into food safety and quality as Codex texts sometimes encompassed both.

41. The Secretariat said that many activities in the plan corresponded to the figures in the budget and additionally the information received from host governments could be included. The percentages might not be easy to calculate because sometimes at the beginning of the biennium the exact budget codes were not available and the expenditures went into the general code. The figures from the previous biennium could be entered into the plan.

42. The Representatives of FAO and WHO agreed on the value and benefit of Codex having a business plan to promote the programme and give it the necessary visibility to the outside and possibly could attract some additional funding.

43. The Executive Committee agreed with the format of the business plan, the link with the Strategic Plan and decided to recommend to the Commission that the Secretariat would use it in the budget discussions in the next biennium. The Secretariat would complete the plan with relevant figures for the next session taking into account the comments made.

### **IMPLEMENTATION OF THE CODEX STRATEGIC PLAN 2008-2013 (Agenda Item 4) GENERAL IMPLEMENTATION STATUS (Agenda Item 4a))<sup>6</sup>**

44. The Committee reviewed the checklist presented in CX/CAC 10/33/10, noted that many activities were ongoing or would be addressed under other agenda items, and in addition made the comments and recommendations presented below.

#### **Goal 3 (Strengthening Codex Work-Management Capabilities)**

45. It was noted that Activity 3.3 was completed and that some committees had developed specific criteria while other committees considered that the general criteria for priority setting were adequate. In reply to a question on the request made by the 63<sup>rd</sup> CCEXEC to the Committee on Fresh Fruits and Vegetables (CCFFV) and the Committee on Processed Fruits and Vegetables (CCPFV) to reconsider their decision in

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<sup>5</sup> CX/EXEC 10/64/3.

<sup>6</sup> CX/CAC 10/33/10.

this regard, it was noted that these Committees had not met since the last CCEXEC Session (December 2009).

46. The Committee noted that Activity 3.4 *Analyse work management approaches that facilitate advancement of texts in the Codex step process* was addressed under Agenda Item 5 as the study on the speed of the Codex standards also included an analysis of work management approaches for all active Codex Committees.

#### **Goal 4: Promoting Cooperation between Codex and other relevant international organizations**

47. The Secretariat indicated that, as requested earlier by the CCEXEC, the information on cooperation with international organizations was presented according to activities 4.1 to 4.3 in CX/CAC 10/33/12.

48. The Committee, while noting that Activity 4.5 was completed in 2009, recommended that it should be continued and that the questionnaire sent in 2008 on interdisciplinary coordination at the national and regional level should be circulated again for consideration by the forthcoming sessions of Coordinating Committees.

#### **Goal 5 (Promoting Maximum and Effective Participation of Members)**

49. The Representative of FAO informed the Committee that a report on *Options for Enhancing Developing Country Participation in Codex and IPPC Activities*, prepared by a group of consultants at the request of FAO would be available for CAC as CAC/33 INF/10.

50. When considering Activity 5.4 and in reply to questions about FAO and WHO support to Codex focal points and Codex national committees, the Representative of FAO informed the Committee about mechanisms in place in FAO to provide technical assistance, when requested by Member Countries, in support of Codex focal points and Codex national committees and referred to the detailed information on this matter included in paper CX/CAC 10/33/15 Add.1. In addition, a report on FAO activities to build up capacity for effective participation in Codex "*Making the Codex Connection to Food Safety. A report of FAO activities to enhance country capacity*" would also be made available at the Commission.

51. As regards Activity 5.6, the Secretariat provided an update of communication activities, especially the upgrade of the website, a new DVD with Codex videos, and the regular publication of a newsletter which would soon undergo a review asking members and observers what information they would like to see in it.

52. One member suggested that the strategic and business plans also form part of the awareness raising activities.

53. The Committee recalled that audio recording had been introduced some sessions ago for sessions of the CCEXEC and the Commission and discussed whether it had been useful and the recordings were actually consulted in practice. It was noted that this practice was largely in response to the concerns of observers due to the fact that the Executive Committee was not held in public. The Secretariat indicated that a questionnaire on the use and relevance of audio recordings would be distributed to members and observers in order to allow a more informed discussion on this question in the future.

#### **General considerations**

54. The Chairperson pointed out that the Strategic Plan had been in existence since 2008 and therefore the development of the revised Strategic Plan for 2013-2018 should be considered as early as possible, taking into account its link with the budget and the business plan. It was recalled that the present Strategic Plan had been developed in the Executive Committee with input from the Coordinating Committees. The Secretariat proposed to send a circular letter asking for comments on the current plan for consideration by the Coordinating Committees, which would meet from September 2010 onwards. However some members pointed out that it was preferable to put forward a revised document as a basis for discussion, while recognising that the time available for the preparation of a new draft would be very limited as the first regional committee of the biennium (CCNASWP) would meet in September 2010.

55. After some discussion, the Committee recommended that an electronic working group consisting of the Chair and the Vice-Chairs should prepare a questionnaire or a revised proposal for a new Strategic Plan, as feasible, which would be distributed in a Circular Letter for comments and consideration by all Coordinating Committees. The revised proposal would be submitted for consideration to the next session of the Executive Committee.

56. As regards the content of the future Strategic Plan, one member proposed to reduce the list of activities in order to provide clear strategic direction for Codex work.

#### **EVALUATION OF THE CAPACITY OF THE CODEX SECRETARIAT (Agenda item 4(b))<sup>7</sup>**

57. The Committee recalled that the evaluation, prepared by a consultant in accordance with Activity 3.7 (Evaluate the capacity of the Codex Secretariat to perform its function effectively of the Strategic Plan 2008-2013) had been briefly discussed by the 32<sup>nd</sup> Session of the Commission noting that the 62<sup>nd</sup> Session of the Executive Committee had generally supported the recommendations. The Commission had referred recommendations 1 to 10 for further consideration to the 63<sup>rd</sup> Session of the Executive Committee and the 33<sup>rd</sup> Session of the Commission.

58. The 63<sup>rd</sup> Session of the Executive Committee considered the recommendations<sup>8</sup> and generally agreed with Recommendations 6-10 and noted that work on some of these had already been initiated by FAO, WHO and the Codex Secretariat. The Executive Committee requested the Secretariat to provide updated information and work plans for these activities to be available for the 64<sup>th</sup> Session of the Executive Committee and the 33<sup>rd</sup> Session of the Commission. The Secretariat clarified that the Commission would take the ultimate decision on recommendations from the consultants report.

59. In the working document for the Commission the Secretariat presented the state of discussion and updates and clarifications for those items directed to the Secretariat for which work had already started independently (Recommendations 6 to 10).

60. The Committee noted the updates presented by the Secretariat in the document especially on the ongoing work on the upgrading of the Codex website, the ways to improve communication with contact points and integration of data processing into the workflow of the secretariat work.

61. A member noted that concerning Recommendation 6 which included “the timely availability of working documents” there did not seem to be much improvement as especially documents for the present session of the Executive Committee and the 33<sup>rd</sup> Session of the Commission were very late. The member said that all efforts should be made to reduce the number of documents coming out late, as the situation was difficult for developed countries and more so for developing countries. The member proposed that there should be more rigour in the preparation of the documents and if documents did not arrive on time, discussions should be held with the Chair of the Committee and the relevant documents should be taken off the agenda.

62. The Secretariat said that there were two different cases: for the Executive Committee and the Commission the Secretariat prepared many of the papers and tried to meet the deadlines but this was not always possible due to the nature and complexity of some documents such as budget and speed of standards. For documents prepared by countries only the relevant Committee had the authority to delete any item from the agenda if documents were late. The Secretariat mentioned that if the available time was too short comments were not requested.

63. A Coordinator said that for delays in documents or comments prepared by members, the rules should be enforced strictly and no documents should be accepted after the deadline.

64. The Committee noted that while adherence to the rules was important, some flexibility should exist if there was agreement and transparency in the Committee, for example some documents that had not been sent for comments at Step 3 were sent to Steps 5/8 and subsequently adopted by the Commission.

65. The Executive Committee stressed the need to adhere to timelines. In case timelines were not likely to be met the Secretariat should engage in discussions with the Chair. The deadlines set for the submission of comments should be strictly enforced.

#### **STUDY ON THE SPEED OF THE CODEX STANDARD-SETTING PROCESS (Agenda Item 5)<sup>9</sup>**

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<sup>7</sup> CX/CAC 10/33/11.

<sup>8</sup> ALINORM 10/33/3, paras. 63 to 94.

<sup>9</sup> CX/EXEC 10/64/4.

66. The Committee recalled that while discussing the role of private standards at the 32<sup>nd</sup> Session of the Commission<sup>10</sup> the issue of the speed of the Codex standard-setting process was brought up and the Commission had agreed to request the Secretariat to prepare an analysis of the speed of the Codex standard-setting process for consideration by the Executive Committee.<sup>11</sup> The results of the study presented at the 63<sup>rd</sup> Session of the Executive Committee<sup>12</sup> had been that for all work started and completed during the review period (1994 -2008) it took an average of 4.2 years to finalize a text and specifically for food safety standards 3.5 years which showed that the speed of the Codex standard setting process was higher than was generally assumed.

67. The Executive Committee had agreed that the study should be an ongoing process, which could serve as a monitoring tool to the Executive Committee and as information for Codex chairs and had invited the Secretariat to prepare a revised study for its next session and the Commission.

68. The Secretariat introduced the document and said that the analysis of work management approaches by Codex Committees as specified in Activity 3.4 *Analyse work-management approaches that facilitate the advancement of texts in the Codex step process* had been included in this document for all active committees as it was related to the way Committees attempted to expedite their work. The document contained for each of the Committees setting numerical standards an analysis of the speed and for all committees where appropriate an attempt to clarify cases where it takes more than the average time to complete a text. The Annex to the document contained for reference the tables that were used in the previous document<sup>13</sup> to study the speed of Codex.

69. The Committee generally agreed that the study was useful to change the negative perception about the speed of Codex work and also offered a good insight into how different Codex Committees function. It showed that the speed was uneven and therefore it was useful to consider the good practices in Committees that could be recommended Codex-wide. One member suggested it would be helpful if the Secretariat provided a more in-depth analysis of the reasons why some standards move quickly and others get delayed. It was noted that the timely finalization and adoption of Codex standards should be the focus.

70. A Coordinator mentioned that Committees should be urged to adopt specific measures for risk analysis and organization of their work. Members should be encouraged to accept scientific advice when there is a disagreement and to share the outcomes of studies on veterinary drugs.

71. Another coordinator said that it was important to recognize that there were factors outside the control of Codex and related to the nature of the subject and national interests that could delay adoption of texts. He said that it was necessary to keep these issues under control especially when all scientific advice was provided.

72. A member proposed that Committee chairs should be urged to mention any critical issues as early as possible in the critical review so that appropriate steps could be taken.

73. The Committee noted the information contained in the document concerning the work of different Codex Committees and made additional comments and recommendations as follows.

#### **Committee on Contaminants in Foods (CCCF)**

74. The FAO representative stressed the importance of participation of the Joint JECFA Secretary in the discussions on the CCCF working group on work priorities, which permits a better planning of JECFA sessions to provide the scientific advice needed by the committee. The same practice applies with good results in the CCFA and CCRVDF. The Representative mentioned that there were still some issues related to differences in FAO/WHO internal procedures for the authorization of JECFA reports, which could be revised to speed up availability of reports. The Representative also mentioned that FAO and WHO have a mechanism to organize rapid expert meetings and were considering ways how to work electronically.

75. The Committee noted that the CCCF had used creative ways to get speedy scientific advice concerning melamine by using the same rigorous scientific process but with an ad-hoc meeting sponsored by members.

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<sup>10</sup> ALINORM 09/32/REP, paras 246 -271.

<sup>11</sup> ALINORM 09/32/REP, para 271.

<sup>12</sup> CX/EXEC 09/63/8 and ALINORM 10/33/3 paras 98-110.

<sup>13</sup> CX/EXEC 09/63/8.

76. A member mentioned that strict adherence to risk analysis principles and timeliness of scientific advice had allowed the CCCF within a relatively short time to complete a couple of standards already on the agenda and take on new work.

77. Overall the Committee recommended as good practices: involving those responsible for the organization of scientific advice meetings in the working group on priorities; using new ways within the framework of JECFA for scientific advice; strictly adhering to the risk analysis principles; and chairs using all tools available to them for achieving consensus.

#### **Committee on Food Additives (CCFA)**

78. The Committee noted that the CCFA used similar good practices as the CCCF. Work in the CCFA advanced speedily and efficiently but there was still a huge backlog of provisions for consideration for inclusion in the GSFA. The Committee noted that some progress had been made on clearing this backlog by deciding not to look at any provisions that do no longer have a technological justification and encouraged the Committee to look for further innovative ways for this purpose.

#### **Committee on Pesticide Residues (CCPR)**

79. The Committee noted that the CCPR used similar good practices as the CCCF and also noted the innovative approaches the CCPR had tried out or intended to try to increase the speed of adoption of MRLs such as the pilot project on adopting national MRLs as interim MRLs. The outcome had been that rather than adopting interim MRLs, Steps 5/8 could be used for new JMPR MRL proposals, for which there would be no intake concerns identified and the relevant JMPR reports were available by early February. This led to increased speed of the elaboration of MRLs and became the current standard practice of the work for the Committee. Together with the efficient scheduling of JMPR and CCPR meetings this means that MRLs to 95-97% of cases are adopted in less than a year.

80. In order to further increase the speed of adopting MRLs and taking into account that one bottleneck is the availability of data the CCPR intends initiating a pilot project in which JMPR would conduct an independent, parallel review along with a global joint review team and recommend MRLs before national governments or other regional registration authorities establish MRLs.

81. The Committee noted with particular interest that to facilitate decision taking relating to scientific issues, a “concern form” had been introduced by the CCPR in 2006. If a delegation has a concern with advancing a given MRL, this form should be completed one month after the CCPR session, detailing the concern along with a description of the data that will be submitted to substantiate it. JMPR evaluates it and gives its opinion on substantiation of this concern. The introduction of a “concern form” has made CCPR decisions more transparent and has helped to advance a number of proposed MRLs.

82. The Committee was of the opinion that the introduction of a “concern form” or similar mechanism could be recommended to other committees to require those opposing adoption of MRLs or other texts for which scientific advice has been received to substantiate their concern.

#### **Committee on Residues of Veterinary Drugs in Foods (CCRVDF)**

83. The representative of WHO noted that the timing of JECFA and CCRVDF had been scheduled to allow a better coordination to allow advancing MRLs especially as CCRVDF only met every 18 months. The representative said that the JECFA system is unfortunately not supported by some interested parties who do not submit data and that at the moment there were not sufficient requests to hold a meeting of JECFA on veterinary drugs.

84. The Committee noted that though the CCRVDF used similar good practices as the other committees, the advancement of some items was difficult, one of the factors being national legislation.

85. A member noted that the failure of Codex to use scientific data from JECFA in the CCRVDF might discourage data owners to provide more data. The Representative of FAO said that this was an important point to be signalled to the Commission.

86. A member proposed that the CCRVDF refer to statement 4 of the *Statements of principle concerning the role of science in the Codex decision-making process and the extent to which other factors are taken into account* contained in the Procedural Manual: “When the situation arises that members of Codex agree on the necessary level of protection of public health but hold differing views about other considerations, members may abstain from acceptance of the relevant standard without necessarily preventing the decision by Codex.”

87. The Committee recommended to the CCRVDF: to consider using a concern form as is used by the CCPR (see paras 81 to 82); to adhere to the statements of principle concerning the role of science especially statement 4; and to encourage data owners through the respective regulatory authorities to submit data.

88. Following a question by a coordinator it was clarified by the secretariat that the critical review process could not address the problematic cases in the CCRVDF as the critical review at steps 5 and 8 only looked at whether the correct process had been followed which had been the case but then the items concerned were held at the Commission.

#### **Committee on Fats and Oils (CCFO)**

89. The Committee noted that the use of electronic working groups between sessions and in-session working groups had allowed the Committee to make progress on its work.

#### **Committee on Fish and Fishery Products (CCFP)**

90. The representative of the FAO noted that there had been efficient communication and interaction between the CCFFP and CCFH and JEMRA on a number of work items.

91. The Committee noted that the CCFFP had not set specific priority setting criteria but also noted that the workload of the CCFFP was large mainly due to the need to revise old codes of practice and integrate them into the *Code of practice on fish and fishery products* and that a number of items had been initiated prior to the critical review.

92. Some members were of the opinion that it could be useful for the CCFFP to reconsider the need for a specific work management mechanism, which could assist dealing with its workload.

93. The Committee noted the information by the Secretariat that the CCFFP was moving towards completion of the *Code of practice on fish and fishery products*. There had been issues surrounding the definition of scope for some work. In case of standards for bivalve molluscs the CCFFP had asked for a specific expert consultation on biotoxins, which had allowed the finalisation of this standard and shown how the clear formulation of the question had facilitated the work of the risk assessors.

94. The Committee noted that the CCFFP held 6-day sessions in order to manage its workload.

#### **Committee on Food Hygiene (CCFH)**

95. The Committee noted that the CCFH had used since 2005 a *Process by which the Codex Committee on Food Hygiene will Undertake Its Work* to better plan and manage its workload and, as a consequence had increased the speed of preparation of some documents. Some texts had taken longer to develop previously due to their complexity.

96. The FAO Representative informed the Committee that FAO and WHO have provided scientific advice to CCFH and other committees in the last 10 years through JEMRA to facilitate decision-making related to microbiological hazards in food. Some good practices from this interaction include participation of JEMRA Secretariat in the CCFH sessions as well as in working groups, (including the one on establishment of work priorities which also assess needs of scientific advice); preparation of *Guidelines for the risk assessment of microbiological hazards in food* which complement Codex principles on this matter; the preparation of a basic awareness course on microbiological risk assessment (MRA) which has facilitated understanding of the use of MRA results and the development of tools to evaluate the results of measures applied by Codex member countries. To date JEMRA has produced 19 reports/technical documents as well as one web-based tool (Cronobacter in powdered infant formula) and is developing another 2 web-based tools (a) Salmonella and Campylobacter in poultry ; (b) assessment of performance of sampling plans).

97. The Committee recognized the positive impact of interaction with FAO/WHO and timely scientific advice.

#### **Committee on Food Import and Export Inspection and Certification Systems (CCFICS)**

98. The Committee noted the speedy completion of work items made possible through a light agenda and meetings of physical working groups between sessions. The Committee had not developed specific priority setting criteria.

#### **Committee on Food Labelling (CCFL)**

99. The Committee noted that the CCFL in addition to work on food labelling texts was responsible for the development of the *Guidelines on the production and marketing of organically produced foods* (CAC/GL

32-1999). For the latter the CCFL currently considered using a structured process for updating lists of substances. The CCFL had not developed specific priority setting criteria.

100. The Committee noted further that work was progressing with satisfactory speed with the exception of the issue of GM/GE labelling guidelines. In order to attempt to make progress on this issue the Committee will hold a facilitated work session later this year. The amendment to the *General Standard for the Labelling of Pre-packaged Foods* concerning quantitative ingredient labelling had taken longer due to diversity of national legislations and concerns about cost implications.

101. A member mentioned that for labelling, decisions and consensus required taking other factors into consideration such as national food labelling laws, cultural differences and differences in consumer capability to understand labelling provisions. It could be necessary to underpin CCFL decisions with more scientific evidence in the future. Project documents should be examined closely to evaluate if it was likely to find a consensus.

#### **Committee on Fresh Fruits and Vegetables (CCFFV)**

102. The Committee noted that the CCFFV had abolished the priority list as all work had to be in line with criteria for establishment of work priorities. The Committee noted further that in some cases development of standards in the CCFFV had taken longer because of regional differences and the need in accordance with its terms of reference to “consult with the UNECE Working Party on Agricultural Quality Standards in the elaboration of worldwide standards and codes of practice with particular regard to ensuring that there is no duplication of standards or codes of practice and that they follow the same broad format”.

103. The Committee noted that the general recommendation to follow the requirements of the critical review would facilitate work.

#### **Committee on Methods of Analysis and Sampling (CCMAS)**

104. The Committee noted that the CCMAS used the general criteria for the establishment of work priorities. In some cases work on general guidance to members such as in the general guidelines on sampling had taken longer due to the complexity of the work.

105. The CCMAS has used electronic working groups and working groups held immediately prior to the session or in-session, but no physical working groups between the sessions. The electronic working group on the *Proposed Draft Guidelines on Performance Criteria and Validation of Methods for Detection, Identification and Quantification of Specific DNA Sequences and Specific Proteins in Foods* used a new process to carry out its work, through a web-based platform at the initiative of Argentina (one of the co-chairs of the working group) which greatly facilitated the work on the development of a complex document and its timely availability for comments.

106. The work of other committees has also an impact on the work management in the case of CCMAS, as for other committees responsible for endorsement. To facilitate endorsement and reduce the number of methods to be endorsed the CCMAS has developed the criteria approach contained in the Procedural Manual and it would be useful if all committees concerned could follow this approach closely which is not always the case and may lengthen the endorsement process.

107. The Committee recommended that other Committees should: consider the use of the web-based platform for electronic working groups; consider the use of pre-session working groups and follow the guidelines of the CCMAS when sending provisions for endorsement.

#### **Committee on Milk and Milk Products (CCMMP)**

108. The Committee noted that the CCMMP had successfully and at good speed completed its work for the time being and proposed to the Commission to adjourn it.

#### **Committee on Processed Fruits and Vegetables (CCPFV)**

109. The Committee noted that the CCPFV had been reinstated after having been adjourned with the specific task to revise around 50 Codex texts on processed fruits and vegetables and to combine them into general or groups standards where appropriate. Most of the new work on these revisions had been approved before the year 2000 whereas actual work on the texts had started in some cases much later. The workload of the CCPFV was additionally increased by regional standards referred to it for conversion to worldwide standards. The CCPFV has not developed specific priority setting criteria.

110. The Committee noted that the increased and better use of electronic working groups meeting inter-sessions and physical working groups meetings between and immediately prior to the plenary have facilitated the consideration of the standards in plenary, especially by identifying critical issues for the Committee to focus on what could not be resolved at the working group level.

#### **Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU)**

111. The Representative of the FAO said that FAO and WHO were in the process of installing a mechanism with a structure similar to JEMRA in order to give scientific advice to the CCNFSDU. In some cases in the past the missing structure for scientific advice on issues related to nutrition and foods for special dietary uses had led to delays in the work of the CCNFSDU.

112. The Committee noted extensive use of pre-session and electronic working groups by the CCNFSDU.

#### **Conclusion**

113. The Committee concluded that the analysis contained in the working document had been positive, showing that Codex work in general was progressing much better than was the general impression and that this message should be actively communicated to all relevant parties. The Committee concluded further that the analysis had helped to identify work-management approaches of Codex Committees that facilitate advancement of texts in the Codex step process and thus activity 3.4 of the strategic plan could be considered as completed.

114. The Committee recommended to Codex Committees to consider adopting the good practices identified as above in line with activity 3.5 of the strategic plan: "Adopt approaches proven to facilitate advancement of texts in the Codex step procedure by subsidiary bodies not currently using such approaches.

#### **APPLICATIONS FROM INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS FOR OBSERVER STATUS IN CODEX (Agenda Item 6)<sup>14</sup>**

115. The Executive Committee was invited, in accordance with Rule IX.6 of the Rules of Procedure, to provide advice regarding the applications for observer status of international non-governmental organizations having neither status with FAO nor official relations with WHO.

116. The Secretariat introduced the item and said that the Codex Secretariat and the Legal Advisors of FAO and WHO had checked the three applications contained in the working documents and found them complete and receivable.

117. The Executive Committee agreed to recommend to the Directors-General of FAO and WHO to grant observer status to AACC international, the European Food and Feed cultures Association (EFFCA) and the International Federation for Produce Standards (IFPS).

#### **MATTERS ARISING FROM FAO AND WHO (Agenda Item 7)**

##### **FAO/WHO PROJECT AND TRUST FUND FOR ENHANCED PARTICIPATION IN CODEX (Agenda Item 7a)<sup>15</sup>**

118. The Committee noted that the documents on Annual Report and the 13<sup>th</sup> Progress Report and Mid-Term review had been made available very late. The Representative of WHO explained that this was due to the long and complex process in the preparation of the mid-term review and to some administrative issues in the finalisation of data in WHO, and expressed the wish that member countries would still be able to provide their views in order to provide further orientation to the Trust Fund.

#### **Annual Report and the 13<sup>th</sup> Progress Report**

119. The Representative of WHO provided detailed replies to some questions on specific entries in various Tables relating to contribution of countries, eligibility and list of countries graduating from the Trust Fund after certain dates, and the differences between scheduled and actual participation.

120. The WHO Representative noted that the side events during the Commission would allow more detailed discussion of the data presented in the above reports. The Committee agreed to concentrate its discussions on the mid term review. The Committee recognised the need to ensure that information reflected reality to be in a position to make appropriate recommendations.

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<sup>14</sup> CX/EXEC 10/64/5 and Add.1; CRD 1 (AACC); CRD 2 (EFFCA) and CRD 3 (IFPS).

<sup>15</sup> CX/CAC 10/33/14.



### Mid-Term review

121. The Committee recalled that there were three expected outputs of the Codex Trust Fund: 1) widening participation in Codex; 2) strengthening overall participation in Codex; and 3) enhancing scientific/technical participation in Codex.

122. The Administrator of the Codex Trust Fund made a short presentation on behalf of the mid-term review team who had not been able to be present at the CCEXEC. The major findings of the mid-term review were presented:

- The first of the three objectives reached
- Considerable impact in benefitting countries
- Relevance to Codex work
- Efficient and effective implementation

123. These findings formed the basis of the seven recommendations that appear in the mid-term review which were summarized as follows:

1. Focus on objectives 2 and 3
2. Focus on countries most in need
3. Engage other countries in project activities
4. Apply stringent application procedures
5. Stay focused on participation
6. Increase collaboration with other actors
7. Develop monitoring and evaluation.

124. The Representative of WHO explained the process that was foreseen by WHO and FAO to get input and guidance from the CCEXEC and Codex Members on the mid-term review, and the Committee had a general discussion on the recommendations.

125. Some members noted that in view of the difficult financial situation in many countries, it was expected that funding may be reduced and that donor countries should make the funding conditional on specific outcomes. It was also noted that other forms of support such as in-kind contribution could also be considered in the framework of objective 3

126. Some members, referring to recommendation 6, highlighted several regional initiatives, especially the AU-IBAR in Africa, APEC for countries in the Asia and Pacific Region and IICA in the Americas, which provided support for participation and capacity building to countries in various regions with the same purpose as objective 1 and 2 of the Trust Fund.

127. Some members expressed the view that the Trust Fund had achieved considerable results regarding the participation of many countries; it had acted as a catalyser to generate awareness and ensure follow up, with the result that many countries participated even without support. This was complementary to the efforts of FAO and WHO in capacity building, and there was a need for further progress on objective 2. Objective 3 was more difficult to achieve. The importance of coordination with other initiatives at the regional level was highlighted, in order to ensure that the progress made would be consolidated on a long term basis.

128. One coordinator highlighted the role of coordinators to develop awareness and promote participation within their region and the usefulness of active participation in working groups of committees in order to achieve objectives 2 and 3.

129. One member pointed out that not all countries concerned had achieved the first objective and it appeared from the study that they still required support for direct participation so it would be premature to make a general recommendation to move to objectives 2 and 3.

130. In relation to Objective 3, the Representative of FAO drew the attention of the Committee to complementary activities carried out to support to the generation of scientific data at the regional level and highlighted the importance of regional strategic plans in order to define the priorities in each region, that could be taken into account in FAO programmes.

131. Following the general discussion, the Representative of WHO shared the following key questions that were aimed at guiding the discussion of the Committee on the recommendations of the mid-term review to arrive at conclusions which would be forwarded to the Commission.

• **Should there be a shift in emphasis from Objective 1 to Objectives 2 and 3?**

132. One member pointed out that it was the responsibility of countries to decide the type of support they needed according to the three objectives.

133. Some members expressed the view that objective 3 was more adequately addressed through the programmes of FAO and WHO in the area of capacity building related to scientific data. Another member expressed the view that it was not really feasible to achieve objective 3 in many countries due to the lack of scientific research.

134. The Committee generally agreed on the shift from objective 1 to 2 and 3 with the understanding that it should be approached cautiously as participation was still an important aspect, and noted that for objective 2 the quality of participation should be considered. It was also agreed that the Trust Fund should not be used where capacity building was carried out by FAO and WHO.

• **If yes to the above, what is the "niche" for CTF?**

135. In reply to some questions, the Representative of WHO clarified that the role of the Trust Fund in pursuing objective 3 was to provide support that was directly related to participation in Codex work, not to duplicate other initiatives and programmes.

• **Should there be a mechanism to continue to support physical participation for those who need it most (including graduates who cannot sustain participation)?**

136. Some members pointed out that this was a critical point as a number of countries still required support although they had graduated from the Trust Fund as they did not meet the criteria for eligibility in terms of income per capita, but could not fund their own participation, for example due to the small size of their economies.

137. One coordinator proposed that in such cases, consideration should be given to partial support, such as travel costs only, or other modalities that would still allow these countries to participate in Codex meetings. The Representative of WHO indicated that the criteria could be applied in a flexible manner to provide support to those countries that most needed it.

138. The Committee noted a proposal to consider additional criteria to evaluate the need for support, such as the sanitary situation in the country and the history of participation in Codex.

139. The Committee agreed that the criteria should be applied in a flexible manner to evaluate if countries needed support even if they had graduated, in the perspective of achieving objective 2.

• **Should there be re-consideration of the criteria for allocation of support?**

140. Following the discussion on the previous question, the Committee noted that the current criteria to classify the groups of countries were UN criteria and should not be changed but that additional criteria should be developed to take into account the needs of the countries, as explained in the above question.

• **Should the lifespan of the Codex Trust Fund be extended?**

141. One member pointed out that as long as no data were provided on the evaluation of effective participation, no decision should be taken on the extension of the Trust Fund.

142. Another member pointed out that members with large economies might still need trust fund support and additional criteria were needed to select participants according to their competence and past experience or planned responsibilities. However, the Representative of WHO cautioned against this approach as the main aspect to be considered was the relevant responsibility of participants within their government.

143. The Committee agreed that there was most likely going to be a need for Trust Fund support in the future but more consideration should be given to the evaluation of the participation of countries before making any specific recommendation on the extension of the lifespan of the Trust Fund and that such an evaluation should be carried out well in advance of the end of the project.

144. The Committee agreed to forward its recommendations to the Commission and noted that the mid-term review would also be forwarded for consideration to meetings of the Coordinating Committees in order to take into account the view of the regions.

#### **MATTERS ARISING FROM FAO AND WHO: CONSIDERATION OF REQUESTS FOR SCIENTIFIC ADVICE (Agenda Item 7b))<sup>16</sup>**

145. The Representative of FAO, on behalf of both organizations, introduced the paper CX/CAC 10/33/15 and called the attention of the committee to the status of requests for advice submitted to FAO/WHO by Codex and member countries, expressing the recognition of both organizations to experts, institutions and donors which have been collaborating in the implementation of the activities described. In replying to a question regarding the status of GIFSA, the Committee was informed that in the case of the FAO component, the organization has received by now approximately US 500,000 to support activities of provision of scientific advice and this has permitted to release some funds from FAO regular programme to support collection and analysis of data at regional level.

146. The Representative made reference to document CX/CAC 10/33/9, paragraphs 41 to 47, which describes the FAO/WHO budget for scientific advice in more detail.

#### **DRAFT PROVISIONAL AGENDA OF THE 34<sup>th</sup> SESSION OF THE CODEX ALIMENTARIUS COMMISSION (Agenda Item 8)<sup>17</sup>**

147. The Committee noted that the Draft Provisional Agenda for the 34<sup>th</sup> Session of the Commission was presented in accordance with Rule VII.1 of the Rules of Procedure. The Committee was informed that the duration of the session would be six days (from 4 to 9 July 2011) and that it would be held in Geneva as the FAO Conference was scheduled to be held concurrently in Rome.

148. The Committee agreed with the Draft Provisional Agenda and noted that the final Agenda would be prepared by the Directors-General of FAO and WHO.

#### **OTHER BUSINESS AND FUTURE WORK (Agenda Item 9)**

##### **Machine translation systems for use in Codex<sup>18</sup>**

149. The Committee recalled that the 32<sup>nd</sup> Session of the Commission had agreed that the United States, supported by Finland, Argentina and India would explore electronic translation tools for use on an experimental basis and undertake a comparison of documents translated manually against those translated with translation software. A report was requested for the 33<sup>rd</sup> session of the Commission through the 64<sup>th</sup> session of the Executive Committee<sup>19</sup>.

150. The member from North America (United States) introduced the document and recalled that the proposal had come up in the context of discussing timely distribution of documents. There were different machine translation systems on the market in many cases with translation memories making the software capable to learn from previous translations and subsequent corrections. No system operated without human interaction because translated texts needed to be proofread and edited and the corrections fed back into the system to make it improve. The system built and used by the Pan-American Health Organization (PAHO) had been identified as a leader with well-developed dictionaries in English, Spanish and Portuguese and it was this system that had been used for the test. PAHO had indicated that the productivity of their official translators had increased as much as 3-fold using the system. The member suggested that the Codex Secretariat could further consider the system noting that not all systems are adapted to all languages to the same degree. The member said further that while no single system could possibly satisfy presently the need of Codex because of multiple languages the technology was quickly improving and even if only some languages were included this could take the pressure off those and leave more time and resources for translating other languages. The PAHO system was probably the best system presently available.

151. The Committee welcomed the document in general and considered that it was worthwhile examining the usefulness of machine translations for Codex further. The following remarks were made in the debate.

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<sup>16</sup> CX/CAC 10/33/15.

<sup>17</sup> CX/EXEC 10/64/6.

<sup>18</sup> CRD 4 (United States, Finland, India and Argentina).

<sup>19</sup> ALINORM 09/32/REP, para 194.

152. A member stressed the importance of having a terminology database and glossary and noted that even in the same language region (Arabic) it had been difficult to find agreement on the use of some scientific terminology.

153. A member mentioned that while machine translation was interesting and most likely already used by some translators hired by host governments to Codex committees, it was necessary for the Codex secretariat to examine the rules and restrictions that existed in the UN system.

154. Another member said that the annexes to CRD 4 showed that the translations were of a fairly good quality given that they had not been edited or corrected after the machine translation and if the system could be taught the specific language used by Codex it could become a very useful tool or example to provide rough translations of CRDs which otherwise would only be available in the original language. The member recognized that translations would not be perfect but it was the responsibility of those who use them to do so in an appropriate way.

155. A coordinator said that in most cases delays in documentation were not due to translation speed but to late availability of the original document. Nevertheless it could be interesting to test the PAHO system in the CCLAC as it would be compatible with the languages and would give the possibility to compare the machine translation with the official translation provided by FAO services.

156. A member mentioned that if a test was made in CCLAC it should be ensured that the differences in the use of the language in different Spanish speaking countries would be taken into account.

157. The Representative of FAO mentioned a number of errors in the example translations and cautioned that a quality control was always needed as had been the experience of FAO when using the PAHO system for the translation of a JEMRA document some time ago. The Representative mentioned that the value of official translations was that they have retained a dictionary of terms. A test of a machine translation system should include a cost and quality analysis.

158. The team leader, WHO Spanish translation, said that PAHO's machine translation programme had been used for years as an option in the section. Time could be gained, but would again be lost in the effort needed for revision of the machine translated document and the input of corrections into the system to improve it.

159. The Secretariat said that it was clear that a machine translation system could not replace the need for quality control and revision by official translators but if the system was trained this could lead to increase their efficiency and work output and reduce the need for outsourcing and reduce costs as the prices for revisions of texts were different than those for translation. Such a system might also be offered to Codex members who consider hosting a Codex Committee but who lack the financial resources to pay for translations.

160. The Representative of the Legal Counsel of WHO suggested the official translation services be consulted on the matter under discussion.

161. The Committee agreed to recommend: to pursue examining the possibilities offered to Codex by machine translation; to conduct a pilot study during the session of CCLAC in which translations would be done in parallel by the official translators provided by FAO and the PAHO system and an evaluation of the results would be conducted by the Codex secretariat in cooperation with the translation services of FAO; based on the results of the pilot study FAO, WHO and the Codex Secretariat would explore options how machine translation could be used for the translation of Codex texts, analysing the costs and benefits of applying the technology to the range of languages used in Codex and present the analysis to the 65<sup>th</sup> Session of the Executive Committee and the 34<sup>th</sup> Session of the Commission.

### **Outcome of the 2010 Retreat for Codex Chairpersons**

162. The Chairperson informed the Committee that the Chairs' retreat in April 2010 had focused on building negotiation skills to assist Codex delegations and to develop mediation skills for chairs as they help delegations to build consensus.

163. The Chairperson gave an update on the outcome of the retreat. Four recommendations were made by the chairs: (1) The Codex Secretariat should post on the Codex website new software to facilitate electronic working groups as an option for Codex committees to use; (2) FAO/WHO should produce a manual that would include advice for delegations on how to negotiate and for chairs on how to mediate; (3) The need for chairs to use the option of "Friends of the Chair" to move issues forward and request that the Codex

Secretariat make certain that chairs know that they have this option; and (4) To ask the Commission through the Executive Committee to consider different options for physical working groups (see paras 163 to 175).

### **New Options for Physical Working Groups**

164. One of the issues discussed in the Chairs' retreat concerned the large size that physical working groups frequently attain, and the relative lack of developing country participation. As a possible approach to improving this situation, the Chairs suggested that the CCEXEC consider asking the Commission to request that the CCGP take up new work to explore possible options.

165. The possible options could include:

- Limiting the number of participants in physical working groups (pWGs) by requiring that membership be restricted to two or three relevant experts from each of the Codex Regions (This provision would limit the total number of working experts in a group to a much more practical limit of 12-18 members, instead of 30-50 members)
- Develop a mechanism that would ensure Codex trust Fund support for developing country representatives to working groups organised along these lines. (This provision would ensure developing country participation, as at the present time, it is a stated goal but nothing is done to ensure that it occurs.)
- Develop a set of expected responsibilities that would apply to the expert representatives from the various regions to the countries in their region. For example, working group experts could be expected to circulate draft working group documents for comments to countries in their region. (This provision would ensure that the process remains as transparent as the present process)

166. The Committee agreed that consultations within the regions should be held through the coordinator.

167. The Chairperson indicated that these options would not replace the current provisions applicable to physical working groups but complement them while respecting the Codex principles of openness, inclusiveness and transparency.

168. Some members expressed the view that the large size of working groups was not really a problem, as it reflected transparency and many delegations wished to participate. The Chair pointed out that while many countries generally wished to participate, in practice they did not always find it possible to attend the working groups

169. One member pointed out that according to his experience as Chair, it was useful to follow the discussions of working groups and to hear a wide range of opinions, including those of NGOs, when there was a large participation so as to be prepared for the discussion in the plenary.

170. Other members expressed the view that sometimes working groups did not achieve their purpose of expediting work as the large number of participants prevented real progress. The Committee also noted that there were differences between committees in the size of the working groups, according to the subjects covered, for example when the issue was very technical participation was more limited.

171. One member suggested to consider the practices of OIE, IPPC, ISO and other relevant organisations.

172. As regards the proposed new arrangements, some questions were put forward as to the possible participation of observers (countries or organisations); the process for the selection of participants; the meaning of the term "experts" as in Codex meetings participants were representative of governments; whether electronic working groups would also be used. Some concern was also expressed that regional representation could result in lack of balance between developed and developing countries.

173. The Committee had an exchange of views on the process, as this was a procedural issue which should be addressed by the Committee on General Principles, but it was not decided as yet whether the Committee would meet in 2011.

174. The Secretariat suggested that if this was submitted to the CCGP, according to the usual practice, the Secretariat and the Legal Offices of FAO and WHO could prepare proposals for inclusion in the Procedural Manual.

175. Some members pointed out that in view of the differences between committees as to the size and operation of working groups, it may be premature to undertake a review of procedures without more evidence as to the real issues with participation in working groups.

176. The Committee agreed with the proposal of one coordinator to forward the above options to the Coordinating Committees, especially as the proposed process referred to the involvement of regional representatives.

177. The Committee agreed that a survey should be carried out through a letter to Committee Chairs to collect information about their experience with physical working groups. The Committee recommended that the Commission ask the Committee on General Principles to consider new options for physical working groups. If the CCGP did not meet in 2011, the Committee proposed to consider this question at its next session, on the basis of a discussion paper that would be prepared by electronic consultation by the Chair and Vice-Chairs and other interested members of the CCEXEC, involving committee chairs as required, and taking into account the discussions held in the regional Committees. The next session of the Committee would present its recommendations to the Commission who could then ask the Committee on General Principles to consider new options for working groups.

#### **New work in CCFH**

178. The Coordinator for Europe informed the Committee that the European Union and New Zealand would propose new work in the area of meat hygiene for consideration at the next session of the Codex Committee on Food Hygiene.

## APPENDIX I

**LIST OF PARTICIPANTS  
LISTE DES PARTICIPANTS  
LISTA DE PARTICIPANTES****CHAIRPERSON**

Dr Karen L. Hulebak  
Chief Scientist  
Office of Food Safety  
U.S. Department of Agriculture  
1400 Independence Avenue  
Whitten Bldg Rm412A  
Washington, DC 20250 - 3700  
U.S.A.

**Phone:** +202.690.5074

**Email:** [karen.hulebak@fsis.usda.gov](mailto:karen.hulebak@fsis.usda.gov)

**VICE-CHAIRPERSONS**

Mr Ben Manyindo  
Deputy Executive Director  
Uganda National Bureau of Standards  
P.O. Box 6329  
Kampala  
Uganda

**Phone:** +256 414 505995

**Fax:** +256 414 286123

**Email:** [ben.manyindo@unbs.go.ug](mailto:ben.manyindo@unbs.go.ug);  
[benm552000@yahoo.co.uk](mailto:benm552000@yahoo.co.uk)

Mr Sanjay Dave  
Director  
Agricultural and Processed Food Products Export  
Development Authority (APEDA)  
Ministry of Commerce  
Government of India  
NCUI Building, 3 Siri Institutional Area  
August Kranti Marg, Hauz Khas  
New Delhi – 110016  
India

**Phone:** +91 11 26513162

**Fax:** +91 11 26519259

**Email:** [director@apeda.com](mailto:director@apeda.com)

Mr Knud Østergaard  
Head of Division  
Danish Veterinary and Food Administration  
Mørkhøj Bygade 19  
DK-2860 Søborg  
Denmark

**Phone:** +45 33956120

**Fax:** +45 33 956001

**Email:** [koe@fvst.dk](mailto:koe@fvst.dk)

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

Mr Ousmane Touré  
Secrétaire General  
BP 232  
Koulouba  
Bamako  
Ministère de la Santé  
Mali

**Phone:** +223 20223783  
**Fax:** +223 20220747  
**Email:** [oussou\\_toure@hotmail.com](mailto:oussou_toure@hotmail.com)

**Advisers for Member for Africa**

Mr Delphin Mwishu Kinkese  
Chief Environmental Health Officer  
Food Safety and Occupational Health  
Ministry of Health  
PO Box 30205  
Lusaka  
Zambia

**Phone:** +260 211 253040/5  
**Fax:** +260 211 253344  
**Email:** [dmkinkese@gmail.com](mailto:dmkinkese@gmail.com)

**ASIA**

Dr Hiroshi Yoshikura  
Adviser Department of Food Safety, Pharmaceutical and Food Safety  
Bureau  
Ministry of Health, Labour and Welfare  
1-2-2, Kasumigaseki,  
Chiyoda-ku, Tokyo 100-8916  
Japan

**Phone:** +81-3-3595-2326  
**Fax:** +81-3-3503-7965  
**E-mail:** [codexj@mhlw.go.jp](mailto:codexj@mhlw.go.jp)

**Adviser for Members for Asia**

Dr Yukiko Yamada  
Deputy Director-General  
Food Safety and Consumer Affairs Bureau  
Ministry of Agriculture, Forestry and Fisheries  
1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo  
100-8950  
Japan

**Phone:** +81-3- 3502-8095  
**Fax:** +81-3-3502-0389  
**Email:** [yukiko\\_yamada@nm.maff.go.jp](mailto:yukiko_yamada@nm.maff.go.jp)

**EUROPE**

Michael Wight  
Head of Food Composition and Labelling  
Food Standards Agency  
Aviation House  
Area 5C  
125 Kingsway, London,  
WC2B 6NH, UK

**Phone:** +44 207 276 8483  
**Fax:** +44 207 276 8193  
**E-mail:** [Michael.wight@foodstandards.gsi.gov.uk](mailto:Michael.wight@foodstandards.gsi.gov.uk)

**Advisers to the Member for Europe**

Ms Carl Berthot  
Head of Office  
FPS Health, Food Chain Safety and Environment,  
Directorate-General for Animals, Plants and Foodstuffs,  
Division Food, Feed and other consumption products Eurostation  
Block II - Floor 7 -  
Office 07D325  
Victor Horta Square 40  
PO Box 10, 1060  
Brussels

**Phone:** +32(0)2/524.73.51 or 52  
**Phone Pers:** +32(0)2/524.73.69  
**Fax:** +32(0)2/524.73.99  
**E-mail:** [Codex.be@health.fgov.be](mailto:Codex.be@health.fgov.be)

Ms Luisa Aguilar Zambalamberri  
Subdirector-General for Food Risk Management,  
Spanish Food Safety and Nutrition Agency  
C/ Alcalá 56  
28071 Madrid  
Spain

**Phone:** +3491 33 80429  
**Fax:** +3491 33 80169  
**E-mail:** [maguilar@msps.es](mailto:maguilar@msps.es) ;

**NEAR EAST**

Dr Yassen Muhib Khayyat  
Director General  
Head of Jordan National Codex Committee  
Jordan Institution for Standards and Metrology (JISM)  
P.O. Box 941278  
Amman 11194  
Jordan

**Phone:** +962 6 5301231  
**Fax:** +962 6 5301235  
**Email:** [ykhayat@jism.gov.jo](mailto:ykhayat@jism.gov.jo)

**Adviser to the Member for Near East**

Dr. Mahmoud A. Al-Zu'bi  
Director General Assistant for Surveillance Affairs  
Director of Standardization Department  
Jordan Institution for Standards and Metrology (JISM)  
P.O. Box 941278  
Amman 11194  
Jordan

**Phone:** +962 6 5301236  
**Fax:** +96265301249  
**E-mail:** [mzoubi@jism.gov.jo](mailto:mzoubi@jism.gov.jo)

**NORTH AMERICA**

Ms Karen Stuck  
US Codex Manager  
Room 4861 South Budg.  
U.S. Department of Agriculture  
12<sup>th</sup> and Independence S.W.  
Washington, DC 20250  
U.S.A.

**Phone:** +202 720 2057  
**Fax:** +202 720 3157  
**Email:** [karen.stuck@osec.usda.gov](mailto:karen.stuck@osec.usda.gov)

**Advisers to the Member for the North America**

Dr. Samuel Godfroy  
Director General, Food Directorate  
Health Products and Food Branch  
Health Canada  
251 Sir Fredrick Banting Driveway  
Postal Locator 2202E  
Tunney's Pasture  
Ottawa, ON K1A 0K9  
Canada

**Phone:** +613 957 1821

**Fax:** + 613 957 1784

**E-mail:** [samuel.godefroy@hc-sc.gc.ca](mailto:samuel.godefroy@hc-sc.gc.ca)

Ms Barbara McNiff  
Senior International Issues Analyst  
U.S. Codex Office  
Room 4861  
U.S. Department of Agriculture  
15<sup>th</sup> and Independence S.W.  
Washington, DC. 20250  
USA

**Phone:** +1 202-690-4719

**Fax:** + 1 202-7203157

**E-mail:** [Barabara.McNiff@fsis.usda.gov](mailto:Barabara.McNiff@fsis.usda.gov)

**SOUTH WEST PACIFIC**

Ms Ann Backhouse  
Manager, Codex Australia  
Australian Government Department of Agriculture,  
Fisheries and Forestry  
GPO Box 858  
Canberra ACT 2601  
Australia

**Phone:** + 61 2 62725692

**Fax:** + 61 2 62724389

**Email:** [ann.backhouse@daff.gov.au](mailto:ann.backhouse@daff.gov.au)

**Adviser to the Member for the South West Pacific**

Mr Raj Rajasekar  
Senior Codex Manager  
New Zealand Food Safety Authority  
PO Box 2835  
Wellington  
New Zealand

**Phone:** +64 4 894 2576

**Fax:** +64 4 894 2583

**E-mail:** [raj.rajasekar@nzfsa.govt.nz](mailto:raj.rajasekar@nzfsa.govt.nz)

Dr. Paul Brent  
Chief Scientist Food Standards  
Australia - New Zealand  
55 blackall st  
Barton, Act 2601  
Canberra  
Australia

**Phone:** +612 62712215

**E'mail:** [paul.brent@foodstandards.gov.au](mailto:paul.brent@foodstandards.gov.au)

**COORDINATOR FOR AFRICA**

Professor S. Sefa-Dedeh  
Dean, Faculty of Engineering Sciences  
Univeristy of Ghana  
Legon  
Accra  
Ghana

**Phone:** +233 27 7553090  
**Fax:** +233 21 517741  
**Email:** [sefad@ug.edu.gh](mailto:sefad@ug.edu.gh)

**COORDINATOR FOR ASIA**

Bambang Setiadi  
Head of National Standardization of Indonesia  
as Chairman of National Codex Committee  
Manggala Wanabakti Block IV Fl. 7  
Jl. Jend. Gatot Subroto, Senayan, Jakarta 10270  
Indonesia

**Phone:** +62 21 5747043  
**Fax:** +62 21 5747045  
**Email:** [sps-2@bsn.or.id](mailto:sps-2@bsn.or.id)

**COORDINATOR FOR EUROPE**

Prof. Krzysztof Kwiatek  
Head Department of Hygiene of Animal Feed  
National Veterinary Research Institute  
57 Partyzantow Avenue  
24-100 Pulawy  
Poland

**Phone:** +48 81 8893082  
**Fax:** +48 81 8862595  
**E-Mail:** [Kwiatekk@piwet.pulawy.pl](mailto:Kwiatekk@piwet.pulawy.pl)

**COORDINATOR FOR LATIN  
AMERICA AND THE  
CARIBBEAN**

M.en C. Ingrid Maciel Pedrote  
International Standardization Director  
Puente de Tecamachalco No. 6  
Col. Lomas de Tecamachalco, Sección Fuentes  
C.P. 53950  
México

**Phone:** +5255 57 29 94 80  
+5255 55 20 93 00 Ext : 43216  
**E-mail:** [imaciel@economia.gob.mx](mailto:imaciel@economia.gob.mx)

**COORDINATOR FOR THE  
NEAR EAST**

M. Mohamed Chokri Rejeb  
Directeur General du Centre Technique de l'Agro-Alimentaire  
12, rue de l'usine Charguia II  
2035 Ariana  
Tunisie

**Phone:** +216 71940358  
**Fax:** +216 71941080  
**Email:** [ctaa@topnet.tn](mailto:ctaa@topnet.tn) / [codextunisie@topnet.ati.tn](mailto:codextunisie@topnet.ati.tn)

**COORDINATOR FOR NORTH  
AMERICA AND  
SOUTH WEST PACIFIC**

Dr Viliami Toalei Manu  
Acting Director (Codex Contact Point)  
Ministry of Agriculture and Food, Forestry and Fisheries  
P.O. Box 14, Nuku'alofa  
Tonga

**Phone:** +676 23038

**Fax:** +676 24271

**Email:** [mafsoils@kalianet.to](mailto:mafsoils@kalianet.to)

**WORLD HEALTH ORGANIZATION  
(WHO)**

Dr Keiji Fukuda  
Special Adviser  
to the Director-General  
on Pandemic Influenza  
World Health Organization (WHO)  
20 Avenue Appia  
Ch-1211 Geneva 27  
Switzerland

Dr Jorgen Schlundt  
Director  
Department of Food Safety and Zoonosis (FOS)  
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](mailto:schlundtj@who.int)

Ms Catherine Mulholland  
Technical Officer  
Department of Food Safety and Zoonoses  
World Health Organization (WHO)  
20 Avenue Appia  
Ch-1211 Geneva 27  
Switzerland

**Phone:** +41.22.791.3080

**Fax:** +41.22.791.4807

**Email:** [mulhollandc@who.int](mailto:mulhollandc@who.int)

Mr Kazuko Fukushima  
Technical Officer  
Department of Food Safety and Zoonoses (FOS)  
World Health Organization (WHO)  
20 Avenue Appia  
Ch-1211 Geneva 27  
Switzerland

**Phone:** +41.22.791.2920

**Fax:** +41.22.791.4807

**Email:** [fukushimaka@who.int](mailto:fukushimaka@who.int)

Dr Chizuru Nishida  
Coordinator  
Dept. of Nutrition for Health and Development (NHD)  
World Health Organization (WHO)  
20 Avenue Appia  
Ch-1211 Geneva 27  
Switzerland

**Phone:** +41.22.791.3317

**Email:** [nishidac@who.int](mailto:nishidac@who.int)

Dr Angelika Tritscher  
Scientist  
WHO Secretary to JECFA and JMPR  
Department of Food Safety and Zoonoses (FOS)  
World Health Organization (WHO)  
20 Avenue Appia  
CH-1211 Geneva 27  
Switzerland  
**Phone:** +41 22 791 3569  
**Fax:** +41 22 791 4807  
**Email:** tritschera@who.int

Dr David Scales  
Consultant  
1629 Addison St  
Philadelphia  
PA 19146  
**Phone:** +1 203 278 0936  
**Email:** [David.scales@aya.yale.edu](mailto:David.scales@aya.yale.edu)

#### WHO LEGAL OFFICE

Dr Egle Granziera  
Legal Officer  
World Health Organization  
20 Avenue Appia  
1211 Geneva  
Switzerland  
**Phone:** +41-22-791-3680  
**Fax:** +41-22-791-4158  
**Email:** [granzierae@who.int](mailto:granzierae@who.int)

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

Dr Modibo T. Traoré  
Assistant Director-General  
Agriculture and Consumer Protection Department (AG)|  
Food and Agriculture Organization of the United Nations (FAO)  
Viale delle Terme di Caracalla  
00153 Rome Italy  
**Phone:** + 39 065705 4523  
**Fax:** +39 06 5705 5609  
**Email:** [modibo.traore@fao.org](mailto:modibo.traore@fao.org)

Dr Ezzeddine Boutrif  
Director  
Nutrition and Consumer Protection Division  
Food and Agriculture Organization of the United Nations (FAO)  
Viale delle Terme di Caracalla  
00153 Rome, Italy  
Phone: +39.06.570.56156  
Fax: +39.06.570.54593  
Email: [ezzeddine.boutrif@fao.org](mailto:ezzeddine.boutrif@fao.org)

Dr María de Lourdes Costarrica  
Senior Officer  
Food Quality Liaison Group  
Nutrition and Consumer Protection Division  
Food and Agriculture Organization of the United Nations (FAO)  
Viale delle Terme di Caracalla  
00153 Rome, Italy  
**Phone:** +39.06.570.56060  
**Fax:** +39.06.570.54593  
**Email:** [lourdes.costarrica@fao.org](mailto:lourdes.costarrica@fao.org)

**CODEX SECRETARIAT**

Ms Selma H. Doyran  
Secretary, Codex Alimentarius Commission  
Joint FAO/WHO Food Standards Programme  
Viale delle Terme di Caracalla  
00153 Rome,  
Italy

**Phone:** +39.06.570.55826

**Fax:** +39.06.570.54593

**Email:** [selma.doyran@fao.org](mailto:selma.doyran@fao.org)

Mr Tom Heilandt  
Senior Food Standards Officer, AGNC  
Senior Food Standards Officer  
Joint FAO/WHO Food Standards Programme  
Viale delle Terme di Caracalla  
00153 Rome,  
Italy

**Phone:** +39.06.570.54384

**Fax:** +39.06.570.54593

**Email:** [tom.heilandt@fao.org](mailto:tom.heilandt@fao.org)