

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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Agenda Item 2

CX/LAC 01/2

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COORDINATING COMMITTEE FOR LATIN AMERICA AND THE CARIBBEAN

12th Session

Santo Domingo, Dominican Republic, 13 – 16 February 2001

MATTERS OF INTEREST ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND OTHER COMMITTEES

A. THE CODEX ALIMENTARIUS COMMISSION

MEDIUM-TERM PLAN

1. The 23rd session of the Codex Alimentarius Commission (Rome, Italy, 28 June - 3 July 1999) adopted a revised version of the Medium-Term Plan 1998-2002 (see Annex I).¹ The Commission agreed that the preparation of the subsequent Medium-Term Plan (2003-2007) should be initiated rapidly and a Circular Letter² to this effect was sent to government, with a view to considering this matter at the next Session of the Executive Committee.
2. The 47th Session of the Executive Committee (Geneva, Switzerland, 2-7 July 2001) discussed the preparation of the Medium-Term Plan and decided to invite a small group³ consisting of the Chairperson and Vice-Chairpersons of the Commission together with the Secretariat to prepare a draft of the Medium-Term Plan 2003-2007 and to develop a Strategic Statement of the Commission's vision for the future, for consideration by the next session of the Commission.⁴
3. The CCEXEC also discussed a Chairperson's Action Plan in which issues concerning the improvement of the Commission's efficiency, timeliness, responsiveness, inclusiveness of participation and transparency of operations were addressed.⁵

AMENDMENTS TO THE PROCEDURAL MANUAL OF THE CODEX ALIMENTARIUS COMMISSION

Amendments to the Rules of Procedure

4. The 23rd session of the Commission agreed to amend the following Rules as proposed by the Codex Committee on General Principles or as proposed at the Session:⁶
 - Rule II - Officers and Rule IX.7 and IX.10 (appointment of Regional Coordinators);⁷
 - Rule X - Elaboration of Standards (to stress that every effort should be made to reach consensus); and
 - Rule III.1 (membership of the Near East in the Executive Committee).

¹ ALINORM 99/37, paras. 25-34 & App. II

² CL 2000/3-GEN

³ **Secretariat Note:** The result of discussions of the working group are contained in the Summary Report of a Working Group of the Executive Committee of the Codex Alimentarius Commission (CX/EXEC 00/47/WG.1 REP), under separate cover.

⁴ ALINORM 01/3, paras. 36-41

⁵ ALINORM 01/3, paras. 62-71

⁶ ALINORM 99/37 paras. 59-66 & App. III

⁷ see also CX/LAC 01/10

Other Amendments

5. The Commission adopted the following texts for inclusion in the Procedural Manual:
- Criteria for the Establishment of Work Priorities and Criteria for the Establishment of Subsidiary Bodies of the Codex Alimentarius Commission;⁸
 - Definitions for the Purpose of Codex: Definitions of Risk Analysis Terms Related to Food Safety (Risk Communication and Risk Management);⁹
 - Principles Concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission;¹⁰ and
 - Core Functions of Codex Contact Points.¹¹

PROPOSED DRAFT STANDARDS AND RELATED TEXTS AT STEP 5

6. The Commission adopted the *Proposed Draft Revised Regional Code of Hygienic Practice for the Preparation and Sale of Street-Vended Foods (Latin America and the Caribbean)* at Step 5 as proposed by the Codex Coordinating Committee for Latin America and the Caribbean.¹²

B. THE EXECUTIVE COMMITTEE

RECOMMENDATIONS OF THE INTERNATIONAL CONFERENCE ON FOOD TRADE BEYOND 2000: SCIENCE-BASED DECISIONS, HARMONIZATION, EQUIVALENCE AND MUTUAL RECOGNITION

7. The 47th Session of the Executive Committee agreed that many of the recommendations of the above-mentioned conference were already being acted upon by the relevant Codex committees while others should be examined in the framework of the Medium-Term Plan and/or by the Codex Regional Coordinating Committees (see Annex II). Therefore, the **CCLAC is invited to consider this question.**

8. The CCEXEC recognized the importance of risk communication for Codex (General Recommendations of the Conference 10 and 14) and the need to explore strategies to collect information from all regions of the world about consumer requirements, perceptions, beliefs, and motivations concerning food, nutrition and food safety. It agreed that the matter should be discussed at the Codex Regional Committees. Therefore, the **CCLAC is invited to consider this question.**

9. The CCEXEC strongly supported closely coordinated and early action by FAO, WHO and the Codex Alimentarius Commission on microbiological food safety issues within their respective areas of responsibility. It recognised the need to develop guidelines for determining equivalence of food control systems, covering not only safety but also quality and conformity. With regard with Recommendation 5 on the issue of "*precaution*", the Committee recommended that FAO/WHO consider holding special workshops on the above prior to the future sessions of the Codex Coordinating Committees to facilitate the debate on this subject at the Codex Committee on General Principles.¹³

CONSIDERATION OF NEW WORK PROPOSALS TO ELABORATE CODEX STANDARDS

10. The 47th CCEXEC made the general observation that justification for new work proposals should be properly documented account being taken of *Criteria for the Establishment of Work Priorities* adopted by the last session of the Commission (see para. 5 above).¹⁴

⁸ ALINORM 99/37, para. 67 & App. IV

⁹ ALINORM 99/37, para. 70 & App. IV

¹⁰ ALINORM 99/37, para. 71 & App. IV

¹¹ ALINORM 99/37, para. 72 & App. IV

¹² ALINORM 99/37, para. 176 & App. VII-Part II. See also CL 2000/42-LAC.

¹³ ALINORM 01/3, paras. 22-26

¹⁴ ALINORM 01/3, para. 44.

COMPOSITION OF THE EXECUTIVE COMMITTEE AND RELATED MATTERS

11. The 47th Session of the CCEXEC noted that the question of the abolition of the Executive Committee and its functioning being assumed by annual meetings of the Codex Alimentarius Commission as provided for in Rule IV.1 of the Rules of Procedure was under discussion by the Codex Committee on General Principles.¹⁵ It further noted that the status of the Executive Committee was guaranteed under Article 6 of the Statutes and its composition and function were governed by the Rules of Procedures.

12. The fact that annual meetings of committees would pose additional burdens on developing countries and that the costs and benefits of such a decision would have to be taken into account was also considered. In addition, it was proposed that the Chairpersons of Codex Committees and Task Forces and the Chairperson and Vice-Chairpersons of the Commission should meet at the time of each Commission session to improve coordination between committees.

13. In view of the above, the Executive Committee recommended that the Codex Secretariat, in preparing the relevant paper for the next session of the Codex Committee on General Principles, consider all the available options in regard to abolition or possible changes in the composition and responsibilities of the Executive Committee should it be retained.¹⁶

C. OTHER CODEX COMMITTEES

CODEX COMMITTEE ON GENERAL PRINCIPLES

Improvement of Procedures for the Adoption of Codex Standards and Measures to Facilitate Consensus

14. The Codex Committee on General Principles at its 14th Session (Paris, France, 19-23 April 1999) considered a document analysing procedures for the adoption of Codex standards and measures to facilitate consensus. The Committee recommended that Rule X – Elaboration of Standards be amended to make it clear that decisions by the Commission on the adoption of standards may be taken by vote only when other means of reaching a decision had been thoroughly explored (see para. 4 above).

15. In reviewing the above-mentioned document, the 15th Session of the CCGP (Paris, France, 10-14 April 2000) noted that much of the responsibility for facilitating the achievement of consensus lay in the hands of the Chairpersons and members of Codex Committees and recommended the following practical measures to facilitate consensus:

- Refraining from submitting proposals in the step process where the scientific basis is not well established on the current data and, where necessary, carry out further studies in order to clarify controversial issues;
- Providing for thorough discussions and documentation of the issues at meetings of the committees concerned;
- Organizing informal meetings of the parties concerned where disagreements arise, provided that the objectives of any such meetings are clearly defined by the Committee concerned and that participation is open to all interest delegations and observers in order to preserve transparency;
- Redefining, where possible, the scope of the subject matter being considered for the elaboration of standards in order to cut out issues on which consensus could not be reached;
- Providing that matters are not progressed from step to step until all relevant concerns are taken into account and adequate compromises worked out;
- Emphasizing to Committees and their Chairpersons that matters should not be passed on to the Commission until such time as consensus has been achieved at the technical level;
- Facilitating the increased involvement and participation of developing countries.

¹⁵ ALINORM 01/33 paras. 78-84

¹⁶ ALINORM 01/3 paras. 64-66

16. In addition, the CCEXEC recommended an amendment of Rule VI.2 of the Rules of procedure to clarify that the request for a roll-call vote was subject to Rule X.2 that refers to the adoption of standards by consensus.¹⁷

Revision of the Code of Ethics for International Trade in Foods

17. In view of time constraints, the 15th Session of the Codex Committee on General Principles did not consider the Code in its entirety but had an exchange of views to identify the areas which needed further clarification.

18. Several delegations stressed the need to clarify the status of the Code in international trade, especially in relation to the SPS and TBT Agreements as well as the consequences of non-compliance with the provisions of the Code. Some delegations pointed out that the Scope should clarify whether it applies to governments or producers. Other delegations proposed the inclusion of other legitimate factors, amendments to the definition of food to include dietary supplements and functional foods, inclusion of a reference to the resolutions of the World Health Assembly regarding foods for infants and young children, distinction between foods for infants and young children and foods for special dietary uses, etc. In addition, it was proposed that account should be taken of the specific needs of developing countries in the relevant items of the Code.

19. The Committee agreed to return the *Proposed Draft Revised Code of Ethics for International Trade in Foods* to Step 3 for redrafting by the Codex Secretariat in the light of the above discussion and the comments received, for consideration at its next session.¹⁸

¹⁷ ALINORM 01/33 paras. 67-77

¹⁸ ALINORM 01/33 paras. 96-108

MEDIUM-TERM PLAN FOR 1998 TO 2002

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 Organization'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.
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 updated 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.
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 II

**RECOMMENDATIONS OF THE INTERNATIONAL CONFERENCE ON FOOD TRADE
BEYOND 2000: SCIENCE-BASED DECISIONS, HARMONIZATION, EQUIVALENCE AND
MUTUAL RECOGNITION****GENERAL RECOMMENDATIONS OF THE CONFERENCE**

- 10) FAO, WHO, government agencies, and industry should make greater efforts to learn and respond to consumers' legitimate concerns about food safety and quality and to ensure that food-related communication is a two-way, respectful, interactive process.
- 14) The Conference supported efforts by FAO and WHO to explore strategies to collect information from all regions of the world about consumer requirements, perceptions, beliefs and motivations concerning food, nutrition and food safety so as to consider the role that food labelling and other means of communication can play.

OTHER RECOMMENDATIONS OF INTEREST TO THE COMMISSION**Import/Export Systems, Equivalence and Information Exchange:**

- 11) The Conference recommended that governments should make available, preferably by electronic means, information on food goods that had been detained or rejected at the point of import. This information should be made available for further follow-up by the exporting country and also to alert other countries of possible problems related to food imports.
- 12) The Conference recommended that FAO, WHO and Codex Alimentarius should study the need, feasibility and practical conditions of introducing an international system allowing exchanges of information about the existence of potentially hazardous foodstuffs in the international trade.
- 13) The Conference recognized the importance and urgency of developing Codex guidance on the judgement of equivalence, initially in a generic sense and subsequently in relation to specific topics such as equivalence of inspection and certification systems, and measures to ensure food hygiene.

General Issues:

- 14) The Codex Alimentarius Commission, whilst acknowledging that food safety standards cannot be compromised, should, when elaborating and deciding upon Codex standards and any related texts, take into consideration the special needs of developing countries including infrastructure, resources, technical and legal capabilities. Codex standards and related texts should not have the effect of creating unnecessary, unjustified or discriminatory obstacles to the exports of developing countries.
- 16) With the aim of more intensively pursuing the objectives of protecting the health of consumers, ensuring fair practices in the food trade and facilitating the international trade in food, the Codex Alimentarius Commission should continue to elaborate food standards providing for compositional, sensory and safety criteria, and examine and recommend ways to reduce problems of food quality and safety, reduce levels of detentions and rejections of food moving in international trade, and reduce levels of food adulteration.
- 17) The Conference stressed that Codex standards for food quality and safety, including labelling aspects, should be carefully prepared to ensure that they were not over-prescriptive and not more restrictive than necessary to meet the objectives of the Joint FAO/WHO Food Standards Programme.
- 18) Codex Alimentarius should continue to work along these principles and promote the application of HACCP principles as laid down in the Codex General Principles of Food Hygiene. These principles should be applied to all foodstuffs, throughout the whole food chain and include feedingstuffs.

Enhancing Participation:

21) The Codex Alimentarius Commission should consider reaffirming the effectiveness of written comments, which should be fully discussed at Codex meetings, especially written comments from countries not able to be represented at meetings. Chairpersons should ensure that all written comments received before the meeting are systematically tabled for discussion at Codex meetings and decisions made should be recorded in the report accordingly.