
FOREWORD

The expanding international food market in the aftermath of the Second World War necessitated more co-operation in the setting of standards for food. This led, in 1963, to the creation by the World Health Organization (WHO) and the Food and Agricultural Organization (FAO) of a new international body: the Codex Alimentarius Commission. The main mandate of this body was, and still is, to promote the harmonisation of national food standards by developing international standards. Due to the non-binding nature of its standards, however, the Codex Alimentarius Commission for a long time did not seem to be of great interest to policymakers or academics. This certainly changed after the adoption, in 1994, of the *Agreement on the Application of Sanitary and Phytosanitary Measures* (the *SPS Agreement*) and the *Agreement on Technical Barriers to Trade* (the *TBT Agreement*). Both the *SPS Agreement* and the *TBT Agreement* are an integral part of the *Agreement on the Establishment of the World Trade Organization* (the *WTO Agreement*), which was signed in Marrakesh, Morocco in April 1994 and entered into force in January 1995. In both the *SPS Agreement* and the *TBT Agreement*, standards set by international standard-setting organisations, such as the Codex Alimentarius Commission, play a very important role in disciplining the national standard setting of WTO Members. The *SPS Agreement* refers explicitly to the international standards set by the Codex Alimentarius Commission and ‘requires’ WTO Members to base their national food-safety measures on the Codex standards. WTO Members may deviate from the Codex standards but if they decide to do so, they must, *inter alia*, have a scientific justification. Codex standards are a benchmark for WTO consistency. Almost 30 years after its creation, the Codex Alimentarius Commission thus emerged from relative obscurity into the limelight. The Codex Alimentarius Commission was ‘all of a sudden’ considered to be potentially one of the most important players in the field of international food trade regulation. The emergence of the Commission as an important player was reinforced in 2002 when the European Union obliged the EU Institutions and the Member States to take account of international standards in developing or adapting food law.

The growing importance of Codex standards raises, however, questions as regards the exact status of these standards under the WTO agreements and within the legal order of the European Union. At the same time, the increasing significance of these standards makes questions regarding the manner in which the Codex sets international standards, and in particular questions regarding the legitimacy of this process, highly relevant. Mariëlle Masson-Mathee seeks to answer precisely these questions. Her book is the first comprehensive work on the Codex Alimentarius Commission and its activities and already for that reason alone, Masson-Mathee deserves to be congratulated. The merit of this book is that it brings together a

discussion of the Codex Alimentarius Commission and its decision-making procedures and an in-depth analysis of the development of food standards and their status on an ever more global market. Moreover, her analysis also shows the attitude of policy makers, in particular the European Commission, towards the Codex Commission and its standard-setting procedure. Masson-Matthee highlights the very interesting development whereby the Community moved from the position of being a demandeur of Codex standards (due to its lack of scientific expertise to develop its own standards) to the position of supplier of standards currently developed by or under the auspices of the European Food Safety Authority. Interestingly, she documents the attempts of the European Commission to ‘internationalise’ European standards by having them adopted as Codex standards. Masson-Matthee should also be commended for the clear manner in which she discusses the status of Codex standards in both the *SPS Agreement* and the *TBT Agreement* as well as the case law of WTO panels and the Appellate Body in which Codex standards were at issue.

We warmly recommend Masson-Matthee’s book to anybody with a professional or academic interest in trade in food and food safety.

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