
codex alimentarius commission



FOOD AND AGRICULTURE
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ALINORM 08/31/3A
June 2008

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION
31st Session

Geneva, Switzerland, 30 June – 4 July 2008

**REPORT OF THE SIXTY-FIRST SESSION OF THE
EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION**

WHO Headquarters, Geneva, 24 – 27 June 2008

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INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission held its Sixty-first Session at WHO Headquarters, Geneva, from 24 to 27 June 2008, under the chairmanship of Dr Claude J. S. Mosha (United Republic of Tanzania), Chairperson of the Codex Alimentarius Commission. A complete list of participants is attached as Appendix I to this report.

2. The Session was opened on behalf of FAO and WHO by Dr Jørgen Schlundt, Director, Department of Food Safety, Zoonoses and Foodborne Diseases, WHO, who stressed the essential role of the Executive Committee in the management of Codex work, highlighting the main issues under consideration, and wished the delegates success in their important task. The Representative of FAO recalled the strong commitment of both parent organisations to supporting the Commission and the Executive Committee to fulfil their objectives.

ADOPTION OF THE AGENDA (Agenda Item 1)¹

3. The Executive Committee adopted the Provisional Agenda as the Agenda for the session and agreed to discuss the following matters under Agenda Item 11 - Other business: 1) Draft Provisional Agenda of the 32nd Session of the Codex Alimentarius Commission; and 2) Draft Terms of Reference for the evaluation of the capacity of the Codex Secretariat (CRD 7), while noting that the latter issue was related to Agenda Item 5 - Strategic Planning of the Codex Alimentarius Commission.

MATTERS ARISING FROM THE REPORT OF THE 60TH SESSION OF THE EXECUTIVE COMMITTEE (Agenda Item 2)

(a) Follow up to the Statement made by FAO and WHO at the 60th Session of the Executive Committee²

4. At its 60th Session the Executive Committee briefly discussed the statement made by FAO and WHO and agreed that FAO and WHO in cooperation with the Codex Secretariat provide a detailed document including proposals for concrete action, for consideration by the 61st Session.³

5. Given that a number of the issues raised in the FAO/WHO statement had already been addressed by the Commission or were under discussion (paragraph 5 of the working document), the remaining issues (paragraph 6 of the working document) were presented in more detail in the working document and were discussed one by one by the Committee, as follows.

More Emphasis on Health Related Issues

6. The working document concluded on this issue (see paragraphs 10 and 11) that the current arrangements show that due consideration was being given by the Commission to health related issues and recalled that the 30th Session of the Commission had agreed to set an indicative upper limit to the numbers of Codex sessions planned for in one year/one biennium and of active subsidiary bodies that could co-exist. To achieve this, it was recommended in the document that the Commission consider reducing or phasing out certain activities before starting standards-setting activities in new areas, in addition to exercising stringent priority-setting among new work proposals within the framework of the critical review.

7. Several members requested clarification on how “phasing out” would be handled in Codex. The Secretariat replied that the criteria developed by the Executive Committee for the monitoring of progress of standards development had been endorsed by the 29th Session of the Commission⁴ and that another way of implementing this recommendation was not to establish a new task force until existing task forces have been dissolved.

8. One member stated that focussing on health issues should not lead Codex to consider stopping work on commodity standards as those standards were an indispensable part of Codex work, especially for

¹ CX/EXEC 08/61/1 Rev.2.

² CX/EXEC 08/61/2.

³ ALINORM 08/31/3, paras 88 to 96.

⁴ ALINORM 06/29/41, para 13.

developing countries. Some members also mentioned that the impact of private standards was being discussed as an important issue in OIE, IPPC and the WTO-SPS Committee and that in their opinion the objectives of Codex were most affected by these standards, and therefore it was indispensable that the Commission should define a position in this respect as, in view of its competence, it was the undisputed reference as regards food standards in the framework of the WTO.

9. It was recalled that the Executive Committee at its 60th Session had briefly discussed the matter of private standards⁵ and agreed not to make any decision/recommendation at this moment and had requested the Secretariat to monitor developments of the subject in WTO and elsewhere and keep the Committee informed. The Secretariat mentioned that WTO was holding a seminar on the topic concurrently to the Executive Committee. It was also mentioned that there had been FAO studies on this issue especially on the impact on small producers.

10. One member raised the issue of “fair trade” and how Codex could deal with it. The Secretariat clarified that areas of work affected would be food labelling, traceability and food import and export inspection and certification. Codex work on organic produce was an example that Codex was equipped in principle to deal with issues that go beyond food safety which were relevant under TBT.

11. The Representative of FAO said that it is important that the Executive Committee define priorities. The representative said further that also quality and identity of food were of high importance with an impact on the nutritional status of populations especially at present when rising food prices caused a bigger amount of bad quality food entering the food chain than usual.

12. The Executive Committee in principle agreed to the conclusions and recommendations in paragraphs 10 and 11 of the working document and invited FAO and WHO to present a paper on private standards at its next session.

New Meeting Forms Using Modern Communication Technology

13. The working document concluded on this matter (paragraph 15) that it would be premature to adopt teleconferencing for the purpose of Codex intergovernmental meetings including working groups. The reasons given related to technical and organizational issues (connection reliability and quality especially in developing countries, different time zones and missing informal interactions in coffee breaks) and the Committee recommended for the time being continuation of the use of email in the electronic working groups as means of communication.

14. One member reported that video conferences were extensively used in online training and that Codex should not exclude future possibilities for using this technology and that development organizations could ensure that the needed equipment was available in developing countries.

15. The Executive Committee agreed to the conclusion in paragraph 15 of the working document.

Establishment of a Duration for the Terms for Hosting Codex Committees

16. The working document concluded that rather than imposing a limit for the terms for hosting Codex subsidiary bodies by amending Rule XI.10 it might be useful to see how the system could be improved under the existing framework e.g. by enhancing consultation among Codex Members and use of co-hosting arrangements where meetings are held outside the territory of the Member which appoints the Chairperson, usually in a developing country.

17. Several members supported the need for more geographical equity in the distribution of Codex Committees and offering more opportunities to developing countries to take on responsibility for Codex work but felt that existing mechanisms could be sufficient to address the issue. Proposals were made by different members such as increased use of co-hosting and co-chairing of the Committee and converting committees into task forces.

18. One member noted that the learning process for new host governments tended to be lengthy and that capacity and competence to chair a Codex meeting were built over several years and that, at a time where Codex work was intensifying, the work progress should not be impeded by overly frequent transfers of host governments.

⁵ ALINORM 08/31/3, paras 32 to 34.

19. One member was of the opinion that FAO, WHO and the Codex Secretariat had made many efforts to stimulate interest of developing countries in Codex work. In their opinion learning how to organize and chair a Codex meeting was always a challenge but a worthwhile investment.

20. The Secretariat clarified that the Procedural Manual presently contained no restriction on changing or maintaining host countries and that a regular term of hosting began at the end of one regular session of the Commission and lasted to the end of the next regular Commission session. The Secretariat recalled that some years ago the United Kingdom had announced that it would be ready to release the Codex Committee on Sugars but that up to now no new host country had come forward. Concerning the proposal to convert committees into task forces the Secretariat advised that this would need to be looked at on a case by case basis, reference being made to the discussion on this matter at the 60th Session of the Committee.⁶ Thus it would be preferable to maintain committees for those areas where further work was expected. The secretariat informed the Committee that a review of the experience acquired with the holding of Codex sessions in developing countries will be carried out in the context of monitoring the implementation Activity 5.3 of the Strategic Plan, which was underway.

21. The Executive Committee agreed to the recommendation in paragraph 19 of the working document aiming at making improvements within the current framework.

Clearer Rules to help Chairs manage Meetings

22. As this matter was related to the issue of consensus to be discussed in the 25th Session of the Codex Committee on General Principles (2009), the Executive Committee decided not to discuss the matter at this session.

(b) Length and Content of the Session reports of the Codex Alimentarius Commission and its Subsidiary Bodies⁷

23. The working document prepared by the Secretariat contained a history of previous discussions on the above subject, a comparison with the practice in other bodies, benefits of shorter reports, issues related to transparency, an analysis of the trade-off between the length of the report and its timely distribution as well as several recommendations that could make reports shorter and facilitate their reading and adoption. The Secretariat informed the Committee that for the Commission report efforts had been made over the past years to produce shorter, concise, outcome-oriented session reports and that further reduction of the length might be difficult. Reports of subsidiary bodies tended to be longer and went into more detail.

24. One member stated that the attendance of members at Codex Committee sessions was on the average not much higher than 25-30% of the total membership. Because of this the member was of the opinion that having sufficiently clear reports transmitting the content of the debate in depth was indispensable for those countries that could not attend the meetings and had little experience in Codex work. The member did not see audio recording as a solution because listening to the whole proceedings would take too much time. The member also felt that noting the names of delegations that had opposed a specific decision was important as this information might help countries that had not attended the session to form a position on the issue if they knew that the delegations opposed were from countries with similar conditions.

25. Other members stated that a balance between clarity of Codex reports content for those who had not been present in the meetings and the cost of reports should be found. In this context it was mentioned that presently two out of five days of Codex meetings were spent on the production and adoption of the report.

26. The Executive Committee noted the concerns by one member and supported the recommendations made in the working document as follows:

- 1) The Commission and its subsidiary bodies should continue to make effort to produce concise and outcome-oriented reports. In particular:
 - The names of delegations should be recorded in the report upon request whenever a decision has been taken by the Commission or its subsidiary bodies despite their opposition, in accordance with the *Guidelines*;

⁶ ALINORM 08/31/3, paras 16 and 17.

⁷ CX/EXEC 08/61/3

- The names of Codex members and observers that intervened should not be mentioned in the report as a matter of principle, except when it will make it difficult to understand the flow of arguments presented (e.g. the need to link the intervention of a member to a written comments submitted by the same member and produced in a working document, the intervention made by a delegation speaking on behalf of an Officer of the Commission or of the Chairperson of a subsidiary body or a working group established by the latter);
 - Arguments already presented by writing (e.g. official working document, conference room document) should be recorded by inclusion of a reference to these documents or by their brief summary, rather than by reproducing them in the session report.
- 2) Delegations should strictly refrain from opening substantive discussion during the adoption of report. They should not propose to include in the report what has not been stated earlier in the meeting.
 - 3) Where a rapporteur has been appointed, the Chairperson should actively seek his/her advice when determining whether a specific statement was actually made during the discussion.
 - 4) To further increase transparency of Codex work, the host governments of Codex subsidiary bodies are invited to consider the use of audio-recording and web-posting of the audio files within the limit of financial resources available.

(c) Other Matters

Convening Joint Working Groups in Codex⁸

27. The Committee recalled that at its 60th Session the Member for the South West Pacific had raised the issues of the procedure relating to the convening of joint sessions of working groups and it had been agreed to reconsider this question at the 61st Session. The Member for the South West Pacific indicated that the question of establishing joint working groups between two Codex Committees had been raised, for instance, in relation to the work on the Global Strategy for Diet, Physical Activity and Health, which was relevant to the Committee on Food Labelling and the Committee on Nutrition and Foods for Special Dietary Uses, and pointed out that such an approach could be of relevance in other cases. The Member expressed the view that joint working groups could facilitate work progress and promote a more holistic consideration of issues.

28. The Committee discussed how to address issues that might be of relevance for two committees, proposals for new work which were not covered by the terms of reference of existing committees, or only partly covered, or required consideration by several committees. It was noted that existing procedures and practices allowed the following possibilities: convening joint meetings of two committees on an exceptional basis, establishing a Task Force with a special and focused mandate to carry out new work that could not be addressed by existing subsidiary bodies, or extending the mandate of an existing committee to allow consideration of new issues.

29. The Secretariat recalled that terms of reference for working groups should be defined by the Committee concerned and in the case of a joint working group, both Committees involved would need to agree on the terms of reference and subsequently consider the report in order to reach a conclusion on the issue under consideration. Taking into account the timing of Codex sessions, this process might result in longer delays than current working procedures and would not serve the purpose of improving efficiency. The Secretariat also recalled that the Commission exercised overall coordination of Codex work and could decide on the most efficient approach, in accordance with existing procedures.

30. Some members expressed the view that a joint meeting of two committees would place a heavy burden on the host countries due to the administrative and practical arrangements required, which might not be the best approach to facilitate work, and therefore the use of joint working groups would be more adequate to facilitate progress in Codex work.

31. One member expressed the view that in order to allow for flexibility, no specific mechanism should be established for the convening of joint working groups, which should be left to the Committees concerned.

⁸ CRD 6 (proposal prepared by New Zealand).

Another member pointed out that joint working groups could be considered as a mechanism to improve efficiency, provided the required amendments were made to the Procedural Manual.

32. As regards practical aspects, one member noted that the cost involved in a Task Force and a joint working group might not be significantly different for the host country. It was also noted that a Task Force or a joint session of two Codex Committees would provide better transparency and facilitate wider participation of Codex members.

33. Some members expressed the view that the decision to establish joint working groups could be taken by the Commission when approving new work in order to prevent delays, rather than leaving this decision to individual committees.

34. The Committee noted the general support of its members for the intent of the paper (CRD 6) and agreed that the Commission was in the best position to evaluate the need for particular arrangements that might be necessary to address issues that required the involvement of more than one committee or other relevant issues, and had the authority to select the most practical and appropriate method of work in order to advance its work in a timely and expeditious manner, in accordance with the current procedures and practices available to the Commission, such as the extension of the terms of reference of Committees, the establishment of a Task Force, or extraordinary joint sessions of Committees.

Amendments to the Procedural Manual⁹

35. The Committee considered the proposed amendments to the Procedural Manual, as presented in ALINORM 08/31/4 that had been forwarded to the Commission through the Executive Committee, given that the next session of the Committee on General Principle would not meet before 2009. Discussion held and recommendation made by the Committee is summarized as follows:

Proposed amendment to the Terms of Reference of the Codex *Ad hoc* Intergovernmental Task Force on Antimicrobial Resistance

36. It was recalled that the Committee at its 60th Session (December 2007) considered the proposed amendments to the Terms of Reference forwarded by the First Session of the Task Force which had met in October 2007 and that the Committee could not come to a conclusions and had agreed to reconsider the matter at its current Session.¹⁰

37. The Committee noted that the proposed amendment to the Section "Objectives" of the Terms of Reference was prepared in order to clarify that the Task Force should attempt to put into wider perspective the risk of increase of antimicrobial resistance generated by different areas of use of antimicrobials, such as veterinary applications, plant protection or food processing.

38. One member proposed to replace the term "plant protection" with "plant health" since the scope of the plant protection was considered much wider and would cover other issues which were not directly associated with potential occurrences of antimicrobial resistance. Noting that the Task Force had agreed to cover issues on plant protection with the recognition that there were certain antimicrobials actually used to protect plants against certain pests, the Committee agreed to keep the original wording without changes.

39. The Committee agreed to recommend that the 31st Session of the Commission adopt the proposed amendments to the Terms of Reference as proposed by the Task Force, without any amendments.

Proposed amendments to the "*Format for the Commodity Standards*" and to the "*Relations between Commodity Committees and General Committees*"

40. The Committee considered the proposed amendments set out in Annexes III and IV prepared through a overall analysis, made by the Secretariat, following the recommendation of the last Session of the Committee, on the content of, and relationship between the "*Format for the Commodity Standards*" and the "*Relations between Commodity Committees and General Committees*". The Committee noted that it was not necessary to consider the proposed provision forwarded by the Second Session of the Contaminants

⁹ ALINORM 08/31/4, ALINORM 08/31/4A (Comments of Australia, Brazil, Norway, USA, CIAA and NMKL), LIM 8 (Comments of Japan), LIM 9 (Comments of India), LIM 10 (Comments of Malaysia).

¹⁰ ALINORM 08/31/3 paras 68-70.

Committee (April 2008) as presented in Annex II to ALINORM 08/31/4 as it had been already integrated into the above proposed amendments with some necessary adjustments.

41. Two members proposed to delete the insertion of the term "and" in the section on Food Additives of the *"Format for Commodity Standards"* as it was unnecessary. The Committee did not discuss further this matter due to lack of time.

42. The Committee agreed to recommend that the proposed amendments to the *"Format for the Commodity Standards"* be adopted by the Commission as presented in Annex III of ALINORM 08/31/4.

43. The Committee also agreed to recommend that the proposed amendments to the *"Relations between Commodity Committees and General Committees"* be adopted with the following amendments:

- Include a reference to "CODEX STAN 193-1995" to the first paragraph of the Section on Contaminants;
- Replace the term "revisions" to "amendments" in the same Section for consistency of use of those terms that were defined in the Procedural Manual.

44. The Committee also agreed to recommend that the proposed inclusion of a reference to "Contaminants" in the Section on Methods of analysis of pesticide residues in food be deleted as recognizing that the addition of the Contaminants to this Section would cause contradiction to the existing terms of reference of the Committee on Methods of Analysis and Sampling. Consequently, it was agreed that this section should cover the relations between the Committee on Methods of Analysis and Sampling, on one hand, and the Committees on Pesticide Residues and on Residues of Veterinary Drugs in Foods on the other.

45. With these further changes, the Committee agreed to recommend that the proposed amendments to the *"Relations between Commodity Committees and General Committees"* be adopted by the Commission.

Proposed amendments to the Working Instructions for the Implementation of the Criteria Approach in Codex

46. The Committee considered the proposed amendment to the Working Instructions for the Implementation of the Criteria Approach in Codex as reproduced in Annex V to ALINORM 08/31/4 and noted that written comments as presented in ALINORM 08/31/4A were highly technical and hence agreed to recommend that the written comments be referred back to the Committee on Methods of Analysis and Sampling for consideration. The Committee, at the same time, agreed that the adoption of the proposed amendments did not need to be delayed and recommended their adoption by the 31st Session of the Commission.

CRITICAL REVIEW FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS (Agenda Item 3)

(a) Draft Standards and Related Texts submitted to the Commission for adoption¹¹

47. The Committee, recognising that the criteria for the critical review were met, supported the adoption of the Codex Standards and Related Texts submitted at Step 8, 5/8 and 5 by the following Committees and Task Forces:

- Committee on Food Additives
- Committee on Food Import and Export Inspection and Certification Systems
- Committee on Methods of Analysis and Sampling
- Committee on Nutrition and Foods for Special Dietary Uses
- Committee on Residues of Veterinary Drug Residues in Foods
- Committee on Food Labelling
- Committee on Pesticide Residues
- Committee on Natural Mineral Waters

¹¹ CX/EXEC 08/61/4, CRD 8 (critical review of the CCFH).

- Committee on Fresh Fruits and Vegetables
- *Ad hoc* Intergovernmental Task Force on Processing and Handling of Quick Frozen Foods

48. In addition, the Committee made specific recommendations or comments on the following standards and related texts.

Committee on Contaminants in Foods (CCCF)

49. The Committee discussed the need to refer the Proposed Draft Aflatoxin Sampling Plan for Almonds, Hazelnuts and Pistachios (N07-2004), currently at Step 5/8, to the Committee on Methods of Analysis and Sampling in order to ensure consistency with general sampling texts, the criteria approach for methods of analysis and existing methods for the determination of aflatoxins. Some Members pointed out that the Proposed Draft Sampling Plan was directly related to the Draft Maximum Levels for Total Aflatoxins in Almonds, Hazelnuts and Pistachios forwarded to the Commission for adoption and that the maximum levels could not be adopted without the sampling plans. The Committee recognised the importance of the adoption of these maximum levels in order to protect consumers' health and therefore recommended that the Commission adopt the Proposed Draft Sampling Plan as proposed by the CCCF and forward it to CCMAS for further consideration. The Committee supported adoption of all other texts submitted by the CCCF.

50. The Committee considered the need for scientific references in the two Proposed Draft Codes of Practice submitted for adoption at Step 5 and discussed the need to address the use of such references consistently throughout Codex texts, taking into account that scientific references could become rapidly outdated. One Member expressed the view that these references were useful to provide information on the scientific basis of the provisions included in Codex codes of practice or other texts. After some discussion, the Committee recommended that the use of scientific references should be limited to a minimum and that they should be included only when necessary in relation to the provisions of the text concerned.

Committee on Fish and Fishery Products (CCFFP)

51. As regards the Draft Standard for Raw and Live Bivalve Molluscs, the Committee noted the status of endorsement, and agreed that the standard could be adopted at Step 8 with the understanding that it would be referred a second time to the Committee on Food Hygiene, and that any additional comment from CCFH could be considered by the next session of the Commission. The Committee also supported the adoption of the Draft Code of Practice for Fish and Fishery Products.

52. The Representative of FAO indicated that FAO and WHO were ready to provide scientific advice to the CCFFP regarding the safety of bivalve molluscs and sought clarification on the time frame for such requests. The Secretariat indicated that the Committee on Fish and Fishery Products had asked a specific question to FAO and WHO on risk mitigation for Salmonella (ALINORM 08/31/18, para. 92). The CCFFP had also agreed that no additional scientific advice on marine biotoxins would be requested at this stage, as further studies were in progress, that this issue would be kept under review and might be reconsidered when further scientific advice became available, possibly in a few years time.

Committee on Milk and Milk Products (CCMMP)

53. The Committee noted that the simplification proposed for the food additives listing in the *Standard for Fermented Milks* had been endorsed by the Committee on Food Additives (CCFA) and that the proposal for the inclusion of diacetyltartric and fatty esters of glycerol (INS 472e) had been inadvertently omitted from the report of the last session of the CCMMP, but had been proposed for inclusion and endorsed by the CCFA. The Executive Committee recommended adoption of these provisions, as endorsed by the CCFA, and also recommended adoption of all other texts submitted by the CCMMP.

Committee on Food Hygiene (CCFH)

54. The Committee recommended that the Commission adopt the Proposed Draft Revision of the Recommended International Code of Practice for Foods for Infants and Children and agreed that in view of the creation of a new genus *Cronobacter*, which was equivalent to *Enterobacter sakazakii* and related species, both taxonomic names should be used in the Code.

55. As regards further development of Annex II of the Code on microbiological criteria, the Representative of FAO informed the Committee that an expert consultation on the risks associated with

E. sakazakii in powdered follow-up formula would be held in July 2008 and its outcome would be considered by the next session of the Committee on Food Hygiene.

56. The Committee noted the comments of the Chairperson of the CCFH referring to possible concerns with two examples included in the Proposed Draft Guidelines for the Validation of Food Safety Control Measures, and the proposal to consider discontinuation of work if consensus could not be reached at the Commission. However, the Committee noted that no objection had been mentioned in the comments so far received at Step 8 and agreed that discontinuation of work was not an issue for the critical review at this stage.

Ad hoc Intergovernmental Task Force on Foods Derived from Biotechnology (TFFBT)

57. The Committee noted that the Draft Guidelines for the Conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Animals were based on the scientific advice provided by the FAO/WHO Expert Consultation on the Safety of Foods Derived from Recombinant-DNA Animals (2007). The Committee recommended adoption of the three texts as proposed by the Task Force.

58. The Representative of FAO informed the Committee that FAO, in cooperation with the OECD BioTrack Database, had established an inter-operable database for information sharing containing food safety assessments of r-DNA plants carried out in accordance with the *Guideline for the Conduct of Foods Safety Assessment of Foods Derived from Recombinant-DNA Plants*, and that it was accessible from the International Portal on Food Safety Animal and Plant Health www.ipfsaph.org.

(b) Amendments to Codex Standards and Related Texts¹²

59. The issue of amendments to Codex standards and related texts has been included as a new standing agenda item for the Commission allowing the Secretariat to address inconsistencies discovered in the context of publishing revised Codex texts or when routinely reviewing texts developed by subsidiary bodies which had been either adjourned or abolished. The inconsistencies were partly due to decisions taken by the Commission that horizontally affected a number of existing Codex texts and that had not yet been uniformly implemented. The working document contained editorial amendments, in some cases already made by the Secretariat, consistent with such decisions or amendments related to presentation, which were brought to the Committee for information only as well as proposed amendments (or other actions to be taken) to correct inconsistencies which would require explicit guidance by the Committee.

60. The Executive Committee noted and supported all actions taken marked “for information” in the document and agreed with all recommendations marked “for decision/referral” with the exception of the following items where it made specific recommendations:

Part I, 2.1.3 - Codex STAN 169, 212 and A18

61. The Committee noted that some Codex commodity standards contained the statement: “The Annex to this standard contains provisions which are not intended to be applied within the meaning of the acceptance provisions of Section 4.A (I) (b) of the General Principles of the Codex Alimentarius.” (e.g. Codex STAN 169). As the acceptance procedure was abolished by the 29th Session of the Commission, the Secretariat proposed to replace the text with the following text: “The Appendix to this Standard is intended for voluntary application by commercial partners and not for application by governments.” (e.g. Codex STAN 211).

62. The Secretariat clarified that the Committees that had elaborated these standards had kept certain quality provisions in a separate annex as these were thought to be valuable information for trade partners, but not necessary for governments.

63. Some members questioned the meaningfulness of distinguishing different applicability for different parts of Codex standards as the World Trade Organization was unlikely to make a distinction between these different parts of Codex standards. The members felt that the advice of the Committee on General Principles should be sought before taking a decision on the matter.

64. The Executive Committee agreed to recommend that the Codex Secretariat draw up a list of all standards containing text as mentioned above or similar and submit this list to the 25th Session of the Codex Committee on General Principles for advice on how to deal with this issue in a horizontal way.

¹² ALINORM 08/31/8.

Part I, 4.5.1 – Amendment to footnote 6 of CAC/RCP 54-2004

65. The Executive Committee recommended deletion of footnote 6 instead of amending it, recognising that definitions contained in the Procedural Manual applied to all Codex standards and related texts unless stated otherwise.

Part II

66. The Executive Committee recalled that it had recommended the inclusion of a new genus name “*Cronobacter*” in the Proposed Draft Code of Hygienic Practice for Powdered Formulae for Infants and Young Children under Agenda Item 3(a).

Part III

67. Several members were of the opinion that the standards listed in this Part while being in need of revision might be still useful. The Executive Committee recommended that a Circular Letter be sent to invite government comments on the use and validity of these texts before taking further decision.

Part IV

68. As suggested by the Secretariat, the Executive Committee did not discuss Part IV of the working document. A more comprehensive proposal would be prepared by the Secretariat for discussion at the 32nd Session of the Commission.

(c) Proposals for the Elaboration of New Standards and Related Texts and for the Discontinuation of Work¹³

69. The Committee, under the framework of the critical review, considered new work proposals including project documents forwarded by the subsidiary bodies. The following paragraphs summarize discussion held, comments raised and recommendations made on certain items. For all other items in Table 1 of document ALINORM 08/31/9 and in Table 1 of document ALINORM 08/31/9 Add.1, the Executive Committee agreed to recommend the Commission to approve them as new work.

Committee on Residues of Veterinary Drugs in Foods (CCRVDF)**Risk Management Recommendations/Guidance for Veterinary Drugs for which no ADI and MRL has been Recommended by JECFA due to Specific Human Health Concerns (Project Document 1)**

70. A member expressed concerns on lack of clarity of the likely form of a final outcome of the new work as well as on how such outcome could be used by governments, hence suggested that further discussion take place at the CCRVDF before approving this new work. This view was supported by another member.

71. Another member, noting that the needs and outcome of the new work proposal was clearly articulated in the project document, emphasized its urgency and importance and suggested that the CCRVDF start development of risk management recommendations as soon as possible, for the benefit of member countries in dealing with substances with no ADI and MRL associated with specific human health concerns.

72. The Representative of FAO, speaking on behalf of FAO and WHO, stressed that it was important to develop risk management measures for substances for which JECFA could not establish ADI/MRL due to specific human health concerns and urged Codex to start new work, taking into account scientific advice provided by JECFA, previous discussions held at the CCRVDF and specific recommendations made by the Joint FAO/WHO Technical Workshop on Residues of Veterinary Drugs with ADI/MRL held in Bangkok in 2004.

73. After some discussion, the Committee agreed to recommend that CAC approve the new work proposal.

Ad hoc Intergovernmental Task Force on Antimicrobial Resistance (TFAMR)**Science-based Risk Assessment Guidance Regarding Food-borne Antimicrobial Resistant Microorganisms (Project Document 2)**

¹³ ALINORM 08/31/9, ALINORM 08/31/9 Add.1.

Risk Management Guidance to Contain Food-borne Antimicrobial Resistant Microorganisms (Project Document 3)

Guidance on Creating Risk Profiles for Antimicrobial Resistant Food-borne Microorganisms for Setting Risk Assessment and Management Priorities (Project Document 4)

74. A member expressed concern regarding the potential impact on the lifetime of the Task Force in developing the three new texts as regards a point described in Section 4 of project documents 2 and 4, indicating that the outcome of the new work would provide further guidance to JEMRA and asked for view of FAO and WHO as to whether this would cause potential delay of completion of the work. Another member wondered whether the proposed timeline for these three new work items was realistic.

75. The Representative of WHO, speaking on behalf of WHO and FAO, expressed his view that the association with JEMRA was not intended to slow down the progress of work and stated that it should be possible for the Task Force to complete its work within the proposed time-frame, taking fully into account the scientific advice provided by joint FAO/WHO/OIE expert workshops. The Representative also stated that a potential outcome of the task could be a list of critically important substances for human health whose use in animals needs to be restricted.

76. A member noted that the new work proposed on risk management (Project Document 3) made reference to possible revocation of existing texts and expressed the view that such revocation should be considered after the completion of the work of the Task Force.

77. Another member pointed out that initial drafts developed by working groups established by the Task Force lacked focus on several key issues and urged that the next session of the Task Force improve the structure of the draft texts and their focus.

78. The Committee agreed to recommend that CAC approve these new work proposals.

Committee on Food Hygiene (CCFH)

Commodity-Specific Annexes to the Code of Hygienic Practice for Fresh Fruits and Vegetables (CAC/RCP 53-2003) (Project Document 5)

79. A member requested clarification on how prioritization was made for products other than leafy green vegetables as listed in the project document.

80. A member recalled that the Committee on Food Hygiene at its last session, taking fully into account data availability, agreed with the current project document covering leafy green vegetables and some other fresh products.

81. The Representative of FAO, speaking on behalf of FAO and WHO, clarified that prioritization of products was made, taking into account impacts on health, trade and other relevant factors including environmental issues and finally decided to start with leafy green vegetables which included green herbs.

82. The Representative noted that the outcome of an expert consultation held in May 2008 would be provide to the next session of the CCFH.

83. The Committee agreed to recommend that CAC approve the new work proposal.

Committee on Methods of Analysis and Sampling

Guidelines on Criteria for the Methods for the Detection and Identification of Foods Derived from Biotechnology (Project Document 10)

84. Some members did not support new work, pointing out that no Codex provisions on foods derived from biotechnology required the development of methods of analysis and that ISO was currently developing specific methods in this area. These members recalled that, while discussing this issue in CCMAS, it had been proposed to forward the working document on the criteria to FAO and WHO for further development as an FAO/WHO publication rather than a Codex document.

85. Several other members supported new work on criteria for the following reasons: it was complementary to the work of the Task Force on Foods Derived from Biotechnology, especially new guidance on low-level presence of recombinant-DNA plants; foods derived from biotechnology were a high priority for Codex; and at the national level the detection and identification of genetically modified foods were essential for the purpose of consumer protection and information.

86. Several members stressed the importance of this work to provide guidance to developing countries which had difficulties in establishing a regulatory framework and control system for foods derived from biotechnology, which could also result in trade problems. The development of Codex recommendations would therefore facilitate capacity building in this complex area.

87. The Chairperson recalled that the purpose of the document was not to develop specific methods but to provide guidelines which would assist countries to establish such methods, as required, and that the proposed guidelines would not duplicate ISO work.

88. The Representative of WHO expressed the view that although the project document did not propose to ask for scientific advice, it was likely to be necessary in the elaboration process as, in order to detect Recombinant-DNA organisms, the knowledge of genetic insertion was indispensable. Recommending only one method would not reflect scientific knowledge and there would be a need to obtain the most updated scientific advice in this area.

89. One member, while recognising the importance of this work and the eventual need for scientific advice, indicated that more clarification was needed on the content of the guidelines. Another member recalled that the development of this document had been considered for several sessions in the CCMAS and that the technical content of the Proposed Draft Guidelines resulted from extensive work based on the expertise available at national level in the countries involved, while noting that scientific advice could be sought in future development of the document.

90. The Committee agreed to recommend to the Commission to approve new work on the above Proposed Draft Guidelines.

Committee on Contaminants in Foods

Maximum Levels for Total Aflatoxins in Brazil Nuts (Project Document 12)

91. One member expressed the view that it might be premature to undertake new work on Maximum Levels for Total Aflatoxins in Brazil Nuts as the ongoing study carried out in Brazil on in-shell/shelled nut ratio for total aflatoxins might not be ready in time to allow the Committee on Contaminants in Foods to finalise the maximum levels proposed as scheduled in the project document.

92. The Representative of FAO informed the Committee that JECFA had evaluated the impact of several maximum levels for aflatoxins in tree nuts, including data from Brazil.

Code of Practice for the Prevention and Reduction of Ochratoxin A in Coffee (Project Document 13)

93. The Representative of FAO indicated that a recently completed FAO/International Coffee Organisation global project (Enhancement of Coffee Quality through Prevention of Mould Formation) addressed the concerns of coffee-producing countries in building their capacity to reduce OTA contamination, and that the recommendations included therein could provide useful technical guidance in the development of the code of practice.

94. The Executive Committee agreed to recommend that the Commission approve new work on both items.

Committee on Pesticide Residues

95. One member strongly supported the work on the revision of the Principles for Risk Analysis Applied by the Codex Committee on Pesticide Residues in view of its importance and expressed the view that revocation of MRLs should be based only on scientific evidence concerning adverse effects on human health.

96. Another member supported work on the revision of the Guidelines for Estimation of Uncertainty of Results (Project Document 14) to provide guidance in the complex area of pesticide analysis. It was also noted that these Guidelines specifically addressed measurement uncertainty in pesticide analysis, while the Guidelines on Measurement Uncertainty (Project document 11) proposed for revision by CCMAS were of a general nature and were applicable to all food analyses, and that CCPR and CCMAS coordinated their work in order to ensure consistency in the approach to measurement uncertainty.

97. The Executive Committee recommended approval of both items as new work.

Committee on Fresh Fruits and Vegetables

Standard for Durian (Project Document 18)

98. Some members expressed the view that there was not enough justification for new work on durian in view of the current pattern of international trade and suggested that it might be preferable to develop a regional standard in the framework of the Coordinating Committee for Asia. They also pointed out that the existence of substantial international trade was not in itself a justification for the development of a world-wide standard, as it should be ascertained that potential barriers to trade also existed.

99. Some members recalled that, although durian was mostly produced in Asia, it was exported to several other regions and trade was regularly increasing, as it appeared from the import and export statistics provided to the CCFV, and therefore the establishment of a world-wide standard should be envisaged for this product. They also informed the Committee that trade problems existed and were mostly due to maturity requirements.

100. The Committee recommended that the Commission refer back the proposal for new work on durian to the Committee on Fresh Fruits and Vegetables with a request to reconsider the justification for new work in conformity with the *Criteria of Work Priorities Applicable to Commodities*, especially as regards potential trade barriers. The Committee also recommended that the Commission refer this question for advice to CCASIA, especially to consider whether the development of a regional standard would be appropriate.

Standard for Chilli Peppers (Project Document 19)

101. The Committee noted the comments from some members concerning the importance of this product in international trade and the need to avoid confusion with sweet peppers. The Committee recommended approval as new work by the Commission. It was also pointed out that some parameter on strength or pungency of chilli peppers had already been drawn by another organisation.

Committee on Natural Mineral Waters

Amendments to the Standard for Natural Mineral Waters (Project Document 22)

102. The Executive Committee recalled that the Committee on Natural Mineral Waters, while considering the revision of the section on health related substances in the above Standard, had discussed whether further work was required to complete the section on methods of analysis and to revise the section on food hygiene. However, the CCNMW could not reach a conclusion as these questions were outside the immediate mandate it had received from the Commission. The project document under consideration was subsequently prepared by Kenya to propose new work on the revision of the methods and hygiene sections.

103. The Committee discussed the approaches that could be taken to further update the standard: initiating work by correspondence in the CCNMW, which might reconvene at a later stage if needed; asking for proposals in a Circular Letter, or forwarding the sections to the relevant general subject committees. The Secretariat recalled that general subject committees could provide advice on provisions in Codex standards in their areas of competence even if these sections were not submitted for endorsement as such.

104. Some members pointed out that the development of the section on methods of analysis could be carried out by correspondence and subsequently forwarded to the Committee on Methods of Analysis and Sampling for endorsement; however, it would be difficult to revise the hygiene section by correspondence as it would require detailed discussion.

105. The Committee also discussed how to ensure consistency in the provisions on microbiological criteria in the Standard for Natural Mineral Waters and the Code of Hygienic Practice for Collecting, Processing and Marketing of Natural Mineral Waters, and the need to revise the Code. It was noted that the Committee on Food Hygiene did not intend to revise that Code in the near future, in view of its current schedule of work, but that the Commission could consider whether this should be treated as a matter of priority.

106. After some discussion, the Committee agreed to recommend that the Commission refer the issue on the methods of analysis raised in the project document to the Committees on Contaminants in Foods, on Pesticide Residues and on Methods of Analysis and Sampling for review in their respective areas of competence. The Committee, at the same time, decided to ask the CCFH whether it was possible to give a

higher priority to the revision of the Code of Hygienic Practice, which was considered as a prerequisite to the revision of the hygiene section of the Standard.

General Aspects

107. The Committee noted that assessment and approval of new work proposals was one of its essential functions and that the Executive Committee should be consistent and stringent in its approach to the critical review of proposed new work, especially for commodities, and for this purpose it was especially important to apply the Guidelines on the Application of the *Criteria of Work Priorities Applicable to Commodities* (ALINORM 08/31/3, Appendix II). The Committee further noted the view of a member that this objective was not fully met yet by the present session and that, in the future, project documents should provide ample evidence with respect to the justification for new work.

FINANCIAL AND BUDGETARY MATTERS (Agenda Item 4)

(a) Codex Budget and Expenditure for 2006-07 and Codex Budget for 2008-09¹⁴

Codex Budget and Expenditure for 2006-2007

108. The Secretariat provided a brief explanation on the Codex expenditure in the 2006-07 biennium, as presented in Section A of document ALINORM 08/31/9A and Table 1. The total expenditure (7,378,000 USD) exceeded the original estimate mainly due to the loss of value of the US dollar vis-à-vis the Euro and cost increases. The funding gap was filled by an increase in the contribution of FAO. The expenditure in non-staff costs (3,833,000 USD) in the 2006-07 biennium was smaller than that in the 2004-05 biennium (3,974,000 USD) despite cost increases, thanks to the cost saving measures implemented in 2004, such as discontinuation of printing and dispatch of Codex working documents in hardcopy, and adoption of electronic publication of the Codex Alimentarius on CD-ROM, instead of on paper in Codex Alimentarius Volumes.

109. The Committee's attention was drawn to document CAC/31 INF/9, which showed the Codex expenditure during the same biennium by Biennial Output as defined in FAO. Besides the staff costs, the organization of the sessions of the Commission and its Executive Committee and the publication of adopted standards and related texts occupied relatively large proportions of expenditure.

110. The Committee noted the clarification provided by the Secretariat on the expenses listed as Other Human Resources and Chargeback. The Secretariat indicated that all working languages were maintained for translation of Codex documentation to safeguard transparency. The Committee noted that FAO had initiated outsourcing of translation while ensuring the quality of translation, and that attempts were being made to increase the efficiency of its meeting services, including translation and interpretation.

111. The Executive Committee noted the Codex budget and expenditure for 2006-2007 as presented in the documents.

Codex Budget for 2008-2009

112. The Secretariat, referring to Section B of document ALINORM 08/31/9A and Table 2, provided an update on the financial situation of the current biennium. The revised total estimated costs stood at 8,420,000 USD, which would be shared by FAO (85.5%) and WHO (14.5%).

113. The Executive Committee noted the implications of the final budget to the activities of the Commission (paragraph 12 of the document): Russian would not be added as a language of the Commission, despite the recommendation made by the 30th Session of the Commission, due to lack of funds; addressing the request made by the Coordinating Committee for Africa, Portuguese could be added as a language of interpretation in the Coordinating Committee for Africa, on an experimental basis, by using efficiency savings to be made in other areas of the Codex programme; and the Executive Committee would meet three times in the biennium, as was the case in 2006-07, instead of four times.

114. Several members expressed serious concern that the strategic and management function of the Executive Committee was negatively affected by the reduced frequency of its sessions. The Secretariat

¹⁴ ALINORM 08/31/9A, ALINORM 08/31/9A-Corr. (corrigendum to Table 1); CAC/31 INF/9 (Codex Expenditure in 2006-2007 by Biennial Output); CAC/31 INF 3 (Report of FAO/WHO Budgets for Codex-related Activities 2006/7 and 2008/9: FAO/WHO Scientific Support to Codex).

indicated that one session of the Executive Committee would cost approximately 200,000 USD and it was not possible to schedule a fourth session unless the contributions from the parent organizations were increased to cover the funding gap, including additional staff resources to service the meetings of the Commission and Executive Committee. The Committee noted that a number of cost saving measures had already been implemented over the past two biennia and therefore margins for additional cost saving were very small.

115. One member wondered why the WHO contribution had stayed nominally the same in the US dollar terms over the 2004-2005 biennium, resulting in a decrease in real terms, while the FAO contribution had been increased to compensate for the cost increase and the exchange rate shift between the US dollar and the Euro. The Representative of WHO replied that within the WHO's budget preparation process there was no policy to provide for such compensation automatically and that it was not the WHO secretariat but the member states of WHO which had the power to determine the budget levels for the WHO food safety programme in general, from which the Codex contribution was drawn. The Representative reminded the Committee that prioritisation between Codex activities was necessary, and that a fourth meeting of the CCEXEC would be possible if other costs could be decreased.

116. In conclusion, the Executive Committee noted the funding situation of the Codex programme in 2008-09 and its implications to Codex work. The Executive Committee agreed to recommend the Commission that the usefulness of Portuguese as a language of interpretation in CCAFRICA be evaluated at the 32nd Session of the Commission. The Executive Committee also agreed that the Commission should encourage all Codex members to make the best use of electronic means of communication. Finally, the Executive Committee requested FAO and WHO to assign high priority to Codex when determining their budgets, including the allotment for 2009 and the biennial budget 2010-2011.

FAO/WHO Budgets for Codex-related activities

117. The Representative of FAO, speaking on behalf of FAO and WHO, by referring to Document CAC/31 INF/3, informed the Committee of their expenditures covering the period of 2006-07 and budgets for 2008-09 on the provision of scientific advice to Codex and member states.

118. The Representative explained that FAO had been striving to secure as much resources from its respective regular budget as possible, and that for the recent years additional extrabudgetary resources were provided by Australia, Japan and the United States of America in order to facilitate timely provision of scientific advice.

119. It was noted that the figures in Table 1 of the INF/3 document did not include costs for human resources in the parent organizations. If necessary, this information could be included in a report to the next session of the Committee. More in-depth information on individual activities for scientific advice undertaken jointly by FAO and WHO was available in ALINORM 08/31/9G, which included an activity on nanotechnology which was not requested by Codex but directly by their member states to assess potential impact on food safety associated with the use of such technology.

120. Recognizing the important role of the Executive Committee to review work priority in Codex, the Representatives of FAO and WHO stressed that a clear decision on prioritization needed to be made by the Committee so as to enable them to have better planning of work for scientific advice to facilitate Codex standards setting work.

121. The Representative of WHO encouraged member countries to make their case in the World Health Assembly if they wished to urge WHO to increase its resources allocated to the Codex related activities with clear indication of priority areas.

122. The Committee expressed its appreciation to the efforts of FAO and WHO in providing scientific advice to Codex and agreed to recommend that the Commission urge FAO and WHO to maintain or increase, upon demands, resource allocations to the programmes for provision of scientific advice to Codex.

(b) Implications of amendments to Article 9 of the Statutes of the Codex Alimentarius Commission

123. The Executive Committee recalled that a document on alternative funding mechanisms of the Codex programme was discussed at its 60th Session¹⁵. The Committee was informed that document CX/EXEC

¹⁵ ALINORM 08/31/3 paras 43-51.

08/61/5 had not been issued since consultations were still going on between the Legal Offices of FAO and WHO. One possibility originally proposed was to remove the reference to "Regular Budgets" in the second sentence of Article 9 of the Statutes; however, the sentence might also be interpreted in a manner that would not restrict the finding of the Codex programme to regular budgets only.

124. The Committee noted that in FAO there was clear distinction between the regular programme funded by members' assessments, including the Codex programme receiving a high priority within FAO, and the programmes funded by extrabudgetary resources, while in general WHO programmes depended more on extrabudgetary resources which were also used to fund normative activities. In view of the fact that a large proportion of the operation of the Codex Alimentarius Commission, namely those expenses related to the work of Codex subsidiary bodies, was borne by the voluntary contribution of host governments, the financing by the parent organizations of the core operation of Codex was considered to be contributing to preserving a universal and multi-lateral character of the programme.

125. The Committee noted that the discussion paper that had been requested at its 60th Session¹⁶ would be presented to its 62nd Session (June 2009).

STRATEGIC PLANNING OF THE CODEX ALIMENTARIUS COMMISSION (Agenda Item 5)¹⁷

126. The Committee recalled that the Strategic Plan of the Codex Alimentarius Commission adopted by the 30th Session of the Commission contained, in its Part 3, a check list that should be regularly updated for review by the Executive Committee and the Commission to monitor the implementation of the Strategic Plan.

127. The Committee reviewed the checklist as presented in Annex I to document ALINORM 08/31/9B prepared by the Secretariat, in the light of the Secretariat's notes presented in Annex II of the same document.

128. Many of ongoing activities in the Strategic Plan (e.g. Activities 1.1, 1.2, 1.3, 1.4, 1.5, 1.6 and 3.2) were already discussed at its current session under relevant agenda items.

129. The Committee noted that some other activities (Activities 1.7, 2.3, 2.5, 2.6, 3.6, 3.8, 4.1, 4.2, 4.3, 4.4, 5.1 and 5.6) would be reviewed or discussed by the 31st Session of the Commission, and focused its discussion to the remaining activities of the Strategic Plan, with discussion held and recommendations made as follows:

Goal 1 (Promoting Sound Regulatory Frameworks)

Activity 1.8

130. The Committee agreed to recommend that Codex Contact Points enhance their capacity to communicate with, and disseminate Codex related information to interested parties at the national level.

Goal 2 (Promoting Widest and Consistent Application of Scientific Principles and Risk Analysis)

Activities 2.1 and 2.2

131. The Committee, while noting that the Committees on Nutrition and Foods for Special Dietary Uses and on Food Hygiene had not completed their work for development of risk analysis policy documents in their respective area, agreed to recommend that the 25th Session of the Committee on General Principles (April 2009) initiate Activity 2.1 consider this matter and agree on a timeline of work and steps to follow to complete the review. Activity 2.2 would be able to be started once Activity 2.1 was completed.

Activity 2.4

132. The Committee noted the view of FAO and WHO that the current criteria recommended by the 55th Session of the Executive Committee were useful and appropriate and that they were willing to use the same set of criteria. The Committee agreed that there was no need to revise the criteria at this stage.

¹⁶ ALINORM 08/31/3 para.50.

¹⁷ ALINORM 08/31/9B.

Goal 3 (Strengthening Codex Work-Management Capabilities)Activity 3.1

133. The Committee considered how to initiate a review of the Criteria for the Establishment of Work Priorities and the procedures of the critical review. The Committee agreed that it was premature to make concrete proposals on how to initiate review of these criteria and procedures and decided to revisit the matter after the Executive Committee had gained more experience in the conduct of the critical review.

Activities 3.3, 3.4 and 3.5

134. The Committee noted that, as development of some committee-specific criteria had not been completed and some other criteria were under revision, Activity 3.3 could not start at this moment. The Committee therefore agreed to recommend that relevant subsidiary bodies be encouraged to finalize the relevant work as early as possible. Once Activity 3.3 was completed, Activity 3.4 would be able to be started, to be followed by Activity 3.5.

Activity 3.7

135. The Committee noted that the matter had been considered under Item 11 - Other Business.

Goal 4 (Promoting Cooperation between Codex and other relevant International Organizations)Activity 4.5

136. The Committee agreed to recommend that the forthcoming Coordinating Committees review current status on the basis of replies to the questionnaires sent to Codex members and observers, identify possible actions to be taken with a view to promoting interdisciplinary coordination and communication at national and regional level, and report to the 32nd Session of the Commission.

Goal 5 (Promoting Maximum and Effective Participation of Members)Activity 5.2

137. The Committee noted that the Secretariat would take an initial step by preparing a questionnaire to Chairpersons and host countries of subsidiary bodies in order to collect baseline data and information on the use of written comments in the Codex process. In order to reduce workload of Codex host governments that were involved in other activities (e.g. Activity 5.3) this year, Activity 5.2 would most probably take place during the second half of 2009 and a progress report would become available in 2010.

Activity 5.3

138. The Committee noted that the Secretariat was starting to collect a wide range of information on the experience gained from holding Codex sessions in developing countries and including data on attendance of member governments in these sessions. A progress reports would be presented to the 62nd Session of the Executive Committee and the 32nd Session of the Commission.

Activity 5.4

139. The Committee agreed to recommend that the forthcoming Coordinating Committees review the operation and activity of the Codex Contact Points and national Codex committees, discuss the ways to strengthen their function, and report back to the 62nd Session of the Executive Committee.

140. The Representative of FAO, speaking on behalf of FAO and WHO, noted that FAO and WHO had provided necessary assistance to strengthen national Codex structure and detailed information on individual assistance activities was presented in ALINORM 08/31/9G.

Activity 5.5

141. The Committee agreed to recommend that the forthcoming Coordinating Committees review the current status, identify any additional measures to be taken by the governments and other parties to enhance participation of non-governmental organizations at international, regional and national levels and report to the 32nd Session of the Commission in July 2009.

IMPLEMENTATION OF THE JOINT FAO/WHO EVALUATION OF THE CODEX ALIMENTARIUS AND OTHER FAO AND WHO WORK ON FOOD STANDARDS (Agenda Item 6)¹⁸

MATTERS ARISING FROM THE REPORTS OF CODEX COMMITTEES AND TASK FORCES (Agenda Item 7)¹⁹

142. Due to lack of time, the Executive Committee decided not to discuss these two items, with the understanding that the 31st Session of the Commission would consider these items.

RELATIONS BETWEEN THE CODEX ALIMENTARIUS COMMISSION AND OTHER INTERNATIONAL ORGANIZATIONS (Agenda Item 8)

(a) General Matters²⁰

143. The Secretariat informed the Committee that document ALINORM 08/31/9E contained information on the cooperation and coordination of Codex work with other intergovernmental and non-governmental organisations and that it was preferable to discuss this document in detail during the Commission when representatives of these organisations would be present.

(b) Applications from International Non-Governmental Organizations for Observer Status in Codex²¹

144. The Executive Committee was invited, in accordance with Rule IX.6 of the Rules of Procedure, to provide advice regarding the applications for observer status of two international non-governmental organizations neither having status with FAO nor official relations with WHO. Information from the applicant organizations was included in Annexes 1 and 2 of document CX/EXEC 08/61/6 and CRDs 2 and 3.

GAIN (Global Alliance for Improved Nutrition)

145. The Secretariat introduced the application, which had been reviewed by the Codex Secretariat and the legal office of WHO and had been found to be complete and all criteria met.

146. The Executive Committee agreed to recommend to the Directors-General of FAO and WHO to grant GAIN observer status with the Codex Alimentarius Commission.

BEUC (The European Consumers' Organisation)

147. BEUC had presented their application at the 58th Session of the Committee where *“the Executive Committee agreed that it was not in a position to formulate a firm view concerning the application from BEUC until a clear policy concerning the issue of double representation was established and/or more information was obtained as to how BEUC and CI would plan to represent themselves separately in Codex meetings and why, including proposals to solve practical questions at hand in a clear and manageable manner.”*²²

148. Before the present session BEUC had presented new information on their cooperation with Consumers International (CI)²³. According to this information there were two cases in which BEUC wished to participate/speak in its own capacity at Codex meetings: (1) in meetings where CI does not participate but BEUC has an interest; and (2) where BEUC participates as part of a CI delegation and an agenda item is of specific interest to BEUC but not to CI.

149. The representative of the Legal Counsel of WHO informed the Committee that according to their analysis the first case did not present any problems while the second case could create confusion and would set a precedence for other global-regional NGO combinations. It was thus preferable to apply the principle of alternate representation, i.e. at any meeting where CI was represented, BEUC would participate as part of the

¹⁸ ALINORM 08/31/9C.

¹⁹ ALINORM 08/31/9D.

²⁰ ALINORM 08/31/9E.

²¹ CX/EXEC 08/61/6.

²² ALINORM 06/29/3A, paras 99-105.

²³ ALINORM 08/61/6, Annex 2.

CI delegation and when intervening would do so as CI and not as BEUC. The same principle should apply to submission of written comments to the effect that BEUC should not send comments on matters CI sent comments (otherwise BEUC comments would be discarded).

150. In this context, the representative of the Legal Counsel of WHO explained that the *Principles concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission*, did not provide, a priori, and strictly speaking, a legal basis for refusing observer status to an INGO only because it was member of a larger organization that already had observer status. He stressed however that the last paragraph of section 4.2²⁴ provided for the implementation of alternate representation as a preferred approach, to avoid redundancy in message and confusion and to facilitate proceedings in Codex meetings.

151. Several members welcomed a wider participation of consumer organizations in the work of Codex. Some members especially welcomed the possibility for regional consumer organizations to participate as the views of consumers could be different in different regions.

152. Other members felt that an organization that was part of a larger organization could always obtain the authorization to represent the umbrella organization where no representative of that organization could attend the meeting. In their opinion it was thus not necessary to grant smaller organizations observer status separately.

153. One member pointed out that to coordinate positions between regional and global organizations might pose a challenge to consumer organizations whose resources were limited.

154. The Executive Committee agreed to recommend granting observer status to BEUC on the understanding that: (1) BEUC would only participate as such in Codex meetings when CI was not represented; (2) At meetings where CI was represented, BEUC could only participate as part of the CI delegation and could not speak as BEUC; and (3) BEUC could submit written comments only on those issues for which CI did not submit any comments.

155. The Executive Committee further noted that the Directors-General of FAO and WHO had the authority to review, at any moment, the observer status of BEUC if problems were identified with the exercise of alternate representation of CI and BEUC, and consult the Executive Committee as required.

Pending applications

156. In paragraph 4 of the working document the Secretariat had included a list of pending applications for observer status. The Secretariat informed the Committee that in some cases information had been requested from the applicant some years ago but no reply had been received.

157. The Executive Committee decided that the Secretariat should attempt to contact those applicants that had not submitted required information and had remained silent for a number of years to ascertain their continued interest in acquiring observer status.

(c) Review of Observer Status of International Non-Governmental Organizations²⁵

158. At its 60th Session, the Executive Committee had started a review of the status of current observers in light of the present criteria in the *Principles Concerning the Participation of International Non Governmental Organizations* (INGOs).

159. The Secretariat informed the Committee that the recommendation of its 60th Session to terminate the observer status of 23 INGOs had been transmitted to the Directors-General of FAO and WHO for their final decision.

160. At the current session, the Executive Committee examined the status of a number of INGOs for which the status had been pending further information since the 60th Session or which had been included in the second phase of the review (since December 2007).

²⁴ “Observer status at specific meetings will not normally be granted to individual organizations that are members of a larger organization authorized and that intends to represent them at these meetings.”

²⁵ CX/EXEC 08/61/7, CRD 4 and CRD 5 (submissions from INGOs).

161. The Executive Committee recommended maintaining observer status for the following INGOs:
- **49P** (49th Parallel Biotechnology Consortium), because the organization submitted sufficient information on its international activities;
 - **APIMONDIA**, because the organization expressed continued interest in the work of Codex and also taking account of the fact that there had been no Codex activities related to honey, offering opportunity for them to participate in the last four years;
 - **COPANT** (Comisión Panamericana de Normas Técnicas), because the agreement between Copant and ISO sufficiently clarified their division of work and competence;
 - **OFCA** (Organisation des fabricants de produits cellulosiques alimentaires), because the organization submitted their articles and other relevant information as had been requested; and
 - **WMO** (World Medical Association), because the organization declared their continued interest in the Codex work, which in their case was sufficient to maintain observer status (in accordance with section 4.1 of the Principles) as the organization has official relations with WHO.
162. The Executive Committee recommended that ESPA (European Salt Producers' Association) maintain observer status but be requested to re-apply under their new name EuSalt because their statutes have changed significantly.
163. The Executive Committee recommended that the status of the IBWA (International Bottled Water Association) be maintained pending the recent application for observer status from the International Confederation of Bottled Water Associations, of which IBWA is a member.
164. The Executive Committee recommended to the Directors-General of FAO and WHO the termination of observer status of the organizations contained in the following table in accordance with the provision contained in section 6 of the *Principles Concerning the Participation of International Non Governmental Organizations* (INGOs) that an INGO in observer status which “*has neither attended any meetings nor provided any written comments shall be deemed not to have sufficient interest to warrant the continuance of such relationship.*”

Acronym	Full name	Observations
WRO	World Renderers Organization	Announced that as an evidence of further interest in Codex work it would reply to CL 2007/19-CAC concerning animal feeding but did not submit any such reply.
IUBS	International Union of Biological Sciences	Did not reply to any reminders.
IFAJ	International Federation of Agricultural Journalists	Replied once that their structure had changed but since then did not reply to any reminders.
IASC	International Association of Seed Crushers	Announced no further interest in the work of Codex.
IFFO	International Fishmeal and Fish Oil Organization	
IIASA	International Institute for Applied Systems Analysis	

FAO/WHO PROJECT AND TRUST FUND FOR ENHANCED PARTICIPATION IN CODEX (Agenda Item 9)²⁶

OTHER MATTERS ARISING FROM FAO AND WHO (Agenda Item 10)²⁷

165. Due to lack of time, the Executive Committee decided not to discuss these two items, with the understanding that the 31st Session of the Commission would consider these items.

OTHER BUSINESS (Agenda Item 11)²⁸

Draft Provisional Agenda for the 32nd Session of the Commission

166. The Committee noted that the draft Provisional Agenda for the 32nd Session of the Commission, presented to the current session in accordance with Rule VII.1 of the Rules of Procedure, had been prepared following the same format as in the past sessions of the Commission and would include the reports from FAO/WHO Coordinating Committees.

167. The Committee was informed that the duration of the session would probably be six days, in view of the substantial agenda and the election of the Members of the Executive Committee elected on a geographical basis.

Draft Terms of Reference for the Evaluation of the Capacity of the Codex Secretariat in Accordance with Activity 3.7 of the Strategic Plan 2008-2013

168. The Secretariat informed the Committee that the terms of reference were under preparation in order to implement Activity 3.7 "Evaluate the capacity of the Codex Secretariat to perform its function effectively" as part of Goal 3 "Strengthening Codex Work Management Capabilities" of the Strategic Plan 2008-2013, and requested comments of the Executive Committee on the draft terms of reference that were presented in CRD 6. The Secretariat pointed out that this evaluation concerned a specific aspect of Codex work and was not intended to duplicate or repeat the comprehensive Codex Evaluation carried out from 2002 onwards. This evaluation needed to be carried out with a limited budget and in a relatively short time as it should be presented to the 62nd Session of the Executive Committee and the 32nd Session of the Commission in 2009. The purpose was to evaluate the capacity of the Codex Secretariat in the light of the changes that had occurred in the operation of the Codex programme in recent years. The Committee was also informed that this evaluation would be carried out with the support of the FAO Evaluation Service (PBEE).

169. Some members expressed the view that the external consultant should not necessarily be familiar with Codex in order to take a more neutral approach to the evaluation, but could rather be an expert in work management and audit. Some clarification was sought on the process for the selection of the consultant and further steps of the evaluation and the Secretariat indicated that, given the budgetary limitations, the selection of external consultants would be made on the basis of a short list of potential consultants and the countries to which the questionnaire would be sent would be chosen from the whole membership.

170. As regards the issues to be covered by the evaluation, one member proposed to add consideration of budget planning issues, with a view to exploring possibilities to enhance the involvement of Codex members in budget planning and ensuring adequate support from FAO and WHO for the Codex programme.

171. The Representative of WHO supported the draft terms of reference put forward in CRD 7 and pointed out that the proposed evaluation was an important process in order to improve effectiveness of Codex work. The Representative of FAO, in reply to the comments made in the discussion, suggested that in order to ensure a transparent process in a cost effective way, a short and focused questionnaire could be sent to all Codex Contact Points with a short deadline, which would allow all members to give their views.

172. As regards the use of the result of this evaluation, the Committee noted that a report would be presented to the Executive Committee and the Commission to decide on the action to be taken in the

²⁶ ALINORM 08/31/9F.

²⁷ ALINORM 08/31/9G.

²⁸ CRD 1 (Draft Provisional Agenda for the 32nd Session of the Commission), CRD 7 (Draft Terms of Reference for the Evaluation of the Capacity of the Codex Secretariat).

framework of the implementation of the Strategic Plan. The Secretariat informed the Committee that the comments made at the present session would be fully taken into account.

Date and Place of Next Session

The Committee noted that the next session of the Committee was scheduled to be held in Rome, Italy, during the week preceding the 32nd Session of the Codex Alimentarius Commission.

APPENDIX I

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