

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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ALINORM 93/4

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION
20th Session, Geneva 28 June to 7 July 1993

REPORT OF THE FORTIETH SESSION OF THE
EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION
Geneva 24-25 June 1993

INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission held its Fortieth Session at WHO Headquarters, Geneva from 24 to 25 June 1993. The Executive Committee was presided over by the Chairman of the Codex Alimentarius Commission, Professor F.G. Winarno (Indonesia) in the presence of two of its Vice-Chairmen; Professor Pakdee Pothisiri (Thailand) and Mr. J. Race (Norway). The following Members elected on a Regional basis participated in the Session: Tunisia (Africa), Malaysia (Asia), The Netherlands (Europe), Cuba (Latin America and the Caribbean), Canada (North America) and New Zealand (South-West Pacific). The Codex Coordinators for Africa, Asia, Europe, Latin America and the Caribbean, were also present at the meeting as observers. A complete list of participants is given in Appendix 1.

ADOPTION OF THE AGENDA (Item 1)

2. The Executive Committee adopted the provisional agenda (CX EXEC 93/40/1) as the agenda for the session, with the following additional items discussed under Agenda Item 8 Other Business:

- Review of the Codex Contact Point system and the need for more effective mechanisms of distributing Codex documents in developing countries.
- Press participation at Codex meetings: revision of the guidelines for Codex committees.
- The role of EEC/standards in relation to Codex standards.

REPORT ON THE FINANCIAL SITUATION OF THE JOINT FAO/WHO FOOD STANDARDS PROGRAMME FOR 1992/93 AND 1994/95 (Item 2)

3. Document CX/EXEC 92/39/2 was introduced by the Secretary of the Commission, Mr. R.J. Dawson. Mr. Dawson drew attention to the fact that the Joint Programme budget for the biennium 1990/91 had commenced with a small surplus (\$US 42 000) carried over from the previous biennium. However, in the period under review, expenditures exceeded income in the Joint Budget by \$US 89 000, leaving a deficit (US\$ 49 000) at the end of the biennium. The increased expenditures were largely due to unfavourable changes in the lira/dollar exchange rate, affecting staff

costs, and heavy meeting and travel costs. The Executive Committee expressed its appreciation of the use made of the budget's travel funds to provide for the Secretariat's participation in the GATT Uruguay Round discussions. The Executive Committee was informed that also in the direct FAO contribution to the Programme, over and above the cost-sharing budget with WHO and which covers the publication costs of reports and working papers prepared by the Secretariat, expenditure exceeded income. The Director-General of FAO had continued to agree to provide this additional support to the Codex Programme in view of the high priority attributed to Codex in FAO. WHO too had given considerable attention to the work of Codex. This was, *inter alia*, reflected by the decision of the WHO Director-General to identify food and nutrition as a priority programme of WHO and to create a new Division on Food and Nutrition. Also the WHA had, in its session in May 1993, approved the proposed budget for WHO contribution to the Joint FAO/WHO Food Standards Programme.

4. The Executive Committee was informed that the working budget for 1992/93, represented an amount approximately 8% below the approved budget for 1992/93 to take into account restrictions applied to the appropriations for the FAO budget for the same period. In addition, the Executive Committee was informed concerning the proposed budget for 1994/95 which included an increase of 8% over the previous biennium and thus would restore the same base resources as in previous years. The Executive Committee noted that efforts were being made by the Secretariat to cut back costs to the Programme by reducing the length of documents and by operating more efficiently.

5. The Executive Committee expressed its appreciation to FAO for its continued strong financial support of the Programme and to the Secretariat for its efforts in carrying out the work of the Commission within the available budgetary provisions. However, it noted that the budget continued to be maintained on a "zero growth" basis and expressed concern that further development of the programme, for example in response to obligations under the proposed GATT agreement would need greater resources.

6. The Executive Committee in discussing the proposed budget for 1994/95 recognized the important financial contribution made to the Programme by the host governments in the holding of the various Committees.

7. The Executive Committee noted the current financial constraints that were being faced by most countries, international agencies, and the Commission in conducting their work. The question was raised regarding the additional costs, if any, of holding the Commission in Geneva versus Rome and whether or not such costs were substantial. If the costs were substantial, consideration might be given to recommending that for the immediate future meetings of the Commission be held only in Rome. It was pointed out that the Commission's Rules of Procedure provided for meetings to be held at the headquarters of either FAO or WHO but in recent practice meetings had been held alternately in Rome and Geneva. Attention was also drawn to the fact that the Commission had two parent bodies, FAO and WHO and that this should be made visible.

8. The Executive Committee was informed that there were additional costs involved in holding the Commission Session in Geneva; however, the differential was not readily known. It was agreed that the Secretariat should conduct a review of the additional costs involved and would provide a report to the next session of the Executive Committee in this regard for their consideration.

REPORT ON THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS RELATED TO SANITARY AND PHYTOSANITARY MEASURES AND THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE (Item 3)

9. The Committee had for its consideration document ALINORM 93/9, which contained a copy of Section L of the GATT Draft Final Act (MTN.TNC/W/FA) embodying the results of the Uruguay Round of Multilateral Trade Negotiations on Sanitary and Phytosanitary Measures and Barriers, as well as Section G concerning the Agreement (1991) on Technical Barriers to Trade.

10. The Secretariat informed the Committee that the situation and status of these draft GATT agreements had not changed since the last session of the Executive Committee, as negotiations on these measures were suspended pending agreement on the full Uruguay Round. It was also noted that a paper concerning the relationship between Codex and GATT had been submitted to the last session of the World Health Assembly.

11. The Member from The Netherlands suggested that in view of procedural and other implications for Codex regarding the GATT Uruguay Round, the Codex Committee on General Principles should take a much broader view of such implications. However, the Members from Canada and New Zealand stated that in consideration of the ongoing GATT negotiations, it was premature to examine these implications for Codex in detail at the present time.

12. The Committee concluded by noting that substantial progress on the negotiations had not been made since its last Session, but nevertheless reiterated its support for the successful conclusion of the Uruguay Round. The Executive Committee also proposed that fundamental discussions on implications of the changing role of Codex in the framework of GATT should be taken within a much broader context.

CONSUMER INVOLVEMENT IN DECISION-MAKING IN RELATION TO FOOD STANDARDS AND THE JOINT FAO/WHO FOOD STANDARDS PROGRAMME (Item 4)

13. The Secretariat introduced document ALINORM 93/10 and CAC LIM 5 1993 which consisted of a paper prepared by the International Organization of Consumers' Unions (IOCU) at the request of the Secretariat and responses from member governments to Codex Circular Letter CL 3 1993 CAC. It was pointed out that the paper presented by IOCU did not reflect the opinions of the Secretariat.

14. At the invitation of the Chairman the representative of FAO informed the Executive Committee on the outcome of an FAO Expert Consultation on the Integration of Consumer Interests in Food Control. The Executive Committee was informed of the main conclusions and recommendations of the FAO Expert Consultation on the Integration of Consumer Interest in Food Control held in Rome from 14 to 18 June 1993. The Consultation was attended by experts drawn from government food control authorities, consumers and industry associations and from both developed and developing countries. It discussed the current status of consumer integration in food control in both developed and developing countries and identified the constraints which hampered this integration. The Consultation also discussed matters related to consumer representation and identified a set of criteria which might be applied in determining eligibility of consumer representatives. The Consultation also identified those food safety and quality-related issues which were of particular concern to the consumer and the barriers which impeded increased consumer participation in food control matters. It considered the need to establish a Consumer and Industry Affairs Unit in food control agencies and elaborated on the tasks, functions and resource requirements of such a unit. The

Consultation made firm specific recommendations directed separately to governments, the international organizations, the consumer and the industry, aimed at facilitating the integration of consumer interests in food control and at strengthening the educational and information programmes targeted to the consumer.

15. With respect to the IOCU paper, Members of the Executive Committee stressed that the paper reflected the views of one particular organization and that these may not be the views of other consumer groups or other national groups working in the interests of consumers such as women's organizations and cooperative movements. It was noted that the paper overstated the influence that industry had in the establishment of food standards and failed to take into account that government authorities were responsible through their elected representatives to consumers and all citizens in terms of consumer protection. Several Members of the Executive Committee noted that the paper understated the very influential role of some consumer groups in developing countries particularly in Asia. Nevertheless the Executive Committee noted that the role and influence of consumer and similar organizations varied widely from region to region.

16. The Executive Committee stressed that there was a need to build confidence into the decision-making process particularly at the national level. The positive experience of consumer involvement in developing national delegations' positions for Codex meetings indicated that such consumer involvement was very worthwhile. However there seemed to be a need for a better definition of 'consumer organization' which would encompass a greater number of special interest groups.

17. In view of the specific regional nature of some of the issues raised, the Executive Committee recommended that the matter should be discussed by regional coordinating committees at their next session. The Executive Committee decided not to make any recommendations to the Codex Alimentarius Commission on the proposals presented by IOCU. The Executive Committee expressed its appreciation of the cooperative work between the Secretariat and IOCU and encouraged the Secretariat to maintain its close liaison with consumers groups.

RISK ASSESSMENT PROCEDURES USED BY THE CODEX ALIMENTARIUS COMMISSION AND ITS SUBSIDIARY AND ADVISORY BODIES (Item 5)

18. The Secretariat presented ALINORM 93/37, a paper prepared by a consultant (Dr. S.C. Hathaway, New Zealand). The item had been placed on the agenda in response to the recommendations of the FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade (March 1991). It was noted that the subject was strongly linked to the approaches discussed in the Uruguay Round for developing national and international standards on sanitary and phytosanitary matters.

19. The Executive Committee expressed its considerable appreciation for the report. It agreed to inform the Codex Alimentarius Commission that in principle the consultant's recommendations could be taken up both by the Commission and by the Codex and the Joint FAO/WHO expert committees concerned. It recommended that the paper should be referred to these committees for their review and discussion. The Executive Committee also recommended that the paper should be taken into consideration by the Codex Committee on General Principles during its discussions on the incorporation of scientific considerations into the Codex elaboration procedures, as the issues were strongly linked.

20. The Executive Committee was of the opinion that the paper showed that more attention needed to be paid to the question of food microbiology within the framework of risk assessment and risk management undertaken by the Codex Alimentarius Commission. One Member (Europe) suggested the need for FAO and WHO to consider establishment of an expert advisory group on food and meat hygiene to

support the Commission's work in these areas. Mr. Race (Vice Chairman) emphasized the importance of the consultant's recommendation number 7 calling for greater transparency on the linkage between the establishment of maximum residue limits in relationship to the toxicologically determined Acceptable Daily Intake (ADI) and Good Agriculture or Good Veterinary Practices.

MEDIUM-TERM PROGRAMME OF WORK 1993-1998 (Item 6)

21. The Executive Committee noted that a proposal to establish a Medium-Term Programme of Work had been raised by the Secretariat at the 39th Session when the Executive Committee had strongly endorsed this proposal. On the recommendation of the Executive Committee, the Secretariat had revised the medium-term objectives and had circulated the plan, the objectives and a detailed outline of the Commission's current work to governments for comment as ALINORM 93/38. This paper and comments in support of the objectives had been received from Cuba and Denmark were before the Executive Committee for consideration.

22. The Executive Committee recalled that in accordance with the Commission's Rules of Procedure it was responsible for providing guidance to the Commission on the general orientation of the Commission's Programme of Work (Rule III.2 of the Codex Rules of Procedure). It agreed to recommend therefore, that discussion of the Medium-Term Programme of Work should be a standing item on future agendas of the Executive Committee.

23. The Executive Committee expressed its full support for the Medium-Term objectives listed by programme area contained in Appendix 1 of ALINORM 93/38, but noted that the ongoing work on the establishment of Maximum Residue Limits for veterinary drugs should be included. It also recommended that risk assessment as a means of achieving these objectives should be taken into account in the further development of the Medium-Term Plan.

24. The Executive Committee stressed that the document should be used by Codex committees in determining whether proposed new items of work were in line with current Codex priorities. It was of the opinion that priority should be given to firm recommendations directed to governments over advisory recommendations to governments or recommendations concerned only with the working procedures of the Commission. Finally the Executive Committee called for a document to be prepared for its next session which would outline the strategic direction to be taken to follow more precisely the objectives and priorities set out in the Medium-Term Plan. Risk assessment as a tool to achieve these objectives was highlighted as a component of the strategy to be followed.

MATTERS ARISING FROM CODEX COMMITTEES (Item 7)

Codex Committee on Tropical Fresh Fruits and Vegetables

25. The Executive Committee had before it document CX/EXEC 93/40/2 which contained extracts from the report of the Fourth Session of the Codex Committee on Tropical Fresh Fruits and Vegetables concerning the following:

- a) Relationship between Codex and the UNECE (paras. 16-21), and
- b) Terms of Reference (paras. 121-123).

26. On the first of these matters, the Committee had expressed concern that the United Nations Economic Commission for Europe's (UNECE) Working Party on Standardization of Perishable Produce and Quality Development had changed the scope of its standards from regional European standards to standards applying in international trade. The Committee had expressed its continued willingness to work

with the Working Party, but was of the belief that only the Codex Alimentarius Commission had the authority to establish world-wide standards for foods. It had expressed concern that the step taken by the UNECE could also be taken by other regional bodies, resulting in multiple "international" standards for fruits and vegetables, confusion in trade, and duplication of work.

27. The Chief of the Food Quality and Standards Service of FAO reported that FAO had expressed its objections to the development of international standards by the UNECE. He noted that FAO supported the Working Party by providing its secretariat but had decided that it could not support UNECE activities which duplicated Codex work. He reported that negotiations were under way between the secretariats to reach a compromise solution which would allow the continued activity in this area; one option under consideration was the establishment of joint ECE/Codex working groups operating under the same host country arrangements as applied within the Codex framework. The Executive Committee was informed that in addition to work on fresh fruits and vegetables there were similar problems with the UNECE in relation to processed fruits and vegetables; cereals, pulses and legumes; and meat and poultry. These elements of the UNECE work could be taken up by existing Codex committees with small changes in their terms of reference if necessary.

28. The Executive Committee welcomed the opportunity to discuss means of avoiding duplication of work between UN agencies in this area. It noted that in recent years emphasis within the Codex framework was being directed to food safety and consumer protection; grade standards, particularly voluntary standards, may be seen as a shift away from the Commission's current priorities. Also it was noted that governments were moving away from the mandatory application of quality grade standards.

29. The Executive Committee noted however that grade standards, either voluntary or mandatory, will be applied by importing countries and presented a potential technical barrier to trade unless harmonized at an international level. Some Members deplored the action of the UNECE in unilaterally enlarging the scope of its regional standards to international trade.

30. The Executive Committee noted that negotiations between FAO and UNECE were ongoing. It accepted that the establishment of a joint ECE/Codex working party operating under the same host government arrangements which applied within the Codex framework was a possible and viable solution to the problem of duplication of work and recommended that this solution be among those considered. This could mean that the existing UNECE standards would be subject to further review before being proposed for adoption as Codex standards for use in international trade.

31. The Executive Committee strongly stated the need to avoid duplication of work in view of the potential for confusion in international trade should multiple standards for the same commodities be developed, and also in view of the financial situation facing international organizations. Furthermore, the Executive Committee stated that a careful examination of the implications of the integration of relevant UNECE activities into Codex would be necessary to ensure consistency with established Codex objectives and priorities.

32. On the proposal concerning the revision of the terms of reference of the Codex Committee on Tropical Fresh Fruits and Vegetables, the Executive Committee recognized that current international trade in fruits and vegetables did not discriminate between products produced in tropical areas and those produced in temperate zones. It noted that in view of the negotiations on the future of cooperation between UNECE and Codex the expansion of the Committee's terms of reference would be a consequential development of the establishment of a joint Codex/ECE working party as proposed above. If negotiations led to the

establishment of a joint Codex/ECE working party, the Executive Committee recognized that this would lead to an enlarged scope for the Committee along the lines of the proposed expanded terms of reference. The Secretariat undertook to report to the Executive Committee on the outcome or progress of the negotiations at the Committee's next session.

OTHER BUSINESS (Item 8)

THE NEED FOR MORE EFFECTIVE MECHANISMS TO DISTRIBUTE CODEX DOCUMENTS IN DEVELOPING COUNTRIES

33. Mr. Smith (Canada) informed the Committee of his recent experience in the Caribbean where he learned that various food control officials from the sub-region lacked any information concerning Codex and its work. Reportedly none of the officials contacted knew that Codex Contact Points existed in the concerned countries and therefore lacked valuable information concerning Codex and also food control information. Mr. Smith suggested that the Secretariat should look into different methods for dissemination of documentation, including innovative systems such as E-Mail and the use of videos.

34. There was agreement that the work of Codex should be publicised in a better manner and that dissemination of the materials might be made in a more up to date and modernized way. The Committee noted however, that the Codex Contact Point system worked exceptionally well in several developing countries such as Nigeria, Malaysia and Thailand but recognized that improvements should be made on a global basis so as to ensure that Codex documents and information were more properly distributed.

35. The Secretariat advised the Committee that several regional meetings had so far been held for National Codex Points; that in Asia the Regional Coordinating Committee for Asia was preparing guidelines for National Codex Contact Points; that such guidelines could be prepared by the Secretariat for implementation.

36. The Secretariat also reported that the new volumes of the Codex Alimentarius, including the Abridged version, had been published through the International Book System of Numbering (IBSN) and were made available to major libraries and scientific abstracting services. Potential users could identify the contents of the Codex Alimentarius through these services and the on-line FAO World Agricultural Information Centre as well as through FAO and WHO offices, the Secretariat and national Codex Contact Points.

37. It was agreed that the Contact Points were a necessity but that the system of distribution of documents and information could be improved in a number of countries. New means of distributing documents and information would be looked into by the Secretariat and a report of this review shall be provided to the next meeting of the Executive Committee.

PRESS PARTICIPATION AT CODEX SESSIONS

38. The Executive Committee was advised that the Codex Secretariat had been informed by Legal Counsel that, although Commission Sessions are public and therefore open to the press, this is not true for Committee sessions. The Commission at its 4th Session (1966) endorsed the Guidelines for Codex Committees which state that Committee sessions should not be public unless the Committee concerned decides otherwise.

39. The Executive Committee discussed the issue including the fact that the Joint FAO/WHO Conference on Food Standards, Chemicals in Food, and Food Trade had

recommended that Codex activities become more transparent. In addition, the value of having informative press reports of Codex sessions was emphasized. As a result of the discussions the Executive Committee recommended that the Commission adopt the position that the Guidelines for Codex Committees be reviewed and revised so as to simplify them and make the Commission's work more easily understood, and to open Codex work to the public and to the press to the greatest extent possible.

RELATIONSHIP BETWEEN EEC STANDARDS AND CODEX STANDARDS

40. The Member from Tunisia referred to discussions at the Executive Committee's previous session concerning the relationship between EEC Standards and Codex standards (ALINORM 93/3, paras. 84 and 85) and requested further information on the current situation. The Secretariat reported that it had taken this matter up with the Commission of the European Communities and had been assured that the EC had taken steps to apply Codex standards in European food legislation and regulations wherever possible. A number of EEC and Codex standards were comparable in their application. However, the integration of the European market had meant that EC standards should be seen more as being "national" standards rather than standards developed by the EEC as a regional intergovernmental organization. Within the context of the draft Uruguay Round decision on Sanitary and Phytosanitary Measures, the Commission of the European Communities had assured the Secretariat that the EC intended to work seriously towards the long-term harmonization process based on the use of Codex standards as foreseen in the Uruguay Round texts.

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