

CODEX ALIMENTARIUS COMMISSION

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Food and Agriculture
Organization of
the United Nations



World Health
Organization

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ALINORM 10/33/REP

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Thirty-Third Session

International Conference Centre, Geneva, Switzerland, 5 - 9 July 2010

Report

EXECUTIVE SUMMARY

The Commission:

- a) Adopted several amendments to the Procedural Manual;
- b) Adopted 25 new or revised Codex standards or related texts or amendments to these texts and many new or revised provisions for additives and MRLs for pesticides;
- c) Agreed to consider further the MRLs for ractopamine at its next session;
- d) Approved several proposals for new work or discontinuation of work, and revoked several standards and related texts;
- e) Considered several matters referred by its subsidiary bodies or pending from earlier sessions;
- f) Agreed to establish a new Task Force on Animal Feeding and made other recommendations to address issues related to animal feeding;
- g) Noted the Codex budget and detailed expenditure for 2008-2009 and the budget for 2010-2011, including the FAO/WHO budget for Codex related activities; agreed that Russian and Portuguese would be used as languages of interpretation respectively in the Commission and the Coordinating Committee for Africa; expressed its thanks to FAO and WHO for their support to the Codex programme and to host governments for their contributions;
- h) Noted the status of implementation of the Strategic Plan 2008-2013 and concluded the Evaluation of the Capacity of the Codex Secretariat;
- i) Made some recommendations on the Mid-Term Review of the Trust Fund;
- j) Considered the impact of private standards and agreed to forward this question to regional Coordinating Committees;
- k) expressed its appreciation to FAO and WHO for their ongoing activities in scientific advice and capacity building in food safety and quality;
- l) Re-elected as Chairperson Ms Karen Hulebak (United States), and as Vice-Chairpersons: Mr Sanjay Dave (India), Mr Ben Manyindo (Uganda), and Mr Knud Østergaard (Denmark); and
- m) Confirmed the host governments of Codex subsidiary bodies and adjourned *sine die* the Committee on Milk and Milk Products.

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INTRODUCTION

1. The Codex Alimentarius Commission held its Thirty-third Session in Geneva, Switzerland from 5 to 9 July 2010. Ms Karen Hulebak (United States of America), Chairperson of the Commission presided over the Session, assisted by the Vice-Chairpersons, Mr Knud Ostergaard (Denmark), Mr Sanjay Dave (India) and Mr Ben Manyindo (Uganda). The Session was attended by 471 delegates from 120 Member countries and 1 Member Organization, and 37 international governmental and non-governmental organizations, including UN agencies. A list of participants, including the Secretariat, is given in Appendix I to this report.

2. The meeting was opened by Mr Jorgen Schlundt, Director of Food Safety and Zoonoses, WHO, who welcomed delegates on behalf of the Director-General of WHO, Dr Margaret Chan. He recalled that the 63rd World Health Assembly had adopted a resolution on advancing food safety initiatives, which recognised the critical role of Codex and the need for a renewed focus on issues that constitute real human risks. For this purpose, WHO would focus major efforts towards estimating the global burden of foodborne diseases. Recalling that the Resolution encouraged developing country participation, the Representative highlighted the importance of the Codex Trust Fund to allow countries to apply Codex standards at the national level and to strengthen their food safety systems. He recalled that the International Food Safety Authority Network, INFOSAN, regularly disseminates information on food safety issues, and that the recent contamination with melamine was also addressed through an expert meeting which allowed the rapid development of maximum limits for melamine by Codex.

3. The Representative of FAO, Mr Ezzeddine Boutrif, Director, Nutrition and Consumer Protection Division, informed the Commission that, following the recommendations of the FAO Independent External Evaluation (IEE), FAO was in the process of introducing results based budgeting and that recently, at the session of the FAO Committee on Agriculture (COAG) member countries had expressed their strong support to Strategic Objective D Improving quality and safety of all foods at all stages of the food chain, which includes Codex and related activities. He also noted that the proposed business plan for Codex would be useful to plan resources and to establish a clear link with to the Codex Strategic Plan 2008-13. The Representative highlighted the relevance of Codex and related texts based on scientific advice for member countries, while recognising that there was always a need for improvement to ensure that the expectations and needs of member countries were addressed, and in this perspective he outlined some of the main issues for discussion at the present session. The Representative recalled the importance of the Trust Fund to facilitate participation and drew the attention of the Commission to a new FAO report on participation of developing countries in standard-setting bodies.

4. The Chairperson recalled that Codex standards were science based and developed through an open, transparent, and inclusive process, and pointed out that all delegations should be aware of the overall goals of the Codex programme when discussing all issues under consideration. She pointed out that the elaboration of food standards should be considered in a wider context, recognising that the global crisis and high food prices had increased hunger and poverty world-wide, and noted that the purpose of Codex standards was also to avoid barriers to trade and facilitate economic development as a whole.

Division of Competence

5. The Commission noted the division of competence between the European Union and its Member States, according to paragraph 5, Rule II, of the Rules of Procedure of the Codex Alimentarius Commission, as presented in document CRD 1.

ADOPTION OF THE AGENDA (Agenda Item 1)¹

6. The Commission agreed to the proposals to consider the following issues under Item 17 “Other Business”, time permitting:

- New options for physical working groups
- Request to include Russian as an official Codex language
- Proposal for the establishment of a Codex Task Force on Nanotechnology

¹ ALINORM 10/33/1; CRD 11 (Proposal from Egypt)

7. Following the proposal of the delegation of Switzerland to consider amending the Agenda so that FAO/WHO, OIE, IPPC and the WTO SPS Committee report on their Codex-related activities before standards adoption, the Commission noted that such an arrangement had been in practice in the past. However, as this practice could take up too much time and prevent thorough discussion of the core functions of the Commission, it had been agreed to consider the main items related to standard-setting before other items of a more general nature.

8. The Commission agreed to consider Agenda Item 14 (a) *FAO/WHO Project and Trust Fund for Enhanced Participation in Codex* after Agenda Item 9 and, with the above modifications, adopted the Provisional Agenda as its Agenda for the Session.

REPORT BY THE CHAIRPERSON ON THE 63rd and 64th SESSIONS OF THE EXECUTIVE COMMITTEE (Agenda item 2)²

9. In accordance with Rule V.7 of the Rules of Procedure, the Chairperson reported to the Commission on the outcome of the 63rd and 64th sessions of the Executive Committee, and noted that the recommendations made by the Executive Committee on specific questions would be considered under the relevant Agenda items.

10. Both sessions considered the critical review, the strategic plan, budget issues and the Trust Fund. The 64th Session held prior to the Commission recognised that all standards presented for adoption and all new work proposals adequately met the criteria of the critical review. As regards budget, the Committee recommended that the Secretariat would develop a business plan according to the format proposed at the session for use in the budget discussion, and had an extensive discussion on the mid-term review of the Trust Fund. The Committee was informed of the results of the Chairs' Retreat, including a proposal to review options for physical working groups, for consideration at the current session (see Agenda Items 1 and 17). While considering the study on the speed of standards and work management approaches, the Executive Committee also made some specific recommendations related to the work of the Committee on Residues of Veterinary Drugs in Foods.

AMENDMENTS TO THE PROCEDURAL MANUAL (Agenda Item 3)³

Revision of the Section on Format for Codex commodity standards (Food Additives) in Section II "Elaboration of Codex texts"

Proposed draft Risk analysis principles and procedures applied by the Codex Committee on Food Hygiene

Proposed amendment to the Criteria for the establishment of work priorities and inclusion of new Guidelines on the application of the Criteria for the establishment of work priorities applicable to commodities

11. The Commission adopted the amendments as proposed.

Proposed Amendment to the Guidelines to Chairpersons of Codex Committees and Ad Hoc Intergovernmental Task Forces

12. The Delegation of Chile stated that they supported the amendment but that in their view this did not solve the problems caused by the absence of a Codex definition for consensus.

13. The Commission adopted the amendment as proposed.

Proposed Amendment to the Guidelines to Host Governments of Codex Committees and Ad Hoc Intergovernmental Task Forces

14. The Commission adopted the amendment as proposed.

15. The Delegation of Panama said that they were concerned that the information on co-hosting to be placed on the Codex website allowed the official invitations to be sent as late as 4-6 months before the session. They noted that many countries made significant efforts to include Codex meetings in their budget

² ALINORM 10/33/3, ALINORM 10/33/3A

³ CX/CAC 10/33/2, ALINORM 10/33/2-Add.1 (comments of Brazil and Colombia); CRD 4 (comments of Indonesia); CRD 5 (comments of Panama); CRD 10 (comments of Cameroon)

to ensure attendance and they were concerned that lack of timely information on sessions would create practical difficulties and result in lower participation.

16. The Secretariat clarified that the period of 4-6 months was only an indication for the relevant parties and that the guidance for the website would be discussed under Agenda Item 9.

17. The amendments to the Procedural Manual are presented in Appendix II.

DRAFT STANDARDS AND RELATED TEXTS AT STEP 8 OF THE PROCEDURE

(Agenda Item 4)⁴

18. The Commission adopted the Draft Standards and Related Texts submitted by its subsidiary bodies at Step 8 (including those submitted at Step 5 with a recommendation to omit Steps 6 and 7), as well as other standards and related texts submitted for adoption, as presented in Appendix III to this report. The standards and related texts were adopted as endorsed by the relevant committees as regards provisions for food additives, methods of analysis and sampling, labelling and food hygiene.

19. The following paragraphs provide additional information on the comments made and the decisions taken on certain items.

Fresh Fruits and Vegetables

Draft Standard for Apples⁵

20. The Commission had an exchange of views on the appropriateness of establishing tolerances for internal feeding insects/pests or damage to the flesh caused by pests and the impact that such a provision could have on human and plant health. In this regard, a number of delegations pointed out that tolerances for presence of pests and damage caused by them could lead to further infestation when the product enters the country, which was against their national phytosanitary requirements as per the International Plant Protection Convention (IPPC) provisions. In addition, these delegations pointed out that such tolerances were generally not allowed in Codex standards for fresh fruits and vegetables and therefore their introduction in the Standard for Apples could give rise to their application in other standards that are currently being developed in the Committee, with subsequent similar concerns in relation to human and plant health. These delegations also expressed their concern on allowances for rotting and internal breakdown and requested that the provisions that exclude rotting and any other type of deterioration that make the product unfit for consumption, which apply horizontally to Codex standards for fresh fruits and vegetables, should also apply to apples, and therefore proposed that such tolerances be removed or aligned to the horizontal provisions.

21. Other delegations supported the adoption of the standard as currently drafted indicating that the standard had been the result of a lengthy negotiation process by which all parties concerned had the opportunity to participate and had agreed by consensus on provisions that might not fulfill every Codex members' needs but were inclusive enough to reflect current trading and marketing practices in international trade.

22. The Commission noted that tolerances for presence of pests and damage caused by them had been discussed at length in the Committee and that such pests were those commonly found worldwide, not related to human or plant health, therefore did not pose a risk to human or plant health, while phytosanitary concerns would be taken care of through quarantine measures at point of import⁶. However, in view of the difficulties to differentiate between regulated and non regulated quarantine pests and the cost implication that the application of this provision might have for inspection services, it was agreed to insert a footnote by which

⁴ CX/CAC 10/33/3; CX/CAC 10/33/3A; CRD 2 (Excerpt from FAO/JECFA); CRD 4 (comments of Indonesia); CRD 5 (comments of Colombia, Ghana, Panama, Philippines, Guatemala, Somalia); CRD 10 (comments of Cameroon); CRD 12 (comments of Malaysia); CRD 13 (comments of Nepal); CRD 15 (comments of Thailand); CRD 16 (comments of IFAH); CRD 18 (comments of China); CRD 19 (comments of Consumers International)

⁵ ALINORM 10/33/35, Appendix III

⁶ ALINORM 08/31/35, para. 84

the tolerances applied for presence of internal feeding insects/pests or damage to the flesh caused by pests (Section 4.1.3) should apply without prejudice to the applicable plant protection rules.

23. The Commission adopted the draft Standard for Apples with the above-mentioned amendment. The delegations of Colombia, Egypt, India, Malaysia, Thailand and Tanzania, while agreeing with the insertion of the footnote and not opposing to the adoption of the Standard, expressed their reservation on the provision of quality of tolerances for pests, rotting and internal breakdown in Section 4.1. The Commission further noted that editorial corrections submitted by delegations to improve the translation of the text in French and Spanish would be taken up by the Codex Secretariat when finalizing the Standard for publication.

Fish and Fishery Products

Draft Code of Practice for Fish and Fishery Products (sections on lobsters and crabs and relevant definitions)⁷

24. The Committee adopted the sections on lobsters and crabs with some editorial amendments as proposed by the Delegations of the Philippines and the United Kingdom in their written comments.

Food Hygiene

Proposed Draft Annex on Fresh Leafy Vegetables⁸

25. The Commission adopted the Proposed Draft Annex on Fresh Leafy Vegetables (Annex to the Code of Hygienic Practice for Fresh Fruits and Vegetables (CAC/RCP 53-2003)) by inserting the reference to parasites such as *Giardia lamblia* in the Introduction among the listing of possible pathogens.

26. The Commission noted that a number of editorial amendments were proposed for the Spanish version of the document and agreed to refer these amendments to the Secretariat for finalization of the document.

27. The Commission did not agree to the proposal to narrow the scope by eliminating pre-cut produce as the scope of the Annex should not be different from the main document.

28. To the proposal of the delegation of Colombia that human faeces should not be allowed for the production of fresh leafy vegetables and to make it clear that “human faeces” were not part of “natural fertilizers”, the Commission noted that the document on Fresh Leafy Vegetables was extensively discussed at the Food Hygiene Committee and nowhere in the text it was referred to “human faeces” but to “human waste” and that this might be a translation problem.

Milk and Milk Products

Draft Amendment to the Codex Standard for Fermented Milks (CODEX STAN 243-2003), pertaining to Drinks based on Fermented Milk⁹

29. The Commission noted that several delegations supported the adoption of the draft amendment, which was the result of long and extensive discussion in the Committee on Milk and Milk Products (CCMMP). One delegation noted that a minimum content of 40% fermented milk for drinks based on fermented milk provided good flexibility to both consumers and food industry. The Delegation of Colombia, supported by Uruguay, was of the view that a minimum content of 50% dairy ingredients was essential for these types of products.

30. The Commission also noted that the issue of minimum content of dairy products and other compositional issues related to drinks based on fermented milk had been extensively considered and debated by the CCMMP in the last 7 years and that at its last session the Committee had agreed on a minimum content of 40% fermented milk while noting the reservation of some Members.

⁷ ALINORM 10/33/18, Appendix II

⁸ ALINORM 10/33/13, Appendix II

⁹ ALINORM 10/33/11, Appendix II

31. The Commission adopted the draft amendment to the *Codex Standard for Fermented Milks, Pertaining to Drinks based on Fermented Milk*, as proposed by the CCMMP and as endorsed by the relevant Committees, at Step 8. The delegations of Brazil, Colombia and Uruguay expressed their reservation to this decision.

32. The Commission, while noting that products such as "doogh" and "ayran" could not be accommodated within the scope of the *Standard for Fermented Milks* because of their specific composition requirements, encouraged relevant coordinating committees (i.e. CCNEA and CCEURO) to consider the development of regional standards for such products and invited interested Members to submit proposals for new work on the development of regional standards for these products through these coordinating committees.

Revised Model Export Certificate for Milk and Milk Products¹⁰

33. The Commission adopted the revision of the Model Export Certificate for Milk and Milk Products as proposed by the CCMMP and noted the comments of one delegation on the importance of having a single certificate for food products.

Revised Section on Contaminants in Standards for Milk and Milk Products¹¹

34. The Delegation of Thailand reiterated their reservation expressed at the 9th session of CCMMP and 4th session of CCCF that commodity standards should focus on setting requirements and specifications for the finished products rather than for individual ingredients. They were of the view that control of contaminants in ingredients was ensured by proper application of relevant codes of hygienic practice and that requirements for specific ingredients should be considered only when necessary on a case-by-case basis. The Commission adopted the revised section on contaminants in standards for milk and milk products as proposed by the CCMMP and noted the reservation of the delegation of Thailand.

Food Import and Export Inspection and Certification Systems

Proposed Draft Principles and Guidelines for the Conduct of Assessment of Foreign Official Inspection and Certification Systems (Annex to the Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CAC/GL 26-1997))¹²

35. The Commission agreed to amend: paragraphs 34 and 35 of the proposed draft Annex by replacing the term "audit" with "assessment"; and paragraph 46(a) by replacing the term "purpose" with "objective". The Commission further noted that some editorial amendments were necessary to the Spanish version.

36. The Commission adopted the proposed draft Annex at Step 5/8, with the omission of Steps 6 and 7, with these amendments. The Commission noted that the Annex would replace the current Annex "Guidelines on procedures for conducting an assessment and verification by an importing country of inspection and certification systems of an exporting country" of CAC/GL 26-1997.

Methods of Analysis and Sampling

Proposed Draft Guidelines on Performance Criteria and Validation of Methods for Detection, Identification and Quantification of Specific DNA Sequences and Specific Proteins in Foods¹³

37. Several delegations expressed their support for this important document which reflected the wide applications of the methodologies concerned and their appreciation for the constructive contribution of all participants, noting that the electronic platform used by Argentina had been very useful and would be made available for use in other electronic working groups. The Commission adopted the Guidelines as proposed.

¹⁰ ALINORM 10/33/11, Appendix V

¹¹ ALINORM 10/33/11, para. 105

¹² ALINORM 10/33/30, Appendix II

¹³ ALINORM 10/33/23, Appendices II and III

Methods of Analysis in Codex Standards at different steps, including methods of analysis for natural mineral waters

38. The Delegation of Malaysia, referring to its comments in CRD 12, proposed to insert several additional methods of analysis for the determination of health-related substances in mineral waters. The Commission adopted the methods as proposed by the Committee on Methods of Analysis and Sampling and noted that additional methods for natural mineral waters could be proposed for consideration by the next session of the Committee. The Commission, noting the comments of Argentina, agreed to correct the reference to the AOAC method for the determination of PCBs and Pesticides.

Food Additives

Draft and proposed draft food additive provisions of the General Standard for food additives (GSFA)¹⁴

39. The Delegation of the European Union reiterated their reservation made at the 42nd session of the Committee on Food Additives (CCFA) regarding the provision for cyclamic acid and its salts (INS 952(i)(ii)(iii)) in food category 14.1.4 "Water-based flavoured drinks, including " sport", " energy", or " electrolyte" drinks and particulated drinks" and for ponceau 4R (INS 124) in food category 06.8.1 " Soybean-based beverages". They stated that a lower level of cyclamates (250 mg/kg) was sufficient to achieve the same technological purpose and that the new provision for ponceau 4R should be considered at a later stage in the light of the outcome of the JECFA review of the safety assessment. The delegations of Chile, Colombia, Norway and Switzerland supported this position. The Delegation of the United States noted that they had not approved cyclamates and ponceau 4R, but respected the Codex process and would not block adoption. One observer expressed concern as to the use in food of cyclamates and, in general, artificial sweeteners.

40. The Delegation of Argentina referring to their written comments expressed serious concern as to provisions for certain colours that would alter the characteristics of specific products : namely caramel III, ammonia process (INS 150c) in food categories 5.1.2 "Cocoa mixes (syrops)", 5.1.4 "Cocoa and chocolate products"; and 9.1 "Fresh fish and fish products"; carotenoids (INS 160a(i), 160a(iii), 160e, 160f) in food category 5.1.4 "Cocoa and chocolate products"; and grape skin extract (INS 163(ii)) in food categories 8.12 " Fresh meat, poultry, and game, comminuted" and 10.1 "Fresh eggs". In this regard, the Chairperson of the CCFA noted that the use of the colours in these products was mainly for surface treatment.

41. The Delegation of the Republic of Korea expressed concern as to extensive use of note 161 " Subject to national legislation of the importing country aimed, in particular, at consistency with section 3.2 of the Preamble" in the GSFA, which could cause inconsistencies in the application of the GSFA. This concern was shared by other delegations. In this regard, the Commission noted that the 42nd session of the CCFA had discussed this issue and had established an electronic working group to prepare a discussion paper containing proposals for criteria and conditions for the use of note 161.

42. The Commission adopted all draft and proposed draft food additive provisions of the GSFA as proposed by the CCFA with the exception of the provision for ponceau 4R in food category 06.8.1. The delegations of European Union, Norway, Switzerland expressed their reservation to the adoption of the provision for cyclamates and its salts.

Pesticide Residues

Draft and Proposed Draft Maximum Residue Limits for Pesticides¹⁵

43. The Commission adopted all draft MRLs as proposed by the Committee, and noted the reservations of the European Union and Norway on the Maximum Residue Limit (MRL) for methomyl (094) in apples, due to acute intake concerns, and the reservation of Egypt on the MRLs for chlorpyrifos-methyl (090) in potato and cypermethrin (118) in wheat.

¹⁴ ALINORM 10/33/12, Appendix III

¹⁵ ALINORM 10/33/24, Appendices II and III

Contaminants in Foods

Proposed Draft Maximum Levels for Melamine in Food (powdered infant formula and foods other than infant formula) and Feed¹⁶

44. While not opposing the adoption of the proposed draft MLs, two delegations expressed concern with the exemption notes in relation to the level for melamine in food (other than infant formula) and animal feed, in particular from cyromazine and proposed that the Committee on Pesticide Residues (CCPR) should consider the formation of melamine from cyromazine. Concerns were also expressed on the exemptions of levels of melamine higher than 2.5 mg/kg from food contact material and the presence of melamine from certain feed ingredients or additives, noting the difficulty that might arise from the lack of analytical methods or equipment to determine the source of melamine. The WHO JMPR Secretariat clarified that the JMPR had considered melamine formation from cyromazine and that field trials had shown that melamine formation was in the order of 10% and that levels of melamine were very low, with mushrooms being the only exception. Furthermore, analytical methods for melamine were described and available on the WHO website¹⁷.

45. As to the need expressed for JECFA to evaluate mixtures of melamine and their analogs, it was clarified that scientific studies were underway and that work on this issue could be undertaken in future in the Committee on Contaminants in Foods (CCCF).

46. The Commission noted that the development of the MLs for melamine was a demonstration of how fast Codex can work on emerging issues once the scientific advice is provided as basis for the standards.

47. A number of Observer organizations were opposed to the adoption of the proposed draft MLs pointing out that, in their view, melamine was a toxic contaminant and that a zero tolerance was desirable; that further studies were needed on the accumulative effects of melamine and their synergistic effects with other contaminants, and that the exemptions rendered the MLs largely meaningless. Particular concern was raised on the effect on infants noting that infant formula was in many instances exclusively used in infants up to 6 months and that infant formulae could contain a number of other contaminants such as lead, fluoride and arsenic.

48. Noting that no members were opposed to the MLs and that scientific evidence supported the MLs, the Commission adopted the MLs. The reservations of Chile and Costa Rica to the second part of note 1 in relation to the exemptions for melamine levels higher than 2.5 mg/kg from migration from food contact materials were noted.

Standards and Related Texts Held at the Commission at Step 8

Draft MRLs for Ractopamine¹⁸

49. The Commission recalled that its 32nd Session had agreed to hold the draft MRLs for ractopamine at Step 8 and to request JECFA, as a matter of priority, to undertake a review of new data submitted by China in summary form to the 18th Session of the Committee on Residues of Veterinary Drugs in Foods (CCRVDF) focusing on the implications of these data for the MRLs for ractopamine held at Step 8 and that the MRLs for ractopamine would be considered at the present session in the light of the outcome of the evaluation by JECFA of these data.

50. The FAO Secretary to JECFA, drawing the attention of the Commission to document CAC/33 CRD/02, briefly presented the summary and conclusion of the report of the JECFA evaluation carried out in 2010 and which had been published on the JECFA website on 31 May 2010. She explained that, in addition to the three study reports which had been submitted by China in response to the JECFA call for data, the full dossier previously submitted to the JECFA Secretariat for the evaluation of ractopamine had been made available to JECFA by the sponsor. Furthermore, one additional report of an experimental study on ractopamine residues in pig tissues was submitted by China on 13 May 2010 to the JECFA Secretariat and had also been considered in the JECFA evaluation. She also mentioned that information on consumption of

¹⁶ ALINORM10/33/41, Appendix IV

¹⁷ http://www.who.int/entity/foodsafety/fs_management/Melamine_1.pdf

¹⁸ ALINORM 09/32/REP, paras. 78-79.

foods of animal origin from a survey carried out in China in 2002 had been submitted by the Centre for Disease Control of the Ministry of Health of China on request by the JECFA Secretariat.

51. The JECFA Secretariat informed the Commission that the JECFA meeting (2010) had concluded that, based on all the data provided, including those from the three breeds of pigs in the studies undertaken by the People's Republic of China, and corresponding dietary information, the recommended MRLs were compliant with the ADI as regards consumption of pig tissues of muscle, liver, kidney and fat included in the model diet (daily consumption of 300 g muscle, 100 g liver, 50 g kidney and 50 g fat). The estimated daily intake of total residues from those tissues was approximately 50% of the upper bound of the ADI for a 60 kg person. Substituting specific organ tissue data in the model diet employed by JECFA for liver and kidney would result in dietary intakes that were still below the upper bound of the ADI, with the exception of lung tissue. In conclusion, in the comprehensive risk assessment performed by JECFA, ractopamine residues in muscle, fat, liver, kidney and other offal had been considered and no health concern had been identified. The only possible source that could lead to consumption of residues above the ADI was lung tissue, if considerable amounts of this tissue were consumed on a regular basis, however insufficient data on actual lung consumption were available. The JECFA Secretary also pointed out that there was considerable variability in the analytical data from new studies, as shown by the high coefficients of variations.

52. The Delegation of Rwanda, indicating that only residues in lung posed a problem and that this appeared to be a specific issue for China only, supported the adoption of the draft MRLs for ractopamine in bovine and pig tissues, as proposed by the CCRVDF, and suggested that consideration be given to the establishment of MRLs in lung tissue. This position was supported by the United States of America and a number of delegations, who underlined the conclusion of JECFA that the recommended MRLs were compliant with the ADI and safe. These delegations also emphasized that JECFA had fulfilled its task by considering all available data and that these MRLs could be reviewed in the future in the light of new scientific data. It was also pointed out that the draft MRLs for ractopamine were based on JECFA risk assessment as prescribed in the *Risk Analysis Principles Applied by the Codex Committee on Residues of Veterinary Drugs in Foods*, included in the Procedural Manual, and that the concern of China regarding residues in lung was not within the scope of the draft MRLs.

53. The Delegation of Brazil and other delegations expressed their support for the adoption of the MRLs at Step 8 and underlined their confidence in the science based work developed by JECFA. Brazil and other delegations also highlighted their concerns with the long delays for the adoption of these MRLs.

54. Some delegations also stressed the need to base decisions on a scientific basis in view of the status of Codex standards under the SPS Agreement and their concern with the practice of holding texts at Step 8, especially as governments used Codex standards as a basis for their national legislation.

55. A delegation, supported by others, indicated that the voluntary nature of Codex standards and the application of the Working Principles for Risk Analysis for Application by Governments (CAC/GL 62-2007) provide the means for a country not to use the MRLs domestically and to apply a different measure where required. On this basis these delegations strongly supported the adoption of the ractopamine MRLs.

56. The Delegation of China opposed the adoption of the MRLs as they still had concerns as to the safety of ractopamine, particularly with respect to the residues in lung tissue, and pointed out that China was importing large quantities of edible offal and that the lack of MRLs for these tissues could cause safety problems to consumers. The Delegation recommended that the draft MRLs be returned to the CCRVDF for further consideration taking into account a comprehensive analysis of ractopamine in these tissues.

57. The Delegation of the European Union declared that they remained opposed to the adoption of the MRLs for ractopamine because the European Union: was opposed to the use of drugs intended solely for growth promotion without any therapeutic purposes and was of the opinion that there were still unanswered safety questions and scientific concerns linked to the use of ractopamine. The Delegation also stated that the European Food Safety Authority, which had reviewed the JECFA report on the assessment of ractopamine, had concluded that it was impossible to derive an ADI from the data submitted and that therefore no proposal for MRLs could be made. The European Union further underlined that they highly respected the work of JECFA but could not ignore the opinion provided by their own risk assessment body which is at the basis of their food safety system established according to the principles of risk analysis. The European Union also noted that China had identified scientific concerns following their specific studies, which were submitted to JECFA and deserved a full technical discussion and also stressed the fact that there was no consensus on this question. The Delegation pointed out that China and the European Union represented together 70% of the

pork production in the world and that adopting a standard without the support of these two major actors would undermine the credibility of Codex. Finally the delegation suggested that the proposed draft MRLs should be sent back to the CCRVDF to allow a proper evaluation of the JECFA report at a technical level, taking into account that the Commission was not the right forum for a scientific and technical discussion.

58. The position of China and the European Union was supported by Norway and other delegations and observers.

Conclusion

59. The Commission noted that despite extensive informal and positive discussions among delegations and observers, including consideration of adding a footnote, it had not been possible to reach consensus. However, noting the willingness of all delegations to reach consensus in the future, the Commission **agreed** to defer this discussion until its 34th Session and to hold the draft MRLs for ractopamine at Step 8.

60. The Commission further accepted the proposal of the Chairperson to serve as a facilitator to the informal discussion on possible solutions through a new technique, used in some organizations, called "Friends of the Chair", where selected delegations, identified by the Chairperson, work together in an informal and flexible manner. The Chairperson indicated that it resulted from consultations with FAO that this practice was used in FAO and that it was possible from a procedural point of view. For this purpose, the Chairperson had identified as members: Brazil, Canada, China, European Union, Ghana, Japan, Mexico, Norway, South Africa, Tunisia and the United States of America to carry out informal discussion on possible solutions which would focus on risk management questions and would not re-evaluate the science. Consumers International and the International Federation for Animal Health (IFAH) were identified as observers. Proposals of the group would be presented for consideration at the next session of the Commission. The Commission noted that in a first stage this group would be facilitated by the Chairperson, with the understanding that it could subsequently select another facilitator. The Commission noted the availability of the JECFA Secretariat to provide clarifications, as necessary, to the group.

Draft MRLs for Bovine Somatotropin¹⁹

61. The Commission noted that no request had been received to change the status of the draft MRLs for bovine somatotropin.

PROPOSED DRAFT STANDARDS AND RELATED TEXTS AT STEP 5 (Agenda Item 5)²⁰

62. The Commission adopted at Step 5 the Proposed Draft Standards and Related Texts submitted by its subsidiary bodies, as presented in Appendix IV to this report, and advanced them to Step 6.

63. The following paragraphs provide additional information on the comments made and the decisions taken on certain items.

Fish and Fishery Products

Proposed Draft Standard for Fish Sauce²¹

64. A delegation, while supporting the adoption of the proposed draft standard at Step 5, proposed that further consideration should be given to the deletion or amendment of the pH value in section 3.4 chemical properties as there was no clear reason for the current provision of pH value and that the value should be evaluated based on scientific data for food safety and technical justification for food quality. In addition, the delegation proposed that the section on contaminants be revised to include subsections on biotoxins and maximum residue limits for pesticides and/or veterinary drugs.

65. The Committee **adopted** the proposed draft standard at Step 5 and agreed that technical comments should be submitted to the Committee on Fish and Fishery Products for consideration.

¹⁹ ALINORM 95/31, Appendix II

²⁰ CX/CAC 10/33/4; CX/CAC 10/33/4A; CRD 4 (comments of Indonesia); CRD 7 (comments of South Africa); CRD 8 (comments of European Union); CRD 12 (comments of Malaysia); CRD 15 (comments of Thailand)

²¹ ALINORM10/33/18, Appendix IX

Antimicrobial Resistance

*Proposed draft Guidelines for Risk Analysis of Foodborne Antimicrobial Resistance*²²

66. Several delegations expressed support for the adoption of the proposed draft Guidelines at Step 5 in view of the good progress made by the Task Force on Antimicrobial Resistance (TFAMR). One delegation recommended revising the definition for "commensal" to include the possibility of transmission of resistance determinants. The Commission adopted the proposed draft Guidelines at Step 5 and invited members and observers to resubmit their technical comments to the TFAMR for further consideration.

Nutrition and Foods for Special Dietary Uses

*General Principles for Establishing Nutrient Reference Values of Vitamins and Minerals for General Population*²³

67. The Delegation of South Africa expressed the view that proposed levels of NRVs were too low, especially having regard to the prevention of chronic diseases and malnutrition and that as a result nutrient content claims would be made for a wider range of foods but would not benefit consumers, and therefore the determination of suitable levels of NRVs should be left for national authorities to decide on the basis of nutrient profiling. One observer, while supporting the views expressed by the above delegation, was of the view that the definition of upper level of intake also should be clarified before proceeding with adoption of this document at Step 5.

68. Some delegations recalled that this document addressed general principles for NRVs, not specific nutrients and supported its adoption. After a short discussion, the Commission adopted the General Principles for Establishing Nutrient Reference Values of Vitamins and Minerals for General Population at Step 5 and encouraged all interested members and observers to resubmit their technical comments to the Committee.

Pesticide Residues

*Proposed Draft Maximum Residue Limits for Pesticides*²⁴

69. The Commission adopted the draft MRLs as proposed in Appendix IV of ALINORM 10/33/24 at Step 5 and advanced them to Step 6, noting the reservations expressed by the European Union and Norway on the MRLs for fluopicolide (235) and haloxyfop (194) for commodities and reasons as explained in CRD 8.

Food Labelling

*Proposed Draft Revision of the Guidelines on Nutrition Labelling (CAC/GL 2-1985) concerning the list of nutrients that are always declared on a voluntary or mandatory basis*²⁵

70. The Delegation of Malaysia, referring to their written comments in CRD 12, did not object to the adoption of the Proposed draft revision at Step 5 but proposed that "trans fatty acids" (TFAs) should be included directly in section 3.2.1.2 and not in a footnote to section 3.2.1.4. This would be in line with the Global Strategy on Diet, Physical Activity and Health and many countries had already included TFAs on their nutrition labels. If a footnote was to be maintained they proposed that the footnote reference should be more logically included in section 3.2.1.2 as trans fatty acids were not nutrients. The observers of IBFAN, ILCA and NHF supported inclusion of TFAs in section 3.2.1.2.

71. The Delegation of Norway recalled that they had proposed to include added sugars in section 3.2.1.2 as useful information for consumers and in line with the Global Strategy on Diet, Physical Activity and Health. The observers of IBFAN and ILCA supported this view.

²² ALINORM 10/33/42, Appendix II

²³ ALINORM 10/33/26, Appendix III

²⁴ ALINORM 10/33/24, Appendix IV

²⁵ ALINORM 10/33/22, para. 53 and Appendix II

72. The Commission adopted the Proposed Draft Revision at Step 5, noting that similar comments had been made at the 38th CCFL and should be resubmitted to the 39th CCFL.

73. The Delegation of Malaysia reserved their position on the decision not to include “trans fatty acids”.

REVOCAION OF EXISTING CODEX STANDARDS AND RELATED TEXTS (Agenda Item 6)²⁶

74. The Commission agreed to revoke from the Codex Alimentarius all texts proposed, as presented in CX/CAC 10/33/5. The list of texts approved for revocation from the Codex Alimentarius is summarized in Appendix V to this report. The following paragraphs provide additional information on the comments made and decision taken on certain matters.

Milk and Milk Products

General Standard for Process(ed) Cheese and Spreadable Process(ed) Cheese (CODEX STAN 286-1978); General Standard for Process(ed) Cheese Preparations (Process(ed) Cheese Food and Process(ed) Cheese Spread) (CODEX STAN 287-1978); and General Standard for Variety Process(ed) Cheese and Spreadable Process(ed) Cheese (CODEX STAN 285-1978)²⁷

75. Several delegations expressed concern as to the revocation of the three standards for processed cheese products, which were underpinning national legislation and were considered to be still necessary. In this regard, the Commission noted that the 9th Session of CCMMP had recommended their revocation because they were not practical, and were technologically outdated and no longer used by the food industry and that no trade problem had ever been reported. Only the delegation of India had expressed a reservation to this decision. It was also noted that the CCMMP had been working for more than 10 years on the revision of these standards without reaching agreement and therefore had agreed to discontinue this work.

76. The Commission **revoked** the three standards as proposed by CCMMP. The delegations of Argentina, Colombia, Costa Rica, Egypt, India, Tanzania and Uruguay expressed reservation to this decision.

AMENDMENTS TO CODEX STANDARDS AND RELATED TEXTS (Agenda Item 7)²⁸

77. The Commission noted that this item related to the ongoing work of the Codex Secretariat to ensure consistency throughout Codex texts.

78. The Commission adopted the amendments as presented in the working document:

- Codex Committee on Contaminants in Foods: Editorial amendments to the *General Standard for Contaminants and Toxins in Food and Feed* (CODEX STAN 193-1995);
- Codex Committee on Food Labelling: Editorial amendment to the *Guidelines on Nutrition and Health Claims* (CAC/GL 23-1997) – Table of conditions for nutrient contents; and
- Codex Committee on Pesticide Residues: Replacement of references to Volume 2.

PROPOSALS FOR ELABORATION OF NEW STANDARDS AND RELATED TEXTS AND FOR THE DISCONTINUATION OF WORK (Agenda Item 8)²⁹

ELABORATION OF NEW STANDARDS AND RELATED TEXTS

79. The Commission approved the elaboration of new standards and related texts summarized in Appendix VI. The following paragraphs provide additional information on comments made and decisions taken on the following items:

²⁶ CX/CAC 10/33/5; CRD 6 (comments of Indonesia); CRD 5 (Unsolicited comments of Colombia, Ghana, Panama, Philippines, Guatemala and Somalia); CRD 10 (comments of Cameroon)

²⁷ ALINORM 10/33/11, para. 41

²⁸ CX/CAC 10/33/6

²⁹ CX/CAC 10/33/7-Rev; CX/CAC 10/33/7-Add.1; CX/CAC 10/33/7-Add.2, CRD 4 (comments of Indonesia); CRD 9 (comments of Egypt); CRD 10 (comments of Cameroon); CRD 12 (comments of Malaysia); CRD 17 (comments of Nigeria)

Nutrition and Foods for Special Dietary Purposes

*Establishment of Nutrient Reference Values (NRVs) for Nutrients Associated with Risk of Diet-Related Non-communicable Diseases for the General Population*³⁰

80. The Delegation of Malaysia pointed out that the science for developing NRVs for nutrients associated with risk of non-communicable diseases was still inconclusive at this time. Malaysia was of the view that Codex should focus on the revision of NRVs for vitamins and minerals because these had wider application for the general population and there were more sound scientific data to allow their establishment. The Delegation also drew the attention of the Commission to the fact that only a few countries were making use of the existing set of NRVs for labelling purposes and that most national legislations were using their own RDA or RDI for nutrition labelling purposes, and therefore strongly opposed the proposed new work in this area.

81. The Representative of WHO drew the attention of the Commission to the fact that the proposed new work on "Establishing NRVs for Nutrients associated with risk of diet-related NCDs" was one of the proposed Actions intended for CCNFSDU and the CCFL in the Draft Action Plan for implementing the WHO Global Strategy on Diet, Physical Activity and Health which was developed at the request of the 28th Session of the Commission in 2005 and that both the CCFL and CCNFSDU had discussed extensively each of these proposed actions during the last years. The Representative pointed out that the proposed new work was timely, given the increasing availability of scientific evidence on nutrients associated with risk of diet-related NCDs during the last decade, including the most recent Joint FAO/WHO Expert Consultation on Fats and Fatty Acids in Human Nutrition in 2008. The Representative indicated that there was clear agreement among the experts on the strength of evidence on the associations of different types of fats and fatty acids and various diet-related NCDs, for example and that the only inconclusive outcome of the discussions among the experts was the issues related to total fat. WHO had therefore initiated the process of undertaking a systematic review of the effects of total fat intake on obesity and other diet-related NCDs in February 2010 through the new WHO guideline development process with a view to provide further scientific evidence for developing a clear guideline on the effect of total fat intake on diet-related NCDs. The Representative indicated that the outcomes of this systematic review are expected to become available later this year and stressed that the work was very timely given the on-going work being carried out by WHO in developing guiding principles and framework of nutrient profiling.

82. The Commission noted that the Committee on Nutrition and Foods for Special Dietary Uses and the CCEXEC had recommended to initiate work in this area and, after a short discussion, **approved** new work on the Establishment of Nutrient Reference Values (NRVs) for Nutrients Associated with Risk of Diet-Related Non-communicable Diseases for the General Population, with the reservation expressed by the Delegation of Malaysia.

Food Labelling

Organic aquaculture³¹

83. The Delegation of Thailand recalled that the Committee on Food Labelling (CCCFL) had agreed that the European Union would prepare, subject to approval of new work by the Commission, a document on organic aquaculture for discussion at the 39th CCFL. The Delegation was of the opinion that it would be useful if other delegations with experience in organic aquaculture, especially in a tropical climate, could contribute to this work.

84. The Commission noted that all interested Codex members and observers could provide comments to the European Union.

85. The Commission also noted a comment that work of other relevant organizations in this context should be taken into account, notably work by FAO on technical guidelines on aquaculture certification and WWF's Salmon Aquaculture Dialogue to be administered through the Aquaculture Stewardship Council.

86. The Representative of the FAO said that the FAO Fisheries Department had worked on organic aquaculture and information was available on the FAO website. He suggested that any Codex work of organic aquaculture should make use of FAO work in this field. The Fisheries Department of FAO would be kept informed about the new Codex work.

³⁰ ALINORM 10/33/26, Appendix VII

³¹ ALINORM 10/33/22, para. 186 and Appendix XIII

87. The Commission approved new work on organic aquaculture by the CCFL and endorsed the recommendation of the Executive Committee that the CCFL should request the advice of the Committee on Fish and Fishery Products in the process as necessary³².

DISCONTINUATION OF WORK

88. The Commission approved the discontinuation of work summarized in Appendix VII. The following paragraphs provide additional information on comments made and decisions taken on the following item:

Milk and Milk Products

*Proposed Draft Standard on Processed Cheese*³³

89. A number of delegations were opposed to the discontinuation of work on the elaboration of a standard for processed cheese, which in their view was necessary as an international reference for many countries due to the large volume of processed cheese traded internationally. These delegations stated that it was important that the Codex continue its efforts in developing the standard, especially in view of the decision to revoke the existing standards for processed cheese (*see* Agenda Item 6).

90. The Delegation of New Zealand, speaking as the Chair of the CCMMP, clarified that the last five sessions of the Committee, as well as several electronic and physical working groups, had striven to advance on the development of the standard. However, due to both the wide variety of processed cheese currently traded and the difficulty to get an agreement on their compositional aspects, no progress had been possible as regards this work. It was also noted that currently there was no evidence of any significant problem in the international trade of these products. In the Chairperson's view, continuing work on this standard in CCMMP was therefore impracticable and would result in a waste of resources. Several delegations supported this view.

91. In view of the strong interest that countries from several regions, i.e. Africa, Latin America and Near East, had expressed for continuing this work, the CCMMP Chairperson suggested, as a way forward, that discussion on the possibility of future work on a draft standard for processed cheese be conducted in relevant FAO/WHO coordinating committees. Their proposals and recommendations would guide the Commission to decide if and how progress on the development of a standard could be made.

92. As an alternative approach, it was proposed that CCMMP continue working by correspondence on the standard for processed cheese, following the practice used by other Codex committees that had been adjourned *sine die*. However, this proposal was not supported because it was considered unrealistic to advance on this complex matter by correspondence where several sessions of the CCMMP, including meetings of physical working groups, had failed to complete the work.

93. In concluding on this discussion and recognizing the importance for many countries to have an international standard for processed cheese, the Commission **agreed** to defer decision on this matter until its 34th Session. The Commission further **agreed** to request the interested Coordinating Committees to discuss the necessity and the scope of regional standards for processed cheese and report their findings to the 34th Session of the Commission. The Commission would then base its decision on the discontinuation of work on the basis of the findings and recommendations of the coordinating committees.

MATTERS ARISING FROM THE REPORTS OF CODEX COMMITTEES AND TASK FORCES (Agenda Item 9)³⁴

94. The Commission noted several matters arising from the reports of Codex Committees, including those matters arising from the previous session of the Commission. The following paragraphs provide additional information on the comments made and decisions taken on certain items.

³² ALINORM 10/33/3A, para. 19

³³ ALINORM 10/33/11, para. 41

³⁴ CX/CAC 10/33/8 and CX/CAC 10/33/8-Add.1, CRD 4 (comments of Indonesia); CRD 6 (comments of Kenya and Guatemala); CRD 15 (comments of Thailand)

32nd Session of the Codex Alimentarius Commission

*Future work on animal feeding*³⁵

95. The Commission recalled that at its 32nd Session it had concluded its discussion on future work on animal feeding, recognizing the full support for further Codex work on this subject. The Commission had agreed to establish an electronic working group to: (i) review existing Codex risk analysis principles as to their applicability to animal feed; (ii) review Codex texts on emergency situation and exchange of information on rejected food as to their applicability to animal feed (CAC/GL 25-1997 and CAC/GL 19-1995); and (iii) propose suitable mechanisms for addressing the remaining three items proposed by the electronic working group to the present session of the Commission, namely: development of guidelines for governments on the application of risk assessment methodologies to the various types of hazards related to contaminants/residues in feed ingredients; development of a prioritized list of hazards in feed and feed ingredients for governments; and establishment of criteria for the global identification and notification of emergency situations affecting the feed.

96. The Delegation of Denmark, speaking as the Chair of the electronic working group, briefly presented the report of the working group, which was circulated for comments under CL 2010/8-CAC. With regard to points (i) and (ii), the working group had made recommendations for revision of the following Codex texts:

- i. *Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius;*
- ii. *Risk Analysis Principles Applied by the Codex Committee on Food Additives and the Codex Committee on Contaminants in Foods;*
- iii. *Risk Analysis Principles Applied by the Codex Committee on Pesticide Residues;*
- iv. *Risk Analysis Principles Applied by the Codex Committee on Residues of Veterinary Drugs in Foods;*
- v. *Principles and Guidelines for the Conduct of Microbiological Risk Assessment (CAC/GL 30-1999);*
- vi. *Working Principles for Risk Analysis for Food Safety for Application by Governments (CAC/GL 62-2007);*
- vii. *Guidelines for the Exchange of Information between Countries on Rejection of Imported Food (CAC/GL 25-1997);*
- viii. *Guidelines for the Exchange of Information in Food Control Emergency Situations (CAC/GL 19-1995);* and
- ix. *Code of Practice for Source Directed Measures to reduce Contamination of Food with Chemicals (CAC/RCP 49-2001).*

97. The working group had identified some gaps in the applicability of the above texts to animal feed; and had recommended mechanisms for completing work. Some members of the working group were of the opinion that the texts were also applicable to animal feed without amendments and that an overarching principle would be sufficient to further clarify their applicability to animal feed. The working group had recommended inserting an overarching statement in the Procedural Manual to clarify that the nine Codex texts applied to both feed and feed ingredients as they impact on food safety; that the term "food chain" was inclusive of feed inputs; and that the terms "animal feed" and "feed" pertained only to food-producing animals.

98. With regard to point (iii) of paragraph 93, the working group could not achieve consensus and had recommended to the Commission to consider different options for undertaking work on the remaining three items. In particular:

- (a) either a time-limited Task Force or assigning work to one of the existing permanent committees (e.g. CCCF or CCRVDF) for undertaking work on development of guidelines for governments on the application of risk assessment methodologies to the various types of hazards related to

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ALINORM 09/32/REP, paras. 170-176

contaminants/residues in feed ingredients; development of a prioritized list of hazards in feed and feed ingredients for governments; and

- (b) either a time-limited Task Force, assigning work to one of the existing permanent committees (e.g. CCCF or CCRVDF), or referring work to FAO and WHO for undertaking work on establishment of criteria for the global identification and notification of emergency situations affecting the feed.

99. The Commission discussed the above recommendations as follows:

Review existing Codex texts

100. One delegation was of the opinion that the proposed revision was not necessary because the texts applied also to animal feed and that proposed changes to risk analysis term were not appropriate. This view was supported by other delegations, which considered it premature to make a decision on the proposed revisions and recommended to refer the proposals to relevant Committees. Other delegations emphasized that the revision of the risk analysis texts should be carried out in a holistic manner to ensure consistency.

101. The Commission **agreed** to refer the proposals to the relevant committees, i.e. CCGP, CCFA, CCCF, CCPR, CCRVDF and CCFICS for review. The Commission further **agreed** to request the CCGP to ensure consistency of the risk analysis texts after they have been reviewed by the relevant committees.

Mechanisms for addressing the remaining three items

102. The views of delegations were split among those supporting the establishment of a dedicated Task Force and those supporting the assignment of this work to one of the existing committees, i.e. CCCF and CCRVDF.

103. Arguments in favour to the establishment of a dedicated Task Force included: integrated and holistic approach in considering matters related to animal feeding; grouping together all expertise on animal feeding; working more efficiently on the subject; and positive experience with previous Task Forces that had demonstrated to be a successful and efficient mechanism to deal with specific issues. Arguments against included: increased expenditure for the Secretariat, resource implications; difficulties to participate in the work of the Task Force, especially for developing countries; and the need to have a permanent forum to address issues related to animal feeding.

104. Arguments in favour of assigning work on animal feeding to an existing committee, included: more efficient use of resources; relevance of animal feeding issues to the mandate of existing committees, in particular CCRVDF and CCCF; permanent forum to address matters related to animal feeding. Arguments against, included: dilution of the discussion on matters related to animal feeding; lower priority of animal feeding in the agenda of individual committees.

105. The delegations were also split on whether work on animal feeding should be assigned to: the CCCF because most of the animal feeding issues were related to contaminants and the risk assessment methodologies developed by the Committee were more appropriate to address these issues; or the CCRVDF because its work was more specific to the agriculture sector and residues in food producing animals. It was noted that the work of other committees, e.g. CCFH and CCPR, was relevant to animal feeding.

106. After prolonged formal and informal discussion and noting the convergence of views, the Commission **agreed** that work on criteria for the global identification and notification of emergency situations affecting animal feed be referred to FAO and WHO. The representatives of FAO and WHO expressed their willingness to consider this work within the framework of their ongoing activities. The Commission noted that FAO and WHO already shared food safety emergency information through INFOSAN, which was linked to OIE through the GLEWS (Global Early Warning System for Major Animal Diseases, including Zoonoses). In addition, the Commission noted that FAO was developing EMPRES for food safety (Emergency Preparedness and Response).

107. With regard to the remaining two items, the Commission noted the offer of the Delegation of Switzerland to eventually host the Task Force should the Commission so decide. Furthermore the Commission noted the statement made by Switzerland, who had taken note of the interest expressed by members from certain developing countries who would like Switzerland to hold one of the sessions of the Task Force in a developing country. The Commission noted that Switzerland could not make a formal commitment at the current session, however, that Switzerland would consider these proposals should the Commission decide to designate it as the host government of the Task Force. The Commission noted the

offer of the delegation of Panama to co-host the Task Force. In this regard, the Delegation of Switzerland reiterated its earlier statement and indicated that Switzerland had been contacted by several developing countries and that they were not in a position to make any commitment at the current session. The Commission also noted that the major concern for assigning work on the remaining two items to a Task Force was related to the resource implication for developing countries to participate in the work of the Task Force. In this regard, several delegations were of the view that mechanisms and additional resources should be identified to support participation of developing countries in the work of such a Task Force and that participation of developing countries was to be ensured, especially for those countries that already "graduated" from the Codex Trust Fund.

108. The Delegation of Brazil considered that no consensus was reached and expressed its opposition to the proposed task force. Brazil, Chile, Argentina, Costa Rica and other delegations expressed their reservation in relation to the establishment of the Task Force.

109. As regards costs, in reply to a question on the possible use of the Codex Trust Fund, the Representative of WHO recalled that it was the responsibility of each individual country to select the subsidiary body in which they wished to participate and that this would apply to the new Task Force as well to other sessions.

110. One delegation pointed out that it was necessary to take a decision on this point. In recognizing the need not to further delay decision on this matter and in view of the spirit of collaboration of delegations to get a consensus decision on this matter, the Commission considered a proposal prepared by the United States of America for the objectives, terms of reference and time frame for the proposed Task Force. The Commission noted that the terms of reference had been drawn from the report of the electronic working group, established by the 32nd Session of the Commission. The Commission agreed to the proposal and recalled the offer of Switzerland to host the *ad hoc* Task Force on animal feeding. The Commission also noted that relevant committees would continue to be responsible for the specific work assigned to them in the area of animal feeding.

111. The Delegation of the United States of America stated that they appreciated the concern expressed by countries regarding their inability to participate in the Task Force due to resource constraints and expressed the wish that it would be possible to co-host one session of the Task Force. with a developing country

112. In accordance with Rule XI.1(b)(i), the Commission **agreed** to establish a Codex *ad hoc* Intergovernmental Codex Task Force on Animal Feeding with the Terms of Reference set out in Appendix VIII to this report. It **agreed** to designate the Government of Switzerland to be responsible for appointing the Chairperson of the Task Force in compliance with Rule XI.10 of its Rules of Procedure.

Milk and Milk Products

Adjournment sine die³⁶

113. The Commission **agreed** to adjourn *sine die* the Committee on Milk and Milk Products until such time as the Commission would require the Committee to undertake new work.

Reference to voluntary application of provisions in Codex Commodity standards³⁷

114. The Commission noted that in response to the request of 32nd Session of the Commission to consider deleting the reference to voluntary application of provisions, which was included in the annexes / appendices of 13 standards for milk and milk products³⁸, the CCMMP had proposed to retain the annexes / appendices in all 13 standards and to amend their title and introductory paragraph as follows:

Appendix - Additional Information

The additional information below does not affect the provisions in the preceding sections which are those that are essential to the product identity, the use of the name of the food and the safety of the food.

³⁶ ALINORM 10/33/11, para. 110

³⁷ ALINORM 10/33/11, paras. 10-20

³⁸ ALINORM 09/32/REP, paras. 92-95

115. The Delegation of the United States of America stated that the issue was related to the status of Codex texts under the WTO specifically the Agreement on Technical Barriers to Trade (TBT). The TBT agreement unlike the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS), did not identify specific international standardization bodies but identified principles for the development of international standards, including deciding by consensus and global relevance. Since in their view the annexes / appendices had not been developed by consensus and reflected specific regional manufacture patterns, the delegation had serious concerns whether the standards they were attached to were compatible with the TBT principles. The Delegation was also concerned that any technical regulations incorporating materials from the annexes could potentially be in conflict with the TBT Agreement and cause trade disruption. The Delegation was aware that the 13 standards for milk and milk products, including their annexes/ appendices had the potential to cause trade problems; they would like to avoid situations where members attempted to refer to the annexes / appendices to seek benefits under the TBT Agreement, which could impact negatively on the image of Codex and undermine its credibility. For all these reasons the United States of America continued to support deleting the annexes / appendices in question. The delegations of Mexico and South Africa shared the same concerns and supported, with a number of other delegations, the deletion of the annexes / appendices.

116. The Delegation of Japan strongly opposed the retention of the annexes / appendices in the 13 standards and noted that they were originally voluntary provisions. In their view, since Codex had deleted all the voluntary provisions, the annexes / appendices should not be in the standards because, if retained, they could be interpreted as mandatory provisions.

117. Other delegations, which intervened, supported the CCMMP proposal and the retention of the annexes / appendices that, in their view, contained important information for the industry.

118. The Committee noted a proposal to consider the provisions in the annexes of the standards and to decide on a case-by case basis which provisions should be retained and integrated into the standard.

119. The Delegation of New Zealand, speaking as the Chair of the CCMMP, recalled that the Committee had agreed to the proposal regarding the appendices / annexes of the 13 standards for milk and milk products in view of the majority of delegations supporting their retention and noted that eight delegations had expressed their reservation to the decision³⁹. The CCMMP Chairperson further explained that the Committee did not want to reopen discussion on the content of the standards and invited the Commission to focus its discussion on the CCMMP proposal only.

120. The Secretariat clarified that all Codex standards and related texts, including their annexes, were of a voluntary nature and were covered by the TBT definition of "standard", irrespective of the statement included in these standards. A number of provisions had been included in the annexes of various commodity standards to reflect that they were not essential and, following earlier discussions on the status of the annexes, some committees had developed explanatory statements that were currently under review. The Secretariat recalled that all annexes / appendices in question had been developed in the CCMMP as an integral part of the related standards and adopted by the Commission by consensus.

121. The Commission concluded the discussion and **agreed** to the CCMMP proposals to retain the annexes / appendices in all 13 standards and to amend their title and introductory paragraph.

122. The delegations of Japan, Mexico, South Africa and the United States of America expressed their reservation to this decision.

Fats and Oils

Standard for Named Vegetable Oils

123. The Commission agreed to replace "*Brassica campestris*" with "*Brassica rapa*" in sections 2.1.13 Rapeseed Oil and 2.1.14 Rapeseed Oil - low erucic acid.

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ALINORM 10/33/12, para. 18

General Principles

*Co-hosting of Codex Committees*⁴⁰

124. The Commission noted that the CCGP had agreed that the Codex Secretariat would create a specific page on co-hosting on the Codex website to make the information available to all members. The Secretariat said that the page would be posted on the website after the current session of the Commission taking into account any comments made.

125. The Delegation of Panama reiterated their previous concern that it was important that any intentions of co-hosting be known as soon as possible and that 4-6 months were not enough to allow for proper planning to ensure the widest possible participation of members.

126. The Secretariat clarified that the decision to co-host a session of a committee was usually taken at the previous session of the same committee, which would give at least a year's notice that the session might not be held in the hosting country. The Secretariat had posted all known information about future meetings until the end of 2011 on the Codex website.

127. The Commission agreed that all efforts should be made to ensure that members were informed about any upcoming co-hosting arrangements well ahead of the sessions.

Fresh Fruits and Vegetables

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

128. 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.

129. 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).

130. 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 Nations 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.

131. 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.

132. 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.

⁴⁰ ALINORM 10/33/33, para. 98 and Appendix VI

133. The Observer from the International Nut Council noted that trade in nuts and dried fruit had become global therefore worldwide standards were needed to aid international trade. This globalization was reflected in the wide range of activities that Codex had already undertaken on the safety of several nuts and dried fruit through the development of sampling plans and provisions for contaminants, additives, and pesticides. The Observer also acknowledged the work of the UNECE Specialized Section on Dry and Dried Produce in the development of commodity standards for this type of products therefore supported globalization of UNECE standards by changing the title to "UN" standards.

134. 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.

135. 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.

Codex Standard for Fresh Fungus "Chanterelle" (European Regional Standard CODEX STAN 40-1981)

136. The Commission noted the request of the 15th Session of the Committee on Fresh Fruits and Vegetables in relation to the need for a worldwide standard for chanterelle. The Commission agreed that a Circular Letter would be issued by the Codex Secretariat requesting Members' views on the need for conversion of the Regional Standard for Chanterelle into a worldwide standard for consideration by the next session of the CCFFV and further action by the Commission as appropriate.

FINANCIAL AND BUDGETARY MATTERS (Agenda Item 10)⁴¹

137. The Chairperson informed the Commission of the discussions held at the Executive Committee, including the decision to use a business plan in conjunction with the consideration of the budget.

138. The Secretariat informed the Committee that FAO had moved to a results-based budgeting process in the 2010-11 biennium and presented the new structure of the programme of work and budget as it applied to the Joint FAO/WHO Food Standard Programme, noting that the Codex Strategic Plan 2008-2013 was taken into account in the process. The Secretariat highlighted the main features of the Budget for 2008-2009 and 2010-2011, the detail of expenditure by activity for the biennium and for each calendar year, and the budget for FAO/WHO scientific support to Codex. The Representative of FAO and the Secretariat also expressed their appreciation to host countries for their considerable contribution to the Codex programme, which was presented in the document.

139. The Representative of FAO pointed out that the increase in the budget was due to additional funds provided by FAO in 2008 to compensate cost increase and informed the Commission that at the last session of the FAO Committee on Agriculture (COAG), member countries had expressed their strong support to Codex and related activities.

140. The Representative of WHO stressed the importance of scientific advice as a basis for Codex food safety standards and clarified that in the WHO budget for scientific advice staff costs were not included.

141. In reply to some questions on the staffing structure, the Secretariat indicated that the new post mentioned in 2009 was not established as the necessary additional funds were only available in 2008-2009, not in 2010-2011. The additional funds provided by FAO were used in 2009 essentially for increased language coverage of final texts, publications by thematic area and website redesign, as the priority was given to using funds for publication and communication activities.

142. Following some questions on secondments, the Secretariat confirmed that in 2010-11 as in the previous biennium, two officers were funded by the Governments of Japan and the Republic of Korea, that such support was very useful, and that the respective Trust Funds appeared in a specific budget line. As a result the current staffing structure was unchanged and allowed the implementation of the programme.

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143. The Commission noted some questions on the decrease in the contribution of WHO to the Codex budget and on the impact of the World Health Assembly (WHA) Resolution on food safety as related to funding. The Representative of WHO pointed out that the decisions on the Codex budget were taken by the Directors-General of the organizations and that the WHA decided on the priority areas for WHO funding. Member countries should therefore bring any concern to the attention of the WHA. He recalled that 40% of the food safety budget in WHO was allocated to Codex and that it had increased more than any other activity in this area. The Representative also highlighted the expected reduction in the budget in 2012-2013, while recalling that 75% of resources in WHO were extra budgetary.

Languages

144. The Secretariat informed the Commission that, following the requests from Russian speaking countries, Russian would be used as an interpretation language on an experimental basis at the next session of the Commission.

145. It was also confirmed that the use of Portuguese as a language of interpretation in the Coordinating Committee for Africa (CCAFRICA) would continue as requested by CCAFRICA in view of the positive experience at the last session.

Conclusion

146. The Commission noted the information and expressed its thanks to FAO and WHO for their continuous support to the Codex Programme and the provision of scientific advice, to the host countries, to Japan and the Republic of Korea for their substantial contribution, and to the Secretariat for implementing cost saving measures and allowing wider language coverage.

STRATEGIC PLANNING OF THE CODEX ALIMENTARIUS COMMISSION (Agenda Item 11)

GENERAL IMPLEMENTATION STATUS (Agenda Item 11a)⁴²

147. The Committee reviewed the checklist presented in CX/CAC 10/33/10, noted that this had been considered by the Executive Committee at its 63rd and 64th and in addition made the comments and recommendations presented below.

Goal 1. Promoting Sound Regulatory Frameworks

148. The Commission noted the views of the Delegation of Iran that some further work should be carried out on the use of GM foods and their advantages and disadvantages, including health risks. The Representative of FAO recalled that in the framework of Codex, several guidelines had been developed by the Task Force on Foods Derived from Biotechnology in order to provide a framework for safety assessment of such foods for use by governments, however FAO and WHO did not carry out any assessment of specific foods. As regards other aspects of GM foods, the Representative informed the Commission that there were several programmes in FAO in this area and invited interested countries to contact FAO directly.

149. The Commission noted a question concerning the planning of activities and the possibility to review and simplify the Step Procedure. The Chairperson recalled that each committee planned its work individually and applied the criteria specified in the Procedural Manual when proposing new work with a specific timeline, while the overall monitoring was carried out by the Executive Committee in the framework of the Critical Review. Proposals for amendments or revision of the current Elaboration Procedure could be put forward in the Committee on General Principles.

Goal 4: Promoting Cooperation between Codex and other relevant international organizations

150. The Commission noted that the CCEXEC had recommended to proceed with Activity 4.5 and that a questionnaire on interdisciplinary coordination should be circulated for consideration by Coordinating Committees.

Goal 5. Promoting Maximum and Effective participation of Members

151. Some delegations pointed out that Goal 5 had not been achieved, and in particular Activities 5.1 and 5.2 since written comments were not adequately taken into account in committees and this negatively affected the effective participation of developing countries.

152. The Chairperson recalled that, in order to address this issue, the *Guidelines to Chairpersons* specified that Chairs should ensure that written comments of members and observers not present at the session are considered in the Committee, that chairs were all aware of the importance of considering written comments, and that survey forms were distributed following each session in order to receive the comments of participants on the conduct of meetings.

153. Several delegations expressed the view that the late availability of documents as well as late availability in all languages was a major problem for effective participation of all members, especially developing countries. The Commission noted that this would be specifically discussed under Agenda Item 11(b).

154. One delegation expressed the view that the activities under Goal 5 had not been well investigated and suggested that some activities should not be mentioned as ongoing but should have a more specific time frame and that they should include clearer description of FAO, WHO, and other activities in relation to capacity building. In reply to this and other questions on activities intended to strengthen participation, the Representative of FAO drew the attention of delegations to the various FAO reports on capacity-building activities, including support to national Codex structures, such as the most recent document "Making the Codex Connection to Food Safety- A Report of FAO activities to enhance countries' participation" which was made available at the present session.

155. As regards the strengthening of Codex Contact points and National Codex Committees (Activity 5.4), it was noted that regular reports were provided by member countries in regional Committees.

156. The Commission noted a comment on the usefulness of the mentoring system in the WTO SPS in order to increase participation and noted that a similar practice was also used in FAO capacity building activities for Codex and food safety systems.

157. In reply to a question about the participation of developing countries in case it was not supported by the Trust Fund, the Representative of WHO indicated that it was the purpose of the Trust Fund to increase participation and that such issues should be addressed from a general perspective, including the possible extension of the Trust Fund, which was still under consideration.

Other matters

158. In reply to a question on the development of the next Strategic Plan for 2013-2018, the Chairperson recalled that the Executive Committee had agreed that an electronic working group consisting of the Chair and the Vice-Chairs would prepare a questionnaire or a revised proposal for a new Strategic Plan, as feasible, which would be distributed in a Circular Letter for comments and consideration by all Coordinating Committees. The revised proposal would be submitted for consideration to the next session of the Executive Committee.

EVALUATION OF THE CAPACITY OF THE CODEX SECRETARIAT (Agenda item 11b)⁴³

159. The Committee recalled that the evaluation, prepared by a consultant in accordance with Activity 3.7 (Evaluate the capacity of the Codex Secretariat to perform its function effectively of the Strategic Plan 2008-2013) had been briefly discussed by the 32nd Session of the Commission⁴⁴. The Commission had not agreed with recommendation 11 and referred recommendations 1 to 10 for further consideration to the 63rd Session of the Executive Committee⁴⁵ and the 33rd Session of the Commission. The 64th Session of the Executive Committee had discussed the updates contained in the working document on recommendations 6 to 10 that were directed to the Codex Secretariat⁴⁶.

Recommendation 1: FAO and WHO should agree as a matter of urgency on the desirable balance in their contribution to the Codex budget.

Recommendation 2: FAO and WHO should allocate sufficient resources (staff and non-staff) to the Joint Codex budget to create a sustainable Secretariat, able to support current activities of Codex, to implement the necessary improvements in their daily operations and to enhance their role in the standard-setting process, the strategic orientation of the CAC, communication with member states and

⁴³ CX/CAC 10/33/11; CRD 12 (comments of Malaysia)

⁴⁴ ALINORM 09/32/REP, paras. 139-156

⁴⁵ ALINORM 10/33/3, paras. 33-97

⁴⁶ ALINORM 10/33/3A, paras. 57-65

the public at large, including well defined capacity- building initiatives targeting CCPs and exploring new means of conducting international negotiation on setting standards.

160. The Representative of FAO said that since the consultant's report was issued, two meetings at ADG level had been held between FAO and WHO to take strategic decisions for support to the Codex programme in the future. The balance of FAO/WHO contributions had been discussed and WHO had agreed to look further into this matter and inform FAO and the Commission accordingly.

161. One delegation mentioned that recommendations 1 to 5 seemed to indicate problems with providing adequate funds for Codex in the long-term and with the coordination between FAO and WHO.

162. The Representative of FAO said that they did not see a problem with the funding as FAO/WHO had always provided the necessary funds and staffing for Codex and related activities. Additionally there were contributions from host governments and other members who had provided seconded staff. Should this support no longer be given more staff would be needed.

163. One delegation said that in the FAO governing bodies many delegations regularly requested the protection of the Codex budget, which was why the FAO contribution had increased faster, and the same members should transmit the same requests to the WHA. The erosion of the WHO contribution compared to the FAO contribution was alarming and the ratio should be stable.

164. The Representative of WHO said that the budget for Codex and related activities had increased substantially compared to any other food safety activities in WHO and that there was no shortage of funds for the Codex secretariat. WHO had increased the contribution for the Codex secretariat by 30% since 2003 and was funding many other food safety related activities such as burden of disease, scientific advice, training of consumers and INFOSAN. He recalled that the WHA in May 2010 had adopted a resolution supporting the work of WHO on food safety including its contribution to the Codex Secretariat.

165. The Secretariat mentioned that under the new FAO budget, the Codex secretariat was part of an objective including also scientific advice. The programme should be seen as a whole as without scientific advice there would be no basis for Codex work, and capacity building supported the application of the standards. The consultant's recommendations had been made in a specific context in 2008, and since then the budgetary situation had evolved and some uncertainties had been clarified. It was important to note the commitment of FAO and WHO to the work of Codex and to make the best possible use of resources.

166. The Chair said that the visibility of the Codex budget in the WHO budget had improved as it was now a separate entity.

Recommendation 3: FAO and WHO should agree in a timely manner on the Codex budget for a biennium and should allow the Codex Secretariat to use a saving account in order to have the possibility to transfer money from one biennium to the next when the balance is positive at the end of a biennium.

167. The Representative of FAO said that, while the budget was fully fungible, the transfer of funds from one biennium to the next was not possible and any savings from one biennium must be returned to the membership. He also said that the amount left usually was residual.

168. One delegation suggested to prepare a case for the FAO Finance Committee as the transfer of funds between biennia was already possible for TCP and security resources.

Recommendation 4: FAO and WHO should improve their communication about the Codex Trust Fund, particularly regarding the responsibilities for the management of the Codex Trust Fund.

169. One delegation mentioned problems with communication with the Trust Fund, which had prevented participation of their delegates in some cases.

170. The Representative of WHO acknowledged that there had been mistakes in the past related to the communication with Trust Fund participants but there were in his view no problems related to the communication with FAO concerning the Trust Fund as regular meetings of the advisory group were held.

Recommendation 5: FAO and WHO should initiate a joint evaluation of the relationship of FAO and WHO to each other as they support Codex and of each organization's separate interaction with Codex with a view to improving the efficiency of the Codex Secretariat and strengthening its relative autonomy where possible.

171. The Representative of FAO said that the independent external evaluation of FAO had also looked at all intergovernmental bodies (e.g. treaties, conventions, commissions) working within FAO on how they could be more independent and that the Immediate Plan of Action recommended that there should be clarity in the way these bodies were financed, including the possibility for extra budgetary funds. While some bodies were almost entirely funded by extra budgetary resources, Codex had been protected because it needed to plan meetings well in advance. Following a question, the Representative clarified that the Codex programme itself had been extensively evaluated in 2002 and in 2008 the Commission had concluded that all recommendations of the evaluation had been implemented.

Recommendation 6: The Codex Secretariat should improve the daily operations of the Codex work, more specifically through: a more rigid management of workflow; timely availability of working documents; timely finalization of adopted texts including the uploading to the website; the proper planning of publications; the timely conclusion of Letters of Agreement; and further enhancement of language skills.

172. The Commission concentrated its discussion on the timely availability of documents noting that other issues had been addressed by the Secretariat in the working document.

173. Many delegations expressed their concern that documents arriving late did not leave sufficient time for delegations to consult and prepare properly for the meetings, which had a major negative impact on their work in Codex. It was recalled that in accordance with the procedures, documents should be distributed at least two months prior to the session. The late availability or non-availability of documents in official languages other than English, French or Spanish was also mentioned.

174. Several delegations said that in their view late distribution of documents indicated that there was insufficient staffing of the secretariat to handle its workload and this question should be addressed. Concern was expressed by one delegation with the cancellation of an additional post that had been attributed by FAO to the Codex secretariat in 2008.

175. Several delegations were of the opinion that it was necessary to analyze the reasons for documents being late.

176. The Delegation of Chile recalled that there was ongoing work in the Committee on General Principles (CCGP) on this matter and a draft document by Chile on how to improve the situation had been distributed at the last session of the CCGP⁴⁷ and the Committee had agreed that it would be discussed in the CCLAC and submitted for information to the other coordinating committees.

177. The Secretariat said that there were a number of different reasons for documents being late. In some cases documents were delayed because additional information was needed from meetings that had not yet been held. For the Executive Committee, the Commission and the CCGP, the Secretariat prepared many of the papers and tried to meet the deadlines but this was not always possible due to the nature and complexity of some documents such as budget and speed of standards. For some of the documents consultation with internal FAO and WHO services was needed e.g. legal services, other technical units, which required additional time.

178. The Secretariat clarified that late documents for the Commission were also related to a structural problem because the last committees before the Commission were held in May just under two months before the Commission session. If there were no meetings in the six months prior to the Commission the situation could be improved easily.

179. The Secretariat said that translation was a different issue. Machine translation would be examined by the CCEXEC to see if this could be helpful and the proposal from Chile would be discussed in the CCGP in the future. In some cases the Secretariat translated documents internally in order to avoid translation delays. Documents for the Commission, Executive Committee and coordinating committees were mainly prepared by the secretariat and translated by FAO services. Working documents for most other committees and their

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ALINORM 10/33/33, paras. 99 - 104 and CX/GP 10/26/10

reports were prepared by countries, groups of countries or electronic working groups and the secretariat was in continuous contact with the drafters to remind them of the deadlines.

180. The Chair recalled that the possibility to use new software for automatic translation would be experimented and considered further in the CCEXEC and suggested that the Secretariat would consider specific actions to improve the situation, and suggested that Committee chairs could intervene in case documents were delayed.

181. The Representative of FAO said that the possibility that delays in document distribution were caused by understaffing would be examined. Presently there was one vacant post. The question of translation into other languages (Arabic, Chinese and Russian) was closely linked to available resources and it would be studied how this situation could be improved with extra-budgetary funds.

182. The Secretariat indicated that in order to have an informed discussion the secretariat would maintain and make available records of document submissions and distribution and also record the responsibilities for preparing the documents.

Recommendation 7: The Codex Secretariat should play a more proactive role in the standard-setting process and the strategic orientation of the Codex Alimentarius Commission and should explore new means of conducting international negotiation on food standards.

183. Many delegations did not agree with this recommendation. They were of the view that it was the role of the Commission and its member states to provide the strategic orientation, not the role of the secretariat.

184. Concerning “new means of negotiation”, one delegation mentioned that there should be strict standards and procedures for holding debates and there were already too many negotiations outside the plenary.

185. The Secretariat said that it served the Commission and members in a supportive role, drawing attention to issues as necessary to assist the reflection of the Executive Committee or the CCGP by preparing documents and studies in some cases in coordination with the legal advisors.

186. Some delegations mentioned that this aspect should be clarified and while decisions were taken by governments, it was the role of the secretariat to support and facilitate standard setting work.

187. The Commission did not agree with recommendation 7 while noting that the Codex Secretariat should continue to exercise its supportive role in the standard-setting process.

Recommendation 8: The Codex Secretariat should improve communication with host governments and member states, through the national Codex Contacts Points, and the public at large, and should explore new ways of communicating.

Recommendation 9: The Codex Secretariat should fundamentally rethink and redesign the Codex Website as a function of more proactive communication with the membership, observer organizations and the public at large.

Recommendation 10: The Codex Secretariat should further integrate IT into the daily work of the Secretariat.

188. The Commission noted the information provided by the Secretariat especially on the redesign of the Codex website which is scheduled to go online in September offering more interactivity and new possibilities for communication (login for members and observers, discussion forum, status and speed of standards development etc.). The Commission also noted that the Secretariat planned to review the use by members and observers of existing communication material such as newsletters, CD-ROM, videos and audio recordings. The Commission finally noted that the Secretariat intended to use IT more extensively to manage its workflow especially as concerns document creation and distribution.

189. The Commission thanked the consultant for the preparation of the evaluation, FAO and WHO for their support to ensure the capacity of the Secretariat and its supportive role in the standard setting process.

RELATIONS BETWEEN THE CODEX ALIMENTARIUS COMMISSION AND OTHER INTERNATIONAL ORGANIZATIONS (Agenda Item 12)⁴⁸**A. Relations between the Codex Alimentarius Commission and other International Intergovernmental Organizations*****World Organization for Animal Health (OIE)⁴⁹***

190. The Observer from the World Organization for Animal Health (OIE), referring to information in CAC/33 INF/2, summarized OIE activities focusing on strategic issues and OIE standard setting activities of significance to the mandate of the Codex.

191. The Observer noted that ongoing collaboration between Codex and OIE was essential because of the contribution of animal health at the production level to the sanitary safety of the food chain, 'from farm to fork'. OIE and Codex should continue to strengthen this collaboration to ensure that standards are consistent and complementary and avoid gaps, contradictions and duplication. The newly adopted 5th Strategic Plan (2011-2015) also called for closer collaboration between OIE and Codex.

192. The Observer informed the Commission that Dr Vallat had been re-elected as Director General for a third term at the 78th General Session of the OIE in May 2010.

193. The Observer informed the Commission further that the WHA, in May 2010, had approved an amendment to the OIE/ WHO cooperation agreement, giving a legal basis for the development of joint standards on relevant aspects of animal production food safety. The Observer expressed disappointment that the CCGP in April 2010 had postponed detailed discussion on the possible development of joint Codex/OIE standards until its next meeting in 2012.

194. The Observer reported that OIE had continued to work on assessing the implications of private standards, which might conflict with OIE standards, and to provide advice on this matter to Members. In June 2009 an OIE expert *ad hoc* Group on Private Standards had been convened and responses to a questionnaire circulated to all OIE Members showed that the views of developed and developing countries on private standards differed significantly.

195. The OIE General Session in May 2010 had adopted a resolution recommending that the OIE maintain and strengthen links and dialogue with relevant global private standard setting bodies and global private industry organisations to encourage the compatibility of private standards with OIE standards and had recommended further to communicate the safeguards offered by official standards to national governments and to consumers.

196. The Observer reported that the OIE was finalising a standard on biosecurity in poultry production to prevent and control infectious agents in poultry and food borne illness in humans. The OIE would continue to collaborate with Codex on setting standards for *Campylobacter* and *Salmonella* spp. in chicken meat, ensuring coverage of the whole food chain.

197. The Observer confirmed the strong commitment of OIE Members for closer collaboration for the benefit of both Codex and OIE Members.

198. The Commission congratulated the Observer from OIE for the comprehensive and informative report and supported continued close collaboration between Codex and OIE.

199. The Representative of WHO Legal Counsel offered some clarifications as to WHO's interpretation of the recently approved amendment to the agreement between WHO and OIE. It was indicated that WHO did not read the agreement as a legal basis for establishing joint standards. Rather, the amendment focused on joint activities aimed at developing standards, than on joint standards per se. It was further indicated that in WHO's opinion the approved amendment reflected recognition of the benefits of closer collaboration between the two Organizations, particularly regarding those aspects of animal production which impact on food safety. It was also recalled that from consultations with OIE it was understood that the amendment

⁴⁸ CX/CAC 10/33/12

⁴⁹ CAC/33 INF/2 (Communication from OIE – report of activities relevant to Codex work)

would not change the status of OIE towards the Codex Alimentarius Commission, in which OIE participates in the capacity of observer.

200. On the possibility of establishing joint CODEX/OIE standards, the Representative of WHO Legal Counsel indicated that doing so would require a formal determination of the Codex Alimentarius Commission, both on the substance and the procedures, taking into consideration established and available decision making mechanisms.

201. The Representative of FAO Legal Counsel referred to the ongoing discussion on possible joint Codex/OIE standards in the CCGP to be continued at the next session of the CCGP on the basis of replies to a circular letter. He clarified that, from a legal point of view, the agreement between FAO and OIE did not encroach in any way on the discretion of the Commission to determine how any involvement of OIE in the work of Codex should take shape. He further explained that FAO considers that the cooperation with OIE, to which FAO committed in the agreement, could take many forms, including the current participation of OIE in the role of observer in the Codex process, or any other appropriate mechanisms as determined by the Codex Alimentarius Commission.

202. The Delegation of Japan stated that they considered collaboration between Codex and OIE important, welcomed the recent agreement between WHO and OIE and expected that such agreement would further facilitate the collaboration between the two organizations. The Delegation further stated that they welcomed the recent OIE decision to include “consensus seeking principles” in the Basic Text of OIE to be utilized in its standard setting process. The Delegation expressed its strong desire that OIE would develop written procedures for standard-setting and working principles for risk analysis, in order to enhance the transparency of its work. Japan expected that the next Session of the CCGP would fully discuss the matters concerned, based on the OIE paper that was presented in the 26th Session of the CCGP, in April 2010.

World Trade Organization (WTO)⁵⁰

203. In addition to the information provided in CAC/33 INF/3 and INF/4, the Observer from the World Trade Organization (WTO) informed the Commission of some key issues of STDF meetings, especially those from the SPS Committee held just prior to this session of the Commission and activities of the STDF. The Observer highlighted the following:

- Of the 294 trade concerns raised in WTO (for the period from January 1995 to March 2010), 28% were related to food safety concerns and some of these from deviations from international standards, including Codex standards. More information is available at www.spsims.wto.org;
- The issue of ractopamine was brought to the attention of the SPS committee and concerns were raised on the delays in adoption of the MRLs in Codex;
- As a follow-up to one of the proposals of the second review of the SPS Agreement, a workshop was held in October 2009 on the relationship between the SPS Committee and international standard-setting bodies referenced in the agreement (Codex, OIE and IPPC). The workshop resulted in 11 recommendations which seek to improve coordination and collaboration between the four bodies.

204. The next SPS Committee meeting will take place during the week of 18 October 2010 and will be held back to back with a workshop on transparency for which funding was available for 50 developing countries and LDC representatives. The deadline for applications is 9 July. Further information is available in reference documents G/SPS/GEN/1021 and G/SPS/GEN/997.

205. With regard to its technical assistance, the Observer thanked the Codex Secretariat for its contribution to their SPS technical assistance activities and informed the Commission of activities scheduled for the rest of 2010:

- A 3-week advanced course on the SPS Agreement to be held in Geneva (October 2010); and
- 3 regional workshops (Latin America, Asia and Pacific and Central and Eastern Europe, Central Asia and Caucasus).

206. Some activities of the STDF were highlighted including:

⁵⁰ CAC/33 INF/3 (Communication from WTO – report of activities relevant to Codex work)

- A workshop held in collaboration with OECD on SPS indicators (1 July 2010) which discussed the use of a logical framework approach to develop indicators to measure performance of national SPS systems.
- A workshop on public private partnerships is scheduled for October 2010 (The Hague, The Netherlands). This workshop is organized in cooperation with Dutch Ministry of Agriculture, Nature and Food Quality (LNV) and the World Bank and is aimed at fostering dialogue across the public and private sector on policy considerations and implementation issues related to such partnerships. The STDF Secretariat is requesting concrete examples of SPS-related public private partnerships which could be presented at the workshop.
- The initiation of a project to pilot test economic analysis methodologies to inform SPS-related decision-making in selected countries in Africa, Asia and Latin America and the Caribbean. Institutions and/or countries interested in this work were encouraged to contact the STDF Secretariat.

International Atomic Energy Agency (IAEA)⁵¹

207. The representative of the IAEA reported on activities of the Joint FAO/IAEA Division of Nuclear Techniques in Food and Agriculture, in particular the activities of the Food and Environmental Protection sub-programme related to food safety, including the control of food contaminants, especially pesticide and veterinary drug residues, the use of ionizing radiation and the management of nuclear and radiological emergencies.

208. In this regard, it was reported that the IAEA had recently commenced coordinated research activities through the execution of two new Coordinated Research Projects on the Implementation of Nuclear Techniques to Improve Food Traceability⁵² and on the Development of Irradiated Foods for Immunocompromised Patients and Other Potential Target Groups.

209. These projects are in addition to the ongoing IAEA Coordinated Research Projects on the Development of Radiometric and Allied Analytical Methods to Strengthen National Residue Control Programs for Antibiotic and Antihelmintic Veterinary Drug Residues and on Applications of Radiotracer and Radioassay Technologies to Seafood Safety Risk Analysis. In the latter project, the IAEA submitted an information document to the most recent 4th Session of the Codex Committee on Contaminants in Foods that highlighted the submission of research data arising from the Project to the 73rd Meeting of JECFA (June 2010) for the potential establishment of maximum levels for cadmium in seafood (oysters, scallops and cephalopods).

210. The IAEA representative also offered its continued cooperation with the Codex Committees on Pesticide Residues and on Veterinary Drug Residues in Foods on issues related to methods of analysis and sampling for contaminants, including the inclusion of analytical methods developed by the IAEA in the Food and Environmental Protection sub-programme web pages.

211. In relation to the control of veterinary drug residues in foods, the IAEA representative noted an ongoing joint project with the FAO Animal Health Service and the International Federation for Animal Health to develop standards and protocols for the quality control of trypanocidal drugs used in animal production.

212. Qualified candidates were also encouraged to apply to the recently announced IAEA Vacancy Notice for a Food Safety Specialist (Traceability) position in Seibersdorf, Austria, with an application deadline of 26 July 2010.⁵³

International Organization of Legal Metrology (OIML)⁵⁴

213. The Observer from OIML, while referring to document CAC/32 INF/5, indicated that the main objective of OIML was to harmonize technical and metrological regulations for measuring instruments and

⁵¹ CAC/33 INF/7 (Communication from IAEA – report of activities relevant to Codex work)

⁵² See <http://www-crp.iaea.org/html/rifa-show-approvedcrp.asp> for details

⁵³ See Vacancy Notice 2010/061 (http://recruitment.iaea.org/vacancies/p/2010/2010_061.html) for details

⁵⁴ CAC/33 INF/5 (Communication from OIML – report of activities relevant to Codex work)

measurements and to this end the OIML developed and published Recommendations, which, under the terms of the WTO/TBT Agreement were considered international standards (model regulations). The Observer said that OIML wished to develop a constructive liaison with relevant Codex Committees in order to identify and resolve any conflicting provisions between the documents elaborated by the two organizations and to align methods and procedures. The Observer pointed out that presently there was some overlap with Codex concerning OIML work on labelling and a certification system for quantity of product (content) in pre-packages and that OIML was closely following the work of CCFL and CCFICS in that context.

Organization for Economic Cooperation and Development (OECD)⁵⁵

214. The Observer from the OECD gave an overview of the activities of the OECD relevant to the work of the Codex Alimentarius Commission namely risk/safety assessment of products of modern biotechnology, pesticides, novel foods, and fruit and vegetables quality inspection.

215. The Observer provided a more detail information on the activities of the *OECD Scheme for the Application of International Standards for Fruit and Vegetables* as an area where further cooperation can be sought with the Codex Alimentarius Commission. The Observer explained that the Scheme promotes trade facilitation through harmonized application and interpretation of international fruit and vegetable standards. In this regard, OECD explanatory brochures are developed based on the adoption of international standards such as those of the Codex Alimentarius Commission and, within the framework of a closer cooperation with the Codex Alimentarius Commission, the Scheme was planning to adopt Codex standards as OECD standards with a view to the elaboration of OECD brochures e.g. bananas. The Observer also informed the Commission about the activities of the Scheme in the area of capacity building for implementation of quality standards for fruits and vegetables and the possibility to work closely with FAO in the development of a joint project on distance learning tools e.g. a pilot project on e-learning on quality inspection of fruit and vegetables and other similar web-based tools.

B. Relations between the Codex Alimentarius Commission and International Non-governmental Organizations

International Organization for Standardization (ISO)⁵⁶

216. The Observer from ISO noted that basic information on ISO activities was presented in CAC/33 INF/6 and pointed out that ISO uses explicit multi-stakeholder development processes and adheres to essential international standardization disciplines such as transparency, openness, consensus and developing country engagement and informed the Commission that ISO has more than 18000 published International Standards, with more than 800 of these in the food sector. The Observer noted that ISO recently published a special brochure explaining the distinction of ISO Standards from private standards and schemes and that these were made available to the delegates of the Commission. The Observer emphasized that over the last 5 years, ISO has increased technical assistance to developing countries almost 4-fold to support participation in its technical work, attendance at ISO meetings, capacity-building to use and implement ISO standards and also provided some sponsorships of developing country experts to attend TC 34 meetings. The Observer expressed its willingness to continue the excellent cooperation with Codex to share and exchange best practices, systems and procedures for international standards development and to more explicitly demonstrate the use of science and risk-based justification in the development of relevant ISO international standards in the food sector.

Other matters

217. Considering that Codex standards are the basis for solving international trade conflicts, the Delegation of Morocco stated that Codex should establish stronger ties with other international organisations and make these relationships a point of discussion on the next Agenda of the Commission.

⁵⁵ CAC/33 INF/1 (Communication from OECD – report of activities relevant to Codex work)

⁵⁶ CAC/33 INF/6 (Communication from ISO – report of activities relevant to Codex work)

CONSIDERATION OF THE IMPACT OF PRIVATE STANDARDS (Agenda Item 13)⁵⁷

218. The Commission recalled that at its last session it had discussed extensively a consultants' report on private standards⁵⁸ and that FAO/WHO had prepared a new paper taking into account that discussion.

219. The Representative of FAO presented the paper and clarified that the main focus was on private food *safety* standards (PFS). The main issues addressed by the paper were: the extent to which PFS are consistent with Codex and the impact of these standards on market access and public health, particularly in developing countries. The paper did not cover the issue of whether the SPS agreement should apply to PFS, which was a question that would continue to be discussed within the WTO SPS committee.

220. The Representative explained that the analysis presented in the paper was organized around key concerns that were identified in existing literature: the stringency of PFS with respect to Codex; the high degree of prescription in PFS instead of applying outcome based approaches; the cost of certification, the impact on market access and public health; transparency and stakeholder participation, and finally legitimacy of the PFS.

221. The main conclusions of the paper were that there was a tendency for individual firm standards to be more stringent than relevant Codex standards without scientific basis whereas collective food safety standards were largely consistent with Codex. A general exception to this, however, related to traceability requirements. PFS were however more prescriptive than Codex in stating how food hygiene requirements should be met. Since the standards in most cases were prepared with extremely limited opportunity for developing country input, the prescription contained within the standards were often inappropriate in developing country contexts and difficult or impossible to apply in small-scale food businesses in developing countries. Especially the cost of certification disproportionately penalized small-scale producers and multiple certification requirements were a major problem that should be avoidable given that there are minimal differences among many of the existing standards. The Representative of FAO highlighted that there was a need for transparency not only in the setting of private standards but also in their implementation and further emphasized that the key question was whether private food standards support or undermine public policy.

222. The Commission thanked FAO for the preparation of the paper.

223. Some delegations welcomed the paper as more balanced than the report discussed at the 32nd CAC while others were of the opinion that the paper seemed to favour private standards and put the onus on developing countries to meet these standards. The paper also seemed to imply that Codex should conform to private standards, whereas on the contrary private standards should always use Codex standards as benchmarks.

224. The legitimacy of private standards was questioned and seen as not sufficiently addressed in the paper. Private standards were viewed as not in compliance with the WTO SPS Agreement requirements for transparency (not taking into account the needs of developing countries or stakeholder views) and the development on the basis of scientific risk assessment.

225. Several delegations expressed the view that the recommendations needed to be revised and additional recommendations provided to encourage developed countries to curb private standards development as only the importing countries had the possibility to do so whereas developing countries had very little influence. Codex should take a firm stand and identify actions to recommend to governments of importing countries to counteract the negative effects of private standards on exporting countries. It was suggested that this should be done in close cooperation with OIE, IPPC and WTO.

226. It was mentioned that developing countries already had difficulties to comply with Codex standards and consequently even more difficulties to meet demands of private standards, which were more stringent than Codex and placed a burden on especially small and medium enterprises and prevented access to international markets.

227. A delegation stressed that private standards could contribute to food insecurity by raising the bar beyond the normal requirements for safe foods, resulting in higher food prices.

⁵⁷ CXCAC 10/33/13, CRD 4 (comments of Indonesia), CRD 14 (comments of Brazil)

⁵⁸ ALINORM 09/32/REP, paras. 246 - 271

228. A delegation said that private standards seemed to delude consumers into thinking that foods in compliance with private standards were safer than even those complying with Codex and/or national regulations.

229. A delegation noted that in some cases PFS could be used as barriers to trade and whereas products got rejected in developed countries on the basis of private standards it was hardly possible that a developing country could reject products on this basis.

230. A delegation noted that, while it was generally accepted that laboratories should be accredited, private standards did the same for agricultural production and that in some cases private standards might seem to be more stringent, for example in setting residue limits, while in fact they took into account measurement and sampling uncertainty which was not the case in Codex. The Delegation cited some positive examples where good agricultural practices were operational and working well. They proposed a revival of a training course on GAP in cooperation with the Joint FAO/IAEA Division.

231. It was also proposed that Codex should collaborate more closely with the private standards setting bodies and encourage them to become Codex observers.

232. A delegation expressed the view that Codex should provide guidance with respect to the application of private standards and their relations with Codex standards and working principles for the implementation of private standards should be developed.

233. A delegation expressed the view that as Codex was the benchmark for these private standards, Codex should make an effort to facilitate the standard-setting process by using the concern form that was discussed at the 64th Session of CCEXEC.

234. In response to a question on whether specific trade concerns were raised on this matter in WTO, the Observer from WTO explained that the discussions in the SPS Committee had started following a specific trade concern by St Vincent and the Grenadines in 2005 on EUREP GAP pesticide limits for bananas used for export to Europe. Following this, concerns were raised about the multiplicity of private standards, their deviations from international standards, costs of compliance, and lack of transparency and consultation mechanisms. Concerns were also raised that they were increasingly becoming de facto market access requirements, affecting negatively in particular developing countries and small-scale establishments. At the same time, some Members also underlined their potential to facilitate compliance with national and international standards and facilitate international trade. The Observer explained that presently the SPS Committee working group on private standards was in the process of identifying a number of possible actions regarding SPS-related private standards for the SPS Committee's consideration. Presently Members had diverging views regarding the applicability of the SPS Agreement to private standards and regarding any role the SPS Committee should play in this area but information exchange and discussions continued. Throughout this process, the Secretariats of Codex and the OIE had provided regular updates to the Committee regarding work in their respective bodies. No further specific trade concerns had been raised with regard to private standards.

235. The Representative of UNCTAD explained that the objective of UNCTAD was to make trade work for developing countries. UNCTAD had conducted a series of compliance studies and found the cost of meeting private standards were prohibitive for developing countries and that these private standards were much more stringent than Codex standards. The Representative encouraged Codex to look at private standards and Codex standards and their impact on members and expressed their willingness to cooperate in this regard.

236. An Observer expressed the view that private standards certification should be limited to quality standards whereas food safety certification should remain based on public standards.

237. The Representative of FAO clarified on some of the points raised that collective PFS were, at present, largely compatible with Codex and that the paper asserted that member countries and intergovernmental organizations should remain vigilant that this remained the case. It was important to realize that Codex dealt primarily with what food safety requirements needed to be achieved and less so with how they were to be achieved. Additional detail within PFS on how to achieve the food safety requirements did not necessarily mean that they were inconsistent with Codex. As Codex standards were global in scope, they did not contain details that would only be appropriate for selected members. However, the FAO/WHO paper noted that if the experience of implementing public or private standards in member countries suggested that there was a "globally valid" prescription that could enhance Codex standards, member countries could

request that work be initiated to consider revision or updating of standards. This did not imply that Codex should harmonize with PFS, it implied that member countries should strive to update Codex standards when new information or experience suggested that such an update was helpful in promoting public health.

238. The Representative clarified further that the sentence within section 5.4.1 of the FAO/WHO paper “there is an opportunity for the public authorities to learn from the adaptations” was not a suggestion that national authorities should adopt private standards but rather that they could gain a better understanding of how to build national strategies for supporting the ability of food chain operators to implement national standards based on the value chain adaptations that made implementation of PFS feasible.

239. The Representative further clarified that the paper did conclude that cost of certification was a major issue of concern particularly to small-scale producers in developing countries. The FAO/WHO paper noted that there would seem to be considerable scope for convergence among existing private food safety standards as they were all very similar in content. There was little value in having a large number of distinct PFS that were almost identical in their content. The example provided in Section 5.3 of the FAO/WHO paper of the initiative of the United Fresh Produce Association, where there is the intention to develop a single food safety standard for the sector, which could be audited by a wide range of approved auditors and which would be restricted to food safety, could provide interesting lessons on reducing costs of certification.

240. The Representative of FAO said that Codex standards were benchmarks in international trade and one of the actions that could be taken was to answer a question asked in the discussion why producers and processors were investing into applying private and not public standards. FAO would be willing to carry out this type of study.

241. The Secretariat informed the Commission that concerns with private standards had also been discussed in COAG and that it was agreed that FAO would prepare a study on the impact of private standards on small holders, and would take into account the ongoing work in Codex, WTO and OIE as required.

242. The Commission was informed that GSFI would introduce a pilot project taking into account Codex standards as a reference.

243. The Chairperson concluded that legal trade implications of private standards were best dealt with in WTO. Codex, FAO and WHO should engage with global private standard setting bodies and others and encourage their participation in Codex as observers. The Chairperson noted the willingness of FAO to make closer contact with private standards organizations. The Commission agreed to refer the matter to coordinating committees to conduct further analysis of the problems encountered with private standards and to make recommendations for follow up by the next session of the Commission. The analysis should include the financial burden especially to SMEs due to proliferation of private standards. Private standards setting bodies should be encouraged to limit number of audits and to work more cooperatively among themselves.

MATTERS ARISING FROM FAO AND WHO (Agenda Item 14)

FAO/WHO PROJECT AND TRUST FUND FOR ENHANCED PARTICIPATION IN CODEX (Agenda Item 14a)⁵⁹

244. The Commission considered the Annual Report and 13th Progress Report of the Codex Trust Fund as well as the Trust Fund Midterm Review. The Commission noted that the Annual Report and Progress Report were for information purposes only and focused discussion on the Midterm Review.

Midterm Review

245. The Representative of WHO, on behalf of FAO and WHO, introduced the item highlighting the objectives of the review; its findings that the Trust Fund had achieved its objective of assisting developing countries to participate in Codex and that there was increased and better participation of developing countries in Codex and that some key recommendations were made, in particular the need to focus on objectives 2 (strengthening overall participation in Codex) and 3 (enhancing scientific / technical participation in Codex).

⁵⁹ CX/CAC 10/33/14 (Annual Report for 2009 and 13th Progress Report of the FAO/WHO Project and Trust Fund for Enhanced Participation in Codex); CX/CAC 10/33/14-Add.1 (Codex Trust Fund Mid-Term Review); CRD 3 (Executive Summary of CX/CAC 10/33/14-Add.1)

The Representative also drew the attention of the Commission to the discussions of the 64th Session of the Executive Committee on these recommendations.

246. This was followed by a short presentation by one of the authors of the review on the key recommendations of the review as follows:

1. focus on objective 2 and 3
2. focus on countries most in need
3. engage other countries in project activities
4. apply stringent application procedures
5. stay focused on participation
6. increase collaboration with other actors
7. develop monitoring and evaluation.

General Discussion

247. There was general agreement that the Trust Fund had benefited developing countries to increase participation in Codex, thus that objective 1 had been largely met and that there should be a move towards a focus on objectives 2 and 3, but in particular, objective 2. It was reported that in some instances the Trust Fund had acted as a catalyst for better understanding of Codex at the national level; that it had led to the provision of alternative funding for participation; and the development of mechanisms to exchange information to improve participation in Codex. However, it was noted that there was still a need to support the development of national Codex structures to sustain participation in Codex and that particular consideration needed to be given to providing alternative support to some countries that had "graduated" from the Fund.

248. With regard to the implementation of objective 2, it was proposed that specific comments could be sought through a circular letter for further discussion at coordinating committees. It was clarified that consideration of the midterm review was already on the agenda of all coordinating committees and that it was possible to request comments through a circular letter.

249. From the donor perspective, a delegation indicated that following the economic crisis there was a demand for more transparency with regard to government spending and that governments needed to show how the Trust Fund benefited developing countries and that this would influence future funding. The Delegation of Belgium, speaking on behalf of EU member states present at the session, informed the Commission that member states continued to contribute to the Trust Fund and that their contribution together with that of Norway and Switzerland made up 72% of the contributions to the Fund. The Commission was further informed of an initiative by the EU to assist African countries to increase participation in SPS standards-setting organizations through the PANSPSO project.

250. Following the general discussion, the Commission considered the conclusions of the 64th Executive Committee on key questions in relation to the recommendations of the review (ALINORM 10/33/3A, paras. 132 - 144). The Commission agreed with all the conclusions and in particular had discussion on ways to further deal with the question of mechanisms for supporting physical participation of countries most in need, including those that had graduated but could not sustain participation.

251. Several proposals were made in this regard, one for this matter to be discussed in coordinating committees based on a circular letter; or that this circular letter be accompanied by guidelines to help produce harmonized responses from countries, in particular those graduated countries or those entering this phase. Alternatively it was proposed that the 5 questions be modified for consideration by the coordinating committees.

252. In conclusion, it was agreed that coordinating committees would further consider the midterm review based on comments to a circular letter on the 5 questions:

- should there be a shift in emphasis from Objective 1 to Objectives 2 and 3?
- if yes, what is the "niche" for the CTF?
- should there be a mechanism to continue support for physical participation for those who need it most (including graduates who cannot sustain participation)?

- should there be re-consideration of the criteria for allocation of support?
- should the lifespan of the CTF be extended?

OTHER MATTERS ARISING FROM FAO AND WHO (Agenda item 14b)⁶⁰

Provision of Scientific Advice

253. The Representative of FAO introduced the document which was divided in 3 parts namely outcomes of recent FAO/WHO expert meetings, other relevant initiatives underway in FAO and WHO, and status of requests for FAO/WHO provision of scientific advice. The Representative summarized the relevant activities on the scientific advice provided by FAO and WHO since the last session of the Commission in particular the *Joint FAO/WHO Expert Consultation on the Risks and Benefits of Fish Consumption* which for the first time had jointly assessed the impact of both aspects of fish consumption. The Representative further highlighted other important FAO/WHO expert meetings on *Campylobacter* and *Salmonella* in chicken meat, and those related to risk assessment of food contaminants (JECFA) and pesticide residues (JMPR).

254. The Representative of WHO informed the Commission that FAO/WHO had proposed establishment of a new procedural arrangement entitled "Joint FAO/WHO Expert Meetings on Nutrition" (JEMNU) and that JEMNU intends to replace the current *ad hoc* joint expert consultation arrangement for provision of scientific advice on food and nutrition to the Codex and Member States. The Representative informed the Commission that the establishment of the new WHO Guidelines Development process has led to changes in the way WHO produces its guidelines and recommendations and that to implement this new process in providing scientific advice, WHO had established the Nutrition Guidance Expert Advisory Group (NUGAG). WHO had also initiated a Global Network of Institutions for Scientific Advice on Nutrition in order to facilitate harmonization and synergies on scientific advice on nutrition; membership in this body was voluntary and could include multiple institutions from a country.

255. To the questions about differences between JEMNU and NUGAG and the relationship between the work of these bodies and the CCNFSU, the Representative of WHO clarified that JEMNU would act as a risk assessment body while NUGAG would concentrate on advice in risk management to Codex and member states in the development of guidelines in the areas of micronutrients (such as iron supplementation, food fortification and multiple micronutrient powders), diet and health (nutrient profiling, sugars, total fat, and sodium), nutrition in the life course and undernutrition.

Capacity Building in Food Quality and Safety

256. The Representative of FAO explained that the document provided the full list of current and planned FAO and WHO capacity building projects including those activities undertaken by both Organizations which complement Codex work or support it at national, regional and international level.

ELECTION OF THE CHAIR PERSON AND VICE-CHAIRPERSONS (Agenda Item 15)⁶¹

257. The Commission elected by general consent the following persons to hold office from the end of its present Session to the end of the next regular (34th) Session of the Commission.

Chairperson:	Dr Karen HULEBAK (United States of America)
Vice-Chairpersons:	Mr Sanjay DAVE (India)
	Mr Ben MANYINDO (Uganda)
	Mr Knud ØSTERGAARD (Denmark)

DESIGNATION OF COUNTRIES RESPONSIBLE FOR APPOINTING THE CHAIRPERSONS OF CODEX COMMITTEES AND TASK FORCES (Agenda Item 16)⁶²

258. The Commission **confirmed** the designation of the Host Governments as listed in the Appendix IX to this report. As a result of its discussions under Agenda Item 9, the Commission noted that the Committee on Milk and Milk Products was adjourned *sine die* and added to the list of subsidiary bodies the *ad hoc* Intergovernmental Task Force on Animal Feeding.

⁶⁰ CX/CAC 10/33/1 and CX/CAC 10/33/15-Add.1

⁶¹ CX/CAC 10/33/16

⁶² CX/CAC 10/33/17

OTHER BUSINESS (Agenda Item 17)**New Options for Physical Working Groups⁶³**

259. The Commission considered the proposal from the 64th Executive Committee to request that the Committee on General Principles take up new work to explore possible options to improve the work of physical working groups, i.e. by limiting the number of participants in physical working groups, developing mechanisms that would ensure Codex Trust Fund support for developing countries representations and developing a set of expected responsibilities that would apply to the expert representations from various regions to the countries in their regions.

260. The Delegation of Japan pointed out that Goal 5 of the Codex Strategic Plan 2008-2013 was to promote maximum and effective participation of members and was of the view that physical working groups should be as inclusive as possible in order to ensure transparency; in addition, the wide range of opinions expressed in working groups allowed Chairs to be prepared for the debate in the plenary session. The Delegation therefore did not support the restriction of participation in working groups.

261. The Chairperson indicated that the proposed new approaches would not replace current procedures for physical working groups but would provide additional options, and it would be for each committee to decide on the approach to be followed. The Commission generally endorsed the proposals from the Executive Committee and agreed that the proposals would be forwarded to regional Coordinating Committees, and that a discussion paper would be prepared by electronic consultations by the Chairperson and Vice-Chairpersons and other interested members of the CCEXEC, taking into account the responses received from chairpersons of Codex Committees and the views of the regional committees. The 65th Executive Committee would consider this paper and present its recommendations to the Commission for further consideration in the Committee on General Principles, as required.

Future work on nanotechnology⁶⁴

262. The Delegation of Egypt noting that foods produced by using nanotechnology were currently available on the market and that the potential risk posed by these foods had not been thoroughly assessed, proposed the establishment of a Codex Task Force to address this issue.

263. The Commission was informed that FAO and WHO held an expert meeting in June 2009 on the potential food safety implications of the emerging nanotechnology applications in food and agriculture, that its report contains a number of recommendations that address the concern of Egypt. FAO/WHO were preparing to launch an electronic working group to consider a tiered approach to the risk assessment of categories of nanomaterials. In addition, FAO had collaborated with the Government of Brazil in organising an international Conference in Brazil in June 2010 to discuss nanotechnology applications in the food and agriculture sectors with emphasis on applications of particular interest to developing countries. The Commission therefore **agreed** that there was no need to establish a dedicated Task Force for the time being and encouraged Egypt to work closely with FAO/WHO on this matter. The Commission also encouraged FAO and WHO to continue working on this matter.

Use of Russian language

264. This question was addressed under Agenda Item 10.

Date and Place of Next Session

265. The Commission noted that its 34th Session would be held in Geneva, Switzerland, from 4 to 9 July 2011, subject to further confirmation.

⁶³ CRD 11 (comments of Egypt)

⁶⁴ CRD 20 (comments of FAO and WHO)

APPENDIX 1

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APPENDIX II

AMENDMENTS TO THE PROCEDURAL MANUAL

The following amendments were adopted by the 33rd Session of the Codex Alimentarius Commission.

Codex Committee	Subject	Reference
CCFA	Revision of the Section on Format for Codex commodity standards (Food Additives) in Section II "Elaboration of Codex texts"	ALINORM 10/33/12, para 15
CCFH	<i>Risk Analysis Principles and Procedures Applied by the Codex Committee on Food Hygiene</i>	ALINORM 10/33/13 Appendix VII
CCGP	Amendment to the <i>Guidelines to Chairpersons of Codex Committees and ad hoc Intergovernmental Task Forces</i>	ALINORM 10/33/33 Appendix III
CCGP	Amendment to the <i>Guidelines to Host Governments of Codex Committees and Ad Hoc Intergovernmental Task Forces</i>	ALINORM 10/33/33 Appendix V
CCEXEC	Amendment to the <i>Criteria for the establishment of work priorities</i> and inclusion of new <i>Guidelines on the application of the Criteria for the establishment of work priorities applicable to commodities</i>	ALINORM 10/33/3 Appendix II

APPENDIX III

**LISTS OF STANDARDS AND RELATED TEXTS ADOPTED BY THE THIRTY-THIRD SESSION
OF THE CODEX ALIMENTARIUS COMMISSION**

Part 1 – Standards and Related Texts Adopted at Step 8

Standards and Related Texts	Reference	Status
Standard for Bitter Cassava	ALINORM 08/31/REP Para. 38	Adopted
Section 6 “Marking or Labelling” (Standard for Bitter Cassava)	ALINORM 10/33/35 Appendix II	Adopted
Standard for Apples	ALINORM 10/33/35 Appendix III	Adopted with amendment (See Agenda Item 4)
Code of Practice for Fish and Fishery Products (Sections on Lobsters and Crabs and Relevant Definitions)	ALINORM 10/33/18 Appendix II	Adopted with amendments (See Agenda Item 4)
Standard for Sturgeon Caviar	ALINORM 10/33/18 Appendix V	Adopted
List of Methods for Dietary Fibre	ALINORM 10/33/26 Appendix II	Adopted
Amendment to the <i>Codex Standard for Fermented Milks</i> (CODEX STAN 243-2003), pertaining to Drinks based on Fermented Milk	ALINORM 10/33/11 Appendix II	Adopted
Food Additive Provisions of the <i>General Standard for Food Additives</i> (GSFA)	ALINORM 10/33/12 Appendix III	Adopted
Revised <i>Code of Ethics for International Trade in Foods</i> (CAC/RCP 20-1985) including Concessional and Food Aid Transactions	ALINORM 10/33/33 Appendix II	Adopted
Maximum Residue Limits for Pesticides	ALINORM 10/33/24 Appendix II	Adopted

Part 2 – Standards and Related Texts Adopted at Step 5/8 (with omission of Step 6 and 7)

Standards and Related Texts	Reference	Status
Annex on Leafy Green Vegetables to the <i>Code of Hygienic Practice for Fresh Fruits and Vegetables</i> (CAC/RCP 53-2003)	ALINORM 10/33/13 Appendix II	Adopted with amendment (See Agenda Item 4)
Code of Hygienic Practice for Pathogenic <i>Vibrio</i> spp. in Seafood	ALINORM 10/33/13 Appendix III	Adopted

Standards and Related Texts	Reference	Status
Annex on Control Measures for <i>Vibrio parahaemolyticus</i> and <i>Vibrio vulnificus</i> in Molluscan Shellfish	ALINORM 10/33/13 Appendix IV	Adopted
Principles and Guidelines for the Conduct of Assessment of Foreign Official Inspection and Certification Systems (Annex to the <i>Guidelines for the design, operation, assessment and accreditation of food import and export inspection and certification systems</i> (CAC/GL 26-1997))	ALINORM 10/33/30 Appendix II	Adopted with amendment (See Agenda Item 4)
Guidelines on Performance Criteria and Validation of Methods for Detection, Identification and Quantification of Specific DNA Sequences and Specific Proteins in Foods	ALINORM 10/33/23 Appendix III	Adopted
Food Additive Provisions of the <i>General Standard for Food Additives</i> (GSFA)	ALINORM 10/33/12 Appendix III	Adopted (except provision for ponceau 4R) (See Agenda Item 4)
Guidelines on Substances Used as Processing Aids	ALINORM 10/33/12 Appendix VIII	Adopted
Amendments to the <i>International Numbering System for Food Additives</i> (CAC/GL 36-2009)	ALINORM 10/33/12 Appendix IX	Adopted
Specifications for the Identity and Purity of Food Additives arising from the 71 st Meeting of JECFA	ALINORM 10/33/12 Appendix X	Adopted
Maximum Residue Limits for Pesticides	ALINORM 10/33/24 Appendix III	Adopted
Maximum Levels for Melamine in Food (<i>Powdered Infant Formula and Foods other than Infant Formula</i>) and Feed	ALINORM 10/33/41 Appendix IV	Adopted
Maximum Levels for Total Aflatoxins in Shelled, Ready-to-Eat Brazil Nuts and Shelled, Destined for Further Processing Brazil Nuts	ALINORM 10/33/41 Appendix V	Adopted
Revision of Code of Practice for the Prevention and Reduction of Aflatoxin in Tree Nuts (Additional Measures for Brazil Nuts)	ALINORM 10/33/41 Appendix VI	Adopted
Principles and Criteria for Legibility of Nutrition Labelling	ALINORM 10/33/22 Appendix III	Adopted

Part 3 – Other Standards and Related Texts Submitted for Adoption

Standards and Related Texts	Reference	Status
Revised Food Additive Listings in Standards for Milk and Milk Products	ALINORM 10/33/11 Appendix IV	Adopted
Revised <i>Model Export Certificate for Milk and Milk Products</i> (CAC/GL 67-2008)	ALINORM 10/33/11 Appendix V	Adopted

Standards and Related Texts	Reference	Status
Revised Section on Contaminants in Standards for Milk and Milk Products	ALINORM 10/33/11 para. 105	Adopted
Methods of Analysis in Codex Standards at Different Steps, including Methods of Analysis for Natural Mineral Waters	ALINORM 10/33/23 Appendix II	Adopted
Amendment to the name and descriptors of food categories 06.0, 06.2 and 06.2.1 of the GSFA	ALINORM 10/33/12 para. 16	Adopted
Deletion of note 180 “expressed as beta-carotene” in all adopted and proposed provisions for carotenoids (INS 160a(i), (iii), e, f) and carotene, beta- (vegetable) (INS 160a(ii)) of the GSFA	ALINORM 10/33/12 para. 61	Adopted
Amendment of the provision for ascorbyl esters (INS 304, 305) in food category 13.2 “Complementary foods for infants and young children” of the GSFA	ALINORM 10/33/12 para. 90	Adopted
Amendment to notes 130 and 131 associated with the provisions for phenolic antioxidants, i.e. butylated hydroxyanisole (BHA, INS 320), butylated hydroxytoluene (BHT, INS 321); propyl gallate (INS 310) and tertiary butylhydroquinone (TBHQ, INS 319) of the GSFA	ALINORM 10/33/12 para. 91	Adopted
Amendment to the text of note 136 of the GSFA	ALINORM 10/33/12 para. 92	Adopted
Amendment to Section 2 “Table of functional classes, definitions and technological purposes” of CAC/GL 36-1989	ALINORM 10/33/12 para. 129	Adopted
Amendment to Section 2.1 General Definitions of the Code of Practice for Fish and Fishery Products	ALINORM 10/33/18 Appendix III	Adopted
Maximum Level for tin in Canned Fruits and Vegetables in the Codex Standard for Contaminants and Toxins in Food and Feed	ALINORM 10/33/41 Appendix II	Adopted
Deletion of Section 8 and related text from the <i>Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods</i> (CAC/GL 32-1999)	ALINORM 10/33/22 Appendix IX	Adopted
Alignment of the General Standard for the Labelling of Prepackaged Food (CODEX STAN 1-1985) with the Codex International Numbering System in CAC/GL 36-1989	ALINORM 10/33/22 Appendix XI	Adopted

APPENDIX IV

LIST OF DRAFT STANDARDS AND RELATED TEXTS ADOPTED AT STEP 5 BY THE THIRTY-THIRD SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Standards and Related Texts	Reference
Draft Revision to the <i>Standard for Avocado</i> (CODEX STAN 197-1995)	ALINORM 10/33/35 Appendix IV
Draft Standard for Tree Tomatoes	ALINORM 10/33/35 Appendix VI
Draft Standard for Smoked Fish, Smoke-Flavoured Fish and Smoke-Dried Fish	ALINORM 10/33/18 Appendix VI
Draft Standard for Fish Sauce	ALINORM 10/33/18 Appendix IX
Draft Guidelines for Risk Analysis of Foodborne Antimicrobial Resistance	ALINORM 10/33/42 Appendix II
Draft General Principles for Establishing Nutrient Reference Values of Vitamins and Minerals for General Population	ALINORM 10/33/26 Appendix III
Draft Revised <i>Guidelines for Measurement Uncertainty</i> (CAC/GL 54-2004)	ALINORM 10/32/23 Appendix IV
Draft Maximum Residue Limits for Pesticides	ALINORM 10/33/24 Appendix IV
Draft Revision of the Codex Classification of Foods and Animal Feeds – <i>Three Commodity Groups: Tree Nuts, Herbs and Spices</i>	ALINORM 10/33/24 Appendix X
Draft Principles and Guidelines for the Selection of Representative Commodities for the Extrapolation of Maximum Residue Limits for Pesticides for Commodity Groups	ALINORM 10/33/24 Appendix XI
Draft Revision of the Guidelines on Nutrition Labelling (CAC/GL 2-1985) concerning the list of nutrients that are always declared on a voluntary or mandatory basis	ALINORM 10/33/22 Appendix II

APPENDIX V

**LIST OF STANDARDS AND RELATED TEXTS REVOKED BY THE THIRTY-THIRD SESSION
OF THE CODEX ALIMENTARIUS COMMISSION**

Standard and Related Texts	Reference
Recommended International Code of Practice for Lobsters (CAC/RCP 24-1979)	ALINORM 10/33/18, para 27
Recommended International Code of Practice for Crabs (CAC/RCP 28-1983)	ALINORM 10/33/18, para 47
<i>General Standard for Processe(ed) Cheese and Spreadable Process(ed) Cheese</i> (CODEX STAN 286-1978)	ALINORM 10/33/11, para 41
<i>General Standard for Processe(ed) Cheese Preparations (Process(ed) Cheese Food and Process(ed) Cheese Spread)</i> (CODEX STAN 287-1978)	ALINORM 10/33/11, para 41
<i>General Standard for Named Variety Processe(ed) Cheese and Spreadable Process(ed) Cheese</i> (CODEX STAN 285-1978)	ALINORM 10/33/11, para 41
Food additive provisions of the GSFA	ALINORM 10/33/12, Appendix IV
Inventory of Processing Aids (IPA) (CAC/MISC 3)	ALINORM 10/33/12, para 124
MRLs for pesticide/commodity combinations	ALINORM 10/33/24, Appendix V

APPENDIX VI

LIST OF DRAFT STANDARDS AND RELATED TEXTS APPROVED AS NEW WORK BY THE THIRTY-THIRD SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Responsible Body	Standard and Related Texts	Reference	Job Code
CCFFV	Standard for Pomegranate	ALINORM 10/33/35 Appendix VIII	N01-2010
CCNFSDU	Amendment of the Codex General Principles for the Addition of Essential Nutrients to Foods (CAC/GL 9-1987)	ALINORM 10/33/26 Appendix V	N02-2010
CCNFSDU	Revision of the Codex Guidelines on Formulated Supplementary Foods for Older Infants and Young Children (CAC/GL 8-1991)	ALINORM 10/33/26 Appendix VI	N03-2010
CCNFSDU	Establishment of Nutrient Reference Values for Nutrients Associated with Risk of Diet-Related Non-communicable Diseases for the General Population (Amendment of the <i>Codex Guidelines on Nutrition Labelling</i> (CAC/GL 2-1985))	ALINORM 10/33/26 Appendix VII	N04-2010
CCFH	Revision of the Recommended International Code of Hygienic Practice for Collecting, Processing and Marketing of Natural Mineral Waters (CAC/RCP 33-1985)	ALINORM 10/33/13 Appendix V	N05-2010
CCFH	Revision of the Principles for Establishment and Application of Microbiological Criteria for Foods (CAC/GL 21-1997)	ALINORM 10/33/13 Appendix VI	N06-2010
CCFA	Revision of the Food Category System of the <i>General Standard for Food Additives</i>	ALINORM 10/33/12 Appendix VII	N07-2010
CCFA	Revision of the <i>Standard for Food Grade Salt</i> (CODEX STAN 150-1985)	ALINORM 10/33/12 Appendix XII	N08-2010
CCPR	Priority List of Chemicals Scheduled for Evaluation and Re-evaluation by JMPR	ALINORM 10/33/24 Appendix XII	ongoing
CCPR	The Pilot Project in which JMPR would conduct an Independent, Parallel Review along with a Global Joint Review Team and recommend MRLs before National Governments establish MRLs in 2011	ALINORM 10/33/24 para. 202	N09-2010
CCCF	Maximum Levels for Deoxynivalenol (DON) and its Acetylated Derivatives in Cereals and Cereal-based Products	ALINORM 10/33/41 para. 110	N10-2010
CCCF	Maximum Levels for Total Aflatoxins in Dried Figs	ALINORM 10/33/41 Appendix IX	N11-2010
CCFL	Establishment of Claims for Sugars, Salt/ Sodium and Trans-fatty Acids	ALINORM 10/33/22 Appendix V	N12-2010
CCFL	Organic Aquaculture	ALINORM 10/33/22 Appendix XIII	N13-2010
CCFL	Definition for Nutrient Reference Values	ALINORM 10/33/22 Appendix XII	N14-2010
TFAF	Guidelines and prioritised list of hazards mentioned in a) and b) of the Terms of Reference of the Task Force on Animal Feeding	ALINORM 10/33/REP, Appendix VII	

APPENDIX VII

LIST OF WORK DISCONTINUED BY THE THIRTY-THIRD SESSION OF THE CODEX
ALIMENTARIUS COMMISSION

Responsible Body	Standard and Related Texts	Reference
CCFA	Draft and proposed draft food additive provisions of the GSFA	ALINORM 10/33/12 Appendix V

APPENDIX VIII**TERMS OF REFERENCE OF THE *AD HOC* CODEX INTERGOVERNMENTAL TASK FORCE
ON ANIMAL FEEDING****Objectives**

With the aim of ensuring the safety of foods of animal origin, the Task Force should develop science based guidelines or standards specific to the following terms of reference.

Terms of Reference

- (a) The development of guidelines, intended for governments on how to apply the existing Codex risk assessment methodologies to the various types of hazards related to contaminants/residues in feed ingredients, including feed additives used in feedingstuffs for food producing animals. The guideline should include specific science-based risk assessment criteria to apply to feed contaminants/residues. These criteria should be consistent with existing Codex methodologies.

The guidelines should also consider the need to address the establishment of rates of transfer and accumulation from feed to edible tissues in animal-derived products according to the characteristics of the hazard.

The guidelines should be drawn up in such a way as to enable countries to prioritise and assess risks based upon local conditions, use, exposure of animals and the impact, if any, on human health.

- (b) Develop a prioritised list of hazards in feed ingredients and feed additives for governmental use. The list should contain hazards of international relevance that are reasonably likely to occur, and are thus likely to warrant future attention.

In doing so, due consideration should be given to the prioritised list of hazards as recommended by the FAO/WHO Expert Meeting on Animal Feed Impact on Food Safety. Clear criteria should be used to prioritise the list of hazards and take account of the potential transfer of contaminants/residues in feed to edible animal products (e.g. meat, fish meat, milk, and eggs).

Time frame

Starting in 2011, two sessions with an option of a third session, if required, to complete the work on the above terms of reference.

APPENDIX IX

CHAIRMANSHIP OF CODEX SUBSIDIARY BODIES

Subsidiary Bodies Established under Rule XI.1(b)(i)

Code	Subsidiary Body	Member Responsible	Status
CX 703	Codex Committee on Milk and Milk Products	New Zealand	<i>Sine die</i>
CX 708	Codex Committee on Cocoa Products and Chocolate	Switzerland	<i>Sine die</i>
CX 709	Codex Committee on Fats and Oils	Malaysia	Active
CX 710	Codex Committee on Sugars	United Kingdom	<i>Sine die</i>
CX 711	Codex Committee on Food Additives	China	Active
CX 712	Codex Committee on Food Hygiene	United States of America	Active
CX 713	Codex Committee on Processed Fruits and Vegetables	United States of America	Active
CX 714	Codex Committee on Food Labelling	Canada	Active
CX 715	Codex Committee on Methods of Analysis and Sampling	Hungary	Active
CX 716	Codex Committee on General Principles	France	Active
CX 718	Codex Committee on Pesticide Residues	China	Active
CX 719	Codex Committee on Natural Mineral Waters	Switzerland	<i>Sine die</i>
CX 720	Codex Committee on Nutrition and Foods for Special Dietary Uses	Germany	Active
CX 722	Codex Committee on Fish and Fishery Products	Norway	Active
CX 723	Codex Committee on Meat Hygiene	New Zealand	<i>Sine die</i>
CX 728	Codex Committee on Vegetable Proteins	Canada	<i>Sine die</i>
CX 729	Codex Committee on Cereals, Pulses and Legumes	United States of America	<i>Sine die</i>
CX 730	Codex Committee on Residues of Veterinary Drugs in Foods	United States of America	Active
CX 731	Codex Committee on Fresh Fruits and Vegetables	Mexico	Active
CX 733	Codex Committee on Food Import and Export Certification and Inspection Systems	Australia	Active
CX 735	Codex Committee on Contaminants in Foods	The Netherlands	Active

Ad hoc Intergovernmental Task Force

CX 803	<i>Ad hoc</i> Codex Intergovernmental Task Force on Animal Feeding	Switzerland	Active
CX 804	<i>Ad hoc</i> Codex Intergovernmental Task Force on Antimicrobial Resistance	Republic of Korea	Active

Subsidiary Bodies Established under Rule XI.1(b)(ii)

Code	Subsidiary Body	Member Responsible
CX 706	FAO/WHO Coordinating Committee for Europe	Coordinator for Europe
CX 707	FAO/WHO Coordinating Committee for Africa	Coordinator for Africa
CX 725	FAO/WHO Coordinating Committee for Latin America and the Caribbean	Coordinator for Latin America and the Caribbean
CX 727	FAO/WHO Coordinating Committee for Asia	Coordinator for Asia
CX 732	FAO/WHO Coordinating Committee for North America and the South West Pacific	Coordinator for North America and the South West Pacific
CX 734	FAO/WHO Coordinating Committee for the Near East	Coordinator for the Near East
