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FAO/WHO REGIONAL COORDINATING COMMITTEE FOR LATIN AMERICA AND THE CARIBBEAN

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MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES

SUMMARY OF THE PROPOSAL FOR THE ESTABLISHMENT OF THE CODEX COMMITTEE ON SPICES, AROMATIC HERBS AND THEIR FORMULATIONS

(Prepared by India)

Background

1. During the 35th Session of the Codex Alimentarius Commission held in Rome during the July, 2-7, 2012, India had submitted a paper (CX/CAC 12/35/19) for the establishment of Codex Committee on Spices, Aromatic Herbs and their Formulations. The delegation of India pointed out that trade in these products, in particular spices, was increasing internationally; that the main producers of spices were in developing countries and that due to the lack of harmonized standards, these countries were increasingly finding it difficult to comply with the various import requirements, which create trade barriers. Several Countries supported the proposal to establish the Committee taking into account international trade in these commodities and their importance for the developing countries. However, it was noted that countries needed additional time to consider the proposal. Some delegations also noted that consideration should be given to the establishment of a time-limited Task Force and the possibility of work by electronic means.

2. Noting the merits and general support for work on these products, the Commission requested the delegation of India to prepare a discussion paper for consideration at the next Session of the Commission taking into account the comments made at this Session, in particular, the need to better clarify the scope of work; an analysis of the gaps in terms of work in the Commission; and the mechanism to undertake this work. The Commission also agreed to request the Coordinating Committees for their views on the proposal. It was concluded that the 36th Session of the Commission (2013) would further consider the proposal based on the discussion paper as well as views of the Coordinating Committees.

Production and Trade in Spices, Aromatic Herbs

3. The international production of spices and herbs has increased from 6.5 million MT in 2004 to more than 10 million MT in 2011 and the world trade has now reached a level of 4.50 million MT and the demand is continuously on the rise. The spices are mainly produced in Asia, Africa, Near East, Latin American countries. It is also understood that spices and herbs are also produced in some countries of the European Union and United States. It is noteworthy that almost 96% of the spices are produced by the developing countries and their consumption is also highest in these countries. Due to the fact that innovation in food technology and new recipes require a variety of spices, aromatic herbs and their formulations to be used as ingredients, trade in these commodities has crossed 5 billion US\$. More importantly, consumer interest in a variety of cuisines has increased in almost all countries which has lead to an increased consumption of such products not only in the manufacturing sector but also in the house-hold.

Need for Quality Standards for Spices, Aromatic Herbs and their Formulations

4. In spite of the fact that the trade and consumption of spices, aromatic herbs and their formulations has increased many fold and new uses are being identified everywhere in the world, there are no international standards for these products. It is known that some standards have been framed by trade bodies like European Spice Association (ESA), American Spice Trade Association (ASTA), and International Standards Organisation (ISO). However, these are essentially private standards. The absence of a common international standard under the Codex does not support fair practices in trade in such products. This leads to specifications unilaterally demanded by buyers, consequently leading to distortion in exports by most developing countries.

5. Codex Alimentarius has been working on development of several commodity and subject matter standards and texts. In the case of commodity committees, work is being carried out on a variety of products such as fresh fruits and vegetables; processed fruits and vegetables; milk and milk products; fish and fishery products; fats and oils; sugars; cocoa products and chocolates; natural mineral waters; nutrition for foods and special dietary uses; vegetable proteins; cereals, pulses and legumes. Out of these, the Codex Committees on milk and milk products; fish and fishery products; cocoa products and chocolates; natural mineral waters; vegetable proteins; cereals, pulses and legumes have completed their work and are adjourned sine die. It is noted that Codex texts have not been developed on ingredients like, spices, aromatic herbs and their formulations. These products are used in almost all food products traded and consumed all over the world and require appropriate standardization for ensuring consumer interest and fair practices in trade in such products. The quality of these products determines the quality of the food that is traded globally. Absence of Codex standards on spices, aromatic herbs and their formulations is seen as a gap in the standardization process of food products within the framework of Codex Alimentarius. Since 96% of the world production of such products is in the developing countries, work on Codex standards will be of immense help to developing countries not only for development of their domestic standards but also for facilitating their exports and better returns to their farmers that are producing these products in small farms.

6. There are a number of quality characteristics that need to be standardized, depending upon the nature of the products. Such characteristics include size, colour, maturity, quality, presence of broken pieces/fragments, ash content, moisture, oil content, extraneous matter, etc. With regard to the presence of contaminants and pesticide residues, codes of practice for hygienic production, methods of sampling and analysis, inspection and certification procedures as well as labeling, the standards and relevant texts developed by the relevant subject matter Codex Committees can be referenced in the standards. The Codex standards developed by the proposed Committee can be used by the Codex Alimentarius and the national governments.

Benefits of Codex Standards for Spices, Aromatic Herbs and Formulations

7. The following benefits of Codex standards for spices, aromatic herbs and their formation are noted:

- Avoid multiple standards through establishment of Codex standards.
- Ensure transparency in international trade in these products.
- Promote healthy trade, outlive trade barriers and encourage realistic equivalence determination.
- Provide confidence to small producers of these products, in particular, in developing countries.
- Enhance technical ability to meet standards and capacity building.
- Standardization of these products would bring about uniformity in certification and enable cost efficiency.
- Improve stakeholder involvement in the development of national standards and certification procedures.
- Support better production practices and eliminate trade distortions much to the benefit of developing countries.

Scope of the Work in the proposed Committee

8. The following scope of work is envisaged by the proposed Codex Committee on Spices, Aromatic Herbs and their Formulations:

- Develop quality standards for whole spices, ground spices, spice mixes/ blends, spice oils and oleoresins, aromatic herbs and their formulations intended to be used as ingredients in food preparations.
- An illustrative list of spices, aromatic herbs and their formulations, for which quality standards need to be developed include the following:
 - a. Spices and the Formulations: These include major spices such as Cardamom, chillies, cloves, coriander, cumin, fennel, fenugreek, ginger, nutmeg, mace, pepper and turmeric. The standardization to cover spices in whole, cracked, crushed, ground, dehydrated; and in oils and oleoresin forms that have specific applications based on properties like colour and heat values in the case of chillies, piperine in the case of pepper, curcumin in turmeric and percentage of volatile content in terms of various spices like cumin, fenugreek, fennel, mint, cardamom etc.
 - b. Aromatic Herbs and their Formulations: These include mainly aromatic herbs like Basil, Tarragon, Mint, Marjoram, Oregano, Savory, Bay Leaves/ Thejpath, Thyme, Sage, Rosemary and Curry leaf also need to be considered for standardization based on the colour of leaves and volatile oil. Herbs, herbal oils in plain form, blended forms and herbal infusions, different ayurvedic blends, spice tea, etc., play an active role in wellness products and require a certain level of standardization to secure consumer interests through fair practices.

9. The proposed Committee does not envisage work on subject matter issues such as contaminants and pesticide residues, codes of practice for hygienic production, methods of sampling and analysis, inspection and certification procedures as well as labeling. Appropriate references would be made from the relevant Committees.

Provisions of the Procedural Manual

10. Rule XI (Subsidiary Bodies) of the Rules of the Procedure lays down the procedure for establishment of subsidiary bodies. Paragraph 5 of Rule XI states, "Subsidiary bodies may only be established by the Commission except where otherwise provided in these Rules. Their terms of reference and reporting procedures shall be determined by the Commission." Further, Paragraph 9 states that the establishment of subsidiary body shall be subject to the availability of the necessary funds and that before taking any decision involving expenditure in connection with the establishment of such subsidiary body, the Commission shall have before it a report from the Director-General of FAO and/or WHO, as appropriate, on the administrative and financial implications thereof.

11. The Procedural Manual also lays down Criteria for the Establishment of Subsidiary Bodies of the Codex Alimentarius Commission. According to these criteria, "When there is a proposal for the elaboration of a standard, code of practice or related text in an area not covered by the terms of reference of any existing subsidiary body¹⁸, or the revision of standards, codes of practice or other texts elaborated by subsidiary bodies adjourned sine die, such a proposal should be accompanied by a written statement to the Commission explaining its justification in light of the Commission's Medium-Term Objectives and containing, as far as practicable, the information contained in the Criteria for the Establishment of Work Priorities.

12. Should the Commission decide to establish a Subsidiary Body for the purpose of elaborating an appropriate draft standard or related text or for the purpose of revising an existing standard(s) or related text(s), first consideration should be given to the establishment of an ad hoc Intergovernmental Task Force Under Rule XI.1(b)(i) of the Commission's Rules of Procedure."

Whether work can be done by an existing Committee or a time-bound Task Force

13. As explained above, there are a vast variety of spices, aromatic herbs and their formulations that require standardization in terms of quality of parameters. Although spices and herbs are plant materials, these cannot be categorized under vegetables because such products acquire the status of spices and herbs through specific procedures after their harvest to exploit their inert properties, flavour, aroma and active ingredients. Moreover, these are not consumed in fresh form as in the case of fruits and vegetables covered by the CCFFV. Such products are consumed in the form of ingredients in different recipes and cuisines to provide the desired flavour and aroma.

14. During the 35th Session of the Commission (2012), some delegations expressed the view that the development of Codex standards for Spices, Aromatic Herbs and their Formulations could be undertaken by a time-limited Task Force. It is observed from the proposed scope of work (paragraph 8 above) that the proposal envisages development of quality standards for a variety of products having distinct quality characteristics as explained in paragraph 6 above. Hence, such work may not be feasible through a time-limited Task Force but would require a separate Codex Committee to take up this work. Such Committee might need to work for about 10-12 Sessions and it is proposed to hold a session every 18 months to allow for adequate preparation and cost efficiency.

15. India has proposed hosting of this committee and, hence, the relevant expenses as per the current practice will be borne by India. There will be some increase in expenditure for the Codex Secretariat for which provisions will have to be made in the event of a decision to establish a Codex Committee for Spices, Aromatic Herbs and their Formulations. Holding a session every 18 months will support cost efficiency. It may also be noted that six Commodity Committees have completed their work and are adjourned sine die. The savings out of these adjournments could partially be utilized for expenses on the proposed committee.

Previous Discussion on Evaluation of the Codex Alimentarius

16. In 2002, at the request of the Codex Alimentarius Commission, the FAO and WHO commissioned a joint evaluation of the Codex Alimentarius and other FAO and WHO work on food standards. As per Recommendation 16 of the evaluation report, "Codex should undertake a review, including a detailed study by consultants of the work of general subject and commodity committees as soon as possible, and thereafter on a fixed schedule, with a view to rationalization where appropriate. The review should in particular examine:

- the existing committee mandates with a view to rationalization;
- any need for redistribution of tasks and responsibilities between committees; and
- any need to split committees.

Also:

- a) commodity work should be handled through time bound task-forces;
- b) no new committee should be established even in a horizontal area of work until the possibilities for progress and the need for continuing work have been established through a task force
- c) the treatment of health issues in commodity committees should be reduced to the essential minimum and wherever possible handled through a task force with the relevant horizontal committee."

¹ "The Commission may wish to consider extending the Terms of Reference of an appropriate existing body to accommodate the proposal."

17. The 25th (Extraordinary) Session (2003) of the Commission (ALINORM 03/25/5) reviewed the report but did not make any conclusions on the above stated Recommendation 16. It, however, requested (paragraph 25) the Codex Secretariat to obtain the comments from Government and interested international organizations on the report, and to prepare options and strategy for consideration by the 26th Session of the Commission (2003) for action on a number of areas including Recommendation 16.

18. The Codex Secretariat invited comments from Governments and interested international organizations and presented a summary of the comments at the 26th Session of the Commission (ALINORM 03/26/11: Add 1). It is stated in paragraph 2 that there were significant differences of opinions in relation to the three 'sub-proposals' contained in Recommendation 16 (a), (b) and (c), in particular, that all commodity work should be undertaken by time-bound Task Forces. One of the comments stated that this could lead to a proliferation of Task Forces with serious negative implications for developing member countries. In paragraph 3, it is stated that, "In 1999, the Commission adopted new criteria for the establishment of subsidiary bodies which placed emphasis on the use of time-bound task forces to undertake specific work that either did not fit within the existing committee structure or else fell across the mandates of several Codex committees, thus providing the commission with a more flexible and task-directed approach to its work."

19. The report of the joint FAO/WHO evaluation was again discussed at the 26th Session (2003) of the Commission. It is noted that from paragraph 152 of the report (ALINORM 03/41) that the standard setting needs of the developing countries should be recognized and appropriate capacity building activities should be promoted. The Commission further decided that the priorities should be for processes for standards management, with due regard to the special needs of developing countries. However, there was no decision by the Commission on Recommendation 16 referred to above in view of significant differences of opinion among the members.

20. The Joint FAO/WHO evaluation of the Codex Alimentarius reviewed the Codex Committee structure and noted that, "The use of time-bound ad hoc task forces should remain an essential element of a flexible response to urgent matters, including task forces that may take some of the work from over-burdened General Subject Committees, or draft standards on special subjects. However, the establishment of such task forces should take into account the overall capacity of all member countries to participate in the work of Codex." (ALINORM 03/26/11: Add.1, paragraph 9).

Mechanism to undertake the work

21. As mentioned above the proposed Codex Committee on Spices, Aromatic Herbs and their formulations would meet every 18 months and as per the provisions of the Procedural Manual. The first session of the Committee, if approved by the Commission, will be held as soon as possible after completion of the necessary procedural arrangements with the Codex Secretariat. The specific dates will be finalized in consultation with the Codex Secretariat. In terms of the process for carrying out the work in the committee, it is proposed that the draft standards could be considered by the members through electronic means as necessary before taking up work in the physical meeting of the proposed Codex Committee. India is willing to host this Committee and once the work is completed, the Committee would be adjourned.

Recommendation

22. Codex members and the Regional Coordinating Committees are requested to consider the proposal and offer their views for consideration by the 36th Session of the Commission in 2013.