



## 37th Session of the Codex Alimentarius Commission

July 14 - 18, 2014

Geneva, Switzerland (CAC)

The 37<sup>th</sup> Session of the Codex Alimentarius Commission (CAC) met in Geneva, Switzerland, July 14 -18, 2014. 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 Commission elected Ms. Awilo Ochieng-Pernet of Switzerland, Chairperson, and Ms. Yayoi Tsujiyama (Japan) Mr. Guilherme Antonio da Costa Jr. (Brazil); and Mr. Mahamadou Sako (Mali) as Vice Chairpersons. The CAC also:

- Approved several hundred new provisions for food additives and maximum residue limits for pesticides. For the first time, the number of approved food additive provisions now exceeds the number of “draft” provisions awaiting final review and action.
- Adopted a “concern form” process to enhance transparency and efficiency in the consideration of scientific issues related to veterinary drug residues in food.
- Adopted new standards to limit lead in infant formula, arsenic in polished rice, and certain mycotoxins in grains
- Approved new work to develop international standards on the control of Salmonella in beef and pork and to establish nutrient reference values for potassium.
- Agreed to pursue the development of a generic commodity standard for processed cheese.

The 37<sup>th</sup> Session was attended by delegates from 170 member countries, one member organization (the European Union) and 28 international intergovernmental and nongovernmental organizations. The United States was represented by Acting Under Secretary for Food Safety Brian Ronholm, Mary Frances Lowe, U.S. Codex Manager, 11 governmental and 5 nongovernmental advisors. The official session report and all meeting documents are available at [www.codexalimentarius.org/meetings-reports/en](http://www.codexalimentarius.org/meetings-reports/en).

### *Legal and Procedural Issues*

#### **Interpretation of Rule V.1**

At the request of the European Union in connection with the elections, the Representative of the WHO Legal Counsel, speaking on behalf of the Legal Counsels of WHO and FAO, discussed the Role of the Chair and Vice-Chairs of the Commission for the purpose of Rule V.I of the Codex Rules of Procedure, which states, “Not more than one delegate from any one country shall be a Member of the Executive Committee.” It was the interpretation of the FAO and WHO legal offices that the Chair and Vice Chairs could be considered “delegates” for the purpose of Rule V.I, and that this was the best reading of the Codex rules. The effect of this interpretation is that not more than one person from any member country can sit on the Executive Committee in any capacity at the same time. Despite this interpretation, the legal offices did state that the Chair and Vice Chairpersons were not supposed to act as representatives of their respective countries in carrying out their duties.

To avoid any confusion in terms of the current elections, Canada announced that it would resign from the Executive Committee if the Canadian candidate (Samuel Godefroy ) were elected Codex chair, and Japan indicated that it would resign as regional coordinator for Asia if the Japanese candidate for Vice Chair (Yayoi Tsujiyama) were elected.

While this interpretation differs from past CAC decisions (2009, 2013) and written legal opinions (2014, CRD 14 CCGP) that allowed for alternative interpretations of the definition of “delegate” for the purposes of Rule V.1, Commission Chair Sanjay Dave concluded that this new opinion should be reflected in the Commission’s report. Most delegations appeared to accept the interpretation as definitive without having the opportunity to review a written opinion in advance.

Thailand was selected to fulfill the remaining term as regional coordinator for Asia after Yayoi Tsujiyama of Japan was elected Vice Chair, with the understanding that Thailand would be filling the unexpired term of Japan, that this would not count as serving a term for the purposes of term limitations under Codex rules, and that the election



already scheduled to take place at the next session of the Regional Coordinating Committee for Asia (November 2014) would be used to select the regional coordinator to fulfill the subsequent term

### Amendments to the Procedural Manual

The CAC adopted for incorporation into the *Procedural Manual*:

- Extrapolation of Maximum Residue Limits (MRLs) of Veterinary Drugs to Additional Species [for inclusion in the Risk Analysis Principles Applied by the Codex Committee on Residues of Veterinary Drugs (CCRVDF)]
- Use of the Concern form in CCRVDF
- Changes in the Terms of Reference (TOR) of the Codex Committee on Fresh Fruits and Vegetables (CCFFV) wherein the reference to the United Nations Economic Commission for Europe was eliminated
- Definitions of Risk Analysis Terms Related to Food Safety: hazard characterization and risk estimate
- Revised Risk Analysis Principles applied by the Codex Committee on Pesticide Residues (CCPR)  
The Commission considered changes to the Terms of Reference of the Codex Committee on General Principles (CCGP), but returned them to the CCGP for further consideration, in light of an FAO/WHO proposal for alternative wording that would clarify that the revised TOR did not expand the scope or authority of CCGP to make it a self-tasking body. The CAC also considered a revision to the Procedures for the Elaboration of Codex Standards and Related Texts, but also returned this matter to CCGP for review and consideration of the comments raised by delegates.

### Adoption of Standards

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

- Risk Management Recommendations for Residues of Certain Veterinary Drugs in Food for which no Acceptable Daily Intake (ADI) or Maximum Residue Limit (MRL) could be established by the Joint Expert Committee on Food Additives (JECFA) due to specific health concerns.  
The United States and Brazil expressed reservations on the specific language adopted based on concerns that it could appear to intrude on the risk management roles of competent national authorities. New Zealand expressed similar concerns in the Executive Committee but did not intervene at the CAC. During adoption of the CAC report, China also expressed its intention to lodge a reservation, but this could not be reflected in the report since China had not expressed its views during the Commission session.
- Guidelines on Performance Characteristics for Multi-Residue Methods (MRMs) for Veterinary Drugs
- Guidelines for the Control of *Taenia Saginata* in meat of domestic cattle
- Revised Code of Hygienic Practice for Spices and Dried Aromatic Herbs
- Definitions of the Principles and Guidelines for the Conduct of Microbiological Risk Assessment
- Performance Criteria for Methods for the Determination of Marine Biotoxins in the Standard for Live and Raw Bivalve Molluscs. The issue of performance criteria for biological methods (mouse bioassay) was returned to the Committee on Methods of Analysis and Sampling for further consideration of typing, based largely on concerns expressed by Latin American countries, South Africa, and the United States about the proposed Type IV (tentative) classification.
- Standard for Fresh and Quick Frozen Raw Scallop Products
- Food Additive Provisions in Standards for Fish and Fishery Products
- Commodity standards for Durian, Okra and Passion Fruit
- Approximately 550 provisions for food additives put forward for adoption by the Codex Committee on Food Additives
- Guidelines for the Simple Evaluation of Additive Intakes
- Proposals related to the International Numbering System for Food Additives
- Specifications for the Identity and Purity of Food Additives
- Amendments to the Notes of the General Standard for Food Additives
- Provisions for Aluminium-containing Food Additives in Selected Standards
- Food Additive Provisions for Meat Products
- Revised Maximum Levels (MLs) for lead in Infant Formula and Formula for Special Medical Purposes and for Follow-Up Formula
- Maximum limits (MLs) for Inorganic Arsenic in Polished rice
- MLs for fumonisins in maize and in maize products



- Annex to the Prevention and Reduction of Aflatoxins and Ochratoxin A Contamination in Sorghum
- Code of Practice for Weed Control to Prevent and Reduce Pyrrolizidine Alkaloid Contamination in Food and Feed
- Editorial Amendments to the General Standard for Contaminants and Toxins in Food Feed (GSCTFF)
- 343 Maximum Residue Limits (MRLs) for 32 pesticides, including 11 new compounds
- Amendments for the MRLs for "Citrus Fruits" and "Lemons and Limes" to include Kumquats under the Citrus Fruit Group

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

- General Principles for the Addition of Essential Nutrients to Foods
- Code of Practice for Processing of Fish Sauce
- Classification for Food and Feed: Selected Commodity Group (Pulses) for Pesticide Residues
- Draft Guidelines for the Control of *Trichinella spp.* in meat of *Suidae* (pork). Although originally proposed for adoption at Step 5/8, this standard was adopted at Step 5 only because of concerns from several countries with regard to the sections on Monitoring and Maintaining Negligible risk status. A Circular Letter will be distributed requesting comments on those sections. The Codex Committee on Food Hygiene will seek to achieve final resolution at its November 2014 session.

### ***Standards Held at Step 8 (short of final adoption): rBST***

The standard for recombinant bovine somatotropin (rBST), recommended by the CCRVDF, has been held at Step 8 since 1995. The 35<sup>th</sup> (2012) CAC session agreed that an updated scientific review by the Joint Expert Committee on Food Additives (JECFA) should be undertaken with a full report to be provided to the CCRVDF, which would then make recommendations. The report has been issued and will be discussed at the upcoming CCRVDF meeting in April 2015 and is anticipated to be forwarded to the next session of the CAC (July 2015). There was no discussion of rBST at this session.

### ***New Work***

Of the 18 new work proposals presented to the CAC, 17 were approved including:

- Guidelines for Control of Non-Typhoidal *Salmonella spp* in Beef and Pork Meat
  - Potential NRV for Potassium in Relation to the Risk of Non-Communicable Disease
  - Revised Code of Practice for the Prevention and Reduction of Arsenic Contamination in Rice
  - Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Cereals
  - Priority List for the Establishment of Maximum Residue Limits for Pesticides
  - Priority List of Veterinary Drugs for Evaluation or Re-Evaluation
  - Guidelines on the Application of General Principles of Food Hygiene to the Control of Foodborne Parasites
  - Standard for Black, White and Green Pepper (Colombia suggested expansion to include red pepper; this will be considered further in the Committee on Spices and Culinary Herbs.)
  - Standard for Brown Cumin
  - Standard for Oregano
  - Standard for Thyme
  - Standard for Ware Potatoes
  - Standard for Garlic
  - Standard for Aubergines
  - Standard for Kiwifruit
  - Maximum Level for Total Aflatoxins in Ready-to-Eat Peanuts and Associate Sampling Plan
  - Proposal for Maximum Levels for Cadmium in Chocolate and Cocoa Derived Products
- A proposal was submitted by Denmark to develop a standard for Whey Permeate Powder. The CAC agreed to establish an electronic Working Group, led by Denmark and co-chaired by New Zealand, to revise the project document and resubmit it to the CAC through the Codex Committee on Milk and Milk Products, which was reactivated on a correspondence basis (see next item).



## *Work on Processed Cheese and Reactivation of Committee on Milk and Milk Products*

In response to the requests of many Member Countries, particularly those in Latin America and the Near East, the 36<sup>th</sup> CAC (2013) established an electronic working group (eWG) co-chaired by New Zealand and Uruguay to study the possibility of developing a standard or standards related to processed cheese.

The 37<sup>th</sup> session of CAC accepted the recommendations of the eWG to start new work on a more generic standard for processed cheese. The Codex Committee on Milk and Milk Products will be reactivated and, at least initially, carry out its work by correspondence only. A physical working group, led by New Zealand and Uruguay, will meet at the end of 2014 or the beginning of 2015 to develop a new generic standard for processed cheese.

## *Timely Distribution of Documents*

The Commission reviewed an analysis prepared by the Codex Secretariat on the timely distribution of Codex documents. Several delegates expressed the importance of receiving documents on time and described the problems, e.g., inability to develop national positions, which can occur when documents are not received far enough in advance of the meeting. The Secretariat committed to making extra efforts to guarantee that documents in all languages would be distributed in sufficient time prior to the meetings by identifying and resolving the impediments that prevented this. Some delegations suggested that finding a solution to this problem should be a priority for the newly elected Chairperson. In general, Codex rules call for working documents to be available two months in advance of scheduled meetings.

## *Strategic Plan Implementation, Work Management Systems and Practices*

The Commission endorsed the recommendations of the Executive Committee for the Codex Secretariat to develop a framework to report progress in meeting the goals of the 2014-2019 Strategic Plan. The Secretariat will develop a template for use by committees that will enable the Secretariat to collect data and report progress to the next sessions of the Executive Committee and CAC. The Secretariat will also prepare a paper on Codex work management for consideration by the next session of the Codex Committee on General Principles, which may take place in May 2015.

## *Codex Trust Fund*

The Commission was informed about an end-of-project evaluation on the Trust Fund expected to be completed in time for the next CAC. (The current Trust Fund expires at the end of 2015.) Member Countries were encouraged to participate in the evaluation if contacted by the evaluation team. The evaluation report and plans for a successor initiative are expected to balance meeting the needs of developing countries and responding to the concerns of donor countries. The Secretariat expects the 2015 CAC both to consider the evaluation and to approve a proposal for a successor initiative.

Many delegates stressed the need to examine the eligibility criteria for countries which can benefit from the fund. In a side meeting, the Secretariat indicated that plans for a successor initiative would focus less on funding meeting participation by developing countries and more on approaches to enhance capacity for effective participation.

## *Budgetary Matters*

The WHO has increased its contribution to Codex and this increase is expected to be maintained in the next biennium. The Commission did offer some guidance on ways to budget more efficiently and to increase transparency in the reporting process. Delegations were encouraged to coordinate with their representatives to FAO and WHO to advocate continued support of Codex through adequate budgetary allocations by both organizations.

## *Scientific Advice*

Recognizing that the provision of scientific advice by the expert bodies is critical to Codex standard setting work, the Commission reiterated its concern about the lack of sustainable funding of the expert bodies. Currently, only four countries make specific contributions to support scientific advice (the United States, Australia, Japan, and The



Netherlands). Commission delegates encouraged FAO and WHO, as well as Member countries, to expand the donor base to support and fund activities related to scientific advice.

The Representatives of FAO and WHO prepared a document on sustainable funding for scientific advice to Codex in which they represented three options.

- **Option 1** involves the integration for the provision of scientific advice into the Joint FAO/WHO Food Standards Programme. This would require FAO and WHO to enlarge the current Joint FAO/WHO Food Standards Programme and Member States to commit to allocating a portion of the core funding of FAO and WHO to the provision of scientific advice in the Codex budget.
- **Option 2** involves the establishment of a multi-donor fund to receive funds from private sector entities. Implementation of this option would require changes in FAO and WHO policies regarding the acceptance of funds from the private sector. FAO and WHO have already indicated that this is not likely to happen. The United States and others expressed the view that this option should not be ruled out as part of a longer term approach.
- **Option 3** would establish a fund based on voluntary assessments of Member countries according to the value of their agricultural exports. Member Countries would voluntarily contribute to the fund based on a “Beneficiaries Pay” principle. Although the criterion proposed for assessments was based on the assumption that the countries that export food products are the biggest beneficiaries of Codex, some delegates pointed out that importing countries also realize significant benefits from Codex. Delegates also noted that any new international assessment would not likely be accepted by national governments.  
Discussions will continue at the 38<sup>th</sup> session in 2015.

### *UNICEF Proposal*

An observer from the United Nations Children’s Fund (UNICEF) requested the Commission to develop a standard for ready to-use foods fed to children suffering from malnutrition. Currently there are no standards for the quality and safety of these types of products. The Commission agreed that, in light of the need for additional information, UNICEF would collaborate with WHO and FAO to prepare a comprehensive paper on this issue for discussion at the upcoming session of the Codex Committee on Nutrition and Foods for Special Dietary Uses.

### *Next Session*

The 38<sup>th</sup> Session of the Codex Alimentarius Commission is scheduled for July 6 – 11, 2015 in Geneva, Switzerland.