

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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INDIA'S VIEWPOINT ON AGENDA FOR THE 13TH SESSION OF CCASIA

Agenda item 2: Matters arising from the 24th Session of the CAC and 49th and 50th Session of the Executive Committee

B. Trust Fund for the Participation of Developing Countries in Codex Standard-Setting Procedures :

India welcomes the establishment of Trust Fund to help physical and substantive participation of developing countries in Codex meeting and the Codex process. We compliment WHO for preparing a comprehensive concept paper and support the principles mentioned therein. As regards the funding mechanism we support Option 3. It is, however, important that there should be built in flexibility in the operation of the fund to meet a country's specific need. Although the principles of selection of participants appear to be well articulated, we fear very substantial bureaucratic work in this regard. Therefore, this needs to be re-examined where and how it can be decentralised.

We would specifically like to emphasise the importance of the proposed pilot funding to enable a certain number of countries to develop information for Codex consideration and to prepare important information from the developing countries to the food standards setting process and to build national research, surveillance and risk assessment for use at Codex Committees. It is important that this identification be done for each country or on a sub-regional basis immediately. We propose that the WHO/FAO Consultative Group should examine this in detail and invite suggestion from countries this purpose.

E : Meetings of the Commission:

India had been opposing the issue of conducting Annual meeting of the Codex Commission in the context of difficulties of participation of developing countries and the additional finance burden which this would impose on Codex Secretariat. However, in view of the several development taking place in Codex and the possible availability of the Trust Fund, India feels now that it may be appropriate to have Annual meeting of the Commission. However, this would necessarily imply restructuring and possible abolition of the Executive Committee so that the approval process of Codex are through the main Commission only. However, this would be dependent upon the implementation of the Trust Fund which would enable developing countries to participate.

This would also necessitate that the Regional Committee meetings be held annually and suitable funds earmarked for their hosting and participation. We also feel that the time has come that developing countries should be able to identify items of priority to them and these should be put on some fast track mechanism for approval. Beyond this it is also necessary that the agenda not become too over-burdening so that issues are examined in depth and full participation of all countries is ensured keeping into account both their conditions and needs as well as their capacities to effectively contribute and implement.

G: Proposed Draft Revised Code of Practice for the Processing and Handling Quick Frozen Foods

Government of India want to mention that the Code of Practice for the Processing and Handling of Quick Frozen Foods was adopted by Codex Alimentarius Commission in its 11th Session, held in March/April, 1976 and published the same in Volume 5 A- 1994 – under document No.CAC/RCP 8 – 1976.

It is not clear whether this Code will replace the earlier Code of practice adopted by CAC or this will be in addition to the same. Secondly, the Code of practice for the processing and handling of quick frozen vegetables should be developed separately. It should not be clubbed with code of practices for poultry/meat processing industry.

There is need to also consider the elaboration of sector specific/product specific Code of Practices for Quick Frozen Foods based on Good Manufacturing Practices (GMPs) as well as application of HACCP, which may be used for training of employees of the quick frozen food industry.

Proposed Draft Guidelines for the Validation of Food Hygiene Control Measures

India would like to recommend that :-

- i) it is proposed that a workshop may be organised on the subject in order to understand the basic concept, its application and impact on overall implementation of food safety system. Only after, we may be able to visualise the problems faced while implementing this documents and comments on the documents.
- ii) Some or the control measures mentioned in this documents, such as primary production consumer handling practices and retail sale of the product, are not under the direct control of food processor. However, they may have impact on overall safety of the product, in such a situation, the validation may not be possible by the food processor.

Agenda 2- Add.1: Issues Raised by Member Countries (INDIA)

1. Issue of Traceability:

Since, there is a separate Agenda item 6 on traceability, this issue may be discussed with Agenda 6.

2. Working principles of Risk Analysis:

Background:

The CCGP is already in the process of finalising the Working principles of Risk Analysis. The 16th Session the CCGP considered the Draft Working principles for Risk Analysis and asked the CAC for clarification on their scope, whether they were intended exclusively for application in the framework of codex or by the Member government, or by both.

The 24th session of CAC agreed that the CCGP should develop guidelines to governments subsequently or in parallel as appropriate in view of its programme of work.

The 17th session of CCGP considered the redrafted Proposed Draft Principles Risk Analysis for Application in the Framework of Codex Alimentarius in accordance of CAC and also agreed to initiate the elaboration of working principles intended for application by government as a new work.

Following the decision of the Committee the Secretariat has redrafted the Proposed Working Principles Risk Analysis for Food safety intended for governments on the basis of the consensus reached by the Committee on the main principles of risk analysis, as well the recommendations of the Joint FAO WHO Consultation and circulated the documents as CL 2002/39-GP for comments by 30th October 2002.

Issue:

How the principles of risk analysis especially concerning developing countries would be put into practice.

Recommendation:

India feels that –

1. There is a need to clearly establish a system for collecting data from both developed as well as developing countries for risk assessment to arrive at the potential risk involved and the minimum essential level of risk reduction/ elimination required;
2. The data so generated/ collated be then analysed on the basis of scientific evidences, risk factor taking into account the proportion of the total population likely to consume that food and the proportion of such consumers likely to be affected for identify the

management options and reaching on the management decision, taking into consideration the following:

- a. Traditional/ cultural practices prevailing in different regions;
 - b. Economic feasibility, vis-a-vis cost effectiveness of the management options;
 - c. Institutional and technical capability of the developing and least developed countries.
3. The Code of Hygienic Practices and validation of procedure should then be developed on the basis of criteria established in the process of the above exercise.
 4. The FAO/ WHO should provide assistance in establishing/ strengthening the institutional framework/ capacity of the developing countries to participate in generating data for risk assessment/ risk analysis for risk management.

3. Code of Ethics for International Trade in Food:

Background:

The CCGP is already seized of the task of finalising the Draft Code of Ethics but this could not be finalised so far. There is a general tendency to dump lower quality of food to those countries that do not have enough frameworks in their domestic regulation to block entry of such imports. This problem may be tackled only through the Code of Ethics.

Issues:

- i. Whether the exporting country should be allowed to export any food whose quality is lower than the quality applicable for domestic consumption under their national regulations;
- ii. How the rejections of exported food should be treated; and
- iii. What should be the minimum shelf life of any food reaching its designated country of import.

Recommendations:

Codex of Ethics can at best remain only an advisory document for guidance of Governments. Further even in the advisory document, the coded of Ethics permitting a country to export food that does not comply with its own national standards to another country which has lower national standards and with which the exports may be in conformity is highly objectionable and cannot be agreed to.

Thus India strongly feels that:-

1. It is unethical to allow export of any food which does not conform to the national standards of the exporting country to any country;
2. The quality of the food exporting should not be lower than the quality for such food applicable under the national standards of the exporting country for that food

3. Such foods, may, however, be exported to any country only if in accordance to the standards of the importing country and with the prior concurrence to such exports obtained from the importing country;
4. Any food exported to a country should not have a date of expiry close to expiry date mentioned on the package and the remainder shelf life of such food should not be less than 60% of the shelf life, on its arrival on the export of entry in the importing country.
5. Food that has been exported and subsequently found to be not conforming to the requirements of the importing country should be allowed to be re-exported to the exporting country.

4. Involvement of Inter- Government Organisation in Codex Work:

Background:

Certain countries are keenly advocating the involvement of Inter-governmental organisations and are of the view that the standards formulated by agencies like International Institute of Refrigeration (IIR), UNECE, etc. may be adopted by Codex with a view to hasten the Codex process, take advantage of the work already done.

Issue:

1. Whether such standards be straightway adopted by Codex or should it be made to undergo the stepwise process of elaboration of standards as is required by Codex;
2. What should be the criteria for such standards formulated by which of the inter-governmental organisation may be considered by Codex at what step (s) or at what stage; and
3. What should be the procedure in case of such standards
4. What amendments should be necessary in the Procedural Manuals.

Recommendations:

India feels that –

1. That adoption of the standards formulated by other Inter- governmental bodies should not be adopted by Codex since it affects transparency and it does not provide the Member countries opportunity to express their concerns even if they were not the part of elaboration / development of that standard
2. These standards do not take into consideration of the situations prevailing in the developing countries or their difficulties in its implementation.
3. Such standards have been developed taking into consideration the specific needs and requirements of the group of nations/ bodies represented on these inter-government organisations.

However, where developing countries have been fully involved in the preparation of the standards, these can be used as a base for further elaboration

6. Draft Code of Hygienic Practices for Primary Production and Packing of Fruits and Vegetables .

Backgrounds:

In the last session of Codex Committee of Food Hygiene held in October 2002, India opposed the reference to contamination through indirect means under clause 3.2.3 (personnel health. Hygiene and sanitary facilities). However, this was not agreed to.

Keeping in view the farming conditions of developing countries, where a farmer can barely afford to have a protective clothing for workers directly handling the fresh fruits and vegetables, it is not feasible to ask for eminence of hygienic condition for workers who are not coming in direct contact with the produce. In addition to this, the probability of getting contamination from workers other than those handling the produce is very minimal.

Recommendation:

India proposes that the reference to contamination through indirect means under clause 3.2.3 (Personal Health. Hygiene and Sanitary facilities) should be deleted, as it may not be possible to achieve this in the developing countries in view of the prevailing farming conditions.

7. Draft Guidelines on the Application of HACCP in SLDBs.

Backgrounds:

The present document, considered in the last session CCFH consists of two Annexes. Annex —I pertains to the revised guidelines for application of HACCP system. whereas Annex—2 pertains to obstacles to the application of HACCP particularly in SLDBs and approaches to overcome them.

This document was initiated with the objective to address the obstacles laced by developing countries and to provide flexibility in the guidelines document while implementing HACCP. which have in way being covered in Annex-2. However, to give equal status to the document vis-à-vis the guidelines. it is necessary to

- Give reference to Annex—2 in the main part of the document i.e. Annex—I so that it become integral part of the main HACCP document
- To elaborate how different steps are applicable to SLDBs with specific reference to
 - Primary production
 - Seasonal nature of the production
 - Records
 - Verification

Recommendation:

The document should not be forwarded until all obstacles have been explained in Annex—2 and the same is referred to in Annex-I. so that it becomes integral part of the main HACCP document.

8. Draft Guidelines for Judgment of equivalence of sanitary measures in food inspection and certification system

Background:

India proposes that this document should not be forwarded to the next stage unless points raised by member countries are adequately addressed. Major issues include-

- The proposed Guidelines are based ON a premise that the exporting country wishes to apply a different measures and is seeking judgment of equivalence whereas the first step in the process would be exchange of information on sanitary measures of both exporting and importing countries an evaluation (by the exporting country) whether its sanitary measures meet with the requirements of importing country and it can seek determination of equivalence on the existing measures. This aspect needs to be included in the document

This document should be applicable for seeking equivalence for a specific measure as well as the system as a whole.

- Reference of the importing country s sovereign right to set up a level of sanitary protection it deems appropriate should be deleted and replaced by the following

“the levels of sanitary protections would be set in accordance with the international standards set by the Codex Alimentarius Commission or the OIE as appropriate. The ALOP may be expressed in quantitative or qualitative terms”

- The flow chart and the steps listed out under clause 12 should be aligned.

Recommendation:

India proposes that this document should not be forwarded to next stage unless points raised by member countries are adequately addressed.

9. Issue of Aflatoxin levels in Peanuts, Milk etc.

The European Commission had fixed maximum levels for Aflatoxins in peanuts and milk as given below:

	<u>Aflatoxin B1</u> ppb	<u>Total Aflatoxin</u> ppb	<u>M1</u> ppb
a) Peanuts-For direct human consumption	2	4	
not for direct human consumption	8	15	
b) Milk	-	-	0.05

The levels fixed by them have been a subject of discussion between exporting countries and the EC. This issue has also been discussed in the Codex Committee meeting during which a level of 15 ppb for Total Aflatoxin in peanuts was agreed.

It is felt that the European Commission should harmonize the Aflatoxin levels with those of the Codex. The sampling plan for Aflatoxins should also be harmonized by the European Commission in line with the recommendations of JECFA

10. Draft Code of Hygienic practices for Milk and Milk Products

Background:

Subsequent to the last session of the Codex Alimentarius Commission in 2001, the Drafting Group of Hygienic Practices for Milk and Milk Products has met twice and the Codex Committee of Food Hygiene (CCFH) once. India is a member of the Drafting Group. In these meetings, India has stressed the need to address the concerns of small holder dairying and these have been suitably incorporated in the revised Draft Milk Code. This revised Draft Code would now be discussed in the forthcoming meeting of the CCFH in January in USA.

It is necessary to ensure in the meeting of CCFH that the provisions suitable for small holder dairying presently incorporated in the *revised Draft Milk Code are retained. It is also necessary to ensure* that provisions which are not compatible to small holder dairying are not added in the proposed Code.

Recommendation

It may be ensured that in the meeting of Codex Committee on Food Hygiene, provisions suitable for small holder dairying are retained in the revised draft milk code. It is also necessary to ensure that the provisions, which are not compatible to small holder dairying, are not added in the proposed code.

11. Anomalies in Governance Structures and Decision –Making Processed in Codex and Other Food Standard Work

Some of the anomalies are as under:-

a) Draft Maximum Level for Ochratoxin A in Wheat, Barley and Rye and Derived products:

In the 34th Session of CCFAC, India opposed the adoption of proposed limit of 5 ug/kg Ochratoxin A in Wheat, Barley and Rye and proposed that limit should be raised to 20 ug/kg

BACKGROUND

At the 56th JECFA held in February 2001 it was observed that the mechanism by which Ochratoxin A causes carcinogenicity is unknown and studies to resolve these issues are in progress and will be reviewed in 2004.

Based on a European diet given the distribution of Ochratoxin A contamination of cereals, application of a limit of 5 to 20 g/kg would make no significant difference to the average intake . the estimated intake at the 95th percentile of cereal consumers would be about 84 vs 92 g/kg body wt per week for limits of 5 to 20 g/kg respectively, which is not statistically significant “ (Summery and conclusions Joint FAO/WHO Expert Committee on Food Additives, 56th Meeting, Geneva, 6-15 February 2001)

It may be seen from above that in spite of JECFA observations and oppositions of various countries including India, the Chairman of CCFAC decided to adopt the proposed limit of 5 g/kg Ochratoxin A in Wheat, Barley and Rye rather than 20 g/kg in 34th Session of CCFAC at Step 8.

b) Draft Maximum Levels for Lead in Fish, Crustaceans and Bivalve Molluses:

In 34th Session of CCFAC, India had argued that the consumption of fish does not lead to significantly high intake of lead and lead levels vary significantly from species to species depending on environmental contamination, fixing uniform levels may be detrimental to international trade.

Further, since contaminants like lead are due to natural processes, assigning limits below the natural levels will impede growth of industry. The Committee adopted a disaggregated approach by which elaboration of maximum level for lead in bivalve mollusks and crustaceans where discontinued as the lead exposure from these two species did not contribute significantly to the total diet. Committee decided to continue work on maximum levels of lead in fish. As such proposed level of 0.2 mg pre kilogram as well as the list of species on which the levels may not apply should be returned to step 6 with a request for comments. The comments can be on

- B. Actual lead levels in fish (per species per treatment, for example, canned and fresh fish)
- C. Information on analytical methods including detection limits

D. Information on known or expected problems in trade and relationship between lead exposure through fish consumption and health risk

It may be seen from above that CCFAC adopted a disaggregated approach by which elaboration of maximum level for lead in bivalve molluscs and crustaceans were discontinued as the lead exposure from these two species did not contribute significantly to the total diet. The agenda was step 6. This shows that CCFAC started the work of fixing MRLs of lead without following risk analysis principles.

c) Proposed Draft and Draft Maximum Levels for Cadmium (CX/FAC 02/24)

The 33rd CCFAC had forwarded proposed draft maximum levels for cadmium in various commodities to the Commission for adoption at step 5. India expressed that the MRLs for cadmium in different agricultural products is not acceptable to India and suggested for re-visiting since Japan has undertaken epidemiological studies on cadmium and their results will be obtained by end of 2002, the proposal can be taken up for discussion after the report is available.

The 34th CCFAC decided to return the proposed draft maximum levels of fruits, wheat, grain, milk, rice, soyabean, peanut, meat of cattle, poultry, pig and sheep, meat of horse, vegetable, peeled potatoes, stem and root vegetables, leafy vegetable, fresh herbs, fungi to step 3 for circulation, comments and further consideration. The CCFAC also agreed to request JECFA to perform an exposure and risk assessment for cadmium through above mentioned foods.

The Committee decided to discontinue the setting up of maximum levels for crustaceans, liver and kidney (cattle, poultry, pig and sheep) as these food groups were minor contributors to exposure from cadmium.

It may be seen from above that work had been started without study on exposure and risk assessment and also without JECFA recommendations.

Draft Revised Standard for Processed Cereal Based Foods for Infants and Young Children Issues

- a) Growth faltering after the age of 6 months is influenced by inadequate intake of appropriate complementary foods and insufficiency of micronutrients.

However, growth faltering in an exclusively breast fed baby at the age of about 4-6 months is a natural phenomenon and is due to faulty comparison of growth with the standards based on bolter fed babies. New growth curves are already under formulation through multi-centric studies sponsored by WHO so that standard based on breast fed babies are available for complaining growth of babies below 6 months World Health Assembly (WHA) (Resolution 54.2) has given due weight age to this issue

- b) Malnutrition levels in infants below 6 months are much lower as compared to infant of young children from 6month to 3 to 5 years, all once the world. Hence, introduction of complementary foods at 4to 6 months are likely to increase maturation levels between 4-6 months rather than reducing it.
- c) The first supplement for an infant is to be a cereal the staple of any family. These foods are primarily cereal based. The preparation of pulses or milk if any is very small and can not take the place of cereals.
- d) Yes, we agree usage of hydrogenated fats (but not milk fat) should be prohibited, as these are likely to increase the levels of frames fatty acids.

Recommendations:

Since, the issues raised by Malaysia have already been considered and well debated during the last few years in the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) and also in World Health Assembly (WHA 54.2 resolution), India feels that there is no need to re-open these issues afresh in this meeting. The specific suggestion for amendments to the Standards may however be considered in the next meeting of CCNFSDU to be held in November 2002.

Agenda Item No. 6 Consideration of Traceability/ Product Tracing

Issue of Traceability

This subject has been discussed in various Codex meetings such as CCGP, CCFICS, CCFL and CCFH as well as Adhoc Codex Inter-Governmental task force on animal feeding and Adhoc Codex Inter-Governmental task force on foods derived from biotechnology. The issue was discussed in the meeting of CCFICS and it was agreed that it required a greater debate before it could be applied in the context of developing countries who do not have a proper documentation system in place especially at the farm level on account of small holdings. It was also agreed to discuss this concept for evaluating the necessity, utility and possibility of using traceability as an option for evaluating risk and then, perhaps, examining the circumstances in which traceability could be applied as a requirement. The Working Group under CCFICS was constituted in the context of food inspection and certification system to prepare a discussion paper which would address the following :

- (a) Adequacy and applicability of traceability in existing or pending texts under elaboration by the CCFICS;
- (b) Appropriateness for CCFICS to develop specific guidance on the application of traceability with respect to food safety within food import and export inspection and certification systems;
- (c) Outcome of the Chairpersons meeting from the relevant Codex Committee that was scheduled to meet prior to the 17th session of the CCGP on traceability;
- (d) A time-frame for any new work that CCFICS could undertake with the understanding that this work should not duplicate the work being undertaken by other committees.

During the CCGP meeting held at Paris, 2002, the French proposal on traceability was generally opposed because of the existing working group in CCFICS. The proposal was, therefore, dropped. However, it was decided that the Codex Secretariat would circulate a broad document on traceability after the Regional Committees had given their inputs to the Sectt. so that the matter could be considered at the next CCGP meeting.

The Working Group under CCFICS met at Fribourg (Switzerland) during August 19-20, 2002. During the meeting India raise the fundamental issue of the applicability of traceability. We are of the view that all countries and Codex Committees have an in-built procedure to recall the products in case found to be injurious to human health. Hence, it needed to be examined whether traceability was at all required in the context of food inspection and certification. Another view taken by India was that since this matter pertained to CCFICS, it should be discussed in the CCFICS meeting under the Chairmanship of Australia.

It is felt that the position taken by India and many other developing countries should be presented at the next CCGP meeting.

The following can be recommendations of the Regional Coordination Committee :

“All countries and Codex Committees have an inbuilt procedure to recall products in case found to be injurious to human health. Hence, the concept of traceability in the context of food inspection and certification may not be necessary. In any case, if the subject of trace back/recall procedure has to be discussed, it should be done in the CCFICS meeting as the matter pertains to this Codex Committee”.

**Agenda Item No. 7 Discussion Paper on Functional Foods and Novel Foods
(Other than from Biotechnology)**

In India, the legal position of functional foods/nutraceuticals is quite unclear, especially, when medical claims are made and both PFA and FDA do not address such products. Further, functional foods provides medical and health benefits, including the prevention and treatment of diseases. Such products may range from isolated nutrients, dietary supplements and specific diets to genetically engineered foods.

As this is a new work and new concept, wider consultations is required with various stake holders before finalizing GOI position.

The concern on novel foods is mainly based on safety and nutritional requirements including the possible introduction of new toxicants or increased level of existing toxicants and provable effects on nutritional value.

As the matter is related to safety and nutritional aspects of Novel foods, it will be appropriate that this issue is also deliberated with various concerned stakeholders such as research institutions, food industry etc. before finalizing any position! comments on this issue.

Agenda for Informal Meeting on 18th September 2002

Agenda Item No. 7

Draft Codex Standards for Aqueous Coconut Products (CL 2002/19-PFV)

Government of India is of the view that one more category relating to tender coconut water may be added under Para-2 concerning description.

Para 2.1.7 - Tender coconut water

The UN Food & Agriculture Organisation (FAO) has applied for a patent on a new technology that would allow manufacturers to bottle coconut water i.e., biologically pure, tasty and full of salts, sugars and vitamins. The United Kingdom has granted a patent to FAO on the new technology. The new technology holds tremendous promise for tropical countries. Countries that process or export coconuts and small farmers who grow them will be the main beneficiaries of the newly patented technology. The companies in the beverage industry have already shown interest.

Today, most coconut water is still consumed fresh in tropical coastal areas. Once exposed to air, the liquid rapidly loses most of its nutritional characteristics and begins to ferment. But, the production of coconut beverages such as tender coconut water will benefit the small farmers as well as countries that are exporting coconut products. A document showing the benefits and nutritional composition of coconut water is enclosed.