4. FAO
Food Safety and the Codex Alimentarius Commission

I. EU/US Beef Hormone Dispute


B. WTO SPS Agreement

II. Codex Alimentarius Commission


B. The Institutional Framework of the Commission

I. The Establishment of the Commission
The Commission was established through resolutions adopted at the eleventh session of the Food and Agriculture Organization Conference in 1961 and at the sixteenth World Health Assembly in 1963 as a critical component of the Joint Food and Agriculture Organization (FAO) / World Health Organization (WHO) World Food Program. Thus, it was created under a joint program of two international organizations. Its statutes are contained in the World Health Assembly resolution of 1963. Its objectives are broadly formulated, which means that the Commission’s mandate is characterized by a wide degree of discretion. It could hardly be otherwise since lack of knowledge to discharge full-blown food safety regulations was the reason the Commission was established in the first place. The substantive program of the Commission and its work priorities are laid down in advance in a strategic plan stating goals, listing program areas and planned activities with a clearly defined timetable. Apart from that, there is no substantive legal instrument narrowing down the scope of its mandate, which seems to be a common feature in international institutional law. However, the Commission adopts principles, guidelines and definitions some of which are of a substantive character such as its four statements of principle concerning the role of sciences or the ones relating to risk analysis, all of which are self-binding.

II. The Organizational Structure of the Commission

1. Main Bodies
The Commission elects a chairperson and three vice-chairs from its membership to serve for one ordinary session of the Commission eligible for re-election up to three consecutive years. The work of the Commission and its subsidiary bodies is assisted by a secretariat of six professional and seven support staff housed at FAO Headquarters in Rome within the Food and Nutrition Division and funded jointly by FAO and WHO. The Executive Committee (composed of a chairperson, three vice-chairs and seven representatives from geographical groups) acts on behalf of the Commission as its...
executive organ between its sessions, which for a long period of time were held every two years. It is incumbent upon each committee session to consider the timing of the following one.

2. Subsidiary Bodies
Soledy focusing on the sessions of the Commission might be misleading. In fact, by the time the Commission is scheduled to adopt a standard very little remains to discuss, since all controversial issues have already been addressed at the committee level. One finds committees addressing horizontal issues such as the Codex Committee on Food Labeling, committees that are focused on a single commodity such as the Codex Committee on Milk and Milk Products and one also finds coordinating committees for specific regions or group of countries. Instead of committees, the Commission may decide to establish ad hoc intergovernmental task forces that may later give rise to the establishment of a committee.

3. Membership
Membership is open to all member states and associate members of FAO and WHO interested in international food standards. Committee membership is open to members of the Commission who have notified the Director-General of FAO or WHO of their desire to be considered as members thereof or to selected members designated by the Commission. Membership of regional coordinating committees is only open to members of the Commission belonging to the region or group of countries concerned.

4. Observer Status
Any other Commission member or any member or associate member of FAO or WHO which has not become a member of the Commission may participate as an observer at any committee if it has notified the Director-General of FAO or WHO of its wish to do so. For instance, before becoming a Commission member in 2003, following an amendment of the Commission’s rules of procedure allowing regional economic integration organizations to become members, the European Community had been participating in the work of the Commission and its subsidiary bodies as an observer. These countries may participate fully in the discussions of the committee and shall be provided with the same opportunities as other members to voice their opinions including the submission of memoranda, which excludes the right to vote or to move motions (whether substantive or procedural). International organizations which have formal relations with either FAO or WHO should also be invited to attend sessions of those committees which are of interest to them, albeit in an observatory capacity. Intergovernmental organizations and international non-governmental organizations may attend, upon invitation by the Directors-General of FAO or WHO, all committee sessions as observers. There are at present 46 international organizations, 157 international non-governmental organizations and 16 UN organizations enjoying observer status within the Commission.

5. National Codex Contact Points
Finally, reference should be made to the national codex contact points which act as a link between the Codex Secretariat and member countries, coordinating all relevant Codex activities at the national level by giving notice of draft standards to be adopted by the Commission and by providing opportunity for comments from national food industry, consumers and traders, thereby ensuring that national governments are provided with an appropriate balance between policy and technical advice. It also makes it easier for the members of the Commission to exchange information and coordinate activities.