

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
HEALTH  
ORGANIZATION



JOINT OFFICE: Viale delle Terme di Caracalla 00153 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

**ALINORM 09/32/3**  
**June 2009**

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME**

**CODEX ALIMENTARIUS COMMISSION**

*Thirty-Second Session*

*Rome, Italy, 29 June - 4 July 2009*

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

*FAO Headquarters, Rome, 23 – 26 June 2009*

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## INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission held its Sixty-second Session at FAO Headquarters, Rome, from 23 to 26 June 2009. Ms Karen Hulebak (United States of America), Chairperson of the Codex Alimentarius Commission, presided over the session with assistance from the three Vice-chairpersons of the Commission, Mr Knud Østergaard (Denmark), Mr Sanjay Dave (India) and Mr Ben Manyindo (Uganda). A complete list of participants is attached as Appendix I to this report.

2. The Session was opened by Mr Modibo Traoré, Assistant Director-General, FAO who emphasized the key role of the Executive Committee to offer balanced solutions and management advice to the Commission and stressed the need to find new and creative solutions to key challenges faced by Codex, such as the speed of standards development and consensus-building. He assured the Committee that FAO would continue to give priority to Codex and to protect it from any possible cuts while continuously seeking to improve efficiency in the use of these resources.

3. Mr Keiji Fukuda, Assistant Director-General, WHO also addressed the session and expressed the continued support of WHO to the work of Codex and related activities such as scientific advice. He recalled that the World Health Assembly (WHA), the highest body of WHO, had commended Codex work and reiterated the commitment to work with FAO on strengthening Codex management and improving its work.

### **ADOPTION OF THE AGENDA (Agenda Item 1)<sup>1</sup>**

4. The Executive Committee adopted the Provisional Agenda as the Agenda for the session and agreed to discuss item 5(c) (Discussion paper on a “business plan”) in conjunction with item 3 (Financial and budgetary matters) followed by item 6 (c) (Applications from international non-governmental organizations for observer status in Codex) so as to first focus on those matters which solely fell within the ambit of the Committee.

## **CRITICAL REVIEW FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS (Agenda Item 2)**

### **DRAFT STANDARDS AND RELATED TEXTS SUBMITTED TO THE COMMISSION FOR ADOPTION (Agenda Item 2a)<sup>2</sup>**

#### **Part I – Proposed Draft and Draft Standards and Related Texts at Steps 8, 5/8 or 5 Accelerated**

5. The Committee made the following comments and recommendations on certain draft standards and related texts submitted for adoption.

#### **Committee on Contaminants in Foods (CCCF)**

6. The Committee noted that the Committee on Contaminants in Foods had advanced the Proposed Draft Revised Preamble of the General Standard for Contaminants and Toxins in Foods (GSCTF) to Step 5/8, with the omission of Steps 6 and 7, although the document had not been circulated at Step 3 due to its late availability. Some members supported the adoption of the document by the Commission in view of the excellent progress made in the Committee to resolve important issues.

7. The Committee supported the adoption of the Preamble and agreed that this approach should be applied consistently to similar cases, when all issues had been resolved in a Committee and a text was forwarded for final adoption, even though comments had not been requested prior to the session.

8. In reply to a request for clarification on the scope of the Preamble, the Secretariat recalled that the Preamble was part of a Codex Standard intended for governments and therefore all provisions intended for application in the framework of Codex had been deleted in the revision process. The documents describing the risk analysis principles and policies applied by the CCCF were included in the Procedural Manual and would be reviewed by the Committee on General Principles as part of its overall review of risk analysis policies.

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<sup>1</sup> CX/EXEC 09/62/1.

<sup>2</sup> CX/EXEC 09/62/2.

## **Committee on General Principles**

### Proposed Draft Code of Ethics for International Trade in Foods

9. One member<sup>3</sup> pointed out that the Committee on General Principles had not addressed the issue of the implementation of the Code of Ethics when countries had no national food law, even though it had been raised by several delegations. Another Member expressed the view that the provisions of the Code of Ethics were in contradiction with Goal 1 of the Strategic Plan, Promoting Sound Regulatory Frameworks, especially Activity 1.4. These members indicated that they could agree with the adoption of the Proposed Draft Code of Ethics at Step 5 but objected to its adoption at Step 8 with the omission of Steps 6 and 7 as the Committee on General Principles had not taken into account the views and objections of several delegations.

10. Some other members recalled that the revision of the Code had been discussed for many sessions in the Committee on General Principles and expressed the view that the Executive Committee should recognise the progress achieved in that Committee and recommend final adoption of the revised Code.

11. The Chairperson concluded that the Committee did not identify any deficiency with regard to the criteria applied in the critical review and noted that several members made comments that either supported or objected to the adoption of the Proposed Draft Revised Code of Ethics.

## **Committee on Nutrition and Foods for Special Dietary Uses**

### Table of Conditions for Nutrient Contents (Part B: Provisions on Dietary Fibre) in the *Guidelines for Use of Nutrition and Health Claims*

12. The Committee recalled that the Provisions on Dietary Fibre had been advanced to Step 8 by the Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU), following extensive discussions for many sessions, while the methods of analysis were still under consideration. Some members expressed the view that the new definition could not be applied if the related method of analysis was not available. The Secretariat recalled that the definition of fibre had been extensively discussed for many sessions of the CCNFSDU, that previously a method for fibre existed but there was no agreement on the definition corresponding to this method and that, following extensive discussions and scientific advice from FAO/WHO, the definition had been finalised for adoption. Currently there was no single method for the proposed definition but a range of methods that could be used for the determination of different constituents of fibre and therefore further work was underway to review and update them.

13. The Committee agreed to recommend the adoption of the definition of dietary fibre by the Commission, in recognition of the important progress achieved by the CCNFSDU to address this complex issue.

## **Committee on Pesticide Residues**

14. The Committee noted that the MRL for Spirotetramat (234) for pome fruits at 0.7 mg/kg that did not appear in Appendix III of ALINORM 09/32/24 should be considered for adoption at Step 5/8.

## **Committee on Processed Fruits and Vegetables**

15. The Secretariat recalled that, due to the development of general standards for groups of processed fruits and vegetables, several individual standards had been revoked or would be revoked at the 32<sup>nd</sup> Session of the Commission, following the adoption of the Draft Standard for Jams, Jellies and Marmalades and the Draft Standard for Certain Canned Vegetables. The general standards included only the general statement on contaminants specified in the Procedural Manual, while the individual standards included maximum levels for certain contaminants (lead and tin) that were also listed in the General Standard for Contaminants and Toxins in Foods. The Committee was invited to consider how to proceed with these existing maximum levels, and whether they should be reconsidered by the Committee on Contaminants and Foods and the Committee on Processed Fruits and Vegetables.

16. One Member pointed out that the current maximum levels for tin for solids and liquids might not be entirely applicable to some of the semi-liquid products covered by the Draft Standards, and therefore this question should be addressed by the Committee on Contaminants in Foods.

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<sup>3</sup> Throughout the text, the term “member(s)” means member(s) of the Executive Committee.

17. In view of the technical nature of the issue, the Committee recommended that the Commission, while adopting the Draft Standards, refer the review of maximum levels for contaminants in processed fruits and vegetables to the Committee on Contaminants in Foods.

#### **Other Standards and Related Texts**

18. The Committee, recognising that the criteria for the critical review were met, supported the adoption of all other texts submitted by the following Committees:

- FAO/WHO Coordinating Committee for Asia
- Committee on Contaminants in Foods
- Committee on Food Additives
- Committee on Food Hygiene
- Committee on Food Import and Export Inspection and Certification Systems
- Committee on Food Labelling
- Committee on Fats and Oils
- Committee on Methods of Analysis and Sampling
- Committee on Nutrition and Foods for Special Dietary Uses
- Committee on Processed Fruits and Vegetables
- Committee on Pesticide Residues
- Committee on Residues of Veterinary Drug Residues in Foods

#### **Part II – Proposed Draft Standards and Related Texts at Step 5**

19. The Committee recommended the adoption at Step 5 of all Proposed Draft Standards and related texts submitted by the following Committees:

- FAO/WHO Coordinating Committee for Asia
- Committee on Fats and Oils
- Committee on Pesticide Residues
- Committee on Residues of Veterinary Drug Residues in Foods

#### **MONITORING PROGRESS OF STANDARDS DEVELOPMENT (Agenda Item 2b)<sup>4</sup>**

20. The Committee made the following comments and recommendations on certain proposed draft or draft standards and related texts.

##### **Committee on Fats and Oils**

###### Proposed Draft and Draft List of Acceptable Cargoes

21. The Secretariat recalled that the Committee on Fats and Oils had sent for adoption at Step 5 the Proposed Draft Criteria to Assess the Acceptability of Substances for Inclusion in a List of Acceptable Previous Cargoes, and that this item was related to the consideration of the Lists of Acceptable Cargoes. Some delay had occurred before the Committee could formulate its request for scientific advice and receive such advice through the FAO/WHO Technical Meeting held in 2006; in addition there were different approaches to the use of the criteria and the lists in the Committee.

22. Some members noted that, as scientific advice had been provided in 2006, the Committee on Fats and Oils could be allowed some more time to resolve the issue, in accordance with the criterion used in the critical review that referred to five years after the provision of scientific advice.

23. Some members questioned the need for the development of lists of acceptable cargoes and more generally the use of lists in Codex texts, as it was difficult to update them regularly and in some areas of Codex work the consideration of lists could substantially delay progress. These delegations supported the development of criteria rather than lists of acceptable cargoes in the Code of Practice.

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<sup>4</sup> CX/EXEC 09//62/3.

24. The Committee encouraged the Committee on Fats and Oils to finalise its work on the Lists at its next session in 2011, while noting that, in general, the development of lists could delay the progress of Codex work.

#### Proposed Draft Amendment to the Standard for Olive Oils and Olive Pomace Oils: Linolenic Acid

25. The Committee recalled that the revised Standard was adopted in 2003 with the exception of the provision on linolenic acid, which was referred back to the Committee for further consideration, and that the delay originated from lack of agreement on the level of linolenic acid and related parameters. Alternative proposals had been discussed and circulated at Step 3 for consideration by the next session of the Committee on Fats and Oils.

26. Several members expressed the view that if it was not possible to reach consensus, this should be recognised by the CCFO and the work on linolenic acid should be discontinued, as mentioned in the comments of the Chairperson of the Committee presented in the working document.

27. The Committee agreed to encourage the Committee on Fats and Oils to finalise the Proposed Draft Amendment at its next session and endorsed the recommendation of the Chairperson of the CCFO that if no agreement could be reached, work should be discontinued.

#### **Committee on Fish and Fishery Products**

28. The Secretariat informed the Committee that some items of work did not meet the initial target date due to the need for clarification of the scope, the large number of comments and changes proposed throughout the elaboration process, or parallel development of standards and codes of practice; however most critical issues had been solved and the next session of the Committee (September 2009) was expected to finalise several items of work.

29. Some members expressed the view that when there was substantial delay in the elaboration process, the Executive Committee should give a clear message to committees and consider proposing corrective action in order to ensure timely development of standards and related texts throughout Codex, and noted that this issue should be addressed horizontally and consistently.

30. The Committee recommended that the Committee on Fish and Fishery Products should expedite its work on the following items that had been substantially delayed: Draft Standard for Sturgeon Caviar, Proposed Draft Standard for Smoked Fish, and Proposed Draft Standard for Quick Frozen Scallop Adductor Muscle Meat; and agreed that it would monitor the developments closely to determine at its next session whether any corrective action was needed.

#### **Committee on Food Hygiene**

31. The Committee noted that, notwithstanding the recommendation of the Executive Committee to extend the scope of the work on the Guidelines for the Control of *Campylobacter* spp. and *Salmonella* spp., the Committee on Food Hygiene continued to be focused on broilers, given the limitation of available information.

32. The Representative of FAO informed the Committee that, following the request of the Committee on Food Hygiene, JEMRA had convened a meeting on the scientific evaluation of measures for the control of *Salmonella* and *Campylobacter* in poultry, with the development of a web-based decision support tool to facilitate their management.

#### **Committee on Fresh Fruits and Vegetables**

33. The Committee noted that the Draft Standard for Apples had been under consideration since 1999 and that substantial delays had occurred prior to its adoption at Step 5 by the 31<sup>st</sup> Session of the Commission. One member pointed out that problems related with quality issues in commodity standards were often delaying the completion of standards and that this question should be considered from a general perspective. The Committee agreed to encourage the Committee on Fresh Fruits and Vegetables to finalise the standard at its next session (2009) according to the target date that it had set earlier.

#### **FAO/WHO Coordinating Committee for the Asia**

##### Proposed Draft Standard for Non Fermented Soybean Products

34. The Coordinator for Asia informed the Committee that, due to the wide range of non fermented soybean products in the Asian Region, the Committee for Asia had met with some difficulties to establish a classification and definitions for these products and that the standard might not be completed in 2011. The

Committee agreed to recommend that the CCASIA should consider as a first stage the products that would be more easily standardised, in order to facilitate the progress of work on such products, in view of their importance for the region.

### **FAO/WHO Coordinating Committee for the Near East**

35. In reply to a request for clarification on the prospects of completion of the Proposed Draft Code for Street Vended Foods, the Coordinator for the Near East informed the Committee that there had been some delay in the initial drafting in order to take into account various documents and existing work in that area. A new document had been circulated for comments and it was expected that the Code would be finalised at the next session of the CCNEA. The Committee welcomed these explanations and encouraged the CCNEA to finalise the Code for adoption by the Commission in 2011.

### **Committee on Food Labelling**

36. The Committee recalled the status of the Proposed Draft Amendment to the General Standard for the Labelling of Prepackaged Foods: Definitions and Proposed Draft Guidelines for the Labelling of Foods Obtained through Certain Techniques of GM/GE: Labelling Provisions, approved as new work in 1996 and on which no agreement had been reached so far due to the controversial nature of the subject. It was noted that the target date set by the 35<sup>th</sup> Session of the CCFL in 2007 was four years (completion in 2011).

37. Some members expressed the view that this item of work had been under consideration for many years without any progress or no prospect of achieving consensus in the near future, and therefore proposed to consider its discontinuation.

38. Several members supported continuation of work on the labelling of GM/GE foods as recommendations from Codex in this area was of great importance, especially for developing countries. The Representative of FAO supported further work in view of the importance of this subject and pointed out that Codex should not fail to meet the expectations of member countries.

39. The Committee discussed what type of action should be recommended to the Committee on Food Labelling if it did not complete its work by 2011. The Committee noted a proposal to ask the CCFL itself to propose adequate action to solve the issue; however the Executive Committee recognised that it was its role to provide recommendations to Codex Committees in the framework of the critical review. Some members also pointed out that it was not necessary at this stage to prejudge of the action that could be recommended in 2011 and that it was preferable to make general recommendations and to review the situation following the 39<sup>th</sup> Session of the Committee on Food Labelling.

40. In conclusion, the Executive Committee acknowledged that in the Committee on Food Labelling there was continued interest in the issue of labelling of foods obtained from GM/GE and that the matter remained highly controversial. The Executive Committee noted the deadline the Committee had set for itself two years ago and fully expected that it would complete its work by the 2011 deadline; if it did not, the Executive Committee would recommend corrective action. During the remaining two years, the Executive Committee suggested that the CCFL try all possible means to reach consensus, such as using a facilitator.

41. As regards the Draft Definitions, the Committee noted that definitions regarding biotechnology had already been developed by the Task Force on Foods Derived from Biotechnology and should be taken into account.

### **Committee on Milk and Milk Products**

42. The Committee noted that the delay in the progress on the Proposed Draft Standard for Processed Cheese was due to some controversial issues on the scope and composition requirements, which had not been solved at a recently held working group. Some members expressed the view that the development of this standard had always been problematic and that there may be no need to proceed with work on processed cheese. The Committee encouraged the Committee on Milk and Milk Products to finalise the standard and recommended to discontinue work if no agreement could be reached at the next session of the CCMMP.

43. The Committee also noted that, as the remaining item of work (at Step 6) was not controversial and should be finalised in 2010, the CCMMP had nearly completed its work.

### **Other Standards and Related Texts**

44. The Committee noted that standards development was progressing according to schedule for all other items of work under elaboration in the following committees:

- Committee on Food Additives
- Committee on Contaminants in Foods
- 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 Processed Fruits and Vegetables
- Committee on Food Labelling
- Committee on Food Hygiene
- Committee on Pesticide Residues
- Committee on Residues of Veterinary Drugs in Foods

#### AMENDMENTS TO CODEX STANDARDS AND RELATED TEXTS<sup>5</sup> (Agenda Item 2c)

45. The Committee recalled that the issue of amendments to Codex standards and related texts had been included as a new standing agenda item for the Commission to allow the Secretariat to address inconsistencies discovered in Codex texts or to address any other horizontal or specific issue related to drafting of Codex texts. The Committee discussed the items in the working document one by one and made the following recommendations:

#### PART I – Editorial amendments to adopted standards and related texts

##### 1. *Reference to acceptance/voluntary application in annexes of Codex standards*

46. The Secretariat recalled that the last session of the Commission considered a proposal to review the statements appearing in the annexes of a number of Codex standards and referred this matter to the Committee on General Principles for consideration. Due to the late availability of the document, the CCGP could not consider this matter in detail and therefore proposed that the issue could be considered by the next session of the Commission.

47. The Committee noted that a number of Codex standards incorporate annexes that carry two type of statements on the status of such annexes which relate to their acceptance by member governments and/or voluntary application by commercial partners. The Secretariat informed the Committee that, after the abolishment of the acceptance procedure by the Commission<sup>6</sup>, the reference to the acceptance procedure in such annexes had become obsolete and consideration should be given to their removal from the annexes. The Secretariat also informed the Committee that, in relation to the status of Codex texts within the framework of the WTO TBT Agreement, the CCGP had agreed that all Codex texts, including standards and their annexes, were covered by the TBT definition of “standard”<sup>7</sup>.

48. Based on the above consideration, the Committee agreed to recommend removing the reference to the acceptance procedure in the standards/annexes.

49. The Committee could not reach an agreement on the deletion of the statement on voluntary application as several members were of the opinion that the appropriateness of such a statement should be considered on a case by case basis by the relevant subsidiary body including the possibility to transfer the provisions in the annex to the body of the standard.

50. The Committee agreed to recommend that the matter be referred to relevant Committees in case they were active (CCFO and CCMMP) and that in the case of the Codex Committee on Sugars which was adjourned, the Secretariat in cooperation with the host government (United Kingdom) would draft a proposal for the standards for sugars and honey. All proposed amendments would be sent in a circular letter requesting comments to all members and observers. The responses would be considered by the Executive Committee in order to make recommendations to the Commission in this regard.

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<sup>5</sup> ALINORM 09/32/8.

<sup>6</sup> ALINORM 05/28/41, para. 36.

<sup>7</sup> ALINORM 99/33A, paras. 58-61.

## **2. *References to the Carry-over Principle of Food Additives (Volume 1 of the Codex Alimentarius) in Codex standards***

51. The Secretariat informed the Committee that provisions for carry-over of food additives into foods were agreed upon by the Committee on Food Additives and incorporated into Section 4 of the Preamble to the General Standard for Food Additives (CODEX STAN 192-1995). However, Section 4 includes a footnote referencing the statement on the “Carry-over Principle” as adopted by the 17<sup>th</sup> Session of the Commission (1987) and contained in Volume 1 of the Codex Alimentarius. Additionally the Codex standards indicated in the working document still contain the reference to the “Carry-over Principle” in Volume 1 which is out of print and not available on the Codex website.

52. The Secretariat proposed that the Committee recommend replacing any reference to the “Carry-over Principle” in Volume 1 with a reference to the “Carry-over Principle” in Section 4 of the Preamble to the GSFA, to delete the footnote referring to Volume 1 contained in the GSFA and to recommend that the Commission withdraw the carry-over provisions in Volume 1. The Committee noted however that the provisions for the carry-over of food additives in Section 4 of the Preamble to the GSFA and in Volume 1 of the Codex Alimentarius were not exactly the same.

53. The Committee therefore agreed to recommend referring to the Committee on Food Additives the consideration to determine if it was necessary to revise Section 4 of the GSFA to take on board these divergences and thus make the GSFA the sole reference point within Codex to the carry-over principle. The Committee also agreed to recommend withdrawing the provisions on the carry-over principle in Volume 1.

54. In order not to delay the updating of the standards, the Committee also agreed to recommend that the Commission replace the reference to the carry-over principle in Volume 1 in the standards indicated in the working document with a reference to the corresponding provisions in Section 4 of the GSFA and to delete the footnote referring to Volume 1 in the GSFA.

## **3. *References to Volume 2 in Codex texts relating to pesticide residues***

55. The Committee noted that several Codex texts dealing with pesticide residues contained references to texts in Volume 2 of the Codex Alimentarius relating to pesticide residues which were still valid because they had not been replaced with other texts and had no separate identification number. The Committee further noted that the Committee on Pesticide Residues had agreed to request the Secretariat to prepare a paper containing an analysis of these discrepancies in order to take a more informed decision on this matter at its next session.

## **4. *Committee on Food labelling***<sup>8</sup>

### **4.1 *General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985)***

56. The Committee was informed that due to the adoption of a revision of the *Class Names and International Numbering Systems for Food Additives* (CAC/GL 36-1989), including a revised list of functional classes in Section 2 by the 31<sup>st</sup> Session of the Commission, the list in that document was now different from the class titles listed in the *General Standard for the Labelling of Prepackaged Foods* (Section 4.2.3.3). The Committee on Food Labelling had considered whether to align the two texts and whether this was of an editorial or substantive nature and had agreed to forward this question to the Commission to allow members more time to consider this matter.

57. Several members were of the view that the alignment was not entirely of an editorial nature; that the purposes of these two documents were different and that some of the terms, though precise from the viewpoint of food technology, would not be fully understood by consumers and therefore proposed that it be referred back to the Committee on Food Labelling. Other members pointed out that there should not be inconsistencies between Codex texts and supported alignment and further pointed out that understandability, of some of the class titles was not limited to the new technological functions and recommended that broader discussion on how to use these terms in the labelling context needed to be undertaken in the Committee on Food Labelling.

58. The Committee agreed to recommend to the Commission that the list contained in the General Standard on Food Labelling be aligned with the list in CAC/GL 36-1989 but that the matter of understandability of the names of functional classes be referred back to the Committee on Food Labelling.

### ***Other editorial amendment arising from the Committee on Food Labelling***

59. The Committee agreed to all other editorial amendments proposed by the Committee on Food Labelling as outlined in sections 4.2 and 4.3 of document ALINORM 09/3/2/8, and that the amendment as outlined in section

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<sup>8</sup> ALINORM 09/32/22, paras 8 to 10 and 106 to 121.

4.4 be referred back to the Committee to Food Labelling for consideration. The Committee agreed to move the discussion on the proposal to define the term “competent authority” in the Procedural Manual to section 7.

#### **5. *Code of Hygienic Practice for Powdered Formulae for Infants and Young Children***

60. The Committee agreed with the proposed editorial amendment.

#### **6. *Links to websites***

61. The Executive Committee agreed that links to websites should only be included in Codex documents when absolutely necessary and only when the link is expected to be stable. Broken links would be fixed by the secretariat where possible if discovered or notified. Cases that could not be resolved would be brought to the attention of relevant Codex Committees.

#### **7. *Use of the term “competent authority”***

62. The Executive Committee noted the concern raised by the Committee on Nutrition and Foods for Special Dietary Purposes regarding the inconsistent use of the terms “national competent authority” and “competent national authority” or other versions and similar discussions in the Committee on Food Labelling.

63. The Committee recommended that the Committee on Food Labelling and the Committee on Nutrition and Foods for Special Dietary Purposes Secretariat harmonise the different terms to read “competent authority”. With regard to the proposal to have a Codex wide definition of that term the Committee noted that presently the term “competent authority” was defined differently in the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods* (CAC/GL 32-1999) and the *Code of Hygienic Practice for Meat* (CAC/RCP 58-2005). The Committee noted further that the term was used in several texts from the Committee on Food Import and Export Inspection and Certification Systems, but was not defined and that CCFICS could be asked to develop a definition for the terminology within their own texts.

64. In view of the varying situations stated above, the Committee recommended that the Committee on General Principles could be requested to look into the merit of developing a general definition for “competent authority” for inclusion in the Procedural Manual. Concern was raised that a single definition would have to be sufficiently broad to cover a variety of circumstances currently prevailing internationally.

#### **8. *Reference to Sampling Plans for Prepackaged Foods in Codex Standards for Processed Fruits and Vegetables (CODEX STAN 233-1969)***

65. The Committee noted that in view of the revocation of Codex STAN 233-1969 by the Commission and its replacement by the Codex General Guidelines on Sampling (CAC/GL 50-2004) by which subsidiary bodies of the Commission should develop appropriate sampling plans for the product(s) being standardized, the reference to lot acceptance provisions in a number of Codex standards for processed fruits and vegetables should be aligned with the wording used in the latest standards revised by the Committee on Processed Fruits and Vegetables which referred to the “appropriate sampling plan with an AQL of 6.5” and agreed to recommend to the Commission to proceed with this replacement in the relevant standards for processed fruits and vegetables.

### **PART II: Texts for Consideration for Revision or Revocation**

66. The Committee recalled that the 31<sup>st</sup> Session of the Commission had been informed that several texts as listed in ALINORM 09/32/8 might require updating and had agreed with a recommendation of the last session of the Executive Committee to request comments on the use and validity of these texts through a Circular Letter.

67. The Executive Committee was informed that a Circular Letter had been issued and some replies had been received, which indicated support for the retention of the five commodity standards since they were still applied in international trade and used by some Member Countries.

68. The *System for the Description of Carcasses of Bovine and Porcine Species* (CAC/RCP 7-1974) was deemed redundant. No replies were received on whether to retain, revise or withdraw the *Guidelines for the Use of Non-Meat Protein Products in Processed Meat and Poultry Products* (CAC/GL 15-1991). The Executive Committee thus recommended to revoke CAC/RCP 7-1974 and CAC/GL 15-1991.

69. As the five commodity standards to be retained needed to be revised and noting that no Committee existed to deal with the update of these standards, the Committee agreed to recommend that the Secretariat update the relevant sections, such as on food additives and hygiene, for endorsement by the relevant general subject committees and subsequent adoption by the Commission.

### **PART III – Amendments to the section on contaminants of certain commodity standards and amendments to the General Standard for Contaminants and Toxins in Foods**

70. The Committee noted that many Codex standards include provisions for contaminants (including pesticide and veterinary drug residues) by generally referring to the maximum levels as in the GSCTF or maximum residue limits for pesticides and/or veterinary drugs as adopted by the Codex Alimentarius Commission. A few standards may still indicate the maximum levels for selected contaminants (e.g. heavy metals).

71. The Committee agreed that standards for products of plant origin should not make reference to veterinary drugs and agreed to recommend to the Commission to remove the reference to “veterinary drugs” in the contaminants section of Codex standards for processed fruits and vegetables and the draft Standards for Jams, Jellies and Marmalades and Certain Canned Vegetables proposed for final adoption by the Commission.

72. The Committee requested the Secretariat to replace the provisions for contaminants with the standardized provision as set out in the Procedural Manual for consistency throughout Codex standards and to refer the matter to the committee concerned when specific technical issues arose that require more than editorial changes to the section on contaminants.

#### **LIST OF PROPOSALS FOR THE ELABORATION OF NEW STANDARDS AND RELATED TEXTS (INCLUDING PROJECT DOCUMENTS SUBMITTED) AND FOR DISCONTINUATION OF WORK<sup>9</sup> (Agenda Item 2d)**

73. The Committee, in the framework of the Critical Review, considered proposals for new work, including project documents forwarded by its subsidiary bodies, and for discontinuation of work. The following paragraphs summarize the discussion held, comments raised and recommendations made on certain items considered for new work.

#### ***Committee on Processed Fruits and Vegetables***

##### Revision of the Codex Standards for Table Olives and Grated Desiccated Coconut

74. Some Members were of the view that justification for the revision of the Standards for Table Olives and Grated Desiccated Coconut needed further elaboration especially as regards potential disruption of international trade if the standards remained unchanged. The Member for Latin America and the Caribbean indicated that the revision of the Standard for Grated Desiccated Coconut was necessary to update provisions in light of developments in science and technology as well as changes in industry and marketing practices worldwide. The Committee could not reach agreement on the need to revise these standards and therefore, agreed to refer the matter to the Commission for final decision. The Secretariat indicated that these standards were revised because they were outdated.

#### ***FAO/WHO Coordinating Committee for Latin America and the Caribbean***

##### New work on regional standard for culantro coyote and lucuma

75. A Member noted that the rationale given for the standardization of culantro coyote pointed at promoting the export of a regional product while the aim of a regional standard was to enhance intra-regional trade and questioned whether this was an area in which there was likely to be an agreement amongst members of the region. The Member further noted that standardization of lucuma could be justified as it provided for product recognition within the region. In reply to this remark, the Member for Latin America and the Caribbean noted that trade in both products had steadily increased for the past years therefore there was a need for harmonization of the quality requirements in order to ensure uniform quality of the products across the region thus avoiding potential technical barriers to trade. The Committee agreed to recommend the Commission approval of new work on both items.

#### ***FAO/WHO Coordinating Committee for Near East***

##### New work on regional standards for “harissa” (hot pepper paste) and pomegranate

76. Some members were of the view that careful consideration should be given to the standardization of “harissa” (hot pepper paste) in order not to duplicate ongoing work in the FAO/WHO Coordinating for Asia on the development of a regional standard for chilli sauce and, in this regard, more information on the differences between the two products was required in order to determine the need for separate standards vis-à-vis ensuring fair trade practices for these products. The Coordinator for the Near East clarified that this product was different in processing and composition from chilli sauce; therefore it would not be possible to integrate it into a general standard for chilli sauce/products. In view of this, the Committee agreed to recommend to the Commission approval of new work on “harissa” (hot pepper paste) for the CCNEA, while close collaboration with CCASIA

<sup>9</sup> ALINORM 09/32/9, ALINORM 09/32/9-Add.1 and CRD 8 (Project documents on new work on regional standards for “harissa” (hot pepper paste) and “halwa tehenia (halwa shamia)” submitted by the Coordinator for the Near East).

should be sought in the development of both standards in order to ensure that the scope and quality characteristics of the product covered by the respective standards would ensure fair trade practices in these products.

77. A number of members indicated that the trade of pomegranate was not limited to the Near East Region, therefore consideration should be given to the development of a global standard for this product in the Committee on Fresh Fruits and Vegetables (CCPFV). The Coordinator for Latin America and the Caribbean, speaking as Chair of the CCPFV, drew the attention of the Committee to the implications that this recommendation may have on the work output of the CCFFV considering the heavy agenda the Committee had for the next session and recalled that such a proposal had already been considered by the CCFFV who recommended development of a regional standard that could possibly be converted into a worldwide standard at a later stage. Other members expressed concern on the amenability of the product to standardisation given the different regions, regulations, technology, etc. involved in the cultivation of this product, which might delay the completion of a global standard in a reasonable period of time. The Committee agreed that standardisation for pomegranate met the criteria for a regional standard and thus from the point of the critical review there was no impediment to start work in the CCNEA. However, as there was no agreement on whether the standardization of pomegranate should be taken up at regional or international level, the Committee referred this matter to the Commission for final decision.

### **Other Proposals for New Work**

78. The Committee agreed to recommend that the Commission approve as new work all remaining items in Table 1 of ALINORM 09/32/9 and its Addendum 1.

### ***Discontinuation of Work***

79. The Committee also agreed to recommend to the Commission to discontinue work on all items as proposed in Table 2 of the aforesaid documents.

### ***General considerations***

80. Several members noted that there might be a need for more specific guidance when the Committee decide on the revision of standards as opposed to development of new standards. These members felt that completeness of the information provided in project documents should be carefully addressed when assessing approval of new work. In this regard, it was noted that although availability of information to ensure completion of the standardization process was not part of the criteria, it was a useful tool for determining approval of new work in order not to delay finalization of the standard. In view of this, the Committee agreed to set up an electronic working group led by the Chairperson and Vice-Chairpersons of the Commission to revise the Criteria for the Establishment of Work Priorities and the guidelines for the application of these criteria and report back on their findings to the next session of the Committee.

## **FINANCIAL AND BUDGETARY MATTERS (Agenda Item 3)<sup>10</sup>**

### **Codex Budget 2009-2010 and budget proposals for 2010-2011 (Agenda Item 3a)**

81. The Secretariat introduced document ALINORM 09/32/9A and informed the Executive Committee of changes currently being implemented in FAO to introduce results-based budgeting and management starting with the 2010-11 biennium which connects resource allocation to results to allow an overall improved planning and reporting process. At the current stage, strategic objectives, organizational results and unit results have been defined which will be followed by the definition of projects and work plans to which resources will be allocated. The resources for 2010-2011 would be at the same level as in 2008-2009. Once the new process is set up, it is expected that for future biennia a bottom-up approach will be implemented in which managers of unit results will present their work plans and the needed resources, and the budget will be allocated on this basis. The unit result for which the Codex Secretariat will be solely responsible within the new model is "Unit result D0106: Implementation of the work programme of the Codex Alimentarius Commission in accordance with its strategic plan".

### **Budget for 2008-09**

82. The Secretariat outlined the information on the budget for the current biennium (2008-2009)<sup>11</sup> with a contribution from WHO of USD 1.225 million and an initially planned FAO contribution of USD 7.195 million, which was reduced to USD 6.989 million in an FAO wide efficiency savings exercise decided by the

<sup>10</sup> ALINORM 09/32/9A, CAC/32 INF/3 (Report of FAO/WHO Budgets for Codex-related Activities 2008/09 and 2010/11: FAO/WHO Scientific Support to Codex).

<sup>11</sup> ALINORM 09/32/9A, Table 1.

FAO Conference. These efficiency savings of USD 206,000 million were compensated from September 2008 when FAO decided to strengthen the Codex Secretariat by allocating funds for the cost of a P-4 post.

### **Budget for 2010-11**

83. The Secretariat indicated that FAO's organization-wide budgetary level would be determined by the 36<sup>th</sup> Session of the FAO Conference (November 2009) and that the WHO budget proposals had been approved by the 62<sup>nd</sup> Session of the World Health Assembly (May 2009). Based on the approved budget the WHO contribution to the Codex Secretariat would remain at 1.225 million. The FAO contribution was expected to also remain at the same level as in the 2008-09 biennium after efficiency savings i.e. USD 6.989 million with a possibility for compensation of cost increases which had not yet been quantified for the 2010-11 budget. The ratio between FAO and WHO contributions to the Codex budget would remain (85.1%:14.9%) which would change in accordance with the amount of cost increase applied by FAO.<sup>12</sup>

### **Codex activity level**

84. The Executive Committee was informed that the proposals for 2010-2011 were based on the assumption of holding two sessions of the Commission, three sessions of the Executive Committee and the same number of Codex committees, including the Coordinating Committees as in the current biennium. Current cost-saving measures on document distribution and printing would be maintained and additional savings might be introduced such as no longer printing paper copies of the annual report of the Commission.

### **Staffing structure**

85. The Secretariat explained that one additional P-4 post as "Programme Officer" would be added to the Codex Secretariat to offer support to the Secretary and the Senior Officers on managerial tasks such as budget preparation, observer applications and preparation of the sessions of the Executive Committee. Additional staffing adjustments in the Secretariat would be considered to allow for upgrading of posts recognising that all Food Standards Officers had the same duties and allowing for job growth. The proposed changes however needed further review by the FAO administration and were also dependent on the outcomes of the discussion on the evaluation of the capacity of the Codex Secretariat (see item 4(b)) which called for an additional post for a webmaster/data processing specialist to maintain the Codex website and to coordinate its further development.

### **Languages**

86. Portuguese as a language of interpretation in the Coordinating Committee for Africa (CCAFRICA) on an experimental basis could continue as requested by CCAFRICA following the good experiences with this at the last session. Portuguese as a language of translation in CCAFRICA and the use of Russian in the Commission could not be accommodated at this stage.

### **Discussion**

87. With regard to a question on the staffing proposals made, it was clarified that there was no functional difference between P3 and P4 posts, except in terms of their level of experience and that P5 posts were more of a managerial nature. No decision had however yet been taken on the data processing post in the current budget proposal, but such a post was necessary in view of the need to improve communication with member countries through a more interactive website, and would require a high-level of expertise and availability which could not always be assured when relying on central FAO services which might have to accommodate requests from many different FAO units at any given time.

88. The Representative of FAO informed the Committee that, because of time constraints, the 2010-11 budget would not yet be allocated along the strategic objectives but would be using a zero-growth level corrected by cost increases and distributed among departments as in the 2008-09 biennium. A clear idea of the FAO contribution to Codex should be available after the FAO Conference in November. Future budgets would be considered and approved according to needs, taking a more bottom-up approach.

89. The Representative of WHO confirmed that although availability of regular budget for WHO activities would be reduced in 2010-2011, so far Codex was protected in this process.

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<sup>12</sup> ALINORM 09/32/9A, Table 2.

90. The Committee noted a proposal to consider longer sessions for the Executive Committee scheduled for June 2011 in view of the decision to propose only three sessions for the next biennium and as a consequence of the probable workload for the Executive Committee.

### **Conclusion**

91. The Executive Committee noted that the budget for Codex would be relatively stable for the next biennium, commended the Secretariat for its cost-saving measures and the initiatives to improve use of the Codex website as an integrated information tool to enable better access Codex information and transmit information to Codex, welcomed the creation of a P4 Programme Officer post and that CCAFRICA would continue to benefit from Portuguese interpretation on an experimental basis. The Executive Committee also noted that under the present circumstances Russian would not be added as an additional language for the Commission and that only three Executive Committee meetings would be scheduled for the next biennium.

### **FAO/WHO Budgets for Codex-related Activities 2008-09 and 2010-11: Scientific Support to Codex**

92. The Representative of FAO introduced the document on behalf of the FAO and WHO and informed the Committee of the resources allocated by the two organizations to support the work of Codex through the provision of scientific advice. In particular the Representative highlighted both the regular budgetary and extra-budgetary contributions to FAO and WHO. The Representative stressed the importance of having regular programme resources for planning of scientific advice while acknowledging the contribution of in-kind and extra-budgetary financial contributions to especially unplanned activities.

93. The Representative of WHO indicated that funds allocated by the WHO also included funding for the evaluation of the total burden of global foodborne disease which could inform the work of Codex and for INFOSAN. Regarding the Global Initiative for Food-related Scientific Advice Facility (GIFSA), it was explained that additional un-earmarked funds were expected so as to adequately support scientific advice and that a mechanism for obtaining funds from industry was realistic if companies had systems to put money out of their control, for example in a foundation.

94. The Executive Committee extended its appreciation to the efforts of FAO and WHO in providing scientific advice to Codex noting that without such advice Codex would not be able to undertake its work.

### **IMPLICATIONS OF AMENDMENTS TO ARTICLE 9 OF THE STATUTES OF THE CODEX ALIMENTARIUS COMMISSION<sup>13</sup> (Agenda Item 3b)**

95. The Executive Committee recalled that the Representative of WHO at the 60<sup>th</sup> Session of the Executive Committee proposed to delete the word “Regular” in front of “Budgets” in the second sentence of Article 9 of the Statutes of the Codex Alimentarius Commission in order to allow the use of extra-budgetary funds for the work of Codex. It also recalled that this matter had been considered at the 61<sup>st</sup> Session of the Executive Committee<sup>14</sup> and that the 31<sup>st</sup> Session of the Commission had requested the FAO and WHO to prepare a paper exploring the legal, financial and other implications of an amendment to this Article for the funding and the work of Codex<sup>15</sup>.

96. The Representative of the FAO Legal Counsel, intervening generally on behalf of the Legal Offices of FAO and WHO, indicated that although this seemed to be a straightforward proposal, it involved legal and policy implications which were still the subject of consultations between the FAO and WHO Legal Offices. He also pointed out that, while there would be changes in the FAO budget structure, there would continue to be a significant distinction between regular, assessed contributions, and extra-budgetary contributions. He pointed out that the present wording of article 9 had never prevented Codex from benefiting from both regular and extra-budgetary contributions and expressed concern that a change of the article could result in losing regular programme resources, in the absence of reliable assurances that extra-budgetary contributions would be made available. He also pointed out that Codex was a negotiating platform, whose costs were largely outside the control of the Organization, which needed to be financed in a stable and predictable manner, also in considerations of its multilateral nature. Finally, the Representative of the Legal Counsel stressed that the matter was still under discussion with a view to submitting a proposal to the Committee.

97. One Member indicated that the criteria for accepting extra-budgetary funds should be clearly elaborated and the independence of Codex in defining its work agenda be maintained and not be influenced

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<sup>13</sup> CX/EXEC 09/62/4 (not issued).

<sup>14</sup> ALINORM 08/31/3A, paras 123-125.

<sup>15</sup> ALINORM 08/31/REP, paras 122-124.

in any way by the donors. Another Member cautioned not to move too quickly to an easy solution because the impact of a change in the statutes should be known as well as the full impact of the FAO reform before taking a decision.

98. The Representative of FAO stressed the need for Codex to have a predictable budget to plan and implement regular Codex meetings which was not possible relying solely on extra-budgetary resources which could vary over time. The Representative indicated that extra-budgetary funding had been used for a number of *ad hoc* scientific advice activities and emphasized that discussions between FAO and WHO legal offices and management continued on how to better incorporate extra-budgetary funding in overall work of Codex. The Representative was of the view that the Executive Committee should await the conclusions of these discussions before making a recommendation to the Commission on this subject.

99. The Representative of WHO informed the Committee that the relation between regular budget funds and extra-budgetary funds available within the WHO budget stood at of 25:75 but that many of the extra-budgetary funds were not earmarked by the donors. Because of this ratio any additional funds from WHO for Codex activities would have to be extra-budgetary. As the present wording of Article 9 seemed to impede Codex from receiving such funds, the amendment had been suggested. The Representative stated that a number of other normative activities and any *ad hoc* scientific advice to Codex within WHO were funded through extra-budgetary resources which had not affected the independence or continuity of WHO's activities.

100. The Executive Committee concluded that discussions on possible amendments to Article 9 of the Statutes were not completed by FAO and WHO and that other options for the stability of financing of Codex were being considered by the two organizations. The Executive Committee encouraged FAO and WHO to continue to provide sufficient funds from stable sources to allow Codex to make long-term planning which was crucial to its work as risk manager.

101. The Executive Committee agreed to leave the item on its agenda and to consider updated information on this matter at the 63<sup>rd</sup> Session on the basis of new information provided by FAO and WHO.

#### **IMPLEMENTATION OF THE CODEX STRATEGIC PLAN 2008-2013 (Agenda Item 4)**

##### **GENERAL IMPLEMENTATION STATUS (Agenda Item 4a)<sup>16</sup>**

102. The Committee recalled that the Strategic Plan 2008-2013 contained 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. The Committee reviewed the checklist as presented in Annex I to document ALINORM 09/31/9B and noted that many activities were ongoing or would be addressed under relevant agenda items of the Executive Committee or the Commission.

##### **Goal 3 (Strengthening Codex Work-Management Capabilities)**

103. As regards Activity 3.1, some members supported the decision made at the 61<sup>st</sup> Session of the CCEXEC to revisit the matter after gaining more experience in the conduct of the critical review. The Committee noted a proposal to consider this issue in more detail in the light of the discussion held while conducting the critical review under Agenda Item 2, especially as regards the approval of new work. However the Committee could not consider this question further at the present session due to time constraints

104. The Committee noted that Activity 3.4 had not yet been initiated in view of the need to address several other substantial issues which required action in the Strategic Plan.

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

105. In reply to a question as to the nature of the contribution provided to the SPS and TBT Committees on Codex activities, the Secretariat recalled that the following information was provided regularly to WTO: the achievements and work in progress in relevant Codex Committees, with specific focus on the items of relevance to the SPS or the TBT Committees; existing Codex standards related to specific trade concerns; and any specific information requested by governments. Capacity building activities of FAO and WHO, including the Trust Fund and regional workshops, were also presented regularly under the item on technical cooperation both in the SPS and TBT Committees.

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<sup>16</sup> ALINORM 09/32/9B Part 1.

106. The Secretariat also indicated that the document on private standards (ALINORM 09/32/9D Part II) was made available to the SPS Committee at the request of the WTO Secretariat for information purposes only, in order to draw the attention of WTO members to the forthcoming discussion at the Commission.

#### **Goal 5 (Promoting Maximum and Effective Participation of Members)**

107. One of the Vice-Chairs recalled that the Committee on General Principles, while discussing the participation of developing countries, had referred to several mechanisms such as mentoring, cooperation between Codex Contact Points, or co-hosting of Codex sessions, and that all these possibilities should be explored in order to facilitate effective participation<sup>17</sup>.

108. Some members, while supporting the use of various mechanisms for capacity building, raised the following issues: when developing countries participated, their views should be adequately taken into account in the decision making process in Codex committees; the names of delegations should be recorded in order to raise awareness and facilitate cooperation between countries in a region; and the late availability of working documents in all languages of the Commission did not allow timely preparation of written comments, preventing the effective use of written comments mentioned under Activity 5.2.

109. The Representative of FAO highlighted the importance of Activity 5.5 - *Enhance participation of non-governmental organizations at international, regional and national levels* in the light of the ongoing discussion on private standards.

#### **EVALUATION OF THE CAPACITY OF THE CODEX SECRETARIAT (Agenda Item 4b)<sup>18</sup>**

110. The Committee recalled that the evaluation was being carried out in conformity with the provisions of the Strategic Plan 2008-2013 under activity 3.7 *Evaluate the capacity of the Codex Secretariat to perform its function effectively*, and that it had been entrusted to an independent consultant who considered the replies of members to a questionnaire, the views of FAO, WHO and the Codex Secretariat in the process.

111. The Consultant, Mr Wim van Eck, addressing the Committee, stressed the need to ensure the relevance of Codex in an evolving context and recalled the role of the Secretariat in order to ensure that the Joint FAO/WHO Food Standards Programme met the needs and expectations of member countries. As regards the process followed, he indicated that the evaluation attempted to concentrate on those aspects of Codex work that depended directly on the Codex Secretariat, as several other elements mentioned in the questionnaires were the responsibility of FAO, WHO, the Trust Fund or member countries, and therefore recommendations were also directed to FAO and WHO.

112. The report noted that the workload of the Codex Secretariat was increased by the constraints of administrative procedures in FAO and proposed to lighten administrative procedures and increase the autonomy of Codex. As regards the operation of Codex work, Mr van Eck noted that the question of the length and detail of Codex reports was a sensitive issue, as it appeared from some discussions at the present session, but the evaluation concluded that the time spent in report writing and adoption in Codex Committees was excessive and recommended to reduce it as far as possible to reduce the workload of the secretariat and also for the benefit of delegates, who would save both time and resources if the meetings were shortened. A few replies to the questionnaire proposed to reduce the number of officers participating in Codex meetings and rely more on the host country for report writing, but the evaluation did not conclude in this respect, as the main issue was report writing as a whole. In this perspective, consideration should be given to the working procedures and practices of other organisations that might provide useful suggestions to facilitate Codex work

113. Noting the significant impact of annual sessions of the Commission on the workload of the Secretariat, it was proposed to return to biennial sessions, allowing a certain level of flexibility for subsidiary bodies, and electronic voting for final adoption of standards. Mr van Eck noted that the proposal for biennial sessions was also relevant to the participation of developing countries and the review of the structure of committees, which would be considered by the Commission. He therefore invited the Committee to consider the evaluation in the overall perspective of improving the operation of the Codex Alimentarius Commission for the benefit of its members.

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<sup>17</sup> ALINORM 09/32/33, para. 133.

<sup>18</sup> ALINORM 09/32/9B Part II.

## General Discussion

114. Some members expressed the view that the budget and resources of the Secretariat should be strengthened in order to allow its efficient operation and supported the recommendations made by the evaluation in this area. It was also noted that more requests were made on the Secretariat since the 2002 Evaluation due to new activities such as strategic planning, and that interaction with other standard setting organisations had also increased.

115. One member expressed the view that the large number of sessions was a heavy burden for member governments due to the costs and the intensive work involved in their preparation at the national level, but that this should be balanced against the efficiency of the programme as a whole, while considering the need for annual or biennial sessions. Another member expressed concerns with the recommendations concerning new working procedures that might reduce the participation of developing countries in Codex work and noted that the working procedures of non-governmental organisations were not adapted to the Commission, in which decisions were taken by governments.

116. One member expressed the view that time and resources related to report writing and adoption might be saved only if the decision making process was improved as regards transparency, and did not support the conclusions of the evaluation in this respect.

117. As regards Recommendation 4 on the Trust Fund, one member supported a more comprehensive review of the structure and operation of FAO and WHO, in addition to the specific recommendations made in the evaluation. Another member indicated that the issue of transparency in the operation of the Trust Fund should also be addressed.

118. The Committee generally supported the recommendations in the Summary Table in ALINORM 09/32/9B Part II and discussed more specifically Recommendations 5 and 11.

## Recommendation 5

119. Following some comments on the need for more autonomy of the Codex Secretariat, the Representative of FAO recalled that the secretariat of an intergovernmental body must be attached administratively to a structure in the Organisation for management purposes. This status did not affect the high degree of autonomy of the Codex programmes as its budget and management were under the responsibility of the Secretary. Referring to the recommendation that the Secretariat should limit its participation in FAO meetings and activities, the Representative stressed the importance of the contribution of the Codex unit to the development of Strategic Objective D which covers Codex, the FAO reform process and other major issues relevant to the FAO programme of work. He also recalled that FAO took into account the specific nature of Codex work and made all efforts to allow the Codex Secretariat to concentrate on its specific tasks.

120. The Representative of WHO stressed the importance of the link between the Codex programme and FAO and WHO, and the need for strategic coherence between the activities related to food standardisation, the provision of scientific advice, and capacity building, that all contribute to the Joint FAO/WHO Food Standards Programme, failing which the Programme would not meet the expectations of member countries, especially developing countries. The Representative noted that some recommendations were addressed to FAO and WHO, recognised that many improvements could be made to the operation of the Codex programme, and recalled that this was one of the objectives of the high level management group from FAO and WHO that met regularly to discuss Codex and related matters.

121. The Secretariat indicated that its participation in FAO meetings and contribution to FAO work addressing strategic issues or interdepartmental matters was an important aspect of its work, and clarified that the need for more autonomy related to administrative procedures, such as communication or correspondence with governments, which could be simplified in order to save time and improve efficiency.

122. The Representative of the FAO Legal Counsel informed the Committee that in the framework of the Immediate Plan of Action (IPA) for FAO Renewal, FAO was carrying out a review of its statutory bodies with a view to allowing them more financial and organisational autonomy and was considering issues such as financial reporting, personnel and practical issues. This very complex process was ongoing and further update would be provided following the FAO Conference to be held in November 2009.

123. Some delegations clarified that their comments only applied to administrative procedures but not to the nature of the Joint Programme within FAO and WHO. After some discussion, the Committee agreed to

add at the end of Recommendation 5 that “the two organisations should seek to minimise the time the Codex Secretariat is expected to devote to non-Codex meetings and other matters internal to FAO in particular”.

124. The Committee also supported a proposal for the Commission to initiate its own analysis of the current relationship with FAO and WHO with a view to identifying specific proposals for achieving a greater level of operational efficiency.

#### **Recommendation 11**

125. Some members expressed the view that in order to ensure the efficiency of the Codex process, the Commission should continue to meet on an annual basis. The Committee however did not discuss Recommendation 11 which proposed to go back to biennial sessions and agreed that it should be discussed by the Commission.

126. The Chairperson proposed to carry out an analysis of the efficiency of annual meetings versus biennial meetings with specific regard to the speed of the standard setting process, considering also how to organise work efficiently between sessions. One member pointed out that if such an analysis was to take place, the terms of reference should be considered by the Commission.

127. The Committee recommended to the Commission that the Chair and Vice-Chairs should develop the terms of reference of a study on the efficiency of annual meetings for consideration by the next session of the Executive Committee and submission to the 33<sup>rd</sup> Session of the Commission.

### **MATTERS ARISING FROM THE REPORTS OF THE COMMISSION, EXECUTIVE COMMITTEE, CODEX COMMITTEES AND TASK FORCES (Agenda Item 5)**

#### **GENERAL MATTERS (Agenda Item 5a)<sup>19</sup>**

128. Due to time constraints, the Committee considered only the timely distribution of Codex documents, arising from the 31<sup>st</sup> Session of the Commission, and the length and contents of session reports, arising from the 16<sup>th</sup> Session of the CCLAC and 25<sup>th</sup> Session of the CCGP.

#### **Timely Distribution of Codex Documents**

129. The Committee recalled that the matter of timely distribution of Codex documents had been raised in the 31<sup>st</sup> Session of the Commission and that the Commission had noted that due to its annual sessions, the increase in the number of meetings of its subsidiary bodies and the unavoidable concentration of such meetings, it was not possible to issue, in good time, working documents in all languages of the Commission; and that synchronized distribution would not be possible unless the number of Codex sessions were significantly reduced. In the view of these points, the 31<sup>st</sup> Session of the Commission had requested the current session of the Executive Committee to explore avenues to improve the translation and timely distribution of Codex documents.

130. The Committee acknowledged that timely distribution of Codex documents in all Codex languages was a practical problem which affected effective participation of several member countries.

131. Some members proposed to set timeframes for the submission of documents prepared by working groups and to avoid scheduling any Codex meetings in April and May. The Chairperson of the Commission, proposed to explore the use of translation software for translation of documents within Codex and for use by member countries. While supporting the possible use of translation software, some members noted that the quality of the documents to be translated could affect such translation and emphasized that all Codex working documents should be prepared in a translation-friendly manner.

132. Noting that the publication of translated versions of reports of Codex committees were in many cases delayed due to the need to ensure editorial correctness, a Member proposed that the preliminary translated documents be made available to member countries using that language, who could provide suggestions for improvement to the Secretariat. This would not only speed up the availability of such documents, but would also avoid the submission of comments on editorial issues which could slow down discussion in the committees.

133. A member noted that comments were submitted in very different formats, sometimes unnecessarily repeating the whole text of a draft standard when only a few words were proposed for change, which made translation expensive and the comment papers unnecessary bulky. Thus consideration should be given to the

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<sup>19</sup> ALINORM 09/32/9C.

development of a template for submission of comments in a tabular format indicating where a change was to be made, what change was proposed and why, so that comments could be submitted in a uniform fashion to facilitate translation and readability.

134. The Executive Committee was further reminded that the translation of documents was not only a responsibility of the Secretariat, but of host governments in case of all Codex committees with the exception of coordinating committees. In the case of translation services provided by FAO, the Executive Committee was informed that these services were not for exclusive use by Codex, that these services had been diminished over time and that it was working towards more outsourcing.

135. In view of the proposals made, the Executive Committee agreed to recommend the exploration of the use of translation software; to encourage member countries to adhere to set deadlines for the submission of working documents; that such documents be prepared in a translation-friendly manner; that where possible, meetings should not be scheduled in May; that a template be developed for submission of comments; and that the secretariat continue to discuss with the FAO translation group ways to improve translation services for Codex and to explore ways to outsource translation services especially to developing countries.

### **Length and Content of Session Reports**

136. The Committee recalled that at its 61<sup>st</sup> Session it had made several recommendations concerning the length and content of session reports, which had been subsequently endorsed by the 31<sup>st</sup> Session of the Commission, and that the 16<sup>th</sup> Session of the CCLAC had considered these decisions and agreed to request the Commission to reconsider some of them. This request was also considered by the 25<sup>th</sup> Session of the CCGP.

#### ***Length of reports***

137. With regard to the recommendation on the concise and outcome-oriented reports, the Codex Secretariat clarified that the recommendation was in line with current practice and that it did not imply the exclusion of the discussion that had led to the conclusion from the report. The Secretariat also mentioned that with further improvement in the quality and availability of audio-recording of all languages used of the Commission and the Executive Committee and its expansion to other Committees, it might be possible to consider on an experimental basis recording the discussions in the report in a less detailed manner than currently being done.

138. Some Members expressed concern that having “outcome-oriented” reports should not be taken as reports containing conclusions only and that conclusions should always be accompanied by the reasons and discussion behind them. It was also pointed out that audio-recordings should not replace the record of discussion in session reports, because audio-recordings did not have any legal status as session reports and would require investment of a significant amount of time to retrieve relevant information compared with reading a session report. It was also mentioned that the quality of interpretation varied and could thus make a review of audio-recordings difficult.

139. A Member suggested that if the reporting practice in the Codex Alimentarius Commission was to be reconsidered, the practices in other relevant international organizations such as IPPC and OIE should be looked at in order to make an informed decision. In this regard, another Member noted that the reports of the Codex Alimentarius Commission were possibly the most transparent among reports of such organizations.

140. In view of the above discussion, the Committee agreed to report the following views to the Commission on this matter:

- The current practice of the preparation of session reports by the Codex Secretariat is adequate and does not need to change. Reports should continue to provide not only the decisions and conclusions made but also the reasoning and discussion behind.
- There is no need to reconsider the earlier decision on the concise and outcome-oriented reports but should the Commission decide otherwise, it is recommended to also take into account the practice in other relevant international organizations.
- Concise session reports, being adopted by members, have a legal status and are an important source of information for developing countries without the financial and human resources to attend meetings. Audio recordings and verbatim reports may be problematic to review because of their length.

141. The Member for Latin America and the Caribbean expressed a reservation on this conclusion.

### ***Reopening of substantive discussion while adopting reports***

142. The Committee noted the intervention from the secretariat that when meetings are conducted in accordance with the rules and conclusions are drawn for each agenda item then there should be no need to reopen substantive discussions during the adoption of a report.

### ***Record of names of delegations in reports***

143. With regard to the question posed by the 16<sup>th</sup> Session of the CCLAC, the Committee noted that the provisions contained in the *Guidelines on the Conduct of Meetings* and *Rule X* of the *Rules of Procedure* in the Procedural Manual of the Codex Alimentarius Commission and the recommendation made by the 61<sup>st</sup> Session of the Committee meant essentially the same. The Committee further noted that any member could propose a revision of these provisions in the Procedural Manual if they needed to be clarified.

144. A Member suggested that session reports should specify the names of delegations having minority views, not only when they opposed a decision as a whole but also when they had different opinions on a specific aspect of the matter in question, so that the report could better inform Commission Members who were not present at the session.

## **REVIEW OF THE CODEX COMMITTEE STRUCTURE AND MANDATES OF CODEX COMMITTEES AND TASK FORCES<sup>20</sup> (Agenda Item 5b)**

### **Proposal 6 (Consideration of merging or dissolving existing committees)**

145. The Executive Committee recalled that the 31<sup>st</sup> Session of the Commission did not consider the proposal regarding merging or dissolving existing Committees due to time constraints and awaiting advice given by the 62<sup>nd</sup> Session of the Executive Committee<sup>21</sup>.

146. Some members expressed the view that changing the committee structure by merging adjourned committees with active committees, e.g. creating an “animal production food safety committee” by merging the Committee on Meat Hygiene with the Residues of Veterinary Drugs and the dissolved Task Force on Animal Feeding, would not provide any efficiency savings. The expertise required to cover the different areas was very different, therefore members might need to send more delegates to future meetings. They also were of the view that better efficiency of work could be achieved by emphasising timely finalization of commodity committee’s work and their subsequent adjournment and by strengthening the role of the Executive Committee to accomplish better scrutiny and critical review of proposals for new task forces or approving new work proposals.

147. Some members were of the view that there might be some merit in transferring the mandate to deal with natural dry fruits to the Committee on Fresh Fruits and Vegetables as the expertise required to cover the work was quite similar; or in merging the Committee on Meat Hygiene with the one on Food Hygiene. However it was cautioned that the Committee on Fresh Fruits and Vegetables had a heavy workload and it might not be reasonable to assign more work to that Committee. It was also noted that since the Committee on Meat Hygiene was not active, such discussion could be appropriately held when there would be a need for new work in this area.

148. The Executive Committee noted that there was no support for merging committees at this stage as the simple structural merging of committees would not result in greater savings and agreed that it would be more efficient to work towards timely finalization of commodity committee’s work with the goal of adjourning them and to strengthen the work management role of the Executive Committee in standard setting. The Committee also agreed to refer to the Commission consideration of transferring the mandate for dealing with natural dry fruits to the Committee on Fresh Fruits and Vegetables and of merging the Committee on Food Hygiene and Meat Hygiene.

### **Other matters**

149. The Executive Committee accepted the proposal of the Chairperson that the bureau consisting of the Chair of the Commission, the vice-chairs and the Secretariat should prepare proposals for the revision of the criteria for the establishment of work priorities presented in the Procedural Manual, including criteria for the

<sup>20</sup> ALINORM 09/31/9C Part II; ALINORM 09/31/9C Part II-Add.1 (comments of Australia, Canada, Malaysia, New Zealand, Switzerland, United States of America); LIM 5 (comments of Kenya).

<sup>21</sup> ALINORM 08/31/REP, para. 150.

new work proposals for commodity and general subject committees, for consideration by the next session of the Executive Committee.

**DISCUSSION PAPER ON “BUSINESS PLAN” BY AUSTRALIA AND NEW ZEALAND (Agenda Item 5c)<sup>22</sup>**

150. The Committee recalled that the 31<sup>st</sup> Session of the Commission had invited the Delegations of Australia and New Zealand to prepare a short document explaining further their proposal of a business plan for Codex, which could present a compelling business case to the parent organizations in order to secure funds necessary for the sustainable operation of the Codex Alimentarius Commission.

151. The Member for the South West Pacific, on behalf of Australia and New Zealand, introduced the discussion paper. The Committee noted that the proposed business plan would establish links between the mid-term plans of FAO and WHO and the Strategic Vision Statement of the Codex Alimentarius Commission (in Part 1), illustrate how much resources would be spent on what type of activities and provide indicators to measure the achievements on these activities (in Part 2). It was also pointed out that the development of such a business plan would be pertinent and timely in view of the ongoing FAO reform towards a results-based budgeting system (*see* Agenda Item 3(a)). The Committee expressed its appreciation to Australia and New Zealand for this work and generally supported its direction.

152. The Codex Secretariat acknowledged that the new results-based budgeting system of FAO would require very similar exercises than those proposed in the business plan and expressed interest in this proposal, while cautioning the possible duplication of work. He further mentioned that if the business plan was to affect the budget for the 2012-13 biennium to be discussed by the FAO Conference and the World Health Assembly in spring 2011, it should be finalized within two sessions of the Executive Committee (December 2009 and June 2010).

153. The Representative of FAO further confirmed the ongoing reform in the FAO budgeting system, which was very similar in concept, and noted that in accordance with the recent developments, FAO Corporate Strategies B1, B2 and C1 mentioned in the document would disappear and the Codex Secretariat would contribute to Strategic Objective D, “Improved quality and safety of foods at all stages of the food chain”. He said that this would bring FAO’s budgeting process closer to that of WHO.

154. The Representative of WHO indicated that this business plan would prove useful in the planning of Codex activities and enable result-based management already put in place in WHO, and recommended not to include too many details in the business plan and to have good indicators to measure the achievements. The Representative further noted that this business plan could allow better coordination in the budget planning of FAO and WHO by serving as a uniform communication tool from Codex.

155. The following further suggestions were made in the discussion:

- Performance indicators are important in a results-based budgeting system but the process to establish them may be complex and difficult and should thus start at an early stage in the development of the business plan.
- Duplication with the ongoing work in the Codex Secretariat in the context of the FAO budgetary reform should be avoided.
- In view of the very tight timeline for the completion of the business plan there should be close coordination between Australia, New Zealand, the Codex Secretariat and FAO/WHO in the preparation of a revised document.
- Lessons learned from other organizations having worked on a business plan should be taken into account.
- The outcome of the discussion on private standards and its impact on Codex as well as results from the mid-term evaluation of the Codex Trust Fund should be taken into account.

156. The Committee expressed its appreciation to the kind offer of Australia and New Zealand to further develop the document for consideration by the 63<sup>rd</sup> Session of the Committee, taking into account the above comments.

**RELATIONS BETWEEN THE CODEX ALIMENTARIUS COMMISSION AND OTHER INTERNATIONAL ORGANISATIONS**  
**APPLICATIONS FROM INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS FOR OBSERVER STATUS IN CODEX<sup>23</sup> (Agenda Item 6c)**

157. 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 seven international non-governmental organizations neither having status with FAO nor official relations with WHO. Information from the applicant organizations was included in Annexes 1 to 7 of document CX/EXEC 09/62/6 and CRDs 1 to 7.

***EUROGLACES***

158. The Secretariat introduced the re-application, which had been requested due to a change in statutes of the organization. The application had been reviewed by the Codex Secretariat and the Legal Offices of FAO and WHO and had been found to be complete and all criteria met.

159. One member observed that the organization declares (see Annex 1, section 8.1) to be an active member of the Confederation of the Food and Drink Industries of the EU (CIAA) which is also a Codex observer and observer status was not normally granted in this case. Another member clarified that CIAA was a large organization and that some observers were already members of that body and that that should not lead to a rejection of the application.

160. The Secretariat clarified that the above Principles did contain in par 4.2 the sentence: “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.”. He said that this had not previously been used as a reason for exclusion but that the organizations in question had been asked to clarify their relation and also informed that they could not both be represented at the same session as such but that in this case the member organization would participate through its umbrella organization. Previous similar cases had included ISO and CEN and Consumers International and BEUC (see also ALINORM 08/31/3A, par 150 for the opinion of the legal Counsel of WHO on this question).

161. After some discussion, the Committee agreed that EUROGLACES and CIAA should be requested to clarify how they would organize their participation in Codex while informing them about the constraints that were applied as mentioned above.

***EUSALT***

162. The Secretariat introduced the re-application, which had been requested due to a change in statutes of the organization. The application had been reviewed by the Codex Secretariat and the Legal Offices of FAO and WHO and had been found to be complete and all criteria met. The Executive Committee recommended granting observer status to EUSALT.

***International Council of Bottled Water Associations (ICBWA)***

163. The secretariat introduced the history of this application: Currently several bottled water organizations hold observer status in Codex (GISENEC/EFBW and IBWA). Some time ago the global umbrella organization ICBWA also applied for observer status. There have been extensive exchanges with all organizations which have been successful and the regional bodies have stated that they would relinquish observer status as and when the umbrella organization obtains it (see CRD 3).

164. The Executive Committee decided to recommend granting observer status to ICBWA and to recommend termination of observer status for GISENEC/EFBW and IBWA at the same time (they would remain observers until a decision on ICBWA was taken by the Directors-General of FAO and WHO).

***Other applications***

165. The Executive Committee recommended that observer status be granted to the following organizations:

- IPC (International Poultry Council)
- AIPG (Association for International Promotion of Gums)
- IACM (International Association of color manufacturers)

- Calorie Control Council

#### ***Finalization of the review of observer organizations***

166. In accordance with the report of the 60<sup>th</sup> Session (ALINORM 08/31/3, para 80 and Appendix IV, Table C), observer status for the following INGOs should be terminated as they were granted a two-year delay period and had the opportunity to participate/comment but did not do so

- AFC (Arab Federation for Consumers)
- EHN (European Heart Network)
- FEPALE (Federación Panamericana de Lechería)
- UECEV (Union européenne du commerce du bétail et de la viande)

167. The Committee noted that the OEITFL (Organisation européenne des industries transformatrices de fruits et légumes) that had been included in this list in the working document was participating actively in the work of Codex and recommended thus that they maintain observer status.

#### ***Correction of termination of observer status***

168. The Committee noted that it had at its 60<sup>th</sup> and 61<sup>st</sup> session recommended termination of observer status for the European Animal Protein Association (EAPA) and the World Renderers Organization (WRO) but that in the meantime these organization had sent comments or given valid reasons for no participating. The Committee thus decided to revert its decision and to maintain observer status for these organizations.

#### **Other Business**

169. Due to a heavy agenda, lack of time and the fact that no session of the Executive Committee had been held between the sessions of the Commission, the Committee could not consider Agenda Items 4 (c), 6 (a) and (b), 7 and 8.

## APPENDIX I

**LIST OF PARTICIPANTS  
LISTE DES PARTICIPANTS  
LISTA DE PARTICIPANTES****CHAIRPERSON**

Dr Karen L. Hulebak  
Chief Scientist  
Food Safety and Inspection Service  
U.S. Department of Agriculture  
1400 Independence Avenue,  
Whitten Bldg Rm402A  
Washington, DC 20250 - 3700  
U.S.A.  
**Phone:** +202.720.5735  
**Fax:** +202.690.2980  
**Email:** [karen.hulebak@fsis.usda.gov](mailto:karen.hulebak@fsis.usda.gov)

**VICE-CHAIRPERSONS**

Mr Ben Manyindo  
Deputy Executive Director  
Uganda National Bureau of Standards  
P.O. Box 6329  
Kampala  
Uganda  
**Phone:** +256 414 505995  
**Fax:** +256 414 286123  
**Email:** [ben.manyindo@unbs.go.ug](mailto:ben.manyindo@unbs.go.ug);  
[benm552000@yahoo.co.uk](mailto:benm552000@yahoo.co.uk)

Mr Sanjay Dave  
Director  
Agricultural and Processed Food Products Export  
Development Authority (APEDA)  
NCUI Building, 3 Siri Institutional Area  
August Kranti Marg, Hauz Khas  
New Delhi – 110016  
India  
**Phone:** +91 11 26513162  
**Fax:** +91 11 26519259  
**Email:** [director@apeda.com](mailto:director@apeda.com)

Mr Knud Østergaard  
Head of Division  
Danish Veterinary and Food Administration  
Mørkhøj Bygade 19  
DK-2860 Søborg  
Denmark  
**Phone:** +45 33956120  
**Fax:** +45 33 956001  
**Email:** [koe@fvst.dk](mailto:koe@fvst.dk)

**MEMBERS ELECTED ON A  
GEOGRAPHIC BASIS:****AFRICA**

Mr Ousmane Touré  
Directeur Général  
Agence Nationale de la Sécurité sanitaire des aliments  
BPE 2362 - Quartier du Fleuve, rue 305, porte 279  
Bamako  
Ministère de la Santé  
Mali  
**Phone:** +223 20230183  
**Fax:** +223 20220747  
**Email:** [oussou\\_toure@hotmail.com](mailto:oussou_toure@hotmail.com)

**Advisers for Member for Africa**

Mr Delphin Mwishu Kinkese  
Chief Environmental Health Officer  
Food Safety and occupational Health  
Ministry of Health  
Zambia  
**Phone:** +260 211 253040/5  
**Fax:** +260 211 253344  
**Email:** [dmkinkese@yahoo.co.uk](mailto:dmkinkese@yahoo.co.uk), [dmkinkese@moh.gov.zm](mailto:dmkinkese@moh.gov.zm)

**ASIA**

Dr. Yukiko YAMADA  
Deputy Director-General  
Ministry of Agriculture, Forestry and Fisheries  
Food Safety and Consumers Affairs Bureau  
1-2-1 Kasumigaseki  
Chiyoda-ku  
Tokyo100-8950  
Japan  
**Phone:** +81 3 3502 8095  
**Fax:** +81 3 3502 0389  
**E-mail:** [yukiko\\_yamada@nm.maff.go.jp](mailto:yukiko_yamada@nm.maff.go.jp)

**Adviser for Members for Asia**

Mr Pisan Pongaspitch  
Senior Expert  
Codex Contact Point of Thailand  
Office of Commodity and System Standards  
National Bureau of Agricultural Commodity and Food Standards  
Ministry of Agriculture and Cooperatives  
50 Phahonyotin Road  
Ladysao Chatuchak  
Bangkok 10900  
**Phone:** +66 2561 2277 ext. 1421  
**Fax:** +66 2561 3373  
**E-mail:** [pisan@acfs.go.th](mailto:pisan@acfs.go.th)

Dr Hiroshi Yoshikura  
Advisor  
Department of Food Safety  
Pharmaceutical and Food Safety Bureau  
Ministry of Health, Labour and Welfare  
1-2-2 Kasumigaseki, Chiyoda-ku,  
Tokyo 100-8916  
Japan

**Phone:** +81 3 3595 2326

**Fax:** +81 3 3503 7965

**Email:** [codexj@mhlw.go.jp](mailto:codexj@mhlw.go.jp)

## EUROPE

Mr Bill Knock  
Head of EU and International Strategy  
Food Standards Agency  
Aviation House  
125 Kingsway  
London WC2B 6NH  
United Kingdom

**Phone:** +44 207 276 8183

**Fax:** +44 207 276 8376

**Email:** [bill.knock@foodstandards.gsi.gov.uk](mailto:bill.knock@foodstandards.gsi.gov.uk)

## Advisers to the Member for Europe

Mrs Kerstin Jansson  
Deputy Director  
Ministry of Agriculture  
SE-103 33 Stockholm  
Sweden

**Phone:** +46 8 4051168

**Fax:** +46 8 206496

**Email:** [kerstin.jansson@agriculture.ministry.se](mailto:kerstin.jansson@agriculture.ministry.se)

Mr Jindrich Fialka  
Director  
Ministry of Agriculture  
Tesnov 17, Prague  
Czech Republic

**Phone:** +420 221 812465

**Fax:** +420 222 314117

**E-mail:** [jindrich.fialka@mze.cz](mailto:jindrich.fialka@mze.cz)  
[jindrich.fialka@seznam.cz](mailto:jindrich.fialka@seznam.cz)

## LATIN AMERICA AND THE CARIBBEAN

Ing. Gabriela Alejandra Catalani  
Coordinadora del Punto Focal del Codex  
Dirección de Relaciones Agroalimentarias Internacionales  
Dirección Nacional de Economía, Finanzas y Mercados  
Subsecretaría de Agroindustria y Mercados  
Secretaría de Agricultura, Ganadería, Pesca y Alimentos  
Ministerio de Producción  
Paseo Colón 922, Of. 29  
1063 Buenos Aires  
Argentina

**Phone:** +54.11.4349.2549

**Fax:** +54.11.4349.2244

**Email:** [gcatal@minprod.gov.ar](mailto:gcatal@minprod.gov.ar)

**Adviser to the Member for Latin America and the Caribbean**

Carlos Henrique Angrisani  
Second Secretary  
Ministry of Foreign Affairs  
Brazil

**Phone:** +55 61 34118927

**Fax:** +55 61 34118918

**Email:** [angrisan@mat.gov.br](mailto:angrisan@mat.gov.br)

**NEAR EAST**

Dr Mahmoud Alzu`bi  
Assistant Director-General for Administrative and Surveillance Affairs-  
Director of Standardization Department  
Secretary of Jordan National Codex Committee  
Jordan Institution for Standards and Metrology (JISM)  
P.O. Box 941278  
Amman 11194  
Jordan

**Phone:** +962 6 77765142

**Fax:** +962 6 5301236

**Email:** [mzoubi@jism.gov.jo](mailto:mzoubi@jism.gov.jo)

**NORTH AMERICA**

Ms Debra Bryanton  
Executive Director,  
International Policy  
Canadian Food Inspection Agency  
1400 Merivale Road  
Ottawa, Ontario, K1A 0Y9  
Canada

**Phone:** +613.773.6036

**Fax:** +613.773.5693

**Email:** [Debra.Bryanton@inspection.gc.ca](mailto:Debra.Bryanton@inspection.gc.ca)

**Advisers to the Member for the North America**

Ms Karen Stuck  
US Codex Manager  
Food Safety Inspection Service  
U.S. Department of Agriculture  
1400 Independence Ave., SW.  
Washington, DC 20250  
U.S.A.

**Phone:** +202 205 7760

**Fax:** +202 720 3157

**Email:** [karen.stuck@osec.usda.gov](mailto:karen.stuck@osec.usda.gov)

Mr Ron Burke  
Head, Office of the Codex Contact Point for Canada  
Food Directorate, Health Canada  
200 Tunney's Pasture Driveway  
Room 2395 (0702C1)  
Ottawa, Ontario, K1A 0L2

**Phone:** +613 957.1748

**Fax:** +613 941.3537

**Email:** [ronald\\_burke@hc-sc.gc.ca](mailto:ronald_burke@hc-sc.gc.ca)

**SOUTH WEST PACIFIC**

Mr Sundararaman Rajasekar  
Codex Coordinator and Contact Point for New Zealand  
New Zealand Food Safety Authority  
PO Box 2835  
Wellington  
New Zealand

**Phone:** +64.4.8942576

**Fax:** +64.4.8942583

**Email:** [rajasekars@nzfsa.govt.nz](mailto:rajasekars@nzfsa.govt.nz)

**Adviser to the Member for the South  
West Pacific**

Ms Ann Backhouse  
Manager, Codex Australia  
Product Integrity, Animal & Plant Health  
Australian Government Department of Agriculture,  
Fisheries and Forestry  
GPO Box 858  
Canberra ACT 2601  
Australia

**Phone:** + 61 2 62725692

**Fax:** + 61 2 62725697

**Email:** [ann.backhouse@daff.gov.au](mailto:ann.backhouse@daff.gov.au)

**COORDINATOR FOR AFRICA**

Professor S. Sefa-Dedeh  
Dean, Faculty of Engineering Sciences  
Univeristy of Ghana  
Legon  
Accra  
Ghana

**Phone:** +233 27 7553090

**Fax:** +233 21 517741

**Email:** [sefad@ug.edu.gh](mailto:sefad@ug.edu.gh)

**COORDINATOR FOR ASIA**

Dr Sunarya  
Deputy Director General  
The National Standardization Agency of Indonesia  
as Secretary of National Codex Contact Point of Indonesia  
Manggala Wanabakti Block IV Fl. 4  
Jl. Jend. Gatot Subroto, Senayan, Jakarta 10270  
Indonesia

**Phone:** +62 21 5747042-44

**Fax:** +62 21 5747045

**Email:** [sps-2@bsn.or.id](mailto:sps-2@bsn.or.id)

**COORDINATOR FOR EUROPE**

Mr Hans-Jörg Lehmann  
Permanent Representative  
Permanent Representation of Switzerland to the FAO,  
IFAD and WFP  
Via Aventina 32  
00153 Rome, Italy

**Phone:** +39-06 89581521

**Fax:** +39-06 89581599

**E-Mail:** [hans-joerg.lehmann@eda.admin.ch](mailto:hans-joerg.lehmann@eda.admin.ch)

**COORDINATOR FOR LATIN  
AMERICA AND THE  
CARIBBEAN**

M.en C. Ingrid Maciel Pedrote  
International Standardization Director  
Puente de Tecamachalco No. 6  
Col. Lomas de Tecamachalco, Sección Fuentes  
C.P. 53950,  
México

**Phone:** +5255 57 29 94 80  
+5255 55 20 93 00 Ext : 43216

**E-mail:** [imaciel@economia.gob.mx](mailto:imaciel@economia.gob.mx)

**COORDINATOR FOR THE  
NEAR EAST**

Mohamed Chokri Rejeb  
Directeur General du Centre Technique de l'Agro-Alimentaire  
12, rue de l'usine Charguia II  
2035 Ariana  
Tunisie

**Phone:** +216 71940358

**Fax:** +216 71941080

**Email:** [ctaa@topnet.tn](mailto:ctaa@topnet.tn) / [codextunisie@tognet.ati.tn](mailto:codextunisie@tognet.ati.tn)

**COORDINATOR FOR NORTH  
AMERICA AND  
SOUTH WEST PACIFIC**

Dr Viliami Toalei Manu  
Deputy Director (Codex Contact Point)  
Research and Extension Division  
Ministry of Agriculture and Food, Forestry and Fisheries  
P.O. Box 14, Nuku'alofa  
Tonga

**Phone:** +676 37474

**Fax:** +676 24271

**Email:** [mafsoils@kalianet.to](mailto:mafsoils@kalianet.to)

**WORLD HEALTH ORGANIZATION  
(WHO)**

Dr Keiji Fukuda  
Assistant Director-General  
Health Security and Environment  
World Health Organization (WHO)  
20 Avenue Appia  
Ch-1211 Geneva 27  
Switzerland

**Phone:** +41.22.791.

**Fax:** +41.22.791.

**Email:** [fukudak@who.int](mailto:fukudak@who.int)

Dr Jorgen Schlundt  
Director  
Department of Food Safety, Zoonosis and Foodborne Diseases  
World Health Organization (WHO)  
20 Avenue Appia  
CH-1211 Geneva 27  
Switzerland

**Phone:** +41.22.791.3445

**Fax:** +41.22.791.4807

**Email:** [schlundtj@who.int](mailto:schlundtj@who.int)

**FOOD AND AGRICULTURE  
ORGANIZATION OF THE UNITED  
NATIONS (FAO)**

Mr Modibo T. Traoré  
Assistant Director-General  
Agriculture and Consumer Protection Department  
Food and Agriculture Organization of the United Nations (FAO)  
Viale delle Terme di Caracalla  
00153 Rome, Italy  
**Phone:** +39.06.570.54523  
**Fax:** +39.06.570.55609  
**Email:** [modibo.traore@fao.org](mailto:modibo.traore@fao.org)

Dr Ezzeddine Boutrif  
Director  
Nutrition and Consumer Protection Division  
Food and Agriculture Organization of the United Nations (FAO)  
Viale delle Terme di Caracalla  
00153 Rome, Italy  
**Phone:** +39.06.570.56156  
**Fax:** +39.06.570.54593  
**Email:** [ezzeddine.boutrif@fao.org](mailto:ezzeddine.boutrif@fao.org)

Dr María de Lourdes Costarrica  
Senior Officer  
Food Quality Liaison Group  
Nutrition and Consumer Protection Division  
Food and Agriculture Organization of the United Nations (FAO)  
Viale delle Terme di Caracalla  
00153 Rome, Italy  
**Phone:** +39.06.570.56060  
**Fax:** +39.06.570.54593  
**Email:** [lourdes.costarrica@fao.org](mailto:lourdes.costarrica@fao.org)

Ms Renata Clarke  
Nutrition Officer  
Food Quality and Standard Service  
Nutrition and Consumer Protection Division  
Food and Agriculture Organization of the United Nations (FAO)  
Viale delle Terme di Caracalla  
00153 Rome, Italy  
**Phone:** +39.06.570.52010  
**Fax:** +39.06.570.54593  
**Email:** [renata.clarke@fao.org](mailto:renata.clarke@fao.org)

Mr Antonio Tavares  
Chief LEGA  
Legal Office  
Food and Agriculture Organization (FAO)  
Viale delle Terme di Caracalla  
00153 Rome  
Italy

**Phone:** +39.06.570.55132  
**Fax:** +39.06.570.54408  
**Email:** [antonio.tavares@fao.org](mailto:antonio.tavares@fao.org)

Mr Ilja Betlem  
LEGA  
Legal Office  
Food and Agricultural Organization (FAO)  
Viale delle Terme di Caracalla  
00153 Rome  
Italy

**Phone:** +39 06 57052778  
**Fax:** +39 06 57054408  
**Email:** [ilja.betlem@fao.org](mailto:ilja.betlem@fao.org)

#### CODEX SECRETARIAT

Mr Tom Heilandt  
Officer-in-Charge, AGNC  
Senior Food Standards Officer  
Joint FAO/WHO Food Standards Programme  
Viale delle Terme di Caracalla  
00153 Rome, Italy

**Phone:** +39.06.570.54384  
**Fax:** +39.06.570.54593  
**Email:** [tom.heilandt@fao.org](mailto:tom.heilandt@fao.org)

Ms Selma H. Doyran  
Senior Food Standards Officer  
Joint FAO/WHO Food Standards Programme  
Viale delle Terme di Caracalla  
00153 Rome, Italy

**Phone:** +39.06.570.55826  
**Fax:** +39.06.570.54593  
**Email:** [selma.doyran@fao.org](mailto:selma.doyran@fao.org)

Ms Annamaria Bruno  
Food Standards Officer  
Joint FAO/WHO Food Standards Programme  
Viale delle Terme di Caracalla  
00153 Rome  
Italy

**Phone:** +39.06.570.56254  
**Fax:** +39.06.570.54593  
**Email:** [annamaria.bruno@fao.org](mailto:annamaria.bruno@fao.org)

Mr Jeronimas Maskeliunas  
Food Standards Officer  
Joint FAO/WHO Food Standards Programme  
Viale delle Terme di Caracalla  
00153 Rome  
Italy

**Phone:** +39.06.570.53967  
**Fax:** +39.06.570.54593  
**Email:** [jeronimas.maskeliunas@fao.org](mailto:jeronimas.maskeliunas@fao.org)

Ms Gracia Brisco  
Food Standards Officer  
Joint FAO/WHO Food Standards Programme  
Viale delle Terme di Caracalla  
00153 Rome  
Italy

**Phone:** +39.06.570.52700  
**Fax:** +39.06.570.54593  
**Email:** [gracia.brisco@fao.org](mailto:gracia.brisco@fao.org)

Ms Verna Carolissen  
Food Standards Officer  
Joint FAO/WHO Food Standards Programme  
Viale delle Terme di Caracalla  
00153 Rome  
Italy

**Phone:** +39.06.570.55629  
**Fax:** +39.06.570.54593  
**Email:** [verna.carolissen@fao.org](mailto:verna.carolissen@fao.org)

Mr Masashi Kusukawa  
Food Standards Officer  
Joint FAO/WHO Food Standards Programme  
Viale delle Terme di Caracalla  
00153 Rome  
Italy

**Phone:** +39.06.570.54796  
**Fax:** +39.06.570.54593  
**Email:** [masashi.kusukawa@fao.org](mailto:masashi.kusukawa@fao.org)

Mr Ym Shik Lee  
Food Standards Officer  
Joint FAO/WHO Food Standards Programme  
Viale delle Terme di Caracalla  
00153 Rome  
Italy

**Phone:** +39.06.570.55854  
**Fax:** +39.06.570.54593  
**Email:** [ymsaik.lee@fao.org](mailto:ymsaik.lee@fao.org)

Dr Kazuaki Miyagishima  
Consultant  
Joint FAO/WHO Food Standards Programme  
Viale delle Terme di Caracalla  
00153 Rome  
Italy

**Email:** [kazuaki.miyagishima@fao.org](mailto:kazuaki.miyagishima@fao.org)

Mr Wim Van Eck  
Consultant  
Joint FAO/WHO Food Standards Programme  
Viale delle Terme di Caracalla  
00153 Rome  
Italy

**Email:** [wim.van.eck@vwa.nl](mailto:wim.van.eck@vwa.nl)