

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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Foodagri

Agenda Item 8

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CODEX ALIMENTARIUS COMMISSION

Eleventh Session, Rome, 29 March - 9 April 1976

REPORT OF THE FIFTH SESSION OF THE CODEX COMMITTEE
ON GENERAL PRINCIPLES

Paris, 19-23 January 1976

INTRODUCTION

1. The Fifth Session of the Codex Committee on General Principles was held in Paris from 19 to 23 January 1976 under the chairmanship of Mr. G. Weill (France), who opened the session and welcomed the delegates. The session was attended by 88 delegates and observers from 27 countries and 8 international organizations. The list of participants is attached as Appendix I to this Report.

2. In his opening remarks, the chairman reviewed the progress of the development of the thinking and philosophy behind Codex work, drawing particular attention to certain provisions in the Statutes and in the General Principles of the Codex Alimentarius which were especially relevant to some of the items to be discussed at the current session. He recalled the basic objectives of the Commission's work in the development of international food standards and thought that the Committee might wish to consider the extent of progress to-date in the accomplishment of these objectives. He also outlined how the Commission's work had been broadened in recent years to meet the needs of developing countries which now constituted more than two-thirds of the membership of the Commission.

Adoption of Agenda

3. The Committee unanimously adopted the provisional agenda.

Consideration of the Question of Establishing Criteria for Drawing a Line of Demarcation between meaningful Acceptance and Non-Acceptance in Relation to "Acceptance with " Specified Deviations"

4. The Committee had before it document CX/GP 75/1 prepared by the Secretariat, which summarized the views expressed at the Committee's Fourth Session for and against the establishment of criteria for the purpose mentioned above, together with the reasons there for. The Committee also had before it documents CX/GP 76/3 and Addendum 1 containing the comments of governments on certain specific points listed in CX/GP 75/1 in connection with the question of establishing demarcation criteria.

5. As at the Fourth Session of the Committee, some delegations continued to see merit and advantage in establishing demarcation criteria, whilst others continued to see no need for such criteria. However, at the present session, those in favour of the need for establishing criteria were agreed that the criteria would be solely for the purpose of offering guidance to governments in choosing between acceptance with specified deviations and non-acceptance. Thus the discussion on this subject was pursued on the clear understanding that the use of such criteria by the Commission, with the implication that the Commission might, if called upon, express a view on a country's declared position, was not contemplated at this stage.

6. In addition to those arguments in favour of the development of demarcation criteria recorded in paragraph 6 of document CX/GP 75/1, the following points in favour of such criteria were made at the present session:

- (a) Uniformity of approach by Governments is fundamental to any form of international Standardization. The absence of demarcation criteria could lead to the anomaly that some countries might decline to notify acceptance of a standard because of a few specified deviations, whilst other countries might accord the same standard acceptance with extensive specified deviations. Thus an important element relating to standardization would be missing.
- (b) It can be difficult to decide between acceptance with specified deviations and non-acceptance. The absence of guidance to governments in the form of demarcation criteria could result in the receipt of a lesser number of positive responses from governments than might be the case if such guidance were available to them. Conversely the existence of demarcation criteria could accelerate the notification of acceptances.
- (c) The absence of demarcation criteria could result in a situation where some governments might be so liberal in their interpretation of what would be generally acceptable under and consonant with "Acceptance with Specified Deviations" that this might have undesirable repercussions on the work of developing standards in Codex Commodity Committees. In other words, the absence of demarcation criteria might lead to less earnest and meaningful discussions in Commodity Committees and, to some extent, undermine, under the guise of a form of acceptance, hard-won agreements in those Committees.
- (d) It is better to give guidance now, in the form of demarcation criteria, and possibly prevent a situation arising in the future which might vindicate the fears of those in favour of establishing such criteria. To wait until later to deal with this matter ignores the likelihood that by then it may be difficult if not impossible to induce governments to alter their previously notified positions.

7. In addition to those arguments against the establishment of demarcation criteria recorded in paragraphs 7 and 8 of document CX/GP 75/1, the following additional points against the need for such criteria, or against the need for them at this stage, were advanced at the present session:

- (a) Acceptance with specified deviations is a method of acceptance which is not long in existence, having been adopted by the Commission only at its last session. It is necessary to allow adequate time to see how governments will utilize this method of acceptance. The extent to which governments have made use of this method of acceptance up to now is rather limited. Therefore, no opinion, based on evidence,

can be formed at this stage on the question of whether any of the fears of those who favour the establishment of criteria are likely to be realized.

- (b) It should not be assumed in advance that there would be difficulties with this method of acceptance. Rather it would be more appropriate to assume that governments will exercise their judgement in choosing between acceptance with specified deviations and non-acceptance. Thus to embark on the establishment of criteria to meet a problem which may not arise is an unjustified exercise at this stage, in the absence of any evidence to suggest that there is likely to be a problem.
- (c) The introduction of demarcation criteria at this stage might cause more problems than it would solve. It is better to see whether a problem exists before attempting to solve it.
- (d) Even if there was agreement in principle on the desirability of establishing criteria, the nature of such criteria would, at this stage, have to be expressed in very broad terms. There could be no question of establishing anything in the nature of detailed criteria at this stage.

8. As the discussions progressed, there was general agreement that the question of whether there might be problems arising from specified deviations could best be looked into if the Secretariat were to prepare a document for the next session of the Committee, reviewing all acceptances with specified deviations. The document should be drawn up in such a way as to facilitate the reaching of a conclusion on whether, in the light of the nature of the deviations specified, there was a need to elaborate demarcation criteria for the guidance of governments. In this connection, it would be open to the Secretariat to put forward suggestions or recommendations to the Committee on the basis of an analysis of acceptances.

9. There was also general agreement that the main thing at this stage was to obtain more responses from governments and, in this connection, the suggestion was made that there should be some sort of moral obligation on governments to reply by fixing a period of time for the receipt of replies.

10. On the question of criteria to assist governments with the interpretation of acceptance with specified deviations, if required, the Committee, without going into details, agreed in principle with the following proposals which had been put forward by the delegation of Australia:

- “(a) completed standards represent compromise between participating Governments in the interests of achieving international standards that will facilitate trade while at the same time protecting the health of the consumer and preventing fraudulent or unfair practices.
- (b) The objectives of the Commission and in particular the harmonization of food standards cannot be achieved if individual countries adopt standards which are significantly different from the Codex Recommended Standards. It would be unrealistic, however, not to recognize that differences in food habits, consumer tastes and local customs or even political considerations may require modification of standards in individual countries.
- (c) To meet both points in para (a) above deviations should not be such that the intrinsic nature of the food, its presentation to the consumer and the

consumer's expectations of it are significantly different from those contemplated in the Codex standard. Above all the deviations should not give the opportunity for exposure of the consumer to additional health risks. At the same time deviations should not be such that significant barriers to the free flow of trade in the commodity are erected."

11. In addition, the Committee took note of specific demarcation criteria which had been proposed by Australia and Switzerland for consideration by the Committee. During the course of the discussion, the delegation of Denmark, maintaining their position that there was no need for criteria, withdrew the idea suggested in their document of a "negative list" of criteria from which it would not be possible to deviate without destroying the concept of the standard. Without taking a stand on the advisability of establishing criteria for demarcation for the reasons given in the preceding paragraph, the Committee, without expressing its views on the advantages or otherwise of the lists, decided to include in its report the proposed two lists of criteria offered by the Delegations of Australia and Switzerland, to illustrate some of the matters which, in the opinion of these countries, might serve as guidance to assist governments in determining whether a specified deviation constituted merely a deviation or might, in fact, constitute non-acceptance of a standard. These two lists of deviations are as follows:

Australia

"For the purpose of the Codex Alimentarius any acceptance with specified deviations should not include deviations extending beyond the following:

- (a) the use of a name not provided for in the standard in accordance with local usage for identical product.
- (b) The use of styles and forms of packs additional to those specified in the standard provided those additions are described in complete detail.
- (c) slight variations to defect tables.
- (d) The most basic parts of the product description and essential composition and quality factors in such a way as not to vary the fundamental nature of the food.
- (e) The restriction of the use of additives specified in the standard, in full or in part including limits of use, or the authorisation of other additives provided that any such adulteration would not change the fundamental character of the food or impose limitations on its production, storage and keeping qualities. Additional additives must be included in Codex List A.
- (f) The imposition of supplementary labelling requirements currently in force in national legislation in the country concerned.
- (g) The use of methods of analysis and sampling other than Codex referee methods and not including methods specified in Codex standards for the purpose of defining or verifying particular essential composition and quality factors.

Switzerland

"Deviations would be possible as regards the following sections;

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| Section 4 | Food Additives | as to everything, as long as it is in compliance with Codex |
| Section 8 | Labelling | as to the name of the product and the list of ingredients |
| Section 9 | Methods of Analysis and Sampling | as to the extent that other methods may be used for domestic purposes." |

Consideration of the Question of Establishing Criteria for Determining when it is Appropriate to publish in the Codex Alimentarius a Recommended Codex Standard

12. The Committee had before it document CX/GP 76/3 and Addendum I containing the comments of governments on the above question, which had been referred back to the Committee for consideration by the Commission at its Eleventh Session. Under Step 11 of the Procedure for the Elaboration of Codex Standards, it was envisaged that recommended standards would be published in the Codex Alimentarius as world-wide Codex standards when the Commission determined that it was appropriate to do so in the light of the acceptances received. Thus the Codex Alimentarius would be a collection or compendium of Step 9 Standards which would, following a decision to publish them in the Codex Alimentarius, be designated as Codex standards. The Codex Alimentarius would also contain an appendix for each Codex standard (a) listing the countries in which products conforming with such standards could be freely distributed, and (b) where applicable, stating in detail all specified deviations which might have been declared by any accepting country.

13. Under Step 10, the Secretariat was required to publish periodically the notifications received from governments with respect to each recommended standards. Step 10 fulfilled the function of keeping Member Governments and industry informed of progress regarding acceptance of the recommended standards and, in addition, the Secretariat had designed forms which are intended to assist Governments in declaring their positions on acceptances and which were also intended, amongst other things, to elicit information on the implementation of acceptances. In the circumstances, the Secretariat invited the Committee to consider whether an adequately useful purpose would be served, in relation to the costs involved, of continuing to think of the Codex Alimentarius as a separate publication to be produced sometime in the future, more especially as it would consist largely of recommended standards already published as booklets and widely distributed.

14. The Committee noted that under the Statutes of the Codex Alimentarius Commission, the purpose of the Joint FAO/WHO Food standards Programme included "finalizing standards elaborated under (c) above and, after acceptance by governments, publishing them in a Codex Alimentarius either as regional or world-wide standards ...". The Committee further noted that under the General Principles of the Codex Alimentarius, the Codex Alimentarius was defined as "a collection of internationally adopted food standards presented in a uniform manner."

15. The Committee agreed that, in view of the number and extent of acceptances received so far, it would be premature at this stage to contemplate the establishment of criteria for determining when it is appropriate to publish a recommended standard in the Codex Alimentarius.

16. The Committee stressed that what was really essential was to have the maximum amount of information from governments regarding their response to and

action on step 9 standards sent to them for acceptance. In this connection the Committee was pleased to note that the Secretariat had devised the forms referred to in paragraph 13 above, which were intended to assist governments in notifying acceptances. The Committee agreed that these forms should be appended to this Report. (See Appendices II, III and IV).

17. The Committee noted that it was the intention of the Secretariat to consider how best to present regularly to governments information concerning acceptances. Among the matters under consideration was a simple loose-leaf presentation of acceptances on a standard by standard basis. It was pointed out that these arrangements would be instituted as soon as practicable after the Eleventh Session of the Commission. The Committee concluded that it was premature now to consider the ultimate form of the Codex Alimentarius itself.

Code of Ethics for the International Trade in Food

18. The Committee had before it document CX/GP 76/5 containing the views of governments on the feasibility of elaborating a code of ethics for the international trade in food. The Committee also had before it a document on the feasibility of adapting the Draft General Standard for food, which was set forth in ALINORM 72/27, in such a way as to serve the same purpose as a code of ethics. This document (CX/GP 76/7) had been prepared by the delegation of the United Kingdom, at the request of the Tenth Session of the Commission. The United Kingdom had come to the conclusion, in the light of past discussions on the idea of a General Standard and more especially taking into account the controversial proposal of control over exports, which was being advanced as an important element of a code of ethics, that there would be little or no prospect of reaching international agreement on an adapted version of the Draft General Standard. The United Kingdom delegation recommended, therefore, that the idea of re-examining the Draft General Standard, for the purpose of adapting it to meet the sort of objectives sought to be achieved in a code of ethics, should not be pursued. The Committee accepted this recommendation.

19. The discussion on the question of establishing a code of ethics was facilitated by the fact that the United Kingdom paper referred to above had, over and above the work assignment which had been given to the United Kingdom delegation at the Tenth Session of the Commission, analyzed and summarized the views of governments on this matter. The Committee was also informed that the subject of the establishment of a code of ethics had been raised at the Joint FAO/WHO Food Standards Regional Conference for Asia, held in Bangkok in December 1975. The Conference had indicated that it looked forward with great interest to the recommendations of the Codex Committee on General Principles on this subject, to which the Conference attached the utmost importance,

20. Recommendation No. 82 of the United Nations Conference on Human Environment (Stockholm, June 1972) had requested the Codex Alimentarius Commission to develop a code of ethics for the international trade in food. This request was based on the fact that many developing countries faced and continued to face serious consumer protection problems in the food field. The problems arose from the absence or inadequate development of modern food law and regulations and food control facilities. The nature and seriousness of the problems varied from continent to continent and indeed from country to country. Some developing countries have a modern food law, but lacked the means of enforcing it adequately. However, there were

still a significant number of developing countries which have neither a modern food law nor the means of enforcing it.

21. The Committee appreciated and was sympathetic to the basic problems which had given rise to the proposal for the development of a code of ethics. Whether the establishment of a code of ethics was the best way or indeed even a practical way to deal with the problem was a matter on which many delegations had views to express. There was general agreement that the only really satisfactory way of ensuring proper consumer protection would be for the developing countries to establish or up-date their food laws and regulations and to set up or strengthen their food control facilities. Self protection was the best protection. It was noted that developing countries could take advantage of much of the Codex Alimentarius Commission's work such as the Codes of Practice, Food Regulations and Standards in working to this goal also. The Committee took note of the considerable range of food control projects and activities in several developing countries and in different continents under FAO and WHO auspices. Because of the time required however the Committee considered that the proposal to establish a code of ethics should be looked upon as a suggested interim measure of protection pending the establishment of food control systems in countries at present lacking them. Consideration of the proposal should not divert the attention and effort of all concerned from working towards what was the real and most efficacious answer to the problem which, in the Committee's view, was action at the national level, with assistance from intergovernmental organizations such as FAO and WHO, to develop adequate food control systems.

22. Having placed the proposal in what it considered to be its proper perspective, the Committee proceeded with its discussion. The great majority of delegations thought that the notion that a country should not permit the export of a product which it would not permit to be marketed domestically under national legislation was fraught with so many difficulties as to be impracticable. It was, however, pointed out by Sweden and Austria that it would be essential to maintain the notion that exported food products should meet at least the hygienic requirements of the exporting countries. The delegation of Senegal supported this view. A number of delegations illustrated trading difficulties and unfair competition which could result from the implementation of such an idea. In most countries food legislation was aimed at the protection of national consumers. There were export regulations in several developed countries, but the range of commodities covered was often limited. In several developed countries, there would be neither the full range of necessary legislation nor the required manpower to monitor food exports in general. In a situation where one exporting country accepted the obligations of such a code and another - a competitor - did not, unfair competition could arise where the two countries were exporting to a country which had no legislation governing the importation of the product concerned or which had not accepted a Codex standard for the product.

23. The point was made by one delegation that in the absence of acceptances of Codex standards or in the absence of comparable national standards, the code of ethics would be of little or no value except perhaps in an area such as food hygiene. Another delegation drew attention to the possibility of such a code acting in restriction of trade and possibly even resulting in waste if it were to place obstacles in the way of food exports which, whilst they might be sub-standard compositionally, presented no risks to the health of consumers. The Committee was informed by the Secretariat that in the administration of food aid schemes in FAO and the World Food Programme, due regard was given to the quality and compositional aspects of Recommended Codex Standards.

24. The Committee thought that the proposals of the U.S.A. and Tunisia, as recorded in the paper containing government comments, would provide a good basis for a code of ethics. It was the general view in the Committee that stress should be laid on the matter of food hygiene. Some delegations thought that the proposed code should be conceived of as a set of principles - a set of moral principles. One delegation thought these principles could be included in the General Principles of the Codex Alimentarius. Others thought in terms of a code of practice. The Committee attached importance to the question of the procedure which would be followed in the elaboration of the code. Most delegations were opposed to a step procedure which might result in governments being asked formally to accept the code. The majority saw the code as constituting moral or ethical guidance to Member Governments. One delegation favoured the adoption of a Resolution.

25. Thus the overwhelming view in the Committee was that the code should be proceeded with, even if at this stage difficulties were foreseen and there was no agreement on the content or form it should take. The practical steps decided upon by the Committee were as follows.

26. The Secretariat indicated that it would arrange, with funds provided by the United Nations Environment Programme (UNEP), for a consultant to prepare a first draft of a code. The draft would be sent to Member Governments for their comments. The draft plus the comments would be considered by a Working Party, which the delegation of the Federal Republic of Germany had suggested be established. The Working Party would meet for the first two days of the next session of the Committee. The recommendation of the Working Party would be reviewed in plenary by the Committee. It was recognized that it would be advantageous if arrangements could be made to have also the views of the Regional Codex Co-ordinating Committees on the draft code.

Consideration of Proposals of France regarding Format and possible types of Codex Standards

27. The Committee had before it document CX/GP 74/8, which had been prepared by the delegation of France and which, for lack of time could not be considered by the Committee at its Fourth Session. Also before the Committee were documents CX/GP 76/4 and Addenda 1 and 2, containing the comments of governments on the proposals in the French paper mentioned above. In addition the delegation of the U.S.A. had prepared a paper setting forth its views on multiple quality (grade) standards (CX/GP 75/2).

28. The delegation of France introduced the subject and indicated that the comments of France in document CX/GP 76/4, Add. 1 constituted a refinement of the thinking behind the proposals contained in document CX/GP 74/8. The delegation of France explained the spirit in which its proposals had been formulated. Given the present position regarding the acceptances of recommended standards, the first aim of the proposals was to facilitate and accelerate acceptances by governments, by presenting for the consideration of the Committee various suggestions for simplified standards or multiple standards as might be appropriate to the product concerned. The second aim of the proposals was to achieve greater flexibility in the elaboration of standards. The delegation of France indicated that, in this regard it was not its intention to propose any amendments to the Procedural Manual, as the Commission and governments would need time to evaluate the effectiveness of the new method of acceptance with specified deviations.

29. Many delegations, whilst thinking that simplified standards might lead to more expeditious agreement on the content of the standards and possibly numerically more acceptances, considered that less might be achieved in the long run by simplified standards as a means of achieving the goal of international harmonization of food legislation. On the other hand, the Committee thought that the idea of greater flexibility, as had been suggested by France, was one which Codex Commodity Committees should have regard to when embarking upon new subjects or encountering a complex problem as a result of adhering too rigidly to the Format for Codex Standards in the Procedural Manual.

30. The Committee expressed its appreciation to the delegation of France for the thought-provoking proposals in its paper, which the Committee thought valuable in the evolution of the work of the Codex Alimentarius Commission. The Committee recalled that at the outset of the Commission's work considerable thought had been given to the concept of minimum platform standards and trade standards and the Commission had finally concluded that the present form of Codex standard would in general prove to be more acceptable to Members of the Commission.

31. On the subject of flexibility within the format of Codex standards, it was recalled that a considerable number of Codex Commodity Committees had explored various possibilities, including specified standards, general standards and group standards. A good example was the Milk Committee which had commenced its work with relatively simple individual standards, which had now been revised and presented in the more comprehensive Codex format. Flexibility had, in fact, been exercised in several Codex Commodity Committees, including the Codex Committee on Cocoa Products and Chocolate, the Codex Committee on Fats and oils, the Codex Committee on Fish and Fishery Products, the Codex Committee on Processed Fruits and Vegetables, and the Codex Committee on Soups and Broths. One delegation thought that it would be useful to have at Codex Committee sessions a paper from the Secretariat showing how analogous problems were being dealt with in the other Committees. The Committee agreed that some Codex Commodity Committees might need to be made more aware of the possibilities for flexibility already contained in the Codex format.

32. The Secretariat was requested to prepare, for consideration by the Committee at its next session, a brief, concise paper on the foregoing matters which might be of assistance to Commodity Committees. In preparing the paper the Secretariat should also draw upon the proposals contained in the French paper. The Secretariat understood that the subject of grade standards would be excluded from the exercise.

Paragraph 4. A (i) of the General Principles of the Codex Alimentarius concerning the Expression "Name and Description laid down in the Standard"

33. The delegation of Denmark drew attention to the provisions of paragraph 4. A (i) (a) and (b) concerning the obligation falling upon governments accepting Codex Standards that "products not complying with the standard will not be permitted to be distributed under the name and description laid down in the standard". The delegation of Denmark cited a number of cases concerning various food products and recommended standards as examples of some of the difficulties which in their opinion existed concerning the obligations arising from the acceptance of a standard in accordance with paragraph 4. A (i). It was questioned whether the name of the product was that of the standard or the name(s) laid down in the labelling provisions of a standard. Concerning "description" it was queried whether this related to styles or descriptions permitted in the compositional or labelling sections of the standard. A further problem was posed, namely

what would be the position of products similar or close in substance and nature to products covered by Codex standards, but not complying fully with the requirements of the standard and being traditionally sold under the name of the product provided for in the standard or the name qualified in some way. An earlier opinion given by the FAO legal adviser on the subject was referred to. The Secretariat now expressed the view that the "name(s)" of the product was that provided for in the labelling section of a standard and that the term "description" referred to that term in the Format of Codex Standards, which covered definitions, types and styles etc. as provided for in the description section of the standard. The legal adviser of WHO pointed out that in accordance with the Format for Codex Standards the name of the standard might merely comprise a generic name whereas the "name" referred to in the acceptance procedure must perforce be that of the food as laid down in the labelling section of a standard.

34. The Committee noted these interpretations of the "name and description" of the product and went on to consider what would be the situation of Codex Standards vis-à-vis similar or new imitation products not covered by the standards but sufficiently similar as to present problems of identification and labelling. The Committee thought that these latter problems were in essence national ones and national food legislation often made provision to prevent the "passing off" of an imitation or substitute product for a well-established or genuine one. It was recognized, however, that different national approaches could give rise to international difficulties. Some delegations stressed that a certain degree of flexibility needed to be maintained in the way standards were drafted to accommodate new styles and forms of presentation of products, whilst others emphasized that great care would be required in this respect so as not to undermine or circumvent the intention or purpose of a standard.

35. The Committee drew attention to the fact that a number of Codex Commodity Committees were adopting, and in fact a number of Step 9 standards reflected, different approaches to these difficulties. The Code of Principles for Milk and Milk Products was cited as another approach to the question of products not covered by specific standards. The Committee noted that the Secretariat in consultation with the legal officers of FAO and WHO intended to review, prior to the 12th Session of the Codex Alimentarius Commission, the whole question in the light of the views posed by the delegation of Denmark and discussed by the Committee. The Secretariat would submit to the Executive Committee a report on the subject. The Executive Committee could, after review, decide to refer the matter either to the Codex Committee on General Principles or to the Commission directly. The Committee expressed its appreciation to the delegation of Denmark for its paper and for drawing to the attention of the Committee the whole general issue which certainly called for close examination by all Members of the Commission.

Need for greater Flexibility in considering certain kinds of Amendments proposed to Step 9 Standards

36. The Executive Committee, at its Twenty-First Session, considered the request of the Joint ECE/Codex Alimentarius Group of Experts on Standardization of Fruit Juices for guidance on how to deal with the several amendments which the Group of Experts had decided to propose to various Step 9 standards for fruit juices and nectars. The Executive Committee did not enter into any discussion on the amendments themselves since it was on a matter of the procedure to be followed that its guidance had been sought. The Executive Committee agreed that all of the proposed amendments, both editorial and substantive, should be put before the Eleventh Session of the Commission.

37. As regards proposed amendments which were substantive, the Executive Committee noted that the same amendments had been included in a number of standards which the Group of Experts had submitted to the Eleventh Session of the Commission at Step 8. In these circumstances, the Executive Committee thought that the Commission, after having considered the standards concerned at Step 8, should determine whether the proposed amendments would need to go through the amendment procedure.

38. The Executive Committee in considering the matter of amendments to Step 9 standards considered that greater flexibility needed to be introduced into the amendment procedure to deal with amendments which might be considered as consequential amendments arising from the elaboration and adoption of standards for similar products at succeeding sessions. The Secretariat was requested to examine this matter with the Legal Advisers of FAO and WHO and propose suitable modifications in the amendment procedure for consideration by the next session of the Codex Committee on General Principles,

39. The Secretariat in conjunction with the Legal Advisers of FAO and WHO had prepared the following texts for consideration by the Committee:

- (a) Amendment proposed to paragraph 5 of the Introduction to the "Procedure for the Elaboration of Codex Standards and Codes of Practice, Codex Maximum Limits for Pesticide Residues, Codex Specifications for the Identity and Purity of Food-Additives" as set forth in the Procedural Manual of the Codex Alimentarius Commission

(words underlined below added to existing text).

"It will be for the Commission itself to keep under review ... may be omitted. The Commission may also decide to omit any other step or steps of that Procedure where, in its opinion, an amendment proposed by a Codex Committee is either of an editorial nature or of a substantive nature but consequential to provisions in similar standards adopted by the Commission at Step 8".

- (b) Proposed Amendment to paragraph 2 of the "Guide to the Procedure for the Revision and Amendment of Recommended Codex standards" as set forth in the Procedural Manual of the Codex Alimentarius Commission

(words underlined below added to existing text)

"Taking into account such information ... by the sponsoring Codex Committee. In the case of an amendment proposed by a Codex Committee, it will also be open to the Commission to adopt the amendment at Step 5 or Step 8 as appropriate, where in its opinion the amendment is either of an editorial nature or of a substantive nature but consequential to provisions in similar standards adopted by it at Step 8".

40. The Committee considered that the proposed texts would provide the Commission with greater flexibility to adopt amendments of the kind envisaged above, to standards at Steps 5 or 8 of the Procedure without at the same time precluding the possibility of countries having sufficient opportunity to consider the amendments. The delegation of New Zealand emphasized the importance of this latter aspect. The Committee noted that in all probability the generality of cases for amendments to be considered by the Commission under the new proposed procedure would relate to standards for similar foods, in fact the standards of a particular Codex Commodity Committee. The procedure might also in certain circumstances apply to other situations.

41. The Committee decided to recommend to the Commission the adoption of the texts proposed in paragraph 39 above.

Other Business

42. The Committee was informed that in accordance with Resolution 16/75 of the FAO Conference the Director-General of FAO was reviewing the Programme of Work and Budget for 1976/77 of FAO. The Resolution had drawn attention specifically to the need to reduce the overall number of meetings and volume of documentation and publications of FAO. As part of this review an evaluation of Codex Sessions was in hand and tentative proposals indicated that the Commission might have to review its work priorities and the number of Codex Sessions to be held in 1976/77. A further matter which the Commission would need to examine would be the financial and staffing resources likely to be available to the Commission especially the budgetary contribution of WHO in 1976 and 1977 regarding the programme increases requested by the Commission at its Tenth Session.

43. The Committee emphasized the importance which members of the Commission attached to maintaining the momentum of the Food Standards Programme and also drew attention to Article 1 of the Commission's Statutes which required the Director-General of FAO and WHO to consult the Commission on all matters pertaining to the implementation of the Programme. The Secretariat was requested to inform Members of the Commission and the Executive Committee, as soon as possible, of the outcome of the Director-General's review concerning Codex Sessions and other matters affecting the Programme in order that the Commission at its Eleventh Session could determine its priorities in the light of the financial situation. The Committee recognized that the budgetary matters were primarily the concern of Member Governments participating in the Governing Bodies of FAO and WHO but emphasized that a considerable number of governments made available to the Codex Programme very substantial extra-budgetary assistance by chairing and hosting sessions of the Commission's subsidiary bodies.

Spanish Text of Draft Report

44. The delegation of the Argentine expressed concern that on this occasion it had not been possible to prepare the draft report in Spanish for adoption. It was noted that the final report would be made available in Spanish.

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form for the
declaration of acceptance or non-acceptance of the
recommended codex standard

for _____

ref. no. cac/rs: _____

by country _____

This form is intended to assist FAO and WHO to compile an Official Register of Government Declarations of Acceptance or Non-Acceptance of Recommended Codex Standards. Details of the Acceptance Procedure for Codex Commodity Standards are given in the Fourth Edition of the Procedural Manual under the section General Principles of the Codex Alimentarius, paragraph 4. Governments wishing to notify their acceptance or otherwise of the Recommended Codex Standard should complete and return this form to the Chief, Joint FAO/WHO Food Standards Programme, FAO, 00100 - Rome, Italy.

DECLARATION OF ACCEPTANCE OR NON-ACCEPTANCE

Methods of Acceptance

1. Please indicate the form of acceptance or non-acceptance which your country gives to the Recommended Codex Standard for
.....Ref. No. CAC/RS by marking the appropriate box below:

- (a) Full Acceptance
- (b) Target Acceptance
- (c) Acceptance with Specified Deviations
- (d) Non-Acceptance

2. In addition to the above statement, please reply to the following questions:

(a) Has your country national laws, regulations and/or a national standard for the product covered by the Recommended Codex Standard?

| | |
|-----|----|
| Yes | No |
| | |

(b) If the answer to 2(a) above is "yes", please indicate whether the national laws, regulations and/or the national standard are the same in all respects as the Recommended Codex Standard insofar as substance is concerned

| | |
|-----|----|
| Yes | No |
| | |

(c) If the national laws, regulations and/or the national standard are substantially different from the Recommended Codex Standard, please indicate the differences giving, if possible, the reasons for them (page 4, Part I).

Target Acceptance

3 If Target Acceptance is given to the Recommended Codex Standard, please indicate when your country expects to give Full Acceptance to the Recommended Codex Standard.

| |
|------|
| Date |
| |

Acceptance with Specified Deviations

4. If Acceptance with Specified Deviations is given to the Recommended Codex Standard, please specify the deviations in detail and give reasons for them on page 4, Part II, and also indicate below:

(a) whether your country expects to be able to give Full Acceptance to the Recommended Codex Standard and, if so, when

| | |
|------|----|
| Yes | No |
| | |
| When | |
| | |

(b) whether products fully conforming to the Recommended Codex Standard may be distributed freely within the territorial jurisdiction of your country in accordance with paragraph 4. A(i) of the General Principles of the Codex Alimentarius; o

| | |
|-----|----|
| Yes | No |
| | |

(c) whether the product will be permitted to be distributed freely only if it complies with the specified deviations from the Recommended Codex Standard.

| | |
|-----|----|
| Yes | No |
| | |

Non-Acceptance

5. If the Recommended Codex Standard cannot be accepted by your country in any of the three ways set forth in the General Principles of the Codex Alimentarius, please indicate whether products conforming to the Recommended Codex Standard may be distributed freely within the territorial jurisdiction of your country.

| | |
|-----|----|
| Yes | No |
| | |

Signed by:

Name:

Official Title:

Address:

Date:

Part I: (see paragraph 2(c), page 2)

Part II: (see paragraph 4, page 3)

Part III: Other Observations

form for the
declaration of acceptance or non-acceptance of the

recommended international general standard
for the labelling of prepackaged foods

ref. no. cac/rs 1-1969

by country _____

This form is intended to assist FAO and WHO to compile an Official Register of Government Declarations of Acceptance or Non-Acceptance of the Recommended International General Standard for the Labelling of Prepackaged Foods. Details of the Acceptance Procedure for Codex General Standards are given in the Fourth Edition of the Procedural Manual under the section General Principles of the Codex Alimentarius, paragraph 5. Governments wishing to notify their acceptance or otherwise of the Recommended International General Standard for the Labelling of Prepackaged Foods should complete and return this form to the Chief, Joint FAO/WHO Food Standards Programme, FAO, 00100 - Rome, Italy.

DECLARATION OF ACCEPTANCE OR NON-ACCEPTANCE

Methods of Acceptance

1 Please indicate the form of acceptance or non-acceptance which your country gives to the Recommended International General Standard for the Labelling of Prepackaged Foods, Ref. No. CAC/RS 1-1969 by marking the appropriate box below:

- (a) Full Acceptance
- (b) Target Acceptance
- (c) Acceptance with Specified Deviations
- (d) Non-Acceptance

2 In addition to the above statement, please reply to the following questions:

(a) Has your country national laws and/or regulations for provisions covered by the Codex Recommended International General Standard for the Labelling of Prepackaged Foods in particular for the following sections of the standard?

- | | | |
|--|-----|----|
| 1. Definition of Terms | Yes | No |
| | | |
| 2. General Principles | Yes | No |
| | | |
| 3. Mandatory Labelling of Prepackaged Foods: Preamble | Yes | No |
| | | |
| 3.1 The Name of the Food | Yes | No |
| | | |
| 3.2 List of Ingredients | | |
| (a) Complete List of Ingredients | Yes | No |
| | | |
| (b) Components of Ingredients | Yes | No |
| | | |
| (c) Specific Names | | |
| (i) Class Titles | Yes | No |
| | | |
| (ii) Class Titles for Food Additives | Yes | No |
| | | |
| (d) Declaration of Added Water | Yes | No |

| | |
|--|--|
| | |
|--|--|

3.3 Net Contents

(a) Declaration of Net Content ¹

| | |
|-----|----|
| Yes | No |
| | |

(b) Drained Weight

| | |
|-----|----|
| Yes | No |
| | |

3.4 Name and Address

| | |
|-----|----|
| Yes | No |
| | |

3.5 Country of Origin

(a) Declaration of Country of Origin

| | |
|-----|----|
| Yes | No |
| | |

(b) Country of Origin in case of processing in a second country

| | |
|-----|----|
| Yes | No |
| | |

4. Presentation of Mandatory Information

4.1 General

| | |
|-----|----|
| Yes | No |
| | |

4.2 Language

| | |
|-----|----|
| Yes | No |
| | |

5. Additional or Different Requirements for Specific Foods

5.2 Irradiated Foods

| | |
|-----|----|
| Yes | No |
| | |

6. Optional Labelling

6.1 General

| | |
|-----|----|
| Yes | No |
| | |

6.2 Grade Designations

| | |
|-----|----|
| Yes | No |
| | |

(b) If any of the answers to 2(a) are "yes", please indicate whether the national laws and/or regulations are the same in all respects as the Recommended International General Standard for the Labelling of Prepackaged Foods insofar as substance is concerned.

| | |
|-----|----|
| Yes | No |
| | |

¹ Please indicate which system is prescribed for the declaration of Net Content by your country's laws or regulations.

(c) If the national laws and/or regulations are substantially different from the provisions of the Recommended International General Standard for the Labelling of Prepackaged Foods listed in 2(a), please indicate the differences giving, if possible, the reasons for them on page 5, Part I.

(d) Is the principle embodied in section 5.1 of Additional or Different Requirements for Specified Foods acceptable to the authorities in your country?

| | |
|-----|----|
| Yes | No |
| | |

Target Acceptance

3 If Target Acceptance is given to the Recommended International General Standard for the Labelling of Prepackaged Foods, please indicate when your country expects to give Pull Acceptance to the above standard.

| |
|------|
| Date |
| |

Acceptance with Specified Deviations

4 If Acceptance with Specified Deviations is given to the Recommended International General Standard for the Labelling of Prepackaged Foods, please specify the deviations in detail and give reasons for them on page 5, Part II and also indicate whether your country expects to be able to give Full Acceptance to the Recommended International General Standard for the Labelling of Prepackaged Foods and if so, when.

| | |
|------|----|
| Yes | No |
| | |
| When | |
| | |

Non-Acceptance

5 If the Recommended International General Standard for the Labelling of Prepackaged Foods cannot be accepted by your country in any of the three ways set forth in the General Principles of the Codex Alimentarius, please indicate whether products conforming with the provisions covered by the Recommended International General Standard for the Labelling of Prepackaged Foods may be distributed freely within the territorial jurisdiction of your country.

| | |
|-----|----|
| Yes | No |
| | |

Signed by:

Name:

Official Title:

Address

Date

Part I: (see paragraph 2(c), page 4)

Part II: (see paragraph 4, page 4)

Part III: Other Observations

form for the
declaration of acceptance or non-acceptance of the

recommended international maximum limits
for pesticide residues contained
in the fourth series

ref. no. cac/rs 65-1974
by country _____

This form is intended to assist FAO and WHO to compile an Official Register of Government Declarations of Acceptance or Non-Acceptance of Recommended Codex Maximum Limits for Pesticide Residues. Details of the Acceptance Procedure for Recommended Codex Maximum Limits for Pesticide Residues are given in the Fourth Edition of the Procedural Manual, under the section General Principles of the Codex Alimentarius, paragraph 6. Governments wishing to notify their acceptance or otherwise of Recommended Codex Maximum Limits for Pesticide Residues should complete and return this form to the Chief, Joint FAO/WHO Food Standards Programme, FAO, 00100 - Rome, Italy.

DECLARATION OF ACCEPTANCE OR NON-ACCEPTANCE

The Fourth Series of Recommended International Maximum Limits for Pesticide Residues, Ref. No. CAC/RS 65-1974, contains Codex Maximum Limits for the following pesticides:

aldrin and dieldrin, binapacryl, captafol, captan, carbaryl, chlordane, chloro-benzilate, crufomate, DDT, diazinon, dichlorvos, dimethoate, dioxathion, di-phenyl, diquat, ethion, ethoxyquin, folpet, heptachlor, hydrogen cyanide, hydrogen phosphide, inorganic bromide, lindane, malathion, ortho-phenylpnenol and its sodium salt, parathion, parathion-methyl, phosphamidon, piperonyl butoxide, pyrethrins, quintozone, thiabendazole.

The following tables for each pesticide are made up of four sections:

1. Section I: Foods

Foods, for which Codex Maximum Limits for the particular pesticide have been established are listed in this section. In the case where a Codex Maximum Limit for a Pesticide Residue applies to a group of foods not individually named and your country accepts such a Codex Maximum Limit in respect of foods other than the group of foods, please specify the foods in respect of which the Codex Maximum Limit is accepted.

2. Section II: Methods of Acceptance

Please state the form of acceptance or non-acceptance which your country gives to each Recommended International Maximum Limit for a Pesticide Residue by marking the appropriate box in Section II.

(a) Target Acceptance

If Target Acceptance is given to a Recommended International Maximum Limit for a Pesticide Residue, please indicate when your country expects to give either Full or Limited Acceptance to the above limit by marking the appropriate box in Section II.

(b) Non-Acceptance

- (i). In case of Non-Acceptance, please indicate in what way the present or proposed maximum limit in your country differs from the Recommended International Maximum Limit for a Pesticide Residue giving, if possible, the reasons for the differences on page 23, Part I.
- (ii). Please indicate whether products complying with the Recommended International Maximum Limit for a Pesticide Residue are allowed to be distributed freely or distributed under certain conditions, or may not be distributed within the territorial jurisdiction of your country, by marking the appropriate box in Section II. If your country permits distribution under certain conditions, please specify these conditions on page 23, Part II.

3. Section III; Type of Maximum Limit

Please indicate whether your country accepts the Recommended International Maximum Limit for a Pesticide Residue as a "Tolerance" or as a "Practical Residue Limit" by marking the appropriate box in Section III.

4. Section IV; National Maximum Limit

Please indicate the corresponding figure for the maximum limit as established by your country's legislation and/or regulations and indicate whether the maximum limit is a "Tolerance" or a "Practical Residue Limit".

5. Abbreviations

| | |
|-------|---|
| F | = Full Acceptance |
| L | = Limited Acceptance |
| T | = Target Acceptance |
| T/F | = Target Acceptance with aim at Full Acceptance |
| T/L | = Target Acceptance with aim at Limited Acceptance |
| N | = Non-Acceptance |
| N/FD | = Non-Acceptance, but products complying with the Recommended International Maximum Limit for a Pesticide Residue may be distributed freely within the territorial jurisdiction of your country |
| N/DCC | = Non-Acceptance, but products complying with the Recommended International Maximum Limit for a Pesticide Residue may be distributed under certain conditions within the territorial jurisdiction of your country |
| N/ND | = Non-Acceptance, and products complying with the Recommended International Maximum Limit for a Pesticide Residue are not allowed to be distributed within the territorial jurisdiction of your country |
| T | = Tolerance * |
| PRL * | = Practical Residue Limit |

* For the definition of the terms "Tolerance" and "Practical Residue Limit" please see Explanatory Notes, page 5 of the Fourth Series of Recommended International Maximum Limits for Pesticide Residues

Other foods:

| | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |

Pesticides dimethoate

Residue: dimethoate and its oxygen analogue, expressed as dimethoate.

| Section I Name of Food | Section II | | | | | | | | Section III | | Section IV | | |
|--|------------|---|---|-----|-----|----------------|------|-------|-------------|-----------------------|------------------------|-------|----------|
| | Acceptance | | | | | Non-Acceptance | | | | Type of Maximum Limit | National Maximum Limit | | |
| | F | L | T | T/F | T/L | N | N/FD | N/DCC | N/ND | T | PRL | mg/kg | T or PRL |
| tree fruit (including Citrus fruit) | | | | | | | | | | | | | |
| vegetables (except tomato and peppers) | | | | | | | | | | | | | |
| Tomato | | | | | | | | | | | | | |
| Peppers | | | | | | | | | | | | | |
| Other foods: | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |

Pesticides dioxathion

Residue: cis- and trans- isomers of principal active ingredient, determined and expressed as sum of both.

| Section I Name of Food | Section II | | | | | | | | Section III | | Section IV | | |
|---------------------------|------------|---|---|-----|-----|----------------|------|-------|-------------|-----------------------|------------------------|-------|----------|
| | Acceptance | | | | | Non-Acceptance | | | | Type of Maximum Limit | National Maximum Limit | | |
| | F | L | T | T/F | T/L | N | N/FD | N/DCC | N/ND | T | PRL | mg/kg | T or PRL |
| apples | | | | | | | | | | | | | |
| pears | | | | | | | | | | | | | |
| quinces | | | | | | | | | | | | | |
| Citrus fruit | | | | | | | | | | | | | |
| grapes | | | | | | | | | | | | | |
| meat of cattle | | | | | | | | | | | | | |

Part I: (see paragraph 2(b)(i), page 2)

Part II: (see paragraph 2(b)(ii), page 2)

Part III; Other Observations