codex alimentarius commission



FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS WORLD HEALTH ORGANIZATION



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Agenda Item 2(a)

CX/FFV 05/12/2 March 2005

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FRESH FRUITS AND VEGETABLES

12th Session Mexico City, Mexico, 16 - 20 May 2005

MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND ITS SUBSIDIARY BODIES

A. CODEX ALIMENTARIUS COMMISSION

1. 27TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION (Rome, July 2004)

1. The Commission considered a number of issues concerning the amendments to the Procedural Manual, final and preliminary adoptions of Codex standards and related texts, withdrawal or revocation of existing Codex standards and related texts, proposals for the elaboration of new Codex standards and related texts and for the discontinuation of work, amendments of Codex standards and related texts, financial and budgetary matters, the Strategic Planning, the implementation of the Evaluation, relations between the Commission and other international organizations, the Trust Fund, additional matters arising from FAO and WHO, among others. Some selected matters are summarized below. Further details on matters considered at the last Session of the CCEXEC can be found in the report of its 27th Session¹.

1.1 General Decisions of the Commission

1.1.1 Amendments to the Procedural Manual²

Amendments to the Rule of Procedure

2. As the quorum specified in Rule V.6 of the Rules of Procedure was not constituted, the Commission was unable to adopt the following proposed amendments and agreed that their consideration should be deferred to its next session:

- (a) Proposed Amendments concerning the enlargement of the Executive Committee, the functions of the Executive Committee and matters related to budget and expenses,
- (b) Proposed Amendments to Rules VIII.5 Observers.

Amendments to Other Sections of the Procedural Manual

- 3. The Commission adopted the following proposals to amend other sections of the Procedural Manual:
 - (a) Amendments to the Procedures for the Elaboration of Codex Standards and Related Texts;
 - (b) Criteria for the Appointment of Chairpersons;

Reports and working papers of the Codex Alimentarius Commission and its subsidiary bodies are available for downloading at: <u>http://www.codexalimentarius.net/web/index_en.jsp</u>.

² ALINORM 04/27/41, paras. 9 - 20, Appendix II.

- (c) Guidelines to Host Governments of Codex Committees and ad hoc Intergovernmental Task Forces;
- (d) Guidelines on the Conduct of Meetings of Codex Committees and ad hoc Intergovernmental Task Forces;
- (e) Guidelines to Chairpersons of Codex Committees and ad hoc Intergovernmental Task Forces;
- (f) Matters related to Methods of Analysis and Sampling;
- (g) General Criteria for the Selection of Single Laboratory Validated Methods of Analysis Principle;
- (h) Amendments to the Analytical terminology for Codex Use;
- (i) Definitions of Risk Analysis Terms related to Food Safety, on an interim basis, for inclusion in the Procedural Manual with the understanding that the Codex Committee on General Principles would reconsider these definitions if required in the light of the advice of the Codex Committee on Pesticide Residues, the Codex Committee on Food Additives and Contaminants, the Codex Committee on Residues of Veterinary Drugs in Foods, the Codex Committee on Meat Hygiene, and the Codex Committee on Food Import and Export Inspection and Certification Systems;
- (j) Definition of Traceability/Product Tracing (The Commission requested the Codex Committee on Food Import and Export Inspection and Certification Systems to present a proposal for new work on principles for the application of traceability/product tracing as a matter of priority. The Delegations of Mexico, Argentina, Chile and India maintained the view that the application of the definition should be deferred until the principles under development had been finalized).

1.1.2 Strategic Planning of the Codex Alimentarius Commission³

Status of the Strategic Framework 2003-2007 and Medium-Term Plan 2003-2007

4. The Commission endorsed the decision of the 53rd Session of the Executive Committee⁴ (July 2004) to discontinue the elaboration of the Medium-Term Plan⁵, with the understanding that its elements would be used as a basis for a list of programmes/activities to be incorporated into the new Strategic Plan 2008-2013. In the absence of a Medium-Term Plan, the Commission agreed that the Executive Committee would exercise its critical review functions, closely coordinate work between different Codex Committees and monitor the progress of standards development in accordance with the current Strategic Framework and the Criteria for the Establishment of Work Priorities.

Preparation of the Strategic Plan 2008-2013

5. The Commission agreed to initiate the preparation of a new Strategic Plan for the period 2008-2013, and recommended that:

- (a) The Executive Committee, at its next session, discuss the structure and format for a new Strategic Plan covering a six-year period of 2008-2013 as well as the ways to further proceed with the development of the Strategic Plan;
- (b) The Strategic Plan state strategic objectives and priorities of the Commission and incorporate a list of programme areas/planned activities with a clearly defined timetable for each of the activities;
- (c) After requesting the views of Regional Coordinating Committees, the draft Plan be submitted to the Commission for adoption by 2007; and
- (d) The Strategic Plan, once adopted, be renewed every two years on a rolling basis.

6. The Commission recalled that the Codex Committee on General Principles was considering the revision of the Criteria for the Establishment of Work Priorities, while the Executive Committee was developing new criteria for the prioritization of requests for scientific advice within Codex (see also paras. 21 - 28).

³ ALINORM 04/27,41, paras. 120 - 126.

⁴ ALINORM 04/27/3, para. 15.

⁵ ALINORM 04/27/4, para. 47.

$1.1.3\,$ Implementation of the Joint FAO/WHO Evaluation of the Codex Alimentarius and other FAO and WHO Work on Food Standards 6

Review of the Mandates of Codex Committees and Task Forces

- 7. The Commission adopted the following Terms of Reference of the Review:
 - (a) With the objective of reducing the number of Codex meetings while also keeping them short and focused, the review should concentrate on:
 - (i) adequacy of the current structure of general subject committees to meet member countries' needs in a flexible and timely manner;
 - (ii) adequacy of the current structure of commodity committees to meet member countries' needs in a flexible and timely manner;
 - (iii) areas of overlap and areas where coverage of the subject matter is inadequate, taking into consideration the needs that were not covered or new issues that may arise in the future; and
 - (iv) relationship between all committees and task forces, particularly the relations between commodity and general subject committees (task forces);
 - (b) Based on a detailed study of the points above and inputs received from Codex chairs and host governments, and taking full account of the Report of the Evaluation of the Codex Alimentarius and other FAO and WHO Food Standards Work as well as ongoing work on specific subjects at the committee level, recommendations should be formulated for consideration by the Commission. These may include proposals for revision of the existing committee mandates with a view to rationalisation, proposals for redistribution of tasks and responsibilities between committees, and proposals to split or merge committees.
 - (c) The recommendations to the Commission should also take into account the ability of all members of the Commission to participate in the standards development process, including the sustainability of the subsidiary body structures and their work programmes, especially in the light of the holding of annual sessions of the Commission and the operation of the FAO/WHO Trust Fund for Enhanced Participation in Codex.

8. The Commission agreed that the recruitment of a small team of consultants (three or four) would be initiated after the Commission and that the time frame presented in document ALINORM 04/27/10C would be followed in order that recommendations could be submitted to the 28^{th} Session of the Commission. The Commission therefore agreed that a Circular Letter would be sent to all Codex Members to ask for their views on the review of the mandates of Committees and Task Forces (see also paras. 29 - 41).

1.1.4 Relations between the Codex Alimentarius Commission and other international organizations⁷

International intergovernmental organizations

9. The Commission was reminded that the amendment to Rule VIII.5 "Observers" proposed by the 20th Session of the Codex Committee on General Principles had not been adopted at the present session due to the absence of quorum. It took note of the status of the draft Guidelines for Cooperation with International Intergovernmental Organization under development in the Codex Committee on General Principles and noted that the 21st Session of the Committee would consider a revised draft prepared by the Secretariat. In this regard, the Commission noted that the Codex Committee on General Principles did not support the elaboration of a joint standard with a cooperating organization.

⁶ ALINORM 04/27/41, paras. 129 - 136.

⁷ ALINORM 04/27/41, paras. 173 - 187.

International non-governmental organizations

International Organization for Standardization (ISO)

10. The Commission recalled that the 53rd Session of the Executive Committee had agreed that the Codex Secretariat establish preliminary contact with the International Organization for Standardization (ISO) to obtain information on the current status of food safety work within ISO. The Commission agreed that the Secretariat should maintain its contacts with ISO and report to the Executive Committee and the Commission on ISO activities of relevance to Codex work (see also paras. 42 - 44).

1.1.5 FAO/WHO Project and Trust Fund for Enhanced Participation in Codex⁸

11. The Commission noted the Fourth Progress Report of the Project and Trust Fund presented by FAO and WHO as the working document and commended the work of the FAO/WHO Consultative Group.

12. The Commission acknowledged that the Trust Fund had become operational since March 2004 after the threshold of US\$ 500,000 was reached. It encouraged other countries to contribute and recommended that FAO and WHO look into the possibilities to seek funds from other sources, such as Foundations, while ensuring that conflict of interest be avoided. The Assistant Director-General of WHO acknowledged the generous contributions to the Trust Fund, reminding the Commission that the received funds still amounted to one quarter of the anticipated annual contributions to the Fund.

13. The Commission was informed that the call for applications for 2005 would be issued in July 2004 with 1 October 2004 as deadline.

14. In noting the views of the 54th Session of the Executive Committee, the Commission stressed the importance of national coordination and the key role of Codex Contact Points for the successful operation of the Trust Fund and agreed that the submissions for application to the Trust Fund should be channelled exclusively through the Codex Contact Point.

15. The Commission generally supported the use of the Trust Fund for projects other than for travelling to Codex sessions. It was however stressed that participation in training activities on Codex should not be the primary focus of the Trust Fund, but should rather covered by the Regular Programme and extra-budgetary resources of FAO and WHO as part of their capacity building activities.

16. The Commission requested that the criteria used in the distribution of funds should be kept under review. Further consideration should be given to ensuring adequate regional representation and the effectiveness of the participation of the beneficiary countries in Codex work (see paras. 45 - 48).

1.2 Decisions of the Commission concerning the work of the Committee

1.2.1 Consideration of draft Standards and Related Texts at Step 8⁹

Draft Codex Standard for Oranges

17. The Commission adopted the Draft Standard for Oranges at Step 8 as proposed by the Committee.

1.2.2 Consideration of proposed draft Standards and Related Texts at Step 5¹⁰

Proposed Draft Standard for Tomatoes

18. The Commission adopted the Proposed Draft Standard for Tomatoes at Step 5 and advanced it to Step 6 as proposed by the Committee. In taking this decision, the Commission agreed that technical comments submitted at Step 5 should be referred to the Committee for consideration at its next Session.

⁸ ALINORM 04/27/41, paras. 188 - 196.

⁹ ALINORM 04/27/41, para. 44 and Appendix III-Part 1.

¹⁰ ALINORM 04/27/41, para. 73 and Appendix IV.

1.2.3 Matters arising from reports of Codex Committees and Task Forces¹¹

Amendment to the Recommended International Code of Practice for Packaging and Transport of Tropical Fresh Fruits and Vegetables

19. The Commission agreed to amend the Recommended International Code of Practice for Packaging and Transport of Tropical Fresh Fruits and Vegetables (CAC/RCP 44-1995) by deleting the word "tropical" throughout the Code in order to make it applicable to the packaging and transport of all fresh fruits and vegetables.

B. CODEX COMMITTEES AND TASK FORCES

2. 55TH SESSION OF THE EXECUTIVE COMMITTEE (Rome, February 2005)

20. The Executive Committee considered a number of issues concerning the development of the Strategic Plan of the Commission, the critical review of proposals for new work and monitoring progress of standards development, matters arising from Codex committees and task forces as well as FAO and WHO, the implementation of the Evaluation and the Trust Fund, relations between the Codex Alimentarius Commission and other international organizations, and the draft Provisional Agenda for the 28th Session of the Commission. Some selected matters are summarized below. Further details on matters considered at the last Session of the CCEXEC can be found in the report of its 55th Session¹.

2.1 <u>Strategic Planning of the Commission¹²</u>

2.1.1 Preparation of Strategic Plan 2008 - 2013

21. The Executive Committee recalled that the Commission, at its 27th Session, had agreed to initiate the preparation of a new Strategic Plan 2008 - 20013 and had recommended that the Executive Committee, at its current Session, discuss the structure and format of the Plan as well as ways to further proceed with the development of the Plan.

Format and Structure of the Strategic Plan

22. The Committee considered a new Strategic Plan that would comprise three parts: the first part (Part 1) broadly stating Commission-wide objectives, the second part (Part 2) listing achievable outputs covering the areas for priority action by subsidiary bodies, and the third part (Part 3) setting out the working timetables by subsidiary body with the indication of a timeframe for each of the activities being undertaken, planned frequency of meetings of the subsidiary body as well as relevance to the outputs defined in Part 2.

23. The Executive Committee noted the importance of general direction provided at the Commission level, while acknowledging that priorities agreed on at the Committee level should duly be taken account of. It was also pointed out that the Plan, once developed, should guide the work of subsidiary bodies in a useful and practical manner.

24. The Executive Committee further agreed that the third part of the Plan should be regularly updated with appropriate input from the subsidiary bodies and be organised in such a way to facilitate the standards management function of the Executive Committee.

25. The Committee confirmed that the current Strategic Framework as well as elements of the draft Medium-Term Plan 2003-2007 would provide a useful basis to the preparation of the Strategic Plan 2008-2013.

Process and Timetable for Preparation of the Strategic Plan

26. The Executive Committee generally supported the process and timetable proposed in working document CX/EXEC 05/55/2 Part I.

¹¹ ALINORM 04/27/41, para. 137.

¹² ALINORM 05/28/3, paras. 6 - 14.

27. The Executive Committee also agreed that in order to ensure early inputs from Codex Members and Observers in the development of the Strategic Plan, a Circular Letter be issued by April 2005 to request comments on areas in which the current Strategic Framework was considered insufficient or needed to be improved or strengthened. The comments received would be used when elaborating the preliminary draft. The Committee noted that the parent organizations of the Commission could also contribute useful elements to the preparation of the preliminary draft.

28. The Executive Committee further agreed that the comments from the governments as well as Codex Committees should be sought, as appropriate, in the subsequent stages of the development of the Strategic Plan, before the draft Plan be submitted to the Commission for final adoption by 2007.

2.2 <u>Implementation of the Joint FAO/WHO Evaluation of the Codex Alimentarius and other FAO and WHO Work on Food Standards</u>¹³

29. The Committee noted, with satisfaction, the progress being made on the implementation of the proposals from the FAO/WHO Evaluation of the Codex Alimentarius Commission which had been endorsed by the 26^{th} session of the Codex Alimentarius Commission as presented in the Table 1 and 2 of the working document CX/EXEC 05/55/2 Part II.

2.3 <u>Review of Codex Committee Structure and Mandates of Codex Committees and Task Forces</u>¹⁴

30. The Executive Committee recalled that as a follow up to the Joint FAO/WHO Evaluation of the Codex Alimentarius and Other FAO and WHO Work on Food Standards conducted in 2002 and the ongoing implementation of its recommendations by Codex, a team of consultants had been recruited to conduct a review of the Codex Committee Structure and Mandates of Codex Committees and Task Forces, with a view to formulating recommendations for consideration by the Commission. To assist the work of the consultants, a questionnaire had been sent to the chairpersons of Codex Committees and Task Forces and the host governments. The consultant prepared a Preliminary Report based on the responses to the questionnaire and the information provided by the officers of the Codex Secretariat. The working document presented to the Executive Committee incorporated the Preliminary Report with a number of proposals and recommendations.

31. The Executive Committee noted that on the basis of the guidance provided at the present session of the Committee a Final Report would be prepared and be sent as a Circular Letter to all Codex Members and Observers for comments. The recommendations in the Final Report, in the light of the comments received, would be considered by the 56th Session of the Executive Committee and by the 28th Session of the Commission. To bring necessary changes to the relevant sections of the Procedural Manual, including the Terms of Reference of subsidiary bodies, the Commission would then invite the 23rd Session of the Committee on General Principles (2006) to formulate concrete proposals for revision of the provisions in the Procedural Manual.

32. The Executive Committee further noted that those amendments to the Procedural Manual with no budgetary implications could be implemented once they were approved by the Commission, while other amendments which require budgetary provisions to be made would not be implemented before the 2008-2009 biennium.

2.3.1 General Comments

- 33. The Executive Committee noted various views expressed by members as follows:
 - the report did not fully differentiate between the issues relating to the strategic and standards management of Codex and the issues to be resolved mainly through the review of the committee structure and mandates. Several problems currently present would be addressed as and when the management was improved, including the implementation of the strategic management function of the Executive Committee;
 - consideration should be given to the relative importance of vertical and horizontal standards, food safety and quality standards, as well as global and regional standards, within the overall Codex strategy;

¹³ ALINORM 05/28/3, para. 15.

¹⁴ ALINROM 05/28/3, paras. 16 - 30.

- factors leading to timely development of standards could be further analysed from the past experiences;
- the proposed increased use of working groups, together with the possible establishment of a number of Task Forces, could be in conflict with the goal to reduce the number of Codex meetings; and
- any options for reorganization should ensure transparency and inclusiveness, particularly from the developing country perspective, and should be accompanied by more detailed analysis of cost implications to Codex members, host governments and the Codex Secretariat as well as the impact on the efficiency and speed of Codex work.

2.3.2 Options for Structural Change

34. The Executive Committee noted various views expressed by members. An extract of those comments in relation to the development to Codex standards, in particular commodity standards are reproduced below:

35. Some members expressed concern that the a "super commodity committee" might require a relatively long session with the participation of a large number of experts in a national delegation to cover a variety of technical areas. It was also pointed out that it might be difficult to find a single country to accept to host such a large meeting.

36. It was noted that the proposed Commodity Management Committee was not intended to be composed of technical experts, but rather a management body that would identify issues of high priority and would oversee technical work within time limits and prepare terms of reference for ad hoc Task Forces. Such management role could be assumed by the Commission or by the Executive Committee, but in the latter case, consideration was needed as regards transparency and inclusiveness of the process.

37. In regard to the concept of a Commodity Management Committee, concern was expressed that the unique oversight role of the Executive Committee in standards management was in conflict with the proposed role of this Management Committee and that the latter could constitute an additional layer of bureaucracy in Codex. It was also pointed out that it was premature to contemplate changes to the management role of the Executive Committee, since this new role was starting to be implemented.

38. Some members stated consideration could be given the elimination of standards development work carried out by Regional Coordinating Committees, particularly in the light of the increased emphasis being given to world-wide standards in the context of international trade framework. It was also pointed out that proposals to convert regional standards into worldwide standards during the elaboration process sometimes resulted in the overload of technical Committees and delayed the speed of Codex work. These members stated that more resources should then given to the standards development relevant to the protection of public health.

39. Other members stated that Codex should also give due emphasis to the development of food quality standards, including regional standards, to protect developing countries from the dumping of products of inferior quality and to ensure fair practices in food trade, which was part of the stated objective of the Commission.

40. Several members expressed the view that the meeting of Codex Committee Chairs should be formalized in one way or another, since this meeting could provide useful guidance to the Executive Committee in its critical review function. The interaction between Codex Chairs could also facilitate the coordination between Codex Committees, which were jointly involved in the development of a standard. The resource implications of formalising the meeting of Codex Chairs should however been fully analysed.

2.3.3 Preparation of a Final Report

41. The Committee agreed to request the consultants to prepare a Final Report taking account of the discussion held and in particular the following aspects:

- the impact of any of the options on the workload and other resource questions faced by the Codex Secretariat, the host countries of subsidiary bodies and Codex members particularly developing countries;
- the impact of any options for reorganization on transparency and inclusiveness, particularly from the developing country perspective, and on the efficiency and speed of Codex work.
- exploration of other possible options for reorganization than those contained in the Preliminary Report, with the analysis of their advantages and disadvantages;

- the practical details and implications of the concept of a Commodity Management Committee (e.g. funding, host country, institutional and working relations with the Commission and the Executive Committee, timing and frequency of meetings);
- the role the Executive Committee was expected to play in improving standards management;
- analysis of the factors having positive or negative impact on the productivity and efficiency in different areas of work or in different subsidiary bodies;
- consideration of a half-way option whereby commodity committees be re-organized, without introduction
 of a super commodity committee or a management committee, by merging existing committees along the
 lines of natural groupings (e.g. products of animal versus non-animal origin, raw versus processed
 products);
- the impact of eliminating or reducing the weight of regional standards development;
- the relationship between the number of meetings by working groups and the productivity in standards development;
- more specific recommendations on the work related to methods of analysis and sampling.

2.4 <u>Relations between the Codex Alimentarius Commission and other International Organizations</u>¹⁵

2.4.1 International non-governmental organizations

International Organization for Standardization (ISO)

42. The Executive Committee was informed that in accordance with the decisions of the Executive Committee and the Commission, contacts for information exchange were maintained between the Codex Secretariat and ISO since the last session of the Committee. The Committee noted that Technical Committee 34 (Food products) of ISO was currently working on three items of relevance to Codex: food irradiation (ISO/AWI 22810), traceability in feed and food chain (ISO/CD 22519), and food safety management systems (ISO/DIS 22000).

43. The Executive Committee was informed that the General Assembly of ISO had adopted in September2004 the ISO Strategic Plan 2005-2010, of which Objectives 4 and 5 called for increased collaboration between ISO and intergovernmental standard setting bodies such as Codex.

44. The Executive Committee agreed that contacts should be maintained between the Secretariats of Codex and ISO. It was also agreed that in order to minimise duplication of work and to increase consistency of normative guidance between Codex and ISO, national Codex Contact Points should be encouraged to strengthen communication and coordination with the respective national focal point for ISO.

2.5 FAO/WHO Project and Trust Fund for enhanced participation in Codex¹⁶

45. The Representative of WHO, while presenting the Annual Report 2004 and the Update on Applications and Funding 2005, noted that 92 participants representing 75 countries, had benefited from the Trust Fund and that priority had been given to Least Developed Countries. The Committee noted with appreciation that several donors had made commitments to provide funds for two or three years, increasing the sustainability of the Trust Fund. The Committee also noted that more funds would be available in 2005, which would facilitate and improve the operation of the Trust Fund.

46. In response to a number of questions from members of the Committee, the Representatives of WHO and/or FAO indicated that:

- applicant countries were required to describe their expectations in relation to participation in Codex and how it would benefit them at the national level. The Representative of WHO confirmed that countries were required to provide a report following each participation in a Codex meeting if they wished to benefit from further support from the Trust Fund; and informed the Committee that all beneficiaries had submitted such reports so far.

¹⁵ ALINORM 05/28/3, paras. 91 - 94.

¹⁶ ALINORM 05/28/3, paras. 57 - 67.

- the Codex training package developed by FAO and WHO would be soon available and would be used in several training programmes, especially in conjunction with Regional Coordinating Committee meetings.
- in 2004 only Output level 1 (widening participation) had been funded in view of the difficulties encountered by countries to establish output levels in their request, but that in 2005, it would be possible to apply also for Output level 2 (strengthening overall participation including training) or level 3 (enhancing scientific/technical participation).
- all efforts had been made to extend deadlines in order to allow the participation of as many countries as possible and noted some difficulties with communications in the countries concerned; however, it was expected that these difficulties would be solved as more experience was gained with administrative procedures.
- earlier decision by FAO and WHO instructed that applications should be forwarded by Codex Contact Points and noted that the Consultative Group would consider how to address specific problems that may be faced by individual countries.
- applications were granted only when the country could demonstrate that all concerned ministries, especially the Ministry of Health and the Ministry of Agriculture, had been involved in the selection of the delegate to a Codex meeting.

47. The Executive Committee expressed its appreciation to FAO, WHO and the donor countries for their considerable achievements during the first year of operation of the Trust Fund, and encouraged current and potential donor countries to support the Trust Fund. The Committee recognized the need for feedback from beneficiary countries on their participation and noted that training might be necessary in order to allow some countries to benefit more from participation and to contribute effectively to the Codex process, and stressed the importance of FAO and WHO capacity building activities in this area.

48. The Executive Committee welcomed the initiative of FAO and WHO to hold an information meeting of both donors and beneficiary countries of the Trust Fund in conjunction with the 28th Session of the Commission (July 2005).