

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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ALINORM 79/4

CODEX ALIMENTARIUS COMMISSION

Thirteenth Session
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REPORT OF THE TWENTY-SIXTH SESSION OF THE

EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION
FAO Headquarters, Rome, 26-27 November 1979

INTRODUCTION

1. The Executive Committee held its Twenty-Sixth Session at FAO Headquarters, Rome, from 26 to 27 November 1979. The Executive Committee was presided over by the Chairman of the Codex Alimentarius Commission, Prof. Dr. E. Matthey (Switzerland), Prof. Dr. D. Eckert (Federal Republic of Germany), a Vice-Chairman of the Commission, was present, as were also the following representatives from the geographic locations mentioned: for Africa, Mr. J.C. Obel from Kenya; for Asia, Prof. Amara Bhumiratana from Thailand; for Europe, Mr. A. Burger from Czechoslovakia; for Latin America, Mr. A.M. da Silva from Brazil; for North America, Mr. E. Kimbrell from USA; for the South-West Pacific, Ms. S.P. Cottrell from New Zealand. The Coordinator for Africa, Dr. T. N'Doye (Senegal), and the Coordinator for Latin America, Dr. E.R. Méndez (Mexico) were present. Apologies for absence were received from the Coordinator for Europe, Prof. Dr. H. Woidich (Austria) and the Coordinator for Asia, Dr. A. Regala (Philippines).

Adoption of Agenda

2. The Executive Committee adopted the provisional agenda.

Report on Financial Situation of the Joint FAO/WHO Food Standards Programme for 1978/79 and 1980/81

3. Most of the information contained in document ALINORM 79/6 had already been put before the Executive Committee at its Twenty-Fifth Session, held in Geneva in July 1979. However, at the present session, the Secretariat was in a position to give an indication of estimated expenditure for 1979. The Executive Committee noted the following figures of estimated expenditure up to the end of December 1979:

	\$
Personal Services	482,118
Meetings	62,836
Consultants	70,710
Duty Travel	52,071
Contractual Services	15,817
Documents (Internal and External Printing and Translation)	443,325 (actual expenditure up to 31 October 1979)

4. The Executive Committee took note of the explanations given by the Secretariat in its commentary on the above figures, in relation to the allotment figures for 1979, as contained in para. 4 of ALINORM 79/6. Concerning the budget for the Programme for 1980/81, the Executive Committee was informed that the budget had been approved by the FAO Conference at its current November 1979 session. The Executive Committee re-affirmed its opinion already stated at its Twenty-Fifth Session (ALINORM 79/3, para. 55) that the budget allocated to the Programme for 1980/81 was a very austere budget in relation to the size of the Programme and the output expected from it.

5. Concerning the question of an increased WHO contribution to the joint budget of the Programme, the Executive Committee was informed that the Secretariat had had informal discussions with the appropriate officials in WHO on this subject. WHO had provided for a contribution of \$340,000 to the joint budget of the Programme for 1980/81. Revised estimates of cost increases had since indicated that the latter contribution would need to be raised to \$371,000. The Executive Committee was informed that WHO would be endeavouring to cover the additional cost of \$31,000 during the biennium from savings. As regards the question of WHO assuming a higher share of the joint budget, the Secretariat indicated that it would not be feasible for WHO to do this in 1980/81. The Executive Committee strongly urged WHO to increase its share of the joint budget for the 1982/83 biennium.

6. The Coordinator for Africa, Dr. T. N'Doye (Senegal) drew attention to the importance of providing adequately for regional activities in drawing up the budget for the Programme, taking into account the new reorientation of the Commission's work, which laid great stress on the importance of the work of the Regional Coordinating Committees.

Report on Developments concerning the Reorientation of the Work of the Codex Alimentarius Commission

7. The Secretariat informed the Executive Committee that the response of the Twelfth Session of the Codex Alimentarius Commission to the various matters which had been raised at that session of the Commission concerning the needs and concerns of developing countries had been reported on to the FAO Programme Committee, the FAO Council and to the current Twentieth Session of the FAO Conference. The Executive Committee was informed that all three bodies had welcomed the various initiatives and action taken by the Committee to make its work more responsive to the needs of developing countries.

8. The Executive Committee expressed satisfaction at developments in this area since the Twelfth Session of the Commission, and more especially at the views which had been expressed at the current FAO Conference on this topic.

9. The Executive Committee noted that the FAO Conference at its current session had suggested that the Commission should, in view of the importance of the work of the Commission, review its procedures for the elaboration of standards in order to expedite their development. The Executive Committee agreed that the Secretariat, in collaboration with the Legal Offices of FAO and WHO, could prepare a paper for consideration at its Twenty-Seventh Session, containing proposals in this regard. In this connection, it was stressed that there was no intention of reducing the extent of Government consultation concerning the draft standards, but rather the aim was to try and speed up the development of standards, without their losing quality. The Executive Committee further considered that any changes that might eventually be made to the procedures would probably require to be examined by the Codex Committee on General Principles before being put to the Commission.

10. The representative of the region of Asia and the Coordinator for Africa drew attention to the need for more countries - particularly importing countries - to accept the Codex standards, as exporting countries in their regions wish to use, as far as possible, Codex standards for trading purposes. The Coordinator for Africa stressed the need for the Commission to play a more active role than it is playing at the present in promoting the health, nutrition and trade interests of the region.

11. Concerning future work of the Regional Coordinating Committees for Africa, Asia and Latin America, the Secretariat informed the Executive Committee that consultant funds had been provided for in order to advance the work of the Committees in these regions.

12. It was noted that in connection with this work the consultants would be recruited from the regions themselves.

Consideration of Increased Emphasis on Nutritional Considerations in the Work of the Codex Alimentarius Commission and its Subsidiary Bodies (ALINORM 79/29, Parts I and II)

13. These two papers were introduced by Dr. Z.I. Sabry, Director, Food Policy and Nutrition Division. The objectives of certain nutrition activities pursued by FAO and WHO, and which could be of interest to the Codex Alimentarius Commission and its subsidiary bodies were outlined by Dr. Sabry. The activities related to:

- (i) Food Balance Sheets
- (ii) Food Composition Surveys
- (iii) Food Composition Tables
- (iv) Nutritional Recommended Intakes; and
- (v) Food aid programmes.

14. Dr. Sabry indicated that the activities of the Commission have an impact on the nutrition of the populations, through their concern with different aspects of food standardization for maximal nutritional quality, microbiological and toxicological safety of foods and protection of consumers against frauds and adulteration. There was still more room for the active interest of the Commission in including nutritional considerations in its work on food standardization.

15. The Executive Committee was asked to express its opinion on the suggestion that the Codex Alimentarius Commission:

- (i) decided that a review of the nutrition aspects of the Food Standards Programme should be included as a standing item on the agenda of the Session of the Codex Alimentarius Commission (paragraph 13, ALINORM 79/29, Part II);
- (ii) invite the Secretariat to undertake a systematic analysis of the nutrition impact of the work of each of the Commission's subsidiary bodies (paragraph 14, ALINORM 79/29, Part II); and
- (iii) request each of its subsidiary bodies to introduce provisions of a nutritional nature, where appropriate in establishing standards for foods having a significant role in the diets of developing countries (paragraph 15, ALINORM 79/29, Part II).

16. The Executive Committee emphasized that in the Commission's work due consideration has always been given to nutritional aspects in food standardization and in the protection of health of the populations, and cited the work of the Codex Committee on Foods for Special Dietary Uses and the Codex General Subject Committees on (a) Food Labelling; (b) Food Additives; (c) Pesticide Residues; and (d) Food Hygiene. The Commission would be giving attention to the potential of the two new Codex Committees on Cereals and Vegetable Proteins in relation to nutritional considerations.

17. The Executive Committee concluded that, in view of the importance of nutritional considerations, it would be appropriate for the Commission to include a review of the nutrition aspects of the Food Standards Programme as a standing item of the sessions of the Commission.

18. Regarding paragraph 14, ALINORM 79/29, Part II, the Executive Committee, in view of budgetary and staff constraints, expressed concern about inviting the Secretariat to carry out the work outlined. If funds from outside the Codex budget were made available for the purpose, the Executive Committee would consider the matter further in the light of existing priorities. Any consultants recruited for this purpose should be Codex consultants.

19. With reference to paragraph 15, ALINORM 79/29, Part II, the Executive Committee agreed to suggest that the Commission request its subsidiary bodies to consider, as the need arose, nutritional aspects in drawing up standards.

Consideration of Resolution of Senegal

20. The Committee noted the discussions which had taken place at the Fourth Session of the Coordinating Committee for Africa, which was held in Dakar, Senegal, under the chairmanship of the Coordinator for Africa, Dr. Thianar N'Doye.

21. The Coordinating Committee had discussed a Resolution proposed by the delegation of Senegal at the above session. (see ALINORM 79/28, Appendix IV).

22. The Resolution set out what it considered to be principles for collaboration between regional and sub-regional community organizations and the Codex Alimentarius Commission, so as to obtain more assistance from these organizations and closer links between them and the Commission.

23. According to the Resolution a study should be undertaken to investigate ways of streamlining collaboration between the regional organizations in such a way as to maintain their structural integrity, but at the same time avoid duplication in areas where Codex standardization work was in progress; and also to see whether the regional organizations could provide the Coordinating Committee with material and financial support.

24. The Resolution, supported by the Coordinating Committee for Africa, specifically invited the Committee to accept the principles of the Resolution and to recommend to the Commission that provision should be made to investigate the most appropriate means of providing the Codex Coordinating Committee for Africa with material and financial support. Such action could be envisaged as follows:

- (a) drawing up a complete list of the regional and sub-regional trade organizations, and searching for ways of their close association with the Coordinating Committee's work;
- (b) determining the areas of possible collaboration between the Codex Coordinating Committee for Africa and the regional and sub-regional Community organizations;
- (c) investigating the nature and forms of this collaboration.

25. The Committee noted that the terms of the Resolution, to some extent, complemented the discussion which had taken place under agenda item 3 and that, budgetary constraints notwithstanding, there was a stated policy that consultants from the regions should whenever possible undertake the preparation of documentation required by Coordinating Committees. In this respect, funds for the 1980/81 biennium already foresaw the recruitment of consultants for work arising from the reports of the regional Coordinating Committees.

26. The Committee noted with satisfaction that the mandate suggested in the Resolution would form the basis of such a consultancy. As in the past, the Coordinator for Africa would be consulted as to the final terms of reference and the choice of consultant.

Report on Developments within the Codex Committee on General Principles concerning the most appropriate Mechanism for examining Economic Impact Statements submitted under the amended Procedure for the Elaboration of Worldwide Codex Standards

27. The Executive Committee had before it document ALINORM 79/35, containing the Report of the Sixth Session of the Codex Committee on General Principles. The Secretariat drew the Executive Committee's attention to paragraphs 5 to 14 and to Appendix II of the Report which dealt with the above topic. Appendix II contained proposals of the Secretariat for the amendment of (i) the 'Guide to the Consideration of Standards at Step 8 of the Procedure for the Elaboration of Codex Standards' and (ii) the 'Guidelines for Codex Committees'. The proposals highlighted the importance of and the need to give the fullest consideration to economic impact statements and resulted in every opportunity being provided for consideration of such statements at the major steps of the Procedure including the final Step before adoption of a Standard.

28. Several Members of the Executive Committee drew attention for ensuring that in considering economic impact statements, sight was not lost of the need to have due regard to the purposes of the Codex Alimentarius concerning the protection of the health of consumers. It was noted that this point was covered in the proposals which had been approved by the Codex Committee on General Principles. It was also noted that under the Procedure it was open to any country to submit an economic impact statement in respect, not only of draft standards, but also in respect of standards already adopted and sent to Governments for acceptance (see ALINORM 79/35, paragraph 11).

29. The Executive Committee recommended to the Commission that it adopt the proposals contained in Appendix II to ALINORM 79/35.

Consideration of Proposals of the Secretariat to amend the Procedure for the Elaboration of Codex Standards

30. The Executive Committee had before it a document entitled as above, which had been prepared by the Legal Offices of FAO and WHO in response to a request from the Executive Committee at its Twenty-Fifth Session (ALINORM 79/3, paragraph 64). The Executive Committee had agreed, at its Twenty-Fifth Session, that the Standards adopted at Step 8 and sent to Governments for acceptance should be considered as comprising "the collection of internationally adopted food standards presented in a uniform manner", referred to in the General Principles of the Codex Alimentarius. The Executive Committee had also agreed, at that Session, that the publications giving details of Government notifications of acceptances should also be considered as an integral part of the Codex Alimentarius. The Legal Offices of FAO and WHO had been requested to prepare a document for consideration by the Executive Committee, containing proposals which would achieve this end, if possible within the existing Statutes and General Principles of Codex Alimentarius.

31. The document prepared by the Legal Offices of FAO and WHO put forward for consideration a formula of a provisional nature and pending a final decision on the form of the Codex Alimentarius, which would enable the present needs of Members to be met, whilst being compatible with the Statutes of the Commission. The formula consisted in amending the wording of Step 10 slightly as follows (the underlined words are new):

[Worldwide Codex Standards]

"The Secretariat publishes periodically the notifications received from governments with respect to each recommended standard, including information on whether products conforming with such recommended standard may be freely distributed and, where applicable, details of specified deviations that may have been declared".

[Regional Codex Standards]

"The Secretariat publishes periodically the notifications received from governments of the region concerned, and, as appropriate, from other governments, with respect to each recommended standard, including information on whether products conforming with such recommended standard may be freely distributed and, where applicable, details of specified deviations that may have been declared".

32. The Executive Committee noted that the FAO Conference had suggested that, in view of the importance of the work of the Codex Alimentarius Commission, the Commission should review its procedure for the elaboration of standards in order to expedite their development.

33. The Executive Committee agreed, therefore, as part of an overall review of the procedures for elaborating Codex Standards, to include consideration of proposals designed to achieve the aim referred to in paragraph 30 above. The Executive Committee agreed that a new paper on this topic, be prepared by the Secretariat in collaboration with the Legal Offices of FAO and WHO, should be submitted to it for consideration at its Twenty-Seventh Session.

34. In the meantime, the Executive Committee took note of the proposals of a provisional nature referred to in paragraph 31 above, but decided to take no action on them at this time, pending consideration of the proposals to be prepared for its Twenty-Seventh Session.

35. Several Members of the Executive Committee expressed the view that, in principle, these were matters which should be considered by the Codex Committee on General Principles. It was agreed that following consideration of the proposals by the Executive Committee at its Twenty-Seventh Session, the comments of governments could be sought prior to consideration of the matter by the Codex Committee on General Principles, it being understood that the question of whether there would be a Session of the Codex Committee on General Principles in the 1980/81 biennium would be a matter for the Host Government (France) and the Commission.

Clarification of Meaning of Rule VI.3 of the Rules of Procedure of the Codex Alimentarius Commission

36. The Executive Committee had before it a document entitled "Operation of Rule VI.3 of the Rules of Procedure of the Codex Alimentarius Commission", which had been prepared by the Legal Offices of FAO and WHO, in response to a request from the Executive Committee at its Twenty-Fifth Session (ALINORM 79/3, paragraph 42). At the Twenty-Fifth Session of the Executive Committee, different opinions had been expressed concerning the meaning of Rule VI.3. The point had been made that this Rule seemed to be in conflict with Step 1 of the Procedure for the Elaboration of Regional Codex Standards, where it is stated that "..... the Commission decides on the elaboration of a Codex Standard for the region concerned". The Executive Committee had expressed the wish to have a legal opinion on how Rule VI.3 would operate.

37. The WHO Legal Counsel drew the attention of the Executive Committee to the conclusion reached in the document that, rather than being in conflict with each other Rule VI.3 and Step 1 of the Procedure for the Elaboration of Regional Codex Standards were complementary. The Executive Committee took note of the legal interpretation of how Rule VI.3 would operate and also noted that Rule VI.3 and Step 1 of the Procedure for the Elaboration of Regional Codex Standards should be read in conjunction with each other. The Executive Committee agreed to let the matter rest.

Other Business

38. None.
