

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Twenty-seventh Session,

Centre International de Conférences de Genève

Geneva, Switzerland, 28 June – 3 July 2004

Report

EXECUTIVE SUMMARY

The Commission:

- a) Adopted amendments to several sections of the Procedural Manual, including amendments to *Procedures for the Elaboration of Codex Standards and Related Texts* and to *Definitions for the Purpose of the Codex Alimentarius* but could not consider amendments to the Rules of Procedure due to the absence of the quorum required;
- b) Adopted 19 new or revised Codex standards or related texts, including the *Code of Practice for Good Animal Feeding* and the *Standard for Oranges*;
- c) Approved a number of new work proposals, including the re-establishment of the *Ad Hoc* Intergovernmental Task Force on Foods Derived from Biotechnology;
- d) Expressed its appreciation to FAO and WHO for their effort to maintain the adequate budgetary level for Codex and requested the parent organizations to continue to assign a high priority to Codex;
- e) Agreed that a new Strategic Plan should cover the period 2008-2013 and, once adopted, be renewed every two years on a rolling basis;
- f) Approved the procedures for the review of the Committee structure and mandates of Codex Committees and Task Forces;
- g) Deferred the decision on whether to start the elaboration of a standard on Parmesan cheese to its 28th session, did not approve the discontinuation of work on the revision of the *Standard for Canned Sardines and Sardine-type Products* and returned the matter to the Committee on Fish and Fishery Products, and referred the issue on the revision of country-of-origin labelling back to the Committee on Food Labelling;
- h) Agreed, in regard to its relations with other international organizations, that:-
 - FAO and WHO initiate discussion with OIE on how to foster and oversee the relations between Codex and OIE; and
 - the Secretariat maintain its contacts with ISO and report to the Executive Committee and the Commission on ISO's activities of relevance to Codex work;
- i) Welcomed that the FAO/WHO Trust Fund for Enhanced Participation in Codex had become operational, expressed its appreciation to the donor countries, and requested that the criteria used in the distribution of funds be kept under review;
- j) Expressed its appreciation to FAO and WHO for their efforts to improve the scientific advice provided to the Commission, agreed to further consider how to address the issue of antimicrobial resistance at its 28th session, and noted the capacity building activities provided by FAO and WHO;
- k) Elected the following Officers of the Commission:
 - **Chairperson:** Stuart Slorach (Sweden)
 - **Vice-chairpersons:** Paul Mayers (Canada), Claude Mosha (Tanzania), Hiroshi Yoshikura (Japan)

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INTRODUCTION

1. The Codex Alimentarius Commission held its Twenty-seventh Session at the International Conference Centre, Geneva, Switzerland from 28 June to 3 July 2004. Dr Stuart Slorach (Sweden), Chairperson of the Commission presided, assisted by the Vice-Chairpersons Dr Claude J. S. Mosha (Tanzania), Dr Hiroshi Yoshikura (Japan) and Dr Paul Mayers (Canada). The Session was attended by 337 delegates, alternates and advisors from 89 Members, and 65 representatives from 37 international governmental and non-governmental organizations including UN agencies. A list of participants, including the Secretariat, is given in Appendix I to this report.

2. The Session was opened by Mr Hartwig de Haen, Assistant Director-General, FAO and Mr Denis Aitken, Assistant Director-General and Director of the Office of the Director-General, WHO, respectively.

ADOPTION OF THE AGENDA (Agenda Item 1)¹

3. The Commission **adopted** the Provisional Agenda as its Agenda for the Session with the understanding that item 15 “FAO/WHO Project and Trust Fund for Enhanced Participation in Codex” be discussed immediately following Agenda Item 8 “Financial and Budgetary Matters”.

4. The Commission noted the division of competence between the European Community and its Member States, presented by the Delegation of the European Community as LIM.3 and LIM.25, according to Rule II.5 of the Rules of Procedure.

REPORT BY THE CHAIRPERSON ON THE 53rd AND 54th SESSIONS OF THE EXECUTIVE COMMITTEE (Agenda Item 2)²

5. In accordance with Rule IV.5 of the Rules of Procedure, the Chairperson reported to the Commission on the outcome of the 53rd and 54th Sessions of the Executive Committee, as follows.

6. The 53rd Session of the Executive Committee had considered strategic and managerial matters; budgetary, planning and programming matters, including cost savings measures; priority setting for the provision of scientific advice; matters related to the FAO/WHO Trust Fund; and matters referred from Codex Committees and Task Forces.

7. The 54th Session of the Executive Committee had noted that the budgetary and financial situation had improved since the 53rd Session and had considered the need for further cost savings measures, and it had been informed about the operation of the FAO/WHO Trust Fund on Enhanced Participation in Codex. The Executive Committee had considered and provided advice to the Commission on the following matters: proposals for new work, including the possible future work for the Task Force on Foods Derived from Biotechnology and the Task Force on Animal Feeding; proposals for discontinuation of work; matters referred from Codex Committees and Task Forces; cooperation with international organizations; and matters related to scientific advice.

8. The Commission noted that many of the recommendations of the Executive Committee would be considered by the Commission under the relevant agenda items.

¹ ALINORM 04/27/1; ALINORM 04/27/1A; ALINORM 04/27/1B; LIM.3 and LIM.25 (Division of Competence between the European Community and its Member States)

² ALINORM 04/27/3; ALINORM 04/27/4

AMENDMENTS TO THE PROCEDURAL MANUAL (Agenda Item 3)³

Proposed Amendments to the Rules of Procedure

Proposed Amendments concerning the enlargement of the Executive Committee, the functions of the Executive Committee and matters related to budget and expenses

Proposed Amendments to Rules VIII.5 - Observers

9. As the quorum specified in Rule V.6 of the Rules of Procedure was not constituted, the Commission was unable to adopt the proposed amendments and agreed that their consideration should be deferred to its next session.

Proposals to Amend Other Sections of the Procedural Manual

Amendments to the Procedures for the Elaboration of Codex Standards and Related Texts

10. The Delegation of India, referring to its written comments, proposed some amendments to take into account more specifically the needs of developing countries. Under Part 2. Critical Review, the Delegation also proposed to take the decision to entrust work to a Committee other than the one to which it had been originally entrusted “on the basis of the recommendation of the said Committee”; and to delete the requirement to ensure that draft standards “are technically and legally sound” (paragraph 7) as technical aspects should be addressed by the Committee concerned. The Delegation also proposed that monitoring should apply only to the progress in developing standards; and that the critical review should not be applied at Steps 5 and 8, but only to new work. The Delegation of Singapore proposed to amend paragraph 2 to reflect that the Commission should take its decision “taking into account” the critical review. These proposals were supported by several other delegations.

11. The Delegation of India proposed to refer to consensus instead of a two-third majority throughout the text. Other delegations supported the current text and pointed out that there was no definition of consensus in the framework of Codex. The Commission also noted that the requirement for a two-third majority already existed in the current Elaboration Procedure and that such a major change would require consideration in the Committee on General Principles.

12. Some delegations proposed to return the text for further consideration by the Committee on General Principles as a number of significant changes had been proposed. Several other delegations stressed the need to adopt the amendment to the Elaboration Procedure concerning the Critical Review as this was the essential to allow the Executive Committee to carry out its standard management functions, following the decision of the 26th Session of the Commission in this respect.

13. After some discussion, the Commission **agreed to amend** paragraph 2 of the Critical Review to refer to “taking into account” a critical review; and paragraph 7 to delete the requirement for ensuring that draft standards are “technically and legally sound”. With this amendment, the Commission **adopted** the amendments to the Procedures for the Elaboration of Codex Standards and Related Texts as proposed (see Appendix II to this report). The Commission also agreed to refer to the Committee on General Principles the other comments made by India.

Draft Criteria for the appointment of Chairpersons

Draft Guidelines to Host Governments of Codex Committees and ad hoc Intergovernmental Task Forces

Draft Guidelines on the Conduct of Meetings of Codex Committees and ad hoc Intergovernmental Task Forces

Draft Guidelines to Chairpersons of Codex Committees and ad hoc Intergovernmental Task Forces

14. The Commission **adopted** the texts as proposed by the Committee on General Principles (see Appendix II to this report).

³ ALINORM 04/27/5; ALINORM 04/27/5-Add.1 (Comments of Brazil); LIM 23 (Comments of India)

Matters related to Methods of Analysis and Sampling

General Criteria for the Selection of Single Laboratory Validated Methods of Analysis Principle

Amendments to the Analytical terminology for Codex Use

15. The Commission **adopted** the texts as proposed by the Committee on General Principles (see Appendix II to this report).

Definitions of Risk Analysis Terms related to Food Safety

16. The Commission **adopted** the definitions on an interim basis, for inclusion in the Procedural Manual (see Appendix II to this report), on the understanding that the Committee on General Principles would reconsider these definitions if required in the light of the advice of the Committee on Pesticide Residues, the Committee on Food Additives and Contaminants, the Committee on Residues of Veterinary Drugs in Foods, the Committee on Meat Hygiene, and the Committee on Food Import and Export Inspection and Certification Systems.

Definition of Traceability/Product Tracing

17. The Delegation of India, supported by other delegations, questioned the definition as it did not specify how the stages of production, processing and distribution would be specified and the current text might result in potential barriers to trade, and therefore proposed to add, at the end of the definition, the phrase “as far as possible”.

18. Several delegations supported the current text of the definition as it resulted from substantial discussion in the Committee on General Principles and was necessary to further work on traceability/product tracing in Codex.

19. The Delegation of Mexico, while supporting the adoption of the definition, expressed the view that its application should be deferred until the principles under development in the Committee on Food Import and Export Inspection and Certification Systems (CCFICS) had been finalized. This position was supported by several delegations from the Region of Latin America and the Caribbean.

20. The Commission **adopted** the definition as proposed by the Committee on General Principles (see Appendix II to this report) and **requested** the CCFICS to present a proposal for new work on principles for the application of traceability/product tracing as a matter of priority. The Delegations of Mexico, Argentina, Chile and India maintained the view that the application of the definition should be deferred until the principles under development had been finalized.

DRAFT STANDARDS AND RELATED TEXTS (Agenda Item 4)⁴

21. The results of the Commission’s consideration of the Draft Standards and Related Texts submitted by its subsidiary bodies at Step 8 are presented in tabular form in Appendix III of the present report. The following paragraphs provide additional information on the comments made and the decisions taken on certain items.

Matters pending from previous sessions of the Commission

Draft MRLs for Bovine Somatotropin⁵

22. The Commission noted that no requests had been received to change the status of the standard and therefore agreed to continue to hold the draft standard at Step 8.

⁴ ALINORM 04/27/6; ALINORM 04/27/6A; LIM.4 (Comments of Cuba, Malaysia and South Africa); LIM.18 (Comments of Consumer International); LIM.20 (Comments of the European Community); LIM.22 (Comments of Indonesia); LIM.27 (Comments of Thailand).

⁵ ALINORM 95/31, Appendix II; ALINORM 97/37, paras 64-69; ALINORM 03/41, para. 34.

Draft Code of Practice for Animal Feeding (with the exclusion of the definition of feed additives and paragraphs 11, 12 and 13)⁶

23. The Commission agreed to make a final decision regarding the draft Code when considering the text forwarded by the 5th Session of the Intergovernmental Task Force on Animal Feeding (see the paragraph below).

Animal Feeding

Draft Definition of Feed Additives and paragraphs 11 and 12 of the draft Code of Practice on Good Animal Feeding⁷

24. The Commission **adopted** the entire draft Code of Practice on Good Animal Feeding, including the outstanding issues that were returned to the Task Force for finalization⁸, with an amendment in the Spanish version of paragraph 12 to refer to “efectos adversos posibles” instead of “riesgos posibles”. The Chairperson of the Intergovernmental Task Force on Animal Feeding, hosted by Denmark, expressed the view that the term “other substances” in the footnote of the definition of feed additives did not include antibiotics.

Food Additives and Contaminants

Draft Risk Analysis Principles Applied by the Codex Committee on Food Additives and Contaminants⁹

Draft CCFAC Policy for Exposure Assessment of Contaminants and Toxins in Food or Food Groups¹⁰

25. In noting that the two texts had not been endorsed by the 20th Session of the Committee on General Principles¹¹ (CCGP), the Commission deferred their consideration until its next session pending endorsement by CCGP.

Draft Food Category System of the General Standard on Food Additives¹²

26. The Commission **adopted** the draft Food Category Systems of the General Standard at Step 8 with amendments to the descriptors of food categories 01.3 “*Condensed milk and analogues (plain)*”, 01.3.2 “*Beverage whiteners*”, 01.5.2 “*Milk and cream powder analogues*” and 02.3 “*Fat emulsions of type oil-in-water, including mixed and/or flavoured products based on fat emulsions*” to take account of relevant decisions of the 6th Session of the Committee on Milk and Milk Products (CCMMP) regarding the name of milk products with vegetable fat¹³. It also noted that the descriptor of food category 14.1.2.1 “*Fruit juice*” would be amended according to the clarification of the 4th Session of the Task Force on Fruit and Vegetable Juices on the inclusion of coconut water.

Draft and Proposed Draft Revision to Table 1 of the Codex General Standard for Food Additives¹⁴

27. The Commission **adopted** the Draft and Proposed Draft Revision to Table 1 of the General Standard on Food Additives at Step 8 and Steps 5/8 as proposed. With regard to benzoates in food category 14.1.4, the Commission **adopted** the maximum level on an interim basis with the understanding that a review be conducted by CCFAC within 3 years and that comprehensive information on the levels of use of benzoates in different types of foods and in different parts of the world and the results of intake studies, particularly in children, and other relevant data should be provided to JECFA to facilitate its further assessment.

⁶ ALINORM 03/38A, Appendix II; ALINORM 03/41, para. 41.

⁷ ALINORM 04/27/38, Appendix II.

⁸ ALINORM 04/31, para. 41.

⁹ ALINORM 04/27/12, Appendix II.

¹⁰ ALINORM 04/27/12, Appendix XIV.

¹¹ ALINORM 04/27/33A, paras 27 and 29.

¹² ALINORM 04/27/12, Appendix V.

¹³ ALINORM 04/27/11, paras 23-46.

¹⁴ ALINORM 04/27/12, Appendix VI.

28. In addition to the decision above, following the proposal by the Delegation of Chile, supported by other delegations, the Commission **agreed to request** the Committee on General Principles to clarify the interpretation of the “adoption on an interim basis”.

29. The Commission noted the concern of the Delegation of the European Community about the proposed level of 600 mg/kg for benzoates in water-based flavoured drinks (food category 14.1.4) given the potential to exceed the ADI, particularly in children and that due regard be given to the technological need. The Delegation of Mexico expressed its reservation on the above level for benzoates in food category 14.1.4 as the level applied in its national legislation was 1000 mg/kg.

*Draft Code of Practice for the Prevention and Reduction of Aflatoxin Contamination in Peanuts*¹⁵

*Draft Code of Practice for the Prevention and Reduction of Lead Contamination in Food*¹⁶

*Proposed Draft Specifications for the Identity and Purity of Food Additives (Category I)*¹⁷

*Proposed Draft Amendments to the International Numbering System for Food Additives*¹⁸

30. The Commission **adopted** the above draft and proposed draft texts at Step 8 and Steps 5/8 as proposed by the Committee.

Fish and Fishery Products¹⁹

*Draft Standard for Atlantic Herring and Salted Sprats*²⁰

31. In reply to a question concerning the existence of two maximum levels of histamine, the Commission noted that the level of 10 mg/kg was an indicator of decomposition (quality factor) while the level of 20 mg/kg was related to food safety and included in the Food Hygiene Section, that had been endorsed by the Committee on Food Hygiene. The existence of these two maximum levels of histamine was also consistent with other Codex standards on fish and fishery products.

32. The Commission **adopted** the Draft Standard as proposed.

*Draft Model Certificate for Fish and Fishery Products (Sanitary Certificate)*²¹

33. The Commission noted that Section 5.2.7 Lot Identifier/Date Code referred to “traceability of the product in the event of public health investigations”. The Delegation of Thailand proposed to replace the term “traceability” with “recall”, given that the principles concerning traceability were still under consideration in the Committee on Food Import and Export Inspection and Certification Systems.

34. The Commission agreed to add a reference to product tracing to ensure consistency with the definition adopted at the current session and the terminology used throughout Codex. With this amendment the Commission **adopted** the Draft Model Certificate for Fish and Fishery Product (Sanitary Certificate) as proposed.

*Draft Amendment to the Standard for Quick Frozen Lobsters*²²

35. The Delegation of China proposed to include the freshwater crayfish in the Standard. The Delegation of South Africa proposed to develop a specific standard for freshwater crayfish in view of the specificity of freshwater species.

¹⁵ ALINORM 04/27/12, Appendix XV.

¹⁶ ALINORM 04/27/12, Appendix XVI.

¹⁷ ALINORM 04/27/12, Appendix XI.

¹⁸ ALINORM 04/27/12, Appendix XII.

¹⁹ ALINORM 04/27/18, Appendices II, III, IV and V.

²⁰ ALINORM 04/27/18, Appendix II.

²¹ ALINORM 04/27/18, Appendix III; LIM.27 (Comments from Thailand).

²² ALINORM 04/27/18, Appendix IV.

36. The Commission recalled that the purpose of the Draft Amendment was to include only certain species in the Standard and that the scope could not be amended at this stage. The Commission agreed that the Committee on Fish and Fishery Products might consider the development of provisions applicable to freshwater crayfish.

37. The Commission **adopted** the Draft Amendment to the Standard for Quick Frozen Lobsters as proposed by the Committee.

Proposed Draft Code of Practice for Fish and Fishery Products (sections on Aquaculture and on Quick Frozen Coated Fish Products)²³

38. The Delegation of Thailand, supported by the Delegation of India, expressed the view that the section on Aquaculture should not be adopted at Step 5/8 and required further consideration in view of its importance and possible impact on aquaculture production. The Delegation also proposed to delete the reference to the OIE Codes of Practice in the Preamble.

39. The Delegation of Norway, speaking as the host country for the Committee on Fish and Fishery products, recalled that the section on aquaculture had been developed by consensus in the Committee and that the reference to OIE Codes already existed in other Codex texts.

40. The Delegation of Malaysia proposed to replace the word “fodder” with “formulated feed” in the definition of “Fish Feed” for consistency with the terminology used in the *FAO Code of Conduct for Responsible Fisheries*.

41. Some delegations proposed to review the provisions on “product tracing” in order to ensure consistency throughout Codex and in the light of the discussions held at the current session.

42. The Commission **adopted** the Proposed Draft Section on Aquaculture at Step 5.

43. The Commission **adopted** the section on Quick Frozen Coated Fish Products at Step 5/8 for inclusion in the *Code of Practice on Fish and Fishery Products* and agreed that it would replace the provisions on fish products in the *Code of Practice for Frozen Battered and/or Breaded Fishery Products (CAC/RCP 35-1985)*, while the provisions of the Code for other fishery products remained unchanged.

Fresh Fruits and Vegetables

Draft Codex Standard for Oranges²⁴

44. The Commission **adopted** the Draft Standard for Oranges at Step 8 as proposed by the Committee.

Food Hygiene

Draft Code of Practice for Milk and Milk Products²⁵

45. The Commission agreed to add the following text to the end of footnote 9 of Appendix II of the draft Code: “The use of the lactoperoxidase system for milk and milk products in international trade will be re-examined by the Committee on Food Hygiene (CCFH) after completion of an expert review by FAO and WHO of available data and considering the FAO Lactoperoxidase Expert Group report about potential risks and benefits of lactoperoxidase system. CCFH will then review the issue in 2006”.

46. With this amendment, the Commission **adopted** the draft Code at Step 8 as proposed and **agreed** to revoke the Code of Hygienic Practice for Dried Milk (CAC/RCP 31-1983).

²³ ALINORM 04/27/18, Appendix V; LIM.27 (Comments from Thailand).

²⁴ ALINORM 04/35, Appendix II and ALINORM 04/27/6A (Comments from Brazil).

²⁵ ALINORM 04/27/13, Appendix III; LIM 4 (Comments from Cuba).

Food Import and Export Inspection and Certification Systems

Proposed Draft Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations²⁶

47. The Commission amended the proposed draft Principles and Guidelines at Step 5/8 as follows: i) in paragraph 10 the term “a large geographical area” was changed to “a given geographical region”; ii) in paragraph 17 (a) “any” was added to “assumptions”; and, iii) in paragraph 22 “whenever possible” was added after “initial notification of the food safety problem including”. With these amendments and some editorial changes to the Spanish version, the Commission **adopted** the proposed draft General Principles and Guidelines at Steps 5 and 8.

Food Labelling²⁷

Draft Guidelines for Use of Nutrition and Health Claims

48. The Delegation of Malaysia expressed the view that the Draft Guidelines should not be adopted at this stage since the criteria for the scientific basis of health claims, currently under consideration in the Committee on Nutrition and Foods for Special Dietary Uses, had not been finalized.

49. The Delegation of South Africa objected to the adoption of the Draft Guidelines as the Preamble referred to Section 3.4 of the General Guidelines on Claims prohibiting “claims as to the suitability of a food for use in the prevention, alleviation, treatment or cure of disease”, which was not consistent with current scientific evidence. The Delegation therefore proposed to delete this reference and to initiate the revision of the General Guidelines on Claims.

50. Many delegations supported the adoption of the text as proposed as it resulted from extensive detailed discussion in the Committee.

51. The Commission **adopted** the Draft Guidelines as proposed and noted that the Committee on Food Labelling could review the Guidelines in the light of the criteria for the scientific basis of health claims being developed by the Committee on Nutrition and Foods for Special Dietary Uses at a later stage.

52. The Delegation of South Africa expressed its reservation on this decision.

Draft Amendment to the Standard for Quick Frozen Fish Sticks (Fish Fingers), Fish Portions and Fish Fillets, Breaded or in Batter (Labelling Section)

53. The Delegation of South Africa, while not objecting to the amendment, expressed its concern with the methodology for the determination of fish content since no nitrogen conversion factors were defined for several species commonly used in fish sticks, and Good Manufacturing Practices were not defined. The Delegation pointed out that trade problems might arise from different interpretations of the current provisions.

54. The Delegation of Thailand proposed several amendments for clarification purposes and expressed the view that the list of fish species in Table 2 should be revised to include other species of importance in international trade, when additional data became available. The Commission corrected the reference to the routine method AOAC 996.15.

55. The Committee **adopted** the Draft Amendment with the understanding that further consideration could be given to the methodology and that Table 2 (nitrogen factors) could be amended as required in the light of additional data on other fish species.

Draft Amendment to the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Draft Revised Annex 2 – Tables 1 and 2

56. The Commission agreed to amend Table 2: Preparations of Neem to clarify that the need recognized by the certification body or authority applied to “commercial preparations/ products” and to clarify the conditions of use for Extract from Mushrooms (Shiitake fungus) with the addition of “need recognized by the certification

²⁶ ALINORM 04/27/30, Appendix II.

²⁷ ALINORM 04/27/22, Appendices II, III and IV; LIM.27 (Comments from Thailand)

body or authority”, as proposed by the Delegation of India. The Delegation also proposed to delete the entry for “Tobacco tea” as it was excluded from “Natural plant preparations”.

57. The Commission agreed to amend Table 1 to refer to “sorted composted or fermented home refuse” as proposed by the Delegation of Tunisia. The Delegation also proposed to add olive and date palm by-products to the entry for by-products from oil palm, coconut and cocoa. The Commission agreed that these proposals should be put forward in the Committee on Food Labelling.

58. The Commission noted that minor amendments could be made for clarification purposes but proposals for addition or deletion of substances in the lists should be considered by the Committee on Food Labelling.

59. The Commission **adopted** the Draft Revised Annex 2: Tables 1 and 2 with the adopted amendments mentioned above.

Methods of Analysis and Sampling²⁸

Draft General Guidelines on Sampling

60. The Commission **adopted** the Draft General Guidelines as proposed and **agreed** that the editorial comments from Brazil²⁹ should be included in the final version. The Commission **agreed** that the General Guidelines replaced the current Sampling Plans for Prepackaged Foods (AQL 6.5) (CODEX STAN 233-1969).

Draft Guidelines on Measurement Uncertainty

61. The Commission **agreed** to insert a reference to validated methods in the Introduction, as an alternative to collaboratively tested methods that were not always available, as proposed by the Delegation of Brazil.

62. The Delegation of New Zealand, while not objecting to the adoption of the Draft Guidelines, expressed the view that it was not clear how the information on measurement uncertainty would be used, and that barriers to trade might result from misuse or misunderstanding. The Delegation referred to the ongoing discussion in the Committee on Methods of Analysis and Sampling (CCMAS) on the use of analytical results, and pointed out that matters relating to measurement uncertainty should be considered in relation with other relevant Codex texts. This position was supported by other delegations.

63. The Commission **adopted** the Draft Guidelines with the above amendment. The Commission noted that matters related to measurement uncertainty and the use of analytical results required further consideration in the CCMAS and that the Guidelines on Measurement Uncertainty might be reviewed as a result of further work in this area.

Methods of Analysis for Additives and Contaminants

64. The Commission **adopted** the methods of analysis as proposed, and noted that the adoption of the method for the determination of saccharin in beverages would be considered when provisions for saccharin in beverages had been finalized.

Methods of Analysis for inclusion in the Standard for Olive Oils and Olive Pomace Oils

Methods of Analysis for inclusion in the Standard for Named Vegetable oils (amendment to the current methods)

65. The Commission **adopted** the methods of analysis as proposed by the Committee.

²⁸ ALINORM 04/27/23, Appendices II, III and VI; ALINORM 04/27/6A.

²⁹ ALINORM 04/27/6A

Pesticide Residues³⁰

Draft Maximum Residue Limits for Pesticides at Step 8 and Step 5/8

66. The Commission noted that the MRL for carbaryl (08) for sorghum forage (dry) should be 50 mg/kg instead of 5 mg/kg and that the MRL for fenaminphos (85) for banana should be marked with an asterisk to indicate that this MRL is at or about the limit of determination. With these amendments, the Commission **adopted** the draft MRLs and proposed draft MRLs at Step 8 and Step 5/8 as proposed.

PROPOSED DRAFT STANDARDS AND RELATED TEXTS AT STEP 5 (Agenda Item 5)³¹

67. The results of the Commission's consideration of the Proposed Draft Standards and Related Texts submitted by its subsidiary bodies at Step 5 are presented in tabular form in Appendix IV of the present report. The following paragraphs provide additional information on the comments made and the decisions taken on certain items.

Food Additives and Contaminants

Proposed Draft Maximum Levels for Cadmium in rice: polished; wheat grain; potato; stem and root vegetables; leafy vegetables; and, other vegetables³²

68. The Commission **adopted** the Proposed Draft Maximum Levels for cadmium at Step 5 and advanced them to Step 6 as proposed, with the exception of the proposed draft maximum level for cadmium in polished rice, which was returned to Step 3 for further consideration by the CCFAC, due to the concern that the maximum level proposed could result in intakes exceeding the PTWI in certain populations. In noting that cadmium was scheduled for evaluation by JECFA in February 2005, the Commission **requested** CCFAC to take careful account of the results of this evaluation and encouraged countries to provide information and data to JECFA to facilitate its assessment.

Proposed Draft Code of Practice for the Prevention and Reduction of Aflatoxin Contamination in Tree Nuts³³

69. The Commission **adopted** the Proposed Draft Code of Practice at Step 5 and advanced it to Step 6 as proposed. It noted that the comments of the Delegation of Brazil regarding the inclusion of a section to address the particular aspects of Brazil nuts which were not grown on a farm base but collected in the forest would be referred to and further considered by the Committee on Food Additives and Contaminants at its next session.

Proposed Draft Code of Practice for the Prevention and Reduction of Inorganic Tin Contamination in Canned Foods³⁴

70. The Commission **adopted** the Proposed Draft Code of Practice at Step 5 and advanced it to Step 6 as proposed.

Proposed Draft Guideline Levels for Radionuclides in Food for Use in International Trade³⁵

71. The Commission **adopted** the Proposed Draft Guideline Levels at Step 5 and advanced them to Step 6 as proposed. The Commission noted the reservation of the delegations of Singapore and Malaysia concerning the levels proposed for individual radionuclides that might result in the safe level of 1 mSv being exceeded in the case of nuclear accident thus questioning the scientific assumption used for establishing these levels. In this regard, the Representative of IAEA indicated that these concerns together with the reservation of the European Community concerning the deletion of a category for "infant foods", expressed at the last Session of the

³⁰ ALINORM 04/27/24, Appendices II and III.

³¹ ALINORM 04/27/7; ALINORM 04/27/7A; LIM.5 (Comments of Argentina, Malaysia and Singapore); LIM.18 (Comments of Consumer International); LIM.22 (Comments of Indonesia).

³² ALINORM 04/27/12, Appendix XXIII.

³³ ALINORM 04/27/12, Appendix XX.

³⁴ ALINORM 04/27/12, Appendix XXI.

³⁵ ALINORM 04/27/12, Appendix XXII.

Committee on Food Additives and Contaminants³⁶, would be addressed in its written comments on the revised guideline levels.

Fish and Fishery Products³⁷

Proposed Draft Amendment to the Standard for Salted Fish and Dried Salted Fish of the Gadidae Family (Sampling and Analysis)

72. The Commission **adopted** the Proposed Draft Amendment at Step 5 as proposed.

Fresh Fruits and Vegetables

Proposed Draft Standard for Tomatoes³⁸

73. The Commission adopted the Proposed Draft Standard for Tomatoes at Step 5 and advanced it to Step 6 as proposed by the Committee. In taking this decision, the Commission agreed that technical comments submitted at Step 5 should be referred to the Committee for consideration at its next Session.

Methods of Analysis and Sampling³⁹

Proposed Draft Guidelines for Evaluating Acceptable Methods of Analysis

74. The Commission adopted the Proposed Draft Amendment at Step 5 and noted that the comments from Brazil could be addressed at Step 7 by the Committee.

Milk and Milk Products

Proposed Draft Standard for a Blend of Evaporated Skimmed Milk and Vegetable Fat⁴⁰

Proposed Draft Standard for a Blend of Skimmed Milk and Vegetable Fat in Powdered Form⁴¹

Proposed Draft Standard for a Blend of Sweetened Condensed Milk and Vegetable Fat⁴²

75. The Commission **adopted** the Proposed Draft Standards at Step 5 and advanced them to Step 6 as proposed. In noting that some parts of the texts, in particular on sections on scope, composition and labelling needed further work, the Commission invited the delegations to submit their comments to the Committee. In relation to the above, the Delegation of Malaysia proposed that the Committee on Milk and Milk Products reconsider products for further processing in scope and the use of the word “filled” in labelling. The Delegation of Costa Rica, supported by some delegations, expressed its concern on the Sections regarding “Description” and “Name of the Food” and their relation with the titles of the Proposed Draft Standards.

³⁶ ALINORM 04/27/12, para. 203.

³⁷ ALINORM 04/27/18, Appendix VI

³⁸ ALINORM 04/35, Appendix IV and ALINORM 04/27/7A (Comments from Brazil).

³⁹ ALINORM 04/27/23, Appendix V

⁴⁰ ALINORM 04/27/11, Appendix III.

⁴¹ ALINORM 04/27/11, Appendix IV.

⁴² ALINORM 04/27/11, Appendix V.

*Proposed Draft Revised Standard for Cheddar (C-1)*⁴³

*Proposed Draft Revised Standard for Danbo (C-3)*⁴⁴

*Proposed Draft Revised Standard for Whey Cheeses*⁴⁵

76. The Commission **adopted** the Proposed Draft Revised Standards at Step 5 and advanced them to Step 6 as proposed. The Commission noted the reservation of the Delegation of Switzerland as to the use of antibiotic pimaricin/natamycin as food additive in the production of whey cheeses. The Commission further noted that technical comments would be referred to and considered by the Committee. The Delegation of the European Community mentioned that attention should be paid to horizontal issues having impact on several individual cheese standards.

Nutrition and Foods for Special Dietary Uses

*Proposed Draft Guidelines for Vitamin and Mineral Supplements*⁴⁶

77. The Delegation of India and some other delegations opposed lowering minimum levels of vitamins and minerals in the supplements to 15% of the Recommended Daily Allowances (RDA) and urged that minimum levels should be 33% of the RDA.

78. The Commission **adopted** the Proposed Draft Guidelines at Step 5 with the understanding that comments and concerns of technical nature would be considered by the Committee on Nutrition and Foods for Special Dietary Uses.

*Proposed Draft Revised Standard for Infant Formula [and Formulas for Special Medical Purposes Intended for Infants]*⁴⁷

79. Some delegations proposed that Section 1.1 of the Proposed Draft Revised Standard should include references to the International Code of Marketing of Breastmilk Substitutes and subsequent WHA Resolutions which support and promote exclusive breastfeeding in the first six months of life.

80. The Delegation of India suggested the addition of the words “when it is not possible to exclusively breastfeed the infant for the first six months of life” in Section 1.1. The Delegation further suggested that paragraphs 1.2 and 2.1.1 of the Proposed Draft Standard clarify that the term “first six months” refers to first six months of life.

81. The Representative of WHO recommended that the Committee on Nutrition and Foods for Special Dietary Uses take into account, in further elaboration of the Standard for Infant Formula, the fact that the Global Strategy for infant and young children feeding adopted by the World Health Assembly in May 2002 and related WHA Resolution 55.25 on infant and young child nutrition requested the Codex to be consistent with the WHO policy in the area of infant and young child feeding.

82. The Commission **agreed** with the current approach taken in the revision of the standard, i.e. to have a single Standard with two sections: Section A covering formula for healthy infants and Section B covering formula for special medical purposes.

83. The Commission **adopted** the Section A of the Standard at Step 5 as proposed by the Committee and requested the Committee on Nutrition and Foods for Special Dietary Uses to take into account written comments submitted to the Commission. It also **agreed** that the WHO Global Strategy and the related WHA Resolution

⁴³ ALINORM 04/27/11, Appendix VI.

⁴⁴ ALINORM 04/27/11, Appendix VII.

⁴⁵ ALINORM 04/27/11, Appendix XXII.

⁴⁶ ALINORM 04/27/26, Appendix IV; ALINORM 04/27/7A (Comments from Argentina, China, Iran, Malaysia, Mexico, New Zealand, Poland and National Health Federation).

⁴⁷ ALINORM 04/27/26, Appendix V; ALINORM 04/27/7A (Comments from Argentina, Australia, China, Czech Republic, Iran, Malaysia, Mexico, New Zealand, Poland, European Network of Childbirth Associations, International dairy Federation and International Special Dietary Food Industries).

55.25 on infant and young child nutrition should be taken into account in further revision of the Standard. The Delegation of China expressed its reservation to the adoption at Step 5 as too many controversial issues remained unsolved.

Proposed Draft Revised Standard for Cereal-Based Foods for Infants and Young Children⁴⁸

84. The Delegation of India, supported by the Delegation of Egypt, stated that given the fact that the title of the Proposed Draft Revised Standard referred to “cereal-based foods”, cereals should constitute at least 50% of final mixture instead of 25%.

85. The Commission **adopted** the proposed draft revised Standard at Step 5 as proposed by the Committee with the understanding that the written comments submitted to the Commission would be considered by the Committee on Nutrition and Foods for Special Dietary Uses.

Pesticide Residues

Proposed Draft Maximum Residue Limits for Pesticides at Step 5⁴⁹

86. The Commission adopted the Proposed Draft MRLs at Step 5 as proposed.

WITHDRAWAL OR REVOCATION OF EXISTING CODEX STANDARDS AND RELATED TEXTS (Agenda Item 6)⁵⁰

87. The Commission **approved** the withdrawal from the *Codex Alimentarius* of previously adopted texts as summarized in Appendix V to this report. The Commission noted that the Appendix would also include the maximum levels for lead in butter and in milk fat, which were omitted from the list of existing standards and texts withdrawn by its 26th Session⁵¹ (July 2003). In addition, the Commission agreed that the existing CAC/GL 35-1985 Packing Media (Composition and Labelling) should be withdrawn and replaced by the Codex Guidelines for Packing Media for Canned Fruits⁵² (CAC/GL 51-2003) that had been adopted at its 26th Session.

PROPOSALS FOR THE ELABORATION OF NEW STANDARDS AND RELATED TEXTS AND FOR THE DISCONTINUATION OF WORK (Agenda Item 7)⁵³

ELABORATION OF NEW STANDARDS AND RELATED TEXTS

88. The Commission **approved** the elaboration of new standards and related texts as summarized in Appendix VI to this report and made the following observations on the elaboration of the following texts:

Task Force on Biotechnology

Draft Terms of Reference and the Project Proposal for the New Ad Hoc Intergovernmental Task Force on Foods derived from Biotechnology⁵⁴

89. The Commission recalled that at its last Session it discussed the establishment of a new Task Force on Foods derived from Biotechnology and asked Japan to prepare a project document and draft Terms of Reference.

⁴⁸ ALINORM 04/27/26, Appendix VI; ALINORM 04/27/7A (Comments from Argentina, China, Czech Republic, Malaysia, Mexico, New Zealand, Poland, International Special Dietary Food Industries and International Wheat Gluten Association); LIM.18 (Comments from Consumers International).

⁴⁹ ALINORM 04/27/24, Appendix IV.

⁵⁰ ALINORM 04/27/8; LIM 8; LIM 10.

⁵¹ ALINORM 03/41, Appendix VII.

⁵² ALINORM 03/41, Appendix V.

⁵³ ALINORM 04/27/9; ALINORM 04/27/4 paras 4-33.

⁵⁴ ALINORM 04/27/09 Appendix I (Project Proposal by Japan); LIM.9 (Comments of Argentina, Australia, Canada, Hungary, Indonesia, Mexico, New Zealand, USA, Venezuela, BIO, Croplife International, 49th Parallel Biotechnology Consortium, Greenpeace International); LIM.11(Comments of the EC)

Noting the view of the 54th Session of the Executive Committee⁵⁵, the Commission agreed to establish a new *Ad Hoc* Intergovernmental Task Force on Foods derived from Biotechnology with the understanding that its final report should be submitted to the Commission in 2009. It also agreed that a Circular Letter be issued to solicit specific proposals for new work and to define priorities and that comments received would be distributed as a working document for the consideration by the first session of the Task Force. The Commission adopted the Terms of Reference with a few amendments (attached as Appendix VIII to this report).

90. The Commission noted the willingness of the delegation of Japan to host the new Task Force subject to confirmation, in coming months, of the availability of funds. The delegation stressed that future work by the new Task Force should be based on the achievement of the previous Task Force.

91. The Commission noted that the issues concerning potential areas for future work including “cloned animals” and “bioactive substances” would be clarified and discussed in the new Task Force.

Coordinating Committee for Asia

Ginseng Products⁵⁶

92. The Commission noted the view of the 54th Session of the Executive Committee that a Codex Standard for Ginseng Products could be initially developed by the Coordinating Committee for Asia although it could not reach a conclusion on the further development of the Standard⁵⁷.

93. The Delegation of Malaysia noted that ginseng products might be considered as “functional food” and in this regard, proposed the holding of a FAO/WHO Expert Consultation on Functional Foods addressing food regulatory issues related to this category of foods which might facilitate the elaboration of the Standard.

94. The Commission approved the new work with the understanding that the Coordinating Committee for Asia would undertake initial work on the elaboration of a Codex Standard inclusive to all varieties of ginseng and applicable to ginseng products consumed as foods and not as medicinal drugs. The decisions as to whether the Standard should be finalized as a regional or international Standard and if the latter was the case, which Committee should finalize the Standard would be taken by the Commission after adoption at Step 5.

Fermented Soybean Paste (Doenjang)⁵⁸

Hot Pepper Fermented Soybean Paste (Gochujang)⁵⁹

95. The Commission noted the recommendation of the 54th Session of the Executive Committee that new work on both Standards should be undertaken by the Coordinating Committee for Asia and, if required, finalized by the Committee on Cereals, Pulses, and Legumes. The question on whether the Standards should be finalized as regional or international Standards could be decided when they reached Step 5⁶⁰.

96. The Commission noted that the two Standards referred to two different products particularly in respect of processing methods and the raw materials involved. However, in view of its previous decision to develop more horizontal standards to cover a wider range of products or group of products as opposed to specific and detailed individual standards, the Commission agreed to request Coordinating Committee for Asia to consider the possibility and implications of broadening the scope to have a single Standard applicable to all fermented soybean paste related-products including the proper titles of the Standards.

97. The Commission entrusted the initial elaboration of both Standards to the Coordinating Committee for Asia and, if required, finalization by the Committee on Cereals, Pulses, and Legumes. However, the decision on

⁵⁵ ALINORM 04/27/4, paras 5 -10

⁵⁶ ALINORM 04/27/9, Appendix II and LIM.26 (revised project document on a proposal for new work for a Codex Standard for Ginseng Products).

⁵⁷ ALINORM 04/27/4, paras 11 – 14.

⁵⁸ ALINORM 04/27/9, Appendix III.

⁵⁹ ALINORM 04/27/9, Appendix IV.

⁶⁰ ALINORM 04/27/4, paras 15 – 17.

whether the texts should be finalized as regional or international Standards would be decided after adoption at Step 5.

Food Import and Export Inspection and Certification Systems

Appendices to the Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification

98. The Commission agreed that the comments of the 54th Session of the Executive Committee⁶¹ would be taken into account by the Committee in the elaboration of the appendices.

Food Additives and Contaminants

Sampling Plans for Aflatoxins in almonds, brazil nuts, hazelnuts and pistachios

99. The Commission agreed to refer the comments of the 54th Session of the Executive Committee⁶² to the Committee on Food Additives and Contaminants.

Food Labelling

Revision of the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods

100. The Delegation of the United States expressed the view that the regular review of the *Guidelines* specified in the *Guidelines* themselves was not consistent with the principle of the Critical Review and should be reconsidered. The Delegation also pointed out that the need for the revision of the Guidelines should be reconsidered in the light of the work priorities of the Committee.

101. The Delegation of Ireland, speaking on behalf of the Member States of the European Union present at the session, stated that the revision of the Guidelines would be necessary in the future in order to improve their internal coherence. However, the Delegation proposed to defer it until 2007 as the latest amendments had been adopted in 2003.

102. The Chairperson, referring to the discussions of the Executive Committee, recalled that the general issue of the workload of Codex Committees should be taken into account when considering new work. The Chairperson proposed not to endorse new work on the revision of the Guidelines and to hold this matter at the Commission for further consideration by the 28th Session. The Commission agreed with this proposal.

DISCONTINUATION OF WORK

103. The Commission **approved** the discontinuation of work as summarized in Appendix VII to this report and made the following observations:

Fish and Fishery Products.⁶³

Proposed Draft Amendment to the Standard for Canned Sardines and Sardine-Type products

104. The Commission recalled that the Proposed Draft Amendment had been considered at the 23rd, 24th and 26th sessions of the Commission and that no consensus had been reached. The 26th Session had returned the Proposed Draft to the Committee on Fish and Fishery Products for further consideration. The Committee had recognized that there were no new elements put forward in order to resolve the issue, and had recommended that the Executive Committee discuss whether to discontinue work or to propose other appropriate action. The 54th Session of the Executive Committee had recognized that there was no consensus and that the proposal to discontinue work would require further discussion by the Commission.

⁶¹ ALINORM 04/27/4, paras 18-19.

⁶² ALINORM 04/27/4, para. 22.

⁶³ ALINORM 04/27/18, para. 7; LIM.16 (Comments of Chile); LIM.22 (Comments of Indonesia)

105. The Delegation of Chile opposed discontinuation of work since all the requirements of the current procedure for the inclusion of new species in Codex standards had been followed, and there were no scientific or technical justification to prevent the inclusion of this species in the Standard. The Delegation also stressed the considerable efforts of Chile to provide all relevant information in order to comply with the procedure and the economic impact of the failure to include *Clupea bentincki* in the Standard. This position was supported by several delegations.

106. The Delegation of Morocco supported discontinuation of work as there was no consensus on the amendment to the standard, although it had been considered at several sessions of the Committee and the Commission, and there would be no merit in returning it to the Committee for further discussion. The Delegation stressed the need to revise the procedure for the inclusion of species and the labelling provisions in the current Standard for Canned Sardines and Sardine-Type Products, as they could create substantial confusion on the nature of the products covered by the Standard. This position was supported by several delegations.

107. The Delegation of the European Community supported discontinuation of work on the inclusion of species until such time as the procedure had been revised, and stressed the problems related to the current procedure.

108. Several delegations stressed the need to adhere to the current procedure, as adopted by the Commission, in order to ensure the credibility of the standard-setting process that should be based on clear rules and criteria.

109. The Chairperson proposed to temporarily defer a decision on the Proposed Draft Amendment pending revision of the current procedure for the inclusion of species, and to reconsider this issue at a later date. Several delegations objected to this proposal.

110. The Commission recognized that there was no consensus on the discontinuation of work and **agreed** to return the Proposed Draft Amendment to the Committee on Fish and Fishery Products, where it had been held at Step 4 pending advice from the Commission. The Delegation of Morocco objected to this decision.

FINANCIAL AND BUDGETARY MATTERS (Agenda Item 8)⁶⁴

111. The Secretariat presented the report of the expenditures in the 2002-2003 biennium and the update information on the budget for the current, 2004-2005 biennium. The Secretariat indicated that for the present biennium the financial situation had improved since the 53rd Session of the Executive Committee due to an increase in the budget allocated by the parent organizations, thus allowing Codex to retain the initial programme of work, including the schedule of Codex sessions. However, several cost saving measures still had to be applied to absorb the reductions foreseen in the 2004 allotments.

112. The Representative of FAO informed the Commission that in accordance with the guidance by its governing bodies FAO granted a high priority to Codex in finalising the budget and had significantly increased the funds allocated to Codex and Codex-related activities. He recognised that the host governments of Codex subsidiary bodies were also making valuable contribution to the work of Codex.

113. The Representative of WHO indicated that the World Health Assembly Resolution WHA56.23 on Codex, adopted in 2003, called for a more active role of WHO in Codex process and other related activities. He stressed that Codex should give a higher priority to matters related to public health and that interaction between health and agriculture sectors be strengthened at the national level.

114. The Commission noted that the format for the budget presentation was slightly modified from the 2002-2003 to the 2004-2005 biennium, reflecting the change made in the accounting system of FAO, through which the Codex budget was managed. The Commission also noted that expenditures for interpretation, document translation and printing were included in "FAO Services (Chargeback)" and that "Other Human Resources" comprised consultants and contracts.

115. Several delegations stated that the budgetary and financial report should be accompanied by the indication of corresponding programme activities in order to facilitate understanding and analysis. The

⁶⁴ ALINORM 04/27/10; ALINORM 04/27/4 paras 34-45

Secretariat clarified that the current report was prepared in compliance with Rule XII.1 of the Commission's Rules of Procedure and that the Commission would consider at its 28th session the programme of work for the next biennium together with an estimate of expenditure. The Commission agreed that the Secretariat would examine means to improve the presentation of budgetary information in consultation with the relevant units of FAO.

116. The Representative of FAO, referring to the discussion at the 54th session of the Executive Committee⁶⁵, indicated that information would be provided, in the future, regarding the FAO and WHO budget allocated to Codex-related activities, especially scientific advice requested by Codex as well as that requested by member countries.

117. Several delegations stated that timely distribution of documents in the languages of the Commission was essential for effective participation in Codex. These delegations supported a wider use of electronic distribution of working documents and sections of the Procedural Manual, not only to accelerate document despatch but also to save printing and mailing costs.

118. The Commission **agreed** that the Secretariat would continue to explore possibilities of further cost savings, taking account of the comments made, and would soon issue a Circular Letter to all Codex Contact Points with a view to promoting the use of electronic distribution of documents in contrast to distribution of hard copies.

119. Taking note of the financial report for the biennium 2002-2003 and the updated budgetary information for the biennium 2004-2005, the Commission **expressed its appreciation** to FAO and WHO for their effort to maintain the adequate budgetary level for Codex and requested the parent organizations to continue to assign a high priority to the Joint FAO/WHO Food Standards Programme.

STRATEGIC PLANNING OF THE CODEX ALIMENTARIUS COMMISSION (Agenda Item 9)⁶⁶

120. The Secretariat recalled that the amendment to the Elaboration Procedures adopted at the current session included a section on the Strategic Planning Process, in accordance with the decision of its 26th Session of the Commission concerning strategic planning. In reply to a question, the Commission noted that the timeframe of the Strategic Framework (6 years) took into account the medium-term planning of the parent organizations.

Status of the Strategic Framework 2003-2007 and Medium-Term Plan 2003-2007

121. The Commission **endorsed** the decision of the 53rd Session of the Executive Committee to discontinue the elaboration of the Medium-Term Plan, with the understanding that its elements would be used as a basis for a list of programmes/activities to be incorporated into the new Strategic Plan 2008-2013. In the absence of a Medium-Term Plan, the Commission **agreed** that the Executive Committee would exercise its critical review functions, closely coordinate work between different Codex Committees and monitor the progress of standards development in accordance with the current Strategic Framework and the *Criteria for the Establishment of Work Priorities*.

122. The Delegation of Malaysia expressed the view that the current Strategic Framework provided general guidance for Codex activities and should be retained as an overarching framework for Codex activities until 2013, and suggested that a more detailed Strategic Plan could be developed and revised on a rolling basis.

Preparation of the Strategic Plan 2008-2013

123. The Commission **agreed** to initiate the preparation of a new Strategic Plan for the period 2008-2013, and **recommended** that:

⁶⁵ ALINORM 04/27/4, para.44

⁶⁶ ALINORM 04/27/10A

- The Executive Committee, at its next session, discuss the structure and format for a new Strategic Plan covering a six-year period of 2008-2013 as well as the ways to further proceed with the development of the Strategic Plan;
- The Strategic Plan state strategic objectives and priorities of the Commission and incorporate a list of programme areas/planned activities with a clearly defined timetable for each of the activities;
- After requesting the views of Regional Coordinating Committees, the draft Plan be submitted to the Commission for adoption by 2007; and
- The Strategic Plan, once adopted, be renewed every two years on a rolling basis.

Action Plan for Codex-wide Development and Application of risk Analysis Principles and Guidelines

124. The Commission noted that several Committees had developed or were in the process of developing guidance on risk analysis in their respective areas, for inclusion in the Procedural Manual. The Commission **endorsed** the recommendations of the 53rd Session of the Executive Committee and decided to:

- a) request each relevant Codex Committee, when developing or completing specific guidelines on risk analysis, to review and document the mechanism it uses to identify and prioritise proposals for new work, particularly in the light of needs for and availability of scientific advice;
- b) request the Committee on General Principles, when examining specific guidelines submitted by other Committees, to ensure as much consistency as possible between the guideline texts;
- c) request the Committee on General Principles to continue the revision of the Criteria for the Establishment of Work Priorities, especially from the viewpoint of the need for clear prioritisation of requests for scientific advice; and
- d) monitor the progress of all the work mentioned above and take into account its outcome in the development of the next Strategic Plan.

125. The Commission recalled that the Committee on General Principles was considering the revision of the Criteria for the Establishment of Work Priorities, while the Executive Committee was developing new criteria for the prioritization of requests for scientific advice within Codex.

126. The Delegation of Chile expressed the view that procedures or guidelines should be developed to facilitate the review by the Committee on General Principles of the guidelines submitted by other Codex Committees.

ELECTION OF OFFICERS OF THE COMMISSION AND ELECTION OF MEMBERS OF THE EXECUTIVE COMMITTEE (Agenda Item 10)⁶⁷

127. The Commission **elected**, by general consent, the following persons to hold office from the end of its present Session to the end of the next regular Session of the Commission (or its Twenty-eighth Session):

- | | |
|--------------------|--|
| Chairperson: | Dr Stuart SLORACH (Sweden) |
| Vice-Chairpersons: | Dr Hiroshi YOSHIKURA (Japan) |
| | Dr Paul MAYERS (Canada) |
| | Dr Claude J.S. MOSHA (United Republic of Tanzania) |

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DESIGNATION OF COUNTRIES RESPONSIBLE FOR APPOINTING THE CHAIRPERSONS OF CODEX COMMITTEES AND *AD HOC* TASK FORCES (Agenda Item 11)⁶⁸

128. The Commission **confirmed** the designation of the Host Governments as listed in the Appendix IX to this report, with the understanding that the new *Ad Hoc* Intergovernmental Task Force on Foods Derived from Biotechnology would be hosted by the Government of Japan pending further confirmation. It also confirmed the dissolution of the *Ad Hoc* Intergovernmental Task Force on Animal Feeding, which had completed its work⁶⁹ and congratulated Denmark for the extraordinary work accomplished.

IMPLEMENTATION OF THE JOINT FAO/WHO EVALUATION OF THE CODEX ALIMENTARIUS COMMISSION AND OTHER FAO AND WHO WORK ON FOOD STANDARDS (Agenda Item 12)⁷⁰

General Implementation Status

129. The Delegation of India, referring to earlier discussions in the 26th Session of the Commission and other Codex Committees, expressed the view that the “Appropriate Level of Protection (ALOP)” should be clarified in the framework of Codex.. The Commission recalled its earlier decision⁷¹ to take no further action, with the understanding that the issue might be reconsidered again in the future if required.

130. The Delegation of India further stated that the problems arising from continuous changes in methods of analysis resulting in lowered limits of detection should be addressed and sought to ascertain the progress of this matter. In this regard, the Representative of FAO informed the Commission that a Joint FAO/WHO Technical Workshop on Residues of Substances without ADI/MRL would be convened in August 2004 in Bangkok.

131. The Delegation of Mexico, referring to the discussions held at the 54th Session of the Executive Committee⁷², expressed the view that “consensus” should be defined. The Delegation of France recalled that Proposal 34 (Determination of Consensus) was addressed in the *Guidelines to Chairpersons of Codex Committees and ad hoc Intergovernmental Task Forces* adopted at the current session and that the definition of “consensus” had been discussed in the development of that document. The Commission agreed to ask the Committee on General Principles to consider further the possibility of developing a definition of the term “consensus”.

Review of the Mandates of Codex Committees and Task Forces

132. The Commission **adopted** the following Terms of Reference of the Review:

- a) With the objective of reducing the number of Codex meetings while also keeping them short and focused, the review should concentrate on:
 - adequacy of the current structure of general subject committees to meet member countries’ needs in a flexible and timely manner;
 - adequacy of the current structure of commodity committees to meet member countries’ needs in a flexible and timely manner;
 - areas of overlap and areas where coverage of the subject matter is inadequate, taking into consideration the needs that were not covered or new issues that may arise in the future; and

⁶⁸ ALINORM 04/27/10B

⁶⁹ ALINORM 04/27/38; ALINORM 04/27/3 paras 6-10; ALINORM 04/27/4 paras 48-56; LIM2 (Report of the Chairman of the ad hoc Intergovernmental Task Force on Animal Feeding)

⁷⁰ ALINORM 04/27/10C; LIM.20 (Comments of EC); LIM.23 (Comments of India)

⁷¹ ALINORM 03/41, para. 153

⁷² ALINORM 04/27/4, para. 54.

- relationship between all committees and task forces, particularly the relations between commodity and general subject committees (task forces);
- b) Based on a detailed study of the points above and inputs received from Codex chairs and host governments, and taking full account of the Report of the Evaluation of the Codex Alimentarius and other FAO and WHO Food Standards Work as well as ongoing work on specific subjects at the committee level, recommendations should be formulated for consideration by the Commission. These may include proposals for revision of the existing committee mandates with a view to rationalisation, proposals for redistribution of tasks and responsibilities between committees, and proposals to split or merge committees.
- c) The recommendations to the Commission should also take into account the ability of all members of the Commission to participate in the standards development process, including the sustainability of the subsidiary body structures and their work programmes, especially in the light of the holding of annual sessions of the Commission and the operation of the FAO/WHO Trust Fund for Enhanced Participation in Codex.

133. The Commission agreed that the recruitment of a small team of consultants (three or four) would be initiated after the Commission and that the time frame presented in document ALINORM 04/27/10C would be followed in order that recommendations could be submitted to the 28th Session of the Commission.

134. The Delegation of Chile and the Delegation of Ireland, speaking on behalf of the Member States of the European Union present at the session, expressed the view that member countries should be consulted and involved in the process. The Commission therefore agreed that a Circular Letter would be sent to all Codex Members to ask for their views on the review of the mandates of Committees and Task Forces.

Review of the Regional Coordinating Committees

135. The Commission **agreed** that a Circular Letter would be issued to all Codex members to invite government comments in the following areas:

- Role of Regional Coordinating Committees in furthering the objectives of the Codex Alimentarius Commission;
- Membership of Regional Coordinating Committees, including their current geographic coverage;
- Terms of reference of the Regional Coordinating Committees as set out in the Procedural Manual, including the relevance of developing regional standards;
- Effectiveness of Regional Coordinating Committees in respect of country participation record and of venues and meeting intervals (currently every two years);
- Respective roles of the Regional Coordinator as *ex officio* Chairperson of the Regional Coordinating Committee and the Member(s) of the Executive Committee elected on a geographic basis, particularly within the framework of the Executive Committee; and
- Any other issues.

136. Regional Coordinating Committees, at their forthcoming session, would consider the comments from the governments of their respective Region and forward their view and/or recommendations to the 28th Session of the Commission for its consideration.

MATTERS ARISING FROM REPORTS OF CODEX COMMITTEES AND TASK FORCES (Agenda Item 13)⁷³

Fresh Fruits and Vegetables

*Recommended International Code of Practice for Packaging and Transport of Tropical Fresh Fruits and Vegetables*⁷⁴

137. The Commission **agreed** to amend the Recommended International Code of Practice for Packaging and Transport of Tropical Fresh Fruits and Vegetables (CAC/RCP 44-1995) by deleting the word “tropical” throughout the Code in order to make it applicable to the packaging and transport of all fresh fruits and vegetables⁷⁵.

Food Additives and Contaminants

Codex General Standard for Food Additives (GSFA)

Codex General Standard for Contaminants and Toxins in Foods (GSCTF)

Relation between the GSCTF and Codex Standards

138. The Commission **endorsed** the recommendations of the 54th Session of the Executive Committee concerning the amendments to the GSFA and GSCTF and the relation between the GSCTF and Codex Standards proposed by the CCFAC⁷⁶. It requested the Codex Secretariat to prepare a list of maximum levels for contaminants and toxins contained in Codex commodity standards, which are inconsistent with the GSCTF, so that they could be formally revoked by the Commission.

Food Hygiene

*Antimicrobial Resistance*⁷⁷

139. The Commission agreed to discuss this matter under Agenda Item 16 (see paras 210-219).

Risk Analysis⁷⁸

140. Following the request from the CCFH to clarify the appropriateness of their approach in the area of risk analysis, the Commission **endorsed** the view of the 54th Session of the Executive Committee⁷⁹ that the past and ongoing work by the Committee on Food Hygiene on the Principles and Guidelines for the Conduct of Microbiological Risk Assessment (CAC/GL-30, 1999) and the proposed draft Principles and Guidelines for the Conduct of Microbiological Risk Management addressing issues relevant to both member governments and to the Codex was consistent with the Commission’s expectations.

141. The Commission noted that the decisions of the Committee on Food Import and Export Inspection and Certification Systems, Committee on Meat Hygiene, Committee on Pesticide Residues, Committee on General Principles, and Committee on Milk and Milk Products regarding the need for developing specific guidelines on risk analysis.

OTHER MATTERS

⁷³ ALINORM 04/27/10D; ALINORM 04/27/10D-Add.1; ALINORM 04/27/4 paras 57-88; LIM.6; LIM.13 (Comments of Japan).

⁷⁴ ALINORM 04/27/10D, para. 1.

⁷⁵ ALINORM 04/27/4, para. 58; ALINORM 04/27/35, para. 54

⁷⁶ ALINORM 04/27/4, paras 59-62.

⁷⁷ ALINORM 04/27/30, para. 159

⁷⁸ ALINORM 04/27/13, paras 70-71.

⁷⁹ ALINORM 04/27/4, para. 63.

Food Import and Export Inspection and Certification Systems⁸⁰

142. The Commission noted that the new work of the Committee on Food Import and Export Inspection and Certification Systems on the development of Appendices to the Guidelines on the Judgement of Equivalence of sanitary Measures associated with Food Inspection (see paragraph 98) would contain information to enable the implementation of the Guidelines to facilitate the control of food in trade.

Food Additives and Contaminants

JECFA Priority List (Peroxide Value)⁸¹

143. The Commission noted that the Committee on Food Additives and Contaminants (CCFAC) considered that the peroxide value (PV) for instant noodles was not a question of safety and therefore was not included in the priority list for JECFA evaluation. The CCFAC noted that there were no data proving a positive correlation between peroxide values of foods and food toxicological parameters. The Commission noted that the draft Standard for Instant Noodles, adopted at Step 5 by its 26th Session, had been circulated for comments at Step 6. A revised text was under preparation to take account of the comments received; the revised draft Standard would be circulated for additional comments and consideration for advancement to Step 8 by the Committee on Cereals, Pulses and Legumes while the list of food additives was to be completed and endorsed by CCFAC

144. The Delegation of Japan expressed its concern that the CCFAC reply was not based on a risk assessment and reiterated its proposal to include PV in the draft Standard for Instant Noodles.

145. The Commission **agreed** that the elaboration of the draft Standard should proceed without further delay, with the understanding that the inclusion of a peroxide value could be decided by CCFAC in the future in the light of relevant data to be submitted by the Government of Japan to the CCFAC for consideration.

Milk and Milk Products

Proposal for a New Standard on Parmesan⁸²

146. The Commission noted the clarification provided by the Legal Offices of FAO and WHO in reply to the two questions asked by the 6th Session of the Committee on Milk and Milk Products (CCMMP). It noted the legal advice shown in document LIM.15⁸³. It also noted that the TRIPS Secretariat had also been consulted on aspects of intellectual property protection⁸⁴.

147. The views of the delegations which intervened were split among those against and those in favour of the development of a new Standard on Parmesan cheese.

148. Arguments put forward by delegations opposing included, among others: the need for Codex to work on consensus; the protection of geographical indications and designation of origin for agricultural products and foodstuffs under EC legislation; non-generic nature of the product name; risk of misleading consumers; Objective 3 of the Codex Strategic Framework 2003-2007 “Promoting linkages between Codex and other multilateral regulatory instruments and conventions”; the need to protect traditional and local culture, including geographic and regional products; the need to give priority to the work related to consumer protection in view of

⁸⁰ ALINORM 04/27/30, para. 90

⁸¹ ALINORM 04/27/12, para. 209; ALINORM 04/31, para. 121 and Appendix VI; CL 2003/32-CPL

⁸² ALINORM 04/27/11, paras 120-121; ALINORM 04/27/4 paras 74-78; LIM.15 (Opinion of the Legal Offices of FAO and WHO); LIM.20 (Comments of the European Community); LIM.28 (Comments of Australia, Canada, New Zealand and the United States of America).

⁸³ According to this legal opinion, “the fact that Parmigiano-Reggiano is registered as a Protected Designation of Origin by the European Community would not preclude a majority of the Members of the Codex Alimentarius Commission from deciding to elaborate a Codex standard on Parmesan cheese, if applicable criteria for acceptance of new work have been met” and “there are no requirements to the effect that aspects of intellectual property protection e.g. trademarks, certification marks, geographical indications (GI’s) or PDO’s be considered as criteria to be taken into consideration by Codex when deciding on acceptance of new work or adopting standards” (LIM.15, paras 13 and 19).

⁸⁴ LIM.15, para. 17.

the budget constraint of Codex; the need to give priority to horizontal standards encompassing different products; ongoing work on Geographical Indication (GI) in the World Trade Organization (WTO). Some delegations suggested considering the revision of the Codex Standard on Extra Hard Grating Cheese (CODEX STAN C35-1978) as a compromise solution.

149. Arguments put forward by delegations in favour of the new standard included, among others: the importance for Codex to base work on agreed rules; the compliance of the proposal to develop a Standard on Parmesan with both Codex Criteria for Establishing New Work Priorities and CCMMP criteria for revision of standards; the generic nature of the product name in question; the international practice in which many products with denomination of origin were covered by internationally recognised standards; the fact that intellectual property rights are territorial and therefore the provisions in the EC are not binding for third countries ; that Codex had no mandate on intellectual property issues; that labelling adequately allowed the consumers to make informed choices; that national/regional legislation should not set precedence over Codex work; and that from a legal point of view there was no impediment to the development of the Standard.

150. The majority of delegations who spoke were against the development of a new standard but a large number of delegations were in favour of such development. In view of the lack of consensus and considering that the 7th Session of the CCMMP was tentatively scheduled in April 2006, the Commission **agreed** to defer its decision on the development of a Standard on Parmesan cheese until its 28th Session. Due to its late availability only in English, it was agreed to attach LIM.15 “Opinion of the Legal Offices of FAO and WHO” as an Appendix to the report of the Session (see Appendix X to this report) in order to allow all Members of the Commission to consider this document in detail.

Clarification on time-bound decision-making⁸⁵

151. The Commission **endorsed** the view of the 54th Session of the Executive Committee that a five-year timeframe should be maintained as a general rule, while the standards development process should be monitored on a case-by-case basis⁸⁶.

General Principles

Proposed Draft Code of Ethics for International Trade in Food⁸⁷

152. The Commission recalled that the Committee on General Principles had sought the advice of the Commission to clarify the need to revise the Code of Ethics and its intended scope, particularly with regard to whether it should focus solely on ethical aspects.

153. The Delegation of Brazil noted that it would be difficult to achieve consensus if the Code was to focus only on ethical issues, and recalled that the priority of Codex was the development of science based standards. The Delegation expressed the view that such a Code could lead to disguised forms of barriers to international trade and that many provisions in the Code were covered by other Codex texts or multilateral agreements and therefore questioned the need for further work on the Code.

154. Several delegations supported this position and proposed to discontinue work on the revision of the Code as there were more urgent priorities in the Committee on General Principles and in the framework of Codex.

155. Several delegations and the Observer from Consumers International supported the revision of the Code and stressed its importance, especially for developing countries, in order to prevent the export of food that was unsafe and/or did not meet the food safety requirements of the exporting countries and to protect consumers from health risks and unfair practices. These delegations therefore supported the revision of the Code and its exclusive focus on ethical issues, as other aspects related to international trade were already covered in other Codex texts or the WTO Agreements.

⁸⁵ ALINORM 04/27/11, para. 12.

⁸⁶ ALINORM 04/27/4 para. 79.

⁸⁷ ALINORM 04/27/33A paras 77-78

156. Some delegations pointed out that the existing Code of Ethics adequately covered aspects of ethics in international trade, and that its revision should be discontinued.

157. The Delegation of Canada proposed to seek clarification from the Committee on General Principles on the need and purpose of the Code, its relationship with other Codex texts and multilateral bodies and the extent to which it addresses, in particular, the interests of developing countries. Some delegations supported this proposal as it would facilitate further discussion, while other delegations stated that the questions forwarded by the Committee on General Principles should not be referred back to that Committee without being answered by the Commission.

158. In reply to a question from the Delegation of Morocco on the status of the Code of Ethics under the WTO, the Representative of WTO indicated that all Codex texts could be equally relevant under the SPS Agreement and how a particular text would be interpreted by a WTO panel could be determined only in the framework of a specific trade dispute.

159. After some further discussion, the Commission **agreed** to address the following questions to the Committee on General Principles:

- Whether there is a clear need for a Code of Ethics for International Trade in Food;
- If so, whether the primary problem to be addressed by such a Code is the subsequent export of food, whether imported or produced domestically, that had been found to be unsafe or otherwise does not meet the safety standards of the exporting country;
- Whether the Code has other objectives;
- To what extent other Codex texts, developed since the last revision of the Code in 1985, have addressed the objective(s) of the existing Code. Of particular relevance are the texts developed by the Committee on Food Import and Export Inspection and Certification Systems;
- Whether the texts developed by other multilateral bodies (e.g. FAO, WHO, WTO) have contributed to addressing the problems the Code is meant to resolve; and
- Given the existence of these Codex and other texts, what, if any, aspects of the problem remain unaddressed and whether these aspects were within the mandate of the Committee.

160. The Commission recalled that the Proposed Draft Revised Code had been returned to Step 3 by the Committee on General Principles but had not been circulated for comments pending advice of the Commission. The Commission **agreed** that it should not be circulated at Step 3, pending further discussion in the Committee, and that instead, a Circular Letter would be issued to request comments on these questions, for consideration by the Committee on General Principles at its next regular session.

161. The Commission recognized the importance of this issue for developing countries and noted that the Regional Coordinating Committees could discuss this matter.

162. The Commission noted the view of the Delegation of Chile that the Committee on General Principles should consider whether a Code of Ethics was necessary in relation to the standard-setting procedures of the Commission.

Clarification of the Respective Role of Members of the Executive Committee Elected on a Geographical Basis and of Coordinators

163. The Commission noted that this matter had been covered under Agenda item 12 as part of the *Review of the Regional Coordinating Committees* (see paras 135-136)

Food Labelling

*Country of Origin Labelling*⁸⁸

164. The Commission recalled that the Committee on Food Labelling had sought the guidance of the Commission as consensus could not be reached on the need to undertake new work on country of origin labelling.

165. Many delegations and observers supported new work on country of origin labelling in response to increased consumer demand for such information and pointed out that the current provisions in the *General Standard for the Labelling of Prepackaged Foods* might result in misleading labelling and required clarification. These delegations therefore supported the revision of the current provisions, including consideration of ingredients labelling and a clarification of the meaning of “country of origin” for processed foods.

166. Many other delegations opposed further work on this issue for the following reasons: the current provisions were adequate to provide clear information to consumers; additional information on the origin of ingredients was likely to create confusion for consumers; it would entail huge costs and liability questions for producers and manufacturers; and enforcement of such provisions would create a considerable burden for national authorities, especially in developing countries.

167. Several delegations and Observers stated that country of origin labelling would not provide any benefit to consumers in terms of food safety since it was the responsibility of food safety authorities to ensure that all food placed on the market were safe. Other delegations and Observers pointed out that such information addressed consumer demand for clear information to make informed choices, and could aid in food control by official authorities, especially as regards traceability/product tracing. Some delegations stressed the importance of country of origin information for importing countries.

168. Several delegations proposed a compromise solution limiting the scope of new work on country of origin labelling to misleading claims and to unprocessed foods, in view of the difficulties associated with ingredient labelling for processed foods. The Chairperson of the Committee on Labelling, hosted by Canada, proposed to ask some questions to member countries to clarify if and why the current provisions were inadequate for member countries, and whether there was a problem of interpretation of the current requirements.

169. The Commission considered a proposal to add the following additional question “if these provisions are considered to be inadequate, would additional guidance restricted to prepackaged unprocessed food be the solution”. However, some delegations did not support this proposal, given that the definition of “unprocessed foods” did not exist in Codex as noted by the Delegation of Brazil and would require detailed consideration.

170. After further discussion, the Commission recognized that no conclusion could be reached at this stage on whether or not to undertake new work on country of origin labelling. The Commission **agreed** to forward the following questions for consideration by the Committee on Food Labelling:

- a) whether the current provisions in sections 4.5.1 and 4.5.2 for Country of Origin Labelling contained in the Codex General Standard for the Labelling of Prepackaged Foods were adequate to address Members’ needs with respect to country of origin labelling
- b) whether countries have encountered difficulties with the interpretation of those provisions.

Animal Feeding

*Future Work on Animal Feeding*⁸⁹

171. The Commission **endorsed** the recommendations of the 54th Session of the Executive Committee that a Circular Letter be prepared to request the views of governments on the areas where future work would be desirable so that the Commission at its next Session could determine whether additional work should be required

⁸⁸ ALINORM 04/27/22, paras 110-116

⁸⁹ ALINORM 04/27/38, paras 35-36.

by Codex on animal feeding and if so what mechanisms would be most appropriate. The Commission noted the Denmark had indicated that it would be willing to host the Task Force if it was established.⁹⁰

Recommended International Code of Practice for the Handling and Processing of Quick Frozen Foods⁹¹

172. The Commission **endorsed** the recommendation of the Executive Committee that, in order to proceed with the revision of the Code, Option (b) provided in working document LIM.6 would be most appropriate. The Commission accepted the offer of the United States of America, as host government of the Committees on Food Hygiene and on Processed Fruits and Vegetables, to coordinate the work by correspondence on the quality provisions of the Code until preliminary adoption at Step 5 and finalization as per hygienic/safety provisions by the Committee on Food Hygiene for final adoption at Step 8 by the Commission. A Joint Meeting of the Committee on Food Hygiene and/or the relevant Commodity Committees might be convened to finalize the hygienic provisions as well as those unsolved quality provisions for which it was not possible to reach consensus during the work by correspondence.

RELATIONS BETWEEN THE CODEX ALIMENTARIUS COMMISSION AND OTHER INTERNATIONAL ORGANIZATION (Agenda Item 14)⁹²

A. Relations between the Codex Alimentarius Commission and other international intergovernmental organizations⁹³

173. The Commission was reminded that the amendment to Rule VIII.5 “Observers” proposed by the 20th Session of the Committee on General Principles had not been adopted at the present session due to the absence of quorum (see para. 9). It took note of the status of the draft Guidelines for Cooperation with International Intergovernmental Organization under development in the Committee on General Principles and noted that the 21st Session of the Committee would consider a revised draft prepared by the Secretariat. In this regard, the Commission noted that the Committee on General Principles did not support the elaboration of a joint standard with a cooperating organization⁹⁴.

174. The Representative of WTO drew the attention of the Commission to the report of the WTO Secretariat on the activities of the SPS Committee and other WTO activities relevant to food safety in 2003, including its work related to equivalence.

Relation between Codex and OIE

175. The Commission was informed of the recent revision of Agreements of cooperation between FAO and the World Organisation for Animal Health (OIE) and between OIE and WHO⁹⁵.

176. The Representative of the OIE, in his address to the Commission, highlighted the importance of a strengthened collaboration between OIE and Codex to address food safety hazards in the food chain, especially in animal production. The Representative was of the opinion that privileged cooperation between the three international standard-setting bodies referred in the SPS Agreement, e.g. Codex, OIE and IPPC, be established to foster work in areas of mutual interest, thereby identifying gaps, avoiding duplication and ensuring consistent and harmonised texts.

177. The Representative informed the Commission of the activities of the OIE Working Group on Animal Production Food Safety, established in 2002, which met in April 2004 for the third time. The Representative underlined the active participation and contribution of OIE in the work of various Codex subsidiary bodies. With

⁹⁰ ALINORM 04/27/04, para. 85.

⁹¹ LIM 6; ALINORM 04/27/4, para. 88.

⁹² ALINORM 04/27/10E; LIM.7 (Corrigendum to ALINORM 04/27/10E); ALINORM 04/27/3 paras 97-104; ALINORM 04/27/4 paras 89-93.

⁹³ INF.8 (WTO submission to the Codex Alimentarius Commission); INF.10 (OIE submission to the Codex Alimentarius Commission).

⁹⁴ ALINORM 04/27/33A, paras 97-109.

⁹⁵ ALINORM 04/27/10G, paras 63-69.

regard to the antimicrobial resistance, the Representative stated that the OIE was supporting the establishment of a joint Codex/OIE Task Force as recommended by the Oslo's Workshop and that OIE rules and procedures already allowed for its creation.

178. The Representatives of FAO and WHO reiterated their support for a strengthened collaboration between Codex and OIE and the Commission noted that discussion on how to foster the cooperation would start between FAO, WHO and OIE on the basis of the revised interagency agreements.

179. Many delegations expressed their support for strengthening cooperation between Codex and OIE. It was pointed out that consistency should be ensured between Codex and OIE texts despite the difference in the mandates of Codex and OIE; that the relation between Codex and OIE should be open and transparent; that a future collaborative body should be a subsidiary body of Codex; whether OIE collaboration should be at the initial drafting stages of standards development noting the importance of the first drafting in terms of the source and manner of its preparation for elaboration of standards and the need for Codex subsidiary bodies to elaborate standards and related texts through the Codex Step Procedure; that there was a need to explore pragmatic way to foster the collaboration while respecting the independence and without modifying the programme of the two organizations; that the cooperation with OIE should be based on legally sound agreement; that the work on the "*Guidelines on Cooperation with International Intergovernmental Organizations*" should be completed before considering particular arrangements between Codex and OIE. The Delegation of China stated that the collaboration between Codex and OIE should be in conformity with the cooperative relations between FAO/WHO and OIE.

180. The Commission concluded the discussion by reiterating its interest for increased cooperation with OIE and suggested that FAO and WHO initiate discussion in accordance with the recommendations of the 53rd Session of the Executive Committee⁹⁶, taking account of the comments made (see the paragraph above). The Commission requested the Committee on General Principles to finalise the Guidelines at an early opportunity and recommended that the collaboration between Codex and OIE be strengthened also at national and regional level.

B. Relations between the Codex Alimentarius Commission and international non-governmental organizations⁹⁷

181. In accordance with Article 6 of the *Principles Concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission*, the Secretariat reported to the Commission on the cooperation with NGOs, as presented in ALINORM 04/27/10E and LIM 7.

Relation between Codex and ISO

182. The Commission recalled that the 53rd Session of the Executive Committee had agreed that the Codex Secretariat establish preliminary contact with the International Organization for Standardization (ISO) to obtain information on the current status of food safety work within ISO⁹⁸.

183. The Observer from ISO, while introducing ISO activities (INF.2), recalled the long-standing cooperation between Codex and ISO and pointed out that Codex and ISO activities were complementary. The Observer highlighted the work of ISO in relevant areas, in particular the work of Technical Committee 34, including draft standards on *Food Safety Management Systems – Requirements* (ISO 22000) and on *Traceability Systems in the agricultural food chain – General principles for design and development* (ISO 22518). The Observer indicated that cooperation could be expanded to consider broader areas such as liaison with other ISO Committees, conformity assessment standardization and policy level exchange and coordination. The Commission noted the information on capacity building activities of ISO in developing countries.

⁹⁶ ALINORM 04/27/3, paras 100-104.

⁹⁷ INF.2 (ISO submission to the Codex Alimentarius Commission) ; INF.1

⁹⁸ ALINORM 04/27/3, paras 97-99; ALINORM 04/27/4, para. 92

184. The Delegation of Mexico supported cooperation with ISO in areas of common interest and noted that Codex could benefit from the technical work of ISO in order to facilitate international harmonization of standards.

185. The Delegation of the United States expressed concern with the work undertaken by ISO in areas related to food safety, namely ISO 22000 and ISO 22518, and requested continued contacts between the Codex and ISO Secretariats in order to regularly provide information on ISO activities to the Commission.

186. The Delegation of Canada proposed to distribute ISO documents through the Codex lists of distribution to Codex Contact Points. The Commission however noted that this would create practical difficulties in view of the large quantity of ISO documents and communications, and that information could preferably be exchanged between relevant bodies at the national level.

187. The Commission agreed that the Secretariat should maintain its contacts with ISO and report to the Executive Committee and the Commission on ISO activities of relevance to Codex work.

FAO/WHO TRUST FUND FOR ENHANCED PARTICIPATION IN CODEX (Agenda Item 15)⁹⁹

188. The Commission noted the Fourth Progress Report of the Project and Trust Fund presented by FAO and WHO as the working document and commended the work of the FAO/WHO Consultative Group.

189. The Commission acknowledged that the Trust Fund had become operational since March 2004 after the threshold of US\$ 500,000 was reached and noted, with appreciation, that in addition to the donors listed in Table 1 of the working document, Sweden and Australia were also contributing to the Trust Fund. It encouraged other countries to contribute and recommended that FAO and WHO look into the possibilities to seek funds from other sources, such as Foundations, while ensuring that conflict of interest be avoided.

190. The Commission was informed that the call for applications for 2005 would be issued in July 2004 with 1 October 2004 as deadline, thus allowing countries more time for their internal selection process and that the guidelines for application would be revised to add more clarity and avoid misinterpretation, particularly with regard to the matching requirements.

191. In noting the views of the 54th Session of the Executive Committee¹⁰⁰, the Commission stressed the importance of national coordination and the key role of Codex Contact Points for the successful operation of the Trust Fund and agreed that the submissions for application to the Trust Fund should be channelled exclusively through the Codex Contact Point.

192. Several delegations and observers pointed out that the goal of the Trust Fund was to promote effective participation in Codex and that this required an ability to follow-up and benefit from Codex work to enhance food safety at the national level.

193. The Commission generally supported the use of the Trust Fund for projects other than for travelling to Codex sessions such as participation in training activities, building capacities of new Codex members and the provision of additional funding to a country taking on greater responsibilities at the regional level. It was however stressed that participation in training activities on Codex should not be the primary focus of the Trust Fund, but should rather be covered by the Regular Programme and extra-budgetary resources of FAO and WHO as part of their capacity building activities.

194. The Commission requested that the criteria used in the distribution of funds should be kept under review. Further consideration should be given to ensuring adequate regional representation and the effectiveness of the participation of the beneficiary countries in Codex work.

⁹⁹ ALINORM 04/27/10F; INF.9 (Report of the Administrator of the FAO/WHO Trust Fund); ALINORM 04/27/3 paras 44-54; ALINORM 04/37/4 paras 94-103; LIM.18 (Comments of Consumers International).

¹⁰⁰ ALINORM 04/27/4, paras 94-103.

195 The Assistant Director-General of WHO acknowledged the generous contributions to the Trust Fund, reminding the Commission that the received funds still amounted to one quarter of the anticipated annual contributions to the Fund. The issue of effective participation might lead to further consideration of technical cooperation requirements. Acknowledging the twelve-years life-span of the Trust Fund it would be advisable for the Commission to develop a vision of where it wanted international food safety systems to be by 2015.

196. In general, the Assistant Director-General of WHO reminded the Commission that innovative solutions were needed to address language and documentation issues to avoid increased costs of the Codex programme. She also emphasized the need for Codex to work with other international organizations such as OIE and ISO, achieving greater visibility of the good work of Codex. New approaches could also be considered in this area, for example, through potential use of Codex standards within the ISO certification procedure.

OTHER MATTERS ARISING FROM FAO AND WHO (Agenda Item 16)¹⁰¹

Part I : Matters related to Scientific Advice

A. Progress Report Related to Scientific Advice¹⁰²

197. The Representative of FAO presented a progress report of the FAO/WHO Consultative Process on Provision of Scientific Advice, including the outcome of the FAO/WHO Workshop held in January 2004 and the comments on the Workshop report received from governments and non-governmental organizations. The Representative indicated the practical steps taken by FAO and WHO to implement the recommendations of the Workshop, including:

- the establishment of an FAO/WHO internal task force to review management options and improve communication with stakeholders;
- the preparation of a procedural manual as a compilation of principles and procedures followed by FAO and WHO in the provision of scientific advice with a view to increasing transparency;
- the preparation of in-depth analysis to address procedures for the selection of experts and the openness of meetings, and for the use of data; and
- the organization of a workshop to explore new approaches to enhance developing countries' capacities to generate data needed and to participate more effectively in expert meetings.

198. The Representative of FAO indicated that the final step of the consultative process would be implemented in the form of an expert consultation or an intergovernmental meeting to prepare feasible recommendations to FAO and WHO, once the analysis of the workshop recommendations has been completed and necessary resources mobilised.

199. The Commission **noted** the advance being made and **expressed their appreciation** to FAO and WHO for their efforts to improve the scientific advice provided to the Commission.

B. Requests for Scientific Advice from Codex Subsidiary Bodies

200. The Representative of WHO, also speaking on behalf of FAO, stressed the need for the Commission to prioritize the requests for scientific advice coming from Codex subsidiary bodies as the current budget of FAO and WHO available for the provision of scientific advice would not allow for a timely response to all these requests and drew the attention of the Commission to the fact that the 53rd Session of the Executive Committee had reviewed the Codex requests to FAO and WHO on scientific advice and indicated issues requiring further

¹⁰¹ ALINORM 04/27/10G; ALINORM 04/27/4 paras 104-107; LIM.21 (comments from Malaysia); LIM.24 (comments from Malaysia); INF. 3 (Report of the Joint FAO/WHO Workshop on the Provision of Scientific Advice to Codex and Member Countries); INF.3A (The Provision of Scientific Advice to Codex and member Countries); INF.4 (The International Portal for Food Safety, Animal and Plant Health, Submission by FAO); INF.5 (Capacity Building for Food Quality and Food Safety Activities of FAO and WHO).

¹⁰² INF 3; INF 3A.

discussion in the Commission¹⁰³. The Executive Committee had also considered a preliminary set of criteria to establish priorities but postponed further discussion to a later session¹⁰⁴.

201. The Representative of WHO highlighted the need to secure adequate funding both from Regular Budgets and from extra budgetary sources so that the provision of scientific advice be made in a more sustainable manner.

202. The Commission **expressed its appreciation** to FAO and WHO for their continuous effort to provide the scientific advice to Codex subsidiary bodies in an optimal way.

203. The Commission **agreed** that Codex requests No 6 (functional foods), No.7 (active chlorine) and No.16 (transport of fats and oils in bulk) for scientific advice in Annex I of the working document should not be considered as cancelled but be retained.

204. Some delegations proposed to give a higher priority to the Codex request No.6 from the 13th Session of the Coordinating Committee for Asia, to evaluate the safety and regulatory issues related to functional foods, given their importance to developing countries. Other delegations indicated that the Committee on Nutrition and Foods for Special Dietary Uses gave priority to the evaluation of upper limits of vitamins and minerals and that there was no international definition of functional food and no work was being undertaken by the Codex in this area and that from a legal point of view functional foods could be considered as common foods or foods for special dietary uses.

205. The Commission noted that the Committee on Food Additives and Contaminants and the Committee on Food Hygiene were preparing the draft Terms of Reference for the proposed expert consultation on safety of active chlorine used in and on foods.

206. In relation to the request regarding the evaluation of the safety of acceptable previous cargoes, the Commission confirmed its earlier request to FAO and WHO to convene an expert consultation, preferably before the next Session of the Committee on Fats and Oils. The Delegation of the United States stated that future work by the Committee on Fats and Oils should concentrate on criteria but not on the list.

207. The Commission **agreed** that priority for the provision of scientific advice should be given to requests coming from Codex subsidiary bodies rather than from Member governments and that the work plan of Codex shall take into account the availability of relevant scientific advice. The Commission noted the view that priority should also be given to the concerns of developing countries, the decisions of the Commission and prioritised requests by Codex subsidiary bodies.

208. The Commission **noted** that in the absence of Codex criteria for setting priorities for the provision of scientific advice, FAO and WHO would continue planning expert meetings and consultations considering the following criteria: a) clear scope of the advice requested; b) urgency of the advice requested, c) availability of required data or commitment of countries to provide such data; and d) availability of financial resources.

C. Other FAO and WHO Activities Related to the Provision of Scientific Advice.

209. The Representatives of FAO and WHO informed the Commission of the major outcome of the FAO and WHO expert meetings and related activities carried out since the last Session of the Commission, including those of JECFA, JEMRA, JMPR, ad hoc meetings, consultations and related projects.

Antimicrobial resistance¹⁰⁵

210. The Representative of WHO informed the Commission that the two FAO/WHO/OIE workshops had been convened, at the request of the 48th Session of the Executive Committee¹⁰⁶, in order to advise the Commission on possible directions to be taken on this issue. He stressed the need to address the matters

¹⁰³ ALINORM 04/27/3, paras 55-75.

¹⁰⁴ ALINORM 04/27/3, paras 76-83.

¹⁰⁵ ALINORM 04/27/13, para.159; LIM.17 Rev. (Proposal for New Work on Non-human Antimicrobial Resistance, prepared by Republic of Korea).

¹⁰⁶ ALINORM 01/4, paras 36-37.

regarding the terminology, risk assessment policy and risk management options for the containment of antimicrobial resistance.

211. The Representative of the OIE drew the attention of the Commission to the fact that the OIE had already adopted sections on the containment of antimicrobial resistance in the OIE Code and indicated that the OIE would support recommendations of the second Workshop held in Oslo. The Representative pointed out that in principle the OIE would accept the proposal to establish a Joint *ad hoc* Task Force on antimicrobial resistance, to operate on the procedures to be agreed upon by the two bodies, with specific terms of reference in accordance with the outcome of the Oslo Workshop: to define risk assessment policy to be used by JEMRA; to develop risk management options; to consolidate existing texts in this area; and to develop guidance for the use of antimicrobials in animal production.

212. The Commission noted the willingness of the Delegation of the Republic of Korea to host an *ad hoc* Task Force on Antimicrobial resistance, if such a Task Force was to be established in future.

213. Many delegations supported the recommendation by the 54th Session of the Executive Committee as the way to proceed on this matter¹⁰⁷.

214. The Commission noted that there was a unanimous support for the cooperation with the OIE, but that financial implications and impact on country participation, especially for developing countries should be carefully considered before taking a final decision towards establishing a new Task Force is taken. The Commission also noted the kind offer of the OIE that the cost for joint activities could be shared between the organizations.

215. The Commission agreed that there were several possible options for the Commission to deal with this matter, including the establishment of a Codex task force with active participation of the OIE, or the use of existing Codex subsidiary bodies such as the Committee on Food Hygiene, the Committee on Residues of Veterinary Drugs in Foods and the Task Force on Animal Feeding.

216. The Commission further agreed that before deciding on the procedural mechanisms to further work, there should be a clear and common understanding of what should be achieved by Codex in regard to the question of antimicrobial resistance related to non-human use of antimicrobials.

217. In order to facilitate the discussion, the Commission **requested** Secretariat to prepare, as soon as possible, a Circular Letter which would include two questions:

- What should be achieved by Codex to address the issue of antimicrobial resistance related to non-human use of microbials (e.g. risk assessment principles, risk management options);
- What mechanisms should be used by Codex to achieve the above outcome?

The Circular Letter would also contain the following information:

- the outline of ongoing work on this matter in relevant Codex Committees, their Terms of Reference in relation to their work on antimicrobial resistance; and
- the executive summary prepared by FAO and WHO from the two Workshops.

218. The Commission **agreed** that the comments received in reply to the Circular Letter would be considered at the 55th Session of the Executive Committee with the understanding that it would provide the advice to the next session of the Commission.

219. The Representative of the OIE stated that the OIE Working Group on Animal Production Food Safety would continue its work on microbial resistance, while waiting for further decisions by Codex.

¹⁰⁷ ALINORM 04/27/4, paras 68-73.

Part II : Capacity Building in Food Safety and Quality

220. The Commission was informed of FAO/WHO activities in capacity building in the field of food safety, which covered three main areas, namely: (i) the organization of global and regional/sub-regional conferences, workshops and seminars on food safety related matters; (ii) field projects; and, (iii) guidance and training tools. The Commission noted, in particular, the plans to hold the Second Global Forum of Food Safety Regulators (Bangkok, Thailand, 12-14 October 2004) and the regional food safety conferences for Africa, the Americas and the Near East. The importance of the pre-Codex workshops in improving the effectiveness of the participation of developing countries in Codex was highlighted.

221. The Commission was informed that over thirty field projects were currently in operation in different parts of the world and twelve others were under consideration. The Commission took note of the following tools already developed or under preparation by FAO/WHO: Assuring Food Safety and Quality – Guidelines for Strengthening National Food Control Systems; Food Safety Risk Analysis – a Training Package (undergoing finalization); Evaluation of Capacity Building Needs for Food Control (in preparation); Improving the Safety and Quality of Fresh Fruits and Vegetable – a Training Manual and Resource Database; and, Improving Participation in the Work of Codex – a Training Pack (in preparation).

222. The Commission noted the development of the International Food Safety Authorities Network (INFOSAN) to be used for targeted and rapid distribution of various information for the protection of public health. One part of INFOSAN would be dedicated to food safety emergency situations where imminent risk of serious injury or death might be present.

Part III: Other Matters of Interest

223. The Commission, with appreciation, noted the presentation made by the coordinator of the International Portal for Food Safety, Animal and Plant Health (IPFSAPH).

224. The Representative of IAEA informed the Commission of the activities of the FAO/IAEA Division of Nuclear Techniques in Food and Agriculture, in particular: the Joint FAO/IOC/WHO *Ad Hoc* Expert Consultation on Biotoxins in Molluscan Bivalves (Oslo, 27 September - 1 October 2004) and the Joint FAO/WHO/IAEA Seminar on the Use of Irradiation for Sanitary and Phytosanitary Purposes (Bangkok, 11 October 2004). He also provided information on the IAEA Conventions on Early Notification of Nuclear Accident and on Assistance in the Case of a Nuclear Accident or Radiological Emergency. The Commission noted that a report on relevant activities of IAEA would be submitted at its next Session.

OTHER BUSINESS (Agenda Item 17)

225. The Commission noted the change of dates of some forthcoming Codex Committee meetings including those of the Codex Alimentarius Commission and the Executive Committee. It also noted that these changes would be reflected in the meeting schedule posted on the Codex website¹⁰⁸.

226. The Commission further noted that the Codex website had recently been updated with enhanced functionalities for document searches. Additional data sets of the Codex Alimentarius would be available shortly as part of an ongoing programme of improvement of the Codex website.

227. The Commission noted that its 28th Session would be held in Rome from 4 to 9 July 2005, subject to further confirmation.

¹⁰⁸ <http://www.codexalimentarius.net>

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APPENDIX II

AMENDMENTS TO THE PROCEDURAL MANUAL

AMENDMENTS TO THE PROCEDURES FOR THE ELABORATION OF
CODEX STANDARDS AND RELATED TEXTS

Note: Throughout this text the word “Standard” is meant to include any of the recommendations of the Commission intended to be submitted to Governments for acceptance. Except for provisions relating to acceptance, the Procedures apply *mutatis mutandis* to codes of practice and other texts of an advisory nature.

INTRODUCTION

The full procedure for the elaboration of Codex standards is as follows.

- 1. The Commission shall implement a unified approach in the area of standards development by taking its decisions, based on a strategic planning process (“standards management”) (See Part 1 of this document).**
- 2. An on-going critical review shall ensure that proposals for new work and draft standards submitted to the Commission for adoption continue to meet the strategic priorities of the Commission and can be developed within a reasonable period of time, taking into account the requirements and availability of scientific expert advice (See Part 2 of this document).**
3. The Commission decides, taking into account the **outcome of the on-going critical review conducted by the Executive Committee**, that a standard should be elaborated and also which subsidiary body or other body should undertake the work. Decisions to elaborate standards may also be taken by subsidiary bodies of the Commission in accordance with the above-mentioned **outcome** subject to subsequent approval by the Commission at the earliest possible opportunity. The Secretariat arranges for the preparation of a “proposed draft standard” which is circulated to governments for comments and is then considered in the light of these by the subsidiary body concerned which may present the text to the Commission as a “draft standard”. If the Commission adopts the “draft standard” it is sent to governments for further comments and in the light of these and after further consideration by the subsidiary body concerned, the Commission reconsiders the draft and may adopt it as a “Codex standard”. The procedure is described in Part 3 of this document.
4. The Commission or any subsidiary body, subject to the confirmation of the Commission may decide that the urgency of elaborating a Codex standard is such that an accelerated elaboration procedure should be followed. While taking this decision, all appropriate matters shall be taken into consideration, including the likelihood of new scientific information becoming available in the immediate future. The accelerated elaboration procedure is described in Part 4 of this document.
5. The Commission or the subsidiary body or other body concerned may decide that the draft be returned for further work at any appropriate previous Step in the Procedure. The Commission may also decide that the draft be held at Step 8.
6. The Commission may authorise, on the basis of two-thirds majority of votes cast, the omission of Steps 6 and 7, where such an omission is recommended by the Codex Committee entrusted with the elaboration of the draft. Recommendations to omit steps shall be notified to Members and interested international organizations as soon as possible after the session of the Codex Committee concerned. When formulating recommendations to omit Steps 6 and 7, Codex Committees shall take all appropriate matters into consideration, including the need for urgency, and the likelihood of new scientific information becoming available in the immediate future.
7. The Commission may at any stage in the elaboration of a standard entrust any of the remaining Steps to a Codex Committee or other body different from that to which it was previously entrusted.

8. It will be for the Commission itself to keep under review the revision of “Codex standards”. The procedure for revision should, *mutatis mutandis*, be that laid down for the elaboration of Codex standards, except that the Commission may decide to omit any other step or steps of that Procedure where, in its opinion, an amendment proposed by a Codex Committee is either of an editorial nature or of a substantive nature but consequential to provisions in similar standards adopted by the Commission at Step 8.

9. Codex standards are published and governments are invited to notify the Commission’s Secretariat of the status or use of the Codex standard in accordance with their established legal and administrative procedures. They are also sent to international organizations to which competence in the matter has been transferred by their Member States (See Part 5 of this document). Details of notifications are published periodically by the Commission’s Secretariat.

PART 1. STRATEGIC PLANNING PROCESS

1. Taking into account the “*Criteria for the Establishment of Work Priorities*”, the strategic plan shall state broad priorities against which individual proposals for standards (and revision of standards) can be evaluated during the critical review process.

2. The strategic plan shall cover a six-year period and shall be renewed every two years on a rolling basis.

PART 2. CRITICAL REVIEW

Proposals to Undertake New Work or to Revise a Standard

1. Prior to approval for development, each proposal for new work or revision of a standard, shall be accompanied by a project document, prepared by the Committee or Member proposing new work or revision of a standard, detailing :

- the purposes and the scope of the standard;
- its relevance and timeliness;
- the main aspects to be covered ;
- an assessment against the *Criteria for the establishment of work priorities*;
- relevance to the Codex strategic objectives;
- information on the relation between the proposal and other existing Codex documents;
- identification of any requirement for and availability of expert scientific advice;
- identification of any need for technical input to the standard from external bodies so that this can be planned for;
- the proposed time-line for completion the new work, including the start date, the proposed date for adoption at Step 5, and the proposed date for adoption by the Commission ; the time frame for developing a standard should not normally exceed five years.

2. The decision to undertake new work or to revise standards shall be taken by the Commission taking into account a critical review conducted by the Executive Committee.

3. The critical review includes:

- examination of proposals for development/revision of standards, taking into account the “*Criteria for the Establishment of Work Priorities*”, the strategic plan of the Commission and the required supporting work of independent risk assessment;
- identifying the standard setting needs of developing countries;
- advice on establishment and dissolution of committees and task forces, including *ad hoc* cross-committee task forces (in areas where work falls within several committee mandates); and
- preliminary assessment of the need for expert scientific advice and the availability of such advice from FAO, WHO or other relevant expert bodies, and the prioritisation of that advice.

4. The decision to undertake new work or revision of individual maximum residue limits for pesticides or veterinary drugs, or the maintenance of the General Standard on Food Additives¹, the General Standard on contaminants and toxins in foods², the Food categorization system and the International numbering System, shall follow the procedures established by the Committees concerned and endorsed by the Commission.

Monitoring Progress of Standards Development

5. The Executive Committee shall review the status of development of draft standards against the time frame agreed by the Commission and shall report its findings to the Commission.
6. The Executive Committee may propose an extension of the time frame; cancellation of work; or propose that the work be undertaken by a Committee other than the one to which it was originally entrusted, including the establishment of a limited number of ad hoc subsidiary bodies, if appropriate.
7. The critical review process shall ensure that progress in the development of standards is consistent with the envisaged time frame, that draft standards submitted to the Commission for adoption have been fully considered at Committee level.
8. Monitoring shall take place against the time line deemed necessary and revisions in the coverage of the standard shall need to be specifically endorsed by the Commission.

This shall therefore include:

- monitoring of progress in developing standards and advising what corrective action should be taken;
- examining proposed standards from Codex committees, before they are submitted to the Commission for adoption :
 - for consistency with the mandate of Codex, the decisions of the Commission, and existing Codex texts;
 - to ensure that the requirements of the endorsement procedure have been fulfilled, where appropriate,
 - for format and presentation, and
 - for linguistic consistency.

PART 3: UNIFORM PROCEDURE FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS

Steps 1, 2 and 3

- (1) The Commission decides, taking into account the **outcome of the critical review conducted by the Executive Committee**, to elaborate a World-wide Codex Standard and also decides which subsidiary body or other body should undertake the work. A decision to elaborate a World-wide Codex Standard may also be taken by subsidiary bodies of the Commission in accordance with the above mentioned **outcome**, subject to subsequent approval by the Commission at the earliest possible opportunity. In the case of Codex Regional Standards, the Commission shall base its decision on the proposal of the majority of Members belonging to a given region or group of countries submitted at a session of the Codex Alimentarius Commission.
- (2) The Secretariat arranges for the preparation of a proposed draft standard. In the case of Maximum Limits for Residues of Pesticides or Veterinary Drugs, the Secretariat distributes the recommendations for maximum limits, when available from the Joint Meetings of the FAO Panel of Experts on Pesticide Residues in Food and the Environment and the WHO Core Assessment Group on Pesticide Residues (JMPR), or the Joint FAO/WHO Expert Committee on Food Additives (JECFA). **Any other relevant information regarding**

¹ including related methods of analysis and sampling plans

² including related methods of analysis and sampling plans

risk assessment work conducted by FAO and WHO should also be made available. In the cases of milk and milk products or individual standards for cheeses, the Secretariat distributes the recommendations of the International Dairy Federation (IDF).

- (3) The proposed draft standard is sent to Members of the Commission and interested international organizations for comment on all aspects including possible implications of the proposed draft standard for their economic interests.

Step 4

The comments received are sent by the Secretariat to the subsidiary body or other body concerned which has the power to consider such comments and to amend the proposed draft standard.

Step 5

The proposed draft standard is submitted through the Secretariat **to the Executive Committee for critical review and to the Commission** with a view to its adoption as a draft standard³. In taking any decision at this step, the Commission will give due consideration to **the outcome of the critical review and** to any comments that may be submitted by any of its Members regarding the implications which the proposed draft standard or any provisions thereof may have for their economic interests. In the case of Regional Standards, all Members of the Commission may present their comments, take part in the debate and propose amendments, but only the majority of the Members of the region or group of countries concerned attending the session can decide to amend or adopt the draft. In taking any decisions at this step, the Members of the region or group of countries concerned will give due consideration to any comments that may be submitted by any of the Members of the Commission regarding the implications which the proposed draft standard or any provisions thereof may have for their economic interests.

Step 6

The draft standard is sent by the Secretariat to all Members and interested international organizations for comment on all aspects, including possible implications of the draft standard for their economic interests.

Step 7

The comments received are sent by the Secretariat to the subsidiary body or other body concerned, which has the power to consider such comments and amend the draft standard.

Step 8

The draft standard is submitted through the Secretariat **to the Executive Committee for critical review and to the Commission**, together with any written proposals received from Members and interested international organizations for amendments at Step 8, with a view to its adoption as a Codex standard. In the case of Regional standards, all Members and interested international organizations may present their comments, take part in the debate and propose amendments but only the majority of Members of the region or group of countries concerned attending the session can decide to amend and adopt the draft.

PART 4: UNIFORM ACCELERATED PROCEDURE FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS

Steps 1, 2 and 3

- (1) The Commission, on the basis of a two-thirds majority of votes cast, taking into account the **outcome of the critical review conducted by the Executive Committee**, shall identify those standards which shall be the

³ Without prejudice to **the outcome of the critical review conducted by the Executive Committee and/or** any decision that may be taken by the Commission at Step 5, the proposed draft standard may be sent by the Secretariat for government comments prior to its consideration at Step 5, when, in the opinion of the subsidiary body or other body concerned, the time between the relevant session of the Commission and the subsequent session of the subsidiary body or other body concerned requires such action in order to advance the work

subject of an accelerated elaboration process.⁴ The identification of such standards may also be made by subsidiary bodies of the Commission, on the basis of a two-thirds majority of votes cast, subject to confirmation at the earliest opportunity by the Commission.

- (2) The Secretariat arranges for the preparation of a proposed draft standard. In the case of Maximum Limits for Residues of Pesticides or Veterinary Drugs, the Secretariat distributes the recommendations for maximum limits, when available from the Joint Meetings of the FAO Panel of Experts on Pesticide Residues in Food and the Environment and the WHO Core Assessment Group on Pesticide Residues (JMPR), or the Joint FAO/WHO Expert Committee on Food Additives (JECFA). **Any other relevant information regarding risk assessment work conducted by FAO and WHO should also be made available.** In the cases of milk and milk products or individual standards for cheeses, the Secretariat distributes the recommendations of the International Dairy Federation (IDF).
- (3) The proposed draft standard is sent to Members of the Commission and interested international organizations for comment on all aspects including possible implications of the proposed draft standard for their economic interests. When standards are subject to an accelerated procedure, this fact shall be notified to the Members of the Commission and the interested international organizations.

Step 4

The comments received are sent by the Secretariat to the subsidiary body or other body concerned which has the power to consider such comments and to amend the proposed draft standard.

Step 5

In the case of standards identified as being subject to an accelerated elaboration procedure, the draft standard is submitted through the Secretariat **to the Executive Committee for critical review and to the Commission**, together with any written proposals received from Members and interested international organizations for amendments, with a view to its adoption as a Codex standard. In taking any decision at this step, the Commission will give due consideration to any comments that may be submitted by any of its Members regarding the implications which the proposed draft standard or any provisions thereof may have for their economic interests.

GUIDE TO THE PROCEDURE FOR THE REVISION AND AMENDMENT OF CODEX STANDARDS

1. Proposals for the amendment or revision of Codex standards should be submitted to the Commission's Secretariat in good time (not less than three months) before the session of the Commission at which they are to be considered. The proposer of an amendment should indicate the reasons for the proposed amendment and should also state whether the proposed amendment had been previously submitted to and considered by the Codex committee concerned and/or the Commission. If the proposed amendment has already been considered by the Codex committee and/or Commission, the outcome of the consideration of the proposed amendment should be stated.
2. Taking into account such information regarding the proposed amendment, as may be supplied in accordance with paragraph 1 above, **and the outcome of the on-going critical review conducted by the Executive Committee**, the Commission will decide whether the amendment or revision of a standard is necessary. If the Commission decides in the affirmative, and the proposer of the amendment is other than a Codex committee, the proposed amendment will be referred for consideration to the appropriate Codex committee, if such committee is still in existence. If such committee is not in existence, the Commission will determine how best to deal with the proposed amendment. If the proposer of the amendment is a Codex committee, it would be open to the Commission to decide that the proposed amendment be circulated to governments for comments prior to further consideration by the sponsoring Codex Committee. In the case of an amendment proposed by a Codex Committee, it will also be open to the Commission to adopt the amendment at Step 5 or Step 8 as appropriate, where in its opinion the amendment is either of an editorial nature or of a substantive nature but consequential to provisions in similar standards adopted by it at Step 8.

⁴ Relevant considerations could include, but need not be limited to, matters concerning new scientific information; new technology(ies); urgent problems related to trade or public health; or the revision or up-dating of existing standards.

3. The procedure for amending or revising a Codex standard would be as laid down in paragraphs 5 and 6 of the Introduction to the Procedure for the Elaboration of Codex Standards (see page .. above).
4. When the Commission has decided to amend or revise a standard, the unrevised standard will remain the applicable Codex standard until the revised standard has been adopted by the Commission.

CRITERIA FOR THE APPOINTMENT OF CHAIRPERSONS

By virtue of Article 7 of its Statutes, the Commission may establish such subsidiary bodies as it deems necessary for the accomplishment of its task.

The Member countries who shall be designated, under Rule X.10⁵, as responsible for appointing Chairpersons of subsidiary bodies established under Rule X.1(b)(i) and Rule X.1(b)(ii), shall retain the right to appoint a chairperson of their choice.

The following criteria may be considered during the selection of the appointee:

- to be a national of the member country responsible for appointing the chairperson of the Committee;
- to have a general knowledge in the fields of the subsidiary body concerned and to be able to understand and analyse technical issues;
- insofar as possible, to be able to serve in a continuing capacity;
- to be familiar with the system of Codex and its rules, and to have experience in the work of relevant international, governmental or non-governmental organizations;
- to be able to communicate clearly both orally and in writing in one of the working languages of the Commission;
- to have demonstrated ability in chairing meetings with objectivity and impartiality, and in facilitating consensus building;
- to exercise tact and sensitivity to issues of particular importance to members of the Commission;
- not to engage and/or not to have engaged in activities which could give rise to a conflict of interest on any item on the agenda of the Committee.

GUIDELINES TO HOST GOVERNMENTS OF CODEX COMMITTEES AND AD HOC INTERGOVERNMENTAL TASK FORCES

INTRODUCTION

By virtue of Article 7 of the Statutes of the Codex Alimentarius Commission and Rule X.1(b)⁶ of its Rules of Procedure, the Commission has established a number of Codex Committees and *ad hoc* Intergovernmental Task Forces to prepare standards in accordance with the Procedure for the Elaboration of Codex Standards and Coordinating Committees to exercise general coordination of its work in specific regions or groups of countries. The Rules of Procedure of the Commission shall apply, *mutatis mutandis*, to Codex Committees, Coordinating

⁵ 13th Edition of the Procedural Manual

⁶ 13th Edition of the Procedural Manual

Committees and *ad hoc* Intergovernmental Task Forces. The Guidelines applying to Codex Committees, as described in this Section, apply also to Coordinating Committees and to Codex *ad hoc* Intergovernmental Task Forces.

COMPOSITION OF CODEX COMMITTEES

MEMBERSHIP

Membership of Codex Committees is open to Members of the Commission who have notified the Director-General of FAO or WHO of their desire to be considered as members thereof or to selected members designated by the Commission. Membership of Regional Coordinating Committees is open only to Members of the Commission belonging to the region or group of countries concerned.

OBSERVERS

Any other Member of the Commission or any Member or Associate Member of FAO or WHO which has not become a Member of the Commission may participate as an observer at any Codex Committee if it has notified the Director-General of FAO or WHO of its wish to do so. Such countries may participate fully in the discussions of the Committee and shall be provided with the same opportunities as other Members to express their point of view (including the submission of memoranda), but without the right to vote or to move motions either of substance or of procedure. International organizations which have formal relations with either FAO or WHO should also be invited to attend in an observer capacity sessions of those Codex Committees which are of interest to them.

ORGANIZATION AND DUTIES

CHAIRPERSON

The Codex Alimentarius Commission will designate a member country of the Commission, which has indicated its willingness to accept financial and all other responsibility, as having responsibility for appointing a chairperson of the Committee. The member country concerned is responsible for appointing the chairperson of the Committee from among its own nationals. Should this person for any reason be unable to take the chair, the member country concerned shall designate another person to perform the functions of the chairperson for as long as the chairperson is unable to do so. A Committee may appoint at any session one or more rapporteurs from among the delegates present.

SECRETARIAT

A member country to which a Codex Committee has been assigned is responsible for providing all conference services including the secretariat. The secretariat should have adequate administrative support staff able to work easily in the languages used at the session and should have at its disposal adequate word processing and document reproducing equipment. Interpretation, preferably simultaneous, should be provided from and into all languages used at the session, and if the report of the session is to be adopted in more than one of the working languages of the Committee, then the services of a translator should be available. The Committee secretariat and the Joint FAO/WHO (Codex) Secretariat are charged with the preparation of the draft report in consultation with the rapporteurs, if any.

DUTIES AND TERMS OF REFERENCE

The duties of a Codex Committee shall include:

- (a) the drawing up of a list of priorities as appropriate, among the subjects and products within its terms of reference,
- (b) consideration of the types of safety and quality elements (or recommendations) to be covered, whether in standards for general application or in reference to specific food products,
- (c) consideration of the types of product to be covered by standards, e.g., whether materials for further processing into food should be covered,
- (d) preparation of draft Codex standards within its terms of reference,
- (e) reporting to each session of the Commission on the progress of its work and, where necessary, on any difficulties caused by its terms of reference, together with suggestions for their amendment.

- (f) the review and, as necessary, revision of existing standards and related texts on a scheduled, periodic basis to ensure that the standards and related texts within its terms of reference are consistent with current scientific knowledge and other relevant information.

SESSIONS

DATE AND PLACE

A member country to which a Codex Committee has been assigned is consulted by the Directors-general of FAO and WHO before they determine when and where a session of this Committee shall be convened.

The member country should consider arrangements for holding Codex sessions in developing countries.

INVITATIONS AND PROVISIONAL AGENDA

Sessions of Codex Committees and Coordinating Committees will be convened by the Directors-General of FAO and WHO in consultation with the chairperson of the respective Codex Committee. The letter of invitation and provisional agenda shall be prepared by the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Rome, in consultation with the chairperson of the Committee for issue by the Directors-General to all Members and Associate Members of FAO and WHO or, in the case of Coordinating Committees, to the countries of the region or group of countries concerned, Codex Contact Points and interested international organizations in accordance with the official mailing lists of FAO and WHO. Chairpersons should, before finalizing the drafts, inform and consult with the national Codex Contact Point where one has been established, and, if necessary, obtain clearance from the national authorities concerned (Ministry of Foreign Affairs, Ministry of Agriculture, Ministry of Health, or as the case may be). The invitation and Provisional Agenda will be translated and distributed by FAO/WHO in the working languages of the Commission at least four months before the date of the meeting.

Invitations should include the following:

- (a) title of the Codex Committee,
- (b) time and date of opening and date of closing of the session,
- (c) place of the session,
- (d) languages to be used and arrangements for interpretation, i.e., whether simultaneous or not,
- (e) if appropriate, information on hotel accommodation,
- (f) request for the names of the chief delegate and other members of the delegation, and for information on whether the chief delegate of a government will be attending as a representative or in the capacity of an observer.

Replies to invitations will normally be requested to be sent to reach the chairperson as early as possible and in any case not less than 30 days before the session. A copy should be sent also to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Rome. It is of the utmost importance that by the date requested a reply to invitations should be sent by all those governments and international organizations which intend to participate. The reply should specify the number of copies and the language of the documents required.

The Provisional Agenda should state the time, date and place of the meeting and should include the following items:

- (a) adoption of the agenda,
- (b) if considered necessary, election of rapporteurs,
- (c) items relating to subject matter to be discussed, including, where appropriate, the step in the Commission's Procedure for the Elaboration of Standards at which the item is being dealt with at the session. There should also be reference to the Committee papers relevant to the item,
- (d) any other business,
- (e) consideration of date and place of next session,

- (f) adoption of draft report.

The work of the Committee and the length of the meeting should be so arranged as to leave sufficient time at the end of the session for a report of the Committee's transactions to be agreed.

ORGANIZATION OF WORK

A Codex or Coordinating Committee may assign specific tasks to countries, groups of countries or to international organizations represented at meetings of the Committee and may ask member countries and international organizations for views on specific points.

Ad hoc working groups established to accomplish specific tasks shall be disbanded once the tasks have been accomplished as determined by the Committee.

A Codex or Coordinating Committee may not set up standing sub-committees, whether open to all Members of the Commission or not, without the specific approval of the Commission.

PREPARATION AND DISTRIBUTION OF PAPERS

Papers for a session should be sent by the chairperson of the Codex Committee concerned at least two months before the opening of the session to the following:

- (i) all Codex Contact Points,
- (ii) chief delegates of member countries, of observer countries and of international organizations, and
- (iii) other participants on the basis of replies received. Twenty copies of all papers in each of the languages used in the Committee concerned should be sent to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Rome.

Papers for a session prepared by participants must be drafted in one of the working languages of the Commission, which should, if possible, be one of the languages used in the Codex Committee concerned. These papers should be sent to the chairperson of the Committee, with a copy to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Rome, in good time to be included in the distribution of papers for the session.

Documents circulated at a session of a Codex Committee other than draft documents prepared at the session and ultimately issued in a final form, should subsequently receive the same distribution as other papers prepared for the Committee.

Codex Contact Points will be responsible for ensuring that papers⁷ are circulated to those concerned within their own country and for ensuring that all necessary action is taken by the date specified.

Consecutive reference numbers in suitable series should be assigned to all documents of Codex Committees. The reference number should appear at the top right-hand corner of the first page together with a statement of the language in which the document was prepared and the date of its preparation. A clear statement should be made of the provenance (origin or author country) of the paper immediately under the title. The text should be divided into numbered paragraphs. At the end of these guidelines is a series of references for Codex documents adopted by the Codex Alimentarius Commission for its own sessions and those of its subsidiary bodies.

Members of the Codex Committees should advise the Committee chairperson through their Codex Contact Point of the number of copies of documents normally required.

Working papers of Codex Committees may be circulated freely to all those assisting a delegation in preparing for the business of the Committee; they should not, however, be published. There is, however, no objection to the publication of reports of the meetings of Committees or of completed draft standards.

⁷ See Uniform System of References for Codex Documents – p. 86 of the Procedural Manual.

GUIDELINES ON THE CONDUCT OF MEETINGS OF CODEX COMMITTEES AND AD HOC INTERGOVERNMENTAL TASK FORCES

INTRODUCTION

By virtue of Article 7 of the Statutes of the Codex Alimentarius Commission and Rule X.1(b)⁸ of its Rules of Procedure, the Commission has established a number of Codex Committees and *ad hoc* Intergovernmental Task Forces to prepare standards in accordance with the Procedure for the Elaboration of Codex Standards and Coordinating Committees to exercise general coordination of its work in specific regions or groups of countries. The Rules of Procedure of the Commission shall apply, *mutatis mutandis*, to Codex Committees, Coordinating Committees and *ad hoc* Intergovernmental Task Forces. The Guidelines applying to the conduct of meetings of Codex Committees as described in this Section apply also to those of Coordinating Committees and to those of Codex *ad hoc* Intergovernmental Task Forces.

CONDUCT OF MEETINGS

Meetings of Codex and Coordinating Committees shall be held in public unless the Committee decides otherwise. Member countries responsible for Codex and Coordinating Committees shall decide who should open meetings on their behalf.

Meetings should be conducted in accordance with the Rules of Procedure of the *Codex Alimentarius* Commission.

Only the chief delegates of members, or of observer countries or of international organizations have the right to speak unless they authorize other members of their delegations to do so.

The representative of a regional economic integration organization shall provide the chairperson of the Committee, before the beginning of each session, with a written statement outlining where the competence lies between this organization and its members for each item, or subparts thereof, as appropriate, of the provisional agenda, pursuant to the Declaration of Competence submitted according to Rule II of the Rules of Procedure of the Codex Alimentarius Commission by this organization. In areas of shared ("mixed") competence between this organization and its members, this statement shall make clear which party has the voting right.

Delegations and delegations from observer countries who wish their opposition to a decision of the Committee to be recorded may do so, whether the decision has been taken by a vote or not, by asking for a statement of their position to be contained in the report of the Committee. This statement should not merely use a phrase such as: "The delegation of X reserved its position" but should make clear the extent of the delegation's opposition to a particular decision of the Committee and state whether they were simply opposed to the decision or wished for a further opportunity to consider the question.

REPORTS

In preparing reports, the following points shall be borne in mind:

- (a) decisions should be clearly stated; action taken in regard to economic impact statements should be fully recorded; all decisions on draft standards should be accompanied by an indication of the step in the Procedure that the standards have reached;
- (b) if action has to be taken before the next meeting of the Committee, the nature of the action, who is to take it and when the action must be completed should be clearly stated;
- (c) where matters require attention by other Codex Committees, this should be clearly stated;
- (d) if the report is of any length, summaries of points agreed and the action to be taken should be included at the end of the report, and in any case, a section should be included at the end of the report showing clearly in summary form:
 - standards considered at the session and the steps they have reached;

- standards at any step of the Procedure, the consideration of which has been postponed or which are held in abeyance and the steps which they have reached;
- new standards proposed for consideration, the probable time of their consideration at Step 2 and the responsibility for drawing up the first draft.

The following appendices should be attached to the report:

- (a) list of participants with full postal addresses,
- (b) draft standards with an indication of the step in the Procedure which has been reached.

The Joint FAO/WHO Secretariat should ensure that, as soon as possible and in any event not later than one month after the end of the session, copies of the final report, as adopted in the languages of the Committee, are sent to all participants, and all Codex Contact Points.

DRAWING UP OF CODEX STANDARDS

A Codex Committee, in drawing up standards and related texts, should bear in mind the following:

- (a) the guidance given in the General Principles of the Codex Alimentarius;
- (b) that all standards and related texts should have a preface containing the following information:
 - the description of the standard or related text,
 - a brief description of the scope and purpose(s) of the standard or related text,
 - references including the step which the standard or related text has reached in the Commission's Procedures for the Elaboration of Standards, together with the date on which the draft was approved,
 - matters in the draft standard or related text requiring endorsement or action by other Codex Committees.
- (c) that for standards or any related text for a product which includes a number of sub-categories, the Committee should give preference to the development of a general standard or related text with specific provisions as necessary for sub-categories.

GUIDELINES TO CHAIRPERSONS OF CODEX COMMITTEES AND AD HOC INTERGOVERNMENTAL TASK FORCES

INTRODUCTION

By virtue of Article 7 of the Statutes of the Codex Alimentarius Commission and Rule X.1(b)⁹ of its Rules of Procedure, the Commission has established a number of Codex Committees and *ad hoc* Intergovernmental Task Forces to prepare standards in accordance with the Procedure for the Elaboration of Codex Standards and Coordinating Committees to exercise general coordination of its work in specific regions or groups of countries. The Rules of Procedure of the Commission shall apply, *mutatis mutandis*, to Codex Committees, Coordinating Committees and *ad hoc* Intergovernmental Task Forces. The Guidelines applying to the Chairpersons of Codex Committees as described in this Section apply also to those of Coordinating Committees and to those of Codex *ad hoc* Intergovernmental Task Forces.

DESIGNATION¹⁰

The Codex Alimentarius Commission will designate a member country of the Commission, which has indicated its willingness to accept financial and all other responsibility, as having responsibility for appointing a chairperson of the Committee. The member country concerned is responsible for appointing the chairperson of the Committee from among its own nationals. Should this person for any reason be unable to take the chair, the

⁹ 13th Edition of the Procedural Manual

¹⁰ Should the CCGP agree on draft criteria for the selection of Chairpersons, the new text could be inserted in this section.

member country concerned shall designate another person to perform the functions of the chairperson for as long as the chairperson is unable to do so.

CONDUCT OF MEETINGS

The chairperson should invite observations from members of the Committee concerning the Provisional Agenda and in the light of such observations formally request the Committee to adopt the Provisional Agenda or the amended agenda.

Meetings should be conducted in accordance with the Rules of Procedure of the Codex Alimentarius Commission. Attention is particularly drawn to Rule VII.7 which reads: "The provisions of Rule XII of the General Rules of FAO shall apply *mutatis mutandis* to all matters which are not specifically dealt with under Rule VII of the present Rules."

Rule XII of the General Rules of FAO, a copy of which will be supplied to all chairpersons of Codex and Coordinating Committees, gives full instructions on the procedures to be followed in dealing with voting, points of order, adjournment and suspension of meetings, adjournment and closure of discussions on a particular item, reconsideration of a subject already decided and the order in which amendments should be dealt with.

Chairpersons of Codex Committees should ensure that all questions are fully discussed, in particular statements concerning possible economic implications of standards under consideration at Steps 4 and 7.

Chairpersons should also ensure that the written comments, received in a timely manner, of members and observers not present at the session are considered by the Committee; that all issues are put clearly to the Committee. This can usually best be done by stating what appears to be the generally acceptable view and asking delegates whether they have any objection to its being adopted.

Chairpersons should use the statement submitted by the representatives of the regional economic integration organizations on the matters of respective competence between these organizations and their members in the conduct of meetings, including assessing of the situation with regard to the party which has the right to vote.

CONSENSUS¹¹

The chairpersons should always try to arrive at a consensus and should not ask the Committee to proceed to voting if agreement on the Committee's decision can be secured by consensus.

The *Procedure for the Elaboration of Codex Standards and Related Texts* allows for full discussion and exchange of views on the issue under consideration, in order to ensure the transparency of the process and arrive at compromises that would facilitate consensus.

Much of the responsibility for facilitating the achievement of consensus would lie in the hands of the Chairpersons.

When working out the means of progressing the work of a Committee, the chairperson should consider:

- (a) the need for timely progress in developing standards ;
- (b) the need to achieve consensus among the members as to the content of, and justification for, proposed standards;
- (c) the importance of achieving consensus at all stages of the elaboration of standards and that draft standards should, as a matter of principle, be submitted to the Commission for adoption only where consensus has been achieved at the technical level.

The chairperson should also consider implementing the following measures in order to facilitate consensus building in the elaboration of standards at the Committee stage:

- (a) ensuring that: (i) the scientific basis is well established on current data including, wherever possible, scientific data and intake and exposure information from the developing countries; (ii) where data from developing countries are not available, an explicit request for collecting and making available such data

¹¹ Reference is made to the *Measures to facilitate consensus* (Decision of the 26th Session of the Codex Alimentarius Commission (2003), 13th Edition of the Procedural Manual).

- is made; and (iii) where necessary, further studies are carried out in order to clarify controversial issues;
- (b) ensuring that issues are thoroughly discussed at meetings of the Committees concerned;
 - (c) organizing informal meetings of the parties concerned where disagreements arise, provided that the objectives of any such meetings are clearly defined by the Committee concerned and that participation is open to all interested delegations and observers in order to preserve transparency;
 - (d) requesting the Commission, where possible, for a redefinition of the scope of the subject matter being considered for the elaboration of standards in order to cut out issues on which consensus cannot be reached;
 - (e) ensuring that matters are not progressed from step to step until all relevant concerns are taken into account and adequate compromises worked out¹²;
 - (f) facilitating increased involvement and participation of developing countries.

GUIDELINES FOR THE INCLUSION OF SPECIFIC PROVISIONS IN CODEX STANDARDS AND RELATED TEXTS

PRINCIPLES FOR THE ESTABLISHMENT OF CODEX METHODS OF ANALYSIS

General Criteria for the Selection of Single-Laboratory Validated Methods of Analysis (to be included after the General Criteria)

Inter-laboratory validated methods are not always available or applicable, especially in the case of multi-analyte/multi substrate methods and new analytes. The criteria to be used to select a method are included in the General Criteria for the Selection of Methods of Analysis. In addition the single-laboratory validated methods must fulfil the following criteria:

- i. the method is validated according to an internationally recognized protocol (e.g. those referenced in the harmonized IUPAC Guidelines for Single-Laboratory Validation of Methods of Analysis)
- ii. the use of the method is embedded in a quality system in compliance with the ISO/IEC 17025: 1999 Standard or Principles of Good Laboratory Practice;

The method should be complemented with information on accuracy demonstrated for instance with:

- regular participation in proficiency schemes, where available;
- calibration using certified reference materials, where applicable;
- recovery studies performed at the expected concentration of the analytes;
- verification of result with other validated method where available.

Amendments to Analytical Terminology for Codex Use

Specificity: deleted

Selectivity: Selectivity is the extent to which a method can determine particular analyte(s) in mixtures or matrices without interferences from other components of similar behaviour.

¹² This does not preclude square bracketing of parts of a text in the early stages of the elaboration of a standard, where there is consensus on the large majority of the text.

Selectivity is the recommended term in analytical chemistry to express the extent to which a particular method can determine analyte(s) in the presence of interferences from other components. Selectivity can be graded. The use of the term specificity for the same concept is to be discouraged as this often leads to confusion.

Accuracy (as a concept) and Accuracy (as a statistic) to be replaced with the following definition:

Accuracy: The closeness of agreement between a test result and the accepted reference value.

Note:

The term accuracy, when applied to a set of test results, involves a combination of random components and a common systematic error or bias component.

Trueness: The closeness of agreement between the average value obtained from a series of test results and an accepted reference value.

Notes:

- 1 The measure of trueness is usually expressed in terms of bias.
- 2 Trueness has been referred to as “accuracy of the mean”. This usage is not recommended.

Terms to Be Used in the Criteria Approach

Selectivity: Selectivity is the extent to which a method can determine particular analyte(s) in mixtures or matrices without interferences from other components of similar behaviour.

Selectivity is the recommended term in analytical chemistry to express the extent to which a particular method can determine analyte(s) in the presence of interferences from other components. Selectivity can be graded. The use of the term specificity for the same concept is to be discouraged as this often leads to confusion.

DEFINITIONS FOR THE PURPOSE OF THE CODEX ALIMENTARIUS

DEFINITIONS OF RISK ANALYSIS TERMS RELATED TO FOOD SAFETY

Definitions to be added

Food Safety Objective (FSO): The maximum frequency and/or concentration of a hazard in a food at the time of consumption that provides or contributes to the appropriate level of protection (ALOP).

Performance Objective (PO): The maximum frequency and/or concentration of a hazard in a food at a specified step in the food chain before the time of consumption that provides or contributes to an FSO or ALOP, as applicable.

Performance Criterion (PC): The effect in frequency and/or concentration of a hazard in a food that must be achieved by the application of one or more control measures to provide or contribute to a PO or an FSO.

DEFINITIONS FOR THE PURPOSE OF THE CODEX ALIMENTARIUS

Definition to be added

Traceability/Product tracing: the ability to follow the movement of a food through specified stage(s) of production, processing and distribution.

APPENDIX III

**LIST OF STANDARDS AND RELATED TEXTS ADOPTED BY THE TWENTY-SEVENTH
SESSION OF THE CODEX ALIMENTARIUS COMMISSION**

Part 1. Standards and Related Texts Adopted at Step 8 as Final Texts

Standard and Related Text	Reference	Status
Code of Practice on Good Animal Feeding	ALINORM 04/27/38; Appendix II and ALINORM 03/38A: Appendix II	Adopted with amendments to the Spanish version (see paras. 23-24)
Food Category System of the Codex General Standard for Food Additives	ALINORM 04/27/12; Appendix V, para. 68	Adopted with amendments (see para. 26)
Code of Practice for the Prevention and Reduction of Aflatoxin Contamination in Peanuts	ALINORM 04/27/12; Appendix XV, para. 140	Adopted
Code of Practice for the Prevention and Reduction of Lead Contamination in Food	ALINORM 04/27/12; Appendix XVI, para. 168	Adopted
Revisions to Table 1 of the Codex General Standard for Food Additives	ALINORM 04/27/12; Appendix VI, para. 81	Adopted (benzoates in food category 14.1.4 adopted on an interim basis)
Standard for Salted Atlantic Herring and Salted Sprat	ALINORM 04/27/18; Appendix II, para. 54	Adopted
Model Certificate for Fish and Fishery Products (sanitary certificate)	ALINORM 04/27/18; Appendix III, para. 68	Adopted with amendments (see para. 34)
Amendment to the Standard for Quick Frozen Lobsters	ALINORM 04/27/18; Appendix IV, para. 74	Adopted
Standard for Oranges	ALINORM 04/27/35; Appendix II, para. 18	Adopted
Code of Hygienic Practice for Milk and Milk Products	ALINORM 04/27/13; Appendix II, para. 53	Adopted with amendment (see paras. 45-46)
Guidelines for Use of Nutrition and Health Claims	ALINORM 04/27/22; Appendix III, para. 51	Adopted
Amendment to the Standard for Quick Frozen Fish Sticks (Fish Fingers), Fish Portions and Fish Fillets, Breaded or in Batter (Labelling Section)	ALINORM 04/27/22; Appendix II, para. 11	Adopted with a correction (see paras. 54-55)
Amendment to the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Revised Annex 2 – Tables 1 and 2	ALINORM 04/27/22; Appendix IV, para. 75	Adopted with amendments (see paras. 56 and 59)
General Guidelines on Sampling	ALINORM 04/27/23; Appendix III, para. 25	Adopted with amendments (see para. 60)
Guidelines on Measurement Uncertainty	ALINORM 04/27/23; Appendix IV, para. 37	Adopted with amendments (see paras. 61 and 63)

Standard and Related Text	Reference	Status
Methods of Analysis for Additives and Contaminants	ALINORM 04/27/23; Appendix VI- Part E	Adopted
Methods of Analysis (for inclusion in the Standard of Olive Oils and Olive Pomace Oils)	ALINORM 04/27/23; Appendix VI- Part A	Adopted
Methods of Analysis (for inclusion in the Standard of Named Vegetable Oils)	ALINORM 04/27/23; Appendix VI- Part A	Adopted
MRLs for Pesticides	ALINORM 04/27/24; Appendix II, paras 60-175	Adopted with amendments (see para. 66)

Part 2. Standards and Related Texts Adopted at Step 5 and Step 8 as Final Texts with Recommendations to Omit Step 6 and 7

Standard and Related Text	Reference	Status
Revisions to Table 1 of the Codex General Standard for Food Additives	ALINORM 04/27/12; Appendix VI, para. 81	Adopted
Specifications for the Identity and Purity of Food Additives (Category I) arising from the 61 st JECFA Meeting	ALINORM 04/27/12; Appendix XI, para. 99	Adopted
Amendments to the International Numbering System for Food Additives	ALINORM 04/27/12; Appendix XII, para. 103	Adopted
Code of Practice for Fish and Fishery Products (quick frozen coated fish products) ¹³	ALINORM 04/27/18, Appendix V, para. 113; ALINORM 06/27/13, paras. 13-14	Adopted
Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations	ALINORM 04/27/30; Appendix II, para. 61	Adopted with amendments (see para. 47)
MRLs for Pesticides	ALINORM 04/27/24; Appendix III, paras 60-175	Adopted with amendments (see para. 66)

¹³ The Code of Practice supersedes the provisions on fish products in the Code of Practice for Frozen Battered and/or Breaded Fishery Products (CAC/RCP 35-1985).

APPENDIX IV

**LIST OF DRAFT STANDARDS AND RELATED TEXTS ADOPTED AT STEP 5 BY THE
TWENTY-SEVENTH SESSION OF THE CODEX ALIMENTARIUS COMMISSION**

Standard and Related Text	Reference	Status
Draft Maximum Levels of Cadmium in: rice, polished; wheat grain; potato; stem and root vegetables; leafy vegetables; and, other vegetables	ALINORM 04/27/12; para. 182; Appendix XXIII	Adopted at Step 5, except rice, polished (returned to Step 3) (see para. 68)
Draft Code of Practice for the Prevention and Reduction of Aflatoxin Contamination in Tree Nuts	ALINORM 04/27/12; para. 143; Appendix XX	Adopted
Draft Code of Practice for the Prevention and Reduction of Inorganic Tin Contamination in Canned Foods	ALINORM 04/27/12; para. 174; Appendix XXI	Adopted
Draft Guideline Levels for Radionuclides in Food for Use in International Trade	ALINORM 04/27/12; para. 204; Appendix XXII	Adopted
Draft Amendment to the Standard for Salted Fish and Dried Salted Fish of the <i>Gadidae</i> Family (Sampling and Analysis)	ALINORM 04/27/18; para. 183; Appendix VI	Adopted
Draft Code of Practice for Fish and Fishery Products (aquaculture)	ALINORM 04/27/18, Appendix V, para. 113; ALINORM 06/27/13, paras. 13-14	Adopted
Draft Standard for Tomatoes	ALINORM 04/27/35; para. 56; Appendix IV	Adopted
Draft Guidelines for Evaluation of Acceptable Methods of Analysis	ALINORM 04/27/23; para. 54; Appendix V	Adopted
Draft Standard for a Blend of Evaporated Skimmed Milk and Vegetable Fat	ALINORM 04/27/11; Para. 46, Appendix III	Adopted
Draft Standard for a Blend of Skimmed Milk and Vegetable Fat in Powdered Form	ALINORM 04/27/11; Para. 46, Appendix IV	Adopted
Draft Standard for a Blend of Sweetened Condensed Skimmed Milk and Vegetable Fat	ALINORM 04/27/11; Para. 46, Appendix V	Adopted
Draft Standard for Cheddar (C-1)	ALINORM 04/27/11; Para. 79, Appendix VI	Adopted

Standard and Related Text	Reference	Status
Draft Standard for Danbo (C-3)	ALINORM 04/27/11; Para. 79, Appendix VII	Adopted
Draft revised Standard for Whey Cheeses	ALINORM 04/27/11; Para. 100, Appendix XXII	Adopted
Draft Guidelines for Vitamin and Mineral Supplements	ALINORM 04/27/26; para. 61; Appendix IV	Adopted
Draft Standard for Infant Formula (Section A)	ALINORM 04/27/26; para. 100; Appendix V	Adopted
Draft Revised Standard for Processed Cereal-Based Foods for Infants and Young Children	ALINORM 04/27/26; para. 130; Appendix VI	Adopted
Draft Maximum Residue Limits (MRLs) for Pesticides	ALINORM 04/27/24; paras 60-175 and Appendix IV	Adopted

APPENDIX V

**LIST OF STANDARDS AND RELATED TEXTS REVOKED BY THE TWENTY-SEVENTH
SESSION OF THE CODEX ALIMENTARIUS COMMISSION**

Standard and Related Text	Reference
Maximum Levels for Food Additives (Codex General Standard for Food Additives)	ALINORM 04/27/12, para 83, Appendix VII
Code of Hygienic Practice for Dried Milk (CAC/RCP 31-1983)†	ALINORM 04/27/13, para. 53
Codex Maximum Residue Limits	ALINORM 04/27/24, paras 60-175 and Appendix V
Packing media (Composition and Labelling) (CAC/GL 35-1985)*	ALINORM 03/41 para 106 and Appendix V ALINORM 03/27, para 52 and Appendix IV
Sampling Plans for Prepackaged Foods (AQL 6.5) (CODEX STAN 233-1969)‡	ALINORM 04/27/23, para. 25

† Replaced by the Code of Hygienic Practice for Milk and Milk Products

* Replaced by the Guidelines for Packing Media/Canned Fruits (CAC/GL 51-2003)

‡ Replaced by the General Guidelines on Sampling

The Commission took note of the omission in the Appendix VII of ALINORM 03/41 of two Maximum Levels below revoked by the 26th Session of the Codex Alimentarius Commission:

Standard and Related Text	Reference
Maximum Level for lead in butter	ALINORM 03/12, para. 135
Maximum Level for lead in milk fat	ALINORM 03/12A, para. 148

APPENDIX VI

**LIST OF APPROVED NEW WORK BY THE TWENTY-SEVENTH SESSION OF THE
CODEX ALIMENTARIUS COMMISSION**

Responsible Committee	Standard and Related Text	Job Code¹⁴
	Proposal for the New <i>Ad Hoc</i> Intergovernmental Task Force on Foods Derived from Biotechnology (see Appendix VIII)	
CCASIA	Proposed Draft Standard for Ginseng Products	N01-2004
CCASIA/CCCPL	Proposed Draft Standard for Fermented Soybean Paste (Doenjang)	N02-2004
CCASIA/CCCPL	Proposed Draft Standard for Hot Pepper Fermented Soybean Paste (Gochujang)	N03-2004
CCFICS	Proposed Draft Appendices to the Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification	N04-2004
CCFICS	Proposed Draft Principles for Electronic Certification	N05-2004
CCFICS	Proposed Draft Guidelines for Risk-based Inspection of Imported Foods	N06-2004
CCFAC	Proposed Draft Sampling Plans for Aflatoxins in Almonds, Brazil nuts, Hazelnuts and Pistachios	N07-2004
CCFAC	Proposed Draft Maximum Levels for 3-MCPD (Chloropropanol) in Acid Hydrolyzed Vegetables Proteins (acid-HVPs) and Acid HVP Containing Products	N08-2004
CCFAC	Proposed Draft Revision of the Codex General Standard for Contaminants and Toxins in Foods	N09-2004
CCFH	Proposed Draft Revision of the Recommended International Code of Practice for Foods for Infants and Children (CAC/RCP 21-1979 – amended 1981)	N10-2004
CCPR	Priority List for the establishment of MRLs for certain pesticides	
CCPR	Limited Revision of the Codex Classification of Foods and Animal Feeds (1993)	N11-2004
CCGP	Revision of the Definition of “Food” in the Procedural Manual	N12-2004

¹⁴ The Job Code will be used to facilitate the Critical Review, namely monitoring progress of standards development.

APPENDIX VII

**LIST OF APPROVED DISCONTINUATION OF WORK BY THE TWENTY-SEVENTH
SESSION OF THE CODEX ALIMENTARIUS COMMISSION**

Responsible Committee	Standards and Related Text
CCFFP	Proposed Draft Model Certificate for Fish and Fishery Products (other certificates)
CCFFP	Establishment of a list of predatory fish
CCFICS	Proposed Draft Guidelines on the Judgement of Equivalence of Technical Regulations Associated with Food Inspection and Certification Systems
CCMH	Proposed Draft Annex on Risk-Based Post-Mortem Examination Procedures for Meat
CCMH	Proposed Draft Annex on Microbiological Verification of Process Control of Meat Hygiene
CCFAC	Proposed draft (Step 3) and draft (Step 6) food additive provisions of the Codex General Standard for Food Additives (GSFA)
CCFAC	Proposed Draft Code of Practice for the Safe Use of Active Chlorine
CCFAC	Proposed Draft Maximum Level for deoxynivalenol
CCFAC	Draft Maximum Levels for cadmium in fruits; meat of cattle, pigs, sheep, and poultry; horse meat; herbs, fungi (edible); celeriac; soybeans (dry); and, peanuts.

APPENDIX VIII

**TERMS OF REFERENCE OF THE AD HOC INTERGOVERNMENTAL TASK FORCE ON
FOODS DERIVED FROM BIOTECHNOLOGY**

Objectives

To develop standards, guidelines or recommendations, as appropriate, for foods derived from modern biotechnology or traits introduced into foods by modern biotechnology, on the basis of scientific evidence, risk analysis and having regard, where appropriate, to other legitimate factors relevant to the health of consumers and the promotion of fair practices in the food trade.

Time frame

The Task Force shall complete its work within four years. The Task Force should submit a full report in 2009.

Terms of Reference

(a) To elaborate standards, guidelines, or other principles, as appropriate, for foods derived from modern biotechnology, taking account, in particular, of the Principles for the Risk Analysis of Foods derived from Modern Biotechnology;

(b) To coordinate and closely collaborate, as necessary, with appropriate Codex Committees within their mandate as relates to foods derived from modern biotechnology; and

(c) To take account of existing work carried out by national authorities, FAO, WHO, other international organizations and other relevant international fora.

APPENDIX IX

**COUNTRIES RESPONSIBLE FOR APPOINTING CHAIRPERSONS OF
CODEX SUBSIDIARY BODIES**

Code	Subsidiary Body	Host	Status
CX 703	Codex Committee on Milk and Milk Products	New Zealand	Active
CX 708	Codex Committee on Cocoa Products and Chocolate	Switzerland	<i>Sine die</i>
CX 709	Codex Committee on Fats and Oils	United Kingdom	Active
CX 710	Codex Committee on Sugars	United Kingdom	<i>Sine die</i>
CX 711	Codex Committee on Food Additives and Contaminants	The Netherlands	Active
CX 712	Codex Committee on Food Hygiene	United States of America	Active
CX 713	Codex Committee on Processed Fruits and Vegetables	United States of America	Active
CX 714	Codex Committee on Food Labelling	Canada	Active
CX 715	Codex Committee on Methods of Analysis and Sampling	Hungary	Active
CX 716	Codex Committee on General Principles	France	Active
CX 718	Codex Committee on Pesticide Residues	The Netherlands	Active
CX 719	Codex Committee on Natural Mineral Waters	Switzerland	<i>Sine die</i>
CX 720	Codex Committee on Nutrition and Foods for Special Dietary Uses	Germany	Active
CX 722	Codex Committee on Fish and Fishery Products	Norway	Active
CX 723	Codex Committee on Meat Hygiene	New Zealand	Active
CX 728	Codex Committee on Vegetable Proteins	Canada	<i>Sine die</i>
CX 729	Codex Committee on Cereals, Pulses and Legumes	United States of America	<i>Sine die</i>
CX 730	Codex Committee on Residues of Veterinary Drugs in Foods	United States of America	Active
CX 731	Codex Committee on Fresh Fruits and Vegetables	Mexico	Active
CX 733	Codex Committee on Food Import and Export Certification and Inspection Systems	Australia	Active

Ad hoc Intergovernmental Task Force established by the 23rd Session of the Commission

CX 801 *ad hoc* Codex Intergovernmental Task Force on Fruit and Vegetable Juices Brazil

Ad hoc Intergovernmental Task Force established by the 27th Session of the Commission

CX 802 *ad hoc* Codex Intergovernmental Task Force on Foods derived from Biotechnology Japan¹⁵

¹⁵ Subject to confirmation by the Government of Japan

APPENDIX X

OPINION OF THE LEGAL OFFICES OF FAO AND WHO ON THE LEGAL ASPECTS INVOLVED IN THE QUESTIONS RAISED BY THE COMMITTEE ON MILK AND MILK PRODUCTS¹⁶

INTRODUCTION

1. At its Sixth Session, held in Auckland, New Zealand, 26-30 April 2004, the Codex Committee on Milk and Milk Products (CCMMP) discussed the possibility of elaborating an individual cheese for parmesan but was not able to reach agreement on whether or not to proceed with this work. The Committee agreed to the following text in respect of specific questions to be asked to the Codex Alimentarius Commission:

“The majority of the CCMMP present at the 6th Session are of the opinion that the name ‘Parmesan’ is and has been generic for quite some time. On the other hand, the denomination ‘Parmigiano-Reggiano’ is officially registered as a Protected Designation of Origin (PDO) by the European Community. The EC currently considers that there is a ‘indissoluble relationship’ between the words ‘Parmigiano-Reggiano’ and ‘Parmesan’.

Reference to EC legislation is preventing a decision on the establishment of a world wide standard for Parmesan Cheese by the CCMMP. Further, the inability to reach a decision on this issue is hindering the work of the CCMMP on this matter and might have important horizontal implications for work in other Codex Committees.

Two questions are addressed to the Commission.

1. *To what extent, if any, should a PDO recognized in EC legislation for a product otherwise considered to be generic by the majority of the members present be grounds for rejecting elaboration of a Codex standard when in the opinion of the majority of members present existing criteria for acceptance of new work have been met?*
2. *Should aspects of intellectual property protection e.g. trademarks, certification marks, geographical indications (GI’s) or PDO’s be considered as legitimate criteria by Codex when deciding on acceptance of new work or adopting standards?*

If the answers to both questions are that these matters are not legitimate considerations for CCMMP, will the CAC request that the CCMMP begin new work on the promulgation of a standard for Parmesan Cheese?”

2. The Legal Offices of FAO and WHO were asked to offer their views on the legal aspects involved in the questions raised.

3. Prior to examining the questions raised, in order to place them in a correct perspective, it would be useful to recall the relevant provisions of the Codex Alimentarius Commission’s mandate and procedures governing the decision to elaborate a standard, as well as past consideration of the issues at hand within the Codex Alimentarius Commission.

¹⁶ This document was made available to the 27th session of the Commission as LIM.15 document.

RELEVANT PROVISIONS OF THE CODEX ALIMENTARIUS COMMISSION'S MANDATE AND PROCEDURES GOVERNING THE DECISION TO ELABORATE A STANDARD

4. Under the terms of its Statutes, the Codex Alimentarius is responsible for making proposals on all matters pertaining to the implementation of the Joint FAO/WHO Food Standards Programme, the purpose of which is:

- (a) protecting the health of the consumers and ensuring fair practices in food trade;
- (b) promoting coordination of all food standards work undertaken by international governmental and non-governmental organizations;
- (c) determining priorities and initiating and guiding the preparation of draft standards through, and with the aid of, appropriate organizations;
- (d) finalizing standards elaborated under (c) above and, after acceptance by governments, publishing them in a Codex Alimentarius, either as regional or world-wide standards, together with international standards already finalized by other bodies under (b) above, wherever this is practicable; and
- (e) amending published standards, after appropriate survey, in the light of developments.

5. The Codex Alimentarius Commission has developed procedures for the elaboration of Codex Standards and related texts as set out in the Procedural Manual. Under these procedures, the Commission decides, taking into account the Criteria for the Establishment of Work Priorities, to elaborate a world-wide Codex Standard and also decides which subsidiary body or other body should undertake the work. Under such criteria, when a Codex Committee proposes to elaborate a standard within its terms of reference, it should first consider the priorities established by the Commission in the Medium-Term Plan of Work, any specific relevant strategic project currently being undertaken by the Commission and the prospect of completing the work within a reasonable period of time. It should also assess the proposal against the following criteria applicable to commodities:

- (a) consumer protection from the point of view of health and consumer practices¹⁷;
- (b) volume of production and consumption in individual countries and volume and pattern of trade between countries;
- (c) diversification of national legislations and apparent resultant or potential impediments to international trade;
- (d) international or regional market potential;
- (e) amenability of the commodity to standardization;
- (f) coverage of the main consumer protection and trade issues by existing or proposed general standards;
- (g) number of commodities which would need separate standards indicating whether raw, semi processed or processed; and
- (h) work already undertaken by other international organizations in their field.

PAST CONSIDERATION OF THE MATTER BY THE CODEX ALIMENTARIUS COMMISSION

6. The issue of whether the Commission could adopt standards with respect to commodities protected under geographical denominations was the subject of much debate in the Sixties and early Seventies. At its Ninth Session, held in 1971, the Commission, after having noted the complexity of the questions connected with "*appellations d'origine*", agreed that some consideration should be given to this subject by the Executive Committee at its next session, insofar as the work of the Commission was concerned, in the light of background material to be made available by the Legal Office of FAO.

¹⁷ The phrase should read: "consumer protection from the point of view of health and fraudulent practices".

7. The Legal Office of FAO prepared an information note entitled “*Appellations d’origine and international food standards*”. The document reviewed past discussions on the matter within Codex Alimentarius Commission and its subsidiary bodies, international instruments relevant to the protection of “*appellations d’origine*” and the relevant provisions of the Codex Alimentarius. The document indicated that the general provisions on the elaboration of standards did not contain any rules on the matter. On the one hand, the “*mere elaboration and adoption of a standard without special regard to the protection recognized in certain countries for a given name can in no way alter the law or detract from existing international obligations of those countries. If a government should find that acceptance of a standard would be incompatible with such laws or international obligations, it may wish to decline to accept the standard (...) On the other hand, the rules governing the work of the Codex Alimentarius Commission do not contain any provision which would enable these countries to prevent the elaboration and adoption of standards for the varieties concerned and under the names which are at present protected in their territory on the basis of national legislation or by virtue of bilateral or multilateral agreements, such as the Lisbon Agreement or the Stresa Convention*”. The document further indicated that “*the introduction of a special clause whereby countries accepting a standard may be allowed to maintain the status quo with regard to the protection for certain names, is neither prescribed nor excluded by any of the rules covering the work of the Codex Alimentarius Commission*”.

8. At its Tenth Session, held in 1974, the Commission examined the issue of “*appellation d’origine*” in relation to the work of the Commission in some detail. The Commission noted that the matter had been discussed by the Executive Committee at its May 1972 Session and that it was a question which had arisen in the Committee of Government Experts on the Code of Principles concerning Milk and Milk Products. The Commission noted the recommendation of the Executive Committee on the matter¹⁸. In particular, the Commission agreed with the view of the Executive Committee that it was not essential to arrive at a definite recommendation at this stage since the controversial issues had been resolved within the Joint FAO/WHO Committee of Government Experts on the Code of Principles concerning Milk and Milk Products on a pragmatic basis and might not arise again in the immediate future. Eventually, in 1978, the Committee of Government Experts on the Code of Principles concerning Milk and Milk Products, completed work on the Standard for Extra Hard Grating Cheese which was adopted as Codex STAN C-35-1978.

9. At its Second Session, in 1996, the Codex Committee on Milk and Milk Products, considered a proposal of Germany to elaborate a new individual cheese standard for “*Parmesan*” and requested Germany to identify products in question and prepare a paper on trade statistics and justification for the elaboration of the Standard for consideration by the Committee at its next session. France and the International Dairy Federation offered to collaborate with Germany (ALINORM 97/11, paragraph 87). At its Third Session in 1998, the Committee noted the request of Italy to delete consideration of a Codex standard for “*Parmesan*” from the Provisional Agenda on the basis that Parmesan (Parmigiano Reggiano) was recognized all over the world. In view of the decision taken at the Second Session, the Committee decided to consider its elaboration as scheduled under Agenda Item 11 (ALINORM 99/11, paragraph 4). The proposal on the matter (CX/MMP 98/11) mentioned, inter alia, that Parmesan was a generic name and there is no clear definition of the product at international level. There was considerable trade on cheese under this denomination. The document referred to difficulties to provide statistical data from official sources on the production and marketing of Parmesan as in the majority of countries it was not recorded as a separate item but it was covered by headings such as “*hard cheese*” or “*grated cheese*” or cheese in general. Data provided by the International Dairy Federation indicated that Parmesan cheese was produced in

¹⁸ The Executive Committee considered the matter on the basis of the document that had been prepared by the FAO Legal Office. The Executive Committee proposed a solution “*which would permit the elaboration and adoption of a Codex standard while at the same time safeguarding the interest of those countries who wished to maintain protection of the appellation d’origine. This might be achieved by the introduction of an alternative name (apart from the appellation d’origine) and of a special clause whereby countries accepting the Standard would be allowed to maintain the status quo with regard to the protection of the appellation d’origine. This special clause would enable governments to accept the standard for the commodity concerned with a declaration 1. that the name as appellation d’origine will be reserved to the products produced in the area of origin in accordance with the traditional local requirements, and 2. that products corresponding to the standard but manufactured outside that area will have to be sold on their territory under an alternative name. The inclusion in the standard itself of such an enabling clause and of the alternative name would avoid doubts and disputes as to the validity of any declarations that may be made to this effect by countries accepting the standard. It would also enable a potential importing country in whose territory the appellation d’origine is protected on the basis of a multilateral or bilateral agreement to accept the international standard in a manner compatible with pre-existing international obligations*”.

11 countries; consumed in 19 and that 6 countries had a legal standard. Production was at least 64,620 tons and exports amounted to 11,577 tons.

10. Due to time constraints the matter was deferred to the Fourth session of the Committee in 2000. At the Fourth session, the Delegation of Portugal, speaking on behalf of the member States of the European Community, and in view of continuing EC discussions on the question relating to the denomination "Parmesan", indicated that it was premature for the Committee to make a decision at this time. Several delegations and the observer from IDF stated that, utilizing the Criteria for the Elaboration or Revocation of Individual Standards for Cheeses and the data contained in CX/MMP 00/18, the elaboration of a standard for "Parmesan" would be justified. Notwithstanding the opinion of several delegations, the Committee agreed that discussions concerning the possibility of a new individual cheese standard for "Parmesan" would be deferred until its next session where it would consider whether or not to proceed with work on the basis of CX/MMP 00/18 and preliminary texts of a standard as contained in CX/MMP 00/18-Add.1 (ALINORM 01/11, paragraphs 132-133).

11. At its Fifth Session in 2002, the delegation of Spain, speaking on behalf of the Member States of the European Community present at the Session, requested the postponement of the consideration of the elaboration of a standard, in view of ongoing negotiations within the Community related to the use of the term "Parmesan". It was also suggested that the Codex Standard for Extra Hard Grating Cheese (Codex STAN C-35) could be revised, thereby avoiding the naming issue. Other delegations strongly supported the elaboration of a Codex Standard for Parmesan Cheese, and noted that information submitted and compiled in support of the elaboration of a standard was more than adequate to address the Codex Criteria for the Establishment of Work Priorities applicable to commodities, including a large volume of production and trade between countries, diverse national legislation with potential impediments to international trade and substantial market potential. It was also noted that regardless of the negotiations within the Community, a Codex standard would apply to all 165 member states of the Codex Alimentarius Commission, The Committee could not reach a consensus position and therefore, postponed the consideration of the elaboration of a proposed draft Codex Standard for Parmesan until its next meeting. The delegation of the United States objected to this decision (ALINORM 03/11, paragraphs 124-126). At its Sixth Session in 2004, the Committee raised the two questions.

FIRST QUESTION: TO WHAT EXTENT, IF ANY, SHOULD PDO RECOGNIZED IN EC LEGISLATION FOR A PRODUCT OTHERWISE CONSIDERED TO BE GENERIC BY THE MAJORITY OF THE MEMBERS PRESENT BE GROUNDS FOR REJECTING ELABORATION OF A CODEX STANDARD WHEN, IN THE MAJORITY OF MEMBERS PRESENT EXISTING CRITERIA FOR ACCEPTANCE OF THE NEW WORK HAVE BEEN MET?

12. The above-mentioned provisions of the Statutes of the Codex Alimentarius Commission, the provisions on the elaboration of Codex Standards and related texts and the Criteria for the Establishment of Work Priorities (Cf. paragraphs 4 to 5 of this document) do not contain any clauses whereby, in deciding whether a standard should be prepared, under the above reference framework, the Commission and its subsidiary committees should be restricted by any national or related legislation regarding protection of geographical indications adopted by its Members. It may be of interest to recall that the same views on this matter were presented in 1972 by the Legal Office of FAO (Cf. paragraph 7 of this document).

13. Accordingly, the fact that Parmigiano-Reggiano is registered as a Protected Designation of Origin by the European Community would not preclude a majority of the Members of the Codex Alimentarius Commission from deciding to elaborate a Codex standard on Parmesan cheese, if applicable criteria for acceptance of new work have been met.

SECOND QUESTION: SHOULD ASPECTS OF INTELLECTUAL PROPERTY PROTECTION E.G. TRADEMARKS, CERTIFICATION MARKS, GEOGRAPHICAL INDICATIONS (GI'S) OR PDO'S BE CONSIDERED AS LEGITIMATE CRITERIA BY CODEX WHEN DECIDING ON ACCEPTANCE OF NEW WORK OR ADOPTING STANDARDS?

14. When deciding to elaborate a standard on a particular commodity, the Commission is required to act under the framework established by its mandate, the procedures for the elaboration of standards and the Criteria for the Establishment of Work Priorities and to take into account the criteria laid down in that framework.

15. From a legal point of view, insofar as this would not be precluded or incompatible with these provisions, the Commission could take into consideration additional criteria not listed among those criteria. As reflected earlier in this document, it would be entirely open to the Commission to take into account criteria of political convenience when deciding whether or not to proceed with the elaboration of a particular standard.

16. In the same vein, the Commission could decide to take into consideration criteria and aspects related to intellectual property protection such as trade marks, certification marks, geographical indications or protected designations of origin, when deciding to elaborate a particular standard. However, this would be done at the discretion of the Commission and not as a result of any specific legal requirement arising from its mandate, from the procedures for the elaboration of standards or from the Criteria for the Establishment of Work Priorities. Furthermore, the possibility for the Commission to do so would have to take into account the following two legal parameters.

17. First, at the Sixth Session of the Codex Committee on Milk and Milk Products, references were made to work in process under the Agreement on Trade-Related Aspects of Intellectual Property Rights (the so-called TRIPS Agreement). Under Article 22 of the TRIPS Agreement a minimum level of protection is established in respect of all goods for geographical indications which identify a good as originating in the territory of a Member where a given quality, reputation or other characteristic of the good is essentially attributable to its geographic origin. Under that Article geographical indications have to be protected in order to avoid misleading the public and to prevent unfair competition. A special, reinforced regime is established for geographical indications for wines and spirits in Article 23. As a result of the so-called Doha mandate, work is under way within the WTO on issues related to the extension of the higher level of protection beyond wines and spirits but no consensus on this matter has yet been reached. Once this work is completed, any results might be taken into account by Codex Members when reaching their decisions within the Codex Alimentarius Commission.

18. Second, following on the above observation, the rights and obligations of the Members of the Codex Alimentarius Commission derive from their membership of FAO or WHO and their decision to become Members of the Commission. Consequently, such rights and obligations are defined by the relevant statutory provisions of the Codex Alimentarius Commission which do not foresee, neither in their letter, nor in the practice developed thereunder, that aspects related to intellectual property protection be taken into consideration when deciding to undertake work on a particular standard. Consequently, within the Codex Alimentarius Commission, its Members are expected to act under the legal framework set forth above, as long as that framework is not amended with a view to introducing other criteria. A different approach to issues of the nature of that under consideration, would be likely to undermine the autonomy and integrity of the mandate of the Codex Alimentarius Commission.

19. In view of the foregoing considerations, from a strictly legal point of view, there are no requirements to the effect that aspects of intellectual property protection e.g. trademarks, certification marks, geographical indications (GI's) or PDO's be considered as criteria to be taken into consideration by Codex when deciding on acceptance of new work or adopting standards.

20. The above considerations are obviously without prejudice to the fulfilment of all relevant criteria and procedural requirements for the elaboration of standards, including the need for a document on the basis of which the Commission would take its decision.