



JOINT FAO/WHO FOOD STANDARDS PROGRAMME
FAO/WHO COORDINATING COMMITTEE FOR EUROPE
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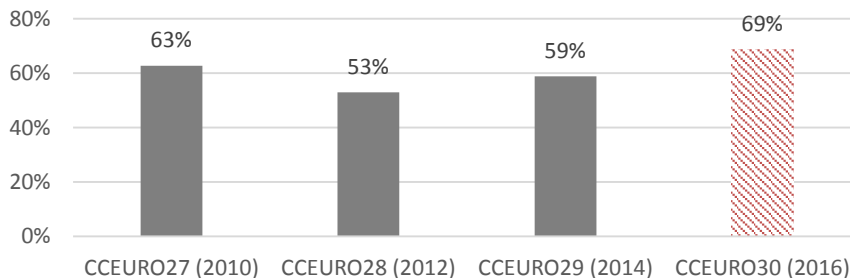
USE OF CODEX STANDARDS IN THE REGION

(Prepared by the Codex Secretariat)

BACKGROUND

1. Information on the national use of Codex standards and related texts was collected in the past via a circular letter (CL) and the information was utilised as the basis for discussion in all Regional Coordinating Committee (RCC) meetings.
2. In FAO/WHO Coordinating Committee for Europe (CCEURO) and other RCCs the reply rates to the circular letter were generally low. In addition, members often made oral reports during sessions, which further complicated the analysis and the preparation of meaningful conclusions on the overall picture. As shown in **Figure 1**, replies to the question on the use and relevance of Codex standards and related texts (hereafter "Codex standards") over the past five years have only once exceeded a level of 60 percent of the CCEURO membership. At CCEURO29 for example, only 30 out of a possible 51 members replied to the circular letter of which only two were non-EU member states.

Figure 1: Percentage of CCEURO members that informed about the national use and relevance of Codex standards in writing



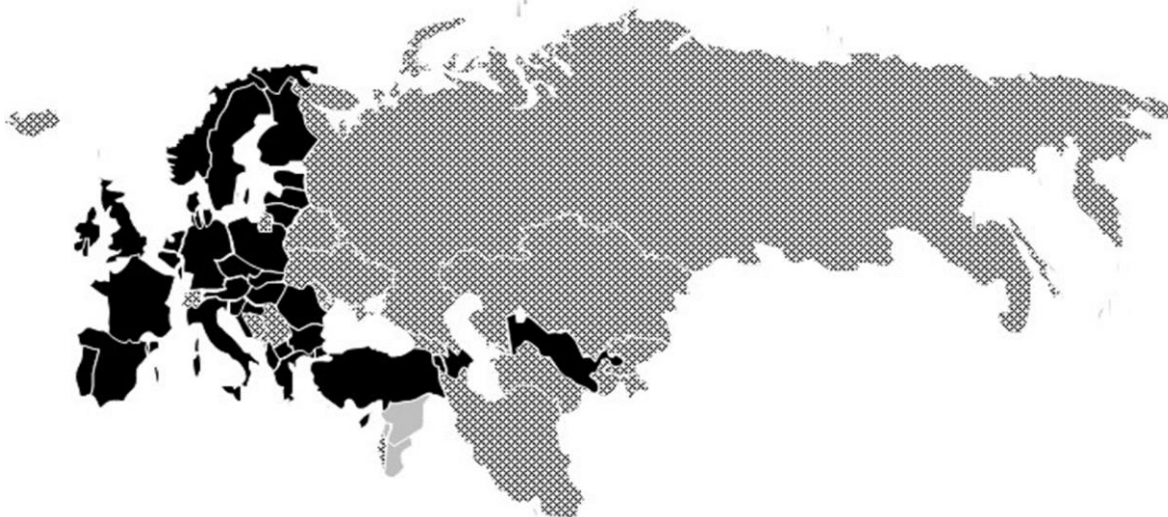
3. After the discussion on the revitalization of the RCCs, by CCEXEC70 (2015), it was decided to terminate the use of the circular letter and to replace it with a system to continuously collect data online for all six Coordinating Committees. As an initial step towards a more systematic approach to the questions on the use of Codex standards and in an attempt to enhance the related data collection system, the Codex Secretariat developed a survey in cooperation with FAO and WHO for distribution to all RCCs. In the case of CCEURO, the survey was sent out on 29 March 2016.
4. The survey was conducted online using the software SurveyMonkey which allows for easier data analysis and representation. Separate translations in French, Spanish and Russian were also made available and members were given a period of two months to provide answers.
5. Given that questions on the general use of Codex standards had in the past not led to any comparable or representative data, it was decided to focus on specific standards that would be widely known and representative for their respective categories (i.e. numerical standards, general subject standards and general principles). Based on this assumption, the survey covered:
 - The use of Maximum Residue Levels (MRLs) for pesticides in food and feed;
 - The use of three general subject standards (Food Additives STAN 192-1995; Contaminants and Toxins in Food and Feed STAN193-1995; and Labelling of Prepackaged Foods STAN 1-1985); and
 - The use of General Principles of Food Hygiene (CAC/RCP 1-1969).

6. In addition, members were asked about difficulties related to the general use of Codex standards and were informed that other specific standards could be covered in future rounds to build up over time a representative data set on the use of Codex texts worldwide.

ANALYSIS AND DISCUSSION SURVEY RESULTS

7. The survey on the use of Codex standards obtained a response rate of 69 percent (35 countries) in the European region (as of July 2016). Out of the 35 respondents, seven non-EU member states provided information on their use of Codex standards, which is the highest level achieved up to now. **Figure 2** marks all respondents in the region in black.

Figure 2: Geographic overview of respondents in Europe to the 2016 survey on use of Codex standards



8. The full survey results can be found in Appendix I. In the following is a summary.

- i. *Use of Codex Maximum Residue Limits for pesticides in food and feed:* While one country fully adopted Codex MRLs with a few stricter provisions for certain pesticides, all other respondents partially use Codex MRLs. In the EU the main reasons for a divergence from Codex MRLs are differences in the risk assessment between the European Food Safety Authority (EFSA) and the Joint FAO/WHO Meeting on Pesticide Residues (JMPR) or the EFSA assessment is not yet concluded for a particular pesticide.
- ii. *Use of the General Standard for Food Additives (Codex STAN 192-1995):* Two non-EU members fully adopted Codex maximum levels for food additives. The remaining 94 percent of respondents answered that they have partially adopted the MLs in the GSFA, which means that their national standards or regulations contain MLs which deviate from what it is stipulated in the GSFA.
- iii. *Use of General Standard for Contaminants and Toxins in Food and Feed (Codex STAN 193-1995):* The Standard is fully adopted by over 10 percent of the respondents. The remaining countries have partially adopted the Standard. Reasons given for deviating from Codex MLs are similar to those noted for MRLs for pesticides.
- iv. *General Standard for the Labelling of Pre-packaged Foods (Codex STAN 1-1985):* The Standard is fully adopted by over 80 percent of countries in the region, while the rest of respondents have a partial adoption of the Standard.
- v. *Use of General Principles of Food Hygiene:* Over 90% percent of the respondents have their legislation aligned with the General Principles of Food Hygiene (CAC/RCP 1-1969). All but one country have legal requirements for the application of HACCP system which are aligned with the provisions in Annex I to CAC/RCP 1-1969.
- vi. *Difficulties with regards to the use of Codex provisions:* Six out of seven respondents from non-EU member states have identified their biggest difficulties with regards to the use of Codex standards and related texts. These can be group as follows:¹

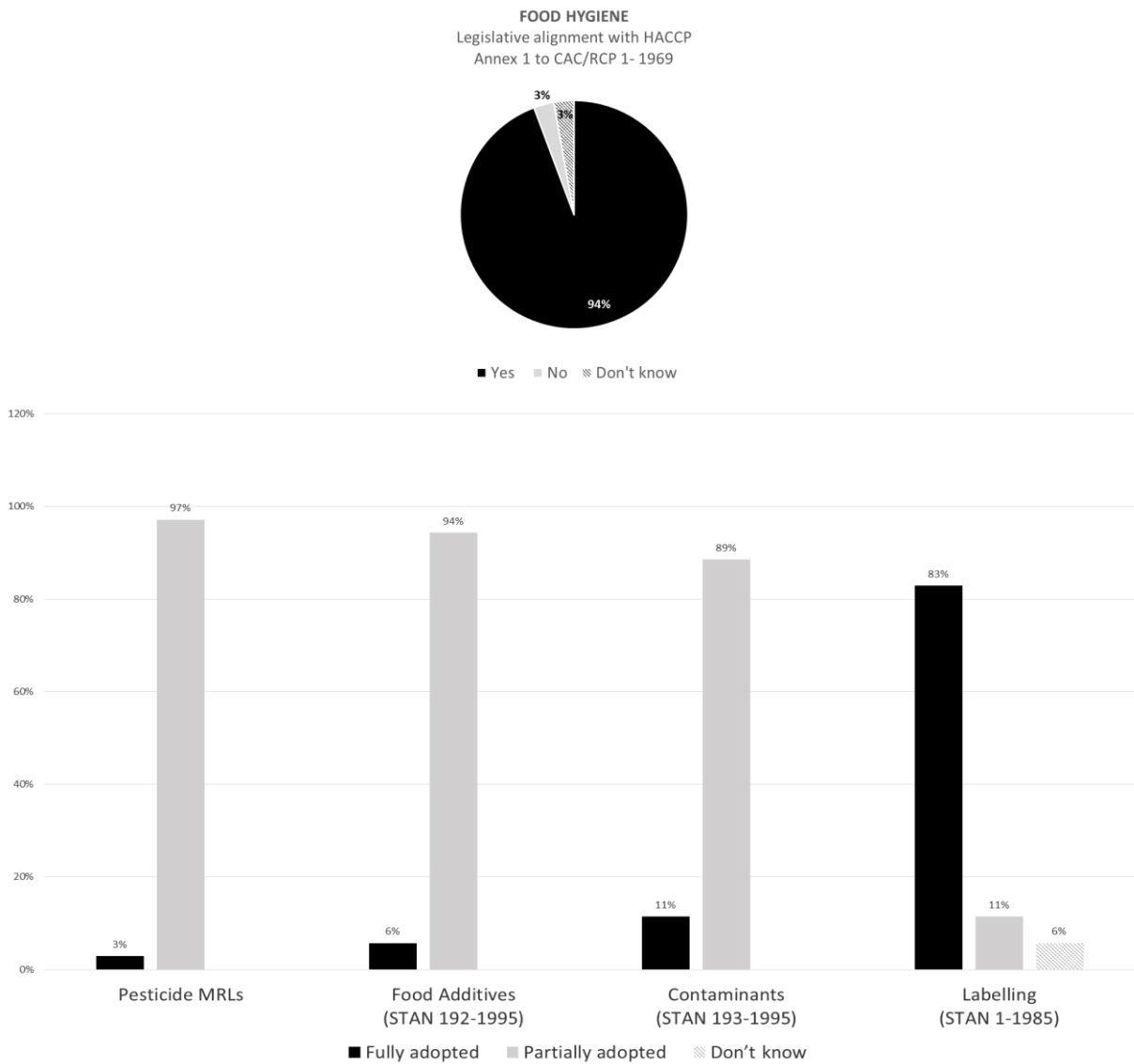
¹ Points (1) states difficulties mentioned by more than one country, while points (2) – (4) are only stated by one county each. In addition, one country pointed out a specific difficulty in regard to the establishment of MLs for food additives for which climatic conditions are not taken into account (e.g. for methanol in the application of E242 (Dimethyldicarbonat) in beverages).

- (1) identification of Codex standards as a foundation of EU legislation / differences between Codex standards and EU legislation;
- (2) adaptation of Codex standards to the national context/needs (sometimes too general / horizontal may need more specific provisions to reflect country needs);
- (3) duration of the Codex standard setting process may lead countries to set up their own standards in advance, this may create inconsistencies between the national standard / regulation and the Codex standard when adopted by the Commission, which may in turn require amendments of the national regulations;
- (4) unavailability of many Codex standards in the national language (Russian) to serve as a basis for the elaboration of technical regulations.

9. Overall, the survey on use of Codex standards obtained a high completion rate of 69 percent and respondents generally judged the survey as easy and well explained. The information is thus considered representative for the European region.

10. As shown in **Figure 3**, the general standard for labelling of pre-packaged foods, the general principles for food hygiene as well as its provisions on the HACCP system are broadly used in the region (by over 80% of respondents). With regards to pesticide MRLs, food additives, and contaminants and toxins in food and feed, members are partially adopting Codex provisions.

Figure 3: Use of Codex standards and related texts in Europe



CONCLUSIONS AND RECOMMENDATIONS

Conclusion

11. The survey results indicate that in the CCEURO region, the national food legislations of members are greatly aligned with Codex provisions on labelling of pre-packaged foods and general principles of food hygiene. However, there are varying degrees of adoption of other horizontal standards on food safety and consumer protection (i.e. MLs for contaminants and toxins in food and feed, MLs for food additives, and MRLs for pesticides).

12. For non-EU member states, difficulties regarding the use of Codex standards are very country-specific and include difficulties in relation to the comparison between Codex standards and national/EU legislation, interpretation issues and challenges in the adaptation of (sometimes very general) Codex standards to the specific national context, length of the Codex standard setting may lead to differences between national standards / regulations and Codex standards.

Recommendation

13. The survey provides useful information that could support future national assessments and actions in the region. CCEURO is requested to take note of the results of the survey and to provide inputs on the following questions that could guide future action by the Codex Secretariat in this area:

- (a) *Format and approach*: Are you satisfied with the design of the survey? Do you agree with the approach chosen and explained in paragraphs 5 and 6?
- (b) *Use of the results*: Do you consider the results useful? If so, would you like to have the information stored online (i.e. embedded in the Codex website) providing an opportunity to update national information and review the information of other countries?
- (c) *Scope of next survey*: Which areas of Codex work would you like to see covered in future (if any)?

APPENDIX I – SURVEY QUESTIONS AND ANSWERS**Question 1. To what extent are Codex MRLs for pesticides in food and feed adopted in your country?**

Fully adopted	1	3%
Partially adopted	34	97%
Not used at all	0	0%
Don't know	0	0%
Total	35	100%

Question 2. Please use this field to provide any additional comments or explanations (max. 100 words).

We have adopted the regulation according the 396/2005/CEE of European Union.
MRL for pesticides in Food and Feed are fully adopted with some more strict provision for certain MRLs. National Legislation is in full compliance with relevant legislation of European Union in the field of pesticides in food and feed.
The EU strives to implement Codex MRLs (CXLs) into EU legislation. However, that is not always feasible, as at times the JMPR assessment differs from the European Food Safety Authority (EFSA), or the EFSA assessment is not yet concluded. Limits proposed by the JMPR are in fact further assessed by EFSA. When EFSA supports the JMPR's conclusion, MRLs are taken up into EU legislation. Reasons for not supporting JMPR's conclusions could be amongst others acute toxicity or use of different risk assessment methodology (e.g. use of different risk factors, differences in use of extrapolation data), use of different data sets, etc.
If not adopted in national legislation, reservations are made during adoption in Codex.
In accordance with the national plant disease and authorisation procedure for PPPs, active substances and MRLs are complied with the EU Regulation. On the other hand, Codex MRLs are used during international trade, e.g. import procedures.
Partial use including those pesticides that are newly registered in the country.

Question 3. To what extent is the General Standard for Food Additives (CODEX STAN 192-1995) adopted in your country?

Fully adopted	2	6%
Partially adopted	33	94%
Not used at all	0	0%
Don't know	0	0%
Total	35	100%

Question 4. Please use this field to provide any additional comments or explanations (max. 100 words).

We adopted regulation 2003/95/CEE, 95/45/CEE, 1333/2008/CE, 98/72/CE, and 1131/2011
National Legislation is in full compliance with the relevant legislation of European Union in the field of food additives.
The standard is partially adopted, however an easy comparison is not possible. The GSFA and discussions in CCFA are used when discussing and deciding upon national legislation. Our legislation is fully harmonized with EU legislation.
As in the case of pesticide implementation is not always feasible. On the other hand, Codex documents about food classifications & identifications and processing aids are used.
Codex food additive standard applies as amended taking into account the average daily consumption of foods containing additives and the number of consumers.

Question 5. To what extent is the General Standard for Contaminants and Toxins in Food and Feed (CODEX STAN 193-1995) adopted in your country?

Fully adopted	4	11%
Partially adopted	31	89%
Not used at all	0	0%
Don't know	0	0%
Total	35	100%

Question 6. Please use this field to provide any additional comments or explanations (max. 100 words).

It is adopted based on regulation 401/2006 EC, 1881/2006 of EC, EC 669/2009
National Legislation is in full compliance with relevant legislation of European Union in the field of contaminants and toxin in food and feed.
The EU strives to implement Codex MLs into EU legislation. However, at times the JECFA assessment differs from the one of the European Food Safety Authority (EFSA). Reasons for differences in JECFA's and EFSA's R.A. are due to the use of different uncertainty factors in the R.A. Differences can also be related to different approaches as regards the appropriate measures to be taken to protect public health following an identified risk.
Considerations are made in regards to Codex standards, however easy comparison is not possible. Our legislation is fully harmonized with EU legislation.

Question 7. To what extent is the General Standard for the Labelling of Pre-packaged Foods (CODEX STAN 1-1985) adopted in your country?

Fully adopted	29	83%
Partially adopted	4	11%
Not used at all	0	0%
Don't know	2	6%
Total	35	100%

Question 8. Please use this field to provide any additional comments or explanations (max. 100 words).

There are adopted the following EC regulations:89/396/EEC, CELEX: 01989L0396,GZ L186, date 30.06.1989, 90/496/EEC, CELEX: 01990L0496, GZ L 276 date 0, 94/54/EC 6.10.1990;CELEX: 01994L0054, GZ L 300 date 23.11.94, p 14;96/21/E;CELEX: 31996L0021, GZ L 88 date 05.04.1996, p 5.;1999/10/EC ;2000/13/EC;2001/101/EC;CELEX: 02001L0101, GZ L 310 date 28.11.2001, p 19; 2002/67/EC ;2003/89/EC;2003/120/EC;90/496/EEC ; 2004/77/EC; (EC) No 608/2004;2006/142/EC ;2007/68/EC ;2008/5/EC
National Legislation is in full compliance with relevant legislation of European Union in the field of the standards for the labelling of pre-packaged foods.
Considerations are made in regards to Codex standards. Our legislation is fully harmonized with EU legislation

Question 9. Do you have legal requirements for good hygienic practices (GHP) related to food in your country?

Yes	34	97%
No	1	3%
Don't know	0	0%
Total	35	100%

Question 10. If yes, is your legislation aligned with the General Principles of Food Hygiene (CAC/RCP 1 -1969)?

Yes	33	94%
No	0	0%
Don't know	2	6%
Total	35	100%

Question 11. Do you have legal requirements for the application of the Hazard Analysis and Critical Control Point (HACCP) system in your country?

Yes	34	97%
No	1	3%
Don't know	0	0%
Total	35	100%

Question 12. If yes, is your legislation aligned with the HACCP system and guidelines for its application (Annex 1 to CAC/RCP 1 -1969)?

Yes	34	97%
No	1	3%
Don't know	0	0%
Total	35	100%

Question 13. Please use this field to provide any additional comments or explanations (max. 100 words).

It is adopted in line with EU regulations 852/2004/CE, 853/2004/CE, 854/2004/CE, CE1760/2000
We do not have product specific hygienic guidelines, however we do have a general hygienic regulation fully harmonized With the EU legislation.

Question 14. Where do you see the biggest difficulties with regards to the use of Codex standards and related texts?

We are foreseeing to be a member of European Union and continuously adopt the EC regulation. The main difficulty is applying the regulations in all the country.
As a candidate country for EU membership, we are obliged to harmonize national legislation with the relevant EU acquis and therefore with the norms and standards of Codex. Hence, the EU legislation is easily recognizable, but the standards and texts of the Codex Alimentarius are not clearly recognized as foundation of the EU legislation.
We are connected to the European Union regulations through the EEA agreement, and generally we follow the same rules and regulations as the EU regarding Food and veterinary legislation, naturally Our focus is on the Development of national regulations in this context. However Codex is of great importance and discussions and decisions are followed up in Our country as well, you just cannot do the Direct comparison.
Codex Alimentarius is a worldwide organisation covers all issues both FAO and WHO. It is a big chance for all members (187 countries, one union, non-governmental members, observers etc.) to be together and speak out their opinions freely on the topic. But sometimes after very long discussions, although it is needed to establish in a specific ML, MRL or decision, very general statements are adopted by Committee. It makes that the adopted standard as if it is worthless during international standard. Therefore, because of higher expectation of countries, they make some amendments on Codex Standards.
The language barrier, as the most of the guidance is not available at least in Russian, which can be used by relevant stakeholders in elaboration of legislative framework.
Food additive standards are formulated without taking into account climatic conditions, such as very hot climate, where the consumption of drinks containing higher preservatives are not addressed in the authorized Codex additives. Example is methanol in the application of E242 (Dimethyldicarbonat) in beverages.

Question 15. Please use this field to provide any additional comments on the use of Codex standards and texts (max 100 words).

none

Question 16. Were the survey explanations and choices adequate for you to answer the survey questions?

Yes	34	97%
No	1	3%
Don't know	0	0%
Total	35	100%

Question 17. On a scale of 1- 5 how difficult was it for you to answer this survey (1 being very easy, 5 very difficult)?

1	2	3	4	5	Total
2	0	2	0	0	4