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codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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Agenda Item 2

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

FAO/WHO COORDINATING COMMITTEE FOR NORTH AMERICA AND THE SOUTH WEST PACIFIC

Eighth Session, Apia, Samoa, 19-22 October 2004

MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES AND TASK FORCES

A. AMENDMENT TO THE PROCEDURAL MANUAL

26th Codex Alimentarius Commission¹

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.

27th Codex Alimentarius Commission²

4. 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

¹ ALINORM 03/41, paras 15-31

² ALINORM 04/27/41, paras 9-20

5. 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 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.)
6. The amendments adopted as in the paragraph above will be included in the 14th Edition of the Procedural Manual.

B. FINANCIAL AND BUDGETARY MATTERS

27th Codex Alimentarius Commission³

7. The Secretariat presented the report of the expenditures in the 2002-2003 biennium and the update information on the budget for the current, 2004-2005 biennium. The Secretariat indicated that for the present biennium the financial situation had improved since the 53rd Session of the Executive Committee due to an increase in the budget allocated by the parent organizations, thus allowing Codex to retain the initial programme of work, including the schedule of Codex sessions. However, several cost saving measures still had to be applied to absorb the reductions foreseen in the 2004 allotments.

8. The Commission **agreed** that the Secretariat would continue to explore possibilities of further cost savings, taking account of the comments made, and would soon issue a Circular Letter to all Codex Contact Points⁴ with a view to promoting the use of electronic distribution of documents in contrast to distribution of hard copies.

³ ALINORM 04/27/41, paras 111 and 118

⁴ CL 2004/38-GEN (August 2004)

C. STRATEGIC PLANNING OF THE CODEX ALIMENTARIUS COMMISSION

27th Codex Alimentarius Commission⁵

STATUS OF THE STRATEGIC FRAMEWORK 2003-2007 AND MEDIUM-TERM PLAN 2003-2007

9. The Commission **endorsed** the decision of the 53rd Session of the Executive Committee to discontinue the elaboration of the Medium-Term Plan, with the understanding that its elements would be used as a basis for a list of programmes/activities to be incorporated into the new Strategic Plan 2008-2013. In the absence of a Medium-Term Plan, the Commission **agreed** that the Executive Committee would exercise its critical review functions, closely coordinate work between different Codex Committees and monitor the progress of standards development in accordance with the current Strategic Framework and the *Criteria for the Establishment of Work Priorities*.

PREPARATION OF THE STRATEGIC PLAN 2008-2013

10. The Commission **agreed** to initiate the preparation of a new Strategic Plan for the period 2008-2013, and **recommended** that:

- The Executive Committee, at its next session, discuss the structure and format for a new Strategic Plan covering a six-year period of 2008-2013 as well as the ways to further proceed with the development of the Strategic Plan;
- The Strategic Plan state strategic objectives and priorities of the Commission and incorporate a list of programme areas/planned activities with a clearly defined timetable for each of the activities;
- After requesting the views of Regional Coordinating Committees, the draft Plan be submitted to the Commission for adoption by 2007; and
- The Strategic Plan, once adopted, be renewed every two years on a rolling basis.

ACTION PLAN FOR CODEX-WIDE DEVELOPMENT AND APPLICATION OF RISK ANALYSIS PRINCIPLES AND GUIDELINES

11. The Commission noted that several Committees had developed or were in the process of developing guidance on risk analysis in their respective areas, for inclusion in the Procedural Manual. The Commission **endorsed** the recommendations of the 53rd Session of the Executive Committee and decided to:

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

12. The Commission recalled that the Committee on General Principles was considering the revision of the *Criteria for the Establishment of Work Priorities*, while the Executive Committee was developing new criteria for the prioritization of requests for scientific advice within Codex.

⁵ ALINORM 04/27/41, paras 121-125

D. IMPLEMENTATION OF THE JOINT FAO/WHO EVALUATION OF THE CODEX ALIMENTARIUS AND OTHER FAO AND WHO WORK ON FOOD STANDARDS

27th Codex Alimentarius Commission⁶

GENERAL IMPLEMENTATION STATUS

13. With respect to the discussions on “consensus” at the 54th Session of the Executive Committee, the Commission agreed to ask the Committee on General Principles to consider further the possibility of developing a definition of the term “consensus”.

REVIEW OF THE MANDATES OF CODEX COMMITTEES AND TASK FORCES

14. 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.

15. 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.

REVIEW OF THE REGIONAL COORDINATING COMMITTEES

16. The Commission **agreed** that a Circular Letter⁷ would be issued to all Codex members to invite government comments in the following areas:

- Role of Regional Coordinating Committees in furthering the objectives of the Codex Alimentarius Commission;
- Membership of Regional Coordinating Committees, including their current geographic coverage;

⁶ ALINORM 04/27/41 paras 131-136

⁷ CL 2004/29-NASWP (July 2004)

- Terms of reference of the Regional Coordinating Committees as set out in the Procedural Manual, including the relevance of developing regional standards;
- Effectiveness of Regional Coordinating Committees in respect of country participation record and of venues and meeting intervals (currently every two years);
- Respective roles of the Regional Coordinator as *ex officio* Chairperson of the Regional Coordinating Committee and the Member(s) of the Executive Committee elected on a geographic basis, particularly within the framework of the Executive Committee; and
- Any other issues.

24. Regional Coordinating Committees, at their forthcoming session, would consider the comments from the governments of their respective Region and forward their view and/or recommendations to the 28th Session of the Commission for its consideration.

E. MATTERS ARISING FROM THE REPORTS OF CODEX COMMITTEES AND TASK FORCES

27th Codex Alimentarius Commission⁸

COMMITTEE ON GENERAL PRINCIPLES

Proposed Draft Code of Ethics for International Trade in Food

17. The Commission recalled that the Committee on General Principles had sought the advice of the Commission to clarify the need to revise the Code of Ethics and its intended scope, particularly with regard to whether it should focus solely on ethical aspects.

18. The Delegation of Brazil noted that it would be difficult to achieve consensus if the Code was to focus only on ethical issues, and recalled that the priority of Codex was the development of science based standards. The Delegation expressed the view that such a Code could lead to disguised forms of barriers to international trade and that many provisions in the Code were covered by other Codex texts or multilateral agreements and therefore questioned the need for further work on the Code. Several delegations supported this position and proposed to discontinue work on the revision of the Code as there were more urgent priorities in the Committee on General Principles and in the framework of Codex. Some delegations pointed out that the existing Code of Ethics adequately covered aspects of ethics in international trade, and that its revision should be discontinued.

19. Several delegations and the Observer from Consumers International supported the revision of the Code and stressed its importance, especially for developing countries, in order to prevent the export of food that was unsafe and/or did not meet the food safety requirements of the exporting countries and to protect consumers from health risks and unfair practices. These delegations therefore supported the revision of the Code and its exclusive focus on ethical issues, as other aspects related to international trade were already covered in other Codex texts or the WTO Agreements.

20. The Delegation of Canada proposed to seek clarification from the Committee on General Principles on the need and purpose of the Code, its relationship with other Codex texts and multilateral bodies. Some delegations supported this proposal as it would facilitate further discussion, while other delegations stated that the questions forwarded by the Committee on General Principles should not be referred back to that Committee without being answered by the Commission.

21. After some further discussion, the Commission **agreed** to address the following questions to the Committee on General Principles:

- Whether there is a clear need for a Code of Ethics for International Trade in Food;
- If so, whether the primary problem to be addressed by such a Code is the subsequent export of food, whether imported or produced domestically, that had been found to be unsafe or otherwise does not meet the safety standards of the exporting country;

⁸ ALINORM 04/27/41, paras 152-162

- Whether the Code has other objectives;
- To what extent other Codex texts, developed since the last revision of the Code in 1985, have addressed the objective(s) of the existing Code. Of particular relevance are the texts developed by the Committee on Food Import and Export Inspection and Certification Systems;
- Whether the texts developed by other multilateral bodies (e.g. FAO, WHO, WTO) have contributed to addressing the problems the Code is meant to resolve; and
- Given the existence of these Codex and other texts, what, if any, aspects of the problem remain unaddressed and whether these aspects were within the mandate of the Committee.

22. The Commission recalled that the Proposed Draft Revised Code had been returned to Step 3 by the Committee on General Principles but had not been circulated for comments pending advice of the Commission. The Commission **agreed** that it should not be circulated at Step 3, pending further discussion in the Committee, and that instead, a Circular Letter would be issued to request comments on these questions, for consideration by the Committee on General Principles at its next regular session.

23. The Commission recognized the importance of this issue for developing countries and noted that the Regional Coordinating Committees could discuss this matter.

F. RELATIONS BETWEEN THE CODEX ALIMENTARIUS COMMISSION AND OTHER INTERNATIONAL ORGANIZATIONS

27th Codex Alimentarius Commission⁹

RELATIONS BETWEEN THE CODEX ALIMENTARIUS COMMISSION AND OTHER INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

24. The Commission was reminded that the amendment to Rule VIII.5 “Observers” proposed by the 20th Session of the Committee on General Principles had not been adopted at the present session due to the absence of quorum. It took note of the status of the draft Guidelines for Cooperation with International Intergovernmental Organization under development in the Committee on General Principles and noted that the 21st Session of the Committee would consider a revised draft prepared by the Secretariat. In this regard, the Commission noted that the Committee on General Principles did not support the elaboration of a joint standard with a cooperating organization.

Relation between Codex and OIE

25. The Commission concluded the discussion by reiterating its interest for increased cooperation with OIE and suggested that FAO and WHO initiate discussion in accordance with the recommendations of the 53rd Session of the Executive Committee, taking account of the comments made. The Commission requested the Committee on General Principles to finalise the Guidelines at an early opportunity and recommended that the collaboration between Codex and OIE be strengthened also at national and regional level.

RELATIONS BETWEEN THE CODEX ALIMENTARIUS COMMISSION AND INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Relation between Codex and ISO

26. 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. 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.

⁹ ALINORM 04/27/41, paras 173-187

G. FAO/WHO PROJECT AND TRUST FUND FOR ENHANCED PARTICIPATION IN CODEX

27th Codex Alimentarius Commission¹⁰

27. The Commission noted the Fourth Progress Report of the Project and Trust Fund presented by FAO and WHO as the working document and commended the work of the FAO/WHO Consultative Group.

28. The Commission acknowledged that the Trust Fund had become operational since March 2004 after the threshold of US\$ 500,000 was reached. It encouraged other countries to contribute and recommended that FAO and WHO look into the possibilities to seek funds from other sources, such as Foundations, while ensuring that conflict of interest be avoided. The Assistant Director-General of WHO acknowledged the generous contributions to the Trust Fund, reminding the Commission that the received funds still amounted to one quarter of the anticipated annual contributions to the Fund.

29. The Commission was informed that the call for applications for 2005 would be issued in July 2004 with 1 October 2004 as deadline.

30. In noting the views of the 54th Session of the Executive Committee, the Commission stressed the importance of national coordination and the key role of Codex Contact Points for the successful operation of the Trust Fund and agreed that the submissions for application to the Trust Fund should be channelled exclusively through the Codex Contact Point.

31. 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.

32. 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.

H. OTHER MATTERS ARISING FROM FAO AND WHO¹¹

27th Codex Alimentarius Commission

MATTERS RELATED TO SCIENTIFIC ADVICE

Requests for Scientific Advice from Codex Subsidiary Bodies

33. 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.

34. The Commission **agreed** that Codex requests No 6 (functional foods), No.7 (active chlorine) and No.16 (transport of fats and oils in bulk) for scientific advice in Annex I of the working document should not be considered as cancelled but be retained.

¹⁰ ALINORM 04/27/41, paras 188-196

¹¹ ALINORM 04/27/41, paras 197-219

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

OTHER FAO AND WHO ACTIVITIES RELATED TO THE PROVISION OF SCIENTIFIC ADVICE

Antimicrobial resistance

40. The Representative of WHO informed the Commission that the two FAO/WHO/OIE workshops had been convened, at the request of the 48th Session of the Executive Committee, in order to advise the Commission on possible directions to be taken on this issue. The Representative of the OIE pointed out that in principle the OIE would accept the proposal to establish a Joint *ad hoc* Task Force on antimicrobial resistance, to operate on the procedures to be agreed upon by the two bodies, with specific terms of reference in accordance with the outcome of the Oslo Workshop. The Commission noted the kind offer of the OIE that the cost for joint activities could be shared between the organizations. The Commission also noted the willingness of the Delegation of the Republic of Korea to host an *ad hoc* Task Force on Antimicrobial resistance, if such a Task Force was to be established in future.

41. The Commission **requested** Secretariat to prepare, as soon as possible, a Circular Letter¹² which would include two questions:

- What should be achieved by Codex to address the issue of antimicrobial resistance related to non-human use of microbials (e.g. risk assessment principles, risk management options);
- What mechanisms should be used by Codex to achieve the above outcome?

42. The Circular Letter would also contain the following information:

- The outline of ongoing work on this matter in relevant Codex Committees, their Terms of Reference in relation to their work on antimicrobial resistance; and
- The executive summary prepared by FAO and WHO from the two Workshops.

43. The Commission **agreed** that the comments received in reply to the Circular Letter would be considered at the 55th Session of the Executive Committee with the understanding that it would provide the advice to the next session of the Commission.

¹² CL 2004/32-EXEC (July 2004)