

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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ALINORM 78/4

CODEX ALIMENTARIUS COMMISSION

Twelfth Session

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REPORT OF THE TWENTY-FOURTH SESSION OF THE EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

INTRODUCTION

1. The Executive Committee held its Twenty-Fourth Session at FAO Headquarters, Rome, from 13 to 14 April 1978. The Executive Committee was presided over by the Chairman of the Codex Alimentarius Commission, Prof. Dr. E. Matthey (Switzerland) and in the presence of the three Vice-chairmen, Prof. Dr. D. Eckert (Federal Republic of Germany), Mr. W.C.K. Hammer (Australia) and Dr. T. N'Doye (Senegal). The following representatives from the geographic locations mentioned were present: for Africa, Mr. J.C. Obel from Kenya; for Asia, Ms. Boonlom Teovayanonda from Thailand; for Europe, Mr. A. Burger from Czechoslovakia; for Latin America, Mr. B. de Azevedo Brito ¹ from Brazil; for North America, Mr. E. Kimbrell from the United States of America; for the South-West Pacific, Mr. B.R. Mason from New Zealand. The Coordinator for Europe, Professor Dr. Woidich (Austria), the Coordinator for Latin America, Dr. E.R. Méndez (Mexico) and Dr. L. Twum-Danso from Ghana (who chaired the last session of the Coordinating Committee for Africa and was acting on behalf of the Coordinator) were also present.

¹ In his absence he was represented by Mr. M. Gomes-Pereira.

Adoption of Agenda

2. The Executive Committee adopted the provisional agenda with one slight modification. It was agreed that item 4 "Consideration of how to stimulate greater participation by developing countries in the work of the Commission and of subsidiary bodies of the Commission of interest to them" should be taken in conjunction with item 3 "Review of the direction of the work of the Commission" since the working paper on this latter item (ALINORM 78/8) contained a section on more effective participation by developing countries in the work of the Commission and its subsidiary bodies and put forward some suggestions in this regard.

3. The Executive Committee agreed that the following items, which had been referred to it for attention, should be placed on the agenda of its mid-term (25th) session:

- (i) Suggestion of the Codex Committee on Food Hygiene that the hygiene provisions in the UNECE Agreement on Special Equipment for the Transport of Perishable Foodstuffs be considered by the Codex Committee on Food Hygiene (ALINORM 78/13A, paras 94-97).

- (ii) Request of the Codex Committee on Food Hygiene that the Executive committee examine means of harmonizing definitions relating to food and food hygiene, as contained in Codex documents, including standards, codes of practice and the procedural manual of the Commission, with corresponding definitions in other documents of WHO and FAO (ALINORM 78/13A, paras 61-63).

4. The Codex Committee on Food Hygiene had requested the Executive Committee to make, in the light of government comments, a recommendation to the Commission concerning the desirability of including in a future edition of the Procedural Manual of the Commission, the General Principles for the Establishment of Microbiological Criteria -for Foods, contained in Appendix VIII of ALINORM 78/13A. The Executive Committee agreed that this item could be considered in plenary by the Commission.

5. Concerning document ALINORM 78/33, dealing with certain matters related to the acceptance of Codex standards, the Executive Committee agreed that, in the time available, it would not be possible for it to deal satisfactorily with these matters. The Executive Committee noted that this paper was on the agenda of the Commission's 12th session and agreed that, in view of the complexity of some of the matters dealt with in the paper, the Commission might find it desirable to refer these matters to the next session of the Codex Committee on General Principles for in depth consideration and for specific recommendations to be submitted to the Commission's 13th Session for adoption.

Report on the Financial Situation of the Joint FAO/WHO Food Standards Programme for 1976/77 and 1978/79

6. The Executive Committee took note of the contents of document ALINORM 78/6 and of the commentary and explanations given by the Secretariat in its introduction of the document. The Executive Committee expressed concern at the diminution over the years of professional staff in the Joint Office of the Programme (FAO/WHO Food Standards Group) which now stood at 5 professional officers, against a background of expanding Codex work, more especially in the developing regions. The Executive Committee expressed the hope that this would not result in any lessening of the standard and quality of Codex documentation generally, as this, if it were to happen, would be viewed with concern by Member Governments.

7. As regards documentation, the Executive Committee noted that the allocation for one biennium tended to be the base figure for the following biennium, even though commitments for the following biennium might be greater. The documentation requirements for two sessions of the Commission in 1978/79 as opposed to one session in 1976/77 could, therefore, present some difficulties. The Executive Committee expressed concern lest any momentum be lost through documentation difficulties. The Executive Committee requested that a progress report on this matter be provided for its next session. Attention was also directed to the usefulness of consultants in Codex work.

Review of the Direction of Work of the Commission

8. The Executive Committee had before it document ALINORM 78/8, which was introduced by the Secretariat. The following points were made during the course of the discussion on this item,

9. Prof. Dr. Eckert (vice-chairman) stressed the importance of paragraph 8 of the paper which dealt with the benefits to be derived from the work of the Commission. He expressed the opinion that greater emphasis should be placed on the role of Codex

standards in the removal of non-tariff trade barriers. This view was shared by some other members of the Executive Committee.

10. The Representative of the region of North America thought that it was important to recognize the progress and output of the Commission to-date, whilst at the same time acknowledging a willingness to see what more could be done. He stressed that it was not part of the business of the Commission to concern itself with the matter of preferential treatment.

11. There was general agreement in the Executive Committee on the role and functions suggested in the document for the Coordinating Committee for Africa, Asia and Latin America. In this connection, however, the Representative of the region of North America sounded a note of caution concerning one of the proposed functions of these three Coordinating Committees, as set forth in paragraph 56 of the document. The Representative of the region of North America expressed the view that the Coordinating Committees could afford a useful forum in which to discuss ways and means of strengthening national food control infrastructures. This view was supported by Mr. W.C.K. Hammer (Vice-chairman).

12. In this connection, the Representative of the region of North America drew attention to the complementary work, of FAO and WHO in the area of food control. He also referred to the importance of the work of the Joint FAO/WHO Expert Committee on Food Additives and the Joint Meeting on Pesticide Residues. He thought that more frequent meetings of the two Expert Committees and, promptness in publication of reports were desirable. He also thought that the Commission should give greater consideration to nutritional needs in the development of Codex standards.

13. Dr. T. N'Doye (Vice-Chairman) stated that document ALINORM 78/8 would, in his opinion, be of great interest to the Commission. He particularly welcomed the inclusion in the paper of a section containing suggestions relating to the problem of how to achieve better participation by the developing countries in the work of the Commission. He drew attention to the need for closer association of activities at the national level and at the level of regional economic groupings in Africa with Codex work. He stressed the desirability of better contacts at the regional level. He thought that the FAO and WHO Regional Offices should be more closely associated with the work of the Coordinating Committees.

14. The Representative of the region of Africa considered that an important gap in the work of the Commission was that Codex work had not yet got under way on standards for tea, coffee, cereals and cereal products and certain tropical fruits. He drew attention to the fact that at the last session of the coordinating Committee for Africa, cereals were listed amongst the priorities of the Coordinating Committee. Furthermore, he emphasized that the Joint Codex/UNECE Groups should concentrate on matters of world rather than regional interest.

15. On the question of more effective participation by developing countries in the work of the Commission, the Representative of the region of Africa thought that it would be helpful if FAO and WHO Country or Regional Representatives were to make personal contact with the officials concerned with food standards and food control work in the different countries. He stressed the importance of the need for technical assistance to developing countries for the setting up of basic food control facilities. He emphasized particularly the importance of providing training facilities. As regards the suggestion in paragraph 66 of the paper, concerning the setting up of a voluntary trust fund, the Representative of Africa expressed himself as not being in favour. He thought that there

were more important matters for which financial assistance would be needed and that, in any event, such a system would not necessarily produce the desired results. Dr. N'Doye (vice-Chairman) expressed the view that the paucity of attendance by developing countries at Codex Committee sessions was not due to any lack of interest on their part, but was rather a question of financial constraints.

16. Prof. Dr. Eckert (Vice-chairman) stressed the importance of the bearing Codex work had on the work of other international organizations in the same field, and emphasized the benefits which Codex work could have for them, citing the harmonization work in the European Economic Community as an example. He also saw this as a way of avoiding duplication of work in different international organizations. He fully agreed with the role foreseen in ALINORM 78/8 for the Coordinating Committees for Africa, Asia and Latin America.

17. Prof. Dr. Eckert attached great importance to the review of the work of the subsidiary bodies of the Commission - more especially the Commodity Committees - in order to determine what shifts of emphasis might be necessary so as to ensure that the Commission's work was attuned to the most important needs. He stressed that the needs of the developing countries should be met as far as possible and that the developing countries might consider making more use of the existing Codex Committees.

18. The Representative of the region of North America expressed his support for the suggestion concerning the inclusion of a new factor in the justification criteria for the elaboration of Codex standards, as set forth in paragraph 72 of ALINORM 78/8, i.e. the elaboration of Codex standards where international or regional, market potential was demonstrated. He thought that, in general, the justification criteria should be applied more strictly so that international standards would be elaborated for products of interest to the greatest number of countries.

19. The Representative of the region of Latin America stressed that the development of food industries was of vital interest to the economies of developing countries. He emphasized the importance of improved training and basic food control facilities for a more effective participation by developing countries in Codex work as well as for the application of food standards by those countries. He observed, on the other hand, that such participation could also depend on ensuring that Codex work was focused more on the issues of relevance to developing countries in their present state of development.

20. Mr. Hammer (Vice-chairman) expressed the view that, at some time in the future, it might be worthwhile to take each of the points mentioned in para 8 of the paper, expand them and prepare an evaluation of the achievements, both direct and indirect, of the Commission. He expressed the view that, when a Codex Committee had completed its work it should adjourn sine die with the notion of being reopened only if and when necessary. He also thought that more attention should be given to the justification criteria when considering embarking upon new work or new standards.

21. Mr. Hammer welcomed the paper which had been prepared by the Secretariat and thought that this kind of paper should be prepared every five years. The other members of the Executive Committee agreed with this opinion.

22. The Representative of the region of the South-west Pacific stressed the importance of the discussions on this item of the agenda which he thought was one of the most important to-date. He noted that there were some gaps in the Programme, citing in particular coffee and tea. He also drew attention to the fact that the Commission

had not to-date concerned itself with the standardization of non-processed foods and there might be a need for this to be examined.

23. In conclusion, the Executive Committee was, on the whole, in broad agreement with the analysis of the problems as set forth in the document and with the recommendations and suggestions put forward, subject to certain qualifications, as indicated above, which were brought out during the course of the discussions. The Executive Committee was of the opinion that, whilst the Commission had made good progress to-date and had carried out a very substantial amount of important work, greater stress should, in the future, be placed on the needs of the developing countries and the Commission's activities should be attuned more to this objective. The Executive Committee stressed, however, that as the Commission was already moving in this direction, this would not call for any major re-structuring of the Programme. For example, as had been mentioned in document ALINORM 78/8, greater use could be made of existing subsidiary bodies of the Commission for the purpose of developing standards for products of particular interest to developing countries.

Travel Expenses of the Executive Committee

24. The Executive Committee had before it document CX/EXEC 78/24/2, which was introduced by the Secretariat and further commented upon by the FAO Legal Counsel. The document had been prepared in response to a proposal from a member of the Executive Committee that the possibility of the travel expenses of the members of the Executive Committee being paid for by FAO and WHO should be examined by the two Organizations. In support of his proposal, he had pointed out that the travel expenses of the members of the WHO Executive Board to meetings of Board were paid for by WHO.

25. The document consisted of contributions from the Legal Offices of FAO and WHO. The circumstances in which FAO and WHO bore the travel expenses of representatives of Member Nations were described in the paper.

26. In WHO, reimbursement of actual travel costs and the payment of a per diem allowance for members of the WHO Executive Board (but not for advisers or alternates, unless actually replacing the member) had been established at the very outset of the Organization's history. Actual travel expenses of one delegate per country were also reimbursed by WHO for its annual Health Assemblies in accordance with Resolution WHA 1.139 of July 1948.

27. In FAO, the travel expenses of delegates to a session of the FAO Conference were borne by the respective governments that such delegates represent. However, pursuant to Rule XXV.6 of the General Rules of the organization, the travel expenses of the representative of each member of the FAO Council, which is the executive organ of the organization between sessions, was borne by the organization. Travel expenses were also borne by FAO when the Independent Chairman of the Council attended sessions of the Council, the Conference, the Programme Committee and the Finance Committee. The travel expenses of representatives of member Nations of FAO were borne by the Organization only in the case of two of the eight standing committees of the Council - the Finance and Programme Committees.

28. The document before the Executive Committee drew attention to the fact that the Codex Alimentarius Commission was a body established under Article VI of the FAO Constitution. Attention was also directed to the fact that the statutes of bodies established under Article VI specify that:

"(ii) The expenses of members of such bodies or of experts attending sessions of these bodies as governmental representatives are to be borne by the respective governments and the expenses of experts attending in their individual capacity are to be borne either by the budget, if any, of the body concerned, or by the Organization....."

This provision was appropriately reflected in the Rules of Procedure of the Commission.

29. In introducing the document on this topic, the Secretariat drew attention to the fact that the governing bodies of the Organization exercised very stringent control over travel costs and that expenses in connection with travel to meetings as well as meetings in general were scrutinized closely.

30. In his expose on this subject, the FAO Legal Counsel, whilst recognizing that it would be a matter for the Executive Committee to make whatever recommendations it deemed appropriate in this matter, drew the Executive Committee's attention to several considerations which, he thought, might lead the Executive Committee to conclude that it would not be appropriate to recommend to the Commission that the existing position, as set forth in the Rules of Procedure of the Commission, be altered. Amongst them was the consideration that there were quite a number of Article VI bodies and a substantial number of them had Executive Committees. To recommend that an exception be made in the case of the Executive Committee of the Codex Alimentarius Commission would create a precedent which could give rise to problems which would have to be viewed from the point of view of the principle involved. The Legal Counsel also drew attention to the procedures which would have to be followed (including the amendment of the Rules of Procedure of the Commission, consultations with Programme and Finance Committees of FAO, etc.) if such a proposal were to find favour with the Executive Committee.

31. The point was made by some members of the Executive Committee that, in considering this matter, it would not be appropriate to make a comparison between the Executive Committee of the Commission, on the one hand, and the WHO Executive Board and Council of FAO, on the other.

32. After a very full discussion, the Executive Committee came to the conclusion that it would not be desirable to make any recommendation to the Commission designed to transfer to the Regular Budgets of FAO and WHO the cost of attendance by members of the Executive Committee at Executive Committee sessions.

Agenda Item 6 - Consideration of the views of governments concerning the work of the Codex Committee on Methods of Analysis and Sampling

33. The Executive Committee had before it the following documents ALINORM 78/3 (para 60); ALINORM 78/23 (paras 13-33); CL 1978/5 and ALINORM 78/39.

34. At the 11th session of the Commission the role of referee methods as presently defined for Codex purposes had been discussed, i.e. as "international referee methods intended for use in case of dispute".

35. The Commission had requested the Secretariat to prepare for consideration by the Executive Committee at its 23rd session a review of the types of Codex Methods of Sampling and Analysis being elaborated and setting out any questions relating to the procedure for their elaboration and the significance of their acceptance.

36. In discussing document CX/EXEC 77/23/7, the Executive Committee had expressed certain doubts at its 23rd session on the real need for and usefulness of the

Codex Committee on Methods of Analysis and Sampling. The concept of referee methods had been part of the Codex system for a long time. The necessity for them was based however on an assumption that had not been corroborated by experience, namely, that international disputes occurred frequently.

37. The Executive Committee had decided not to take any position on the proposals made in the Secretariat document but agreed that these should be brought to the attention of governments and their opinion sought as to whether the work of the Codex Committee on Methods of Analysis and Sampling justified its continued existence or whether the Committee's programme of work and therefore its terms of reference should be revised to the most essential needs - in which case governments should specify such needs.

38. The Codex Committee on Methods of Analysis and Sampling at its 10th session discussed the conclusions of the Executive Committee in relation to its future work programme. It concluded that:

- a) There was a need for Codex Methods of Analysis and Sampling; that a number of countries were making increasing use of Codex Standards and methodology; that the work of developing methodology of international standing was considered sufficiently important to justify the continued existence of the Codex Committee on Methods of Analysis and Sampling; and that in the interest of facilitating international trade in food it was important to develop properly evaluated and tested methodology which would be acceptable on a worldwide basis;
- b) the concept of referee methods, which required that the methods be incorporated into national legislation for use when disputes arose in the application of Codex Standards, would present difficulties and should be re-examined;
- c) there was a class of methods which formed an integral part of the standard which the Committee called "defining methods" which define a specification in terms of the method per se and which would be subject to the various forms of acceptance as part of the standard.
- d) appropriate criteria should be established for the guidance of Commodity Committees when selecting analytical methods.

39. The Committee classified methods of Analysis and Sampling into four categories:

- (a) Definitive Methods
- (b) Reference Methods
- (c) Alternative Methods to reference methods to be used for control purposes
- (d) Tentative or candidate methods in course of development.

40. This classification was accepted by the 2nd Joint Expert Consultation on Chemical Contaminants in Food held in Rome in February 1978 as a useful basis for the organization of work on collaborative studies and by a meeting organized by IUPAC in March 1978 in London to consider Harmonization of Collaborative Studies.

41. The Executive Committee noted that, although the concept of referee methods was included in the terms of reference of the Codex Committee on Methods of Analysis and Sampling, it was the subject of long-standing controversy and there was an important body of opinion that referee methods were not wholly appropriate to Codex Standards. In addition, members of the Codex Committee on Methods of Analysis and Sampling were acting under the constraints imposed by their mandate and these

constraints made it difficult to give positive value to the work of the Committee as it now operated.

42. Several suggestions were made as to how the work of the Committee might be improved. These included more attention to methods which were generally applicable to standards and methods which could be used for the enforcement of regulations to meet the needs of developing countries. It was also emphasized that the role of the Committee should be that of coordinating and endorsing methods from specialized international organizations and from Commodity Committees.

43. It was generally agreed that the Committee should in no way duplicate the efforts of organizations concerned with the development of methods of Analysis and Sampling.

44. With regard to sampling, the Representative of the Region of South-West Pacific pointed out that for a considerable period the subject of sampling plans had not received attention and that the present plans for quality criteria in prepackaged food (CAC/RM 42-1969) were unsuitable, especially in the case of destructive sampling. He noted with satisfaction that the Committee at its last session had given consideration to the statistical approach to sampling plans. He was also of the opinion that the Committee should proceed further with the elaboration of guidelines for the selection of sampling plans.

45. After further discussion the Executive Committee proposed:

1. that the Codex Committee on Methods of Analysis and Sampling should continue;
2. that Commodity Committees should continue to recommend methods of analysis and sampling for review and endorsement by the Codex Committee on Methods of Analysis and Sampling;
3. that the Codex Committee on Methods of Analysis and Sampling should not elaborate or test international methods;
4. that the Codex Committee on Methods of Analysis and Sampling serve as a coordinating body with other international groups working on methods of analysis and sampling;
5. that the Codex Committee on Methods of Analysis and sampling be invited to give more attention to sampling plans, if necessary by convening a specialized working group.

46. The Executive Committee also requested the Secretariat to make any consequent amendments to the terms of reference of the Codex Committee on Methods of Analysis and Sampling to be considered by the Commission.

Report on Developments concerning the Proposed GATT Code of Conduct for Preventing Technical Barriers to Trade

47. The Executive Committee had before it document CX/EXEC 78/24/3 in which was reproduced a communication from the GATT Secretariat dated 9 March 1978 summarizing developments concerning the proposed GATT Code since the 23rd session of the Executive Committee. The information supplied by the GATT Secretariat was as follows:

"The general position as it has developed since the 23rd session of the Executive Committee of the Codex in July 1977 (ALINORM 78/3, para 42) can be summarized as follows:

(i) The Sub-Group "Technical Barriers to Trade" had a further meeting in September 1977 and is meeting in March 1978. At its September 1977 meeting, the Sub-Group reviewed the proposals before it for modifications in the text of the Draft Code and agreed to insert a number of these in the Draft Code. Some new proposals were made and discussed, and an extensive discussion also took place on the proposals relating to special and differential treatment for developing countries. The March 1978 meeting (in progress at the time of writing) is continuing the work with the object of achieving a substantially agreed Draft Code within the time schedule accepted for the MTN as a whole.

(ii) Group "Agriculture" agreed in July 1977 to continue the review of the applicability of the draft standards code to agricultural products at its next meeting. Group "Tropical Products" is expected to revert to this matter as appropriate."

48. The GATT Secretariat had added that if anything should emerge from the March 1978 meeting of the Sub-Group "Technical Barriers to Trade" which would require a modification or addition to the summary statement above, the Codex Secretariat would be informed. The Secretariat informed the Executive Committee that no further communication on this matter had been received from the GATT Secretariat.

49. The Representative of the region of North America informed the Executive Committee that countries of his region had been working on the proposed Code on the assumption that it applied to agricultural products.

50. The Executive Committee took note of the above information and requested the Secretariat to keep it informed of developments concerning the proposed Code.

Agenda Item 8 - Consideration of proposal of Codex Committee on Food Hygiene that an FAO/WHO Expert Committee on Food Microbiology be established and of proposed interim solution that, pending the establishment of such a Joint FAO/WHO Expert Committee, an Expert Group be established and convened to advise the Food Hygiene Committee

51. The Codex Committee on Food Hygiene had in recent years benefited from the Expert advice on microbiological health hazards connected with foods through the discussions and recommendations of two Joint FAO/WHO Expert Consultations on Microbiological Specifications which had had the financial support of UNEP.

52. The Consultations held in Geneva in 1975 and 1977 respectively had reviewed the work already done by various international bodies in the field of microbiology and had made a number of recommendations to the Codex Committee on Food Hygiene concerning Microbiological Specifications for Foods.

53. As UNEP was not in a position to continue to finance such consultations and it was not possible for FAO and WHO to provide for an Expert Committee, an interim solution had been proposed by the Codex Committee on Food Hygiene. The latter had proposed that a microbiological working group should meet on an ad hoc basis. It would comprise a small number of food microbiologists with demonstrated experience and expertise in the specific subjects to be dealt with. The expenses of the members of the working group would be borne by the governments of the experts concerned. The items calling for immediate consideration were a determination of the utility in terms of public health relevance of the establishment of microbiological criteria for raw foods in general and in particular the need for microbiological criteria for chilled and frozen raw poultry.

54. The Secretariat informed the Executive Committee of the policy of the governing bodies of FAO to keep the number of statutory bodies to a minimum. The policy also applied to the establishment of subsidiary bodies. where possible it was preferable to convene ad hoc meetings rather than to establish new bodies of a permanent nature. However, it should also be noted that the Governing Body had recommended that the number of meetings in any biennium should be contained within manageable limits.

55. The Executive Committee was of the opinion that highly specialized advice on microbiological matters in general and on health hazards associated with microorganisms was necessary to facilitate the work of the Codex Committee on Food Hygiene and that the logical way to provide such advice was to establish a Joint FAO/WHO Expert Committee on Microbiological Specifications for Foods. However, recognizing that this would not be feasible at the present time, the Executive Committee proposed that the interim solution suggested by the Codex Committee on Food Hygiene might be adopted with some slight modification. The Executive Committee recommended that WHO, in consultation with FAO and the Chairman of the Codex Committee on Food Hygiene, should invite experts to participate in a working group which would be convened in Geneva in early 1979 to advise the Committee on Microbiological Criteria for Raw Meat and Raw Poultry, it being understood that expenses of the experts will be borne by their governments or their sponsoring bodies.

56. Other Business

None.