

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
HEALTH  
ORGANIZATION



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## Agenda Item 2

CX/NFSDU 03/2

August 2003

### JOINT FAO/WHO FOOD STANDARDS PROGRAMME

#### CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

25<sup>th</sup> Session,

Bonn, Germany, 3 – 7 November 2003

#### MATTERS REFERRED TO THE COMMITTEE BY THE CODEX ALIMENTARIUS COMMISSION AND/OR OTHER CODEX COMMITTEES

##### A. 26<sup>TH</sup> SESSION OF THE CODEX ALIMENTARIUS COMMISSION (Rome, Italy, 30 June - 7 July 2003)

##### 1. AMENDMENTS TO THE PROCEDURAL MANUAL

###### Clarification of Rule VI.4 (Voting and Procedures)<sup>1</sup>

1. The Commission amended Rule VI.4 on Voting and Procedures to include a reference to Rule X.2 related to the adoption or amendments of Codex standards by consensus<sup>2</sup>.

###### Membership of Regional Economic Integration Organizations<sup>1</sup>

2. The Commission amended the Rules on Membership to allow regional economic integration organizations to exercise rights of membership within the Codex Alimentarius Commission and its subsidiary bodies under specific conditions<sup>3</sup>.

###### Measures to Facilitate Consensus

3. The Commission adopted the *Measures to Facilitate Consensus* for inclusion in the Procedural Manual as a general decision of the Commission<sup>4</sup>.

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

4. The Commission approved most of the proposals submitted by the Codex Secretariat for the implementation of the recommendations of the Joint FAO/WHO Evaluation of Codex Alimentarius, enacting some immediately and requesting the Codex Committee on General Principles to act in special sessions to draft the Rules required to implement others. Some selected decisions are summarized below. Further details on this matter can be found in the report of the 26<sup>th</sup> Session of the Codex Alimentarius Commission (ALINORM 03/41, paras. 149-183).

##### General Aspects

###### *Annual meetings of the Commission*

<sup>1</sup> Amendments to the Rules of Procedure enter into force only upon approval of the Directors-General (see Rule XIII.1). At the time of preparation of this paper, these Rules had not entered into force.

<sup>2</sup> ALINORM 03/41, paras. 15-18 and Appendix II.

<sup>3</sup> ALINORM 03/41, paras. 19-24 and Appendix II.

<sup>4</sup> ALINORM 03/41, paras. 28-31 and Appendix III.

5. The Commission agreed to meet annually for the next two years, but that in future each session would consider the timing for the following session and the general nature of the agenda in order to achieve the appropriate balance between standards issues, general direction of work and policy matters, and taking into account the resources available for adequate participation.

### ***Implementation of the Evaluation***

6. The Commission decided that the responsibility for following up and monitoring progress in the implementation of the recommendations from the Evaluation Report would be entrusted to the Executive Committee. Twice-yearly sessions of the Committee would be scheduled in order to absorb the additional workload.

### ***Priorities for implementation***

7. The Commission decided that the priorities should be:

- (a) Processes for standards management, with due regard to the special needs of developing countries.
- (b) Functions and composition of the Executive Committee, including the participation of observers in the Executive Committee and Executive Committee procedures.
- (c) Review of the Committee structures and mandates (including Regional Committees).
- (d) Review of Rules and Procedures including guidelines for Codex Committees.

The Commission concluded that all four priorities were of equal importance, and that the ranking was made on the grounds of speed of potential progress.

### **Review of Codex Committee Structure and Mandates of Codex Committees and Task Forces, including Regional Committees**

8. The Commission decided that all the Committees and Task Forces would be reviewed together bearing in mind the objective of reducing the number of meetings while also keeping them short and focused. The Commission endorsed the recommendation made by the Executive Committee concerning the selection of consultants that would be entrusted with the review,<sup>5</sup> and stressed the critical importance of transparency in the process.

### **Improved Processes for Standards Management**

#### ***Critical review of proposals to undertake work and monitoring progress of standards development***

9. The Commission decided to endorse the critical review process, including the preparation of project documents for major standards as well as the closely related proposal to revise the Criteria for the Establishment of Work Priorities in order to ensure the relevance of Codex standards at the international level.

#### ***Standards management responsibility***

10. The Commission decided that the Executive Committee be the body to undertake the critical review of new work. The Commission did not favour the replacement of the Executive Committee with an Executive Board.

#### ***Time-bound decision-making***

11. The Commission decided that the body responsible for standards management (i.e. the Executive Committee) should review the status of development of draft standards at the end of a specified time-frame, normally not more than five years, and report its findings to the Commission. The time-frame could be less than five years, where this was appropriate or had been established during the critical review process for new work.

#### ***Simplified procedures for standards development***

12. The Commission decided to retain the 8-Step process, with the existing mechanisms to accelerate the process when necessary.

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<sup>5</sup> ALINORM 03/4, para. 23.

***Use of facilitators and Establishment of electronic and/or physical working groups***

13. The Commission agreed in principle to all three proposals but decided that the modalities would require clarification by the body responsible for reviewing the Procedural Manual. With respect to electronic working groups, the Commission noted that these were an avenue for exchanging views and not for decision making. Physical working groups should be ad hoc, open to all members, take account the problems of developing country participation and only be established where there is consensus in the Committee to do so and other strategies have been considered.

***Adoption of Standards***

14. The Commission decided that adoption of standards with a limited amendment should be allowed, provided that the draft standard had been forwarded to the Commission on the basis of consensus, based on the recommendation of the Executive Committee.

***Right to address the Chair***

15. The Commission **decided** to ask the Committee on General Principles to consider a new Rule, based on a comparable Rule of the World Health Assembly<sup>6</sup> to the effect that “In plenary meetings of the Commission, the chief delegate may designate another delegate who shall have the right to speak and vote in the name of his or her delegation on any question. Moreover, upon the request of the chief delegate or any delegate so designated the Chairperson may allow an adviser to speak on any particular point”.

**Review of the Rules of Procedure and Other Procedural Matters*****Responsibility for the Procedural Review***

16. The Commission decided that the procedural review would be undertaken by the Codex Committee on General Principles, at special sessions and under a limited time-frame. The Commission agreed that the Committee would need clear instructions, terms of reference from the Commission and support from the Codex Secretariat.

***Amendment of the Codex Mandate***

17. The Commission decided that the current Codex Mandate as expressed in Article 1 of the Statutes of the Commission, should be retained but that it might be discussed in the future.

***Criteria for the establishment of work priorities***

18. The Commission requested the Codex Committee on General Principles to redraft the *Criteria for Work Priorities* to reflect the current priorities of the Commission and in a manner that would provide explicit judgment tools for assessing work proposals against priorities.

**3. CONSIDERATION OF DRAFT STANDARDS AND RELATED TEXTS AT STEP 8**

19. 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 03/41, Appendix V and paras 32 – 117. The following texts elaborated by the Committee on Food Labelling and considered by the Commission have direct relation to the work of the CCNFSU.

**Draft Amendment to the Guidelines on Nutrition Labelling<sup>7</sup>**

20. The Delegation of Malaysia expressed the view that the declaration of trans-fatty acids should be required in order to provide adequate information to consumers on a complete listing of all fatty acids when such claims are made regarding the amount and types of fatty acids, and cholesterol, and to ensure consistency with the Table of Conditions for Nutrient Contents in the Guidelines for Use of Nutrition Claims that referred to trans-fatty acids in relation to the claims for saturated fat and cholesterol. The Delegation stated that it could not support the adoption of the draft amendment if this declaration was not included. This position was supported by several delegations.

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<sup>6</sup> Rule 19 of the Rules of Procedure of the World Health Assembly.

<sup>7</sup> ALINORM 03/22A, Appendix III.

21. Several other delegations pointed out that trans fatty acids should be defined in order to allow further consideration of labelling requirements and that current scientific evidence did not justify their declaration in all cases. These delegations supported the adoption of the draft amendment proposed by the Committee and also supported further work on this issue in the light of the advice that would be provided by the Committee on Nutrition and Foods for Special Dietary Uses.

22. The Chair of the Committee on Food Labelling indicated that the Committee had discussed this question extensively and that, in view of the different views expressed by member countries, it had reached a consensus allowing the declaration of trans-fatty acids “according to national legislation”. The Committee had agreed to consider this question further when it received advice from the Committee on Nutrition and Foods for Special Dietary Uses on the definition of trans-fatty acids.

23. The Delegation of Italy, speaking on behalf of the Member States of the European Union, proposed to include a note to the effect that “the labelling of trans-fatty acids will come into force only after these have been defined by the Committee on Nutrition and Foods for Special Dietary Uses, as requested by the 31<sup>st</sup> Session of the Committee on Food Labelling”. The Delegation also proposed to include a similar footnote to the section on vitamins and minerals (3.2.6.2) to indicate that the declaration of vitamins and minerals was subject to further review following advice from the that Committee. The Commission however agreed to retain the current text.

24. The Commission **adopted** the Draft Amendment as proposed and requested the Committee to continue its work on trans-fatty acids in cooperation with the **Committee on Nutrition and Foods for Special Dietary Uses**, and asked FAO and WHO to provide advice on the available scientific data, as required, in order to facilitate the resolution of this complex issue.

25. The Delegations of Malaysia, Singapore, Nigeria, Kenya, Indonesia, Tanzania, Swaziland and Sudan expressed their reservations on the adoption of the draft amendment.

#### **Draft Guidelines for Use of Nutrition and Health Claims<sup>8</sup>**

26. The Commission, recognizing that there was no consensus on substantial issues, agreed to **return** the Draft Guidelines for Use of Nutrition and Health Claims to Step 6 for further comments and consideration by the Committee. The Commission also requested the Committee to consider the development of a definition of advertising as related to health and nutrition claims.

#### **4. NEW WORK**

27. The Commission approved the elaboration of the proposed draft Recommendations on the Scientific Basis of Health Claims and assigned this work to the CCNFSDU.

This matter will be considered on Agenda Item 9 of the current session of the CCNFSDU.

#### **B. MATTERS ARISING FROM FAO AND WHO**

##### **Energy Conversion Factors**

28. The draft report of the Technical Workshop on “*Methods of Analysis and Modes of Expression of the Energy Content of Foods*”, Rome, 3-6 December 2002 has been finalised and is being edited for publication. It is expected that the final report on **Food Energy: Methods of Analysis and Modes of Expression** will be available to the members when the 25<sup>th</sup> Session of CCNFSDU convenes in November 2003.

##### **Upper Levels for Vitamins and Minerals**

29. In view of the ongoing joint Consultative process arising out of the recommendations made during the Codex evaluation to review the provision of FAO/WHO scientific advice to Codex and member countries it has not been possible to undertake commitments related to the matter of science based risk assessment approaches to defining upper levels for vitamins and minerals during this biennium (ALINORM 03/26A,

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<sup>8</sup> ALINORM 03/22A, Appendix IV.

para 119). However some aspects of this activity have now been included in the programme of work for the biennium 2004-05 and it is expected that resources will be allocated under the regular programme of work

### **WHO/FAO Report on Diet Nutrition and the Prevention of Chronic Diseases**

23. The report of the Joint WHO/FAO Expert Consultation on *Diet nutrition and the prevention of chronic diseases* was jointly released by the Director Generals of the two Organisations in Rome on April 23, 2003. WHO has endorsed this report and is adopting a broad-ranging approach and has begun to formulate a Global Strategy on Diet, Physical Activity and Health, under a May 2002 mandate from the World Health Assembly. This population-wide, prevention-based strategy is being developed through extensive consultation and is expected to be presented to the World Health Assembly in May 2004. FAO has noted the concerns of some of its members that some of the recommendations may have an adverse impact on small producers and the agricultural economies of developing countries and has initiated action to convene a special session of the Committee on Agriculture in early 2004 to review the report and to discuss FAO's proposals for follow-up. The report is available from the following website:

<http://www.fao.org/DOCREP/005/AC911E/AC911E00.HTM>

## **C. OTHER CODEX COMMITTEES**

### **Codex Committee on Food Labelling (ALINORM 03/22A, paras 25-43)**

#### ***Trans-fatty Acids***

31. While considering the draft amendment to the Guidelines on Nutrition Labelling (Section 3.2 Listing of Nutrients), the Committee had an extensive discussion on the declaration of trans-fatty acids. Several delegations proposed to delete the declaration of trans-fatty acids because the scientific basis for the declaration of trans-fatty acids was insufficient, a distinction should be established between different types of trans-fatty acids and their declaration was not meaningful for consumers. Other delegations and the Observers from the EC and Consumers International pointed out that the declaration of trans-fatty acids was relevant for consumers and that substantial scientific evidence demonstrated their relationship with cardiovascular diseases. Some delegations proposed to include a definition of trans fatty acids for the purposes of nutrient declaration and the Delegation of Canada proposed to include a footnote referring to "non-conjugated fatty acids". As it was not possible to reach a final conclusion at this stage, the Committee agreed that the declaration of trans-fatty acids should be left to national legislation and amended the text accordingly. The Committee also **asked the Committee on Nutrition and Foods for Special Dietary Uses** to provide a definition of trans-fatty acids for the purposes of the Guidelines and agreed to consider this question further when such advice became available.

#### ***Significant Amount and Serving***

32. The Delegation of the Netherlands, speaking on behalf of the Member States of the European Union present at the session, proposed to set a minimum of 15% of the Nutrient Reference Value (NRV) for the declaration of vitamins and minerals as this would be consistent with the value for "source" in the *Guidelines for Use of Nutrition Claims*.

33. The Delegation of Brazil, supported by other delegations, pointed out that the section did not refer to claims but to a minimum level that would allow the declaration of vitamins and minerals on the label, and therefore the current value of 5% was appropriate. As a compromise, some delegations proposed to retain the value of 5% for liquids, but to increase the level to 10% for solids.

34. The Delegation of New Zealand, supported by some delegations, proposed to delete the reference to 100g or 100 ml and to retain only the reference to serving. The Committee noted that the current text reflected the differences in the references used at the national level by member countries.

35. The Committee could not come to a conclusion on these proposals and agreed to retain the current text of section 3.2.6 of the working document under consideration<sup>9</sup> at this stage. It also agreed to ask the Committee on Nutrition and Foods for Special Dietary Uses to clarify what is meant by "a significant

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<sup>9</sup> ALINORM 03/22, Appendix VI

amount” from the nutritional point of view and in particular what percentage of the NRV for vitamins and minerals should be required to allow nutrient declaration of vitamins and minerals. The CCNFSDU was also asked to consider whether the declaration should be made per serving or per 100g or 100 ml or both.

36. The Nutrition Committee is therefore invited to provide and advice to the Committee on Food Labelling on these matters.

**FAO/WHO Regional Coordinating Committee for Asia (ALINORM 03/15, paras 86-93)**

***Functional Foods***

37. The FAO/WHO Regional Coordinating Committee for Asia had considered the discussion paper on Functional Foods and Novel Foods (for details of consideration see ALINORM above). While doing so, the Coordinating Committee recommended that FAO and WHO organize an Expert Consultation on functional foods and include Asian experts among those invited to participate. The Committee noted that there was an urgent need to initiate work on functional foods in the near future.