

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
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WORLD HEALTH
ORGANIZATION

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CODEX ALIMENTARIUS COMMISSION

12th Session, 1978

REPORT OF THE TWENTY-THIRD SESSION OF THE EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

INTRODUCTION

1. The Executive Committee held its Twenty-Third Session at WHO Headquarters, Geneva, 12-15 July 1977. The Executive Committee was presided over by the Chairman of the Codex Alimentarius Commission, Professor Dr. E. Matthey (Switzerland) and in the presence of the three Vice-Chairmen, Prof Dr. D. Eckert (Federal Republic of Germany), Mr. W.C.K. Hammer (Australia) and Dr. T. N'Doye (Senegal). The following representatives from the geographic locations mentioned were present: for Africa, Mr. J.C. Obel from Kenya; for Asia, Dr. Praprit Na Nagara from Thailand; for Europe, Dr. S. Stampach from Czechoslovakia; for Latin America, Dr. Lucio Tavares de Macedo from Brazil; for North America, Mr. E. Kimbrell from the United States of America; for the South West Pacific, Mr. B. Mason from New Zealand. The Coordinator for Africa Dr. R. Oteng (Ghana) was also present.

2. The Session was opened, on behalf of the Directors-General of FAO and WHO, with an address of welcome by Dr. Tejada-de-Rivero, Assistant Director-General, WHO, who stressed the interest in and the benefits to be derived from the activities of the Codex Alimentarius Commission by the 115 member countries. Dr. Tejada-de-Rivero commended the Commission for turning its attention more and more to the needs of the developing countries.

ADOPTION OF AGENDA

3. The Executive Committee adopted the provisional agenda.

PROGRESS REPORT ON ACCEPTANCES OF RECOMMENDED CODEX STANDARDS INCLUDING NEW FORMAT FOR PRESENTING ACCEPTANCE INFORMATION TO GOVERNMENTS

4. The Executive Committee noted that the Commission had so far adopted a total of 87 Recommended Codex Standards and 5 series of Recommended Codex Maximum Limits for Pesticide Residues. Most of the 21 standards adopted by the Commission at its 11th Session had been sent to Governments for acceptances and the remainder would be sent shortly. The fifth series of maximum limits for pesticide residues, adopted at the 11th session of the Commission, had also been sent to Governments for acceptance.

5. The Executive Committee expressed satisfaction at the fact that, in addition to the acceptances shown in Appendix III to the Report of the 11th Session of the Commission, eleven more countries had notified their acceptance of certain of the standards and maximum limits for pesticide residues, according to one of the methods of acceptance laid down in the General Principles of the Codex Alimentarius. Those countries included Algeria, Chile, Cyprus, Ecuador, El Salvador, Greece, Kuwait, Liberia, Libya, Morocco, and the Philippines. In addition Austria had indicated that honey meeting the requirements of the Recommended European Regional Standard for honey would, except for an aspect of the provision on maximum moisture content, be permitted to be marketed in Austria.

6. Also, nine other countries had indicated the action or steps being taken domestically with a view to eventually accepting or otherwise making use of some of the Recommended Standards. These countries included Austria, Brazil, Egypt, Malawi, New Zealand, Nigeria, Peru, Switzerland and Zambia.

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7. Several members of the Executive Committee, including the representatives of a number of the regions, stressed the importance which was attached to the Recommended Codex Standards and Recommended Maximum Limits for Pesticide Residues throughout the world, in both developed and developing countries. The extent of the influence of Codex Standards, even if not formally accepted, was also mentioned by a number of members of the Committee. The Executive Committee was pleased to note the use which was being made of Codex Standards in various parts of the world, as a basis for national legislation. Attention was also drawn to the importance of the various codes of practice which the Commission had developed and was continuing to develop.

8. The Executive Committee noted with satisfaction that the Secretariat had instituted a "drive" on acceptances. The Executive Committee agreed that the Secretariat should continue with the issue of reminders from time to time to Codex Contact Points and with writing, on an individual country basis, to appropriate officials, in cases where an individual reminder seemed to the Secretariat to be desirable.

9. The Executive Committee also noted that, with the advice and assistance of a consultant, a system had been devised for presenting to Governments, in summary and readily understandable format, information received concerning acceptances of the Recommended Codex Standards and Recommended Maximum Limits for Pesticide Residues. All acceptances notified from the receipt of the first acceptance in 1970 up to 18 March 1977, which was the cut-off date, had been reviewed and incorporated in the system. Under the system, the information concerning acceptance would be presented in tables supplemented by explanatory notes. A suitable method for conveying the information in code had been worked out, more especially with regard to notifications of acceptances of maximum limits for pesticide residues. The publication containing the summary of acceptances would be a loose-leaf publication. Additional pages containing either new acceptances or amendments to previously notified acceptances would be issued at suitable intervals. The Executive Committee looked forward to the issue of this publication which was intended to serve the needs of Member Governments, the international food trade and interested international organizations.

PROGRESS REPORT ON MEMBERSHIP OF THE COMMISSION

10. The Executive Committee noted that the Republic of Guinea had become a member of the Commission, bringing the Commission's current membership to 115 countries.

JOINT FAO/WHO FOOD STANDARDS PROGRAMME - FINANCE

11. The Executive Committee had before it the approved budget for 1976/77, including details of expenditure in 1976 and details of the allotment for 1977. The Executive Committee noted that it was expected that the 1977 allotment would be sufficient to enable the Programme to meet its planned commitments for the remainder of 1977.

12. The Executive Committee also had before it details of the proposed budget for 1978/79, including details of expected cost increases affecting the joint budget of the Programme. Apart from mandatory cost increases, the total budget for the programme for 1978/79 was the same as for 1976/77.

13. The Executive Committee noted that the departure from the cost-sharing arrangement between FAO and WHO (FAO 75%: WHO 25%) as regards the provision for contractual services was not the consequence of a decision which would be valid for the future, but simply a consequence of the particular circumstances in the two Organizations affecting the budget for 1976/77 and 1978/79.

14. The Executive Committee noted that, notwithstanding the limitations imposed by the proposed budget for 1978/79, more especially as regards the allocation for translation and printing, the Secretariat hoped, by continuing to effect economies in the preparation of Codex documentation, to meet the publication needs of the Programme in 1978/79. In particular the Executive Committee noted that as a result of certain adjustments within the Programme, the proposed budget for 1978/79 would enable the wishes and priorities of the 11th Session of the Commission concerning the proposed schedule of Codex sessions for 1978/79, as recommended in paragraph 441 of the report of that session, to be met in full.

15. The Executive Committee wished to place on record that, having noted the proposed budget for the Programme for 1978/79, it considered it to be the absolute minimum necessary to enable the Programme to be maintained. The Executive Committee also stressed the need for the Joint FAO/WHO Expert Committee on Food Additives and the Joint Meeting on Pesticide Residues to meet annually, as their work was crucial for the success of the work of the Codex Committee on Food Additives and the Codex Committee on Pesticide Residues - two of the general subject Committees which the Commission, at its 11th Session, singled out for special mention concerning the need for ensuring no loss of momentum in their work.

PROGRESS REPORT ON UNEP-SUPPORTED FAO/WHO ACTIVITIES RELATED TO THE WORK OF THE COMMISSION

16. The Executive Committee had before it document CX/EXEC 77/23/5, the different parts of which were introduced by the members of the WHO or FAO secretariats concerned. The Executive Committee noted the action which had been taken and the action planned concerning the various UNEP-supported FAO/WHO activities described in the document.

17. The Executive Committee was informed that a Consultation on the Joint FAO/WHO Food and Animal Feed Contamination Monitoring Programme - Phase II had been held in Geneva, 14-18 June 1977. Thirteen institutes had now been designated as Joint FAO/WHO Collaborating Centres for Food Contamination Monitoring in the following countries - Austria, Canada, Denmark, Federal Republic of Germany, Hungary, Ireland, Japan, Netherlands, Poland, Sweden, Switzerland, United Kingdom and the United States of America. In addition, informal discussions were being held with a view to designating Collaborating Centres in Egypt, Guatemala, Kenya and New Zealand.

18. As regards the WHO/UNEP Environmental Health Criteria Programme, the Executive Committee noted that a large number of criteria documents would be published dealing with environmental pollutants and other hazards. The first two of these documents dealing with (i) mercury and (ii) the polychlorinated biphenyls and terphenyls had been published.

19. Concerning the work of the Joint FAO/WHO Consultation on Microbiological Specifications of Foods, information was given to the Executive Committee concerning the entirety of the work carried out to date. In the two Consultations convened, a number of draft specifications for various foods had been elaborated and also a draft for General Principles for the Establishment of Microbiological Criteria for Food. In the course of the work, agreement had, in addition, been reached on some of the most important microbiological methodologies suitable for international microbiological criteria. The major part of the work intended to cover the priority needs of Codex codes and standards was well under way. The Executive Committee was informed that the continuation of the work would depend on the outcome of the consideration of the report of the 2nd Consultation within the Codex machinery, and on finding means for financing further activities. The representative of the region of Africa indicated that, whilst the above activities were no doubt of importance, in the developing countries of Africa the emphasis should rather be on more basic matters, such as increased efforts aimed at improving, through more education of the individual, the general level of hygiene.

20. With regard to the Joint FAO/WHO/UNEP Conference on Mycotoxins to be held in Nairobi 19-27 September 1977, the Executive Committee was informed that in view of the importance of aflatoxin in humid areas in tropical countries, this Conference was very much needed. Many years of research had now revealed a sufficient amount of the facts about the public health problems of aflatoxins, especially with regard to their associations with liver cancer, to warrant control measures. WHO had prepared a document on the health aspects of mycotoxins based on the deliberations of a WHO Task Group on Health Criteria of Mycotoxins, and documents covering other aspects were being prepared by FAO. Invitations to the Conference were being sent out. Some members of the Executive Committee thought that, in the interest of ensuring wider knowledge about the forthcoming Conference, copies of the invitation could be sent for information to Codex Contact Points or if there was any difficulty about this, mention of the forthcoming Conference might be made in a circular letter (CL) to Codex Contact Points.

21. The Executive Committee noted that the "General Guidelines for National Food Control Services" and the "Code of Hygienic Practice for Food Catering Establishments" were being distributed during 1977. The "Food Inspectors Manual" was under way and the first draft was planned to be ready for further consideration in late 1977. As this publication was intended to be used as a handbook covering the whole field of food inspection to be performed by the inspectors, it was envisaged that it would have to be comparatively large, containing approximately 400 pages.

22. The Executive Committee was informed that the work on the Guide to Shellfish Hygiene had been initiated in WHO in response to specific requests from the Member States in which shellfish had been incriminated as a source of food-borne illness. The publication was in part being financed by a contribution from UNEP.

23. The Executive Committee took note of the activities of the Joint FAO/WHO Expert Consultation on Methods of Analysis and Sampling of Chemical Contaminants in Food.

24. The importance of the specialized work being undertaken in the field of pesticide residues, as described in the document, was also stressed by a member of the Committee.

25. The Executive Committee, in expressing its appreciation for the information on the UNEP-supported activities, stressed the following points - (i) this type of joint cooperation among the UN Agencies should be encouraged, (ii) there should be constant vigilance to ensure that there was no duplication of effort, and (iii) documents resulting from these activities and invitations to conferences should receive the widest possible distribution to the most appropriate contact in the member countries, including Codex Contact Points.

PROPOSED SUSPENSION OF THE PUBLICATION IN EXTENSO OF CODEX SPECIFICATIONS FOR THE IDENTITY AND PURITY OF FOOD ADDITIVES

26. The Executive Committee had before it document CX/EXEC 77/23/6. It was noted that Codex work on specifications involved considerable resources with regard to printing, translation of government comments, staff-time and arrangements for ad hoc working groups within the Codex Committee on Food Additives. The Secretariat had estimated that the potential number of Codex specifications would run into at least 300. The estimated cost of printing the English, French and Spanish versions of these specifications would be in the order of \$ 60,000 and this estimate did not take into account translation, typing, editing and proofreading, nor did it take into account the cost of distribution of papers containing comments from governments.

27. There had been a cut-back in documentation throughout FAO, with repercussions on the Food Standards Programme. With a tight translation and printing budget in 1978/79, the Secretariat did not see any possibility of having funds available to proceed with the publication in extenso of Codex specifications, with the need, under Codex procedures, to make them available in the three languages of the Commission.

28. This information had been communicated to the 11th Session of the Codex Committee on Food Additives. Noting the financial difficulties as regards printing, and the staffing of the Joint FAO/WHO Food Standards Programme, the Codex Committee on Food Additives was nonetheless of the opinion that it was important to continue to work on the elaboration of Codex specifications for food additives (para 129, ALINORM 78/12). In order to assist the Secretariat, the Codex Committee on Food Additives suggested that specifications advanced to Step 5 and also specifications adopted by the Commission need not be reproduced in full, but could be handled by reference to the relevant JECFA publications. This would mean in practice that specifications submitted by the Codex Committee on Food Additives at Step 5 of the Procedure to the Commission would be included in a working paper by reference, while government comments, received through the Codex machinery, on specifications which the Codex Committee on Food Additives did not deem to be ready for publication, would be submitted to the JECFA for consideration.

29. The Executive Committee agreed with the suggestion of the Codex Committee on Food Additives concerning publication by reference to the relevant JECFA publications, because, amongst other things, the suspension of the publication in extenso of the specifications adopted by the Commission would avoid duplication in printing. The specifications would continue to be developed and printed by the Joint FAO/WHO Expert Committee on Food Additives, so that the member governments would continue to have available to them specifications drawn up and approved by a competent expert body of standing convened by FAO/WHO and recognized as such by the Committee, as well as by the Codex Alimentarius Commission itself; the additional gradual approval of the specifications by the Commission would be by reference.

30. The Executive Committee agreed, therefore, that work on Codex specifications should proceed in relation to the budgetary and staffing constraints of the Joint FAO/WHO Food Standards Programme and that Codex specifications approved by the Commission should only be printed by reference to published specifications in documents issued by the Joint FAO/WHO Expert Committee on Food Additives.

31. The Secretariat indicated that it proposed to issue, in due course, the specifications of the Joint FAO/WHO Expert Committee on Food Additives in the form of loose-leaf sheets; following a system similar to that for the publication of acceptances of standards. The Executive Committee agreed that the practical working arrangements for handling specifications established by the FAO/WHO Expert Committee could be as follows:

- (i) Specifications published by the JECFA Secretariat are submitted to governments and interested international organizations for comments in accordance with normal procedure;
- (ii) Government comments, in the original language received, are made available to the Codex Committee on Food Additives which, through an ad hoc working group, considers the specifications in the light of comments;
- (iii) Specifications found to be suitable for final adoption as Codex specifications are advanced to Step 5 in accordance with normal procedure, except that the specifications are not submitted in extenso to avoid duplication of printing costs;
- (iv) Specifications not found suitable for final adoption as Codex specifications are referred to JECFA together with comments received and the views of the Codex Committee on Food Additives;
- (v) Specifications adopted by the Commission are included in appropriate Codex publications by reference.

32. The Executive Committee noted that arrangements for the publication of the report, specifications and toxicological evaluations were being rationalized between the two Organizations, to avoid both Organizations publishing the same sort of information separately and also to achieve maximum economy in the presentation of the information. The Executive Committee welcomed these developments, but stressed the importance of continuing to issue these documents.

RECONSIDERATION OF THE QUESTION WHETHER OR NOT CODEX STANDARDS FOR COFFEE AND COFFEE PRODUCTS SHOULD BE ELABORATED

33. The Commission agreed, at its 11th Session, that the Executive Committee should reconsider, in the light of the discussions over the years and the data available in documents previously put before the Commission, whether or not Codex standards for coffee and coffee products should be developed (ALINORM 76/44, para 181). Also, at the 11th Session of the Commission, the delegation of Brazil had reiterated its statement made at previous sessions that the Commission should elaborate standards for coffee and coffee products.

34. Accordingly the Executive Committee had before it document CX/EXEC 77/23/8, which summarized discussions of the Commission on the question of the need for standards for coffee and coffee products. The document also referred to previous comprehensive studies on this subject which had been prepared for earlier sessions of the Commission (ALINORM 74/29 and ALINORM 72/9) and set forth the main technical points in document ALINORM 74/29, including, in particular, those aspects of green coffee and of coffee products which appeared to lend themselves to standardization.

35. Although there was no attempt to reach consensus or debate the issue in detail in the Executive Committee on the question of the need for standards for coffee and coffee products, there was agreement that the question of the establishment of a Codex Committee on Coffee and Coffee Products should be a separate item on the agenda of the 12th Session of the Commission.

36. Recognizing that the absence of an offer from any member of the Commission to host such a Committee had been and would continue to be a main obstacle to the establishment of such a Committee, the Executive Committee agreed that the Secretariat should send a circular letter to all Codex Contact Points indicating that the question of the establishment of a Codex Committee on Coffee and Coffee Products would be on the agenda

of the next session of the Commission and inviting governments, especially governments of producer countries, in view of the importance of this work from their point of view, to consider offering to host such a Committee and to reply on this matter in good time before the 12th Session of the Commission. The Executive Committee agreed that it would be of benefit to governments in considering this matter if document CX/EXEC 77/23/8 were issued with the circular letter.

DRAFT CODE OF ETHICS FOR THE INTERNATIONAL TRADE IN FOOD

37. The Executive Committee took note of the events leading up to the decision by the Commission, at its 11th Session, authorizing that work be started on the development of a draft code of ethics for the international trade in food. A consultant had been engaged to draw up a first draft of such a code from funds kindly provided by UNEP.

38. The Executive Committee noted that this item had been placed on its agenda, mainly to keep it informed of developments concerning the code. The draft code became available shortly before the present session of the Executive Committee and it had been possible, therefore, for copies of the draft code to be placed before the Executive Committee. The Executive Committee noted that it was not called on to make in-depth comments at this time.

39. The Executive Committee took note of the draft code and the report accompanying it with great interest. Some members of the Executive Committee stressed the particular importance of a code for developing countries. The point was made that the draft code should receive the widest distribution. The Executive Committee noted that the draft code would be sent to all Codex Contact Points in order to obtain the views and comments of all member governments and also to the Regional Coordinating Committees for consideration, so that their views could also be made available to the Codex Committee on General Principles, which was the body charged with the task of developing the code. The Executive Committee considered that the draft code should be accompanied by a circular letter drawing the attention of governments - particularly the governments of developing countries - to the fact that the draft code would be the subject of deliberations at the Codex Committee on General Principles at its next session.

40. As had been suggested at the last session of the Codex Committee on General Principles and accepted by the Commission at its 11th Session, the first two days of the next session of the General Principles Committee would be devoted to the consideration of the draft code by a Working Party. The Executive Committee instructed the Secretariat to draw the particular attention of the developing countries, in the circular letter, to the importance of being represented in the discussions of this Working Party.

DEVELOPMENTS CONCERNING THE PROPOSED GATT CODE OF CONDUCT FOR PREVENTING TECHNICAL BARRIERS TO TRADE

41. The Executive Committee had before it document CX/EXEC 77/23/4. In the past, the GATT Secretariat had been requested, in accordance with the wishes of the Commission, to make copies of the proposed Code available to the Codex Secretariat for distribution to members of the Commission for study and comment. The GATT Secretariat had replied that it was unable to accede to this request, because the proposed Code was a restricted document. This continued to be the position. However, the GATT Secretariat (Villa le Bocage, Palais des Nations, Geneva) did state that it would, if so requested, make copies of the proposed Code available for the internal use of those countries which do not have access to it, either as members in various capacities of the GATT or as participants in the Multilateral Trade Negotiations. The Executive Committee was informed that the latest text of the proposed code (often referred to as the Draft Standards Code) was set forth in GATT document MTN/NTM/W/94, dated 20 May 1977, but that this text was subject to amendment. The Sub-Group on Technical Barriers to Trade, which was the body in GATT dealing with the proposed Code, would have before it, for consideration, at its next session, many proposals relating to the text of the proposed Code. These proposals were set forth in GATT document MTN/NTM/W/95, dated 20 May 1977.

42. The GATT Secretariat had described recent developments concerning the proposed Code as follows:

"(i) The Sub-Group Technical Barriers to Trade, which was established to draw up general rules in the area, inter alia, of standards met in May and November 1976 and most recently in March 1977 to continue its work with the objective of achieving a substantially agreed Draft Standards Code. Significant progress has been made in this respect, with agreement having been reached on a number of drafting points and on a text of the definitions for insertion in the text of the Draft Standards Code. It is to be noted that this decision concerning definitions in no way affects the right of delegations to raise matters relating to the definitions at any stage, in the same way as matters relating to other parts of the text of the Draft Code. The Sub-Group will have its next meeting in September 1977, when it will continue its work on a range of proposals relating to the operative provisions of the Code.

(ii) At its May 1976 meeting the Sub-Group Technical Barriers to Trade suggested that the time had come for the review of the applicability of the Draft Standards Code to agricultural and tropical products to be initiated. Following a preliminary discussion at a meeting held in July 1976, the Group Tropical Products agreed to revert to this matter as appropriate. In December 1976 Group Agriculture agreed to the inclusion of the review of the applicability of the Draft Standards Code in its future work programme. The review itself was initiated at a meeting of Group Agriculture held in March 1977 with a general exchange of views on the broader aspects of the Code's applicability to agricultural products. Group Agriculture has agreed to continue the review at its next meeting which is scheduled to be held during the week beginning 18 July 1977. In this regard the GATT Secretariat has been requested, inter alia, to prepare a concise note setting out the obligations in effect, if any, in selected international and regional bodies as regards notifications and consultation and dispute settlement."

43. The main interest of the Codex Alimentarius Commission in the proposed GATT Code had always been in the question whether the Code would apply to standards, regulations and certification systems for food and, if so, whether commitments required to be entered into or obligations required to be assumed by a country as a signatory to the Code would be in conflict, in any way, with obligations required to be assumed by countries when accepting Recommended Codex Standards under the General Principles of the Codex Alimentarius.

44. The Executive Committee noted that although the proposed code was not restricted to industrial products, it had yet to be decided in GATT whether the code would apply to agricultural products.

45. It seemed to the Executive Committee that the philosophy and intent of the proposed code were not at variance with the goals of the work of the Codex Alimentarius Commission and that the work of developing the proposed code could be regarded as complementary to the work of international standardization, since the proposed code aimed at the application of international standards as far as possible.

46. The Executive Committee thought it important that the Secretariat should continue to maintain liaison with the GATT Secretariat so that there would be a continuing exchange of information at the secretariat level. The Executive Committee wished to be kept informed of developments, including, in particular, any developments arising from the meeting of the GATT Group on Agriculture starting 18 July 1977, which would be reviewing the applicability of the proposed code to agricultural products.

47. The Executive Committee concluded by reiterating that delegates attending sessions of the Commission and its subsidiary bodies should get in touch with their counterparts in other Ministries in their countries attending the GATT meetings on this subject, so that the representatives attending the GATT meetings might be more closely acquainted with the objectives and working procedures of the Commission in the matter of international food standards.

REVIEW OF CURRENT WORKLOAD, PRACTICES AND PROCEDURES IN CONNECTION WITH THE ELABORATION OF CODEX METHODS OF ANALYSIS AND SAMPLING AND APPRAISAL OF THE NEEDS OF THE FOOD STANDARDS PROGRAMME IN THIS AREA OF ACTIVITY

48. At the 11th Session of the Commission, there had been enquiries from some delegations concerning the nature and role of Codex reference methods of analysis. Others had questioned whether there might not be some duplication of effort with the work of other expert groups working on methods of analysis and sampling. As regards this latter point, the Secretariat had stated, at the Commission's session, that the FAO/WHO/UNEP

Consultation on Methods of Analysis and Sampling of Contaminants in Food had dealt specifically with methods of analysis for contaminants and that in this respect the work was complementary to that of the Codex Committee on Methods of Analysis and Sampling. The Commission decided to request the Secretariat to prepare a paper for consideration by the Executive Committee reviewing the types of Codex methods being elaborated and setting out any questions relating to their elaboration and acceptance by governments.

49. The Executive Committee had before it document CX/EXEC 77/23/7. The document was confined to methods of analysis being elaborated by the Codex Committee on Methods of Analysis and Sampling; methods of analysis for pesticide residues, for microbiological provisions, for food additives and for milk products were not dealt with in the paper, because these did not give rise to problems in terms of workload and manpower difficulties.

50. The document before the Executive Committee covered the concept of Codex "referee" methods of analysis and sampling and drew the attention of the Executive Committee to the definition of Codex methods of analysis and sampling, as set forth in the General Principles for the Establishment of Codex Methods of Analysis, contained in the Procedural Manual of the Codex Alimentarius Commission. It was clear from the definition that Codex methods were international referee methods intended for use in case of disputes. The document before the Executive Committee also referred to the meaning placed on the word "dispute" by the Executive Committee at its 18th Session (ALINORM 72/3, paras 28-29). The document also referred to the definition of a referee method adopted by the First Joint Consultation on Methods of Sampling and Analysis of Contaminants in Food (Rome, January 1976) which read as follows:

"A Codex Referee Method of Analysis is a method which, after having been selected on the basis of appropriate criteria, governments have agreed to use in disputes involving the application of analytical methodology in the administration of Codex standards."

51. The secretariat document indicated that it appeared that the obligation which a government assumed in accepting a Codex method was to use this method in circumstances of litigation in which the parties involved could not agree on what method to use to settle the dispute. The paper went on to say that Codex methods were, therefore, neither simple routine methods nor highly sophisticated standard reference methods, but simply methods which were appropriate to the parameter they were intended to measure and which, on acceptance, would be given a special status over other methods for the specific purpose they were intended to serve, i.e. use in settlement of international disputes where the parties in dispute fail to agree on methodology.

52. The document also suggested that Codex methods consisted of two kinds:

- (i) Methods which were so tied to a provision of a standard that the methods were, in fact, an integral part of the standard, e.g. Howard mould count. The notion of selecting an appropriate method did not arise here because the provision depended on the method.
- (ii) Methods which were not tied to a provision in the sense indicated above, but which were selected as being the most appropriate and convenient, internationally, for measuring a particular parameter in the standard in the event of a dispute arising, i.e. referee methods.

53. The document sought to have the concept of Codex methods, as set forth in para. 52 above, endorsed by the Executive Committee. In view of the workload of the Codex Committee on Methods of Analysis and Sampling (150-200 methods in approximately 150 standards were awaiting consideration and this did not include the 100-150 methods required for the determination of food additives in food) and with a view to rationalization, the secretariat document had suggested the following:

- (i) The Codex Committee on Methods of Analysis and Sampling should, taking into account its workload, establish priorities for the elaboration of referee methods. In particular, considering the purpose of such methods, the Codex Committee on Methods of Analysis and Sampling should identify those parameters the determination of which is likely to cause difficulties, and for which, therefore, the establishment of Codex referee methods would be desirable.

- (ii) The Codex Committee on Methods of Analysis and Sampling, having drawn up such a list of priorities, should enlist the assistance of International Organizations which could arrange for the elaboration and collaborative testing of such methods for endorsement by the Committee.
- (iii) The Codex Committee on Methods of Analysis and Sampling and other Codex bodies should consider their workloads carefully before embarking on the elaboration of methods of analysis, especially routine methods or methods which do not fall within the ambit of referee methods or methods which are an integral part of the standards.

54. Certain misgivings were expressed in the Executive Committee concerning the real need and usefulness of the work being done by the Codex Committee on Methods of Analysis and Sampling. Even though the concept of referee methods of sampling and analysis had been part of the Codex system for a very long time, the concept appeared to be based on the assumption that there would, in fact, be international disputes to settle. Very few disputes took place, in reality, which could not be settled by the parties involved and therefore it was questionable whether there was a need for referee methods of analysis and sampling or whether the amount of time and effort put into this work was worthwhile.

55. The point was also made that the continued input of further resources, time and effort in this work would not result in commensurate benefits.

56. The Legal Adviser of FAO stated that, while he could not express a view on the technical aspects of Codex Methods of Analysis and did not wish to influence the conclusions of the Executive Committee on the destiny or activities of the Codex Committee, certain legal implications of the character attributed to Reference Methods and to Methods laid down in Codex Standards could not be overlooked and might require further examination. In considering the nature of these Methods, it would seem desirable to clarify whether they should be regarded as optional in all cases, or whether those incorporated in a Codex Standard which had been accepted by certain States became binding in such States, in the absence of a declaration of specified deviations pertaining to the relevant provision of the Standard.

57. He also thought that the concept of dispute as reproduced in the Secretariat paper was predominantly tied to interstate relations. This gave rise to the question whether the scope of acceptance (generally applicable also to commodities produced in the accepting country and distributed in that country) would be different with respect to Methods of Analysis if the latter were to apply only to commodities moving in international trade. That concept would also seem to pay insufficient attention to disputes arising in the area of commercial law between private individuals or corporations; in this context, the question arose whether a Codex Method in a Standard that had been accepted by one or both of the States under whose jurisdiction the parties concerned were exercising their industrial or trade activities was also binding on either or both of these parties.

58. In his opinion, no easy solution could be found to these questions but if the concepts referred to were to have practical significance in the event of disputes, it would seem desirable to clarify their scope and meaning within the framework of the General Principles of the Codex Alimentarius.

59. In view of the more basic question concerning the work on methods of analysis and sampling which had been raised by various members of the Executive Committee, the Committee decided not to take any position on the suggestions that had been put forward in the Secretariat document (see para. 53 of this Report).

60. The Executive Committee decided that the attention of governments should be drawn to the discussions on this subject in the Executive Committee and that their views should be requested on the need for and usefulness of the work of developing referee methods of analysis and sampling. If governments were of the opinion that the Codex Committee on Methods of Analysis and Sampling should continue to function, they should consider what changes or improvement they would wish to see in the programme of work to be carried out by that Committee and suggest appropriate amendments in its terms of reference. In brief, Governments would be asked whether, in their opinion, the work of the Codex Committee on Methods of Analysis and Sampling justified its continued existence or whether the Committee's programme of work and, therefore, its terms of

reference should be restricted to the most essential needs, in which case Governments should specify such needs.

CONSIDERATION OF MATTERS ARISING FROM REPORTS OF SUBSIDIARY BODIES OF THE COMMISSION

Report of the 12th Session of the Joint ECE/Codex Alimentarius Group of Experts on Standardization of Fruit Juices (ALINORM 78/14, paras 37 and 86)

61. The Executive Committee gave its approval, exceptionally, to the course of action suggested by the Group in paragraph 37 of its Report. As regards paragraph 86 of the Group's report, the Executive Committee agreed that it would be necessary for the proposed amendments to be considered by the Commission at its 12th Session, in the light of the procedure adopted by the Commission at its 11th Session for dealing with proposed amendments of the kind in question (para. 101 of ALINORM 76/44 refers).

Report of the 9th Session of the Codex Committee on Processed Meat Products (ALINORM 78/16, paras 62-64 and 99)

62. The Executive Committee came to the conclusion that it would be proper for the Codex Committee on Processed Meat Products to consider work on mechanically deboned meat and high and low temperature rendered meat as falling within the terms of reference of the Committee.

63. The Executive Committee considered the request of the Committee that its terms of reference be amended to enable it to elaborate standards for processed poultry meat products and that its name be changed to "Codex Committee on Processed Meat and Poultry Products".

64. The Executive Committee decided that it would be premature to take a decision on the request of the Committee. It would be necessary to have the need for international standards for poultry products measured against the justification criteria laid down in the Procedural Manual of the Commission. The Executive Committee agreed that the views of Governments should be sought on whether there is a need for international standards for these products.

65. The Executive Committee instructed the Secretariat to issue a circular letter on this matter drawing attention to the background information contained in paragraphs 6, 7 and 10 of document CX/EXEC 77/23/10. The Executive Committee decided, therefore, to recommend no change in the Committee's name or terms of reference at this time.

CONSIDERATION OF THE QUESTION OF WHETHER A NEED EXISTS TO MAKE ANY CHANGES IN THE TERMS OF REFERENCE OF (i) THE CODEX COMMITTEE ON PESTICIDE RESIDUES, (ii) THE CODEX COMMITTEE ON FOOD ADDITIVES, AND (iii) THE CODEX COMMITTEE ON FOOD HYGIENE

66. The Executive Committee noted that the Commission had before it at its last session a paper which contained the recommendation that the Commission consider the possibility of establishing a new Codex Committee to deal with industrial chemicals in food. The general opinion in the Commission was that the existing Codex Committees, even though they had heavy workloads, should deal with these contaminants and that a new Codex Committee should not be established.

67. The Commission had agreed that the best way to proceed would be for the data on levels of contaminants in food to be submitted to the appropriate Codex Commodity Committees, which should make proposals on the limits of the contaminants in various foods for further consideration and endorsement by the General Subject Committees, i.e. the Codex Committee on Pesticide Residues for residues of pesticides, including similar environmental contaminants such as PCB's, dioxins, etc., the Codex Committee on Food Additives for heavy metals and other elemental contaminants, and the Codex Committee on Food Hygiene for mycotoxins and other microbiological contaminants. The Commission further decided that appropriate changes in the terms of reference of the three General Subject Committees should be prepared, if necessary, and be submitted to the next session of the Executive Committee for consideration.

Codex Committee on Pesticide Residues

68. The Executive Committee noted from the Report of the 9th Session of the Codex Committee on Pesticide Residues, that the Committee decided to seek further information from the Commission concerning the Commission's suggestion that the Codex Committee on Pesticide Residues should also deal with environmental contaminants such as PCB's,

dioxins, etc. The Committee had expressed the view that it was not its proper function to consider limits for contaminants which did not result from the use of pesticides. The Committee had also expressed concern at the added heavy workload which would be involved in dealing with this extra task.

69. As the Committee itself had not proposed any change in its terms of reference, the Executive Committee decided that it would be premature for it to make any recommendation for a change in its terms of reference until after the Commission had considered the views of the Codex Committee on Pesticide Residues.

Codex Committee on Food Additives

70. The Executive Committee noted that the Codex Committee on Food Additives, at its 11th Session, had considered that there was no need to change its terms of reference in order to deal with heavy metals and other elemental contaminants in food resulting from environmental pollution. In the circumstances, the Executive Committee saw no need to recommend any change in the terms of reference of the Committee.

Codex Committee on Food Hygiene

71. The Executive Committee had before it the statement in the Secretariat paper that whilst microbiological contamination and the elaboration of microbiological specifications for food were included in the terms of reference of the Codex Committee on Food Hygiene, the evaluation of mycotoxins, including limits and methodology, would hardly be a matter for the Codex Committee on Food Hygiene; rather it would seem to be more appropriate to the Joint FAO/WHO Expert Committee on Food Additives and the Codex Committee on Food Additives. There would seem, therefore, to be no reason to change the Committee's terms of reference. The Executive Committee noted the above remarks. As regards mycotoxins, including the question of whether or not there should be international standards for them, the Executive Committee decided to take no action on the question of the terms of reference of the Committee, noting that in any event the subject of mycotoxins would be considered at the FAO/WHO/UNEP Conference on Mycotoxins in September 1977 in Nairobi.

INCREASING WORKLOAD OF CERTAIN CODEX COMMITTEES

72. Some members of the Executive Committee questioned the need for giving priority to work on these environmental contaminants, given the existing workload of the Committees in question. The point was made that overloading would result in a deterioration in the quality of the work of these Committees.

73. The representative of WHO stated that, with regard to recommendations which had the effect of increasing the workload of these Codex Committees, this problem also applied to the Expert Committee on Food Additives and the Joint Meeting on Pesticide Residues. WHO was aware that due to the increasing amount of toxicological data, even with yearly meetings of these committees, progress was being more and more slowed down. In addition a great number of food additives and pesticides had never been evaluated from a toxicological point of view, nor had consistent priorities with regard to public health problems been applied in considering these chemicals. In this connection the Executive Committee was informed of the recent resolution, WHA30.47 on the evaluation of effects of chemicals on health, which requested the Director-General of WHO to study the problem and long-term strategies in this field and to examine the possible options for international cooperation including financial and organizational implications.

74. The representative of the region of Africa drew attention to a Resolution passed by the Fifth Governing Council of UNEP, sponsored by developing countries and stressing the need for developing means for the detection and monitoring of contaminants in the interests of consumer protection and trade. The representative of the region of Africa stated that in connection with overloading of certain Committees, the Commission should note that funds were available for work to be done, as described in the resolution just mentioned.

75. The Executive Committee came to the conclusion that a review of the Commission's priorities would be timely at the Commission's 12th Session.

Report of the 9th Session of the Codex Committee on Pesticide Residues (ALINORM 78/24, Para. 6)

76. The Executive Committee authorized, exceptionally, the seeking, in advance of the 12th Session of the Commission, of government comments on draft maximum limits for pesticide residues which would be submitted to the Commission for consideration at Step 5.

CONSIDERATION AND FORMULATION OF VIEWS BY THE EXECUTIVE COMMITTEE ON POINTS AND PROPOSALS MADE AT THE 71st SESSION OF THE FAO COUNCIL (ROME, 6-17 JUNE 1977) DURING A COUNCIL DISCUSSION ON FOOD STANDARDS

77. The Executive Committee had before it document CL 71/REP/5 containing the section of the report of the FAO Council, at its 71st session, held in Rome from 6 to 17 June 1977, recording the Council's deliberations on the food standards of the Codex Alimentarius Commission. The relevant sections of that report (paragraphs 11 to 17) are attached as Appendix I to this report. The Executive Committee also had before it document CL 71/PV/6-Corr. 1 containing the verbatim record of the discussions in the FAO Council on food standards.

78. The representative of the region of Latin America endorsed the points of view and proposals made by the Group of 77 at the 71st session of the FAO Council and presented further proposals aimed at avoiding negative consequences for the food industries and export interests of developing countries as well as ensuring better participation of developing countries in Codex activities. He endorsed proposals for (a) appropriate arrangements to monitor the economic effect of food standards, particularly in developing countries, and (b) adequate procedures to assess this impact.

79. The Executive Committee noted with concern the assertions included in para. 15 of the Report of the 71st session of the FAO Council in support of the views and proposals of the Group of 77. After a very full discussion, the Executive Committee, with the exception of the Representative of the region of Latin America, agreed that the assertions were unsubstantiated and should be responded to in the following way. (The subparagraph numbering hereafter corresponds to that in paragraph 15 of the Report of the 71st FAO Council meeting).

(i) The Commission had not waived from its declared aim of safeguarding the health of the consumer and ensuring fair practices in the food trade. The provisions relating to health included in Codex standards were based on the best scientific advice available and reflected the activity of a wide range of authoritative organizations in the field of human health. It had been alleged that in a number of instances health considerations in Codex standards had been neglected. The representative of WHO stated that it was difficult to comment on this in the absence of specific examples. In this connection it should be noted that WHO's advice on health matters with regard to the toxicity of chemicals in food as well as on hygiene matters was, in almost all cases, a result of the deliberation of Committees of Experts, whose decisions were not only addressed to the Codex Alimentarius Commission and its subsidiary bodies but to all member states directly. This had resulted in all WHO member countries being given the opportunity to comment on health considerations in Codex standards. WHO was not aware of any complaints either directly from member states or through the World Health Assembly. The Executive Committee emphasized that in the event of any complaints on health grounds, the evaluation of these would be facilitated if scientific evidence were to be included. The Executive Committee had no evidence to suggest, let alone, substantiate, that Codex standards were not facilitating fair practices in the food trade. The Committee believed that Codex standards provided a special opportunity for developing countries to ensure fair practices in the food trade and provided consumer protection by preventing the entry of sub-standard foods originating in other countries.

(ii) The Executive Committee was unaware of the use of Codex standards to achieve a negative impact on the food industries of developing countries and on their export interests, by way of an unnecessary non-tariff barrier to trade. The Committee would welcome precise details. The Executive Committee concluded that the question of preferential treatment was not within the Commission's terms of reference, since international food standards were developed and adopted to achieve uniformity among national regulations. There was positive evidence that the work

of the Commission and its subsidiary bodies was most relevant to the requirements of consumers in developing countries. In this context, codes of hygienic practice, labelling standards and guidelines, and maximum residue limits for pesticides had particular relevance. The Executive Committee emphasized that even at the national level the development of food law was a complex matter and which, to be successful, must reflect in a balanced way the protection of health and the stimulation of food trade, which was a difficult task since often these aims were in conflict. The harmonization of food law on an international basis, to be successful, must also balance these interests in such a way as to overcome obstacles in international trade occasioned by differences in national laws.

(iii) The Executive Committee was unable to concede that there was need for additional monitoring arrangements to ensure that food standards were not diverted from the purposes for which they had been devised. The Executive Committee believed that the Procedural Manual adopted and published by the Codex Alimentarius Commission for the development of standards contained very adequate provision for the surveillance by participants during the elaboration of standards to ensure that standards met the Commission's objectives. In that procedure, governments, the Commission, subsidiary expert committees and FAO and WHO were given a number of opportunities to express views. Codex Committees were required to discuss all comments on proposed standards or codes which had been sent in by Governments which were not in attendance.

(iv) As reflected in (iii) above, the Executive Committee could see no advantage resulting from the FAO Committee on Commodity Problems performing a monitoring function in respect of Codex standards. The Executive Committee, whilst recognizing the legality of the indicated arrangement, was of the view that such activity could be counter-productive, by way of impeding progress of the Commission's work. Whilst the Executive Committee respected the competence of FAO Committee on Commodity Problems in its own field, the Executive Committee questioned that Committee's ability to consider adequately those provisions of Codex standards of a highly technical and specialized nature. In particular, this applied to hygienic, contaminant and additive provisions. It was also significant that of the 115 country membership of the Commission, the largest proportion were developing countries. All had the same opportunity as developed countries to comment on the Commission's standards and work in general.

(v) The Executive Committee was unable to envisage any benefit resulting from the preparation of impact statements in the way proposed. The Commission's work priorities criteria ensured that standards were elaborated only when there was sufficient justification for doing so. All member governments of the Commission had an opportunity to question the justification for proceeding with the elaboration of standards. In addition, the Executive Committee expressed alarm at the additional work involved in preparing impact statements which it was assumed would be comprehensive although it was not clear just what was intended by way of detail.

(vi) The Executive Committee, whilst sympathetic to the difficulties experienced by developing countries in providing representation to meetings of Codex committees, could not agree that the hosting of these Committees by particular countries had made them less responsive to the needs of developing countries. It was noteworthy that Committees had welcomed proposals from developing countries to proceed with standards for commodities of particular significance to these countries. Standards for palm hearts, palm oil, coconut oil, pistachio nuts, and dried apricots were cases in point. Codex of hygienic practice for a wide range of commodities were specifically directed at the needs of developing countries. In respect of difficulties experienced by developing countries in attending Committee sessions because of the venues, the Executive Committee noted that a number of developed countries were faced with a similar difficulty. Particular mention was made of such countries in the South-West Pacific region.

(vii) The Executive Committee noted with interest the circumstances attributed to the present institutional arrangements of the Codex Alimentarius Commission concerning participation in regional coordinating committees. It was also noted that this circumstance had occurred only in the case of the Coordinating Committee for Latin America. With respect to the participation in meetings of a regional character, the Executive Committee noted the opinion of the Legal

Advisers that, pursuant to Rule IX, paras 2 and 3 of the Commission's Rules of Procedure, participation in a capacity as full members was limited to members belonging to the region concerned only in the case of Codex Committees established to elaborate standards relating to such region. In regard to all other subsidiary bodies, including coordinating committees for regions or groups of countries, membership was open to all members of the Commission, unless the Commission itself, in establishing such a Coordinating Committee, were to decide that it should be a Committee of selected members designated by the Commission. These Provisions were consistent with the law and practice of both FAO and WHO.

80. In connection with paragraphs 15(iv) and 16(iv) and (vi) of the report of the 71st Session of the FAO Council, the Legal Adviser of WHO pointed out that, in view of the status of the Codex Alimentarius Commission as a joint organ of FAO and WHO, either of these Organizations or any of their organs could be entrusted with providing the Commission with assistance in any appropriate form. For example, if the Executive Board or the Health Assembly of WHO established a committee to examine, study or even monitor the health aspects of certain Codex standards, there would be no objection from a legal point of view to such a measure. Such action would not appear to affect the autonomy of the Codex Alimentarius Commission, which it enjoys under its Statutes and Rules of Procedure. This view was not intended to imply that the Committee on Commodity Problems was qualified to involve itself in the work of the Codex Alimentarius Commission.

81. Besides endorsing proposals stemming from the views and suggestions of the Group of 77 at the 71st Session of the FAO Council, the representative of the region of Latin America put forward additional matters to those contained in the Council's report. These were as follows:

"(i) Both general subject and commodity committees should be hosted permanently by FAO itself and serviced by the FAO/WHO Secretariats. Such a step is necessary to ensure the universality of the Codex Alimentarius under more equitable conditions for developing countries. Possible additional costs to the Food Standards Programme could be offset by the reduction in travel expenditures, economies in publication and probably also by the elimination of committees that prove unnecessary or of little relevance.

(ii) In order to ensure more effective participation of developing countries in the elaboration of the norms of the Codex, it will also be necessary to increase the assistance for strengthening national food control systems, to promote training programmes, to convene inter-regional seminars on a product or a subject basis for the benefit of developing countries, and, in particular, to activate the work of the Regional Coordinating Groups for Asia, Africa and Latin America.

(iii) The representative of the region of Latin America proposes that the views and suggestions contained in the paper be presented, which summarizes and elaborates the observations made by the Group of 77, at the 71st Session of the FAO Council, be the subject of a comprehensive discussion as a separate agenda item on the overall review and possible reforms of the Codex at the 12th Session of the Codex Alimentarius Commission itself."

82. In response to these proposals, the Executive Committee made the following points:

- (i) The Governing Bodies of FAO and WHO had always considered the system of host governments as affording an efficient and economical way of providing meeting facilities without burdening the regular budgets of FAO and WHO, because the host governments bear the costs of the meetings.
- (ii) The major restructuring of the Committee system envisaged in the proposal relating to all meetings being hosted by FAO would have such far-reaching implications as to be considered impracticable.
- (iii) It was not apparent to the Executive Committee how the proposed restructuring would result in greater savings or larger attendance as claimed. In the Executive Committee's view and on the basis of experience in attempting to achieve increased representation at Committee sessions by a shift of venue, the benefits claimed for the proposal were not credible.

- (iv) Regarding increased assistance to developing countries to equip themselves with expertise and food control infrastructures, the Executive Committee recalled that FAO, WHO and many bilateral donor agencies were intensifying assistance in these fields in order to enable developing countries to derive maximum benefit from their participation in the Codex programme.
- (v) The Executive Committee supported the proposal that the views and suggestions of the Group of 77 should be on the agenda for the 12th Session of the Commission. In addition, the Executive Committee agreed that in view of the issues raised under this item, it was appropriate to include a further item on the Commission's agenda entitled "Review of the Direction of the Work of the Commission".

83. The Executive Committee, with the exception of the representative of the region of Latin America, noted with satisfaction and supported the views expressed by those members of the Committee on Commodity Problems who considered that it would be inappropriate for the Committee to involve itself in Codex matters.

84. The Executive Committee concluded that the Codex Alimentarius Commission was the appropriate body to receive and examine, in the first instance, any grievances or criticisms regarding its activities. It welcomed constructive criticism about any of its activities. The Executive Committee expressed the view that confrontation between representatives of member states as well as international agencies was to be avoided.

DRAFT PROVISIONAL AGENDA AND TIMETABLE FOR THE 12th SESSION OF THE COMMISSION

85. The Executive Committee had before it a draft provisional agenda and timetable for the 12th Session of the Commission (CX/EXEC 77/23/9). The Committee noted that the draft European Standard for Natural Mineral Waters had been advanced to Step 8 by the Coordinating Committee for Europe. It was agreed that the question of the establishment of a Codex Committee on Coffee and Coffee Products should appear on the agenda as item number new 34. It was agreed that old item 34 (new item 35) should read "Report on related activities of other international organizations working on the standardization of foods and related matters".

86. The Executive Committee agreed that item 6 should read "Consideration of Extract from the Report of the Seventy-First Session of the FAO Council concerning Food Standards and views of the Executive Committee". It was also agreed that old item 25 be re-phrased to read "Report on activities within FAO and WHO complementary to the work of the Codex Alimentarius Commission" and be brought forward to become new item 7. It was agreed that following new item 7 there should be an item entitled "Review of the Direction of the Work of the Commission". The Secretariat undertook to prepare a working paper on this topic, as a basis for discussion, which would cover, *inter alia*, the rationale for the Commission's work and the benefits to be derived therefrom.

OTHER BUSINESS

CODE OF PRACTICE ON POST-MORTEM JUDGEMENT OF MEAT

87. The representative of the region of Europe stressed the need for, and importance of, developing a code of practice on post-mortem judgement of meat and expressed the hope that the Codex Committee on Meat Hygiene could be reconvened in 1978 or 1979 for this purpose. The representative of the region of the South West Pacific recalled that this was a matter which had been discussed previously in the Codex Committee on Meat Hygiene, which had expressed the view that if such a code should be proceeded with, a meeting of experts should be convened to consider its approach to the subject as well as the elaboration of a draft code. The matter would have to be considered by the Government of New Zealand, which was the host government for that Committee, in discussion with FAO and WHO in the light of opinion on the need for and likelihood of successful elaboration of such a code. The Executive Committee took note that the Secretariat of the Joint Office of the Programme would be issuing a circular letter to Governments asking them for their views on the need and desirability of elaborating such a code. The replies to the circular letter would be placed before the 12th Session of the Commission.

Travel Expenses

88. Dr. T. N'Doye (Senegal), a Vice-Chairman of the Commission, referred to the fact that the travel expenses of members of the WHO Executive Board to meetings of the Board were paid for by WHO. He thought that the possibility of the travel expenses of the members of the Executive Committee of the Codex Alimentarius Commission being paid for by FAO and WHO should be examined by the two Organizations.

EXTRACT FROM REPORT OF THE 71st SESSION OF
THE FAO COUNCIL (ROME, 6-17 JUNE 1977)

ALINORM 78/3
Appendix I

" - Food Standards

36. The Group of 77, in its statement to the Fifty-First Session of the Committee on Commodity Problems, reproduced as Appendix D to the Committee's report (CL 71/6), had stressed that the development of food standards had important trade implications and that, in the Group's opinion, it would be useful and necessary for the Committee to help the Codex Alimentarius Commission to achieve fair trade practices, as envisaged in the statutes of the Commission. The Group of 77 had expressed the opinion that the Committee should be associated, in particular, with the task of monitoring the impact of food standards on the export interests of developing countries and had recommended that the Committee should bring to the attention of the Council its willingness to perform such a task. The Group of 77 believed that in view of the Committee's expertise and experience in trade problems, the Committee was particularly suitable to look into this problem. The Group indicated that its suggestions had been made in the light of indications that the food standards so far adopted were not always relevant to developing countries and did not adequately safeguard the export interests of developing countries.

37. Several members at the Committee's sessions had expressed serious doubts about the Committee dealing with food standards, which involved consideration of very specialized and technical issues, and required certain expertise which the delegates normally attending the sessions of the Committee did not have. They considered Codex Alimentarius as the most suitable forum to discuss all aspects of food standards including the achieving of fair trade practices. In their view, the Codex Alimentarius had carried out its work satisfactorily and objectively according to its terms of reference and had achieved fair trade practices, which should be of help to developing countries. They suggested that if some members of the Committee had experienced any particular commodity trade problems arising out of the Codex food standards, such problems could be discussed by the Committee and the Codex Alimentarius Commission at a future session.

38. The Committee had been unable to reach consensus on this subject. It therefore agreed that this subject and its deliberations on it should be called to the attention of the Council.

39. In its statement to the Council, set forth in document CL 71/INF/9, the Group of 77 urged the Council to take favourable action on the proposal that, in the light of its expertise, the Committee on Commodity Problems be associated with the task of ensuring that food standards adopted by the Codex Alimentarius Commission did in fact contribute to promoting fair trade practices in food trade and did not have harmful effects on the development of food industries and on the export trade of developing countries.

40. During the Council's deliberations on this subject, the following points were made in support of the views and proposals of the Group of 77:

- (a) Instead of pursuing the declared aim of safeguarding the health of the consumer and ensuring fair trade practices in the food trade, food standards thus far adopted seemed in a number of instances to neglect health considerations and the interests of the real consumer and to be primarily oriented by the commercial interests of the processing industries and other economic groups in the developed countries;
- (b) Instead of providing a uniform rule to facilitate commercial transactions, there were strong indications that such standards were being used as non-tariff barriers to trade, with a negative impact on the food industries of developing countries and on their export interests; there was also reason to believe that food standards thus far adopted had little relevance to the actual requirements of the consumers in developing countries;

- (c) On the basis of the assessments advanced in (a) and (b) above, it would appear not only necessary but urgent to provide for appropriate monitoring arrangements to ensure that food standards were not diverted from the purposes they were devised to accomplish, avoiding in particular a negative impact on developing countries, their food industries and export interests;
 - (d) The technical competence and experience of the Committee on Commodity Problems made that Committee particularly well fitted to assist the Codex Alimentarius Commission in undertaking the monitoring work referred to, so as to make the Codex's work more responsive to the needs of developing countries and faithful to its own statutes; the choice was also justified in the light of the over-all division of competence between FAO and WHO in relation to the Food Standards Programme, with the first agency mainly responsible for issues related to agricultural commodities;
 - (e) Beyond institutional arrangements for monitoring the economic impact of food standards, particularly in the economies of developing countries, it was considered necessary to establish adequate procedures to assess this impact; one proposal in this regard was that the economic impact of food standards could be measured by ensuring that standards going before the Codex Alimentarius for adoption at Step 8 should be accompanied by a concise trade impact statement to be prepared by the FAO Secretariat in consultation with UNCTAD;
 - (f) The practice of having the commodity and general subject committees of the Codex permanently hosted by particular countries - thus far always developed countries which also serviced them - seemed to have made such committees less responsive to the interests of developing countries and more often than not inclined to favour the commercial interests of the food processing and food importing companies of developed countries; moreover, developing countries often found it difficult to participate actively in Codex Alimentarius sessions, partly because of the venue of the sessions, which were often scheduled where governments did not have permanent representation, and partly because of a shortage of specialized technical personnel, which made participation difficult in the large number of meetings scheduled within the Codex Alimentarius;
 - (g) Difficulties in using the present institutional arrangements of the Codex Alimentarius were compounded by the fact that some developed countries, by their insistence on participating in the work of the Codex's Regional Coordinating Committees specifically set up to service the developing regions, had considerably limited the usefulness of such Regional Coordinating Committees, which developing countries could otherwise have used for defining their own strategies and policies in relation to food standards and airing their grievances.
41. However, the following points were made by those delegations which took the view that the Committee on Commodity Problems was not the appropriate body to deal with these matters:
- (a) Codex Standards had as their statutory purpose "protecting the health of the consumers and ensuring fair practices in the food trade".
 - (b) One of the principal aims of the international food standards adopted by the Codex Alimentarius Commission was to facilitate international trade in food through the removal or, at least, alleviation of non-tariff barriers to trade caused by differing national food standards and regulations. The international community had participated in the elaboration and harmonization of these standards, and, therefore, it was considered that they promoted rather than hindered international trade in food.
 - (c) International food standards had an impact on trade and on the food industry in all countries - not just in developing countries. It was necessary to strike an acceptable balance between the need to protect the consumer against possible health hazards in food and the desire to promote and increase sales and exports. This work could properly be done only in a forum which provided for the technical expertise in all the disciplines concerned.
 - (d) The work of monitoring the trade impact of Codex standards was outside the technical competence of the Committee on Commodity Problems. The Codex Alimentarius Commission contained within it all the necessary expertise for this work.

- (e) A country which considered that it was encountering trading difficulties because of a particular Codex standard could bring the matter up for discussion and action in the Codex Alimentarius Commission. In this context it was noted that, in accordance with their Statutes, the Commission and its Committees were open for participation to all countries.
- (f) The Codex Alimentarius Commission was a joint FAO/WHO Commission and not all its 115 member countries were members of FAO. A member country of the Codex Alimentarius Commission which was a member of WHO but not a member of FAO might object to the monitoring of aspects of the Commission's work by a body in which it had no representation. The views of WHO would also have to be sought. In short, there could be difficulties both of procedure and of substance if these matters were examined by the CCP exclusively within the framework of FAO.
- (g) The proposal to attach a trade impact statement to every standard being adopted at Step 8 was not a feasible one, because of the amount of staff resources which would be required to implement it.
- (h) One member considered that alleged trading difficulties arising from the existence of international standards could be looked into by the Committee on Commodity Problems if and when a concrete case arose.
- (i) The Codex Alimentarius Commission had established Regional Coordinating Committees in Africa, Asia, Europe and Latin America and was developing a Code of Ethics for the international trade in food. In GATT a code was also being developed for the prevention of non-tariff barriers to trade and its applicability to agricultural products was being studied. Countries which considered that their trading interests were being adversely affected by standards could bring the matter up in GATT.

42. In conclusion, the Council agreed to refer this matter and the various views expressed on it, as recorded above and in its verbatim report, to the Codex Alimentarius Commission and its Executive Committee for consideration and reporting on its views on the different proposals and points raised to the Director-General, so as to enable him to report to the Council at its autumn session in 1978.