

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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Agenda Item 2

CX/FO 05/19/2

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FATS AND OILS

Nineteenth Session

London, United Kingdom, 21– 25 February 2005

MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES

PART I : 26TH CODEX ALIMENTARIUS COMMISSION¹

A. Amendment to the Procedural Manual²

1. The Commission determined that the quorum specified in Rule IV.6 for the amendment of the Rules of Procedure had been constituted. The Commission adopted the following amendment to the Procedural manual.

- Clarification of Rule VI.4 (Voting and Procedures)
- Amendments to the Rules of Procedure concerning the Membership of Regional Economic Integration Organizations

2. The Commission adopted the following proposals to amend other sections of the Procedural Manual.

- Amendments to the *General Criteria for the Selection of Methods of Analysis using the Criteria Approach* and the insertion of a new section addressing *Working Instructions for the Implementation of the Criteria Approach in Codex* in the “Principles for the Establishment of Methods of Analysis”, with the correction of an editorial error.
- Revision of the terms of reference of the Committee on Meat and Poultry Hygiene and also the revision of the name to read "*Codex Committee on Meat Hygiene*"
- Measures to Facilitate Consensus for inclusion as a general decision of the Commission.

3. The amendments adopted as above have been included in the 13th Edition of the Procedural Manual.

¹ Full report of the 26th session of the Commission is available from <http://www.codexalimentarius.net>

² ALINORM 03/41, paras 15-31

B. CONSIDERATION OF THE DRAFT AND PROPOSED DRAFT STANDARDS AND RELATED TEXTS³

4. The Commission adopted various standards and other texts elaborated by the Codex Committees and Task Forces including Draft Revision of the Standard for Olive Oils and Olive Pomace Oils and Proposed Draft Amendment of the Standard for Named Vegetable Oils. A complete list of these texts and details of their consideration could be found in ALINORM 03/41, Appendices V and VI. The Commission made the following observations on the Draft Revision of the Standard for Olive Oils and Olive Pomace Oils:

Draft Revision of the Standard for Olive Oils and Olive Pomace Oils⁴

5. The Delegations of Australia and New Zealand welcomed the adoption of the standard at Step 8 except for the level of linolenic acid 1.0% in the Section 3.9 of the Standard, which these countries requested should be returned to the Committee for further consideration. The delegations stated that the natural conditions in their countries contributed to the increased levels of linolenic acid, which made it difficult to accept reduction of the level from 1.5% in the present standard to 1.0% in the proposed standard. The delegations stressed the importance of taking into consideration natural and geographical variations in establishing a Codex standard and proposed to wait for the outcome of global data survey conducted by the International Olive Oil Council (IOOC). This position was supported by other countries which had similar issues with respect to their domestically produced products and also by countries which emphasized the importance that Codex standards should include variations representing international trades or wide range of production situations.

6. On the other hand, there were many countries that requested adoption of the revision as proposed by the Committee on Fats and Oils, since it fitted within the objective of ensuring fair practices in the food trade. These delegations stated that the proposed revision, especially the level of linolenic acid, was a result of lengthy and difficult negotiations in the Committee and therefore should not be altered. It was also pointed out that the level of linolenic acid should be strictly managed since it can be an indicator for the quality and nature of the oils. Other countries stressed the need for the survey to be undertaken by the IOOC to take into account regional conditions, production and processing methods, and to be statistically sound.

7. Finally as a compromise, the Commission **agreed to adopt** the Proposed Revision at Step 8 without any figure in the column of C18:3(linolenic acid) in Section 3.9 with footnote “Pending the results of IOOC survey and further consideration by the Committee on Fats and Oils, national limits may remain in place”. The Commission also agreed that the secretariat would work with the Chair of the Committee and the IOOC to develop a Circular Letter advising members of the importance of submitting data for the survey. The Commission noted that the Section on Methods and Analysis would be included in the standard only after its endorsement by the Committee for Methods of Analysis and Sampling.

C. PROPOSALS TO ELABORATE NEW STANDARDS⁵

8. The Commission approved the elaboration of new standards and related texts as summarized in ALINORM 03/41, Appendix VIII, including Proposed Draft Amendment to the Standard for Named Vegetable Oils and Proposed Draft Amendment to Table 1 of the of the Recommended International Code of Practice for the Storage and Transport of Edible Fats and Oils in Bulk.

D. MATTERS ARISING FROM CODEX COMMITTEES AND TASK FORCES⁶

³ ALINORM 03/41, paras 32-136

⁴ ALINORM 03/41, paras 81-84

⁵ ALINORM 03/41, paras 138-141

⁶ ALINORM 03/41, paras 198-231

Request to hold a Joint FAO/WHO Expert Consultation⁷

9. The Commission considered the request from the Committee on Fats and Oils to elaborate evaluation criteria for substances to be included in the List of Acceptable Previous Cargoes as well as to evaluate the substances proposed in the current List at Step 4. The Commission was of the opinion that the elaboration of criteria was a risk management procedure that should be conducted by the Committee rather than as a risk assessment procedure by JECFA. The Delegations of the United States and Canada objected to this opinion since, according to these delegations, the Committee had insufficient competence to manage the list due to lack of clear procedure for amending the list, and that the list could not be revised in a timely manner. The Commission **requested** FAO and WHO to convene an expert consultation in order to assist the Committee to develop risk management principles which would include evaluation criteria for inclusion of the substances in lists of acceptable cargoes. The Secretariat of JECFA expressed the view that JECFA could provide technical advice to the Committee on risk assessment and evaluation of substances.

PART II: 27TH CODEX ALIMENTARIUS COMMISSION⁸

A. AMENDMENT TO THE PROCEDURAL MANUAL⁹

10. As the quorum specified in Rule V.6 of the Rules of Procedure was not constituted, the Commission was unable to adopt the following proposed amendments and agreed that their consideration should be deferred to its next session.

- Proposed Amendments concerning the enlargement of the Executive Committee, the functions of the Executive Committee and matters related to budget and expenses
- Proposed Amendments to Rules VIII.5 - Observers

11. The Commission adopted the following proposals to amend other sections of the Procedural Manual.

- Amendments to the Procedures for the Elaboration of Codex Standards and Related Texts
- Criteria for the Appointment of Chairpersons
- Guidelines to Host Governments of Codex Committees and *ad hoc* Intergovernmental Task Forces
- Guidelines on the Conduct of Meetings of Codex Committees and *ad hoc* Intergovernmental Task Forces
- Guidelines to Chairpersons of Codex Committees and *ad hoc* Intergovernmental Task Forces
- Matters related to Methods of Analysis and Sampling
- General Criteria for the Selection of Single Laboratory Validated Methods of Analysis Principle
- Amendments to the Analytical terminology for Codex Use
- Definitions of Risk Analysis Terms related to Food Safety, on an interim basis, for inclusion in the Procedural Manual with the understanding that the Committee on General Principles would reconsider these definitions if required in the light of the advice of the Committee on Pesticide Residues, the Committee on Food Additives and Contaminants, the Committee on Residues of Veterinary Drugs in Foods, the Committee on Meat Hygiene, and the Committee on Food Import and Export Inspection and Certification Systems.
- Definition of Traceability/Product Tracing (The Commission **requested** the CCFICS to present a proposal for new work on principles for the application of traceability/product tracing as a matter of

⁷ ALINORM 03/41, para 212

⁸ Full report of the 27th session of the Commission is available from <http://www.codexalimentarius.net>

⁹ ALINORM 04/27/41, paras 9-20

priority. The Delegations of Mexico, Argentina, Chile and India maintained the view that the application of the definition should be deferred until the principles under development had been finalized.)

12. The amendments adopted as in the paragraph above will be included in the 14th Edition of the Procedural Manual.

B. CONSIDERATION OF THE DRAFT AND PROPOSED DRAFT STANDARDS AND RELATED TEXTS¹⁰

13. The Commission adopted various standards and other texts elaborated by the Codex Committees and Task Forces. A complete list of these texts and details of their consideration could be found in ALINORM 04/27/41, Appendices III and IV.

C. PROPOSALS TO ELABORATE NEW STANDARDS¹¹

14. The Commission approved the elaboration of new standards and related texts as summarized in ALINORM 04/27/41, Appendix VI.

D. REVIEW OF THE MANDATES OF CODEX COMMITTEES AND TASK FORCES¹²

15. The Commission adopted the following Terms of Reference of the Review:

- a) With the objective of reducing the number of Codex meetings while also keeping them short and focused, the review should concentrate on:
 - adequacy of the current structure of general subject committees to meet member countries' needs in a flexible and timely manner;
 - adequacy of the current structure of commodity committees to meet member countries' needs in a flexible and timely manner;
 - areas of overlap and areas where coverage of the subject matter is inadequate, taking into consideration the needs that were not covered or new issues that may arise in the future; and
 - relationship between all committees and task forces, particularly the relations between commodity and general subject committees (task forces);
- b) Based on a detailed study of the points above and inputs received from various sources, recommendations should be formulated for consideration by the Commission. These may include proposals for revision of the existing committee mandates with a view to rationalisation, proposals for redistribution of tasks and responsibilities between committees, and proposals to split or merge committees.
- c) The recommendations to the Commission should also take into account the ability of all members of the Commission to participate in the standards development process, including the sustainability of the subsidiary body structures and their work programmes, especially in the light of the holding of annual sessions of the Commission and the operation of the FAO/WHO Trust Fund for Enhanced Participation in Codex.

¹⁰ ALINORM 04/27/41, paras 21-86

¹¹ ALINORM 04/27/41, paras 88-102

¹² ALINORM 04/27/41, paras 132-134

16. The Commission agreed that the recruitment of a small team of consultants (three or four) would be initiated after the Commission and that the time frame presented in document ALINORM 04/27/10C would be followed in order that recommendations be submitted to the 28th Session of the Commission. The Commission agreed that a Circular Letter would be sent to all Codex Members to ask for their views on the review of the mandates of Committees and Task Forces. The review will also include Regional Coordinating Committees.

E. RELATIONS BETWEEN THE CODEX ALIMENTARIUS COMMISSION AND OTHER INTERNATIONAL ORGANIZATIONS¹³

17. In accordance with Article 6 of the *Principles Concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission*, the Secretariat reported to the Commission on the cooperation with NGOs, as presented in ALINORM 04/27/10E and LIM 7.

Relation between Codex and ISO¹⁴

18. The Commission recalled that the 53rd Session of the Executive Committee had agreed that the Codex Secretariat establish preliminary contact with the International Organization for Standardization (ISO) to obtain information on the current status of food safety work within ISO.

19. The Commission agreed that the Secretariat should maintain its contacts with ISO and report to the Executive Committee and the Commission on ISO activities of relevance to Codex work.

F. FAO/WHO PROJECT AND TRUST FUND FOR ENHANCED PARTICIPATION IN CODEX¹⁵

20. The Commission generally supported the use of the Trust Fund for projects other than for travelling to Codex sessions. It was however stressed that participation in training activities on Codex should not be the primary focus of the Trust Fund, but should rather covered by the Regular Programme and extra-budgetary resources of FAO and WHO as part of their capacity building activities.

21. The Commission requested that the criteria used in the distribution of funds should be kept under review. Further consideration should be given to ensuring adequate regional representation and the effectiveness of the participation of the beneficiary countries in Codex work.

G. OTHER MATTERS ARISING FROM FAO AND WHO¹⁶

Requests for Scientific Advice from Codex Subsidiary Bodies¹⁷

22. The Representative of WHO, also speaking on behalf of FAO, stressed the need for the Commission to prioritize the requests for scientific advice coming from Codex subsidiary bodies and drew the attention of the Commission to the fact that the 53rd Session of the Executive Committee had reviewed the Codex requests to FAO and WHO on scientific advice and considered a preliminary set of criteria to establish priorities but postponed further discussion to a later session. The Representative of WHO highlighted the need to secure adequate funding both from Regular Budgets and from extra budgetary sources so that the provision of scientific advice be made in a more sustainable manner.

23. The Commission **agreed** that Codex requests No 6 (functional foods), No.7 (active chlorine) and No.16

¹³ ALINORM 04/27/41, paras 173-187

¹⁴ ALINORM 04/27/41, paras 182-187

¹⁵ ALINORM 04/27/41, paras 188-196

¹⁶ ALINORM 04/27/41, paras 197-224

¹⁷ ALINORM 04/27/41, paras 200-208

(transport of fats and oils in bulk) for scientific advice in Annex I of the working document (ALINORM 04/27/10G) should not be considered as cancelled but be retained.

24. Some delegations proposed to give a higher priority to the Codex request No.6 from the 13th Session of the Coordinating Committee for Asia, to evaluate the safety and regulatory issues related to functional foods, given their importance to developing countries. Other delegations indicated that the Committee on Nutrition and Foods for Special Dietary Uses gave priority to the evaluation of upper limits of vitamins and minerals and that there was no international definition of functional food and no work was being undertaken by the Codex in this area and that from a legal point of view functional foods could be considered as common foods or foods for special dietary uses.

25. The Commission noted that the Committee on Food Additives and Contaminants and the Committee on Food Hygiene were preparing the draft Terms of Reference for the proposed expert consultation on safety of active chlorine used in and on foods.

26. In relation to the request regarding the evaluation of the safety of acceptable previous cargoes, the Commission confirmed its earlier request to FAO and WHO to convene an expert consultation, preferably before the next Session of the Committee on Fats and Oils. The Delegation of the United States stated that future work by the Committee on Fats and Oils should concentrate on criteria but not on the list.

27. The Commission **agreed** that priority for the provision of scientific advice should be given to requests coming from Codex subsidiary bodies rather than from Member governments and that the work plan of Codex shall take into account the availability of relevant scientific advice. The Commission noted the view that priority should also be given to the concerns of developing countries, the decisions of the Commission and prioritised requests by Codex subsidiary bodies.

28. The Commission **noted** that in the absence of Codex criteria for setting priorities for the provision of scientific advice, FAO and WHO would continue planning expert meetings and consultations considering the following criteria: a) clear scope of the advice requested; b) urgency of the advice requested, c) availability of required data or commitment of countries to provide such data; and d) availability of financial resources.