



38th Session of the Codex Alimentarius Commission

July 6-11, 2015

Geneva, Switzerland

The 38th Session of the Codex Alimentarius Commission (CAC) met in Geneva, Switzerland, July 6-11, 2015. 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 38th Session was attended by delegates from 140 member countries, 1 member organization (the European Union (EU)) and 33 international intergovernmental and nongovernmental organizations. The United States was represented by, Mary Frances Lowe, U.S. Codex Manager, 15 governmental and 10 nongovernmental advisors.

HIGHLIGHTS

For the most part, the CAC approved the recommendations of its committees for the adoption or progression of standards, new work, and discontinuation of work. Among other actions, the Commission:

- Approved several hundred new provisions for food additives and maximum residue limits (MRLs) for pesticides and veterinary drugs
 - Adopted maximum limits (MLs) for deoxynivalenol (DON) in cereal-based foods for infants and young children and grains destined for further processing
 - Adopted Guidelines for the Control of *Trichinella spp.* in Meat of *Suidae*
 - Adopted a Nutrient Reference Value (NRV) for Potassium
 - Adopted MLs for lead in fruit and vegetable commodities, including canned fruits and canned vegetables
 - Approved new work to develop Guidance for Monitoring the Performance of National Food Control Systems and to develop a definition for “biofortification”
 - Agreed to request the Committee on Methods of Analysis and Sampling to review the appropriate conversion factor to determine protein content in soy 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 by agenda item.

Amendments to the Procedural Manual

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



- Revised Terms of Reference for the Codex Committee on General Principles which eliminated obsolete provisions and retained the current scope of the committee to deal with procedural and general matters referred to it by the Commission.
- An amendment to the section on Elaboration of Codex Standards and Related Texts which would require proposals for new work to include information on ongoing Codex work. A footnote was added to this amendment to make it clear that the Codex Secretariat would assist in providing information about other ongoing work so as not to burden Codex member countries.
- An Annex to the Risk Analysis Principles Applied by the Codex Committee on Pesticide Residues (CCPR) to facilitate the establishment of MRLs for minor or specialty crops.

Adoption of Standards

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):

- Standard for Quick Frozen Vegetables
- Standards for Certain Canned Fruits and Vegetables
- Standard for Ginseng Products
- Food additive provisions in the standards for canned chestnut products and canned bamboo and mushrooms
- Standard for Pickled Fruits and Vegetables, including food additive provisions (The EU and Norway expressed reservations to the reference to the General Standard for Food Additives.)
- Regional Standard for Non-Fermented Soybean Products (Asia)
- Sections on Food Additives and Methods of Analysis and Sampling for a Regional Standard for Tempe Products (Asia)
- Hygiene sections in several meat commodity standards
- Guidelines for the Control of *Trichinella spp.* in Meat of *Suidae*
- Code of Hygienic Practice for Low-Moisture Foods
- General Principles for the Addition of Essential Nutrients to Foods
- Additional or Revised Nutrient Reference Values for Labelling Purposes in the Guidelines on Nutrition Labelling
- Nutrient Reference Value for Potassium in Relation to the Risk of Non-Communicable Diseases
- Annex to the Guidelines on Nutrition Labeling
- List of Food Additives in the Codex Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants
- Inclusion of zinc citrates in the Advisory Lists of Nutrient Compounds for Use in Foods for Special Dietary Uses Intended for Infants and Young Children
- Technical amendment to the Standard for Foods for Special Dietary Uses for Persons Intolerant to Gluten to provide for a general reference to Khorasan wheat



- Appendix 2 “List of Acceptable Previous Cargoes” to the Code of Practice for the Storage and Transport of Edible Fats and Oils in Bulk
- Reference to Acceptance/Voluntary Application in Codex Standard for Edible Fats and Oils not covered by Individual Standards; for Named Vegetable Oils, for Named Animal Fats and for Olive Oils and Olive Pomace Oils
- Provisions on Methods of Analysis and Sampling in Codex Standards
- Principles for the Use of Sampling and Testing in International Food Trade – Explanatory notes
- MLs for Lead in fruit juices and other canned fruit and vegetable products
- MLs for DON in cereal based foods for infants and young children; in flour meal, semolina and flakes derived from wheat, maize or barley; and in cereal grains destined for further processing (The Russian Federation expressed a reservation to the ML for cereal based foods. The Russian Federation, EU, Norway and Jordan expressed reservations to the ML for flour meal, semolina and flakes.)
- Specifications for the Identity and Purity of Food Additives
- Food additive provisions in the General Standard for Food Additives (GSFA)
- International Numbering System for Food Additives
- Food additive sections of the Standard for Bouillons and Consommés
- Food additive provisions of GSFA food category 12.5 “Mixes for soups and broths”
- Food Additive provisions of the GSFA related to the alignment of the five meat commodity standards
- MRLs for Pesticides (The EU and Norway maintained reservations they had expressed in CCPR on a number of the adopted MRLs.)
- MRLs for Veterinary Drugs (The EU, Norway, and Switzerland expressed a reservation to adoption of the MRL for montepantel.)
- Risk Management Recommendations for four veterinary drugs identified as posing human health concerns (The United States, Brazil and the Philippines stated reservations.)
- Classification of biological and functional methods to determine paralytic shellfish toxicity, with a clarification that these methods may be used for regulatory purposes
The following standards were adopted at Step 5 for further consideration by the relevant committees:
 - Standard for Fish Oils (Chile, Peru and Panama expressed reservations.)
 - MLs for inorganic arsenic in husked rice (The EU, Norway and Egypt expressed reservations.)
 - Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Cereals
 - MRLs for Pesticides (The EU and Norway maintained the reservations they had expressed in CCPR with respect to some of the MRLs.)
 - General Standard for Processed Cheese
The Commission returned the draft *Standard for Non-centrifuged Dehydrated Sugar Cane Juice* to Step 6 for further comment and revision based on concerns expressed by some Latin American and Asian countries. The Committee on Sugars will work by correspondence to prepare a revised draft standard. If no consensus is reached, the



CAC suggested that consideration be given to convening a physical meeting or discontinuing the work.

Additional Note on General Standard on Processed Cheese

The decision to progress this standard was the subject of some discussion at the CAC. Although the Codex Committee on Milk and Milk Products (CCMMP) had made some progress on developing a standard for processed cheese (e.g., in terms of scope, definitions and additives), no progress had been made on critical issues such as minimum cheese content. Accordingly, the United States and a few other countries intervened to express their view that because such major issues were still unresolved, the standard was not ready for adoption at Step 5, which usually indicates a standard is well along in terms of its development and only minor issues remain to be resolved.

Many countries spoke on the need for this standard and to acknowledge the progress that had been made. At the urging of New Zealand, the CCMMP/working group chair, the Commission adopted the standard at Step 5. The CAC asked New Zealand to convene a physical working group (pwg) to complete the work and reminded members that, according to the project document approved for this work, completion is expected in 2016.

Standards Held at Step 8 (short of final adoption)

The MRLs for recombinant bovine somatotropins (rbSTs), recommended by the Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF), have 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 session of the CAC (2012) requested an updated scientific review by the Joint Expert Committee on Food Additives (JECFA) and presented JECFA with a series of questions to be addressed in that review. The full JECFA 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 Practice, 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 the committee’s discussion was forwarded to the 38th CAC without any recommendation.

The United States and many other countries emphasized that the issue of adoption of the rbST standard goes beyond rbST, to the fundamental principles of science-based standards and the use of independent, international scientific expert panel reviews as the basis of Codex food safety standards that protect consumers and ensure fair practices in the food trade. Despite the fact that three JECFA evaluations had found no



risks to consumer health, the European Union in particular opposed adoption of the standard and proposed discontinuation of work, disregarding more than 20 years of work by Codex and JECFA. Some countries were concerned that the use of rbSTs could increase the risk of mastitis which could lead to increased use of antimicrobials and thereby contribute to anti-microbial resistance, although the JECFA review had addressed this issue and found no basis for concern. Other countries raised objections based on issues that are outside the scope of Codex, such as potential impact on animal health.

The CAC acknowledged the validity of JECFA's risk assessments, but was not able to reach consensus on adoption the MRLs for rbST. The MRLs will continue to be on the CAC's agenda as standards held at Step 8 and open to discussion at future CACs.

New Work

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

- Principles and/or Guidelines for the Exchange of Information (including questionnaires) between Countries to Support Food Import and Export
- Guidance for Monitoring the Performance of National Food Control Systems
- Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations
- Guidelines for the Exchange of Information between Countries on Rejections of Imported Food
- Definition of Biofortification
- Nutrient Reference Values (non-communicable disease) for EPA and DHA long chain omega-3 fatty acids
- Regional Standard for fermented cooked cassava-based products (Africa)
- Regional Standard for Shea butter (Africa)
- Regional Standard for *Gnetum Spp.* leaves (Africa)
- Addition of Palm Oil with High Oleic Acid to the Standard for Named Vegetable Oils
- Revision of Fatty Acid Composition and Other Quality Factors of Peanut Oils to the Standard for Named Vegetable Oils
- Revision of the Limit for Campesterol to the Standard for Olive Oils and Olive Pomace Oils
- Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Spices
- Food additive provisions for milk and dairy-based drinks
- General Standard for the Labelling of Food Additives When Sold as Such
- Establishment of Codex Schedules and Priority List of Pesticides for Evaluation by the Joint Meeting on Pesticide Residues (JMPR)
- Priority List of Veterinary Drugs Requiring Evaluation or Re-evaluation by JECFA
- Standard for Dairy Permeate Powders

The CAC also approved new work on an international Standard for *Quinoa* and agreed to reactivate the Codex Committee on Cereals, Pulses and Legumes (CCCPL) to accomplish this. CCCPL is chaired by the United States but has been adjourned *sine die* for a number of years. The work will be undertaken by an electronic working group



chaired by Bolivia and co-chaired by the United States. When this work is completed, CCCPL will again be adjourned *sine die*.

The CAC declined to approve new work on an African regional standard for dried meat.

Codex Work Management and Functioning of the Executive Committee

In the view of some countries, the decision of the 36th Session of the CAC (2013) to establish a new Committee on Spices and Culinary Herbs contravened the recommendation of the 2002 Codex Evaluation against establishing new commodity committees. They suggested that it was time to review Codex work management and the functions of the Executive Committee, taking the findings of the prior evaluations as a starting point. The 37th CAC (2014) requested the Codex Secretariat to prepare a paper for review by the Codex Committee on General Principles (CCGP) at its 28th Session (2015). Due to late distribution of the paper, the discussions at the 2015 CCGP were informal and no recommendations or conclusions were reached; 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 revisiting issues that were debated and settled in the past, e.g., proposed changes in voting procedures. These countries believed that the focus should be on areas where Codex was likely to be able to reach consensus on positive improvements (such as more timely distribution of documents and increasing effective use of modern communications technology to improve efficiency) that would enable Codex to make progress in implementing the recently adopted Codex Strategic Plan 2014-2019. A number of countries, especially from the regions of Latin America and the Caribbean and Africa, also raised serious concerns about how a Secretariat-proposed Executive Board to replace the Executive Committee would undermine Codex values of transparency and inclusiveness.

The CAC noted that the Codex Strategic Plan 2014-2019 should be the basis for future work and agreed to have the Secretariat prepare a new, "evidence-based" paper, taking into account the comments received to date in addition to those which are expected to be received in response to a Circular Letter that would be issued in July, after the 2015 CAC. The new Secretariat paper would be discussed by the 29th Session of CCGP in 2016.

FAO/WHO Scientific Support to Codex

The WHO representative stated that the majority of funds for scientific advice came from voluntary contributions from the member countries. It was noted however, that while the Member Countries acknowledged that funding was critical to ensuring the provision of the scientific advice that is essential to the setting of science-based Codex standards, the number of countries contributing had actually decreased. (The United States was among the countries that were specifically thanked for their contributions.)

The Secretariat proposed three options for long term sustainability of funds for scientific advice. The majority of CAC delegates who expressed an opinion favored an Option 1, integrating support for scientific advice into the regular budgets of FAO and WHO. This option would require policy changes to be made in FAO and WHO as well as the identification and reallocation of funds.

Countries also recognized that short term strategies were necessary to address immediate needs and suggested a communication strategy that would target high level policy makers in national governments as a way of making up for the immediate shortfalls. Delegates were urged to **bring** this matter to the attention of their governments to garner more extra-budgetary funding in the short and medium terms, and to support the changes required to implement Option 1 as a more sustainable approach for the future.

Codex Trust Fund

The current Codex Trust Fund will come to an end in December 2015. A presentation of the final independent evaluation of the current program revealed that the objective of widening participation in Codex had been largely achieved. At the same time, however, approximately one-third of the countries were struggling to maintain their participation in Codex. The evaluators presented ten recommendations, including calls for the development of strategies to promote greater engagement in Codex and to increase predictability of funding

The evaluation found that barriers to full and effective engagement in Codex continued to exist and that the majority of these barriers were at the national level. While the Codex Trust Fund administrators (WHO and FAO Secretariat) were not able to provide many specifics, they did note that their proposed Codex Trust Fund Successor Initiative (CTF2) would shift emphasis away from supporting physical presence at meetings to a more tailored approach that would include raising countries' awareness of the value of Codex. CTF2 would involve capacity building based on a self-diagnosis by a country, or group of countries, of barriers to effective participation. Efforts would also involve FAO/WHO Codex training courses and workshops.

Some potential Trust Fund recipient countries expressed concern about eligibility criteria, and maintained that the economic indicators used in the past did not reflect the reality in many countries. They suggested additional criteria would be needed to assess a country's ability to benefit from CTF2 and participate effectively in Codex.

The Secretariat indicated that specific details of the CTF2 proposal would not be available until after the beginning of 2016. Some concern was expressed about a possible discrepancy between the large number of countries seeking to participate in CTF2 and the small number of donor countries which to date have committed to contributing funds. The Secretariat further acknowledged that there would be a gap in Trust Fund activity between the end of the current Trust Fund in December 2015 and the beginning of CTF2, which was expected to be launched in mid 2016.



Budgetary Matters

A presentation of the budget report for 2014 – 15 revealed improved management of Codex resources by the Codex Secretariat. Member Countries expressed their appreciation for the more timely distribution of the budget documents. The Secretariat was encouraged to provide a more detailed presentation of resource management in order to ensure a more transparent budget planning process.

Other Business/Agenda Items

Despite two night sessions, the Commission did not discuss a number of agenda items due to lack of time, and agreed that those matters could be considered at the next CAC session.

NEXT SESSION

The 39th Session of the Codex Alimentarius Commission is scheduled for June 27 – July 1, 2016, in Rome, Italy.