

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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Agenda Item 2

CX/NFSDU 05/27/2
October 2005

JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES
27th Session,
Bonn, Germany, 21 – 25 November 2005

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

**A. 28TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION (Rome, Italy, 3 – 9 July
2005)¹**

AMENDMENTS TO THE PROCEDURAL MANUAL

1. The Commission **adopted** the following proposals to amend sections of the Procedural Manual.
 - Amendments to current Rules III and IV.1 concerning the enlargement of the Executive Committee and to current Rule XII on matters related to budget and expenses;
 - Amendments to current Rule IV.2 concerning the enlargement of the Executive Committee and the functions of the Executive Committee and consequential amendments to current Rule X;
 - Amendment to current Rule VIII.5 Observers;
 - Amendment to current Rule V. Sessions on the right to address the Chair;
2. The Commission noted that the amendments to the Rules of Procedure would enter into force only after their approval by the Directors-General of FAO and WHO (Rule XIV.1).

PROPOSED AMENDMENTS TO THE STATUTES OF THE CODEX ALIMENTARIUS COMMISSION

3. The Commission agreed, by consensus, to propose the deletion of the reference to the Acceptance Procedure in Article 1 (d) and (e) of the Statutes of the Codex Alimentarius Commission, and to recommend the adoption of this amendment by the FAO Conference and the World Health Assembly.
4. The Commission noted that the amendments to the Statutes would enter into force only after their approval by the FAO Conference and the World Health Assembly.

¹ Full report of the 28th Session of the Commission is available from: <http://www.codexalimentarius.net>

AMENDMENTS TO OTHER SECTIONS OF THE PROCEDURAL MANUAL

Amendments to the Procedures for the Elaboration of Codex Standards and Related texts, the General Principles of the Codex Alimentarius, the Guidelines for the Acceptance Procedure for Codex Standards, and the Terms of Reference of Subsidiary Bodies

5. The Commission adopted the amendments proposed by the Committee on General Principles concerning the abolition of the Acceptance Procedure, with an additional amendment to paragraph h) of the terms of reference of Coordinating Committees, as proposed in the written comments of the European Community, replacing the reference to “member countries” with “members”.

Draft Revised Criteria for the Establishment of Work Priorities

6. The Commission adopted the Draft Revised Criteria as proposed and noted that the Criteria could be further reviewed later if required in the light of the review of Codex Committee structure and mandates.

Draft Guidelines on Physical Working Groups and Draft Guidelines on Electronic Working Groups

7. The Commission adopted both Draft Guidelines as proposed.

Draft Revised Principles concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission

8. The Commission adopted the Draft Revised Principles as proposed and noted that they would enter into force when the revised Rule VIII. entered into force.

Draft Guidelines for Cooperation with International Intergovernmental Organizations

9. The Commission adopted the Guidelines with the following editorial amendments proposed by some delegations for clarification purposes: in paragraph 3, referring to “international” intergovernmental body or organization; and in paragraphs 5 and 6 and the preceding sub-title, referring to “cooperating international intergovernmental organization”

10. The amendments to the Procedural Manual as adopted by the Commission will be published in the 15th Edition of the Codex Alimentarius Procedural Manual.

DRAFT STANDARDS AND RELATED TEXTS AT STEPS 8 AND 5 OF THE PROCEDURE (AGENDA ITEM 5)²

11. 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 05/41 which is available from: <http://www.codexalimentarius.net>

12. The following texts considered and adopted by the Commission have direct relation to the work of the CCNFSDU.

CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

*Draft Guidelines for Vitamin and Mineral Food Supplements*³

13. The Delegation of China suggested to include a specific definition for “provitamins” in the Guidelines and to add the following sentence after paragraph 3.1.1 “Member Countries could further decide categories of vitamins/provitamins and minerals that should be presented in food supplements depending on population’s own dietary habits on the basis of provisions mentioned above”. The Commission however

² ALINORM 05/28/5; ALINORM 05/28/5A (comments of Argentina, Australia, Brazil, Canada, Cuba, Egypt, Guatemala, Mexico, United Kingdom, United States of America, Venezuela, CRN, IADSA and NHF); ALINORM 05/28/5, Add.1; ALINORM 05/28/5, Add. 2; CAC/28 LIM 4 (comments of Australia, Brazil, China, Israel, Japan, New Zealand, Russia, United States of America and IFU); CAC/28 LIM 8 (comments of European Community); CAC/28 LIM 11 (comments of European Community); CAC/28 LIM 15 (comments of Lebanon); CAC/28 LIM 21 (comments of EPHM); CAC/28 LIM 22 (comments of Thailand); CAC/28 LIM 25 (comments of Indonesia); CAC/28 LIM 27 (comments of Malaysia); CAC/28 LIM 28 (comments of Thailand); CAC/28 LIM 29 (comments of NHF); CAC/28 LIM 30 (comments of Argentina)

³ ALINORM 05/28/26, Appendix II

noted that there were no specific numerical limits included in the Guidelines and that the establishment of safe upper limits could be considered by governments, as appropriate, based on risk assessments.

14. One observer proposed to return the draft Guidelines to the Committee on Nutrition and Foods for Special Dietary Uses because: neither the Scope nor the Preamble gave any indication of the purpose of the Guidelines, as required by the Procedural Manual; the draft Guidelines referred to a list of vitamins and minerals recognized by FAO/WHO that did not exist; the Guidelines did not apply to jurisdictions that regulated vitamins and minerals as drugs; and the changes requested by the Delegation of China were substantial, requiring the draft to be returned to the Committee as per the Procedural Manual.

15. Another observer pointed out that the work on the draft Guidelines had been carried out for more than ten years and it provided a solid basis for international regulation on this complex issue and encouraged the Commission to adopt the Guidelines as proposed.

16. After some discussion, the Commission agreed to insert the term “only” in the third sentence of the Scope to add clarity and **adopted** the Guidelines.

PROPOSALS FOR THE ELABORATION OF NEW STANDARDS AND RELATED TEXTS AND FOR THE DISCONTINUATION OF WORK (AGENDA ITEM 8)⁴

ELABORATION OF NEW STANDARDS AND RELATED TEXTS

17. The Commission **approved** the elaboration of new standards and related texts as summarized in Appendix VIII to the report of the Commission. For information see: <http://www.codexalimentarius.net>

FINANCIAL AND BUDGETARY MATTERS (Agenda Item 9)⁵

18. The Commission noted the Codex budget proposal for 2006-2007 as contained in Table 1 of the working document. The Secretariat drew attention of the Commission to the fact that the budget proposal was based on the Zero Real Growth (ZRG) scenario of FAO, one of the budgetary scenarios to be discussed by the FAO governing bodies, including the FAO Conference in November 2005. If the ZRG budget proposal was approved by the FAO Conference, Codex would be able to basically maintain the same level of activities as in the 2004-2005 biennium by making some further cost savings.

19. The Commission also noted a report of FAO/WHO budgets for scientific support to Codex, prepared by FAO and WHO, presented as an information document in response to the request of the 54th Session of the Executive Committee⁶.

20. The Representative of FAO called the attention of the Commission to the effort made by FAO governing bodies to assign high priority to the provision of scientific advice to Codex by increasing the funds allocated to these activities from the regular budget. The Representative also referred to the FAO activities designed to assist developing countries in enhancing their capacity to participate more effectively in Codex work.

21. The Representative of WHO informed the Commission that the budget contribution to Codex from WHO regular budget in 2004-2005 had increased 26% compared to that in 2002-2003, similarly to FAO, pursuant to the outcome of Codex Evaluation which highlighted the importance of the Codex activities for human health. With respect to the WHO budget for the provision of scientific advice, the Representative indicated that WHO had given higher priority to promoting expert advice regarding food derived from biotechnology and microbiological risk assessment in foods.

22. Many delegations expressed their serious concern on WHO's budgetary outlook for the activities related to the provision of scientific advice during the next biennium, with particular reference to JECFA,

⁴ ALINORM 05/28/8; ALINORM 05/28/8-Add. 1; ALINORM 05/28/3A, paras 7-16 and Appendix II; CAC/28 LIM 23 (comments of China); CAC/28 LIM 25 (comments of Indonesia); CAC/28 LIM 27 (comments of Malaysia)

⁵ ALINORM 05/28/9; CAC/28 INF 15

⁶ ALINORM 04/27/4, para. 44

JMPR and JEMRA. Members and observers unanimously stated that high priority should be given by parent organizations to Codex and Codex-related activities and that these activities should be fully protected from any budget cuts. FAO and WHO should finance these activities at a level that meets the demand of Codex members, primarily through the regular budgets rather than using extra-budgetary resources.

23. In response to the concern expressed by many delegations, the Representative of WHO urged members to enhance coordination between different ministries and departments at the national level, with a view to raising this issue in the governing bodies of WHO so that the latter could recognize the current problem and take appropriate action to address it.

24. The Commission noted the views expressed by several delegations from developing countries that the translation of Codex documents should be made available in a timely manner so that member countries could fully prepare themselves for deliberations of Codex sessions, and that due attention should be paid to those countries whose infrastructure would not allow for receiving Codex documents only through electronic means.

STRATEGIC PLANNING OF THE CODEX ALIMENTARIUS COMMISSION (AGENDA ITEM 10)⁷

25. The Commission endorsed the proposed structure of and the timeline for the preparation of the Strategic Plan 2008-2013. It was also agreed that a working Group comprising the Chairperson and three Vice Chairpersons of the Commission would meet in September 2005 in order to prepare a preliminary draft of the Strategic Plan 2008-2013 to be presented to the 57th Session of the Executive Committee, taking into accounts the comments received from members and observers. For other details of consideration see: ALINORM 05/41.

IMPLEMENTATION OF THE JOINT FAO/WHO EVALUATION OF THE CODEX ALIMENTARIUS AND OTHER FAO AND WHO WORK ON FOOD STANDARDS (AGENDA ITEM 12A)⁸

General Implementation Status

26. The Commission noted the status of the implementation of the recommendations of the Evaluation and discussed whether some recommendations required further action, or a confirmation of earlier decisions.

Proposal 12 - Participation of Observers in the Executive Committee

27. The Commission recalled that the Committee on General Principles had agreed not to proceed with the consideration of the active participation of Observers in the Executive Committee, but to consider the possibilities of publicizing the proceedings using Internet facilities. The Secretariat informed the Commission that it was currently studying the feasibility of making the audio recording of the proceedings of the Commission available on the Codex website on an experimental basis. When all financial and practical aspects had been solved, the extension of these arrangements to the recording of the Executive Committee's proceedings could be considered.

Proposal 19 - Use of Facilitators

28. The Commission supported the conclusion of the 21st Session of the Committee on General Principles that Committees consider the use of facilitators on an experimental basis.

Proposal 32 - Co-chairmanship

29. The Commission agreed that co-chairmanship should be tested on a case-by-case basis and encouraged committees to consider this practice. The Commission noted some positive outcomes of co-chairmanship experienced at the latest session of the Committee on Food Hygiene (co-hosted by the United States and Argentina) and of the Committee on Fish and Fishery products (co-hosted by Norway and South Africa).

⁷ ALINORM 05/28/9B, CAC/28 LIM 24 (comments of European Community)

⁸ ALINORM 05/28/9C Part I, ALINORM 05/28/3A, paras. 30-49

Proposal 34 – Determination of Consensus

30. The Delegation of Chile, supported by other delegations, expressed the view that further consideration should be given to the definition of the term “consensus” as it was essential to facilitate decisions and to ensure consistency in the decision process. The Commission noted that the 22nd Session of the Committee on General Principles had agreed to consider proposals from the Delegation of India that included the definition of consensus at its next session.

Proposal 35 - Conduct of Meetings: Reports**Proposal 36 - Country Groupings**

31. As proposed by the Executive Committee, the Commission agreed that no further revision was recommended to the Procedural Manual.

Other Decisions of the 26th Session of the Commission (Table 2)

32. The Commission considered the proposals in Table 2 of the working document concerning other recommendations of the 26th Session of the Commission related to the Evaluation. The Commission agreed that, since the abolition of the Acceptance Procedure had been decided at the present session, the Committee on General Principles should undertake the review of the three other sections of the Procedural Manual mentioned in Table 2, on the basis of a document to be prepared by the Secretariat at its next session.

Review of the Regional Coordinating Committees

33. The Commission recalled that, following the recommendations of the 27th Session of the Commission, a Circular Letter had been distributed to Codex members to invite comments on the role and relevance of Regional Coordinating Committees, that were subsequently discussed in all Coordinating Committees. The Commission considered the working document that included a brief summary of the Coordinating Committees’ deliberations and proposals for consideration by the Commission, and the recommendations of the Executive Committee.

Role of Regional Coordinating Committees in furthering the objectives of the Codex Alimentarius Commission

34. The Commission agreed to reassert the important role the Coordinating Committees play in furthering the objectives of the Commission and encourage countries to participate more actively and effectively in the work of Coordinating Committees. The Commission further agreed to encourage Coordinating Committees to consider any particular items regarding problems arising from food control, food safety concerns and approaches for strengthening food regulatory systems, in accordance with the terms of reference of the Committees and preferably in consultation of the Regional Offices of FAO and WHO.

Terms of reference of the Regional Coordinating Committees as set out in the Procedural Manual, including the relevance of developing regional standards

35. The Commission noted that the Coordinating Committee for Latin America and the Caribbean had proposed to amend its mandate to include “the adoption of regional positions on strategic subjects”. The Delegation of India, supported by some delegations, expressed the view that the proposed amendment extended to the mandate of all other Coordinating Committees, pointing out that this was not in any way a contradiction to the existing mandate, but only a more precise expression of the same. Other delegations pointed out that further clarification should be required as to the implications of such an amendment, and that the proposal was already covered by the current terms of reference. The Commission therefore agreed to refer the proposed amendment to the terms of reference of the CCLAC and its possible extension to the other Coordinating Committees to the Committee on General Principles for further consideration.

36. The Commission agreed that Coordinating Committees were invited to keep under review their programme of work, taking into account priorities of Committees’ work.

Membership of Regional Coordinating Committees, including their current geographic coverage

37. The Commission agreed that no further action needed to be taken on this matter.

Effectiveness of Regional Coordinating Committees in respect of country participation record and of venues and meeting intervals

38. The Commission agreed to retain the current periodicity of meetings of Coordinating Committees and invited Coordinating Committees to consider the use of complementary mechanisms which would improve regional and/or sub-regional communication and coordination.

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

39. The Commission recognized the need for clarification of the respective roles of the Coordinator and the Member elected on a geographical basis, especially in view of the new status of the Coordinator as Member of the Executive Committee. The Commission therefore agreed to recommend that the Committee on General Principles consider this issue at its next session and develop proposals for consideration by the 29th Session of the Commission.

REVIEW OF THE CODEX COMMITTEE STRUCTURE AND MANDATES OF CODEX COMMITTEES AND TASK FORCES (AGENDA ITEM 12B) ⁹

40. The Commission recalled that as the follow up to a recommendation of the Joint FAO/WHO Evaluation of the Codex Alimentarius Commission and Other FAO and WHO Work on Food Standards conducted in 2002, a review of the Codex Committee Structure and Mandates of Codex Committees and Task Forces had been undertaken by a team of consultants¹⁰.

41. The consultants' final report had been sent as a Circular Letter to all members and observers for comment. The 56th Session of the Executive Committee reviewed the recommendations in the consultants' final report in light of the comments received from members and observers in reply to the Circular Letter.

42. The Commission, taking into consideration the recommendations of the Executive Committee¹¹, endorsed the following recommendations¹²:

[1] A formal prioritization should be undertaken of all new work proposals, before resources are allocated.

[2] Steps should be taken to increase the proportion of work done by correspondence.

[3] A time limit should be set for the completion of each new project.

[8] Steps currently being taken to encourage collegial working within the Codex Secretariat should be encouraged.

[9] Maximum use should be made of working groups, bilateral, or other low-level contacts between sessions to reduce the time needed to reach consensus in plenary meetings.

43. The Delegation of Malaysia stressed that prioritization of new work proposals and resource allocations for standards development should take into consideration the interests of developing countries.

44. The Commission agreed that when work was done through correspondence or through working groups, due regard should be given to language coverage, geographical balance of participants and access conditions to Internet facilities, especially in developing countries. Some Members indicated that electronic working groups were more efficient for the initial stages of standards development than in the later stages.

⁹ ALINORM 5/28/9C Part II (comments of Australia, European Community, Japan, New Zealand, Consumers International, 49th Parallel Biotechnology Consortium, International Council of Beverages Associations, International Dairy Federation, International Federation of Environmental Health, International Federation of Fruit Juice Producers and the World Organisation for Animal Health); ALINORM 5/28/9C Part II Add. 1 (comments of Canada and the United States); CAC/28 LIM 9 (comments of Brazil, Cuba and India); CAC 28/LIM 20 (comments of Republic of Korea); CAC/28 LIM 23 (comments of China); CAC/28/LIM 24 (comments of the European Community); CAC/28 LIM 27 (comments of Malaysia)

¹⁰ ALINORM 03/25/3, para. 108 - 110

¹¹ ALINORM 05/28/3A, para. 50-67

¹² The numbers attached to each recommendation refer to those in Section 13 of the Consultants' Final Report (CL-2005/12-CAC)

45. Some delegations emphasized that time limits should be applied with certain flexibility and that the science-base of Codex texts and the consensus-building process of Codex should not be compromised.
46. The Commission further endorsed the following recommendations:
- [13] All committees should be encouraged to adopt a more systematic approach to self-management.**
- [14] CCFAC should be split into separate Additives and Contaminants committees.**
- [15] The General Standard for Food Additives (GSFA) should be the single authoritative reference point for food additives and this should be made clear in all commodity standards.**
47. The Delegation of the Netherlands, as host government of the Committee on Food Additives and Contaminants, stated that the current workload of the Committee was too heavy and the large number of working groups that needed to operate under the present framework raised concern from the viewpoint of transparency. The Delegation supported the recommendation to split the Committee into two, and offered to host the Contaminant Committee. The Delegation of Brazil also expressed its interest in hosting the new Contaminant Committee. The Commission requested the Secretariat to prepare the Terms of Reference for each of the new committees and present them at the next sessions of the Committee on General Principles and the Committee on Food Additives and Contaminants, with a view to their adoption and the designation of host countries at the next session of the Commission.
48. Several Members requested clarification of Recommendation 15. The Commission noted that under the current Codex rules and procedures, Commodity Committees had the mandate to develop the lists of additives taking into account technological needs and to submit them for endorsement by CCFAC. The Commission recognized that the GSFA, still under development, would become the single authoritative reference point for food additives when completed and the ongoing work of the Committee on Food Additives and Contaminants in this regard.
49. The Commission endorsed the following recommendations by further modifying those recommended by the Executive Committee:
- [16] All requests from the Codex subsidiary bodies for JECFA advice on additives and contaminants should be routed exclusively through the Additives or Contaminants Committees and requests for JECFA advice on residues of veterinary drugs through the Committee on Residues of Veterinary Drugs in Food.**
- [7] Regular informal meetings of Codex chairs and vice chairs of the Commission should be encouraged in conjunction with Codex sessions. Provisions of secretarial support could be considered to produce a summary of the main points discussed, which could be made available to all Codex Members. The Codex Secretariat is encouraged to explore the use of Internet technologies to facilitate continued communication among Codex Chairs.**
50. With regard to Recommendation 16 above, the Commission noted that the Commission itself had the authority to request scientific advice from FAO and WHO on any relevant subject. In relation to Recommendation 7, an observer expressed concern about possible lack of transparency. The Commission noted that the outcome of these meetings would be made available to all members and observers.
51. The Commission agreed with the Executive Committee's view and did not support the following recommendations in the Consultants' Final Report:
- [10] All standard-setting work should be subject to a greater degree of management oversight. Specifically, a new Commodities Management Committee should be established to manage the preparation and updating of commodity standards.**
- [12] The circumstances in which the Executive Committee, or some other body, should carry out a similar management role for other committees should be carefully considered by the Commission.**
- [17] Consideration should be given to re-writing the terms of reference of the Committee on Methods of Analysis and Sampling and re-assigning responsibility for specifying methods of analysis and sampling to the committee specifying the relevant limits.**

[20] Provision for the drafting of regional standards should be removed from the terms of reference of the Regional Coordinating Committees.

52. The Commission agreed that the Executive Committee should play a pivotal role in exercising standards management oversight. While agreeing to retain the current terms of reference for the Committee on Methods of Analysis and Sampling, the Commission agreed with the view of the Executive Committee that the terms of reference of the Committee on Food Hygiene should clearly state that it could address methods related to microbiological specifications, currently referred to in a footnote in the Procedural Manual.

53. The Commission agreed with the view of the Executive Committee that development of regional standards be retained in the terms of reference of Coordinating Committees, while noting that care should be taken so that proposals to convert regional standards into worldwide standards did not hinder the work programme management of commodity committees.

54. The Commission agreed that there was no need to take specific action on the following recommendations:

[5] Codex should review its remit to ensure that it conforms more closely to the current expectations of its members, having particular regard to the implications of the WTO Agreements.

[19] The Committee on Meat Hygiene should now be wound up. The Committee on Food Hygiene should consider the possibility for drafting a set of general guidelines to help rationalize hygiene provisions in commodity standards.

55. The Commission noted that the Draft Code of Hygienic Practice for Meat had been adopted at the present session of the Commission and the Committee on Meat Hygiene would be adjourned *sine die*.

56. In relations to Recommendation 5, many delegations stressed that Codex should maintain its independence from WTO and remain true to its dual objectives, i.e. to protect the health of consumers and to ensure fair practices in the food trade while basing its work on sound science.

57. The Commission recalled that the Commission had reviewed its relations to WTO in conjunction with the 1991 FAO/WHO Conference of Food Standards and Chemicals in Food, the 2002 Codex Evaluation and the ongoing revision work of the Code of Ethics in International Trade in Food.

58. The Commission concluded that there was no support for Codex to review its remit, while acknowledging the need to maintain close collaboration with the SPS and TBT Committees of WTO, given the status of Codex standards as international reference points in the framework of these Agreements as well as the need to maintain independence from WTO..

59. The Commission agreed that the following recommendations required further study.

[4] Whenever possible, committees should be given enabling terms of reference only. They should be reactivated as necessary to undertake defined tasks and adjourned *sine die* once the task is completed.

[6] The relevance of the work of other international standards setting bodies should be determined, and a clear statement of demarcation lines made clear to all participants.

[11] All commodity committees and task forces should be given simple terms of reference which should be revised for a limited period only, to assign specific tasks to the committees.

[18] The Commission should consider carefully whether nutrition should play a role in Codex, and if so, what that role should be.

60. The Commission agreed that the role of Codex in nutrition should be considered in light of the role Codex could play in the implementation of WHO's Global Strategy on Diet, Physical Activity and Health (see paras. **Error! Reference source not found.**72).

61. The Delegation of Argentina expressed the view that it would be necessary to convene an FAO/WHO workshop, on the same lines as the one convened for the provision of scientific advice to Codex, the object of which would be to discuss in depth and on a wide basis the structural changes required to respond to future challenges. The Delegation also pointed out that it would be important that the Codex Secretariat should also give their opinion in this respect on the basis of their experience.

62. The Commission agreed that a Circular Letter be sent to members and observers to solicit comments on Recommendations 4, 6, and 11 above, particularly in the context of possible re-organization of Codex commodity work, including combining committees and adjusting the frequency/interval of meetings, while further analysing the workload of commodity committees as well as the relationship between vertical committees and horizontal committees. The Commission agreed to consider this issue at its next session in the light of comments received.

FAO/WHO PROJECT AND TRUST FUND FOR ENHANCED PARTICIPATION IN CODEX (Agenda Item 15)¹³

63. The Commission, noting the 2004 annual report of the Trust Fund and the information paper incorporating the Fifth Progress Report prepared by FAO and WHO, expressed its appreciation to the progress made in the operation of the Fund, to the efforts being made FAO and WHO and to the donors making financial contributions. The Commission encouraged current donors to continue to provide funds to the Trust Fund and invited other countries to consider contributing to the Fund in order to ensure its sustainability.

64. Some members expressed their wish that the Trust Fund be also used to assist other activities of importance at the regional level, including capacity building, training and workshops, with particular reference to the strengthening of Codex Contact Points and National Codex Committees. Other members stressed that the Trust Fund should be used exclusively for assisting the participation of developing countries to Codex meetings, including the meetings of working groups. The Delegation of Switzerland proposed to enlarge this agenda item in the future, and noted that a list of contributions for the Trust Fund and other items would help to imply priorities and to motivate potential donors.

65. Some members stated that the criteria for determining the groupings of beneficiary countries should be reconsidered. Some members further proposed to develop guidelines for the operation of the Trust Fund, in order to make the process more transparent.

66. In reply to these questions, the Representative of WHO clarified that the Trust Fund had been designed to ensure effective participation of developing countries in Codex work and that training activities would also be covered by the Trust Fund, as per specific requests of some donors to this effect. The Representative indicated that capacity building projects should in general be funded by other resources such as STDF operated by several international organizations including FAO and WHO, but not by the Codex Trust Fund.

67. The Commission noted that an information meeting on the Trust Fund convened by FAO and WHO on 8 July and open to all delegates would provide an opportunity to exchange views among countries and with the trust fund secretariat and assist in solving certain administrative and logistic problems that had emerged from the operation of the Trust Fund.

OTHER MATTERS ARISING FROM FAO AND WHO (Agenda Item 16)¹⁴

WHO Global Strategy on Diet, Physical Activity and Health

68. The Representative of WHO drew the attention of the Committee to the fact that the Global Strategy on Diet, Physical Activity and Health had been developed at the request of Member States of WHO to reduce morbidity and mortality due to non-communicable disease and that the paper LIM-6 had been prepared at the request of the 55th Session of the Executive Committee¹⁵. The Representative pointed out that the World

¹³ ALINORM 05/28/9F, CAC/28 INF 12

¹⁴ ALINORM 05/28/9G, CAC/28 LIM 6 (Implementation of the WHO Global Strategy on Diet, Physical Activity and Health: Action that could be taken by Codex, WHO), CAC/28 INF 4 (The International Portal for Food Safety, Animal and Plant Health, submission from FAO), CAC/28 INF 5 (Capacity Building for Food Quality and Safety; Selected Activities of FAO and WHO, July 2004-June 2005), CAC/28 INF 13 (Report of GF3-E discussion forum), CAC/28 INF 13-Add.1, CAC/28 INF 14 (Background to the World Health Assembly Resolution on International Health Regulations), ALINORM 05/28/3A, ALINORM 05/28/9C Part II (comments of the United States of America), CAC/28 LIM 24 (comments of the European Community), CAC/28 LIM 27 (comments of Malaysia).

¹⁵ ALINORM 05/28/3 para.90

Health Assembly (WHA) Resolution 57.17 endorsed the above strategy and called upon the Codex Alimentarius Commission “to continue to give full consideration, within the framework of its operational mandate, to evidence-based action it might take to improve the health standards of foods consistent with the aims and objectives of the strategy”. The Representative of WHO referred to the potential work to be undertaken by the Committees on Food Labelling and on Nutrition and Foods for Special Dietary Uses and emphasized that coordinated work was needed to implement the Global Strategy.

69. The Delegation of the United Kingdom, speaking on behalf of the Member States of the European Community present at the session, pointed out that clear and understandable nutrition labelling can help consumers to make healthier choices. General consideration should be given to the integration of nutrition issues into Codex work and in that context the report mentioned in para. 14 of the WHO discussion paper would be welcome.

70. The Delegation of the United States expressed the view that this question should be approached carefully in view of the multi-factorial nature of non-communicable diseases, including life-long dietary patterns, that several recommendations of the Global Strategy should be implemented at the national level, such as consumer education, but were not within the mandate of Codex, and that Codex work on nutrition and labelling issues should proceed within its terms of reference.

71. Several observers while supporting the implementation of the WHO Global Strategy on Diet, Physical Activity and Health, proposed that stakeholders, including consumers organizations, be consulted if a more focused document was to be developed by WHO. One observer expressed the view that there was scope within the mandate of Codex for the nutritional issues raised by the Global Strategy to be integrated into Codex work.

72. The Representative of WHO reaffirmed that stakeholders would be involved in the follow-up to the Global Strategy by WHO and in the development of a revised WHO submission to be presented to the next session of the Commission.

73. The Commission noted that the potential areas for action by Codex identified in the LIM paper was mainly relevant for the work of the Committee on Food Labelling and the Committee on Nutrition and Foods for Special Dietary Uses and after some discussion **agreed** with the recommendation of the 56th Session of the Executive Committee, to ask the WHO, in cooperation with FAO, to produce a more focused document for consideration by these Committees, including specific proposals for new work. The Commission agreed that its next session would consider further the implementation of the Global Strategy, taking into account the views and proposals put forward by these Committees.

World Health Assembly Resolution on Infant and Young Children Nutrition

74. The Representative of WHO informed the Commission that the Fifty-eighth World Health Assembly had adopted the resolution on Infant and young-child nutrition (WHA 58.32) which endorsed the WHO global strategy for infant and young children feeding. The Resolution urged Member Governments to ensure that caregivers were informed that powdered infant formula may contain pathogenic microorganisms and that powdered infant formula must be prepared and used appropriately so as to minimize risks; and, where applicable that this information is conveyed through an explicit warning on the packaging. The Resolution also urged Member Governments to work closely with relevant entities, including manufacturers, to continue to reduce the contamination of pathogens, including *Enterobacter sakazakii* in powdered infant formula. The Resolution requested WHO in collaboration with FAO to develop specific guidelines on this issue. The Resolution urged Member Governments to ensure that nutrition and health claims were not permitted on breast milk substitutes except where specifically provided for in national legislation.

75. The Representative indicated that the resolution also requested the Codex Alimentarius Commission to give full consideration, when establishing standards, guidelines and recommendations, to resolutions of the Health Assembly that are relevant in the framework of its operational mandate and urgently complete its on-going work on addressing the risk of microbiological contamination of powdered infant formula; to establish appropriate microbiological criteria on *E. sakazakii* and other relevant microorganisms in powdered infant formula; and to provide guidance on safe handling of the product.

76. The Representative indicated that the WHA had also requested the Director-General of WHO to report to the Health Assembly each even year, along with the status of the implementation of the

International Code of Marketing of Breast-milk Substitutes report, on progress in the consideration of matters referred to the Codex Alimentarius Commission for its action.

B. MATTERS ARISING FROM FAO AND WHO

Joint FAO/WHO project to develop scientific principles on nutrient risk assessment

77. FAO and WHO jointly convened a scientific workshop in May 2005 to identify a scientific model for conducting nutrient risk assessment. The final report from this meeting is being prepared and should be available during or before early 2006.

Joint FAO/WHO workshop on *Enterobacter sakazakii* and other microorganisms in powdered infant formula

78. The Codex Committee on Food Hygiene at its 37th Session (14 to 19 March 2005) considered the proposed draft revision of the Recommended International Code of Hygiene Practice for Foods for Infants and Children. The revision is based on the outcome of the FAO/WHO joint expert workshop on *E. sakazakii* and other microorganisms in powdered infant formula held in 2004¹⁶.

79. With respect to the risks associated with *E. sakazakii* and other microorganisms in powdered infant formula, after reviewing the available scientific information, the FAO/WHO expert workshop concluded that intrinsic contamination of powdered infant formula with *E. sakazakii* and *Salmonella* has been a cause of infection and severe illness in infants. The workshop did not identify a feasible method, using current technology, to produce commercially sterile powders or completely eliminate the potential for contamination.

80. FAO/WHO will further develop the risk assessment in 2005, to better assess microbiological criteria for powdered infant formula.

Joint FAO/WHO work on updating nutrient requirements

81. Work is underway by an expert working group to review new scientific evidence including the physiology of carbohydrates and maintenance of health including definitions and measurements of all carbohydrates and their qualities. In addition, planning is underway to review and update the scientific evidence on fats and oils in human nutrition.

Infant and young children nutrition

82. The Fifty-eighth World Health Assembly, in its 58th session, requested the Codex Alimentarius Commission:

(1) to continue to give full consideration, when elaborating standards, guidelines and recommendations, to those resolutions of the Health Assembly that are relevant in the framework of its operational mandate;

(2) to establish standards, guidelines and recommendations on foods for infants and young children formulated in a manner that ensures the development of safe and appropriately labelled products that meet their known nutritional and safety needs, thus reflecting WHO policy, in particular the WHO global strategy for infant and young child feeding and the International Code of Marketing of Breast-milk Substitutes and other relevant resolutions of the Health Assembly.

83. The Fifty-eighth World Health Assembly, requested WHO's Director-General of the World Health Organization to provide information in order to promote and facilitate the contribution of the Codex Alimentarius Commission, within the framework of its operational mandate, to full implementation of international public health policies.

C. MATTERS FROM OTHER CODEX COMMITTEES

¹⁶ *Enterobacter sakazakii* and other microorganisms in powdered infant formula. Geneva, FAO/WHO, 2004 (Microbiological Risk Assessment Series, No. 6.).

CODEX COMMITTEE ON FOOD LABELLING (ALINORM 05/28/22)**Discussion paper on advertising**

84. Due to time constraints, the Committee could not discuss the details of a definition for advertising, ways to address advertising issues and other relevant aspects and, therefore, the Committee decided that its next Session should further discuss this issue as a specific agenda item, taking into consideration comments received on advertising and discussion at the present Session.

CONSIDERATION OF THE DEFINITION OF TRANS-FATTY ACIDS

85. The Committee agreed that the definition of trans-fatty acids should read:

For the purpose of the Codex Guidelines on Nutrition Labelling and other related Codex Standards and Guidelines, trans fatty acids are defined as all the geometrical isomers of monounsaturated and polyunsaturated fatty acids having non-conjugated, interrupted by at least one methylene group, carbon-carbon double bonds in the trans configuration.

86. The Committee agreed to propose to the Commission to undertake new work through the Accelerated Procedure on the amendment to the General Standard for the Labeling of Prepackaged Food and to the Guidelines on Nutrition Labelling to include the above definition of trans-fatty acids. The Committee noted that as this new work was undertaken at the direct request of the Commission, no project document was required, and that the Proposed Draft Amendment would be circulated at Step 3 of the Accelerated Procedure following approval as new work by the 28th Session of the Commission.

COMMITTEE ON METHODS OF ANALYSIS AND SAMPLING (ALINORM 05/28/23)**Draft Standard for Gluten Free Foods**

87. The Committee discussed the recommendation of the Working Group to endorse the R5 ELISA Method as a Type I method.

88. Some delegations expressed their objections to the endorsement of the method for the following reasons: the method and the report of the inter-laboratory studies were not available in literature and the description of the method was not detailed enough, especially as regards the solvent used for extraction; and the method had given positive results for oats, which might prevent the marketing of oats that were currently available for celiac patients and provided an important source of fibre.

89. Other delegations supported the endorsement of the method. Some of these delegations proposed to change the Type to Type II, which would be consistent with the Type of other ELISA methods. Other delegations referred to the importance of Type I. Some delegations also raised the question as to whether it was appropriate to endorse a commercial kit as a method within the framework of Codex.

90. The Observer from the PWGAT indicated that the method had been published in scientific journals and was described in detail; as regards the results obtained for oats, scientific studies using the R5 method had showed that a large percentage of oats sold on the market in certain countries were contaminated with gluten from barley, wheat and rye. The Observer pointed out that the R5 method detected gluten from barley, which was not detected by AOAC 991.19.

91. The Delegation of the Netherlands stated that the provision should be clarified by the CCNFSDU. In particular, it should indicate how this method relates to other methods for the determination of gluten.

90. The Observer from AO ECS stressed the need for a reliable method of analysis for gluten in order to address the health problems of celiac patients and therefore supported the endorsement of the method.

92. The Committee agreed to endorse temporarily the R5 ELISA method for the determination of gluten as a Type I method, and to inform the Committee on Nutrition and Foods for Special Dietary Uses.

93. The Committee is invited to consider whether this information is sufficient for finalization of the Draft Revised Standard for Gluten-Free Foods.