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NOTE

From:	Presidency
To:	Delegations
Subject:	Codex Alimentarius *- Information from the Presidency*

I. INTRODUCTION

1. For over fifty years, the Codex Alimentarius has been the leading international body in the field of food standards, playing a key role in the protection of consumer health and promoting fair practices in international food trade.

2. Under the auspices of the United Nations Food and Agriculture Organisation (FAO) and the World Health Organisation (WHO), the Codex Alimentarius addresses issues relating, *inter alia*, to food additives, pesticide residues, veterinary drugs and chemical and microbiological contaminants, using the best available scientific evidence to establish international standards, guidelines and codes of good practice.

3. Since 1995, with the entry into force of the WTO Agreements[1], Codex Alimentarius has acquired increased relevance by virtue of the reference made to it in these Agreements and the presumption of WTO conformity which is conferred on relevant national measures when they are based on Codex Alimentarius standards, guidelines or recommendations.

[1] In particular the Agreement on the application of Sanitary and Phytosanitary Measures ('SPS Agreement') and the Agreement on Technical Barriers to Trade ('TBT Agreement').

4. All EU Member States are members of the Codex Alimentarius. The European Union has been a member since 2003. In its conclusions on the Codex Alimentarius dating from October 2012[2], the Council made a number of recommendations on strengthening the EU's influence on the work of Codex Alimentarius, including by improving the participation of national experts in the sessions of Codex committees.

II. KEY ISSUES FOR THE EU IN THE 2015 CODEX DISCUSSIONS

5. In 2015, the Presidency[3] - in close cooperation with the Commission services - ensured within the Council the preparation and coordination of the EU position for twelve Codex committees meetings[4] as well as for the annual meeting of the Codex Alimentarius Commission (CAC)[5].

6. Those meetings addressed many important issues for the EU, including long-standing issues such as proposed standards for processed cheese and maximum residue levels for recombinant Bovine Somatotropin (rBST), topical issues such as the review of existing standards in the light of strategies to combat antimicrobial resistance, potentially problematic issues (eg. the proposed standard on maximum residue levels for the veterinary drug Zilpaterol), important procedural issues relating to the management of work and decision-making within the Codex system, as well as financial issues (in particular the successor initiative to the 'Codex Trust Fund'[6]).

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[2] Set out in document 14981/12. These conclusions followed the EU's unsuccessful efforts to prevent the adoption of a Codex standard setting maximum residue levels for Ractopamine in beef and pork meat.

[3] In the first half of 2015, Luxembourg acted on behalf of the Latvian Presidency.

[4] Codex Committee on Fats and Oils (CCFO24, Melaka - Malaysia), Codex Committee on Methods of Analysis and Sampling (CCMAS36, Budapest - Hungary), Codex Committee on General Principles (CCGP29, Paris - France), Codex Committee on Contaminants in Foods (CCCF9, New Delhi - India), Codex Committee on Food Additives (CCFA47, Xi'an - China), Codex Committee on Pesticide Residues (CCPR47, Beijing - China), Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF22, San José - Costa Rica), Codex Committee on Spices and Culinary Herbs (CCSCH2, Goa - India), Codex Committee on Fresh Fruit and Vegetables (CCFFV19, Ixtapa - Mexico), Codex Committee on Fish and Fishery Products (CCFFP34, Ålesund - Norway), Codex Committee on Food Hygiene (CCFH47, Boston - USA), Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU37, Bad Soden am Taunus - Germany).

[5] Codex Alimentarius Commission (CAC38, Geneva - Switzerland).

[6] The current Codex Trust Fund, which expires in December 2015, provides financial support for experts of developing and transition economy countries to participate in Codex meetings, including through capacity building.

7. Among all the issues addressed in the 2015 Codex discussions, the two most important ones for the EU were: the assessment of possible improvements to the management of work and the decision-making within the Codex system; and the proposed standard on maximum residue levels for recombinant Bovine Somatotropin (rBST). These issues are presented in detail below.

Management of work and decision-making within the Codex system

8. For the EU, two elements in this discussion initiated by the Codex Secretariat are of particular importance:

   a) the functioning and composition of the Codex Executive Committee (which plays an important role in preparing discussions in the annual CAC meetings). The EU would like to improve transparency, effectiveness and representativeness of this body, in which the European region[7] is currently severely underrepresented;

   b) the decision-making rules; the EU would like Codex to move away from the current possibility to proceed, in the absence of consensus, to a simple majority vote (as was the case in 2012 on the standard on maximum residue levels for Ractopamine). Instead, the EU favours consensus-based decision-making, so as to ensure the credibility and legitimacy of Codex standards worldwide; voting should only be permissible as a last resort and on the basis of at least a 2/3 qualified majority (as is the case in the IPPC and the OIE).

9. While a number of Codex members were reluctant to start discussion on these issues, the EU very much welcomed the Codex Secretariat's initiative as an opportunity to bring about much-needed changes. Thanks to the active involvement of the Presidency, the Commission and Members States' experts, the EU succeeded in maintaining a positive momentum. This resulted in the adoption by CAC38 of a roadmap, which provides for the continuation of discussions in the Codex Committee on General Principles at its April 2016 session and thereafter in the Codex Alimentarius Commission at its June 2016 session.

[7] Consisting of the 28 EU Member States, the EU and 19 other countries (Albania, Armenia, Azerbaijan, Belarus, Bosnia Herzegovina, Israel, Kazakhstan, Kyrgyzstan, Moldova, Montenegro, Norway, Russian Federation, Serbia, Switzerland, Tajikistan, FYROM, Turkey, Turkmenistan, Ukraine, Uzbekistan.

Proposed standard on maximum residue levels for recombinant Bovine Somatotropin (rBST)

10. The use of recombinant Bovine Somatotropin (rBST) as a milk production enhancer in dairy cattle is authorised in the USA and some other countries. In the EU and in some other countries it is banned due to animal welfare concerns, in particular relating to the increased risk of mastitis in dairy cows. Codex discussions on this long-standing issue date back to the end of 1990, when no agreement could be reached on the adoption of a standard setting maximum residue levels for rBST.

11. Following an updated scientific review undertaken in 2013 by one of the Codex independent scientific committees (JECFA[8]), rBST was back on the Codex agenda in 2015, first in the Codex Committee on Residues of Veterinary Drugs in Foods[9] and thereafter in the 38th session of the Codex Alimentarius Commission (CAC38)[10].

12. Although JECFA concluded in its updated review that there was no evidence to suggest that the use of rBSTs would result in a higher risk to human health, the EU in the context of its general policy to combat antimicrobial resistance (AMR) highlighted the lack of specific studies regarding an increased AMR risk associated with the use of rBSTs in dairy cattle, in particular to treat mastitis. The EU therefore opposed the adoption of an rBST standard, also putting forward a number of additional arguments: the absence of an urgent need to adopt such a standard from a trade or food safety perspective, the need for consensus-based decision-making at Codex and the negative impact of rBST on animal health and animal welfare.

13. The EU's opposition to the adoption of an rBST standard, which was supported by other Codex members (including China and India), proved effective in that the CAC38 decided that more time should be allowed to facilitate consensus and that the issue would remain open for discussion at future sessions.

8 Joint FAO/WHO Expert Committee on Food Additives.
9 CCRVDF, 27 April - 1 May 2015, San José, Costa Rica.
10 Geneva, 6-11 July 2015.

III. CONCLUSION

14. The Codex work on international food standards remains as important as ever for the European Union and its Member States, both from the perspective of consumer protection and international trade.

15. It is important that the EU and its Member States continue to use as much as possible their potential to influence Codex discussions, in particular by ensuring the participation of Member States' experts in the meetings of the specialised Codex committees and in the Codex Alimentarius Commission[11].

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[11] The CAC's Rules of Procedure allow the EU as a member organisation of the Codex Alimentarius to share its voting rights with its Member States in accordance with their respective competences. When the EU is entitled to vote, the number of votes it may cast is equal to the number of Member States present when the vote is taken.