

# codex alimentarius commission

FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD HEALTH  
ORGANIZATION

JOINT OFFICE:

Via delle Terme di Caracalla 00100 ROME: Tel. 57971 Telex: 610181 FAO I. Cables Foodagri

ALINORM 87/33

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX ALIMENTARIUS COMMISSION

#### Seventeenth Session

Rome, 29 June - 10 July 1987

#### REPORT OF THE EIGHTH

#### SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES

PARIS, 24-28 NOVEMBER, 1986

### INTRODUCTION

1. The Eighth Session of the Codex Committee on General Principles was held in Paris from 24-28 November 1986 under the chairmanship of Professor Jean-Jacques Bernier, who opened the session, on behalf of M. Edouard Balladur, Ministre d'Etat, Ministre de l'Economie, de Finances et de la Privatisation. Professor Bernier read to the session the Minister's welcoming address on behalf of the French Government. The Minister's address referred to the importance of the protection of the consumer, fair trade practices, and the need to facilitate international trade in food. The speech traced the history of these topics in France and in various international organizations and stressed that France strongly supported the objectives of the work of the Codex Alimentarius Commission. The full text of the Minister's address is attached as Appendix II.
2. The session was attended by 82 delegates from 30 countries and 19 observers from 15 international organizations (see Appendix I).
3. The Chairman expressed his appreciation to AFNOR (Association française de normalisation) for having kindly provided the premises and facilities for the session.
4. Mr. J.R. Lupien, Chief, Joint FAO/WHO Food Standards Programme expressed, on behalf of the Directors-General of FAO and WHO, thanks to the Government of France for its generosity over the years in hosting the Codex Committee on General Principles since its first session in 1965. He underlined the essential role of the Committee in developing the general principles and philosophy which underlie Codex work, including such important topics as methods of acceptance. He stressed the importance of the items on the agenda of the present session, including, in particular, implementation of Codex standards and MRLs and the future direction of the work of the programme.

ADOPTION OF AGENDA (Agenda Item 2)

5. The Committee adopted its agenda with a slight rearrangement of the order of items. Concerning the item 'Other business', it was noted that the delegation of Cuba wished to provide some information to the Committee concerning Codex meetings to be held in Havana in February 1987 and that the delegation of Sweden wished to raise a matter concerning the operation of Working Groups meeting separately from or during the course of their parent Codex Committee sessions.

MATTERS OF INTEREST ARISING FROM OTHER CODEX SESSIONS (Agenda Item 3)

6. The Committee had before it document CX/GP 86/2 containing extracts from the Report of the Sixteenth Session of the Commission and the Thirty Third Session of the Executive Committee. The Committee noted that all of the matters referred to were for information purposes only and that most of them would be taken up under various agenda items.

REVIEW OF ACCEPTANCES AND OTHER RESPONSES AND DIFFICULTIES ENCOUNTERED BY GOVERNMENTS WHEN CONSIDERING ACCEPTANCES OF CODEX STANDARDS (Agenda Items 4 and 5)

7. The Committee took note of the views expressed by the Governments of Cuba, Denmark, Poland, Sweden, Switzerland, Thailand and the United States of America, as recorded in CX/GP 86/4 Parts I, II and III.

8. After a summary of his paper (CX/GP 86/3) by the consultant, Mr. L.G. Hanson, there was a full discussion of the problems encountered by governments when considering acceptances of Codex standards and of the progress made since the first standards were sent out in 1970. Problems related to pesticide residues were considered separately (see below paragraph 28).

9. The detailed review of responses by governments (Annex I of CX/GP 86/3) had been compiled from the acceptance files and from reports of the Commission, taking into account previous reviews including those undertaken by Chadha (ALINORM 85/9) and Kapsiotis (CX/EURO 86/12). The Committee noted that the paper CX/GP 86/3 discussed the position in relation to milk product standards and that it was hoped that all acceptances and deviations would be published in one publication as soon as possible. These details had not been included in Annexes I or II. The delegation of Thailand referred to the entry in Annex I and informed the Committee that the requirement for date of manufacture had now been changed to date of manufacture or date of minimum durability. The delegation of Brazil stated that as regards the application of Codex maximum limits for pesticide residues, Brazil was revising its laws on foodstuffs and was carrying out a comparative study of the Codex maximum limits and the Brazilian maximum limits. Difficulties reported by governments were summarised in Annex III.

10. The Committee noted that the procedures for the elaboration of Codex standards required the participation of governments at all stages and that

the acceptance procedure which had been finalized in 1974 took account of the difficulties which governments would have to resolve when reconciling their national laws and practices with Codex standards. In particular, acceptance with specified deviations and the possibility of notifying free circulation were realistic and practical provisions.

11. The Committee agreed that the success of the Codex should not be measured simply in terms of the number of acceptances of Codex standards. The delegation of Canada and others mentioned the widespread use of Codex standards in trading contracts and as authoritative sources for regulatory officials. They were also used as reference material and as the basis for national standards in a number of countries. The record of Codex standards and government responses in the Codex Alimentarius was a unique source of information for governments but also for traders who needed to be able to evaluate the possibility of exporting to other countries. It was suggested by the delegation of Canada that it might be appropriate for the Codex Alimentarius, and especially the Summary of Acceptances, to be issued as a priced publication to stimulate use by traders. In this connection, the delegation of Denmark emphasized the importance of keeping the volume up-to-date.

12. There were now 129 member countries and Annex I of CX/GP 86/3 showed that 95 (including 6 non-members) had made positive responses to the issue of Codex standards. The delegation of Switzerland drew attention to the problem of keeping in step nationally with progress in the Codex i.e. despatches of standards at regular intervals, issues of summary of acceptances and revisions, amendments to standards. The Swiss review would be completed by 1987 and the possibility of notifying free circulation would be very helpful. The delegation of Australia reported that, under a recent agreement between the Federal and State Governments, the constitutional problems preventing uniform food law in Australia had been largely overcome. The agreement provided for a National Food Standards Council, comprising Commonwealth and State Health Ministers, which will have authority to issue Codex based food standards which will be adopted by all food control authorities across the nation. This development should pave the way for Australia to play a more active role in the acceptance procedure.

13. The observer from the EEC stated that the European Community had notified acceptance of sugar standards in 1977 and, more recently, had made notifications for fruit juices (and some MRLs). Most of the horizontal directives drawn up by the Community were based closely on Codex standards. Labelling was an illustration of the interaction which had occurred. The Codex General Standard for the Labelling of Prepackaged Foods issued in 1970 had been taken into account when drawing up the Community Directive which, in turn, had been considered during the recent revision of the Codex General Standard. The Community would continue to seek a positive solution to the question of the acceptance of Codex standards and Codex maximum limits for pesticide residues by the Community, within the limits of its own regulations. Where there was no Community legislation on the subject, the Community was disposed, if necessary, to inform the Codex concerning the particular situation of each Member State as regards the conditions under which a product meeting a Codex standard could

be marketed on the territory of the Community, as long as there were no health obstacles. In this connection, there had been fruitful discussions between the Codex Secretariat and the officials of the European Commission. The delegate of the United Kingdom, in his capacity as the representative of the Presidency of the European Community, said that a point to be noted in relation to acceptances was that even where Community Directives did not exist Member States of the Community were obliged to talk to their colleagues before taking action. Progress on acceptances had not been as rapid as would have been hoped due to this and other considerations.

14. The Committee noted that 70 countries had notified acceptance or free circulation, although 28 had done so for less than 10 standards. Some had only dealt with olive oil, while others had given a general acceptance to several standards. There were 857 specific responses of which 605 (70%) were acceptances and 252 (30%) notifications of free circulation. The proportion of specified deviations was 38% of acceptances and 72% of notifications of free circulation which now represented about one half of the responses.

15. There was general agreement that considerable progress was being made, but that more remained to be done to increase the number of acceptances or notifications of free circulation. Legal and constitutional difficulties were essentially matters for member countries to deal with and there was evidence that this was being done, although it necessarily took time.

16. The delegation of Cuba emphasized that the problems to be overcome by developing countries were different in kind and scale from those faced by developed countries. Financial problems were acute but much could and should be done in the field of organization, expertise and infrastructure. Working procedures needed to be developed and technical advice provided. There was general agreement in the Committee that the problem of deficient infrastructure should continue to receive attention in FAO and WHO.

17. The Committee agreed that it was necessary to give special attention to the countries, comprising about one third of the membership of the CAC, and in particular developing countries, which had not responded to the issue of Codex standards. These countries had not been listed in Annex I of the paper. At the same time, countries which were recorded as accepting few standards or which had done so only at irregular intervals or which had expressed particular difficulties should also be given special attention. The Committee thought that these tasks could best be undertaken by the Secretariat (while recognizing that its resources were limited) and where appropriate, by the Regional Coordinating Committees.

18. The delegation of Sweden supported by other delegations said it was necessary to remember that the importance and benefits of the CAC and its work should be fully understood by colleagues attending the World Health Assembly and the WHO Executive Board and the FAO Conference and Council. It was noted that action was in hand by the Secretariat to produce promotional material.

The need for review of standards

19. A number of governments had suggested that developments in food technology and consumer protection and changes in consumer tastes and expectations tended to make some of the provisions of Codex standards out-of-date. This was particularly so in respect of the provisions on food additives and labelling which represented the bulk of deviations notified so far. The delegation of the Netherlands and others emphasized the importance of taking these matters fully into consideration as an ongoing task. The Committee agreed that the national Codex Secretariat of the host country, in consultation with the Codex Secretariat should be invited to undertake regular reviews of the standards and to report from time to time to the CAC.

20. In the case of food additives, a number of delegations including the United Kingdom, considered that the differences between the Codex practice of approving food additives, commodity by commodity i.e. vertical consideration, and national practice of taking all uses into account (i.e. horizontal examination) made it more likely that deviations would have to be taken. Views were also expressed by a number of governments that there was a tendency for too many additives to be included in Codex standards.

21. The Committee noted that the Codex Commodity Committees were responsible for assessing the technological need for additives in commodity standards. Only additives which had received ADIs from JECFA are then accorded full endorsement by the CCFA. The Committee noted that it was important that these endorsements be periodically re-evaluated. The view was expressed by the delegation of the USA that nothing should be done to weaken the scientific and objective consideration of additives which had always been an important feature of Codex work.

22. The Committee agreed that it would be timely for the CCFA to consider these questions if possible at its next meeting, in order to facilitate a discussion at the next session of the CAC, when consideration should be given to instituting a system of regular reviews of the additives provisions by Codex Committees.

23. The completion of the revised General Standard for the Labelling of Prepackaged Food and its planned issue for acceptance by governments in the near future would mean that new responses would have to be made by governments and that Commodity standards would have to be revised and reissued. The new General Standard was substantially in accord with current national laws including those in the European Community and very much in line with consumer expectations. The number of deviations should, therefore, be substantially reduced and governments who had not yet been able to respond, because of difficulties over labelling should now be in a better position to do so. Governments should be urged to take early action and should be exhorted to avoid or minimise differences of detail in their national laws.

24. The Committee noted that its views on the questions of changes in technology, additives and labelling would all require similar action i.e. a system of regular reviews.

25. On the matter of differences of format and detail in the Codex standards as compared with national standards, the Committee took note of the decision reached by the CAC at its Sixteenth Session (para. 107 of the CAC Report). These differences were inevitable for a number of reasons, because of the nature and extent of Codex standards and of those elaborated by governments e.g. deregulation, more emphasis on labelling, use of general laws, differences in the numbers and types of foods to be included in regulations, lack of a comprehensive system of food laws or food control. Detail in Codex standards was often very useful to regulatory officials or to the traders as an indication of the level of quality and safety that might be considered acceptable. Moreover the detail in an international standard helped to ensure its objective enforcement and encouraged its use as a presumptive standard.

26. However differences of detail or the absence of detail were cited by some governments and delegations as one of the main difficulties which were experienced when considering an acceptance. Although a notification of free circulation was the alternative if acceptance could not be given, governments had not, so far, found it an easy matter to make the necessary judgements before such a declaration could be given. The Committee agreed that this was a matter on which governments should be urged to take action.

#### Guidelines for Acceptance of Codex Standards

27. A first draft of guidelines was included as Annex IV to CX/GP 86/3. It was proposed for inclusion in the Procedural Manual and for the use of governments when Codex standards were sent out for acceptance. The Committee agreed that such guidelines would be helpful to governments and that they should include all matters which should be taken fully into account when dealing with acceptances. The Committee asked the Secretariat to produce a revised version of Annex IV taking into account the points made in the discussion. A summary of the points is attached as Appendix III and the revised guidelines are contained in Appendix IV.

#### Acceptance of Codex Maximum Limits for Pesticide Residues (MRLs)

28. The Committee considered the question of how the acceptance by governments of Codex MRLs could be promoted. In this respect the Secretariat pointed out that documents CX/GP 86/3 (paras. 24-27 and Annex V), CX/GP 86/4, Parts I, II and III and the 'Recommended National Practices to facilitate Acceptance and Use of Codex Maximum Limits for Pesticide Residues in Food'

(Ref. CAC/PR 9-1985) were relevant. In introducing the subject, the Secretariat pointed to several factors which prevented governments from accepting the Codex Recommendations concerning pesticide residues. These could be grouped into (a) legal, administrative and procedural factors and (b) technical factors relating to the acceptability of Codex MRLs.

29. Among the various technical considerations, the Secretariat pointed to the practice of the Codex in giving recognition to 'good agricultural practices' (GAP) in the various countries and in setting MRLs on residue data close to harvest, as representing the most significant elements which tended to lead to MRLs being set at levels higher than required in some countries. Although the approach to setting MRLs followed by the Joint FAO/WHO Meeting on Pesticide Residues and the Codex Committee on Pesticide Residues over the years had been generally acceptable to governments, it might be possible to have another look at these procedures, in order to ensure that MRLs are set at levels which are acceptable to most governments.

30. In the discussions that followed and during the discussions of document CX/GP 86/3 delegations made statements concerning action taken concerning Codex MRLs or ways of improving the situation concerning the acceptances of Codex MRLs.

31. The delegation of Australia informed the Committee that Australia might be in a position to communicate action taken concerning the acceptance of Codex MRLs to the next session of the Commission. The delegation of Cuba stressed the need for establishing appropriate infrastructures at the national level so that Codex MRLs could be considered. The delegation of Switzerland informed the Committee that Switzerland would now be in a position to accept some Codex MRLs. Progress in the European Community should enable some MRLs to be accepted. The delegation of Kuwait pointed to Codex recommendations as being a suitable basis for drawing up national regulations for the purpose of consumer protection and facilitation of trade. The delegation of Sweden pointed out that Codex MRLs higher than those in force in Sweden would not be acceptable. Since some of the good agricultural practices were in doubt in several countries and since a number of Codex MRLs were not acceptable, there was a need to clarify the approach followed by the Joint Meeting and the Codex Committee in establishing MRLs. Under Swedish law setting separate limits for imported foods was not possible.

32. The delegation of the Federal Republic of Germany was of the opinion that greater emphasis should be given to consumer protection in determining GAP. The delegation suggested the elaboration of technical guidelines on determining GAP in such a way as to minimize residues in food (e.g. through the application of longer pre-harvest intervals and other considerations). It also expressed the view that the publications of the Joint Meeting on Pesticide Residues were generally not fully adequate to judge the impact of the residues on the health of the consumer. The delegation of France was in agreement with the delegation of the Federal Republic of Germany and also expressed the opinion that the CCPR should give more consideration to determining those food

commodities for which Codex MRLs should be set, having regard to their importance in international trade. The delegation of Switzerland also supported the views expressed by the delegation of the Federal Republic of Germany, stressing that long-term toxic effects due to residues in food would be difficult to monitor.

33. The Secretariat outlined the procedures of the CCPR and of the JMPR in ensuring that health considerations are taken fully into consideration in recommending Codex MRLs. On the basis of information available, residues of pesticides in food, unlike microbiological contaminants, appeared to suggest no great need for concern. As regards the examination of MRLs from a point of view of safety, WHO and FAO had initiated a further study in order to allay concern.

34. The delegation of the Netherlands was of the opinion that many of the technical comments expressed at the present session would have been better considered by the CCPR. It suggested that the CCPR should perhaps reconsider its approach to setting MRLs.

35. The delegation of Switzerland suggested that the possibility of setting Codex MRLs at a point other than harvest, i.e. further down the food distribution chain, might be usefully discussed by the CCPR.

36. The Committee agreed that the CCPR and the JMPR be invited to:

- (a) consider how guidelines might be developed in order to encourage the development of good agricultural practices which would ensure that residues at harvest, in foods to be offered for sale, would be the lowest possible leading to the lowest possible legal limits;
- (b) fully consider health aspects for the consumer when setting Codex MRLs, bearing in mind the requirements of good agricultural practice in various regions and in an endeavour to secure the maximum number of acceptances by governments;
- (c) consider the significance of food commodities in international trade before setting Codex MRLs and also their importance for dietary intakes of residues by the consumer; and
- (d) to consider whether further advice, additional to that contained in the 'Recommended National Regulatory Practices' (CAC/PR 9-1985) should be developed in order to assist governments in implementing Codex recommendations on pesticide residues.

37. The Committee noted with interest the Recommendations of the Group of Developing Countries in Asia that governments apply Codex MRLs to imported foods (i.e. give limited acceptance or 'free distribution' response, Ref. CAC/PR 9-1985) and strongly supported the need to assist developing countries



in strengthening their infrastructures. This would enable them to consider and implement Codex recommendations concerning pesticide residues in food.

#### General Conclusions on the Review

38. The Committee noted that the review had shown that the numbers of acceptances, notifications of free circulation and of other responses were steadily improving and that there were encouraging signs that an acceleration of responses to Codex standards and to MRLs was on the way. There were no grounds for changing the acceptance procedures. However, as already indicated, the time had come to initiate a regular review of standards in the light of the information contained in government responses to the issue of Codex standards.

39. The Committee agreed, therefore, that the acceptance procedures should not be amended and invited the CAC to endorse its recommendations for reviews of the standards as indicated in paragraphs 19 and 22.

#### PROVISION FOR ACCEPTANCE OF CODEX STANDARDS BY REGIONAL ECONOMIC GROUPINGS OF STATES (Agenda Item 6)

40. The Committee had before it document CX/GP 86/5 which was introduced by the Secretariat. The document contained proposals for the amendment of the Procedure for the Elaboration of Codex Standards and Codes of Practice, Codex Maximum Limits for Pesticide Residues, as well as a proposal for the amendment of the General Principles of the Codex Alimentarius. The purpose of the proposed amendments was to make specific provision, in the Procedural Manual of the Commission, for the notification by international organizations, to which competence in the matter had been transferred by their member states, of acceptances of Codex standards and Codex maximum limits for pesticide residues, on behalf of their member states. The objective was to facilitate and increase acceptances from members of the Commission which are bound by treaty obligations as member states of economic groupings.

41. The observer from the EEC put forward a modification of the proposed amendments which was later withdrawn. Some delegations wished to be reassured that the proposed amendments would not alter, in any way, the observer status of representatives of the EEC at Codex meetings. This reassurance was given by the Legal Counsel of WHO. Attention was drawn to a drafting error in one of the amendments proposed by the Secretariat, following which some modifications to the Secretariat's proposals were drafted by the Legal Counsel of WHO and put before the Committee for consideration. The modified amendments put before the Committee were as set out below:

- (1) The two last sentences in paragraph 1 of the Introduction to the Procedure for the Elaboration of Codex Standards and Codes of Practice, Codex Maximum Limits for Pesticide Residues to read as follows:

"The Codex standard is published and is sent for acceptance to governments. It is also sent to international organizations to which competence in the matter has been transferred by their member states. Details of acceptances by governments are published periodically by the Commission's Secretariat".

- (ii) The second sentence of the first paragraph of "Subsequent Procedure Concerning Publication and Acceptance of Codex Standards" to read as follows:

"Members of the Commission and international organizations to which competence in the matter has been transferred by their member states notify the Secretariat of the acceptance of the Codex standards ..... whichever is appropriate".

- (iii) The second paragraph of "Subsequent Procedure Concerning Publication and Acceptance of Codex Standards" to read as follows:

"The Secretariat publishes periodically details of notifications received from governments and from international organizations to which competence has been transferred by their member states with respect to the acceptance or otherwise .... accepting country".

- (iv) The above amendments to be also incorporated, mutatis mutandis, in the Procedure for the Elaboration of Regional Codex Standards.

- (v) The following footnote relating to the word 'country' where that word first appears in paragraphs 4, 5, 6 and 7 of the General Principles of the Codex Alimentarius, to be added to the existing text.

"1/ A country's acceptance may be notified by an international organization to which competence in the matter has been transferred by its member states".

42. The delegation of the United Kingdom, currently holding the presidency of the EEC, and, therefore, speaking on behalf of the 12 member states of the EEC, wished the Committee to note that, in the case of the EEC, competence had been transferred by the member states in some, but not all Codex matters.

43. After some further discussion, the Chairman invited delegations which disagreed with the modified amendments proposed by the Legal Counsel of WHO, as contained in paragraph 41 above, to so indicate. No delegation indicated disagreement.

ACCEPTANCE OF CODEX METHODS OF ANALYSIS (Agenda Item 7)

44. The Committee had before it the recommendations of the Codex Committee on Methods of Analysis and Sampling (CCMAS) concerning the obligations falling on governments accepting Codex standards containing methods of analysis (CX/GP 86/6). The Committee noted that the CCMAS had recommended that Codex 'Defining Methods' (i.e. those methods which were intimately linked to given provisions in Codex standards) would be subject to acceptance just as the provisions themselves, which the methods defined. Codex 'Reference Methods', on the other hand, should be obligatory, to be used only in disputes involving results of analysis. Non-acceptance of these two types of Codex methods would mean acceptance with 'specified deviations'. The Committee also noted that the third type of Codex Methods, i.e. the 'alternative approved methods', did not involve any obligations regarding the acceptance of the methods.

45. The delegation of Switzerland informed the Committee that the decentralized Swiss system of food law enforcement would not allow for the introduction of obligatory Codex methods of analysis. The delegation of Cuba informed the Committee that some Codex methods included in Codex standards by reference were not readily available or could not be obtained at all. It suggested that such methods be made available in extenso to governments. The Secretariat indicated that Codex policy was to include methods by reference as much as possible, but that in certain cases, where necessary, Codex methods should be included in Codex publications. The delegation of Thailand indicated its agreement with the recommendations of the CCMAS.

46. The Committee, noting the above remarks and the written comments received from Poland, Sweden, USA, included in document CX/GP 86/6, agreed to the recommendations of the CCMAS as contained in the Appendix of the above-mentioned document.

TRADE BARRIERS CREATED BY THE EXISTENCE OF NATIONAL LABELLING REQUIREMENTS  
ADDITIONAL TO THE PROVISIONS CONTAINED IN THE GENERAL STANDARD (Agenda Item 8)

47. The Committee had before it a paper prepared by the Secretariat on the possible negative affects on trade created by divergent (i.e. more stringent or more detailed) labelling requirements in national legislations or additional labelling requirements not covered by the Codex General Standard for the Labelling of Prepackaged Foods (CX/GP 86/7). The paper traced the discussions in the various sessions of the Codex Committee on Food Labelling and of the Commission and recommended a practical way out of the problem. The Secretariat paper suggested that the Scope Section of the General Standard should be provided with a footnote as follows:

"SCOPE

This standard applies to the labelling of all prepackaged foods to be offered as such to the consumer or for catering purposes and certain aspects relating to the presentation thereof. 1/

- 1/ When notifying their position on the acceptance of this standard, governments are requested to indicate any provisions concerning the presentation of mandatory information on the label and in labelling, in force in their country which are not covered by this standard."

This request to governments to indicate their position regarding the presentation of mandatory information on the label not covered by the Codex General Standard would result in information being accumulated which would be useful to traders in food, to governments and which might be used at an opportune moment to revise the Codex General Standards if necessary.

48. The delegation of Norway, supported by the delegation of Switzerland, was of the opinion that in the Guidelines on the Acceptance of Codex Standards, governments should be encouraged not to include greater detail in their legislation than included in the Codex Standard. The delegation of Finland indicated that Finland would follow closely the Codex General Standard. The delegation of Canada was of the opinion that the new revised Codex General Standard would remove some of the problems and that the proposed footnote would go further in this respect. The delegation of Poland indicated that Polish legislation did not include labelling requirements additional to those contained in the Codex Standard. The observer from the EEC indicated agreement with the proposed insertion of the footnote mentioned above.

49. The Committee agreed with the proposal of the Secretariat that the footnote quoted in paragraph 47 above be included in the Scope Section of the Codex General Standard for the Labelling of Prepackaged Foods.

#### ROLE OF OBSERVERS AT CODEX MEETINGS (Agenda Item 9)

50. The Committee had before it document CX/GP 86/8, which had been prepared by the Legal Counsels of FAO and WHO. The Legal Counsel of WHO introduced the paper and outlined its salient features.

51. The delegation of Sweden stated that whilst it considered the paper to be excellent, it was of the opinion that the question should be discussed as a matter of principle and that the paper devoted too much attention to the observer status of one particular body, namely, the EEC. The delegation thought that in Codex fora member states should be asked to speak for themselves.

52. The observer from the EEC and some delegations from member states of the EEC referred to treaty obligations binding on the member states of the EEC. In particular, the delegation of the United Kingdom, currently holding the presidency of the EEC, stated that it was necessary to recognize that the EEC was a unique organization, which placed its observer in a somewhat different position from other observers: therefore the flexibility in the conduct of meetings which had obtained until now should continue along the lines mentioned in the document before the Committee.

53. The delegation of the USA indicated that whilst it recognized the valuable contribution of observers to Codex work, it considered that an observer should not be entitled to a vote or represent a country. The delegation of the USA also expressed the view that it was important to know when the observer from the EEC was speaking for the member states of the EEC and when he/she was speaking for the body he/she represented as an observer. The US delegation also suggested that member states of the EEC propose a more definitive statement as to how the EEC observer will represent their interests. The delegation of Australia associated itself with the views of the delegation of the USA and thought that it might be useful to attempt to put the matter in writing in the Procedural Manual in the interest of clarity.

54. The Legal Counsel of WHO explained that legally there was no difference between observers of international organizations. The position of observers in relation to Codex meetings was to be found in Rule VII of the Rules of Procedure of the Commission. In regard to observers from the EEC, both in Codex and other UN fora, certain practices and traditions had developed which were set out in document CX/GP 86/8. These practices and traditions could be expressed in words, if necessary.

55. The delegation of the Federal Republic of Germany did not think it desirable to try and express in words in the Procedural Manual the practices and traditions referred to, but thought that it would be helpful for the observer from the EEC to indicate when she/he was speaking on behalf of the member states of the EEC.

56. In conclusion, the Committee accepted the paper prepared by the Legal Counsel of FAO and WHO.

FUTURE DIRECTION OF THE WORK OF THE JOINT FAO/WHO FOOD STANDARDS PROGRAMME  
(Agenda Item 10 i and ii)

57. This item was introduced by Dr. Käferstein, WHO, who reminded the Committee that the Executive Committee, during its 31st Session in 1984, had first dealt with this matter. A paper dealing with the possibility for the CAC to assist in the promotion of Primary Health Care (PHC) had been presented by WHO to the 32nd Session of the Executive Committee and to the 16th Session of the CAC in 1985. While the CAC had concluded that there were obviously significant limitations to what the CAC could do to help in the implementation of PHC, it nevertheless felt that the Coordinating Committee had indeed a role to play in advocating food control and consumer education in food safety, thus advocating PHC.

58. The period 1985/86 was of particular importance to WHO since it was during that period that the 8th General Programme of Work (GPW), covering the years 1990-95, had to be prepared. In the 7th GPW, covering 1984-89, WHO

had committed itself to further sponsor the CAC, jointly with FAO, since the work of the CAC was considered to significantly contribute to WHO's main social target: Health for All by the Year 2000.

59. By the end of WHO's 7th GPW, in 1989, the work of the CAC would have reached an important milestone, namely the completion of most of the still ongoing food commodity standardization work. It was, therefore, timely to discuss what direction the programme should take, when this task had been accomplished. In order for WHO to be associated also during its 8th GPW with the work of the CAC, it was important that the CAC continue to contribute significantly to the main target of WHO.

60. For these reasons it was felt timely and opportune to propose, for consideration by various committees of the CAC, and the CAC itself, a comprehensive paper on the future direction of the work of the Joint FAO/WHO Food Standards Programme. This paper, prepared with the help of a consultant, Mr. G.O. Kermode, was first considered by the Executive Committee, during its 33rd Session in July 1986 and was now before this Committee as document CX/GP 86/10.

61. The paper, after reviewing the current status of work of the CAC's subsidiary bodies, came to the following conclusions:

- (i) In all probability, by the end of 1989, of the present 13 commodity committees hosted by governments, 10 would be adjourned sine die and 3 would be working in the 1990s. These are the following committees: Committee on Foods for Special Dietary Uses, Committee on Fish and Fishery Products and Committee on Cereals, Pulses and Legumes. If the adjourned committees are not re-activated, the governments of Switzerland, United Kingdom, Denmark, Sweden and New Zealand will have no active committees any more and might be prepared to consider the hosting of a new active committee if approached by the CAC well in advance.
- (ii) The 7 general subject committees will have ongoing activities and responsibilities in the 1990s. Although there might be changes in their workload, in general, it was probably safe to project that the frequency of their sessions in each biennium would be maintained.
- (iii) The 4 coordinating committees will also have ongoing activities and even increased responsibilities during the 1990s.

62. Regarding new and intensified areas of work, the paper in its paragraphs 46 to 56, referred to several commodities for which no Codex standards existed as yet and to several general subjects which Member States might like to be dealt with by the CAC.

63. In concluding his introductory remarks, Dr. Käferstein proposed that the Committee might wish to respond to the following questions:

- (i) For which additional food commodities should Codex standards be developed?
- (ii) Which of the existing Codex standards need up-dating and how is this to be done?
- (iii) Is it feasible to establish an "Omnibus" Commodity Committee which would deal with outstanding items from committees which had wound up their main work programme and with any matters which would not justify the convening of a full commodity committee session, as proposed by the Executive Committee during its 33rd Session (see ALINORM 87/3, paragraph 142).
- (iv) Was there a need for additional codes of hygienic and/or technological practice?
- (v) Which of the existing codes of hygienic and/or technological practice need up-dating and how is this to be done?
- (vi) What general subjects need to be dealt with? (The Executive Committee, during its 33rd Session had given high priority to the establishment of a Codex Committee on Environmental Contaminants - see ALINORM 87/3, paragraph 142).
- (vii) Should the establishment of a new Coordinating Committee for the Eastern Mediterranean be considered?
- (viii) Should the CCMAS be split into one committee on Analysis and one on Sampling?
- (ix) Would it be advisable to request a government to host the Joint FAO/WHO Committee of Government Experts on the Code of Principles concerning Milk and Milk Products?

64. Dr. Käferstein pointed out that, at this stage, a "brain-storming" exercise was called for and that at a later stage, when the wishes of the Committee concerning the future direction of the work of the CAC were known, budgetary considerations had to be taken into consideration.

65. Following the presentation by Dr. Käferstein, Mr. Kermode made the following supplementary remarks to his report. Since the time the report had been written, the Executive Committee at its 33rd Session, had discussed the elaboration of guidelines for the prevention of transmission of animal diseases through meat products in international trade. Further the Committee on Food Hygiene at its 22nd Session had referred back to the Committee on Processed Meat and Poultry Products the elaboration of a Code of Practice for Production and Treatment of Spices. Taking these matters into consideration the Committee on Processed Meat and Poultry Products might not be in a position to adjourn sine die in 1990.

66. After a full discussion, the prevailing views in the Committee were as follows:

- (i) There appeared to be no wish for the standardization of new food commodities. Most delegations shared the view that the need for additional compositional food standards was waning and that more emphasis should be placed on the work of horizontal committees dealing with such issues as labelling, food additives, contaminants etc. Regarding wine, the delegation of Portugal recalled that several years ago, at a session of the Commission, the delegation of Portugal was supported by the delegations of France and Spain in expressing its view that it would be very difficult to elaborate standards for wines. In the field of production and preservation of wine, Portugal could see no reason to go beyond the standards of the IWO. In this field consultation and collaboration with the IWO would be indispensable. The observer from the International Wine Office (IWO), to which most wine-producing countries subscribed as members, stated that the IWO had done some work on standardization which could usefully be utilized by all members of the CAC. The delegation of Cuba stated that it was important to start work on the standardization of alcoholic beverages, taking into account the relevance that the marketing of these products have in the world trade.
- (ii) Revising and up-dating of existing food standards was seen as an ongoing activity which deserved priority attention. It was felt that this was largely the responsibility of national secretariats of countries hosting commodity committees jointly with the Codex Secretariat in Rome. The "Arrangements for the Amendment of Codex Standards Elaborated by Codex Committees which have adjourned sine die" in the Procedural Manual of the CAC (6th Edition, 1986) should be followed.
- (iii) A need for an "omnibus" committee was not seen by the Committee. In case there was a need for consultations between national food experts in the course of the revision of a standard, such consultations could possibly be convened in connection with sessions of the CAC or some of its subsidiary bodies.
- (iv) Concerning the development of additional codes of hygienic and/or technological practice, the Committee agreed to the proposal for a Code of Hygienic Practice for Street Vended Foods. It was felt that the Codex Committee on Food Hygiene jointly with the Coordinating Committees would be the appropriate bodies for the elaboration of this Code. It was considered that a first draft could be prepared by the Codex Coordinating Committee for Latin America and the Caribbean for eventual consideration by the Codex Committee on Food Hygiene.



- (v) The revision and up-dating of the existing Codes of Hygienic and/or Technological Practice was also seen as an ongoing activity which had to be jointly performed by the CCFH and the appropriate commodity committee.
- (vi) Much discussion centred around future work concerning chemical contaminants in food. The Committee took note of the Executive Committee's recommendation for the establishment of a Codex Committee on Environmental Contaminants. During the course of the Session, the Netherlands delegation submitted to the Committee a Conference Room Document in which it was explained that changing emphasis in the work of CCFA, hosted by the Netherlands, would leave room for more extensive work on chemical contaminants, including radionuclides in food. This view was shared by most delegations with the understanding that work on radionuclides needed to receive top priority and that the CCFA, at its forthcoming 19th Session in March 1987, would already deal with this topic. As working documents for this purpose, FAO and WHO would provide reports of consultations on this topic - in particular the report on the FAO Expert Consultation on Recommended Limits for Radionuclide Contamination of Foods which would take place in Rome from 1 to 5 December 1986. Referring to the Chernobyl accident in April 1986, the Swiss delegation asked the Codex Secretariat whether an accelerated Codex procedure to deal with such crisis situations could not be established. Representatives of both FAO and WHO felt, however, that this was the responsibility of the two parent organizations and not that of the Codex Secretariat, and that this responsibility was in fact being exercised. Indeed, the European Office of WHO, coordinating WHO's efforts in respect of Chernobyl, had organized an emergency consultation only a few days after information about the accident had become available and had provided the Member States of WHO with technical advice.
- (vii) With only one country (Kuwait) from the Middle East attending this Committee's session, the Committee was unable to voice an opinion concerning the establishment of a Coordinating Committee for this part of the world. It was, therefore, decided that the Secretariat would send a Circular Letter to all the members of the CAC in that region to elicit their views on this issue. The Secretariat would then report to the 34th Session of the Executive Committee and to the 17th Session of the CAC.
- (viii) The Committee felt that there was no need to split the CCMAS into two committees and that the Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products should operate as at present.

- (ix) Several delegations as well as the Chairman of the CAC, Mr. E. Kimbrell, stressed the need for the CAC to ensure that, in its future work, due regard should continue to be paid to the needs of developing countries. It was, therefore, thought opportune to invite the Regional Coordinating Committees for Africa, Asia and Latin America and the Caribbean to indicate their wishes concerning the future direction of the work of the CAC.

Nutritional Considerations in the Future Work of the Codex Alimentarius Commission (Agenda Item 10 (iii))

66. The Committee had before it a paper prepared by the United Kingdom (CX/GP 86/11) in response to a request by the 16th Session of the Commission, exploring the extent to which the Commission might be able to promote better nutrition through its food standards activities.

67. In introducing the paper, the delegation of the United Kingdom indicated that the present paper had been prepared on the basis of an earlier document considered by the 14th Session of the Commission (ALINORM 81/7, attached to the present paper). In fact that paper had been found to be generally still valid and had to be brought up-to-date by making only a few additional comments. The UK suggested that food standards should be drawn up bearing in mind the needs of developing countries, i.e. should not include such requirements as would make the food too expensive for the consumer. Codex standards should also reflect, as far as possible, current scientific dietary advice to consumers in developed countries. As regards 'recommended daily allowances' required for the inclusion of nutritional information on the label, the paper suggested that it would be useful to have an international opinion on the subject, through an expert group. Nutritional considerations within Codex were the responsibility of the Codex Committee on Foods for Special Dietary Uses and Food Labelling.

68. The representative of WHO informed the Committee of two recent publications in this area ((i) WHO Technical Report Series, 724; Energy and protein Requirements; (ii) Report of a Joint FAO/WHO Expert Group on Requirements for Vitamin A, Iron, Folate and Vitamin B<sub>12</sub>, to be published in 1987).

69. The delegation of the United Kingdom was of the opinion that this extra work on nutrition might fall within the terms of reference of either the Codex Committee on Food Labelling or the Codex Committee on Foods for Special Dietary Uses: in the latter case, however, the name of the Committee would need to be changed to reflect its further responsibilities. The suggestion to change the name of the Codex Committee on Foods for Special Dietary Uses was supported by the delegation of the Federal Republic of Germany. The delegation of the Federal Republic of Germany was of the opinion that the recommendations contained in paragraph 7 of the paper concerning over-consumption of certain nutrients in developed countries would be a difficult task for Codex.

70. The Committee endorsed the views expressed in the paper but agreed that the matter be further discussed by the Codex Committee on Foods for Special Dietary Uses and the Codex Committee on Food Labelling which should advise the Commission as to what further action should be taken by Codex and by other interested bodies.

Proposals for Strengthening the Working Procedures of the Commission  
(Agenda Item 10 (iv))

71. The Committee had before it a paper prepared by the Cuban Secretariat of the Coordinating Committee for Latin America and the Caribbean (CX/GP 86/12) containing a number of proposals for improving the working mechanisms of the Commission. The paper had been prepared following discussions of this matter by the 33rd Session of the Executive Committee, the 16th Session of the Commission and the 4th Session of the Coordinating Committee.

72. In introducing the paper, the delegation of Cuba pointed out that the paper was being presented on behalf of the Coordinating Committee for Latin America and the Caribbean. The paper stressed the need to improve the working procedures of the Commission, in order to enable greater participation by developing countries in the work of the Commission. In this connection the establishment of short, medium and long-term technical programmes, categories of participation in such programmes and a mechanism of approving standards by correspondence was proposed. Proposals were made concerning the elaboration of standards, in order to shorten the process and to make it more flexible. In addition the paper drew attention to the need for holding seminars on food standards matters as a means of promoting better utilization of the recommendations of the Commission and to increase participation at Codex sessions. The need for the elaboration of Codex standards for raw materials (the principal source of hard currency earnings) was stressed in the paper.

73. In the discussion of the paper several delegations expressed the opinion that the proposals were quite extensive and would have a fundamental effect on the working procedures and principles of the Commission. There was, therefore, a need to give further consideration to the proposals contained in the paper before making a final decision. In reply to a query concerning the applicability of the proposals to the Codex procedures, the delegation of Cuba indicated that the procedures outlined in the paper were being followed by international organizations besides ISO.

74. The Committee expressed its appreciation to the delegation of Cuba for presenting the paper and agreed that the Coordinating Committee for Latin America and the Caribbean should re-examine the recommendations in the paper at its next session, so that a further report on this topic could be presented to the next session of the Codex Committee on General Principles.

OTHER BUSINESS (Agenda Item 11)

Holding of Working Group Session

75. The delegation of Sweden expressed the view that, although the holding of working group sessions was both necessary and useful, the practice created practical difficulties and represented a working mechanism which had both advantages and disadvantages. Referring to the Commission's Rules on Codex Sessions and Subsidiary Bodies, the delegation expressed the view that holding working group sessions, such as those on special dietary foods and fish products, between sessions of the respective Codex Committees, created budgetary and other problems regarding attendance. Working Groups held in connection with Codex sessions also created problems of full participation.

76. The Chief of the Joint FAO/WHO Food Standards Programme gave an assurance to the Committee that these problems were appreciated by the Secretariat and that all efforts would be made to resolve the problem and to promote the fullest possible participation of all countries in the work of the Codex Committees.

Codex Sessions in the Region of Latin America and the Caribbean

77. The delegation of Cuba informed the Committee of the forthcoming sessions of the Coordinating Committee preceded by a workshop organized by PAHO and the Codex Committee on Vegetable Proteins during February 1987. The PAHO Workshop would deal with questions relating to vegetable proteins and veterinary drug residues. The delegation expressed its appreciation to Canada for making it possible for a Codex Committee to be held for the first time in a developing country and extended an invitation to all countries to attend the session.

78. The delegation of Mexico also informed the Committee of a meeting to be held in Mexico City in February 1987 to consider the question of standardization of tropical fresh fruits and vegetables. All countries were invited to attend the meeting.

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PROVISIONAL LIST OF PARTICIPANTS\*  
LISTE PROVISOIRE DES PARTICIPANTS  
LISTA PROVISIONAL DE PARTICIPANTES

CHAIRMAN  
PRESIDENT  
PRESIDENTE

M. Jean-Jacques BERNIER  
Président du Comité National du Codex Alimentarius

ALGERIA  
ALGERIE  
ARGELIA

BELGIUM  
BELGIQUE  
BELGICA

ACHELI Abdelhalim  
Directeur du Laboratoire Central  
de la Répression des Fraudes  
Ministère du Commerce  
Alger, Algérie

CREMER Charles  
Inspecteur - Chef de Service  
Ministère de la Santé Publique  
Inspection denrées alimentaires  
Cité Administrative de l'Etat  
Quartier Vésale  
1010 Bruxelles, Belgique

CHETTOUF Baya  
Responsable du Service Normalisation  
du Laboratoire de la Répression  
des Fraudes  
Ministère du Commerce  
Alger, Algérie

BIEBAUT Théo  
Conseiller adjoint  
Ministère des Affaires Economiques  
Industrie Alimentaire  
Rue du Commerce 44  
1040 Bruxelles, Belgique

AUSTRALIA  
AUSTRALIE

SCHICK Barry A.  
Acting Deputy Director  
Australian Quarantine and Inspection  
Service  
Department of Primary Industry  
Canberra Australia 2600

YSEBAERT Gabriel  
Ingénieur agronome  
Ministère de l'Agriculture  
Manhattan Office Tower 08/09  
Av. du Boulevard 21  
1210 Bruxelles, Belgique

---

\* The heads of delegations are listed first; alternates, advisers and consultants are listed in alphabetical order  
Les chefs de délégation figurent en tête et les suppléants, conseillers et consultants sont énumérés par ordre alphabétique  
Figuran en primer lugar los Jefes de las delegaciones; los Suplentes, Asesores y Consultores aparecen por orden alfabético.

BRAZIL  
BRESIL  
BRASIL

LAZARO Maria-Theresa  
1er Secrétaire  
Ambassade du Brésil  
34 Cours Albert 1er  
PARIS, France

BEZERRA DA SILVA Francisco  
Delegado do Brasileiro  
Ministério da Agricultura  
Esplanada dos Ministérios  
ANEXO 4<sup>o</sup> ANDAR  
Sala 407  
BRASILIA (DF), Brasil

MATOSSIAN Madeleine  
Coordenadora do Comite Brasileiro  
do Codex Alimentarius  
INMETRO/MIC  
PGA MAUA' 7/12<sup>o</sup>A/ sl 1205  
CEP 20083 RIO DE JANEIRO, Brasil

MEZIAT Armando de Mello  
Foreign Trade Adviser  
Banco do Brasil - Cacex  
Praça Pio X, 54 Sala 608  
RIO DE JANEIRO, Brasil

ORLANDO Henriques  
Ambassade du Brésil  
34 Cours Albert 1er  
75008 PARIS, France

CANADA

SMITH, Barry  
Chief, Food Regulatory Affairs  
Health Protection Branch  
OTTAWA, Canada K1A 0L2

CHILE  
LE CHILI

GEIGER Alex  
Second Secretary  
2 av. de la Motte Piquet  
75007 PARIS, France

COTE D'IVOIRE

KOGBO Wondji  
Pharmacien au Laboratoire de Nutrition  
de l'INSP  
INSP  
B.P.V. 47  
ABIDJAN, Côte d'Ivoire

CUBA

ACOSTA ALEMANY Javier  
Director Relaciones Internacionales  
Comité Estatal de Normalizacion  
Egido 610 entre Gloria y Apodaca  
HABANA 1, Cuba

CURBELO RUIZ Manuel Miguel  
Consejero Economico y Cientifico  
Embajada de Cuba  
32 rue Général Beuret  
75015 PARIS, France

DIAZ GARCIA Luis  
Especialista en Normalizacion y Calidad  
Egido 610 entre Gloria y Apodaca  
HABANA 1, Cuba

DENMARK  
DANEMARK  
DINAMARCA

GALAMBA Inga  
Chief of Division  
Ministère de l'Agriculture  
Chr Brygge 12  
1219 COPENHAGEN, Denmark

BUSK-JENSEN Anne  
Deputy Director  
Industriradet  
H.C. Andersens Boulevard 18  
DK 1596 COPENHAGEN V, Denmark

FEILBERG Henning  
Senior Principal  
Ministry of Agriculture  
Christians Brygge 12 A  
DK 1219 COPENHAGEN K, Denmark

DENMARK  
DANEMARK  
DINAMARCA  
(Cont'd)

HAANING Kaj  
Senior Veterinary Officer  
Veterinaerdirektoratets  
Laboratorium  
Post Box 93  
DK 4100 RINGSTED, Denmark

JENSEN P.F.  
Director  
Fish Inspection Service  
Ministry of Fisheries  
Fiskeriministeriets  
Industritilsyn  
P.O. Box 9050  
DK 1022 COPENHAGEN, Denmark

STAERK Bente  
Food Scientist  
Slagteri - og Konserverlaboratoriet  
Howitzvej 13  
DK 2000 FREDERIKSBERG, Denmark

FINLAND  
FINLANDE  
FINLANDIA

PAAKKANEN Juhani  
Chief Inspector  
Ministry of Trade and Industry  
Aleksanterinkatu 10  
SF - 00170 HELSINKI, Finland

PAKKALA Pekka  
Senior Health Officer  
National Board of Health  
Saarenkatu 18 Sitta  
00530 HELSINKI, Finland

PETAJA Erkki  
Director  
National Board of Customs  
Erottajankatu 2  
00100 HELSINKI 10, Finland

FINLAND (cont'd)

RAUNEMAA P.M.  
Head of Department  
National Board of Trade  
and Consumer Interests  
PB 5  
00531 HELSINKI, Finland

TUOMAALA Vesa  
Secretary General  
Finnish Codex Alimentarius Committee  
Box 5  
00531 HELSINKI, Finland

FRANCE  
FRANCIA

GIANARDI Jean-Luc  
Sous-Directeur du Service de la  
Répression des Fraudes, de la Qualité  
et de la Sécurité des Produits et  
des Services  
13 rue Saint-Georges  
75436 PARIS CEDEX 09, France

ALLAIN Chantal  
Chef du Bureau de l'eau, de l'alimentation  
et du thermalisme  
Direction Générale de la Santé  
Ministère des Affaires Sociales et de  
l'Emploi  
1 place Fontenoy  
75007 PARIS, France

BOUVIER Catherine  
Vétérinaire Inspecteur en chef  
Ministère de l'Agriculture  
Direction de la Qualité  
Service Vétérinaire d'Hygiène Alimentaire  
175 rue du Chevaleret  
75013 PARIS, France

DECLERCQ Bernard  
Chef de Travaux  
Laboratoire de Recherches et d'Analyses  
de la Répression des Fraudes  
25 avenue de la République  
91305 MASSY, France

FRANCE (cont'd)

DUHAU Marie-Geneviève  
AFNOR  
Tour Europe Cédex 7  
92080 PARIS LA DEFENSE, France

MARESCHI J.P.  
ANIAA c/o BSN  
7 rue de Téhéran  
75008 PARIS, France

NOUAT Etienne  
AFNOR  
Tour Europe Cédex 7  
92080 PARIS LA DEFENSE, France

STERVINOU Michèle  
Ministère chargé de la Santé  
1 place de Fontenoy  
75700 PARIS, France

VEIT Pierre  
Inspecteur de la Répression des Fraudes  
Direction Générale de la Concurrence,  
de la Consommation et de la  
Répression des Fraudes  
13 rue Saint-Georges  
75436 PARIS CEDEX 09, France

VINCENT M.  
ANIAA  
c/o Roquettes Frères  
62136 LESTREM, France

GERMANY, FED. REP. OF  
ALLEMAGNE, REP. FED. DE  
ALEMANIA, REP. FED. DE

Prof. Dr. ECKERT Dieter  
Ministerialdirigent  
Bundesministerium für Jugend,  
Familie Frauen und Gesundheit  
Kennedy Allee  
D 5300 BONN 2, Germany F.R.

GREECE  
GRECE  
GRECIA

PATSAKOS Panayotis  
Chief of Pesticide Control Department  
Benaki Plant Pathology Institute  
Kiphissia, ATHENES, Greece

HAITI

DESIR J. Lionel  
Directeur (Division Normalisation et  
Contrôle de la Qualité)  
Ministère Commerce et Industrie  
Champs de Mars  
Port-au-Prince, Haïti (W.I.)

ITALY  
ITALIE  
ITALIA

MANCINI Orietta  
1 Dirigente Dir. Gen. Igiene  
Alimenti e Nutrizione  
Ministero Sanità  
00100 ROMA, Italia

KENYA  
LE KENYA

KAJUME J.K.  
Senior Veterinary Officer  
Department of Veterinary Services  
Veterinary Research Laboratory  
P.O. KABETE, Kenya

KUWAIT  
KOWEIT  
KUWAIT

KHALID S.A. ALHASAWI  
Director Chest Hospital  
Ministry of Public Health  
P.O. Box 13165  
KIEFAN 71952, Kuwait

MEXICO  
MEXIQUE  
MEXICO

URZUA JEREZ Waldo  
Subdirector de normas  
Dirección General de Normas  
Secretaria de Comercio  
Puente de Tecamachalco 6  
Col. Lomas de Tecamalchaco  
Secc Fuentes Naucalpan  
Mexico



MEXICO (cont'd.)

R. MENDEZ Eduardo  
Vice-Presidente Comision Codex  
Dirección General de Normas  
Secretaria de Comercio  
Apdo Postal 24-322  
MEXICO D.F. 06700, Mexico

SANDOVAL Sergio  
Director General de Control  
sanitario  
Secretaria de Salud de Mexico  
HAMBURGO 213, Mexico

NETHERLANDS  
PAYS-BAS  
PAISES BAJOS

VAN DER MEYS C.C.J.M.  
Director Nutrition and Quality  
Affairs  
Ministry of Agriculture and  
Fisheries  
Bezuidenhoutseweg 73  
S'GRAVENHAGE, Netherlands

BERBEN P.H.  
Chief Health Officer  
Ministry W.V.C. HIL  
RYSWYK, Netherlands

KNOTTNERUS O.C.  
Central Commodity Board for Arable  
Products  
Postbus 29739  
2502 LS The Hague, Netherlands

MEES J.J.L.  
Adviser  
Unilever N.V.  
Burgerm. s'JACOBPLEIN 1  
ROTTERDAM, Netherlands

PENNING Anton  
Kon Ned Zuivelbond (FNZ)  
P.O. Box 5831  
2280 HV RYSWYK, Netherlands

NEW ZEALAND  
NOUVELLE-ZELANDE  
NUEVA ZELANDIA

STONYER E.J.  
First Secretary (Agriculture)  
New Zealand Embassy  
7 ter rue Léonard de Vinci  
75116 PARIS, France

NORWAY  
NORVEGE  
NORUEGA

RACE John  
Food Control Board  
Codex Alimentarius  
P.O. Box 8139 Dep. OSLO 1  
Norway

AABY K.E.  
Head of Division  
Directorate of Health  
P.O. Box 8128 Dep. OSLO 1  
Norway

EGEDE-NISSEN Odd  
Senior Executive Officer  
Ministry of Trade  
P.O. Box 8113 Dep. OSLO 1  
Norway

ODDEN Helga  
Senior Executive Officer  
Directorate of Health  
P.O. Box 8128 Dep. OSLO 1  
Norway

SEMB Carl Erik  
Senior Executive Officer  
Department of Agriculture  
P.O. Box 8007 Dep. OSLO 1  
Norway

POLAND  
POLOGNE  
POLONIA

TOMASZEWSKI Stanislaw  
Chief of Section  
Ministry of Foreign Trade  
Quality Inspection Office  
00950 WARSZAWA, P. Box 25, Poland

POLAND (Cont'd)

MICHALOWSKI Leszek  
Chief Expert  
Veterinary Department  
Ministry of Agriculture, Forestry  
and Food Economy  
30 Wspolna str.  
00930 WARZAWA, Poland

PORTUGAL

NETTO Costa  
Président de la Sous-Commission  
Portugaise du Codex Alimentarius  
Comissao Nacional da FAO  
Ministerio des Negocios Estrangeiros  
LISBOA, Portugal

SPAIN  
ESPAGNE  
ESPANA

MITTELBRUNN Felipe  
Jefe del Servicio Administrativo  
de la C.I.O.A.  
Paseo del Prado 18-20  
28071 MADRID, Spain

EGOSCOZABAL Candido  
Ministerio Economía y Hacienda  
Subdirector General de  
Comercio Interior  
Castellana 162 - Plaieta 18  
MADRID, Spain

SWEDEN  
SUEDE  
SUECIA

HENRIKSSOON Rune  
Deputy Director General  
National Food Administration  
75126 UPPSALA, Sweden

BLOMBERG Barbro  
Head of International Secretariat  
National Food Administration  
75126 UPPSALA, Sweden

SWITZERLAND  
SUISSE  
SUIZA

ROSSIER Pierre  
Chef point de contact du Codex Alimentarius  
Haslerstrasse 16  
CH-3008 BERNE, Switzerland

DU BOIS Irina  
NESTEC S.A:  
55 av. Nestlé  
CH-1800 VEVEY, Switzerland

THAILAND  
THAILANDE  
TAILANDIA

SINSAKUL, Kanya  
Director, Certification Division  
Thai Industrial Standards Institute  
Rama 6 Road  
BANGKOK 10400, Thailand

PRACHIMDHIT Kundalee  
Ambassade de Thaïlande  
8 rue Greuze  
75116 PARIS, France

UDOMSITDHISETH Praneet  
Office of Commodity Standards  
Dept. of Foreign Trade  
Ministry of Commerce  
BANGKOK, Thailand

TURKEY  
TURQUIE  
TURQUIA

ELCI Ayhan  
Conseiller Agricole  
Délégation de Turquie auprès de l'OCDE  
9 rue Alfred Dehodencq  
75016 PARIS, France

UNITED KINGDOM

ROYAUME-UNI

REINO UNIDO

COCKBILL Charles

Head of Standards Division

Ministry of Agriculture, Fisheries  
and Food

Great Westminster House

Horseferry Road

LONDON SW1P 2AE, UK

KNOWLES Michael E.

Head of Food Science Division

MAFF

R 457

Great Westminster House

Horseferry Road

LONDON SW1P 2AE, UK

MILLAR Keith

Food Standards Division

Ministry of Agriculture, Fisheries  
and Food

Great Westminster House

Horseferry Road

LONDON SW1P 2AE, UK

UNITED STATES OF AMERICA

ETATS-UNIS D'AMERIQUE

ESTADOS UNIDOS DE AMERICA

HOUSTON Donald

Administrator

Food Safety and Inspection Service

USDA

WASHINGTON D.C., USA

COOPER Charles W.

Assistant Director

Center for Food Safety and Applied  
Nutrition

U.S. Food and Drug Administration

HFF 3, 200 C. St. SW

WASHINGTON D.C., 20204, USA

FELDBERG Charles

Vice-President

CPC International INC, Box 8000

ENGLEWOOD CLIFFS NJ 07632, USA

UNITED STATES OF AMERICA (cont'd)

GARDNER Sherwin

Vice President

Science and Technology

Grocery Manufacturers of America

1010 Wisconsin Ave, NW

WASHINGTON, DC 20007, USA

HOWELL Julia

Manager Regulatory Submissions

Coca-Cola Company

P.O. Drawer 1734

ATLANTA, Georgia 30301, USA

KIMBRELL Eddie

Chairman

Codex Alimentarius Commission

3064 S. Building

USDA, AMS

WASHINGTON, D.C., USA

NALLY Rhonda

Executive Officer for Codex Alimentarius

Food Safety and Inspection Service

U.S. Department of Agriculture

Room 335 E Adm. Bldg.

14th Independence Ave.

WASHINGTON D.C., USA

RONK Richard

Deputy Director, Center for Food Safety

FDA

200 CST SW

20204 WASHINGTON D.C., USA

OBSERVERS  
OBSERVATEURS  
OBSERVADORES

ASSOCIATION EUROPEENNE POUR LE  
DROIT DE L'ALIMENTATION (AEDA)  
EUROPEAN FOOD LAW ASSOCIATION  
(EFLA)

GERARD Alain  
Secrétaire Général AEDA/EFLA  
3 boulevard de la Cambre  
Bte 34  
BRUXELLES, Belgium

KERMODE G.O.  
3 boulevard de la Cambre  
Bte 34  
1050 BRUXELLES, Belgium

MESSER O.  
Président International  
Association Européenne pour le Droit  
de l'Alimentation/European Food Law  
Association  
KEHL-AM-RHEIN, R.F.A:

CHAMBRE SYNDICALE DE LA  
CONSERVE

THOMAS Georges  
Consultant  
44 rue d'Alésia  
75014 PARIS, France

CONFEDERATION DES INDUSTRIES AGRO-  
ALIMENTAIRES DE LA CEE

MOUTON Philippe  
Rue de Loxum 6  
B 1000 BRUXELLES, Belgium

CONFEDERATION EUROPEENNE DU COMMERCE  
DE DETAIL (CECD)

VAN EWYK AAD  
Food Law Adviser  
Avenue de la Joyeuse Entrée 11  
Bte 1  
BRUSSELS, Belgium

CONFEDERATION INTERNATIONALE DU COMMERCE  
ET DES INDUSTRIES DES LEGUMES SECS  
(CICILS/IPTIC)

GAUTHIER Jacques  
Délégué Général  
Bureau 286  
Bourse de Commerce  
75040 PARIS CEDEX 01, France

FEDERATION INTERNATIONALE DES PRODUCTEURS  
DE JUS DE FRUITS

DARDONVILLE Ph.  
Secrétaire Général  
10 rue de Liège  
75009 PARIS, France

FEDERATION INTERNATIONAL DES INDUSTRIES  
DU COMMERCE EN GROS DE VINS, SPIRITUEUX,  
EAUX-DE-VIE ET LIQUEURS (FIVS)

VALVASSORI Sergio  
Délégué  
113 boulevard Haussmann  
75008 PARIS, France

INTERNATIONAL FEDERATION OF GLUCOSE  
INDUSTRIES (IFG)

RAPP Ernst G.  
E. Claes 4  
B 1980 TERVUREN, Belgium

INTERNATIONAL FEDERATION OF GROCERY  
MANUFACTURERS ASSOCIATIONS (IFGMA)

FELDBERG Charles  
Vice-President  
CPC International INC  
Box 8000  
ENGLEWOOD CLIFFS NJ 07632, USA

GARDNER Sherwin  
Vice President  
Science and Technology  
Grocery Manufacturers of America  
1010 Wisconsin Ave, N.W.  
WASHINGTON D.C: 20007, USA

INTERNATIONAL ORGANIZATION  
FOR STANDARDIZATION (ISO)

CASTAN Gérard  
Directeur Politique et Orientation  
AFNOR  
Tour Europe  
Cedex 7  
92080 PARIS LA DEFENSE  
France

HELOIRE Marie-Christine  
Chargée de mission AFNOR  
Tour Europe  
Cedex 7  
92080 PARIS LA DEFENSE  
France

INTERNATIONAL TRADE CENTRE  
UNCTAD/GATT (ITC)  
SIERRA Enrique  
Senior Adviser on Quality Control  
Palais des Nations 1  
1211 GENEVA 10  
Switzerland

MARINALG INTERNATIONAL

PIOT Jean-Jacques  
Conseiller  
85 boulevard Haussmann  
75008 PARIS, France

OFFICE INTERNATIONAL DE LA VIGNE  
ET DU VIN (OIV)

FILHOL Dominique  
11 rue Roquépine  
75008 PARIS, France

CONSEIL DES COMMUNAUTES EUROPEENNES

ROBOTTI Luciano  
Administrateur  
Rue de la Loi 170  
BRUXELLES, Belgique

COMMISSION DES COMMUNAUTES EUROPEENNES

DEMINE Olga  
Administrateur Principal  
Direction Générale du Marché Intérieur  
et des affaires industrielles  
Rue de la Loi  
BRUXELLES 1040, Belgique

FRENCH SECRETARIAT

Secrétaire Général  
MARTIN Jean-Yves  
Inspecteur Principal de la Concurrence,  
de la Consommation et de la Répression  
des Fraudes  
13 rue Saint-Georges  
75436 PARIS CEDEX 09, France

WEILL Florence  
13 rue Saint-Georges  
75436 PARIS CEDEX 09, France

JOINT FAO/WHO SECRETARIAT

KAFERSTEIN F.  
Manager, Food Safety  
Division of Environmental Health  
World Health Organization  
CH-1211 GENEVE, Suisse

LADOMERY Leslie  
Food Standards Officer  
Joint FAO/WHO Food Standards Programme  
FAO, 00100 Rome, Italy

LUPIEN John  
Chief, FAO/WHO Food Standards Programme  
FAO, 00100 ROME, Italy

McNALLY Harry (Secretary)  
Senior Officer  
Joint FAO/WHO Food Standards Programme  
FAO, 00100 ROME, Italy

JOINT FAO/WHO SECRETARIAT (cont'd)

VIGNES Claude-Henri  
Conseiller juridique de l'OMS  
OMS  
GENEVE, Suisse

CONSULTANT

HANSON Leon  
Consultant  
7 Couchmore Avenue  
Hinchley Wood, Esher  
Surrey KT10 9AS  
UK

Welcoming Address of M. Edouard Balladur, Ministre  
d'Etat, Ministre de l'Economie, de Finances et de  
la Privatisation

(Read to the session by Professor Jean-Jacques Bernier)

Mr. Chairman of the Codex Alimentarius Commission, Ladies and Gentlemen.

I am happy to welcome you to the Eighth Session of the Codex Committee on General Principles.

I am going to read to you, on behalf of the French Government, the welcoming address sent by Mr. Edouard Balladur, Ministre d'Etat, Ministre de l'Economie, de Finances et de la Privatisation.

"Mr. Chairman, Ladies and Gentlemen,

The French Government is happy to host, on these premises, the 8th Session of the Codex Committee on General Principles. Although they are not very frequent - the last one was held in 1981 - the meetings of this Committee have always marked very important stages in the philosophical approach and in the development of the working methods, and the general directions of work of the Joint FAO/WHO Codex Alimentarius Commission.

- Protecting the health of the consumers,
- Ensuring fair practices in the food trade,
- Facilitating trading of food products.

These are the fundamental purposes of the Codex Alimentarius. These objectives were endorsed by the Director-General of FAO in 1961 during the 11th Session of the Conference of this organization which was created in 1945.

At that time, given the worldwide increasing interest for new solutions to international food trading problems, the Member Governments of FAO and WHO decided to promote an international initiative aimed at eliminating non-tariff barriers stemming from the variety of legislation and national food standards. They underlined the need to take or maintain measures to protect consumers' health.

These objectives were similar to those stated by Stanley Bruce, a forerunner of FAO, in a speech to the League of Nations, when he declared that FAO should evaluate the advantages of increasing the protection of foods for public health reasons and should find out how this could help in solving the crisis in agriculture.

In the early 1930s, nutritionists spoke in favour of an increase in consumption, while economists wanted to reduce production. This paradox constituted an important field of interest for the League of Nations: in 1937, it issued a report on the relations between nutrition and health, agriculture and economic policies.

During the war, the United Nations was set up. One of its main objectives was to provide everyone in the world with a sound and healthy diet.

So food was the first economic question the United Nations had to deal with. The first meeting on Food and Agriculture was held in Hot Springs (USA) in 1943. Forty four governments were represented.

During this meeting it was agreed that governments had to protect the consumers by means of food legislations prohibiting any addition of impurities in food or adulteration of food products, as well as unfair competition and trade practices. It was recommended that the future FAO should help the governments to establish composition and purity standards for all important food products. The FAO was also invited to elaborate and adopt international standards aimed at facilitating trade.

However, many years passed before anything was done.

All these ideas were revived in 1958 in Paris with the creation of the European Council of the Codex Europeus. This Council was to be the forerunner of the Codex Alimentarius Commission which was to follow. France is proud to have participated in the first moves initiated by governments to internationalise consumers' protection.

The proposition of creating a Joint FAO/WHO Programme on Food Standards was not adopted until 1962, during the Joint FAO/WHO Conference on Food Standards.

The main purposes of this Programme were the same as had been proposed in Hot Springs:

- Eliminating non-tariff barriers stemming from the disparity of national food legislations
- protecting the consumers from health hazards and prevent fraud.

France was, and still is, very interested in these purposes.

Indeed, France adopted long ago the general principles of the Commission of the Codex Alimentarius. They were included in the French Law at the beginning of this century.

To be precise it was in 1905 that a law was promulgated to protect the consumers' health and ensure fair practices in trade. The fundamental principles of this law are still in force.



The Codex Alimentarius adopted the same principles in order to generalize them. It was logical then, that France should participate actively in, and support, the work of the Codex.

After a number of international meetings on medicine, pharmacy, hygiene and chemistry, France hosted a meeting on prevention of fraud in 1909. The meeting carried on with the work of the "Société Universelle de la Croix Blanche", created in Switzerland, which was supposed to become a kind of Red Cross for food matters.

During these meetings a certain number of accomplishments were made, including the internationalisation of food definitions and the fixing of fundamental principles such as "positive lists" of food additives.

From the beginning of this century, France has adopted efficient juridical procedures for the establishment of specifications for food manufacturers, processors and traders. These specifications set real rules for fair practices for traders. They provide for true competition and protect the consumers from fraud and product alteration.

However, because of the evolution of diet habits and ways of living and the development of industrially produced foods, it is now necessary to set more precise policies on food matters, and bring together people from different social and economic backgrounds as well as from the scientific community instead of driving them apart.

This is why in 1985 the French Government decided to create a "Conseil National de l'Alimentation" which was set up in 1986.

The Council does not replace the existing authorities in the scientific and technical fields. It comprises members from associations of consumers and farmers, and from the processing, trading and catering sectors as well as from trade unions of workers from the food industry. Other members come from research institutions or participate in the Council as experts.

The Council will give its advice on the setting and on the general direction of food policy, including:

- food security
- food quality
- consumers' information

These questions are also part of the work of the Codex Alimentarius and particularly of this meeting.

This is why the French Government had decided to designate one person as chairman of both the "Conseil National de l'Alimentation" and the National Committee of the Codex Alimentarius. Professor Bernier will lead your work until the end of this week.

The agenda of this meeting shows that once again the Committee on General Principles is going to examine a number of questions which are fundamental for the future of international food standardization.

The Codex Alimentarius has been working and elaborating standards for 25 years. It is time now to take stock and make choices for the future.

Many questions which are fundamental for the strategy of the Commission of the Codex Alimentarius are going to be closely examined: legal procedures, working methods, organization, content and format of standards and list of products needing standardization.

Another important question is the relations between the Codex Commission and the EEC. I know that the work of the Codex is very interesting for the EEC and I am happy to see that the relations between these organizations keep improving.

France is very interested about everything that pertains to the EEC. But I think also that it is necessary to make sure that all international organizations with similar purposes and whose objective is to improve the trading of food products, the economic development of disadvantaged regions and the security of food from a qualitative as well as a quantitative point of view, work in a coherent and complementary way.

I hope that your work will be as fruitful as possible and that it will lead up to the most constructive and efficient proposals.

Before you begin your work, I would like to apologize for having organized this meeting in a place which may seem very far from the centre of Paris, although transport is fast and easy.

It was not possible to hold the meeting in the beautiful premises of the Ministère des Affaires Etrangères as has been the normal practice in the past as the premises were not available.

Although our meeting in this temple of standardization was not planned, I would like to think that it is the symbol of the mutual esteem which exists between the Commission of the Codex Alimentarius and ISO - the Association Française de Normalisation being a very active member of the latter.

Of course, there are important differences between the two Organizations, in their legal status as well as in their working methods and objectives.

It is true that the Codex works more on the harmonisation of legislations than on standardization "stricto sensu".

But it is obvious that the action of the two Organizations can be developed in a complementary way.

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Summary of Points for inclusion in the Revised Guidelines

1. Governments should ensure that the information in the Codex Alimentarius reflects the up-to-date position. When changing national laws or practices the need for a notification to the Codex Secretariat should always be kept in mind.

2. The Codex procedures for elaboration of standards enables governments to participate at all stages. Governments should be able to make an early response to the issue of a Codex standard and should do their utmost to be ready to do so.

Obligations: nature of response

3. The essential difference between acceptances and notifications of free distribution is that a country which accepts, undertakes to enforce the Codex standard and to accept all the obligations set out in the General Principles subject to any specified deviations.

Methods of Analysis and Sampling

4. Section to be included based on decisions taken.

Labelling

5. Governments to be exhorted to use the revised General Standard as a basis for their national legislation and to keep differences to an absolute minimum especially those of detail or minutiae. Governments should observe the footnote to the Scope section and should ensure that all compulsory provisions relating to presentation of information which are additional to, and different from, those in the standard should be notified. Any other compulsory provisions in national legislation should also be notified if they are not provided for in the Codex standard.

ALINORM 87/33  
Appendix IV

ACCEPTANCE PROCEDURE FOR CODEX STANDARDS

GUIDELINES

The importance of a response to every notification

1. The Codex Alimentarius is the record of Codex Standards and of acceptances or other notifications by Member Countries. It is revised regularly to take account of the issue of new or amended standards and the receipt of notifications from governments. It is important that governments respond to every issue of new or amended standards. Governments should aim at giving formal acceptance to the standards. If acceptance or free circulation cannot be given unconditionally, the deviations or conditions, and the reasons, can be included in the response. Early and regular responses will ensure that the Codex Alimentarius can be kept up-to-date so as to serve as an indispensable reference for governments and international traders.
2. Governments should ensure that the information in the Codex Alimentarius reflects the up-to-date position. When changing national laws or practices the need for a notification to the Codex Secretariat should always be kept in mind.
3. The Codex procedure for elaboration of standards enables governments to participate at all stages. Governments should be able to make an early response to the issue of a Codex standard and should do their utmost to be ready to do so.

The Codex Alimentarius - not a substitute for, or alternative to, referring to national legislation

4. Every country's laws and administrative procedures contain provisions which it is essential to understand and comply with. It is usually the practice to take steps to obtain copies of relevant legislation and/or to obtain professional advice about compliance. The Codex Alimentarius is a comparative record of the substantive similarities and differences between Codex Standards and corresponding national legislation. The Codex Standard will not normally deal with general matters of human, plant or animal health or with trade marks. The language which is required on labels will be a matter for national legislation and so will import licences and other administrative procedures.
5. The responses by governments should show clearly which provisions of the Codex Standard are identical to, similar to or different from the related national requirements. General statements that national laws must be complied with should be avoided or accompanied by details of national provisions which require attention. Judgement will sometimes be required where the national law is in a different form or where it has different provisions.

### Obligations under the Acceptance Procedure

6. The obligations which a country undertakes under the acceptance procedure are included in paragraph 4 of the General Principles. Paragraph 4A(1)(a) provides for free distribution of conforming products, 4A(1)(b) with the need to ensure that products which do not conform may not be distributed "under the name and description laid down." Paragraph 4A(1)(c) is a general requirement not to hinder the distribution of sound products, except for matters relating to human, plant or animal health, not specifically dealt with in the standard. Similar provisions are included in Acceptance with Specified Deviations.

7. The essential difference between acceptances and notifications of free distribution is that a country which accepts, undertakes to enforce the Codex standard and to accept all the obligations set out in the General Principles subject to any specified deviations.

8. The Codex Committee on General Principles (CCGP) and the Commission (CAC) have reviewed the acceptance procedure and notifications by governments on a number of occasions. While recognizing that difficulties can arise from time to time in reconciling the obligations of the acceptance procedure with the laws and administrative procedures of a Member Country, the CCGP and the CAC have determined that the obligations are essential to the work and status of the CAC and that they should not be weakened in any way. The purpose of these guidelines therefore is to assist governments when they are considering how, in the light of the objectives of the acceptance procedure, to respond to Codex Standards.

### The return of the response

9. The principal decision which is required is whether to notify an acceptance according to one of the methods prescribed, a non-acceptance or a declaration of free circulation as provided for in 4B. Free circulation does not carry with it the obligation to prevent non-conforming products from being circulated, and it may be useful in cases where there is no corresponding national standard and no intention to introduce one. If time will be necessary, for example, to change laws or practices, in order to give an acceptance, it would be helpful to send an interim response of free circulation or target acceptance.

### The need for an informed, responsible judgement when comparing the Codex Standard with national laws

10. There will be some occasions when the detail in the Codex Standard is identical with national laws. Difficulties will arise however when national laws are in a different form, contain different figures or no figures at all, or in cases where there may be no standard in the country which corresponds in substance to the Codex Standard. The authority responsible

for notifying the response to the CAC is urged to do its best to overcome any such difficulties by the exercise of its best endeavours and to respond, after such consultations as may be appropriate with the national organizations. The grounds on which the judgement has been based can be made clear in the notification. It may well be that they will not be such as to justify an acceptance, because of the obligations to stop the distribution of non-conforming products, but a statement of free circulation should be possible on the basis of the facts and practices of each case. If there was a court decision or change in the law or practice subsequently, an amending response should be made.

#### Presumptive standards

11. A presumptive standard is one which is assumed to be the standard in the absence of any other. (A presumption in law is the assumption of the truth of anything until the contrary is proved). Some countries have said that a Codex MRL is the presumptive limit for a pesticide residue. Countries may be able and willing to regard a Codex Standard as the presumptive standard in cases where there is no corresponding standard, code of practice or other accepted expression of the "nature, substance or quality" of the food. A country need not apply the presumption to all the provisions of the standard if the details of its additives, contaminants, hygiene or labelling rules are different from those in the standard. In such a case the provisions in the Codex Standard defining the description, essential composition and quality factors relating to the specified name and description could still be the presumptive standards for those matters.

12. The justification for regarding the Codex Standard as a presumptive standard is the fact that it is the minimum standard for a food elaborated in the CAC "so as to ensure a sound, wholesome product free from adulteration, correctly labelled and presented". (General Principles, Paragraph 3). The word minimum does not have any pejorative connotations: it simply means the level of quality and soundness of a product judged by consensus to be appropriate for trade internationally and nationally.

13. Whether a presumptive standard would merit an acceptance would depend on whether the country concerned could say that non-conforming products could not be distributed under the same name and description laid down in the standard. However it would enable a declaration of free circulation to be made and countries are asked to give the idea serious consideration.

#### Format and Content of Codex Standards

14. Scope. This section, together with the name of the standard and the name and description laid down in the labelling section, should be examined in order to assess whether the obligations of the acceptance procedure can properly be accepted.

15. Description, essential composition and quality factors. These sections will define the minimum standard for the food. They will be the most difficult

to address unless by chance the details are virtually identical (i.e. ignoring significant matters of editorial expression or format). However, a country which has taken part in the elaboration of the standard either by attending the meetings or by sending comments under the Step procedure has, no doubt, consulted national organizations on the extent to which the draft provisions in the standard would be acceptable nationally. This factual information needs to be turned into a formal response when the standard is sent out for acceptance. Countries are asked to do their best to exercise an informed judgement on lines discussed in Paragraph 7 above. Some of the quality criteria e.g. allowances for defects may represent good manufacturing practice or be left to trade contracts. This will have to be taken into account. A free circulation response ought to be possible in most cases.

#### Food Additives

16. The food additives included in the standard have been assessed and cleared by JECFA. The Commodity Committee and the CCFA have assessed technological need and safety-in-use. If national laws are different, all the detailed differences should be reported. It should be borne in mind, however, that the aim of international food standardization work is to harmonize policies and attitudes as much as possible. Therefore every effort should be made to keep deviations to the minimum.

#### Contaminants

17. If national limits apply they should be quoted if not the same as those laid down in the Codex Standard. Where general laws about safety, health or nature of the food apply, the limits quoted in the standard could properly be regarded as representing those which are unavoidable in practice and within safety limits.

#### Hygiene and Weights and Measures

18. If national requirements are different they should be reported.

#### Labelling

19. The revised General Standard for the Labelling of Pre-Packaged Foods represents the international consensus of the information to be included on the labels of all foods and the labelling section of a Codex standard contains the relevant general provisions together with those considered necessary for the food in question.

20. The revised General Standard will soon be issued to governments for acceptance. Governments are urged to respond to it as soon as possible after issue and as comprehensively as possible.

21. Governments are exhorted to use the revised General Standard as a basis for their national legislation and to keep differences to an absolute minimum especially those of detail or minutiae. Governments should observe the footnote to the Scope section and should ensure that all compulsory provisions relating to presentation of information which are additional to, and different from, those in the standard should be notified. Any other compulsory provisions in national legislation should also be notified if they are not provided for in the Codex standard. The labelling provisions in Codex standards will be revised as soon as possible and will include sections of the revised General Standard by reference. When accepting a revised Codex commodity standard, a country which has already accepted and responded to the general labelling standard can then refer to the terms of that acceptance in any subsequent responses. As much specific information as is relevant and helpful should be given. In particular, this should include the name and description relating to the food, the interpretation of any special requirements relating to the law or custom of the country, any additional details about presentation of the mandatory information and detailed differences if any in the labelling requirements e.g. in relation to class names, declaration of added water, declaration of origin. It will be assumed that the language(s) in which the particulars should be given will be as indicated by national legislation or custom

#### Methods of Analysis and Sampling

22. The obligations which a country assumes in accepting the various types of Codex methods of analysis included in Codex standards are as follows:

- (a) Codex Defining Methods of Analysis (Type I) are subject to acceptance by governments just as are the provisions which they define and which form part of Codex standards.

"Full acceptance" of a Codex Defining Method means the acceptance that the value provided for in a Codex standard is defined by means of the Codex method. In determining compliance with the value in the Codex standard, governments undertake to use the Codex Defining Method, especially in cases of disputes involving the results of analysis.

"Non-acceptance" of Codex Defining Method or acceptance of Codex standards with substantive deviations in the Codex Defining Methods means acceptance of the Codex standard with specified deviation.

- (b) The "acceptance" of Codex standards containing Codex Reference Methods of Analysis (Type II) means the recognition that Codex Reference Methods are methods the reliability of which has been demonstrated on the basis of internationally acceptable criteria. They are, therefore, obligatory for use, i.e. subject to acceptance by governments, in disputes involving the results of analysis.



"Non-acceptance" of the Codex Reference Method or acceptance of Codex standards with substantive deviations in the Codex Reference Methods for use in disputes involving methods of analysis, should be taken to mean acceptance of the Codex standard with specified deviation.

- (c) The "acceptance" of Codex standards containing Codex Alternative Approved Methods of Analysis (Type III) means the recognition that Codex Alternative Approved Methods are methods the reliability of which has been demonstrated in terms of internationally acceptable criteria. They are recommended for use in food control, inspection or for regulatory purposes.

"Non-Acceptance" of a Codex Alternative Approved Method does not constitute a deviation from the Codex standard.

- (d) Since the reliability of the Tentative Methods (Type IV) has not yet been endorsed by the Codex Committee on Methods of Analysis and Sampling on the basis of the internationally accepted criteria, it follows that they cannot be regarded as final Codex methods. Type IV methods may, eventually become Type I, II or III methods with the resultant implications regarding the acceptance of Codex methods. Type IV methods are, therefore, not recommended as Codex methods until their reliability has been recognized by the CCMAS. They may be included in draft Codex standards or in Codex standards provided their non-approved status is clearly indicated.

#### Summary

23. Governments are urged to respond to every issue of Codex standards. The inclusion of responses in the Codex Alimentarius will enable the CAC and member governments to address the question of closer approximation of international and national requirements. Governments are urged to take the Codex standard fully into consideration when changing their national laws. The Codex Alimentarius will always be an invaluable reference for governments and for international traders although national legislation must always be consulted and complied with.

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