

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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Agenda Item 12

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Thirty-second Session

FAO Headquarters, Rome, Italy, 29 June - 4 July 2009

MATTERS ARISING FROM THE REPORTS OF THE COMMISSION, CODEX COMMITTEES AND TASK FORCES – GENERAL MATTERS

Matters Arising by 3 April 2009

I. MATTERS FOR ACTION BY THE COMMISSION

THE 31st SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Future work on animal feeding ¹

1. The 31st Session of the Commission agreed to postpone decision of possible new work on animal feeding until its 32nd Session. In order to facilitate discussion and decision at its 32nd Session, the Commission agreed to establish an electronic working group, hosted by Denmark and co-chaired by Mexico, to prepare:
 - (i) a proposal for the scope and terms of reference of future work on animal feeding. In doing so the working group should take into consideration the conclusions and recommendations of the FAO/WHO Expert Meeting on Animal Feed Impact on Food Safety; and
 - (ii) a proposal as to suitable mechanisms for Codex to carry out this work, including, but not limited to, the establishment of an *Ad hoc* Intergovernmental Task Force.
2. The electronic working group would be open to all Members and Observers and would work in English, French and Spanish.
3. The Commission agreed that the report of the electronic working group, including proposals and a list of participants, would be circulated for comments through a Circular Letter by January 2009, thus allowing adequate time for Members and Observers to formulate their comments on the proposals. The Commission noted that it would reconsider the matter at its 32nd Session in the light of the proposals in the report of the working group and comments received thereto, with due regard to the advice from the 62nd Session of the Executive Committee, if any.

¹ ALINORM 08/31/REP, paras 171-178

4. The Annex to this document contains comments on the report of the electronic working group, submitted in response to a Circular Letter² issued in December 2008.
5. The Commission is hereby **requested to determine**, in the light of the report of the working group and comments received, whether new work is necessary in the area of animal feeding.

The use of the lactoperoxidase system (LPS) for milk and milk products in international trade³

6. The 31st Session of the Commission recalled that consensus could not be reached at its last session on the lifting of the restriction on the use of the LPS for products in international trade and that this matter had been referred back to the Committee on Food Hygiene (CCFH) for further discussion based on the provision of new information and data requested through a Circular Letter.⁴ The Commission was reminded that no such restriction existed in the Codex Alimentarius as such, but that at the adoption of the Guidelines for the Preservation of Raw Milk by the Lactoperoxidase System by the 19th Session of the Commission, it was emphasized that the LPS should not be used for products intended for international trade⁵ and that this statement was reconfirmed at its 27th Session in 1999⁶.
7. The Representative of FAO reminded the Commission that, at its request, a joint FAO/WHO technical meeting on benefits and potential risks of the lactoperoxidase system of raw milk preservation (Rome, Italy, 28 November - 2 December 2005)⁷ had been convened and data as well as the safety evaluation by the 35th meeting of JECFA had indicated that there were no safety concerns relating to the components or metabolites of the LPS when used in accordance with the Guidelines.
8. The Delegation of Cuba expressed the view that the agreement reached at the 30th Session of the Commission had not been fulfilled as regards the reply to the circular letter requesting countries to submit new scientific evidence on the use of the LPS system and risks to human health, since only four countries had replied to the circular letter in time; however in the meeting of the Committee on Food Hygiene held in India in October 2007 new documents were circulated, there was very little time to discuss the subject, which did not allow to reach a conclusion.
9. Many delegations supported the lifting of the restriction based on the scientific evidence provided and because of the absence of new scientific information that questioned the safety of the LPS. In their view, Codex should abide by its risk analysis principles and base its decisions on science.
10. Some other delegations were of the opinion that the restriction should be maintained. According to their view some concerns still remained that the thiocyanate ion could have a toxicological effect when iodine intake was not sufficient; that pasteurization did not eliminate the thiocyanate ion; that there might be the possible misuse of the LPS by small farmers; and that the LPS inhibited growth of foodborne pathogens but did not eliminate them.
11. Some other delegations further questioned the addition of chemicals to raw milk as this could constitute adulteration of milk.
12. The Representative of WHO pointed out that the effectiveness of the LPS was limited to short periods and therefore its applicability to products in international trade was limited because of longer duration of transport.
13. After some discussion, the Chairperson put forward a proposal to the Commission to lift the restriction on the use of the LPS in products in international trade, but to reconfirm its previous decision that the most appropriate method for preservation was refrigeration and that the LPS be considered as an alternative only where refrigeration was not possible.
14. Several delegations supported the proposal of the Chairperson, while other delegations expressed their reservation to the proposal.

² CL 2008/40-CAC

³ ALINORM 08/31/13, paras 173-180

⁴ ALINORM 07/30/REP, paras 168-177

⁵ ALINORM 91/40, para. 234

⁶ ALINORM 99/37, para. 216

⁷ Report available at http://www.fao.org/ag/agn/agns/chemicals_lactoperoxidase_en.asp

15. The Delegation of New Zealand noted that the Code of Hygienic Practice for Milk and Milk Products (CAC/RCP 57-2004) allowed for several microbiostatic control measures including the LPS and that the use of any of these measures required validation prior to their use with respect to their effectiveness and safe use. The Delegation, pointing out that this point was also emphasized in the *Guidelines for the Validation of Food Safety Control Measures* (CAC/GL 69-2008), which provided that control measures required validation on a case-by-case basis, proposed that the restriction be lifted, but that the use of the LPS be conditional on infrastructure and validation and be based on mutual agreements between countries depending on patterns of trade, and in line with this observation, further proposed to amend footnote 9 in Appendix A: Microbiostatic Control Measures - Code of Practice for Milk and Milk Products by the addition of the following: "Any trade in milk treated by the lactoperoxidase system should only be on the basis of mutual agreement between countries concerned, and without prejudice to trade with other countries." This view was supported by many delegations.

16. In view of the lack of time to resolve the issues, that is, lifting the restriction agreed by its 19th Session or lifting the restriction under the conditions proposed by New Zealand, the Commission agreed to postpone further discussion until its 32nd session.

17. The Commission is hereby **invited to further consider** the issues in view of the discussion and proposals made at its 31st Session.

Timely distribution of Codex documents

18. The 31st Session of the Commission recalled that it had agreed, when adopting the Agenda for the Session, to discuss the issue raised by the Delegations of Uruguay, supported by Argentina and Colombia, regarding timely translation and simultaneous distribution of Codex documentation in the working languages of the Commission that would allow for enough time and equal opportunity among Members to comment on matters under consideration by the Commission and its subsidiary bodies.

19. In this regard, the Commission noted that, due to its annual sessions, the increase in the number of meetings of its subsidiary bodies (around forty on a biennial basis) and the unavoidable concentration of such meetings, particularly for those general subject committees having an endorsement function, over certain periods of year, it was not possible to issue, in good time, working documents in all languages of the Commission. The Commission further noted that such synchronized, advance distribution of documents would only be possible by significantly reducing the number of meetings of subsidiary bodies so that no Codex sessions take place during a three month period before a Commission session and by returning to the biennial meetings of the Commission, which would allow to accommodate several Codex committee meetings in the April-September period for the year when the Commission did not meet.

20. The Delegation of Colombia drew the attention of the Commission to Rule XIV (Languages) of the Rules of Procedure which did not make any distinction between the languages of the Commission and to Goal 5 of the Strategic Plan 2008-2013 on promoting maximum and effective participation of members, and reasserted the need for equal treatment in the use of the languages to ensure transparency and fairness in the Codex process.

21. In view of the above, the Commission agreed that this issue be further discussed at the next session of the Executive Committee in order to explore avenues to improve the translation and timely distribution of Codex documents.

22. The Executive Committee and the Commission are hereby **invited to further discuss** this issue (*see* para. 53).

THE 17TH SESSION OF THE CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS (CCFICS)

Proposed Draft Generic Certificate (Annex to the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CAC/GL 38-2001))⁸

23. The Committee agreed to forward the renamed proposed draft Generic Model Official Certificate to the Commission for adoption at Steps 5/8, with the recommendation to omit Steps 6 and 7 (*see* Appendix II).

⁸ ALINORM 09/32/30, para. 65

The Committee agreed to recommend to the Commission to request the Codex Committees on Fish and Fishery Products and on Milk and Milk Products to consider revising the *Model Certificate for Fish and Fishery Products* (CAC/GL 48-2004) and *Model Export Certificate for Milk and Milk Products* (CAC/GL 67-2008) to ensure consistency with the Generic Model Official Certificate, when adopted.

24. The Commission is **invited to consider** the recommendation of the CCFICS.

Development of guidelines for traceability/product tracing in the context of food import and export and certification systems⁹

25. Norway briefly introduced the discussion paper, which analysed the information gathered by the electronic working group on countries' views and experiences regarding the use of traceability/product tracing. The information was not sufficient to clearly identify gaps and specific needs in relation to the implementation of traceability/product tracing. The working group had therefore recommended to defer consideration of this subject and suggested that the need for further guidance could be discussed in FAO/WHO Coordinating Committees.

26. The Committee endorsed the recommendation of the working group to recommend to the Commission to request the FAO/WHO Coordinating Committees to discuss whether there was a need for further guidance on traceability/product tracing.

27. The Commission is **invited to consider** the recommendation of the CCFICS.

THE 41ST SESSION OF THE CODEX COMMITTEE ON FOOD ADDITIVES (CCFA)

Food additive provisions in commodity standards¹⁰

28. The Committee encouraged commodity committees to use the guidance provided in the Preamble of the *General Standard for Food Additives* (GSFA, CODEX/STAN 192-1995) and in the Codex Alimentarius Procedural Manual, when developing food additive sections of commodity standards in order to streamline the work of endorsement and to facilitate future integration of these provisions in the GSFA. The Committee agreed to inform committees of the practice not to endorse provisions at a level of GMP for food additives with a numerical Acceptable Daily Intake (ADI).

29. The Committee endorsed the Section on Flavourings in the Draft Standard for Jams, Jellies and Marmalades with inclusion of a reference to the *Guidelines for the Use of Flavourings* (CAC/GL 66-2008). The Committee agreed that a similar approach should be considered by commodity committees when developing standards.

30. The Commission is **invited to encourage** committees to consider the above recommendations of the CCFA when developing commodity standards.

THE 25TH SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES (CCGP)

Matters arising from the FAO/WHO Coordinating Committee for Latin America and the Caribbean (CCLAC)¹¹

31. The Committee considered several proposals and questions put forward by the CCLAC concerning the length of reports, the reopening of substantive discussion while adopting reports, and the recording of objections.

32. The Committee agreed to report the discussion on the length of reports and inclusion of names of delegations to the attention of the CCEXEC and the CAC for further debate.

33. The Executive Committee and the Commission are hereby **invited to consider** these issues taking into account the discussion held in the CCGP.

⁹ ALINORM 09/32/30, paras 72-74

¹⁰ ALINORM 09/32/12, paras 34 and 44

¹¹ ALINORM 09/32/33, paras 12-19

The concept of consensus and its application in Codex¹²

34. The Delegation of Malaysia proposed to include in the Guidelines to Chairpersons of Codex Committees and Ad Hoc Intergovernmental Task Forces in the section on consensus in front of the paragraph starting with the words “ The chairperson should also consider...” the following new paragraph: “Where there is justified sustained opposition to substantial issues the chairperson should ensure that the views of concerned members be taken into consideration by reconciling conflicting arguments before deciding that a consensus has been reached.”

35. The Committee agreed to the proposal of the Chairperson that the Committee would ask the Commission whether the Committee should continue work on the proposal from Malaysia.

36. The Commission is **invited to advise** the CCGP whether or not to continue work on the proposal from Malaysia.

37. The Committee agreed on a number of actions related to the facilitation of consensus while it remained divided on the need for a definition of consensus.

38. The Commission is **invited to advise** the CCGP how to move forward on this issue.

Possibility for a study on the possible introduction of qualified majority voting and its implications¹³

39. While the general sense of the Committee was to use consensus as a primary tool, the Committee agreed that the Executive Committee and the Commission reflect on the usefulness of having a study on introducing qualified majority voting on the adoption of standards, analyzing advantages and disadvantages implied by such system.

40. The Executive Committee and the Commission are **invited to consider** the usefulness of such a study.

Terms of reference of FAO/WHO Coordinating Committees¹⁴

41. The Committee confirmed that the full freedom was given under the current Terms of Reference of FAO/WHO Coordinating Committees to issue regional opinions on all themes under discussion in Codex of strategic importance to the region concerned and to promote the adoption of regional positions on strategic subjects, and therefore there was no need to modify the Terms of Reference.

42. The Commission is **invited to endorse** this confirmation.

THE TENTH SESSION OF THE FAO/WHO COORDINATING COMMITTEE FOR NORTH AMERICA AND SOUTH WEST PACIFIC (CCNASWP)**Information on national food control systems and consumer participation in food standard setting¹⁵**

43. The Coordinating Committee, noting the benefit of sharing this information among members, recognized the need to add some value to this information, e.g. assessing the gaps in national food control systems and the needs for standards. Therefore, the Coordinating Committee agreed to a proposal of a delegation to make this Agenda Item, along with Agenda Item 8, more useful and directly linked to the implementation of the Strategic Plan for the CCNASWP 2008-2013, thus assisting the Coordinator in monitoring the implementation of the Strategic Plan.

44. The Coordinating Committee agreed that a Circular Letter be issued in the form of a questionnaire, which would link more directly the information on status of national food legislation, food control, Codex structure, and consumer participation to the objectives and activities of the Strategic Plan for the CCNASWP 2008-2013. The Coordinating Committee accepted the offer of New Zealand to prepare the questionnaire.

45. The Coordinating Committee agreed to recommend the 32nd Session of Commission to reconsider the need to continue requesting the information on these issues, i.e. Parts A and B of CL 2008/12-NASWP prepared in line with the recommendations made by the 57th session of the Executive Committee¹⁶.

¹² ALINORM 09/32/33, paras 82-87

¹³ ALINORM 09/32/33, paras 88-90

¹⁴ ALINORM 09/32/33, para. 103

¹⁵ ALINORM 09/32/32, paras 49-51

¹⁶ ALINORM 06/29/3 para. 103

46. The Commission is hereby **invited to consider** the need to continue requesting the information on national food control systems and consumer participation in food standard setting.

II. MATTERS FOR INFORMATION TO THE COMMISSION

REVIEW OF CODEX COMMITTEE STRUCTURE AND MANDATES OF CODEX COMMITTEES AND TASK FORCES

47. The 30th Session of the Commission considered 11 Proposals as contained in Circular Letter CL 2006/29-CAC. The Commission:

- agreed to invite Codex committees to consider adopting a longer inter-session interval with the understanding that a structured, effective inter-session working mechanism should then be put in place in accordance with the Guidelines on Physical Working Groups and on Electronic Working Groups (*Proposal 3* (interval of meetings))¹⁷; and
- agreed that the duration of a Codex session should be kept within seven days, including the pre-session meetings of working groups, if any, in order to keep its proceedings well focused, ensure transparency, and facilitate effective participation of the members, with the understanding that a certain margin of flexibility should be allowed, depending on the workload of each subsidiary bodies (*Proposal 4* (duration of meetings))¹⁸.

48. The Committees on Processed Fruits and Vegetables (CCPFV) and on Fats and Oils (CCFO) considered these decisions of the Commission as follows.

The 24th Session of the CCPFV¹⁹

49. The Committee agreed, taking into consideration its proposals for new work, to retain the current interval of meetings (every 24 months) and to limit the duration of the plenary session to 5 days with the possibility of working groups meeting prior to the plenary.

The 21st Session of the CCFO²⁰

50. In view of the time required to prepare supporting data necessary for the elaboration of standards and with the understanding that inter-session and in-session working mechanisms could expedite work of an urgent nature, the Committee agreed that the current interval of 24 months was appropriate. The Committee further agreed that the current duration of meetings (five days) was appropriate for its current workload.

AMENDMENTS TO THE STANDARD FOR NATURAL MINERAL WATERS²¹

51. The 31st Session of the Commission noted the proposal of Kenya to initiate new work on the completion of the Section on methods of analysis in the Codex Standard on Natural Mineral Waters (CODEX STAN 108-1981) in view of the fact that, in the standard, there was no indication of specific methods of analysis and sampling procedures available for a number of chemical substances mentioned in Sections 3.2.17 (Surface active agents), 3.2.18 (Pesticides and PCBs), 3.2.19 (Mineral oil) and 3.2.20 (Polynuclear aromatic hydrocarbons), and the proposal to revise the Section on Hygiene to make it easier to use and consistent with the Recommended International Code of Hygienic Practice for Collecting, Processing and Marketing of Natural Mineral Waters (CAC/RCP 33-1985). The Chair of the Committee on Natural Mineral Waters also noted that the proposal from Kenya had been presented orally at the last session of the Committee on Natural Mineral Waters, however it had not been examined by the Committee as it fell outside the mandate given to the Committee by the 30th Session of the Commission. The Commission further noted that the project document had been considered at the last session of the Executive Committee and, after some discussion,

¹⁷ ALINORM 07/30/REP, paras 151-154

¹⁸ ALINORM 07/30/REP, para. 155

¹⁹ ALINORM 09/32/27, para. 113

²⁰ ALINORM 09/32/17, para. 123

²¹ ALINORM 08/31/REP, paras 106-108

agreed to refer the issue on the methods of analysis raised in Project Document 22 to the Committees on Contaminants in Foods (CCCF), on Pesticide Residues (CCPR) and on Methods of Analysis and Sampling (CCMAS) for review in their respective areas of competence as a matter of priority, especially whether further work was warranted and desirable.

52. The Commission also agreed to request the Committee on Food Hygiene to consider whether it was possible to give a higher priority to the revision of the Recommended International Code of Hygienic Practice for Collecting, Processing and Marketing of Natural Mineral Waters.

53. The Commission also requested the committees concerned, as mentioned above, to inform the Executive Committee and the Commission about their findings in order to allow the Commission to take an informed decision on this matter at its next session.

54. Discussion held by these committees are reproduced in the following paragraphs:

The 40th Session of the CCFH²²

55. In response to the request of the 31st Session of the Commission to consider giving a higher priority to the revision of the *Recommended International Code of Hygienic Practice for Collecting, Processing and Marketing of Natural Mineral Waters* (CAC/RCP 33-1985), the Committee agreed to establish an electronic working group led by Switzerland, open to all interested parties and working in English only, to consider this matter in order to make a more informed decision on this matter at the next session. The terms of reference of this electronic working group are as follows:

56. The Committee agreed that the electronic working group should:

- review the need for the revision of the *Recommended International Code of Hygienic Practice for Collecting, Processing and Marketing of Natural Mineral Waters* (CAC/RCP 33-1985):
 - In order to take into account the latest developments in food safety and food hygiene, such as HACCP principles, adopted since the Code's adoption in 1985;
 - To improve guidance provided to Codex members and bring its provisions in line with the microbiological requirements, which are obsolete, with the provisions in Section (Hygiene) of the *Codex Standard for Natural Mineral Waters* (CODEX STAN 108-1981). Work should be limited to the Code itself and should not include a revision of provisions in the *Codex Standard for Natural Mineral Waters*.
- prepare a discussion paper including, as appropriate, a draft project document, to be circulated for comments prior to the next session of the Committee and to be considered by the Committee in compliance with the current prioritization process.

The 30th Session of the CCMAS²³

57. The Committee agreed that the Secretariat would prepare a Circular Letter to ask members to provide information on methods and sampling currently used by members and views on the need for development of appropriate methods, for discussion at its next session.

The Third Session of the CCCF²⁴

58. The Committee was informed that the Committee on Methods of Analysis and Sampling had agreed that a Circular Letter would ask members to provide information on methods of analysis and sampling currently used by members and views on the need for development of appropriate methods, for discussion at its next session. The Committee agreed that the question of methods of analysis and sampling should be considered by the CCMAS and did not require further discussion in CCCF. Members were encouraged to provide information to CCMAS.

²² ALINORM 09/32/13, paras 142-143

²³ ALINORM 09/32/23, para. 8

²⁴ ALINORM 09/32/41, para. 8

THE 24TH SESSION OF THE CCPFV²⁵

Strategic Plan 2008-2013

59. The Committee noted that Activities 1.2, 3.3, 4.1, 5.5 and 5.6 are particularly relevant to the work of the Committee and that Activity 1.2 (Review and develop Codex standards and related texts for food quality) and 4.1 (Track the activities of other international standard-setting bodies) were part of its ongoing activities and required no further action.

New work on chili sauce by the Coordinating Committee for Asia (CCASIA)

60. The Committee noted that the 59th Executive Committee (June 2007), in recommending to the Commission the approval of a regional standard for chili sauce by the CCASIA as new work, had invited the CCPFV to provide its view on the potential need for an international standard for chili sauce.

61. The Committee noted that a new procedure for the conversion of regional standards into international standards had been adopted by the 31st Session of the Commission (July 2008) and that in accordance with this new procedure, the need for an international standard for chili sauce would be considered against the Criteria for the Establishment of Work Priorities and its workload at the time, if such a proposal was brought to the Committee after the completion of the regional standard.

THE 40TH SESSION OF THE CCFH

Proposed Draft Guidelines for the Control of Campylobacter and Salmonella Spp. in Chicken Meat²⁶

62. Recognizing the lack of data in several areas such as for birds other than broilers, free-range and organic production systems the Committee agreed that the work should initially focus on broilers and that annexes to address these additional issues be developed when more information becomes available and to inform the Commission about this decision.

THE 30TH SESSION OF THE CCMAS

Proposed Draft on Criteria for Methods for the Detection and Identification of Foods derived from Biotechnology – consideration of the expansion of the scope²⁷

63. The Committee agreed to the following scope:

These guidelines provide information for the validation of methods for the detection, identification, and quantification of specific DNA sequences and specific proteins in foods derived from modern biotechnology. These Guidelines may also provide information on the validation of methods for other specific DNA sequences and proteins of interest in other foods. Information relating to general considerations for the validation of methods for the analysis of specific DNA sequences and specific protein in foods is given in the first part of these Guidelines. Specific annexes are provided that contain information on definitions, validation of quantitative PCR methods, validation of qualitative PCR methods, validation of protein-based methods, and proficiency testing.

64. The Committee considered two options of the proposed title and agreed to replace the current title with “Proposed draft guidelines on criteria for methods for detection, identification and quantification of specific DNA sequences and specific proteins, in particular in foods derived from modern biotechnology”.

65. The Committee agreed to inform the Commission of the amendment to the scope and title.

²⁵ ALINORM 09/32/27, paras 8 and 11-12

²⁶ ALINORM 09/32/13, para. 76

²⁷ ALINORM 09/32/23, para. 94-101

ANNEX**Comments Received in Response to CL 2008/40-CAC:****“Request for comments on proposals for the Scope and Terms of Reference of Future Work on Animal Feeding and Suitable Mechanisms for Codex to Carry out this Work”**CANADA

Canada would like to thank Denmark and Mexico for leading the electronic working group, and preparing the Working Document. We are pleased to offer the following comments for consideration:

General Comments

A number of food contaminants (e.g., dioxins, heavy metals) enter the food chain via feed and generally cannot be removed or destroyed during food processing. Thus, the establishment of feed controls is often the only mean to minimize the presence of these contaminants in food. Canada believes that further work on animal feeding by Codex is important and should help to better address food safety issues resulting from feed contamination by preventing contamination events at source, prior to their introduction into the food chain.

When examining the proposal for the scope and Terms of Reference of future work on animal feeding, it is important to reflect carefully on the most suitable mechanisms to carry out this work. The Commission needs to take into account the limited lifespan of a Task Force so that any new work proposals/Terms of Reference are both feasible and likely to succeed. We also note the importance of effective mechanisms of interaction between a new Task Force and other Codex subsidiary bodies that may be impacted by future activities in animal feed. For example, under the proposed section “Terms of reference/Suitable mechanisms”, work relating to items 1, 2 and 3 would result in the review of existing Codex texts that have been developed/are used by six (6) different Committees. Mechanisms will need to be in place to ensure that appropriate expertise is available to carry out this review and that processes deployed to ensure any necessary revision to these texts will result in coherent outputs.

Specific Comments**Scope** (3rd paragraph, p. 4)

- Care should be taken not to confuse guidance and principles that are developed to guide a Codex Committee’s work, with guidance and principles intended for Member Governments. While we agree that the guidelines on risk assessment methodologies would be intended for government, we do not agree that the prioritized list of hazards of international relevance should be for governments. Instead, it is anticipated that such a list would be used by Codex to identify /nominate substances/hazards that should be forwarded to the Codex Committee on Contaminants in Food, whose Terms of Reference include feed aspects, for priority consideration and assessment. Therefore, it is proposed to revise the last sentence, as follows:

*“Another important objective is the preparation of a prioritized list of hazards of international relevance. This list will be an important tool for **Codex Committees** in their optimisation of a risk based and focused feed control effort.”*

Terms of Reference/Suitable Mechanisms

Canada supports the examination of existing texts identified under items 1, 2 and 3, in order to identify gaps and make recommendations to the relevant Committees to facilitate and inform their review of existing texts. This process will allow determination of whether the risk analysis principles that are used by the different Committees (e.g., CCRVDF, CCCF) enable them to consider appropriately feed safety issues as they impact food safety. However, Canada does not agree with the proposal that the intended examination be carried out by the Codex Committees that originally developed the texts, as these Committees may lack the requisite expertise to examine existing texts from a feed perspective. Instead, we believe that the establishment by the Task Force of an electronic working group, whose participants have the appropriate feed expertise, would be a more effective mechanism to carry out this task in an efficient, timely and consistent manner. Hence, we would like to suggest the following modifications to the text in this section:

- **Paragraph 2, page 4:**

*“Work relating to item 1, 2 and 3 below should be carried out by **an electronic working group** ~~the relevant Codex Committees that originally developed the texts in question~~ in order to identify possible gaps in relation to feed-related food safety issues. **The electronic working group would report its findings to the Task Force who would forward recommendations to the relevant Committees (through the Codex Alimentarius Commission).**”*

- **Item 1 f), page 5, “Working Principles for Risk Analysis for Food Safety for Application by Governments”:**

Canada suggests that this text would be more appropriately located under item four (4.), as the proposal of the E-WG relates to the development of guidelines intended for governments. We do not believe a revision of the *Working Principles for Risk Analysis for Food Safety for Application by Governments* is necessary; however, this text should be used to inform the development of the guidance to governments on risk assessment methodologies for feed ingredients.

- **Expected Outcome from item 1, 2 and 3 (page 5):**

*“~~The Codex Committee electronic working group, under the auspices of the Task Force, responsible for the text in question should~~ **would** examine the texts and make a report **identifying which identifies the possible gaps, to the Task Force. If gaps are found, The report should also make recommendations as to the necessary revisions needed for the text to be sufficiently applicable to the feed area and The report should also make recommendations regarding suitable mechanisms for carrying out the work. These recommendations would be addressed to the relevant Codex Committees (through the Codex Alimentarius Commission).**”*

- **Item 5, page 6:**

As stated above in our comments on the “Scope” of proposed work, care should be taken not to confuse guidance and principles that are developed to guide a Codex Committee’s work with guidance and principles intended for Member Governments. We believe the priority list of hazards of international relevance should be intended for use by Codex. Therefore, it is proposed to revise the following sentence (second (2) paragraph on page 6), as follows:

“Develop a prioritized list of hazards (in feed ingredients and feed additives), ~~for governmental use Codex use. The list, including hazards of high priority, could be forwarded to the appropriate Codex Committees for further consideration.~~”

- **Expected outcome for item 5, page 6:**

Canada proposes the following revision, based on the above comments:

*“A report including a high priority list, intended for **Codex** ~~governmental~~ use, of hazards in feed ingredients, including feed additives. The report should be forwarded to the appropriate Codex Committees for further consideration”*

- **Item 6, page 6:**

We note that the CCFICS guidelines for the exchange of information in food safety emergency situations would be included in the review of existing texts to identify gaps as it relates to food safety issues linked to feed contamination events (Item 2a). However, we do not agree that the criteria for the global identification and notification of emergency situations affecting the feed sector should be developed by Codex. We believe that WHO/INFOSAN has developed criteria for the identification of food safety emergency situations and suggest that this proposal be referred to the WHO as a recommendation to develop criteria for the identification of feed emergency situations as they impact on food safety.

EUROPEAN COMMUNITY

1. Background

This document is the European Community response to Codex Circular Letter CL 2008/40-CAC of December 2008 requesting comments on the proposals for the Scope and Terms of Reference of Future Work on Animal Feeding and for Suitable Mechanisms for Codex to carry out this Work. The deadline for comments is 15 March 2009.

The European Community would like to thank Codex and the electronic Working Group, in particular its host and co-chair countries, for their substantial efforts in undertaking this work which has resulted in some extremely valuable outputs.

2. Terms of Reference

The European Community considers that the work described in points number 4, 5 and 6, in the paper of the electronic Working Group is particularly worthy of endorsement and future action within Codex, namely:

- (4) the development of guidelines for governments on how to apply the existing Codex risk assessment methodologies to the various types of hazards in feed;
- (5) the development of a prioritized list of hazards in feeds for governments use; and
- (6) the development of criteria for the global identification and notification of emergency situations affecting the feed sector, taking into account systems existing already in food and, therefore, encompassing more clearly all food safety risks in the food chain.

The European Community considers that the work described in points 1, 2 and 3 in the paper of the electronic Working Group also merits future action within Codex, particularly in order to identify gaps relating to food safety issues coming from feed, namely:

- (1) examine existing Codex texts concerning risk analysis principles;
- (2) examine the existing Codex texts on exchange of information and rejection on imported food; and
- (3) examine the Codex Code of Practice for Source Directed Measures to reduce Contamination of Food with Chemicals.

3. Suitable Mechanisms

The European Community concurs with the electronic Working Group that the work described in points 4, 5, and 6 should be taken forward by a Codex Task Force. In doing so, experience gained within the predecessor Task Force that developed the Code of Practice on Good Animal Feeding (CAC/RCP 54–2004) should be taken into account.

The European Community considers that if it is agreed that a Codex Task Force is an appropriate mechanism for carrying out tasks 4, 5 and 6, it would appear to be wholly consistent, for it also to undertake the analysis in respect of tasks 1, 2 and 3. It could then make efficient use of the available expertise and resources at its disposal in order to prepare reports for consideration by the relevant Codex Committees identified by the electronic Working Group.

IRAN

Iran supports all the proposed Items (1-6) for future work and believes that none of codex committees routinely discuss animal feed issues and feed experts don't normally attend meetings of these Codex Committees.

We are in favor of establishing a dedicated Task Force to carry out all activities about animal feeding.

MALAYSIA

Malaysia agrees with the scope and terms of reference of future work on animal feeding and suitable mechanisms for Codex to carry out this work.

NEW ZEALAND

New Zealand wishes to submit the following comments in response to CL 2008/40 on the proposals for the scope and terms of reference of future work on animal feeding:

Scope

New Zealand agrees with the proposed Scope of future work on animal feeding as described in the report of the Electronic working group. We note in particular the recommendation that future work should be guided by an analysis of the extent to which existing codex texts on risk analysis are applicable to the area of animal feeds.

Terms of Reference and mechanism for future work

In line with the proposed scope, New Zealand supports the recommendation that relevant committees of Codex be asked to examine existing Codex texts on Risk Analysis as listed in the EWG Report to identify possible gaps in terms of provision of guidance on dealing with risks associated with animal feeds. Such an analysis will greatly assist the Commission to identify what if any revisions are needed and what mechanisms might be needed to address them. As for the proposed timeline for completion of this exercise New Zealand would point out that this will depend on the timing of the meetings of the relevant subsidiary bodies, not all of which are likely to meet before the 33rd session of the CAC.

New Zealand notes from the report of the Electronic working group that there is no clear consensus on the mechanism for advancing any new work on animal feeding. A decision on the issues of establishment of a new task force and its specific work programme is best left till after the 33rd session of the Commission in 2010 on the basis of the analysis and information provided by the various committees.

NORWAY

Norway would like to thank Denmark and Mexico for chairing the Electronic Working Group (EWG) and members of the EWG for the efforts made to outline the future work to improve feed and food safety. The latest proposals for the Scope and Terms of Reference identify important topics of global interest which need to be solved by cooperation and common efforts by all who are acting in the world market supply of feed and food.

Terms of reference

We appreciate the EWG careful consideration of the recommendations from the FAO/Expert meeting (Rome, October 2007) and would like to comment on the six points of major importance for future Codex work on animal feeding listed in the CL.

Norway supports the EWG recommendations and considers that work related to items 4, 5 and 6 should be carried out by a new Task Force on Animal Feed. These items are well described and in line with the Codex mandate.

(4) the development of guidelines for government on how to apply the existing Codex risk assessment methodologies to the various types of hazards in feed,

(5) the development of a prioritized list of hazards in feeds for governments use, and

(6) the development of criteria for the global identification and notification of emergency situations affecting the feed sector, taking into account systems existing already in food and, therefore, encompassing more clearly all food safety risks in the food chain.

We also support the EWG that work described in items 1, 2 and 3 are related to possible gaps in relation to other Codex Committees and committees responsible for these items should examine the texts. This is in regard to risk analysis principles, the exchange of information and rejection on imported food, and Codex code of Practice for Source Directed Measures to reduce Contamination of Food with Chemicals.

To conclude regarding suitable mechanisms to carry out further work on animal feeding.

Norway supports the view that items 4, 5 and 6 are undertaken by a new Task Force on Animal Feed. This will be in line with the former work resulting in the Code of Practice on Good Animal Feeding (CAC/RCP 54-2004).

As regards items 1, 2 and 3 it seems consistent also to ask the Task Force to prepare a report for consideration in the relevant Codex Committees.

UNITED STATES OF AMERICA

On behalf of the government of the United States, the U.S. delegate to the Electronic Working Group on Animal Feeding submits the following comments. On balance, we believe the latest draft generally reflects the input provided by the United States, and is an improvement over both of the previous drafts. We commend the drafters for adopting suggestions to direct the first three enumerated tasks to other existing Codex Committees, specifying expected outcomes from each of the six identified tasks, and incorporating risk-based concepts into the latest draft (*e.g., focusing on hazards that are "reasonably likely to occur," etc.*).

Suggested Substantive Changes

Upon reviewing the document the United States recommends the following **substantive** changes to the draft for the reasons provided herein:

- **Page 3, Subheading Entitled “A Prioritized List of Hazards”:** We recommend that the first paragraph be modified in two respects. First, we believe it would be prudent to add a risk-assessment component into this hazard prioritization section so that this task is not misperceived as developing an all-encompassing “negative list” of ingredients or feed additives; currently, this section of the document is inconsistent with later sections that make it clear that the focus should be on hazards “reasonably likely to occur” in the country or countries, and not on all potential hazards that conceivably could be present in feed or feed ingredients. Second, we recommend that the word “contaminants” be stricken from the parenthetical phrase to be consistent with the rest of the document, which deleted references to “contaminants” in favor of the use of the term “hazards.”

With these suggested changes, the paragraph would read as follows (*deleted language stricken through, new language boldfaced and underscored*):

*“The EWG believes that it is of major importance to follow the recommendation of the FAO/WHO Expert Meeting on Animal Feed Impact on Food Safety to develop a list of hazards (~~contaminants~~ in feed ingredients, including feed additives), **identified through appropriate scientific risk assessment, of international relevance that are reasonably likely to warrant future attention....**”*

- **Page 5, Section on “Expected Outcome from Item 1, 2 and 3”:** Two changes previously suggested by the United States that were omitted from this section of the new draft were: 1) that Codex member countries should strive to include, or obtain input, from feed experts during the work undertaken on tasks 1-3; and 2) that tasks 1-3 should be completed and the results analyzed before Codex determined whether tasks 4-6 should proceed. On this latter issue, the U.S. delegate appropriately pointed out that the outcomes from these first three tasks would shape significantly how a reconstituted Codex task force on animal feeding would proceed with tasks 4-6. For these reasons, we re-propose our previously suggested language to this section, (*new language boldfaced and underscored*):

*“Expected outcome from item 1, 2 and 3: The Codex Committee responsible for the text in question should examine the texts and make a report which identifies the possible gaps. If gaps are found, the report should also make recommendations as to the necessary revisions needed for the text to be sufficiently applicable to the feed area. The report should also make recommendations regarding suitable mechanisms for carrying out the work. **Feed experts should attend, or where not possible, be consulted during the reviews conducted by existing Codex Committees to accomplish items 1, 2 and 3.**”*

*“The reports should be passed on to the Codex Alimentarius Commission for further consideration at the 33rd Session in 2010. **Work on items 1, 2 and 3 are a necessary precursor – and should precede – work on items 4, 5 and 6 identified below.**”*

- **Page 6, Remarks Section:** The second to the last sentence of this section is weighted heavily in favor of countries arguing for reestablishment of a “dedicated task force” on animal feeding. We suggest that more “balance” to this section might be accomplished by the insertion of the following sentence (*new language boldfaced and underscored*):

*“...The members in favour of a Task Force point out that a dedicated Task Force could provide Codex with the necessary expertise on feed, and that grouping related, identified activities about animal feeding may be more effective and may ensure a greater consistency, both in terms of content and timing. **Those not favouring a Task Force point out that existing Codex Committees encompass many of the safety issues that also affect animal feed, and that adding selected animal feed experts to such committees, where warranted, would be more efficient and a better use of the Codex Commission’s scarce resources.**”*

Suggested Non-Substantive, Editorial Changes

We also noted the following non-substantive typographical or editing issues that the U.S. wishes to identify in comments on CL 2008/40:

- **Page 2 – Sentence immediately preceding “Background” section:** Change the word “send” to “sent.”

- **Page 3 – First Paragraph of the section entitled “Existing Code Texts, Possible Gaps in Relation to Feed-Related Food Safety Issues”:** The last sentence in the English version is convoluted, possibly because of translation. The following rewrite is suggested: “...*The EWG agrees with the opinion stated by the FAO/WHO Expert Meeting that Codex should examine the extent to which the existing Codex texts address:....*”
- **Page 3 – Last Paragraph:** Add the word “be” to the last phrase, so it reads: “..., as well as **be** a valuable asset in implementing the Code of Practice on Animal Feeding.”
- **Page 6:** The number “6” was inadvertently omitted from the last item, which begins: “*Establish criteria for the global identification and notification of emergency situations affecting the feed sector (and ultimately the food sector)....*”

Thank you again for the opportunity to comment. As a member of the EWG, I again express the appreciation of the United States to Denmark and Mexico as the Co-Chairs for their work on this project.

IFAH

The International Federation for Animal Health (IFAH) appreciates the opportunity to comment on the proposal for future work in animal feeding. IFAH has participated in the Task Force on Animal Feeding and has considerable interest in standards and guidelines for feed ingredients. The current document is well written and the inclusion of risk based concepts (e.g., focusing on hazards that are “reasonably likely to occur”, etc) ensure the appropriate use of Codex resources.

IFAH recommends the following changes to the document:

- **Page 3, Subheading Entitled “A Prioritized List of Hazards”:** We recommend that the first paragraph be modified in two respects. First, it would be prudent to add a risk-assessment component into this hazard prioritization section so that this task is not misperceived as developing an all-encompassing “negative list” of ingredients or feed additives; currently, this section of the document is inconsistent with later sections that make it clear that the focus should be on hazards reasonably likely to occur in the country or countries, and not all potential hazards that conceivably could be present in feed or feed ingredients. Second, we recommend that the word “contaminants” be stricken from the parenthetical phrase to be consistent with the rest of the document, which deleted references to “contaminants” in favor of the use of the term “hazards.”

With these suggested changes, the paragraph would read as follows (deleted language stricken through, new language boldfaced and underscored):

*“The EWG believes that it is of major importance to follow the recommendation of the FAO/WHO Expert Meeting on Animal Feed Impact on Food Safety to develop a list of hazards (~~contaminants~~ in feed ingredients, including feed additives), **identified through appropriate scientific risk assessment**, of international relevance that are reasonably likely to warrant future attention....”*

- **Page 5, Section on “Expected Outcome from Item 1, 2 and 3”:** IFAH recommends two changes to this section: 1) Codex member countries should strive to include, or obtain input, from feed experts during the work undertaken on tasks 1-3; and 2) tasks 1-3 should be completed and the results analyzed before Codex determines whether tasks 4-6 should proceed. The results from the first three tasks would significantly determine how a reconstituted Codex task force on animal feeding would proceed with tasks 4-6. For these reasons, we recommend adding language to this section, as follows (new language boldfaced and underscored):

*“**Expected outcome from item 1, 2 and 3:** The Codex Committee responsible for the text in question should examine the texts and make a report which identifies the possible gaps. If gaps are found, the report should also make recommendations as to the necessary revisions needed for the text to be sufficiently applicable to the feed area. The report should also make recommendations regarding suitable mechanisms for carrying out the work. **Feed experts should attend, or where not possible, be consulted during the reviews conducted by existing Codex Committees to accomplish items 1, 2 and 3.**”*

“The reports should be passed onto the Codex Alimentarius Commission for further consideration at the 33rd Session in 2010. Work on items 1, 2 and 3 are a necessary precursor – and should precede – work on items 4, 5 and 6 identified below.”

- **Page 6, Remarks Section:** The second to the last sentence of this section is weighted heavily in favor of countries arguing for reestablishment of a “dedicated task force” on animal feeding. We suggest that more “balance” to this section might be accomplished by recommending the insertion of the following sentence (new language boldfaced and underscored):

*“...The members in favour of a Task Force point out that a dedicated Task Force could provide Codex with the necessary expertise on feed, and that grouping related, identified activities about animal feeding may be more effective and may ensure a greater consistency, both in terms of content and timing. **Those not favouring a Task Force point out that existing Codex Committees encompass many of the safety issues that also affect animal feed, and that adding selected animal feed experts to such committees, where warranted, would be more efficient and a better use of the Codex Commission’s scarce resources.**”*

- **Page 2 – Sentence immediately preceding “Background” section:** Change the word “send” to “sent.”
- **Page 3 – First Paragraph of the section entitled “Existing Code Texts, Possible Gaps in Relation to Feed-Related Food Safety Issues”:** The last sentence is convoluted. It is suggested that it be rewritten as follows: *“...The EWG agrees with the opinion stated by the FAO/WHO Expert Meeting that Codex should examine the extent to which the existing Codex texts address:....”*
- **Page 3 – Last Paragraph:** Add the word “be” to the last phrase, so it reads: *“..., as well as **be** a valuable asset in implementing the Code of Practice on Animal Feeding.”*
- **Page 6:** The number “6” was inadvertently omitted from the last item, which begins: *“Establish criteria for the global identification and notification of emergency situations affecting the feed sector (and ultimately the food sector)....”*

OIE

The World Organisation for Animal Health (OIE) is pleased to provide the following comments on the Scope and Terms of Reference of future work on Animal Feeding and suitable mechanisms for Codex to carry out this work (to be considered at the 32nd session of the Codex Alimentarius Commission).

As you are aware, the OIE has developed a draft standard on feed for food producing animals and in May 2009 at the 77th OIE General Session the OIE International Committee will consider adoption in the OIE Terrestrial Animal Health Code of a chapter on the Control of Hazards of Animal Health and Public Health Importance in Animal Feed for Terrestrial Animals. This OIE standard will complement the Codex Code of Practice on Good Animal Feeding (CAC/RCP 54-2004), which, as you know, deals primarily with food safety. The OIE Chapter makes reference to Codex standards as appropriate. In addition, in 2008 the OIE International Committee adopted a chapter in the Aquatic Animal Health Code on the Control of Aquatic Animal Health Hazards in Aquatic Animal Feed. The Codex standards are specifically mentioned in this chapter. This text may be viewed at: http://www.oie.int/eng/normes/fcode/en_chapitre_3.5.1.htm

The development of a standard on the control of hazards of public health importance in feed for aquatic animals is on the OIE work programme for 2010 and the development of standards for the control of animal health and public health hazards in food for pet animals will be addressed in 2010 – 2011. Naturally, the OIE will be pleased to invite participation from the Codex Secretariat and/or other relevant Codex experts in the development of these new standards.

I noted with interest the report of the Codex Electronic Working Group (EWG) on proposals for the Scope and Terms of Reference of future work on animal feeding and suitable mechanisms for Codex to carry out this work. It is likely that the OIE standards will have been adopted by the time the Codex Alimentarius Commission holds its 32nd Session and considers the proposals of the EWG. I would urge you to take full account of the work already completed and that proposed by the OIE in making a decision on the future work programme of Codex in the area of animal feed.

As we have previously agreed, it is important to ensure that gaps and duplication in regard to OIE and Codex standards are avoided. As mentioned above, the two new standards to be developed by the OIE will address the remaining gaps from an animal health and animal production food safety perspective.

With all due respect to the Codex procedures and the prerogative of Codex Alimentarius Commission Members to decide the work programme for the organisation, and having regard to the most effective use of available expertise, I would like to suggest that Codex consider undertaking no further work, in the short term, on standards for animal feed. It is my view that this area of work has been well addressed by the OIE and Codex and that there is considerable merit in putting the emphasis on the implementation of the current OIE and Codex standards by the Members.

Should the Codex Alimentarius Commission decide to proceed with the development of new standards, as proposed by the EWG, I would recommend that the OIE be invited to participate in meetings as appropriate to ensure the continuing close collaboration between our two organisations in this area of standard setting work.