

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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ALINORM 06/29/33

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Twenty-ninth Session

Geneva, Switzerland, 3 - 7 July 2006

REPORT OF THE TWENTY-THIRD SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES

Paris, France, 10 – 14 April 2006

Note: This document incorporates Circular Letter CL 2006/10-GP

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TO: - Codex Contact Points
- Interested International Organizations

FROM: - Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, 00100 Rome, Italy

SUBJECT: **Distribution of the Report of the 23rd Session of the Codex Committee on General Principles (ALINORM 06/29/33)**

MATTERS FOR ADOPTION BY THE 29TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Proposed Amendments to the Procedural Manual

1. Draft Terms of Reference of the Committee on Food Additives and the Committee on Contaminants in Foods (para. 29, Appendix II)
2. Draft Revised Criteria for Prioritisation Process of Compounds for Evaluation by JMPR (para.39, Appendix III)
3. The Use of Analytical Results: Sampling Plans, Relationship between the Analytical Results, the Measurement Uncertainty, Recovery Factors and Provisions in Codex Standards (para. 44, Appendix IV)
4. Proposed Amendments to the Rules of Procedure: Duration of the Term of Office of the Members of the Executive Committee (para. 96, Appendix VI)
5. Proposed Amendments to the Procedures for the Elaboration of Codex Standards and Related Texts and to the Guidelines on the Conduct of Meetings of Codex Committee and *Ad hoc* Intergovernmental Task Forces (para. 129, Appendix VII)
6. Proposed Amendments to the General Principles of the Codex Alimentarius (para. 136, Appendix VIII)

Governments and international organizations wishing to submit comments on the above amendments should do so in writing, preferably by E-mail to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Viale delle Terme di Caracalla, 00100 Rome, Italy (Email: codex@fao.org, fax : +39 06 57054593) **before 30 May 2006.**

SUMMARY AND CONCLUSIONS

The summary and conclusions of the 23rd Session of the Codex Committee on General Principles are as follows:

Matters for adoption by the Commission:

The Committee agreed to forward to the Commission:

- the Draft Terms of Reference of the Committee on Food Additives and the Committee on Contaminants in Foods (para. 29, Appendix II);
- the *Draft Revised Criteria for Prioritisation Process of Compounds for Evaluation by JMPR* proposed by the Committee on Pesticide Residues (para.39, Appendix III) and the recommendations on *The Use of Analytical Results: Sampling Plans, Relationship between the Analytical Results, the Measurement Uncertainty, Recovery Factors and Provisions in Codex Standards* proposed by the Committee on Methods of Analysis and Sampling (para. 44, Appendix IV);
- the Proposed Amendments to the Rules of Procedure: Duration of the Term of Office of the Members of the Executive Committee (para. 96, Appendix VI);
- the Proposed Amendments to the Procedures for the Elaboration of Codex Standards and Related Texts and to the Guidelines on the Conduct of Meetings of Codex Committee and *Ad hoc* Intergovernmental Task Forces (para. 129, Appendix VII);
- the Proposed Amendments to the General Principles of the Codex Alimentarius (para. 136, Appendix VIII);
- recommendations concerning the adoption of Codex food safety standards as related to the use of the term “interim” (para. 148).

Other matters of interest to the Commission:

The Committee

- agreed to return the Proposed Draft Working Principles for Risk Analysis for Food Safety to Step 2/3 for redrafting and further consideration at the next session (para. 77);
- agreed to defer consideration of the Proposed Draft Revised Code of Ethics for International Trade in Foods pending advice from the Committee on Food Import and Export Inspection and Certification Systems (para. 87);
- agreed to return the document on the management of the work of the Committee on Food Hygiene to that Committee for further consideration, with a number of amendments (para. 56, Appendix V);
- agreed to consider the following questions at its next session: the proposed amendment to the terms of reference of the Coordinating Committee for Latin America and the Caribbean in the light of the views of other Coordinating Committees (para. 16); the respective roles of the Coordinators and the members of the Executive Committee elected on a geographic basis (para. 105); further amendments to the Elaboration Procedure (paras. 114 and 124); new definitions of risk analysis terms related to food safety (para. 162); and the content, structure, and presentation of the Procedural Manual (para. 176).

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INTRODUCTION

1) The Codex Committee on General Principles held its Twenty-third session in Paris, France, from 10 to 14 April 2006 at the kind invitation of the Government of the French Republic. The Session was chaired by Professor Michel Thibier, Director-General of Education and Research, Ministry for Agriculture and Fisheries. The session was attended by 210 delegates representing 68 member countries, one Member Organization (EC), one observer country, and 16 international organizations. A full list of participants, including the Secretariat, is attached as Appendix I.

OPENING

2) The session was opened by Mr François Riegert, Deputy Cabinet Director of the Ministry of Agriculture and Fisheries, who welcomed participants on behalf of the French government. Mr Riegert noted that the Codex Committee on General Principles had carried out its work for more than 40 years having regard to the two fundamental objectives of Codex, protecting consumers' health and promoting fair practices in food trade.

3) Mr. Riegert highlighted the difficulties in maintaining consumer confidence, especially when food safety crisis occurred and noted that tools such as traceability could be of great help in this task. He also noted the importance of updating Codex procedures for improving transparency and efficiency. He stressed the necessity of reviewing the Codex Code of Ethics and, through this, of promoting Codex commitment towards countries where import food control capacities were hampered by resources shortage. He recommended that the guidelines on risk analysis intended for national authorities, whose daily task consisted in implementing risk management measures, should be finalized as early as possible. Finally, Mr Riegert expressed his satisfaction with the growing participation of developing countries and wished all delegates a fruitful session.

ADOPTION OF THE AGENDA (Agenda Item 1)¹

4) The Committee adopted the Proposed Agenda as proposed in document CX/GP 06/23/1 as the Agenda for the session. The Committee took note of the declaration of division of competence between the European Community and its Member States according to Rule II.5 of the Rules of Procedure (CRD 1).

MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES (Agenda Item 2(a))²

Decisions of the 28th Session of the Commission on the Work of the Committee

5) The Committee noted the decisions of the 28th Session of the Commission as presented in the working document for information.

Matters Referred by the 28th Session of the Commission

Terms of Reference of Regional Coordinating Committees

6) The 28th session of the Commission had considered a proposal from the Coordinating Committee for Latin America and the Caribbean (CCLAC) to include in its terms of reference an additional bullet point: "To promote the adoption of regional positions on strategic subjects." The Commission had referred the proposed amendment and its possible extension to the other Coordinating Committees to the Committee on General Principles for further consideration.³

7) The Committee considered three options given in document CX/GP 06/23/2 Part I: (i) To endorse the amendment to the terms of reference of the CCLAC for adoption by the 29th Session of the Commission, in which case it would apply only to the CCLAC; (ii) To recommend to apply the same amendment to the terms of reference of all Coordinating Committees immediately; or (iii) To seek the advice of other

¹ CX/GP 06/23/1 and CRD 1 (European Community)

² CX/GP 06/23/2 Part I, CRD 2 (comments of the European Community), CRD 3 (comments of Thailand), CRD 4 (comments of Japan), CRD 6 (comments of Indonesia), CRD 7 (comments from Consumers International), CRD 8 (comments of Malaysia), CRD 12 (comments of Chile), CRD 13 (comments of the Philippines)

³ ALINORM 05/28/41, para. 130

Coordinating Committees as to whether it should be included in their own terms of reference and reconsider the whole question at the next session of the Committee in the light of their advice.

8) The Delegation of Argentina speaking as Coordinator for Latin America and the Caribbean said that for some countries of their region the regular participation at Codex Committees was not possible and through the discussion and adoption of a regional strategic position on issues of concern to the region they could make their opinion heard.

9) No major objections were expressed to the addition proposed by the CCLAC but many delegations considered that the terms of reference of all Coordinating Committees should remain harmonized. Several delegations expressed the view that the concept contained in the proposed addition was already covered by the present terms of reference. Many delegations stated that all regional Coordinating Committees should be consulted before any decision was taken on this matter.

10) The Delegation of Canada expressed the concern that the adoption of regional positions might lead to a loss in flexibility in discussions in Committees and the Commission. They also wondered whether regional positions voiced by a Coordinator should be considered as representing the opinion of all countries of the region or only those present at the session.

11) Several delegations said that it was not clear to them what was meant exactly by “strategic subjects” or by adopting “regional positions” on them. Questions were also asked as to the difference between adopting regional positions on strategic subjects and developing a strategic plan within Coordinating Committees.

12) The Delegation of Argentina clarified that the CCLAC had been working between sessions towards a strategic plan for training and exchange of information. The strategic positions would be formed on matters of interest in meetings of the CCLAC before they were discussed in the relevant Codex committees or by the Commission. The addition to the terms of reference would lead to more transparency but would have no legal implications. The proposed addition might not be as relevant for other Coordinating Committees as for the CCLAC because the degree of regional integration differed from one region to another.

13) The Delegation of Chile stated that regional coordination referred to a process while regional positions referred to an outcome of such coordination and could make the work in Codex Committees more efficient.

14) The representative of the Legal Counsel of FAO said that there were no problems of principle in having different terms of reference for different Coordinating Committees as long as they were consistent with Codex procedures. He further said that regional conferences, in FAO and WHO, had the same terms of reference and that this was desirable also for the Coordinating Committees. He also clarified that the status of the European Community in FAO and in Codex was defined by special rules and was not comparable to regional positions that might be expressed by Coordinators.

15) The Chairperson of the Commission said that in his opinion it was not clear what the effect of regional positions would be on the functioning of the Commission. He suggested giving more time to consider the matter both from the legal point of view and from the overall implications for the Commission.

16) The Committee on General Principles decided to recommend to the CCLAC to practice the adoption of regional positions as appropriate while keeping their terms of reference unchanged. The CCLAC was invited to report on their experience to the 24th Session of the CCGP. All other Coordinating Committees were invited to discuss the possible inclusion of the sentence proposed by the CCLAC into their terms of reference and its possible implications and report their views to the CCGP. The 24th Session of the CCGP would consider this matter again in the light of the feedback from all Coordinating Committees.

17) The Delegation of Morocco, speaking as Coordinator for Africa, said that for this exercise it would be helpful to have legal advice either through a document or the presence of a legal advisor at the session. The Codex Secretariat will prepare a document on the legal implications of the inclusion of the provision on strategic positions in the terms of reference of Coordinating Committees.

18) The Delegation of Chile voiced a reservation to the decision not to recommend the change of the terms of reference of the CCLAC while there was no legal impediment to do so.

19) The Delegation of Switzerland, speaking as Coordinator for Europe, voiced concern about the financial situation of the Codex programme which might lead to the cancellation of all sessions of Coordinating Committees in 2006-2007. The Committee agreed that members should encourage FAO and WHO to provide an adequate budget to Codex to allow the sessions to be maintained.

Terms of Reference of the Committee on Food Additives and the Committee on Contaminants in Food

20) The Committee recalled that the splitting of CCFAC into two separate Committees had been proposed in the report of the consultants on the review of the Codex Committee structure and that this proposal had been endorsed in principle by the 28th Session of the Commission. The Committee had before it document CX/GP 06/23/2 Part I which contained the proposal of the Secretariat for the terms of reference of the Codex Committee on Food Additives and of the Codex Committee on Contaminants in Food as well as a proposed amendment to the terms of reference of the Codex Committee on Food Hygiene.

21) One delegation proposed, in the terms of reference of the Committees on Food Additives and on Contaminants in Food, to replace the reference to toxicological evaluation with a reference to risk assessment, for consistency with the *Risk Analysis Principles Applied by the Codex Committee on Food Additives and Contaminants*. The Committee agreed to this proposal.

22) Several delegations proposed to insert a new third bullet point in the terms of reference for the Committee on Food Additives which related to assigning functional classes to individual food additives. The delegation, supported by other delegations, also proposed to add, in point (a) of the terms of reference for the Committee on Contaminants in Food, a reference to naturally occurring toxicants, since the definition for "contaminants" in the Procedural Manual was not explicitly inclusive in this regard. The Committee agreed to these proposals.

23) Other proposals put forward by delegations included: addition or deletion of the reference to guideline levels to or from the terms of reference for the Committees on Food additives or on Contaminants in Food; addition of a reference to the amendment of maximum levels; deletion of the references to animal feed from the terms of reference of the Committee on Contaminants in Food; and renaming of the Committee on Contaminants in Food. The Committee however decided not to take on board these proposals at this stage and recommended that the Committees on Food Additives and on Contaminants, once established, should be invited to review their terms of reference and propose, if appropriate and necessary, further amendments to them, taking into account these and other proposals.

24) The Committee discussed at length which Codex Committee should be responsible for issues on food irradiation. The Committees on Food Hygiene, on Food Additives and on Contaminants in Food were considered as Committees that could deal with the subject matter. The Committee noted that the interdisciplinary nature of food irradiation might require coordination between relevant Codex subsidiary bodies and should be taken into consideration if there was a need to start new work in this area in the future.

25) In reply to requests for clarification on which Committee would be responsible for addressing food contamination by radionuclides resulting from nuclear accidents, the Codex Secretariat explained that radionuclides are contaminants and that any ongoing or future work on this subject should be dealt with by the Committee on Contaminants in Food.

26) The Committee recognised that there was no ongoing work on food irradiation and the assignment of the responsibility for food irradiation to one Committee or another would not have consequences on the management of current workload of the Committees in the immediate.

27) One delegation stated that coordination mechanisms between Codex subsidiary bodies could be improved in particular regarding additive provisions in Commodity standards, and their terms of reference could be reviewed in this perspective. The Delegation of the Netherlands, speaking as the host government of the Codex Committee on Food Additives and Contaminants, stated that the matter was related to the ongoing discussion on the Preamble of the General Standard for Food Additives.

28) The Committee agreed to recommend to the 29th Session of the Commission to amend point (g) of the terms of reference of the Committee on Food Hygiene to include a reference to food irradiation. The Committee also agreed that the Commission should invite the Committees on Food Hygiene, on Food Additives and on Contaminants in Food to discuss which Committee could best address the issue of food irradiation at their session following the next session of the Commission, and report their views to the Committee on General Principles for further consideration of the matter if necessary.

29) The Committee agreed to forward to the Commission the draft terms of reference of the Committees on Food Additives and on Contaminants in Food as well as the proposed amendment to the terms of reference of the Committee on Food Hygiene for adoption (Appendix II). The Committee also agreed that the new terms of reference should be reviewed by each Committee at its first session.

Sampling Plans

30) The Committee recalled that the 28th Session of the Commission had considered a proposal to revise the *Principles for the Establishment or Selection of Sampling Procedures* in the Procedural Manual, following the adoption of the General Guidelines on Sampling, and had agreed to refer this matter to the Committee on General Principles. The Committee agreed that due to the nature of the subject it would be preferable for CCMAS to consider this issue as a first stage, and agreed to ask the Committee on Methods of Analysis and Sampling to review and if possible update the above Principles, with the understanding that any proposed amendment would be submitted to the CCGP for endorsement.

Matters Referred by Other Committees

Draft revised Criteria for Prioritization Process of Compounds for Evaluation by JMPR

31) The Committee recalled that the Committee on Pesticide Residues (CCPR) currently used criteria for the prioritization of compounds that were part of the Circular Letter distributed prior to each session to request comments on the establishment of priorities for evaluation by JMPR. The 37th Session of the CCPR finalized the Draft Criteria and forwarded them to the Committee on General Principles for endorsement and to the Commission for adoption. The Secretariat indicated that some editorial amendments had been proposed in Annex 2 of the working document in order to harmonise terminology with current Codex terminology or for clarification purposes. The Committee considered the draft Criteria section by section and made the following comments and amendments.

32) The Delegation of Brazil, supported by other delegations, proposed to insert a new criterion to the effect that in order to be considered for inclusion in the priority list, the CCPR “must take into account the identified needs of developing countries”

33) The Delegation of the United States expressed the view that, as the “General Criterion” in the Criteria for the Establishment of Work Priorities referring to the needs of developing countries applied to all Codex subsidiary bodies, there was no need to repeat general statements in the criteria applied by CCPR.

34) The Delegation of the Netherlands, speaking as host country for the CCPR, recalled that the problems of developing countries in relation to MRL setting were regularly considered in that Committee; however the establishment of MRLs for specific compounds and commodities was conditional on the submission of relevant data, including the results of supervised trials and JMPR could not carry out risk assessment in the absence of such data.

35) In section 2.1 Criteria for Selecting Food Commodities, the Delegation of Colombia pointed out that the absence of Codex MRLs for commodities produced in developing countries caused considerable trade problems as importing countries applied a zero tolerance when no specific MRL existed. In order to address this problem, the Delegation proposed to add a reference to commodities originating from developing countries, as priority should be given to the establishment of MRLs for these products. This proposal was supported by some delegations.

36) The Committee noted that as MRLs were established on the basis of the data on substances and commodities provided to a large extent by developed countries, the CCPR had been considering how to address the difficulties and needs of developing countries. The Secretariat informed the Committee that the last session of the CCPR had decided to undertake a comprehensive revision of the Classification of Foods and Feeds and that one of the issues to be addressed in the process was how to take into account the commodities of importance to developing countries; in the same perspective, the CCPR had recently established MRLs for spices.

37) The Committee noted that the proposed 50% minimum ratio for new compounds for allocating priorities to new chemicals as compared to chemicals for periodic reevaluation resulted from an evolution in the priorities for evaluation of pesticides. For many years priority had been given to the periodic reevaluation of pesticides that were already on the market and a large number of MRLs had been reevaluated in order to take into account updated scientific evidence and risk assessment methodologies. In more recent years several new compounds had appeared on the market and the CCPR had recognized that their evaluation

should be carried out as a matter of priority. The Committee had therefore agreed that the proportion of new evaluations to periodic reevaluations should be significantly increased and introduced the 50% minimum ratio for new compounds, if possible, in the criteria for the prioritization of compounds. It was also noted that the Draft Criteria placed special emphasis on the evaluation of new compounds with reduced acute and/or chronic toxicity.

38) The Committee agreed to retain the 50% minimum ratio for new compounds, if possible, and to reword paragraph 5 of section 2.1 for clarification purposes.

39) The Committee agreed to endorse the Draft Revised Criteria and to forward them for adoption to the 29th Session of the Commission, and including in the Procedural Manual after the Criteria for the Establishment of Work Priorities (see Appendix III). The Committee also agreed to draw the attention of the Committee on Pesticide Residues to the concern expressed by developing countries at the present session, regarding the need for CCPR to give priority to setting MRLs for commodities originating from developing countries.

The Use of Analytical Results: Sampling Plans, Relationship between the Analytical Results, the Measurement Uncertainty, Recovery Factors and Provisions in Codex Standards

40) The Secretariat recalled that the draft recommendations were the result of extensive discussion in the CCMAS, that they had been forwarded for advice to all commodity committees, and took into account the general guidelines addressing analytical recovery and measurement uncertainty. It was also noted that following the adoption of the Guidelines on Measurement Uncertainty in 2004, the CCMAS kept related issues under review and that the Committee on Pesticide Residues had finalised guidelines on measurement uncertainty in pesticide residue analysis for adoption by the Commission.

41) The Delegation of Thailand, referring to its written comments, expressed its concern with the difficulties related to the establishment of sampling plans, the lack of guidance concerning the allowance for measurement uncertainty and the provisions concerning recovery as related to Codex commodity standards and did not agree to the endorsement of these recommendations. The Delegation expressed the view that CCMAS should provide clear guidelines on the allowance for measurement uncertainty to facilitate its consistent application throughout Codex.

42) The Committee noted that Commodity Committees had no obligation to establish sampling plans or to specify measurement uncertainty or recovery factors, and that the recommendations were intended to provide guidance to Committees to address these issues when required.

43) The Delegation of New Zealand, as host country for the Committee on Milk and Milk Products, referred to the difficulties related to the establishment of sampling plans for milk products.

44) The Committee agreed to endorse the recommendations presented in Annex 3 of the working document for adoption by the Commission and inclusion in the Procedural Manual (see Appendix IV). The Committee also recommended that the Committee on Methods of Analysis and Sampling consider the issues related to the application of General Guidelines on Sampling and the allowance for measurement uncertainty.

MATTERS ARISING FROM THE LAST SESSION OF THE COMMITTEE ON GENERAL PRINCIPLES: MANAGEMENT OF THE WORK OF THE COMMITTEE ON FOOD HYGIENE (Agenda Item 2b)⁴

45) The Committee recalled that its last session had considered the document forwarded by the 37th Session of the Committee on Food Hygiene on the “Proposed Process by which the Codex Committee on Food Hygiene will Undertake its Work” for advice and agreed to request legal advice from the Legal Counsels of FAO and WHO on the texts proposed. The first part of the document addressed internal working procedures of the Committee while the Annex referred to the interaction between the CCFH and the expert bodies of FAO/WHO.

46) The Secretariat indicated that the amendments proposed in Annex 1 of the working document were intended to avoid repetition of general requirements that already existed in the Procedural Manual and to ensure consistency with general texts such as the Working Principles for Risk Analysis. The Secretariat also recalled that, as mentioned in the last session of the CCGP, the provisions concerning the interaction

⁴ CX/GP 06/23/2 Part II, CRD 2 (comments of the EC), CRD 7 (comments of CI), CRD 12 (comments of Chile), CRD 13 (comments of the Philippines)

between the CCFH and JEMRA might be considered in a document describing the risk analysis policies of the Committee.

47) The Delegation of the United States, referring to the views of the Chairperson of the Committee on Food Hygiene, expressed general concern that the amendments proposed might prevent the Committee from applying improved working procedures, and pointed out that many provisions were specific to the CCFH and had been included to clarify and facilitate its tasks. The Delegation also stressed the need for effective communication and interaction between CCFH and JEMRA, and between CCFH and other Codex Committees as appropriate and noted that this aspect could be addressed in a specific document at a later stage.

48) The Delegation of Austria, speaking on behalf of the Member States of the European Community present at the session, recalled that a global review was currently taking place on the structure and mandate of Codex committees and that the process might lead to operational changes regarding the work of the Committee. The Delegation also supported the amendments proposed by the Secretariat in the working document.

49) In section 4(v), the Delegation of Chile stressed the importance of ensuring adequate geographical balance and representation of developing countries in the working group on priorities.

50) The Delegation of the United States pointed out that the original text proposed to hold the working group on priorities on the day preceding the session in order to facilitate the participation of developing countries. After some discussion, the Committee agreed to retain this provision and noted that the text allowed the CCFH enough flexibility to convene the working group as required.

51) In paragraph 9, the Delegation of the United States proposed to reinsert some of the original text in order to clarify the process and the role of the working group on priorities to prepare proposals for consideration by the plenary session. The Committee agreed to retain paragraph 9 as originally drafted with some minor amendments to reflect that the Committee had the possibility to decide on a case-by-case basis how to prioritise its work at each session and to establish a working group for that purpose.

52) The Committee agreed to delete the provisions in paragraphs 12 to 14 as they were already covered by the general provisions on new work in the Procedural Manual.

53) The Delegation of Belgium pointed out that further clarification would be required as to how scientific advice could be sought from scientific bodies other than JEMRA, such as ICMSF.

Annex: Iterative Process between the Codex Committee on Food Hygiene and FAO/WHO for the Conduct of Microbiological Risk Assessment

54) Several delegations expressed the view that interaction with JEMRA was the responsibility of the Committee and should not be delegated to a Working Group, in application of the Guidelines for Physical Working Groups and the Working Principles for Risk Analysis and therefore supported the amendment proposed in the working document. The Delegation of Japan, sharing the concern expressed by the Delegation of the United States as host country of CCFH, expressed the view that the Committee should be able to delegate its responsibility to a working group, if the modalities of interaction between the Committee and expert bodies had been determined by the Committee and if transparency was ensured in the process.

55) The Committee recommended that the Committee on Food Hygiene consider the development of a document explaining its policies in the application of risk analysis, that might include interaction between the CCFH and JEMRA, for possible inclusion in the Procedural Manual.

56) The Committee agreed to return the document, as amended at the present session and presented in Appendix V, to the Committee on Food Hygiene for further consideration.

57) The Committee noted that there was no impediment for CCFH to start implementing an appropriate process for prioritization of new work proposals as far as such process was consistent with the Codex procedures in place.

**PROPOSED DRAFT WORKING PRINCIPLES FOR RISK ANALYSIS FOR FOOD SAFETY
(Agenda Item 3)⁵**

58) The Committee recalled that its last session had considered the Proposed Draft Working Principles and had not been able to reach consensus on whether to proceed with the document under consideration. The Committee had therefore agreed that a Circular Letter would invite proposals on the objective and scope of a future Codex document on Working Principles for Risk Analysis, as well as the elements that should be included therein, for consideration by a working group chaired by the United States, with Malaysia and Morocco as co-chairs.

59) The Delegation of the United States informed the Committee that the comments received showed a considerable diversity of opinions on the need for the document, as well as its scope and structure, and that a proposed outline and elements had been put forward for consideration by the Committee with the corresponding comments; however it had not been possible to develop the document further.

60) The Committee expressed its appreciation to the co-chairs and to the working group for their considerable work in the consideration of complex issues and discussed how to proceed further.

61) The Delegation of Argentina, supported by other delegations, expressed the view that the main question was whether a document on risk analysis was required and what purpose it would serve for governments. The Delegation proposed to convene a working group between the sessions in order to allow for an open discussion that would address these issues.

62) The Delegation of the EC supported the development of principles for risk analysis, especially in view of the provisions of the SPS Agreement, and noted that the Risk Analysis Manual being developed by FAO and WHO would provide useful guidance to governments, but had no legal status and could not replace Codex guidelines at the international level. This position was supported by several delegations.

63) The Delegation of India pointed out that there was no prospect of reaching consensus in the near future and that several developing countries were opposed to the development of a document on risk analysis. The Delegation noted that governments could use the adopted Working Principles and the FAO/WHO Manual at the national level and therefore proposed to discontinue work on Codex principles intended for governments.

64) The Delegation of China, supported by other delegations, proposed to ask Coordinating Committees their views on the development of principles for risk analysis. The Committee noted that some of these committees had already considered this question and expressed their views in this respect. The Chairperson noted that if all Coordinating Committees had to discuss the issue before it was considered in CCGP, this might significantly delay the process and the Committee recognized that Coordinating Committees always had the opportunity to consider this question if they so wished.

65) The Delegation of Cameroon pointed out that the nature and elements to be included in the document to be developed had already been mentioned at the 22nd Session of the CCGP and it would be appropriate to continue in this direction rather than changing the nature of the document.

66) The Delegation of New Zealand stressed that sufficient flexibility was needed to address food control situations and regulatory approaches at the national level, which included, in contrast to Codex, enforcement and monitoring components of risk management.

67) The Representative of WTO noted that if a national requirement is not based on an international standard, the member state must justify its measure by a risk assessment that takes into account the risk assessment techniques developed by Codex, OIE and IPPC in accordance with Article 5.1 of the SPS Agreement. OIE and IPPC had developed useful guidance for governments, mainly on how to assess risks to plant and animal health, and similar guidance by Codex could be useful to governments. Such guidance could include reference to the FAO/WHO Risk Analysis Manual, if appropriate.

68) The Representative of WHO referred to the extensive work carried out by FAO and WHO in the area of risk analysis and invited the Committee to develop guidance to government as a matter of priority and demonstrate firm commitment of the Commission to assist governments in addressing significant food safety issues. While referring to the entry into force, in 2007, of the International Health Regulations that would

⁵ CX/GP 06/23/2 Part II, CRD 2 (comments of the EC), CRD 3 (comments of Thailand), CRD 5 (comments of CRN), CRD 7 (comments of CI), CRD 9 (comments of Mexico), CRD 12 (comments of Chile), CRD 13 (comments of the Philippines), CRD 14 (proposed Terms of Reference for the Working Group)

cover public health emergencies related to food, the Representative stressed the importance of risk analysis in order to protect consumers' health and encouraged delegates to consider this issue in the perspective of public health.

69) The Representative of FAO stated that the dual objective of the Codex Alimentarius Commission consisted in protecting consumers' health and ensuring fair practices in the food trade. The Representative informed the Committee that the FAO/WHO Manual on Risk Analysis whose draft had been distributed prior to the session took into account the objectives of Codex and would be soon finalized. The Representative indicated that the use of the Manual had already been tested in four countries and that it would be used in further cooperation activities.

70) Several observers also stressed the importance of this work and spoke in favour of its continuation.

71) The Delegation of Cameroon proposed to establish an open working group with the possibility of appointing regional spokespersons.

72) After some discussion, the Committee agreed to convene a physical working group between the sessions, preferably in September or October 2006, and agreed that it would be chaired by Canada with Chile and Norway as co-chairs. The Committee welcomed the offer of the Delegation of the European Community to provide a meeting venue in Brussels with interpretation facilities in English, French and Spanish.

73) The Committee discussed the terms of reference of the working group and recognized that as different views were expressed on the purpose and scope of future work, an open discussion would be necessary in order to clarify all the issues raised in the written comments and the present session.

74) Some delegations expressed the view that the terms of reference should not imply that the working group would develop a document on risk analysis as the outcome of the discussion was not known. Other delegations stressed that the working group should develop concrete proposals for further consideration by the Committee and expressed their concern that the working group might result in a proposal to discontinue work. Some delegations proposed that the working group should clarify the rationale for the development of risk analysis principles intended for governments, identify the needs of members in this respect, define the scope and objectives of a future document, and develop guidance on risk assessment as a priority with the understanding that risk management and risk communication options could be developed for subsequent discussion. Other delegations proposed to develop an outline of the document and to take into account the work carried out by the electronic working group and presented in CX/GP 06/23/3. It was also proposed to take into account the principles or guidelines on risk analysis already developed in the framework of Codex. The Delegation of Costa Rica stressed the need for further analysis and reflection regarding the concept of precaution and stated that technical and economical cooperation for the practical application of these principles by developing countries was essential.

75) After some further discussion, the Committee agreed that the terms of reference of the physical working group would be as follows:

- a) To discuss and articulate the rationale for guidance to governments related to the application of risk analysis by governments, based on the discussion of the present session and previous sessions of the CCGP;
- b) To describe the output that Codex may require to respond to this rationale; and
- c) To draft, for further discussion, some simple and horizontal principles on the implementation of risk analysis by governments.

76) The Committee recalled the request of the Executive Committee to establish a timeline for the completion of work initiated prior to 2004 and agreed that its objective was adoption by the Commission by 2008.

Status of the Proposed Draft Working Principles for Risk Analysis for Food Safety

77) The Committee agreed to return the Proposed Draft Working Principles to Step 2 for further consideration at its next session taking into account the report of a physical working group chaired by Canada, with Chile and Norway as co-Chairs.

**PROPOSED DRAFT REVISED CODE OF ETHICS FOR INTERNATIONAL TRADE IN FOODS
(Agenda item 4)⁶**

78) At its 22nd Session the Committee discussed questions related to the Code of Ethics and noted that the existence of a Code of Ethics in Codex was not questioned but that there was no consensus on whether the present code should be revised or how it should be revised. The Committee agreed to ask the Committee on Food Import and Export Inspection and Certification Systems (CCFICS) to consider whether it could provide recommendations to address the question of “the subsequent export of food, whether imported or produced domestically, that had been found to be unsafe or unsuitable or otherwise did not meet the safety standards of the exporting country”, within its terms of reference, and also consider whether further guidance could be provided to remedy the problems faced by countries with insufficient capacity to conduct import food control. The Committee also agreed to suspend consideration of the Proposed Draft Code of Ethics, currently at steps 3/4 until the present session pending the reply from the CCFICS.⁷

79) The 14th Session of the CCFICS agreed to establish an electronic Working Group, led by Canada to develop a discussion paper for consideration at its 15th Session.⁸

80) At the present session the Committee was invited to consider how to proceed with the work on the Code of Ethics.

81) The Delegation of Australia, as host country to the CCFICS, proposed that the work on the Code of Ethics in the CCGP should be deferred until the next session. This would allow the CCFICS working group to finish its work and advise the CCFICS. The CCFICS would then discuss at its 15th session which parts of the work could be undertaken within the CCFICS and provide an indication as to what other elements of work could be addressed by the CCGP. Many delegations and some observers supported the proposal made by Australia.

82) Several delegations and observers stressed the importance of having a strong and effective Code of Ethics within Codex because it could protect especially developing countries that have a weak import control system from importing sub-standard produce.

83) Some observers were of the opinion that the Code of Ethics should apply to a wider spectrum of international trade of food to achieve better public health protection especially for vulnerable consumers.

84) The Delegation of Costa Rica and one observer were in favour of discontinuing work on the Code of Ethics because in their view Codex work should be based on scientific evidence and not on ethics. It was also unclear to them who would control the observance of the provisions of a Code of Ethics.

85) The Delegation of Zimbabwe, while recognizing the importance of the Code of Ethics for developing countries, recalled that at the last session many developing countries had expressed the view that control was better than trust, and that FAO and WHO should assist countries with developing efficient import control systems.

86) In reply to a question raised by one delegation, the Representative of the World Trade Organization expressed the view that it would be difficult to see how the Codex Code of Ethics could have relevance in terms of the SPS and TBT Agreements and clarified that neither the WTO Secretariat nor the SPS or TBT Committees had the right to provide legal interpretation on the status of a Codex Code of Ethics under WTO agreements including in the case of a trade dispute. The Representative stated that the SPS and TBT Agreements recognised the rights of governments to take necessary measures to control import of goods, but did not prescribe any actions that had effect outside their own territory.

Status of the Proposed Draft Revised Code of Ethics for International Trade in Food

87) The Committee decided to suspend work on the Code of Ethics, currently at Step3/4, until its next session to await the outcome of discussions in CCFICS. The Committee agreed that the current revision work should be completed by 2009.

⁶ CX/GP 06/23/4, CRD 2 (comments of European Community), CRD 7 (comments of Consumers International), CRD 12 (comments of Chile), CRD 13 (comments of the Philippines)

⁷ ALINORM 05/28/33A, paras 55-73

⁸ ALINORM 06/29/30, paras. 7-9

PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE (Agenda Item 5)**DURATION OF THE TERM OF OFFICE OF THE MEMBERS OF THE EXECUTIVE COMMITTEE (Agenda Item 5 (a))⁹**

88) The representative of the Legal Counsel of FAO introduced document CX/GP 06/23/5 Part I prepared at the request of the Committee at its 22nd Session. He recalled that the item under discussion had been first raised at the 20th Session of the Committee in the light of the decision taken in 2003 to hold annual sessions of the Commission, as well as of the pending amendment to the Rules of Procedure to include the Coordinators as members of the Executive Committee, which was adopted by the Commission at its 28th Session. The Committee agreed, at its 21st Session, to review and harmonize as far as possible the terms of office of the various categories of members of the Executive Committee, with due regard to the need to reconcile a desirable degree of continuity in the tenure of the members with the necessary flexibility to accommodate possible changes in the periodic pattern of regular sessions of the Commission.

89) At its 22nd Session, the Committee requested the Secretariat to prepare possible models for the implementation of an option where the term of office would extend to two regular sessions of the Commission, with the possibility of re-election for a second term of the same duration, but with a maximum of four years of tenure. The Commission also agreed that the model concerning the term of office of the Coordinators would be tied to the cycle of meetings of Coordinating Committees, which were usually held every two years and favored a term of office of two years with the possibility of re-appointment for another term.

90) The Committee reviewed the various options prepared by the Legal Offices of FAO and WHO in response to its request and took particular note of the fact that, in the absence of an established uniform pattern of regular sessions of the Commission, any proposed amendments were of a complex nature and their implications needed to be carefully assessed.

91) As regards the particular situation of the Chairperson and the three Vice-Chairpersons, the Committee noted that the current rule did not allow these officers to serve for more than two years in so far as the Commission met annually and that the period of two years might be too short for ensuring continuity in the strategic direction of the Commission. After some discussion, the Committee agreed to a proposal that these officers could be re-elected twice, provided however that this should not result in them serving for more than four years. Accordingly, the Committee agreed to propose an amendment to Rule III, paragraph 1, to the effect that the Chairperson and the Vice-Chairpersons shall be eligible for re-election twice, provided that by the end of their second term of office they have not served for a period of more than two years.

92) As regards the members elected on a geographic basis, the Committee agreed to the second option presented in paragraph 21 of the working document and agreed to propose an amendment to Rule V, paragraph 1, to make these members eligible for re-election if they have not served for more than two years in their current term. After having served two consecutive terms, however, they shall be ineligible to hold such office for the next succeeding term.

93) The Committee considered at some length the various proposals made regarding the Coordinators and noted that, while their term of office was tied to the cycle of meetings of Coordinating Committees, some flexibility was required when considering the duration of their term of office. In addition, the Committee noted that although, in normal circumstances, they should be nominated by the relevant Coordinating Committee, situations could arise where it might not be possible to do so, either because the Coordinating Committees could not be held or could not agree on a nomination.

94) Eventually, the Committee agreed to propose an amendment to Rule IV, paragraph 2, according to which Coordinators shall, in principle, be nominated at each session of the relevant Coordinating Committee established under Rule XI, paragraph (b) (ii), and appointed at the following regular session of the Commission and hold office from the end of this session, and might be reappointed for one further term, provided that the Commission shall make such arrangements as might be necessary in order to ensure continuity in the functions of the Coordinators.

⁹ CX/GP 06/23/5 Part I, CRD 2 (comments of the EC), CRD 7 (comments of CI), CRD 8 (comments of Malaysia), CRD 11 (comments of Iran), CRD 12 (comments of Chile), CRD 13 (comments of the Philippines)

95) After the discussions and conclusions above, the Committee was of the view that there was no need to consider options for the staged renewal of the members of the Executive Committee at this time.

Status of the Proposed Amendments to the Rules of Procedure

96) The Committee decided to forward the proposed amendments to the 29th Session of the Commission for adoption as agreed by the Committee, with the understanding that the Secretariat would make any consequential adjustments to the Rules of Procedure that might be necessary (see Appendix VI).

RESPECTIVE ROLES OF THE REGIONAL COORDINATORS AND THE MEMBERS OF THE EXECUTIVE COMMITTEE ELECTED ON A GEOGRAPHIC BASIS (Agenda Item 5 (b))¹⁰

97) The representative of the Legal Counsel of FAO introduced document CX/GP 06/23/5 Part II. He recalled that, at its 20th Session, the CCGP endorsed a proposal that a Circular Letter be sent seeking the views of the Members as to the respective roles of the Coordinators and the members elected on a geographic basis in the Executive Committee. The Coordinating Committees expressed a range of views which were referred to the Commission at its 28th Session, on the basis of which the Commission recognized that there was a need for clarification of the respective roles of the Coordinators and the members elected on a geographic basis, given the new status of the Coordinators as members of the Executive Committee.

98) In this connection, document CX/GP 06/23/5 Part II recalled that the issue was not entirely new as it had been the subject of past debate within the Committee. In 1992 the Committee had expressed the view that while elected on a geographic basis, the members of the Executive Committee, once elected, were expected to ensure that the general concerns and interests of the region were reflected in the Executive Committee decisions and not to present the views of the countries of their region, and that the Coordinators were better placed to be able to ascertain the views of the countries of their region.

99) In the document, the Legal Offices of FAO and WHO put forward two observations of a legal nature. First, the primary function of the members elected on a geographic basis within the Executive Committee should continue to be to represent the interests of the Commission as a whole, while the Coordinators were expected to represent the interest of the concerned regions or group of countries. Second, the issue was linked to that of the composition of delegations to the Executive Committee. Insofar as except for the Chairperson or Vice-Chairpersons, all other members of the Executive Committee are countries, i.e. Members, not individuals, from a legal point of view there would be no impediment to the delegations including as many individuals as designated by the Member. However, this was obviously subject to such working arrangements intended to facilitate the efficient functioning of the Executive Committee as the Commission may establish.

100) In the ensuing debate, many delegations stated that the roles of the Coordinators and the members elected on a geographic basis should be differentiated. In this regard, the Committee noted a view, consistent with the above, that the members elected on a geographic basis were expected to act within the Executive Committee in the overall interests of the Commission as a whole, while the primary role, if not the obligation, of the Coordinators was to present the opinions of their respective regions on matters under discussion within the Executive Committee. In this connection, the Committee noted a proposal that current arrangements regarding the composition of delegations to meetings of the Executive Committee should continue to apply, but the two advisers to the Members elected on a geographic basis should be nationals of countries other than the Member.

101) The Committee noted that any changes in current arrangements regarding the composition of delegations to meetings of the Executive Committee might not only have implications on the efficiency of the Committee as an executive body, but also could raise logistical problems if such changes resulted in an increased number of individuals participating in its sessions.

102) The Committee noted a range of other views. Some delegations were of the opinion that as the Coordinators had become Members of the Executive Committee, the advisers should assist the Coordinators, rather than the Members elected on a geographic basis, in order better to convey diverse views within a region. The advisors should come from countries belonging to a sub-region other than that of the member. Another delegation expressed the view that that it was for the Member elected on a geographic basis and the Coordinator to decide as to which party should be assisted by the two advisors. Some delegations expressed

¹⁰ CX/GP 06/23/5 Part II, CRD 2 (comments of the European Community), CRD 8 (comments of Malaysia), CRD 12 (comments of Chile)

the view that, in practical terms, it continued to be difficult to distinguish the status of the Members elected on a geographic basis and the Coordinators. One delegation suggested that the member elected on a geographic basis could act as a co-chair in the meetings of Coordinating Committees.

103) Other delegations referred to financial difficulties associated with the participation of advisers. The Committee noted that currently the FAO/WHO Trust Fund for Enhanced Participation in Codex did not cover attendance to the meetings of the Executive Committee but that in accordance with Rule XIII.3 of the Rules of Procedure, Coordinators and Members elected on a geographic basis could request financial support, for one individual per delegation, to attend the Executive Committee.

104) The Committee noted that while the responsibilities to host and designate the Chairperson of the concerned Coordinating Committee continued in practice to be discharged by the Coordinators, they were nevertheless deleted from the Rules of Procedure, when the Coordinators ceased to be individuals to become Members. The Committee therefore agreed to request the Secretariat to prepare an amendment to the Rules of Procedure clarifying these responsibilities of the Coordinator, for consideration at its next session.

105) In addition, the Committee agreed to re-examine the item of the respective roles of the Coordinators and the members of the Executive Committee elected on a geographic basis, at its forthcoming session. Meanwhile, the Committee invited delegations to continue to examine the issue, including as appropriate in the framework of the Coordinating Committees, so that a consensus position on the matter could be reached at its forthcoming session.

PROPOSED DRAFT AMENDMENTS TO THE PROCEDURES FOR ELABORATION OF CODEX STANDARDS AND RELATED TEXTS (Agenda Item 6(a))¹¹

106) Following a decision taken at the 22nd Session of the Committee, the Delegation of India presented a discussion paper providing the objectives and rationale for proposed changes to the Elaboration Procedure concerning the following items: (i) Reference to decisions taken by consensus in the Elaboration Procedure, including a definition of that term; (ii) Elaboration of provisions on how to take into account the situation of developing countries within the Critical Review; (iii) Scope of the Critical Review including the basis of the decision to entrust work to a Committee other than the one to which it had originally been entrusted.

107) Several delegations supported the proposals of India in general while many delegations stated that the proposals made by India provided a basis for further discussion but that more time for reflection and discussion was needed. Several comments were made by other delegations to the different items proposed.

108) Concerning item (i) many delegations supported the approach suggested by India and stated that the definition of consensus was important. Others made reference to the decision at the 21st Session of the Committee that no new work should be undertaken on a definition of “consensus”, until more experience had been gained in the application of the *Measures to Facilitate Consensus*.¹² They were of the opinion that this decision was still valid and more time was needed before revisiting the issue.

109) Concerning item (ii) several delegations were of the opinion that the need to take into account the situation of developing countries was already addressed in the provisions concerning the Critical Review.

110) Several delegations expressed the view that the proposed inclusion of an additional obligation for the Committee or member proposing new work to address the cultural and traditional practices of developing countries was not appropriate. They considered that these issues could be better addressed in bilateral trade negotiations between importers and exporters.

111) Concerning the proposed inclusion of the obligation to address the economic impact on developing countries it was mentioned that this might put an unreasonably high burden on the party proposing a new standard as this information might not be readily available.

112) Concerning item (iii) responding to the proposal to eliminate the Critical Review at Step 8 of the Elaboration Procedure, several delegations stressed that the role of the Executive Committee in managing the standard setting process should not be weakened in any way, given that its strategic management function had only recently been strengthened. Concerning the proposal to add an obligation for the Executive Committee to consult the Committee previously entrusted with a task before proposing that it be undertaken

¹¹ CX/GP 06/23/6 Part-I, CRD 2 (comment of EC), CRD 3 (comments of Thailand), CRD 7 (comments of CI), CRD 8 (comments of Malaysia), CRD 11 (comments of Iran), CRD 12 (comments of Chile)

¹² ALINORM 05/28/33, para. 10

by a different Committee, the Committee noted that this might be difficult and time consuming in case of Committees working only by Correspondence or meeting at a longer interval.

113) The Delegation of the Republic of Korea, speaking as Coordinator of Asia, supported further discussion of this matter at the next session of the Committee and proposed that the item be placed high in the provisional agenda. The Secretariat clarified that in drawing up the provisional agenda for the next session priority had to be given to the items which the Commission had already approved as new work.

114) The Committee thanked India for the preparation of the discussion paper. However the Committee considered that it was yet premature to request approval of the Commission to initiate new work on these subjects. The Committee agreed that the discussion of the issue be continued at its next session.

REVIEW OF THE PROCEDURES FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS (Agenda Item 6b)¹³

115) The Committee recalled that the 28th Session of the Commission had agreed that, following the abolition of the Acceptance Procedure, the CCGP should undertake the review of the three last sections in Elaboration Procedures, on the basis of a document to be prepared by the Secretariat.

Guide to the Consideration of Standards at Step 8 of the Procedure of the Elaboration of Codex Standards including Consideration of any Statement Relating to Economic Impact

116) The Secretariat indicated that several provisions of a general nature in the *Guide* were adequately covered in other sections of the Procedural Manual, especially the Elaboration Procedures, and therefore proposed to delete the Guide and to transfer its main provisions to other relevant sections of the Manual; alternative proposals for amendment to the *Guide* were also presented in the working document.

117) The Committee agreed to delete the current *Guide* and to transfer its relevant provisions to other sections of the Procedural Manual, as follows.

118) The Committee agreed to insert a statement concerning economic impact in the section on Step 8 in the Uniform Procedure for the Elaboration of Codex Standards and Related Texts, as a similar statement already existed in the section on Step 5.

119) The Delegation of Chile expressed the view that in the future, some clarification should be provided as to the parameters to be used to assess the economic impact of standards, including consideration of the impact caused by the lack of a standard for a specific commodity.

120) The Committee agreed to harmonize the provisions concerning Step 5, Step 5 (accelerated) and Step 8 regarding the outcome of the Critical Review, and the provisions concerning Step 5 (Accelerated) and Step 8 regarding regional standards.

121) The Committee agreed to insert additional clarification on the submission of Circular Letters requesting comments at Step 8 in the Guidelines on the Conduct of Meetings of Codex Committee and *Ad hoc* Intergovernmental Task Forces.

Guide to the Procedure for the Revision and Amendment of Codex Standards

122) The Committee agreed to correct an editorial error in paragraph 3 in order to provide the correct reference to the Introduction to the Elaboration Procedure.

Arrangements for the Amendment of Codex Standards Elaborated by Codex Committees which have Adjourned *sine die*

123) The Secretariat indicated that some amendments were proposed to the *Guide to the Procedure for the Revision and Amendment of Codex Standards* as well as the *Arrangements for the Amendment of Codex Standards Elaborated by Codex Committees which have Adjourned sine die* but drew the attention of the Committee to the possibility of merging these two sections into a single document which would address the amendment and revision of Codex standards elaborated by all subsidiary bodies, whether active or adjourned, in a more systematic manner.

¹³ CX/GP 06/23/6 Part II, CRD 2 (comments of the EC), CRD 3 (comments of Thailand), CRD 7 (comments of CI), CRD 12 (comments of Chile), CRD 13 (comments of the Philippines)

124) The Committee supported this approach and agreed that the Secretariat would prepare a draft of this combined document for consideration by the next session. The Committee noted some proposals for amendment and agreed that they would be taken into account in the revision of the documents, as follows.

125) Several delegations suggested that the terms “revision” and “amendment” be clarified in the new proposal.

126) The Delegation of Malaysia proposed to amend paragraph 1 bis) of the *Guide* to reflect that the proposals for amendment were subject to the approval of the Commission.

127) As regards the *Arrangements for the Amendment of Codex Standards*, the Delegation of the United States pointed out that changes in scientific evidence were the most important reason for the revision or amendment of a standard and therefore proposed to insert an amended paragraph g) as the first entry on the list. In paragraph 3 a), the Delegation of Malaysia proposed to reflect that changes could be proposed “at the request of members”.

128) The Committee agreed that the request from the Committee on Fresh Fruits and Vegetables and the Commission as to how to address minor amendments to Codex Standards would be addressed during the revision of these two documents at the next session of the Committee.

Status of the Revision of the Procedures for the Elaboration of Codex Standards and Related Texts

129) The Committee agreed to forward the proposed amendments mentioned above to the 29th Session of the Codex Alimentarius Commission for adoption (see Appendix VII).

REVIEW OF THE GENERAL PRINCIPLES OF THE CODEX ALIMENTARIUS (Agenda Item 7)¹⁴

130) The Committee recalled that the 28th Session of the Commission had abolished the Acceptance Procedure. This resulted also in the deletion of paragraph 4 of the section on *Codex Alimentarius: not a Substitute for, or Alternative to, Referring to National Legislation* of the *Guidelines for the Acceptance Procedure for Codex Standards*. At the Commission session, the Delegation of Australia expressed the view that this paragraph contained important principles of the Codex Alimentarius and provided guidance to member countries on how to implement or give regard to Codex standards in developing national regulations. The Commission agreed to request the Committee on General Principles to review the *General Principles of the Codex Alimentarius* to consider how the concepts reflected in the deleted sections could be integrated, taking into account the written comments made by Australia and other members.¹⁵

131) One observer stated that even though the Acceptance Procedure had been deleted Codex still needed to develop means to monitor the use of Codex Standards at the national level to assess how Codex Committees achieve their mandate.

132) The Committee reviewed each section of the General Principles and agreed to all the changes proposed in the working document for the four existing sections of the General Principles.

133) One observer mentioned that the words “to facilitate international trade” at the end of the section “Purpose of the Codex Alimentarius” should reflect the dual mandate of Codex and should be replaced with the phrase “protecting the health of consumers and ensuring fair practices in the food trade”. The Committee did not agree to this proposal, noting that making a substantive change was outside the mandate given to the Committee by the Commission.

134) The Committee agreed to insert as the new first paragraph under the section “Nature of Codex Standards”, the text to reflect the concepts in the deleted paragraph 4 from the Acceptance Procedure as follows: “Codex standards and related texts are not a substitute for, or alternative to national legislation. Every country’s laws and administrative procedures contain provisions which it is essential to comply with.”

135) The Delegations of Argentina and Chile were of the opinion that it would be more logical to include this text in the first section of the General Principles.

¹⁴ CX/GP 06/23/7, CRD 2 (comments of the EC), CRD 3 (Thailand), CRD 7 (comments of CI), CRD 8 (comments of Malaysia), CRD 12 (comments of Chile), CRD 13 (comments of the Philippines)

¹⁵ ALINORM 05/28/41, para. 34

Status of the Amendment to the General Principles of the Codex Alimentarius

136) The Committee decided to forward the proposed amendment to the General Principles to the 29th Session of the Commission for adoption. (See Appendix VIII).

CONSIDERATION OF THE TERM INTERIM AS RELATES TO THE ADOPTION OF CODEX STANDARDS AND RELATED TEXTS (Item 8)¹⁶

137) The Committee considered this item on the basis of document CX/GP 06/23/8. The document recalled that, at its 27th Session, the Commission decided to request the CCGP to clarify the interpretation of the “*adoption on an interim basis*” and noted again, at its 28th Session, that the CCGP would examine the matter. The document included a detailed overview of the context in which the issue was raised, notably in the Committee on Pesticide Residues in connection with proposals to adopt interim maximum residue levels for some compounds, and in the context of the Committee on Residues of Veterinary Drugs in Foods. The document provided also background information on past discussions of the matter at the Commission.

138) The representative of the Legal Counsel of FAO indicated that it was recognized that there could be exceptional situations where recourse to interim standards was justified. However, any standards Codex adopts were required to be science-based and rely on international risk assessment procedures recognized by the Commission. He also mentioned that the Procedural Manual did not make provision for interim standards and that, in the event that the Codex Commission should adopt interim standards, it should take a very prudent and restrictive approach to such solution. In any case, any interim standards should be established for a pre-defined period of time, at the end of which they should cease to produce any effects.

139) The representative of WHO expressed the view that interim standards might be required and that, in such case, they should be subject to strict conditions, as follows: (a) they should only be considered in exceptional situations when public health reasons require timely action and such timeliness cannot be met through standard procedures; (b) have to be based on international risk assessments and (c) must define the time frame. If, at the end of that time frame, the temporary measure is not replaced the standard would expire.

140) Several delegations expressed their concerns with the notion of interim standards, as it could be understood that they were based on insufficient data and that the international risk assessment had not been completed, and therefore supported the conclusion that the Commission, as a rule, should not establish interim standards. Some delegations also highlighted the negative implications some standards might have for developing countries and stressed that any urgent food safety issues would be preferably addressed by an acceleration in the standard setting process, using options currently available in the Elaboration Procedure.

141) Several delegations noted the importance of expediting standards development within Codex, using existing rules.

142) The Delegation of Costa Rica considered that in this matter consistency should be ensured with the result of the 38th Session of the CCPR and at the same time pointed out that term interim had to be defined and made a proposal in this respect. Finally the Delegation referred to the necessity of resolving the legal questions and the timeframe in relation to this type of standards.

143) Some delegations supported the adoption of interim standards in specific cases to address urgent food safety issues if a clear justification was provided, and proposed that the deadline for the validity of such standards might be extended if required.

144) The Committee noted that the last session of the Committee on Pesticide Residues had agreed to discontinue the Pilot Project for Estimation of National MRLs as Interim Codex MRLs for Safer Replacement Pesticides that had resulted in the adoption of interim MRLs for three pesticides at the 28th Session of the Commission, that the data for these MRLs had been evaluated by JMPR and the MRLs had been advanced through the current Procedure. The Committee on Pesticide Residues had also agreed not to develop further a new procedure whereby Proposed Draft MRLs proposed by JMPR would be forwarded to Step 5/8 as interim MRLs, but had agreed that they would be advanced to Step 5/8 as final MRLs if no intake concerns had been identified by JMPR.

¹⁶ CX/GP 06/23/8, CRD 2 (comments of the European Community), CRD 12 (comments of Chile)

145) The Delegation of the United States clarified that the interim MRLs developed by CCPR and adopted by the Commission were based on scientific risk assessment including an evaluation according to JMPR procedures.

146) The Representative of WTO recalled that under Article 5.1 of the SPS Agreement, governments must base their measures on risk assessment, or under its Article 5.7, may adopt a provisional measure if relevant scientific evidence is insufficient. Taking into account Article 3.2 of the SPS Agreement, the use of a Codex standard that was not based on an appropriate risk assessment could put governments in contradiction with their SPS obligations.

147) The Committee noted that according to paragraph 10 of the Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius, when there is evidence that a risk to human health exists, but scientific data are insufficient or incomplete, the Codex Alimentarius Commission should not proceed to elaborate a standard but should consider elaborating a related text, such as a code of practice, provided that such a text would be supported by the available scientific evidence.

148) The Committee endorsed the suggested course of action set out in paragraph 42 of the document CX/GP 06/23/8 and recommended its approval by the Commission, as follows:

- The Commission should not adopt any food safety standards at Step 8, whether they are called temporary or interim, that are not substantiated by the scientific advice of expert bodies and consultations recognized by the Commission, in accordance with the Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius.
- Where draft standards are based on international risk assessments as mentioned above, the Commission might still wish to adopt them and at the same time commit itself to revisiting the matter in the near future; in this case, the Commission should generally refrain from using the term “interim” or “temporary”, which could introduce ambiguity as to their status, including from a legal standpoint.
- The Commission should be very cautious in adopting standards having a limited lifetime; should the Commission choose to do so, then the time period for “automatic” expiration must be clearly defined, since all standards adopted by the Commission would be presumed to remain in force until they are revoked or replaced by new or revised standards adopted by the Commission.

PROPOSED NEW DEFINITIONS OF RISK ANALYSIS TERMS RELATED TO FOOD SAFETY (Agenda Item 9)¹⁷

149) The Committee recalled that its last session had considered the information provided by the Committee on Meat Hygiene concerning risk analysis definitions, and the proposals for definition of “process criterion” and “risk based” included in the Draft Code of Hygienic Practice for Meat, subsequently adopted by the Commission. The Committee had welcomed the proposal of New Zealand to prepare a discussion paper providing the background to these definitions and clarify how they might be considered for general use in the framework of Codex.

150) The Delegation of New Zealand pointed out that the term “risk based” was not used adequately and consistently throughout Codex and that there was no clear understanding of the conditions related to the establishment of “risk based” standards. The document recalled that Codex standards were based on scientific evidence and were aimed at eliminating or reducing exposure to hazards, but were not linked to actual human health outcomes, whereas “risk based” standards should be formulated on current knowledge on risks and aimed at achieving an established level of human health protection.

151) The Delegation noted that as risk based standards were outcome driven, they could allow flexibility in the process, and that this approach was applied at the national level in New Zealand. Taking into account that the elaboration of such standards required a systematic risk management process, the Delegation highlighted the relevance of the risk management framework and structured approach, as recommended by FAO/WHO and the Working Principles for Risk Analysis, especially as regards microbiological risk management. The Delegation noted that although it might be premature to consider a definition at this stage, the paper provided a starting point for the definitions of “risk based” and “risk management framework” that might be further considered by the Committee.

¹⁷ CX/GP 06/23/9, CRD 2 (comments of the EC), CRD 7 (comments of CI), CRD 12 (comments of Chile)

152) Some delegations noted that the initial purpose of the document, as agreed at the last session, was to consider definitions of “risk based” and “science based”, however only the questions related to “risk based” standards were addressed in the discussion paper, and further consideration might be given to the term “science based”. Several delegations expressed their interest in the new concepts formulated in the paper and noted that these would require careful consideration before the Committee could undertake new work in this area.

153) Some delegations expressed the view that the application of the risk management framework to develop risk based standards should not detract from the application of risk analysis as currently understood in Codex, and especially the need for a thorough risk assessment as the basis for risk management decisions. Other delegations pointed out that the approach highlighted in the document was mainly applicable to microbiological risk management.

154) Some delegations stressed the need to take into account the possible consequences at the level of WTO, of a categorization of Codex standards.

155) The Representative of WTO noted that confusion between the various terms used in the framework of risk analysis should be avoided and welcomed further discussion on the issues raised in the working document, in order to provide useful guidance to governments, and also noted that the application of risk analysis at the national level might differ according to the circumstances of the countries concerned.

156) The Representative of WHO pointed out that confusion still existed on the terms “science based” and “risk based” and supported further discussion of the proposals of New Zealand to consider these issues, and highlighted that there were significant differences in the risk analysis procedures followed for microbiological hazards, as compared to chemical hazards.

157) Some delegations pointed out that in view of the complexity of the subject, it would be useful to illustrate the background and application of “risk based” standards and to strengthen the aspects related to concrete application of the concept by governments. The Delegation of the United Kingdom, referring to its experience in this area, noted the importance of preliminary risk management activities in the development of risk based standards and agreed to collaborate with New Zealand in the development of the paper, which would include examples.

158) One delegation stressed the importance of further considering the definitions of risk assessment, risk analysis, and risk management as included in the Procedural Manual. Another delegation recommended that relevant activities and definitions by FAO and WHO expert consultations should be taken into account.

159) The Committee expressed its appreciation to the Delegation of New Zealand for this document that addressed complex issues through new concepts, and agreed that the question of risk based standards should be considered at the next session of the Committee.

160) The Delegation of New Zealand, supported by other delegations, suggested that the working group on the risk analysis principles might consider these issues as they were closely related. Some delegations however proposed to keep this issue separate as the terms of reference of the working group concerned only the development of principles for risk analysis.

161) The Committee agreed that the delegations that would participate in the working group could also hold informal consultations on the question of “risk based” standards, possibly in the form of a workshop in conjunction with the proposed working group meeting.

162) The Committee agreed that the Delegation of New Zealand would revise the discussion paper for further consideration at the next session and that, if possible, it would be made available to the participants in the working group on risk analysis.

CONSIDERATION OF THE STRUCTURE AND PRESENTATION OF THE PROCEDURAL MANUAL (Agenda Item 10)¹⁸

163) The Secretariat introduced the revised discussion paper that had been prepared following the general discussion held at the last session of the Committee on the structure and presentation of the Procedural Manual and included the update of the contents of the Manual following the amendments adopted by the 28th Session of the Commission.

¹⁸ CX/GP 06/23/10, CRD 2 (comments of the EC), CRD 8 (comments of Malaysia), CRD 12 (comments of Chile)

164) The Delegation of Brazil, supported by several delegations, expressed the view that only procedural texts of a horizontal nature should be included in the Procedural Manual and proposed to include the texts that applied to specific areas of work or committees in a second Volume or an Annex, and in particular the texts on risk analysis applying to the Committee on Food Additives and Contaminants.

165) The Delegation of Cameroon proposed that titles be given to the different sections of the Procedural Manual to facilitate reference.

166) As regards Section III of the Procedural Manual on risk analysis, the Committee recalled that the Commission had decided that the documents on risk analysis policies developed by Codex Committees should be included in the Procedural Manual as they were complementary to the *Working Principles for Risk Analysis*.

167) The Committee discussed whether definitions should be included in the Procedural Manual and if so, where, and noted the following proposals made in the discussion: retaining definitions in the Procedural Manual while publishing them as a separate text on the Codex website for ease of reference; including the definitions related to risk analysis in the *Working Principles for Risk Analysis*; publishing the definitions for methods of analysis and sampling separately; and preparing a glossary of definitions placed at the beginning of the Manual, together with the explanation for frequently used abbreviations.

168) Some delegations proposed to include an index at the end of the Manual for reference purposes. The Secretariat indicated that although technical difficulties had been encountered to produce an index, its inclusion would be considered in a future edition of the Manual. The Secretariat also informed the Committee that in view of budget constraints, paper distribution of working documents for Codex sessions had been discontinued, and that adopted standards would, in principle, be published only on the website and as a CD-ROM.

169) Several delegations supported the inclusion of criteria or procedures developed by individual committees in the Manual, preferably as a second Volume or Annex. It was however noted that the current session had endorsed for adoption by the Commission the Criteria for Prioritization applicable to the Committee on Pesticide Residues for inclusion after the general Criteria for Work Priorities, and it was agreed that the question of how to present specific criteria and procedures would require further consideration.

170) The Committee also agreed to consider further how to address the general decisions of the Commission as it was noted that only the decisions taken from 1995 onwards were currently included in the Manual.

171) The Committee welcomed the offer of the Secretariat to prepare an outline of a new, possible version of the Procedural Manual that would contain two parts or two volumes: 1) procedural texts of general application to the operation of the Commission and its subsidiary bodies; and 2) specific texts applying to an area of work or a Committee.

172) The Delegation of Cameroon proposed to group under a single entry the terms of reference of coordinating committees as long as they remained identical and noted that they all contained eight points from a) to h). The Committee noted that currently the membership provisions of the Coordinating Committee for Europe were slightly different and noted that current practice was to list each committee with its terms of reference and the list of sessions held since its establishment.

173) Some delegations proposed to retain only the terms of reference of Codex Committees and Task Forces and to delete the list of meetings that had taken place since their establishment, as it took a considerable space in the Manual and did not provide useful information. Other delegations pointed out that it provided an important reference and allowed follow up, especially in the case of Coordinating Committees. It was also proposed to include the ALINORM code of the report of each session for reference purposes.

174) The Committee supported the proposal made in the working document to delete the year of revision or amendment in the reference to Codex standards and related texts, as it had not been applied consistently to all texts and created some confusion, while noting that this information was available on the website for reference purposes. The Committee therefore agreed to ask the Commission to endorse the simplification in the presentation of all Codex standards and related texts whereby the year of revision or amendment would be deleted.

175) As regards the modalities of publication of the Manual, several delegations supported the publication in the current booklet format. The Delegation of Australia, referring to the costs of publication, proposed to limit free distribution to Codex Contact Points and to make it available on purchase in other cases. The Delegation of Cameroon stressed the important of retaining distribution of the Manual in printed form for developing countries and the Committee noted that the current practice of distribution to governments of a reasonable number of free copies would remain unchanged.

176) The Committee agreed that the Secretariat would prepare revised proposals on the content, structure and presentation of the Procedural Manual for consideration by the next session in the light of the discussions held at the present session.

OTHER BUSINESS AND FUTURE WORK (Agenda Item 11)

177) The Committee noted that, as a result of the discussions held at the current session, the agenda for the next session would include the following items:

- ◆ Respective Roles of the Regional Coordinators and the Members of the Executive Committee Elected on a Geographic Basis (Legal Counsels of FAO and WHO)
- ◆ Proposed Draft Working Principles for Risk Analysis for Food Safety (Working Group)
- ◆ Proposed Draft Revised Code of Ethics for International Trade in Foods (reply from the CCFICS)
- ◆ Review of the *Guide to the Procedure for the Revision and Amendment of Codex Standards* and the *Arrangements for the Amendment of Codex Standards Elaborated by Codex Committees which have Adjourned sine die* (Secretariat)
- ◆ Discussion paper on Proposed Amendments to the Elaboration Procedures (India)
- ◆ Discussion paper on proposed new definitions of risk analysis terms related to food safety (New Zealand)
- ◆ Structure and Presentation of the Procedural Manual

178) The Committee noted that the issue of the terms of reference of Coordinating Committees would also be considered at its next session (see para. 16)

DATE AND PLACE OF THE NEXT SESSION (Agenda Item 12)

179) The Committee was informed that its 24th Session was tentatively scheduled to be held in Paris from 16 to 20 April 2007, the final arrangements subject to confirmation by the Host Country and the Codex Secretariat.

SUMMARY STATUS OF WORK

Subject Matter	Step	Action by	Reference in ALINORM 06/29/33
Draft Terms of Reference of the Committee on Food Additives and the Committee on Contaminants in Food		Governments 29 th CAC	para. 29 Appendix II
Draft Revised Criteria for Prioritisation Process of Compounds for Evaluation by JMPR		Governments 29 th CAC	para.39 Appendix III
The Use of Analytical Results		Governments 29 th CAC	para. 44 Appendix IV
Proposed Amendments to the Rules of Procedure: Duration of the Term of Office of the Members of the Executive Committee		Governments 29 th CAC	para. 96 Appendix VI
Proposed Amendments to the Elaboration Procedures and to the Guidelines on the Conduct of Meetings		Governments 29 th CAC	para. 129 Appendix VII
Proposed Amendments to the General Principles of the Codex Alimentarius			para. 136 Appendix VIII
Clarification of the term “interim”		29 th CAC	para. 148
Proposed Draft Revised Code of Ethics for International Trade in Foods	3/4	CCFICS 24 th CCGP	para. 87
Proposed Draft Working Principles for Risk Analysis for Food Safety	2/3	Working Group 24 th CCGP	para. 77
Management of the Work of the Committee on Food Hygiene		38 th CCFH	para. 56 Appendix V
Respective roles of the Coordinators and the members of the Executive Committee elected on a geographic basis		Secretariat 24 th CCGP	para. 105
Proposed amendments to the Elaboration Procedure		Secretariat 24 th CCGP	paras. 114 and 124
New definitions of risk analysis terms related to food safety		New Zealand 24 th CCGP	para. 162
Terms of Reference of CCLAC and other Coordinating Committees		Coordinating Committees 24 th CCGP	para. 16
Consideration of the Structure and Presentation of the Procedural Manual		Secretariat 24 th CCGP	para. 176

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- (a) to establish or endorse permitted maximum levels for individual food additives;
- (b) to prepare priority lists of food additives for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives;
- (c) to assign functional classes to individual food additives;
- (d) to recommend specifications of identity and purity for food additives for adoption by the Commission;
- (e) to consider methods of analysis for the determination of additives in food; and
- (f) to consider and elaborate standards or codes for related subjects such as the labelling of food additives when sold as such.

Codex Committee on Contaminants in Foods***Terms of reference:***

- (a) to establish or endorse permitted maximum levels or guidelines levels for contaminants and for naturally occurring toxicants in food and feed;
- (b) to prepare priority lists of contaminants for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives;
- (c) to consider methods of analysis and sampling for the determination of contaminants in food and feed;
- (d) to develop standards or codes of practice for related subjects; and
- (e) to consider other matters assigned to it by the Commission in relation to contaminants in food and feed

**PROPOSED AMENDMENT TO THE TERMS OF REFERENCE OF THE COMMITTEE ON
FOOD HYGIENE**

- (a) to (f) [no change]
- (g) to consider microbiological risk management matters in relation to food hygiene, including food irradiation, and in relation to the risk assessment of FAO and WHO.

**DRAFT REVISED CRITERIA FOR PRIORITIZATION PROCESS OF COMPOUNDS FOR
EVALUATION BY JMPR****1. GENERAL CRITERIA****1.1 Criteria for Inclusion of Compounds on the Priority List**

Before a pesticide can be considered for the Priority List it:

- i must be registered for use in a member country;
- ii must be available for use as a commercial product;
- iii must not have been already accepted for consideration; and
- iv must give rise to residues in or on a food or feed commodity moving in international trade, the presence of which is (or may be) a matter of public health concern and thus create (or have the potential to create) problems in international trade.

1.2 Criteria for Selecting Food Commodities for which Codex MRLs or EMRLs Should Be Established

The commodity for which the establishment of a Codex MRL or EMRL is sought should be such that it may form a component in international trade. A higher priority will be given to commodities that represent a significant proportion of the diet.

Note:

Before proposing a pesticide/commodity for prioritization, it is recommended that governments check if the pesticide is already in the Codex system. Pesticide/commodity combinations that are already included in the Codex system or under consideration are found in a working document prepared for and used as a basis of discussion at each Session of the Codex Committee on Pesticide Residues. Consult the document of the latest session to see whether or not a given pesticide has already been considered.

2. CRITERIA FOR PRIORITISATION**2.1 New Chemicals**

When prioritizing new chemicals for evaluation by the JMPR, the Committee will consider the following criteria:

1. If the chemical has a reduced acute and/or chronic toxicity risk to humans compared with other chemicals in its classification (insecticide, fungicide, herbicide);
2. The date when the chemical was nominated for evaluation;
3. Commitment by the sponsor of the compound to provide supporting data for review with a firm date for data submission;
4. The availability of regional/national reviews and risk assessments, and coordination with other regional/national lists; and
5. Allocating priorities to new chemicals, so that at least 50% of evaluations are for new chemicals, if possible.

Note

In order to satisfy the criterion that the proposed new chemical is a “safer” or “reduced risk” replacement chemical, the nominating country is required to provide:

- i the name(s) of the chemicals for which the proposed chemical is likely to be an alternative;
- ii a comparison of the acute and chronic toxicities of the proposed chemical with other chemicals in its classification (insecticide, fungicide, herbicide);

- iii a summary of acute and chronic dietary exposure calculations encompassing the range of diets considered by CCPR; and
- iv other relevant information to support classification of the proposed chemical as a safer alternative chemical.

2.2 Periodic Re-Evaluation

When prioritizing chemicals for periodic re-evaluation by the JMPR, the Committee will consider the following criteria:

1. If the intake and/or toxicity profile indicate some level of public health concern;
2. Chemicals that have not been reviewed toxicologically for more than 15 years and/or not having a significant review of maximum residue limits for 15 years;
3. The year the chemical is listed in the list for Candidate Chemicals for Periodic Re-evaluation –Not Yet Scheduled;
4. The date that data will be submitted;
5. Whether the CCPR has been advised by a national government that the chemical has been responsible for trade disruption;
6. If there is a closely related chemical that is a candidate for periodic re-evaluation that can be evaluated concurrently; and
7. The availability of current labels arising from recent national re-evaluations.

2.3 Evaluations

When prioritizing proposed toxicological or residue evaluations by the JMPR the Committee will consider the following criteria:

1. The date the request was received;
2. Commitment by the sponsor to provide the required data for review with a firm date of submission;
3. Whether the data is submitted under the 4-year rule for evaluations; and
4. The nature of the data to be submitted, and the reason for its submission; for example, a request from CCPR.

Note:

Where a pesticide has already been evaluated by the JMPR and MRLs, EMRLs or GLs have been established, new evaluations may be initiated if one or more of the following situations arise:

- i New toxicological data becomes available to indicate a significant change in the ADI or ARfD.
- ii The JMPR may note a data deficiency in a Periodic Re-evaluation or New Chemical evaluation. In response, national governments or other interested parties may pledge to supply the information to the appropriate Joint Secretary of the JMPR with a copy for consideration by the CCPR. Following scheduling in the JMPR tentative schedule, the data should be submitted subsequently to the appropriate Joint Secretary of the JMPR.
- iii The CCPR may place a chemical under the four-year rule, in which case the government or industry should indicate support for the specific MRLs to the FAO Joint Secretary of the JMPR. Following scheduling in the JMPR tentative schedule, any data in support of maintenance of the MRL(s) would be submitted to the FAO Joint Secretary of the JMPR.
- iv A government member may seek to expand the use of an existing Codex chemical: that is, obtain MRLs for one or more new commodities where some MRLs already exist for other commodities. Such requests should be directed to the FAO Joint Secretary of the JMPR and submitted for consideration by the CCPR. Following scheduling in the JMPR tentative schedule, the data would be submitted to the FAO Joint Secretary of the JMPR.

- v A government member may seek to review a MRL due to a change in GAP. For example a new GAP may necessitate a larger MRL. In this case the request should be made to the FAO Joint Secretary with a copy for consideration by the Committee. Following scheduling in the JMPR tentative schedule, the data would be submitted to the FAO Joint Secretary of the JMPR.
- vi The CCPR may request a clarification or reconsideration of a recommendation from the JMPR. In such cases the relevant Joint Secretary will schedule the request for the next JMPR.
- vii A serious public health concern may emerge in relation to a particular pesticide for which MRLs exist. In such cases government members should notify the WHO Joint Secretary of the JMPR promptly and provide appropriate data to the WHO Joint Secretary.

THE USE OF ANALYTICAL RESULTS: SAMPLING PLANS, RELATIONSHIP BETWEEN THE ANALYTICAL RESULTS, THE MEASUREMENT UNCERTAINTY, RECOVERY FACTORS AND PROVISIONS IN CODEX STANDARDS

(To be included in the Codex Procedural Manual at the end of the sections on methods of analysis and sampling in the *Guidelines for the Inclusion of Specific Provisions in Codex Standards and Related Texts*)

ISSUES INVOLVED

There are a number of analytical and sampling considerations which prevent the uniform implementation of legislative standards. In particular, different approaches may be taken regarding sampling procedures, the use of measurement uncertainty and recovery corrections.

At present there is no official guidance on how to interpret analytical results in the framework of Codex. Significantly different decisions may be taken after analysis of the “same sample”. For example some countries use an “every-item-must-comply” sampling regime, others use an “average of a lot” regime, some deduct the measurement uncertainty associated with the result, others do not, some countries correct analytical results for recovery, others do not. This interpretation may also be affected by the number of significant figures included in any commodity specification.

It is essential that analytical results be ~~are~~ interpreted in the same way if there is to be harmonization in the framework of Codex.

It is stressed that this is not an analysis or sampling problem as such but an administrative problem which has been highlighted as the result of recent activities in the analytical sector, most notably the development of International Guidelines on the Use of Recovery Factors when Reporting Analytical Results and various Guides prepared dealing with Measurement Uncertainty.

RECOMMENDATIONS

It is recommended that when a Codex Commodity Committee discusses and agrees on a commodity specification and the analytical methods concerned, it states the following information in the Codex Standard:

1. Sampling Plans

The appropriate sampling plan, as outlined in the Guidelines for Sampling (CAC/GL 50-2004), Section 2.1.2 Guidelines on Sampling to control conformity of products with the specification. This should state:

- whether the specification applies to every item in a lot; or to the average in a lot, or the proportion non-conforming;
- the appropriate acceptable quality level to be used;
- the acceptance conditions of a lot controlled, in relation to the qualitative/quantitative characteristic determined on the sample.

2. Measurement Uncertainty

An allowance is to be made for the measurement uncertainty when deciding whether or not an analytical result falls within the specification. This requirement may not apply in situations when a direct health hazard is concerned, such as for food pathogens.

3. Recovery

Analytical results are to be expressed on a recovery corrected basis where appropriate and relevant, and when corrected it has to be so stated.

If a result has been corrected for recovery, the method by which the recovery was taken into account should be stated. The recovery rate is to be quoted wherever possible.

When laying down provisions for standards, it will be necessary to state whether the result obtained by a method used for analysis within conformity checks shall be expressed on an recovery-corrected basis or not..

4. Significant Figures

The units in which the results are to be expressed and the number of significant figures to be included in the reported result.

Management of the Work of the Codex Committee on Food Hygiene

The Proposed Process by which the Codex Committee on Food Hygiene will undertake its work

Purpose

1. The following guidelines are established to assist the CCFH to:
 - Identify, prioritize and efficiently carry out its work, and
 - Interact with [other Codex Committees, Task Forces, and] FAO/WHO and their scientific bodies as the need arises.

Scope

2. These guidelines apply to all work undertaken by the CCFH and encompass: guidelines and procedures for proposing new work; criteria and procedures for considering the priorities for proposed and existing work; procedures for implementing new work; [the approach to interaction of CCFH with other Codex Committees and/or Task Forces on items of mutual interest;] and a process by which CCFH will obtain scientific advice from FAO/WHO.

Process for Considering Proposals for New Work

3. To facilitate the process of managing the work of the Committee, CCFH ~~will~~ **may** establish an *ad hoc* Working Group for the Establishment of CCFH Work Priorities (“*ad hoc* Working Group”) at each Session, **in accordance with the Guidelines on Physical Working Groups.**

4. The Codex Committee on Food Hygiene will, normally, employ the following process for undertaking new work.
 - i. A request for proposals for new work and/or revision of an existing standard will be issued in the form of a Codex Circular Letter, **if required.**
 - ii. [~~New work and/or revision of an existing standard may be proposed by the Committee on its own initiative, by another Codex subsidiary body upon referral to CCFH or by an individual member or members.~~]
 - iii. Proposals for new work received in response to the Codex Circular Letter will be transmitted to the **Host of the** *ad hoc* Working Group **as well as the CCFH Chair** ~~by the Host~~ **government Country** and Codex Secretariats.
 - iv. The ~~Chair~~ **Host** of the *ad hoc* Working Group will collate the proposals for new work in a document that will be distributed by the Codex Secretariat to Codex members and observers for review and comment within a specified time frame.
 - v. The *ad hoc* Working Group will meet **as decided by the Committee, normally** on the day ~~before~~ **prior to** the ~~opening~~ **plenary** session of CCFH to develop recommendations for consideration by the Committee during the CCFH session. The *ad hoc* Working Group will review the proposals for new work along with comments submitted. It will verify the completeness and compliance with the prioritization criteria of the proposals for new work and make recommendations to the Committee on whether the proposals for new work should be accepted, denied, or returned for additional information.

If accepted, a recommendation will be provided on the priority of the proposal for new work compared to pre-established priorities. The priority of the proposals for new work will be established using the guidelines outlined below, taking into account the ‘Criteria for the Establishment of Work Priorities’¹. Proposals for new work of lower priority may be delayed if resources are limiting. Proposals for new work of lower priority not recommended may be reconsidered at the next CCFH session. If the *ad hoc* Working Group recommends that a

¹ Codex Procedural Manual, 15th Edition.

proposal for new work be “denied” or “returned for revision,” a justification for this recommendation will be provided.

- vi. At the CCFH session, the *ad hoc* Working Group Chair will introduce the recommendations of the *ad hoc* Working Group to the Committee. The CCFH will decide whether a proposal for new work and/or revision of an existing standard is accepted, returned for revision, or denied. If accepted, a project document², which may include amendments agreed upon by the Committee, will be prepared by the CCFH and submitted to the Codex Alimentarius Commission (CAC) with a request for approval of the proposed new work.

Proposals for New Work

~~5. As specified in the Codex Procedural Manual, work undertaken by the CCFH should fall within its Terms of Reference, should be consistent with the strategic plan and the general procedures established by the Codex Alimentarius Commission, and should meet the Codex Criteria for the Establishment of Work Priorities.~~

6. **In addition to the provisions applying to proposals for new work in the Procedural Manual**, the proposals for new work shall be in written form and consistent with, and include the specified elements of the project document required for approval of new work by the Codex Alimentarius Commission. ~~The proposals for new work will~~ **should** include a Risk Profile⁴, as appropriate. The proposals for new work should indicate the specific nature or outcome of the new work being proposed (e.g., new or revised code of hygienic practice, risk management guidance document).

7. The proposals for new work will typically address a food hygiene issue of public health significance. It should describe in as much detail as possible, the scope and impact of the issue and the extent to which it impacts on international trade.

8. The proposal for new work may also:

- address an issue that affects progress within CCFH or by other committees, **provided it is consistent with the mandate of CCFH**;
- facilitate risk analysis activities; or
- establish or revise general principles or guidance. The need to revise existing CCFH texts may be to reflect current knowledge and/or improve consistency with the *Recommended International Code of Practice: General Principles of Food Hygiene* (CAC/RCP 1-1969, Rev. 4-2003).

Prioritization of Proposals for New Work

9. The Committee will prioritize its proposals for new work at each CCFH meeting **if required**. This will be carried out by the Committee after consideration of the recommendations from the *ad hoc* Working Group. The *ad hoc* Working Group will consider the priority of proposals for new work taking into account the current workload of the Committee, ~~The recommendations will include a prioritization of proposals for new work that meet the~~ **and in accordance with the “Criteria for the Establishment of Work Priorities”** criteria specified by the CAC and if necessary, additional criteria ~~specified in a Terms of Reference the *ad hoc* Working Group~~ to be prepared by the Committee ~~to~~. If CCFH resources are limited, proposals for new work or existing work may need to be delayed in order to advance higher priority work. A higher priority should be given to proposals for new work needed to control an urgent public health problem.

~~10. The Ad hoc Working Group will also assess and provide recommendations to CCFH on the need for cross-committee interactions (see below).~~

~~11. If the proposed new work will benefit from the acquisition of additional expert scientific advice such as an international risk assessment, the need for obtaining the advice from FAO/WHO should also be considered in prioritizing work (see below).~~

² The elements of a project document are described in the Codex *Procedural Manual*, 15th Edition.

⁴ Definition of a risk profile is “the description of the food safety problem and its context” (Codex *Procedural Manual*, 14th Edition). The elements of a risk profile are provided in the Proposed Draft Principles and Guidelines for the Conduct of Microbiological Risk Management.

Process for Commencement of Proposals for New Work within CCFH

12. Upon approval of the proposal for new work and/or revision of an existing standard by the CAC, the work will be undertaken through the Codex Step Procedure as provided for in the Codex *Procedural Manual* “*Procedures for the Elaboration of Codex Standards and Related Texts*”.

13. An electronic or physical working group may be established to assist the Committee to undertake the work. Working groups established by the Committee will follow the criteria established by CAC.⁵

14. As necessary and appropriate, CCFH work will request a risk assessment or other expert scientific advice from FAO/WHO using the procedure outlined below.

Obtaining Scientific Advice

15. There are instances where progress on the work of the Committee will require an international risk assessment or other expert scientific advice. This advice will be typically be sought through FAO/WHO (e.g. through JEMRA, *ad hoc* expert consultations), though in certain instances such advice may be requested from other specialized international scientific bodies (e.g. ICMSF). When undertaking such work, the Committee should follow the structured approach given in the Codex *Principles and Guidelines for the Conduct of Microbiological Risk Management* (under development). ~~The Committee will also keep in mind~~ and the Codex *Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius*⁶.

16. In seeking an international risk assessment to be conducted by FAO/WHO (e.g., through JEMRA), CCFH should consider and seek advice on whether:

- i. Sufficient scientific knowledge and data to conduct the needed risk assessment are available or obtainable in a timely manner. (An initial evaluation of available knowledge and data will typically be provided within the Risk Profile.)
- ii. There is a reasonable expectation that a risk assessment will provide results that can assist in reaching risk management decisions related to control of the microbiological hazard without unduly delaying the adoption of the needed microbiological risk management guidance.
- iii. Risk assessments performed at the regional, national and multinational levels that can facilitate the conduct of an international risk assessment are available.

17. If the Committee decides to request that a microbiological risk assessment or other scientific advice be developed, the Committee will forward a specific request to FAO/WHO, the risk profile document, a clear statement of the purpose and scope of the work to be undertaken, any time constraints facing the Committee that could impact the work, and the case of a risk assessment, the specific risk management questions to be addressed by the risk assessors. The Committee will, as appropriate, also provide FAO/WHO with information relating to the risk assessment policy for the specific risk assessment work to be undertaken. ~~While CCFH establishes its own priorities it is recognized that any requests to FAO/WHO for scientific advice including risk assessments will be subject to FAO/WHO work prioritization criteria as agreed at the 55th session of CCEXEC.~~ FAO/WHO will evaluate the request according to their criteria and subsequently inform the Committee of its decision on whether or not to carry out such work together with a scope of work to be undertaken. If FAO/WHO respond favorably, the Committee will encourage its members to submit their relevant scientific data. If a decision is made by FAO/WHO not to perform the requested risk assessment, FAO/WHO will inform the Committee of this fact and the reasons for not undertaking the work (e.g., lack of data, lack of financial resources).

18. The Committee recognizes that an iterative process between risk managers and risk assessors is essential throughout the process described above and for the adequate undertaking of any microbiological risk assessment and the development of any microbiological risk management guidance document or other CCFH document(s). The iterative process is described in Annex I.

19. The FAO/WHO will provide the results of the microbiological risk assessment(s) to the Committee in a format and fashion to be determined jointly by the Committee and FAO/WHO. As needed, the FAO/WHO

⁵ Criteria developed for adoption by the Commission. See report of the 21st CCGP, ALINORM 05/28/33, Appendices V and VI.

⁶ Codex *Procedural Manual*, 15th edition.

will provide scientific expertise **to the Committee** ~~at Committee session or working group~~, as feasible, to provide guidance on the appropriate interpretation of the risk assessment.

20. Microbiological risk assessments carried out by FAO/WHO (JEMRA) will operate under the framework contained in the *Principles and Guidelines for the Conduct of Microbiological Risk Assessment* (CAC/RCP 020-1999).

Providing for Cross-Committee Interaction to Conduct CCFH Work

~~21. It is noted that there are already some mechanisms in place to facilitate cross-committee interactions through the regular agenda item, Matters Referred, from the CAC and other Codex Committees. It is also noted that the Codex Committee structure and mandates of Codex Committees and task forces is being subjected to external review. The outcome of this review may affect the interaction of CCFH with other Codex Committees. The need for guidance to facilitate interaction between CCFH and other committees will be further considered after the CAC responds to this external review.~~

Annex I

ITERATIVE PROCESS BETWEEN THE CODEX COMMITTEE ON FOOD HYGIENE AND FAO/WHO FOR THE CONDUCT OF MICROBIOLOGICAL RISK ASSESSMENT

[The Codex Committee on Food Hygiene recognizes that an iterative process between risk managers and risk assessors is essential for the adequate undertaking of any microbiological risk assessment and the development of any microbiological risk management guidance document or other CCFH document(s). In particular, dialogue between the Committee and FAO/WHO is desirable to thoroughly assess the feasibility of the risk assessment, to assure that risk assessment policy are clear, and to ensure that the risk management questions posed by the Committee are appropriate.] If FAO/WHO agrees that the requested risk assessment proposed in the Risk Profile is feasible and will be undertaken, a series of planned interactions between the FAO/WHO JEMRA and the Committee ~~or its Working Group established to develop the risk management guidance document~~ should be scheduled to assure effective interaction. In certain instances when the subject matter would benefit from additional interaction with other Codex Committees or other FAO/WHO risk assessment bodies, these committees should be included into the iterative process.

[It is essential that communications between these entities are timely and effective.] ~~Any intermediary (i.e., Working Group) assigned by the Committee to serve as a liaison with the FAO/WHO (JEMRA) will need to report the progress and facilitate decision making in both a timely and effective manner so that progress in the development of a risk assessment (and the CCFH work products derived from it) is not unduly delayed.~~

[The Committee ~~and/or its liaison (i.e., the Working Group)~~ is likely to receive questions from FAO/WHO or the designated risk assessment body (e.g., JEMRA) relating to the requested microbiological risk assessment(s). The questions may include those needed to clarify the scope and application of the risk assessment, the nature of the risk management control options to be considered, key assumptions to be made regarding the risk assessment, and the analytical strategy to be employed in the absence of key data needed to perform the risk assessment. Likewise, the Committee ~~and/or its liaison (i.e., the Working Group)~~ may pose questions to FAO/WHO or their designation (JEMRA) to clarify, expand, or adjust the risk assessment to better address the risk management questions posed or to develop and/or understand the risk management control options selected. Timely, appropriate responses are needed for these interactions.]

The Committee may elect to discontinue or modify work on a risk assessment if the iterative process demonstrates that: 1) completion of an adequate risk assessment is not feasible; or 2) it is not possible to provide appropriate risk management options. However, FAO/WHO may decide to continue the work if it is considered necessary to meet the needs of their member countries.

**DURATION OF THE TERM OF OFFICE OF THE MEMBERS OF THE EXECUTIVE
COMMITTEE
(PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE)**

RULE III OFFICERS

1. The Commission shall elect a Chairperson and three Vice-Chairpersons from among the representatives, alternates and advisers (hereinafter referred to as “delegates”) of the Members of the Commission; it being understood that no delegate shall be eligible without the concurrence of the head of his delegation. They shall be elected at each session and shall hold office from the end of the session at which they were elected until the end of the following regular session. The Chairperson and Vice-Chairpersons may remain in office only with the continuing endorsement of the respective Member of the Commission of which they were a delegate at the time of election. The Directors-General of FAO and WHO shall declare a position vacant when advised by the Member of the Commission that such endorsement has ceased. The Chairperson and the Vice-Chairpersons shall be eligible for re-election ~~but after having served two consecutive terms shall be ineligible to hold such office for the next succeeding term~~ **twice, provided that by the end of their second term of office they have not served for a period of more than two years.**

RULE IV COORDINATORS

2. Appointment of Coordinators shall be made exclusively on the proposal of a majority of the Members of the Commission which constitute the region or group of countries concerned. ~~Coordinators shall hold office from the end of the session of the Commission at which they were appointed until not later than the end of the third succeeding regular session, the precise term being determined by the Commission in each instance. After having served two consecutive terms, the Coordinators shall be ineligible to hold such office for the next succeeding term.~~ **In principle, they shall be nominated at each session of the relevant Coordinating Committee established under Rule XI.1(b)(ii), and appointed at the following regular session of the Commission. They shall hold office from the end of this session. Coordinators may be reappointed for a second term. The Commission shall make such arrangements as may be necessary in order to ensure continuity in the functions of the Coordinators.**

RULE V EXECUTIVE COMMITTEE

1. The Executive Committee shall consist of the Chairperson and Vice-Chairpersons of the Commission and the Coordinators appointed on the basis of Rule IV together with seven further members elected by the Commission at regular sessions from among the Members of the Commission, one each coming from the following geographic locations: Africa, Asia, Europe, Latin America and the Caribbean, Near East, North America, South West Pacific. Not more than one delegate from any one country shall be a member of the Executive Committee. Members elected on a geographic basis shall hold office from the end of the session at which they were elected until the end of the second succeeding regular session and shall be eligible for re-election **if they have not served for more than two years in their current term**, but after having served two consecutive terms shall be ineligible to hold such office for the next succeeding term.

(Secretariat to take care of possible consequential changes)

PROPOSED AMENDMENTS TO THE PROCEDURES FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS AND TO THE GUIDELINES ON THE CONDUCT OF MEETINGS OF CODEX COMMITTEES AND AD HOC INTERGOVERNMENTAL TASK FORCES

PROCEDURES FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS

PART 3. UNIFORM PROCEDURE FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS

Step 8

The draft standard is submitted through the Secretariat to the Executive Committee for critical review and to the Commission, together with any written proposals received from Members and interested international organizations for amendments at Step 8, with a view to its adoption as a Codex standard. **In taking any decision at this step, the Commission will give due consideration to the outcome of the critical review and to any comments that may be submitted by any of its Members regarding the implications which the draft standard or any provisions thereof may have for their economic interests.** In the case of Regional standards, all Members and interested international organizations may present their comments, take part in the debate and propose amendments but only the majority of Members of the region or group of countries concerned attending the session can decide to amend and adopt the draft.

PART 4. UNIFORM ACCELERATED PROCEDURE FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS

Step 5

In the case of standards identified as being subject to an accelerated elaboration procedure, the **proposed** draft standard is submitted through the Secretariat to the Executive Committee for critical review and to the Commission, together with any written proposals received from Members and interested international organizations for amendments, with a view to its adoption as a Codex standard. In taking any decision at this step, the Commission will give due consideration to **the outcome of the critical review and to any comments that may be submitted by any of its Members regarding the implications which the proposed draft standard or any provisions thereof may have for their economic interests.** **In the case of Regional standards, all Members and interested international organizations may present their comments, take part in the debate and propose amendments but only the majority of Members of the region or group of countries concerned attending the session can decide to amend and adopt the proposed draft.**

~~**GUIDE TO THE CONSIDERATION OF STANDARDS AT STEP 8 OF THE PROCEDURE FOR THE ELABORATION OF CODEX STANDARDS INCLUDING CONSIDERATION OF ANY STATEMENTS RELATING TO ECONOMIC IMPACT**~~

~~1.—In order:~~

- ~~(a) to ensure that the work of the Codex committee concerned is not made less valuable by the passage of an insufficiently considered amendment in the Commission;~~
- ~~(b) at the same time to provide scope for significant amendments to be raised and considered in the Commission;~~
- ~~(c) to prevent, as far as practicable, lengthy discussion in the Commission on points that have been thoroughly argued in the Codex committee concerned;~~
- ~~(d) to ensure, as far as practicable, that delegations are given sufficient warning of amendments so that they may brief themselves adequately;~~

~~amendments to Codex standards at Step 8 should, as far as practicable, be submitted in writing, although amendments proposed in the Commission would not be excluded entirely, and the following procedure should be employed:~~

~~2. When Codex standards are distributed to Member Countries prior to their consideration by the Commission at Step 8, the Secretariat will indicate the date by which proposed amendments must be received; this date will be fixed so as to allow sufficient time for such amendments to be in the hands of governments not less than one month before the session of the Commission.~~

~~3. Governments should submit amendments in writing by the date indicated and should state that they had been previously submitted to the appropriate Codex committee with details of the submission of the amendment or should give the reason why the amendment had not been proposed earlier, as the case may be.~~

~~4. When amendments are proposed during a session of the Commission, without prior notice, to a standard which is at Step 8, the Chairperson of the Commission, after consultation with the chairperson of the appropriate committee, or, if the chairperson is not present, with the delegate of the chairing country, or, in the case of subsidiary bodies which do not have a chairing country, with other appropriate persons, shall rule whether such amendments are substantive.~~

~~5. If an amendment ruled as substantive is agreed to by the Commission, it shall be referred to the appropriate Codex committee for its comments and, until such comments have been received and considered by the Commission, the standard shall not be advanced beyond Step 8 of the Procedure.~~

~~6. It will be open to any Member of the Commission to draw to the attention of the Commission any matter concerning the possible implications of a draft standard for its economic interests, including any such matter which has not, in that Member's opinion, been satisfactorily resolved at an earlier step in the Procedure for the Elaboration of Codex Standards. All the information pertaining to the matter, including the outcome of any previous consideration by the Commission or a subsidiary body thereof should be presented in writing to the Commission, together with any draft amendments to the standard which would, in the opinion of the country concerned, take into account the economic implications. In considering statements concerning economic implications the Commission should have due regard to the purposes of the Codex Alimentarius concerning the protection of the health of consumers and the ensuring of fair practices in the food trade, as set forth in the General Principles of the Codex Alimentarius, as well as the economic interests of the Member concerned. It will be open to the Commission to take any appropriate action including referring the matter to the appropriate Codex committee for its comments.~~

GUIDE TO THE PROCEDURE FOR THE REVISION AND AMENDMENT OF CODEX STANDARDS

3. The procedure for amending or revising a Codex standard ~~is would be as laid down in paragraphs 8 5 and 6 of the Introduction to the Procedure for the Elaboration of Codex Standards~~ **and Related Texts.**

GUIDELINES ON THE CONDUCT OF MEETINGS OF CODEX COMMITTEES AND AD HOC INTERGOVERNMENTAL TASK FORCES

REPORTS

[...]

The Joint FAO/WHO Secretariat should ensure that, as soon as possible and in any event not later than one month after the end of the session, copies of the final report, as adopted in the languages of the Committee, are sent to all **members and observers of the Commission** ~~participants, and all Codex Contact Points.~~

Circular Letters should be attached to the report, as required, requesting comments on Proposed Draft or Draft Standards or Related Texts at Step 5, 8 or Step 5 (Accelerated), with the indication of the date by which comments or proposed amendments must be received in writing, so as to allow such comments to be considered by the Commission.

PROPOSED AMENDMENTS TO THE GENERAL PRINCIPLES OF THE CODEX ALIMENTARIUS

Purpose of the Codex Alimentarius

1. The Codex Alimentarius is a collection of internationally adopted food standards and related texts presented in a uniform manner. These food standards and related texts aim at protecting consumers' health and ensuring fair practices in the food trade. ~~The Codex Alimentarius also includes provisions of an advisory nature in the form of codes of practice, guidelines and other recommended measures intended to assist in achieving the purposes of the Codex Alimentarius.~~ The publication of the Codex Alimentarius is intended to guide and promote the elaboration and establishment of definitions and requirements for foods to assist in their harmonization and in doing so to facilitate international trade.

Scope of the Codex Alimentarius

2. The Codex Alimentarius includes standards for all the principal foods, whether processed, semi-processed or raw, for distribution to the consumer. Materials for further processing into foods should be included to the extent necessary to achieve the purposes of the Codex Alimentarius as defined. The Codex Alimentarius includes provisions in respect of food hygiene, food additives, ~~pesticide~~ residues of pesticides and veterinary drugs, contaminants, labelling and presentation, methods of analysis and sampling, and import and export inspection and certification. ~~It also includes provisions of an advisory nature in the form of codes of practice, guidelines and other recommended measures.~~

Nature of Codex Standards

3. Codex standards and related texts are not a substitute for, or alternative to national legislation. Every country's laws and administrative procedures contain provisions with which it is essential to comply.

43. Codex standards and related texts contain requirements for food aimed at ensuring for the consumer a safe sound, wholesome food product free from adulteration, correctly labelled and presented. A Codex standard for any food or foods should be drawn up in accordance with the Format for Codex Commodity Standards and contain, as appropriate, the sections ~~criteria~~ listed therein.

Revision of Codex Standards

54. The Codex Alimentarius Commission and its subsidiary bodies are committed to revision as necessary of Codex standards and related texts to ensure that they are consistent with and reflect current scientific knowledge and other relevant information. When required, a standard or related text shall be revised or removed in accordance with the Procedures for the Elaboration of Codex Standards and Related Texts ~~using the same procedures as followed for the elaboration of a new standard~~. Each member of the Codex Alimentarius Commission is responsible for identifying, and presenting to the appropriate committee, any new scientific and other relevant information which may warrant revision of any existing Codex standards or related texts.