

**FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA
FOOD AND DRUG ADMINISTRATION BHAWAN
KOTLA ROAD, NEW DELHI – 110002**

**GUIDELINES FOR PREPARATION OF NATIONAL RESPONSE OR NATIONAL
VIEWPOINT TO CODEX MATTERS AND PARTICIPATION IN CODEX MEETINGS
& GUIDELINES FOR CODEX CONTACT POINT, NATIONAL CODEX COMMITTEE
AND NATIONAL SHADOW COMMITTEES**

CHAPTER-I

Preliminary

Article 1: Short title and commencement:

These guidelines may be called the Food Safety and Standards Authority of India guidelines for preparation of national response or national viewpoint to codex matters and participation in codex meetings & Codex Contact Point, National Codex Committee and National Shadow Committees, 2010.

Article 2: Definitions- In these guidelines, unless the context otherwise requires:

- (i) “Act” means the Food Safety and Standards Act, 2006;
- (ii) “Food Authority” means the Food Safety and Standards Authority of India established under section 4 of the Act.
- (iii) “CAC” refers to Codex Alimentarius Commission;
- (iv) “Chairperson” means Chairperson of the Food Authority, Codex Committee, National Codex Committee, as the case may be;
- (v) “Chief Executive Officer” means Chief Executive Officer appointed under section 9 of the Act;
- (vi) “Member” means member of the Indian delegation, National Codex Committee, Shadow Committee as the case may be;
- (vii) “Delegate” means person who has been nominated to be a part of the delegation.
- (viii) “Delegation” means a group of approved people representing the country.
- (ix) “Regulation” means Regulations made under the Act;
- (x) “Shadow Committee” means the Committees of the National Codex Committee constituted by the Food Authority for reviewing the agenda of the Codex Alimentarius

Commission and its subsidiary Committees and finalizing India's comments on various agenda items;

All other words and abbreviations, which are not defined under these regulations, shall have the same meaning and definition/interpretation as given in the Act or rules & regulations laid there under and Codex Alimentarius Commission Procedural Manual.

CHAPTER II

Article 3: Objectives:

- (i) To lay down the guidelines for preparation of national response or national viewpoint to Codex matter and participation in Codex meetings.
- (ii) To establish the processes for formulation of national viewpoint and ensuring uniformity of representation at the national level;
- (iii) To make the stakeholders understand and appreciate Codex working procedures so that they are capable and competent to contribute collectively in a competent manner to the work of Codex at the national level.

Article 4: Introduction to Codex

- (i) The CAC is a joint body of FAO and WHO to develop international food standards, guidelines, and other recommendations to protect health of consumers, and provide assurance of fair practices in food trade.
- (ii) The World Trade Organizations, in its Sanitary and Phytosanitary Agreement, recognizes the standards elaborated by the Codex Alimentarius Commission as the global reference standards for consumers, food producers, processors, national food control agencies and all others involved in international food trade.
- (iii) The Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and the Agreement on Technical Barriers to Trade (TBT Agreement), also encourage the international harmonization of food standards. As such, Codex standards have become the benchmarks against which National food control measures and regulations are evaluated under the relevant provisions of the World Trade Organization (WTO) Agreements.

Article 5: India as a Member of Codex Alimentarius commission

- (i) The Ministry of Health and Family Welfare has the primary responsibility for determination of government policy relating to food standards and enforcement of food control including national position on various issues relating to Codex.
- (ii) The Food Safety and Standards Authority India shall be the National Codex Contact Point (NCCP) for maintaining contact with the CAC, exchange of information, responding to queries, participation in meetings etc.
- (iii) The Food Safety and Standards Authority India shall establish the National Codex Committee (NCC) and various Shadow Committees of the NCC for reviewing the agenda of the CAC and its subsidiary committees and finalizing India's comments on the various agenda items before they are sent to government for approval.

CHAPTER-III

Participation in Codex Meetings at International Level

Article 6: Delegation to the Meeting

- (i) The NCCP in Food Authority, immediately on receipt of working documents from Codex Secretariat, of the session/meetings of the CAC and its subsidiary bodies/regional coordinating committees/task forces, shall communicate the same to the concerned Shadow Committee and the NCC. The shadow committee may start working on the probable agenda which may be adjudged from the reports of the previous session and other related reports of the meetings already held.
- (ii) The concerned Shadow Committee shall be responsible for preparing India's comments and proposing the Indian delegation for the respective Codex session/meeting. The Chairperson of the Shadow Committee shall be the leader of the delegation. When the Chairperson of the Shadow Committee is not in a position to attend the Codex meeting, he should identify one of the members of the Indian delegation as the leader of the delegation. The Chairperson of the concerned Shadow Committee shall submit the comments along with the composition of the Indian delegation for the respective Codex session/meeting to the NCCP after approval by government. NCCP shall forward the same to the Codex Secretariat of the host country. A copy of this communication may also be endorsed to the Indian Embassy/High Commission in the country hosting the session/meeting as well as to individual members of the Indian delegation and Shadow Committee. The NCCP may on specific issues hold special meetings of the NCC to

review the Government of India stand sent by the Shadow Committee before sending it to the Codex Secretariat.

(iii) Whether a delegation should attend the meeting or not shall be based on the urgency and importance of the issues being considered, the need to make India's position clear and the resources available for this purpose. Based on the recommendations of the Chairman of the Shadow Committee, Food Safety and Standards Authority may recommend participation to the Government.

(iv) Government may participate in Codex session/meetings with proper delegation representing Government Ministries / Department, Food Authority, Research Institutions, Industry Associations and Consumer Organizations, other Government agencies and notable experts. The delegates shall be nominated by the respective departments/ institutions/ organisations and subsequently recommended by the Chairperson of the respective Shadow Committee after approval of the Minister of his department. A delegate shall possess the attributes indicated Annexure I.

Article 7: Responsibilities of the Leader of delegation and Members

(i) The members of Indian delegation for Codex session/meetings should be specialists in the respective field and should also consistently participated in the meetings of the concerned Shadow Committee at the national level so that they are fully aware of the deliberations at the national level on each of the Codex agenda items and the stand to be taken at the international forum.

(ii) The intimation of the participation of members of the Indian delegation shall be given in writing to the Codex Secretariat of the host country by the NCCP, a copy of which shall be endorsed to the Shadow Committee and member of the delegation who shall carry the same for the Codex session/meeting.

(iii) The members of the Indian delegation shall assist the leader of the delegation during the Codex session/meetings, but the final stand/views may be decided/ expressed only by the leader of the delegation. The other members of the delegation may express their views on any item only with the permission of the leader of the delegation.

(iv) The Non-government members of the Indian delegation are not expected to interact or intervene on behalf of the government at any Codex session. The Non-government members shall not negotiate or purport to negotiate for the government. In case only non-government member/members represent India in any particular Codex session/ meeting and there is no

government representative accompanying him, his oral/written submission in a session/meeting shall strictly adhere to the official brief given to him by the NCCP. He shall not take any individual position supporting the interest of his organization or otherwise which may not be in line with the government stand on the matter.

(v) The members of the Indian delegation shall be physically present throughout the entire deliberations of the Codex session/meetings. They shall attentively watch the submissions made by the delegates of other countries on any particular item so that the leader could be briefed appropriately for timely intervention. In case it is decided to record opposition to any decision, irrespective of the fact as to whether the decision has been made by consensus or by vote, the leader of the delegation may request the Chairperson of the respective Codex session/ meeting for a statement of India's stand / position to be included in the report of the session/ meeting.

Article 8: Travel Arrangements and Expenses

(i) The members of the Indian delegation shall make their own arrangements for the Codex session/meetings.

(ii) The letter nominating their names from their parent organization to the Chairperson of the respective Shadow committee shall in case of nominations from the government departments, clearly spell out the details of the budget head from which the expenditure will be met. They should have a valid passport and arrange to obtain visa.

(iii) For the Government officials / Ministry representatives the Indian Embassy or the High Commissioner in the country hosting the meeting may be requested to arrange accommodation and transport from the airport to the place of lodging.

Article 9: Involvement of Embassies and High Commissions

(i) A copy of these guidelines may be made available to all the Indian Embassies/ High Commissions located in the host countries.

(ii) Every invitation for the Codex session/meetings may be sent to the Indian Embassy/High Commission located in the host country by the NCCP with the request to send an officer dealing with Agriculture to accompany the Indian delegation. The office of the Indian Embassy/High Commission may also be requested to collect the entire set of the agenda of the Session/meetings from the host country Secretariat. A copy of the written brief outlining the stand to be taken by India on each of the agenda items may also be made available to the office of the Indian Embassy/High Commission as soon as it is ready. A request may also be made to mobilize their offices to secure support from the government of the host countries and other like-minded countries, especially on the crucial issues on which India has a stake.

(iii) The names of the members of the Indian delegation may be intimated to the Indian Embassy/High Commission in the host country by NCCP.

(iv) The leader of the Indian delegation, accompanied by other members, may call on the Ambassador/High Commissioner/Officer-in-Charge with prior appointment before the commencement/during of the Codex session/meeting and brief them about the session/meeting.

(v) In case it is not possible to send any delegation from India, the concerned official from the Indian Embassy/High Commission in the host country may be requested by the NCCP to participate in the session/ meetings and send a report of participation to the NCCP.

Article 10: Delegation Report

(i) The leader of the delegation shall submit a delegation report to the NCCP in the Food Authority within a period of 30 working days.

(ii) The report shall be as per format at Annexure II and shall essentially contain agenda items / notes tabled in the meeting-conference room documents / discussion papers circulated by other Member Countries, reports of the in-session Working Groups and a copy of the draft report as adopted in the meeting.

(iii) The delegation report should include proposals for possible strategies for the next session.

(iii) The delegation report prepared by the leader of the delegation may be circulated to the members of the Shadow Committee.

Article 11: Follow up Action

(i) The shadow committee should necessarily meet to follow up the deliberations with delegation head. The final report may be reviewed by the Shadow Committee and issues of significance to the country or the committee identified, as well as those that have implications for work done by other committees.

(ii) The Shadow Committee may identify pertinent Circular Letter (CL), if any resulting from the meeting which may be sent out for comment. A response to this Circular Letter may be prepared in cases where such a response will advance the country's position.

(iii) The NCCP / NCC / Shadow Committee may also approach the concerned industry/ institutions/experts /consumer organizations for data generation and subsequent follow-up action, if required. Studies may be initiated and resourced, where needed.

(iv) Consistency in Indian delegations is important. However, as issues evolve and the agenda changes, it may be necessary to review and change delegation members to ensure that the appropriate expertise is available.

CHAPTER-IV

Article 12: Preparation of Response to Codex Matters

Where a national delegation is to attend a codex meeting Head of delegation shall be designated. The head of delegation will coordinate the preparation of national positions relevant to the committee concerned. For the development of a national position five common basic steps may be followed:

- (i) Circulate working documents
- (ii) Solicit input from stakeholders
- (iii) Draft a position
- (iv) Obtain national endorsement of the position
- (v) Submit the position as written comments, where appropriate.

Article 13: Circulation of working documents

(i) The National Codex Contact Point receives Codex working documents from the Codex Secretariat in Rome and forwards the same to the relevant Codex Shadow Committee. The relevant Codex Shadow Committee shall circulate the documents to all members of the Shadow Committee and any other relevant stakeholder.

(ii) The relevant Codex Shadow Committee shall determine whether written comments are being requested and, if so, time frame needs to be established for submission of India's comments before the deadline. The date established by the Codex Shadow Committee may be usually one to two weeks prior to the deadline in the working papers, to allow sufficient time for any administrative work and government endorsement.

Article 14: Solicit input from stakeholders

(i) Consultation is a core function of the Codex Shadow Committee. The Codex Shadow Committee shall establish communication with other ministries, industries, consumers, academia, research institutions and public health professionals.

(ii) The agenda and other relevant documents shall be circulated as widely as possible and should encourage participation from both the scientific and trade communities and any other relevant stakeholder. For speedy communications the documents shall be circulated and the comments shall be forwarded by e-mail. The comments shall be specific and may be followed by scientific justification or rationale behind the opinion.

Article 15: The Codex Shadow Committee

In order to facilitate communication among all interested stakeholders, Codex Shadow Committee shall be established under Food Authority / different ministries. The composition of the Codex Shadow Committee may be finalized and intimated to all concerned by the Food Authority. Codex Shadow committees provide a forums for discussions and for the formulation of the national position(s) and of responses to codex proposals or policy.

Article 16: Composition of the Codex Shadow Committee

(i) Composition of individual Codex Shadow Committee varies and depends upon the expertise in the relevant field. It includes the relevant Government Ministries, Departments and organizations concerned with food safety, food production and trade in food, some scientific organizations such as public universities and research institutions, industry representatives and any other notable experts in the relevant field or with a keen interest and relevant expertise in Codex matters.

(ii) There may be no restriction on the number of representatives in the Codex Shadow Committee and that solely depends on the expertise required on the agenda items under discussion. Participation at Codex Shadow Committee meetings shall be reviewed annually, and those members who have ceased to participate in the activities of relevant Codex Shadow committee may be replaced with new members in consultation with other members of the Codex Shadow Committee.

Article 17: Meetings of the Shadow Committees

(i) The schedule of the meeting of the Shadow Committee may be drawn up by the Chairperson of the respective Shadow Committee.

(ii) Any other expert who is not a regular member of the Shadow Committee but competent to contribute to the subject under consideration because of his professional expertise, may also be requested to attend the meeting as an observer.

Article 18: Minutes of the meeting of Shadow Committee

The minutes of the meeting of the Shadow Committee duly approved by the Chairperson shall be forwarded to the members of the Committee by email / fax / courier within a period of seven working days. The members may offer their comments on the recording of the minutes within a period of three working days from the date of receipt of the minutes. Otherwise it may be assumed that they have no comments to offer.

Article 19: Consultative Process

- (i) On receipt of agenda documents from the secretariat of the CAC or host country, the NCCP shall immediately communicate the same to the respective Shadow Committee preferably by email, or fax, or a special messenger or speed post or courier. The Shadow Committees may download the original agenda documents electronically from the Codex website. The Shadow Committee shall invite comments from the members of the Shadow Committee on the agenda item as per Annexure- IV.
- (ii) The Shadow Committees based on the decision in their meetings shall formulate the Government of India position based on comments, national policy/ legislation and stand taken in the past and may forward the same to the NCCP in Food Authority at least 15 working days in advance of the last date of receipt of comments by the Codex secretariat or the host country.
- (iii) The NCCP shall forward the same to the Codex Secretariat of the host country within the stipulated time frame after obtaining approval of government.

Article 20: Activities in preparation of Shadow Committee meetings

- (i) The Codex Shadow Committee meeting shall be organized and previous reports and positions taken by the country may be reviewed.
- (ii) The Agenda may be reviewed to identify the issues of significance to the country.
- (iii) The agenda may also be reviewed to identify issues with a linkage between a Circular Letter (CL) and agenda items.
- (iv) Consider possible SPS and TBT implications.
- (v) The draft national position may be prepared on the basis of consultative process among all the members of the Codex Shadow Committee and if required any other stakeholder may also be involved.
- (vi) The draft national position may be circulated to all delegation members, revised as necessary and the final draft submitted to the NCCP.
- (vii) It may be discussed in the Codex Shadow Committee whether the country may get involved in any working / drafting groups that may be established.
- (viii) The countries may be identified with whom India may liaise and find out what are their positions on a particular subject / issue. If necessary, the comments / previous positions of other countries may be received. This may help to identify potential allies.

(ix) The country's positions / responses to Codex issues may be stated clearly, providing a strong rationale. The position may be based on scientific evidence that will contribute to consumer health protection, or to ensuring fair practices in food trade.

Article 21: National positions

National positions may be prepared for two main purposes.

- (i) To enable the Indian delegation to present the position of the country during the relevant codex session / meeting.
- (ii) To provide the basis of written comments to the Codex Secretariat and / or host country secretariat in response to a request for written comments through a circular letter.

Article 22: Process flow for preparing a national position

- (i) The first step for preparation of National position is "first cut" or initial draft. The Shadow Committee may prepare the initial draft based on documents and comments received from various stakeholders which shall be circulated to all the stakeholders. Further discussions shall be initiated in the Shadow Committee.
- (ii) When developing a country position on Codex issues, the considerations to be taken into account are as varied as the issues that might be considered by the Committee. However, the following shall be kept in mind:
 - a) Drafting of the final position shall be done in consultation with the stakeholders.
 - b) The consideration of an issue is usually not a one-time matter; often the issue may be on the agenda for several sessions. Attempts may be made to understand the history, so that developing a position would be done within the context. The Codex Committee may generally not revisit comments or interventions on issues that it has already discussed and on which it has taken a decision.
 - c) The comments prepared shall be based on science and preferably supported by documented literature including risk analysis / risk assessment data (including an economic impact statement).
 - d) The positions proposed internationally shall be consistent with a country's national policies. Therefore, the country's domestic policies (including any pertinent legislation) shall be considered while developing a position. The flow chart for preparing the national position is as per Annexure- III.

Article 23: Decision by consensus

- (i) National positions shall be prepared on the basis of following;
 - a) Inputs received as a result of the consultation process.
 - b) Available scientific evidence.
 - c) National interest.
 - d) Impact of other country positions, in case they get accepted.
- (ii) The final decision on the national position may be taken on the basis of consensus among the members of the relevant Codex Shadow committee and views of the NCCP.

Article 24: Official endorsement of the national position

National position shall be prepared by the relevant Codex Shadow Committee and after approval of the Head of the Department (Secretary) the same will be sent to the NCCP for onward transmission to the Codex Committee / Codex Secretariat / FAO for circulation to Member Countries / circulation as Conference Room Document.

Article 25: Submission of written comments

The written comments may be submitted to the Codex secretariat and its subsidiary committees on those issues which have been identified as priority issue for the country.

Article 26: Format for written comments / national position(s)

There is no officially endorsed format for the provision of written comments, or for preparing national positions for use by delegations (even if they are not submitted as formal written comments), Some basic components which may be incorporated into the position are:

- (i) Name of the Committee and identification of the session;
- (ii) Identification of the agenda items, number and reference documents;
- (iii) Background information to enable the reader to put the position in context;
- (iv) A statement of the national position;
- (v) Rationale for the national position preferably supported by documented literature;

Article 27: Budgetary Provision and Consultancy Support

- (i) The Food Authority shall maintain a regular budget provision to meet the running cost of the Codex activities at National level as well as to meet the expenditure for participation by Food Authority staff in the meeting of Codex having relevance to India. The Food Authority may also consider to seek funding assistance from National or International Agencies for attending Codex and related meetings.

- (ii) Food Authority shall also establish contacts with codex national points of countries with similar concerns and network to mobilise support for national position.
- (iii) Budgetary provisions shall be made to fund commissioning of specific studies or base papers to generate scientific/ trade data to substantiate India positions at various Codex meetings
- (iv) Budgetary allocations towards capacity building exercise should also be planned.

CHAPTER-V

Article 28: Core Functions of NCCP-INDIA

The NCCP shall perform the following core functions:

- (i) Act as a link between the Codex Secretariat, National Codex Committee and Shadow Committee;
- (ii) Coordinate all relevant Codex activities within India;
- (iii) Receive all Codex final texts (standards, codes of practice, guidelines and other advisory texts) and working documents of Codex Sessions and ensure that these are circulated to those concerned;
- (iv) Send comments on Codex documents or proposals to the CAC or its subsidiary bodies and /or the Codex Secretariat within the time frame;
- (v) Work in close cooperation with the National Codex Committee and its Shadow Committees;
- (vi) Act as a channel for the exchange of information and coordination of activities with other Codex Members;
- (vii) Receive invitations to Codex Sessions and inform the relevant Chairpersons and the Codex Secretariat of the names of participants representing India;
- (viii) Maintain a library of Codex standards, Code of Practice, Guidelines and any other documents and publications on or related to Codex; and
- (ix) Promote Codex Activities throughout India
- (x) Build capacity in country to effectively take up Codex work.

Article 29: Responsibilities of NCCP –INDIA

In order to be able to discharge its core functions, the NCCP shall have the following responsibilities:

- (i) Undertake secretariat responsibilities to the National Codex Committee;

- (ii) Act as the contact point for the country for maintaining liaison with the Codex Secretariat in elaborating international food standards;
- (iii) Collect, procure and analyze data for elaborating international food standards;
- (iv) Keep track of international food standards work and give comments and data to ensure that international food standards elaborated are practicable for local manufactures and do not hinder exports of food;
- (v) Undertake study and research work to solve any problem resulting from the elaboration of international food standards;
- (vi) Encourage food manufacturers to improve quality and hygiene management to meet requirements of international food standards; and
- (vii) Disseminate information of food standards and food laws to relevant government agencies, primary producers, manufacturers, exporters, consumers and concerned organizations.

Article 30: National Codex Committee

The Food Safety and Standards Authority of India shall constitute the National Codex (Food Products Standards) Committee (NCC).

Article 31: Core Functions of NCC-INDIA

- (i) To advise government on the implications of various food standardization, food quality and safety issues which have arisen and related to the work undertaken by the CAC so that national economic interest is taken into account, or considered, when international standards are discussed;
- (ii) To provide important inputs to the government so as to assist in ensuring quality and safety of food to the consumers, while at the same time maximizing the opportunities for development of industry and expansion of international trade;
- (iii) To appoint Shadow Committees on subject matters related to the corresponding Codex Committees to assist in the study or consideration of technical matters; and
- (iv) To meet as and when necessary to formulate national position.

Article 32: Responsibilities of NCC- INDIA

- (i) To cooperate with the Joint FAO/WHO Food Standards Programme and to nominate delegates to attend Codex meetings;
- (ii) To formulate national position in consultation with the members of NCC in the matters of Codex and recommend action to government;
- (iii) To study Codex documents, collect and review all relevant information relating to technology, economics, health and control systems, so as to give supporting reasons to the government for the acceptance of Codex Standards or otherwise;
- (iv) To identify organizations to take action and where necessary commission studies for generation of data base or preparation of base papers projecting the country's interest and for interacting with the CAC; and
- (v) To cooperate with other local/regional or foreign organizations dealing with activities relating to food standardization.

Article 33: Membership of NCC-INDIA

The membership of the NCC to be constituted by the Food Safety and Standards Authority.

CHAIRPERSON: Chief Executive Officer, Food Safety and Standards Authority of India, Chairperson of the National Codex Committee, in- charge of Food Safety Regulation/Food Standards in the Food Authority;

MEMBERS:

1. Joint Secretary, Ministry of Health and Family Welfare, Department of Health or his representative;
2. Joint Secretary, the Ministry of Food Processing Industries or his representative;
3. Joint Secretary, Ministry of Commerce and Industry, Department of Commerce (TPD Division) or his representative;
4. Joint Secretary, Ministry of Agriculture, Department of Animal Husbandry, Dairy and Fisheries
5. Joint Secretary, Ministry of Agriculture (dealing with milk & milk products), Department of Animal Husbandry, Dairying & Fisheries or his representative;
6. Joint Secretary, Ministry of Consumer Affairs, Food and Public Distribution or his representative;

7. Joint Secretary, Ministry of Agriculture, Department of Plant Protection or his representative;
8. Joint Secretary, (Sugars & Edibles Oils), Ministry of Food & Consumer Affairs (Department of Sugars & Edible Oils)
9. Joint Secretary, Ministry of Human Resources, Department of Women & Child Development or his representative;
8. Joint Secretary, dealing with Fisheries in the Ministry of Agriculture, Department of Animal Husbandry, Dairy and Fisheries.
9. Joint Secretary, dealing with Meat & Meat products, Ministry of Agriculture, Department of Animal Husbandry Dairying and Fisheries or his representative;
10. Director, CFTRI or his representative;
11. Director, National Institute of Nutrition, Hyderabad
12. Chairman, APEDA or his representative;
13. Chairman, NDDB, Anand or his representative;
14. Director EIC or his representative;
15. Director, IVRI or his representative;
16. Director, & Head (Food & Agri), BIS;
17. Representative of CII;
18. Representative of FICCI Codex Cell;
19. Head, Toxicology Division, IITR, Lucknow
20. Head, Division of Agricultural Chemicals, IARI, Pusa, New Delhi.
21. Director, Food Research and Analysis Centre, CIFTI, New Delhi
22. Director, Shriram Institute for Industrial Research, Delhi
23. Director, NDRI or his representative
24. Horticulture commissioner, Ministry of Agriculture
25. Agricultural Marketing Advisor, Ministry of Agriculture or his representative;
26. Representative of Department of Biotechnology;
27. Director, Central Institute of Fisheries Technology Willingdon Island, Matsyapuri, P.O. Cochi-682029
28. Secretary General, Sea Food Exporters Association, Kolkata
29. Marine Products & Export Development Authority, Collis Estate, Kochi-682016;
30. Edible Oils commissioner, Ministry of Food & Consumer Affairs or his representative.
31. Chairman, Indian Dairy Association or his representative.
32. Representative of the Consumer Coordination Council.
33. Chairman, Spices Board or his representative.
34. Chairman, Coffee Board, or his representative.
35. Chairman, Tea Board or his representative.
36. Secretary General Quality Council of India or his representative.
37. Chairman, National Horticulture Board or his representative.

Article 34: Shadow Committees of NCC-India

The NCC shall appoint Shadow Committees on subject matters corresponding to the Codex Committees to assist the NCC in the study or consideration of technical matters.

Officers in the rank of Joint Secretary or above in the concerned Department/Ministry / Food Authority who handle the subject at the policy level and also serve as the members of the NCC may be nominated as the Chairpersons of these Shadow Committees. Specialized experts in the relevant field may be nominated as members of these Shadow Committees. These lists of experts may be reviewed from time to time to ensure that they meet the ongoing requirements of the NCC.

Currently, the Shadow Committees assist the National Codex Committee in the following areas:

- Codex Alimentarius Commission
- Executive Committee of the Codex Alimentarius Commission
- Regional Coordinating Committee (including Coordinating Committee for Asia)
- General Principles
- Food labelling
- Methods of Analysis and Sampling
- Pesticides Residues
- Veterinary drugs
- Food Hygiene
- Food Additives
- Contaminants in Foods
- Food Export and Import and Certification Systems
- Nutrition and Foods for Special Dietary Uses
- Fish and Fishery Products
- Fats and Oils
- Fresh Fruits and Vegetables
- Processed Fruits and Vegetables
- Milk and Milk Products
- Cereals, Pulses and Legumes
- Cocoa Products and Chocolate
- Meat Hygiene
- Natural Mineral Waters
- Sugars
- Vegetable Proteins

Article 35: Functions of Shadow Committees

- (i) To advise the NCCP / NCC on the implications of various food standardization, food quality and safety issues which have arisen and related to the work undertaken by the relevant Subsidiary Body/Task Force so that national economic interest is taken into account or considered when international standards are deliberated by the relevant committee; and
- (ii) To follow the Codex agenda of the relevant Subsidiary Body and provide inputs to the government so as to assist in ensuring quality and safety of food to the consumers while at the same time safeguard national interests and maximize the opportunities for development of industry and expansion of international trade.

Article 36: Responsibilities of Shadow Committees

- (i) To study Codex documents, collect and revise all relevant information relating to technology, economics, health and control systems so as to give supporting reasons to the government in the acceptance of Codex Standards or otherwise;
- (ii) To formulate national position in consultation with the members of the Shadow Committee with respect to the agenda for the forthcoming session / meeting of the Subsidiary Body of the CAC and forward the same to NCCP for sending it to Codex Secretariat after approval by government.
- (iii) To finalize the delegation for the meeting of the Codex in consultation with the NCC / NCCP and transmit the names to the host secretariat through the NCCP; and
- (iv) To recommend to the NCCP the position to be taken during the Sessions of the Commission with respect to agenda items relevant to the terms of reference (Annexure –V) of the Shadow Committees.

List of the Codex Committees and the Ministry / Department / Agency will coordinate work of Shadow Committee

S. No.	Codex Committee	Nodal Agency for Shadow Committee
1	Codex Alimentarius Commission	MoH, FSSAI

2	Executive Committee of the Codex Alimentarius Commission	MoH, FSSAI
3	Food Additives	MFPI, APEDA
4	Contaminants in Foods	MFPI, APEDA
5	Food Hygiene	MoA, MoH
6	Food Import and Export Inspection and Certification Systems	MoC / FSSAI
7	Food Labelling	MoH, FSSAI
8	General Principles	MoH, FSSAI
9	Methods of Analysis and Sampling	MoH, FSSAI
10	Pesticide Residues	MoA, MoC
11	Residues of Veterinary Drugs in Foods	MoA, MoC
12	Fats and Oils	MoCA, MoA
13	Fish and Fishery Products	MoA, EIC
14	Fresh Fruits and Vegetables	MoA, APEDA
15	Milk and Milk Products	MoA, NDRI
16	Nutrition and Foods for Special Dietary Uses	MoWCD, NIN
17	Processed Fruits and Vegetables	MFPI, APEDA
18	FAO/WHO Coordinating Committee for Asia	MoH, FSSAI
19	Cereals, Pulses and Legumes	MoCA, MoA
20	Cocoa Products and Chocolate	MFPI, APEDA
21	Meat Hygiene	MoA, MoH
22	Natural Mineral Waters	MFPI, APEDA
23	Sugars	MoCA, MoA
24	Vegetable Proteins	MFPI, APEDA

Article 37: Responsibilities of Chairperson of the Shadow Committees

- (i) Decide on the names of the Department (s) / organisations who will constitute the part of the Indian delegation of the Codex Committee / CAC / Task force as the case may be;
- (ii) Seek approval of the Minister of his Department;
- (iii) Write to the Secretary / Joint Secretary of the Department(s) / organisations for the considering the name of the officers who would be participating from their department / Organization;
- (iv) Convene the meeting(s) of the Shadow Committee (s) to discuss the agenda items for formulating India's comments and prepare minutes and send it to the members of the Shadow Committee with a copy to the National Codex Secretariat for records;
- (v) Finalise India's comments and seek the approval of the Head of the Department (Secretary) and send the same to the NCCP for onward transmission to the Codex Committee / Codex Secretariat / FAO for circulation to Member Countries / circulation as Conference Room Document;
- (vi) Convene the Debriefing meeting after the session and identify the action, time frame and the department / institute/ organization for initiating actions required for finalisation of India comments for the next meeting. A copy of the minutes of the debriefing meeting will be sent to National Codex Secretariat for record and coordination;
- (vii) The Codex cells in the Departments / organisations would be responsible for providing Secretarial support to the Chairpersons of the shadow Committees in convening the meetings, preparing of minutes and finalisation of India's comments;

Characteristics of the Delegates for CODEX Meetings at International Level

- (i) Expertise in the respective subject matter.
- (ii) Abilities to carry nationally agreed positions based on the standard written, brief given by the NCCP on the basis of recommendations of the Shadow Committees or as the case may be. They may also be able to negotiate formally as well as informally with the delegates of other countries to seek their support on behalf of the country.
- (iii) Have the ability to respond to unannounced/unforeseen issues that may arise during Codex meetings, thereby protecting the Government of India's interest.
- (iv) In exceptional circumstances where no government representative may be spared for the meeting of the Codex Committee, non-government officials may be participating in the session/meeting and Indian Embassy/High Commission in the country hosting the session/meeting may be requested to depute an officer to attend the session/meeting to be the member of the Indian delegation.

REPORT OF PARTICIPATION

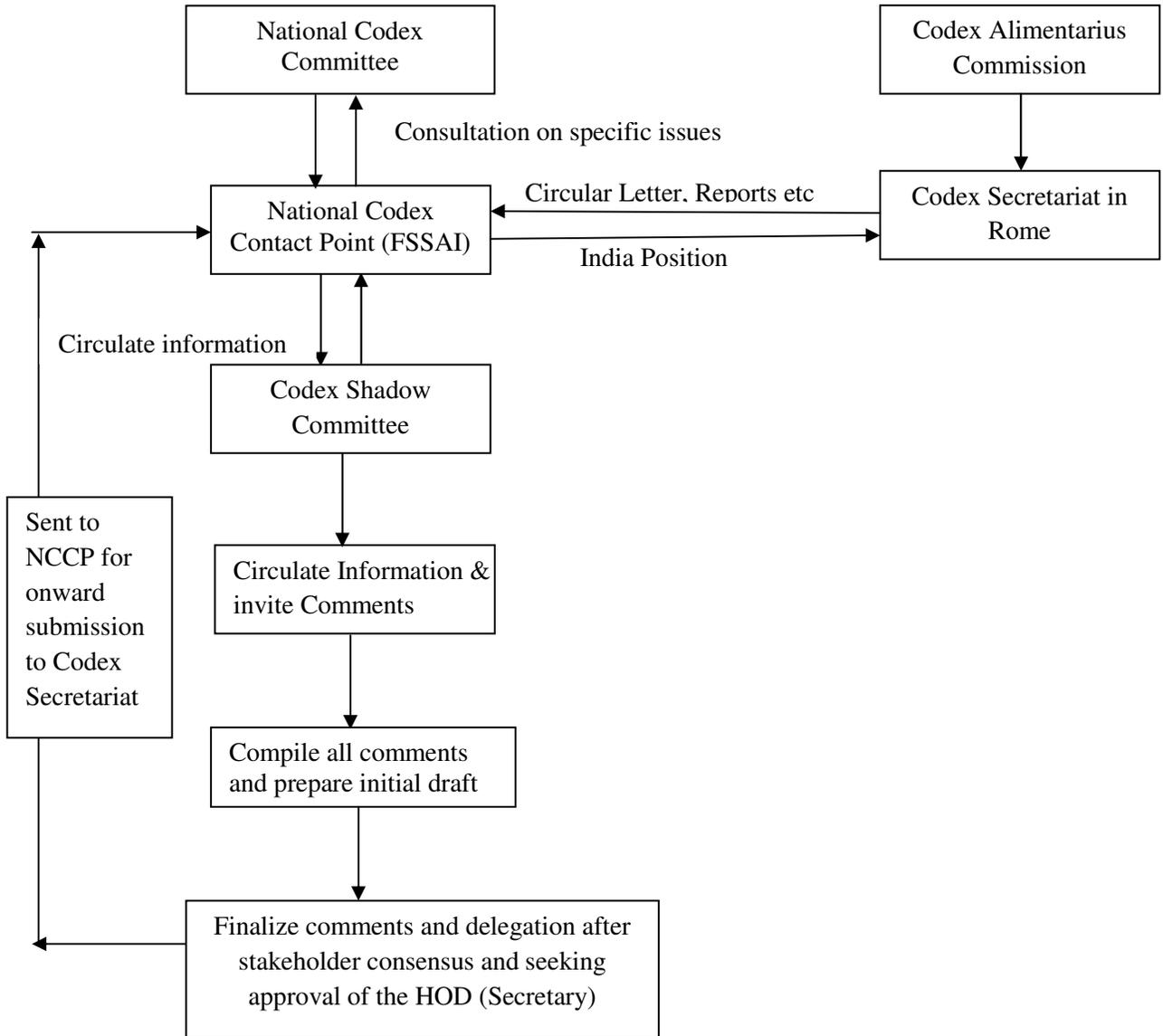
The head of the delegation shall submit an Indian delegation report to the NCCP in the following format, and may bear the signature of the leader and other members of the delegation with their names and designations:

- (i) Session/meeting of the Codex Committee.
- (ii) Place of the session/meeting.
- (iii) Date of the session/meeting.
- (iii) Names and designations of the leader and other members of the delegations.
- (iv) List of additional documents as tabled in the meeting, along with a copy of each document.
- (v) A copy of the draft report as adopted in the meeting.
- (vi) A summary of salient recommendations/decisions arrived at in the meeting which have economic and trade implications on India.
- (vii) A gist of deliberations on each of the items of the agenda concerning India, covering the following points:
 - (a) Agenda item No
 - (b) Topic of the agenda.
 - (c) Document No.
 - (d) Paragraph No.
 - (e) Indian comments, as provided by the NCCP.
 - (f) Discussion in brief during the session/meeting and final recommendations.
 - (g) Whether the views expressed are in conformity with the national policy/legislation/regulation – if not, the extent of divergence and the reasons thereof.
 - (h) Names of countries supporting India.
 - (i) Whether any informal meeting/get-together with other Member Countries was arranged and if so, the outcome thereof.
 - (j) An extract of the recommendation as arrived at in the meeting.
 - (k) Future course of follow-up action on the part of India, if any.
 - (l) Whether any issue requires attention by other Codex Committees.
 - (m) Additional remarks/suggestions, if any.

(viii) Delegation report should comprise of the following:

- (a) India's position which was accepted at the Committee meeting
- (b) India's position which was not accepted and need to be taken up further in the next meetings or to arrange for some other information to substantiate the national position, along with rationale.
- (c) Compilation of endorsed and adopted standards and decisions which may be taken up by the Food Authority for possible harmonization of Codex standards with the national standards.

PREPARATION OF RESPONSE TO CODEX MATTERS



**FORMAT FOR COMMENTS TO BE SUBMITTED TO SHADOW COMMITTEES ON
AGENDA DOCUMENTS**

- (i) Name of the Codex Committee/Commission:-
- (ii) Agenda document No and relevant paragraphs No:-
- (iii) Issues in brief:-
- (iv) National position based on legislation and policy of the Govt.:-
- (v) Impact of the proposed item/issue:
- (vi) Technical/commercial or other relevant information/data in support of the proposal or against:-
- (vii) Other considerations like names of countries likely to support or against based on past participation:-

Annexure V

The common TOR for all the above mentioned Shadow Committees shall be as under:

- (i) To review and advise on the agenda documents including the Code of Hygienic Practices and Codex Guidelines for the respective Codex Committees;
- (ii) To advise on the composition of the Indian Delegation;
- (iii) To coordinate with the other Shadow committees and concerned Departments for seeking comments and finalise the India's view point on different agenda items under consideration of the respective Codex Committees;
- (iv) To advise the concerned Government Department on all matters relating to Codex procedure and working process for elaboration of Codex Standards, Codex Code of Practices and Codex Guidelines;
- (v) To advise on Capacity Building, food safety, food regulations and technical assistance;
- (vi) Any other work assigned by the National Codex Committee and the Chairman, National Codex Committee, from time to time;