

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION OF THE
UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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Agenda Item 3

ALINORM 97/4
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JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX ALIMENTARIUS COMMISSION *Twenty-Second Session, Geneva, 23-28 June 1997*

REPORT OF THE FORTY-FOURTH SESSION OF THE EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION WHO Headquarters, Geneva, 19-20 June 1997

INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission held its Forty-Fourth Session at WHO Headquarters, Geneva, from 19 to 20 June 1997. The Session was chaired by the Chairperson of the Codex Alimentarius Commission, Professor Pakdee Pothisiri (Thailand). The list of participants at the Session is given in Appendix 1.

ADOPTION OF THE AGENDA (Agenda Item 1)¹

2. The Executive Committee adopted the Provisional Agenda as the Agenda for its Session. It was also agreed to consider, under Item 7 Other Business, the Review of Codex Subsidiary Bodies, as recommended by FAO Council, and the outcome of an FAO Expert Consultation on Animal Feeding and Food Safety.

FINANCIAL AND BUDGETARY MATTERS (Agenda Item 2)²

3. The Executive Committee noted the Secretariat's report on the outcome of the 1994/95 biennium and on the current situation with regard to the biennium 1996/97. In particular, the reduction in documentation costs due to restructuring of publications services in FAO was noted. The Executive Committee expressed its satisfaction at the overall budget level proposed for 1998/99.

4. Several Members of the Executive Committee expressed concern that efforts to reduce costs by reducing the length of meetings and reducing the lengths of reports, could result in false economies in view of the large workload facing the Commission and its principal subsidiary bodies and the need for adequate communication and transparency in decision-making. The Executive Committee noted that distribution of documentation via the Internet had great potential for reducing costs and encouraged the Secretariat to make greater use of this medium. For developing countries without direct access to Internet in Codex Contact Point Offices, it was suggested that lines of communication be established between the Contact Point and local or Regional FAO Offices to ensure timely document distribution.

5. The Executive Committee noted that for the first time in several years, the Secretariat of the Joint Programme was fully staffed, and that WHO had also made available the services of a staff member of a part-time basis as a member of the Secretariat. It was noted that donor countries had provided, or were considering providing, additional support to the Secretariat in the form of posts for Associate Professional Officers.

¹ CX/EXEC 97/44/1

² ALINORM 97/5 and Corrigendum 1.

6. The Executive Committee expressed its appreciation to FAO and WHO for the continuing support at a substantial level for the Codex Programme, despite the financial restrictions facing the parent organisations. It also expressed its appreciation to Host Governments for their support to the Programme and to those countries supporting the programme directly and indirectly.

INVOLVEMENT OF NON-GOVERNMENTAL ORGANIZATIONS IN THE WORK OF THE CODEX ALIMENTARIUS COMMISSION (Agenda Item 3)³

7. The Executive Committee supported all of the recommendations contained in the paper, including the proposals to establish guidelines, consistent with the policies of the parent organizations, for International Non-Government Organization (INGO) participation in the work of Codex.

8. The Executive Committee stressed the different roles played by national NGOs working in co-operation with national Codex Contact Points and national Codex Committees and by the INGOs working in co-operation with the Commission and its subsidiary bodies at the international level. It strongly supported proposals to encourage greater involvement in Codex work at the national level by national NGOs. It also encouraged greater participation of INGOs within the Codex system, but noted that practical ways and means still had to be considered further.

9. The Executive appreciated the information contained in the Addendum to the paper concerning the procedures for the selection of experts for the Joint FAO/WHO Expert Committee on Food Additives (JECFA) and the Joint FAO/WHO Meetings on Pesticide Residues (JMPR). Some Members suggested that this information could be expanded to cover the specific credentials and background required for selection as an experts; the period of time for which experts served in their capacity; and nature of the responsibilities of experts *vis-à-vis* Temporary Advisers. One Member proposed that the selection process for *ad hoc* expert consultations be made more transparent with a public call for candidates and publication of a list of those candidates, and that experts be encouraged to make positive (rather than negative) declarations of interest. The means by which INGOs could propose potential experts was also thought to need further consideration and transparency.

THE APPLICATION OF RISK ANALYSIS PRINCIPLES IN CODEX (Agenda Item 4)⁴

10. The Executive Committee welcomed the overview of developments concerning the application of risk analysis principles in Codex work. However, it discussed a number of specific issues arising from the proposed Action Plan presented in paragraph 32, in particular recommendation (v) which seemed to overlap with other recommendations, and recommendations (viii) and (ix) which depended on a the prior establishment of Codex principles. It also generally agreed with the recommendations of the FAO/WHO Expert Consultation on the Application of Risk Management to Food Safety Matters contained in Annex 1 of ALINORM 97/9, but it proposed that the Commission consider these individually, rather than give an overall endorsement.

11. The Executive Committee noted that it might not be possible or appropriate to develop risk management policies based on the application of a single risk management strategy for the different classes of hazards which needed to be addressed (see para. 11 of ALINORM 97/9): different strategies might need to be applied under the same generic principles to the management of different classes of hazards.

12. Regarding the recommendation to establish a mechanism for the expert assessment of biological risks (Recommendation 7 of the Expert Consultation), the Executive Committee was informed that FAO and WHO had started seeking ways and means to make such expert advice available to Codex on a permanent basis.

PROPOSED ACTION PLAN FOR CODEX-WIDE DEVELOPMENT AND APPLICATION OF RISK ANALYSIS PRINCIPLES AND GUIDELINES

³ ALINORM 97/8; ALINORM 97/8-Addendum

⁴ ALINORM 97/9

13. The Executive Committee stressed the need for timeliness in developing and implementing the Action Plan with a view to the adoption of risk analysis principles and guidelines by the 23rd Session of the Commission (1999). It proposed that a full interim report based on the comments of Member Governments, Codex Committees and interested international organizations be made available at its next session, so that the specific proposals to be placed before the Committee on General Principles at its next meeting in November 1998 could be reviewed by the Executive Committee.

14. On this basis, the Executive Committee proposed a **revised** Action Plan in place of that presented in paragraph 32 of the working document, as follows:

- (i) Circulate the proposed Definitions for *Risk assessment policy* and *Risk profile*⁵ to governments, Codex committees and interested international organizations for comment, and request the Codex Committee on General Principles to consider these comments with a view to making firm recommendations for adoption of these definitions to the 23rd Session of the Commission;
- (ii) Endorse recommendations 2 to 6 addressed to it by the Expert Consultation, and request the relevant Codex Committees to take action as necessary.
- (iii) Endorse recommendations 7 to 11 of the Expert Consultation and request FAO and WHO to take action as necessary;
- (iv) Recommend that a FAO/WHO Expert Consultation be convened on risk communication so as to provide a formal source of principles on this element of risk analysis;
- (v) Request the CCGP to elaborate integrated principles for risk management and risk assessment policy setting, risk communication and documentation for inclusion in the Procedural Manual. Proposed “working principles” are contained in Annex 2 to the working paper;
- (vi) Once principles have been established, specific guidelines should be prepared as required to aid in the uniform application of the principles. The CCGP should be requested to co-ordinate this exercise and all relevant Codex Committees should be involved;⁶
- (vii) Include the principles and guidelines in the “Elaboration Procedures” section of the Procedural Manual, with the addition of introductory narrative on risk analysis in the Codex system, and identification of the responsibilities of Committees in implementation of the principles and guidelines;
- (viii) Recognise that the judgement of equivalence of food control systems in different countries is a critical issue, and that Codex principles and guidelines associated with determination of equivalence will facilitate this process;
- (ix) Until such time as the principles are adopted by the Commission, request JECFA, JMPR and other advisory bodies and Codex Committees to continue evaluating and improving the application of the elements of risk assessment and risk management that they have prioritised for attention;

⁵ The definition of *Risk management* also listed in the working document is being submitted to the current session of the Commission for interim adoption: see ALINORM 97/10.

⁶ This would include requiring that Codex Committees involved in any aspect of risk analysis formally describe their implementation of the Codex principles and guidelines, using a standardised summary format, for publication in their respective reports and recommend that advisory bodies such as JECFA and JMPR do the same.

It would also require that that Codex Committees develop standards using these principles and guidelines as a checklist, and in doing so adhere closely to their documented risk assessment/risk management policies.

- (x) Encourage further development of qualitative risk assessment approaches so as to achieve early improvements in elaboration of food standards.

MATTERS RELATING TO THE IMPLEMENTATION OF THE WTO AGREEMENTS ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES AND THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE (Agenda Item 5)⁷

Review of the Status of Codex Texts under the WTO Agreements

15. The Executive Committee was of the opinion that at least as far as Codex was concerned differences were intended in the application of standards and the application of other (Codex) texts. There was some uncertainty as to how these other texts would be handled within the framework of WTO. It proposed that the Commission request the SPS Committee through the Secretariat to clarify how the SPS Committee would differentiate “standards, guidelines and other recommendations” in relation to the implementation of the SPS Agreement by WTO members.

16. The Executive Committee noted the five recommendations made by the Codex Committee on General Principles as contained in paragraph 8 of the working paper. It proposed that the Commission endorse these recommendations with the following amendment to be made to the third of these:

Codex standards or any other texts which establish quality criteria for products additional to essential quality factors should clearly indicate that such criteria are intended for voluntary application by commercial partners, as follows: “This text is intended for voluntary application by commercial partners and not for mandatory application by governments.”

17. The Executive Committee also stated that in regard to the elaboration or revision of texts intended to guide internal working arrangements (paragraph 9 of the working paper) these should not be considered as standards, guidelines or recommendations for the purposes of either the SPS or the TBT Agreements.

18. The Executive Committee discussed whether or not texts not intended for application by governments should continue to be considered by Codex but came to no firm conclusion on the matter.

Acceptance Procedure for Codex Standards

19. The Executive Committee recommended that the Commission proceed with a revision of the acceptance procedures along the lines proposed by the Codex Committee on General Principles. In the opinion of the Executive Committee, a revision of the Acceptance Procedures was more appropriate than their abolition.

Identification of those Standards, Guidelines and Recommendations having a Major Trade Impact

20. The Executive Committee concurred with the recommendation contained in paragraph 25 of the working paper that the current exercise initiated by the 21st Session of the Commission be discontinued.

CONSIDERATION OF THE DRAFT MEDIUM-TERM PLAN FOR 1998 TO 2002 (Agenda Item 6)⁸

21. The Executive Committee noted the progress towards achieving the current medium-term objectives (1993-1998). It endorsed the proposals of the Secretariat to transmit the outline of the Medium-Term Plan 1998-2002 to Member Governments for comment and finalization by the Executive Committee at its 45th Session (see paragraph 9 of the working paper).

⁷ ALINORM 97/7

⁸ ALINORM 97/6; ALINORM 97/6 Add. 1 (CAC LIM 6)

22. The Executive Committee recommended that the proposed Medium-Term Plan also give due consideration to the need for a horizontal approach to methods of analysis and sampling in all aspects including methods for pesticide and veterinary drug residues. It was suggested by one Member that the subject of biotechnology in foods be given priority in the Medium-Term Plan.

OTHER BUSINESS (Agenda Item 7)

Review of Codex Subsidiary Bodies⁹

23. The Executive Committee noted the recommendations submitted to the 112th Session of FAO Council as presented in the working document. It was further informed that a Working Group established under FAO Council to consider the detailed recommendations on the review of FAO Statutory Bodies had recommended that Codex move to a more flexible structure and that committees adjoined *sine die* or without immediate work programmes be eliminated. The Working Group had recommended that standards problems arising in different areas should be referred to relevant Codex committees or to *ad hoc* task forces or groups as appropriate.

24. Several members expressed concern that the proposals to eliminate bodies would not have a genuine cost reduction benefit for the parent organizations as the major costs of the Codex Programme were in other areas. It was stressed that any alternative mechanisms to the Codex subsidiary body structure would have to have the same attributes of inclusiveness, transparency, cost efficiency and responsiveness as the current arrangement. The Executive Committee felt that the elimination of subsidiary bodies or the enlargement of their mandates needed considerable reflection. Several members expressed concern at the recommendation to reduce further the length of Commission sessions in view of the large amount of individual decisions which needed to be taken during the course of any given session of the Commission.

25. The Executive Committee decided to transmit the document to the Commission.

Animal Feeding and Food Safety

26. The Executive Committee was informed that, at the request of the Director-General of FAO, an Expert Consultation on Animal Feeding and Food Safety had been held in March 1997. The Consultation has prepared a draft code of practice for consideration by the Commission. It was proposed that this draft code would be submitted to the Codex Committee on Food Hygiene for consideration through the usual elaboration procedures with a view to their adoption at a future session of the Commission.

⁹ ALINORM 97/16 - Add. 1

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Geneva, 19 - 20 June 1997**

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