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codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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WORLD
HEALTH
ORGANIZATION



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Agenda Item 2

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

FAO/WHO COORDINATING COMMITTEE FOR ASIA

Thirteenth Session, Kuala Lumpur, Malaysia 17-20 September 2002

MATTERS ARISING FROM THE 24TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION AND 49TH AND 50TH SESSIONS OF THE EXECUTIVE COMMITTEE¹

A. Strategic Framework, Medium-Term Plan 2003-2007 and Chairperson's Action Plan

The 24th session of Codex Alimentarius Commission (CAC) adopted the draft Strategic Framework, including the Strategic Vision Statement. The 50th session of the Executive Committee exchanged opinions on the Draft Medium-Term Plan that had been circulated in August 2001 and revised in the light of the received comments. The Draft Medium-Term Plan, including the elements of the Chairperson's Action Plan endorsed by the Commission, will be considered under **Agenda Item 4**.

B. Trust Fund for the Participation of Developing Countries in Codex Standard-Setting Procedures

The 24th Session of the Commission, in reaction to the Chairperson's recommendation to establish an FAO/WHO Trust Fund to support developing country participation, agreed in principle that FAO and WHO should establish clear rules and procedures for the establishment and functioning of a trust fund for consideration in the first instance by the Executive Committee in 2002 and the 25th Session of the Commission in 2003 to ensure its complete transparency and avoidance of bias and influence, to report on its implementation and to indicate envisioned sources of funding. Such examination should include considerations of the links between the proposed trust fund and the "Food and Agricultural Safety Facility" announced by FAO and supported by WHO (ALINORM 01/41, para. 65).

The 50th Session of the Executive Committee considered a "concept paper" prepared by WHO outlining the proposed trust fund (available on the Codex server as ftp://ftp.fao.org/codex/ccexec50/ex02_04e.pdf). It was noted that the Project and associated funding would receive guidance from a WHO/FAO Consultative Group and be implemented by WHO through its Food Safety Programme and that the fund raising would take place in accordance with the WHO Guidelines on Interaction with Commercial Entities to Achieve Health Outcomes and the WHO Committee on Private Sector Cooperation would be consulted wherever appropriate. Fund raising would also need to be conducted in accordance with the "Principles and Guidelines regarding cooperation between FAO and the private sector". Although the project would be a joint activity, the management of funds would be conducted by WHO in accordance with WHO's financial regulations. The Executive Committee was informed that Option 3 of the paper would be the easiest to implement as WHO would be fully responsible for the management and administration of the funding through its well-established and transparent trust fund mechanism, the Voluntary Fund for Health

¹ This paper primarily introduces matters of interest to the Region considered at the 24th Session of the Codex Alimentarius Commission and 49th and 50th Session of the Executive Committee except those matters scheduled to be discussed under separate Agenda Items.

Promotion. The Executive Committee noted that the concept paper envisioned pilot funding for activities in addition to participation in Codex meetings, such as developing food safety and quality capacity within countries and other capacity building activities on an interagency basis.

The Executive Committee stressed that sustainability of impact of the Trust Fund on Codex capacities was dependent on the alignment with overarching strategic priorities, including those of the Commission itself. It was recommended that the operation of the Trust Fund should be reported regularly to the Commission and that adjustments to the Trust Fund might need to be made from time to time.

The Executive Committee noted that in addition to those funding activities related to food safety, other aspects related to funding food quality activities in general needed to be included as both consumer protection and the facilitation of trade in foods were within the mandate of the Commission. Although it was noted that the administration of the fund would be handled by WHO, the importance of including FAO in the decision and management process was stressed. It was requested to foresee the role of the Members of the Commission, as well as experts from Codex, in the consultative and advisory process. The importance of strictly controlling the financing was highlighted, especially if private funds were to be used.

The Executive Committee strongly supported the Concept Paper presented by the WHO and requested both the FAO and WHO to further develop Option 3 of the document related to funding structures as soon as possible so that it could be presented for consideration and comment at Coordinating Committee meetings. The Executive Committee further requested that the document should be revised on the basis of the Coordinating Committee discussions so that it might be examined at the WHO Executive Board in January 2003, the extraordinary Session of the Codex Alimentarius Commission in February 2003 and the World Health Assembly in May 2003. The representative of WHO took note of the comments and suggestions made during the debate with a view to incorporating them into the final documentation for the project and Trust Fund (ALINORM 03/3A, paras. 25-31).

The Coordinating Committee is therefore invited to provide its views on the establishment of the Trust Fund. Additional information will be provided later if substantial revisions are made to the paper presented to the Executive Committee.

C. Matters Related to Risk Analysis

Scientific Advice - Expert Committees and Consultations

The 24th Session of Codex Alimentarius Commission requested FAO and WHO to circulate a letter of information on the improvements already made in relation to the selection of experts to expert bodies and to convene a consultation to review the status and procedures of the expert bodies and to develop recommendations for consideration by the Directors-General on additional ways to improve the quality, quantity and timeliness of scientific advice to the Commission (ALINORM 01/41, para. 61).

An information letter on the improvements already made to the process was circulated in May 2002.

The proposed consultation has been postponed pending the completion of the Evaluation of the Joint FAO/WHO Food Standards Programme in order to take into account the Evaluation's findings and recommendations. Certain developments have taken place in the area of establishing maximum residues limits for pesticides, including a consultant's proposal to increase the capacity of the JMPR and of ways to improve the quality, quantity and timeliness of scientific advice to the Committee on Pesticide Residues and to the Commission for consideration by FAO, WHO and the Committee.

Risk Analysis Policies of the Codex Alimentarius Commission

The 24th session of the Commission considered a progress report on risk analysis in the work of Codex and the questions put forward by the Committee on General Principles concerning the development of the Working Principles for Risk Analysis (ALINORM 01/41, paras. 71-85). The Commission adopted the following position concerning precaution in the framework of Codex:

“When there is evidence that a risk to human health exists but scientific data are insufficient or incomplete, the Commission should not proceed to elaborate a standard but should consider elaborating a related text, such as a code of practice, provided that such a text would be supported by the available scientific evidence”.

The Committee on General Principles considered the *Proposed Draft Working Principles for Risk Analysis in the Framework of the Codex Alimentarius*, that include the above statement, and advanced them to Step 5. Following their adoption at Step 5 by the 50th Session of the Executive Committee, they will be considered by the 18th Session of the CCGP with a view to their finalization. The Executive Committee also approved as new work the elaboration of Proposed Draft Working Principles for Risk Analysis intended for governments, as proposed by the CCGP.

The Commission agreed that the risk analysis policies developed by Committees would be presented in a single document to the next session of the Commission (ALINORM 01/41, para. 85). A document will be submitted to the next regular Session of the Commission, based on the inputs from the relevant Codex Committees.

D. Amendment to the Procedural Manual

The 24th session of the Codex Alimentarius Commission amended the procedural manual as follows.

Amendments to the Rules of Procedure

As the quorum specified in Rule VI.6 for the amendment of the Rules of Procedure was not constituted, the Commission was unable to adopt the amendment of Rule VI.4 - Voting and Procedures proposed by the Committee on General Principles and agreed that it would be considered again at the next session. The Commission also decided to defer consideration of the *Proposed Amendments to the Rules of Procedure - Membership of Regional Integration Organizations* and to request the Committee on General Principles to consider them thoroughly.

The 17th Session of the Committee on General Principles (2002) had an extensive discussion on the proposals and agreed to consider the matter further at its next session in the light of the advice to be provided by the FAO Committee on Constitutional and Legal Matters (ALINORM 03/33, paras. 105-121).

Statements of Principle on the Role of Science and the Extent to which Other Factors are Taken into Account

The Commission adopted the Criteria for the Consideration of Other Factors proposed by the CCGP with some amendments, for inclusion in the Procedural Manual (ALINORM 01/41, paras 86-98).

Cooperation with International Intergovernmental Organizations

The Commission agreed that a document should be developed to provide guidance on cooperation with other International Intergovernmental Organizations on the elaboration of Codex Standards and Related Texts under the direction of the Codex Committee on General Principles (ALINORM 01/41, para. 31). The Committee is currently considering proposals for the development of guidelines in this area.

E. Meetings of the Commission

In the 24th session of the Commission, many delegations supported the holding of annual meetings of the Commission beginning in 2004. On the other hand, many other delegations stated that the holding of annual meetings would have serious implications for their ability to continue to participate effectively, primarily because of problems of cost and infrastructure. It was therefore decided that a decision on this issue and on the related issue of the future of the Executive Committee would not be taken until the 25th Session of the Commission in 2003. The Commission recognized that means to correct resource constraints on developing country participation and on the Secretariat's ability to service annual meetings would be important factors on the Commission's decision in this regard. The Delegation of Chile also pointed out that the future of the Regional Coordinating Committees should be addressed in this regard (ALINORM 01/41, para. 55).

F. FAO Conference on International Trade Beyond the Year 2000: Science-based Decisions, Harmonization, Equivalence and Mutual Recognition

The 24th session of the Commission specifically endorsed the following recommendations of the Melbourne Conference and requested the Executive Committee to monitor their applications and their incorporation in the Medium-Term Plan as appropriate.

- ❖ Recommendation 12: exchange of information about potentially hazardous foodstuffs moving in international trade
- ❖ Recommendation 13: urgency of Codex guidance on the judgement of equivalence
- ❖ Recommendation 14: consideration of the special needs of developing countries
- ❖ Recommendation 16: standards development for food composition, sensory quality and safety
- ❖ Recommendation 17: standards not to be over-prescriptive or unnecessarily stringent
- ❖ Recommendation 18: promote and extend the General Principles of Food Hygiene and HACCP to the whole food chain
- ❖ Recommendation 21: effectiveness of the use of written comments

G. Matters Related to Individual Committees

Proposed Draft Revised Code of Practice for the Processing and Handling of Quick Frozen Foods

In the 24th session of the Commission, concern was raised by many delegations on the involvement of International Institute of Refrigeration (IIR) in the process of revising *Code of Practice for the Processing and Handling of Quick Frozen Foods*.

The 49th Session of the Executive Committee was of the opinion that significant progress had been made but it should be discussed by the concerned Codex committees prior to its consideration at Step 5. Therefore it referred the proposed draft Code to the Committees on Processed Fruits and Vegetables, Fish and Fishery Products and Meat and Poultry Hygiene for their technical input and the Committee on Food Hygiene for the finalization of the draft.

The 50th session of the Executive Committee noted that the Committee on Meat and Poultry Hygiene had agreed that specific inputs on the Proposed Draft Code should be submitted directly to the Committee on Food Hygiene. The Committee on Fish and Fishery Products had agreed that the provisions of the Code were applicable to the Draft Code of Practice for Fish and Fishery Products and that the text could be recommended for adoption at Step 5. The Member from Asia reiterated the concerns expressed at the 24th Session of the Commission concerning the initial draft of the Code developed by the IIR, especially as some provisions in the Code were too restrictive and would cause difficulties in developing countries; further elaboration of the Code should therefore take these aspects into account. The Executive Committee noted that the Code was now under consideration in the Step Procedure and that member countries had the opportunity to comment and propose amendments as required in the framework of the Committees concerned. It encouraged other concerned Committees to provide concrete input to the development of the Code and in particular the Committee on Processed Fruits and Vegetables.

Proposed Draft Amendments to the Codex General Standard for Food Additives: Annex to Table 3 (Food Categories or Individual Food Items Excluded from the General Conditions of Table 3)

The 24th Session of the Commission considered the proposed amendments to the existing Annex to the Table 3 and noted that development of the Annex to Table 3 and that of the relevant provisions of Tables 1 and 2 should be coordinated and simultaneous. It also noted that food categories 6.4.1 (Fresh pastas and noodles and like products) and 6.4.2 (Pre-cooked or dried pastas and noodles and like products (only dried products)) and other food categories were being further considered by the CCFAC. The Commission adopted all proposed revisions to the Annex to Table 3 at Step 5 only. (The 34th session of the Codex Committee on

Food Additives and Contaminants considered the revisions of the Food Category System and agreed to revise Food Category 06.4 "Pasta and Noodles and like products" by creating three subcategories as "06.4.1 FRESH PASTAS AND NOODLES AND LIKE PRODUCTS", "06.4.2 DRIED PASTAS AND NOODLES AND LIKE PRODUCTS", "06.4.3 PRE-COOKED PASTAS AND NOODLES AND LIKE PRODUCTS ")

Guidelines for the Preservation of Raw Milk by Use of the Lactoperoxidase System

The 50th session of the Executive Committee, while discussing the opportunity of revising the current Guidelines for the Preservation of Raw Milk by Use of the Lactoperoxidase System (CAC/GL 13-1991), invited Regional Coordinating Committees to ask the views of member countries on the use of that system, the relevance of the current Codex Guidelines and the need for their revision.

The Executive Committee agreed to ask the Committee on Food Hygiene to consider whether the provisions restricting the use of the lactoperoxidase system in international trade should be retained and whether the current Guidelines should be revised. The Executive Committee also noted that the initial evaluation by JECFA covered the process but that the chemicals used would require further evaluation, and agreed to ask JECFA to undertake a new risk assessment of the lactoperoxidase system, in order to ensure an updated scientific basis for further decision (ALINORM 03/3A, paras. 86-88). The Coordinating Committee is therefore invited to consider this question.

Proposed Draft Guidelines for the Validation of Food Hygiene Control Measures

The 50th Executive Committee approved the elaboration of the Proposed Draft Guidelines for the Validation of Food Hygiene Control Measures as Annex to the International Code of Practice – General Principles of Food Hygiene. Following the question from the Member of Asian Region that it was not clear as to whether every food hygiene measure required validation or what was the practicality of requiring validation for each food hygiene measure, the Executive Committee clarified that this matter could be addressed by the Committee on Food Hygiene and that newly elaborated validation provisions should be consistent with the texts elaborated by the Committee on Food Import and Export Inspection and Certification Systems.

Proposed Draft Maximum Residue Limits for Pesticides

In the 50th Executive Committee, Regional Coordinator for Asia expressed their reservation on the proposed draft MRLs for DDT in poultry meat at 0.1-0.3 mg/kg. It was noted that according to the 2000 JMPR evaluation based on the total data sets and the lowest violation rate, the EMRL for DDT should be established at the level of 0.3 mg/kg for poultry meat as the risk assessment done by JMPR showed that this level was safe for consumers. The delegation supported the establishment of the EMRL for DDT at an appropriate level to ensure consumer protection but not at a lower level which might result in barriers to trade. The Executive Committee adopted the MRLs as proposed and forwarded the above discussion to the Codex Committee on Pesticide Residues for consideration

H. Other Matters

The 49th (Extraordinary) Session of the Executive Committee endorsed the proposals made by the Committee on General Principles concerning measures to facilitate consensus and recommended that the Commission adopt them formally at its next session. It also discussed traceability and consumer participation, that will be considered respectively under Agenda Items 5 and 9. The other general issues were further discussed by the 50th Session of the CCEXEC and will also be considered under separate Agenda Items (Evaluation and Medium Term Plan).