

# codex alimentarius commission



FOOD AND AGRICULTURE  
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**ALINORM 09/32/36**

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME**

**CODEX ALIMENTARIUS COMMISSION**

**32<sup>nd</sup> Session**

**Rome, Italy, 29 June – 4 July 2009**

**REPORT OF THE 16<sup>th</sup> SESSION OF THE  
FAO/WHO COORDINATING COMMITTEE FOR LATIN AMERICA  
AND THE CARIBBEAN**

**Acapulco, Mexico**

**10 – 14 November 2008**

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## SUMMARY AND CONCLUSIONS

The 16th Session of the FAO/WHO Coordinating Committee for Latin America and the Caribbean reached the following conclusions:

### MATTERS FOR CONSIDERATION BY THE CODEX ALIMENTARIUS COMMISSION AND THE EXECUTIVE COMMITTEE:

#### The Committee:

#### **Implementation of the Codex Strategic Plan 2008 - 2013**

- recognized the need for strengthening National Codex Committees and Codex Contact Points in countries of the Region in order to ensure effective participation of countries in the work of the Commission and its subsidiary bodies (Activity 5.4) and the important role that the parent organizations could play in providing technical assistance in this regard (para. 12);

#### **Length and content of Codex reports**

- agreed to ask the Commission to reconsider the recommendations on the naming of members (point 1, second indent) and to rescind the recommendation in point 2 of paragraph 26 of ALINORM 08/31/3A (para. 44);
- decided to request the Committee on General Principles to determine whether the current provision in the *Procedural Manual* under *Point 1 of Rule X – Records and Reports* – and the final paragraph of the Section *Conduct of Meetings – Guidelines on the Conduct of Meetings of the Codex Committees and Ad Hoc Intergovernmental Task Forces* was the same as the recommendation approved by the Commission on the naming of members (*point 1, second indent, paragraph 26 of ALINORM 08/31/3A*) and if it was not, to determine whether both needed to be retained and, if they were the same, that a decision be taken on one of them (para. 48);

#### **Simultaneous and timely distribution of Codex documents in the official languages of the Commission**

- agreed to propose that the Commission consider a new provision for inclusion in the *Procedural Manual* to the effect that Codex documents should be distributed in a simultaneous and timely manner in the official languages of the Codex and that no Codex document should be distributed when this provision could not be met (para. 52);

#### **Nomination of the Coordinator**

- unanimously agreed to recommend to the Commission that Mexico be reappointed for a second term as coordinator for Latin America and the Caribbean (para. 64);

#### **Future work**

- agreed to propose new work on regional standards for culantro coyote and lucuma, subject to approval by the Commission on the basis of the critical evaluation carried out in the Executive Committee (paras. 72 and 76).

### MATTERS REFERRED TO CODEX COMMITTEES AND TASK FORCES:

#### The Committee:

#### **Committee on General Principles**

##### *Terms of reference for coordinating committees*

- decided to request the Commission, through the Committee on General Principles, to clarify whether the current terms of reference for the Coordinating Committees could be interpreted to give them full freedom to issue regional opinions on all themes under discussion in Codex of strategic importance to the region concerned. If the response of the Committee on General Principles and the Commission to this question was affirmative, there would be no need to modify the terms of reference (para. 9);
- agreed, in relation to the request from the Committee on General Principles, that it be informed of the experiences of Coordinating Committees on the adoption of regional positions and that such reporting be made after receiving clarification on the above question, while noting that the last session of the Coordinating Committee had taken positions on various matters (para. 10);

#### **Consensus**

- acknowledged the importance of consensus-based decision-making in Codex and agreed on a proposed definition that could be taken as a starting point for discussion in the Committee on General Principles (para. 54);

## **Committee on Pesticide Residues**

### ***Risk analysis principles applied by the Committee on Pesticide Residues***

- supported the revision of the principles to strengthen the scientific basis of the process (para. 58);

## **Committee on Food Additives**

### ***Steviol glycosides***

- expressed its great interest in supporting work on steviol glycosides within the Committee on Food Additives by developing maximum levels for steviol glycosides for conclusion in the Codex General Standard for Food Additives (para. 82).

### **MATTERS OF INTEREST TO FAO AND WHO:**

#### **The Committee:**

### **Activities of FAO and WHO complementary to the work of the Codex Alimentarius Commission**

- expressed its appreciation of the valuable support received from FAO and WHO and requested that technical assistance be continued in the following specific areas: integrated and risk-based food control systems, establishment of national food safety agencies, generation of scientific data to support risk assessment and management, formulation of national food safety policy and implementation strategies (para. 16);

### **Allocation of funds of the Codex Trust Fund**

- agreed to request the Secretariat of the Joint FAO/WHO Codex Trust Fund to give due consideration to the proposals presented in Appendix II of the present report and to request FAO and WHO to facilitate dialogue between donor countries and beneficiary countries so that identified concerns and proposals for improvement were openly discussed (para. 40).

### **OTHER MATTERS OF INTEREST**

#### **The Committee:**

### **Activities of the STDF Programme in the Region**

- noted that the STDF Programme was meant to complement technical assistance provided by FAO and WHO, with a focus on links between trade and implementation of standards, and invited delegations to address their specific questions directly to the Secretariat of the STDF and to refer to further information about the STDF available on its website (paras. 19-20);

### **National food control systems and consumer participation in food standards setting**

- noted the current status and recent developments of food control, food legislation, equivalence agreements, Codex structures and consumer participation in standard-setting activities (para. 21);

### **Use of Codex standards at national and regional level**

- noted that the non-use of Codex standards for the harmonization of regulations could be due to several factors, including delays in standards development and rapidly changing environments surrounding food legislation. It therefore recognized that monitoring the use of Codex standards was an important measure of the relevance of Codex standards and agreed to use a common format when submitting this information (paras. 23 and 24);
- encouraged all members of the Region to report on their use of Codex standards and related texts in order to obtain a clear and updated picture of the use of Codex standards and the reasons justifying the failure to fully or partially adopt those standards in order to evaluate the Codex normative function (para. 28);

### **Private standards**

- agreed that Codex work should be strengthened in order to discourage the use and proliferation of private standards and that the Commission should adopt a position in relation to this matter; and encouraged the members of the Region to consider concrete actions that could be taken in the framework of Codex (para. 63);

### **Future work**

- invited the Delegation of Bolivia to submit a revised project document on the need for a regional standard for Quinoa which the Committee could examine at its next session (para. 79).

## INTRODUCTION

1. The 16<sup>th</sup> Session of the FAO/WHO Coordinating Committee for Latin America and the Caribbean was held in Acapulco from 10 to 14 November 2008, at the kind invitation of the Government of Mexico. The Chairperson of the Committee, Dr Francisco Ramos Gómez, Director General, General Bureau of Standards, appointed Ms Ingrid Maciel, International Standardization Director, Ministry of Economy, to act as Vice-chairperson of the Committee. The Session was attended by delegates from 26 member countries, observers from two member countries outside the Region, one regional intergovernmental organization and one international non-governmental organization. The list of participants is provided in Appendix I to this report.

## OPENING OF THE SESSION

2. The Session was officially opened by Dr Francisco Ramos Gómez. Mr Eduardo Jaramillo Navarrete, Executive Director of International Operations of the General Coordination of the Federal Health System, Federal Commission for Protection against Health Risks, Secretariat for Health, and Mrs Aida Albuerne Piña, Federal Inspector of Consumer Protection, also welcomed the Committee. Dr Norman Bellino, FAO Representative in Mexico and Dr Sergio Garay, WHO-PAHO Representative in Mexico, addressed the Committee on behalf of FAO and WHO respectively. In addition, Dr Knud Østergaard, Vice-Chairperson of the Codex Alimentarius Commission, addressed the Committee on behalf of Dr Karen Huleback, Chairperson of the Commission.

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

3. The Committee agreed to consider the following matters in addition to those scheduled for discussion in the provisional agenda:

- Agenda item 7 - Issues of significance to the Region: risk analysis principles applied by the Committee on Pesticide Residues, private standards, consensus, simultaneous and timely distribution of Codex documents in the official languages of the Commission, and additional matters relating to the length and content of Codex reports, namely the recording of names of delegations, and the opening of substantive discussion during adoption of the report.
- Agenda item 9 - Other business: steviol glycosides (stevia) and grated desiccated coconut.

4. The Committee adopted the provisional agenda as its agenda for the Session with the above proposals, on the understanding that discussion of these matters would be subject to availability of time.

## MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND OTHER SUBSIDIARY BODIES (Agenda Item 2)<sup>2</sup>

5. The Committee noted the matters referred by the 30<sup>th</sup> and 31<sup>st</sup> Sessions of the Commission for information and also noted that several other matters would be discussed under other agenda items. Discussions held and decisions made on specific items were as follows:

### Participation of developing countries in Codex meetings

6. The Committee recalled that the Commission, at its 31<sup>st</sup> Session, had recommended that the Coordinating Committees consider the issue of participation of developing countries and report their views to the 32<sup>nd</sup> Session of the Commission<sup>3</sup>. The Committee noted that a document with data on the participation of developing countries in Codex sessions and proposals to improve the situation was under preparation by the Codex Secretariat, and would be presented to the 25<sup>th</sup> Session of the Committee on General Principles. The Secretariat was currently extracting information on country participation from the lists of participants attached to Codex meeting reports, for the purpose of preparing the said document, in accordance with the request made at the last session of the Commission. The Secretariat was also preparing a response to a request made by the Committee on Sanitary and Phytosanitary Measures (SPS Committee) of the World Trade Organization (WTO) regarding the status of participation of developing countries in the work of the three standard setting bodies referred to in the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

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<sup>1</sup> CX/LAC 08/16/1.

<sup>2</sup> CX/LAC 08/16/2.

<sup>3</sup> ALINORM 07/31/REP, paras 152-162.

7. The Committee noted the indication of several delegations that the above-mentioned document should not only comprise statistics on participation but should also analyse the impact of the Codex Trust Fund on enhancing the participation of developing countries. The Codex Secretariat informed the Committee that the analysis on participation in the last 12 months was nearing completion and that this was being extended to previous years, the actual number of years of study depending on the human resources available to the Secretariat. The delegations expressed their dissatisfaction with this information, particularly regarding the current status of preparation of the study in relation to the human and material resources needed to complete the work in a satisfactory manner. The delegations also expressed their concern over the timeframe of the study which would be insufficient to analyse the participation of developing countries. They therefore emphasized that such a study should analyse the participation of those countries during a sufficiently long period of at least one to two years before the Codex Trust Fund was established. In addition, the study should be sent to countries sufficiently in advance before the next meeting of the Committee on General Principles. Many delegations expressed the view that equal participation of developed and developing countries in the standard-setting process was of utmost importance and that information on the participation of developing countries was essential in evaluating the current situation and identifying future actions to be taken.

8. Some delegations suggested that Codex members be invited to put forward proposals to improve the participation of developing countries. The Committee recalled that the Commission had requested the Codex Secretariat to prepare proposals to enhance the current situation and noted that this course of action agreed on by the Commission would, however, not prevent Codex members from presenting their proposals at the 25<sup>th</sup> Session of the Committee on General Principles.

#### **Terms of reference of the Coordinating Committees**

9. After some discussion, the Committee decided to request the Commission, through the 25<sup>th</sup> Session of the Committee on General Principles, to clarify whether the current terms of reference for the Coordinating Committees could be interpreted to give them full freedom to issue regional opinions on all themes under discussion in Codex of strategic importance to the region concerned. If the response of the Committee on General Principles and the Commission to this question was affirmative, there would be no need to modify the terms of reference.

10. In relation to the request from the Committee on General Principles that it be informed of experiences of the Coordinating Committees on the adoption of regional positions, the Committee agreed that such reporting be made after receiving clarification on the above question, while noting that the last session of the Coordinating Committee had taken positions on various matters.

#### **IMPLEMENTATION OF THE CODEX STRATEGIC PLAN 2008-2013 (Agenda item 2.1)<sup>4</sup>**

11. The Committee noted that the 31<sup>st</sup> Session of the Commission had agreed to bring to the attention of Coordinating Committees the following activities in the Strategic Plan for their follow-up:

- Activity 4.5 – Promoting interdisciplinary coordination at national and regional level;
- Activity 5.4 – Strengthening Codex Contact Points and National Codex Committees; and
- Activity 5.5 – Enhancing participation of non-governmental organizations at international, regional and national levels.

12. The Committee noted several good practices conducted and reported by members of the Region in the implementation of these activities. In relation to Activity 5.4, the Committee recognized the need for strengthening National Codex Committees and Codex Contact Points in countries of the Region in order to ensure effective participation of countries in the work of the Commission and its subsidiary bodies, and the important role that the parent organizations could play in providing technical assistance in this regard.

13. The Committee further noted that there were other activities identified in the Strategic Plan for which implementation had been entrusted to the Coordinating Committees. In this regard, the Committee agreed that Activity 1.2 (Review and develop Codex standards and related texts for food quality) could be considered under Agenda item 9 on the basis of the outcome of its discussions on proposals for new work, and that Activities 1.7 and 2.6 (Encourage FAO/WHO to expand capacity building programmes and to provide training and capacity building on risk analysis for food safety) would be taken up when considering activities of FAO and WHO that were complementary to the work of the Commission under Agenda item 3.

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<sup>4</sup> CX/LAC 08/16/2; CL 2008/16-LAC, Parts C and A.2 (i) and (ii); comments from Bolivia, Chile, Costa Rica, Cuba, Guatemala, El Salvador and Uruguay (CX/LAC 08/16/3 and CX/LAC 08/16/6); Barbados, Brazil, Haiti and Jamaica (CX/LAC 08/16/3-Add.1 and CX/LAC 08/16/6-Add.1); Dominican Republic (CRD 2); Cuba (CRD 3); and Paraguay (CRD 5).

## **ACTIVITIES OF FAO AND WHO COMPLEMENTARY TO THE WORK OF THE CODEX ALIMENTARIUS COMMISSION (Agenda item 3)<sup>5</sup>**

14. The Representative of FAO presented part I of the document describing the FAO and WHO capacity building activities implemented since the last session of the Committee, which were supportive, in particular, of Activities 1.7, 2.6 and 5.4 of the Codex Strategic Plan. The Representative described technical assistance grouped under six categories: supporting material, information exchange mechanisms, international events, global projects, regional activities, and national or subregional projects. The Representative highlighted major activities and outputs in the areas of strengthening integrated food control systems, risk analysis, microbial risk assessment, inspection and laboratory services, national Codex structures, and food safety policy, and referred to the importance of designing assistance based on an initial evaluation of the specific regional and national needs and on needs expressed at the Codex Coordinating Committees and the FAO and WHO conferences.

15. The Representative of WHO presented part II of the document which summarized the FAO/WHO expert meetings and consultations held since the last session of the Committee to provide scientific advice to Codex and to member countries and highlighted the major outcomes. An update on the status of requests for scientific advice was also provided.

16. The members of the Committee expressed their appreciation of the valuable support received from FAO and WHO and requested that technical assistance be continued in the following specific areas: integrated and risk-based food control systems, establishment of national food safety agencies, generation of scientific data to support risk assessment and management, formulation of national food safety policy and implementation strategies. The Representatives of FAO and WHO welcomed the requests which would be considered in the preparation of the next work plans of FAO and WHO activities.

## **ACTIVITIES OF THE STDF PROGRAMME IN THE REGION (Agenda item 3.1)<sup>6</sup>**

17. In the absence of a representative from the Secretariat of the Standards and Trade Development Facility (STDF), the Codex Secretariat introduced the document providing key information on the STDF, which is a global programme on capacity building and technical co-operation in the area of food safety and animal and plant health, established by FAO, WHO, the World Organization for Animal Health (OIE), the World Bank and WTO in 2002.

18. The STDF aims to: i) act as a vehicle for coordination among technical co-operation providers, mobilization of funds, exchange of experience and dissemination of good practice; and ii) assist developing countries in enhancing their capacity to analyse and implement international standards with the objective of improving human, animal and plant health, and thus gaining and maintaining market access.

19. The Committee noted that the STDF was meant to complement technical assistance provided by FAO and WHO, with a focus on the links between trade and implementation of standards. Project preparation grants were a key mechanism to assist developing countries in converting their needs into a full project, which could later be implemented through funding by donors.

20. Several delegations expressed their keen interest in the STDF and the possibilities of technical assistance that it offered. The Committee invited delegations to address their specific questions, such as those relating to country eligibility and project size, directly to the Secretariat of the STDF, located in the World Trade Organization (WTO), and to refer to further information about the STDF available at [www.standardsfacility.org](http://www.standardsfacility.org)

## **NATIONAL FOOD CONTROL SYSTEMS AND CONSUMER PARTICIPATION IN FOOD STANDARDS SETTING (Agenda item 4)<sup>7</sup>**

21. The Committee noted comments submitted by members of the Region on the current status and recent developments of food control, food legislation, equivalence agreements, Codex structures and consumer participation in standard-setting activities as follows:

- most national food control systems involved several ministries, making coordination among different agencies challenging;
- most countries of the Region were making efforts to align regulatory frameworks with the requirements of the WTO SPS/TBT Agreements;

<sup>5</sup> CX/LAC 08/16/4, Parts I and II.

<sup>6</sup> CX/LAC 08/16/5.

<sup>7</sup> CL 2008/16-LAC, Part A (excluding Part A.2 (i) and (ii)); comments from Bolivia, Chile, Costa Rica, Cuba, Guatemala, El Salvador and Uruguay (CX/LAC 08/16/6); Barbados, Brazil, Haiti and Jamaica (CX/LAC 08/16/6-Add.1); Dominican Republic (CRD 2); Cuba (CRD 3); and Paraguay (CRD 5).

- the countries of the Region were actively seeking trade facilitation mechanisms, for instance, the use of equivalence agreements for sanitary registration. Notification of such agreements to the WTO SPS/TBT Committees would greatly improve transparency;
- there was a continuous need to build capacity related to food safety, risk analysis, implementation of early warning systems and strengthening of laboratory networks and national Codex structures. Coordination between the Inter-American Laboratory Network (RILA) and Codex Contact Points could be improved;
- Codex Contact Points were engaged in coordination and communication activities in many countries. National Codex Committees served as effective mechanisms to foster inter-agency coordination and dialogue, while allowing the participation of other interested parties in Codex work;
- there was a need to strengthen consumer participation in Codex work at national level. In some countries, the participation of consumer organizations was not institutionalized due to resource constraints, while in others their participation was focused on issues of particular interest to consumers, such as nutrition and food labelling.

#### **USE OF CODEX STANDARDS AT NATIONAL AND REGIONAL LEVEL (Agenda item 5)<sup>8</sup>**

22. The Committee recalled that this agenda item had been added by the 57<sup>th</sup> Session of the Executive Committee for consideration by the Coordinating Committees in order to obtain their views on how Codex standards and related texts were used at national and regional levels.

23. The Committee noted with satisfaction, on the basis of the written comments provided in response to CL 2008/16-LAC Part B, that members in the Region were, in general, proactively using Codex standards as the basis for their national regulations. The Committee, however, noted that harmonization was impeded by diverging national regulations in certain areas, such as nutrition labelling, and that non-use of Codex standards could be due to several factors, including delays in standards development and rapidly changing environments surrounding food legislation.

24. The Committee, noting the status of Codex standards as international reference points for harmonization, and recognizing that monitoring the use of Codex standards was an important measure of the relevance of Codex standards, agreed to build on the current round of successful information exchange, recommending that members in the Region used a common format when submitting information on the use of Codex standards.

25. In this regard, the Committee reviewed the notification formats used by Mexico and El Salvador in their written submissions and agreed that, in the future, information on the use of Codex standards should be submitted in a table with three columns: (a) national standard or regulation (title, code, date of application), (b) corresponding Codex standard or related text (title, code), and (c) indication of full or partial use of the Codex text, together with the reason for partial use.

26. The Committee also agreed that information on the use of Codex standards would be submitted, to the extent possible, by members of the Region to the former Coordinator (Argentina) for publication on the website of the Committee, as and when a new national standard or regulation was adopted on the basis of a Codex standard. The Committee would then review, at each session, the overall status of the use of Codex standards by the countries of the Region, on the basis of the data gathered on the website. Members could continue to submit information on their use of Codex standards every two years in reply to a Circular Letter, as in the past.

27. In reply to a question as to whether the reporting should focus on mandatory regulations or should include non-mandatory national standards, the Committee agreed that the information collection exercise should be as inclusive as possible and should include voluntary national standards, if these were based on Codex standards.

28. The Committee agreed to encourage all members of the Region to report their use of Codex standards and related texts in a timely and comprehensive manner, in order to obtain a clear, updated picture of the use of Codex standards in the Region, and the reasons justifying the failure to fully or partially adopt the Codex standards, in order to evaluate the Codex normative function. Codex Contact Points were encouraged to inform WTO SPS and TBT focal points in their country of this exercise starting within the Region. The Committee also noted that in the future inter-regional comparison might become possible, if other regions started using the same or equivalent reporting format for compilation of data on the use of Codex standards.

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<sup>8</sup> CX/LAC 08/16/7 (Responses of Bolivia, Costa Rica, Cuba, Guatemala, Mexico, El Salvador and Uruguay to Part B of CL 2008/16-LAC); and CX/LAC 08/16/7 Add. 1 (Responses of Barbados, Brazil, Haiti and Jamaica); CRD 2 (Information from Dominican Republic); CRD 3 (Information from Cuba); CRD 5 (Information from Paraguay).

**NUTRITIONAL ISSUES WITHIN THE REGION (Agenda item 6)<sup>9</sup>**

29. The Committee considered the replies of the countries of the Region to Circular Letter CL 2008/16-LAC, Part D. In addition to the written comments, several delegations informed the Committee of the action taken at the national level to address nutrition issues, especially the fortification of several foodstuffs to prevent micronutrient deficiencies.

30. The Representative of WHO indicated that the Inter-American Conference of Ministers of Health and Agriculture had agreed on the action to be taken concerning several nutrition issues, such as trans fatty acids and food fortification. The Representative of FAO drew the attention of the Committee to the activities of FAO in the area of nutrition education and to the training materials that were available on the FAO website for this purpose.

31. The Committee, noting that the increasing prevalence of obesity was a concern in the Region and recognizing the importance of nutrition education, stressed the importance of continued support from FAO and WHO in order to address this serious problem.

32. The Committee agreed that the issues considered under agenda items 4, 5 and 6 should be included in the agenda of the next session, in view of their importance for the Region.

**ISSUES OF SIGNIFICANCE TO THE REGION (Agenda item 7)<sup>10</sup>****Allocation of resources of the Codex Trust Fund**

33. The Delegation of Costa Rica, on behalf of the working group on the Trust Fund, gave a presentation, as recorded in Conference Room Document 7, in which it highlighted the salient points of the document, including concern over the bias that had existed since the inception of the Fund in favour of other regions and to the detriment of Latin America and the Caribbean, given the indicators and categorization of developing countries. As an increasing number of countries of the Region were “graduating” from the Trust Fund and were ceasing to be eligible in terms of criteria of access to the Fund, even though continuing to be developing countries, the support given to the Region was in decline. The present situation was undermining the legitimacy of Codex standards, as universally relevant standards could only be adopted with equal participation of Codex members in the standards development process. Based on these observations, the Delegation presented the conclusions, requirements and proposals of the working group on new criteria for the allocation of funds from the Codex Trust Fund (CRD 7).

34. The Committee thanked Costa Rica for the documents presented and expressed its full support for the conclusions, requirements and proposals that were put forward in them. Many delegations requested that FAO and WHO review and revise the current criteria of categorization and distribution of funds, as the retention of such categorization by FAO and WHO could compromise the principle of neutrality that should govern both organizations in their role as administrators of third party funds. The following specific comments were made:

- The effective participation of developing countries should be taken into account;
- The current criteria of categorization and fund distribution and the employment of developing country grouping were not justified and discriminated against the Latin America and the Caribbean region in relation to other regions, and thus breached the principle of neutrality in an important intergovernmental negotiation forum such as Codex;
- The repeated and documented delays in the final approval of travel authorizations doubled the cost of air fares, with a consequent waste of resources on the part of the Trust Fund. Furthermore, the limited availability of Trust Fund Secretariat staff in the Geneva Office hampered effective and timely communication between countries and the Secretariat. Clear and precise logistic procedures were needed to handle the administrative steps efficiently and within a reasonable timeframe, including the timely dispatch of air ticket and daily allowance to participate in a given meeting;
- The Codex Trust Fund should not cover expenses for capacity building, but concentrate on assisting countries to participate in Codex meetings;
- The administrative costs and decision-making in the management of the Trust Fund lacked the transparency intended at its creation;
- The new criteria for the Trust Fund should duly take into account the measures adopted by beneficiary countries to harmonize national regulations with Codex standards.

<sup>9</sup> CL 2008/16-LAC, Part D, CX/LAC 08/16/8 (comments of Bolivia, Chile, Costa Rica, Cuba, Guatemala, Mexico, El Salvador, Uruguay), CRD 2 (Dominican Republic); CRD 3 (comments of Cuba), CRD 5 (comments of Paraguay).

<sup>10</sup> CX/LAC 08/16/9, CRD 1 (information from the Codex Secretariat on the length and content of Codex reports), CRD 4 (submission from Uruguay on private standards), CRD 7 (information paper on the allocation of resources of the Codex Trust Fund submitted by a working group led by Costa Rica).

35. The Committee took note of the situation concerning the daily allowances of all delegations financed by the Trust Fund, which were paid from the fourth day of the session, which demonstrated an unjustifiable lack of responsibility and professionalism on the part of the Fund. The Committee also took note of the difficulties that various delegations had experienced in obtaining their air tickets.

36. The Representative of FAO recalled that the Codex Trust Fund had been established to ensure neutrality and objectivity in managing contributions from donors to assist the participation of developing countries in the Codex process. While the criteria for eligibility and allocation of funds reflected the desire and priorities of donors to focus assistance on the countries in greater need, especially those countries which would otherwise not be able to participate, the indicators currently used as the basis for classification of beneficiary countries could be reviewed and improved, possibly under the forthcoming mid-term review of the Trust Fund. In view of the importance of effective participation of developing countries in Codex, FAO had presented to the 30<sup>th</sup> FAO Regional Conference for Latin America and the Caribbean (April 2008) an information paper analysing the participation of countries of the Region in Codex meetings in the 2005-2007 period<sup>11</sup>.

37. The Committee stated that contrary to what had been explained, the purpose of the Trust Fund was to help developing countries participate in Codex negotiations and not to ensure neutrality and objectivity. The delegations also expressed their concern over transparency in the management of the Fund.

38. The Representative of WHO stated that the concerns expressed by the countries of the Region were legitimate ones and should be taken seriously. The Representative observed that the management of the Trust Fund was sometimes erratic which compromised its efficiency, diligence and transparency, and that the criteria used by the Trust Fund should be mutually agreed by the donors and the beneficiaries. The Representative also stated that there were no impediments to countries exploring other sources of financial assistance. The Representative undertook to communicate, in writing, the concerns and proposals of the members present to WHO headquarters, including the report of the working group on the Trust Fund as stated in CRD 7.

39. In reply to the question raised as to whether there were constraints or impediments to a government or corporation financing the participation of another government, so long as the necessary independence was maintained in the process of approval of international standards, the Codex Secretariat stated that there were currently no impediments whatsoever to such action. The Committee requested that the detail of this procedure be included in the report, with clarification as to where and when this aspect was amended<sup>12</sup>.

40. In conclusion, the Committee agreed to request the Secretariat of the Joint FAO/WHO Codex Trust Fund to give due consideration to the proposals presented in CRD 7 and decided to append these proposals to the present report (see Appendix II). Furthermore, the Committee agreed to request FAO and WHO to facilitate dialogue between donor countries and beneficiary countries so that the identified concerns and proposals for improvement were openly discussed.

#### **Length and content of Codex reports**

41. The Delegation of Chile recalled that the 31<sup>st</sup> Session of the Commission had endorsed the recommendations of the Executive Committee intended to reduce the length of Codex reports and had expressed the following views: reports should not only record the decisions but also reflect the positions of the delegations and the discussion process – this information was essential for the developing countries that had not been able to attend Codex meetings to learn the background to the decisions that had been adopted; and detailed reporting was particularly important in the case of the Executive Committee, in view of its restricted membership. Several delegations supported these views and expressed their disagreement with the decision of the Commission in this respect.

42. Several delegations also pointed out that reports should mention the name of individual members in order to provide clarity and transparency on the positions of delegations; to facilitate reporting by delegates at the national level on their participation in Codex sessions and obtain the support of their superiors for their continued participation in future meetings; and to clarify regional positions in the Executive Committee for the benefit of the members of each region. Some delegations also observed that the contribution of developing countries to discussions in Codex sessions should be reflected in reports in a more balanced way if specific delegations were mentioned.

43. As regards the recommendation that “delegations should strictly refrain from opening substantive discussion during the adoption of the report”, the delegations expressed the view that it was sometimes necessary to return to substantive issues that had not been properly reflected in the report, so that proceedings were recorded in a faithful and balanced manner.

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<sup>11</sup> LARC/08/INF/7

<sup>12</sup> ALINORM 04/27/33, paras 31-33, Appendix II and ALINORM 05/28/41, para 20, Appendix II.

44. The Committee supported the views expressed above and therefore agreed to ask the Commission to reconsider the recommendations on the naming of members (point 1, second indent) and to rescind the recommendation in point 2 of paragraph 26 of ALINORM 08/31/3A on the length and content of Codex reports.

45. In view of the recommendation approved at the 31<sup>st</sup> Session of the Commission, the Delegation of Argentina proposed to include in the Procedural Manual the following decision: “The names of delegations should be recorded in the report upon their request whenever a decision has been taken by the Commission or its subsidiary bodies despite their opposition”, as delegations may not be aware that they had to ask for their objection to be recorded.

46. The Codex Secretariat indicated that the recommendation approved at the 31<sup>st</sup> Session of the Commission (see para 44) was substantially similar to the provision contained in the final paragraph of the section *Conduct of Meetings* in the *Guidelines on the Conduct of Meetings*<sup>13</sup> and that *Rule X - Records and Reports*<sup>13</sup> referred to a statement of minority views. The principle of anonymity of interventions in reports was applied commonly to all statutory bodies of FAO, including Codex and the International Plant Protection Convention (IPPC).

47. The Committee noted the view that FAO rules should not be applied to Codex sessions because of the joint FAO/WHO nature of the programme and the fact that effective participation of countries was hindered more in Codex than in other statutory bodies, and the view that FAO operation and procedures were currently under review in the framework of the FAO Independent External Evaluation, and therefore current FAO rules should not apply directly to Codex reports.

48. Following the comments made by the members of the Committee and the Codex Secretariat, the Committee decided to request the Committee on General Principles to determine whether the current provision in the Procedural Manual was the same as the recommendation approved at the 31<sup>st</sup> Session of the Commission and, if it was not to determine whether both needed to be retained and, if they were the same, to decide on one of them.

#### **Simultaneous and timely distribution of Codex documents in the official languages of the Commission**

49. The Delegation of Colombia recalled that it had raised the issue of the failure to provide simultaneous and timely distribution of reports in the official languages of the Codex at the 31<sup>st</sup> Session of the Commission, but that it had not been possible to discuss the matter. The Delegation pointed out that the delay in the simultaneous and timely distribution of reports and working documents in the official languages of the Commission was distorting the availability of information to the countries of the Region, which constituted a serious obstacle to achievement of the fifth goal of the Strategic Plan (promoting maximum and effective participation of members). Documents in languages other than English were often distributed close to or after the deadline for comments, which prevented the non-English speaking countries of the Region from presenting their comments in time for consideration by the committees. Many delegations shared these concerns and supported the proposal to request that Codex documents be distributed simultaneously and in a timely manner in the official languages of the Codex.

50. Some delegations proposed to include specific provisions on the simultaneous and timely distribution of documents in the official languages of the Codex in the Procedural Manual, and also noted that, according to the *Guidelines on the Conduct of Meetings*, the Codex Secretariat should ensure that the final report was distributed in the languages of the Committee not later than one month after the end of the session.

51. The Codex Secretariat recalled that the *Guidelines on the Conduct of Meetings* mentioned a deadline of two months before the meeting for distribution of working documents and that their availability depended on their timely preparation by the responsible delegations or working groups, and that committees were encouraged to establish precise time schedules for the preparation of documents, in order to allow sufficient time for their translation and for requesting comments. The Secretariat indicated that the translation of documents and reports was not the responsibility of the Secretariat, but of the host country of the respective Codex committees and task forces, as translation was covered by “operational costs” as mentioned under Rule XIII.4 of the Rules of Procedure.

52. The Committee agreed to propose that the Commission consider a new provision for inclusion in the Procedural Manual to the effect that Codex documents should be distributed in a simultaneous and timely manner in the official languages of the Codex and that no Codex document be distributed when this provision could not be met.

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<sup>13</sup> Procedural Manual of the Codex Alimentarius Commission.

### **Consensus**

53. The Committee had an exchange of views on the desirability of defining “consensus” within Codex, in order to ensure its uniform and non-arbitrary interpretation and application in the Codex decision-making process. Several delegations expressed their concern over the divergent ways consensus had been interpreted and implemented in a number of Codex meetings; therefore, it was of paramount importance that a definition of consensus be established by Codex. In addition, there might be a need to review the Codex procedures in order to avoid resorting to voting in the adoption of standards.

54. The Committee acknowledged the importance of consensus-based decision-making in Codex and agreed that the definition of consensus, as proposed by the Delegation of Paraguay, namely “*consensus is the absence of justified opposition from any member present at the meeting where the decision is taken*” could be proposed at the upcoming session of the Committee on General Principles as a starting point for discussion.

### **Risk analysis principles applied by the Committee on Pesticide Residues**

55. The Delegation of Chile recalled that, when considering the risk analysis principles applied by the Committee on Pesticide Residues, several delegations had expressed their concern in the Committee on General Principles and in the 31<sup>st</sup> Session of the Commission on the procedure of periodic review of the maximum residues limits (MRLs). The Delegation expressed the view that the procedure was inconsistent with the general approach to risk analysis in Codex and with the objective of protecting human health, as, according to the current risk analysis principles, MRLs were systematically reviewed after 15 years and could only be revoked on the basis of lack of support from industry. The Delegation pointed out that the revision of food safety standards should be based on scientific risk assessment and that MRLs should therefore be re-evaluated by JMPR when new scientific data were available and should not be revoked only on the basis of commercial considerations or lapse of time, especially in view of the status of Codex standards in the framework of the SPS Agreement. This position was supported by the Committee.

56. The Committee further noted the observations of delegations that:

- the current review procedure also resulted in significant barriers to trade, as some countries applied “zero tolerance” for pesticide residues at the import stage, in the absence of Codex MRLs;
- Codex MRLs were important as a basis for national regulations and as a reference in international trade; and
- several substances proposed for withdrawal were used by member countries at the national level, and revocation of MRLs would result in a reduction in availability of pesticides, especially of those used by developing countries, thereby creating unjustified barriers to trade because of the lack of scientific evidence to support the withdrawal decision.

57. The Committee noted that the Committee on Pesticide Residues had initiated new work on the revision of the risk analysis principles and would consider a proposed revision at its next session. The Codex Secretariat recalled that, in implementing Activity 2.1 of the Strategic Plan 2008-2013, the Committee on General Principles would be reviewing the consistency of risk analysis principles elaborated by relevant committees, including the principles applied by the Committee on Pesticide Residues, and invited member countries of the Region to provide their contribution to the review in that framework.

58. The Committee supported the revision of the risk analysis principles applied by the Committee on Pesticide Residues in order to strengthen the scientific basis of the process.

### **Private standards**

59. The Delegation of Uruguay introduced Conference Room Document 4 related to the increasing use of private standards in commercial transactions, which undermined the work of multilateral intergovernmental fora such as Codex. The Delegation indicated that private standards placed an unnecessary burden on exporting countries by increasing costs of production and certification of compliance with unnecessarily stricter requirements, especially those related to food safety. The Delegation further indicated that private standards could constitute unjustified technical barriers to trade and that ensuring food safety should be the responsibility of governments, not of the private sector. The Delegation, in conclusion, stressed the need to strengthen the work of Codex and proposed that the Codex Alimentarius Commission take a formal position in relation to private standards, as the World Organization for Animal Health (OIE) had done.

60. Many delegations concurred with the observation of Uruguay and expressed their concern regarding the proliferation of private standards and related certification schemes, whose requirements were not based on science and were more stringent than international standards, thus adding little value to the protection of consumer health. These mainly affected small and medium scale producers of developing countries, thus hampering their competitiveness and market access. The Delegation of Argentina suggested that until the Commission had discussed whether to draw up a position on this matter, the Codex Secretariat should reply to any consultation made in the framework of the WTO on the basis of the principles that govern the work of Codex. In this regard, the attention of the Committee was drawn to the ongoing discussion on this matter in the WTO/SPS Committee and to a questionnaire on private standards that had been circulated by the SPS Committee Secretariat. The Committee also noted that the legal status of private standards under the WTO/SPS Agreement was not clear.

61. Mr Knud Østergaard, Vice-Chair of the Commission, noted that the same debate was taking place in other regions and expressed the view that it would be useful if Codex members could come up with proactive proposals on how to approach this matter within the Codex framework.

62. The Codex Secretariat reminded the Committee that the 62<sup>nd</sup> Session of the Executive Committee would consider the question of private standards on the basis of a paper prepared by FAO and WHO, and would report its finding to the 32<sup>nd</sup> Session of the Commission. The FAO Representative informed the Committee that a *Regional Seminar on Private Standards of Plant and Animal Health and Food Safety* had been held in Santiago, Chile, in September 2008, and that the conclusions and recommendations together with other relevant information were available on the website of the FAO Regional Office. In this regard, the Committee noted that there would be follow-up on this matter at an FAO High-Level Conference in 2009.

63. In view of the above, the Committee agreed that Codex work should be strengthened in order to discourage the use and proliferation of private standards and that the Codex Alimentarius Commission should adopt a position in relation to this matter. The Committee encouraged the members of the Region to consider concrete actions that could be taken in the framework of Codex and encouraged them to send their response to the WTO/SPS Committee questionnaire on private standards.

#### **NOMINATION OF THE COORDINATOR (Agenda item 8)<sup>14</sup>**

64. On the proposal of the Delegation of Argentina, the Committee unanimously agreed to recommend to the 32<sup>nd</sup> Session of the Commission that Mexico be reappointed for a second term as Coordinator for Latin America and the Caribbean. The Delegation of Mexico thanked all the countries for their support and accepted the nomination.

65. The Committee, taking notice of the willingness of Guatemala to succeed Mexico as Coordinator for Latin America and the Caribbean after 2011, noted that the decision would be taken at the next session of the Committee.

#### **OTHER BUSINESS AND FUTURE WORK (Agenda item 9)**

##### **Future work**

##### **Proposal for the development of a regional standard for culantro coyote (Agenda item 9a)<sup>15</sup>**

66. The Committee recalled that its last session had considered a request from the Delegation of Costa Rica to develop a standard for culantro coyote and had agreed that the proposal should be revised in order to clarify some issues.

67. The Delegation of Costa Rica, in collaboration with Bolivia, Guatemala, Mexico and Nicaragua, presented the project document and explained that culantro coyote was an aromatic herb grown in Central America, marketed fresh and very vulnerable to physical damage and contamination, and noted that potential trade problems were related to contamination by *Salmonella* and pesticide residues. The project document also included information on production, consumption and trade, highlighting the growing market for this product.

68. Some delegations noted that the scope of the standard should be clarified in order to make it clear that it would not address food safety issues. The Codex Secretariat recalled that regional commodity standards focused on quality requirements, while microbiological contamination and pesticide residues were addressed in the Committees on Food Hygiene and on Pesticide Residues, respectively.

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<sup>14</sup> CX/LAC 08/16/10.

<sup>15</sup> CX/LAC 08/16/11.

69. The Delegation of Costa Rica confirmed that the purpose of the standard was to address quality issues, such as physical damage caused by pests, size of leaves, weight of bundles, presentation or other commercial requirements and that, according to the format of Codex standards, only a general reference would be made to food hygiene and pesticide residue provisions.

70. The Committee noted that trade statistics in Tables 4 and 5 corresponded to “other vegetables” and not to culantro coyote only, and that it would be useful to present specific trade statistics on the product from countries of the Region to justify the development of a regional standard.

71. Several delegations supported the development of a regional standard and were ready to provide their contribution to the process, as they also produced and exported culantro coyote.

72. The Committee agreed to propose new work on a regional standard for culantro coyote and agreed that the project document should be revised by Costa Rica, with the assistance of other delegations in the light of the above discussion, and submitted to the Codex Secretariat by February 2009. Upon approval of the new work proposal by the Commission, a working group led by Costa Rica and open to all interested members and observers<sup>16</sup> would develop the Proposed Draft Regional Standard for circulation by December 2009 at Step 3 and consideration at the next session of the Committee. It was agreed that the working group would work in Spanish and that, where necessary, translation into English would be provided by Argentina.

### **Proposal for the development of a regional standard for lucuma (Agenda item 9b)<sup>17</sup>**

73. The Committee recalled that, at the 14<sup>th</sup> Session of the Committee on Fresh Fruits and Vegetables, it had been noted that some commodities proposed for standardisation appeared to be traded mainly at the regional level, and the Delegation of Peru had agreed to present a proposal for new work on lucuma to the FAO/WHO Coordinating Committee for Latin America and the Caribbean.

74. The Delegation of Peru presented a project document and relevant information on the characteristics of lucuma, a fruit from the inter-Andean valleys consumed fresh or processed, and its current and potential market (fresh and processed), while clarifying that the standard would only cover fresh produce. The Delegation informed the Committee that the main problem related to market access. Some delegations informed the Committee that the main trade problem was related to market access to the European Community: according to the EC Regulation 258/97 on novel foods, those foods that had not been consumed in the EC to a significant degree prior to May 1997 should undergo a complete risk assessment in order to be marketed in the EC. With regard to this Directive, concerns had already been presented to the WTO/SPS Committee on this matter and it was recommended that the countries of the Region considered the revision of EC Regulation 258/97 and its possible impact on international trade. The Committee noted that the issue was related to food safety and would not be addressed in the framework of a regional standard focused on quality criteria.

75. Several delegations supported the drafting of a regional standard for lucuma and were willing to contribute to the process, as they also produced and exported the product.

76. The Committee agreed to propose new work on a regional standard for lucuma and agreed that the project document should be revised by Peru, with assistance from other delegations, and submitted to the Codex Secretariat by February 2009. Upon approval of the new work proposal by the Commission, a working group led by Peru and open to all interested members and observers<sup>18</sup> would develop the Proposed Draft Regional Standard for circulation by December 2009 at Step 3 and consideration at the next session of the Committee. It was agreed that the working group would work in Spanish only.

### **Proposal for the development of a regional standard for quinoa<sup>19</sup>**

77. The Delegation of Bolivia introduced a project document for new work on quinoa and highlighted the main aspects related to the characteristics and trading of the product. The Delegation explained that trade in quinoa had expanded in the last few years and that a quality standard for this commodity would assist in ensuring the market value and overall quality of the product, while avoiding potential barriers to trade in the future.

78. The Committee noted that there was currently no significant trade disruption linked to the identity or quality of the product, and felt therefore that it would be advisable to further examine the need for a regional standard at a future session of the Committee. Some delegations expressed their interest in future work on quinoa based on the outcome of a further analysis on the need for new work on this product.

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<sup>16</sup> The following delegations expressed their interest in participating: Guatemala, El Salvador, Colombia, Honduras, Nicaragua, Panama, Paraguay and Trinidad and Tobago.

<sup>17</sup> CX/LAC 08/16/12.

<sup>18</sup> The delegations of Chile and Colombia expressed their interest in participating in the working group.

<sup>19</sup> CX/LAC 08/16/13.

79. In view of the above, the Committee agreed to invite the Delegation of Bolivia to submit a revised project document for consideration at the next session of the Committee.

#### **Other business**

##### ***Grated desiccated coconut***

80. The Delegation of Brazil informed the Committee that the Committee on Processed Fruits and Vegetables was revising the *Standard for Grated Desiccated Coconut* (CODEX STAN 177-1991) through a working group led by Brazil. The Delegation stated that this product was relevant to many countries of the Region and reasserted its keen interest in contributing to the revision or standardization of other products falling within the terms of reference of the CCPFV.

##### ***Steviol glycosides (stevia)***

81. The Delegation of Paraguay informed the Committee of the conclusion of the safety evaluation of steviol glycosides carried out by the 69<sup>th</sup> meeting of the Joint FAO/WHO Expert Committee on Food Additives (JECFA). In view of this, the Delegation requested the support of the Committee for initiating steps for the establishment of maximum levels for steviol glycosides at the next session of the Committee on Food Additives, with a view to their inclusion in the *General Standard for Food Additives* (CODEX STAN 192-1995), given that this was a natural sweetener whose use was in compliance with the *WHO National Strategy on Diet, Physical Activity and Health*.

82. The Committee noted that steviol glycosides had been or were being approved as a food additive sweetener at national or subregional level in various countries of the Region, and expressed its great interest in supporting work on steviol glycosides within the Committee on Food Additives by developing maximum levels for steviol glycosides for inclusion in the GSFA.

#### **DATE AND PLACE OF NEXT SESSION (Agenda item 10)**

83. The Committee was informed that its 17<sup>th</sup> Session would be held in approximately two years time and that more detailed arrangements would be communicated to Members following the appointment of the Coordinator by the 32<sup>nd</sup> Session of the Commission.

ANNEX**SUMMARY OF STATUS OF WORK**

SUBJECT MATTER	STEP	ACTION BY	DOCUMENT REFERENCE (ALINORM 09/32/36)
Draft proposed regional standards for: - culantro coyote - lucuma	1/2/3	31 <sup>st</sup> CAC Working Groups 17 <sup>th</sup> CCLAC	paras. 72 and 76
Project document on the standardization of quinoa	-----	Bolivia 17 <sup>th</sup> CCLAC	para. 79

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**APPENDIX II****Proposal of new criteria for the allocation of funds:****Codex Alimentarius Trust Fund<sup>20</sup>****Conclusions:**

1. There has always been a bias in distribution favouring certain regions.
2. The matching requirements scale results, over time, in some regions experiencing a drop in participation in relation to other regions. Latin America and the Caribbean is one of the regions most affected.
- 2. Requests of Latin America and the Caribbean to FAO/WHO on the administration of the fund**
  1. Clarification of duration of the fund and resources available annually.
  2. Provision of statistics for transparency of fund use:
    - a) Costs of participation, number of members, countries graduating.
    - b) Participation in activities other than meetings.
    - c) Number of countries that received support and continue assisting – continuity.
    - d) Prioritization of meetings requested by countries and information on results after the meeting. (Availability of information on how much will be allocated to each region per year and information on requests made by countries).
    - e) Information on administrative decisions and costs:
      - Who decides on the use of the fund, administrative costs. If there are established procedures for audit reports and distribution of allowances to beneficiaries.
      - Details of administrative cost.
  3. Proposed rechanneling of funds.
    - Consider classification as developing country as indicator of eligibility.
    - On that basis, build an indicator to measure effective and continuous participation in Codex based on the following aspects:
      - o Each country identifies the committees it usually attends with its own resources and the priority committees it would like to attend with fund support.
      - o That information be updated every five years.
      - o That priority changes be permitted in the interval with justifications provided.
      - o Percentage of written comments in relation to all documents consulted in the priority committees
      - o Level of harmonization of Codex standards with national standards and national regulations.
    - Build a classification of countries in which these factors are weighted to determine the distribution of funds.
    - Allow a period of two years on which to evaluate this participation.
4. While the criteria are being redefined, arrangements for the Region to re-enter the fund at year 1 to address the current problem of regional bias.
5. Support for training to be dealt with separately.
6. These considerations should be given serious attention and the criteria for fund allocation should be genuinely revisited, otherwise the Region would be obliged to seek alternative mechanisms of cooperation that do not leave it at a disadvantage in Codex decision-making.

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The original presented as CRD 7 by a working group made up of Antigua, Argentina, Brazil, Chile, Colombia, Costa Rica, Dominica, Jamaica, Mexico, Panama, Paraguay, Peru, Saint Lucia and Uruguay.