

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
HEALTH  
ORGANIZATION



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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

**CODEX ALIMENTARIUS COMMISSION**

*Thirty-Second Session*

*FAO Headquarters, Rome, Italy, 29 June - 4 July 2009*

Report

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**EXECUTIVE SUMMARY**

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**The Commission:**

- a) Adopted several amendments to the Procedural Manual;
- b) Adopted 28 new or revised Codex standards or related texts or amendments to these texts and many new or revised provisions for additives and MRLs for pesticides and veterinary drugs;
- c) Approved several new work proposals and proposals for discontinuation of work;
- d) Considered several matters referred by its subsidiary bodies or pending from earlier sessions; agreed to postpone the decision on possible new work on animal feeding until its 33<sup>rd</sup> Session; and addressed the use of the lactoperoxidase system for milk and milk products in international trade;
- e) Noted the Codex budget and expenditure for 2008-2009; was informed that the 2010-2011 budget would be maintained at the same level as in the 2008-2009 biennium; expressed its gratitude to FAO and WHO for these resources and to the host governments for their in-kind contributions; was informed that FAO, as part of its reform, was implementing results-based budgeting and management; and agreed that the use of Portuguese as a language of interpretation in the Coordinating Committee for Africa would be continued;
- f) Noted the status of implementation of the Strategic Plan 2008-2013; considered the Evaluation of the Capacity of the Codex Secretariat; did not support the recommendation to return to biennial sessions of the Commission; and agreed to refer all other recommendations to the 63<sup>rd</sup> Session of the Executive Committee and the 33<sup>rd</sup> Session of the Commission;
- g) Agreed to ask the Committee on Processed Fruits and Vegetables to consider the possibility of extending its mandate to cover fruit juices; and agreed to discontinue discussion on the merging or dissolving of committees until there was a need to do so in the future;
- h) Agreed on several recommendations intended to improve the participation of developing countries, especially as regards capacity building and the Codex Trust Fund;
- i) Supported continued cooperation and coordination with international governmental and non-governmental organizations;
- j) Noted the FAO/WHO Budgets for Codex-related Activities 2008-09 and 2010-11 and expressed its appreciation to FAO and WHO for their ongoing activities in the areas of scientific advice and capacity building in food safety and quality;
- k) Elected the following Officers of the Commission:
  - **Chairperson:** Ms Karen HULEBAK (United States of America)
  - **Vice-Chairpersons:** Mr Sanjay DAVE (India), Mr Ben MANYINDO (Uganda), and Mr Knud ØSTERGAARD (Denmark)
  - **Members elected on a geographical basis:** Argentina, Australia, Japan, Jordan, Mali, United Kingdom, United States of America,
- l) Appointed the following members as **Regional Coordinators:** Ghana (Africa), Indonesia (Asia), Poland (Europe), Mexico (Latin America and the Caribbean), Tunisia (Near East), Tonga (North America and South-West Pacific); and
- m) Confirmed the host governments of Codex subsidiary bodies.

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## INTRODUCTION

1. The Codex Alimentarius Commission held its Thirty-second Session at FAO Headquarters, Rome, Italy, from 29 June to 4 July 2009. Ms Karen Hulebak (United States of America), Chairperson of the Commission presided over the Session, assisted by the Vice-Chairpersons, Mr Knud Ostergaard (Denmark), Mr Sanjay Dave (India) and Mr Ben Manyindo (Uganda). The Session was attended by 463 delegates from 125 Member countries and 1 Member Organization, 2 observer countries and 33 international governmental and non-governmental organizations, including UN agencies. A list of participants, including the Secretariat, is given in Appendix I to this report.

2. The Session was opened by Mr James Butler, Deputy Director-General, FAO, who complimented the Commission on the successful work in food standards setting in a changing world since its first session in 1963, as the earth's population had doubled and the value of global food trade had multiplied by 22. He said that all consumers could potentially benefit from the decisions on the over 30 texts before the Commission for adoption during the week, through the increased safety of their food or the improved economies of their countries. He highlighted the unique opportunity that the Commission afforded members for debate on how to better protect the health of consumers worldwide and ensure fairer practices in food trade.

3. Mr Jorgen Schlundt, Director of Food Safety and Zoonoses, WHO welcomed delegates on behalf of the Director-General of WHO, Dr Margaret Chan. He stressed the importance of Codex work as present food safety issues could not be solved by nations working in isolation because as regards food safety no country was an island. To facilitate this process WHO together with FAO has invested in strengthening two major activities undertaken to respond to the health risks posed by the increasingly complex and globalized food trade: INFOSAN and the Codex Trust Fund. He assured the Commission of the importance and priority that WHO Governing Bodies and higher management accord to the work of Codex.

4. The Commission was also addressed by his Excellency, Mr Rifki Adboukader Bamakhrama, Minister of Trade and Industry of the Republic of Djibouti, the newest member of the Codex Alimentarius Commission. Minister Bamakhrama informed the Commission that Djibouti was mainly a food importer and therefore vulnerable to food crises. Djibouti was in the process of developing its own commercial food production sector and food control system and hoped through their participation in Codex, to make use of the science-based standards being developed to strengthen its own food legislation to protect their consumers' health and access of their products to international markets.

### Division of Competence

5. The Commission noted the division of competence between the European Community and its Member States, according to paragraph 5, Rule II, of the Rules of Procedure of the Codex Alimentarius Commission, as presented in document CAC/32 LIM/2.

### ADOPTION OF THE AGENDA (Agenda Item 1)<sup>1</sup>

6. The Commission adopted the Provisional Agenda as its Agenda for the Session. At the request of one Delegation, the Commission agreed to discuss the issues of "Simultaneous distribution of documents in all working languages" and "Length of Reports" under Agenda Item 11(b) "Evaluation of the Capacity of the Codex Secretariat".

### REPORT BY THE CHAIRPERSON ON THE 62<sup>nd</sup> SESSION OF THE EXECUTIVE COMMITTEE (Agenda item 2)<sup>2</sup>

7. In accordance with Rule V.7 of the Rules of Procedure, the Chairperson reported to the Commission on the outcome of the 62<sup>nd</sup> Session of the Executive Committee, and noted that the recommendations made by the Executive Committee on specific questions would be considered under the relevant Agenda items.

8. The Chairperson indicated that the Executive Committee had attempted to conduct its essential tasks in a balanced and consistent manner, especially as regards the main components of the critical review: consideration of texts submitted for adoption; proposals for new work; and monitoring of standards

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<sup>1</sup> ALINORM 09/32/1, ALINORM 09/32/1A Rev. and ALINORM 09/32/1B

<sup>2</sup> ALINORM 09/32/3

development. The Chairperson pointed out that the review of new work proposals was especially critical to ensure optimal use of time and resources and to facilitate progress in standard development.

9. As regards monitoring of standards development, the Delegation of Malaysia, speaking as Chair of the Committee on Fats and Oils, recalled that the Executive Committee had discussed the Proposed Draft List and Draft Lists of Acceptable Previous Cargoes to some extent and had encouraged the Committee to finalise its work on the lists at its next session in 2011, while noting that, in general, the development of lists could delay the progress of Codex work. While taking note of this advice, the Delegation drew the attention of the Commission to some relevant issues: as pointed out by some members of the Executive Committee, scientific advice had been provided in 2006, hence the Committee on Fats and Oils would need some time to resolve this matter; and as regards the five years timeline for the development of standards, the Delegation expressed the hope that some degree of flexibility would be allowed, taking into account that the Committee met on a biennial basis.

### **REPORTS OF FAO/WHO REGIONAL COORDINATING COMMITTEES (Agenda Item 3)<sup>3</sup>**

#### **FAO/WHO Coordinating Committee for Africa (CCAFRICA)**

10. The Delegation of Ghana informed the Commission that the 18<sup>th</sup> Session of the CCAFRICA had agreed that participation of developing countries in the work of Codex was critical and that developing countries were encouraged to improve their participation. It was agreed that such participation could be improved through the strengthening of national Codex Contact Points and National Codex Committees, as well as ensuring consistency in delegations to Codex meetings and through the implementation of the CCAFRICA Strategic Plan. While appreciation was extended to the Codex Trust Fund for assisting countries' participation in Codex, the CCAFRICA was of the view that alternative support systems should also be sought to complement the Codex Trust Fund. The Committee extended its appreciation to the Commission for allowing the use of Portuguese as a language of interpretation in the last session of the CCAFRICA. Gratitude was also extended to the FAO and WHO for their capacity building activities in the region as well as their continued scientific advice to support the work of Codex. The Coordinator welcomed Djibouti as the newest member to Codex and to CCAFRICA.

#### **FAO/WHO Coordinating Committee for Asia (CCASIA)**

11. The Delegation of Indonesia informed the Commission that the 16<sup>th</sup> Session of the CCASIA had finalized three regional commodity standards and agreed on one draft regional standard for adoption at Step 5, which would be considered by the Commission in later agenda items. The Committee also finalized its Strategic Plan. The Commission was further informed that the Session had been preceded by a Codex Training Workshop for Asia and the Pacific, organized the Codex Trust Fund Secretariat, which had contained practical exercises and proved very effective and useful in enhancing the level of participation in Codex meetings. A website for the CCASIA had been established, which would be handed over to future Coordinators for maintenance.

#### **FAO/WHO Coordinating Committee for Europe (CCEURO)**

12. The Delegation of Switzerland acknowledged the excellent organization of the 26<sup>th</sup> Session of the CCEURO by the Government of Poland. Among other points, the Session noted the need to improve horizontal communication among experts and that several members in the European region whose economies were in transition were eligible for support from the Codex Trust Fund. The Committee stressed that capacity building for some countries in the Region was necessary to ensure that participation was effective and thanked WHO and FAO for their support to Codex. The Committee noted that, although many European countries had implemented nutrition initiatives, there was still a need to improve food safety and nutrition in the region.

#### **FAO/WHO Coordinating Committee for Latin America and the Caribbean (CCLAC)**

13. The Delegation of Mexico summarized the main points of discussion at the 16<sup>th</sup> Session of the CCLAC, including but not limited to, allocation of resources of the Codex Trust Fund and proposals for its restructuring, length and content of Codex reports, simultaneous and timely distribution of Codex documents

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<sup>3</sup> ALINORM 09/32/28, ALINORM 09/32/15, ALINORM 09/32/36, ALINORM 09/32/19, ALINORM 09/32/40, ALINORM 09/32/32

in the official languages of the Commission, consensus and proposals for new work on regional standards for products of interest to the Region.

#### **FAO/WHO Coordinating Committee for the Near East (CCNEA)**

14. The Delegation of Tunisia informed the Commission that the 5<sup>th</sup> Session of the CCNEA had appreciated the capacity-building activities and scientific advice provided by FAO and WHO; stressed the need to strengthen work in the area of food safety and to raise awareness among consumers in this area; recommended that all countries implement Codex Standards at the national level in order to facilitate trade in foods; and emphasized that the Action Plan for the CCNEA be duly implemented. The Committee had considered the standardization of several commodities of importance to the Region and agreed to forward to the Commission three proposals for approval as new work.

#### **FAO/WHO Coordinating Committee for North America and the South West Pacific (CCNASWP)**

15. The Delegation of Tonga indicated that the 10<sup>th</sup> Session of the CCNASWP had considered specific activities of the Codex Strategic Plan 2008-2013. The Committee adopted the Strategic Plan for the CCNASWP 2008-2013 and requested the Coordinator to monitor its implementation. The Committee expressed its appreciation to FAO and WHO for their efforts to support Members through capacity building activities. It also highlighted the need for more involvement of experts from developing countries in the FAO/WHO provision of scientific advice and use of data from all geographical regions. The Committee recognised the significant role and impact of the Codex Trust Fund to increase participation from Pacific Island Countries and noted the need to look beyond the life of the Trust Fund and consider future options for strengthening participation of developing countries in the work of Codex on a more sustainable basis.

#### **AMENDMENTS TO THE PROCEDURAL MANUAL (Agenda Item 4)<sup>4</sup>**

##### **Draft Nutritional Risk Analysis Principles and Guidelines for Application to the Work of the Committee on Nutrition and Foods for Special Dietary Uses**

16. The Commission agreed that the Spanish version should be corrected to ensure consistency with the English version and adopted the Risk Analysis Principles as proposed.

##### **Proposed Amendment to the *Working Instructions for the Implementation of the Criteria Approach in Codex***

##### **Consequential Amendment to the *General Criteria for the Selection of Methods of Analysis (terminology)***

17. The Commission adopted both amendments as proposed.

##### **Proposed Amendment to the Guidelines to Chairpersons of Codex Committees and *ad hoc* Intergovernmental Task Forces**

18. Several delegations supported a proposal to clarify the conditions under which a facilitator could be appointed, in order to ensure the transparency of the process, and the Commission agreed to add the three conditions mentioned in ALINORM 09/32/33, para. 82 and in ALINORM 09/32/4A.

19. The Commission agreed to correct the Spanish version as proposed in ALINORM 09/32/4A to align it with the English version. With these amendments, the Commission adopted the Proposed Amendment.

##### **Proposed Amendment to the Terms of Reference of the Committee on General Principles**

20. Several delegations, while supporting the deletion of the reference to the acceptance procedure, expressed the view that other aspects of the work of the Committee on General Principles, such as the mechanism to examine the economic impact of standards, should be retained. These delegations proposed to review carefully the terms of reference of the Committee in view of its overarching nature and the implications of its work, taking into account the implementation of the Strategic Plan. The Commission therefore agreed to request the Committee on General Principles to review its terms of reference and did not make any amendment to the current text.

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<sup>4</sup> ALINORM 09/32/4, ALINORM 09/32/4A (comments of Colombia and Malaysia)



**Proposed inclusion of an information footnote to the fourth paragraph of the *Statements of Principle Concerning the Role of Science in the Codex Decision-Making Process and the Extent to which Other Factors are Taken into Account* indicating that the Acceptance Procedure was abolished in 2005**

21. Several delegations expressed the view that the use of the term “acceptance” in the *Statements of Principle* was not intended as referring to the Acceptance Procedure abolished in 2005 and therefore did not support the insertion of a footnote referring to the abolition of that Procedure. The Commission therefore agreed to retain the text of the *Statements of Principles* unchanged.

22. The Amendments to the Procedural Manual are presented in Appendix II.

**DRAFT STANDARDS AND RELATED TEXTS AT STEP 8 OF THE PROCEDURE (Agenda Item 5)<sup>5</sup>**

23. The Commission **adopted** 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 well as other standards and related texts submitted for adoption, as presented in Appendix III to this report.

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

**Coordinating Committee for Asia (CCASIA)**

***Draft Regional Standard for Gochujang*<sup>6</sup>**

25. The Commission **adopted** the Draft Standard with an amendment in Section 2.1 (d) to replace “in an appropriate manner” with “or other appropriate means,” recognizing that the prevention of spoilage of the product could be achieved by other means than heating, as suggested by Japan in their written comments.

***Draft Regional Standard for Ginseng Products*<sup>7</sup>**

26. The Commission **adopted** the Draft Standard with the editorial amendments to footnote 2 to Section 3.2 concerning a ginsenoside pattern, the titles of Section 6.2 and 7.6 and an AOAC method mentioned in Sections 7.1 and 7.2, as suggested by Japan and the Republic of Korea in their written comments.

***Proposed Draft Regional Standard for Fermented Soybean Paste*<sup>8</sup>**

27. The Commission agreed to amend Section 2.1 (d) of the Proposed Draft Standard with the same justification provided for the Draft Regional Standard for Gochujang and to introduce the editorial amendment to Section 3.1.2 (c), as suggested by Japan and the Republic of Korea in their written comments. The Commission noted that the Committee on Food Additives (CCFA) had not endorsed the food additive provision for monopotassium tartrate and asked the CCASIA to provide a numeric maximum use level.

28. The Commission **adopted** the Proposed Draft Standard at Step 5/8, with the omission of Steps 6 and 7, with these amendments and without the provision for monopotassium tartrate.

**Contaminants in Foods**

***Proposed Draft Revision to the Preamble of the GSCTF*<sup>9</sup>**

29. The Commission noted that although the proposed draft revision to the Preamble of the GSCTF had not been circulated for comments at Step 3 due to its late availability, the Committee on Contaminants in

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<sup>5</sup> ALINORM 09/32/5; ALINORM 09/32/5-Add.1; ALINORM 09/32/5A (comments of Brazil, Colombia, European Community, Japan, Malaysia, Mexico, Switzerland, United States of America, CIAA, CRN, IADSA, ICMSF, IDF, IFAC, OFITEL); CAC/32 LIM/3 (Comments of Australia, Brazil, Costa Rica, Cuba, Egypt, Ghana, Iran, Kenya, Peru, Republic of Korea, United States of America, Thailand, CropLife International); CAC/32 LIM/8 (comments of Philippines); CAC/32 LIM/9 (comments of OFITEL); CAC/32 LIM/11 (comments of Guatemala); CAC/32 LIM/12 (comments of Brazil); CAC/32 LIM/13 (comments of Indonesia); CAC/32 LIM/14 (comments of China); CAC/32 LIM/15 (comments of Turkey); CAC/32 LIM/16 (comments of the European Community); CAC/32 LIM/17 (comments of India); CAC/32 LIM/18 (comments of Japan)

<sup>6</sup> ALINORM 09/32/15, Appendix II

<sup>7</sup> ALINORM 09/32/15, Appendix III

<sup>8</sup> ALINORM 09/32/15, Appendix IV

<sup>9</sup> ALINORM 09/32/41, Appendix III

Foods (CCCF) had advanced the proposed draft revision for adoption at Step 5/8, with the omission of Steps 6 and 7, and that its adoption had been supported by the 62<sup>nd</sup> Session of the Executive Committee. Some delegations however expressed concern with the way in which the revision had been handled and indicated that some texts were still unclear as to whether it was intended for governments or for use within the context of Codex. These delegations therefore proposed adoption at Step 5 to allow further consideration by governments and the next session of the CCCF and proposed that the Committee on General Principles (CCGP) also consider the revised text together with the texts on risk assessment. The Delegation of the Netherlands, speaking as Chair of the CCCF, informed the Commission that the Committee had had thorough discussion on the revision and that there had been consensus on the content as well as for the proposal to forward it for adoption at Step 5/8. It was also clarified that the Preamble was part of a Codex standard intended for governments and that therefore, through the revision, all provisions intended for application in the framework of Codex had been removed. The documents describing the risk analysis principles and policies applied by CCCF were included in the Procedural Manual and would be reviewed by the CCGP as part of its overall review of risk analysis policies. Noting the clarification, the Commission therefore **adopted** the Proposed Draft Revision to the Preamble of the GSCTF at Step 5/8 with the omission of Steps 6 and 7.

### **Food Additives**

#### ***Draft and Proposed Draft Food Additive Provisions of the General Standard for Food Additives (GSFA)***<sup>10</sup>

30. The Commission noted the concerns of many delegations on the safety of certain colours, in particular erythrosine (INS 127), and the proposal that JECFA undertake a refined exposure assessment before the provisions were adopted. The Committee noted that JECFA had already carried out an exposure assessment, which would need to be updated in the light of new data. In view of these concerns, the Commission returned the draft and proposed draft provisions for erythrosine to the CCFA for further discussion at its next session in the context of a refined exposure assessment by JECFA. The Commission **adopted** all the other draft and proposed draft food additive provisions as proposed by the Committee.

### **Food Hygiene**

#### ***Proposed Draft Microbiological Criteria for Listeria monocytogenes in Ready-to-Eat Foods (Annex II to the Guidelines on the Application of General Principles of Food Hygiene to the Control of Listeria monocytogenes in Ready-to-Eat Foods (CAC/GL 61-2007)***<sup>11</sup>

31. The Commission **adopted** the Proposed Draft Microbiological Criteria for *Listeria monocytogenes* in Ready-to-Eat Foods (Annex II to the Guidelines on the Application of General Principles of Food Hygiene to the Control of *Listeria monocytogenes* in Ready-to-Eat Foods (CAC/GL 61-2007)) at Step 5/8, with the omission of Steps 6 and 7, with small editorial amendments in the third bullet point of Section 3.1 Ready-to-Eat foods in which growth of *L. monocytogenes* will not occur, in order to separate freezing from other combinations that could prevent the growth of *L. monocytogenes*, and in footnote 8 to make the wording more easily readable.

#### ***Proposed Draft Microbiological Criteria for Powdered Follow-up Formulae and Formulae for Special Medical Purposes for Young Children (Annex II to the Code of Hygienic Practice for Powdered Formulae for Infants and Young Children (CAC/RCP 66-2008))***<sup>12</sup>

32. The Commission corrected the title of the publication in footnote 20 and **adopted** the Proposed Draft Microbiological Criteria for Powdered Follow-up Formulae and Formulae for Special Medical Purposes for Young Children (Annex II to the Code of Hygienic Practice for Powdered Formulae for Infants and Young Children (CAC/RCP 66-2008)) as proposed.

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<sup>10</sup> ALINORM 09/32/12, Appendix IV

<sup>11</sup> ALINORM 09/32/13, Appendix II

<sup>12</sup> ALINORM 09/32/13, Appendix III

## Food Import and Export Inspection and Certification Systems

### *Proposed Draft Generic Model Official Certificate (Annex to Guidelines for Design, Production, Issuance and Use of Generic Official Certificate (CAC/GL 38-2001))<sup>13</sup>*

33. The Commission noted that the issues raised by one delegation concerning a multiple products certificate and importer responsibilities had been addressed by the Committee on Food Import and Export Inspection and Certification Systems (CCFICS) and that the generic model official certificate proposed for adoption allowed for multiple products certification and could accommodate the inclusion of information not known at the moment the certificate was issued, without changing the certificate. The Commission also noted that the generic model certificate, as an annex to the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificate*, was consistent with the provisions of the Guidelines. In view of these clarifications, the Commission **adopted** the proposed draft Generic Model Official Certificate, as an Annex in the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificate (CAC/GL 38-2001)*.

## Fats and Oils

### *Draft Amendment to the Standard for Named Vegetable Oils: Inclusion of Rice Bran Oil<sup>14</sup>*

34. Some delegations expressed the view that the level of “other desmethylsterols” in rice bran oil should be deleted from Table 3 and reconsidered by the Committee on Fats and Oils (CCFO) for the following reasons: it was not a significant identity characteristic for the authenticity of rice bran oil, which was adequately determined by the specific desmethylsterols mentioned in the Table; the methods of analysis were complex and the reference materials were not easily available, which created difficulties especially for developing countries; and, as it appeared from a study that low levels of other desmethylsterols could be found in rice bran oil, the “ND” level included in the current Table was not adequate.

35. The Delegation of Malaysia, speaking as Chair of the CCFO, recalled that the Committee had agreed on all provisions in the Draft Amendment after detailed discussion and that the level of other desmethylsterols had not been raised in the Committee. The Delegation therefore suggested to adopt the current text and to reconsider this question in the future if new data became available.

36. The Commission **adopted** the Draft Amendment and agreed that the CCFO should reconsider the level of other desmethylsterols if new data became available.

## General Principles

### *Proposed Draft Revised Code of Ethics for International Trade in Foods<sup>15</sup>*

37. Several delegations, while not opposing adoption of the Proposed Draft Revised Code of Ethics at Step 5, were not in favour of adopting it at Steps 5/8 because the 25<sup>th</sup> Session of the CCGP had made substantive changes to the document and more time was needed to consider the text. These delegations also mentioned that their concerns had not been adequately taken into account at the CCGP when the decision was taken to move the text to Step 5/8.

38. A number of specific comments were made as follows: the concept of food safety is universal, thus there should be no exception, as presently in Article 4.2, allowing exporting countries to export food, which does not comply with its national legislation; the issue of implementation of the Code, especially by countries lacking a control system, should be clarified; the present text may contradict some of the principles of Codex insofar as they establish and draw upon national regulatory frameworks; the ethics of equal treatment in terms of commercial transactions and food aid and donations should be made clearer; and some of the provisions in the text may be contrary to WTO provisions.

39. Many delegations supported the adoption of the Proposed Draft Code at Step 5/8, mentioning that it had been discussed in the CCGP for quite some time and was a document that could be a guiding principle giving important and urgent assurances to countries not having adequate food control systems.

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<sup>13</sup> ALINORM 09/32/30, Appendix II

<sup>14</sup> ALINORM 09/32/17, Appendix II

<sup>15</sup> ALINORM 09/32/33, Appendix II

40. A number of specific comments were made as follows: the reference of the Code on the Marketing of Breast Milk Substitutes is important; the Code should be generic and focus on the protection of consumers in countries which do not have adequate control measures for food quality; the Code should concentrate on the core provisions in Article 3 and should not be used to resolve issues dealing with compliance, which should be addressed by the CCFICS; the problem of illiteracy in some developing countries may be a challenge in order to provide consumer information and raise their awareness on food safety issues; and the Code should not reiterate existing provisions in Codex texts or the WTO agreements.

41. Taking into account the discussion, the Commission decided to **adopt** the Proposed Draft Revised Code of Ethics at Step 5. The Commission emphasized however that this meant that the general structure of the draft had well advanced and only specific proposals on the text should be made and no general debate on the scope reopened. The Commission also emphasized the need to finalize this work within the next session of the CCGP.

### **Methods of Analysis and Sampling**

#### ***Draft Guidelines for Settling Disputes on Analytical (Test) Results***

42. The Delegation of Brazil expressed the view that section 4 “Analysing Reserve Samples” in the Draft Guidelines resulted in unequal treatment between the importing and the exporting countries, in favour of the importing country, and indicated that the comments in CAC/32 LIM 12 described simulations using the critical difference delta mentioned in section 4 in order to illustrate the difficulties related to that section. The Delegation therefore proposed to return the Draft Guidelines to Step 6 for further discussion in the Committee, in order to ensure that the Guidelines met the concerns both of importing and exporting countries. This position was supported by other delegations.

43. Several other delegations supported the adoption of the Guidelines as they provided important guidance for settling analytical disputes in international trade and had been carefully considered by experts in this area in the Committee.

44. The Delegation of Hungary, speaking as the Chair of the Committee, pointed out that the Draft Guidelines were technically sound; however some expressions were ambiguous and could be interpreted in different ways. The Delegation also noted that Brazil had expressed a reservation in the Committee in general terms but had not made specific proposals at that time.

45. The Commission **adopted** the Draft Guidelines and noted that the issues raised in LIM 12 could be reconsidered by the Committee after countries had gained some experience in the use of the Guidelines. The Delegations of Argentina, Brazil, Ecuador, Mexico and Thailand expressed their reservation on this decision.

#### ***Draft Guidelines on Analytical Terminology***

46. The Commission adopted the Draft Guidelines and noted that they superseded the section on Analytical Terminology in the Procedural Manual, which would be deleted, and would be published as independent Guidelines.

### **Nutrition and Foods for Special Dietary Uses**

#### ***Table of Conditions for Nutrient Contents (Part B: Provisions on Dietary Fibre) to the Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-1997)***<sup>16</sup>

47. The Commission noted the ongoing work on methods of analysis for dietary fibre in the Committee and **adopted** the Provisions on Dietary Fibre in the Guidelines for Use of Nutrition and Health Claims as proposed, with the understanding that the Spanish translation will be checked for consistency with the English version of the definition.

#### ***Provisions on Gum Arabic (Gum acacia) (Section D: Advisory List of Food Additives for Special Nutrient Forms) to the Advisory Lists of Nutrient Compounds for Use in Foods for Special Dietary Uses Intended for Infants and Young Children (CAC/GL 10-1997)***<sup>17</sup>

48. The Commission **adopted** a proposed Gum Arabic level of 10 mg/kg as a carrier for inclusion in Section D of the Advisory Lists of Nutrient Compounds for Use in Foods for Special Dietary Uses Intended for Infants and Young Children (CAC/GL 10-1997).

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<sup>16</sup> ALINORM 09/32/26, Appendix II

<sup>17</sup> ALINORM 09/32/26, Appendix III

## Processed Fruits and Vegetables

### *Draft Standard for Jams, Jellies and Marmalades*<sup>18</sup>

49. The Delegation of India requested the inclusion of a footnote to the scope of the Standard to exclude certain products widely traded in that country, e.g. “murabba”, which might not fit into the definition of jams as presented in the Standard. It was noted that the scope of the standard did not include jam-like products that were traditionally produced in certain countries and therefore there was no possibility of confusion between these products.

50. The Delegation of the European Community, while not opposing the adoption of the Standard, expressed its strong reservation on the use of some additives, particularly acidity regulators, colours, preservatives and thickeners, as there was no technological justification for their use in the products covered by the Standard and these products were consumed in large amounts by certain population groups, especially children. In addition, the Delegation noted that the use of these additives could mislead consumers as to the overall quality of the product. The delegations of Bosnia and Herzegovina, Brazil, Croatia, Norway and Switzerland also expressed a strong reservation in this regard.

51. The Commission agreed to delete the reference to “fruit spread” from the scope of the Standard as an editorial amendment since this product was not covered by the Standard.

52. The Commission endorsed the recommendation of the Executive Committee to delete the reference to “veterinary drugs” from the section on contaminants as not relevant to products of plant origin. The Commission also agreed that the provisions for sampling plans in the annexes of the Standard would not be included pending clarification from the Committee on Processed Fruits and Vegetables to the Committee on Methods and Analysis and Sampling on which provisions in the Standard they apply to. It was noted that this would not affect the implementation of the Standard as provisions for lot acceptance already recommended that countries apply appropriate sampling plans. The Commission acknowledged that the amendment to the section on contaminants and the removal of the annexes on sampling plans also applied to the Standard for Certain Canned Vegetables.

53. The Commission **adopted** the draft Standard for Jams, Jellies and Marmalades at Step 8 with the above amendments. The Commission noted that this Standard would supersede individual Standards for Jams (Fruit Preserves) and Jellies (CODEX STAN 79-1981) and Citrus Marmalade (CODEX STAN 80-1981). (See also Agenda Item 7).

### *Draft Standard for Certain Canned Vegetables (general provisions); proposed draft Section 3.1.3 – Packing Media (for inclusion in the Standard for Certain Canned Vegetables); proposed draft Annexes specific to certain canned vegetables (for inclusion in the Standard for Certain Canned Vegetables)*<sup>19</sup>

54. The Delegation of the European Community, while not opposing the adoption of the Standard, expressed its strong reservation on the use of some additives, in particular colours, as there was no technological justification for their use in the products covered by the Standard and this could mislead consumers as to the overall quality of the product. The delegations of Brazil, Norway and Switzerland also expressed their strong reservation in this regard.

55. The Commission **adopted** the Draft Standard for Certain Canned Vegetables at Step 8. The Commission also **adopted** the Proposed Draft Section 3.1.3 on Packing Media and the Proposed Draft Annexes specific to canned vegetables at Step 5/8, with the omission of Steps 6 and 7, and inclusion in the Standard for Certain Canned Vegetables. The Commission further noted that this Standard would supersede individual Standards for Canned Asparagus (CODEX STAN 56-1981), Canned Carrots (CODEX STAN 116-1981), Canned Green Peas (CODEX STAN 58-1981), Canned Green Beans and Wax Beans (CODEX STAN 16-1981), Canned Mature Processed Peas (CODEX STAN 81-1981), Canned Palmito (CODEX STAN 144-1985) and Canned Sweet Corn (CODEX STAN 18-1981). (See also Agenda Item 7).

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<sup>18</sup> ALINORM 09/32/27, Appendix II

<sup>19</sup> ALINORM 09/32/27, Appendices II, IV and V

## Pesticide Residues

### *Draft and Proposed Draft Maximum Residue Limits for Pesticides*<sup>20</sup>

56. The Commission noted that the new higher MRL for malathion (049) in wheat had been proposed on the basis of a new JMPR evaluation and **adopted** the MRLs as proposed in Appendices II and III of ALINORM 09/32/24 with the addition of the MRL for spirotetramat (234) at 0.7 mg/kg for pome fruits, which had inadvertently been omitted from the report of the Committee. The Commission also noted the reservations of the European Community and Norway on MRLs for carbaryl (008) in citrus fruit; fusilazole (165) in edible offal, apples and pear; dimethoate (027) in peppers and lettuce; malathion (049) in wheat; methomyl (094) in grapes and tomato; cypermethrins (118) in cauliflower, scarole, apples and peaches; and cyhalothrin (146) in apricots, broccoli, cauliflower, cabbage head, milk, nectarines, peaches, tomatoes, peppers sweet, and corn for reasons presented in CAC/32 LIM/16.

## Residues of Veterinary Drugs in Foods

### *Draft Maximum Residue Limits for Veterinary Drugs*<sup>21</sup>

57. The European Community reiterated their concerns regarding the safety of residues of melengestrol acetate, especially for susceptible groups, such as children and teenagers. Other delegations shared these concerns reiterating their reservation expressed at the last session of the Committee on Residues of Veterinary Drugs in Foods (CCRVDF).

58. Other delegations supported the adoption of the draft MRLs and recalled that presently there was no scientific data challenging the JECFA evaluation. They also recalled that if new data become available, the CCRVDF would review the MRLs and request for a re-evaluation by JECFA.

59. The Commission further noted that JECFA, at its 70<sup>th</sup> meeting, had reviewed the extensive additional data submitted by the European Community to address their specific concerns, and that this review concluded that the new data did not provide any basis to reconsider the ADI.

60. Noting and supporting the view that melengestrol acetate should remain under review in JECFA and the CCRVDF, if new data become available, the European Community stated that they remained strongly opposed to the MRLs for melengestrol acetate, as they considered that there were outstanding concerns regarding its safety assessment. They also had significant concerns regarding the impact of an approval on consumer confidence in the safety of products derived from animals treated with melengestrol acetate. The Delegation further stated that it was the general policy in the European Union to prohibit the administration of veterinary drugs to healthy animals solely for the purpose of growth promotion. They stated further that the policy was widely supported and administered in a non-discriminatory manner and that the European Community was a major importer of beef from animals which had not been treated with growth promoting hormones.

61. The Commission concluded the discussion, noting that JECFA had addressed specifically the concerns of the European Community and requested the CCRVDF and JECFA to consider revision of melengestrol acetate when new data became available.

62. In view of this conclusion, the Commission **adopted** the draft MRLs for melengestrol acetate in cattle tissues. The delegations of the European Community, Bosnia and Herzegovina, China, Croatia, Norway and Switzerland expressed their strong opposition to the adoption of these MRLs for the reasons mentioned above.

### *Draft Guidelines for the Design and Implementation of National Regulatory Food Safety Assurance Programmes Associated with the Use of Veterinary Drugs in Food Producing Animals*<sup>22</sup>

63. The Commission adopted the Draft Guidelines as proposed by the CCRVDF. It noted that the Guidelines would supersede the *Guidelines for the Establishment of a Regulatory Programme for Control of Veterinary Drug Residues in Foods* (CAC/GL 16-1993) and *Code of Practice for Control of the Use of Veterinary Drugs* (CAC/RCP 38-1993).

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<sup>20</sup> ALINORM 09/32/24, Appendices II and III

<sup>21</sup> ALINORM 09/32/31, Appendix II

<sup>22</sup> ALINORM 09/32/31, Appendix V

**Standards and related texts held at the Commission at Step 8*****Draft Standard for Bitter Cassava***<sup>23</sup>

64. The Commission noted that this Draft Standard had been held at Step 8 at its 31<sup>st</sup> Session, pending the review of its labelling section by the Committee on Fresh Fruits and Vegetables and endorsement by the Committee on Food Labelling<sup>24</sup>, and therefore was not for consideration by this session.

***Draft MRLs for Bovine Somatotropin***<sup>25</sup>

65. The Commission noted that no request had been received to change the status of the draft MRLs for bovine somatotropin.

***Draft MRLs for Ractopamine***<sup>26</sup>

66. The Commission recalled that at its 31<sup>st</sup> Session it had agreed to hold the draft MRLs for ractopamine at Step 8 for further discussion at its 32<sup>nd</sup> Session. The Commission had further requested Members to submit relevant information on the availability of scientific data to the 18<sup>th</sup> Session of the Committee on Residues of Veterinary Drugs in Foods, thus allowing for a decision by the Committee regarding the inclusion of ractopamine in the priority list of substances for evaluation / re-evaluation by JECFA. The Commission further agreed that, at its 32<sup>nd</sup> Session, it would decide on the adoption of the MRLs for ractopamine based on the report of the 18<sup>th</sup> Session of the Committee on Residues of Veterinary Drugs in Foods<sup>27</sup>.

67. The Chairperson of the Committee on Residues of Veterinary Drugs in Foods informed the Commission that the 18<sup>th</sup> Session of the Committee had concluded that there was no significant new data available that would justify the inclusion of ractopamine in the Priority List for complete re-evaluation by JECFA and that European Community, China and Norway had expressed their reservation to this conclusion. The Committee had also considered new residues studies, conducted by China, and recommended that they be included in the Priority List for review of residue depletion data in pigs. The Committee had further agreed to request FAO/WHO to convene an Expert consultation on dietary exposure assessment as it relates to veterinary drug residues in food.<sup>28</sup>

68. In view of the inclusion of ractopamine in the Priority List for review of the residues data for pigs by JECFA, the Delegation of the European Community proposed to return the draft MRLs to Step 6 for further discussion. The Delegation of China, supporting the European Community, briefly reported on their residues studies, which showed residues levels in muscle, liver and kidneys exceeding the draft MRLs, as well as very high levels of residues in lungs. The Delegation pointed out that China and the European Community were the largest producers and consumers of pig meat in the world and that, in China and other Asian countries, animal internal organs, including lungs and liver, were also regularly consumed. China was very cautious with regard to ractopamine because it is a beta agonist and they had seen cases of food poisoning from the consumption of tissues containing residues of such substances.

69. The JECFA Secretariat recalled that JECFA at its 66<sup>th</sup> meeting had re-evaluated the residue data for ractopamine in pigs and cattle and confirmed the previously recommended MRLs. With regard to the data submitted by China at the 18<sup>th</sup> Session of the Committee on Residues of Veterinary Drugs, the JECFA Secretariat explained that the data submitted by China analysed ractopamine plus its metabolites, thus leading to apparently higher residue levels, rather than measuring free ractopamine alone, according to the residue definition established by JECFA. Because of this, the data could not be used directly to re-evaluate ractopamine residue levels in pigs, but when assumptions are made to estimate free ractopamine levels, based on the ratio of free ractopamine to total residues, the data submitted by China could confirm the results from the residue studies that formed the basis for the proposed MRLs in pig tissues. Residues in other tissues (e.g. lungs) would be considered in the future. The JECFA Secretariat recalled that in its exposure assessment for ractopamine residues JECFA had taken a very conservative approach that also takes kidney and liver into account, and that if other tissues would be consumed, such as lung or intestines, they would replace the tissues being considered in the food basket rather than be added.

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<sup>23</sup> ALINORM 08/31/35, Appendix II

<sup>24</sup> ALINORM 08/31/REP, para. 38

<sup>25</sup> ALINORM 95/31, Appendix II

<sup>26</sup> ALINORM 08/31/31, Appendix II

<sup>27</sup> ALINORM 08/31/REP para. 58

<sup>28</sup> ALINORM 09/32/31 para. 21, 136, 150 and Appendix VI

70. The Delegation of Brazil recommended the adoption of the MRLs for ractopamine in view of the conclusion of the 18<sup>th</sup> Session of the Committee on Residues of Veterinary Drugs that there was no new scientific data that would justify the re-evaluation of ractopamine.

71. Other delegations intervened in support of returning the MRLs to Step 6 for further discussion in the Committee on Residues of Veterinary Drugs in Foods. These delegations pointed out that there was a need to take a cautious approach because of the impact of these MRLs on Codex member countries; that particular attention should be given to data from developing countries and to the specific concerns of countries with different eating habits; that veterinary medicines should be used only when necessary to cure and prevent diseases and not as growth promoters/production aid; and that consideration should be given to consumer health protection and to consumer confidence in Codex.

72. Other delegations intervened in favour of the adoption of the MRLs as they were based on science and there appeared to be no outstanding science issues with regard to the MRLs thus they saw no reasons for delaying the adoption. They also pointed out: that the Committee on Residues of Veterinary Drugs in Foods could request a re-evaluation of ractopamine by JECFA when new data become available; that ractopamine was used in 26 countries; and that confidence should be given to the JECFA process and the procedures followed by the Committee on Residues of Veterinary Drugs in Foods.

73. The Delegation of New Zealand, as a way forward in a spirit of compromise and following a number of out-of-session discussions on this difficult item, proposed that the Commission request JECFA, as a matter of priority, to undertake a review of new data submitted to the 18<sup>th</sup> Session of the Committee on Residues of Veterinary Drugs in Foods by China (data that had not been formally reviewed by JECFA), focusing on the implications of these data for the MRLs for ractopamine currently held at Step 8.

74. The delegations of Brazil and Cuba expressed their reservation to the proposal and reiterated their position that the MRLs be adopted at Step 8. They were of the view that the proposal did not comply with the principles of scientific evidence and with the process agreed by the 31<sup>st</sup> Session of the Commission.

75. The Delegation of the United States of America supported the proposal of New Zealand in a spirit of compromise; however, they expressed their disappointment that the MRLs were not adopted and expected that the Commission would take a decision at its next session in 2010 in view of an expedited review of the residue data in pig submitted by China, as mentioned in paragraph 73. This position was supported by some delegations.

76. The delegations of the European Community, China and Norway expressed their disappointment at the proposal of holding the MRLs at Step 8 as, in their view, there was significant evidence for returning the MRLs to Step 6 for further consideration by the Committee on Residues of Veterinary Drugs in Foods.

77. The JECFA Secretariat informed the Commission that two meetings of JECFA were already scheduled in 2010 and that they would do their utmost to find additional ways to have the outcome of this review available for the next Session of the Commission in 2010.

78. The Commission concluded the discussion on ractopamine and **agreed** to hold the draft MRLs for ractopamine at Step 8. The Commission agreed further to request that JECFA, as a matter of priority, undertake a review of new data submitted to the 18<sup>th</sup> Session of the Committee on Residues of Veterinary Drugs in Foods by China (data that had not been formally reviewed by JECFA), focusing on the implications of these data for the MRLs for ractopamine currently held at Step 8.

79. The Commission will consider the MRLs for ractopamine in the light of the outcome of the JECFA evaluation of the Chinese residue depletion studies in pigs.

#### **Procedure for Standards and Related Texts Held at Step 8**

80. Noting that occasionally a number of texts had been retained at Step 8, the Chairperson proposed and the Commission agreed to consider that an electronic working group, to be chaired by the Netherlands, prepare a discussion paper for consideration by the Committee on General Principles to examine the factors that cause such decisions and how to address these situations. Some delegations asked for clarification on the purpose of this paper and noted that work was already ongoing on consensus and that there was a need to look at mechanisms that would help solving these situations on a case by case basis. It was further noted that any proposal should not reopen discussion on matters already included in the Procedural Manual, particularly the *Statements of Principles Concerning the Role of Science in the Codex Decision-Making Process and the Extent to which Other Factors Are Taken into Account*. The Commission noted a proposal for the terms of reference of the electronic working group to which some delegations objected on the grounds that it was



ambiguous and it was difficult to understand the relation with the decision making mechanism. In view of the absence of a suitable alternative proposal, the Commission agreed not to continue discussion on this matter at this session. The Chairperson noted that the matter would be brought to the attention of the Committee on General Principles.

### **PROPOSED DRAFT STANDARDS AND RELATED TEXTS AT STEP 5 OF THE PROCEDURE (Agenda Item 6)<sup>29</sup>**

81. The Commission **adopted** at Step 5 the Proposed Draft Standards and Related Texts submitted by its subsidiary bodies, as presented in Appendix IV to this report, and advanced them to Step 6.

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

#### **Fats and Oils**

##### ***Proposed Draft Criteria to Assess the Acceptability of Substances for Inclusion in a List of Acceptable Previous Cargoes<sup>30</sup>***

83. Some delegations, while supporting the adoption of the criteria at Step 5, expressed the view that the development of the Draft and Proposed Draft Lists of Acceptable Cargoes should be discontinued for the following reasons: the criteria and the current Lists of Banned Immediate Cargoes were adequate to meet the dual mandate of Codex, there were no mechanisms allowing to maintain and update such lists on the basis of risk analysis principles; and the Committee should focus on careful consideration of the criteria.

84. Other delegations pointed out that the Lists of Acceptable Cargoes were not under consideration at the Commission and any comment on the Lists should be made in the framework of the Committee, where this work was still in progress.

85. The Delegation of Malaysia, speaking as Chair of the Committee on Fats and Oils, informed the Commission that the Committee had discussed the Proposed Draft List and asked for comments on the substances and the process for its development, while recalling the recommendations of the Executive Committee and its earlier comments in this respect, as already mentioned under Agenda Item 2.

86. The Commission adopted the Proposed Draft Criteria at Step 5 and noted the concerns of some delegations on the Draft and Proposed Draft Lists of Acceptable Cargoes to be considered in the Committee on Fats and Oils.

#### **Pesticide Residues**

##### ***Proposed Draft Maximum Residue Limits for Pesticides<sup>31</sup>***

87. The Commission **adopted** the draft MRLs as proposed draft in Appendix IV of ALINORM 09/32/24 at Step 5 and advanced them to Step 6, noting the reservations expressed by the European Community and Norway on the MRLs for methomyl (094) in apples; tebuconazole (189) in brassica, pomefruits and lettuce, head and boscalid (221) in banana and kiwi for reasons explained in CAC/32 LIM 16.

#### **Residues of Veterinary Drugs in Foods**

##### ***Proposed draft MRLs for veterinary drugs<sup>32</sup>***

88. The Commission **adopted** the proposed draft MRLs at Step 5 and advanced them to Step 6, noting the reservation of European Community and Norway as to the safety of the residues of tilmicosin.

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<sup>29</sup> ALINORM 09/32/6, ALINORM 09/32/6A (comments from Malaysia and the United States of America), CAC/32 LIM/4 (comments Australia, Brazil, Cuba, Egypt), CAC/32 LIM/13 (comments of Indonesia)

<sup>30</sup> ALINORM 09/32/17, Appendix III

<sup>31</sup> ALINORM 09/32/24, Appendix IV

<sup>32</sup> ALINORM 09/32/31, Appendix IV

**REVOCACTION OF EXISTING CODEX STANDARDS AND RELATED TEXTS (Agenda Item 7)<sup>33</sup>**

89. The Commission agreed to revoke from the Codex Alimentarius all texts proposed, as presented in ALINORM 09/32/7. The list of texts approved for revocation from the Codex Alimentarius is summarized in Appendix V to this report.

**AMENDMENTS TO CODEX STANDARDS AND RELATED TEXTS (Agenda Item 8)<sup>34</sup>**

90. The Commission noted that this item related to the ongoing work of the Codex Secretariat to ensure consistency throughout Codex texts. The Commission endorsed most of the recommendations of the Executive Committee and noted the following comments and decisions:

**PART I – AMENDMENTS TO ADOPTED STANDARDS AND RELATED TEXTS****Reference to acceptance/voluntary application in Codex standards*****References to the acceptance procedure***

91. The Commission noted that the acceptance procedure had been abolished by the 28<sup>th</sup> Session of the Commission in 2005 and therefore endorsed the recommendation of the Executive Committee to remove the reference to the acceptance procedure in Codex standards and in their annexes.

***References to voluntary application of provisions***

92. The Commission noted that the Committee on General Principles had agreed that all Codex texts, including standards and their annexes, were covered by the definition of “international standard” contained in the WTO/TBT Agreement. The Commission further noted that the Executive Committee did not reach consensus on deleting the statement on voluntary application but recommended that it should be considered on a case by case basis by the relevant subsidiary body including the possibility to transfer the provisions in the annex to the body of the standard.

93. Some delegations indicated that Codex standards and related texts were of voluntary nature and that it was up to governments to decide which provisions of the standards should be mandatory for inclusion in national legislation and therefore the inclusion of such a statement in Codex documents was redundant and should be deleted. A delegation noted that, if the provisions in the annexes were eliminated, it might result in the development of private standards in the areas that were not covered by Codex standards. Another delegation proposed to consider whether provisions in the annexes in question were essential and whether they should be integrated into the main body of the standard.

94. The Commission noted the above comments and endorsed the recommendation of the Executive Committee to refer this matter to the relevant active committees, i.e. Committees on Fats and Oils and Milk and Milk Products, and that the Codex Secretariat, in cooperation with the Host Government of the Committee on Sugars (adjourned *sine die*), would draft a proposal for the standards for sugars and honey. All proposed amendments would be sent in a circular letter requesting comments to all members and observers. The responses would be considered by the Executive Committee in order to make recommendations to the Commission in this regard.

**References to the Carry-over Principle of Food Additives (Volume 1 of the Codex Alimentarius) in Codex standards**

95. The Commission noted that provisions for the carry-over of food additives into foods were contained in Section 4 of the Preamble to the General Standard for Food Additives (CODEX STAN 192-1995). However, Section 4 and a number of other standards listed in the working document in Section 2.2 included a footnote referencing the statement on the “Carry-over Principle” as adopted by the 17<sup>th</sup> Edition of the Commission (1987) and contained in Volume 1 of the Codex Alimentarius, which was out of print and not available on the Codex website.

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<sup>33</sup> ALINORM 09/32/7; CAC/32 LIM/7 (Comments of Australia); CAC/32 LIM/8 (Comments of Philippines); CAC/32 LIM/13 (Comments of Indonesia)

<sup>34</sup> ALINORM 09/32/8, ALINORM 09/32/3, paras. 45-72

96. The Commission agreed to request the Committee on Food Additives to determine whether it was necessary to revise Section 4 of the GSFA to take on board divergences between provisions for the carry-over principle of food additives in Section 4 of the Preamble to the GSFA and in Volume 1 of the Codex Alimentarius and thus make the GSFA the sole reference point within Codex for this principle while withdrawing the corresponding provisions in Volume 1.

97. The Commission also agreed that, in order not to delay the updating of the standards, the provisions for the carry-over principle in Volume 1 as referenced in the relevant standards should be replaced with a reference to the corresponding provisions in Section 4 of the GSFA while deleting the footnote referencing Volume 1 in the Preamble of the GSFA.

### **References to Volume 2 in Codex texts relating to pesticide residues**

98. The Commission noted that several Codex texts dealing with pesticide residues contained references to texts in Volume 2 of the Codex Alimentarius relating to pesticide residues which were still valid because they had not been replaced with other texts and had no separate identification number. The Commission further noted that the Committee on Pesticide Residues had requested the Secretariat to prepare a paper containing an analysis of these discrepancies in order to take a more informed decision on this matter at its next session.

### **Committee on Food Labelling**

#### ***General Standard for the Labelling of Prepackaged Foods***

99. Several delegations and one observer were of the view that the class titles listed in Section 4 of the *General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985)* and the revised list of functional classes in Section 2 of the *Class Names and International Numbering System for Food Additives (CAC/GL 36-1989)* could not be directly aligned editorially. They considered that the Committee on Food Labelling should carefully examine the need for labelling of all functional classes listed in the Guidelines, such as carriers and packing gases, and that the understandability of the terms used to describe the class titles for labelling purposes should be discussed.

100. Other delegations stressed the need to keep consistency throughout Codex texts. They supported the recommendation of the Executive Committee to align the texts and refer the question on understandability of such terms for better consumer information to the CCFL.

101. The Commission agreed to request the Committee on Food Labelling to revise the list of class titles in Section 4 of the *General Standard* in the light of the revised list of functional classes in Section 2 of the Guidelines to harmonize the terms to the extent possible to fit the purposes of the *General Standard* and to consider the matter of understandability of the terms applied to functional classes/class titles to ensure consumer information and fair trade practices.

#### ***Other editorial amendments arising from the Committee on Food Labelling***

102. The Commission agreed with all other editorial amendments proposed by the Committee on Food Labelling as outlined in sections 4.2 and 4.3 of document ALINORM 09/32/3 and agreed to refer the amendment outlined in Section 4.4 of the working document back to the Committee on Food Labelling for consideration, as recommended by the Executive Committee.

### **Code of Hygienic Practice for Powdered Formulae for Infants and Young Children**

103. The Commission agreed with the proposed amendment as recommended by the Executive Committee.

### **Links to websites**

104. The Commission agreed that links to websites should only be included in Codex documents when absolutely necessary and only when the link is expected to be stable. Broken links would be fixed by the Secretariat where possible if discovered or notified. Cases that could not be resolved would be brought to the attention of relevant Codex committees.

### **Use of the term “competent authority”**

105. The Commission noted the discussion that took place in the Executive Committee in relation to the different terms and definitions used in a variety of Codex texts for “competent authority” and endorsed the recommendation of the Executive Committee that the CCFL and CCNFSDU harmonize the terms used

within their remit and that the Committee on General Principles be requested to look into the merit of developing a general definition for “competent authority” for inclusion in the Procedural Manual.

### **Reference to sampling plans for pre-packaged foods in Codex standards for processed fruits and vegetables**

106. The Commission noted that in view of the revocation of Codex STAN 233-1969 and its replacement by the *General Guidelines on Sampling* (CAC/GL 50-2004) by which subsidiary bodies of the Commission should develop appropriate sampling plans for the product(s) being standardized, the reference to lot acceptance provisions in a number of Codex standards for processed fruits and vegetables should be aligned with the wording used in the latest standards revised by the Committee on Processed Fruits and Vegetables which referred to the “appropriate sampling plan with an AQL of 6.5” and therefore agreed to proceed with this replacement in the relevant standards for processed fruits and vegetables.

### **PART II: TEXTS FOR CONSIDERATION FOR REVISION OF REVOCATION**

107. The Commission endorsed the recommendation of the Executive Committee to revoke the *System for the Description of Carcasses of Bovine and Porcine Species* (CAC/RCP 7-1974) and the *Guidelines for the Use of Non-Meat Protein Products in Processed Meat and Poultry Products* (CAC/GL 15-1991) (see Appendix V). The Commission also agreed to retain the five meat commodity standards listed in the working document and that, as no relevant committee existed to update them, the Secretariat would prepare proposals to update the relevant sections, such as on food additives and hygiene, for endorsement by the relevant general subject committees and subsequent adoption by the Commission.

### **PART III: AMENDMENTS TO THE SECTION ON CONTAMINANTS OF CERTAIN COMMODITY STANDARDS AND AMENDMENTS TO THE GENERAL STANDARD FOR CONTAMINANTS AND TOXINS IN FOODS**

108. The Delegation of Malaysia, speaking as Chair of the Committee on Fats and Oils, noted that the Committee should consider the matters raised in Sections 1.2.1 to 1.2.2 of ALINORM 09/32/8 related to the inclusion of a general statement on pesticides in the Standard for Named Vegetable Oils, as some maximum levels for pesticide residues existed for virgin oils, and whether halogenated solvents should be considered as contaminants in the Standard for Olive Oils and Olive Pomace Oils and noted that this matter also concerned the Standard for Table Olives.

109. Another delegation noted that generally referring to the provisions in the horizontal Codex texts concerning contaminants might prevent from regular checking for consistency with such texts

110. The Observer from the IFU noted that issues surrounding the establishment of maximum limits for pesticide residues for processed products in the *General Standard for Fruit Juices and Nectars*, as indicated in Section 1.2.4, could be addressed by the Committee on Pesticide Residues as a general issue since the Committee on Processed Fruits and Vegetables excluded fruit juices and related products from its terms of reference.

111. The Observer from the IDF recalled that the MRLs applied to the milk used in the manufacture of the products as no MRLs had been established for milk products.

112. The Commission noted the above comments and endorsed the recommendation of the Executive Committee to remove the reference to “veterinary drugs” in the contaminants section of Codex standards for processed fruits and vegetables. The Commission agreed that the Secretariat would replace the provisions for contaminants (including pesticides) with the standardized provision as set out in the Procedural Manual for consistency throughout Codex standards and refer the matter to the committee concerned when specific technical issues arose that required more than editorial changes to the section on contaminants.

**PROPOSALS FOR ELABORATION OF NEW STANDARDS AND RELATED TEXTS AND FOR THE DISCONTINUATION OF WORK (Agenda Item 9)<sup>35</sup>****ELABORATION OF NEW STANDARDS AND RELATED TEXTS**

113. The Commission approved the elaboration of new standards and related texts as summarized in Appendix VI. The following paragraphs provide additional information on comments made and decisions taken on the following items:

**Committee on Processed Fruits and Vegetables*****Revision of the Codex Standards for Table Olives and Grated Desiccated Coconut***

114. The Commission noted that these standards needed updating as they contained outdated provisions that could become barriers to trade and should take into account current industry and trade practices as well as new developments in science and technology. The Commission also noted that the revision of these standards was proposed in the framework of the ongoing work of the Committee on Processed Fruits and Vegetables to bring the standards in line with the recommendation of the Codex Alimentarius Commission to move towards simpler, horizontal, and inclusive standards, when possible, in order to facilitate their application by governments. The Commission further noted that, in the case of table olives, the revision would also ensure harmonization with the recently updated standard for table olives developed by the International Olive Council and thus promote cooperation between Codex and other relevant international standardization organizations. In view of this, the Commission approved the revision of both standards as new work.

**Coordinating Committee for the Near East*****Regional Standard for Pomegranate***

115. The Commission noted that new work on pomegranate had been initially proposed at the 14<sup>th</sup> Session of the Committee on Fresh Fruit and Vegetables (CCFFV) as a worldwide standard but that due to the late submission of the proposal, the Committee had not agreed on new work on this commodity and noted that the proposal could be brought to the CCNEA though significant production of pomegranate also existed in other regions. The Commission further noted that, in the critical review, the Executive Committee had been unable to agree whether the standardization of pomegranate should be taken up at regional or international level, while agreeing that there was no impediment to start work in the CCNEA, and had referred this matter to the Commission for final decision.

116. A number of delegations supported the elaboration of a worldwide standard, noting that the production and trade of pomegranate extended beyond the Near East Region and that there would be significant market potential in view of growing interest in this commodity in many countries.

117. Several delegations, while acknowledging the importance of this commodity, expressed concerns on initiating the elaboration of a worldwide standard at this point in time, because the inclusion of this item might interfere with the busy work programme of the CCFFV. It was also pointed out that significant time and resources might be needed to finalize a worldwide standard in view of the wide range of varieties of pomegranate cultivated in various regions.

118. One delegation suggested that this work be initiated in an informal manner until the CCFFV finalized some of the ongoing work, stressing that the task of the Codex Alimentarius Commission was to elaborate globally applicable standards even if it was difficult. One delegation suggested that inclusiveness and global applicability of the standard could be achieved even if it was elaborated as a regional standard by the CCNEA provided that comments of observer countries outside the region were actively sought and duly considered by the CCNEA.

119. After some discussion, recognizing the strong interest of many members to elaborate a worldwide standard for pomegranate and noting that the critical review by the Executive Committee had not indicated any deficiency in the project document, the Commission **agreed** to refer this proposal to the CCFFV for consideration as new work. The Commission further agreed with the following course of action, in order not to cause undue delay in the elaboration of the standard, either regional or worldwide:

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<sup>35</sup> ALINORM 09/32/9, ALINORM 09/32/9-Add.1, ALINORM 09/32/3, paras. 73-80, CAC/32 LIM/5 (comments of Kenya)

- If the CCFFV assigns a high priority to this proposal, it would be possible to initiate the elaboration of the standard in an electronic Working Group pending official approval as new work by the Commission.
- If the CCFFV is of the view that the work cannot be initiated in the near future in the Committee, the 33<sup>rd</sup> Session of the Commission (July 2010) would assign this work as a regional standard to the CCNEA, whose next session is scheduled in January 2011.

#### ***Regional Standard for Harissa (hot pepper paste)***

120. The Commission endorsed the recommendation of the 62<sup>nd</sup> Session of the Executive Committee that in the development of this Standard the CCNEA should seek close collaboration with the CCASIA, which is elaborating the Regional Standard for Chili Sauce.

#### **General Considerations**

121. The Commission agreed that the Executive Committee set up an electronic working group led by the Chairperson and Vice-Chairpersons of the Commission to consider if further guidance on the application of the *Criteria for the Establishment of Work Priorities* was needed as regards approval of new work for commodity and general subject committees and report back on their findings to the next session of the Committee.

#### **DISCONTINUATION OF WORK**

122. The Commission approved the discontinuation of work items as presented in Appendix VII.

#### **FINANCIAL AND BUDGETARY MATTERS (Agenda Item 10)<sup>36</sup>**

##### ***FAO budget reform and implications for Codex***

123. The Secretariat informed the Commission that FAO, as part of its reform, currently implemented results-based budgeting and management with the goal of ultimately connecting results to resource allocations to allow an overall improved planning and reporting process. At the current stage, strategic objectives, organizational results and unit results had been defined, which would be followed by the definition of projects and work plans to which resources would be allocated. The unit result for which the Codex Secretariat will be solely responsible within the new model is “Unit result D0106: Implementation of the work programme of the Codex Alimentarius Commission in accordance with its strategic plan”. Until the process was fully implemented resources would be allocated following the same level as in 2008-2009.

##### ***Codex budget 2008-09***

124. The Secretariat outlined the information on the budget for the current biennium (2008-2009)<sup>37</sup> with a contribution from WHO of USD 1.225 million and an initially planned FAO contribution of USD 7.195 million, which was reduced to USD 6.989 million in an FAO wide efficiency savings exercise decided by the FAO Conference. These efficiency savings of USD 206,000 were compensated from September 2008 onwards when FAO decided to strengthen the Codex Secretariat by allocating funds for the cost of a P-4 post so that the FAO total contribution to Codex budget in 2008-09 remained at the level of USD 7.195 million.

##### ***Codex budget 2010-11***

125. The Secretariat indicated that FAO’s organization-wide budgetary level for 2010-11 would be determined by the 36<sup>th</sup> Session of the FAO Conference (November 2009) and that the WHO budget proposals had been approved by the 62<sup>nd</sup> Session of the World Health Assembly (May 2009) and based on this, the WHO contribution to the Codex Secretariat would remain at USD 1.225 million. The FAO contribution was expected to also remain at the same level as in the 2008-09 biennium after efficiency savings, i.e. USD 6.989 million with a possibility for compensation of cost increases which had not yet been quantified for the 2010-11 budget. The ratio between FAO and WHO contributions to the Codex budget would therefore remain (85.1%:14.9%) with possible minor change depending on the amount that would be allocated by FAO to reflect cost increase.<sup>38</sup>

<sup>36</sup> ALINORM 09/32/9A, ALINORM 09/32/3, paras 81 to 94, CAC/32 INF/3 (Report of FAO/WHO Budgets for Codex-related Activities 2008/09 and 2010/11: FAO/WHO Scientific Support to Codex)

<sup>37</sup> ALINORM 09/32/9A, Table 1

<sup>38</sup> ALINORM 09/32/9A, Table 2

### ***Codex activity level***

126. The Secretariat informed the Commission that the proposals for 2010-2011 were based on the assumption of holding two sessions of the Commission, three sessions of the Executive Committee and the same number of Codex committees, including the Coordinating Committees as in the current biennium. Current cost-saving measures on document distribution and printing would be maintained and additional savings might be introduced such as no longer printing paper copies of the annual report of the Commission.

### ***Staffing structure***

127. The Secretariat explained that one additional P-4 post as “Programme Officer” would be added to the Codex Secretariat to offer support to the Secretary and the Senior Officers on managerial tasks such as budget preparation, observer applications and preparation of the sessions of the Executive Committee. Additional staffing adjustments in the Secretariat would be considered to allow for upgrading of posts and job growth. The costs for these measures would be absorbed by reducing the amounts spent on “other human resources” and “backcharges” (e.g. printing and distribution). Additional staff resources might be necessary in the future to allow for continued support of the Codex website and other information systems and depending on decisions taken following the evaluation of the capacity of the Codex Secretariat (see Agenda Item 11(b)).

### ***Languages***

128. The Secretariat indicated that Portuguese as a language of interpretation in the Coordinating Committee for Africa (CCAFRICA) on an experimental basis could continue as requested by CCAFRICA following the good experiences with this at the last session, and that the use of Russian in the Commission could not be accommodated at this stage.

### ***Discussion***

129. The Representative of FAO informed the Commission that the Strategic Objective D: “Improved safety and quality of food at all stages of the food chain” had been retained as one of the major priorities in FAO. This objective covers the activities of various units dealing with food safety and quality including the provision of scientific advice, the Codex Secretariat and the units contributing to capacity building related to food safety and quality in different Departments. The Representative noted that the significant in-kind contributions to the Codex budget from the host governments and co-hosting governments of Codex Committees and Task Forces were not included in the working document. The Representative expressed FAO’s sincere gratitude to these governments for their continued support to the Codex programme.

130. The Representative of WHO informed the Commission that currently only approximately 25% of the overall WHO budget comes from regular contributions and 75% from extra budgetary contributions. Therefore, it was necessary to work towards allowing more flexibility in the source of funds that can be used to contribute to Codex budget. The Representative noted that, although overall availability of regular budget for WHO activities would be reduced in 2010-11, this would not affect the organizations contribution to the Codex budget. The Representative reiterated the need for countries to coordinate at national level their positions at the governing bodies of both FAO and WHO in order to maintain or strengthen support to Codex. He also expressed gratitude for the in-kind contributions of host governments to Codex.

131. The Secretariat clarified that the “temporary assistance” mentioned in the tables of the working document under “backcharges” concerned an FAO wide temporary assistance pool of general service staff members from which units can draw in case of personnel shortage and that the expected amount spent on this item to be very low as there had been only one general service vacancy for part of the 2008-09 biennium.

132. Following a question on whether extra-budgetary resources would be allocated to Codex through the new FAO budgetary measures, the Representative of FAO indicated that Codex work had been included in the “impact focus areas” and as such would be eligible to receive extra-budgetary, non-earmarked funds, to achieve greater results but that for the time being, the level of extra-budgetary resources had not yet been defined.

133. Following a concern expressed by a delegation on the proportion of the WHO contribution to the Codex budget, the Representative of the WHO explained that in WHO food safety represented only between two and three per cent of the overall budget and that member states should raise this issue urgently at the World Health Assembly.

## Conclusions

134. The Commission noted that the budget for Codex in the next biennium would be maintained at the same level as in the 2008-2009 biennium and expressed its gratitude to FAO and WHO for these resources and to the host governments for their in-kind contributions. The Commission commended the Secretariat for its cost-saving measures and welcomed the strengthening of the Secretariat with an additional staff member.

### **FAO/WHO Budgets for Codex-related Activities 2008-09 and 2010-11: Scientific Support to Codex**

135. The Representative of the FAO informed the Commission of the resources allocated by the two organizations to support the work of Codex through the provision of scientific advice. In particular the Representative highlighted both the regular budgetary and extra-budgetary contributions to FAO and WHO used for this purpose. The Representative stressed the importance of having regular programme resources for planning of scientific advice while acknowledging the contribution of in-kind and extra-budgetary financial contributions from a number of Member States. The Representative noted that the Global Initiative for Food-related Scientific Advice Facility (GIFSA) established by FAO and WHO in support for their work on scientific advice was operational and had already received contributions.

136. The Representative of WHO informed the Commission in a similar way and stressed the high level of funds allocated for scientific advice in the present biennium and the increase needed to support activities planned for the next biennium.

137. The Commission concluded by extending its appreciation to the efforts of FAO and WHO in providing scientific advice to Codex, noting that without such advice Codex would not be able to undertake its work, and invited possible donors to further support this very important activity.

## **STRATEGIC PLANNING OF THE CODEX ALIMENTARIUS COMMISSION (Agenda Item 11)**

### **GENERAL IMPLEMENTATION STATUS (Agenda Item 11a)<sup>39</sup>**

138. The Commission recalled that the Strategic Plan 2008-2013 contained a check list for use by the Executive Committee to monitor its implementation. The Commission noted that the 62<sup>nd</sup> Session of the Executive Committee had reviewed the check list as presented in ALINORM 09/32/9B-Part 1, and had considered Goals 3, 4 and 5, noting that several activities were ongoing or would be considered under specific Agenda Items. As regards Goal 5, the Executive Committee had discussed in particular the important interaction with WTO, especially the SPS and TBT Committees, and the relevance of some activities in relation to the question of private standards. The Commission also noted that the recommendations of the Executive Committee regarding specific activities would be considered under the relevant Agenda items.

### **EVALUATION OF THE CAPACITY OF THE CODEX SECRETARIAT (Agenda Item 11b)<sup>40</sup>**

139. The Commission recalled that the evaluation was included in the Strategic Plan 2008-2013 under *Activity 3.7 Evaluate the capacity of the Codex Secretariat to perform its function effectively*, and that it had been entrusted to an independent consultant who considered the replies of members to a questionnaire as well as the views of FAO, WHO and the Codex Secretariat in the process.

140. The Consultant, Mr Wim van Eck, introduced the report and recalled the evolving context in which the evaluation should be considered, especially the increasing number of countries participating in Codex meetings, the need to ensure sustainable and effective participation of developing countries in the future, following the conclusion of the Trust Fund Project, and the need for the Commission to meet future challenges to meet the needs and expectations of member countries.

141. Mr van Eck noted that the evaluation recognised that certain aspects of Codex work were the direct responsibility of the Codex Secretariat, while other elements mentioned in the replies to questionnaires were the responsibility of FAO, WHO, the Trust Fund, host countries, or Codex Committees. The report noted that the Codex Secretariat faced some constraints due to the administrative procedures in FAO and proposed to increase the autonomy of Codex in order to lighten administrative procedures.

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<sup>39</sup> ALINORM 09/32/9B Part 1, ALINORM 09/32/3, para. 102-109

<sup>40</sup> ALINORM 09/32/9B Part II, ALINORM 09/32/3, para. 108-125, CAC/32 LIM/5 (comments of Kenya)



142. As regards specific Codex activities, while noting that the length and content of Codex reports was a sensitive issue, the evaluation concluded that the time spent on report writing and adoption was excessive and should be limited in order to reduce the workload of the Secretariat. In addition, this would also result in shorter meetings and save both time and resources for delegates. A few replies to the questionnaire proposed to reduce the number of officers participating in Codex meetings and rely on the host country for report writing, but the evaluation did not conclude in this respect.

143. Noting the significant impact of annual sessions of the Commission on the workload of the Secretariat, the report proposed to return to biennial sessions, while allowing a certain level of flexibility for subsidiary bodies. Mr van Eck also highlighted the relevance of the review of the structure and mandates of committees in order to improve work management.

144. The Commission was also informed that the FAO and WHO management responses to the recommendations of the evaluation were included at the end of the working document.

145. The Commission noted that the Executive Committee had generally supported the recommendations in the Summary Table in ALINORM 09/32/9B Part II and had considered more specifically Recommendations 5 and 11.

### **Recommendation 5**

146. The Commission noted some questions on the relationship between Recommendation 3 on the Codex budget and Recommendation 5 on the relative autonomy of Codex, in particular whether remaining funds could be transferred from a biennium to the next, and on the possibility of establishing separate assessed contributions to the Codex budget, in addition to the FAO or WHO assessed contributions of member countries.

147. The Representative of FAO informed the Commission that it was not possible to carry over funds from one biennium to the next, as remaining funds at the end of the biennium were returned to member countries in accordance with FAO's financial rules; and a new budget was prepared for each biennium. This applied to all FAO programmes. The Representative also indicated that in response to the Independent External Evaluation of FAO, the Immediate Plan of Action (IPA) approved by the FAO Special Conference in November 2008 included a review of FAO statutory bodies and international organisations established under Article 14 with a view to allowing them more financial and operational autonomy, which would not affect their legal status as FAO bodies. Consideration would be given to a separate assessment of the contributions of member countries or to voluntary contributions to these statutory bodies. He also indicated that these complex questions were still under discussion and would be considered by the FAO Conference in November 2009.

148. The Representative of WHO referred to the WHO management response on Recommendation 5 and informed the Commission that a high level management group met regularly with the participation of the Assistant Directors General of FAO and WHO to consider strategic issues affecting Codex and related FAO/WHO activities, which was an important step to improve the operation of the Codex programme. The Representative also indicated that the visibility of Codex in WHO would be improved as it would appear as a separate entity in the budget allocated to food safety activities.

### **Recommendation 11**

149. Many delegations stressed the considerable progress achieved in the development of Codex standards through the use of annual sessions and expressed the view that the Commission should continue to meet on an annual basis. Some delegations highlighted specific reasons for retaining annual sessions: in view of the lack of resources for risk assessment in many developing countries, timely availability of Codex food safety standards was very important for use at the national level; participation in the Commission had a capacity building function for some countries; biennial sessions may need to be longer in order to address all items of work, which would create practical difficulties; and the considerable efforts made by governments to prepare themselves and participate in annual meetings should be taken into account.

150. One delegation expressed some concern with the proposal to "revitalise" the Executive Committee, noting that it was already carrying out important functions and should retain its advisory role to the Commission, but should not take decisions that were the responsibility of the Commission.

151. The Chairperson recalled that the Executive Committee had considered the possibility of carrying out an analysis of the efficiency of annual meetings versus biennial meetings. However, in view of the lack of support for biennial meetings, the Commission concluded that there was no need for such a study.

### **Other Recommendations**

152. Some delegations indicated that they supported the general intent of the recommendations; however as these were complex issues involving FAO, WHO and member states, they required more consideration at the national level. These delegations proposed to reconsider the recommendations in more detail in the Executive Committee, as it was not possible to take final decisions at the present session. One delegation suggested that the Executive Committee should also prepare specific recommendations for the implementation of the evaluation.

153. The Commission noted a request to clarify what was intended in Recommendation 7 by a “more proactive role” of the Codex Secretariat and the reference to “new means of conducting international negotiation”.

154. The Chairperson proposed to limit the discussion at the present session, taking into account time constraints, and to refer consideration of all other Recommendations to the next session of the Executive Committee.

155. Some delegations expressed the view that it was not appropriate for the Executive Committee to take a decision on the Recommendations as the evaluation was clearly the responsibility of the Commission and all members should have the possibility to express their views in this respect.

156. The Commission agreed that no decision would be taken at this stage and that all Recommendations, except Recommendation 11, would be referred for further consideration to the 63<sup>rd</sup> Session of the Executive Committee and to the 33<sup>rd</sup> Session of the Commission.

### **EVALUATION OF CODEX SESSIONS HELD IN DEVELOPING COUNTRIES (Agenda Item 11c)<sup>41</sup>**

157. The Commission recalled that at its 31<sup>st</sup> Session it had requested the Codex Secretariat to conduct a study on the effectiveness of Codex Committee sessions held in developing countries under co-hosting arrangements, which was one of the scheduled activities of the Strategic Plan 2008-2013, with the expectation that such a study would be useful in considering the issue of participation of developing countries in Codex sessions.<sup>42</sup>

158. The Commission noted that the evaluation, while acknowledging various positive impacts on the venue countries, had indicated that in terms of the level of participation, co-hosting arrangements had not had a positive impact with the exception of a few cases.

159. Drawing upon the analysis of such cases in which the participation of developing countries had decreased, the Chairperson indicated that the late availability of the official invitation letter seemed to be one of the main reasons for lower levels of participation. Noting that an official invitation letter could be issued only after the Letter of Agreement (LOA) and Memorandum of Responsibilities (MOR) were concluded between FAO and the venue country, she proposed the following guidance concerning co-hosting arrangements for consideration by the Commission:

- the venue country, in agreement with the chairing country, should communicate to the Codex Secretariat their willingness to co-host a session, no later than one year before the meeting;
- the LOA and MOR should be concluded between FAO and the venue country, involving the diplomatic branch of the government (e.g. Ministry of Foreign Affairs), no later than ten months before the meeting; and
- in the event that LOA and MOR cannot be concluded by eight months before the meeting, the venue of the meeting will be returned to the chairing country.

160. The Chairperson further proposed that if the above guidance was acceptable, the Commission might wish to implement it and revisit this issue in five years' time.

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<sup>41</sup> ALINORM 09/32/9B Part III; CAC/32 LIM/13 (comments of Indonesia)

<sup>42</sup> ALINORM 08/31/REP, paras 152-161

161. Concerning the LOA and MOR, the Codex Secretariat drew the attention of the Commission to the standard formats contained in Annex 2 to the document, from which FAO would not allow any amendments, and encouraged countries interested in co-hosting sessions to carefully examine these standard formats beforehand.

162. Many delegations stressed that the impact of co-hosting arrangements should not be seen only in terms of level of participation but also in the light of capacity-building in venue countries. It was noted that co-hosting could lead to awareness-raising among relevant stakeholders and might have influence at the political level to assign a higher priority to Codex matters, in addition to imparting knowledge and experiences in hosting Codex Sessions to the officials of the venue country. In view of these unquantifiable but important benefits, the continuation of co-hosting arrangements was strongly supported.

163. Based on the experiences in co-hosting arrangements, several delegations expressed the view that the consultation between chairing and venue countries should start at least two years before the meeting in order to complete the formalities and logistical arrangements in good time. This proposal was supported by many delegations.

164. Some delegations mentioned the difficulties arising from the late travel authorizations by the Codex Trust Fund Secretariat as well as in obtaining visas and requested further assistance by FAO and WHO, while noting that such difficulties were not necessarily limited to sessions co-hosted by developing countries. In this regard, FAO and WHO noted that the impact of these factors on the level of participation could be minimized if chairing and venue countries followed the proposed guidance to allow participants to initiate the relevant process well in advance of the meeting.

165. Various practical solutions were proposed to improve the level of participation in co-hosted sessions: that venue countries should consider special arrangements to issue visas at the airport for meeting participants; that a clear road map for co-hosting arrangements should be prepared and made widely available; and that guidance should be provided not only for the preparation of meetings but also at post-session stages.

166. Some delegations suggested that guidelines for co-hosting arrangements be developed by the Committee on General Principles (CCGP), incorporating recommendations made and practical solutions proposed during the session, in order to make them widely available.

167. The Commission agreed to ask the Codex Secretariat to prepare a discussion paper for consideration by the next session of the Committee on General Principles (CCGP), on the basis of the current document taking into account the discussion held at the session, and to consider including the standard formats for LOA and MOR in the Procedural Manual. The Commission noted that the discussion paper would focus on measures to expedite the formal processes for co-hosting of Codex sessions and that any proposal concerning the principles for co-hosting arrangements between members such as selection of the co-hosting country should be made by members as a separate issue.

168. The Commission further agreed, in the meantime, to implement the above guidance (paragraphs 161 and 165) in order to streamline co-hosting arrangements.

## **MATTERS ARISING FROM THE REPORTS OF CODEX COMMITTEES AND TASK FORCES (Agenda Item 12)<sup>43</sup>**

### **GENERAL MATTERS (Agenda Item 12a)**

169. The Commission noted several matters arising from the reports of Codex Committees, including those matters arising from the previous session of the Commission, as contained in working documents ALINORM 09/32/9C and ALINORM 09/32/9C Add.1. The Commission noted that matters related to “competent authority” had been already dealt with under Agenda Item 8. The following paragraphs provide additional information on the comments made and decisions taken on certain items.

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<sup>43</sup> ALINORM 09/32/9C; ALINORM 09/32/9C Add.1

### 31<sup>st</sup> Session of the Codex Alimentarius Commission

#### *Future Work on Animal Feeding*<sup>44</sup>

170. The Commission recalled that at its 31<sup>st</sup> Session it had agreed to postpone decision on possible new work on animal feeding until the 32<sup>nd</sup> Session and to establish an electronic working group, hosted by Denmark and co-chaired by Mexico, to prepare: (i) a proposal for the scope and the terms of reference of future work on animal feeding, taking into consideration the conclusion and recommendation of the FAO/WHO expert meeting on Animal Feeding Impact on Food Safety; and (ii) a proposal for a suitable mechanism for Codex to carry out this work.

171. The Delegation of Denmark briefly introduced the report of the electronic working group, which identified six items for future work: (i) review of existing Codex risk analysis principles as to their applicability to animal feed; (ii) review of Codex texts on emergency situations and exchange of information on rejected food as to their applicability to animal feed (CAC/GL 25-1997 and CAC/GL 19-1995); (iii) review of the Codex *Code of Practice for Sources Directed Measures to Reduce Contamination of Food with Chemical* (CAC/RCP 49-2001) as to their applicability to animal feed; (iv) development of guidelines for governments on the application of risk assessment methodologies to the various types of hazards related to contaminants/residues in feed ingredients; (v) development of a prioritised list of hazards in feed and feed ingredients for governments; and (vi) establishment of criteria for the global identification and notification of emergency situations affecting the feed. The report recommended that work on the first three items for future work be undertaken by the Committees responsible for the various texts; and that work on the remaining items be carried out taking into account the work on the first three items. In concluding the presentation, Denmark noted that although there was a need for further work on animal feeding, the electronic working group could not reach consensus on a suitable mechanism for Codex to carry out this work.

172. The Commission generally supported further work on animal feeding. The Delegation of Sweden, speaking on behalf of the Member States of the European Union present at the session, supported the view that all proposed work be carried out by a Task Force. The Delegation of the United States of America proposed to complete work on the first three items before making a decision on the next step, as this work would constitute the basis for work on the remaining items. Work on the first three items would also help in identifying the suitable mechanism to carry out the remaining work. The Delegation proposed that the initial work be carried out by an electronic working group, which would report to the Commission.

173. Other delegations supported the proposed work and recognised the importance of animal feeding to the production of safe food; these delegations also highlighted the need to assess the gaps in relevant Codex documents in relation to animal feed and to amend existing codes of practice to consider the risks arising from the presence of contaminants in feed. Some delegations expressed their concerns for the use of chemicals in animal feed and the need to evaluate the risk arising from such uses. It was further noted that the six items identified in the report fully reflected the animal feed industry concerns.

174. The proposal of the United States of America to start working on the first three items by an electronic working group was supported by many delegations.

175. The Commission concluded its discussion recognising the full support for further Codex work on animal feeding. The Commission **agreed** to establish an electronic working group, hosted by Denmark and co-chaired by the United States of America, to:

- (i) Review of existing Codex risk analysis principles as to their applicability to animal feed;
- (ii) Review of Codex texts on emergency situation and exchange of information on rejected food as to their applicability to animal feed (CAC/GL 25-1997 and CAC/GL 19-1995);
- (iii) Review of the Codex *Code of Practice for Sources Directed Measures to Reduce Contamination of Food with Chemical* (CAC/RCP 49-2001) as to their applicability to animal feed; and
- (iv) Propose suitable mechanisms for addressing the remaining three items proposed by the electronic working group to the 32<sup>nd</sup> Session of the Commission (see para. 171).

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<sup>44</sup> ALINORM 08/31/REP paras 171-178; CL 2008/40-CAC; ALINORM 09/32/9C, paras 1-5 and Annex; ALINORM 09/32/9C Add.1, para. 1 and Annex

176. The electronic working group would be open to all Members and Observers and would work in English, French and Spanish. The Commission requested that Denmark and the United States of America prepare a kick-off message inviting Members and Observers to participate in the electronic working group as soon as possible; and that the report of the electronic working group be finalised by January 2010 and circulated for comments through a Circular Letter. The report and comments submitted would be considered by the 33<sup>rd</sup> Session of the Commission.

### Committee on Food Hygiene

#### *The Use of the Lactoperoxidase System (LPS) for Milk and Milk Products in International Trade*<sup>45</sup>

177. The Commission recalled, that while adopting the *Guidelines for the Preservation of Raw Milk by the Lactoperoxidase System* by the 19<sup>th</sup> Session of the Commission in 1991, it was emphasized that the LPS should not be used for products intended for international trade<sup>46</sup> and that this statement was reconfirmed at its 27<sup>th</sup> Session in 1999<sup>47</sup>.

178. The 27<sup>th</sup> Session of the Commission in 2004, while adopting the draft Code of Hygienic Practice for Milk and Milk Products (CAC/RCP 57-2004), added at the end of footnote 9 of Appendix A that *the use of lactoperoxidase system for milk in international trade will be re-examined by the CCFH after completion of an expert review by FAO/WHO of available data and considering the FAO Lactoperoxidase Expert Group report about potential risks and benefits of lactoperoxidase system*.

179. A joint FAO/WHO technical meeting on benefits and potential risks of the lactoperoxidase system of raw milk preservation (Rome, Italy, 28 November - 2 December 2005)<sup>48</sup> had been convened upon request of the Committee on Food Hygiene and data as well as the safety evaluation by the 35<sup>th</sup> meeting of JECFA had indicated that there were no safety concerns relating to the components or metabolites of the LPS when used in accordance with the Guidelines.

180. The Commission also recalled that consensus could not be reached at its 30<sup>th</sup> Session on the proposal to lift the restriction on the use of the LPS for products in international trade and that this matter had been sent to the 39<sup>th</sup> Session of the Committee on Food Hygiene (2007) in order to identify additional information regarding the risks in respect of the LPS. The 39<sup>th</sup> Session of the Committee on Food Hygiene considered this matter and there was no agreement on the lifting of the restriction and therefore the Committee referred the issue back to the Commission.

181. At the 31<sup>st</sup> session of the Commission, it was proposed to lift this restriction and to amend footnote 9 in Appendix A: Microbiostatic Control Measures of the *Code of Hygienic Practice for Milk and Milk Products* (CAC/RCP 57-2004) by an addition of the following: "*Any trade in milk treated by the lactoperoxidase system should only be on the basis of mutual agreement between countries concerned, and without prejudice to trade with other countries*". In view of the lack of time to resolve the issue, the Commission agreed to postpone further discussion on this matter until its 32<sup>nd</sup> Session.

182. The Dominican Republic, speaking as Chair of the Group of 77 countries pointed out that the use of the LPS was safe and that the final conclusion on its use should be taken by the Commission. The Secretariat clarified that the G 77 had no special status or recognition within Codex. Tunisia noted that it did not delegate authority to any other country to speak on its behalf in the Commission.

183. The Delegation of Cuba, supported by several delegations, drew the attention of the Commission to the fact that data and scientific analysis by FAO/WHO showed that the use of the LPS was safe, therefore proposed to lift the restriction without adding a footnote, however other delegations were of the view that an addition to the footnote was necessary. One delegation indicated that the proposed addition was superfluous as all trade between countries took place on the basis of mutual agreements.

184. Other delegations were against allowing the use of the LPS for milk in international trade and stressed that refrigeration should be the preferred method for milk preservation.

185. After some discussion the Commission **agreed** to lift the restriction that the LPS could not be used for milk products intended for international trade and to amend footnote 9 in Appendix A: Microbiostatic

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<sup>45</sup> ALINORM 09/32/9C paras 6-17, ALINORM 08/31/13, paras 173-180, ALINORM 09/31/REP, paras 179-189

<sup>46</sup> ALINORM 91/40, para. 234

<sup>47</sup> ALINORM 99/37, para. 216

<sup>48</sup> Report available at [http://www.fao.org/ag/agn/agns/chemicals\\_lactoperoxidase\\_en.asp](http://www.fao.org/ag/agn/agns/chemicals_lactoperoxidase_en.asp)

Control Measures of the *Code of Hygienic Practice for Milk and Milk Products* (CAC/RCP 57-2004) by adding: "Any trade in milk treated by the lactoperoxidase system should only be on the basis of mutual agreement between countries concerned, and without prejudice to trade with other countries".

186. The delegations of Chile, Cote d'Ivoire, Cuba, Ecuador, Guinea, Mali, Nigeria, Paraguay, Sudan, Togo, Uruguay and Venezuela expressed their reservation to the decision to add an additional sentence to footnote 9.

### **31<sup>st</sup> Session of the Codex Alimentarius Commission and FAO/WHO Coordinating Committee for Latin America and the Caribbean**

#### ***Length of reports and simultaneous distribution of documents in all languages***

187. As agreed at the adoption of the agenda, the Commission discussed the matter of length of reports and simultaneous and timely distribution of documents in relation to the evaluation of the Secretariat (see Item 1).

#### ***Length of reports***

188. Several delegations expressed concern with the decision of the 31<sup>st</sup> Session for concise, outcome-oriented reports and proposed that this decision be reconsidered. They were of the view that reports needed to reflect the discussion and negotiation process and not only focus on a description of the outcome. Additionally, the view was expressed that names of delegations having minority views should be specified, not only when reservations were made on decisions, but also when they were made on any specific aspect of the discussion, so that the report could better inform Commission members who were not present at the session.

189. A delegation pointed out that considerable progress had been made in the drafting of reports; that there had been an overall improvement in their quality over the last few years; that reports should focus on the essential and recommended that the Secretariat continue its current practice of report writing.

#### ***Simultaneous distribution of documents***

190. Concern was also raised on the timely distribution of reports and working documents in all official Codex languages and that due to the late arrival of documents, many countries were at a disadvantage to fully participate in the work of Codex.

191. To address the issue of simultaneous and timely distribution of documents in all languages, the Chairperson of the Commission, supported by some delegations, proposed to explore the use of translation software for translation of documents on a trial basis. Some delegations pointed out that this proposal was not feasible since one needed to have an understanding of the language being translated into and of the technical issues covered by the working documents.

192. The attention of the Commission was drawn to a proposal made in the Executive Committee for the development of a template or format for submission of comments to facilitate translation and readability.

193. A delegation noted that a number of concerns and needs had been expressed both with regard to simultaneous and timely distribution of documents, as well the length and content of reports and suggested that Committee on General Principles was the appropriate forum to consider measures or solutions to address these concerns and needs.

### **Conclusion**

194. The Commission agreed that Chile supported by other countries would prepare a discussion paper including recommendations on ways to approach the timely and simultaneous distribution of documents and the length and content of reports taking into account concerns raised at the present Session and those from the FAO/WHO Coordinating Committee for Latin America and the Caribbean, for consideration by the next session of the CCGP. The Commission agreed further that the United States of America supported by Argentina, Finland and India, would explore new electronic translation tools for use on an experimental basis and undertake a comparison of documents translated manually against those translated with translation software and report back to the next session of the Commission through the 64<sup>th</sup> Session of the Executive Committee.

## **Committee on Food Import and Export Inspection and Certification Systems**

### ***Proposed draft Generic Model Official Certificate (Annex to the Guidelines for Design, Production, Issuance and Use of Generic Official Certificates (CAC/GL 38-2001))***<sup>49</sup>

195. In view of the adoption of the Proposed Draft Generic Model Official Certificate (see para. 33), the Commission agreed to request the Committees on Fish and Fishery Products and on Milk and Milk Products to revise respectively the *Model Certificate for Fish and Fishery Products* (CAC/GL 48-2004) and the *Model Export Certificate for Milk and Milk Products* (CAC/GL 67-2008) to ensure consistency with the Generic Model Official Certificate.

### ***Development of Guidelines for Traceability/Product tracing***<sup>50</sup>

196. The Commission endorsed the recommendation of the Committee on Food Import and Export Inspection and Certification Systems to request the FAO/WHO Coordinating Committee to discuss whether there was a need for further guidance on traceability/product tracing and report back to the 34<sup>th</sup> Session of the Commission.

## **Committee on Food Additives**

### ***Food Additive Provisions in Commodity Standards***<sup>51</sup>

197. The Commission endorsed the recommendation of the Committee on Food Additives to encourage commodity committees to include a reference to the *Codex Guidelines for the Use of Flavourings* (CAC/GL 66-2008) in the section on flavourings in commodity standards, as appropriate. It further agreed to request the Committee on Food Additives to prepare a proposal for the revision of the Section on Format for Codex Commodity Standards (Food Additives) of the Procedural Manual to include a reference to the *Codex Guidelines for the Use of Flavourings*.

## **FAO/WHO Coordinating Committee for North America and the South West Pacific**

### ***Information on National food Control Systems and Consumer Participation in Food Standard Setting***<sup>52</sup>

198. The Commission took note of the request of the Coordinating Committee and confirmed that it was in the remit of coordinating committees to adapt the text of the Circular Letter requesting information on national food control systems and consumer participation in food standards setting in accordance with their specific needs.

## **Committee on General Principles**

### ***The Concept of Consensus and its Application in Codex***<sup>53</sup>

199. The Secretariat introduced the history of the debate on the concept of consensus and its application in Codex that had led to an extensive discussion in the 25<sup>th</sup> Session of the Committee on General Principles (CCGP) where a number of recommendations had been made.

200. The Delegation of Chile stated that in their opinion the CCGP in dealing with this issue had not worked on the basis of the mandate given to it by the 30<sup>th</sup> Session of the Commission as it had not worked on a definition but mainly addressed how the concept was handled in practice in Codex. The Delegation noted that a number of proposals for a definition had been put forward by members. The Delegations of Argentina and Brazil supported this view.

201. The Secretariat confirmed that the 30<sup>th</sup> Session of the Commission had noted “that the definition of consensus and how the concept was handled in practice in Codex was considered an important issue by many members, to be further discussed as a matter of priority within the CCGP” and that the Commission had defined how to address this issue<sup>54</sup>. In the discussions, the CCGP could not agree as to whether having a definition would be the best way forward and thus had not discussed proposed definitions and looked more into the background of how decisions are reached in Codex.

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<sup>49</sup> ALINORM 09/32/30, para. 65

<sup>50</sup> ALINORM 09/32/30, para. 74

<sup>51</sup> ALINORM 09/32/12, para. 44

<sup>52</sup> ALINORM 09/32/32, para. 51, CAC/32 LIM/5 (comments of Kenya)

<sup>53</sup> ALINORM 09/32/9C paras 34-38; ALINORM 08/31/33, paras 82-87.

<sup>54</sup> ALINORM 07/30/REP, paras 198-200.

202. The Commission examined the recommendations made by the CCGP:

***Brochure for Chairs to instruct them how to apply the concept of consensus uniformly across committees***

203. The Commission endorsed this recommendation.

204. One delegation stated that presently every chair determined consensus as he or she deemed appropriate and that in some cases chairs could be under pressure of interests from the host government.

205. Another delegation said that guidelines should be given to chairs on how to deal with different situations because it seemed to them that different matters required a different degree of consensus also depending on the availability of scientific advice.

206. Several delegations stated that for transparency reasons all members should receive the guidance given to chairs and it should appear on the website.

207. The Secretariat explained that the document would be in the public domain and would be a document in progress which would grow as the collective experience of chairs grew. Examples and case studies would be included as these were instructive.

208. One delegation stated that the Codex Secretariat was in the best position to describe case studies on the application of consensus in Codex as they took complete notes which were not included in the reports.

***Use of a facilitator***

209. The Commission recalled that it had adopted an amendment to the *Guidelines to Chairpersons of Codex Committees and Ad Hoc Intergovernmental Task Forces* (see Agenda Item 4).

***Use of a participant satisfaction survey form to be completed by delegates containing questions on the performance of the chairperson***

210. The Commission noted that this had already been tried out at some committees and would be used on a trial basis also at the present Commission session as a means to get information on how delegations perceived the Codex standard setting process.

***Problematic issues to be brought to the CCEXEC and the informal meeting of chairs for appropriate action***

***Convening an informal meeting of chairs***

***Explore possibilities for developing a reference document for delegates on consensus building***

211. The Commission endorsed the three above proposals.

***Proposal from Malaysia to amend the section on consensus in the Guidelines to Chairpersons of Codex Committees and Ad Hoc Intergovernmental Task Forces***

212. At the CCGP, the Delegation of Malaysia had proposed to include in the Guidelines to Chairpersons of Codex Committees and Ad Hoc Intergovernmental Task Forces in the section on consensus in front of the paragraph starting with the words “The chairperson should also consider...” the following new paragraph: “Where there is justified sustained opposition to substantial issues the chairperson should ensure that the views of concerned members be taken into consideration by reconciling conflicting arguments before deciding that a consensus has been reached”. There was no consensus on this question at the CCGP, with concerns mainly raised about the use of the word “justified sustained opposition” and how it was to be interpreted and the Committee agreed to ask the Commission whether the Committee should continue work on the proposal from Malaysia.

213. The Delegation of Malaysia clarified that the proposal was meant to contribute to ensure transparency in consensus building. Regarding the words “justified sustained opposition”, they proposed to discuss any concerns and arrive at an agreed text at the next session of the CCGP.

214. Many delegations supported a discussion of the proposal from Malaysia at the next session of the CCGP. Some delegations referred to positive examples at the present Commission session where small groups had been formed and compromise was reached.

215. Several delegations were of the opinion that there was already sufficient guidance available in the Procedural Manual and elsewhere and that one should not overly codify the procedures as existing standards



management procedures did provide the opportunity for the Commission and the CCEXEC to address issues when consensus could be reached.

216. Another delegation supported this view, stating that Codex had over 40 years of experience in successfully adopting decisions and that it was sufficient to adopt best practices following the recommendations of the CCGP as difficult situations could be dealt with on a case-by-case basis.

217. Following a proposal from the Chairperson, the Commission decided to ask the Secretariat to issue a circular letter to all members of the Commission on the Malaysian proposal, soliciting comments which would be compiled and forwarded to the CCGP for further deliberation.

218. The Commission agreed further that the question of a definition of consensus would not be referred back to the CCGP while the proposal from Malaysia was under discussion as it aimed to reach a similar objective, namely more transparency on how decisions were taken.

#### ***Possibility for a Study on the Possible Introduction of Qualified Majority Voting and its Implications***<sup>55</sup>

219. When introducing at the CCGP the history of the discussion on consensus which had started after the Commission had taken a number of decisions based on simple majority voting in the 1990s, the Representative of the Legal Office of FAO had indicated he was prepared to assist with a review of the implications of introducing voting by two-thirds majority in Codex, if the Committee so wished. While the general sense of the CCGP was to use consensus as a primary tool, the Committee had agreed that the Executive Committee and the Commission reflect on the usefulness of having a study on introducing qualified majority voting on the adoption of standards, analyzing advantages and disadvantages implied by such system.

220. Some delegations supported a study as it would not commit the Commission to adopt qualified majority voting but could deliver useful information on the impact of such a system on the work of the Commission.

221. The Commission agreed however that a study on the impact of introduction of qualified majority voting was a possibility but that it would not be pursued at this point while discussions were ongoing concerning the proposal from Malaysia and when other steps were being taken to aid the reaching of consensus.

#### ***Terms of Reference of FAO/WHO Coordinating Committees***<sup>56</sup>

222. Following the discussions in the 25<sup>th</sup> Session of the CCGP, the Commission confirmed that the full freedom was given under the current Terms of Reference of FAO/WHO Coordinating Committees to issue regional opinions on all themes under discussion in Codex of strategic importance to the region concerned and to promote the adoption of regional positions on strategic subjects, and therefore there was no need to modify the Terms of Reference.

#### **REVIEW OF THE CODEX COMMITTEE STRUCTURE AND MANDATES OF CODEX COMMITTEES AND TASK FORCES (Agenda Item 12b)**<sup>57</sup>

223. The Commission recalled that the last session of the Commission had not considered the proposal regarding merging or dissolving existing Committees due to time constraints and had agreed to postpone discussion on this matter until it had been considered by the 62<sup>nd</sup> Session of the Executive Committee. It was reported that this matter had been considered by the 62<sup>nd</sup> Session of the Executive Committee which had noted that there was no support for merging committees at this stage and agreed that it would be more efficient to work towards timely finalization of commodity committees' work with the goal of adjourning them, but that the Executive Committee had agreed to refer to the Commission consideration of transferring the mandate for dealing with natural dry fruits to the CCFFV and of merging the CCFH and CCMH.<sup>58</sup>

224. Some delegations supported the view of the Executive Committee to encourage the completion of commodity work and the need for the Commission to take a more rigorous approach to the management of its work, but did not agree with the merging of CCFH with CCMH, noting that this was premature especially in the light of the workload of CCFH. It was noted that merging of committees needed to be considered in a

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<sup>55</sup> ALINORM 09/32/9C paras 39-40; ALINORM 08/31/33, paras 88-90

<sup>56</sup> ALINORM 09/32/9C paras 40-41; ALINORM 08/31/33, para. 103

<sup>57</sup> ALINORM 08/31/9C Part II

<sup>58</sup> ALINORM 09/32/3, para. 148

more holistic and strategic way and could be considered when the need arose for reactivation of the CCMH. It was also pointed out that criteria for the need to merge or dissolve committees needed to be considered and that a clear analysis was needed to see whether there would be enhanced effectiveness and efficiency in the work of Codex through such merging of committees.

225. Another delegation supported the conclusions of the Executive Committee and the proposals to merge CCFH with CCMH and to transfer the mandate to deal with natural dry fruit to CCFFV, while other delegations were opposed to the transfer of this mandate to CCFFV.

226. An Observer noted that it would be appropriate to consider revising the terms of reference of the CCFFV in order to include fruit and vegetable juices, since these commodities were also processed foods. This view was supported by the Delegation of Switzerland.

227. The Commission concluded that the issue of merging of committees had generated very little interest, and although there was some support for the merging of CCFH with CCMH, that since CCMH is not active, the usefulness of this merger was questioned. It was further concluded that merging of committees might not be the most appropriate way to deal with improving the efficiency of Codex work, but that entire Codex work processes needed to be addressed. The Commission agreed to discontinue discussion on the merging or dissolving of committees until there was a need to do so in the future.

228. The Commission agreed to request the CCFFV to review its terms of reference to consider the inclusion of fruit and vegetable juices.

## **RELATIONS BETWEEN THE CODEX ALIMENTARIUS COMMISSION AND OTHER INTERNATIONAL ORGANIZATIONS (Agenda Item 13)**

### **RELATIONS BETWEEN THE CODEX ALIMENTARIUS AND OTHER INTERGOVERNMENTAL ORGANIZATIONS (Agenda Item 13a)<sup>59</sup>**

#### **Relation between Codex and the World Organization for Animal Health (OIE)<sup>60</sup>**

229. The Observer from the World Organization for Animal Health (OIE), referring to information in CAC/32 INF/4, provided a summary of OIE activities with particular reference to the mutual interests and ongoing collaboration of OIE and Codex, which was essential given the impact of animal health at the production level on safety along the food chain.

230. The Observer emphasized the concern of OIE for the growing importance of private standards for sanitary of animal products and animal welfare. The OIE considered that private standards may not be based on science or risk analysis and their adoption is neither democratic nor transparent. The OIE will develop a strategy to assist Members to address private standards, based on the results of a questionnaire recently developed. The Observer further reported on the ongoing OIE work with FAO and WHO towards the timely establishment of a legal base for the development of joint OIE-Codex standards.

231. The Observer informed the Commission of the revision of the BSE standard, adopted at the 77<sup>th</sup> OIE General Session in May 2009; the OIE International Conference on Animal Identification and Traceability ('From Farm to Fork') held in March 2009 in Buenos Aires; the work of OIE *ad hoc* Groups on issues associated with vaccines and diagnostic tests; and the work on quality, safety and efficiency of veterinary medicinal products.

232. The Observer informed the Commission that OIE had expanded the mandate of the Aquatic Animals Health Standards Commission to cover aquatic animal production food safety and in early 2010 would convene an *ad hoc* Group to address the issue of antimicrobial resistance in aquatic animals. The OIE at its 77<sup>th</sup> General Session adopted a new text for the Terrestrial Code on the Prevention, Detection and Control of Salmonella in Poultry complementing the ongoing Codex work on salmonellosis. The OIE will continue to collaborate with Codex in setting standards relevant to *Campylobacter* and *Salmonella* spp. in chicken meat, ensuring coverage of the whole food chain.

233. The Observer noted that a text on Control of Hazards of Animal Health and Public Health Importance in Animal Feed had been adopted in the Terrestrial Code at the 77<sup>th</sup> OIE General Session, complementing the Guidelines on the Control of Aquatic Animal Health Hazards in Aquatic Animal Feed adopted in 2008.

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<sup>59</sup> ALINORM 09/32/9D, paras 2-28; CAC/32 INF/2

<sup>60</sup> CAC/32 INF/4 (OIE Contribution to the 32<sup>nd</sup> Session of the Codex Alimentarius Commission)

Future work would address the food safety issues associated with aquatic animal feeding, to which relevant Codex experts would be invited to participate.

234. The Observer noted that the next meeting of the OIE Animal Production Food Safety Working Group would consider a discussion paper on the priority pathogens for standard setting in the field of animal production food safety, including both terrestrial and aquatic animals.

235. The Observer confirmed the strong commitment of OIE Members for closer collaboration for the benefit of both Codex and OIE Members.

236. The Commission noted that some of the issues raised by the Observer were discussed under other agenda items. With regard to joint Codex-OIE standards, under discussion in the Committee on General Principles, one delegation encouraged OIE to establish procedures that would ensure a level of transparency equivalent to Codex and to develop working principles for risk analysis. Other delegations supported the coordination of work of Codex and OIE on *Salmonella* and *Campylobacter*.

237. The Commission congratulated the Observer from OIE for the comprehensive and informative report and supported continuous close collaboration between Codex and OIE.

### **World Trade Organization (WTO)<sup>61</sup>**

238. In addition to the information provided in CAC/32 INF/5, the Observer from the World Trade Organization (WTO) informed the Commission of some key issues, especially those from the SPS Committee held just prior to this session of the Commission. The Observer highlighted the following:

- The role of the SPS Committee as a forum for discussing specific trade concerns;
- The revised procedures to encourage notification of measures conforming to international standards, although this was not a legal obligation, to facilitate the monitoring of the use of international standards;
- The third review of the implementation of the SPS Agreement and the proposal by WTO members to undertake further work regarding the clarification and implementation of Article 8 and Annex C of the SPS Agreement on Control, Inspection and Approval Procedures.

239. The Commission was informed that the next round of SPS Committee meetings will take place during the week of 26 October 2009 and that the week will commence with a workshop on the relationship between the SPS Committee and the international standard-setting organizations (Codex, IPPC and OIE), followed by informal and formal meetings of the SPS, including an STDF-organized workshop on the use of economic analysis to inform SPS decision-making.

240. Other activities of the STDF were also highlighted, including the expert seminar to discuss new developments in climate change and trade and the implications for SPS risks (22-23 September 2009 in Washington, DC) and it was noted that new eligibility criteria would be applied in the STDF.

241. The Commission was informed that the deadline for submission for STDF funding applications is 10 September 2009.

### **International Atomic Energy Agency (IAEA)<sup>62</sup>**

242. The Representative of IAEA, referring to information presented in CAC/32 INF/6, highlighted the work of the Joint FAO/IAEA Programme on Nuclear Techniques in Food and Agriculture in particular the coordinated research project on applications of radiotracer and radioassay technologies to seafood safety risk analysis; the survey of fumonisin B<sub>1</sub> contamination of food-grade commercial maize kernel lots from five sampling areas in Nigeria; and the projects on the development of radiometric and allied analytical methods to strengthen national residue control programs for antibiotic and anthelmintic veterinary drug residues and quality control of trypanocidal drugs. It was noted that the results of these projects would be available to JECFA and/or the relevant subsidiary bodies of Codex as appropriate.

243. The Representative further announced the forthcoming workshop on training of trainers on screening for veterinary drug residues which will be held in Austria from 12-23 October 2009. Information on this training workshop is available on the website of the IAEA.

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<sup>61</sup> CAC/32 INF/5 (WTO Contribution to the 32<sup>nd</sup> Session of the Codex Alimentarius Commission)

<sup>62</sup> CAC/32 INF/6 (FAO/IAEA Contribution to the 32<sup>nd</sup> Session of the Codex Alimentarius Commission)

**International Organization of Legal Metrology (OIML)<sup>63</sup>**

244. The Commission noted the information provided by OIML in CAC/32 INF/7.

**RELATIONS BETWEEN THE CODEX ALIMENTARIUS AND NON-GOVERNMENTAL ORGANIZATIONS (Agenda Item 13b)<sup>64</sup>****International Organization for Standardization (ISO)<sup>65</sup>**

245. The Observer from the International Organization for Standardization (ISO), in addition to the information provided in CAC/32 INF/8, provided an update on matters of relevance to the Commission. The Commission was informed that ISO/TC 34, the technical committee responsible for food product standardization has recently formed a new subcommittee (SC37) that will be dedicated to maintaining, updating and complementing the ISO22000 series in food safety management systems. The new subcommittee will examine the development of new international pre-requisite programme standards and will make provisions for involvement of developing countries by providing assistance to participate. The SC37 will also cooperate with global retailers and manufacturers such as GFSI, regarding their priorities for further work and opportunities for harmonization.

**ROLE OF PRIVATE STANDARDS (Agenda Item 13c)<sup>66</sup>****Background**

246. The Commission recalled that the 60<sup>th</sup> Session of the Executive Committee had agreed to request the Secretariat to monitor developments on this subject in WTO and elsewhere and to keep the Commission informed. The 61<sup>st</sup> Session of the Executive Committee had invited FAO and WHO to present a paper for consideration by its 62<sup>nd</sup> Session and by the Commission.

**Introduction of the Consultant's Report**

247. The Representative of FAO informed the Commission that, following this request, FAO and WHO had contracted consultants who had prepared a document on this subject that provided an analysis of the impact of private standards on the food chain and on the public standard-setting process. The Representative stressed that the document did not present an official FAO and WHO position on private standards and was meant to generate debate on this matter.

248. The Representative said that the document focused specifically on standards related to food safety, the drivers of increased control along food chains and why there was a need for private standards and not for public standards. Four key drivers had been identified in the document: 1) real and/or perceived risks along the food chain; 2) heightened interest among consumers and businesses for food safety matters; 3) the globalization of the food supply, and 4) the responsibility taken by the private sector in ensuring food safety. The document described several types of private standards developed by organizations that differed in their institutional structure, degree of integration of processes of standards development, adoption and implementation and compared them with the standard-setting process in Codex and other organizations. The document analysed potential challenges for Codex in terms of speed and complexity of its standard-setting processes, indicating that this situation could not be ignored by Codex. The increasing role of private standards in food safety governance in global agri-food value chains had served to further heighten concerns about the transparency and inclusiveness of the standard-setting process, not only in private organisations but also in Codex.

249. The Representative presented some of the concrete actions proposed in the document for the Commission's consideration:

- Debating the implications that private standards in the area of food safety have for the Commission's mandate and work programme,

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<sup>63</sup> CAC/32 INF/7 (OIML Contribution to the 32<sup>nd</sup> Session of the Codex Alimentarius Commission)

<sup>64</sup> ALINORM 09/32/9D, paras 19-25; CAC/32 INF/2

<sup>65</sup> CAC/32 INF/8 (ISO Contribution to the 32<sup>nd</sup> Session of the Codex Alimentarius Commission)

<sup>66</sup> ALINORM 09/32/9D-Part II (The Impacts of Private Food Safety Standards on the Food Chain and on the Public Standards – Setting Process, Paper prepared for FAO/WHO by Spencer Henson and John Humphrey), CAC LIM 14, CAC/INF 2, CAC/INF 8

- Engaging with private standards organizations such as GSFI, SSAFE and GlobalGap with a view to their admission as official Codex observers and exploring ways in which Codex can engage with collective private standards organisations that do not appear to qualify as international NGOs, but which had a global reach; and
- Reflecting on the implications for its operating procedures, thus the Codex Secretariat might be charged with exploring the need for changes in these procedures and how such programmes might better enable the Commission to respond to the challenges and opportunities presented by the rise of private standards.

### Information from WTO

250. The Observer from WTO indicated that a discussion on legal and trade implications of private standards was on the agenda of the SPS Committee since 2005. Proposals had been solicited from members on what could be done in the SPS committee to reduce the negative effects of private standards and to enhance potential benefits. Based on the replies the Committee had agreed in October 2008 to the following actions: continuous information exchange by Members, Observers, and observer organizations; periodic informal information sessions, including representatives involved in the development of or compliance with private standards; and conduct of a comparative study in three phases by an *ad hoc* working group on private standards.

251. A descriptive report by the Secretariat on the effects of private standards based on the replies to the questionnaire was discussed during the SPS Committee meeting in June 2009<sup>67</sup>. Regarding the negative aspects of private standards, replies included: the multiplicity of standards; deviations from international standards; the costs of compliance; the lack of scientific justification; the lack of transparency; the lack of appeal mechanisms, and the disproportionate effect on smallholders. In the area of food safety, one specific complaint related to certain private standards setting more restrictive maximum residue limits for pesticides than those set by national governments and/or those recommended by Codex. Another concern was the more detailed and prescriptive operational procedures required by private standards. Positive aspects mentioned were that private standards could facilitate compliance with international and national standards; promote best-practices and productivity; improve brand reputation and facilitate access to markets and credit; address emerging risks in a rapid manner; and pave the way for eventual adoption of international standards.

252. Currently an analytical report for consideration during the October 2009 SPS Committee meeting was in preparation, containing proposals for concrete action by the Committee. There had been some preliminary suggestions for concrete actions but no decisions had been taken yet. Representatives of Codex and the OIE regularly provided updates on their work on this issue and the Committee had agreed to take this work into consideration in the finalization of the analytical report. Information on the outcome of the present discussions in the Commission would also be welcomed by the SPS Committee.

253. The Observer informed the Commission that, although focussing on other issues, a workshop to be held in October on the relationship between the three standard-setting organisations and the SPS Committee would allow to examine further the work being carried out on this issue by Codex, the OIE and the IPPC.

### Discussion

254. A number of delegations were of the view that the document lacked substantive analysis and justification why certain statements were made and pointed out that there were no concrete examples especially on the impact of private standards, that there were no clear steps forward proposed, and therefore they did not support the conclusions and recommendations presented in the paper. Some delegations proposed that a paper should be prepared for consideration by the CCEXEC and the Commission which should provide a strategic position for Codex on private standards and propose a plan of action in this regard.

255. Several delegations pointed out that private standards had a negative impact on export and economies in their countries, especially on small scale producers; they were difficult to implement; they were not based on science; their development was not open and transparent; there was no dispute settlement procedure for these standards; and claims stating that these standards were safer than public standards might mislead consumers.

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<sup>67</sup> G/SPS/GEN/932

256. The Delegation of Brazil urged the Commission not to support the conclusions of the study as it was incomplete and proposed to undertake a specific study to analyse the role, cost and benefits of private standards in a more critical manner especially with respect to the impact on developing countries. Codex should take on the responsibility of being the sole international reference organization for food safety in line with its mandate. This view was supported by many delegations.

257. Some delegations were of the view that Codex should not engage in formal communications with private standard-setting bodies, while other delegations indicated that Codex and other public standard-setting organizations should be more proactive and co-operate closely with these organizations. In the case of Codex they should be encouraged to participate as observers. The Secretariat clarified that current Codex procedures were flexible enough and allowed these organizations to obtain observer status, however no requests for granting observer status in Codex had been received from any of these organizations so far.

258. In addition to the statement made earlier (see Agenda Item 13a), the Observer of the OIE confirmed that the Member States of the OIE had unanimously given a mandate to the general management to negotiate ways and means to avoid any contradiction between the so-called official and so-called private standards while recognizing their usefulness and complementarity. He was of the opinion that WTO should provide a legal analysis and if these issues were not resolved, the future of the SPS Agreement, Codex, WHO and FAO would be affected. He offered to work closely with the Commission to determine a common position on this matter.

259. Many delegations welcomed the work of the OIE on private standards and supported the position of the OIE as regards private standards as stated in paragraph 230 above and agreed that the three public standard-setting organizations (Codex, OIE and IPPC) should formulate a common position in relation to private standards.

260. Some delegations drew the attention of the Commission to the fact that governments had the responsibility to ensure not only compliance with SPS measures but also with TBT related issues. It was mentioned that the TBT Committee could be asked to consider if a fee to be paid to certify conformity to private standards on TBT issues could be seen as a technical barrier to trade.

261. A number of delegations were of the view that the benchmarks for food safety (and respectively for plant and animal health) for international food trade should be those established by the three sister organizations and that it was very important to clarify the legal status of private standards, therefore the best place to address this matter was the WTO SPS and TBT committees were all stakeholders were present.

262. One delegation proposed to adopt a recommendation addressed to all members to implement national legislation regarding competition and conditions for accessing internal markets in order to limit the negative impact of private standards on market access and was of the view that this matter should be considered by the Regional Coordinating Committees on the basis of information collected from member countries on how private standards affected trade.

263. Some delegations were of the view that private standards were part of the current world situation and were relevant to certain segments of the market and important for diversified market requirements; however it was necessary to monitor their development in order to ensure that they did not become non-tariff barriers to trade.

264. The Delegation of Sweden, speaking on behalf of the member states of the European Community present at the session, indicated that initiatives to make progress in this area in the EC were under way.

265. To the concern expressed in the document and put forward by some delegations that the Codex standards development process was too slow and that this had contributed to the emergence of private standards, the Secretariat clarified that this was not true in all cases as for example the establishment of Codex pesticide MRLs was normally completed in less than one year. In the Secretariat's opinion discussion on this matter should be constructed on concrete analysis and not on perceptions.

266. The FAO Representative shared the opinion of the Commission on the conclusions but noted that the document presented views of knowledgeable independent consultants making provocative conclusions which should stimulate discussions and enable the Commission to work towards improving the Codex system and take appropriate decisions to ensure that Codex standards, guidelines and other recommendations remain the benchmarks for food safety for international food trade, and that the dialogue between FAO and these organizations should be based on Codex work.

## Conclusions

267. The Commission noted that the proliferation of private standards was of significant concern to many members as compliance with and certification to these standards was difficult, especially for developing countries. The Commission also noted that for food safety matters there was no other international standard-setting organization than Codex developing science-based standards in an open, democratic, inclusive and transparent forum. The Commission acknowledged that private standards existed and there was a need to see how they related to Codex standards. The Commission was of the opinion that Codex standards should be benchmarks for these private standards and that international harmonization of food safety provisions should be based on Codex standards.

268. The Commission noted that the right forum to address the legal implications of private standards was the WTO SPS committee where all stakeholders were present.

269. The Commission agreed to monitor the developments on private standards on the basis of discussions in the WTO and that the Commission working in cooperation with the OIE and IPPC should consult on a common strategic position on this matter.

270. The Commission agreed that a study should be conducted to analyse the role, cost and benefits of private standards in a more critical manner especially with respect to the impact on developing countries for consideration by the Executive Committee and the Commission.

271. The Commission also agreed to request the Secretariat to prepare an analysis of the speed of the Codex standard-setting process for consideration by the Executive Committee.

## PARTICIPATION OF DEVELOPING COUNTRIES IN CODEX MEETINGS (Agenda Item 14)

### FAO/WHO PROJECT AND TRUST FUND FOR ENHANCED PARTICIPATION IN CODEX (Agenda Item 14a)<sup>68</sup>

272. The Representative of WHO, on behalf of FAO and WHO, briefly introduced the Annual Report for 2008 and the 11<sup>th</sup> Progress Report of the FAO/WHO Project and Trust Fund for Enhanced Participation in Codex. The Representative further informed the Commission that a mid-term evaluation of the Project was planned to assess its achievements and provide strategic direction for the latter half of the Project as well as its possible extension beyond the 12 year period and, drawing the attention of the Commission to the draft proposal (CAC/32 LIM/19), inquired about the view of the Commission on this activity.

273. A number of delegations expressed their appreciation to the Trust Fund and its Secretariat for the support they provided to enable participation of developing countries in Codex meetings. The Commission considered the proposal for the mid-term review and noted the following comments and suggestions.

274. Noting the critical role of the Trust Fund in ensuring the participation of developing countries in the Codex process, some delegations suggested that availability of resources should be increased by seeking ways to further attract extra-budgetary contributions by donors, including South-South cooperation, thus extending the duration of the Project beyond 12 years. These delegations noted that transparency, efficiency and equity in the distribution of the fund was crucial and suggested that the criteria for the allocation of fund be reviewed to better reflect the socio-economic situations of countries. These suggestions were widely supported by other delegations. However it was also noted that in any case the Trust Fund could not be a permanent solution and some delegations suggested that creation of regional funds should also be considered as an alternative mechanism. Another delegation mentioned that beneficiary countries should indicate what they would do to sustain their participation in the long-term.

275. As regards the distribution of the fund, Mexico, speaking as the Coordinator for the Latin America and the Caribbean, expressed the concern of the Region that the current allocation of the fund did not correctly reflect the need of the countries of the Region.

276. A number of delegations noted that empowerment of the National Codex Committees and Codex Contact Points was the key to the enhanced participation. Therefore some countries suggested that the Project should be more focused on capacity-building activities. However, several countries were of the view that such capacity-building activities should be left to Regional Coordinators, which should have better

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<sup>68</sup> ALINORM 09/32/9E Part III; CAC/32 LIM/19 (Codex Trust Fund: proposal for mid-term review); CAC/32 LIM/20 (Additional information and data on the Codex Trust Fund)

understanding of the need of the Region. In this regard, it was noted that FAO and WHO had provided a number of capacity-building activities in this area and that the mid-term review should examine their impact as well.

277. One delegation suggested that the mid-term review should be as concise as possible because two studies had already been carried out to assess the effectiveness of the Trust Fund. However, it was also noted that the mid-term review could be instrumental in the improvement of the operation of the Trust Fund and that the mid-term review could be undertaken as a special project, outside the Codex Trust Fund, if there was a deep concern on the consumption of the scarce resources for the conduct of the mid-term review.

278. One delegation proposed that the effectiveness of the Trust Fund should be measured not only by the number of participants supported by the Trust Fund but also by looking at the actual contribution of Trust Fund-supported participants to the Codex process, such as how many unique interventions had been made to stimulate the discussion.

279. The Representative of WHO took note of these suggestions. With regard to the concerns expressed by several delegations about the transparency in the allocation of the fund to different groups of countries, the Representative reminded the Commission that at the inception of the Project it had been agreed that 60% of the fund would be allocated to Group 1 (least developed countries and other low income countries), 30% to Group 2 (lower middle income countries) and 10% to Group 3 (upper middle income countries), with the support period of seven years, five years, and three or four years respectively, and that the status of each country had been reviewed every year based on the report of relevant United Nations Organizations. The Representative further noted that donors had contributed to the Trust Fund in support of these criteria and that the need for and implications of modifying these criteria would be considered in the mid-term review.

280. The Commission noted: that the mid-term review would start in September, or one or two month later depending on the scope of data and information necessary for the review; that while the mid-term review was initially part of the activities of the Trust Fund, WHO would try to identify a possible donor in order to carry out the review without drawing resources from the Trust Fund; and that the contribution and engagement of Members would be sought throughout the process of the mid-term review.

281. The Commission **agreed** with the draft proposal for mid-term review as presented in CAC/32 LIM/19 and agreed that it would take into account the suggestions made during the session. The Commission noted that there would be another opportunity for members to comment on the framework of the mid-term review, in response to a questionnaire to be sent out to Members shortly.

#### **OTHER MATTERS (Agenda Item 14b)<sup>69</sup>**

282. The Secretariat recalled that the 31<sup>st</sup> Session of the Commission had considered the participation of developing countries in Codex work and had agreed that this issue would be considered by the 25<sup>th</sup> Session of the Committee on General Principles on the basis of a document prepared by the Secretariat including data on the participation of developing countries in Codex sessions, and proposals to improve the situation, and that it would be considered at its 32<sup>nd</sup> Session. The Commission also recommended that Coordinating Committees consider this issue and report their views to the next session of the Commission.

283. The Commission noted the comments and recommendations made by the Committee on General Principles on a number of proposals put forward in document CX/GP 09/25/9 and focused its discussion on these proposals.

#### **Proposal A. Make best use of written comments at Steps 3 and 6**

284. Some delegations pointed out that in practice, when delegations were not present at the session, their written comments were not taken into account in the discussion, and recalled that the Committee on General Principles had agreed that this proposal was unlikely to solve fundamental problems. The Secretariat recalled that, according to the *Guidelines to Chairpersons of Codex Committee and ad hoc Intergovernmental Task Forces*, “Chairpersons should also ensure that the written comments, received in a timely manner, of members and observers not present at the session are considered by the Committee”. The Commission agreed that Chairpersons of Codex Committee should consider written comments in accordance with the above *Guidelines*.

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<sup>69</sup> CX/GP 09/25/9, CX/GP 09/25/9-Add.1, CX/GP 09/25/9-Add.2



**Proposal B. Foster dynamic exchange of opinions/comments outside physical meetings**

285. The Commission noted that the Committee on General Principles had recognised that it would not be practical to establish an electronic forum for each Codex Committee. The Secretariat proposed to make individual comments available on the Codex website as they were received, in advance of the final comments paper presented to the Committee. One delegation did not support this idea as members would not benefit from individual comments if they were not translated into the official languages of the Commission.

286. The Chairperson stressed the importance of providing written comments in a timely manner to facilitate discussion.

**Proposal C. Reduce the number of sessions per year and per biennium**

287. The Commission noted that the Committee on General Principles had not supported this proposal as the number of sessions depended on the workload of Codex subsidiary bodies.

**Proposal D. Concentrate all Codex sessions in Rome or Geneva**

288. Several delegations, referring to the proposals made earlier by the Coordinator for Latin America and the Caribbean, supported the proposal for a gradual concentration of sessions in Rome or Geneva in order to facilitate participation of developing countries through substantial cost reduction, and pointed out that this proposal should be considered as part of a three-pronged approach together with the strengthening of the Trust Fund, as earlier discussed under Agenda Item 14a, and the emphasis on capacity building. These delegations pointed out that the proposal was feasible, and would not reduce the number of experts from capitals as they noted that the SPS Committee was held in Geneva and benefited from considerable participation from national experts in addition to representatives from diplomatic missions. Some of these delegations noted that countries would benefit from the assistance of their representations in Rome or Geneva, which would be useful both for technical and logistical reasons, such as visas and travelling arrangements. These delegations therefore proposed that the cost/benefit analysis of Proposal D be conducted for further consideration at the next session.

289. Many other delegations did not support this proposal as it was contrary to the overall approach of Codex and would reduce the quality and diversity of the representation in Codex meetings and the possibility for constructive discussions, especially if experts in technical issues were replaced by diplomatic representatives. As regards practical aspects, these delegations noted that costs of travel would not be reduced by holding sessions in Rome or Geneva, as compared to other locations. These delegations pointed out that it also contradicted the earlier recommendation of the Commission to encourage co-hosting, which they strongly supported because it facilitated participation in the co-hosting country, developed awareness of Codex and food safety issues at the political level and among all stakeholders, and could also significantly improve participation from the region concerned. Some delegations noted that participation of developing countries in sessions held in various other countries provided an interesting opportunity to exchange experience and interact with other experts in food safety and quality.

290. Some delegations informed the Commission of their experience in co-hosting, which had been very positive for both countries involved, and supported further use of this mechanism.

291. The Secretariat recalled that the Codex system relied on host countries for Codex sessions other than the Commission and Coordinating Committees, and informed the Commission that holding sessions in Rome or Geneva would result in an additional cost of approximately USD 200,000, which might create serious difficulties for host countries.

292. One delegation drew the attention of the Commission to the problems created by the proliferation of physical working groups held in various countries, which created an additional burden on developing countries and also proposed that they should be listed in the schedule of Codex sessions.

293. The Commission supported the conclusions of the Chairperson that the main solutions to the problems of participation were the strengthening of the Trust Fund and emphasis on FAO and WHO capacity building activities in developing countries, including regional workshops and STDF projects; encouraging co-hosting of Codex sessions; the use of mentoring mechanisms through intra-regional cooperation and exchange of experience, especially between Codex Contact Points; South-South cooperation; and timely distribution of documents in the official languages. The Commission agreed that these measures would contribute to implement Goal 5 of the Strategic Plan 2008-2013, and noted that they could be considered in conjunction with the Mid-Term Evaluation of the Trust Fund

294. The Commission also supported the conclusion of the Chairperson that, when more experience was gained with the application of these measures, further consideration could be given to the proposal for the gradual concentration of sessions in Rome or Geneva.

295. Some delegations expressed the view that the Commission should clearly reject the proposal for meetings in Rome or Geneva and should not consider it further. Some other delegations expressed the view that this proposal should be studied as the current Codex structure should be reconsidered, taking into account that most Codex sessions were not held in developing countries.

#### **OTHER MATTERS ARISING FROM FAO AND WHO (Agenda item 15)<sup>70</sup>**

296. The Commission was informed of the main outcomes of recent FAO/WHO Expert meetings and of the status of the request for FAO/WHO scientific advice. In addition to the scheduled actions by FAO and WHO listed in Part III of ALINORM 09/32/9F, the Representative of FAO indicated that the organizations had received two requests, as a result of the discussions in the present session of the Commission on the report from the 18<sup>th</sup> session of CCRVDF (see Agenda Item 5). FAO and WHO will plan to hold an expert consultation on dietary exposure assessment of residues of veterinary drugs in food, taking into consideration consumption patterns of foods of animal origin. This work would be one concrete action in the framework of the work started to develop decision-tree approaches for the evaluation of veterinary drugs. FAO and WHO would also undertake to review, with priority, the residue studies on ractopamine in pigs, carried out by China, a summary of which had been presented both to CCRVDF and the Commission. The Representative stressed the need for adequate funding in order to allow FAO and WHO to respond to the increasing number of requests for scientific advice.

297. The Representative of WHO drew the attention of the Commission to the information provided by FAO and WHO on the budget allocated to Codex-related activities on the provision of scientific advice in document CAC/32 INF/3, and indicated that the WHO and FAO contribution did not include staff costs.

#### **Other matters<sup>71</sup>**

298. The Delegation of Sweden, speaking on behalf of the Member States of the European Community informed the Commission about an *International Seminar on Setting Food Safety Standards, Effects on International Trade, Particularly for Developing Countries* organized by the Netherlands in June 2008 which had made a number of recommendations on how to improve the situation of developing countries regarding international trade. The Delegation was of the opinion that the benefits of this meeting should not be lost and suggested that members of the Commission bring these issues to the attention of relevant Codex committees.

299. The Commission noted this information.

#### **APPOINTMENT OF REGIONAL COORDINATORS (Agenda Item 16)<sup>72</sup>**

300. In accordance with Rule IV.2 of the Commission's Rules of Procedure, and on the basis of the nominations made by the Coordinating Committees, the following Members of the Commission were **appointed** as Coordinators to hold office from the end of the Thirty-second Session of the Commission until the end of the regular session of the Commission held in 2011.

Africa: Ghana

Asia: Indonesia

Europe: Poland

Latin America & the Caribbean: Mexico

Near East: Tunisia

North America & South-West Pacific: Tonga

<sup>70</sup> ALINORM 09/32/9F, ALINORM 09/32/9F-Add.1, ALINORM 09/32/9F-Add.2, CAC/23 INF/14

<sup>71</sup> CAC/23 INF/14

<sup>72</sup> ALINORM 09/32/2, para. 33-35; ALINORM 09/32/28, para. 61; ALINORM 09/32/15, para. 112; ALINORM 09/32/19, paras 62-64; ALINORM 09/32/36, paras 64-65; ALINORM 09/32/32, para. 61; ALINORM 09/32/40, para. 60, CAC/32 LIM/5 (comments of Kenya)

## **ELECTION OF OFFICERS OF THE COMMISSION AND ELECTION OF MEMBERS OF THE EXECUTIVE COMMITTEE (Agenda Item 17)<sup>73</sup>**

301. The Commission **elected** by general consent the following persons to hold office from the end of its present Session to the end of the next regular (33<sup>rd</sup>) Session of the Commission.

**Chairperson:** Dr Karen HULEBAK (United States of America)

**Vice-Chairpersons:** Mr Sanjay DAVE (India)

Mr Ben MANYINDO (Uganda)

Mr Knud ØSTERGAARD (Denmark)

302. The Commission noted that the Delegation of Canada, having completed two terms as member elected from North America and thus not eligible for a further term, had nominated the United States to be elected as a member of the Executive Committee on a geographic basis for North America.

303. The Commission noted that Rule V, paragraph 1 of the Rules of Procedure of the Codex Alimentarius Commission contained a sentence reading as follows: "Not more than one delegate from any one country shall be a member of the Executive Committee". The Commission noted further that the receivability of the nomination submitted by Canada depended on an interpretation of this particular sentence of Rule V, paragraph 1 of the Rules of Procedure.

304. The Commission noted that this issue had been examined in the past and agreed with an interpretation of Rule V, paragraph 1, of the Rules of Procedure, proposed by the representative of the Legal Counsel of FAO on the basis of earlier discussions, whereby the Chairperson should not be considered a delegate of a country for the purpose of elections of Members of the Executive Committee elected on a geographic basis under that Rule.

305. The Commission **elected** the following Members of the Executive Committee on a geographic basis for the period from the end of the current session to the end of the second succeeding regular session of the Commission:

Africa: Mali

Asia: Japan

Europe: United Kingdom

Latin America & the Caribbean: Argentina

Near East: Jordan

North America: The United States of America

South-West Pacific: Australia

## **DESIGNATION OF COUNTRIES RESPONSIBLE FOR APPOINTING THE CHAIRPERSON OF CODEX COMMITTEES AND *AD HOC* TASK FORCES (Agenda Item 18)<sup>74</sup>**

306. The Commission **confirmed** the designation of the Host Governments as listed in the Appendix VIII to this report.

<sup>73</sup> ALINORM 09/32/2, CAC/32 LIM/5 (comments of Kenya)

<sup>74</sup> ALINORM 09/32/9G

**OTHER BUSINESS (Agenda Item 19)**

307. The Delegation of Russian Federation expressed their wish that Russian would be used in future sessions of the Codex Alimentarius Commission. The Delegation informed the Commission that the Russian Federation had made a contribution to the FAO budget in order to support the stepwise integration of the Russian language in different programmes.

**Date and Place of Next Session**

308. The Commission noted that the 33<sup>rd</sup> Session would be held in Geneva, Switzerland, from 5 to 9 July 2010, subject to further confirmation.

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## APPENDIX II

## AMENDMENTS TO THE PROCEDURAL MANUAL

The following amendments were adopted by the 32<sup>nd</sup> Session of the Codex Alimentarius Commission.

Codex Committee	Subject	Reference
CCNFSDU	Nutritional Risk Analysis Principles and Guidelines for Application to the Work of the Committee on Nutrition and Foods for Special Dietary Uses	ALINORM 09/32/26, para. 82 and Appendix IV
CCMAS	Amendment to the <i>Working Instructions for the Implementation of the Criteria Approach in Codex</i>	ALINORM 09/32/23, para. 92 and Appendix V
CCMAS	Consequential Amendment to the <i>General Criteria for the Selection of Methods of Analysis</i> (terminology)	ALINORM 09/32/23, para. 44 and Appendix VI
CCGP	Amendment to the Guidelines to Chairpersons of Codex Committees and <i>ad hoc</i> Intergovernmental Task Forces	ALINORM 09/32/33, para. 87 (d) and Appendix III (see the amendment below)

**AMENDMENT TO THE *GUIDELINES TO CHAIRPERSONS OF CODEX COMMITTEES AND AD HOC INTERGOVERNMENTAL TASK FORCES***

Add at the end of above guidelines as follows:

“Where there is a deadlock in the standards development, the Chairperson should consider acting as a facilitator, or appointing a facilitator in agreement with the relevant Codex Committee, working during a session or between sessions to work with members to reach consensus. The facilitator should orally report on the activity undertaken and the outcome of the facilitation to the plenary.

- The committee concerned should clearly state the terms of reference of the facilitator.
- The facilitator should be experienced in Codex matters but neutral on the matter concerned.
- All parties participating in the process should agree on the selection of the facilitator.”

## APPENDIX III

**LISTS OF STANDARDS AND RELATED TEXTS ADOPTED BY THE THIRTY-SECOND SESSION  
OF THE CODEX ALIMENTARIUS COMMISSION**

**Part 1 – Standards and Related Texts Adopted at Step 8**

<b>Standards and Related Texts</b>	<b>Reference</b>	<b>Status</b>
Regional Standard for Gochujang	ALINORM 09/32/15 Appendix II	Adopted with amendment (see Agenda Item 5)
Regional Standard for Ginseng Products	ALINORM 09/32/15 Appendix III	Adopted with amendment (see Agenda Item 5)
Code of Practice for the Reduction of Acrylamide in Foods	ALINORM 09/32/41 Appendix IV	Adopted
Code of Practice for the Reduction of Contamination of Food with Polycyclic Aromatic Hydrocarbons (PAH) from Smoking and Direct Drying Processes	ALINORM 09/32/41 Appendix V	Adopted
Food Additive Provisions of the General Standard for Food Additives (GSFA)	ALINORM 09/32/12 Appendix IV	Adopted (except erythrosine) (see Agenda Item 5)
Amendment to the Standard for Named Vegetable Oil: Inclusion of Rice Bran Oil	ALINORM 09/32/17 Appendix II	Adopted
Guidelines for Settling Disputes on Analytical (Test) Results	ALINORM 09/32/23 Appendix II	Adopted
Guidelines on Analytical Terminology	ALINORM 09/32/23 Appendix III	Adopted
Table of Conditions for Nutrient Contents (Part B: Provisions on Dietary Fibre) to the <i>Guidelines for Use of Nutrition and Health Claims</i> (CAC/GL 23-1997):	ALINORM 09/32/26 Appendix II	Adopted
Provisions on Gum Arabic (Gum acacia) (Section D: Advisory List of Food Additives for Special Nutrient Forms) to the <i>Advisory Lists of Nutrient Compounds for Use in Foods for Special Dietary Uses Intended for Infants and Young Children</i> (CAC/GL 10-1997)	ALINORM 09/32/26 Appendix III	Adopted (as a carrier) (see Agenda Item 5)
Nutritional Risk Analysis Principles and Guidelines for Application to the Work of the Committee on Nutrition and Foods for the Special Dietary Uses	ALINORM 09/32/26 Appendix IV	Adopted
Standard for Jams, Jellies and Marmalades	ALINORM 09/32/27 Appendix II	Adopted with amendment (see Agenda Item 5)
Codex Standard for Certain Canned Vegetables (General Provisions)	ALINORM 09/32/27 Appendix III	Adopted

Standards and Related Texts	Reference	Status
Maximum Residue Limits for Pesticides	ALINORM 09/32/24 Appendix II	Adopted
Maximum Residue Limits for Veterinary Drugs	ALINORM 09/32/31 Appendices II	Adopted
Guidelines for the Design and Implementation of National Regulatory Food Safety Assurance Programmes Associated with the Use of Veterinary Drugs in Food Producing Animals	ALINORM 09/32/31 Appendix V	Adopted

**Part 2 – Standards and Related Texts Adopted at Step 5/8 (with omission of Step 6 and 7)**

Standards and Related Texts	Reference	Status
Regional Standard for Fermented Soybean Paste	ALINORM 09/32/15 Appendix IV	Adopted with amendment (see Agenda Item 5)
Revision to the Preamble of the GSCTF	ALINORM 09/32/41 Appendix III	Adopted
Code of Practice for the Prevention and Reduction of Ochratoxin A Contamination in Coffee	ALINORM 09/32/41 Appendix VI	Adopted
Food Additive Provisions of the General Standard for Food Additives (GSFA)	ALINORM 09/32/12 Appendix IV	Adopted (except erythrosin) (see Agenda Item 5)
Amendments to the International Numbering System for Food Additives	ALINORM 09/32/12 Appendix VII	Adopted
Specifications for the Identity and Purity of Food Additives arising from the 69 <sup>th</sup> JECFA meeting	ALINORM 09/32/12 Appendix VIII	Adopted
Microbiological Criteria for <i>Listeria monocytogenes</i> in Ready-to-Eat Foods (Annex II to the Guidelines on the Application of General Principles of Food Hygiene to the Control of <i>Listeria monocytogenes</i> in Ready-to-Eat Foods (CAC/GL 61-2007))	ALINORM 09/32/13 Appendix II	Adopted with amendment (see Agenda Item 5)
Microbiological Criteria for Powdered Follow-up Formulae and Formulae for Special Medical Purposes for Young Children (Annex II to the <i>Code of Hygienic Practice for Powdered Formulae for Infants and Young Children</i> (CAC/RCP 66-2008))	ALINORM 09/32/13 Appendix III	Adopted with amendment (see Agenda Item 5)
Generic Model Official Certificate (Annex to <i>Guidelines for Design, Production, Issuance and Use of Generic Official Certificate</i> (CAC/GL 38-2001))	ALINORM 09/32/30 Appendix II	Adopted

<b>Standards and Related Texts</b>	<b>Reference</b>	<b>Status</b>
Recommendations on the Scientific Basis of Health Claims (Annex to the <i>Guidelines for Use of Nutrition and Health Claims</i> - CAC/GL 23-1997)	ALINORM 09/32/26 Appendix V	Adopted
Provisions for packing media for certain canned vegetables: Section 3.1.3 (for inclusion in the Standard for Certain Canned Vegetables)	ALINORM 09/32/27 Appendix IV	Adopted
Annexes specific to certain canned vegetables (for inclusion in the Standard for Certain Canned Vegetables)	ALINORM 09/32/27 Appendix V	Adopted
Maximum Residue Limits for Pesticides	ALINORM 09/32/24 Appendix III	Adopted with amendment (see Agenda Item 5)
Maximum Residue Limits for Veterinary Drugs	ALINORM 09/32/31 Appendix III	Adopted

### **Part 3 - Standards and Related Texts Adopted at Step 5 of the Accelerated Procedure**

<b>Standards and Related Texts</b>	<b>Reference</b>	<b>Status</b>
Amendment to the <i>Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods</i> : Annex 2 (conditions for use of rotenone)	ALINORM 09/32/22 Appendix V	Adopted

### **Part 4 – Other Standards and Related Texts Submitted for Adoption**

<b>Standards and Related Texts</b>	<b>Reference</b>	<b>Status</b>
Amendments to Paragraph 10, Sample Preparation in the Sampling Plans for Aflatoxin Contamination in Ready-to-Eat Treenuts and Treenuts Destined for Further Processing: Almonds, Hazelnuts and Pistachios	ALINORM 09/32/41 Appendix II	Adopted
Amendment to the Annex to Table 3 of the GSFA	ALINORM 09/32/12 para. 9	Adopted
Amendment to the Name and Descriptors of Food Categories 01.2.1.1, 15.1 and 15.2 of the GSFA	ALINORM 09/32/12 Appendix IX	Adopted
Amendment to the Standard for Named Vegetable Oils: replacement of the section on contaminants with the standard language in the <i>Format for Codex Commodity Standards</i>	ALINORM 09/32/17	Adopted
Additives Provisions in the <i>Standard for Fat Spreads and Blended Spreads</i> and other Standards for Fats and Oils	ALINORM 09/32/17 Appendix VII ALINORM 09/32/12 Appendix III	Adopted

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<b>Standards and Related Texts</b>	<b>Reference</b>	<b>Status</b>
Methods of Analysis in Codex Standards at different steps	ALINORM 09/32/23 Appendix IV	Adopted

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## APPENDIX IV

**LIST OF DRAFT STANDARDS AND RELATED TEXTS ADOPTED AT STEP 5 BY THE  
THIRTY-SECOND SESSION OF THE CODEX ALIMENTARIUS COMMISSION**

<b>Standards and Related Texts</b>	<b>Reference</b>
Draft Regional Standard for Edible Sago Flour (N06-2007)	ALINORM 09/32/15, para. 76 and Appendix V
Draft amendment to the Code of Practice for the Storage and Transport of Edible Fats and Oils in Bulk: <i>Proposed draft Criteria to assess the acceptability of substances for inclusion in a list of acceptable previous cargoes</i>	ALINORM 09/32/17, para. 55 and Appendix III
Draft amendment to the Standard for Named Vegetable Oil: <i>Inclusion of Palm Kernel Olein and Palm Kernel Stearin</i>	ALINORM 09/32/17, para. 85 and Appendix IV
Draft Maximum Residue Limits for Pesticides	ALINORM 09/32/24, paras 79, 91, 116 and 124 and Appendix IV
Draft revision of the Codex Classification of Foods and Animal Feeds: <i>Proposals for eight commodity groups: Bulb vegetables, other than cucurbits; Berries and other small fruits; Edible fungi; Citrus fruits; Stone fruits; and Oilseeds</i>	ALINORM 09/32/24, para. 146 and Appendix IX
Draft Maximum Residue Limits for Veterinary Drugs	ALINORM 09/32/31, para. 80 and Appendix IV
Proposed Draft Revised Code of Ethics for International Trade in Foods	ALINORM 09/32/33, para. 43 and Appendix II

## APPENDIX V

**LIST OF STANDARDS AND RELATED TEXTS REVOKED BY THE THIRTY-SECOND SESSION  
OF THE CODEX ALIMENTARIUS COMMISSION**

Standard and Related Texts	Reference
Food additive provisions of the General Standard for Food Additives (GSFA)	ALINORM 09/32/12, para. 109, Appendix V
MRLs for pesticide/commodity combinations	ALINORM 09/32/24, paras 60-130, Appendix V
Standard for Jams (Fruit Preserves) and Jellies (CODEX STAN 79-1981)	ALINORM 09/32/27, para. 34, Appendix II
Standard for Citrus Marmalade (CODEX STAN 80-1981)	
Standard for Canned Green Beans and Wax Beans (CODEX STAN 16-1981)	ALINORM 09/32/27, para. 77, Appendices III, IV and V
Standard for Canned Sweet Corn (CODEX STAN 18-1981)	
Standard for Canned Asparagus (CODEX STAN 56-1981)	
Standard for Canned Green Peas (CODEX STAN 58-1981)	
Standard for Canned Carrots (CODEX STAN 116-1981)	
Standard for Canned Palmito (CODEX STAN 144-1985)	
Standard for Mature Processed Peas (CODEX STAN 81-1981)	
Temporary MRL for tilmicosin in sheep milk	ALINORM 09/32/31, para. 72
Guidelines for the Establishment of a Regulatory Programme for Control of Veterinary Drug Residues in Foods (CAC/GL 16-1993)	ALINORM 09/32/31, para. 106
Code of Practice for Control of the Use of Veterinary Drugs (CAC/RCP 38-1993)	ALINORM 09/32/31, para. 106
System for the Description of Carcasses of Bovine and Porcine Species (CAC/RCP 7-1974)	ALINORM 09/32/3, para. 68
Guidelines for the Use of Non-Meat Protein Products in Processed Meat and Poultry Products (CAC/GL 15-1991)	

## APPENDIX VI

**LIST OF DRAFT STANDARDS AND RELATED TEXTS APPROVED AS NEW WORK BY THE  
THIRTY-SECOND SESSION OF THE CODEX ALIMENTARIUS COMMISSION**

<b>Responsible Body</b>	<b>Standard and Related Texts</b>	<b>Reference</b>	<b>Job Code</b>
CCPR	Priority List of Chemicals scheduled for Evaluation and Re-evaluation by JMPR	Priority List of Chemicals scheduled for Evaluation and Re-evaluation by JMPR	Ongoing
CCRVDF	Priority List of Veterinary Drugs for Evaluation or Reevaluation by JECFA	ALINORM 09/32/31, para. 138 and Appendix VI	Ongoing
CCPFV	Revision of the <i>Standards for Canned Bamboo Shoots</i> (CODEX STAN 241-2003) and <i>Canned Mushrooms</i> (CODEX STAN 55-1981) for inclusion as annexes to the Draft Standard for Certain Canned Vegetables	ALINORM 09/32/27, para. 109	N01-2009
CCPFV	Revision of the Standard for Table Olives (CODEX STAN 66-1981)	ALINORM 09/32/27, para. 109	N02-2009
CCPFV	Revision of the Standard for Grated Desiccated Coconut (CODEX STAN 177-1991)	ALINORM 09/32/27, para. 109	N03-2009
CCLAC	Regional Standard for Culantro Coyote	ALINORM 09/32/36, para. 72	N04-2009
CCLAC	Regional Standard for Lucuma	ALINORM 09/32/36, para. 76	N05-2009
CCFICS	Principles and Guidelines for National Food Control Systems	ALINORM 09/32/30, para. 71 and Appendix III	N06-2009
CCFH	Code of Hygienic Practice for Control of Viruses in Food	ALINORM 09/32/13, para. 138 and Appendix V	N07-2009
CCNEA	Regional Standard for Harissa (hot pepper paste)	ALINORM 09/32/40, para. 41	N08-2009
CCNEA	Regional Standard for Halwa Tehenia (halwa shamia)	ALINORM 09/32/40, para. 44	N09-2009
CCCF	Maximum Levels for Fumonisin in Maize and Maize Products and associated Sampling Plans	ALINORM 09/32/41, para. 100 and Appendix VII	N10-2009
CCCF	Code of Practice for the Reduction of Ethyl Carbamate in Stone Fruit Distillates	ALINORM 09/32/41, para. 114 and Appendix VIII	N11-2009
CCCF	Revision of the Code of Practice for the Prevention and Reduction of Aflatoxins in Tree Nuts (CAC/RCP 59-2005): Additional Measures for Brazil Nuts	ALINORM 09/32/41, para. 122 and Appendix IX	N12-2009
CCCF	Maximum Levels for Melamine in Foods and Feed	ALINORM 09/32/41, para. 125 and Appendix X	N13-2009



## APPENDIX VII

**LIST OF WORK DISCONTINUED BY THE THIRTY-SECOND SESSION OF THE CODEX  
ALIMENTARIUS COMMISSION**

<b>Responsible Body</b>	<b>Standard and Related Texts</b>	<b>Reference</b>
CCPFV	Guidelines for Packing Media for Canned Vegetables	ALINORM 09/32/27, para. 77
CCFO	Amendment to the <i>Standard for Named Vegetable Oils</i> on total carotenoids in unbleached palm oil (N01-2005)	ALINORM 09/32/17, para. 78
CCFA	Discontinuation of work on draft and proposed draft Food Additive Provisions of the General Standard for Food Additives	ALINORM 09/32/12, para. 109 and Appendix VI
CCMAS	Discontinuation of work on the Draft Guidelines for Evaluating Acceptable Methods of Analysis	ALINORM 09/32/33, para. 18
CCPR	Draft Codex Maximum Residue Limits for Pesticides Withdrawn	ALINORM 09/32/24, Appendix VIII
CCRVDF	Draft maximum residue limits for triclabendazole in goat tissues	ALIMORM 09/32/31, para. 74

## APPENDIX VIII

## CHAIRMANSHIP OF CODEX SUBSIDIARY BODIES

Subsidiary Bodies Established under Rule XI.1(b)(i)

Code	Subsidiary Body	Member Responsible	Status
CX 703	Codex Committee on Milk and Milk Products	New Zealand	Active
CX 708	Codex Committee on Cocoa Products and Chocolate	Switzerland	<i>Sine die</i>
CX 709	Codex Committee on Fats and Oils	Malaysia	Active
CX 710	Codex Committee on Sugars	United Kingdom	<i>Sine die</i>
CX 711	Codex Committee on Food Additives	China	Active
CX 712	Codex Committee on Food Hygiene	United States of America	Active
CX 713	Codex Committee on Processed Fruits and Vegetables	United States of America	Active
CX 714	Codex Committee on Food Labelling	Canada	Active
CX 715	Codex Committee on Methods of Analysis and Sampling	Hungary	Active
CX 716	Codex Committee on General Principles	France	Active
CX 718	Codex Committee on Pesticide Residues	China	Active
CX 719	Codex Committee on Natural Mineral Waters	Switzerland	<i>Sine die</i>
CX 720	Codex Committee on Nutrition and Foods for Special Dietary Uses	Germany	Active
CX 722	Codex Committee on Fish and Fishery Products	Norway	Active
CX 723	Codex Committee on Meat Hygiene	New Zealand	<i>Sine die</i>
CX 728	Codex Committee on Vegetable Proteins	Canada	<i>Sine die</i>
CX 729	Codex Committee on Cereals, Pulses and Legumes	United States of America	<i>Sine die</i>
CX 730	Codex Committee on Residues of Veterinary Drugs in Foods	United States of America	Active
CX 731	Codex Committee on Fresh Fruits and Vegetables	Mexico	Active
CX 733	Codex Committee on Food Import and Export Certification and Inspection Systems	Australia	Active
CX 735	Codex Committee on Contaminants in Foods	The Netherlands	Active

**Ad hoc Intergovernmental Task Force established by the 29<sup>th</sup> Session of the Commission**

CX 804	<i>Ad hoc</i> Codex Intergovernmental Task Force on Antimicrobial Resistance	Republic of Korea	Active
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Subsidiary Bodies Established under Rule XI.1(b)(ii)

<b>Code</b>	<b>Subsidiary Body</b>	<b>Member Responsible</b>
CX 706	FAO/WHO Coordinating Committee for Europe	Coordinator for Europe
CX 707	FAO/WHO Coordinating Committee for Africa	Coordinator for Africa
CX 725	FAO/WHO Coordinating Committee for Latin America and the Caribbean	Coordinator for Latin America and the Caribbean
CX 727	FAO/WHO Coordinating Committee for Asia	Coordinator for Asia
CX 732	FAO/WHO Coordinating Committee for North America and the South West Pacific	Coordinator for North America and the South West Pacific
CX 734	FAO/WHO Coordinating Committee for the Near East	Coordinator for the Near East