

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION OF THE UNITED
NATIONS

WORLD HEALTH ORGANIZATION

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**JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX ALIMENTARIUS COMMISSION
21st Session, Rome, 3-8 July 1995**

**REPORT OF THE FORTY-FIRST SESSION OF THE EXECUTIVE COMMITTEE OF
THE CODEX ALIMENTARIUS COMMISSION
FAO Headquarters, Rome, 28 - 30 June 1994**

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SUMMARY AND CONCLUSIONS:

The Executive Committee:

expressed its appreciation for the maintenance of the Codex budget at its previous level and expressed special thanks to FAO for its additional contribution to the budget that allowed for publication targets to be met. It also expressed its appreciation of the very strong support provided by member countries which hosted Codex Committees (paras. 7. to 9.);

noted that there were additional costs associated with holding Commission sessions in Geneva but that this had in the past been accommodated by the Codex budget. It decided to propose to the Directors-General of FAO and WHO to continue with the practice of holding the Commission and Executive Committee sessions alternately in Rome and Geneva, but it requested the Secretariat to keep the matter under review (paras. 10. to 14.);

in reviewing the implications of the Uruguay Round Agreements for Codex **agreed and recommended** to the Commission, Codex Committees and the secretariat as appropriate that:

the Codex Alimentarius Commission and its subsidiary bodies become more responsive to current and emerging problems in the international trade in food (paras. 22.a., 23.a.);

greater expediency was needed in the development of standards, guidelines and recommendations (paras. 22.b., 23.b., 24.b.);

scientific analysis and advice, together with risk analysis, should form the basis of the development of standards, guidelines and recommendations (para. 22.c);

a consistent approach to risk management in the specification of Codex Standards, guidelines and recommendations be developed and documented (paras. 22.d., 23.c, 25.a.);

a procedure be developed to identify those standards, guidelines and recommendations which have a major trade impact and the extent to which these standards are used by Member countries (paras. 22.e., 23.d., 24.a.);

detailed documentation be prepared on the technical basis of decision making in the development of standards, guidelines and recommendations to ensure their transparency (paras. 22.f., 23.e., 24.c);

the application of risk assessment as it relates to the human life and health protection aspects of food be developed and documented (para. 22.g.);

principles and procedures for inspection and certification systems be developed and documented (para. 22.h.);

scientific developments relevant to matters covered by Codex standards, guidelines and recommendations be closely monitored (paras. 22.i., 23.f., 25.b.);

a comprehensive register of eminent persons in fields related to Codex standards, guidelines and recommendations be established (paras. 22.j., 25.c);

the Codex Secretariat become more service orientated in providing information services and in responding to client inquiries (paras. 22.k., 23.g., 25.d.); and

a mechanism to re-order and redirect the work priorities of Codex Committees be instituted (paras. 22.l., 25.e.).

endorsed the detailed Programme of Work as presented by the Secretariat and suggested that the establishment of priorities in line with such criteria should be considered by the chairmen of respective Codex Committees in consultation with the Executive Committee. It requested the Secretariat to prepare draft criteria for consideration at its next meeting (paras. 27. to 28.);

endorsed the following priority areas in relation to its Strategy for Achieving the Medium-Term Objectives: contaminants (pesticide residues, natural toxins, heavy metals, industrial chemicals, etc.), risk assessment, food hygiene, food labelling, food additives; commodity standards; biotechnology; and food inspection and certification systems and that framework project plans should be developed for all of these (paras. 29. to 37.);

requested that a concise document on strategies for achieving the medium term objectives be presented to the Commission at its 21st Session (para. 37.);

recognized the serious concerns expressed on behalf of developing country Members of the Commission that proposals to reduce the quorum required for amending the Commission's Rules of Procedure might have the effect of discriminating against the large majority of Codex Members in matters of basic policy consideration (paras. 39. to 40.);

noted that the discussions between the Codex and UNECE Secretariats were expected to result in proposals which could be considered by the 21st Session of the Commission in 1995 (paras. 41. to 43.);

noted the progress made in improving the dissemination of Codex documentation and information, endorsed the priority given to the publication of the revised Codex Alimentarius and supported the view that further efforts needed to be made to maintain tight control over the number and length of documents and reports, including ALINORMs (paras. 44. to 46.);

confirmed certain proposals of subsidiary bodies to undertake the elaboration of new standards or related texts (para. 47. and Appendix II);

adopted several Draft Standards and related texts at Step 5 of the Procedure (para. 47. and Appendix II);

agreed to the deletion or discontinuation of a number of work items (para. 47. and Appendix II);

asked FAO and WHO to consider convening a joint expert consultation on the development of risk assessment methodology and decision-making criteria, if necessary with some funds drawn from the Codex budget, to provide advice which could be considered by the next session of the Executive Committee and the 21st Session of the CAC (para. 48.);

approved amendments to the proposed texts of the check list of information required and guidelines to evaluate methods of analysis (para. 49.);

endorsed the views of the Codex Committee on General Principles concerning the need for relevant Codex Committees to revise the section of the Procedural Manual dealing with "relations between Codex commodity committees and general committees" (para. SO.);

noted the possible advantages of appointing host countries for Coordinating Committees rather than the present procedure of appointing individuals as coordinators and requested that a paper on this matter be prepared (para. 51.);

endorsed a proposal for a six-day session along thematic lines to apply to the 21st Session of the CAC on an experimental basis (paras. 53, to 54.); and

following extensive and intensive discussion agreed on a text concerning the role of science and other factors in the Codex decision-making process (paras. 55. to 62.).

**REPORT OF THE FORTY-FIRST SESSION OF THE
EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION
*FAO Headquarters, Rome, 28 - 30 June 1994***

INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission held its 41st Session at FAO Headquarters, Rome from 28 to 30 June 1994. The Executive Committee was presided over by the Chairman of the Codex Alimentarius Commission, Professor F.G. Winarno, Indonesia in the presence of its Vice-Chairmen: Mr. Digby Gascoine, Australia; Professor Pakdee Pothisiri, Thailand; and Mr. John Race, Norway. The following members of the Commission elected on a regional basis participated in the session: Tunisia, Malaysia, the Netherlands, Cuba, Canada and New Zealand. The Codex Regional Coordinators for Africa, Asia, Europe, Latin America and the Caribbean and North America and the South-west Pacific were present as observers. A complete list of participants is given in Appendix 1.

2. The Session was opened by Mr. H.W. Hjort, Deputy Director-General of FAO, who welcomed the participants on behalf of the Directors-General of FAO and WHO. Mr. Hjort stated that the Codex worldwide approach to standardization, especially as related to the protection of consumers and the facilitation of international trade, was consistent with the recent GATT Agreement on Technical Barriers to Trade, which stressed that quality standards and technical regulations should be based on international standards. The international Codex approach was also consistent insofar as sanitary and phytosanitary measures and barriers were concerned under the GATT Agreement on Sanitary and Phytosanitary Measures. As the basis of this Agreement and the new Agreement on Technical Barriers to Trade, many Codex texts would play an essential role in promoting nutrition, food safety and trade throughout the world.

3. Mr. Hjort noted that the Codex Alimentarius Commission guidelines and Codes of Practice were essential to the international trade of safe foods and were being continually up-dated and renewed to reflect current scientific knowledge and new approaches to risk. FAO had long supported national efforts to improve food control systems with the object of protecting consumers through improved food quality, including safety. Such projects provided the basic policy tools and framework legislation which were needed to protect consumers from food borne environmental hazards and at the same time provided countries with the means of competing fairly in the international food market.

4. In addition to those responsibilities of the Commission outlined above, Mr. Hjort stated that Codex was also relied upon for the coordination of food standards work undertaken by other governmental and non-governmental organizations. In this regard, while Codex had in the past made some provisions for regional standards, in more recent years it had arrived at a policy to discourage the development of standards which would establish preferential treatment for trading partners at the regional level. The Codex Alimentarius Commission, as the sole United Nations body entrusted with responsibility for elaborating international standards for foods, had also taken regional initiatives arising from other bodies into account.

5. The Chairman, in thanking Mr. Hjort for his remarks, noted the importance of the recently concluded GATT Agreements, especially as related to those concerns expressed by the many developing country members of Codex. Prof. Winarno stated

that developing country concerns were addressed in the GATT Agreement on the Application of Sanitary and Phytosanitary Measures, which recognized that while countries retained the right to take sanitary and phytosanitary measures for the protection of human, animal and plant life, those measures should be applied only to the extent necessary to achieve their objective and be consistent with sound scientific evidence and judgement. Moreover, the Agreement required that sanitary and phytosanitary measures should not be applied in such a way as to create arbitrary, disguised or unjustifiable obstacles to international trade. More importantly, Prof. Winarno stated that both Agreements stipulated that signatories agreed to facilitate the provision of technical assistance to other Members, especially developing country Members, either bilaterally or through the appropriate international organizations. The Agreements also stipulated that in the preparation and application of sanitary or phytosanitary measures or technical regulations and standards, members should take account of the special needs of developing country Members, and in particular of the least-developed ones.

ADOPTION OF THE AGENDA¹ (Agenda Item 1)

¹ CX/EXEC 94/41/1.

6. The Executive Committee adopted the Provisional Agenda as the Agenda for the Session with the understanding that the consideration of the role of science in the Codex decision-making process would be discussed as a separate item under Other Business (Item 12) if necessary. Slight changes were made in the order of items discussed.

REPORT ON THE ACCOUNTS OF THE JOINT FAO/WHO FOOD STANDARDS PROGRAMME FOR 1992/93 TOGETHER WITH THE APPROVED BUDGET FOR 1994/95² (Agenda Item 2)

² CX/EXEC 94/41/2.

7. The Executive Committee noted that the funding of the Joint FAO/WHO Food Standards Programme continued to be based on a cost-sharing budget in which FAO provided 75% and WHO 25% and a separate budget primarily covering documentation to which FAO was the sole contributor. The Committee noted that in the biennium 1992/93 a deficit (US\$ 47 000) had been carried forward from the previous biennium. There had also been a reduction of about 8% in the basic budget of the programme due to an overall reduction in the appropriations for the FAO budget for 1992/93. However, due primarily to savings in staff and non-staff personnel costs resulting from a favourable lire/dollar exchange rate throughout the period, the biennium ended with a small surplus (US\$ 16 000). During the biennium the programme had met and even exceeded the targets established.

8. The Secretariat reported that the approved budget for 1994/95 had been set at the same level as the 1990/91 budget in real terms; the 8% reduction applied in 1992/93 would not be continued for the current biennium.

9. The Executive Committee expressed its appreciation for the maintenance of the Codex budget at its previous level and expressed special thanks to FAO for its additional contribution to the budget that allowed for publication targets to be met. The Executive Committee also expressed its appreciation of the very strong support provided by member countries which hosted Codex Committees. It was noted that this support, from both developing and other countries, was roughly equivalent to the joint FAO/WHO budget.

REPORT ON COSTS ASSOCIATED WITH HOLDING ALTERNATE SESSIONS OF THE COMMISSION IN ROME AND GENEVA³ (Agenda Item 3)

³

CX/EXEC 94/41/3.

10. At the request of the 40th Session of the Executive Committee (ALINORM 93/4, para. 8) a review covering costs of the Commission and Executive Committee sessions held in Rome in 1991 and Geneva in 1993 had been carried out by FAO in cooperation with WHO. It was noted that the costs associated with the Executive Committee meetings could not be clearly separated from the costs of holding the Commission sessions in these years.

11. The review indicated that the costs of holding the Executive Committee and Commission sessions in Geneva were higher than holding sessions in Rome. It was estimated that the difference was about US\$30 000. The review also noted that there was a potential for savings in regard to support staff costs through the improved use of office automation technologies. Also, if computers and other office equipment could be made available in Geneva without cost to the programme further savings could also be envisaged.

12. The Executive Committee noted that, in addition to the costs to the Programme, other factors had to be considered. Among these was the attendance by countries at Commission sessions, which was higher in Rome than in Geneva for sessions held over the past twelve years. Several members of the Executive Committee emphasized however that the joint nature of the Codex Programme had to be considered and that the holding of alternate sessions in Rome and Geneva was a clear demonstration of this. Noting that the Commission had, on several occasions, called for increased financial support from WHO to the Codex Programme, concerns were expressed that holding sessions only in Rome might indicate to WHO that its commitment to the Programme was not essential. There was also the possibility that Ministries of Health in Member countries which needed to play an active role, would be less informed about the Programme and lose interest.

13. The Executive Committee stressed that where savings could be made they should be made and it was noted that the proposal to shorten the Commission Sessions to six working days (See also Agenda Item 11) could result in considerable savings, offsetting the higher costs of meetings in Geneva. The question of developing country participation in Commission sessions was also seen to be particularly relevant and WHO was invited to be more aggressive in promoting attendance at Commission sessions in Geneva by local, well-briefed permanent representations at least, and by the provision of appropriate information to the permanent missions in Geneva.

14. The Executive Committee noted that the additional costs associated with holding Commission sessions in Geneva had in the past been accommodated by the Codex budget, and that this situation was likely to continue when savings, evaluation of priorities and other considerations were taken into account. It decided therefore to propose to the Directors-General of FAO and WHO to continue with the practice of holding the Commission and Executive Committee sessions alternately in Rome and Geneva, but it requested the Secretariat to keep the matter under review.

REPORT ON MATTERS ARISING FROM FAO AND WHO RELATED TO THE WORK OF THE COMMISSION⁴ (Agenda Item 4)

4

CX/EXEC 94/41/4

15. The Executive Committee noted with interest the joint activities of FAO/WHO in regard to the evaluation of food additives, contaminants, pesticide residues and residues of veterinary drugs in foods. The outcome of the FAO/WHO Expert Consultation on the Fats and Oils in Human Nutrition was also noted as being of potential importance for future Codex recommendations on nutrition and on nutrition labelling. It was reported that the FAO/IAEA/WHO International Consultative Group on Food Irradiation was in the process of collecting data on the wholesomeness of food irradiated at doses greater than 10 kGy with a view to possibly developing recommendations to the Codex Alimentarius Commission for the use of this process at such dosage levels.

16. The Executive Committee noted the commitment of both FAO and WHO to the follow-up of the International Conference on Nutrition (ICN) and the activities of the two Organizations in assisting developing countries in the establishment of National Plans of Action in response to the ICN Declaration on Nutrition. Appreciation was expressed for the FAO field activities supporting food control authorities in more than 40 countries, and for the related training activities and technical publications produced by FAO. The Executive Committee also expressed its appreciation for the technical documentation provided as a result of WHO expert meetings on various aspects of food safety. In particular, the Executive Committee noted the safety evaluations related to biotechnology applications in food production and processing which would be of future relevance to the Commission's work.

17. Several Members expressed interest in the work of the newly-established Food Quality Liaison Group in FAO and asked to be kept informed of its work. Developments within the International Programme on Chemical Safety (IPCS) and the relevance of IPCS support to the safety evaluations of food additives, contaminants, pesticide and veterinary drug residues, were also noted.

IMPLICATIONS FOR THE CODEX ALIMENTARIUS COMMISSION ARISING FROM THE FINAL ACT OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS RELATED TO SANITARY AND PHYTOSANITARY MEASURES AND TECHNICAL BARRIERS TO TRADE⁵ (Agenda Item 5)

5

CX/EXEC 94/41/5

18. The Executive Committee noted that the present item had been included on its Agenda in response to a proposal made at its Fortieth Session (ALINORM 93/4, paragraph 12). The paper analyzed the implications for the Commission of the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement) and the Agreement (1994) on Technical Barriers to Trade (the TBT Agreement). The implications considered in the paper were primarily those which had a bearing on the way in which the Commission needed to respond to the additional obligations placed upon it and which resulted from the greater importance given to Codex work as a result of the Uruguay Round Agreements.

19. In considering the Secretariat's report, the Executive Committee noted that the SPS Agreement states that GATT members may introduce or maintain sanitary or phytosanitary measures which result in a higher level of sanitary or phytosanitary protection than would be achieved by measures based on the relevant international

(Codex) standards, guidelines or recommendations, if there was a scientific justification, or as a consequence of the level of protection established by the member nation. The Agreement also required consistency in the application of the concept of the appropriate level of sanitary and phytosanitary protection and stated that each Member should avoid arbitrary or unjustifiable distinctions in the level of protection considered to be appropriate for different situations.

20. The Executive Committee also noted that provision needs to be made in Codex work to ensure transparency of its decision-making process and to provide for equivalency in achieving the desired levels of protection.

21. The Executive Committee stressed that there needed to be a clear definition of responsibilities between the Commission's work and the work of the World Trade Organization's Committees on SPS Measures and on Technical Barriers to Trade. However, there were elements which were common to both groups, particularly the notification and monitoring processes foreseen in the Uruguay Round Agreements and the Codex Acceptance Procedure. The Executive Committee expressed concern that the Codex Acceptance Procedures did not meet the requirements of Codex Member countries nor of the Uruguay Round Agreements.

22. The Executive Committee agreed therefore that there was a need:

- a. for the Codex Alimentarius Commission and its subsidiary bodies to become more responsive to current and emerging problems in the international trade in food;
- b. for greater expediency in the development of standards, guidelines and recommendations;
- c. for scientific analysis and advice, together with risk analysis, to form the basis of the development of standards, guidelines and recommendations;
- d. for the Codex Alimentarius Commission to develop and document a consistent approach to risk management in the specification of Codex Standards, guidelines and recommendations;
- e. for the Codex Alimentarius Commission to develop a procedure to identify those standards, guidelines and recommendations which have a major trade impact and the extent to which these standards are used by Member countries;
- f. for the detailed documentation of the technical basis of decision making in the development of standards, guidelines and recommendations to ensure their transparency;
- g. to develop and document the application of risk assessment as it relates to the human life and health protection aspects of food;
- h. to develop and document principles and procedures for inspection and certification systems;
- i. for the Codex system to closely monitor scientific developments relevant to matters covered by Codex standards, guidelines and recommendations;
- j. for the maintenance of a comprehensive register of eminent persons in fields related to Codex standards, guidelines and recommendations;

- k. for the Codex Secretariat to become more service orientated in providing information services and in responding to client inquiries; and
 - l. for a mechanism to re-order and redirect the work priorities of Codex Committees.
23. The Executive Committee **recommended** that:
- a. the Codex Alimentarius Commission and Codex Committees become more responsive to current and emerging problems in the international trade in food;
 - b. there be greater expediency in the development of Codex standards, guidelines and recommendations;
 - c. a consistent approach to risk management in the specification of Codex Standards, guidelines and recommendations be developed and documented;
 - d. a procedure to identify those standards, guidelines and recommendations which have a major trade impact and the extent to which these standards are used by Member countries be developed;
 - e. detailed documentation be made available on the technical basis of decision making in the development of Codex standards, guidelines and recommendations and for transparency;
 - f. the Codex system monitor closely scientific developments relevant to matters covered by Codex standards, guidelines and recommendations; and
 - g. the Codex Secretariat become more service orientated in providing information and in responding to client inquiries.
24. Further, the Executive Committee recommended that:
- a. Codex Committees deal expeditiously with current and emerging problems in the international trade in food that come to their attention;
 - b. Codex Committees expedite the development of Codex standards, guidelines and recommendations, urging stronger leadership in this matter within Committees on the Codex Secretariat and National Secretariats; and
 - c. Codex Committees provide detailed documentation of the technical basis of decision making in the development of standards, guidelines and recommendations so as to ensure the transparency of their development.
25. Finally, the Executive Committee requested the Codex Secretariat to:
- a. take necessary action to develop and document the application of risk assessment as it relates to the human life and health protection aspects of food;
 - b. establish systems to closely monitor scientific developments relevant to matters covered by Codex standards, guidelines and recommendations;
 - c. set up a system to maintain a comprehensive register of eminent persons in fields related to Codex standards, guidelines and recommendations;

- d. take action necessary to become more service orientated in providing information services and in responding to client inquiries; and
- e. monitor the work priorities of Codex Committees and draw to the attention of the Executive Committee, for consideration and possible action, any need for re-ordering or redirection.

26. The Executive Committee had an exhaustive debate on the integration of scientific and other factors in the decision-making process of Codex, which resulted in a number of conclusions. These are reported in paragraphs 55. to 62..

MEDIUM-TERM PROGRAMME OF WORK 1993-1998 (Agenda Item 6)

a. Consideration of the detailed programme of Work 1994/95 ⁶

⁶ CX/EXEC 94/41/6

27. The Executive Committee **endorsed** the detailed Programme of Work as presented by the Secretariat. Some amendments and corrections were presented by Members. It noted that some Codex Committees seemed to have more work than could be handled effectively and it requested Committees to propose priorities and time-limits in future when initiating new work items (see discussion under Item 6b below).

28. The Executive Committee requested that the detailed Programme of Work be presented at future sessions in line with the Medium-Term Objectives established by the Commission. It recommended that criteria for priority setting needed to be included as part of the strategy for achieving the Medium-Term Objectives. In this regard it considered that the Criteria for Work Priorities contained in the Procedural Manual needed to be revised to bring them in line with the Executive Committee's present discussion on strategies and with the Medium-Term Objectives established by the Commission in 1993. The Executive Committee suggested that the establishment of priorities in line with such criteria should be considered by the chairmen of respective Codex Committees in consultation with the Executive Committee. It **requested** the Secretariat to prepare draft criteria for consideration at its next meeting.

b. Strategies for achieving the Medium-Term Objectives to 1998 ⁷

29. The Executive Committee at its 40th Session had called for a document to be prepared outlining the strategic direction to be taken to follow more precisely the objectives and priorities of the Medium-Term Plan. The paper presented to the Executive Committee identified certain key issues, principally that the Codex Alimentarius Commission needed to identify the driving forces behind its output of standards, guidelines and other recommendations and that these outputs were appropriate for use by member governments in their own food standards work and in bilateral, regional or multilateral organizations such as the GATT/WTO.

30. Among the other issues identified was the need to ensure that the work undertaken by the Commission was achievable and that progress towards achieving objectives was measurable. It was noted that the large number of items contained in the detailed programme of work indicated that greater discipline had to be applied when considering items for new work.

31. The Executive Committee noted the proposal contained in the paper (paragraph 27) to establish a broad Mission Statement. Although it was agreed that such a statement could be useful the Executive Committee agreed that the Statutes of the Codex Alimentarius Commission provided adequate guidance for the Commission as an

intergovernmental body charged with the implementation of the joint FAO/WHO Food Standards Programme and that a separate Mission Statement was not required.

32. The Executive Committee agreed that Codex needed to interact more effectively with governments and bilateral and multilateral trade organizations to ensure that its products and services were timely, relevant and effectively delivered. This indicated that the issues taken up by the Commission needed to be carefully selected in the light of the ability of the Commission to respond and address the needs of its members. The Executive Committee also agreed that the Commission and its Secretariat must continue to effectively review and examine strategic and emerging issues in food quality and safety and international trade.

33. The Executive Committee **endorsed** the priority areas identified in the document; namely contaminants (pesticide residues, natural toxins, heavy metals, industrial chemicals, etc.), risk assessment, food hygiene, food labelling, food additives and the work on commodity standards. It also **agreed** that biotechnology and food inspection and certification systems would equally be priority areas and that framework project plans should be developed for all of these priority areas. In discussing the project plan for development of commodity standards, the Executive Committee noted the continuing relevance of such standards within the framework of the TBT agreement.

34. In regard to the proposed framework project for biotechnology, it was suggested that the Codex Committee on Nutrition and Foods for Special Dietary Uses consider the reorganization of its work to focus more on the horizontal aspects of nutrition in Codex work and provide a committee structure for issues not currently covered, including foods manufactured through recombinant DNA technology and the labeling of products produced by these means. It was further suggested that the reorganized Committee be renamed the **Codex Committee on Nutrition and Food Composition**. It was recognized that there needed to be close collaboration with the Codex Committee on Food Additives and Contaminants and the Codex Committee on Food Labelling in regard to issues falling within the respective mandates of these Committees.

⁷ CX/EXEC 94/41/7, introduced by Mr. Barry L. Smith (Canada).

35. The Executive Committee appreciated that the implementation of a strategic approach to its work would require greater attention from the Committee itself and that it would need to take on a heavier workload and greater management role than before within the framework of its mandate. The Executive Committee reaffirmed its key role as the executive organ of the Codex Alimentarius Commission providing policy advice and helping to implement the approved programme of work. It was recognized that there might be a need for longer sessions of the Executive Committee if these tasks were to be undertaken effectively.

36. The Executive Committee also considered the problem of adequate developing country participation in Codex work, as identified in the medium-term objectives. It was recognized that this was a crucial issue for Codex particularly in view of the greater responsibility of the Commission as a result of the finalization of the Uruguay Round Agreements. The Executive Committee requested FAO and WHO to consider ways of ensuring more active participation of member countries in Codex work. It also suggested that the Secretariat of Codex and FAO and WHO should approach the World Trade Organization to see how the recommendations of the SPS and TBT agreements directed towards more active participation in the work of Codex and other standardizing organizations could be implemented.

37. The Executive Committee expressed its appreciation to the author of the paper and requested that a concise document based on the working paper and the above discussions be presented to the Commission at its 21st Session.

PROPOSALS FOR AMENDMENT TO THE RULES OF PROCEDURE: PROCEDURES FOR AMENDING THE RULES OF PROCEDURE INCLUDING PROVISIONS GOVERNING THE QUORUM (Agenda Item 7)

Report by the Legal Counsels of FAO and WHO and the Codex Committee on General Principles⁸

⁸ CX/EXEC 94/41/8, ALINORM 95/33 paragraphs 9 - 16 and Appendix II.

38. The Executive Committee noted that proposals to amend the Commission's Rules of Procedure had been presented to the 20th Session of the CAC, but that the special quorum required for the adoption of these proposals had not been attained. Consequently, the CAC had requested the Legal Counsels of FAO and WHO to consider in detail the issues related to this matter and to prepare proposals for consideration by the Committee on General Principles (CCGP) and by the Executive Committee. The Secretariat reported that the 11th Session of the CCGP had recommended that the quorum required for proposing amendments to the Rules be reduced from a majority of the Membership of the Commission to one-third of the Membership.

39. Noting that the matter would be decided by the Commission at its 21st Session, the Executive Committee also recognized the serious concerns expressed on behalf of developing country Members of the Commission that such a proposal might have the effect of discriminating against the large majority of Codex Members in matters of basic policy consideration. A number of alternative proposals were put forward, including the possibility of providing viable mechanisms to obtain material or financial support for developing country participation in Codex meetings, as proposed by several Delegations to the March 1991 Conference on Food Standards, Chemicals in Food and Food Trade, voting on critical issues by correspondence and holding some sessions of the Commission in developing regions. It was also noted that greater efforts could be made to brief permanent representations and missions to FAO and WHO on critical matters coming before the Commission for consideration so as to encourage their participation in Commission sessions.

40. The Executive Committee **agreed** to bring the above concerns expressed to the attention of the Commission. It also noted that the issues discussed above were closely related to the Medium-Term Objective of increasing developing country participation in Codex work as discussed under Item 6(b), above (Para. 36.).

REPORT ON DISCUSSIONS CONCERNING THE ESTABLISHMENT OF JOINT PROGRAMMES OF WORK WITH THE UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE⁹ (Agenda Item 8)

⁹ CX/EXEC 94/41/9.

41. The Executive Committee noted that discussions continued between the Codex and UNECE Secretariats, as called for by the 20th Session of the CAC, to establish appropriate working arrangements between the Codex Committee on Tropical Fresh Fruit and Vegetables and the UNECE Working Party on Standardization of Perishable Produce and Quality Development. It was noted that these discussions included a wide range of possible solutions, including the maintenance of current arrangements as well as the possibility of establishing joint programmes of work. It was noted that the report

before the Executive Committee had been prepared with inputs from the Secretariat of the UNECE.

42. Members of the Executive Committee were informed that a letter containing the views of the UNECE Group of Experts on the Coordination of Standardization of Fresh Fruit and Vegetables had been addressed to the Chairman and the Regional Representatives for Europe and North America. This letter was provided to other Members of the Executive Committee for information. It was reported that the Host Government Secretariat of the Codex Committee on Tropical Fresh Fruits and Vegetables was considering possible responses to the letter. The Regional Representative for Europe also informed the Executive Committee of the views of the Government of France on the matter.

43. The Executive Committee noted that the discussions between the Codex and UNECE Secretariats were expected to result in proposals which could be considered by the 21st Session of the Commission in 1995.

REVIEW OF THE DISTRIBUTION OF CODEX DOCUMENTATION AND INFORMATION¹⁰ (Agenda Item 9)

¹⁰ CX/EXEC 94/41/10.

44. The Executive Committee noted with approval the progress made by the Secretariat in responding to the suggestions made at its 40th Session to improve the dissemination of Codex documentation and information. It endorsed the priority given to the publication of the revised Codex Alimentarius and expressed satisfaction with the improved distribution arrangements for these important volumes. It looked forward to the publication of these texts in electronic format in 1995.

45. It was also noted that the booklet "This Is Codex Alimentarius" had been widely distributed to member countries as had been requested. The Executive Committee recommended that, when current stocks of the booklet were exhausted, the new edition should take into account the higher profile accorded to Codex standards, guidelines and other recommendations in the framework of the Uruguay Round Agreements. It noted with appreciation the video presentation based on the above booklet and encouraged its wide distribution to Codex Contact Points and other interested parties especially in developing countries.

46. In regard to the working documentation of the Commission and Codex committees, the Executive Committee supported the view that further efforts needed to be made to maintain tight control over the number and length of documents and reports, including ALINORMs.

MATTERS ARISING FROM CODEX COMMITTEES¹¹ (Agenda Item 10)

¹¹ CX/EXEC 94/41/11; CX/EXEC 94/41/11 - Addendum 1.

a. Consideration of proposals for new work at Step 1 and adoption of Proposed Draft Standards at Step 5

47. In accordance with the Uniform Procedure for the Elaboration of Codex Standards and Related Texts adopted by the 20th Session of the Codex Alimentarius Commission, the Executive Committee **confirmed** certain proposals of subsidiary bodies to undertake the elaboration of new standards or related texts (Step 1) and **adopted** several Draft Standards and related texts at Step 5 of the Procedure, noting that no comments had been received from governments opposing the advancing of the

texts. It also **agreed** to the deletion or discontinuation of a number of work items. Tables summarizing these decisions are contained in Appendix II to this report.

48. The Executive Committee noted the proposal of the Codex Committee on Residues of Veterinary Drugs in Foods to initiate the *Accelerated Procedure* for the elaboration of harmonized definitions for use in risk analysis,¹² and the proposal of the Codex Coordinating Committee for North America and the South-West Pacific to initiate work on the development of risk assessment methodology and decision-making criteria¹³. Recognizing that both issues were closely linked, and that the Executive Committee had established that there was considerable urgency in developing guidance in the development of consistent risk assessment methodology (see para. 22.d.), it asked FAO and WHO to consider convening a joint expert consultation, if necessary with some funds drawn from the Codex budget, to provide advice which could be considered by the next session of the Executive Committee and the 21st Session of the CAC. It strongly recommended that the Chairpersons of the Codex Committees most closely associated with the use of risk analysis, especially risk management, in their work be invited to participate in the Consultation.

¹² ALINORM 95/31, paras. 38-41.

¹³ ALINORM 95/32, paras. 58-59.

b. Other Matters

Codex Committee on Methods of Analysis and Sampling

49. The Executive Committee approved amendments to the proposed texts of the check list of information required and guidelines to evaluate methods of analysis adopted by the 20th Session of the CAC. It was noted that the CAC had indicated that the texts contained minor inconsistencies which it had asked the CCMAS to examine. The amendments to the revised texts were contained in ALINORM 95/23 Appendix II.

Codex Committee on General Principles

50. The Executive Committee endorsed the views of the Codex Committee on General Principles (ALINORM 95/33 paragraph 50) concerning the need for relevant Codex Committees to revise the section of the Procedural Manual dealing with "relations between Codex commodity committees and general committees". The Committee on General Principles had recommended that these texts should be revised in a form compatible with advice to members of the Commission rather than as instructions or advice only to Codex committees.

Codex Coordinating Committee for Europe

51. The Executive Committee noted that the Coordinating Committee had discussed the possible advantages of appointing host countries for Coordinating Committees rather than the present procedure of appointing individuals as coordinators. It requested the Secretariat in consultation with the Legal Counsels of FAO and WHO to prepare a paper on this matter for discussion at the next session of the Codex Committee on General Principles.

Codex Coordinating Committee for North America and the South-West Pacific

52. The Executive Committee was informed of the concerns expressed by the Coordinating Committee as to whether the Coordinating Committee was meeting the needs of developing countries within the regions. It was noted that a realignment of

countries into other existing regional committees had been proposed. The Executive Committee noted that this matter would be discussed in depth at the 4th Session of the Coordinating Committee.

DRAFT PROVISIONAL AGENDA FOR THE 21ST SESSION OF THE CODEX ALIMENTARIUS COMMISSION ¹⁴(Agenda Item 11)

¹⁴

CX/EXEC 94/41/12.

53. In accordance with Rule V of the Rules of Procedure, the Executive Committee examined the proposals of the Secretariat concerning the draft provisional agenda for the 21st Session of the Codex Alimentarius Commission. The Executive Committee noted that there were a number of benefits to be gained from reducing the length of the Commission session, including possible increased participation by developing countries and endorsed the Secretariat's proposal for a six-day session along thematic lines to apply to the 21st Session of the CAC on an experimental basis.

54. The Executive Committee noted that the agenda proposed was substantially different in form from agendas of previous Commission sessions and that a number of items of a purely informational nature had been deleted. In endorsing the proposal for a shorter session the Executive Committee indicated that provisions would need to be made to allow for adequate discussion of items within the six-day period and suggested that provisional arrangements be made for an evening session if necessary.

OTHER BUSINESS (Agenda Item 12)

Role of Science in the Codex Decision-making Process

55. In 1992 some aspects of the role of science in Codex decision making were referred by the Executive Committee to the Codex Committee on General Principles (CCGP). The 20th Session of the Codex Alimentarius Commission (CAC) in 1993 had noted this reference and had asked the CCGP to consider developing guidance on how science and other factors should be integrated into its elaboration procedures and decision making processes.

56. The CCGP at its meeting in April 1994 considered a paper prepared by the Secretariat on this and other issues (CX/GP 94/4). The Executive Committee noted that whilst some useful discussion had occurred on the complexity of the issues involved, and there was general consensus that Codex standards should be based on a thorough review of all relevant information, the CCGP did not make recommendations on the matter, considering that a comprehensive review of relevant sections of the Procedural Manual might be required.

57. The Executive Committee was grateful for the work of the CCGP in considering and attempting to resolve some complex issues, however it considered that it should resolve this issue at this time, as the executive organ of the CAC, to facilitate the further work on aspects of the issue in the work programmes.

58. The Executive Committee noted that science had played an essential role in the development of Codex standards since the Commission's inception. Codex, as an intergovernmental body charged with the development of international standards, guidelines and recommendations which protect the health of consumers and ensure fair practices in the food trade, endeavoured to take into account all relevant information in its decision-making.

59. The Executive Committee noted that the elaboration of consistent scientific principles which underpin its work and the work of relevant expert bodies such as

JECFA and JMPR was being consistently pursued. Fundamental to this task was the development of a clearly articulated and consistent risk analysis methodology. The development of clear principles and methods of risk assessment and guidelines for risk management and risk communication in the Codex work programme involved both scientific and other relevant factors consistent with the Codex objectives.

60. The clearer enunciation of these scientific principles and practices involved in the Codex work, and general promotion of transparency in its operations, should encourage greater participation and confidence in the Codex work by all partners and in particular developing countries and consumers.

61. The Executive Committee, following extensive and intensive discussion agreed on the following principles which would be submitted to the 21st Session of the Commission:

1. ***The food standards, guidelines and other recommendations of Codex Alimentarius shall be based on the principle of sound scientific analysis and evidence, involving a thorough review of all relevant information, in order that the standards assure the quality and safety of the food supply.***
2. ***When elaborating and deciding upon food standards Codex Alimentarius will have regard, where appropriate, to other legitimate factors relevant for the health protection of consumers and for the promotion of fair practices in food trade.***
3. ***In this regard it is noted that food labelling plays an important role in furthering both of these objectives.***
4. ***When the situation arises that members of Codex agree on the necessary level of protection of public health but hold differing views about other considerations, members may abstain from acceptance of the relevant standard without necessarily preventing the decision by Codex.***

62. The Executive Committee decided that the above statements of principle would provide clear guidance to the Commission and that consequently the Procedural Manual should not be considered for amendment in relation to these matters.

EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION
41st Session
Rome, 28-30 June 1994

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RECOMMENDATIONS OF THE EXECUTIVE COMMITTEE ON SPECIFIC ITEMS OF WORK

CONSIDERATION OF PROPOSALS FOR NEW WORK AT STEP 1

Standard or Related Text	Reference	Work allocated to	Status
Application of the ISO 9000 Series to Food Inspection and Certification Systems	ALINORM 95/30, para.87	CCFICS	Approved High Priority Complete by 1997
Proposed Draft Guidelines for Information Exchange in Food Control Emergency Situations	ALINORM 95/30, paras. 71-74, Appendix 3	CCFICS	Approved High Priority Complete by 1997
Procedures for the Evaluation of Food Intake Data Used in Risk Analysis	ALINORM 95/12, para. 30	CCFAC	Approved High Priority Complete by 1997
Code of Practice for All Food stuffs Transported in Bulk	ALINORM 95/12, para. 17	CCFH/CCFAC	Approved Medium priority Complete by 1999
Proposed Draft Revisions of the Codes of Practice for Fish and Fishery Products	ALINORM 95/18, paras. 123-129	CCFFP	Approved Medium Priority Complete by 1999
Proposed Draft Code of Practice for Frozen Surimi	ALINORM 95/18, paras. 134-136	CCFFP	Approved Medium Priority Complete by 1999
Proposed Draft Maximum Residue Limits for the certain Pesticides	ALINORM 95/24, paras. 372-376, Appendix IV	CCPR	Approved High Priority Complete within 18 months of JMPR evaluation
Proposed Draft Revised Maximum Residue	ALINORM 95/24, paras. 372-	CCPR	Approved

Limits for the certain Pesticides	376, Appendix IV		High Priority Complete within 18 months of JMPR evaluation
Guidelines for Use of the Term "Halal"	ALINORM 95/15, paras. 100-104, Appendix III	CCFL	Approved Medium Priority Complete by 1999
Revision of Codex Standards for Cocoa and Chocolate Products	Letter from the Host Government Secretariat of the Committee	CCCCP	Approved Medium Priority Complete by 1999
Consideration of the Broader Application of the Hazard Analysis/Critical Control Point System	ALINORM 95/32, para. 32	CCFH/CCFICS	Approved Medium Priority Specific proposals by 1995
Potentially Harmful Herbs and Botanical Preparations Sold as Food	ALINORM 95/32, para. 68	CCNFSDU	Approved Medium Priority Complete 1997
Proposed Draft MRLs for Certain Veterinary Drugs	ALINORM 95/31, Appendix VII	CCRVDF	Approved High Priority Complete within 18 months of JECFA evaluation

DRAFT STANDARDS ADOPTED AT STEP 5 OF THE PROCEDURE

Standard or Related Text	Responsible Committee	Reference
Proposed Draft Principles for Food Import and Export Certification and Inspection	CCFICS	ALINORM 95/30 paras. 15-36 Appendix 2
Proposed Draft Guidelines for Information Exchange in Food Control Emergency Situations	CCFICS	ALINORM 95/30 paras. 71-74 Appendix 3
Proposed Draft Preamble to the Codex General Standard for Contaminants and Toxins in Foods	CCFAC	ALINORM 95/12 paras. 92-110 Appendix III

DELETION OR DISCONTINUATION OF WORK ITEMS

Standard or Related Text	Responsible Committee	Reference
Proposed Draft Guideline Levels for Aflatoxin B1 in Supplementary Feeding stuffs for Milk-Producing Animals	CCFAC	ALINORM 95/12, para. 123
Proposed Draft Code of Hygienic Practice for Fish and Fishery Products in Controlled and Modified Atmosphere Packaging (At Step 3)	CCFFP	ALINORM 95/18, paras. 117-118
Proposed Draft Code of Practice for the Full Utilization of Sharks	CCFFP	ALINORM 95/18, paras. 131-133