

codex alimentarius commission



FOOD AND AGRICULTURE
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JOINT OFFICE: Viale delle Terme di Caracalla 00100 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

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REPORT OF THE FIFTY-THIRD SESSION OF THE EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

WHO Headquarters, Geneva, 4 - 6 February 2004

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INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission held its Fifty-third Session at WHO Headquarters, Geneva, from 4 to 6 February 2004. The session was presided over by Dr Stuart Slorach (Sweden), Chairperson of the Codex Alimentarius Commission. The list of participants, including the Secretariat, is included as Appendix I to this Report.

2. The session was opened by Dr Kerstin Leitner, Assistant Director-General, Sustainable Development and Healthy Environments, WHO, who welcomed the participants on behalf of both FAO and WHO. She expressed her concern that in spite of the efforts made by both FAO and WHO to preserve Codex from automatic budgetary cuts resulting from the overall budget levels approved by the governing bodies of the parent organisations, the Codex budget for this present biennium had not increased in terms of purchasing power and this might jeopardize the implementation of the recommendations of the FAO/WHO Evaluation. She hoped that the Executive Committee would find solutions to this and the other difficult and delicate problems through prioritisation of activities.

3. Dr Leitner stated that FAO and WHO had been coordinating closely with each other in a number of areas related to food safety, including the provision of scientific advice, the management of the FAO/WHO Trust Fund, and capacity building in developing countries. In this context, she highlighted the importance for FAO and WHO to adopt an integrated approach and consider the usefulness of developing a joint funding strategy that incorporates the overall needs of the WHO and FAO food safety and foods standards related programmes.

ADOPTION OF THE AGENDA (Agenda Item 1)¹

4. The Executive Committee adopted the Provisional Agenda as the Agenda for its Session. It agreed to discuss the “Budgetary, Planning and Programming Matters” (Agenda Item 2(b)) before “Strategic and Managerial Matters” (Agenda Item 2(a)) to reflect the outcome of the discussion on Item 2(b) in the discussion of Item 2(a).

5. It was further agreed that the following matters be discussed under Other Business (Agenda Item 7) if time permitted: coordination of food safety related-work between Codex and other international standard-setting bodies, in particular the International Organization for Standardization (ISO); relations between Codex and the Office international des épizooties (OIE); clarification by the Legal Counsels of FAO and WHO of the second sentence of Rule IV.1 of the Rules of Procedure (“Not more than one delegate from any one country shall be a member of the Executive Committee”); standards management guidance on the project document to be developed by Japan on future work in the area of foods derived from biotechnology; definition of “developing countries” in the context of financial assistance to participate in the sessions of the Executive Committee.

IMPLEMENTATION OF THE JOINT FAO/WHO EVALUATION OF THE CODEX ALIMENTARIUS COMMISSION AND OTHER FAO AND WHO WORK ON FOOD STANDARDS (AGENDA ITEM 2)²

Strategic and Managerial Matters (Agenda Item 2a)³

Implementation Status of the Joint FAO/WHO Evaluation of the Codex Alimentarius and other FAO and WHO Work on Food Standards

6. The Executive Committee noted the progress being made in the implementation of the proposals endorsed by the 26th Session of the Commission and of the related decisions of the Commission, which were set out in Tables 1 and 2 of the document. The Chairperson noted that the issue of relations with OIE (Proposal No.37) would be considered under Other Business, while related work was going on in CCGP.

¹ CX/EXEC 04/53/1

² CX/EXEC 04/53/2

³ CX/EXEC 04/53/2, Part I

Review of the mandate of Codex Committees and Task Forces

7. The Executive Committee noted that the proposed timeframe mentioned in paragraph 6(b) of the document implied that the work would start immediately after the present session of the Executive Committee, due to the fact that the document had been prepared before the financial situation for this biennium was known.

8. Several members and observers expressed their opinion that, while the terms of reference for the review were in line with the previous decisions of the Commission, it might not be appropriate to start the review process immediately, in view of the degree of uncertainty in the Codex budget level for this biennium.

9. Several members reiterated that the criteria for the selection of consultants, proposed by the 52nd session of the Executive Committee, should be adhered to, including the knowledge of and vision for the Codex process as well as the geographical balance of consultants, and consideration of experts from developing countries. It was also pointed out that a broad survey of Member countries' needs should be included in the review study and that the views of the Chairpersons of Codex Committees and Task Forces be sought during the review.

10. The Executive Committee endorsed the terms of reference for the review set out in paragraph 6(a) of the document. The Executive Committee agreed that the recruitment of consultants be postponed until the 54th Session of the Executive Committee and the 27th Session of the Commission (June-July 2004) so that the final decision to start the review process would be taken by the Commission in the light of the budget available in the Codex Secretariat. The Executive Committee expressed its hope that by expediting the work of consultants, the final proposals coming out as the result of the review could still be presented to the Commission in 2005. It was noted that an informal meeting of Codex chairs to be organized during the next session of the Commission could provide preliminary input to the Secretariat.

Strategic Planning and Medium-term Plan

11. The Executive Committee recalled that the 26th Session of the Commission endorsed Proposals No.7 and No.13, both pertaining to the strategic planning. It also noted that the 19th Session of the Committee on General Principles agreed on the proposal to amend the Procedures for the Elaboration of Codex Standards and Related Texts, with a provision that "the strategic plan shall cover a six-year period and shall be renewed every two years on a rolling basis".

12. The Executive Committee noted that the Commission should in the future have a strategic plan covering a period of six years which incorporates both strategic objectives and priorities of the Commission as well as a list of planned activities serving the purpose of standards management.

13. The Member for Africa stated that the Codex strategic planning process should take into account the strategic framework of the parent organizations and should ensure consistency between the relevant work plans of Codex, FAO and WHO.

14. Considering the proposal in paragraph 8, the Executive Committee agreed that the current Strategic Framework 2003-2007 should continue to serve as Codex-wide guidance until a new Strategic Plan is adopted. The Executive Committee also agreed to start the preparation of a new Strategic Plan covering the period of 2008-2013 by early 2005, with a view to requesting the views of Regional Coordinating Committees on the draft Plan in due course and to presenting it for adoption by the Commission in 2007.

15. With regard to the Draft Medium Plan (MTP) 2003-2007, the development of which had been suspended since one year, many members supported Option 2 in paragraph 18(c) of the document. The Executive Committee therefore decided to discontinue further elaboration of the draft MTP. Its elements would however be used as a basis for preparing a list of programme areas/activities to be incorporated in the new Strategic Plan (2008-2013). During the absence of a MTP, the Executive Committee would exercise its critical review function, closely coordinate work between different Codex Committees and monitor the progress of standards development in accordance with the current Strategic Framework 2003-2007 and the Criteria for the Establishment of Work Priorities.

Standards Management

16. The Secretariat informed the Executive Committee that it should officially start assuming its standards management function, namely the Critical Review and monitoring of progress of standards development, after

the Commission had adopted the amendments to the Rules of Procedure⁴ and to the Procedures for the Elaboration of Codex Standards and Related Texts⁵.

17. The Member for North America stated that the process by which project documents for new work would be developed and reviewed by Codex Committees and be presented to the Executive Committee for the Critical Review needed to be streamlined under a uniform format/approach. This could require further work to be done by the Committee on General Principles, in addition to the proposed amendment to the Procedures for the Elaboration of Codex Standards and Related Texts, already submitted to the Commission.

18. While recognising the importance of the point raised by the Member for North America, the Executive Committee agreed that this matter could be looked at by the Committee on General Principles in future, given the current heavy workload of that Committee, in light of the experience to be gained under the new procedure.

19. The Executive Committee endorsed the proposal in paragraph 24 of the document and agreed to request the Secretariat to conduct a survey of draft texts under elaboration and document, for each of the draft text, how much time (in years) had been spent since the approval as new work. The Executive Committee requested the Secretariat to submit a report of this survey to the 55th Session of the Executive Committee, together with explanations by the chairperson of the Codex Committees concerned on any substantial delay in advancing the text in the Step Procedure.

20. The Executive Committee recommended that all Committees proposing new work should prepare a project document following the format proposed by the Committee on General Principles (ALINORM 04/27/33, Appendix III).

Action Plan for Codex-wide Development and Application of Risk Analysis Principles and Guidelines

21. The Executive Committee considered the proposals contained in paragraph 28 of the document. The Member for Africa stated that proposals for new work should be prioritised not only within a Codex Committee but also across the Committees on a Codex-wide basis. The Executive Committee noted that the matter was also linked to the provision of scientific advice, to be considered under Agenda Item 4.

22. The Executive Committee supported the proposals in paragraph 28 of the document and agreed to reformulate the first proposal to clarify its meaning. The Executive Committee therefore decided to:

- request each relevant Codex Committee, when developing or completing specific guidelines on risk analysis, to review and document the mechanism it uses to identify and prioritise proposals for new work, particularly in the light of needs for and availability of scientific advice;
- request the Committee on General Principle, when examining specific guidelines submitted by other Committees, to ensure as much consistency as possible between the guideline texts;
- request the Committee on General Principles to continue the revision of the Criteria for the Establishment of Work Priorities, especially from the viewpoint of the need for clear prioritisation of requests for scientific advice; and
- monitor the progress of all the work mentioned above and take into account its outcome in the development of the next Strategic Plan.

Budgetary, Planning and Programming Matters (Agenda Item 2b)⁶

23. The Secretariat informed the Committee of the updated budgetary situation presented in a Conference Room Document (CX/EXEC 04/53/2-Add.1), and highlighted the main elements of the current financial situation. The additional costs associated with the extraordinary session of the Commission and the publication of the Evaluation report had not been included in the 2002-2003 budget and resulted in a substantial deficit at the end of the biennium. Although part of it was covered by transferring funds from other FAO programmes, an amount of US \$ 142,000 was carried over to and subtracted from the 2004-2005 budget.

⁴ ALINORM 04/27/33 Appendix II

⁵ ALINORM 04/27/33 Appendix III

⁶ CX/EXEC 04/53/2, Part II; CX/EXEC 04/53/2-Add.1 (CRD 1)

24. Furthermore, following the decision of the 32nd FAO Conference to adopt a level below the Zero Real Growth scenario, the Codex programme was requested to reduce its spending by 5% for 2004-2005, to take account of the overall FAO budget reduction. The WHO contribution was expected to stand nominally at the same level as for the 2002-2003 biennium, pending the final decision on the cut in the WHO budget and pending the decision on staff secondment to the Codex Secretariat. If WHO staff were seconded to the Codex Secretariat, the result would represent an approximate increase of 30% of WHO contribution.

25. Because a significant portion of Codex expenditures was made in Euro, the recent weakness of US dollar vis-à-vis the Euro had also severely impacted on the increase in staff costs, thereby significantly reducing the availability of resources for non-staff costs. While all the figures presented in the document were of a tentative nature, the Joint Codex budget level was likely to be in the range of US \$ 5.6 to 6 million, depending on the final amount of the budgetary cut to be decided. The budget level at the lowest end of this range would only conserve the same purchasing power as the Codex budget in the previous biennium (2002-2003); a budget level of US \$ 6.6 million would be necessary if the purchasing power of the proposed Codex budget for 2004-2005⁷ presented at the 26th Session of the Commission was to be maintained and the recommendations of the Joint Evaluation implemented as scheduled.

26. As a result of the situation in the parent organizations, the Codex budget revenue might face a shortfall of up to US \$ 565,000, to be absorbed in non-staff costs. In order to take account of this reduction, the document presented a number of options that might be considered to reduce or eliminate activities in the present biennium. These options contained in the document CX/EXEC 04/53/2-Add.1 were mainly of three types: postponement of some activities related to the follow-up of the Evaluation; reduction of costs associated with interpretation, documentation and publication; and postponement of Codex sessions.

General comments

27. Several members stressed that the budget allocated to Codex activities by FAO and WHO should reflect the high priority of these activities for member states, and should allow the implementation of the recommendations of the Evaluation, as agreed by the 26th Session of the Commission.

28. Several members expressed the view that the two Senior Food Standards Officer posts that were currently kept vacant should be filled in view of the increased workload of the Secretariat, especially due to the new functions of the Executive Committee. In reply to a question, the Secretariat clarified that unless additional resources were found elsewhere, the filling of these posts might require an additional transfer of funds from non staff to staff costs, thus limiting further non-staff costs used to cover Codex activities.

29. The Committee noted that the FAO budget allocation for 2004-2005 had not been finalized and consequently the exact shortfall for the Codex budget was not yet known. Several members expressed the view that it was premature to decide on measures to reduce costs in the absence of precise figures.

30. The Committee considered the following proposals on how to proceed with the matter in the discussion: to concentrate on the proposals that would afford the most significant savings; to prepare different set of options corresponding to the different levels of reduction; to define the decision process that would be used to consider specific options at the next session of the Committee.

31. Some members pointed out that the document (CX/EXEC 04/53/2-Add.1) referred to the savings corresponding to the options but did not consider the consequences of each option for the Codex programme as a whole and for member countries, especially developing countries. It was also proposed to analyse each option in relation to the Strategic Framework and the recommendations of the Evaluation.

32. Several members proposed to defer consideration of the options proposed at this stage since the exact budget was not yet known and there had been no time for members to review the proposed options prior to the meeting.

Follow-up of the Evaluation

33. Many members expressed the view that there should be no delay in the implementation of recommendations of the 26th Session of the Commission and that the parent organizations should be urged to provide adequate funding for the Codex budget as a high priority, in view of its importance for member countries of FAO and WHO.

34. The Representative of FAO indicated that both FAO and WHO were fully supportive of the outcome of the Joint Evaluation. He stated that prior to the Joint Evaluation, FAO contributed 80% of the Codex budget and WHO 20% and that WHO's contribution would increase to 25% level in the 2004-2005 biennium.

Costs related to interpretation, documentation and publication

35. Some members proposed to reduce paper distribution of documents in order to reduce costs, as discussed in the Committee on General Principles, and to consider how the presentation of the Procedural Manual could be changed in order to avoid reprinting it every year. The Committee agreed that the Secretariat would send a Circular Letter to member countries concerning the promotion of electronic distribution of documents (in contrast to paper distribution) and would explore the possibilities of saving costs on the publication of the Procedural Manual. The Secretariat indicated that the present edition had been published in a simplified version in order to save costs and that a reduction of the number of copies was also envisaged. The Committee also agreed that the reduction in the distribution of printed documents or other cost saving measures should not result in difficulties for developing countries.

36. The Coordinator for the Near East expressed the view that the option of reducing the translation of documents and interpretation into Arabic and Chinese was not acceptable as this was essential for the participation of member countries concerned.

37. The Committee noted that a number of host countries ensured the translation, printing and distribution of working documents, thereby saving substantial costs to the Codex budget. It therefore agreed that host countries that did not contribute to the costs of documentation should be encouraged to do so. The Committee however clarified that the previous financial arrangements for Coordinating Committees should remain unchanged.

Codex sessions

38. Several members expressed the view that the postponement of Codex meetings was not acceptable as this was the core activity of Codex and it would be contrary to the recommendations of the Evaluation to improve the efficiency of the standard-setting process.

39. Some members pointed out that it would not be feasible to postpone sessions of Codex committees that were already scheduled for 2004, especially the meetings to be held before the next session of the Commission as most arrangements for these sessions had already been made. Other members noted that if the decision was delayed, the burden of the reduction would be concentrated on the activities of 2005. After some discussion, the Committee recognized that for practical reasons, no change could be proposed to the planning of meetings to be held in 2004.

40. As regards Coordinating Committees, the Coordinator for Latin America and the Caribbean expressed the view that regional coordination committees were especially important for developing countries as it might be the only occasion for member countries to exchange views and define their position on Codex matters at the regional level.

Further action

41. The Committee agreed that it was not possible at this stage to decide on the options proposed since the exact level of the Codex budget was not yet known and members needed more time to consider these proposals.

42. It was therefore agreed that the Chair, the Vice-Chairs and the Secretariat would prepare a revised document analyzing possible options to reduce the Codex expenditure. The document would consider the savings entailed by each option, its implications for the Codex programme as a whole, in relation to the Strategic Framework and the Evaluation, and its impact on developing countries. The Committee agreed that the options having the smaller negative impact and the higher savings should be preferred, and noted that the options might be grouped by category or ranked according to their impact. The first draft would be circulated to all members and observers of the Executive Committee for comments and a revised version would be prepared for consideration by the next session of the Executive Committee, in order to propose specific recommendations to the 27th Session of the Commission.

43. The Committee also agreed to request FAO and WHO to reconsider their respective budgets allocated to Codex and increase them to an appropriate level, so as to fully implement the recommendations on the follow-up of the Evaluation as approved by the 26th Session of the Commission. Furthermore, the Committee strongly urged FAO and WHO to examine ways to fill vacant posts in the Codex Secretariat without negatively impacting on the non staff costs of the Codex budget.

FAO/WHO PROJECT AND TRUST FUND FOR ENHANCED PARTICIPATION IN CODEX - THIRD PROGRESS REPORT (AGENDA ITEM 3)⁸

44. The Representative of FAO, in his capacity as the Chairman of the Joint FAO/WHO Consultative Group for the Trust Fund, informed the Committee that the US \$ 500,000 threshold of the Trust Fund would be reached very soon to make the Trust Fund operational. He further indicated that the Consultative Group of the Trust Fund had reviewed the criteria for eligibility of member states taking into account the comments made at the 51st Session of the Executive Committee and the 26th Session of the Commission. The Group had reviewed the three official lists produced within the United Nations system: the list of Least Developed Countries established by the United Nations Economic and Social Council; the World Bank classification of economies for the year 2004; and the Human Development Index 2003. As a result it was proposed to use a list combining all three lists and to classify developing countries in three groups of countries, two of which were further subdivided. The document also provided an indicative distribution of funds according to outputs and an indicative matching scale to be used when establishing a matching plan with the beneficiary countries.

45. In reply to some questions, the Committee noted that the Trust Fund should not be used to support participation in the Executive Committee, to be funded from the Codex budget, and that the priorities would be defined by the applicant countries, and that a regular report would be provided to the Commission on the operation of the Trust Fund.

46. The Member for Africa expressed the view that the indicative distribution of funds should be reviewed to ensure that all countries had the same opportunity for funding from the Trust Fund. The Representative of WHO however recalled that it had been agreed earlier to give priority to least developed countries and in general to those countries that needed more assistance to participate in the Codex process. The Representative also pointed out that the Trust Fund was intended to facilitate participation in Codex sessions while other capacity building activities were ongoing in the area of food safety and Codex related issues.

47. The Member for North America presented the comments of the United States, that proposed another set of criteria referring to the involvement of countries in Codex; participation in international trade; and participation in WTO.

48. The Member for North America also expressed the view that the current level of funding was too low and that FAO and WHO should more actively seek sources of funding, and in particular that this issue should be raised in the WTO Committee on Sanitary and Phytosanitary Measures. The Committee agreed with the views expressed by the Member concerning the funding.

⁸ CX/EXEC 04/53/3, CRD 3 (comments of the United States)

49. The Coordinator for Latin America and the Caribbean expressed the view that the criteria were not clear enough and should be reviewed in order to include others already mentioned by the Member for North America, in particular the capacity of countries to participate effectively.

50. After extensive discussion, the Committee agreed that the current criteria proposed in the document should be used in order to allow the Trust Fund to become operational in a first stage, but that they would be reconsidered on a regular basis, taking into account the report received on the distribution of funds (see para. 45 of this report).

51. The Committee considered how to operate with the minimum amount of \$ 500,000 in order to ensure equity among countries within the same group and to use all available funds. The Committee agreed that Option 2 as proposed in the working document was preferable; if not all 133 eligible countries applied immediately, all applicants could obtain at least their priority request. Any remaining funds would be allocated in order to achieve to the greatest extent possible the indicative breakdown in the distribution of funds.

52. In reply to some questions concerning information provided to member countries concerning the Trust Fund, the Representative of WHO indicated that the call for applications had been placed on the WHO website at the following address: <http://www.who.int/foodsafety/codex/trustfund/> and on the FAO website, and had been distributed to the Codex-L to Codex Contact Points.

53. The Representative of WHO stated that FAO and WHO would make sure that the call for application be received by all eligible countries through the regional and country offices of the organizations.

54. The Committee noted that the feedback from beneficiary countries, including an evaluation of the Fund's effectiveness in enhancing participation in Codex, would be essential for the management of the Trust Fund and for widening the basis of potential donors.

OTHER MATTERS ARISING FROM FAO AND WHO (Agenda Item 4)⁹

55. The Committee recalled that the 26th Session of the Commission had noted the large number of requests for scientific advice originating from Codex Committees and recognized the need to prioritize its requests. The Commission had asked the Executive Committee to consider the requests put forward by Codex Committees with a view to their prioritization.

56. The Representatives of FAO and WHO informed the Committee about the current budget situation and noted that the provision of scientific advice would be contingent on the resources available to FAO and WHO, and in this regard the advice of the Committee would provide useful advice to the parent organizations.

57. The Member for North America noted that a large portion of WHO's budget for the provision of scientific advice was expected from extrabudgetary sources and urged WHO to shift the budget sources to the Regular Budget to increase sustainability.

58. The Committee considered Annex 1 of the working document, listing all requests for scientific advice and their status. The Chairperson noted that action had already been taken on several requests for scientific advice as the expert consultations had been held or were in preparation, and proposed to concentrate on those requests that had not yet been addressed.

59. Some members pointed out that before considering specific requests, it would be necessary to establish criteria. The Committee however recognized that it was not possible to consider the criteria in detail at the current meeting due to time constraints, but that it was urgent to provide some guidance concerning pending requests for scientific advice. It was therefore agreed to consider the requests on a case by case basis and to have a general and preliminary discussion on the criteria proposed by the FAO and WHO Secretariats.

⁹ CX/EXEC/04/53/4, CX/EXEC/04/53/4-Add.1

Functional Foods

Upper Limits for Vitamins and Minerals

60. The Committee noted the two proposals for the provision of scientific advice that had been considered by the Committee on Nutrition and Foods for Special Dietary Uses (Items 6 and 9, Annex I of the document).

61. The Member for Asia recalled that the 26th Session of the Commission had requested FAO and WHO to convene an expert consultation on the safety and regulatory aspects of functional foods, following the request of the Coordinating Committee for Asia, due to the importance of this question in the Asian Region. Supported by the Coordinator for Asia, the Member for Africa and the Coordinator for Africa, the Member for Asia stated that a high priority should be given to this item.

62. The Member for Asia expressed its disagreement with the opinion of the Committee on Nutrition and Foods for Special Dietary Uses that functional foods could be considered in conjunction with health claims as several other issues needed to be addressed, especially food safety. The Member also pointed out that scientific advice on functional foods and the request concerning upper levels of vitamins and minerals were equally important, but that they were two separate issues.

63. The Member for Asia emphasized the urgent need for an expert consultation on functional foods on account of prevailing uncertainties on this subject and the lack of infrastructure and expertise in many developing countries in this area.

64. The Member for Europe recalled that the Committee on Nutrition and Foods for Special Dietary Uses had considered that the first priority should be given to upper limits for vitamins and minerals rather than functional foods, and noted that the advice of the general subject committee concerned should be taken into account in the prioritization process.

65. The Member for North America, recalling the importance of clear criteria for prioritization, expressed the view that requests for scientific advice should be clearly framed and should have direct relevance in the framework of Codex. The Member noted that there was no international definition of functional foods and no ongoing Codex work in this area and therefore expressed concern with this request in view of the limited resources available. These views were supported by the Member for the South West Pacific, who pointed out that scientific advice on limits for vitamins and minerals had been a standing request of the CCNFSDU for several years.

Active Chlorine

66. The Member for North America recalled its earlier concern with this request and noted that since the Committee on Food Additives and Contaminants had initiated the development of a Code of Practice for the Use of Active Chlorine the need for a scientific evaluation might not be critical.

Antimicrobial Resistance

67. The Member for North America expressed strong concern at the process followed for convening the FAO/WHO/OIE expert workshops, including the selection of experts, the transparency of the process, the lack of separation between risk assessment and risk management, and inadequate risk communication. The Member pointed out that most of the recommendations of the first FAO/WHO/OIE workshop were not directed to Codex and that the result of the workshop should be reported to the Executive Committee and the Commission, and then to the relevant Codex Committees before convening a second workshop.

68. The Representative of WHO recalled that FAO and WHO had applied the same procedures and criteria for the selection of experts as in the case of JEMRA in order to ensure transparency and geographical balance. Two separate workshops had been organized in order to ensure the separation between risk assessment and risk management issues. The Representative pointed out that the workshops had been organized jointly with OIE and addressed the need for a multidisciplinary approach to coordinate the work of all organizations involved, in order to carry out a comprehensive risk analysis specifically based on the Codex Working Principles for Risk Analysis.

The Representative also pointed out that because of the multidisciplinary nature of the meetings, the advice would also be aimed at the managers other than Codex, i.e. OIE, FAO (IPPC) and WHO. The Committee noted that the report of both workshops would be presented to the Commission and the Committees concerned.

69. The Chairperson informed the Committee that IFAH (International Federation of Animal Health) had sent him a letter expressing its concern with the process and recommendations of the expert workshops on antimicrobial resistance and that WHO had provided its comments to the Chairperson on behalf of FAO and WHO. Both letters were made available to the Committee for information.

Integration of risk assessment results in the development of standards and related texts Risk assessment of 32 pathogen-commodity combinations

70. The Member for North America indicated that the integration of risk assessment in the standard setting process was the main issue to be addressed by the Committee on Food Hygiene and that substantial discussion would be required in that Committee, especially on the results of the Kiel Consultation. Further request for scientific advice would depend on the outcome of discussions. The Member also noted that the need for and use of specific risk assessments for various pathogen-commodity combinations would require detailed consideration in the Committee on Food Hygiene. The Member for North America therefore recommended that additional expenditures on these projects should not be made until further direction be provided by the Committee on Food Hygiene to FAO and WHO.

Criteria for the evaluation of the safety of acceptable previous cargoes

71. The Committee noted that the Commission had agreed that FAO and WHO should convene an expert consultation to address the request of the Committee on Fats and Oils on the development of criteria for the evaluation of acceptable previous cargoes in the framework of the Code of Practice for the Transport and Storage of Fats and Oils in Bulk.

72. The Member for North America expressed its general reservation on the establishment and maintenance of item lists in the framework of Codex since the standard-setting process did not allow regular and timely updating of lists such as acceptable cargoes.

Scientific advice related to pesticide MRLs

73. The Committee noted that the improvement of the Methodology for Point Estimates on dietary exposure assessment was part of a general effort to standardize the methodology for exposure assessment in order to improve MRL setting and that training courses for developing countries participants were also planned. It was however noted that training activities should not be considered as part of requests for scientific advice.

74. The Committee noted that the Zoning Report on minimum data requirements for establishing MRLs and Import Tolerances would be the object of an expert consultation with the objective of decreasing the workload of JMPR.

Risk Assessment of Genetically Modified Animals

75. Mr Hiroshi Yoshikura, the Vice-Chairperson, pointed out that the Codex *ad hoc* Intergovernmental Task Force for Foods Derived from Biotechnology was not the originator of Item 17 in Annex I of the document.

Criteria for setting priorities

76. The Committee noted that the following preliminary criteria been prepared by the FAO/WHO Secretariats:

- Relevance in relation to the strategic objectives and priorities as defined in the Strategic Framework;
- Significance and urgency to the work of Codex and to member countries in terms of public health and international trade;

- Clear definition of the scope and objective of the request ;
- Nature of the data required and assurance of the availability of the data;
- Clear indication of the way in which the advice will be used in the work of Codex;
- Indication of the availability of necessary resources (budget or in kind) from sources, including FAO/WHO and countries interested in the subject.

77. The Committee recognized that it would not be possible to finalize the criteria at this stage as this would require further discussion and had a general discussion on the establishment of priorities.

78. Some members expressed the view that, in general, priority should be given to issues directly related to food safety and that the relevance to the advancement of Codex texts should also be considered in the setting of priorities.

79. Some members pointed out that Committees should also establish their priorities at the level of the Committee as this would facilitate the consideration of overall priorities in the Executive Committee. The Committee agreed that Codex Committees should develop criteria for this purpose in their respective areas of competence (see para. 22 of this report).

80. The Member for Asia proposed that the following elements should be considered in the priority setting: requests originating from developing countries; decisions of the Commission or the Executive Committee; requests that had already been prioritized at the Committee level (when several requests originated from the same committee). This proposal was supported by the Member for Africa.

81. The Member for North America proposed to add two criteria: adherence to the Working Principles for Risk Analysis, especially in order to ensure separation between risk assessment and risk management; and the relevance of the advice to accelerate the finalization of a standard under development.

82. The Coordinator for the Near East expressed the view that priorities should be established also on a regional basis, especially to achieve geographic equity and to take into account the specific needs of developing countries.

83. The Committee could not reach a conclusion on the above proposals for criteria and agreed to consider this question further at its next session. The Chairperson invited members and observers to give more thoughts to this issue prior to the next session of the Committee.

Provision of scientific advice

84. The Representative of WHO informed the Committee of the status of the consultative process for the provision of scientific advice to Codex and member countries. The FAO/WHO Workshop on the Provision of Scientific Advice, held 27 - 29 January 2004 at WHO headquarters, had considered the proposals to improve the current procedures and to achieve better coordination in the provision of scientific advice. The Representative underlined the importance of basic guiding principles such as transparency and the need for a new integrated management function, including the establishment of an independent advisory group. The Workshop had considered the issues related to the selection of experts and the specific problems of developing countries, and had identified the gaps where further work was needed.

85. The recommendations of the Workshop would be circulated for comments to member countries of FAO and WHO. These comments would be collated by FAO and WHO for consideration by the expert consultation, which would be convened towards the end of 2004 to finalize the recommendations on the provisions of scientific advice, if funding was available. The Committee noted that a progress report on the consultative process would be presented to the 27th Session of the Commission for discussion.

MATTERS ARISING FROM CODEX COMMITTEES AND TASK FORCES (Agenda Item 5)¹⁰

86. The Committee noted that several matters in the document were presented for information and that the matters related to scientific advice had been addressed under Agenda Item 4 Other Matters Arising from FAO and WHO: Committee on Nutrition and Foods for Special Dietary Uses: Functional Foods (see paras. 60-65 of

¹⁰ CX/EXEC 04/53/5

this report); Committee on Fats and Oils: Evaluation of previous acceptable cargoes (see paras.71-72). It was also noted that action had been taken by FAO and WHO on the requests for scientific advice from the Committee on Food Hygiene and the Committee on Fish and Fishery Products.

Committee on Fish and Fishery Products: Methylmercury in Fish

87. The Committee considered the request from the CCFFP as to whether it should discontinue the establishment of the list of predatory fish associated with the Guidelines Levels on methylmercury in fish, and to provide advice on how future work should proceed in view of the recent re-evaluation of methylmercury by JECFA.

88. The Committee agreed that:

- CCFFP should discontinue work on the list of predatory fish;
- CCFAC should consider whether current Guideline Levels for methylmercury in fish needed be revised in the light of the recent risk assessment by JECFA, and/or if any other risk management options, including formulation of specific dietary advice, would be appropriate; and
- CCFFP should consider whether it was feasible to group fish into different categories in regard to the mercury content.

89. The Committee also recommended that the CCFFP and CCFAC should coordinate further work in this area.

DRAFT PROVISIONAL AGENDA FOR THE 27TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION (Agenda Item 6)¹¹

90. The Executive Committee considered the proposed Draft Provisional Agenda and the Timetable for the 27th Session of the Codex Alimentarius Commission provided in the annex of the document. The Committee noted that while a five-day meeting had previously been planned for, the timetable shown was based on a six-day meeting scenario in view of the significant number of agenda items as well as the elections of the Chairperson and Vice-Chairpersons. The Committee supported a six-day meeting.

91. The Executive Committee noted that the final Provisional Agenda would be prepared by the Directors-General of FAO and WHO, in consultation with the Chairperson.

OTHER BUSINESS (Agenda Item 7)

Clarification of the second sentence of Rule IV.1 of the Rules of Procedure

92. The second sentence of Rule IV.1 reads: “Not more than one delegate from any one country shall be a member of the Executive Committee”. The Chairperson recalled that the question of whether the Chairperson and Vice-Chairpersons of the Commission should be considered as “delegates” in the sense of this Rule had been raised in the 19th (extraordinary) session of the Committee on General Principles¹², particularly in relation to the special situation of the North America region consisting of two countries only. He indicated that better understanding of the matter from a legal point of view would contribute to clarify, for instance, whether a national of the country currently serving as a Member of the Executive Committee elected on a geographic basis could stand as a candidate in the elections of the Chairperson and Vice-Chairpersons of the Commission. The proposed amendment to the Rules of Procedure implying that Coordinators would become Members of the Executive Committee should also be taken into account.

93. Mr Tom Topping, the Legal Counsel of WHO, informed the Committee that the view he would express should be considered as provisional, since mutual consultation between the Legal Counsels of FAO and WHO on this matter was still in progress. The Legal Counsel of WHO referred to the precedence that a Member elected on a geographic basis actually resigned following the election of one of its nationals as the Vice-

¹¹ CX/EXEC 04/53/6 Rev.

¹² ALINORM 04/27/33 paras.15-22

Chairperson and stated that the Commission's standing practice indicated that the term "delegate" had always been interpreted to include the Chairperson and Vice-Chairpersons of the Commission.

94. On the other hand, the Legal Counsel of WHO stated that when looking at the roles of the Chairperson and Vice-Chairpersons, they were supposed to represent the interest of the whole membership of the Commission rather than that of his or her country of origin and that it was also possible to differentiate between the Chairperson/Vice-Chairpersons and other Members of the Executive Committee. He was of the opinion that the degree of stringency of the language as it appeared in the Rule in question was not such that would prevent the second interpretation, according to which the Chairperson and Vice-Chairpersons were not considered as "delegates".

95. The Legal Counsel of WHO stated that in the future the Commission could choose to adopt an interpretational statement to change the way the term "delegate" was understood, or even to revise the Rule and make the provision less ambiguous. He further indicated that the inclusion of Coordinators as Members of the Executive Committee consequential to the amendment of the Rules of Procedure would not directly affect the interpretation of the term "delegate".

96. The Executive Committee thanked the Legal Counsel of WHO for providing his advice and hoped to receive legal advice from FAO and WHO whenever the need arose.

Coordination of work between Codex and the International Organization for Standardization (ISO)

97. The Executive Committee noted that the Committee on General Principles was working on the possible arrangements for cooperation between Codex and intergovernmental organizations, including OIE.

98. The Member for North America stated that the ISO, mainly through TC34, was working actively in areas related to food safety, such as HACCP and traceability. He recalled that the Codex Secretariat had sent a communication to TC 34 to express concern for potential duplication and /or conflict of work between the ISO and Codex.

99. Following the suggestion of the Member for North America, the Executive Committee agreed that the Codex Secretariat establish preliminary contact with the ISO to obtain information on the current status of food safety-related work within the ISO and present its findings to the Executive Committee, together with the implications to the work being undertaken by Codex.

Relations between Codex and the Office international des épizooties (OIE)

100. The Chairperson recalled that the Director-General of OIE had informed the 26th Session of the Commission that an OIE Working Group on Animal Production Food Safety had been established in 2002, including experts from Codex, with a mandate to elaborate international standards on microbiological and chemical hazards existing in the animal production chain, to identify gaps and duplication in OIE and Codex texts and to ensure their harmonization and to strengthen the collaboration between the two organizations¹³. The Working Group had held two meetings and a third meeting was to take place in April 2004.

101. The Executive Committee noted that there were a number of areas for potential collaboration between Codex and OIE, including animal feeding, veterinary drugs, BSE and fish farming, and that there was pressing need to avoid duplication and gaps in the work undertaken by Codex and OIE.

102. The Executive Committee further noted that cooperation agreements existed between FAO and OIE, and between WHO and OIE, but not between Codex and OIE. It further noted that any future collaboration in which Codex might wish to engage with OIE would need to be appropriately handled by the parent organizations in accordance with the statute of the Commission and the relevant rules of the parent organizations.

103. The Executive Committee agreed to request FAO and WHO to initiate discussion with OIE as to how to foster and oversee the relations between Codex and OIE, and that the Executive Committee and the Commission should be consulted by the parent organizations before concrete steps be taken to develop such relations. The Committee also noted that cooperation with OIE would be considered in the framework of cooperation with international governmental organizations being developed by the Committee on General Principles.

¹³ ALINORM 03/41, para.191

104. The Member for the South-West Pacific stated that a brief document describing the nature of international standard-setting organizations and their potential for collaboration with Codex would be useful to promote the general understanding of the issue.

Definition of “developing countries” in the context of financial assistance to participate in the sessions of the Executive Committee of the Codex Alimentarius Commission

105. The Executive Committee agreed that the list of 133 countries set out in Annex 2 of the document CX/EXEC 04/53/3 (FAO/WHO Trust Fund) could serve, on an interim basis, for the purpose of understanding the scope of the term “developing countries” used in the proposed new Rule XIII.3¹⁴. It was understood that the list would be updated annually to include new Codex members and to reflect changes in the economic situation of countries.

106. The Codex Secretariat clarified that after the entry into force of the proposed new Rule, the new provision would then be reflected in the preparation of the first biennial budget to be prepared by FAO and WHO. While its immediate implementation was not totally excluded, it was unlikely that under the current financial situation of the Codex programme the financial assistance would become operational during the present biennium.

Standards management guidance on the project document for new work related to foods derived from biotechnology

107. Vice-Chairperson Mr Paul Mayers indicated that the Executive Committee could provide practical guidance on the procedure in which the project document for new work related to foods derived from biotechnology would be prepared by Japan and submitted to the Commission¹⁵. Vice-Chairperson Mr Hiroshi Yoshikura further explained that the *ad hoc* Task Force, a potential forum for consulting Member countries in determining specific areas of work, was dissolved and that it was unpractical to develop a detailed project document without receiving a broad input from countries.

108. The Executive Committee agreed that Japan would prepare a project document in the form of draft terms of reference for a new *ad hoc* Task Force with a list of potential areas of work, that this document be circulated to governments for comments and that the Commission would take the final decision as to whether Task Force should be established to undertake new work in this area.

¹⁴ ALINORM 04/27/33, Appendix II

¹⁵ ALINORM 03/41, para. 230

List of Participants
Liste des participants
Lista de participantes

CHAIRPERSON

Dr Stuart Alexander Slorach
Acting Director-General
National Food Administration
PO Box 622
SE-75126 Uppsala
Sweden
Phone: +46.18.175594
Fax: +46.18.105848
Email: stsl@slv.se

VICE-CHAIRPERSONS

Dr C.J.S. Moshia
Chief Standards Officer (Food Safety & Quality)
Head, Agriculture and Food Section
Tanzania Bureau of Standards
P.O. Box 9524
Dar Es Salaam
Tanzania
Phone: +255.22.245.0206 (mobile: 255.741.32.44.95)
Fax: +255.22.245.0959
Email: cjsmosha@yahoo.co.uk

Mr Paul Mayers
Associate Director General
Food Directorate, Health Products and Food Branch
Health Canada
Building #7, Room 1110 (0701A5)
Tunney's Pasture
Ottawa, Ontario, K1A OL2
Canada
Phone: +613.952.3368
Fax: +613.957.1784
Email: paul_mayers@hc-sc.gc.ca

Dr Hiroshi Yoshikura
Director General
National Institute of Infectious Diseases
1-23-1 Toyama, Shinjuku-ku
Tokyo 162-8640
Japan
Phone: 81-3-5285-1111
Fax: 81-3-5285-1193
Email: yoshikura@nih.go.jp

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

Mr Medi MOUNGUI
Représentant Permanent-Adjoint de Cameroun
auprès de la FAO
Ambassade de la République du Cameroun
Via Siracusa 4-6
00161 Rome
Phone: 39.06 44 03644
Fax: 39.06 44 03644
Email: medimoungui@virgilio.it

ASIA

Mr Gilberto LAYESE
Director
Bureau of Agriculture and Fisheries Products Standards
Department of Agriculture
BPI Compound, Visayas Avenue, Diliman
1101 Quezon City
Philippines
Phone: +632.920.6132
Fax: +632.920.6134
Email: bafps@yahoo.com

Advisers to the Member for Asia

Mrs Noraini DATO' MOHD OTHMAN
Deputy-Director
Food Quality Control Division
Department of Public Health
Ministry of Health Malaysia
Health Offices Complex
3rd Floor, Block B, Jalan Cenderasari
50590 Kuala Lumpur
Malaysia
Phone: (603) 2694.6523
Fax: (603) 2694.6517
Email: norainio@hotmail.com

Mr Seungweon JEONG Ph. D.
Senior Research Scientist
Korea Food Research Institute
Food Industry Promotion Division
Food Standards Team
46-1 Baekhyun-dong, Bundang-gu
Seongnam-si, Kyunggi-do, 463-746
Republic of Korea
Phone: (82) 31.780-9158
Fax: (82) 31.780-9264
Email: donow@kfri.re.kr

EUROPE

Mr Charles Crémer
Directeur
Service Public Fédéral
Sécurité de la chaîne alimentaire
et Environnement
Cité administrative de l'Etat
Quartier Arcades 4
B-1010 Bruxelles
Belgium
Phone : +32.2 210 5246
Fax : +32.2 210 4816
Email : charles.cremer@health.fgov.be

Advisers to the Member for Europe

Mr Richard Howell
Agricultural Inspector
Codex Contact Point for Ireland
Department of Agriculture and Food Research, Food and Codex
Co-ordination Division
7C Agriculture House
Kildare St., Dublin 2
Ireland
Phone: 3531-607-2572
Fax: 3531-661-6263
Email: richard.howell@agriculture.gov.ie

Mme Roseline Lecourt
DGCCRF
Ministère de l'économie, des finances et de l'industrie
59, Boulevard Vincent Auriol
75703 Paris Cedex 13
France
Phone: (33) 1.44-97-3470
Fax: (33) 1.44-97-3037
Email: roseline.lecourt@dgccrf.finances.gouv.fr

**LATIN AMERICA AND THE
CARIBBEAN**

Ms Aída Albuérne Piña
General Director Sanitary Control of Products and Services
Federal Commission for Protection from Sanitary Risks
COFEPRIS
Monterrey 33, Floor 2o
Col. Roma.
06700 Mexico D.F.
Mexico
Phone : +5255.55.14.64.57
Fax : +5255.5080.50.05
Email: aalbuerne@salud.gob.mx

Adviser to the Member for Latin America and the Caribbean

Ms René Salas Guerrero
Deputy Director of International Operations
Federal Commission for Protection from Sanitary Risks
COFEPRIS
Monterrey 33 – Floor 5
Col. Roma.
D.F. Mexico 06700
Mexico
Phone : + 52.55.5514 8586
Email: rsalas@salud.gob.mx

NORTH AMERICA

Dr. F. Ed. Scarbrough
Manager, U.S. Codex Office
Food Safety and Inspection Service
U.S. Department of Agriculture
Room 4861 South Building
1400 Independence Avenue, SW
Washington, DC 20250
U.S.A.
Phone: (202) 720-2057
Fax: (202) 720-3157
Email: ed.scarbrough@fsis.usda.gov

Advisers to the Member for North America

Mr. Gregory D. Orriss
Director
Bureau of Food Safety and Consumer Protection
Food Safety Directorate
Canadian Food Inspection Agency
159 Cleopatra Drive
Nepean, Ontario, K1A 0Y9
Canada
Phone: 613-221-7162
Fax: 613-221-7295
Email: orrissgr@inspection.gc.ca

Dr. Karen Hulebak
Chair, Codex Committee on Food Hygiene
Assistant Administrator for Public Health and Science
U.S. Department of Agriculture
Food Safety and Inspection Service
1400 Independence Avenue, SW
Room 341E-Jamie Whitten Building
Washington, DC 20250
U.S.A.
Phone: (202) 720-2644
Fax: (202) 690-2980
Email: Karen.Hulebak@fsis.usda.gov

SOUTH WEST PACIFIC

Dr Gardner Murray
Executive Director, Product Integrity
Animal & Plant Health
Australian Chief Veterinary Officer
Department of Agriculture, Fisheries and Forestry
Edmund Barton Building – Barton
GPO Box 858
Canberra ACT 2601
Australia
Phone:+61 262 725848
Fax: +61 262 725697
Email: gardner.murray@affa.gov.au

Adviser to the Member for the South West Pacific

Mr Rajasekar Sundararaman
Programme Manager (Codex)
New Zealand Food Safety Authority
68-86 Jervois Quay
Wellington
New Zealand
Phone:+64 4 4632576
Fax: +64 4 4632583
Email: RajasekarS@nzfsa.govt.nz

OBSERVERS**Coordinator for Africa**

Mr Lhoussaine Saad
Ministère de l'agriculture et du Développement Rural
Chef du Service Technique à la Division de la Répression
des Fraudes, DPVCTRF,
Avenue Hassan II, Station Dbagh
BP 1308
Rabat
Maroc
Phone:+ 212.37.29.7546
Fax: + 212.37.29.81.50
Email: saad_lho@yahoo.fr

Coordinator for Asia

Mr Seoung Yong Lee
Deputy Director
Dept. of Food Safety, Food Safety Bureau
Korea Food & Drug Administration
5 Nokbun-dong Eunpyung-Ku
Seoul, 122-704
Republic of Korea
Tel.: 82-2-380-1726/7
Fax: 82-2-388-6396
E-mail: sylee0@kfda.go.kr

Coordinator for Europe

Prof. Milan Kováč
Director
National Focal Point for Codex Alimentarius
Food Research Institute
Priemysel'ná 4
P.O. Box 25
82475 Bratislava 26
Slovak Republic
Phone:+00 4212-5557 4622
Fax: +00 4212-5557 1417
Email: milan.kovac@vup.sk

**Coordinator for Latin America
and the Caribbean**

Dr Gabriela Alejandra Catalani
Technical Coordinator of the Codex Contact Point
Dirección Nacional de Mercados Agroalimentarios
Subsecretaría de Política Agropecuaria y Alimentos
Secretaría de Agricultura, Ganadería, Pesca y Alimentos
Paseo Colón 922, Of. 29
1063 Buenos Aires
Argentina
Phone:+54 11 4349-2549
Fax: +54 11 4349-2244
Email: gcatal@sagpya.minproduccion.gov.ar
codex@sagpya.minproduccion.gov.ar

Coordinator for the Near East

Eng. Salem Al-Qheiwí
General Manager Assistant
Institution for Standards and Metrology "JISM"
P.O. Box 941287
Amman 11194
Jordan
Phone: +962 06 5665276 or 5680139
Fax: +962 06 568 1099
Email: Jism@nic.net.jo

**WORLD HEALTH
ORGANIZATION (WHO)**

Dr Jorgen Schlundt
Director
Food Safety Department
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

Dr Wim van Eck
Senior Adviser to the Executive Director SDE
on Food Safety and Nutrition
Food Safety Department
World Health Organization (WHO)
20 Avenue Appia
CH-1211 Geneva 27
Switzerland

Phone: +41 22 791 3582
Fax: +41 22 791 4807
Email: vaneckw@who.int

Ms Mary Vallanjon
Liaison Officer
Food Safety Department
World Health Organization (WHO)
20 Avenue Appia
CH-1211 Geneva 27
Switzerland

Phone: +41 22 791 2373
Fax: +41 22 791 4807
Email: vallanjonm@who.int

Mr Tom Topping
Legal Counsel
World Health Organization (WHO)
20 Avenue Appia
CH-1211 Geneva 27
Switzerland

Phone: +41 22 791 2640
Fax: +41 22 791
Email: toppingt@who.int

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

Dr Jean-Louis Jouve
Chief
Food Quality and Standards Service
Food and Nutrition Division
Food and Agriculture Organization (FAO)
Viale delle Terme di Caracalla
00100 Rome
Italy
Phone: +39.06.570.55858
Fax: +39.06.570.54593
Email: jeanlouis.jouve@fao.org

SECRETARIAT

Dr Kazuaki Miyagishima
Secretary, Codex Alimentarius Commission
Joint FAO/WHO Food Standards Programme
Food and Nutrition Division
Food and Agriculture Organization (FAO)
Viale delle Terme di Caracalla
00100 Rome
Italy
Phone: +39.06.570.54390
Fax: +39.06.570.54593
Email: kazuaki.miyagishima@fao.org

Ms Selma H. Doyran
Food Standards Officer
Joint FAO/WHO Food Standards Programme
Food and Nutrition Division
Food and Agriculture Organization (FAO)
Viale delle Terme di Caracalla
00100 Rome
Italy
Phone: +39.06.570.55826
Fax: +39.06.570.54593
Email: selma.doyran@fao.org

APPENDIX II

**DRAFT PROVISIONAL AGENDA FOR THE 27TH SESSION OF
THE CODEX ALIMENTARIUS COMMISSION
Geneva, Switzerland (28 June - 3 July 2004)**

PART I: INTRODUCTION

1. Adoption of the Agenda and Arrangements for the Session
2. Report by the Chairperson on the 53rd and 54th Sessions of the Executive Committee

PART II: PROCEDURAL MATTERS

3. Amendments to the Procedural Manual
 - a) Amendments to the Rules of Procedure
 - b) Other amendments to the Procedural Manual

PART III: CODEX STANDARDS AND RELATED TEXTS

4. Draft Standards and Related Texts at Step 8 of the Procedure (including those submitted at Step 5 with a recommendation to omit Steps 6 and 7 and those submitted at Step 5 of the Accelerated Procedure)
5. Proposed Draft Standards and Related Texts at Step 5
6. Withdrawal or revocation of existing Codex Standards and Related Texts
7. Proposals for the elaboration of new Standards and Related Texts

PART IV: POLICY AND GENERAL MATTERS

8. Implementation of the Joint FAO/WHO Evaluation of the Codex Alimentarius and other FAO and WHO Work on Food Standards
9. FAO/WHO Project and Trust Fund for Enhanced Participation in Codex
10. Other Matters arising from FAO and WHO
11. Relations between the Codex Alimentarius Commission and other International Organizations
12. Matters arising from the reports of Codex Committees and Task Forces

PART V: PROGRAMME AND BUDGETARY MATTERS

13. Strategic Planning of the Codex Alimentarius Commission
14. Financial and Budgetary Matters
15. Election of Chairperson and Vice-Chairpersons of the Commission
16. Codex Committees and *ad hoc* Task Forces
 - a) Designation of Countries responsible for Appointing the Chairpersons
 - b) Proposed Schedule of Codex Meetings 2004-2006

PART VI: OTHER MATTERS

17. Other Business
18. Adoption of the Report