CODEX ALIMENTARIUS COMMISSION

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Food and Agriculture Organization of the United Nations

World Health Organization

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Agenda Item 2(a) CX/FFV 11/16/2

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FRESH FRUITS AND VEGETABLES

16th Session

Mexico City, Mexico, 2 – 6 May 2011

MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES

PART 1 MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION

Decisions of the Commission in regard to the work of the Committee on Fresh Fruits and Vegetables

33rd Session of the Commission

Proposed draft standards adopted at Step 5

1. The 33rd Session of the Commission (July 2010) adopted the Proposed Draft Standards for Avocado and Tree Tomatoes at Step 5 and advanced them to Step 6 for additional comments and further consideration at the next session of the Committee.[1] The Commission also approved the elaboration of a Codex Standard for Pomegranate as new work for the Committee[2].

Change of title of "United Nations Economic Commission for Europe (UNECE)" to "United Nations (UN)" standards

2. The 15th Session of the Committee on Fresh Fruits and Vegetables (October 2009) noted the decision of the UNECE Working Party on Agricultural Quality Standards to change the title of the "UNECE" standards to "UN" standards and agreed to request the Codex Secretariat to explore the implications of this decision and also to inform the Codex Alimentarius Commission of this situation in order to obtain guidance from the Commission on appropriate follow-up to this matter. The 63rd Session of the Executive Committee (December 2009) noted that the Codex Secretariat had sought the advice of the FAO and WHO Legal Offices and that the Commission would be updated about further developments at its 33rd Session.

3. The 33rd Session of the Commission recalled that this matter had already been discussed at previous sessions of the Commission including the response of the Legal Counsel of the United Nations concerning the global status of Codex standards as related to UNECE standards. The Commission further noted the reply of the Senior Legal Adviser of the UN Office at Geneva (February 2010) which reasserted the previous opinion of the UN Legal Counsel (November 1998).

4. In this regard, the Representative of the WHO Legal Counsel provided further clarification on the change of the title of "UNECE standards" to "UN standards" which already arose in the late nineties. In 1998, a legal opinion of the Office of the Legal Affairs stated that such change would have been unlikely to be approved by ECOSOC, in light of a number of considerations. In February 2010, doubts on the possibility to come at the present time to a different conclusion than in 1998 were expressed by a Senior Legal Adviser of the United Nation Office in Geneva. The Representative of the WHO Legal Counsel advised the Commission to take note of the two legal opinions and offered to cooperate with the Office of Legal Affairs should there be any need for further clarifications on the FAO/WHO Joint Food Standards Programme and its standards.

5. The UNECE Representative informed the Commission that the reply of the Senior Legal Adviser of the UN Office at Geneva would be considered by the 66th Session of the Working Party (November 2010) and it was expected that the Working Party would follow the advice of the Office of the Legal Affairs by putting back the reference to "UNECE" in the title of its standards. The Representative expressed the hope that this decision could adequately address the concerns of Codex members and would assist in the resolution of this matter.

6. The Delegation of Belgium, speaking on behalf of the European Union Member States present at the session, stressed the need for close cooperation between Codex and UNECE in order to avoid duplication of work. The Delegation noted that Codex and UNECE could mutually benefit from the work carried out in their respective subsidiary bodies in order to promote synergies thus facilitating the development of international standards for fresh fruits and vegetables.

7. The Delegation of Mexico, as Chair of the Committee on Fresh Fruits and Vegetables, noted that the Joint FAO/WHO Food Standards Programme was the truly recognized international UN body to develop worldwide food standards, and in this regard, the SPS/WTO Agreement clearly identified the Codex Alimentarius Commission as the international reference body for the development of food safety standards.

1 ALINORM 10/33 REP, para. 62 and Appendix IV.

2 ALINORM 10/33 REP, para. 79 and Appendix VI.

8. The Commission took note of the view of the WHO Legal Adviser and reiterated its previous recommendation on the need for the CCFFV to cooperate and coordinate with the UNECE towards the elaboration of harmonized standards without duplication of effort. While avoiding any unnecessary duplication of work, the collaboration would also benefit UNECE by giving international recognition to its standards as the Terms of Reference of the Committee allows the Commission to use UNECE standards and recommend them for worldwide application.[3]

9. Complementary information on this matter can be found in working document CX/FFV 11/16/3.

PART 2 MATTERS ARISING FROM THE EXECUTIVE COMMITTEE

Development of specific decision making and priority setting criteria for development (including revision and amendments) of Codex standards for fresh fruits and vegetables

10. With regard to the Strategic Plan 2008-2013 of the Codex Alimentarius Commission, the 14th Session of the Committee on Fresh Fruits and Vegetables (May 2008) noted that Activity 3.3 (Develop committee-specific decision-making and priority-setting criteria) could be discussed when considering the proposals for amendments to the priority list for the standardization of fresh fruits and vegetables if delegates felt that the criteria and procedures as currently set out in the Procedural Manual were not sufficient for the effective work of the Committee.[4] However the Committee did not make any specific recommendation in this regard.

11. However, in considering the Priority List for Standardization of Fresh Fruits and Vegetables, the 15th Session of the Committee (October 2009) noted that most of the commodities currently contained in the list had not been considered by the Committee on the basis of a project document and that any new work should be, when proposed to the Commission, accompanied by a project document. The Committee therefore agreed to discontinue the maintenance of the Priority List while noting that proposals for new work would continuously be requested so that any members interested in proposing new work should submit a project document well in advance of the meeting in order to allow for sufficient time for other members to consider the proposal. [5]

12. The 63rd Session of the Executive Committee (December 2009) agreed to advise the Committee on Fresh Fruits and Vegetables to reconsider developing committee specific decision making and priority setting criteria, as specified in the *Codex Strategic Plan Goal 3* (*Activity 3.3*), including the need for revision or amendment of existing standards.[6]

13. In this regard, when considering a study on the speed of the Codex standard-setting process, the 64th Session of the Executive Committee (June 2010) noted that the CCFFV had abolished the Priority List as all work had to be in line with criteria for establishment of work priorities. The Committee noted further that in some cases development of standards in the CCFFV had taken longer because of regional differences and the need in accordance with its terms of reference to "consult with the UNECE Working Party on Agricultural Quality Standards in the elaboration of worldwide standards and codes of practice with particular regard to ensuring that there is no duplication of standards or codes of practice and that they follow the same broad format". The Executive Committee noted that the general recommendation to follow the requirements of the critical review would facilitate work of the CCFFV. [7]

14. The Committee is invited to reconsider the need to develop specific decision making and priority setting criteria taking into account its previous discussion in this regard.

PART 3 MATTERS ARISING FROM THE FAO/WHO COORDINATING COMMITTEE FOR EUROPE

Revision of the Codex Regional Standard for Chanterelles

15. The 27th Session of the FAO/WHO Coordinating Committee for Europe (October 2010) recalled that the UNECE had revised the standard for fresh "Chanterelle" and that a Circular Letter had been issued on the need for conversion of the Regional Standard for "Chanterelle" into a worldwide standard for consideration by the Committee on Fresh Fruits and Vegetables.

16. The Delegation of the European Union recalled that trade in fresh chanterelle appeared to be mainly concentrated in Europe and that, pending discussion in the Committee on Fresh Fruits and Vegetables, it would be preferable to undertake the revision of the regional standard in the CCEURO.

17. The Coordinating Committee agreed to propose to the Commission new work on the revision of the Regional Standard for Fresh Fungus "Chanterelle". Subject to the approval of the Commission, the delegations of Belgium, European Union, France, and Poland, would prepare a Proposed Draft for circulation at Step 3 and consideration at the next session Any other interested delegations were encouraged to join the above delegations to contribute to this work.[8]

18. Additional information on this matter can be found in CL 2010/35-FFV.

19. The Committee is invited to consider the need for an international standard for fresh fungus "Chanterelle".

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3 ALINORM 10/33 REP, paras. 128-135.
4 ALINORM 08/31/35, para. 8.
5 ALINORM 10/33/35, paras. 120-121.
6 ALINORM 10/33/3, para. 9.
7 ALINORM 10/33/3A, paras. 102-103.
8 ALINORM REP11/EU, paras. 37-39.