

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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NOTE FROM THE CHAIRPERSON OF THE CODEX ALIMENTARIUS COMMISSION TO MEMBERS AND OBSERVERS

DISCUSSION OF DRAFT MRLs FOR ZILPATEROL HYDROCHLORIDE AT CAC46

Our agenda for CAC46 includes further consideration of draft MRLs for zilpaterol hydrochloride in cattle liver, kidney and muscle.¹ I recognize the continuing keen interest of many Members and Observers in this issue. To support Members' and Observers' preparation for the meeting, I outline below my proposed approach to our discussion of these draft MRLs. This has been informed by an iterative series of discussions with the Codex Secretariat and with FAO and WHO Legal Offices in order to test and revise the approach I might take.

My first objective, in preparing for and chairing the discussion of the draft MRLs for zilpaterol hydrochloride at CAC46 is to facilitate and encourage the identification of conclusions which may be acceptable to Members and which may permit resolution by consensus.

Following adoption of the agenda for the meeting in the afternoon of Monday 27 November, I intend to set out the arrangements for working methods of the session with regards to our discussion of the draft MRLs for zilpaterol hydrochloride.

The draft MRLs for zilpaterol hydrochloride in cattle liver, kidney and muscle are currently at Step 7 of the Procedural Manual's *Uniform Procedure for the Elaboration of Codex Standards and Related Texts*. At this step, comments received in response to the Circular Letter issued by the Secretariat² are sent "to the subsidiary body or other body concerned, which has the power to consider such comments and amend the draft standard". In this case, the Commission itself is the "other body concerned", as CAC45 "agreed to retain the further elaboration of MRLs for zilpaterol hydrochloride in cattle liver, kidney and muscle, in the Commission".³

I will reflect on the conclusion that the Vice-Chairpersons and I drew from the informal regional consultations we conducted earlier this year that, among Members in general, there is "a recognition that time is now growing short and a sense of impatience that this issue should be resolved at CAC46".⁴ I will outline my understanding that, by virtue of that conclusion of CAC45 and in line with the views the Vice-Chairpersons and I have heard, Members had agreed that all further discussion of these proposed MRLs should be retained in the Commission.

If Members are content with my understanding, summarized in the previous paragraph, then there will be just two questions we will need to consider when we reach the relevant agenda item in the afternoon of Tuesday 28 November.

The first question to the Commission would be whether the draft MRLs for zilpaterol hydrochloride in cattle liver, kidney and muscle should be *advanced* to Step 8.

¹ CX/CAC 23/46/17

² CX/CAC 23/46/17 Add. 1

³ REP22/CAC, paragraph 146(ii)

⁴ CX/EXEC 23/85/7

I will ask the Commission whether it agrees to *advance* the draft MRLs to Step 8. If there is an objection to advance the draft MRLs, we will proceed to a vote whether to advance or not, which will be determined by a simple majority.

If the outcome of the vote is positive, the draft MRLs for zilpaterol hydrochloride would be advanced to Step 8. If the outcome of the vote is negative, the draft MRLs would not advance to Step 8. In that eventuality, Members may propose, for example, the possible discontinuance or adjournment of the work.

Presuming the Commission agreed with advancing the draft MRLs for zilpaterol hydrochloride to step 8, the second question to the Commission would be whether the draft MRLs should be *adopted* at Step 8.

For this, I intend to ask the Commission whether it agrees to *adopt* the draft MRLs at Step 8. If there is an objection to adoption of the draft MRLs, we will proceed to a vote, which will be determined by a simple majority.

If the outcome of the vote is positive, the draft MRLs will be adopted at Step 8. If the outcome of the vote is negative, the draft MRLs would not be adopted and this is the end of the discussions.

A handwritten signature in black ink, appearing to read "S. Wearne", enclosed in a thin black rectangular border.

Steve Wearne
Chairperson
Codex Alimentarius Commission