

codex alimentarius commission



FOOD AND AGRICULTURE
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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

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PREPARATION OF THE MEDIUM-TERM PLAN 2003-2007

BACKGROUND

1. The 23rd Session of the Codex Alimentarius Commission (June/July 1999) adopted a Medium-Term Plan of work for the period up to 2002.¹ This current Medium-Term Plan is attached as Annex 1. At the time of the adoption of the Medium-Term Plan, the Commission agreed that the preparation of the subsequent Medium-Term Plan should be initiated rapidly and noted that a circular letter would be sent to governments with a view to considering this matter at the next (47th) Session of the Executive Committee. The Secretariat subsequently issued Circular Letter CL 2000/03-GEN requesting Governments and interested international organizations to submit proposals in relation to the Medium-Term Plan 2003-2007 and at the same time proposing that the duration of the Medium-Term Plan should be for 4 years (the period between two Commission sessions), beginning in 2003. Proposals should take into consideration that many elements of the current Medium-Term Plan should be completed by the time of the period 2003-2007.

2. At the time of preparation of this document, only two comments had been received in response to CL 2000/03-GEN. These comments are presented in full in Annex 2 to this paper.

ACTION REQUIRED

3. In view of the limited response to Circular Letter CL 2000/03-GEN, the Executive Committee may wish to consider which elements of the current Medium-Term Plan may be extended into the period 2003-2007 at least as a first step in framing the Medium-Term Plan for the subsequent period. The Executive Committee may also wish to consider how the Medium-Term Plan could be developed further in time for it to be submitted to the Commission within a reasonable timeframe.

¹ ALINORM 99/37, paras. 25-34.

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ANNEX 1: MEDIUM-TERM PLAN 1998-2002

MEDIUM-TERM PLAN FOR 1998 TO 2002²*GENERAL APPROACHES AND ISSUES*

1. The general approach taken in the preparation of the Medium-Term Plan for the period realistically takes into account the financial situations facing the parent organizations and the UN system-wide desire for simplification and streamlining of existing structures. The emphasis on horizontal issues laid down by the Commission in recent years provides a satisfactory basis for this streamlining. Overall improvements in the procedures for decision-making and the acceptance of standards and related texts will be developed.
2. The world's food security needs stretching into the mid-21st Century were the focus of the World Food Summit, Rome, November 1996. The International Conference on Nutrition, 1992, stressed the importance of improved food quality and safety as a means of improving nutrition. The efficient use of sustainable agricultural resources and improvements in agricultural production efficiencies and food processing and marketing practices by all available safe technologies must be assured. In the Medium-Term, therefore, high priority should be given to science-based standards, guidelines and other recommendations aimed at enhancing protection of consumers' health and removing unjustified impediments to trade in food produced and marketed by such means. Nevertheless, buyers who wish to have access to foods produced or processed by alternative methods should have adequate information and assurances that such alternative conditions have indeed been applied. Labelling and certification procedures for such alternative products may need to be considered in parallel with the development of guidelines for new production and processing technologies for mainstream food products, where these are deemed necessary.
3. Among other general issues which are included, the integration of risk analysis principles into the Codex decision-making process should be completed in the period by introducing necessary changes to the Procedures for the Elaboration of Codex Standards and Related Texts, the General Principles of the Codex Alimentarius, and the Criteria for the Establishment of Work Priorities. Specific guidance on the application of risk analysis principles should be provided to Codex Committees on one hand and to Member Governments on the other: the former guidance to be included in the Procedural Manual, the latter in the Codex Alimentarius itself. The challenges facing developing countries in applying risk analysis principles will need to be taken into consideration. Guidance will be developed for the identification, management, application and interpretation of legitimate factors other than science relevant to the health protection of consumers and for the promotion of fair practices in the food trade. Risk communication principles will be incorporated into the risk analysis framework and probably in food labelling requirements.
4. Continued priority should be given to the Commission's horizontal science-based work in the areas of food additives, contaminants, pesticide and veterinary drug residues, food hygiene, food labelling and nutrition. Consideration should be given to the development of standards in these areas for foods derived from biotechnology or traits introduced into foods by biotechnology, where this is scientifically justified. Trade-related issues between governments of food inspection and certification and determination of equivalence and appropriate methods of analysis and sampling will also remain priority areas.
5. In the period 1998 to 2002 it will be proposed that the Commission will continue to reduce its work on commodity-specific standards in favour of horizontal or general standards. The modernisation of existing commodity standards, begun in 1993, and the transfer of material from commodity standards to applicable general standards should be completed in this period. The medium-term period should also see clarification of the relationship between the Commission and the World Trade Organisation's Committees on Sanitary and Phytosanitary Measures (SPS Committee) and on Technical Barriers to Trade (TBT Committee) especially insofar as notification of the use of standards or acceptance of standards is concerned.

² Adopted by the 23rd Session of the Codex Alimentarius Commission, 1999 (ALINORM 99/37, Appendix II).

6. The period should also see a significant increase in the use of electronic transmission of documents and storage of archival material. Cooperation with private-sector institutions and associations which is now an integral part of UN system-wide programming can also provide the Codex Alimentarius Commission with ways to facilitate the dissemination of Codex information and support the costs of archiving existing documentation.

7. Improvements in assuring transparency, the need to improved participation of non-governmental organizations as observers in the Codex decision-making process, and the need to take the views of these organizations into account when defining areas of work have been included in the Medium-Term Plan.

MEDIUM-TERM PLAN 1998 - 2002

Programme area	Medium-Term Objectives
General principles and rules of procedure	Integration of risk analysis principles into Codex procedures. Improved guidelines for participation of international non-government organizations. Improved procedures for decision-making and consideration of acceptance of standards. Consideration of special or more flexible conditions which may apply to developing countries in the acceptance and application of standards.
Application of policy principles for risk management	Guidelines on the application and interpretation in risk management of legitimate factors other than science relevant to the health protection of consumers and for the promotion of fair practices in the food trade. Completion of the General Standard for the Use of Food Additives; General Standard for Contaminants in Foods. Maintenance of up-dated MRLs for Pesticides and Veterinary Drugs Residues and extension to coverage of products of particular interest to developing countries. Application of risk analysis principles for control of specific microbiological food-borne hazards.
Food production and processing systems	Establishment of principles for the use of safe technologies in food production, processing and handling including those for specific food sectors. Consideration of standards, guidelines or other recommendations as appropriate for foods derived from biotechnology or traits introduced into foods by biotechnology on the basis of scientific evidence and risk analysis and having regard, where appropriate, to other legitimate factors relevant for the health protection of consumers and the promotion of fair practices in food trade. Continued development of guidelines for food quality and safety management systems. Consideration of application of standards and related texts by small and medium-scale enterprises, especially in developing countries.
Equivalence, mutual recognition and quality assurance of food control systems	Guidelines on equivalence and mutual recognition of testing procedures, inspection and certification systems. Recommendations on optimising control systems by official and voluntary quality assurance schemes.
Nutrition and consumer information	Review of the basis for nutrition requirements and relevant food labelling requirements in light of scientific evidence, risk analysis and legitimate factors other than science relevant to the health protection of consumers and for the promotion of fair practices in the food trade and consumer information. Guidelines on claims and certification procedures for alternative production processes. Integration of food labelling and nutrition requirements.

Programme area	Medium-Term Objectives
Commodity standards	Finalization of revision/simplification of Codex Commodity Standards. Elaboration of specific Commodity Standards where justified.
Strengthening Transparency	Establish general recommendations to improve the transparency of Codex decision-making. Develop guidelines on the procedures for granting observer status to international non-governmental organizations in Codex Alimentarius. Procedures for the full availability to be made of results of Codex decisions to interested parties. Continuing effort to take into account the views of international non-governmental organizations while defining areas of work.
Publication	Transfer of the contents of the Codex Alimentarius to the World Wide Web.
Administration	Transfer of Codex archives to electronic form (external funding).

ANNEX 2: COMMENTS RECEIVED IN REPLY TO CL 2000/03-GEN

Germany:

Programme area	Medium-Term Objectives
Application of policy principles for risk management	Maintenance of up-dated MRLs for Pesticides and extension to coverage of products of particular interest to developing countries. Further elaboration of risk analysis principles in case of pesticides, especially concerning cumulative and aggregate risk.

International Association of Consumer Food Organizations:General Policy Matters

Many of the items in the Medium-Term Plan 1998-2002 -- such as integrating risk analysis principles into Codex procedures and agreeing on whether factors other than science are relevant in Codex decisions -- will not be completed by 2002. The primary reason for this slow pace is that differences that member governments have had regarding how Codex should go about implementing its mission -- "protecting the health of the consumers and ensuring fair practices in the food trade" -- are now more pronounced given the changing significance of Codex decisions.

While Codex decisions prior to 1995 were merely advisory, they now play a role in major trade disputes brought before the World Trade Organization (WTO). For example, the decision in 1995 by Codex to approve (by a plurality vote) the use of certain hormones in beef triggered a stream of events -- a WTO decision that the European Union (EU) ban on such hormones was not based on a proper assessment of risk and was in violation of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures; the refusal of the EU to end its ban; the imposition of tariffs by the United States on food imported from the EU; and the pillaging of McDonald's restaurants in Europe. These events were one of the foci of the protests at the Seattle WTO Ministerial Meeting. Codex standards may also play a role in future disputes involving the WTO Agreement on Technical Barriers to Trade.

In order to speed up its work, the Commission should begin developing a contingency plan for 2003-2007 that will permit Codex to focus on its original task of giving technical advice to member governments and that will sever the current link between *all* Codex standards, guidelines, and recommendations and international trade disputes. Such technical advice is especially important to those developing countries that do not have the scientific expertise to develop their own standards. One way to sever the link between all Codex decisions and trade disputes is to designate some Codex actions as "advisements" rather than a "standard, recommendation, or guideline." Such a designation would help ensure that a Codex decision does not play a role in the resolution of trade disputes by the WTO.

Specific Matters**1. Executive Committee**

The April 2000 meeting of the Codex Committee on General Principles (CCGP) did not reach agreement on the Secretariat's proposal to permit representatives of international non-governmental organizations (INGOs) to participate in the Codex Executive Committee. Assuming this matter is not resolved by the Commission at its 2001 meeting, then the 2003-2007 Medium-Term Plan should make such participation a high priority. In the alternative, the Executive Committee should be abolished and the full Commission should meet every year.

2. Transparency

The 2003-2007 plan should call for increasing the transparency of the process by which individuals are selected for expert panels. The plan should specify that experts provide a detailed public declaration of their

financial interests. Codex should choose experts who reflect a balance of interests rather than trying to find experts who have no bias. All expert meetings should be open to INGOs.

3. Consideration of Legitimate Factors other than Science

The Medium Term Plan should prioritize the delineation of other legitimate factors such as environmental protection, animal welfare, and agricultural policy specifically as they impact on Codex's mission of ensuring fair practices in the food trade. For example, the use of a pesticide or a veterinary drug may lower the cost of food, creating a competitive advantage, but may harm the environment or threaten the welfare of animals. The use of such substances may thus constitute an unfair trade practice. Codex should therefore consider such factors as environmental protection, animal welfare, and agricultural policy in determining how to fulfill its mission to ensure fair practices in the food trade.

4. Upward Harmonization

Codex should work with other appropriate authorities to ensure that developing countries receive guaranteed technical assistance to comply with standards based on the principle of upward harmonization. International standards developed in accordance with the principle of upward harmonization are based on national standards that provide consumers with high levels of protection from health hazards and unfair trade practices. The development of international standards based on the principle of upward harmonization should become a top priority of Codex. International standards that are set at a level that merely facilitate trade are not consistent with Codex's core mission and will undermine public confidence in the safety of food traded in international commerce.

5. Consumer Information

In the area of consumer information, the Commission should expand upon the general priorities in the 1998-2002 Medium-Term Plan to include specific mandates for the labeling of foods containing genetically modified ingredients, mandatory nutrition labeling, and quantitative ingredient disclosure.

6. Equivalence

The 2003-2007 Plan should delete references to "Trade related issues between governments of food inspection and certification and determination of equivalence and appropriate methods of analysis and sampling" as "priority areas." Facilitating trade is the priority of the WTO, not Codex. Codex must conserve its limited resources for its core mission -- "protecting the health of the consumer and ensuring fair practices in the food trade."