

# CODEX ALIMENTARIUS COMMISSION



**Food and Agriculture  
Organization of  
the United Nations**



**World Health  
Organization**

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Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - Fax: (+39) 06 5705 4593 - E-mail: [codex@fao.org](mailto:codex@fao.org) - [www.codexalimentarius.org](http://www.codexalimentarius.org)

**REP14/CAC**

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**JOINT FAO/WHO FOOD STANDARDS PROGRAMME**

**CODEX ALIMENTARIUS COMMISSION**

*Thirty-seventh Session*

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**REPORT**

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## EXECUTIVE SUMMARY

### The Commission:

- a) Adopted new and revised food quality and safety standards and related texts for application by Governments and inclusion in the Procedural Manual of the Codex Alimentarius Commission;
- b) Approved 16 items for new work, including priority lists of veterinary drugs and pesticides for evaluation or re-evaluation by JECFA and JMPR, respectively; proposals for discontinuation of work and proposals for revocation of existing provisions;
- c) Noted the Codex budget reports for the 2012-2013 and 2014-2015 biennia and highlighted the need for a better budgeting and work-planning process; encouraged Codex Members to advocate for adequate budgetary allocations through the governing bodies of FAO and WHO; expressed appreciation to FAO and WHO for the scientific support and acknowledged the extra-budgetary contribution by Members countries; stressed the importance of funding to ensure provision of scientific advice; and agreed to pursue the examination of the three options for securing addressing the chronic shortage of funds for scientific advice at its 38<sup>th</sup> Session;
- d) Endorsed the conclusion of the Executive Committee to establish a monitoring framework for the implementation of the Strategic Plan 2014-2019;
- e) Noted the continued interest in the CTF and its importance to enable participation in Codex; expressed support to the development and implementation of a successor initiative when current CTF ends in 2015; expressed satisfaction with the FAO and WHO Capacity Development programme and encouraged delegates to take advantage of the different tools developed by FAO and WHO to enhance food safety and consumer protection in their countries,
- f) Elected as Chairperson Mrs Awilo Ochieng Pernet (Switzerland), and as Vice-Chairpersons: Mr Guilherme Antonio da Costa Jr. (Brazil), Ms Yayoi Tsujiyama (Japan) and Mr Mahamadou Sako (Mali); and appointed Thailand, as Coordinator for Asia;
- g) Reactivated the Committee on Milk and Milk Products, hosted by New Zealand, to start new work on a standard for processed cheese; encouraged the Secretariat to enhance efforts to guarantee the timely distribution of documents in all language and identify impediments to the timely availability of documents;
- h) Endorsed the recommendations of the Executive Committee concerning the preparation of a paper identifying scope and processes to evaluate the work management of Codex, including the functioning and composition of the Executive Committee; endorsed the guidance to promote collaboration between Codex and OIE; and forwarded guidance on information documents to all Committees.

## INTRODUCTION

1. The Codex Alimentarius Commission (CAC) held its Thirty-seventh Session in Geneva, Switzerland, from 14 to 18 July 2014. Mr Sanjay Dave (India), Chairperson of the Commission presided over the Session, assisted by the Vice-Chairpersons, Dr Samuel Godefroy (Canada), Mrs Awilo Ochieng Pernet (Switzerland), and Professor Samuel Sefa-Dedeh (Ghana). The Session was attended by delegates from 170 Member countries and 1 Member Organisation, 28 international governmental and non-governmental organizations, including UN agencies. A list of participants, including FAO, WHO and the Secretariat, is given in Appendix I.

## OPENING

2. The Commission observed one minute's silence in memory of the late Dr Ehoussou Narcisse, who served as Chairperson of the Côte d'Ivoire National Codex Committee and participated in several sessions of the Executive Committee and the Commission.
3. The meeting was opened by Dr Keiji Fukuda, Assistant Director-General (ADG), Health Security and Environment, WHO, who welcomed delegates on behalf of the Director-General of WHO, Dr Margaret Chan. He reaffirmed that food safety is a fundamental element for healthy life and complemented Codex for supporting this endeavour.
4. He informed the delegates that the increase of the WHO contribution to the Codex Budget for the current biennium would be maintained. He spoke of the achievements of the Codex Trust Fund (CTF) since its inception in 2003 and the process for defining a successor initiative. The ADG further informed Delegations that the theme of World Health Day 2015 was food safety.
5. Dr Ren Wang, Assistant Director-General (ADG), Agriculture and Consumer Protection Department, FAO speaking on behalf of the Director General of FAO informed the Commission that despite the importance of Codex, its global visibility remains low and changing this was especially important for smallholder farmers and consumers.
6. He expressed gratitude to all those who contribute to the work of Codex. The ADG congratulated the Commission for consistently adapting to its members' needs and highlighted the need to work together through global partnerships in order to improve food safety and security. He spoke of future challenges, the need for the Secretariat to become more strategic and in closing, spoke of the effects the work of Codex has on real lives.
7. Mr Dave, the Chairperson of the Commission, stressed the need to promote Codex activities at all levels including to political leadership and policy makers. He appreciated the support provided by the CTF and the members that have contributed funds towards its activities and noted the need to have it continue after the expiry of the current programme in 2015. He also extended his appreciation for the support of FAO and WHO in providing scientific advice that is needed in the development of standards. He called on the parent organisations to find alternative resources to continue this in a more sustainable manner.

## Division of Competence

8. The Commission noted the division of competence between the European Union and its Member States, according to paragraph 5, Rule II, of the Rules of Procedure of the Codex Alimentarius Commission, as presented in [CRD1](#).

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

9. The Commission adopted the Provisional Agenda as its Agenda for the session with the following additions:
  - a) Under Agenda item 2: The Role of the Chair and Vice-Chairs of the Codex Alimentarius Commission for the purpose of Rule V.1 of the Rules of Procedure.
  - b) Under Agenda item 9: Timely distribution of documents in the official languages of the Codex Alimentarius Commission ([CRD5](#)).
  - c) Under Agenda item 16:
    - Proposal for a standard for ready-to-use foods for the management of malnourished children, ([CRD2](#));
    - Proposals on voting on food safety issues and election of the Vice-Chairs on a rotational and regional basis ([CRD4](#)).

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<sup>1</sup> [CX/CAC 14/37/1](#).

**REPORT BY THE CHAIRPERSON ON THE 69<sup>TH</sup> SESSION OF THE EXECUTIVE COMMITTEE (Agenda Item 2)<sup>2</sup>**

10. In accordance with Rule V.7 of the Rules of Procedure, the Chairperson reported to the Commission on the outcome of the 69<sup>th</sup> Session of the Executive Committee (CCEXEC69).

**Role of the Chair and Vice-Chairs of the Commission for the Purpose of Rule V.1 of the Rules of Procedure**

11. The Representative of the WHO Legal Counsel, speaking at the request of Norway, supported by Canada, and on behalf of the Legal Counsels of WHO and FAO, indicated that the Role of the Chair and Vice-Chairs of the Commission for the Purpose of Rule V.1 was linked to the question of the composition of the Executive Committee and the presence of multiple members from the same country and hinged on the interpretation of Rule V.1 which states that *“Not more than one delegate from any one country shall be a Member of the Executive Committee.”*
12. He informed the Commission that, until 2004, the Executive Committee was composed of Officers of the Commission and the members elected by the Commission on a geographic basis. The coordinators, appointed by the Commission on the nomination of their respective regional committees, were added as members of the Executive Committee after 2004, while earlier they could participate as observers.
13. He emphasized that the fundamental issue was whether the term “delegate” in Rule V.1 applied to all the members of the Executive Committee or only to the coordinators and the members elected on a geographic basis, to the exclusion of the Officers of the Commission. He added that this issue took particular importance at this session in view of the composition of the North America region and the envisaged candidature of the Canadian Vice-Chairperson for the position of Chairperson, but also, in view of the envisaged candidature of a Member of the Japanese Delegation as Vice-Chairperson, Japan being the current coordinator for Asia.
14. In the view of the legal offices of FAO and WHO a reasonable interpretation of the applicable rules and practice pointed to including the Chair and Vice-Chairs within the term “delegates” for the purpose of Rule V.1.
15. In this connection, he clarified that the following elements were taken into account.
16. Firstly, the purpose of the quoted sentence in Rule V.1 was to ensure an inclusive composition of the EXEC, representative of the composition of the Commission and its regions, and to avoid overrepresentation of any region.
17. Secondly, a systematic interpretation of the legal status of the Officers of the Commission supported their inclusion as “delegates” for the purposes of Rule V.1. He pointed out that the officers of intergovernmental bodies often had a double nature: they served in their elected capacity under the applicable rules of procedure yet at the same time maintained an organic link with their Delegations so much so that, if they were dropped from their Delegation, they could not continue as officers. This consideration also applied to the Codex Alimentarius Commission and its committees. He underlined that the pertinent language in Rule III.1 was unusually explicit on this aspect and therefore strengthened the argument in favour of including the Officers under the term “delegate” in Rule V.1. The Representative of the WHO Legal Counsel, speaking on behalf of the Legal Counsels of WHO and FAO said that what distinguished the Executive Committee from other intergovernmental bodies was that the Officers were members of the Committee under Rule V.1 and not just its presiding officers. That particular position within the Committee provided a further justification for considering them as “delegates” for the purpose of the composition of the Executive Committee. He stated that the legal offices were in agreement that the Officers should act in their individual capacity while in office and were aware of the understanding contained in the report of the 18<sup>th</sup> Session of the Commission (1989) on this point. That understanding applied to the way in which officers must serve as stewards of the proceedings and custodians of their legitimacy and regularity. He emphasized that the legal offices would, indeed, not like their interpretation to be seen as a general statement that officers act as delegates in representation of the view of their country. Since the 1989 understanding merely guided the functions of Officers in the Executive Committee and not the composition of the Committee, it was not incompatible with considering Officers as “delegates” for the specific purpose, under Rule V.1 of avoiding that no more than one person from any Delegation sits on the Executive Committee in any capacity at the same time. That Officers were not supposed to act as representatives of their respective countries in the Committee was further supported by the fact that the other two categories of members of the Committee were not supposed to take on such a role: the Coordinators were to represent the view of countries and other stakeholders in their respective regions pursuant to Rule IV.3.(iii); and members elected on a geographic

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<sup>2</sup> [REP14/EXEC.](#)

basis were “*expected to act within the Executive Committee in the interest of the Commission as a whole*” pursuant to Rule V.1.

18. Thirdly, the Representative of the WHO Legal Counsel, speaking on behalf of the Legal Counsels of WHO and FAO, drew attention to the historical content of Rule V.1. He stated that the quoted passage in Rule V.1 was adopted before the inclusion of Coordinators as members of the Executive Committee. It would therefore not have had any purpose if it had not also been addressed to the officers as “delegates” since the members elected on a geographic basis by definition would be members of different Delegations.
19. In the view of the legal offices of FAO and WHO, the practice of the Commission, as evidence of the understanding of Rule V by the Commission, also supported this conclusion. First of all, the customary staggering of elections during the Commission, concerning both the Officers and the other members of the Executive Committee reflected the intent to verify that there would not be double representation. Secondly, the record of elections of Officers of the Commission and other members of the Executive Committee showed that the rotation of delegates from the various regions in the overall membership of the Executive Committee, including its officers, had functioned smoothly for a long time. In 1997, the member elected on a geographic basis from the Delegation of the United States of America had resigned as a consequence of the election of a delegate from the same country as Vice-Chair.
20. The Representative of the WHO Legal Counsel, speaking on behalf of the Legal Counsels of WHO and FAO, informed the Commission that the interpretation given represented the considered views of the FAO and WHO legal offices on the meaning and purpose of Rule V within the context of the Codex Rules, the particular structure of the Executive Committee and the longstanding practice of the Commission. He underlined that the legal offices were aware of the practical consequences of this interpretation and that it needed to be put in the context of the discussions that have taken place over the last ten years. The issue of representation on the Executive Committee has continued to remain unresolved since the amendments to the Rules of Procedure whereby Coordinators became members of the Executive Committee. In this respect, he recalled that the legal offices had offered a number of considerations in 2004 and 2014 to facilitate the deliberations and possible consensus by the members of the Committee on General Principles with the specific purpose of agreeing on a pragmatic interpretation of Rule V.1. Additionally, he drew the attention of the Commission to the fact that in 2009, the Commission accepted an interpretation whereby Officers should not be considered as “delegates” for the purpose of Rule V.1. In 2013, the Commission questioned such an interpretation, but agreed to proceed on the same basis as in 2009 provided that the interpretation was not intended to be conclusive guidance on this matter, and proceeded to the election on a non-objection basis.
21. The Representative of the WHO Legal Counsel, speaking on behalf of the Legal Counsels of WHO and FAO stressed that the opinion given was meant to offer the interpretation of the legal offices and in no way prejudiced the authority of the Commission. He underlined the legal offices` awareness that the current situation was not an entirely satisfactory state of affairs for Codex governance which may require more reflection to aim at a broader and permanent solution that would not lead to the same issue arising regularly. At the same time, he emphasized the necessity of finding practical solutions for this week`s election and stressed that it was the hope of the legal offices of WHO and FAO that the interpretation given which includes Officers of the Commission within the term “delegates” for the purposes of Rule V.1 was helpful.
22. The Delegation of Canada, underlining its respect for the Rules of Procedure and the importance of healthy election procedures for Codex as a whole, agreed on the need to have a clear interpretation of Rule V.1. It informed the Commission that Canada, without prejudice to further debate or decision by the Commission, would follow the legal opinion given and announced its intent to resign as the North American member elected on a geographic basis of the Executive Committee, should a member of its Delegation be elected Chairperson of the Commission at the present session. At the same time, Canada would continue to have strong reservations about the process and substance of the Rule V.1 discussions to date, including the varying legal interpretations provided in recent months. Canada believed that a healthy, competitive contest for the position of Chairperson of Codex would be positive for the Organization, generating important discussion about its future and raising awareness of Codex and its important mandate. When the focus was not on substance but elsewhere, including on procedural and legal challenges, it is Codex that loses.
23. The Delegation, notwithstanding such issues, stated that the candidature of Dr Godefroy was a reflection of Canada’s deep and longstanding commitment to Codex as the pre-eminent multilateral standard-setting body for food safety and fair practices in the food trade. The Delegation further stated that if Dr Godefroy was elected as the Chair of the Codex Alimentarius Commission, Canada would step down from its seat as the Representative for North America at Executive Committee. The Delegation further noted the report of the CCEXEC69, which records the clear affirmation of WHO Legal Counsel that the “*interpretation of Rule V.1*”

*should not negatively impact the possibility of being elected as officers*<sup>3</sup>.

24. The Delegation expressed the wish that their declaration would permit the Commission to take the time that is required to properly consider the most recent legal interpretation, in writing, prior to being asked to reach a final consensus respecting the complex question of Rule V.1.
25. The Delegation of Japan, the current Coordinator for Asia, informed the Commission that it would stand as Vice-chair at the forthcoming elections. It stated readiness to step down from the position of Coordinator for Asia and sought guidance on the process to be followed for identifying a substitute country for Coordinator for Asia should Japan's proposed candidate be elected as Officer of the Commission, considering that not all members of the Coordinating Committee for Asia were present and that the practice was to nominate Coordinators at meetings of the Coordinating Committee.
26. In response to a request for clarification, the Representative of the WHO Legal Counsel, speaking on behalf of the Legal Counsels of WHO and FAO, clarified that the implications arising from Rule V.1 would not call for resignation before but only after the election and agreed that the legal opinion given could be made public in appropriate ways. On a further request from the Delegations of Japan and China, he clarified that Rule IV.2 (last sentence) provided a sufficient basis for an arrangement to appoint a new Coordinator for Asia should Japan's proposed candidate be elected as Officer of the Commission. He suggested that the region should work in an inclusive way in order to propose a new Coordinator for the remainder of the term of Japan as Coordinator, and on the understanding that such replacement would not affect a new election which will take place once the term of Japan as Coordinator has come to an end. A proposal for an interim Coordinator would be submitted to the Commission for endorsement.
27. The Representative of the WHO Legal Counsel, speaking on behalf of the Legal Counsels of WHO and FAO, also advised that, since a newly appointed coordinator country for Asia would merely fill the seat of Japan as the current Coordinator, the time served by the newly appointed Coordinator in this position would not be seen as a "term" served by it in the sense of Rule IV.2.
28. The Commission agreed with this arrangement.
29. Taking into consideration the opinion expressed by the Representative of the Legal Counsel of WHO, the Secretariat further clarified that elections for the positions of Vice-Chairs would take place on Wednesday 16 July at 17:30. Should Japan's proposed candidate then be elected as Officer of the Commission, the Asian region could then meet and agree on a new Coordinator to be appointed by the Commission on Friday 18 July. Additionally, he informed the Commission that appointment of Coordinators should be made on the proposal of a majority of the members of the region concerned and that such a majority was present at this current session of the Commission.
30. Several Delegations underlined the importance of a fair and healthy contest for the election of Officers of the Commission and stated that this was an occasion for the Commission to endorse the interpretation given by the Representative of the Legal Counsel of WHO, on behalf of the Legal Counsels of WHO and FAO.
31. Another Delegation noted that the Officers of the Commission and of the Executive Committee were acting in a personal capacity and expressed doubts as to whether the consequence of the legal opinion given would be that Officers would from now on be seen as country representatives.
32. In reply, the Representative of the WHO Legal Counsel, speaking on behalf of the Legal Counsels of WHO and FAO said that this aspect was addressed through the understanding contained in the report of the 18<sup>th</sup> Session of the Commission (1989), which addressed the presiding role of the Officers of the Commission, rather than their role as delegates.
33. A Delegation suggested a need for further clarity as to whether there were preconditions compromising the prerogative of a country to propose candidates for Officers, where the same country was already a member of the Executive Committee and raised the question whether the Procedural Manual needed updating for the sake of clarity in light of the legal opinion provided.
34. The Representative of the WHO Legal Counsel, speaking on behalf of the Legal Counsels of WHO and FAO, clarified that the opinion given would not touch upon the eligibility of delegates to be elected as Officers of the Commission and again mentioned the practice of 1997, when the Member elected on a geographic basis from the Delegation of the United States of America resigned as a consequence of the election of a delegate from the same country as Vice-Chair.

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<sup>3</sup> [REP14/EXEC, para. 89.](#)



35. The Chairperson then noted consensus among Delegations to endorse the interpretation given by the Representative of the WHO Legal Counsel on behalf of the Legal Counsels of WHO and FAO and it was agreed that the legal opinion given be duly reflected in the Commission's report.

#### **PROPOSED AMENDMENTS TO THE PROCEDURAL MANUAL (Agenda Item 3)<sup>4</sup>**

36. The Commission adopted the proposed amendments with exception to those outlined below, where decisions were made as follows:

#### **Committee on General Principles (CCGP)**

##### *Terms of Reference of the Committee on General Principles (CCGP)<sup>5</sup>*

37. The Commission noted that the CCGP had presented a simplification of its Terms of Reference (TORs) for adoption by the Commission.
38. The Representative of WHO whilst supporting in principle the amendment, noted that the proposed wording was open to different interpretations and could lead to the Committee becoming self-tasking rather than serving the Commission as it had done successfully at different times. Making reference to comments received from members, he proposed an alternative wording, prepared by the Representatives of FAO and WHO, which read:

*The TORs of CCGP to deal with such procedural and general matters as are referred to it by the Codex Alimentarius Commission, including:*

- *the review or endorsement of procedural provisions/texts forwarded by other subsidiary bodies for inclusion in the Procedural Manual of the Codex Alimentarius Commission; and*
- *the consideration of other amendments to the Procedural Manual.*

39. Delegations deliberated on the roles and powers of steering and governing bodies also with reference to current practice at the CCGP and issues regarding areas of competency, food safety and fair trade practices. Delegations were concerned that effectiveness and efficiency remain at the centre of the Commission's objectives and that there be no doubt as to interpretation of the TORs. Delegations were of the opinion that the proposed wording by the CCGP only reflected current practice and should not be altered by the wording proposed by the Representatives of FAO and WHO.
40. The Representative of FAO, supporting the alternative wording, confirmed that it had been made to clarify the TORs and not to question the proposal made by the CCGP.
41. The Commission:
- i. Noted the matter was not urgent and would not affect its work.
  - ii. Recommended the amendment be referred back to the CCGP for further consideration at its next session together with the proposal of the Representatives of FAO and WHO.

##### *Procedures for the Elaboration of Codex Standards and Related Texts<sup>6</sup>*

42. The Commission noted that the intention of the CCGP proposal for amendments to the Procedures for the Elaboration of Codex Standards and Related Texts intended to clarify the need for cooperation between committees when deliberating standards.
43. Several Delegations from different regions expressed concern that further, fuller discussion was required at CCGP for the development of these proposed amendments, particularly with reference to the inclusion of other current activities. Several other Delegations noted that the intent of the amendment had been to improve guidance and that the will of CCGP had been to put forward the proposal to the Commission.
44. The Commission:
- i. Noted that while there had been general support for the amendment, a number of Delegations were calling for further discussion at the CCGP.
  - ii. Recommended the matter be returned to the CCGP for review and that specific points and comments be raised by Delegations and provided to the CCGP in advance.

<sup>4</sup> [CX/CAC 14/37/2; CX/CAC 14/37/2 Add.1.](#)

<sup>5</sup> [REP 14/GP, Appendix III.](#)

<sup>6</sup> [REP 14/GP, Appendix IV.](#)

### Codex Committee on Pesticide Residues (CCPR)

#### *Risk Analysis Principles applied by the Codex Committee on Pesticide Residues*<sup>7</sup>

45. The Commission noted that at CCPR46, a number of Delegations had generally supported the document. The Delegation of Costa Rica, speaking as Coordinator for CCLAC, said that at CCPR46 a number of Delegations of the region, while recognising that the periodic review had become more flexible, had expressed the reservations that the revised review procedure still allowed Codex maximum residue limits (MRLs) for pesticides to be revoked without scientific evidence<sup>8</sup>. They considered this inconsistent with the *Working Principles for Risk Analysis for Application in the framework of the Codex Alimentarius* and the risk analysis principles developed by other Codex committees.
46. The Commission:
- i. Noted the general support for adoption of the revised document.
  - ii. Noted the reservations of Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Panama and Uruguay concerning the periodic review procedure.
  - iii. Noted that, at its next session, CCGP would address the concerns raised when considering the consistencies of risk analysis principles of different committees.
  - iv. Recommended adoption of the revised principles and their inclusion in the Procedural Manual.

### **DRAFT STANDARD 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 AT STEP 5 OF THE ACCELERATED PROCEDURE) (Agenda Item 4)**<sup>9</sup>

47. The Commission adopted the draft standards and related texts submitted by its subsidiary bodies at Step 8 (including those submitted at Step 5/8 with a recommendation to omit Steps 6 and 7), as well as other standards and related texts submitted for adoption as endorsed by the relevant general subject committees, taking into account the recommendations of CCEXEC69 (see Appendix III).

#### **Additional comments and decisions**

#### **Committee on Residues of Veterinary Drugs in Food (CCRVDF)**

#### *Risk Management Recommendations (RMRs) for chloramphenicol, malachite green, carbadox, furazolidone, nitrofurantoin, chlorpromazine, stilbenes and olaquinox*<sup>10</sup>

48. The Delegation of the United States of America supported the role of Codex in providing advice to Governments on risk management options to protect public health, but expressed a reservation as they were of the view that the language of the RMRs intruded on the risk management role of national governments.
49. The Delegation of Brazil expressed a reservation because they were of the opinion that the RMRs should be based on scientific evidence and on an updated JECFA evaluation rather than on lack of information or on assumptions. They considered that the objective of the RMRs should be the prevention of residues of these veterinary drugs in food and furthermore that the language of the RMR was excessively restrictive. They also considered that the same approach taken for the four nitroimidazoles should be taken for the RMRs for nitrofurantoin, chlorpromazine and olaquinox.
50. The Commission:
- i. Adopted the RMRs as proposed by CCRVDF21.
  - ii. Noted the reservations from the United States of America and Brazil.

<sup>7</sup> [REP14/PR, Appendix XIII.](#)

<sup>8</sup> [REP14/PR para. 164.](#)

<sup>9</sup> [CX/CAC 14/37/3](#); [CX/CAC 14/37/4](#) (Comments of Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Egypt, European Union, Germany, Nicaragua, Norway, Paraguay, Peru, Uruguay, International Institute of Refrigeration, OIE); [CX/CAC 14/37/4 Add.1](#) (Comments of Brazil, Canada, Chile, Colombia, Costa Rica, European Union, New Zealand, Nicaragua, Norway, Peru, Suriname, United States of America, International Federation for Animal Health); [CRD7](#) (Comments of El Salvador); [CRD8](#) (Comments of European Union); [CRD9](#) (Comments of African Union); [CRD11](#) (Comments of the Philippines); [CRD12](#) (Comments of Singapore); [CRD13](#) (Comments of Indonesia); [CRD14](#) (Comments of Egypt); [CRD15](#) (Comments of Argentina); [CRD16](#) (Comments of National Health Federation); [CRD17](#) (Corrections to the GSFA provisions forwarded for adoption to CAC37).

<sup>10</sup> [REP14/RVDF, Appendix IV.](#)

### Committee on Food Hygiene (CCFH)

#### *Guidelines for the Control of Trichinella spp. in Meat of Suidae*<sup>11</sup>

51. The Commission noted concerns and need for clarification with regard to sections 7.3 and 9 and agreed to adopt the proposed draft Guidelines at Step 5 with the understanding that further consideration of the Guidelines in CCFH would be focused on these sections only.
52. CCFH should also take into account the Report of the FAO/WHO Expert meeting on Risk-based Examples for Control of *Trichinella* spp. and *Taenia saginata*<sup>12</sup>, as well as the report of its follow-up meeting to be held in September 2014.

### Committee on Fish and Fishery Products (CCFFP)

#### *Performance Criteria for Methods for the Determination of Marine Biotoxins (Section I-8.6) in the Standard for Live and Raw Bivalve Molluscs*<sup>13</sup>

53. The Commission considered the Draft section I-8.6 as endorsed and amended by the Committee on Methods of Analysis and Sampling (CCMAS).
54. There were concerns regarding the classification of the mouse bioassay (MBA) as Type IV which would mean that it could not be used for control, inspection and regulatory purposes. This would have a negative impact on trade as the method was widely used and efficient, and allowed for adequate protection of human health.
55. It was further noted that the criteria as described in the Procedural Manual were not applicable to biological methods, but rather to chemical methods and consideration should be given to exempt biological methods as currently was the case for PCR and ELISA methods.
56. Delegations reiterated their view that CCMAS should consider developing criteria for biological methods as the current criteria used for selection of methods applied to chemical methods, and led to the Type IV classification.
57. The Delegation of South Africa expressed a preference for adoption of both the biological and chemical methods rather than returning only the biological method to CCMAS.
58. It was noted that there was value in maintaining both the biological and chemical methods at the same status.
59. Other Delegations expressed the view that section I-8.6 allowed the use of both the MBA and chemical methods, and that CCMAS had followed the *Principles for the Establishment of Codex Methods of Analysis*. They also noted that CCMAS was in the process of addressing criteria for biological methods.
60. The Commission:
  - i. Adopted section I-8.6.1.
  - ii. Returned section I-8.6.2 to CCMAS with a request to review the typing of the methods in question and encouraged Members to submit information in order for CCMAS to take a decision on this matter.
  - iii. Encouraged CCMAS to proceed rapidly with its discussion on the way to deal with biological methods from a criteria approach perspective.
  - iv. Noted the reservation of South Africa to the decision in (ii) above.

#### *Food Additive Provisions in Standards for Fish and Fishery Products*<sup>14</sup>

61. The Delegation of Brazil did not agree with the revised ML for phosphates (expressed as phosphorous) and noted that this revised ML would not allow identification of fraudulent practices since it was not possible to differentiate between naturally occurring phosphates and added phosphates. They suggested adding "includes natural phosphate" at the end of the revised maximum level.
62. The Commission:
  - i. Adopted the revised food additive provisions as proposed by CCFFP and endorsed by CCFA.

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<sup>11</sup> [REP14/FH Appendix III.](#)

<sup>12</sup> [Risk-based Control Trich. and Taenia](#)

<sup>13</sup> [REP14/FFP Appendix II.](#)

<sup>14</sup> [REP14/FFP Appendix VI.](#)

- ii. Noted the reservation from Nigeria that the use of phosphates in these products was not technologically justified.

*Standard for Fresh and Quick Frozen Raw Scallop Products*<sup>15</sup>

63. The Commission adopted the draft Standard and noted that the labelling provision should be endorsed by the Committee on Food Labelling (CCFL).

**Committee on Fresh Fruits and Vegetables (CCFFV)**

*Standard for Durian*<sup>16</sup>

*Standard for Okra*<sup>17</sup>

64. The Commission adopted these draft Standards and noted that the labelling provision should be endorsed by CCFL.

*Passion Fruit*<sup>18</sup>

65. The Commission adopted the Standard for Passion Fruit with amendments in the Spanish version, proposed by the Delegation of Colombia in their written comments<sup>19</sup>, which clarify the common names of the species of passion fruit covered by the Standard. The Commission noted that the labelling provision should be endorsed by CCFL.

**Committee on Food Additives (CCFA)**

*Food Additive Provisions of the General Standard for Food Additives (GSFA)*<sup>20</sup>

66. The Commission adopted the food additive provisions.
67. The Delegation of European Union expressed reservation to the adoption of erythorbic acid (INS 315) in food category 08.1.2 "Fresh meat, poultry and game, comminuted" at GMP level, as a numerical ADI had been established for this additive in the European Union. The Delegation of Norway also expressed their reservation.

*Specifications for the Identity and Purity of Food Additives*<sup>21</sup>

68. The Commission adopted the Specifications.
69. The Delegation of the European Union expressed a general reservation on the reference, in the specifications, to food additives used in food additives (i.e. secondary additives).

*Provisions for Aluminium-containing Food Additives in Selected Standards (Revision)*<sup>22</sup>

70. The Commission adopted the provisions for aluminium-containing food additives.
71. The Observer from the National Health Federation (NHF) expressed the view that aluminium-containing food additives should not be used in food.

*Food Additives Provisions of Food Category 08.0 "Meat and meat products, including poultry" and its Sub-categories of the GSFA (Revision)*<sup>23</sup>

72. The Commission endorsed the recommendations of CCEXEC69<sup>24</sup> and adopted the food additive provisions with the correction presented in CRD17.
73. The Delegation of Cuba expressed reservation to the use of brilliant blue (INS 133) in food category 08.0 "Meat and meat products, including poultry", which in their view was not technologically justified.

<sup>15</sup> [REP14/FFP Appendix III.](#)

<sup>16</sup> [REP14/FFV Appendix III.](#)

<sup>17</sup> [REP14/FFV Appendix IV.](#)

<sup>18</sup> [REP14/FFV Appendix II.](#)

<sup>19</sup> [CX/CAC 14/37/4.](#)

<sup>20</sup> [REP14/FA Appendix IX.](#)

<sup>21</sup> [REP 14/FA, Appendix XIV.](#)

<sup>22</sup> [REP 14/FA Appendix III.](#)

<sup>23</sup> [REP 14/FA, Appendix IX Part D.](#)

<sup>24</sup> [REP14/EXEC, para. 17.](#)

### Committee on Contaminants in Foods (CCCF)

*Revised Maximum Level for lead in Infant Formula and Formula for Special Medical Purposes and for Follow-Up Formula*<sup>25</sup>

74. The Delegation of the European Union expressed their reservation with regard to the proposed maximum level (ML) for lead. They stated that, taking into account the dilution factors, a level of 0.01 mg/kg in infant formula as consumed would imply levels of up to 0.08 mg/kg in powdered formula as sold. This was too high for these products considering the negative health effects of lead on infants and young children. The Delegation noted that occurrence data showed that lower levels for powdered formula as sold were achievable which would allow for lower levels of lead in the product as consumed. The Delegations of Egypt, Malaysia and Norway also shared this reservation.
75. The Observer from NHF (National Health Federation) noted that levels of lead in infant formulas should be reduced as much as possible while recognizing that the proposed revised ML already represented an improvement in protecting the health of this vulnerable group as compared with the existing higher ML.
76. The Observer from FoodDrinkEurope expressed the view that it was important to include the example of dilution factor of 1 to 8 as this realistic figure added clarity to the interpretation of the ML.
77. The Secretariat informed the Committee that the revised ML was consistent with the conclusions and recommendations of the JECFA evaluation on lead. This took into account extensive data available at the time of the evaluation and was based both on additional data provided to GEMS/Foods during the revision of the ML in CCCF and on the application of the ALARA Principle to ensure food safety and minimum negative impact on the trade of these products.
78. The Commission adopted the revised ML as proposed by the Committee.

*Maximum level for inorganic arsenic in polished rice*<sup>26</sup>

79. Delegations expressed the opinion that MLs for arsenic should be set as low as possible to reduce the health risk from exposure to this highly toxic contaminant.
80. The Delegation of Egypt expressed reservation about the ML. The Observer from NHF also expressed concern with the ML noting the potential increase in toxicity of arsenic in the presence of other contaminants.
81. The Delegation of Sri Lanka expressed its reservation that the proposed ML was too high considering the high levels of consumption of polished rice in that country.
82. The Commission adopted the ML as proposed by the Committee.

*Maximum levels for fumonisins in maize and in maize products and associated sampling plans*<sup>27</sup>

83. The Delegation of Egypt, supported by the Delegation of Jordan, expressed a reservation that lower MLs would be desirable considering the impact of these mycotoxins on human health, and in particular their cumulative effect in the human body and their carry-over from feed to food.
84. Delegations in general supported the adoption of the MLs to provide public health protection while recalling the decision of the CCCF8 that JECFA would conduct an exposure and impact assessment within three years for reconsideration of the levels.
85. The Commission adopted the MLs and sampling plans while noting that sampling plans should be endorsed by CCMAS.

### Committee on Pesticide Residues (CCPR)

*Maximum Residue Limits (MRLs) for Pesticides*<sup>28</sup>

86. The Delegations of the European Union and Norway reiterated their reservations put forward at CCPR46 on different combinations of pesticides/commodities for the reasons given in [CRD8](#) and [CX/CAC 14/37/4 Add.1](#) respectively.

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<sup>25</sup> [REP 14/CF Appendix II.](#)

<sup>26</sup> [REP14/CF Appendix III.](#)

<sup>27</sup> [REP14/CF Appendix IV.](#)

<sup>28</sup> [REP14/PR Appendices II and III.](#)

*Consequential amendments to the maximum residue limits for “citrus fruits” and “lemons and limes” following the revision of the Classification of Food and Feed as per the fruit commodity groups (inclusion of kumquats under the citrus fruits group)<sup>29</sup>*

87. Some Delegations expressed concern that kumquats should not be included in the existing Maximum Residue Limits (MRL) for “citrus fruits” and “lemons and limes”. There are limited data which may not take into account different GAPs applied in different countries or regions and there may be safety concerns regarding the inclusion of kumquats in these group MRLs.
88. The Commission noted:
- the inclusion of kumquats in the existing MRLs for “citrus fruits” and “lemons and limes” had been extensively discussed at the two past sessions of CCPR;
  - CCPR had agreed the approach taken for the inclusion of kumquats in this group MRLs was a pragmatic approach. It allowed the extension of group MRLs to additional commodities belonging to the same group, arising from the revision of the Classification of Food and Feed, especially for minor crops like kumquats for which single MRLs were difficult to set due to limited data;
  - consumption data from Japan were used assuming that these data represented the global worst-case scenario whereas data submitted by other countries and regions provided little or no actual consumption data on kumquats;
  - no intake concerns were identified for the inclusion of kumquats in these group MRLs;
  - the inclusion of kumquats in these groups MRLs followed the procedures for extrapolation of MRLs laid down in relevant Codex documents and procedures in JMPR.
89. Based on the above considerations, the Commission adopted the consequential amendments to the MRLs for “citrus fruits” and “lemons and limes”.

#### **PROPOSED DRAFT STANDARDS AND RELATED TEXTS AT STEP 5 (Agenda Item 5)<sup>30</sup>**

90. The Commission adopted the proposed draft Standards and Related Texts submitted by its subsidiary bodies at Step 5 as presented in Appendix IV, and advanced them to Step 6 noting that technical comments should be resubmitted at Step 6 for consideration by the relevant Committees.

#### **Additional comments and decisions**

##### **Committee For Nutrition and Foods for Special Dietary Uses (CCNFSDU)**

*General Principles for the Addition of Essential Nutrients to Foods (CAC/GL 9-1987)<sup>31</sup>*

91. The Commission adopted the proposed draft General Principles at Step 5. The Delegation of Norway, supported by Chile stated that from a public health perspective, nutrient addition to energy-dense and nutrient-poor foods should be avoided and requested that CCNFSDU reconsider this issue referring to their proposals in CRD20.
92. The Commission noted the importance of the guidelines to countries who were experiencing micronutrient deficiency.
93. One Delegation noted that the term “fortification” should be retained as fortification had scientific basis and was widely used as a major intervention.

#### **REVOCATION OF EXISTING STANDARDS AND RELATED TEXTS (Agenda Item 6)<sup>32</sup>**

94. The Commission agreed to revoke the texts proposed as presented in [CX/CAC 14/37/7](#). The list of texts approved for revocation is summarised in Appendix V.

<sup>29</sup> [REP14/PR Appendix VII](#).

<sup>30</sup> [CX/CAC 14/37/5](#); [CX/CAC 14/37/6](#) (Comments of Brazil, Canada, Chile, Costa Rica, Egypt Malaysia, Nicaragua, Peru, Uruguay, United States of America); [CX/CAC 14/37/6 Add1](#) (Comments of Canada, Costa Rica, Peru and United States of America); [CRD9](#) (Comments of African Union); [CRD11](#) (Comments of the Philippines); [CRD13](#) (Comments of Indonesia); [CRD14](#) (Comments of Egypt); [CRD20](#) (Comments of Norway).

<sup>31</sup> [REP14/NFSDU Appendix II](#).

<sup>32</sup> [CX/CAC 14/37/7](#).



### AMENDMENTS TO CODEX STANDARDS AND RELATED TEXTS (Agenda Item 7)<sup>33</sup>

95. The Commission noted that Section 3.1 *Cocoa Mass (Cocoa/chocolate Liquor)* of the [Standard for Cocoa \(Cacao\) Mass \(Cocoa/Chocolate Liquor\) and Cocoa Cake \(CODEX STAN 141-1983\)](#) contained an error and agreed to amend the section to read "not more than 1.75% calculated on an alkali free basis".

### PROPOSALS FOR THE ELABORATION OF NEW STANDARDS AND RELATED TEXTS AND FOR THE DISCONTINUATION OF WORK (Agenda Item 8)<sup>34</sup>

#### a. Elaboration of New Standards and Related Texts

96. The Commission approved the elaboration of new standards and related texts summarized in Appendix VI.

#### Additional comments and decisions

#### Committee on Residues of Veterinary Drugs in Foods (CCRVDF)

*Priority List of Veterinary Drugs for Evaluation or Re-evaluation by JECFA*<sup>35</sup>

97. While noting that ethoxyquin was used as a feed additive and not as a veterinary drug, the Commission endorsed the recommendation of the CCEXEC to include ethoxyquin in the Priority List<sup>36</sup>.

#### Committee on Spices and Culinary Herbs (CCSCH)

*Standard for Black, White and Green Pepper*<sup>37</sup>

98. The Commission approved new work on a standard for black, white and green pepper and requested CCSCH to consider broadening the scope of the new work to include other types of pepper berries (peppercorn), such as red pepper.

#### Committee on Fresh Fruits and Vegetables (CCFFV)

*Standard for Garlic*<sup>38</sup>

99. The Commission noted that the project document specifically stated that the scope of the standard addressed the product which has "*undergone drying of the leafy covering of bulbs (cataphyll) and the peel of cloves, traditionally understood by consumers to be "fresh" garlic*" and, therefore, clearly fell within the TOR of CCFFV. It was also noted that fully dehydrated garlic, garlic powder and products, which have been otherwise processed, were not within the scope of the new work.

#### Whey permeate powders (Denmark)<sup>39</sup>

100. The Commission endorsed the recommendation of CCEXEC and established an Electronic Working Group (EWG), led by Denmark and co-chaired by New Zealand, and working in English only, to revise the project document for submission through the Committee on Milk and Milk Products (CCMMP), if reactivated, at the 38<sup>th</sup> Session of the Commission and CCEXEC70.

#### b. Discontinuation of Work

101. The Commission approved discontinuation of work as summarized in Appendix VII.

### MATTERS REFERRED TO THE COMMISSION BY CODEX COMMITTEES (Agenda Item 9)<sup>40</sup>

102. The Commission noted that several matters arising from Committees were presented for information only.

<sup>33</sup> [CX/CAC 14/37/8](#).

<sup>34</sup> [CX/CAC 14/37/9](#); [CRD9](#) (Comments of African Union); [CRD11](#) (Comments of the Philippines); [CRD13](#) (Comments of Indonesia); [CRD19](#) (Denmark's proposal); [CRD21](#) (Comments of Nicaragua).

<sup>35</sup> [REP14/RVDF, Appendix X](#).

<sup>36</sup> [REP14/EXEC, para. 32](#).

<sup>37</sup> [REP14/SCH, Appendix II](#).

<sup>38</sup> [REP14/FFV, Appendix VI](#).

<sup>39</sup> [CX/CAC 14/37/9, Annex 1](#).

<sup>40</sup> [CX/CAC 14/37/10 Rev.1](#); [CX/CAC 14/37/10 Add.1](#); [CRD3](#) (Proposed Draft Additional or Revised Nutrient Reference Value for Labelling Purposes in the Codex Guidelines on Nutrition Labelling: NRV-N for Protein); [CRD5](#) (Timely Distribution of Documents in the Official Languages of the Codex Alimentarius Commission); [CRD9](#) (Comments of African Union).

## **Additional comments and decisions**

### **Committee on General Principles**

#### *Codex Work Management and Functioning of the Executive Committee*

103. The Commission endorsed the recommendation of CCEXEC69 concerning the preparation of a paper identifying scope and process to evaluate the work management of Codex, for consideration by CCGP in 2015. The Commission noted that this paper would also address issues related to the effectiveness and representativeness of the Executive Committee and that the Codex Evaluation in 2002 and its follow-up in 2005 were appropriate starting points for this work.<sup>41</sup>

#### *Collaboration between Codex and OIE*

104. The Commission endorsed the guidance to promote collaboration between Codex and OIE (World Organisation for Animal Health) as proposed by CCGP28<sup>42</sup>.

#### *Information documents*

105. The Commission agreed to forward guidance on information documents to all Committees as recommended by CCGP28<sup>43</sup>.

### **Committee on Sugars (CCS)**

#### *Non-centrifugated dehydrated sugar cane juice*

106. The Delegation of Colombia as host country of CCS informed the Commission on a study being carried out, at the request of Colombian producers, on certain processing aids of natural origin acting as flocculating agents in the production of non-centrifugated dehydrated sugar cane juice. In view of this, the Delegation requested the Commission to extend the deadline for completion of this work until next year. The Delegation invited members and observers who might have relevant information to put forward their contributions.

107. The Commission:

- i. Noted the explanation provided.
- ii. Agreed to grant a one-year extension for completion of the Standard.
- iii. Noted that the status of development of the standard would be examined at the next session of CCEXEC in the framework of the Critical Review.

### **Processed Cheese**

108. The Commission considered the analysis and conclusion of the Electronic Working Group (EWG) on the development of an international standard for processed cheese and the proposal to develop a more general standard, which would provide a framework for these types of product. The Commission noted that the development of such a standard required countries to compromise on core issues (such as cheese content and the use of other ingredients) which have prevented the Committee on Milk and Milk Products (CCMMP) from completing the work in the past.
109. Delegations not supporting the new work recalled the previous inability of CCMMP to develop a standard and the lack of consensus around composition issues. They pointed out that there were no major impediments to the international trade of processed cheese or any safety concerns and that existing Codex texts provided adequate guidance.
110. Delegations supporting the development of a general standard for processed cheese, noted that processed cheeses were important commodities, broadly consumed and were included in lunch packs as part of school feeding programmes in many countries. They also noted the revised and broader scope of the proposed new work which would cover quality aspects and the impact on consumers' health, particularly on children who consume large quantities of this product.
111. They pointed out that Codex had previously developed standards for products for commercial needs where there were no food safety concerns and stressed the importance to differentiate processed cheese from products analogous to processed cheese, in particular for people with coeliac disease. One Delegation emphasised the need to have separate standards for processed cheese and for products analogous to processed cheese.

<sup>41</sup> [REP14/EXEC, paras 74 and 76.](#)

<sup>42</sup> [REP14/GP paras 72-73.](#)

<sup>43</sup> [REP14/GP para. 86.](#)



112. In view of the support and the willingness to engage in the new work, the Commission agreed to:
- i. Start new work on a Standard for Processed Cheese, as described in the project document<sup>44</sup>.
  - ii. Reactivate CCMMP to initially work by correspondence.
  - iii. Establish a Physical Working Group (PWG), led by New Zealand and co-chaired by Uruguay and working in English and Spanish, to prepare a proposed draft standard for circulation for comments at Step 3. The PWG will meet at the end of 2014 /beginning 2015.

#### **Timely distribution of documents**<sup>45</sup>

113. The Commission noted the report from the Secretariat on the timely distribution of documents and the analysis it provided. Delegations also acknowledged the work of the Secretariat in bringing this matter to the attention of the Commission in a proactive and transparent manner.
114. Delegations from Colombia and Costa Rica, supported by several others, expressed serious concern at the lack of action in finding a solution to this long-standing issue. Delegates underlined the importance of receiving documents in all languages in a timely manner to enable them to build consensus and develop national positions in their countries in advance of Codex committee meetings and guarantee maximum participation.
115. The Secretariat acknowledged that there is already an emerging picture for the classes of document that tend to arrive late and cause difficulties. The Secretariat confirmed that it would be possible to move forward immediately on this issue to start developing measures to improve the speed at which documents become available in all languages and recognised the support given by the CCLAC in developing the template.
116. The Secretariat further informed the Commission that work to translate Codex standards and publications into all languages for the web was underway despite the economic challenges involved.
117. Several Delegations stated that a rapid solution to this matter should be a priority for the in-coming Chairperson of the Codex Commission and that all Committees and EWGs should work to ensure documents are prepared in a timely manner.
118. The Commission
- i. Noted the efforts underway by the Secretariat to guarantee timely distribution of documents and encouraged the Secretariat to enhance these efforts with the emphasis on all languages.
  - ii. Noted the Secretariat's intention to identify the impediments to timely availability of documents.
  - iii. Recommended immediate and incremental action along with the work underway on the analysis of document preparation times.

#### **DRAFT CODEX STRATEGIC PLAN 2014 – 2019 (Agenda Item 10)**<sup>46</sup>

119. The Commission endorsed the conclusions and recommendations of CCEXEC<sup>47</sup>.

#### **FINANCIAL AND BUDGETARY MATTERS (Agenda Item 11)**<sup>48</sup>

120. The Secretariat presented the budget report for the 2012-13 and 2014-15 biennia.
121. The Commission:
- i. Took note of the report from the Secretariat and welcomed the continued financial support from the parent organisations including a significant increase from WHO since the 2012-2013 biennium as well as the in-kind contributions outside the Codex budget made to the Codex programme, such as secondments of Food Standards Officers to the Codex Secretariat.
  - ii. Called for the contributions of Member Governments hosting sessions to feature more prominently in future reports.
  - iii. Took note of under-spending (2012-2013) compared to the initial budget and the reasons given for this and highlighted the need for a better budgeting and work-planning process to anticipate future

<sup>44</sup> [Annex 3 of CX/CAC 14/37/10 Add.1.](#)

<sup>45</sup> [CRD5.](#)

<sup>46</sup> [CX/CAC 14/37/11.](#)

<sup>47</sup> [REP14/EXEC, paras 42-43.](#)

<sup>48</sup> [CX/CAC 14/37/12.](#)

- needs and use the allocated budget more efficiently, as well as to fully staff the Codex Secretariat.
- iv. Expressed the need for more transparency concerning a breakdown of chargeback and to examine if external providers could be used for selected services without a loss of quality.
  - v. Noted the savings in the 2014-2015 biennium due to current vacancies, but that overall expenditure would be closer to the allocated budget as there would be an increase in expenditure on communications, the website, translation/interpretation services and publications.
  - vi. Encouraged Codex Members to advocate for adequate budgetary allocations through the governing bodies of the parent organisations.

#### **FAO/WHO Scientific Support to Codex<sup>49</sup>**

122. The Representatives of FAO and WHO presented their report on the funding for the scientific advice provided by FAO and WHO for the 2012-2013 and 2014-2015 biennia
123. The Commission:
  - i. Expressed appreciation to FAO and WHO for the scientific support provided.
  - ii. Stressed the importance of funding to ensure provision to the scientific advice that is critical to the setting of standards.
  - iii. Acknowledged the extra budgetary contributions by Member countries.
  - iv. Highlighted concerns regarding gaps in funding that might delay the provision of scientific advice and thus might jeopardize the Codex workplan.
  - v. Encouraged FAO and WHO to continue supporting and continue funding Codex and related scientific advice activities.

#### **Discussion paper on sustainable funding for the provision of scientific advice to Codex and Member States<sup>50</sup>**

124. The Representatives of FAO and WHO introduced the document as a follow-up to the discussion on this matter at CCEXEC67. The Commission noted the general financing environment and the complexity of budgetary processes in FAO and WHO. In particular, WHO was dependent on a significant amount of extra-budgetary contributions from Member States to complement the Regular Budget funding, the latter covering only a part of staff salary. In the case of FAO most of the staff and non-staff costs of the provision of scientific advice to Codex have been covered by the budget of the FAO Regular Programme.
125. Delegations commented on Options 1, 2 and 3 presented in Section E of the document as follows.
126. Delegations noted that Option 1 implied the need for a high-level political decision by the Governing Bodies of FAO and WHO that the provision of scientific advice be covered by the Regular Budget of the parent organizations. Some Delegations undertook to consult their WHO and FAO focal points to explore the feasibility of such a decision, which would require a collective decision by FAO and WHO Member States. Delegations suggested that, even if the provision of scientific advice could not be integrated into the Joint FAO/WHO Food Standards Programme, the management of the provision of scientific advice and that of the Codex programme be put closer to each other to avoid operational gaps between the two. The possibility of introducing budgetary fungibility between the two programmes was also suggested. Some Delegations stated that the increase of budget in one should not result in the decrease in the other.
127. With respect to Option 2, many Delegations noted that, given the current policies of FAO and WHO in regard to collaboration with non-State actors, it was not possible at the moment to accept funds directly from the private sector to finance normative activities of FAO and WHO. Several Delegations noted that it would be premature to set aside this option at this time. It was clarified that it was not the secretariats of FAO and WHO but the Member States that developed and approved these policies. The Commission noted the FAO Strategy for Partnership with the Private Sector, which was approved by the FAO Council in 2013, and had been developed on the basis of a thorough risk assessment process, as described in CX/CAC 14/37/12 Add.2. In the case of WHO, these policies were often developed in a stringent way to avoid conflict of interest with the pharmaceutical industry. If Member States wished to distinguish between food and pharmaceutical sectors, differential policies needed to be adopted by the parent organisations. It was noted however that the current situation did not prevent FAO and WHO from accepting un-earmarked funds from

<sup>49</sup> [CX/CAC 14/37/12 Add.1.](#)

<sup>50</sup> [CX/CAC 14/37/12 Add.2.](#)

Member States contributed by non-State actors.

128. Delegations indicated that Option 3, introducing a voluntary indicative scale of contributions by country based on food export values, entailed an innovative approach. Several Delegations wished to study the option further. Other Delegations noted that national governments would find it difficult to support any new international assessments, even if voluntary. A suggestion was made to use food import values as an additional factor for estimating the economic benefits Codex standards were bringing to countries.
129. The Commission, in conclusion, noted that it was necessary to find a sustainable solution to address the chronic shortage of funds for scientific advice. To reduce precariousness of funding, it was critical to enlarge the donor base for the scientific advice, currently only a few countries, to several dozens of countries.
130. The Commission decided to pursue the examination of the three options at its 38<sup>th</sup> Session on the basis of the same document, to be complemented by an additional working document, to be prepared by FAO and WHO to address the observation and recommendations made by the Commission and its Executive Committee<sup>51</sup>, including the analyses of lessons learnt from the operation of GIFSA as well as fund raising practices of comparable bodies or projects. The Commission also agreed to invite Codex Member Countries to study closely the three options and their feasibility and implications in advance of the next session of the Commission.

## **MATTERS ARISING FROM FAO AND WHO (Agenda Item 12)**

### **a. FAO/WHO Project and Trust Fund for Enhanced Participation in Codex<sup>52</sup>**

131. The WHO and FAO Representatives presented the documentation provided on an annual basis by the Codex Trust Fund (CTF) and updated Delegations on the end-of-project evaluation. Countries were encouraged to participate as fully as possible in the evaluation if contacted by the evaluation team. They confirmed that the final evaluation document would be available in all Codex languages well in advance of the next Commission session.
132. The Representatives also presented the preliminary ideas of FAO/WHO on the successor initiative to the CTF which currently envisages a 3-pillar approach providing tailored support, support to Codex capacity development and possible support to continue to address the need to enhance countries' scientific/technical input to Codex.
133. Delegations expressed strong support for the efforts made by the CTF in enabling countries to participate in Codex activities and also bring Codex to the attention of partners and governments at the national level.
134. In exploring the future of CTF through the successor initiative, many Delegations highlighted a need to re-examine the classification criteria for countries who can benefit from the fund. Delegates also commented that the new initiative could now also look to help build sustainable support in the countries themselves through new alternatives which contribute to strengthening national Codex infrastructure through greater interaction with relevant stakeholders, capacity building and scientific development.
135. In response to some of the issues raised, the Representative of WHO acknowledged the contributions of CTF donors and stressed the need for continued funding. He also stressed the need to find the right balance to ensure that the aspirations and needs of developing and transition economy countries were met, while also responding to the views of donor countries without whom a successor initiative would not be possible.
136. He further confirmed that the successor initiative would be likely to move towards a more tailor-made approach to better meet the needs of countries wishing to access the fund and assured Delegations that these issues with other aspects of CTF were being reviewed carefully by the FAO/WHO consultative group for CTF.
137. The FAO Representative confirmed that all issues raised by Delegations would be explored as the successor initiative is developed. She described how forward planning is focused on the sustainability of the activities and she highlighted the need to clearly distinguish between the CTF and other capacity building initiatives.
138. The Commission:
- i. Noted that this matter had also been discussed at CCEXEC69<sup>53</sup>.
  - ii. Expressed the gratitude to the Countries and Member Organization supporting the CTF.

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<sup>51</sup> [REP 14/EXEC, para. 58.](#)

<sup>52</sup> [CX/CAC 14/37/13; CX/CAC 14/37/13 Add1; CAC/37 INF/10.](#)

<sup>53</sup> [REP 14/EXEC, para. 63.](#)

- iii. Noted that the level of interventions made at the present session showed the continued interest of Codex Members in the CTF and the importance of CTF to enable participation in Codex proceedings in support of the inclusiveness of the Commission's work.
- iv. Noted suggestions from Delegations for a review of eligibility criteria and classification of eligible countries in designing a successor initiative to the current CTF, and for additional logistic support.
- v. Expressed support to the ongoing work to ensure the development and implementation of a successor initiative when current CTF ends in 2015.

#### **b. Other Matters Arising from FAO and WHO**

##### ***Provision of Scientific Advice***<sup>54</sup>

139. The Representative of WHO presented the report on the programme for Provision of Scientific Advice and related activities.
140. The Commission:
- i. Acknowledged and appreciated the efforts of FAO and WHO to provide Codex with essential scientific advice.
  - ii. Noted the resource challenges in responding to all the requests made by Codex for scientific advice.

##### ***Capacity Development in Food Safety and Quality***<sup>55</sup>

141. The Commission noted the report on Capacity Development in Food Safety and Quality, which was presented by the Representative of FAO.
142. The Commission:
- i. Expressed satisfaction with the FAO and WHO Capacity Development programme, acknowledging that countries had benefitted from technical and scientific support.
  - ii. Encouraged delegates to take advantage of the different tools developed by FAO and WHO to enhance food safety and consumer protection in their countries.

#### **RELATIONS BETWEEN THE CODEX ALIMENTARIUS COMMISSION AND OTHER INTERNATIONAL ORGANIZATIONS (Agenda Item 13)**<sup>56</sup>

##### ***International Organisation of Vine and Wine (OIV)***<sup>57</sup>

143. The Director General of OIV highlighted the Organisation's participation in several ongoing projects in Codex including active involvement in the review of food additive provisions in the GSFA. As regards the Committee on Fresh Fruits and Vegetables, OIV contributed to the work on the Standard for Table Grapes and, in particular, maturity requirements. It was also reported that OIV maintains an active collaboration with FAO to develop global statistics for the vine and wine sectors. The Director General stressed the need for continued collaboration and coordination of the activities of common interest to both OIV and Codex.

##### ***World Organisation for Animal Health (OIE)***<sup>58</sup>

144. The Representative of OIE noted that the on-going collaboration between OIE and Codex is resulting in improvements in cooperation and coordination on topics of mutual interest and highlighted that at the international level, there are a number of mechanisms that have helped to improve the coverage by official standards of the whole food production continuum.
145. She noted that the OIE supported work of the CCGP EWG to develop a guidance document for Codex and OIE Cooperation and believed that it would provide additional mechanisms for strengthening collaboration between the two entities, whilst at the same time ensuring that the standard setting mandates of the two entities would be respected. Whilst disappointed that the CCGP was unable to support significant sections of the text proposed by the EWG, she was pleased that the agreed guidance to promote further collaboration between Codex and OIE had been endorsed by the CAC this week.

<sup>54</sup> [CX/CAC 14/37/14.](#)

<sup>55</sup> [CX/CAC 14/37/14 Add.1.](#)

<sup>56</sup> [CX/CAC 14/37/15.](#)

<sup>57</sup> [CAC/37 INF/5.](#)

<sup>58</sup> [CAC/37 INF/2.](#)

146. She provided details of current and future projects and assured the Commission of OIE's commitment, to continue working together with Codex, in order to provide a better guarantee of the safety of foods of animal origin.

#### **World Trade Organisation (WTO)<sup>59</sup>**

147. The Representative from WTO presented the report providing information on food safety related concerns that had been raised at recent meetings whilst also highlighting information that governments have reported on food safety, noting the large number of notifications by governments of planned new or revised food safety related requirements.
148. She informed delegates that the SPS Committee has stressed the importance of a collaborative working arrangement with Codex, OIE and IPPC, and encouraged these bodies to consider joint work on matters such as electronic certificates.
149. She spoke of the WTO's TBT Committee, the WTO dispute settlement procedure and the important role of Codex standards in disputes settlement.
150. She also detailed training initiatives and informed delegates that a new WTO Trade Facilitation (TF) Agreement, adopted in December 2013, simplifies procedures for cross border trade.

#### **Standards and Trade Development Facility (STDF)<sup>60</sup>**

151. The Representative of STDF introduced the facility and informed delegates of a report highlighting the impressive results of a recent independent mid-term review that also reflected extremely well on STDF's partners including FAO and WHO.
152. The Representative underlined the STDF's role in providing support and funding for the development and implementation of projects that promote compliance with SPS requirements. Those concerning food safety have benefited from the involvement of FAO and WHO.
153. She encouraged authorities responsible for food safety in developing countries to submit new applications for STDF consideration through the STDF website which will shortly be re-launched providing users with enhanced content and functionality.

#### **International Atomic Energy Agency (IAEA)<sup>61</sup>**

154. The Representative of the IAEA highlighted activities of the Joint FAO/IAEA Division including collaboration with the Codex Secretariat and committees and the development of performance criteria for methods of analysis. IAEA continues to host a method's database to support national residue monitoring programs. Laboratories are targeted for their key role in risk assessment and communication and their potential to enhance awareness on food safety issues and standards.
155. The Representative also reported IAEA's scientific and technical support to Codex and EWGs and their support for food safety related capacity building including accreditations. He highlighted involvement with Lab networks and the continued collaboration with Member Nations ([CRD10](#)) and other organizations on radionuclides in food and water as well as interpretation of standards post Fukushima Daaichi.
156. The Delegation of Japan drew the Commission's attention to [CRD10](#) that included information on recent situation in Japan following the Fukushima nuclear incident.
157. One Delegation drew the attention to the application of nanotechnology and its implication for food safety. The Representative of IAEA indicated that this issue could be taken up by IAEA on request of Member States.

#### **United Nations Economic Commission for Europe (UNECE)<sup>62</sup>**

158. The Representative of UNECE briefly updated delegates on recent meetings and activities organized under the auspices of the UNECE Working Party on Agricultural Quality Standards noting the adoption of many new and revised standards for fresh fruit and vegetables and dry and dried produce as well as explanatory brochures. He also welcomed the cooperation efforts between the UNECE and Codex Alimentarius secretariats in the areas of fresh fruit and vegetables, dry and dried produce as well as capacity-building.

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<sup>59</sup> [CAC/37 INF/3.](#)

<sup>60</sup> [CAC/37 INF/4.](#)

<sup>61</sup> [CAC/37 INF/7.](#)

<sup>62</sup> [CAC/37 INF/8.](#)



### **International Organization for Standardization (ISO)<sup>63</sup>**

159. The Representative of ISO thanked the Codex Secretariat and the OIE for their support for the ISO regional workshop on “The role of International Food Standards in international trade” (April 2014 – Bangkok). He informed delegates of a forthcoming Report on how ISO Standards support public policies and technical regulations. The report will include a description of ISO’s adherence to WTO disciplines for the development of International Standards and describe ISO’s productive relationship with Codex.
160. He concluded informing delegates that ISO is collecting feedback on its next Strategic Plan for the period 2016-2020 and would encourage Codex members to make contact with the ISO member in their country, and to provide their views on how ISO should evolve over the next 5 year period.

### **ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSONS (Agenda Item 14)<sup>64</sup>**

161. The Commission elected the following persons to hold office from the end of its present Session to the end of the next regular (38<sup>th</sup>) Session of the Commission.

**Chairperson:** Ms Awilo Ochieng Pernet (Switzerland)

**Vice-Chairpersons:** Mr Guilherme Antonio da Costa Jr. (Brazil)

Ms Yayoi Tsujiyama (Japan)

Mr Mahamadou Sako (Mali)

162. The Delegation of Japan, consistent with the previous statement (see para. 25), stepped down from the position of Coordinator for Asia. Following the proposal of the majority of CCASIA countries, the Commission appointed Thailand as Coordinator for Asia for the remaining term, i.e. until end of CAC38. The Commission further noted that CCASIA19 would be co-hosted by Japan and held in Tokyo from 3 to 7 November 2014, and chaired by Thailand.

### **DESIGNATION OF COUNTRIES RESPONSIBLE FOR APPOINTING THE CHAIRPERSONS OF CODEX COMMITTEES AND TASK FORCES AND SCHEDULE OF SESSIONS 2015-2016 (Agenda Item 15)<sup>65</sup>**

163. The Commission confirmed the designation of the Host Governments, as listed in the Appendix VIII to this report and recalled its earlier decision to reactivate CCMMP, hosted by New Zealand.
164. The Delegation of Norway, as host country of CCFFP, informed the Commission of the possibility of adjourning sine die the Committee after its 34<sup>th</sup> Session in October 2015 if current work will have been completed and no new work submitted. The Delegation informed that any new work proposals should be made well in advance of CCFFP34.

### **OTHER BUSINESS (Agenda Item 16)**

#### **Standard for ready-to-use foods for the management of malnourished children<sup>66</sup>**

165. The Observer from UNICEF, referring to CRD2, requested the Commission to consider developing a standard for ready-to-use foods for the management of malnourished children. The observer explained that UNICEF and WFP provide nutritional foods, such as ready-to-use therapeutic Food (RUTF) and ready-to-use supplementary food (RUSF) to manage severe acute malnutrition and moderate acute malnutrition of children. Currently, no international standards were in place to provide guidance for the quality and safety of RUTF and RUSF.
166. Several Delegations supported the need for a Codex standard to guarantee the safety and quality of these products that are widely consumed, produced or traded in their countries while noting that further information was necessary.
167. The Representative of WHO stated that in principle, WHO supported the proposal submitted by UNICEF regarding the development of standard for ready-to-use foods for the management of malnourished children described in CRD2. However, the Representative noted that while evidence existed today for the effectiveness of RUTF for the treatment of severe acute malnutrition, little evidence existed on the effectiveness of RUSF for the treatment and prevention of moderate acute malnutrition.

<sup>63</sup> [CAC/37 INF/6](#).

<sup>64</sup> [CX/CAC 14/37/16 Rev.2](#).

<sup>65</sup> [CX/CAC 14/37/17](#).

<sup>66</sup> [CRD2 \(UNICEF\)](#).

168. WHO was currently conducting systematic reviews on the effectiveness and safety of the formulations based on the nutrient composition of RUTF, provided in the *2007 Joint Statement on Community-based Management of Severe Acute Malnutrition*, issued by WHO, WFP, UNICEF and UNSCN as well as the proposed nutrient composition of RUSF provided in the *2012 WHO Technical note on Supplementary foods for the management of moderate acute malnutrition in infants and children 6 – 59 months of age* and also reviewing the longer-term effects of such products on the health of children.
169. These systematic reviews were being carried out as part of WHO's effort to develop in 2015 a guideline on effectiveness and safety of lipid-based nutrient supplements (such as RUTF and RUSF) to treat severe acute malnutrition and moderate acute malnutrition. The Representative suggested therefore that the proposed work could be considered once the WHO's on-going evidence review had been completed.
170. The Representative of WHO also stated that a clarification on the scope of the proposed work needed to be provided in terms of:
- the kinds of the products to be considered (i.e. lipid-based nutrient spreads only or also ready-to-use cereal-based products);
  - the focus (i.e. only on the safety aspects of RUTF and RUSF or also the nutritional compositions of such products).
171. The Representative of FAO informed the Commission of ongoing FAO and WHO work to address the microbiological safety of RUTF and RUSF and of the need to also consider chemical contaminants. She noted that the outcome of this work would support better definition of the safety issues that need to be considered in relation to these products.
172. In view of the support to consider the work further as well as the need to better understand the scope and key concerns, the Commission agreed to request UNICEF, in collaboration with WHO and FAO, to prepare a comprehensive discussion paper for presentation and discussion at the next session of CCNFSDU.
- Proposals from Egypt<sup>67</sup>**
173. The Commission noted two proposals from Egypt:
- to limit one of the seats of the Vice-Chairs to Coordinating Committees' nominees from developing countries to ensure balance and alternation in the distribution of Officers of the Commission in particular from developing countries (Rules III and VIII);
  - to amend the voting procedure to prevent adoption of food safety standards by vote to ensure compliance with the Codex's objective to protect consumers' health (Rule VIII).
174. The Commission agreed that the above matters could be taken up in the discussion paper to be prepared by the Secretariat, in collaboration with FAO and WHO, on the work management of Codex for consideration by the 2015 sessions of CCGP, CCEXEC and the Commission (see para. 103).
175. The Delegation of Egypt informed the Commission of their intention to present to the relevant committees proposals on halal food and frozen/refrigerated meat.

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<sup>67</sup> [CRD4 \(Egypt\)](#).