

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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ALINORM 91/4

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION
Nineteenth Session
FAO Headquarters, Rome, 1-10 July 1991

REPORT OF THE THIRTY-EIGHTH SESSION OF THE EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION FAO Headquarters, Rome, 27-28 June 1991

INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission held its Thirty-Eighth Session at FAO Headquarters, Rome, from 27 to 28 June 1991. The Executive Committee was presided over by its Chairman, Ir. Eduardo Méndez (Mexico) in the presence of two of the Commission's three Vice-Chairmen; Dr. N.W. Tape (Canada) and Prof. F.G. Winarno (Indonesia). Representatives from the following geographic locations were present: Asia, Europe, Latin America and the Caribbean, North America, and South West Pacific. The Codex Coordinators for Africa, Europe, and North America and the South West Pacific attended as observers. A complete list of participants, including the secretariat, is given in Appendix I.

2. The Session was opened by Mr. A.N. Cortas, Assistant to the Assistant Director-General, Economic and Social Department, FAO, who welcomed the Members of the Executive Committee. Mr. Cortas drew attention to the need for the Commission to respond rapidly and positively to the recommendations of the FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade, held in March 1991, and the role which the Executive Committee would play in advising the Commission on the best approaches to take. He also noted the challenges which would face the Commission as a result of the outcome of the Uruguay Round of Trade Negotiations, and the need to ensure consumers that liberalization of trade in agricultural food products would preserve and even strengthen the quality and safety of food available in the marketplace.

ADOPTION OF THE AGENDA (Agenda Item 1)

3. The Executive Committee adopted the Provisional Agenda for the Session as proposed in CX/EXEC 91/38/1.

REPORT OF THE FINANCIAL SITUATION OF THE JOINT FAO/WHO FOOD STANDARDS PROGRAMME FOR 1990/91 AND 1992/93 (Agenda Item 2)

4. The Executive Committee had before it document ALINORM 91/6 which was introduced by the Chief of the FAO/WHO Joint Food Standards Programme. Concerning the accounts for the biennium 1988/89, the Executive Committee was informed that total expenditure amounted to \$3 641 000, as against the budgeted figure of

\$3 694 000. This represented a substantial improvement over previous years and permitted a small carry-over (\$42 000) in the Joint FAO/WHO budget into the current biennium. The relative stability of the Dollar/Lire exchange rate and the maintenance of tight control over publications had assisted in ensuring that the Programme could operate within its assigned budget.

5. Regarding the budget for 1990/1991, and the proposed budget for 1992/93, the Executive Committee was informed that they had been maintained at approximately the same level, in real terms, as in previous biennia. It was noted that the total costs of the Programme continued to be borne through the Joint FAO/WHO budget on the basis of 75% and 25% respectively, and an additional contribution from FAO as the administering Agency for the Programme which meant that the true costs were being shared on the basis of 83% by FAO and 17% by WHO. The Executive Committee expressed its full appreciation of the continued additional support of FAO to the Joint Programme.

6. In regard to the proposed budget for 1992/93, the Executive Committee noted that this was still subject to confirmation by the Twenty-Sixth FAO Conference in November 1991, and that the WHO contribution had been confirmed by the Forty-Fourth WHO World Health Assembly. The Joint Budget remained in line with previous budgets despite the financial difficulties facing both FAO and WHO. The Executive Committee expressed concern that the level of the budget was at the minimum required to meet the Commission's present obligations to Member governments, and that increased obligations arising from the outcome of the GATT Uruguay Round, would need additional resources. The Executive Committee welcomed steps being taken to obtain additional extra-budgetary resources.

REPORT ON FAO/WHO CONFERENCE ON FOOD STANDARDS, CHEMICALS IN FOOD AND FOOD TRADE (Agenda Item 3)

7. The Executive Committee had before it documents CX/EXEC 91/38/2 and ALINORM 91/10 which summarized the recommendations and consensus statements made by the Conference, indicated the implications of these recommendations for the Codex Alimentarius Commission, and proposed possible courses of action.

8. The Executive Committee was of the opinion that the Conference had been both very important and highly successful in presenting new directions and new impetus for the work of the Codex Alimentarius. Attention was drawn to the financial implications which resulted from the Conference recommendations, and concern was expressed that work areas had been identified which would require additional funding or other forms of external support in order to be implemented.

9. The Executive Committee considered the recommendations on a point-by-point basis as outlined in ALINORM 91/10:

Relations with consumers

10. The Executive Committee endorsed the Conference's recommendations and the proposals for action contained in ALINORM 91/10. It drew attention to the continuing problem of making the work and the procedures of the Commission more widely known to the public and in particular stressed that governments needed to take action in this regard.

Harmonizing national regulations and the effect on exports

11. The Executive Committee recommended that the Commission endorse the Conference statements calling for the urgent harmonization of national food regulations and the importance of this in relation to exports from developing countries.

"Horizontal" approach to food standardization

12. The Executive Committee noted that the Commission had already begun to place increased emphasis on the horizontal approach and that the Conference recommendations supported and strengthened this approach. The Executive Committee recommended that further emphasis should be placed on horizontal standards as outlined by the Conference and that General Subject Committees should have greater responsibility for initiating global recommendations rather than depending on the endorsement process. The General Subject Committees should be asked to examine their terms of reference in this regard but the Executive Committee stressed that this examination should not delay the continued development of standards based on horizontal approach.

Restructuring of standards to remove excessive detail

13. The Executive Committee noted that this was a matter scheduled for discussion under item 6 of its Agenda and Item 13 of the Commission Agenda. It endorsed the general recommendations presented by the Conference.

Improved participation in Codex work

14. The Executive Committee strongly endorsed the Conference recommendation calling for initiatives to assist developing countries to participate in Codex activities and reaffirmed the effectiveness of detailed written comments. In regard to proposals to amend Rule XI.4 of the Rules of Procedure of the Commission, the Executive Committee was informed that the management of an extra-budgetary fund for the purpose of financing attendance at Codex meetings would be extremely difficult and could result in inequalities. The Executive Committee noted that current solutions providing for participation of representatives from developing countries in workshops associated with Regional Coordinating Committee meetings or through nationally available funds for Codex participation seemed to be adequate. Regarding nationally available funds, the Committee recalled that several countries had financed the participation of their delegate(s) in Codex meetings by using WHO funds allocated to the country(ies) concerned. The Committee felt that countries who had not utilised this possibility might wish to consider it and called for these approaches to be used more frequently, if possible, to ensure adequate representation of developing countries in Codex sessions. The Committee further appreciated the efforts of FAO to provide assistance through operational projects and other sources for individuals from developing countries to participate in the work of Codex. However, the Committee recommended that a comprehensive discussion paper on possible amendment to Rule XI.4 should be prepared for the next session of the Codex Committee on General Principles.

Importance of the GATT/Uruguay Round of Multilateral trade negotiations

15. The Executive Committee recommended that the Commission express its full support for the Conference statement on this matter.

Modification of the acceptance procedure

16. The Executive Committee strongly recommended that the Commission should invite countries to notify free distribution of products in conformity with Codex standards. It recommended that this should be done without delay but agreed that the Secretariat should propose a detailed text for consideration by the Codex Committee on General Principles with a view to inclusion in the Procedural Manual.

Expediting the elaboration and review of Codex Standards

17. The Executive Committee noted that detailed recommendations aimed at implementing this recommendation were being presented to the Commission under various points of its Agenda. It fully supported the Conference recommendation.

Review of Codex Standards

18. The Executive Committee fully supported the proposals put forward for action in regard to the Conference recommendations. It noted that action had already been taken in determining which standards should be subject to priority review.

Review of Codex procedures

19. The Executive Committee fully endorsed the proposals for action to implement the Conference recommendations as outlined in point 11 of Appendix 1 to ALINORM 91/10. In particular it recommended that actions taken to institute a new form of acceptance procedure and the adoption of a two-thirds majority rule in the elaboration process at Step 5 should be instituted immediately although it noted that the Codex Committee on General Principles would be required to elaborate the necessary amendments to the Procedural Manual for future reference. In regard to the new approach to be taken by the general subject committees in preparing global recommendations, the Executive Committee noted that this may need to be developed over a period of time.

Codex Committee on Food Additives and Contaminants

20. The Executive Committee noted that no action was required of the Commission.

Structure of the Executive Committee and functions of the regional representatives

21. The Executive Committee was of the opinion that an examination of its structure and procedures and the definition of the function of the Codex regional representatives was not a matter of priority. However, concern was expressed that the proposal to extend membership of the Executive Committee to the Regional Coordinators could endanger the geographical representation guaranteed by the Commission's Statutes and noted that the advice of Legal Council would need to be sought. The Executive Committee also noted suggestions by the Government of New Zealand in regard to the distribution of Executive Committee documents to all Codex Contact Points and recommended that this practice be adopted for a trial period of two years. It further recommended that the more detailed examination of the Committee's structures and procedures be taken up at its next Session and by the Codex Committee on General Principles.

Good Agricultural Practice and Codex MRL's for pesticides

22. The Executive Committee noted that the Conference recommendations were directed principally to the Joint FAO/WHO Meetings on Pesticide Residues and to member countries. It noted, however, that the Codex Committee on Pesticide Residues, mentioned in the Conference recommendation did not evaluate pesticide residues. With this exception, it recommended that the Commission should endorse the Conference recommendation.

Resources for JECFA, JMPR and other expert groups

23. The Executive Committee recommended that the Commission endorse the Conference statement. It noted, in this regard, that the FAO Summary Programme of Work and Budget submitted to FAO Council in June 1991 had included a proposal for a third meeting of JECFA in the biennium 1991/93. However, it also noted that meeting additional requests for scientific evaluations might require extra-budgetary resources to be used, as was the case in 1990/91.

Risk assessment

24. The Executive Committee endorsed the views of the Conference, noting the mutual interests of governments, industries and consumers in the transparency of and confidence in risk assessment procedures. In regard to the action proposed in ALINORM 91/10, Appendix I, point 16, the Executive Committee stated that the concern was much wider than questions of the safety of food additives and contaminants. All areas should be examined including meat hygiene and other food hygiene matters, the use of chemicals in food and food production, and contamination. It recommended to the Commission that all relevant Codex Committees should be required to describe the basis of the risk assessment methods used in arriving at their recommendations, guidelines or standards. The Executive Committee appreciated that it may not prove possible to quantify all aspects of the risk assessment procedures used.

New Food Products derived from Biotechnology

25. The Executive Committee endorsed the recommendations of the Conference but pointed out that aspects of safety of new food products should be closely examined by JECFA. It was also noted that this subject was to be discussed by the Commission and the Executive Committee separately (see Item 5, paras. 32-34 below).

Migrants from packaging materials

26. The Executive Committee did not agree to the Conference recommendation that a high priority should be placed by JECFA on the evaluation of substances migrating from packaging materials. It noted that this work had indeed been carried out by a number of national and regional authorities and that apart from a very limited number of substances there had been no cause for concern. The Codex Committee on Food Additives and Contaminants had submitted guideline levels to the Commission for adoption at Step 8 for two such substances. The Executive Committee did however agree that the Committee on Food Additives and Contaminants should continue to allocate priorities for individual substances.

Establishment of a Committee to deal with import/export control problems

27. The Executive Committee based its discussion on Appendix II of ALINORM 91/10 which presented the Conference recommendations and proposed terms of reference for a new committee as requested by the Conference. It noted that such an action would provide a rare opportunity to give leadership by Codex on a current issue affecting all countries. In this regard inspection and certification systems were seen as key instruments in consumer protection but also as ones which could be used as barriers to trade, especially as more countries adopted the "quality assurance" approach to food safety. After examining the proposals in detail, the Executive Committee recommended that the Commission consider positively the establishment of a new committee as proposed. The Regional Representative for Europe expressed a different opinion and stated that there remained some concern as to the usefulness of such a committee whose terms of reference seemed to be too far-reaching and very close to those proposed for the GATT Committee on Sanitary and Phytosanitary Barriers and Measures, especially insofar as identifying trade problems was concerned. The Executive Committee proposed, should the Commission decide positively, that such a new committee should concentrate on matters of inspection and certification and that it would be essential for the committee to review the need for its continuing activity after two sessions. It would be appropriate for the first session of the committee to meet before the next session of the Executive Committee in mid-1992.

Hygienic production of foods

28. The Executive Committee strongly endorsed the statement of the Conference in regard to hygienic production of foods. It proposed that this matter should be discussed by the Codex Committee on Food Hygiene and invited the Committee to report on steps taken to meet the concerns expressed by the Conference.

REPORT ON THE GATT URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS IN RELATION TO SANITARY AND PHYTOSANITARY MEASURES AND BARRIERS (Agenda Item 4)

29. The Executive Committee had before it document ALINORM 91/9 when discussing this agenda item, which provided a status report of current negotiations within the GATT Uruguay Round concerning sanitary and phytosanitary measures and barriers. The Committee noted that formal negotiations concerning these specific aspects of the Uruguay Round had not been conducted since December 1990 and therefore, the working document was provided for information only. The Committee noted that GATT deliberations concerning these issues were well advanced and were only subject to a few decisions which for the most part were not technical in nature.

30. In response to concerns expressed by the Executive Committee regarding a possible overlap of activities between Codex and the proposed GATT Committee on Sanitary and Phytosanitary Barriers and Measures, the Codex Secretariat reassured the Committee that the activities concerning the promotion of harmonization of national standards with international standards were not a potential duplication of work. It was indicated that the GATT Committee's efforts would be directed towards promoting harmonization through the use of Codex standards which, in effect, would increase liaison between Codex and GATT while enhancing the primary responsibility of Codex in promoting and facilitating international trade.

31. The Executive Committee expressed its continued interest in the objectives and importance of the GATT negotiations, and was pleased to acknowledge the

similarities of objectives between Codex and GATT in the promotion and facilitation of international trade.

IMPLICATIONS OF BIOTECHNOLOGY ON INTERNATIONAL FOOD STANDARDS AND CODES OF PRACTICE (Agenda Item 5)

32. In introducing document ALINORM 91/11, the Committee was reminded that the issue of biotechnology was first discussed in 1989 during the 18th Session of the Commission. At that time, the Commission had been informed of an initiative of WHO to convene, jointly with FAO, a Consultation on the Assessment of Biotechnology in Food Production and Processing as Related to Food Safety. This Consultation had taken place in Geneva in November 1990 and the Report of it would be available, as a formal WHO publication, at the end of 1991. The Consultation had recognised biotechnology as a continuum, embracing traditional breeding techniques and modern techniques based on recombinant DNA - technologies. "Modern" biotechnologies had the potential of revolutionizing the food supply, both in quantity and quality. While the Consultation was of the opinion that foods derived from "modern" biotechnologies were inherently not less safe than those derived from traditional biotechnologies, the issue of safety had to be considered. In addition, nutritional concerns may have to be addressed.

33. Based on scientific and technical advice by Joint FAO/WHO expert committees and consultations, the Codex Committees on Nutrition and Foods for Special Dietary Uses, on Food Labelling, on Food Additives and Contaminants and on Food Hygiene were expected to be the main committees with responsibilities for matters on biotechnologies. In addition, several commodity committees (e.g. Vegetable Protein, Cereals, Pulses and Legumes, Fish and Fishery Products, Fats and Oils) might need to play a role in reaching international consensus on particular novel foods.

34. In appreciating the work of the Joint FAO/WHO Consultation, the Committee felt that it and the Commission needed to monitor the developments in the field of food biotechnology which ought to be encouraged. It recommended that the horizontal committees identified above should discuss issues related to biotechnology. Concerning the data bases on the nutrient and toxicant content of food; the molecular analysis of organisms used in food production, and the molecular, nutritional and toxicant content of genetically modified organisms identified for the use in food production, the establishment of which had been recommended by the Consultation, the Committee felt that Codex should play a role in the prioritization process.

REVIEW OF THE FORMAT OF CODEX STANDARDS (Agenda Item 6)

35. The Secretariat introduced document ALINORM 91/30 and informed the Executive Committee that the paper had been prepared in response to debate within Codex over a number of years as to whether the considerable detail in Codex standards influenced their acceptance by governments. The FAO/WHO Conference on Food Standards, Chemical in Foods and Food Trade considered that this was the case to some degree and recommended all Codex standards be reviewed in the light of their acceptance and in relation to their importance in international trade. The present paper had been prepared in the light of the Conference recommendation. A list of Codex standards ordered for a priority review had been elaborated by the Secretariat and attached to the document, considering the existing problems in international trade, the status of acceptance and the complexity of each Codex standard. The Executive Committee was invited to endorse the recommendation of the Secretariat as presented in Paragraph 24 of the paper.

36. The Regional Representative for Europe noted that, taking into account the GATT negotiations, a priority in the review of Codex Standards should be given on the basis of extent to which commodities are moving in international trade. The Committee was informed by the Secretariat that the priorities outlined in the Appendix was not a programme, but a simple guide, to establish a programme of review of format of Codex standards, so as to eliminate complexity and excessive detail. Trade matters would be considered separately.

37. The Executive Committee supported the suggestions of the Paragraph 24 proposed by the document and agreed to refer these recommendations to the Commission.

STATUS OF CODEX ADVISORY TEXTS AND PROCEDURES FOR THEIR ELABORATION
(Agenda Item 7)

38. The Executive Committee had before it document ALINORM 91/33 prepared as a follow-up to questions raised at the 18th Session of the Codex Alimentarius Commission and the 37th Session of the Executive Committee (ALINORM 91/3 para. 43). In introducing the document, the Secretariat pointed out that Codex texts could be seen in three main categories in relation to their potential use by the GATT in relation to Sanitary and Phytosanitary Measures: definitive texts elaborated through the complete step procedure and meeting GATT requirements for the use of internationally developed standards, guidelines and recommendations; emergency texts, meant to initially apply to a specific emergency situation with subsequent review; and auxiliary texts of interpretative character serving as complements to the standards, codes, etc. The Executive Committee noted that by defining the application of the various Codex texts the Commission would be anticipating the implications which the GATT proposals on sanitary and phytosanitary measures would have on its work.

39. The Executive Committee agreed to recommend that (a) the Commission confirm the principle that all Codex texts should be subject to full and transparent elaboration procedures, with full and equal participation by all Member Governments and other interested parties, (b) the Commission should request all Committees to ensure that texts which are not defined as standards or maximum residue limites are clear and unambiguous in their interpretation and their intended application. The Executive Committee also agreed to request the Committee on Food Additives and Contaminants, in particular, to clarify the intended implications of "Guideline Levels for Contaminants" in relation to international trade.

40. Finally, the Executive Committee agreed to suggest that the paper be further examined by the Codex Committee on General Principles in relation to possible changes to the Procedural Manual to ensure that the principles outlined above were met.

CONSIDERATION OF "ORGANICALLY/BIOLOGICALLY PRODUCED FOODS" (Agenda Item 8)

41. The Secretariat introduced document ALINORM 91/37 and informed the Executive Committee that issues concerning organic foods had been discussed by its 37th Session. The subject had been placed on the Commission Agenda in response to requests for guidance from the Codex Coordinating Committees for Europe and North America and the South-West Pacific. The Secretariat, which was requested to prepare a paper, had accepted the offer of the Government of Canada to provide a paper "Proposed Draft Guideline for the Production, Processing, Labelling and Marketing of Organic/Bio-Dynamic Food", which was revised by interested parties during the

FAO/WHO Conference on Food Standards, Chemical in Foods and Food Trade and was attached, as Appendix I, to document ALINORM 91/37.

42. The Executive Committee, in discussing this matter, stressed that organic foods were not necessarily different in composition, nutritional value or safety from traditionally produced foods and that this aspect should be emphasized by appropriate systems of consumer information and labelling.

43. The Committee noted that the draft prepared by Canada was very useful, but that it was too soon for the Commission to take any definitive action on the paper. The Executive Committee recommended that the Proposed Draft Code be sent for comments at Step 3 and that the paper be reviewed by Codex Regional Committees. Comments received from Governments and Regional Committees should be referred to the Codex Committee on Food Labelling, which should be responsible for further development of the Code.

MATTERS ARISING FROM OTHER CODEX COMMITTEES (Agenda Item 9)

44. The Committee had before it document CX/EXEC 91/38/3 when discussing this agenda item, which highlighted matters arising from the Codex Committee on Food Labelling (CCFL) as to procedural advice concerning the following subjects.

Standardization of Date Marking Systems

45. The Committee was informed that the CCFL had discussed a proposal forwarded to the Canadian Secretariat to consider the harmonization of date marking systems used in the Codex General Standard for the Labelling of Prepackaged Foods and that adopted by the International Organization of Standardization under Standard ISO:8601 (see paras 143-145, ALINORM 91/22). The Executive Committee also observed that the ISO recommendation was not intended for use in public information but was principally established for the electronic exchange of information.

46. The Executive Committee, noted that the Codex General Standard for Labelling provided for clear, unambiguous information to the consumer in a manner which was not deceptive or misleading, and decided to recommend to the Commission that the matter not be pursued further at the present time.

Analytical Methodology for Use in the Codex Guidelines on Nutrition Labelling

47. The Codex Secretariat informed the Committee that the most recent session of the CCFL questioned the relationship between its *ad hoc* Working Group on Methodology for Use in Codex Guidelines on Nutrition Labelling and the terms of reference of the CCFL (see paras. 138-142, ALINORM 91/22). The CCFL felt that the identification of nutrients and corresponding methods of analysis were more appropriately within the responsibilities of the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) and the Codex Committee on Methods of Analysis and Sampling (CCMAS).

48. The Executive Committee endorsed the view of CCMAS that the CCNFSDU should be responsible for defining those nutrients for which methodology was required and proposing suitable methods while the CCMAS should retain its responsibilities in endorsing those methods proposed (see paras. 7 - 8, ALINORM 91/23). The Executive Committee concluded that further examination by the CCFL of methods of analysis in relation to nutrient declaration was not warranted.

Labelling of Potential Allergens in Foods

49. The Committee was informed that the CCFL had agreed to examine Section 4.2.1.3 of the General Labelling Standard, which states in part that "where a compound ingredient constitutes less than 25% of the food, the ingredients ... need not be declared." A working paper was to be discussed at the Committee's next session on the labelling of potential allergens which were present as components of composite ingredients in foods but were not sub-listed in the product ingredient list (see paras. 146-147, ALINORM 91/22) as a result of the application of this section of the standard.

50. The Executive Committee expressed concern as to the practicality of the proposal, as almost all foods contained potential allergens. With this in mind, the Executive Committee recommended that the CCFL should proceed cautiously when examining this subject. The Committee also noted that as the proposed working document was in the preliminary stages of preparation under the direction of the delegation of Norway, a progress report concerning this issue should be provided to the Executive Committee at the earliest opportunity.

ATTENDANCE AT THE 38TH SESSION
OF THE
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