



Delegate's Report, 39th Session of the Codex Alimentarius Commission

The 39th Session of the Codex Alimentarius Commission (CAC) met in Rome, Italy, June 27–July 1, 2016. The Commission is the governing body of the joint World Health Organization (WHO) and UN Food and Agriculture Organization (FAO) international food standards program and is recognized in international trade agreements as the international standards setting organization for food safety.

The 39th Session was attended by delegates from 123 member countries, 1 member organization (the European Union) and observers from 38 international intergovernmental and nongovernmental organizations. The United States was represented by Mary Frances Lowe, U.S. Codex Manager, and eight governmental and six non-governmental advisors.

HIGHLIGHTS

Overall, the 39th Session was completed successfully, and the United States achieved its principal objectives for the meeting. The Commission:

- Approved several hundred new provisions for food additives and maximum residue limits for pesticides
- Adopted MLs for (i) inorganic arsenic in husked rice and (ii) for lead in fruit and vegetable commodities, including canned fruits, nectars, and canned vegetables
- Adopted Guidelines for the Control of Non-typhoidal *Salmonella* spp. in Beef and Pork Meat and on the Control of Foodborne Parasites
- Adopted Guidance for the exchange of information related to trade in food between importing and exporting countries
- Discontinued discussions on a proposed Secretariat-led internal review
- Agreed to begin work on Anti-Microbial Resistance
- Launched the Codex Trust Fund II (CTF2)
- Adjourned *sine die* the Committee on Fish and Fishery Products

The official report of the session and related documents can be found on the Codex website at <http://www.codexalimentarius.org/meetings-reports/en/>

MEETING SUMMARY

Following is a summary of the CAC's discussions.

AMENDMENTS TO THE PROCEDURAL MANUAL

The CAC adopted for incorporation in the *Procedural Manual* the following amendments:

- Codex Committee on Methods of Analysis and Sampling (CCMAS)
 - Revision of the Principles for the Establishment of Codex Methods of Analysis: a second note was added to the "Working Instructions for the Implementation of the Criteria Approach in Codex."
 - A revision to the Format for Codex Commodity Standards: new wording was provided to amend the existing text related to Methods of Analysis and Sampling.

ADOPTION OF STANDARDS AT STEP 8 AND 5/8

Most committee recommendations were adopted without change or debate. Many of the adopted standards are important to the United States from the perspectives of food safety, public health and international trade.

The CAC Adopted the following standards and related texts at Step 8 and 5/8 (final adoption):

- Code of Practice for Processing of Fish Sauce
- Code of Practice on the Processing of Fresh and Quick Frozen Raw Scallop Products
- Code of Practice for Fish and Fishery Products (Section on Sturgeon Caviar)
- Sampling plans for Standards for Fish and Fishery Products
- Amendments for Food Additive provisions in Standards for Fish and Fishery Products
- Guidelines on the Application of General Principles of Food Hygiene to the Control of Foodborne Parasites
- Annex to the Principles and Guidelines for the Establishment and Application of Microbiological Criteria Related to Foods



- Annexes to the Code of Hygienic Practice for Low Moisture Foods
- Additional or revised Nutrient Reference Values for Labelling Purposes in the Guidelines on Nutrition Labelling
- Amendments to the Annex of the Guidelines on Nutritional Labelling
- Amendments to the Methods of Analysis in the Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants
- Principles and Guidelines for the Exchange of Information between Importing and Exporting countries to Support the Trade in Food
- Revision of the Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations
- Revision of the Guidelines for the Exchange of Information Between Countries on Rejections of Imported Food
- Methods of Analysis and Sampling in Codex Standards
- Specifications for the Identify and Purity of Food Additives
- Revision and consequential amendments to the Milk and Dairy Based Drinks category in the General Standard for Food Additives (GSFA)
- Food additive provisions to the GSFA
- Amendments to the International Numbering System for Food Additives
- Revision of the Section of Food Additives When Sold as Such in the GSFA
- Revision of the food additives section for Chocolate and Cocoa Products in the GSFA
- Revised food additive provision in the GSFA related to the alignment of standards for chocolate products and standards for Fish and Fishery Products
- Amendments to the Standard for Dairy Fat Spreads
- MLs for inorganic arsenic in husked rice
- MLs for lead in canned fruits and canned Vegetables, including fruit juices and nectars
- Revisions to the Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Cereals
- Annexes on itemized contaminants for the Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Cereals
- Proposed MRLs for pesticides

STANDARDS HELD AT STEP 8 (SHORT OF FINAL ADOPTION)

rbST

The standard for recombinant bovine somatotropin (rbST), recommended for adoption by the Codex Committee on Residues of Veterinary Drugs in Food (CCRVDF), has been held at Step 8 since 1995. This means that the standard has completed all requirements for approval, but has not been finally adopted by the CAC. (It is extremely rare for standards to achieve Step 8 status without being adopted.) The 35th (2012) CAC session agreed that an updated scientific review by the Joint Expert Committee on Food Additives (JECFA) should be undertaken and the CAC presented JECFA with a series of questions they wish to be addressed. The full report was to be provided to the CCRVDF, which would then make recommendations to the CAC.

The resulting JECFA report, discussed at the April 2015 CCRVDF meeting, concluded that rbSTs, when used in accordance with Good Veterinary Practices pose no human health concerns. The margin of safety is so large that JECFA concluded that it was not necessary to establish numerical maximum residue limits, and therefore the MRLs should be characterized as “not specified.” Although CCRVDF agreed that JECFA had addressed all of the questions posed by the CAC, the committee could not reach agreement on recommendations, and therefore CCRVDF could not reach agreement on the report. Thus, the committee’s discussion was forwarded to the 38th CAC without any recommendation.

The 38th CAC (2015) did acknowledge the validity of JECFA’s risk assessments, but was not able to reach consensus on the MRLs for rbST. In conclusion, the MRLs would continue to be on the CAC’s agenda and open to discussion at future CACs.

This issue was not discussed at the 39th session (2016) session of the CAC as there had been no request from any member country to change the status for the draft MRLs for rbST.

ADOPTION OF STANDARDS AT STEP 5

The following standards were adopted at Step 5, for further consideration in the relevant committees:



- Standard for Aubergines [originally proposed by the Codex Committee on Fresh Fruits and Vegetables (CCFFV) for adoption at Step 5/8]
- Standard for Cumin
- Standard for Thyme
- Standard for Garlic
- Standard for Kiwifruit
- Nutrient Reference Values on Vitamin E for Labelling Purposes in the Guidelines on Nutrition Labelling
- Guidance for Monitoring the Performance of National Food Control Systems
- Maximum Levels for lead in jams, jellies and marmalades and for preserved tomatoes [originally proposed by the Codex Committee on Contaminants in Food (CCCF) for adoption at 5/8]
- Revision to the classification of Food and Feed (selected commodity groups: Group 020: Grades of cereal grains)
- Guidelines on performance criteria for methods of analysis for the determination of pesticide residues
- Revision of the General Standard for the Labeling of Prepackaged Foods: Date marking
- Standard for dairy permeate powders

PROPOSALS FOR NEW WORK

Seven proposals for new work were approved as listed below:

- Standard for Fresh Dates
- Guidance for histamine control in the Code of Practice for Fish and Fishery Products and sampling plans for histamine in standards for fish and fishery products (transferred to CCFH from CCFFP)
- Revision of the General Principles of Food Hygiene and its HACCP Annex
- Revision of the Code of Hygienic practice for Fresh Fruits and Vegetables
- Guidelines for Ready to Use Therapeutic Foods (RUTF)
- Guidance for the Labelling of Non-retail Containers of Food
- Regional Standard (Africa) for Dried Meat

CODEX WORK MANAGEMENT AND FUNCTIONING OF THE EXECUTIVE COMMITTEE

As a result of the 36th Session (2013) of the CAC's decision to establish a Committee on Spices and Culinary Herbs, which contravened the recommendation of the 2002 Evaluation against establishing new commodity committees, some delegates believed it was time to review Codex' work management and the functions of the Executive Committee. The 37th (2014) CAC requested the Codex Secretariat to prepare a paper on this issue for review by the 28th session (2015) of CCGP. Due to the late distribution of the paper, the discussions at the 2015 CCGP were informal; however a summary of the discussion was forwarded to the 38th CAC for consideration.

Many countries, including the United States, believed the Secretariat paper went beyond the initial concerns and concentrated too heavily on issues that were debated and settled in the past, e.g. changes in decision-making procedures. These countries believed that the focus should be on (1) areas where we can reach consensus, such as timely distribution of documents, and (2) ensuring that the work of Codex was tied to the recently adopted Strategic Plan. Countries from the Latin America/Caribbean and African regions in particular raised serious concerns about how a Secretariat-proposed Executive Board to replace the Executive Committee would result in a lack of inclusiveness. These concerns were again voiced at the 2016 CCGP and the 2016 meeting of the Executive Committee (CCEXEC). As a result, the CCEXEC recommended that the CAC:

- i. Discontinue discussion on the Terms of Reference (ToR) of the internal Secretariat-led review, and instead
- ii. Request the Secretariat to regularly review Codex work management as part of the monitoring of the Codex strategic plan and regularly update both the CCEXEC and CAC on the findings and recommended actions.

After discussion, the CAC:

- Agreed to the CCEXEC recommendations listed above
- Noted that members could bring to the attention of CCEXEC and CAC specific topics for improvement
- Agreed that the Secretariat should continue monitoring compliance with Strategic Plan Goal 4.1.1, "Enhance timely distribution of all Codex working documents in the working languages of the Committee/Commission."

RELATIONS BETWEEN FAO AND WHO POLICIES STRATEGIES AND GUIDELINES AND CODEX WORK



The purpose of the document, prepared by WHO and issued just prior to the opening of the CAC, was to encourage Codex to more fully consider FAO and WHO policies, strategies and guidelines when it undertakes its work. The WHO representative indicated that WHO had concerns that in the development of standards and guidelines, Codex did not always consider WHO policies, strategies and guidelines that were directed at high priority public health concerns, such as obesity and diet related non-communicable diseases.

The FAO representative acknowledged that Codex was a member-driven organization and as such the decisions regarding work to be undertaken were those of the member countries. The FAO representative, as well as many member countries, stressed the fact that there needed to be better communication at the national level between FAO, WHO, and Codex representatives on Codex-related matters.

Many of the member countries, including the United States, pointed out that Codex is a unique member-driven organization and that while Codex had a different mandate than those of FAO/WHO, the Codex mandate was not in conflict with FAO's or WHO's. It was noted that while Codex was mindful of FAO and WHO, there didn't appear to be a need for more guidance from the parent organizations. Codex members acknowledged that some of the FAO and WHO policies, strategies and guidelines were relevant to the work of Codex, and that Codex does give due consideration to these. There was general agreement among the member countries that there was a need to increase the visibility of Codex in WHO governing bodies.

The CAC recommended that the document be further discussed at the upcoming 73rd Session of CCEXEC (August 2016).

CODEX WORK ON ANTIMICROBIAL RESISTANCE (AMR)

While all delegations acknowledged that AMR is a global health concern and that Codex should show leadership by playing a key role in addressing this problem, there was a divergence of views on how best to accomplish this. Although there was general support for the establishment of a Task Force (TF), chaired by the Republic of Korea, the United States in addition to other countries expressed concern that the scope of the work should be clearly defined, should not overlap or duplicate work that was being done by other international organizations (e.g., FAO, WHO and the World Organization for Animal Health (OIE), and any guidance provided by Codex should not be inconsistent with the guidance provided by OIE.

The United States proposed that Codex needed time to reflect on the work that was already underway in other international organizations and to examine what gaps in the work on AMR existed that could be dealt with under the Codex mandate. To that end, the United States proposed an electronic working group, which would be more inclusive, be established to develop Terms of Reference (ToRs) for the TF. Other countries suggested a physical working group (pWG) would allow the participation of experts, thereby ensuring that there were clear and defined ToRs and that the work would have a solid scientific basis.

The Commission agreed to:

- Establish an Ad Hoc Intergovernmental Task Force on Antimicrobial Resistance (TFAMR), hosted by the Republic of Korea with the following ToR:
 - i. To review and revise as appropriate the Code of Practice to Minimise and Contain Antimicrobial Resistance to address the entire food chain, in line with the mandate of Codex
 - ii. To consider the development of Guidance of Integrated Surveillance of Antimicrobial Resistance, taking into account the guidance developed by the WHO Advisory Group on Integrated Surveillance of Antimicrobial Resistance (AGISAR) and relevant OIE documents
- Establish a pWG, chaired by the United Kingdom and co-chaired by Australia and the United States, working in English, French and Spanish with the following tasks:
 - Revise the project documents for new work for the TFAMR
 - Revise the ToR for the request of scientific advice to FAO and WHO in collaboration with OIE
- Request FAO and WHO to develop a capacity development programme to respond to the needs identified. The TFAMR, which will have its first meeting in 2017, is expected to complete its work within three sessions (with a possible fourth).

MATTERS REFERRED



Codex Committee on General Principles (CCGP) - Consistency of Risk Analysis Texts Across the Relevant Committees

The CAC endorsed CCGP's recommendations that Codex Committee on Nutrition and Foods for Special Dietary Uses should revise the text on nutritional risk analysis and consider how to include JEMNU as a primary source of scientific advice. This recommendation was supported by the United States and several other countries.

Codex Committee on Fish and Fishery Products (CCFFP)

The CAC agreed that the committee could be adjourned *sine die* since the outstanding work on histamine had been transferred to the Codex Committee on Food Hygiene and that with the adoption of the texts at the 49th CAC (2016), all other work of CCFFP had been completed or discontinued.

Committee on Methods of Analysis and Sampling (CCMAS) – Protein Conversion Factors

The CCMAS had advised the CAC that it was not in a position to reply to a question on the appropriate protein conversion factor for soy products that was posed to them by the CAC 38 (2015). CCMAS indicated that this was in the remit of other committees and suggested it might be appropriate for FAO and WHO to convene an expert panel to review the literature on this issue. The United States did not oppose the idea, but advised that the review would need to be prioritized in light of the overall requests for scientific advice needs, and budgetary constraints currently facing the expert bodies.

The CAC concluded that at a later date consideration could be given to convening an expert panel with a defined scope.

Codex Committee on Food Labelling (CCFL) - Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Organic Aquaculture

The CCFL has worked for several years on this topic without being able to come to consensus on some fundamental issues. CCFL recommended that (1) either the work be discontinued or (2) a different subsidiary body continue the work. Several countries wanted to continue work because they believed it was of great importance to developing countries, however, they were not in a position at this point, to propose how or to what committee the work would be transferred. FAO supported discontinuation of work.

The CAC deferred the decision regarding the discontinuation of work until CAC 41 (2018) when those who want to continue work can offer proposals on how and where to take this work forward. The CAC confirmed that it will not be on the agenda of the 2017 CCFL.

Committee on Milk and Milk Products (CCMMP) – Standard for Processed Cheese and Standard for Mozzarella

Standard for Mozzarella

Discussion on this issue was delayed until the 40th Session of the CAC (2017).

General Standard for Processed Cheese

Although the CCMMP made some progress on developing a standard for processed cheese (e.g., in terms of the scope, definitions and additives), no progress was made on critical issues such as minimum cheese content. For this reason, noting the many years of effort without achieving consensus, the United States supported discontinuation of work. While some delegations wanted to debate the issue, the CAC agreed to delay the discussion until the 2017 session of the CAC. They believed that this would provide countries that wanted to continue work on the standard with an opportunity to come up with a new approach to the work. New Zealand, the chair of CCMMP, indicated that they would be willing to continue this work and would collate any substantial new ideas.

Committee on Sugars (CCS): Standard for Non-Centrifuged Dehydrated Sugar Cane Juice

The CAC agreed with the recommendation of the Executive Committee to requested CCS to clarify the scope of the standard and to provide evidence of the international support for the defined scope. At the 40th CAC Session (2017), CCS will report on findings to the CAC in order to determine whether the work would be discontinued or finalized as a worldwide or regional standard.

Emerging Issues: Paper by New Zealand on Emerging Issues

The CAC considered a paper prepared by New Zealand on a proposed risk management approach to address detection in food of chemicals of "very low public health concern." The paper highlighted the need for Codex address



the issue. Although some countries believed the matter was more of a trade than a safety issue, and could be handled by the Codex Committee on Food Import and Export Inspection Systems, the CAC agreed with the recommendation to refer the issue to CCCF for further examination. Food additives and residues of pesticides and veterinary drugs were explicitly excluded from the scope of this work, since Codex already has established procedures for addressing these substances in food.

CODEX BUDGET PLANNING AND REPORT ON EXPENDITURES

In accordance with the CAC 38 (2015) recommendation that the Secretariat adopt a more effective and realistic budgeting process, the budget report for 2014 – 15 revealed improved management of Codex resources by the Codex Secretariat. The Secretariat also presented the budget planning for the 2016 – 2017 and 2019 – 2019 bienniums and advised that efforts had been made to develop a more detailed work plan as requested by the CAC.

FAO/WHO Scientific Support to Codex (Report on Activities)

WHO and FAO contribute nearly \$10 million each biennium to support the work of the joint FAO/WHO expert scientific advice program that provides the food safety and nutrition scientific advice that underpins the work of many Codex committees. The WHO Secretariat noted that funding for scientific advice activities depends heavily on extra budgetary contributions received from a small number of member states, whereas the FAO Secretariat noted activities are primarily funded from its core budget. WHO acknowledged receipt of extra voluntary contributions from the United States, Japan, China, Canada, and Korea, and FAO acknowledged support from the United States and Sweden, and the contribution of a staff person from Canada.

The importance of this scientific advice resonated throughout the Commission meeting and Delegates were instructed to increase in-country communication between their health and agriculture ministries with a view to heightening awareness within the governing bodies of FAO and WHO of the urgent need for predictable and stable funding. The Commission encouraged WHO to provide support to the scientific advice program through the regular budget and encouraged the FAO to continue their efforts to protect the current funding levels for scientific advice.

FAO/WHO SCIENTIFIC SUPPORT TO CODEX (INCREASING SUSTAINABILITY)

The FAO Representative informed the CAC that requests for scientific advice from Codex committees were increasing and becoming ever more complex. The United States endorsed the need for both long and short term solutions to secure the provision of scientific advice from the joint expert committees, and called for an expansion of the donor base. FAO informed the CAC that they were developing a plan that aimed at increasing the donor base.

The CAC encouraged member countries to provide funding to the expert bodies in a predictable manner until a long-term solution is found

CODEX TRUST FUND

The original Codex Trust Fund (CTF1) came to an end in December 2015, and the new trust fund (CTF2) has been officially launched. CTF2 has a different focus, scope and governance and will concentrate more on in-country Codex-related projects rather than in ensuring participation by delegates from developing countries at Codex meetings.

The first countries in which implementation would take place (Ghana, Kyrgyzstan, Madagascar and Senegal) were announced and it was noted that the new CTF2 Advisory Group met for the first time.

The Administrator of the CTF announced that at that point very few donor countries had made contributions to the CTF2 and there was a funding gap of 4.7 million USD. However, several countries made pledges that would help to narrow the gap. At a meeting of the donor countries, CTF2 administrators thanked the United States for being one of the first donor countries.

DESIGNATION OF COUNTRIES RESPONSIBLE FOR APPOINTING THE CHAIRPERSON OF CODEX COMMITTEES

The United States, host country of the Codex Committee on Processed Fruits and Vegetables (CCPFV), informed the CAC of the possibility of the CCPFV adjourning *sine die* after the September 2016 session, having completed its major program of work.



VISA ISSUE FOR ATTENDANCE AT CODEX MEETINGS

Many countries informed the CAC of the problems their delegates encountered in obtaining visas to attend Codex meetings. The CAC encouraged host countries as well as the Codex Secretariat and FAO/WHO to assist delegates in obtaining visas, e.g., by arranging for "visas on arrival" for Codex delegates.

ACTIONS TO PROMOTE THE VISIBILITY OF CODEX

In an effort to give greater visibility to Codex worldwide, Costa Rica proposed the establishment of an annual World Food Safety Day. This received strong support from the United States and the CAC discussed the events that needed to occur in order for this to happen. Costa Rica also proposed that Codex invite ministers from countries in different regions to participate in the opening session of the Commission on a rotating basis.

NEXT SESSION

The 40th Session of the Codex Alimentarius Commission is scheduled for July 3 – 7, 2017 in Geneva, Switzerland.