

CODEX ALIMENTARIUS COMMISSION **E**



Food and Agriculture
Organization of
the United Nations



World Health
Organization

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CX 5/15

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TO: Codex Contact Points
Interested International Organizations

FROM: Secretariat,
Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme
FAO, Viale delle Terme di Caracalla, 00153 Rome, Italy

SUBJECT: **Request for comments concerning the development of joint CODEX/OIE standards**

DEADLINE: **1 June 2011**

COMMENTS: **To:** Secretariat,
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Background (discussion at the 26th CCGP)¹

74. The Committee recalled that at its 25th Session the OIE had proposed that the Committee “consider arrangements for the development of joint standards, which might address several areas of common interest with Codex, such as standards for controlling pathogens transmitted through food products of animal origin, use of antimicrobials in food producing animals, or commodity standards for meat products”. After some discussion the Committee had agreed that “the Codex Secretariat should approach the OIE Secretariat and prepare a discussion paper on the possible development of joint standards between Codex and OIE, addressing all relevant procedural and other issues, as well as implications”.

75. The Secretariat introduced the document which contained the history of the discussion on cooperation with international organisations and joint standards; the previously proposed procedure for developing joint standards; issues concerning joint standards with OIE; the rationale for the development of common OIE-Codex standards provided by the OIE secretariat; and a list of OIE texts having been developed making reference to Codex texts and a list of Codex texts making reference to OIE texts.

76. The Secretariat noted in particular that the proposed possibility and procedure to develop joint standards had not been retained because delegations, while supporting cooperation with other IGOs, expressed the view that the procedure proposed for the elaboration of joint standards would be difficult to apply in practice and could result in increased costs and substantial delays in the standard-setting process². The Secretariat also noted that in the opinion of the legal services the procedure reproduced in the document was still valid. The Secretariat said that the existing mechanism for cooperation as contained in the Procedural Manual had worked well and had resulted in a number of texts that had been developed in cooperation with the OIE.

¹ ALINORM 10/33/33, paras 74-85

² ALINORM 04/27/33A paras 97-109

77. The observer from the OIE said that since 2001, the OIE mandate had included setting standards for animal production food safety, i.e. the management of risks arising in the phase from the farm to primary processing. The observer said that the OIE and CAC collaborated closely in the development of standards relevant to the entire food production continuum, taking care to avoid gaps, duplications and contradictions in these standards. The observer further said that in their view the development of common standards would give benefits by providing a single, seamless standard for the management of a particular food safety hazard at all stages in the food production continuum. Common standards could also lead to more efficient use of resources, avoiding duplication/contradictions between relevant OIE and Codex standards, ensuring that standards are based on the latest scientific information and assist in the harmonization of OIE and Codex procedures in standards setting. The observer mentioned, as a possible subject for common standards, the control of *Salmonella* in livestock.

78. The representative of the legal counsel of the FAO said that the document reflected the situation as it stood now. He pointed out that there were differences of procedure between Codex and OIE particularly with regard to inclusiveness and transparency; and that procedures for cooperation were in place. He said that the mandate given by the last CCGP did not offer the possibility to go beyond what was in the paper. The representative of the legal counsel of WHO supported this view.

79. Several delegations supported a close cooperation with the OIE and avoiding any duplication of work but said that due to the late availability of the document they were not in a position to discuss the content of the document. It was suggested that the Codex secretariat send a circular letter including the working document to request comments for discussion at the 27th Session of the CCGP.

80. The delegation of the United States noted that there was an opportunity to better define the roles and responsibilities of the two organizations and to discuss how they might best interact where the roles and responsibilities interface in order to avoid duplication and overlap. While there were many similarities between Codex and OIE work, their mission, priorities and processes were different; thus the delegation was of the opinion that the missions of the two organisations would be best served by separate, but coordinated work products.

81. The representative of the WHO informed the Committee that the World Health Assembly (WHA) at its May 2010 session would discuss a possible change to the WHO/OIE cooperation agreement, which presently did not make reference to Codex or Codex standards. He also informed the Committee that this year, for the first time in 10 years, food safety was on the WHA agenda and he invited delegations to liaise with their counterparts in ministries of health in order to bring any additional topics to their attention and also on the content of the relevant WHA resolution.

82. The representative of FAO expressed his support for a closer cooperation of Codex and OIE on all common issues. He said that FAO, Codex and OIE cooperated on many issues of common interest including those in the interface between food safety and animal health. He said that that it was for the Committee and ultimately the Commission to decide if this cooperation should include the development of joint standards in the future.

83. The observer of the WTO informed the Committee of a recent workshop which had been held back to back with the SPS Committee in October 2009 on the relation of the SPS Committee with the three international standard setting organizations (Codex, IPPC and OIE) The objective was to get a better understanding of the different processes with a view to foster closer cooperation and communication to ensure coherence and avoid contradictions while leaving the specific modalities to the individual bodies. The workshop had developed 11 recommendations which might be of relevance to the present discussion.

84. The observer of the OIE said that the OIE General Assembly would meet in the last week of May 2010 and would discuss food safety in the framework of the report of the Animal Production Food Safety Working Group and of other committees.

Conclusion

85. **The Committee agreed that the Codex Secretariat would send a circular letter including the working document CX/GP 10/26/8 to request comments from members so that the issue could be discussed in depth at the 27th Session of the Committee.**

DISCUSSION PAPER ON THE DEVELOPMENT OF JOINT CODEX/OIE STANDARDS

(Prepared by the Codex Secretariat with input from the OIE Secretariat and previously distributed as CX/GP 10/26/8)

1. Background and outline

1. At the 25th Session of the Codex Committee on General Principles (CCGP25) in 2009 the OIE proposed that the Committee “consider arrangements for the development of joint standards, which might address several areas of common interest with Codex, such as standards for controlling pathogens transmitted through food products of animal origin, use of antimicrobials in food producing animals, or commodity standards for meat products”. After some discussion the Committee agreed that “the Codex Secretariat should approach the OIE Secretariat and prepare a discussion paper on the possible development of joint standards between Codex and OIE, addressing all relevant procedural and other issues, as well as implications”.

2. This document contains in:

- **Section 2:** the history of the discussion on cooperation with international organisations and joint standards;
- **Section 3:** the previously proposed procedure for developing joint standards;
- **Section 4:** issues concerning joint standards with OIE;
- **Section 5:** the rationale for the development of common OIE-Codex standards provided by the OIE secretariat; and in the
- **Annex:** a list of OIE texts having been developed making reference to Codex texts and a list of Codex texts making reference to OIE texts.

2. History of the discussion on cooperation with international organisations and joint standards

3. CAC24 (2001) agreed that a document should be developed to provide guidance on cooperation with other International Intergovernmental Organizations on the elaboration of Codex Standards and Related Texts. The Commission decided to entrust the elaboration of these guidelines to the CCGP.

4. A first draft, discussed at CCGP18 (2003) contained 3 forms of cooperation³:

- Elaboration of a joint standard or related text with a cooperating organization;
- Elaboration of a Codex standard or related text by a cooperating organization on behalf of the CAC; or
- Substantial cooperation at the initial drafting stages of a Codex standard or related text.

5. In view of concerns raised the Committee deleted the second option.⁴

6. In subsequent discussions on the redrafted document⁵ the Committee also decided not to retain the first option as several delegations, while supporting cooperation with other IGOs, expressed the view that the procedure proposed for the elaboration of joint standards would be difficult to apply in practice and could result in increased costs and substantial delays in the standard-setting process.⁶

7. CAC28 (2005) adopted the *Guidelines for Cooperation with International Intergovernmental Organizations*, for inclusion in the Procedural Manual⁷. The Guidelines have since then been used successfully in the cooperation with a number of organisations (including the OIE) see also the Annex.

8. In the opinion of the legal services of FAO and WHO the procedure proposed for the development of joint standards and not retained at the time for the reasons mentioned above (see para.6) is still the

³ CX/GP 03/8

⁴ ALINORM 03/33A paras 99-107

⁵ CX/GP 04/20/7

⁶ ALINORM 04/27/33A paras 97-109

⁷ ALINORM 05/28/41 paras 43-44

appropriate way should the Commission decide to include this possibility. The proposed procedure is reproduced in Section 3 of this document

3. Procedure for the development of joint standards⁸

“Joint Standards and Related Texts

- 1) Joint standards and related texts may be elaborated in cases where an international intergovernmental organization has a clear mandate for standards setting in a field of relevance to the Commission's work.
- 2) The cooperating organization shall have observer status with the Codex Alimentarius Commission.
- 3) The cooperating organization shall have the same principles of membership⁹ that form the basis for membership in the Codex Alimentarius Commission and the same principles of standards-setting.¹⁰
- 4) Joint standards and related texts may be elaborated by subsidiary bodies established as Joint Codex Committees or Joint Task Forces in accordance with the "Criteria for the Establishment of Subsidiary Bodies of the Codex Alimentarius Commission" and the applicable procedures of the cooperating organization.
- 5) Prior to taking a decision on whether or not to elaborate joint standards and related texts and to establish a joint subsidiary body for this purpose, the Commission shall have before it a report from the Directors-General of FAO and WHO and the executive head of the cooperating organization on the administrative and financial implications of the proposal to establish such a body. This report shall also include:
 - a) a statement of the willingness of the cooperating organization to develop joint standards and/or related texts;
 - b) a statement by the Directors-General of FAO and WHO in conformity with the Constitutions, General Rules and applicable regulations of their respective Organizations concerning cooperation with other international organizations, that such cooperation is in the interest of the respective organizations and is in conformity with the Constitutions, Rules and Regulations;
 - c) proposals concerning the terms of reference and procedures to be followed by the joint subsidiary body in drafting joint standards and related texts, namely whether they be the procedures of the Codex Alimentarius Commission or the procedures of the cooperating organization or other procedures to be defined, as required;
 - d) a proposed time frame for the elaboration of the standard(s) or related text(s);
 - e) proposals concerning the publication of the resulting joint standards and related texts, namely whether they be joint publication or whether they be published by both the Codex Alimentarius Commission and the cooperating organization in their respective compilations of standards and related texts;
 - f) proposals for procedures to be followed for the dissolution of the joint body once it has completed its work; and
 - g) proposals for procedures to be followed if either the Commission or the cooperating organization proposes to amend, revise or revoke the joint standard.
- 6) Standards and related texts elaborated by such joint bodies shall be considered as Codex standards only after their adoption by the Commission and their adoption by the cooperating organization in conformity with the procedures of that organization.”

⁸ CX/GP 04/20/7

⁹ The “same principles of membership” shall be taken to mean that the membership of the organization is open to all Members and Associate Members of FAO and of WHO.

¹⁰ The “same principles of standards-setting” refers to the General Decisions of the Commission set out in the Appendix to the Procedural Manual.

4. Analysis of issues of joint standards with OIE

9. On the assumption that a procedure such as outlined in section 3 would be adopted in the following a brief analysis is made of the issues related to joint standards with OIE as regards:

- Process of standards development
- Nature of Codex and OIE and their roles

4.1 Process of standards development

10. Point 3) of the procedure in section 3 requests that the cooperating organization should have “the same principles of standards-setting”. However the standard development processes in CODEX and OIE differ significantly.

11. Codex operates in a clearly described risk analysis framework within which the risk assessment (the science) is provided by independent FAO/WHO Expert Bodies, while the management (standards) are then developed in an inclusive step procedure giving the possibility of commenting to all stakeholders, as represented by international organisations with observer status (i.e. including both producers and consumers, as well as other relevant sectors) with final adoption of the standards by the Commission.

12. OIE standards are generally developed through specialised commissions/working groups and adopted by OIE members during the annual OIE General Session with no clear separation of risk assessment (science) and risk management (standards setting).

13. Codex members have on many occasions stressed the importance of the inclusiveness of the Codex standard setting procedure and the role of science and risk assessment. For any joint body with OIE it is likely that the Commission would request all applicable rules of the Codex Procedural Manual to be followed. In this case the development of a joint standard would not be that different from the development of a Codex standard with input from OIE (the present situation) and subsequent or simultaneous adoption by OIE.

4.2 Nature of Codex and OIE and their roles

14. OIE is an independent organization whereas Codex is the active arm of a FAO/WHO Food Standards Programme. Cooperation between Codex and OIE, including standard-setting activities, should therefore be considered in the framework of existing agreements between FAO and OIE and between WHO and OIE, as appropriate, and the tri-partite ongoing cooperation between the three organisations.

15. Codex operates within a farm-to-fork framework, ensuring that the full production to consumption line is covered in whatever management systems are considered. There are a number of examples where Codex standards are also covering primary production (even including issues related to animal feed and the use of antimicrobials in animal production) and in these areas the input of OIE in the development of Codex standards has been very important, as it appears from the list of standards and related texts provided in the Annex. Newer considerations, including tri-partite "One Health" and human-animal interface should be taken into account, as human health has to be considered along the entire process and not only in the last part of it.

5. Rationale for the development of common OIE – Codex standards (Contribution of OIE)

5.1 Introduction

16. 5.1.1 The World Organisation for Animal Health (OIE) and the Codex Alimentarius Commission (CAC) are two of the three international standard setting organizations recognized under the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (the *SPS Agreement*). In the context of the *SPS Agreement*, the OIE is responsible for setting standards in the domain of animal health (including zoonotic diseases) and the CAC in the domain of food safety. For food products of animal origin, hazards to human health may arise at the farm or at any subsequent stage in the food production continuum. Since 2001, the OIE mandate has included setting standards for animal production food safety, i.e. the management of risks arising in the phase from the farm to primary processing.

17. 5.1.2 The OIE and CAC collaborate closely in the development of standards relevant to the entire food production continuum, taking care to avoid gaps, duplications and contradictions in these standards.

However, there is an additional avenue of collaboration, i.e. the development of common OIE-Codex standards. This paper sets out a rationale for the development of such standards and suggests a potential pilot project.

18. 5.1.3 The relationship between the OIE and the CAC is particularly important because risks to human health and food safety may arise at any stage in the food production continuum. Therefore, risk management must be tailored to detect and address risks at the appropriate stage(s). For food safety and international trade, the standard setting activities of the OIE and the CAC are thus interdependent and complementary.

19. The development of common standards relevant to food safety risks would have several benefits, including: providing efficiencies in the use of resources of the two organizations; avoiding duplications and gaps that can arise through different work programmes and timing of standards development; and helping to provide a basis for harmonization of approaches and standards. Importantly, the process of developing common standards could help to encourage closer collaboration between OIE and Codex stakeholders in Member countries.

5.2 Potential benefits of common OIE-Codex standards

5.2.1 The provision of a single, seamless standard for the management of a particular food safety hazard at all stages in the food production continuum

20. A common standard would describe recommendations for standard setting throughout the food production continuum. This would avoid the need to refer to different standards developed by the two organizations for information on both the livestock production and the food processing phase and help Members to choose the combination of management measures that best fits their national circumstances. This approach may help to provide closer harmonization of OIE and Codex risk management approaches.

5.2.2 More efficient use of resources

21. The development of a common standard may provide for more efficient use of resources, both for the secretariats of the two standard setting organizations and for the input of experts. If it were possible to combine secretariat resources and the work of experts, efficiencies in the development of a common standard would result. Similar benefits may accrue to Member countries involved in the development of common standards.

5.2.3 Avoid duplication/contradictions between relevant OIE and CAC standards

22. Duplication and contradictions can arise between OIE standards and CAC standards due the differences in the timing of development and adoption of standards between the two organizations. Although both organizations take care to address such differences, the process of reviewing and amending standards is lengthy and discrepancies can arise where one standard setting organization several years after the other adopts a standard for a given commodity.

5.2.4 Ensure the standard is based on the latest scientific information

23. The development of a common standard would take account of the latest scientific information available at that time in both the animal production and food processing phases of the food continuum.

5.2.5 Assist in the harmonization of OIE and CAC approaches and standards

24. While the working relationship between OIE and CAC has been strengthened in past years, and there is now very effective collaboration in the development of standards for the food production continuum, there is still room for progress, particularly in harmonizing approaches to risk management. The development of common standards may help to provide a basis for harmonization as it would require a closer working relationship between the two organizations and amongst stakeholder groups in member countries.

5.3 Potential subjects of common standards

25. The development of common OIE-CAC standards could be envisaged in regard to either horizontal or vertical (disease specific) issues.

26. In the past few years, both the OIE and CAC have developed 'horizontal' standards covering ante and post mortem inspection of animals, identification and traceability, health certification and animal feed. These subjects could have been addressed via the development of common standards, given that the two organizations have complementary roles and responsibilities at relevant stages in the food production continuum.

27. The OIE has recently adopted a standard for *Salmonella* in eggs of poultry and CAC is currently developing standards for the control of *Salmonella* and *Campylobacter* species in chicken meat. While the OIE is not planning to undertake work on *Campylobacter* spp. in the short term, further work on *Salmonella* in livestock species other than poultry may be envisaged. This is a potential subject for the development of a common standard.

ANNEX

Texts developed in cooperation between Codex and OIE**1. Existing OIE standards**

Listed below are chapters from the *OIE Terrestrial and Aquatic Animal Health Codes* that have some common interest with work of Codex and have been developed with input from Codex.

OIE Terrestrial Animal Health Code:

Chapter 4.1. General principles on identification and traceability of live animals

Chapter 4.2. Design and implementation of identification systems to achieve animal traceability

Chapter 6.1. The role of the Veterinary Services in food safety

Chapter 6.2. Control of biological hazards of animal health and public health importance through ante- and post-mortem meat inspection

Chapter 6.3. Control of hazards of animal health and public health importance in animal feed

Chapter 6.4. Hygiene and disease security procedures in poultry breeding flocks and hatcheries

Chapter 6.5. Prevention, detection and control of *Salmonella* in poultry

Chapter 6.6. *Salmonella enteritidis* and *Salmonella typhimurium* in poultry

Chapter 6.7. Introduction to the recommendations for controlling antimicrobial resistance

Chapter 6.8. Harmonisation of national antimicrobial resistance surveillance and monitoring programmes

Chapter 6.9. Monitoring of the quantities of antimicrobials used in animal husbandry

Chapter 6.10. Responsible and prudent use of antimicrobial agents in veterinary medicine

Chapter 6.11. Risk assessment for antimicrobial resistance arising from the use of antimicrobials in animals.

OIE Aquatic Animal Health Code:

Chapter 4.5. Control of aquatic animal health hazards in aquatic animal feed.

Note:

The following chapters for the *Aquatic Animal Health Code* are currently under development:

Chapter 6.1. Introduction to the recommendations for controlling antimicrobial resistance

Chapter 6.2. Responsible and prudent use of antimicrobial agents in veterinary medicine.

2. Existing Codex texts

Listed below are the Codex texts that have some common interest with work of OIE and have been developed with input from OIE.

- [*Principles for Traceability / Product Tracing as a Tool Within a Food Inspection and Certification System*](#) CAC/GL 60-2006
- [*Code of Hygienic Practice for Meat*](#) (CAC/RCP 58-2005)
- [*Code of Practice to Minimize and Contain Antimicrobial Resistance*](#) (CAC/RCP 61-2005)
- [*Code of Hygienic Practice for Milk and Milk Products*](#) (CAC/RCP 57-2004)
- [*Working Principles for Risk Analysis for Food Safety for Application by Governments*](#) (CAC/GL 62-2007)
- [*Model Export Certificate for Milk and Milk Products*](#) (CAC/GL 67-2008)
- [*Code of Practice on Good Animal Feeding*](#) (CAC/RCP 54-2004)
- [*Guidelines for design, production, issuance and use of generic model official certificates*](#) (CAC/GL 38-2001)