

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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ORGANIZATION



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Agenda Item 3

**CX/PR 08/40/2
March 2008**

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON PESTICIDE RESIDUES

Fortieth Session

Hangzhou, China, 14 - 19 April 2008

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

MATTERS ARISING FROM THE 30TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION AND THE 59TH AND 60TH SESSIONS OF THE EXECUTIVE COMMITTEE

MATTERS FOR INFORMATION:

1. 30th Session of the Codex Alimentarius Commission, 59th and 60th Sessions of the Executive Committee had considered different issues that are relevant to the work of the Joint FAO/WHO Food Standards Programme. For details of consideration see ALINORM 07/30/REP, ALINORM 07/30/3 and ALINORM 08/31/3 which are available from:

<http://www.codexalimentarius.net>

AMENDMENTS TO THE PROCEDURAL MANUAL OF THE CODEX ALIMENTARIUS COMMISSION

Proposed Amendments to the Rules of Procedure

Amendments concerning the role of coordinators and members elected on a geographical basis (ALINORM 07/30/REP, paras 21-23)

2. The Commission adopted the above amendments and noted that the amendments to the Rules of procedure would enter into force only after approval by the Directors-General of FAO and WHO.

Amendments to Other Sections of the Procedural Manual (ALINORM 07/30/REP, paras 24-38)

3. The Commission adopted a number of texts which are included in the 17th Edition of the Procedural Manual. Among those adopted texts are:

- Amendment to the *Principles Concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission*;
- Proposed Draft Working Principles for Risk Analysis for Food Safety for Application by Governments;
- Proposed Draft Risk Management Methodologies, including Risk Assessment Policies in the Committee on Residues of Veterinary Drugs in Foods;

- Proposed Amendment of the *Principles for the Establishment or Selection of Codex Sampling Procedures*;
- Proposed Amendments to the Terms of Reference for the Committee on Contaminants in Foods;
- Proposed Amendments to the *Risk Analysis Principles Applied by the Codex Committee on Food Additives and Contaminants*;
- Proposed Amendments to the *CCFAC Policy for Exposure Assessment of Contaminants and Toxins in Foods or Food Groups*;
- Proposed Definition for *Codex Maximum Level for a Contaminant in a Food or Feed Commodity*.

DRAFT STANDARDS AND RELATED TEXTS AT STEP 8 OF THE PROCEDURE

4. The Commission adopted all of the Draft Standards and Related Texts submitted by its subsidiary bodies at Step 8 (including those submitted at Step 5 with a recommendation to omit Steps 6 and 7 and those submitted at Step 5 of the Accelerated Procedure) as presented in Appendix IV of ALINORM 07/30/REP.

5. The following paragraphs provide additional information on the comments made and the decisions taken on certain items.

Committee on Pesticide Residues

Draft Risk Analysis Principles Applied by the Committee on Pesticide Residues (ALINORM 07/30/REP, paras 30-33)

6. The Delegation of Argentina was of the view that the proposed procedures for the periodic review and criteria for deletion of the Maximum Residue Limits (MRLs) were not fully based on science and did not take sufficiently into consideration the concerns and situation of developing countries. The Delegation pointed out that the issue to be addressed related to the procedures applied by the Committee on Pesticide Residues and should not be confused with the trade related problems that had also been discussed in the Committee and were also under consideration in the WTO Committee on Sanitary and Phytosanitary Measures, and proposed to return the document for further consideration by the Committee on Pesticide Residues. This view was supported by several delegations. Some delegations also pointed out that the revocation of MRLs in the framework of Codex should be based on the relevant new scientific evidence and not on commercial considerations or on a pre-established revision period, especially as Codex standards were an international reference in the framework of the WTO SPS Agreement.

7. Several other delegations pointed out that all aspects of the document had been discussed at length in the Committee on Pesticide Residues and clearly described the procedures applied in the Committee, as well as its relationship with the JMPR. These delegations stressed the need to adopt the Draft Risk Analysis Principles in order to document the risk analysis policies and procedures applied to the establishment of MRLs, in accordance with the earlier decision of the Commission.

8. After some discussion, the Commission adopted the document as proposed, with the understanding that, in accordance with the Strategic Plan, this matter could be further considered when the Committee on General Principles reviewed all relevant texts on risk analysis policies applied by Codex Committees as a whole, in order to ensure consistency throughout Codex.

9. The Delegations of Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, India, Indonesia, Jamaica, Panama, Paraguay, and Peru expressed their reservation on this decision, not only because what is mentioned above but also because in their view consensus had not been reached.

Draft and Proposed Draft Maximum Residue Limits for Pesticides (ALINORM 07/30/REP, paras 68-69)

10. In reply to the strong opposition expressed by the European Community and Norway on Indoxacarb (216), the WHO Secretariat of the FAO/WHO Joint Meetings on Pesticide Residues (JMPR) clarified that their concern had been considered by the JMPR in 2006. After detailed review of the relevant toxicological studies, the JMPR confirmed its previous opinion and a detailed analysis of this matter was presented at the 39th Session of the Committee, which accepted the opinion and assessment of the JMPR and recommended the advancement of the draft MRLs for adoption at Step 8.

11. The Commission adopted the MRLs as proposed in Appendices II and III of ALINORM 07/30/24 with the addition of the explanatory note for exclusion for the MRLs for Boscalid (221), which had inadvertently been omitted from the report of the Committee, and noted the reservation expressed by the European Community and Norway on MRLs for Endosulfan (32), Pirimicarb (101), Propamocarb (148), Fenpropathrin (185) and Pyraclostrobin (210) as presented in CAC/30 LIM/7.

PROPOSED DRAFT STANDARDS AND RELATED TEXTS AT STEP 5

12. The Commission adopted the Proposed Draft Standards and Related Texts at Step 5 submitted by its subsidiary bodies as presented in Appendix V of ALINORM 07/30/REP and advanced them to Step 6. The Commission noted that technical comments raised during 30th Session of the Codex Alimentarius Commission would be referred to the relevant Committees for their consideration. The Commission encouraged members and observers that have submitted comments in writing or orally at the session to submit these comments at Step 6 of the Procedure.

13. The following paragraphs provide additional information on the comments made and the decisions taken on certain items.

Committee on Pesticide Residues***Proposed Draft Maximum Residue Limits for Pesticides¹(ALINORM 07/30/REP, para 91)***

14. The Commission adopted the draft MRLs as proposed in Appendices IV of ALINORM 07/30/24 at Step 5 and advanced them to Step 6, noting the reservations expressed by the European Community and Norway on the MRLs for Endosulfan (32). The Commission noted that the reference to “marine mammals” appearing under Thiabendazole (65) was an editorial error and should be deleted.

REVOCATION OF EXISTING CODEX STANDARDS AND RELATED TEXTS

15. The Commission approved the revocation of a number of pesticide MRLs as presented in Appendix VI of ALINORM 07/30/REP.

PROPOSALS FOR THE ELABORATION OF NEW STANDARDS AND RELATED TEXTS AND FOR THE DISCONTINUATION OF WORK

16. The Commission approved new work on Priority List of Pesticides (New Pesticides and Pesticides under Periodic Review) as presented in Appendix VII of ALINORM 07/30/REP.

¹ ALINORM 07/30/33, Appendix IV

OTHER MATTERS

Elaboration of New Standards and Related Texts (ALINORM 07/30/REP, para.96)

17. The Commission noted that project documents submitted to the 59th Session of the Executive Committee contained information that, while respecting the overall format as set out in the Procedural Manual, varied significantly in terms of quantity and quality, and therefore, endorsed the recommendation of the Executive Committee to encourage Codex committees, task forces and Codex Members to prepare future project documents according to the format set out in the current revision of the Procedural Manual and provide sufficiently detailed, relevant information with particular regard to the evidence-based assessment against each of all the Criteria for the Establishment of Work Priorities.

59TH SESSION OF THE EXECUTIVE COMMITTEE (Rome, Italy, 26-29 June 2007)

Report of the Codex Committee on Pesticide Residues (ALINORM 07/30/3, paras 135-137)

18. The Coordinator for Latin America and the Caribbean, speaking on behalf of the Delegation of Argentina, informed the Executive Committee of the concern of the Argentinean authorities regarding the final report of the 39th Session of the Codex Committee on Pesticide Residues (CCPR), distributed as ALINORM 07/30/24. The Coordinator pointed out that during the adoption of the report by the CCPR, the Delegation of Argentina had formally requested the inclusion of a paragraph to reflect the comments made during the meeting. To this end, the Delegation drafted a specific paragraph, handed it to the FAO/WHO Secretariat and requested its inclusion in the report under Agenda Item 10. This paragraph contained in CRD 14 (of the CCPR) reads: “The Argentine delegation made reference to its written comments and stressed the importance of this matter in relation to trade problems arising when importing countries applied national or regional MRLs which were lower than the Codex MRLs, insofar as these were not sustained on the basis of a scientific risk assessment justifying this divergence”. However in the final report this paragraph was not included. For this reason the Coordinator requested that a corrigendum be issued to ALINORM 07/30/24, to include, between paragraphs 207 and 208 (197 and 198 of the draft report), the paragraph drafted by Argentina.

19. The Secretariat informed the Committee that the fact as understood by the Secretariat was that the Delegations of Argentina and India had requested the inclusion in the report of certain points which had been raised during the discussions. As the same points had been raised by other delegations, it was proposed to include in the report a text of a general nature without reference to the specific names of the delegations. According to the understanding of the Secretariat this was accepted by the CCPR at the time of the adoption of the report by all delegations, including the Delegation of Argentina. The Secretariat had consulted the Vice-Chairperson of the CCPR presiding over the session who confirmed the understanding of the facts by the Secretariat.

20. The Secretariat indicated further that after consultation with the Chairperson of the CCPR and the Chairperson of the Commission, the Secretariat could envisage circulating the observations of Argentina to all Codex Contact Points.

Enforcement of Codex MRLs at National Level² (30th Session of the Commission, ALINORM 07/30/REP, paras 205-209)

21. The Commission recalled that the issue of enforcement of Codex MRLs at national level had been discussed by the Committee on Pesticide Residues where many member governments expressed their concerns that some countries were imposing stricter MRLs than those in the Codex Alimentarius without sufficient scientific justification and that this impeded trade for developing countries.

22. The Secretariat confirmed that the enforcement of Codex standards including MRLs was an issue outside the mandate of the Commission and indicated that possible venues for considering this issue were the FAO/WHO Regional Coordinating Committees, where this matter could be considered under the standing agenda item “Information on Use of Codex Standards at National and Regional Level”, or the WTO SPS

² ALINORM 07/30/24, paras 204-211; ALINORM 07/30/3 para.80; CAC/30 LIM/13 (comments of European Community)

Committee that regularly monitored the use or non use of international standards including Codex standards and related texts.

23. The Observer from WTO, referring to the relevant provisions of the SPS Agreement in this area, in particular, Article 3 and Article 12, pointed out that the SPS Agreement strongly encouraged the use of international standards by WTO members and that the SPS Committee had developed a procedure to monitor the use of international standards, in accordance with Article 12.4.

24. Some delegations stressed the importance of further consideration of this matter, expressing the view that technical assistance was necessary for developing countries to overcome this problem.

25. The Commission noted that the lack of capacity to generate scientific data by developing countries, especially with regard to pesticide MRLs, had been discussed at the 59th Session of the Executive Committee which had noted a proposal made by the Member for Latin America and the Caribbean to include an additional activity which would address the strengthening of scientific advisory groups, to improve their efficiency as well as to equip them with necessary resources, particularly in the area of pesticide residues. The Commission noted that the concerns expressed in relation to this proposal were related amongst others to the lack of capacity to generate scientific data in developing countries and that some of these concerns might best be addressed outside Codex, for instance, through international FAO/WHO workshops on pesticide residues. The Commission further noted that this matter had been addressed in Activity 1.7 under Goal 1 of the Strategic Plan 2008 -2013.

60TH SESSION OF THE EXECUTIVE COMMITTEE (Rome, Italy, 4-7 December 2007)

Review of Codex Committee Structure and Mandates of the Codex Committees and Task Forces

26. As requested by the 30th Session of the Commission, the Committee considered the remaining proposals (Proposals 5, 6, 7, 9, 10 and 11) at its present Session, taking into account comments submitted from members and observers and views provided by the FAO/WHO Coordinating Committees on these proposals, which were presented in ALINORM 07/30/9C Part II, ALINORM 07/30/9C-Part II-Add I and several Conference Room Documents tabled at the 30th Session of the Commission.

Proposal 11 (Role of private standards) (ALINORM 08/31/3, paras 32-34)

27. The Committee recognised that the issue of private standards had been being discussed in the WTO Committee on Sanitary and Phytosanitary Measures (WTO/SPS Committee) and some other international fora recently. The Committee also noted that a document that contained in-depth analysis on the implications of private standards had been presented at the latest session of the WTO/SPS Committee held in October 2007³.

28. The Committee noted that this issue would remain on the agenda of the forthcoming meeting of WTO/SPS Committee (March 2008).

29. In view of ongoing discussion on this matter in WTO and other international fora, the Committee agreed not to make any decision/recommendation on Proposal 11 at this moment and requested the Secretariat to monitor developments of the subject in WTO and elsewhere and keep the Committee informed.

Global minor use summit (ALINORM 08/31/3, para. 108)

30. The Committee noted that the Global Minor Use Summit, currently held in FAO, was likely to have implications for the work on risk assessment of pesticide residues carried out by JMPR and the work of the Committee on Pesticide Residues. It was agreed that information on the outcome of the Summit would be provided to the Commission under FAO activities. (See also Agenda Item 10 (i) *Consideration of Matters Arising from Global Minor Use Summit*.)

³ G/SPS/GEN/802

MATTERS FOR ACTION:**STRATEGIC PLAN 2008-2013 OF THE CODEX ALIMENTARIUS COMMISSION (ALINORM 07/30/REP, paras 131-138 and Appendix IX)**

31. The Commission adopted the Strategic Plan 2008-2013. In view of this, the Committee is invited to review all the Activities presented in Part 2 Programme Areas and Planned Activities 2008-2013 relevant to its work (see below) and report back to the Commission on the outcome of its consideration.

32. In particular the Committee's attention is drawn to the following activities:

- Goal 1: Activity 1.1
- Goal 2: Activities 2.2, 2.3 and 2.5
- Goal 3: Activity 3.3
- Goal 4: Activity 4.1
- Goal 5: Activities 5.5 and 5.6

33. Further details on the Strategic Plan 2008-2013 can be found in the report of the meeting (ALINORM 07/30/REP, paras 131-138 and Appendix IX).

REVIEW OF CODEX COMMITTEE STRUCTURE AND MANDATES OF CODEX COMMITTEES AND TASK FORCES (ALINORM 07/30/REP, paras 144-161)

34. The Commission considered 11 Proposals as contained in Circular Letter CL 2006/29-CAC. Due to time constraints, the Commission only made decisions regarding Proposal 1 (numbers of meetings), Proposal 2 (number of subsidiary bodies), Proposal 3 (interval of meetings), Proposal 4 (duration of meetings) and Proposal 8 (conversion of regional standards into world-wide standards) and agreed to request the 60th Session of the Executive Committee for further consideration of the other six Proposal.

35. The Committee should draw attention to the Proposals 3 and 4, reproduced below, when discussing the date of its next meeting under Agenda Item 11.

- **Proposal 3 (interval of meetings):** The Committee should consider adopting a longer interval with the understanding that a structured, effective inter-session working mechanism should then be put in place in accordance with the Guidelines on Physical Working Groups and on Electronic Working Groups.
- **Proposal 4 (duration of meetings):** The duration of a Codex session should be kept within seven days, including the pre-session meetings of working groups, if any, in order to keep its proceedings well focused, ensure transparency, and facilitate effective participation of the members, with the understanding that certain margin of flexibility should be allowed, depending on the workload of each subsidiary bodies.

36. With regard to Proposal 3, as agreed by the Commission, the Committee **is invited** to consider adopting a longer interval with the understanding that a structured, effective inter-session working mechanism should then be put in place in accordance with the Guidelines on Physical Working Groups and on Electronic Working Groups.

37. With respect to Proposal 4 (duration of meetings), the Committee **should note** that the duration of a Codex session should be kept within seven days, including the pre-session meetings of working groups, if any, in order to keep its *proceedings* well focused, ensure transparency, and facilitate effective participation of the members, with the understanding that certain margin of flexibility should be allowed, depending on the workload of each subsidiary bodies.

38. Further details of the above discussion can be found in the report of meeting (ALINORM 07/30/REP, paras 144-161).