

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
HEALTH  
ORGANIZATION



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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX ALIMENTARIUS COMMISSION

*Twenty-sixth Session, FAO Headquarters, Rome, 30 June – 7 July 2003*

### REPORT OF THE FIFTY-SECOND SESSION OF THE EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION *Rome, 26-27 June 2003*

#### INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission held its Fifty-second Session at FAO Headquarters, Rome, 26-27 June 2003. The Session was presided over by Mr Thomas Billy (USA), Chairperson of the Codex Alimentarius Commission. The full list of participants, including the Secretariat, is included as Appendix I to this report.

#### ADOPTION OF THE AGENDA (Agenda Item 1)

2. The Executive Committee adopted the Provisional Agenda<sup>1</sup> as the Agenda for its Session.

#### RISK ANALYSIS POLICIES OF THE CODEX ALIMENTARIUS COMMISSION (Agenda Item 2)<sup>2</sup>

3. The Executive Committee recalled the main elements of the Action Plan adopted by the 22<sup>nd</sup> Session of the Commission (1997), and noted that as part of the Action Plan, the *Draft Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius* had been developed by the Committee on General Principles and submitted to the 26<sup>th</sup> Session of the Commission for adoption.

4. Several members supported the adoption of the Working Principles and stressed their importance in order to provide a framework for the integration or risk analysis throughout Codex. Some members also supported the current work on risk analysis principles intended for governments. While recognizing the science-

<sup>1</sup> CX/EXEC 03/52/1

<sup>2</sup> ALINORM 03/26/6

based nature of risk analysis, one Member drew attention to the Report of the FAO Expert Consultation on Food Safety: Science and Ethics held in September 2002<sup>3</sup>.

5. The Executive Committee noted that the original recommendation of the Action Plan referred to an introductory narrative on risk analysis and identification of the responsibilities of Committees. However, taking into account subsequent work in this area, the Executive Committee agreed that the role of risk analysis in Codex was adequately explained in the text of the Working Principles themselves and that an additional narrative may not be required.

6. In reply to a question, it was recalled that the Working Principles when adopted would be included in the Procedural Manual because they would provide guidance to the Commission and its subsidiary bodies, but were not intended for application by governments.

7. As regards the situation when scientific data were insufficient and the consequent implications for Codex standards, the Executive Committee noted that the recommendations in paragraph 10 would not entail a complete review of all previously adopted food safety standards, but some existing standards may be re-assessed on a case-by case basis.

8. The Executive Committee considered the issue of availability of data from developing countries and the recommendation of the Working Principles in this regard (para. 22). The Executive Committee welcomed the commitment of FAO and WHO to undertake studies in order to address lack of data from developing countries when this was required. How this would affect the overall risk analysis process for a particular food safety issue would largely depend on the nature of the health hazard concerned and the data required, and this would require consideration on a case-by-case basis.

9. The Executive Committee recognized the need to promote a better understanding of risk analysis and its application in member countries, and to address the specific difficulties of developing countries in this respect through FAO and WHO technical assistance and training activities. The Executive Committee also recalled that recommendations to that effect were included in the Strategic Framework 2003-2007 (Objective 2, section 10).

10. The Executive Committee agreed to recommend to the Commission to adopt the Draft Working Principles and to encourage the Committees involved in risk analysis to develop or complete specific guidelines in their respective areas. It also recommended that such guidelines be forwarded to the Committee on General Principles in order to ensure coordination throughout Codex and consistency with the Working Principles.

### **JOINT FAO/WHO EVALUATION OF THE CODEX ALIMENTARIUS AND OTHER FAO AND WHO WORK ON FOOD STANDARDS (Agenda Item 3)<sup>4</sup>**

11. The Executive Committee recalled that the 25<sup>th</sup> (Extraordinary) Session of the Commission had considered the report of the *Joint FAO/WHO Evaluation of the Codex Alimentarius and Other FAO and WHO Work on Food Standards* and had requested the Secretariat to circulate the report of the *Evaluation* for comments and to prepare options and strategies for consideration by the 26<sup>th</sup> Session of the Commission. The Secretariat introduced the working documents that addressed the issues identified by the Commission for further consideration, as described below.

12. In view of the time available for discussion, the Executive Committee discussed only those proposal and options where it felt that its advice would be of most use to the Commission in its discussion of this item.

#### General aspects

##### ***Annual Meetings of the Commission (Proposal No.1)***

13. The Executive Committee endorsed the proposal to hold annual meetings of the Commission in order to improve the speed and efficiency of the Codex decision process. It agreed that this was conditional on the operation of the FAO/WHO Trust Fund. However, the Member for Latin America and the Caribbean, while

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<sup>3</sup> Document in press: available from the FAO website at [ftp://ftp.fao.org/es/esn/food/meetings/finalreport\\_ethics.pdf](ftp://ftp.fao.org/es/esn/food/meetings/finalreport_ethics.pdf)

<sup>4</sup> ALINORM 03/26/11 with Addenda 1 to 6

recognizing the importance of annual meetings, stressed the difficulties related to the participation of developing countries and indicated that the operation of the FAO/WHO Trust Fund would be critical but that all difficulties would not be solved in the near future. This position was supported by other Members.

14. The Executive Committee discussed whether the annual sessions of the Commission should alternate between consideration of standards alone, and both standards and policy matters. Some members proposed that more flexibility should be considered, as the Commission might need to consider both standards-related questions and strategic issues in the same session, according to the circumstances and proposals from governments.

15. The Member for North America pointed out that if the Commission were to consider policy matters every year, Regional Coordinating Committees would not be able to discuss these matters, as they would continue to meet biennially. The Executive Committee noted that the planning of Codex sessions should allow the Commission to receive the input from the Regional Committees on important policy matters such as the Medium-Term Plan and that this aspect should be taken into account in the planning of annual meetings.

16. Some members pointed out that the actual duration and frequency of Commission sessions should not be specified in advance but decided on a case by case basis, as it would depend on the issues under consideration. The Executive Committee agreed with the proposal of the Chair to recommend that each Commission session should consider the timing for its following session and the general nature of the agenda, taking into account the points raised above.

#### ***Implementation of the Evaluation (Proposal No.2)***

17. The Executive Committee agreed that the follow-up and monitoring of the implementation of the Evaluation recommendations should be entrusted to the Executive Committee or Board.

#### ***Priorities for Implementation (Proposal No.3)***

18. The Executive Committee endorsed the priorities proposed in the working document, and confirmed that they were of equal importance, but that the "processes for standards management" could be addressed as a first step as they did not require amendments to the Procedural Manual or the development of detailed proposals for further consideration.

#### ***Acceptable Level(s) of Protection (Proposal No.4)***

19. The Executive Committee recalled that different views had been expressed in earlier discussions and written comments on this issue and recommended that the Commission take no further action at this stage, with the understanding that it might be considered again in the future if required.

#### **Review of the Codex Committee structure and mandates of Codex Committees and Task Forces, including regional committees**

20. The Secretariat recalled that the Evaluation report had recognized the need to review the Committee structure, although it had not been possible to consider it in the framework of the Evaluation itself due to time constraints.

21. The Executive Committee supported a general review of the Committee structure and mandates (Proposal No.5), and agreed that the review should consider the relationship between all committees and Task Forces as appropriate, and not only between general subject committees and commodity committees. In addition to current areas of work, the review should also consider how to address the needs that were not covered or new issues that may arise in the future. The Executive Committee also noted that the review would need to consider ongoing work on specific subjects, in addition to the elements identified in paragraph 13 of the working paper.

22. The Executive Committee also endorsed Proposal No.6 concerning the review of the Regional Coordinating Committees.

23. Several members asked for clarification on the selection of the consultants that would be entrusted with the review, and stressed the importance of transparency in the process. The following criteria were proposed for consideration: geographical balance including adequate representation of developing countries; knowledge of the

Codex process, but also the ability to think beyond the current Codex framework; competence as regards strategic planning; and ability to identify future needs. The Secretariat indicated that these elements would be taken into account in the selection of consultants but that the selection was a decision of Secretariat under the direction of the rules of FAO and WHO.

## Review of the functions of the Executive Committee

### ***Strategic and Managerial Functions***

24. The Executive Committee supported the strengthening of the Executive Committee as a strategic and standards management body as proposed in Proposal No.7 and Proposal No.9 - Option 9.2

### ***Membership and Participation (Proposals 11 and 12)***

25. The Executive Committee had an extensive discussion on the proposals concerning the membership and participation in the Executive Committee. There was general support for the enlargement of the Executive Committee by appointing the Regional Coordinators as Members (Option 11.1). The Executive Committee noted that the Regional Coordinators would retain their coordinating functions.

26. There were no objections to the proposal to limit participation to one delegate representing members (Option 11.2). The Executive Committee noted a proposal to link this recommendation to the funding of participation for members (Option 11.4).

27. Some Members supported the establishment of a Sub-Committee on Programming, Budget and Planning (Option 11.3), as this would assist the Executive Committee to meet its increased responsibilities in this area and improve efficiency. Some other Members proposed more flexible arrangements such as the ability of the Executive Committee to establish task-oriented sub-committees .

28. The Executive Committee endorsed the proposal to fund the participation of Members from the Codex budget (Option 11.4), in view of the additional burden for member countries arising from additional meetings. Some Members noted that this should be preferably limited to developing countries and indicated that other Members might not avail themselves of this possibility.

29. The Executive Committee discussed the proposal to open the meetings to members countries that were not members of the Executive Committee and to accredited international governmental and non-governmental organizations (Proposal No. 12), as observers. It noted that two aspects could be considered: opening the meeting to the public; and allowing the participation of observers in the debate. Several Members proposed to open the meeting to the public, either directly or through the use of internet broadcasting but expressed some concerns regarding the participation of observers in the debate. One Member did not support the presence of observer member countries, and indicated that they could be represented through the Member elected on a geographical (regional) basis. The question of improved criteria for the accreditation of non-governmental organizations was also raised (See also Proposal 28).

30. The view was also expressed that only observers that had presented written comments prior to the session may be given the right to speak in the meeting, as was the case with the World Health Assembly, for example. The Committee also noted a proposal that the Executive Committee should have the ability to hold parts its meeting in private for certain items.

31. The Executive Committee could not come to a conclusion on the matters raised in Proposal 12 (Participation of Observers) and noted that these issues would require further consideration in the Commission .

## Improved Processes for Standards Management

32. The Secretariat recalled that the standards management function had been identified as the primary focus of the Evaluation, and that it was also highlighted in the Strategic Framework. It was also noted that the proposals put forward in the working document could be implemented rapidly as a matter of priority. The Executive Committee considered the main strategies and options put forward in the working document.

### ***Strategic Planning (Proposal No.13)***

33. The Executive Committee considered the proposal for the development of a Strategic Plan either by the Secretariat or by the Executive Committee. After an exchange of views, it was noted that these options were not mutually exclusive and in practice the Secretariat would work with the Executive Committee in the preparation of strategic planning documents. See also para. 27, above, concerning the potential role of a Sub-Committee of the Executive Committee.

### ***Critical review of proposals to undertake work and monitoring progress of standards development (Proposals No.14 and No.15)***

34. The Executive Committee supported the critical review process as proposed in the document and agreed that it was closely related to the proposal to revise the *Criteria for the Establishment of Work Priorities* in order to ensure the relevance of Codex standards at the international level. It also noted a proposal that the critical review process should also focus on standards of relevance to international trade. It endorsed both proposals.

### ***Standards Management – Responsibility (Proposal No.16)***

35. The Executive Committee recalled that there had been no support for the establishment of a Standards Management Committee at the 25<sup>th</sup> Session of the Commission. The Executive Committee did not support the establishment of such a Committee and proposed to undertake the critical review of new work as described in the document (Option 16.2).

36. The Executive Committee had an exchange of views on the status of an Executive Board as compared to a Committee and did not come to a final conclusion. It was therefore agreed that the recommendation to undertake standard management was without prejudice to the decision that might be taken later on the status of the Executive body as a Committee or Board.

### ***Time-bound decision-making (Proposal No. 17)***

37. The Executive Committee agreed that the body responsible for standards management should review the status of development of draft standards at the end of a specified time-frame, normally not more than five years, and report its findings to the Commission, as proposed in the working document.

### ***Adoption of Standards (Proposal No.22)***

38. Several members supported the option allowing adoption with amendment under the conditions specified in the document (Option 22.2) and proposed to allow some flexibility in order to facilitate the adoption of standards with some limited changes at the Commission. The Member for Asia supported the option allowing only adoption without amendment, except editorial changes, pointing out that consensus should have been reached in the Committee before submitting a standard to the Commission.

39. The Executive Committee agreed that adoption with a limited amendment should be allowed, provided that the draft standard had been forwarded to the Commission on the basis of consensus.

## **Review of the Rules of Procedure and Other Procedural Matters**

### ***Responsibility for the Review***

40. The Executive Committee considered the two options presented under proposal 23; namely the establishment of a specialized Task Force to undertake this work, or the convening of special sessions of the Committee on General Principles.

41. The Member from Europe stated that the host government of the Committee on General Principles (France) had re-iterated its readiness to convene extraordinary sessions of that Committee to deal exclusively with the proposed review, within a limited timeframe and based on the decisions of the 26<sup>th</sup> Commission session. The Member also indicated that the proposed review fell fully within the Terms of Reference of the Committee on General Principles and that it would not interfere with the regular work of this Committee. Although the majority of Members that spoke expressed a preference for the establishment of a dedicated Task Force as a more efficient and effective means of achieving the required outputs, it was noted that no Member country had as yet expressed its willingness to host such a Task Force, as required in the *Criteria for the Establishment of*

Subsidiary Bodies of the Commission (Article 4). It was also noted that in either case, there would be similar burdens on countries to participate in either mechanism.

42. The Executive Committee did not come to a conclusion on this matter.

43. The Executive Committee noted that whatever body would be entrusted with the responsibility for the review, the criteria for the review process would be the same.

#### ***Amendment of the Codex “Mandate” (Proposal 24)***

44. The Executive Committee noted that although there had been considerable debate on this issue, there had been no clear decision. In view of the comments made, and the opinion of the FAO Programme Committee, it endorsed Option 24.2 in the paper calling for the retention of the current “mandate”.

#### **FAO/WHO TRUST FUND FOR PARTICIPATION OF DEVELOPING COUNTRIES IN CODEX STANDARD-SETTING PROCEDURES (Agenda Item 4)<sup>5</sup>**

45. Dr Wim van Eck (WHO), Chairperson of the FAO/WHO Consultative Group for the Trust Fund, introduced the agenda item and presented a brief report of the second meeting of the FAO/WHO Consultative Group, which met in Geneva on 12-13 May 2003.

46. The Consultative Group had concentrated its efforts on the further elaboration of the criteria for selection of beneficiaries. It had agreed to retain all three categories of countries, based on the World Bank classification, with the understanding that the selection criteria would be weighted in favour of the low-income countries participation, while not completely excluding other developing countries from the process. The Consultative Group elaborated an indicative distribution of the financial resources according to three outputs: i) widening participation; ii) strengthening overall participation and, iii) enhancing scientific/technical participation. In addition, provisions could be made to finance, on an *ad hoc* basis, relevant activities to assist countries did not otherwise meet the eligibility criteria.

47. The Chairperson of the Consultative Group informed the Executive Committee that a comprehensive project document for use in fundraising had been prepared for the consideration of potential donors. In this regard, he said the Consultative Group had considered the question of a threshold level that should be attained before the Trust Fund becomes operational and that FAO and WHO have agreed that the threshold level should be US\$ 500,000 to ensure its sustainable management.

48. The Executive Committee expressed appreciation for the good progress made since February 2003. The timely commencement of operations of the Trust Fund would play an important role in responding to the needs of countries to participate in Codex work, in particular in connection to the Commission decisions on frequency of the Commission meetings. It was also pointed out that it was extremely urgent to finalize and distribute the project document to potential donors in order to meet their budget cycles.

49. Appreciation was expressed for the simplified criteria for countries eligibility and the allocation of some resources for those countries which do not have experience in the work of Codex.

50. It was clarified that the Output Level III on “enhancement of scientific/technical participation” was related to the participation of qualified scientists in the work of the Codex Committees for the purpose of submitting relevant data to Codex and that it was not related to the participation to JECFA/JMPR meetings which had separate funding.

#### **OTHER MATTERS ARISING FROM FAO AND WHO (Agenda Item 5)<sup>6</sup>**

51. The representatives of the FAO and WHO drew the attention of the Executive Committee to the steps taken by FAO and WHO since the 25<sup>th</sup> (Extraordinary) session of the Commission in support of recommendations of the Joint FAO/WHO Evaluation of Codex regarding the essential nature of expert advice to

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<sup>5</sup> ALINORM 03/26/12

<sup>6</sup> ALINORM 03/26/13 and CAC/26 INF/4

the work of Codex. The Executive Committee was informed that FAO and WHO proposed to commission a series of consultative studies on the provision of scientific advice to Codex culminating in a final consultation in May-June 2004, in time for the report to be presented at the 27<sup>th</sup> Session of the Commission .

52. The Executive Committee welcomed the progress made by FAO and WHO in responding to the need for expert advice for the work of Codex. Noting that there were currently over 20 outstanding separate requests to FAO and WHO for expert advice from Codex bodies, it emphasized the need for prioritization in presenting requests for expert advice to FAO and WHO. At the same time the Executive Committee highlighted the need for flexibility to allow Codex and FAO/WHO to accommodate emerging issues.

### **MATTERS ARISING FROM THE REPORTS OF CODEX COMMITTEES AND TASK FORCES (Agenda Item 6)<sup>7</sup>**

53. In view of the time available, the Executive Committee decided not to consider this item.

### **FINANCIAL AND BUDGETARY MATTERS 2002/2003 AND PROPOSED BUDGET 2004/2005 (Agenda Item 7)<sup>8</sup>**

54. The Executive Committee welcomed the report provided by the Secretariat. It noted that the financial and budgetary situation for the Codex Programme was generally satisfactory. The Executive Committee noted that the large budgetary allocations for “FAO Services” included those services such as translation, interpretation, printing and distribution of documents and other technical services purchased from FAO. The Executive Committee also welcomed the clearer reporting available as a result of the transfer of the Codex Budget to the FAO Regular Programme.

55. In regard to the proposed budget for 2004/05, the Executive Committee noted that these proposals foresaw increased staffing both in number and seniority in the Codex Secretariat and that one of these posts would be devoted to the finalization, publication and dissemination of Codex final texts, an element that had been significantly under-expended in the current biennium due to staff constraints and the very high number of Codex Sessions.

56. While noting that the final budget levels had yet to be agreed, the Executive Committee expressed its appreciation to the Parent bodies for the positive response to the outcome of the Joint FAO/WHO Evaluation of Codex, not only in the increase in the direct funding for Codex, but also for the significant additional support foreseen in the Codex-related activities of scientific advice and capacity building.

### **PROPOSED SCHEDULE OF CODEX MEETINGS 2003-2005 (Agenda Item 8)<sup>9</sup>**

57. The Executive Committee endorsed the Proposed Schedule of Meetings for 2003-2005 as presented by the Secretariat. It noted however, that the Schedule did not include possible meetings of the current Task Forces, and that there may be a necessity to include some of these. Some Members also expressed concern at the close scheduling of some major Committees (such as the Committees on Food Labelling and General Principles) which would put considerable strain on delegates wishing to attend both meetings. The Secretariat invited the host countries of the Committees concerned to consult between themselves and with the Secretariat to resolve this matter, but noted that there was little scope for many changes.

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<sup>7</sup> ALINORM 03/26/14

<sup>8</sup> ALINORM 03/26/15

<sup>9</sup> ALINORM 03/26/16

## APPENDIX I

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**liste des participants**  
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