

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 6

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REGIONAL STANDARDS – CHALLENGES WITH APPLICATION OF THE CRITERIA FOR REGIONAL STANDARDS IN THE CONTEXT OF CURRENT REGIONAL NEEDS

(Prepared by the Codex Secretariat)

1. INTRODUCTION

1.1 One of the Terms of Reference for the FAO/WHO Coordinating Committees (RCCs) is: “Develops regional standards for food products moving exclusively or almost exclusively in intraregional trade¹”.

1.2 Different RCCs do this to different degrees:

- In recent years, the Coordinating Committees for Europe (CCEURO) and for Latin America and the Caribbean (CCLAC)² have not been developing regional standards, rather their focus has been on discussion on and engagement in the development of international standards from the perspective of their region.
- The first regional standard developed by the Coordinating Committee for North America and Southwest Pacific (CCNASWP) was adopted in 2020³.
- The Coordinating Committees for Africa (CCAFRICA), Asia (CCASIA) and the Near East (CCNE) have been active in the development of regional standards, and either have just completed work on regional standards or have ongoing standards setting work on their agendas.

1.3 Discussions in the last sessions of both CCASIA and CCAFRICA on new work proposals for regional standards highlighted some of the challenges RCCs face when considering such proposals for new regional standards which include:

- determining whether they meet the criteria for a regional standard (e.g. predominantly traded within the region);
- whether due to their nature, they should rather be developed in a global committee; and
- defining their scope.

1.4 CCASIA²², noting the concerns raised by some Members, as well as the desire to develop regional standards for increasingly popular processed products, agreed to seek guidance from CCEXEC on⁴:

- how to address new work proposals, for processed (and often ready-to-eat) products mainly produced in the region and traded globally for which no appropriate active commodity committee exists; and
- whether there is a need to develop standards for such processed products individually or take a more horizontal or group approach considering the rapid developments in food processing technologies.

1.5 Another aspect to be considered is whether there is a need to develop standards for these products at all, particularly if there aren't sufficiently significant issues related to fair practices in the food trade and their safety can be adequately addressed by Codex general standards.

¹ Procedural Manual, section 5

² CAC45 did not approve the proposal for new work on developing a worldwide standard for *Castilla lulo* due to the limited volume of international trade, however CAC45 approved new work on developing a regional standard on *Castilla lulo* under CCLAC. REP20/CAC, paragraph 63

³ REP20/CAC, paragraph 50

⁴ REP23/ASIA, paragraph 115

1.6 This document aims to elaborate on some of the challenges faced by the RCCs when it comes to proposing and developing regional standards in order to provide CCEXEC with a basis for providing the advice requested and to discuss how to implement its task in line with the Codex Procedural Manual (PM) which states: “In case there is substantial production and trade of a regional commodity in countries outside the region, the Executive Committee should recommend to the concerned commodity committee to consider elaborating a global standard taking into account its work program.”

2 CODEX TEXTS DEVELOPED BY COORDINATING COMMITTEES – THE DILEMMA OF REGIONAL OR INTERNATIONAL

2.1 The Codex texts developed by RCCs tend to be predominantly commodity standards (See Annex 1).

2.2 Other texts include guidelines for street vended foods (CCAFRICA, CCASIA, CCLAC, and CCNE) and the recent *Guidelines for Developing Harmonized Food Safety Legislation for the CCAFRICA Region*. Guidance for Codex contact points and national Codex committees was developed by CCAFRICA, CCASIA and CCNE.

2.3 The criteria for establishment of Codex work priorities and in particular their guidelines for implementation⁵ make particular reference to the Term of Reference of Coordinating Committees⁶, which states “Develops regional standards for food products moving exclusively or almost exclusively in intraregional trade”, highlighting that the Coordinating Committee should provide well-documented and objective evidence that there is significant intraregional trade, and that there is no significant trade between or within other regions.

2.4 Coordinating Committees are noting that in the current international trade environment, even if a commodity is predominantly produced in one region, in many cases it is traded globally as shown in the following items:

- New work proposal for cooked rice in CCASIA²²⁷.
- In initial discussions of the recently adopted *Regional standard for dried meat* (CCAFRICA), Members outside the region expressed their concern on the advancement of the text as a regional standard, as dried meat products were traded internationally. They also expressed their strong interest in contributing to the work led by CCAFRICA to facilitate possible subsequent conversion to an international standard⁸.
- Discussions on new work on a regional standard for quick frozen dumpling proposed by CCASIA²¹ (2019). CCEXEC noted in the critical review that products of the same definition were produced and traded outside the Asian region⁹ and recommended to CCASIA that products to be covered should be specific to and predominantly traded in the region. CAC43 approved the new work proposal noting that as recommended by CCEXEC⁷⁹, products to be covered should be specific to and predominantly traded in the region.

2.5 Even though the issue was noted and discussed both in the relevant RCC and in CCEXEC, the new work was finally agreed in all cases.

2.6 The global trade in regional products has also then been provided as a justification for “conversion” of regional standards to international standards considered as part of the critical review by CCEXEC (Gochujang and chilli sauce¹⁰; ginseng products¹¹). In this context, it should be noted that “conversion” of regional standards in accordance with the Codex procedure follows the same process as the development of a new standard (Project document, 5 or 8-step procedure).

2.7 In summary, the dilemma is that given the global nature of food trade there are today few situations in which a product is traded (almost) exclusively intraregionally. At the same time, with the concentration

⁵ Procedural Manual, Section 2, Part 7

⁶ Procedural Manual Section 5

⁷ ASIA22/CRD5

⁸ REP20/CAC, para 38 - 43

⁹ REP20/EXEC2 para 20-22.

¹⁰ CX/EXEC 17/73/2 Add.2 App 1

¹¹ REP13/PFV

of Codex work on general/horizontal and food safety issues there often is no obvious (active) committee to undertake standards development work on many of these products, often processed in nature.

3. HOW DOES CODEX EVALUATE THE NEED FOR A NEW STANDARD? WHAT ARE THE ALTERNATIVES TO DEVELOPING A STANDARD?

3.1 Codex Procedures

3.1.1 Within the PM there are criteria for establishment of work priorities as well as guidelines for the application of these criteria. Application of these criteria in principle should enable a clear decision on any work proposal. It is also within the purview of the Commission to determine where agreed new work can be undertaken.¹² The PM also notes that the critical review includes “identifying the standard setting needs of developing countries” which can add some more complexity when applying the criteria. Thus, despite the available procedures, there are challenges facing committees as outlined above which Members seek to address, noting Codex is a Member driven organization.

3.2 Are the criteria for establishment of Codex work priorities adequate for processed foods and are they fully applied?

3.2.1 Thorough assessment against the criteria for work priorities helps to ensure that the work is needed. This requires a well-presented discussion paper and project document.

3.2.2 The issues that arise from the lack of such a standard e.g. diversification of national legislation and resulting impediments to international need to be clearly identified.

3.2.3 CCEXEC83¹³ has requested the Codex Secretariat to collate all the information related to new work proposals so such a guidance may assist in providing well developed work proposals in the future.

3.2.4 Amenability to standardization is an important consideration for processed foods. This needs to consider quality factors essential to the definition of the product and characteristics of the commodity. This might be challenging with multi-ingredient products.

3.3 Can the issue be solved through appropriate application of existing horizontal standards and guidance? Is there appropriate consideration of this fact when proposing the development of new standards?

3.3.1 There are many aspects relevant to a product that are already addressed through horizontal standards/guidelines/codes of practice or an existing commodity standard.

3.3.2 Many food safety aspects in commodity standards are addressed by cross-referencing the relevant horizontal Codex texts e.g. the *General Principles on Food hygiene* (CXC1-1969) and the *General Standard for Contaminants and Toxins in Food and Feed* (CXS 193-1995). As these texts are relevant to all foods, a commodity standard is not necessary to ensure such standards are applied to that specific commodity. In case of a processed commodity, a standard for the raw commodity might already exist which might also provide sufficient information on other aspects.

3.3.3 The use of food additives may need to be addressed for a specific processed product. This could be dealt with in the *General Standard for Food Additives* (GSFA, CXS192-1995) rather than in a new commodity standard. The work on defining which food additives are technologically justified could be done within the RCC which would then hand over to the Codex Committee on Food Additives (CCFA) for inclusion in the GSFA. CCFA is actively addressing the issue on preventing divergence between food additive provisions in the GSFA and commodity standards. As part of this effort, CCFA is exploring various measures, including a potential revision in the PM.

3.3.4 While proposals for new work request information on the existence of other relevant standards, there is rarely an in-depth consideration of how these texts would actually apply the product for which the new standard is being proposed. As they are often simply listed, a first step may be to prepare a document of the applicability of existing Codex texts to the specific product of interest. This would:

- Facilitate use of Codex texts by showcasing how they can be applied to a specific product.
- Serve as a gap analysis to highlight what really is missing from the Codex Alimentarius when it comes to this product and where to optimally target standards development. For example, it

¹² Procedural Manual, Section 2, part 7

¹³ REP22/EXEC2, paragraph 18iii

may be that standardization is needed in relation to additives or even the process by which it is produced, and safety is ensured rather than the commodity itself.

3.4 Example: CCAFRICA – Smoked Fish

The last session of CCAFRICA considered a proposal for a standard for a specific type of smoked fish produced in the region. While the Committee agreed that further work was needed on the issue, given that Codex already has a standard for smoked fish, this is an example where this approach might be useful and efficient in providing Members with the guidance needed to avoid embarking upon development of a new standard that may not be needed.

3.5 Is the current format for commodity standards appropriate for processed foods?

3.5.1 There are challenges to applying the format for commodity standards to some processed foods. For example, it is often not clear what the quality criteria are. The relevant Methods of Analysis to these quality criteria are difficult to define. This means that there may be gaps in the standard reducing the quality of the standard and by consequence the quality of the Codex Alimentarius. The safety provisions for the most part are simply cross references the General subject or horizontal Codex texts. This highlights the need to think carefully about what standards are needed.

3.6 Complexity of definition of product

3.6.1 All commodity standards require a definition of the product. The more ingredients a product is composed of, the more difficult it can be to develop such a definition which often turns out to be high-level and general. For example, CCASIA22 in discussing a proposal for new work on development of a regional standard for traditional sweets, identified the need for more specificity in what the standard would cover¹⁴. The more general a definition, the more challenging it is to define other aspects of the standard.

3.6.2 The application of labelling requirements, for example as stated in the *General Standard for the labelling of pre-packaged foods* (CXS1-1985) that “the name shall indicate the true nature of the food and normally be specific” may be sufficient and not necessitate development of a standard.

3.6.3 If one of the key aims of such standards is to have an internationally agreed definition of the product, this may not require a commodity standard. For example, the *General Standard for the Use of Dairy Terms* (CXS206-1999) defines various products for which Codex has not developed a commodity standard (including “milk”).

3.6.4 This approach could be taken for processed foods. The general standard could be updated as new processed foods are defined. This could also be relevant in the context of work on new food sources.

3.7 What if after all that it is clear, a standard is still needed?

3.7.1 If after consideration of the above questions and taking into consideration the general principle of Codex since its very first session that “recipe” standards should be avoided¹⁵, it becomes clear that the only way forward is the development of a commodity standard then the question remains as to where that standard should be developed.

3.7.2 Clearly if a commodity is traded globally, it should be developed as an international standard rather than a regional standard. While there is provision for conversion of a regional standard to an international standard¹⁶, the fact that a product does not meet the definition for a regional standard means that this is not the optimal route.

3.7.3 Often there is not enough expertise within one region to develop such standards and reports of regional electronic working groups have highlighted low levels of active participation in their work¹⁷.

3.7.4 With an already heavy schedule, adding yet another committee to that may not be ideal, but the options to be considered could include expanding the terms of reference of an existing committee, creating a task force that could address such issues when an appropriate workload has been defined,

¹⁴ REP23/ASIA paragraph 98

¹⁵ Report of the first session of the Joint FAO/WHO codex Alimentarius Commission, para 15

¹⁶ Procedural Manual Section 2, part 6

¹⁷ CX/AFRICA 19/23/14; CX/ASIA 22/22/7

or creating a working group of the Commission to address issues on an ad hoc basis. While virtual technology and procedures for working by correspondence could reduce costs with such an approach, this is likely to be a last resort scenario only when all other options are exhausted.

3.7.5 An additional option is contained in the report of CAC14 (1981), para 529: "In connection with the question as to whether a regional body could elaborate worldwide standards, the Commission was informed that this was possible under the Rules, as the Procedure for the Elaboration of Worldwide standards would apply giving all participating countries equal status including voting rights should this prove necessary."

4. NEXT STEPS

4.1 The question raised by CCASIA has highlighted a potential need among Codex Members for particular types of standards where there appear to be challenges in defining the nature of the standard and for which currently there is not an immediately obvious mechanism to address.

4.2 Section 3 considers just some of the questions that come to the mind of the Codex Secretariat when considering this issue. There are likely others. While remaining within our current procedures there is a need to give further thought to how we provide guidance on, assess and address such new work proposals. This also relates to the conclusion of CCEXEC83 regarding the need to bring together all the guidance related to new work proposals.

4.3 The development of a new commodity standard may not always be necessary to address the standard setting needs of Members, however, the only alternative is not necessarily that the new work is not approved, but rather the real need should be carefully defined to see what kinds of Codex standards are applicable, and where appropriate guidance on the application of existing Codex Standards to a specific commodity could be commissioned.

4.4 Section 3 presents some reflections for consideration when it comes to advising on how to deal with new work proposals which cover processed (and often ready-to-eat) products mainly produced in the region and traded globally. However, this should be expanded with inputs from CCEXEC and in particular the Regional Coordinators so that comprehensive consideration can be given to the issue.

5. RECOMMENDATIONS

CCEXEC84 is invited to:

- consider the information presented in this working document;
- identify other aspects relevant to this issue which could be further explored in advance of CCEXEC85;
- seek specific feedback from regional coordinators on any other issues related to the development of regional standards;
- request the Codex Secretariat to update the working document in line with the discussions; and
- include the item on the agenda of CCEXEC85 for conclusion and final advice back to CCASIA and other coordinating Committees as appropriate.

Annex 1

Overview of Regional Standards

This includes existing regional standards, regional standards under development and standards that are now international standards but were originally developed as regional standards (shaded rows)

Region	Standard	Status
Africa	<i>Regional Guidelines for the Design of Control Measures for Street-Vended Foods (Africa)</i> (CXG 22R-1997)	Adopted 1997, Revised 1999
Africa	<i>Regional Guidelines for Codex Contact Points and National Codex Committees (Africa)</i> (CXG 43R-2003)	Adopted 2003
Africa	<i>Guidelines for Developing Harmonized Food Safety Legislation for the CCAFRICA Region</i> (CXG 98 – 2022)	Adopted 2022
Africa	<i>Regional Standard for Unrefined Shea Butter</i> (XCS 325R – 2017)	Adopted 2017, Amended 2020
Africa	<i>Regional Standard for fermented cooked cassava-based products</i> (XCS 334R-2020)	Adopted 2020
Africa	<i>Regional Standard for fresh leaves of Gnetum spp.</i> (XCS 335 R – 2020)	Adopted 2020
Africa	<i>Regional Standard for dried meat</i> (XCS 350R-2022)	Adopted 2022
Asia	<i>Regional Code of Hygienic Practice for Street-Vended Foods in Asia</i> (CXC 76R-2017)	Adopted 2017
Asia	<i>Regional Guidelines for Codex Contact Points and National Codex Committees (Asia)</i> (CXG 57R – 1999)	Adopted 1999
Asia	Regional Standard for Gochujang (XCS 294R-2009)	Adopted 2009 Currently under conversion to an international standard – adopted by CAC43 and will be published as an international standard in 2023 as endorsements have just been completed
Asia	<i>Regional Standard for Fermented Soybean Paste (Asia)</i> (XCS 298R – 2009)	Adopted 2009 Amended in 2012, 2013, 2020
Asia	<i>Regional Standard for Edible Sago Flour (Asia)</i> (XCS 301R-2011)	Adopted 2011
Asia	Regional Standard for Chilli Sauce (XCS 306R – 2011)	Adopted 2011 Amended 2013, 2017, 2020 Currently under conversion to an international standard – adopted by CAC43 and will be published as an international standard in 2023 as endorsements have just been completed
Asia	<i>Regional Standard for Tempe</i> (XCS 313R-2013)	Adopted 2013, Amended 2015, 2017
Asia	<i>Regional Standard for Non-Fermented Soybean Products</i>	Adopted 2015, Amended in 2016, 2017

	(CXS 322R – 2015)	
Asia	<i>Regional Standard for Laver Products</i> (CXS 323R-2017)	Adopted 2017
Asia	<i>Standard for Kimchi</i> (CXS 223 – 2001)	Developed and adopted initially as a regional standard but subsequently adopted as an international standard in 2001. Amended in 2017
Asia	<i>Standard for Ginseng Products</i> (CXS 321-2015)	Developed and adopted initially as a regional standard but subsequently adopted as an international standard in 2015
Asia	<i>Regional standard for soybean products fermented with Bacillus species</i>	Step 5/8 – Proposed for adoption by CAC46
Asia	<i>Proposed draft regional standard for cooked rice wrapped in plant leaves</i>	Step 5/8 – Proposed for adoption by CAC46
Asia	<i>Proposed draft regional standard for quick frozen dumpling</i>	Step 5 – Proposed for adoption by CAC46
Europe	<i>Regional Standard for Chanterelles</i> (CXS 40R-1981)	Adopted 1981, Revised 2012. 2022
Europe	<i>Standard for honey</i> (CXS 12-1981)	Developed and adopted initially as a regional standard but adopted as an international standard in 1981, Revised in 1987, 2001. Amended in 2019.
Europe	<i>Standard for Natural Mineral Waters</i> (CXS 108-1981)	Developed and adopted initially as a regional standard in 1981. Revised and adopted as an international in 1997. Revised 2008. Amended in 2001, 2011, 2019
Latin America and the Caribbean	<i>Regional Code of Hygienic Practice for the Preparation and Sale of Street Foods</i> (Latin America and the Caribbean) (CXC 43-1995)	Adopted 1995 Revised 2001
Latin America and the Caribbean	<i>Regional Standard for Culantro Coyote</i> (LAC) (CXS 304R – 2011)	Adopted 2011
Latin America and the Caribbean	<i>Regional Standard for Lucuma</i> (CXS 305R-2011)	Adopted 2011
Latin America and the Caribbean	<i>Regional Standard for Yacon</i> (CXS 324R-2017)	Adopted 2017
Latin America and the Caribbean	Development of a regional Standard for <i>Castilla lulo</i>	Approved as new work by CAC45
Near East	<i>Regional Code of Practice for Street-vended Foods</i> (Near East) (CXC 71R-2013)	Adopted 2013
Near East	<i>Regional Guidelines for Codex Contact Points and National Codex Committees</i> (Near East) (CXG 58R – 2005)	Adopted 2005
Near East	<i>Regional Standard for Canned Humus with Tehena</i> (CXS 257R-2007)	Adopted 2007

Near East	<i>Regional Standard for Canned Foul Medames</i> (CXS 258R – 2007)	Adopted 2007
Near East	<i>Regional Standard for Tehena</i> (CXS 259R-2007)	Adopted 2007
Near East	<i>Regional Standard for Harissa (Red Hot Pepper Paste)</i> (CXS 308R – 2011)	Adopted 2011.
Near East	<i>Regional Standard for Halwa Tehenia</i> (CXS 309R – 2011)	Adopted 2011
Near East	<i>Regional Standard for Date Paste (Near East)</i> (CXS 314R – 2013)	Adopted 2013
Near East	<i>Regional Standard for Doogh</i> (CXS 322R – 2018)	Adopted in 2018
Near East	<i>Regional Standard for mixed zaatar</i> (CXS 341R – 2020)	Adopted in 2020
North America and South West Pacific	<i>Regional Standard for kava products for use as a beverage when mixed with water</i> (CXS 336R-2020)	Adopted 2020
North America and South West Pacific	Regional Standard for Fermented Noni Fruit Juice	Step 8 – Proposed for adoption by CAC46