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CODEX ALIMENTARIUS COMMISSION

Fifth Session, Rome, 20 February - 1 March 1968

CODEX COMMITTEE ON GENERAL PRINCIPLES

REPORT OF SECOND SESSION 16-19 OCTOBER 1967

Introduction

1. The Second Session of the Codex Committee on General Principles was held in Paris from 16 to 19 October 1967 under the chairmanship of Mr. R. Souverain (France). The Session was attended by 87 delegates and observers from 24 countries and 16 international organizations. The list of participants is attached as Appendix I.
2. The Session was opened by Mr. B. Toussaint, Ministry of Foreign Affairs, who welcomed the participants on behalf of the French Government.

Adoption of Agenda

3. The Committee unanimously adopted the provisional agenda.

Election of Rapporteurs

4. Mr. G. Weill (France) and Mr. J.H.V. Davies (United Kingdom) were elected as rapporteurs for the session.

Acceptance of Codex Standards*

- * Reservation made by the Delegation of Austria concerning (a) "TARGET ACCEPTANCE" and (b) "PARTIAL ACCEPTANCE".
- (a) The Austrian delegate stated that no country with developed food legislation could make use of "Target Acceptance" as presently worded, because such a country could not undertake not to hinder the free distribution within its territorial jurisdiction of products covered by Codex Standards until such time as national legislation was brought into conformity with the Codex standards. Consequently, the Austrian delegate proposed that the wording of "Target Acceptance" should be amended to read as follows: "Target acceptance means number of years and will meanwhile modify its national regulations in order not to hinder within its territorial jurisdiction In" the standard".
 - (b) The Austrian delegate stated that Austria could not agree to providing for "Partial Acceptance" within the Codex, because in his opinion it would offer to countries not willing to amend their national legislation in order to bring it into conformity with the requirements of the Codex standards concerned the possibility of concealing their non-acceptance of Codex standards under a so-called "partial acceptance". He further stated that Austria's objections to "Partial Acceptance" were stronger than its objections to "Acceptance with a declaration of more stringent or supplementary requirements", to which Austria could eventually agree provided that an objective procedure be established to ensure that requirements claimed to be more stringent were in fact so.

5. The Committee considered the text, as revised by the Working Party on the Rules of Procedure and Related Matters at the 4th Session of the Codex Alimentarius Commission, of paragraph 4(a) of the General Principles of the Codex Alimentarius concerning the acceptance of Codex Standards in the light of comments received from Governments. The Committee examined in detail the revised text which envisaged three methods of acceptance, namely, 1) full acceptance, 2) target acceptance and 3) acceptance with a declaration of more stringent requirements. It also stated that a country unable to accept a standard in any of the three ways mentioned should indicate:
 - (a) whether products conforming to the standard would be permitted to be distributed freely within its territorial jurisdiction;
 - (b) which provisions of the standard it was prepared to accept in any of the ways mentioned above;
 - (c) in which way its existing or proposed requirements differed from the standard.
6. The Committee agreed that the principal objective should be to secure that Codex standards should be accepted by as many- Governments as possible in accordance with the provisions of full acceptance. In considering the implications of full acceptance, the Committee agreed that it was necessary that a country accepting a Codex Standard in this way would have to undertake to apply this standard to domestic production intended for sale within its territorial jurisdiction, as well as to imports in order to avoid any discrimination against imported products. It was recognized, however, that there might be various reasons which would make it difficult for a Government to accept a standard in accordance with the requirements of the full acceptance method. The Committee therefore considered that it would be necessary to provide for other methods of acceptance, which, while falling short of the ideal of full acceptance, would, nevertheless, afford Governments the means of accepting standards in ways applicable to their particular circumstances and which would still go some way to the achievement of the objectives of the Codex Alimentarius. The Committee considered that, in this way, it would be possible to achieve a wider measure of agreement at the international level and acceptance of Codex standards among Members of the Commission. In accordance with this approach, the Committee considered it desirable to provide for a fourth method of acceptance, namely, "partial acceptance". This method of acceptance (contained in paragraph 4 of Appendix II) was agreed upon by the Committee to cover cases where the circumstances peculiar to a country might require it to permit less stringent provisions for some parts of a Codex standard. The delegation of Canada informed the Committee of their country's objection to paragraphs 4A(iv) "Partial Acceptance" and 4B (non-acceptance) as they consider that statements of less stringent or differing national requirements should not form part of the Codex Alimentarius.
7. The Committee further agreed upon a number of other editorial amendments to the terms of the methods of acceptance set out in paragraph 4 of the General Principles to clarify the application of provisions in national legislation other than those specifically contained in Codex Standards relating to human, animal and plant health. The Committee also modified slightly the text of Acceptance with a declaration of more stringent requirements to include a declaration of supplementary requirements. The Committee recognized that there would be a

need for the Commission to consider the question of how to classify acceptances by Governments of Codex Standards.

Meaning of Quality Criteria

8. The Committee discussed the meaning of quality criteria, as referred to in paragraph 3(2) (a) of the General Principles of the Codex Alimentarius. The Committee agreed that, for the purposes of Codex Standards, quality criteria should be taken to mean only those factors which are essential for the designation, definition or composition of the product concerned. The Committee agreed that quality criteria should be judged on the same basis as all other factors considered for inclusion in a Codex commodity standard. For example, certain quality factors may be as essential and significant as composition factors for individual commodities. The Committee observed that inclusion of a quality factor in a Codex standard would define a characteristic below which free movement of the commodity involved should be restricted. Such factors could include the quality of the raw material, with the object of protecting the health of the consumer, provisions on taste, odour, colour and texture which may be apprehended by the senses, and basic quality criteria for the finished products, with the object of preventing fraud. The Committee also agreed that, at this stage in the development of the Codex Alimentarius, grades or quality classes should not be included in Codex Standards. Some delegations expressed the view that Codex commodity standards should, as far as possible, include objective quality criteria only, i.e. criteria which can be measured or otherwise objectively controlled.

Products failing to meet Codex Standards (Substandard)

9. The Committee considered the problem, which had been referred to it by the Commission, of how to deal with a product which fails to meet the minimum requirements of a Codex standard. It was agreed that in certain circumstances the incidence of non-complying products might be affected by the level of Codex standards and that when the product was still fit for human consumption it should be disposed of in accordance with national procedures. The Committee took the view that most national authorities had arrangements to deal with this problem. Most of the difficulties involved in food failing to comply with a Codex standard could probably be dealt with by the distributors as follows:
 - i) An incorrect label can be replaced by a correct one and the product will then conform;
 - ii) a defective composition can be corrected so that it conforms to the requirements of the Codex standard;
 - iii) an inexact measure or weight can be rectified by reprocessing a particular lot of merchandise to make it conform to the Codex requirements;
 - iv) an imported food below the standard can be returned to its country of origin, which can dispose of it in a way which suits it.

Only products which are unfit for human consumption would have to be destroyed.

The Committee concluded that in general the problem of food products fit for human consumption but failing to comply with Codex standards should not fall

within the field of activities of the Commission and therefore did not call for any general arrangements to be provided for in the Codex Alimentarius.

Responsibility for the Enforcement of Codex Standards in Relation to Acceptance

10. The Committee examined what were likely to be the obligations falling upon Governments in respect of the enforcement of Codex standards. It was agreed that a country which accepted a Codex standard would ensure a uniform and impartial application of the provisions of the standard to all food products covered by the standard and intended for distribution within its territorial jurisdiction. The Committee further agreed that it would be desirable that countries accepting Codex standards be prepared to offer advice and guidance to exporters and manufacturers of food intended for export in order to promote understanding of and compliance with the requirements of those importing countries which have accepted Codex standards. The Committee agreed to add to the Acceptance section of the General Principles a paragraph dealing with the obligations of countries in respect of enforcement as outlined above. (See paras 4C(i) and (ii) of Appendix 11)

Format of Codex Commodity Standards

11. The Committee decided to recommend to the Commission a number of minor changes to the format of Codex Commodity Standards drawn up by the Executive Committee. It was agreed that an introduction would be required for the format to make it clear that it was to be used as a guide by Codex Committees in the elaboration of Codex Standards. The sections of the format would require to be completed in a Codex standard only in so far as such provisions would be appropriate to an international standard for the food in question. The Committee agreed that the section on Composition and Minimum Quality Requirements should be brought into agreement with the meaning of quality criteria given in the revised General Principles of the Codex Alimentarius as agreed by the Committee under paragraph 8 above. The Committee further proposed that the section on Contaminants would, because of the decisions of the Fourth Session of the Codex Committee on Food Additives concerning heavy metal contaminants, need to be redrafted along similar lines to the sections on Food Additives in the Format. The Committee decided to recommend to the Codex Alimentarius Commission the adoption of the Format of Codex Commodity Standards as revised in the light of the above decisions. The revised format is attached as appendix III to this Report.
12. It was pointed out that the first sentence of the section on Food Hygiene might be better drafted as follows:

"This section should contain the requirements elaborated by the Committee concerned in liaison with the Codex Committee on Food Hygiene in order to assure the distribution of a food which is wholesome, sound and fit for human consumption". The Committee decided to draw to the attention of the Commission the possible need of the Commission to redraft this section of the format but decided to make no recommendations on this pending the Commission's decisions on the points put to it by the Codex Committee on Food Hygiene.

Consideration of any definitions submitted by Codex Committees

13. The only definition for examination by the Codex Committee on General Principles was that presented by the Codex Committee on Food Hygiene. The Committee endorsed the English text of the definition as given below but considered that the French text should use the words "en bon état".

"Food hygiene comprises conditions and measures necessary for the production, processing and distribution of food designed to ensure a safe, sound, wholesome final product fit for human consumption".

General Principles of Food Legislation

14. The Committee considered document SP 10/30-GPFL (Rev. ed.) entitled "General Principles of Food Legislation" and document SP 10/30-GPFL- PG 67/5 entitled "Food Legislation: basic principles" prepared by the Legislation Branch of FAO at the request of the Codex Alimentarius Commission at its Second Session.

The first document which contains an analysis of the food laws of a number of countries was considered a useful reference document for countries wishing to improve their legislation or to adopt new legislation. Some delegates thought that it should be brought up to date at regular intervals, for instance every five years.

The Committee discussed the possibility of including some of the basic principles on food legislation set out in the documents in the Codex Alimentarius either as a general standard or as a code of principles or as a preamble to the general principles of the Codex Alimentarius or otherwise*. The delegation of the United Kingdom suggested that the basic principles might be as follows:

* (Please see paragraphs 49-51 entitled "General Principles" in the Report of the Second Session of the Codex Alimentarius Commission - Ref No ALINORM 64/30, December 1964).

1. Nothing should be added to food which makes it injurious to health.
2. Food may not be sold which is in any way unfit for human consumption, contaminated, spoiled, filthy, putrid, adulterated, or otherwise injurious to the health of the consumer or unsound.
3. Food may not be sold that might mislead the purchaser in any way as to its nature, substance or quality. Food may not be sold that is in any way not of the nature, substance or quality demanded by the purchaser.

It was agreed that a paper should be prepared by the delegation of the United Kingdom which would ask Member Governments for comments on the advisability of including such principles in the Codex, the way they should be included (e.g. general standard, code of principles, preamble to the general principles of the Codex, or otherwise), the details of the principles themselves and any suggestions for any additional principles. The Committee expressed its appreciation of the two papers prepared by the Legislation Branch of FAO.

Other Business

15. The Committee noted certain proposals of the French delegation (document SP 10/30 - PG 67/6, France, 6 October, 1967) which aimed at introducing a number of amendments to the General Principles of the Codex Alimentarius. The proposals related to the purpose and scope of the Codex Alimentarius, the nature of Codex standards (including the question of whether the new format proposed should be incorporated in the General Principles), the place of Codes of Practice within the Codex, and the procedure for the amendment of standards. As regards the procedure for the revision of standards, the Committee noted that the existing procedure appeared to be satisfactory in that it allowed certain steps in the Codex procedure to be omitted, where the amendment was considered to be a matter of urgency or uncontroversial. The Committee discussed the remaining proposals without taking any final decision on them. The Committee was informed that the French delegation would consider bringing some of these matters to the attention of the Commission at its next session.

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PROPOSED NEW TEXT OF PARAGRAPH 4 OF THE GENERAL PRINCIPLES OF
THE CODEX ALIMENTARIUS

(To be considered by the Codex Alimentarius Commission at its
Fifth Session February 1968)

4. A A Codex Standard may be accepted by a country in accordance with its established legal and administrative procedures in respect of distribution of the product concerned, whether imported or home-produced, within its territorial jurisdiction in the following ways:
- (i) Full acceptance
Full acceptance means that the country concerned will ensure that a product to which the standard applies will be permitted to be distributed freely within its territorial jurisdiction under the name and description laid down in the standard, provided that it complies with all the relevant requirements of the standard. The country will also ensure that products not complying with the standard will not be permitted to be distributed under the name and description laid down in the standard. It also means that the distribution of any sound products conforming with the standard will not be hindered by any legal or administrative provisions in the country concerned relating to the health of the consumer or to other food standard matters except for considerations of human, plant or animal health which are not specifically dealt with in the standard.
 - (ii) Acceptance with a declaration of more stringent or supplementary requirements
Acceptance with a declaration of more stringent requirements or supplementary requirements means that a country will include in its acceptance full details of all its requirements which it considers to be more stringent than or supplementary to those included in the standard concerned, it being understood that it accepts all the other provisions of the standard in accordance with the provisions of paragraph 4 A(i).
 - (iii) Target acceptance
Target acceptance means that the country concerned indicates its intention to accept the standard after a stated number of years and will meanwhile not hinder within its territorial jurisdiction the distribution of any sound products conforming with the standard by any legal or administrative provisions relating to the health of the consumer or to other food standard matters except for considerations of human, plant or animal health which are not specifically dealt with in the standard.
 - (iv) Partial acceptance
Partial acceptance means that the country concerned gives full acceptance only to certain provisions of the standard concerned.

The country concerned will include in its acceptance a statement of the provisions which it fully accepts and also indicate:

- a) whether products fully conforming to the standard may be distributed freely within its territorial jurisdiction in accordance with sub-paragraph A(i) above;
- b) in what ways its present or proposed requirements differ from the standard and, if possible, the reasons for these differences;
- c) whether it expects to be able to proceed to full acceptance and, if so, when.

B. A country which considers that it cannot accept the standard in any of the ways mentioned above should indicate:

- (i) whether products conforming to the standard may be distributed freely within its territorial jurisdiction;
- (ii) in what ways its present or proposed requirements differ from the standard, and, if possible, the reasons for these differences.

C. (i) A country which accepts a Codex Standard according to one of the provisions of 4A is responsible for the uniform and impartial application of the provisions of the standard as they apply to all home-produced and imported products distributed within its territorial jurisdiction. In addition, the country should be prepared to offer advice and guidance to exporters and processors of products for export to promote understanding of and compliance with the requirements of importing countries which have accepted a Codex Standard according to one of the provisions of 4A.

- (ii) Where, in an importing country, a product claimed to be in compliance with a Codex standard is found not to be in compliance with that standard, the importing country should inform the competent authorities in the exporting country of all the relevant facts and in particular the details of the origin of the product in question (name and address of the exporter), if it is thought that the exporter is responsible for such non compliance.

FORMAT FOR CODEX COMMODITY STANDARDS AND
STANDARDS ELABORATED UNDER THE CODE OF
PRINCIPLES CONCERNING MILK AND MILK PRODUCTS

The format set out in this document is the same as that approved by the Executive Committee at its 10th Session held in Rome from 16 to 18 May 1967, except for the side-lined sections which have been re-drafted by the Secretariat in the light of the decisions taken by the Codex Committee on General Principles at its 2nd Session, held in Paris from 16 to 19 October 1967. Attention is also drawn to the footnote to the section entitled "Hygiene". The question of the format will be a separate item for discussion at the 5th Session of the Codex Alimentarius Commission.

Introduction

The Codex Committee on General Principles, at its 2nd Session held in Paris from 16 to 19 October 1967, considered the draft format for Codex Commodity Standards, with accompanying notes on the headings of the standards, which had been adopted by the Executive Committee of the Codex Alimentarius Commission at its 10th Session held in Rome from 16 to 18 May 1967. The Codex Committee on General Principles recommended a number of minor changes to the draft format, most of which are outlined in paragraphs 11 and 12 of the Report of that Committee, and instructed the Secretariat to incorporate these changes in a revised format. The Committee on General Principles recommended that the revised format, which would also be applicable, as appropriate, to standards elaborated under the Code of Principles concerning Milk and Milk Products, be adopted by the Codex Alimentarius Commission at its 5th Session. The Committee on General Principles endorsed the recommendation of the Executive Committee that the format be used by the Codex Committee as a guide in presenting their standards, subject to final approval by the Codex Alimentarius Commission at its 5th Session. The format also indicates the statements which should be included in standards as appropriate under the relevant heading of the standard. The sections of the format require to be completed in a standard only in so far as such provisions are appropriate to an international standard for the food in question. It is hoped that this format will facilitate the work of Codex Commodity Committees, governments which have accepted work assignments for the preparation of Codex Standards, and also governments having to comment on Codex Standards at various Steps in the Commission's Procedure for the Elaboration of Standards.

Format

NAME OF THE STANDARD.

SCOPE

DESCRIPTION

COMPOSITION AND ESSENTIAL QUALITY FACTORS FOOD
ADDITIVES

CONTAMINANTS

HYGIENE

WEIGHTS AND MEASURES

LABELLING

METHODS OF ANALYSIS AND SAMPLING

Notes on the Headings

Name of the Standard

The name of the standard should be clear and as concise as possible. It should usually be the common name by which the food covered by the standard is known or, if more than one food is dealt with in the standard, by a generic name covering them all. If a fully informative title should be inordinately long, a subtitle could be added.

Scope

This section should contain a clear, concise statement as to the food or foods to which the standard is applicable unless this is self-explanatory in the name of the standard. In the case of a general standard covering more than one specific product, it should be made clear as to which specific products the standard applies.

Description

This section should contain a definition of the product or products with an indication, where appropriate, of the raw materials from which it is derived and any necessary references to processes of manufacture. It may also include references to types and styles of product and to type of pack. There may also be additional definitions when these are required to clarify the meaning of the standard.

Composition and Essential Quality Factors

This section should contain all quantitative and other requirements as to composition including, where necessary, identity characteristics, provisions on packing media and requirements as to compulsory and optional ingredients. It should also include quality factors which are essential for the designation, definition or composition of the product concerned. Such factors could include the quality of the raw material, with the object of protecting the health of the consumer, provisions on taste, odour, colour and texture which may be apprehended by the senses, and basic quality criteria for the finished products, with the object of preventing fraud. Such factors do not, at this stage, include

grades or quality classes. This section may also include tolerances for defects, such as blemishes or imperfect material.

Food Additives

This section should contain the names of the additives permitted and, where appropriate, the maximum amount permitted in the food. It should be prepared in accordance with paragraph 13 (b) of the Guidelines for Codex Committees and may take the following form:

"The following provisions in respect of food additives are subject to endorsement [have been endorsed] by the Codex Committee on Food Additives." Then should follow a tabulation, viz:

"Name of additive, (maximum) level of use (in percentage or mg/kg)"

Contaminants

- a) Pesticides Residues: This section should include, by reference, any levels for pesticide residues that have been laid down by the Codex Committee on Pesticide Residues for the product concerned.
- b) Other Contaminants: In addition, this section should contain the the names of other contaminants and where appropriate the maximum level permitted in the food, and the text to appear in the standard may take the following form:

"The following provisions in respect of contaminants, other than pesticide residues, are subject to endorsement [have been endorsed] by the Codex Committee on Food Additives." Then should follow a tabulation, viz:

"Name of contaminant, maximum level (in percentage or mg/kg)"

Hygiene¹

¹ See paragraph 12 of the Report of the Second Session of the Codex Committee on General Principles.

A reference should be made to any hygiene standard applying to the food and any specific mandatory hygiene provisions considered necessary should be included in this section. They should be prepared in accordance with paragraph 13 (d) of the Guidelines for Codex Committees. Reference may be made to applicable Codes of Practice, but these references will not form a mandatory part of the standard. The following statement may also appear:

"The following provisions in respect of the food hygiene of this product are subject to endorsement [have been endorsed] by the Codex Committee on Food Hygiene."

Weights and Measures

This section should include all provisions, other than labelling provisions, relating to weights and measures, e.g. where appropriate, fill of container, weight, measure or count of units determined by an appropriate method of sampling and analysis.

Labelling

This section should refer to the General Standard on Food Labelling in the following terms:

"The provisions of the General Standard on Food Labelling apply, and the following specific provisions for this product in respect of food labelling

are to be subject to endorsement [have been endorsed] by the Codex Committee on Food Labelling:

'The name(s) of the food shall include' etc."

This section should only include provisions which are exemptions from, additions to, or which are necessary for the interpretation of the General Standard in respect of the product concerned. This section should include all the labelling provisions contained in the standard. It should be prepared in accordance with paragraph 13(a) of the Guidelines for Codex Committees.

Methods of Analysis and Sampling

This section should include, either specifically or by reference, all methods of analysis and sampling considered necessary and should be prepared in accordance with paragraph 13 (c) of the Guidelines for Codex Committees. The following statement should also appear:

"The methods of analysis and sampling described hereunder are international referee methods which are to be endorsed [have been endorsed] by the Codex Committee on Methods of Analysis and Sampling."