

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
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JOINT OFFICE:

Via delle Terme di Caracalla 00100, ROME: Tel. 5797 Cables Foodagri

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

Paris, 15-19 October 1979

INTRODUCTION

1. The Sixth Session of the Codex Committee on General Principles was held in Paris from 15 to 19 October 1979, under the Chairmanship of Mr. G. Weill (France), who opened the session and welcomed the delegates. The Session was attended by 81 delegates from 26 countries, 1 observer (South Africa) and 8 international organizations. (see Appendix I).
2. In his opening remarks, the Chairman briefly outlined certain developments in the work of the Codex Alimentarius Commission since the first session of the Commission in 1963. The membership of the Commission had increased greatly since then, and today the great majority of the member countries of the Commission were developing countries. The Chairman drew attention to the increased emphasis being placed in the Commission on the needs and concerns of developing countries. In particular he mentioned the importance of the Draft Code of Ethics for the International Trade in Food currently being developed by the Committee, and of the Committee's role in developing a good mechanism for examining any statements received from governments concerning the possible implications of the standards for their economic interests. The Chairman concluded by re-stating the importance of Codex work for all member countries.

Adoption of Agenda

3. The Committee adopted the provisional agenda with a certain re-arrangement in the order of items to be discussed.

Matters of Interest Arising from the Work of Other Codex Committees

4. The Committee agreed to examine the problem which had been referred to it for consideration by the Codex Committee on Methods of Analysis and Sampling at its Eleventh Session (ALINORM 79/23, paras. 44-48) under the item "Other Business". The Committee also decided that the matters which had been referred to it for attention by the Coordinating Committee for Asia at its Second Session (ALINORM 79/15, paras. 100 and 104) could be more appropriately examined in conjunction with Item 8 of its agenda, i.e. "Format of Codex Standards as a factor influencing the extent of acceptances received from governments".

Mechanism for examining Economic Impact Statements submitted under the amended Procedure for the Elaboration of Worldwide Codex Standards

5. In order to respond to the wishes of developing countries on the question of the economic impact or implications which the international standards might have for them, the Commission, at its Twelfth Session, adopted certain amendments to the Procedure for the Elaboration of Worldwide Codex Standards. These amendments were for the purpose of enabling governments to comment not only on the technical aspects of the standards, but also on the economic aspects. These amendments were set forth in para. 104 of the Report of the Twelfth Session of the Commission (ALINORM 78/41). They were also reproduced in circular letter CL 1978/31, sent in August 1978 to all Codex Contact Points and participants at the Twelfth Session of the Commission.

6. The Commission, at its Twelfth Session, also considered the question of how best to arrange for consideration and evaluation of the responses of governments concerning the economic impact of particular food standards. The Commission agreed that "the Codex Committee on General Principles should, at its next session examine the adopted amendments and make recommendations to the Commission as to the most appropriate mechanism for examining economic impact statements submitted under the new procedures. To facilitate this task, the Commission requested the Secretariat to ask governments beforehand for their views on this matter".

7. The Committee, at its current session, had before it in documents CX/GP 79/3 and Add. I the views of Australia, Canada, Federal Republic of Germany, Finland, Ireland, Poland, Switzerland, U.S.A. and the West African Health Community. In introducing the above documents, the Secretariat indicated that most countries were of the view that the most appropriate body for considering economic impact statements was the body which had been responsible for elaborating the standard concerned. A number of countries had considered it either unnecessary or inadvisable to establish a new Committee to deal with economic impact statements because this could give rise to problems of coordination and duplication of work. One country had suggested that if the relevant subsidiary body were to experience difficulties in resolving any problem arising from a submitted economic impact statement, a suitable working group could be set up within the Committee to deal with the matter. Another country thought that it would be important for the Codex Committee on General Principles to draw up a list of essential questions to be elucidated, for the benefit of subsidiary bodies, in dealing with economic impact statements. The Committee's attention was also drawn to the importance which the Executive Committee attached to this subject (ALINORM 79/3, para. 60).

8. There was a general consensus in the Committee that its task was to concentrate on developing a suitable mechanism for examining and evaluating economic impact statements submitted by governments, rather than to reconsider the amendments to the Procedure for the Elaboration of Worldwide Codex Standards which had been adopted by the Commission at its Twelfth Session. Two delegations thought that a specialized technical committee should be set up to deal with economic impact statements. However, it was the view of the majority in the Committee that the most appropriate body for examining economic impact statements was the subsidiary body of the Commission which had been responsible for elaborating the standard in question, it being understood, however, that it might also be necessary to refer the matter to other subsidiary bodies, depending on the content of the economic impact statement. Thus, it might be necessary to refer such matters also to Regional Coordinating Committees or to General Subject Committees.

9. Many delegations expressed the view that it would be important to provide for consideration of economic impact statements at Step 8 of the Procedure, i.e. at the Step when the standard is submitted to the Commission for final adoption. Others, however, thought that the existing procedure, with the amendments adopted by the Commission at its Twelfth Session, provided full opportunity for the submission and consideration of economic impact statements.

10. Attention was also drawn to the need for ensuring that in considering economic impact statements the purpose of the Codex Alimentarius in the area of protection of consumers health was not overlooked. Protection of the health of consumers was of paramount importance.

11. In response to a query from a delegation which wished to know how any economic impact statements relating to already adopted international standards could be dealt with, it was pointed out that the Procedure for the Elaboration of Worldwide Codex Standards applied, mutatis mutandis to the procedure for the Revision of Worldwide Codex Standards. Thus it would be open to any country to submit an economic impact statement in respect of any of the international standards already adopted by the Commission and sent to governments for acceptance.

12. As most delegations thought that provision should be made for consideration of economic impact statements at Step 8, the Secretariat put before the Committee verbally a proposed amendment to Step 8 of the Procedure for the Elaboration of Worldwide Codex Standards. The thrust of the amendment was twofold. Firstly, the aim was to ensure that in the case of any unresolved issue contained in an economic impact statement, the Commission in considering the standard concerned at Step 8 would have before it full details of the matter, together with the results of any previous consideration of the matter by a subsidiary body of the Commission or the Commission itself. Secondly, the aim was to provide explicitly for a country to have an opportunity of submitting an economic impact statement before final adoption of the standard.

13. Several delegations indicated their hesitance to amend the Procedure itself for the Elaboration of Worldwide Codex Standards. A number of them thought that it would be preferable if the same sort of objective could be achieved through the use of guidelines. The Secretariat drew attention to the possibility of amending the "Guide to the Consideration of Standards at Step 8 of the Procedure for the Elaboration of Codex Standards". Reference was also made to the "Guidelines for Codex Committees". The need for Codex Committees to keep under constant review, while elaborating standards, any matters relating to their economic impact was stressed.

14. The Secretariat was instructed to prepare, for consideration by the Committee, during the course of the present session, a text containing appropriate amendments to the "Guide to the Consideration of Statements at Step 8 of the Procedure for the Elaboration of Codex Standards" and, as might be appropriate, to the "Guidelines for Codex Committees". The text, as approved by the Committee is contained in Appendix II to this Report.

Review of acceptance with specified Deviations received from governments in order to determine whether there is a need to establish criteria for drawing a line of demarcation between meaningful acceptance and non-acceptance in connection with method of acceptance.

15. At its Fifth Session, the Committee had considered the above topic in depth in the light of government comments. The arguments for and against criteria for establishing a line of demarcation between meaningful acceptance and non-acceptance, in connection with acceptance with specified deviations, appeared to be more or less evenly balanced, and the Committee was reluctant to reach a decision until the actual nature and extent of the specified deviations being taken by the various countries could be more closely examined. The Committee agreed that it would be helpful if the Secretariat were to prepare, for the Sixth Session of the Committee, a review of all acceptances received with specified deviations. The review should be prepared in such a way as to give the Committee assistance in reaching a conclusion, in the light of the deviations specified, as to the need to elaborate demarcation criteria solely for the guidance of governments, it being clearly understood that it was not contemplated that the Commission would use such criteria to express a view on a country's position. In preparing the paper, it would be open to the Secretariat to make suggestions or recommendations to the Committee on the basis of its analysis of acceptances.

16. The Committee, at its current Session, had before it document CX/GP 79/4 entitled as in the chapter-heading above. The document was introduced by the Secretariat which outlined its main features. Sixty four countries and the EEC had responded in respect of one or more of the Recommended International Standards and 82 of the standards, including revisions, had been the subject of at least one country's comments. The responses received comprised 511 full acceptances, 149 target acceptances, and 148 acceptances with one or more specified deviations. These responses were tabulated in Appendix I to the document. A compilation showing the Recommended Commodity Standards to which specified deviations had been taken and the nature of the deviations taken by the respective countries were given in Appendix II to the document. Seventeen countries had responded in respect of the General Standard for the Labelling of Prepackaged Foods. A tabulation of the action reported and of the provisions of the standard to which specified deviations had been expressed by four countries was given in Appendix III to the document. The nature of these deviations was set forth in Appendix IV.

17. The number of deviations relating to each of the major headings of the format for Codex standards were as follows: - Scope -9; Definition -17; Composition -43; Additives -101; Contaminants -61; Hygiene -46; Weights and Measures -2; Labelling -83; Methods of Analysis and Sampling -95; and others not specifically classified -68. It was pointed out that there was a certain amount of repetition in the various deviations.

18. The Secretariat indicated that the consideration of responses received brought to light few, if any, instances where the nature of the deviations specified was so fundamental as to constitute patent non-acceptance. The deviations varied in importance and significance and in the effect they might have on international trade. It appeared to the Secretariat that it was not so much the nature of deviations specified but rather the cumulative effect of numerous deviations taken to a given standard by a country that might occasionally result in a situation which some might consider to be approaching non-acceptance.

19. After considering the reasons, pro and con, that had been advanced in recent years relating to the need and desirability of criteria for establishing a line of demarcation between purported acceptance with specified deviations and de facto non-acceptance, and after reviewing all of the deviations specified by countries so far, the Secretariat had reached the conclusion that there was no real need for the establishment of such criteria at this time. Instead, efforts should be concentrated on encouraging countries to respond in full detail to the requests for information contained in the "Form for the Declaration of Acceptance or Non-Acceptance of Recommended Codex Standards", found in ALINORM 79/36, Appendix II. Many countries had made abbreviated rather than comprehensive responses to these requests, but by responding fully a country's requirements would be publicized in the periodic reports of the Secretariat concerning acceptances, thereby facilitating international trade.

20. The Committee, at its current Session, expressed itself as being generally in agreement with the analysis and conclusions on this matter reached by the Secretariat in document CX/GP 79/4, although several delegations pointed out that the conclusions might not necessarily be the same in the case of the standards for dairy products which had been elaborated by the Joint FAO/WHO Committee of Government Experts on the Code of Principles concerning Milk and Milk Products. Several delegations reserved their positions, therefore, so far as milk product standards were concerned, preferring to reach conclusions so far as milk products were concerned under the following item of the agenda.

21. Whilst being generally in agreement with the conclusions of the Secretariat, the Committee stressed the importance of the objectives of the work of the Commission and on the need to place emphasis on obtaining from governments as many acceptances as possible. Full Acceptance continued to be the ideal.

22. Concerning specified deviations, the Committee stressed the importance for governments to give detailed reasons and justification for them. In this connection, the Committee urged countries when indicating their positions concerning acceptance of the Recommended International Standards to use the form which had been prepared by the Secretariat for this purpose (see para. 19 of this Report). The Committee also stressed the importance of the obligation of the

Secretariat to examine deviations notified by governments, to publish them periodically and to report to the Commission concerning possible amendments to standards resulting from an analysis of the deviations. In response to a query from the delegation of Senegal, it was pointed out that in notifying deviations, and reasons for them, every country was at liberty to include economic impact statements.

23. Subject to reservations expressed by certain delegations in regard to milk products, the Committee decided not to pursue the idea of a theoretical line of demarcation between meaningful acceptance and non-acceptance in relation to Acceptance with Specified Deviations.

Consideration of Statements from the International Dairy Federation (IDF) in relation to the FAO/WHO Acceptance Procedures for Milk Product Standards under the rules of the Codex Alimentarius Commission and of the FAO/WHO Committee of Government Experts on the Code of Principles concerning Milk and Milk Products

24. The Committee had before it document CX/GP 79/7, entitled as above, prepared by the International Dairy Federation. The IDF had requested the Secretariat to include this item on the Agenda of the Committee's session. The document was introduced by the observer from the IDF, who outlined and explained its main features.

25. The observer from the IDF indicated that the IDF was now of the view that the time had come to harmonize, in relation to the international milk product standards, acceptance procedures under the Codex methods of acceptance, on the one hand, and under the Code of Principles concerning Milk and Milk Products, on the other. The IDF considered that it would be logical to have the same procedures or methods of acceptance for all food products. Under Article 6.4 of the Code of Principles concerning Milk and Milk Products, a country could give acceptance with a declaration of more stringent requirements than those laid down in an international milk products standard. Section 6.4 of the Code did not, however, permit acceptance with a declaration of less stringent requirements.

26. The observer from the IDF indicated that in the light of developments and tendencies in recent years concerning notification of acceptances of the Milk Products Standards under Codex rules, on the one hand, and under the Milk Code, on the other, the IDF considered that it would now be appropriate to accept the notion of both less stringent and more stringent deviations in connection with the acceptance of Milk Products Standards. In other words, it would be desirable to develop standards and procedures for their acceptance in accordance with the majority view and to permit acceptances with specified deviations which may be either less stringent or more stringent. This would, however, require an amendment of 6.4 of the Code of Principles concerning Milk and Milk Products.

27. The observer from the IDF drew the Committee's attention to Part III of the IDF document entitled "Suggested Guidelines for Acceptance Procedures". The observer from the IDF indicated that the aim was not so much the establishment of demarcation criteria to distinguish between meaningful and de facto non-acceptance with specified deviation, but rather a desire to assist governments in exercising their good judgement in notifying their position on acceptance of standards. Concerning the question of the amendment of Article 6.4 of the Code, the observer from the IDF thought that perhaps this matter could be dealt with by way of another interpretative Decision of the Milk Products Committee. The observer from the IDF reviewed Part III of the IDF document containing suggestions as to those parts of standards from which deviations should not be permitted, those parts in respect of which less stringent deviations should be avoided, and those parts in respect of which more stringent or less stringent deviations could be accepted.

28. During the course of the Committee's deliberations on the IDF paper, the historical background to the establishment of the Joint FAO/WHO Committee of Government Experts on the Code of Principles concerning Milk and Milk Products, which pre-dated the establishment of the Codex Alimentarius Commission, was recalled. The basic concepts behind the Code of Principles

itself were also recalled, as were also subsequent developments following the establishment of the Codex Alimentarius Commission.

29. In response to a number of queries the FAO Legal Counsel referred to certain features of the procedure applicable to the elaboration, adoption and acceptance of standards falling within the competence of the Milk Committee and outlined in particular the difference between acceptance under the Code of Principles and acceptance under the Codex procedure. Thus, paragraph 6.4 of the Code of Principles, while not specifically referring to acceptance, but merely authorizing the maintenance of more stringent provisions in natural legislation, had in fact been applied as a basis for declarations of acceptance of milk product standards. As against this, the forms of acceptance evolved through the various stages of the development of the General Principles, had never included the criterion of more-or-less stringent requirements. He noted that a separate procedure for the elaboration of standards under the Code of Principles concerning Milk and Milk Products had been drawn up, approved by the Milk Committee and the Codex Alimentarius Commission and included in the Procedural Manual. This procedure integrated to a large extent the work methods of the Milk Committee into the General framework of the Codex Alimentarius and made provision also for the eventual publication of milk standards as Codex Alimentarius Standards; it did not, however, expressly abolish the criteria for deviations specified in paragraph 6.4 of the Code of Principles. He also explained the position of the Milk Committee within the framework, of the Codex Alimentarius Commission under Rule IX.1(a) of the Commission's Rules of Procedure which implicitly recognized the Milk Committee as being sui generis, but still placed it clearly under the authority of the Commission.

30. After a very full exchange of views on various aspects of the proposals contained in the IDF document, the Committee concluded as follows. The Committee wished to place on record its appreciation of the excellent work over the years which the IDF had carried out in furtherance of the development of the International Milk Products Standards. The Committee took note of the contribution of the IDF to the discussions on the subject of acceptances of the international standards and wished to thank the IDF for having put forward suggestions for consideration. The Committee did not think that, for the purposes of acceptance, milk products were inherently different from other food products. The Committee considered, therefore, that for acceptance purposes, international standards for milk products should in principle be dealt with in the same way as international standards for other food products.

31. Following from this, the Committee agreed to recommend to the Commission that the proposals of the IDF concerning harmonization of acceptance procedures, as set forth in Part II of CX/GP 79/7, be accepted by the Commission. The Committee stressed that in making this recommendation to the Commission, it was understood that details of deviations taken would need to be stated fully.

32. In its conclusions, the Committee wished to record, in relation to the acceptance provisions under the Code of Principles, that it was cognisant of the thinking behind the establishment of the Code of Principles and, in consequence, of the thinking as to the nature of the Milk Products Standards. The concept of milk products standards under this thinking was that they were minimum standards, in respect of which only deviations of a more stringent nature should be permitted. The Committee noted, from the IDF proposals, the modification of this concept to bring it into line with the Codex concept of specified deviations, which acknowledged the possibility of more stringent, less stringent or simply different requirements at the national level, even though Full Acceptance always remained the ideal.

33. Concerning the suggested guidelines in Part III of the IDF document, the Committee did not enter into a substantive discussion concerning the nature or details of the proposals, other than to agree that it was not advisable to draw up guidelines for one specific group of products. However in view of the fact that most of the acceptances of the milk products standards had been given under the Code of Principles, the Committee requested the Secretariat to carry out a study of the deviations contained in the acceptances under the Code, and to submit the results of this study to the next session of the Committee on General Principles, in order to enable the Committee to examine whether there was a need for guidelines in the case of milk products. It was agreed that it would be appropriate for the Milk Committee to examine the Secretariat paper prior to its consideration by the General Principles Committee.

Format of Codex Standards as a Factor influencing the extent of Acceptances received from Governments

34. The Committee had before it the paper by the Secretariat (CX/GP 79/5) which had been commissioned at its Fifth Session. The paper referred to the proposals which had been placed before its Fourth Session by the French authorities (CX/GP 74/8, January 1974) and summarised the comments of Governments.

35. The paper referred to the progress made since 1974 in respect of the increased number of acceptances by Governments and to the importance of full information accompanying non-acceptances or acceptances with specified deviations. On the question of the format it was noted that the format was to be used as a guide which permitted Committees to respond flexibly to meet particular circumstances, and especially to elaborate group or general standards, wherever appropriate. Simplified international standards might in some cases lead to more acceptances, but if detailed national provisions were not dealt with in the international standards, exporting countries would then have to comply with a variety of possibly very detailed national requirements over and above the requirements of the international standards. The Secretariat also called attention to the discussions in the Codex Coordinating Committee for Asia at its Sixth Session, held in Manila in March 1979, in which the amount of detail involved in some Codex standards had been criticised, more especially the detail of what the Coordinating Committee considered to be 'secondary quality requirements'.

36. The delegation of Thailand stated that the developing countries of Asia - particularly the food exporting countries were interested in using the Codex standards for trade. The delegation of Thailand explained that if the Codex standards were to facilitate exports or to be useful for trading purposes, it was essential that the importing countries should accept them as soon as possible. Unduly detailed provisions - especially in the quality criteria - were giving some difficulties in a number of developing countries. Their main difficulty was the risk of changing their industrial practices and their laws to conform to the international standards without getting in return full economic benefits. The delegation of Thailand stated that in general, the Codex work was of benefit to developing countries, but the main question now was how to increase the number of acceptances of Codex standards. The delegation of Thailand drew attention to the need for greater participation by the developing countries in the elaboration of standards for products of interest to them, in order that their requirements and needs be fully taken into account.

37. In discussion, it was emphasised that acceptances were more important than matters of format and that acceptances with full information about any specified deviations were of help to the exporting countries. It was better to consider the relevant detail and to agree on what it should be, than to exclude the detail and leave it to national legislation. There could be a problem however about the amount of detail, and some countries had not been able to accept fully or with specified deviations some standards, because they could not readily include all the detail in their legislation and thus could not comply fully with the requirements of the Acceptance Procedure.

38. The Committee recognised that there could be a problem in such cases and asked Governments to give full attention in considering the question of acceptance, to the possibility of allowing the free circulation of products conforming to the Codex standard and to notify the Secretariat accordingly, as provided for in para. 4B of the General Principles. The Secretariat was asked to provide better terminology than "non-acceptance" in the record of acceptances for notifications made under 4B(i) which permitted the free distribution of products complying with the Codex Standards, so as to encourage Governments to respond in that way, which would facilitate international trade in accordance with the General Principles.

39. The Committee concluded by recognising the progress that had been made concerning acceptances since 1974 and, in particular, the importance of the new category of acceptances with specified deviations. This type of acceptance with full information would help exporting countries more than an attempt to elaborate simplified standards which would leave many

matters to importing countries to cover in their own, but possibly differing, detailed regulations. The General Principles could best be fulfilled by the greatest possible number of full acceptances and by acceptance with specified deviations where necessary. In particular international trade would also be facilitated if countries would permit free distribution wherever possible, even though they might not be in a position to accept the standard.

40. The Committee then considered the question of 'group standards' or 'general standards'. It was pointed out that some general standards had been elaborated for fats and oils and for fish products and that the mechanism for elaborating such standards was available. It was for the Codex Committee concerned to develop standards in the way most likely to command the largest number of acceptances. In discussion, reference was made to the entries in the Procedural Manual (Scope Page 48 and Guidelines para. 12) which formed the basis of current advice to Commodity Committees. It was suggested that the reference in the Scope section could be expanded. However, the Committee decided to call the attention of Commodity Committees to the appropriate sections in the Procedural Manual and to ask them to give full consideration to the desirability of elaborating 'group standards' and 'general standards' when they were practicable and when they would best fulfil the aims of the General Principles.

Draft Code of Ethics for the International Trade in Food

41. A Working Party met on 11 and 12 October 1979 under the Chairmanship of M. Souverain (France) to consider the Draft Code of Ethics for The International Trade in Food (CX/GEN 77/1). The Working Party comprised the delegates and observers recorded in Appendix III to this Report.

42. The Working Party took into account the following documents:

- (i) Comments of Governments and of the Regional Coordinating Committees on the Draft Code - CX/GP 79/2 Parts 1 to XIV. 1/
- (ii) Comments from the Member States of the European Economic Community - Conference Room Document.
- (iii) The GATT Agreement on Technical Barriers to Trade (CX/GP 79/2, Add.I), and

and called attention to and took note of the Resolution which had been supported by the Codex Coordinating Committee for Africa (paragraph 52 of the Report ((ALINORM 79/28)) reproduced in CX/GP 79/2, Add. 2) which, as reported by the delegate from Senegal, had been changed to read:

"Recommends that the member countries of the Codex Alimentarius Commission and the Codex Food Standards Programme Secretariat give highest priority to the adoption of the Code of Ethics to enable respect [use] of the Code by legitimate traders to reduce abuses in the international trade in foods".

43. The Working Group considered the Draft Code paragraph by paragraph, and produced a revised text which was placed before the Committee.

44. The Committee reviewed the revised draft Code and heard a report by the Chairman of the Working Party. The Committee acknowledged the contribution made by the Consultant, Mr. Anwar Fazal who had produced the first draft and noted that, in his unavoidable absence, the representative of the International Organization of Consumer Unions at the Working Party had been able to render further assistance.

1/ Australia, Canada, Denmark, Fed. Republic of Germany, Finland, Indonesia, Kuwait, Netherlands, New Zealand, South Africa, Sweden, Switzerland, U.S.A.

45. The Committee considered the revised draft paragraph by paragraph and gave particular attention to Articles 5.10, 6 and 7. The revised draft approved by the Committee is attached as Appendix IV.

46. A number of changes of a minor nature were made to improve the presentation or clarity of the text. The important changes which gave rise to full discussion in the Committee or were reported by the Chairman of the Working Party were in the following Articles:

Article 2. On the suggestion of the Irish delegate who was Chairman of the WFP Committee on Food Aid Policies and Programmes, a footnote was added about the application of the principles of the Code to concessional and food aid transactions. The Committee agreed that the attention of members of the Commission should be called to this footnote.

Article 3. The Codex definition of food had been included. It was recognised that those responsible for the implementation of the Code would decide how to apply the definition but it was considered that raw materials such as cereals would be covered if intended for human consumption and that food additives, when sold as such to the consumer would also be covered. The importance of the provision in 3.2 was noted.

Article 5. In this and other Articles the reference was restricted to the Codex Alimentarius Commission and to the Codex Standards. The reference to competent authority was deleted.

Article 5.9. The Working Party noted that discussions were taking place, at the same time, in Geneva at the Meeting on Infant and Young Child Feeding organized by WHO and UNICEF. The Committee left the text unchanged noting that there would be a report by WHO on the outcome of the Meeting to the Thirteenth Session of the Commission and an opportunity for Members of the Commission to discuss these matters. The Committee's attention was drawn to paragraph 78 of the Report of the Twenty-Fifth Session of the Executive Committee in which it was noted that the World Food Council attached particular importance to a Code of Ethics for the Marketing and Advertising of Infant Foods being developed within the Codex framework. At the request of the Codex Committee on Foods for Special Dietary Uses, the ACC Sub-Committee on Nutrition had endorsed the view that these marketing and advertising practices should be considered by the Meeting held in Geneva, 9-12 October, 1979, after which arrangements would be made to provide the Codex Secretariat with a draft Code for further elaboration by the Codex Committee on Foods for Special Dietary Uses. The Committee emphasized the importance of this subject and recommended that the Commission reaffirm to FAO and more especially to WHO the competence of the Codex Alimentarius Commission to elaborate this draft Code.

Article 5.10. This Article as drafted by the Consultant had placed emphasis on the need for information on the nutritional value of processed food to occupy a superior position to other considerations when promoting sales or consumption of food, in view of the nutritional and special needs of consumers and particularly low income consumers in developing countries. Following discussions in the Working Party, the observer from the IOCU produced a revised text which formed the basis for a full discussion by the Committee. It was suggested that the problem was of a general labelling nature and might therefore be included in 5.3 Labelling. It was suggested that there should also be a reference in that section to the General Guidelines on Claims which were being elaborated by the Codex Committee on Food Labelling. Some delegations thought, however, that the problem was more important in certain countries or regions and that the provision might therefore be placed under the heading of Article 5.9.

47. The Committee accepted the view that a separate provision would be more appropriate and agreed to place a revised provision in Article 5.10 with a suitable heading. The new provision retained the idea of the original text in 5.10(b). A footnote relating to the General Guidelines on Claims was included.

48. Articles 6 and 7 were considered together in the Working Party since they dealt respectively with Implementation and Responsibilities for Implementation. In Article 6.1 the reference to the laws of the exporting country was deleted because it was considered that there were practical and legal difficulties in suggesting that food for export should comply with the laws of the exporting country and because in some cases a food in conformity with legislation of an exporting country might not be entirely suitable in relation to conditions in the importing country. Reference was included to bilateral and multilateral agreements, to Codex Standards and to the General Principles of the Code. The requirement in 6.3 to notify an exporting country was restricted to serious cases involving human health or fraud. Article 7 was then more specifically related to Article 6.
49. The Committee made no amendments to Article 6, but after a full discussion reached the conclusion that the revised Article 7 of the Working Party did not reflect the required balance between the obligations which were to be placed on importing and exporting countries. Accordingly, the Committee made suitable changes.
50. The Code was intended to fill the gap while developing countries were setting up adequate legal and control systems. Some delegations pointed out that the obligation in Article 7.1(b)(i) placed on exporting countries was unrealistic with regard to Article 6.1(a), as it was not possible for an exporting country to know at any time all import requirements of importing countries. Furthermore, the countries which had detailed food legislation usually also had a well established import control. In their view it was therefore neither possible nor reasonable for an exporting country to use its control capacity in this case, unless it had undertaken to do so in regard to a specific importing country. Nevertheless, it was agreed that exporting countries should endeavour to use their legal and control systems, so far as was appropriate and practicable, to see that exports of food were in compliance with the Code. The Committee therefore redrafted Article 7 and added to it the provision about promotion of the Code previously in Article 2.3.
51. Articles 8, 9 and 10 were accepted as drafted, except that the requirement in Article 9 for exchange of information was restricted to serious cases as in the case of Article 6.3.
52. The delegation of Brazil called the attention of the Committee to the GATT Agreement on Technical Barriers to Trade (the unedited text was before the Committee as CX/GP 79/2, Add. I). The delegation mentioned Articles 12 and 13 of the GATT Agreement and stressed the importance of calling on Governments to ensure that there should be no conflict between the draft Code of Ethics and the GATT Agreement. In discussion, it was emphasized that the aims of the Codex Alimentarius and those of GATT as expressed in the Agreement were complementary and reference was made to Article 13.3 of the GATT Agreement which acknowledged the work of the Codex Alimentarius Commission. There was close cooperation also between the two Secretariats. Two delegations, which had participated in the GATT discussions, stated that, from their direct experience, they could confirm that there was no conflict between the two documents.
53. The Committee decided to forward the Draft Code on Ethics as amended to the Commission, to invite the Commission to consider the draft with a view to adoption at its 13th Session as a Recommended Code of Ethics which could then be sent to Governments.

Questions raised by Denmark concerning the meaning of the phrase 'name and description laid down in the standard' appearing in the text of Full Acceptance and the problem of products similar to those covered by standards.

54. The Committee had before it the paper prepared by a Consultant Mr. L.G. Hanson, (ALINORM 78/33), which had been referred to it by the Commission at its Twelfth Session and Government Comments from Denmark, Ireland, New Zealand, (CX/GP 78/8),

and Switzerland, (CX/GP 78/8 Add. I). The Committee also had before it two papers which had been prepared for the Codex Committee on Processed Meat Products (CX/PMP 78/12 and Add. 1) which had been referred to the Codex Committee on General Principles as an illustration of the problems encountered by one Commodity Committee. In addition, a Conference Room document prepared by the Consultant after consultation with the Danish delegation, was circulated.

55. The Danish delegation said that in their view the wording of the Full Acceptance Procedure in paragraphs 4A(i)(a) and (b) was causing difficulties which had been fully exposed in the Consultant's paper. Products subjected to a different sort of processing than that included in the standard had to be given a name and description which might have to be one of those laid down in the standard. A more fundamental problem arose about products which were similar to, but not the same as, products included in the standard. A way had to be found of dealing with such cases. On the one hand, the use of standard names or descriptions for similar products ought not to provide an easy way of circumventing the provisions of the standard. On the other hand the free distribution of legitimate products should not be hindered. Commodity committees should be aware of these difficulties and take them into account in their work. The solutions proposed in the Conference Room document would be acceptable to the Danish delegation.
56. The Consultant referred to the development of the rules of acceptance and to the importance of the dual requirement (i) that products complying with the standard should be allowed to be distributed freely under 'the name and description laid down' in the standard and (ii) that 'products not complying with the standard will not be permitted to be distributed under' the name and description laid down. The analysis of the problem suggested that 'the name and description laid down' is the sum of all the relevant provisions in the Name of the Food part of the Labelling section of the Standard. Difficulties arising from this conclusion and its effect on the wording of the Full Acceptance Procedure could only be finally considered case by case, and it was not possible to provide general rules or general guidance which would solve each particular case. However, now that the problem had been raised it would be helpful to give some guidance as to how it might be dealt with. Accordingly, the Conference Room document included three proposals which followed from the general conclusions in paragraph 88 of ALINORM 78/33 but which had been based on those in the Danish comments in paragraphs 24, 25 and 26 of CX/GP 78/8.
57. The Chairman thanked Mr. Hanson for his report and for the three proposals which he suggested could best be considered after a general discussion of the problem and of the issues involved.
58. Several delegations said that the problem of the correct use of names and descriptions was one with which they had to deal frequently under their national legislation. Such problems could only be tackled case by case, even where national legislation included general provisions. Several delegations referred to the danger of making amendments or footnotes to the Acceptance Procedure which might weaken the obligations placed on governments or which might discourage full acceptance. It was generally agreed that there was a problem and it had been illuminated fully by the papers and by the discussion. Some of the difficulties could be removed in the future by giving special attention to the scope and labelling sections when elaborating a standard.
59. The Committee concluded that 'name and description laid down in the standard' is the sum of all the relevant provisions in the Name of the Food part of the Labelling Section of the Standard.
60. The Committee then considered the three proposals which dealt first with an amendment to the Scope section of the Format for Codex Standards, (Procedural Manual, page 48); an additional item in the Work Priorities Criteria (page 53); and a footnote to the Full Acceptance Procedure (paragraph 4A(i)(a) and (b)).

61. After a full discussion of an amendment/footnote as follows:

"This section should, where necessary, refer to products which are not intended to be included, and to the use of the labelling provisions in the Name of the Food section of the Standard, appropriately qualified, for products not included in the scope of the standard."

the Committee agrees that the Scope section of the Format in Codex Standards should not be amended at this time. However, the Committee agreed that Codex Commodity Committees should be cognizant of the problems and should take them into account when elaborating standards.

62. The Committee concluded that an additional item in the Work Priorities Criteria was not called for since the problem of similar products could be considered as falling within Item 4A(i) (Consumer protection from the point of view of health and fraudulent practices).
63. To deal with the problem of guidance for governments, the Committee then considered a draft footnote to the Full Acceptance Procedure, an amended version of which is as follows:

"The reference to 'name and description laid down' is not intended to prevent the legitimate use, for a product not included in the scope of the standard, of any of the relevant provisions in the Name of the Food Section with appropriate accompanying qualifying statements, provided that the General Principles of Section 2 of the General Standard for Labelling of Prepackaged Foods are complied with and provided that the scope of the standard is taken fully into consideration."

64. The advantages and disadvantages of including this footnote were further discussed and the general conclusion was that an amendment should not be proposed at this time. Rather the attention of Governments should be drawn to the report of the Committee's deliberations. Meanwhile Commodity Committees should take note of the problem, if they have not already done so, and take it fully into account when elaborating standards.

Consideration of the phrase in certain Codex Standards 'in accordance with the law and custom of the country in which the product is sold'

65. The Committee considered document CX/GP 79/11 which set out the Commission's request to examine how more meaningful information could be obtained from governments when giving acceptance to Codex Standards which contain provisions relating to the national legislation or custom of the country in which the product was sold. It was agreed that governments should be invited to indicate specifically the position regarding such provisions when communicating their acceptance to the Secretariat. The Committee recommended that in each standard where appropriate the attention of governments should be drawn to the provisions concerned. The Secretariat undertook to footnote such provisions and also to make reference to the matter in the "Introduction to the Codex Standards along the following lines":

"Attention of governments is drawn to provisions [.....] in the standard which enable governments to select their own requirements within the scope of these provisions; and governments are requested to supply the Secretariat of the Joint FAO/WHO Food Standards Programme with information on their national requirements for the provisions concerned."

Proposal of Codex Committee on Food Additives to amend the
Endorsement Procedure for Food Additives

66. The Committee had before it document CX/GP 79/10 which contained a proposal of the Codex Committee on Food Additives to amend the endorsement procedure for food additives, as set forth in paragraph 13(b) of the Guidelines for Codex Committees.
67. The delegation of Australia stated that the suggested amendment seemed to indicate that the Secretariat should make a recommendation to the Committee. The delegation considered that it was for the Committee to make recommendations and suggested an amendment to the effect that the Secretariat should make a report to the Committee. The amended text as agreed to by the Committee is given in Appendix V to this Report.

Other Business

Methods of Analysis

68. The Coordinating Committee for Europe, in the course of examining methods of analysis and sampling for criteria contained in the Standard for Natural Mineral Waters, discussed whether it would be appropriate to develop methods to verify statements made on the labels of Natural Mineral Waters concerning their composition. The Committee considered that methods of analysis and sampling should be elaborated only for provisions contained in the Standard.
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ALINORM 79/35
APPENDIX I

LIST OF PARTICIPANTS
LISTE DES PARTICIPANTS
LISTA DE PARTICIPANTES

15-19 October 1979

Chairman: Mr. Gérard Weill
Président: Président du Comité
Présidente: Français du Codex
44 Boulevard de Grenelle
75015 Paris, France

ALGERIA
ALGERIE
ARGELIA

Mr. M. Haddou
Directeur du Contrôle
de la Qualité et de la
Répression des Fraudes
Ministère de l'Agriculture et
de la Révolution Agraire
12 Bd. Colonel Amirouche
Algeria

AUSTRALIA
AUSTRALIE

Mr. F.R. Breglec
Acting Senior Executive Officer
Department Primary Industry
Edmund Barton Building
Barton A.C.T. 2600
Australia

Mr. J.R. Merton
Acting Assistant Secretary
Food Services Branch
Department of Primary Industry
Edmund Barton Building
Barton A.C.T. 2600
Australia

BELGIUM
BELGIQUE
BELGICA

Mr. C. Cremer
Ministère de la Santé Publique
Inspection des denrées alimentaires
Cité Administrative de l'Etat
Quartier Vesale
1010 Bruxelles
Belgium

Mr. M. Fondu
Institut d'Etudes Européennes
39, Avenue Fr. Roosevelt
1050 Bruxelles
Belgium

Mr. M. Meyers
Adjoint Technique Principal
Ministère des Affaires Economiques
Square de Neus 23
1010 Bruxelles
Belgium

BRAZIL
BRESIL
BRASIL

Mr. A. Gorgatti-Netto
Executive Director - Embrapa
Ministerio da Agricultura
Ed. Venancio 2000
9 sala 904, Brasilia D.F.
Brasil

BRAZIL (contd.)

Mr. A. de Souza
Ambassade du Brésil
34 Cours Albert Ier
75008 Paris
France

DENMARK
DANEMARK
DINAMARCA

Mr. N. Borre
Director
National Food Institut
Morkhoj Bygade 19
Soborg
Copenhagen
Denmark

Mrs. A. Brincker
Food Technologist
Danish Meat Products Lab.
13 Howitzvej
DK 2000 F. Copenhagen
Denmark

Mr. H. Feilberg
Principal
Ministère de l'Agriculture
Havnegade 31
DK 1058 Copenhagen K
Denmark

Mr. Kaj. Haaning
Senior Veterinary Officer
Veterinaerdirektoratets Laboratorium
Bulowsvej 13
DK 1870 Kobenhavn V
Denmark

Mr. P.F. Jensen
Director
Inspection Service for Fish Products
Ministry of Fisheries
Dronningens Tvaergade 21
DK 1302 Copenhagen K
Denmark

Mr. Madelung
Chief of Division
Havnegade 31
1058 Copenhagen K
Denmark

DENMARK (contd.)

Mr. J. Reeckmann
Legal Adviser
The Federation of Danish Industries
HC Andersen Boulevard 18
DK 1596 Copenhagen
Denmark

ECUADOR
EQUATEUR

Mr. P. Palacios
34 Avenue de Messine
Ambassade del'Equateur
75008 Paris
France

FINLAND
FINLANDE
FINLANDIA

Mrs. K.E. Dufholm
Head of Division
National Board of Trade and Consumer
Interests
Box 9, 00531 Helsinki
Finland

Mr. E. Petäjä
Director of Customs Laboratory
Tullihallitus
Erottajankatu 2
Helsinki 10
Finland

Mrs. T. Neuvonen
National Board of Trade and
Consumer Interests
Food Bureau
Box 9, 00531 Helsinki
Finland

FRANCE
FRANCIA

M. C. Castang
Chef du Service de la Répression
des Fraudes et du Contrôle de la Qualité
44, Bd. de Grenelle
75732 Paris Cédex 15

M. H. Carré
Inspecteur Général du Service de la
Répression des Fraudes et du Contrôle
de la Qualité
44, Bd. de Grenelle
75732 Paris Cédex 15

FRANCE (contd.)

M. L. Guibert
Conseiller Technique CFCE
Ministère de l'Economie et du
Commerce Extérieur
10, Avenue d'Iena
75016 Paris

M. G. Junel
Vice-Président du Comité Français
du Codex Alimentarius
3, rue de Logelbach
75017 Paris

Mme. C. Muckensturm
Inspecteur du Service de la
Répression des Fraudes et du
Contrôle de la Qualité
44, Bd. de Grenelle
75732 Paris Cédex 15

M. R. Ruineau
Inspecteur Général du Service de la
Répression des Fraudes et du Contrôle
de la Qualité
44, Bd. de Grenelle
75732 Paris Cédex 15

Mlle. F. Soudan
Chef du Service de Technologie et des
Contrôles
Institut Scientifique et Technique
des Pêches Maritimes
B.P. 1019
44037 Nantes

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

Mr. G. Berlitz
Bundesministerium für Ernährung
Landwirtschaft und Forsten
Rochusst. 1
D53-Bonn-Duisdorf.
Fed. Rep. of Germany

Prof. Dr. D. Eckert
Ministerialdirigent
Bundesministerium für Jugend Familia
und Gesundheit
53 Bonn - Bad Godesberg
Fed. Rep. of Germany

GERMANY, FED. REP. OF (contd.)

Mr. C.H. Kriege
Ministerialrat
Bundesministerium für Ernährung
Landwirtschaft und Forsten
Rochusst. 1
D53-Bonn-Duisdorf
Fed. Rep. of Germany

Dr. H. B. Tolkmitt
Schanenwik 33
D2000 Hamburg 76
Fed. Rep. of Germany

HUNGARY
HONGRIE
HUNGRIA

Mr. C. Balint
Secretary of Hungarian Codex Committee
Ulloi Ut.25
1450 Budapest,
Hungary

Dr. K. Süto
President of Hungarian Codex Committee
Ulloi, Ut. 25
1450 Budapest
Hungary

IRELAND
IRLANDE
IRLANDA

Mr. P. Griffin
Department of Agriculture
Agriculture House
Kildare Street
Dublin 2
Ireland

ITALY
ITALIE
ITALIA

Dr. U. Pellegrino
Dirigente Superiore
Igiene degli Alimenti
Ministero della Sanità
Piazza Marconi, 24
EUR - Rome
Italy

JAPAN
JAPON

Mr. T. Izawa
Official of Ministry of Agriculture
Food Marketing Bureau
Ministry of Agriculture, Forestry and
Fisheries
1-2-1 Kasumigaseki, Chiyoda-ku
Tokyo
Japan

KUWAIT
KOWEIT

Mr. Ali A.S. Alfaras
Kuwait Municipality
Head of Food Control
P. O. Box 10
Kuwait

NETHERLANDS
PAYS-BAS
PAISES BAJOS

Dr. G.F. Wilink
Cabinet Adviser
Ministry of Agriculture and Fisheries
Bezuidenhoutseweg 73
P. O. Box 20401
2500 EK The Hague
Netherlands

Mr. G. Loggers
Netherlands Ministry of Public Health and
Environmental Protection
Dokter Reyersstraat 10
Leidschendam
Netherlands

Mr. C.C.J.M. Van der Meys
Ministry of Agriculture and Fisheries
Bezuidenhoutseweg 73
P. O. Box 20401
2500 EK The Hague
Netherlands

Dr. J. Mees
Unilever N.V.
Burgm. s'Jacobplein 1
Rotterdam
Netherlands

Mr. J. Pasman
Representative of the Commodity Boards
Stadhoudersplantsoen 12
The Hague
Netherlands

NETHERLANDS (contd.)

Mr. A. Penning
Royal Dutch Dairy Federation (FNZ)
Van de Spiegelstraat 16
P. O. Box 29815
2502 LV The Hague
Netherlands

NEW ZEALAND
NOUVELLE-ZELANDE
NUEVA ZELANDIA

Mr. G. Rutherford
Attaché aux Affaires Agricoles
Ministry of Agriculture and Fisheries
P. O. Box 2298
Wellington
New Zealand

NIGERIA

Mr. O. Brinle
Senior Standards Officer
Nigerian Standards Organisation
Federal Ministry of Industries
4 Latunde Labinjo Street
Ikorodu Road
Lagos
Nigeria

NORWAY
NORVEGE
NORUEGA

Mr. J. Race
Norwegian Codex Alimentarius Committee
Box 8139 Dep.
Oslo 1
Norway

Mr. K. Friis
Directorate of Fisheries
P. O. Box 185
50001, Bergen
Norway

Mr. T. Østmo
Government Quality Control
(Processed Fruits & Vegetables)
Gladengveien 3B
Oslo 6
Norway

SWEDEN
SUEDE
SUECIA

Mr. B. Augustinsson
Head Legal Division
Swedish National Food Administration
Box 622
S-75126 Uppsala
Sweden

SENEGAL

Mr. M. Diallo
Conseiller Technique
Ministère du Développement Rural
B.P. 4005
Dakar
Republic of Senegal

Mr. I.A. Diaw
Directeur Adjoint du Contrôle Economique
Ministère des Finances
B. P. 2050
Dakar
Republic of Senegal

Mr. T. N'Doye
Directeur, Service National de Nutrition
Ministère de la Santé Publique
Dakar
Senegal

Mr. A. Pouye
Institut de Technologie Alimentaire
B.P. 2765
Dakar
Senegal

SPAIN
ESPAGNE
ESPAÑA

Mr. Jacinto Ascorve Dominguez
Ministerio de Sanidad y S. Social
Madrid
Spain

SWITZERLAND
SUISSE
SUIZA

Mr. E. Matthey
Président de la Commission Codex
Prof. Chef de la Division
du Contrôle des Dérivés alimentaires
et l'Office Fédéral de la Santé
Haslerstrasse 16
3000 Berne
Switzerland

SWITZERLAND (contd.)

Dr. W. Hausheer
Hoffmann-La Roche & Co. A.G.
124 Grenzacherstrasse
CH-4002 Basel
Switzerland

Mr. P. Rossier
Chef Section Codex Alimentarius
Haslerstrasse 16
CH-3008 Berne
Switzerland

Mr. G. Schubiger
Case Postale 88
CH 1814 La Tour de Peilz
Switzerland

THAILAND
THAILANDE
THAILANDIA

Prof. A. Bhumiratana
Inst. of Food Research & Product
Development
Kasetsart University
P. O. Box 4-170
Bangkok
Thailand

Mr. K. Kittisataporn
Commercial Counsellor
Royal Thai Embassy
184 rue de l'Université
75007 Paris
France

Miss P. Jantanasombat
Food Control Division
Ministry of Public Health
Bangkok
Thailand

TUNISIA
TUNISIE
TUNEZ

Mr. M. Harrabi
Ingenieur
S/Directeur Contrôle de Qualité
Office du Commerce de la Tunisie
1 rue de l'Iran
Tunis
Tunisia

UNITED KINGDOM
ROYAUME-UNI
REINO UNIDO

Mr. F.S. Anderson
Principal
Food Standards Division
Ministry of Agriculture, Fisheries
and Food
Great Westminster House
Horseferry Road
London SW1P 2AE

Mr. G.K. Boyes
Food Standards Division
Ministry of Agriculture, Fisheries & Food
Great Westminster House
Horseferry Road
London SW1P 2AE

UNITED STATES OF AMERICA
ETATS-UNIS D'AMERIQUE
ESTADOS UNIDOS DE AMERICA

Mr. E.F. Kimbrell
Deputy Administrator
FSQS. USDA
Room 350E Administration
Washington D.C.
U. S. A.

Dr. R.W. Weik
Assistant to Director
Bureau of Foods (HFF-4)
Food & Drug Administration
Washington D.C. 20204
U. S. A.

Mr. C. Feldberg
Director Health & Safety Affairs
CPC International Inc.
International Plaza
Eaglewood Cliffs, N.J. 07632
U. S. A.

Mrs. G. Cox
Chief Executive Officer
Cox and Cox Investments
12006 Auth Lane
Silver Spring, Maryland 20902
U. S. A.

OBSERVER COUNTRIES
PAYS OBSERVATEURS
PAISES OBSERVADORES

SOUTH AFRICA
AFRIQUE DU SUD
SUDAFRICA

Mr. W.J. Saayman
Ambassade d'Afrique du Sud
59, Quai d'Orsay
75007 Paris
France

INTERNATIONAL ORGANIZATIONS
ORGANISATIONS INTERNATIONALES
ORGANIZACIONES INTERNACIONALES

EUROPEAN ECONOMIC COMMUNITY (EEC)
COMMUNAUTE ECONOMIQUE EUROPEENNE (CEE)

Mr. L. Cisnetti
Administrateur
Secrétaire Général du Conseil
170, rue de la Loi
1048 Bruxelles
Belgium

Mr. E. Gaerner
Administrateur Principal
Direction Général du Marché Intérieur
et des Affaires Industrielles
Commission des Communautés Européennes
200, rue de la Loi
B 1040 Bruxelles
Belgium

FEDERATION INTERNATIONALE DES PRODUCTEURS
DE JUS DE FRUITS

Mr. P. Dardonville
Fédération Internationale des Producteurs
de Jus de Fruits
10, rue de Liège
75009 Paris
France

ASSOCIATION MONDIALE DES FABRICANTS
D'EXTRAITS D'ALGUES MARINES

Mr. P. Deville
Secrétaire Général
Marinalg International
46, rue Jacques Dulud
92202 Neuilly S/Seine
France

**INTERNATIONAL DAIRY FEDERATION
FEDERATION INTERNATIONALE DE LAITERIE**

Mr. A. Eck
Fédération Internationale de Laiterie
41, Square Verjote
Bruxelles
Belgium

Dr. E. Green
International Dairy Federation
Milk Marketing Board
Thames Ditton
Surrey
England

**INTERNATIONAL PULSE TRADE AND INDUSTRY
CONFEDERATION (IPTIC)
CONFEDERATION INTERNATIONALE DU COMMERCE
ET DES INDUSTRIES DES LEGUMES SECS (CICILS)**

Mr. J. Gauthier
Délégué Général
CICILS
258, Bourse du Commerce
75010 Paris Cédex 01
France

**ASSOCIATION EUROPEENNE POUR LE
DROIT DE L'ALIMENTATION (AEDA)**

Prof. Alain Gérard
Secrétaire Général AEDA
3, Bd. de la Cambre (Bte. 34)
B 1050 Bruxelles
Belgium

**OFFICE INTERNATIONALE DE LA VIGNE ET
DU VIN (OIV)**

Mr. P. Mauron
Directeur
11, rue Roquépine
75008 Paris
France

**FEDERATION INTERNATIONALE DES INDUSTRIES
ET DU COMMERCE EN GROS DES VINS, SPIRITUEUX,
EAUX-DE-VIE ET LIQUEURS**

Mr. Valvassori
Bd. Haussmann 103
Paris
France

**FAO PERSONNEL
PERSONNEL DE LA FAO
PERSONAL DE LA FAO**

Mr. G.O. Kermodé
Chief FAO/WHO Food Standards Programme
FAO, 00100 Rome, Italy

Mr. J.P. Dobbert
Conseiller Juridique
FAO, 00100 Rome, Italy

Mr. H.J. McNally
Senior Officer FAO/WHO
Food Standards Programme Group
FAO, 00100 Rome, Italy

Mr. L. Hanson
Consultant to FAO Secrétariat
7 Conchmore Avenue
Esher, Surrey
England

**WHO
OMS**

Dr. D.G. Chapman
Health Criteria & Standards
Environmental Health Division
World Health Organization
1211 Geneva 27
Switzerland

Dr. S. Shubber
Legal Adviser WHO
WHO Legal Division
1211 Geneva 27
Switzerland

SECRETARIAT FRANCAIS

M. J.L. Gianardi
Inspecteur Principal du Service de la
Répression des Fraudes et du Contrôle
de la Qualité
44, Bd. de Grenelle
75732 Paris Cédex 15
France

ECONOMIC IMPACT STATEMENTS

Proposals of the Secretariat approved by the Codex Committee on General Principles at its Sixth Session, Paris 15-19 October 1979

A. Guide to the Consideration of Standards at Step 8 of the Procedure for the Elaboration of Codex Standards including consideration of any statements relating to economic impact.

1. Add the words underlined to the title

2. Add new paragraph 6 as follows:

"It will be open to any Member of the Commission to draw to the attention of the Commission any matter concerning the possible implications of a draft standard for its economic interests, including any such matter which has not, in that Member's opinion, been satisfactorily resolved at an earlier step in the Procedure for the Elaboration of Codex Standards. All the information pertaining to the matter, including the outcome of any previous consideration by the Commission or a subsidiary body thereof should be presented in writing to the Commission, together with any draft amendments to the standard which would in the opinion of the country concerned, take into account the economic implications. In considering statements concerning economic implications the Commission should have due regard to the purposes of the Codex Alimentarius concerning the protection of the health of consumers and the ensuring of fair practices in the food trade, as set forth in the General Principles of the Codex Alimentarius, as well as the economic interests of the Member concerned. It will be open to the Commission to take any appropriate action including referring the matter to the appropriate Codex Committee for its comments."

B. Guidelines for Codex Committees

Conduct of Meetings

Para 10(b)

Add the words underlined to the first sentence, so that it reads as follows:

"Chairmen of Codex Committees should ensure that all questions are fully discussed, in particular statements concerning possible economic implications of standards under consideration at Steps 4 and 7."

Reports

Para 11(a)(i): Add the words underlined after the words "decisions should be clearly stated": "action taken in regard to economic impact statements should be fully recorded".

ALINORM 79/35
APPENDIX III

LIST OF PARTICIPANTS OF
THE WORKING PARTY ON THE DRAFT CODE OF ETHICS
FOR THE INTERNATIONAL TRADE IN FOOD
Paris, 11-12 October 1979

Chairman: Mr. R. Souverain
Président: Inspecteur général honoraire
Présidente: Ministère de l'Agriculture
44 Boulevard de Grenelle
75015 Paris, France

ALGERIA
ALGERIE
ARGELIA

M. M. Haddou
Directeur du Contrôle de la Qualité et
de la Répression des Fraudes
Ministère de l'Agriculture et de la
Révolution Agraire
12 Bd. Colonel Amirouche
Alger
Algeria

AUSTRALIA
AUSTRALIE

Mr. J.R. Merton
A/G Assistant Secretary
Food Services Branch
Department of Primary Industry
Canberra ACT 2600
Australia

BRAZIL
BRESIL
BRASIL

Mr. J. Almino de Souza
Ambassade du Brésil
34 Cours Albert Ier
75008 Paris
France

Mr. A. Gorgatti-Netto
Sq. 309 I Apt. 201
Brasilia, D.F.
Brasil

DENMARK
DANEMARK
DINAMARCA

Mr. V. Enggaard
Assistant Director
Danish Meat Products Lab.
13 Howitzvej
DK 2000 F Copenhagen
Denmark

Mrs. A. Brincker
Food Technologist
Danish Meat Products Lab.
13 Howitzvej
DK 2000 F. Copenhagen
Denmark

Mr. P.F. Jensen
Director
Inspection Service for Fish Products
Ministry of Fisheries
Dronningens Tvaergade 21
DK 1302 Copenhagen K
Denmark

FRANCE
FRANCIA

Mr. L. Guibert
Conseiller Technique CFCE
Ministère de l'Economie et du Commerce
Extérieur
10 avenue d'Iena
Paris 16ème
France

M. G. Jumel
Vice Président du Comité National du Codex
3 rue de Logelbach
Paris 17ème
France

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

Prof. Dr. D. Eckert
Ministerialdirigent
Bundesministerium für Jugend Familie
und Gesundheit
53 Bonn - Bad Godesberg
Fed. Rep. of Germany

Mr. C.H. Kriege
Ministerialrat
Bundesministerium für Ernährung
Landwirtschaft und Forsten
Rochusstr. 1
D53 Bonn-Duisdorf
Fed. Rep. of Germany

Dr. W. Schultheiss
Adviser
ISDJ (International Secretariat of Dietetic
Food Industry)
6146 Alsbach
Schlosstrasse 5
Fed. Rep. of Germany

IRELAND
IRLANDE
IRLANDA

Mr. T. O'Toole
Department of Agriculture & Fisheries
Agriculture House
Kildare Street
Dublin 2
Ireland

ITALY
ITALIE
ITALIA

Mr. U. Pellegrino
Dirigente Superiore
Igiene degli Alimenti
Ministero della Sanità
Piazza Marconi 24
EUR - Rome, Italy

NETHERLANDS
PAYS-BAS
PAISES BAJOS

Dr. G.F. Wilmink
Cabinet Adviser
Ministry of Agriculture & Fisheries
Bezuidenhoutseweg 73
P. O. Box 20401
2500 EK The Hague
Netherlands

NEW ZEALAND
NOUVELLE-ZELANDE
NUEVA ZELANDIA

Mr. G. Rutherford
Attaché aux Affaires Agricole à Paris
Ministry of Agriculture & Fisheries
P. O. Box 2298
Wellington
New Zealand

NORWAY
NORVEGE
NORUEGA

Mr. K. Friis
Directorate of Fisheries
P. O. Box 185
5001 Bergen
Norway

Mr. T. Østmo
Gladengveien 3B
Oslo 3
Norway

SENEGAL

Mr. I.A. Diaw
Directeur Adjoint du Contrôle Economique
Ministère des Finances
B.P. 2050
Dakar
Republic of Senegal

Mr. A. Pouye
Institut de Technologie Alimentaire
B.P. 2765
Dakar
Republic of Senegal

SENEGAL (contd.)

Mr. M. Diallo
Conseiller Technique
Ministère du Développement Rural
B.P. 4005
Dakar
Republic of Senegal

SWEDEN
SUEDE
SUECIA

Mr. B. Augustinsson
Head of Law Division
Swedish National Food Administration
Box 622
S-75126 Uppsala
Sweden

SWITZERLAND
SUISSE
SUIZA

Mr. P. Rossier
Head of Codex Section
Federal Health Service
Haslerstrasse 16
3000 Berne
Switzerland

UNITED KINGDOM
ROYAUME-UNI
REINO UNIDO

Mr. F.S. Anderson
Principal Food Standards Division
Ministry of Agriculture, Fisheries & Food
Great Westminster House
Horseferry Road
London SW1P 2AE
England

Mr. G.K. Boyes
Higher Executive Officer
Ministry of Agriculture, Fisheries & Food
Great Westminster House
Horseferry Road
London SW1P 2AE
England

UNITED STATES OF AMERICA
ETATS-UNIS D'AMERIQUE
ESTADOS UNIDOS DE AMERICA

Dr. R.W. Weik
Assistant to Director
Bureau of Foods (HFF-4)
Food & Drug Administration
Washington D.C. 20204
U. S. A.

Mrs. G. Cox
Cox & Cox Investments
12006 Auth Lane
Silver Spring, Maryland 20902
U. S. A.

OBSERVER COUNTRIES
PAYS OBSERVATEURS
PAISES OBSERVADORES

SOUTH AFRICA
AFRIQUE DU SUD
SUDAFRICA

Mr. W.J. Saayman
Ambassade d'Afrique du Sud
59, Quai d'Orsay
75007 Paris
France

INTERNATIONAL ORGANIZATIONS
ORGANISATIONS INTERNATIONALES
ORGANIZACIONES INTERNACIONALES

FEDERATION INTERNATIONALE DES PRODUCTEURS
DE JUS DE FRUITS

Mr. P. Dardonville
10, rue de Liège
75009 Paris
France

INTERNATIONAL DAIRY FEDERATION (IDF)
FEDERATION INTERNATIONALE DE LAITERIE

Mr. A. Eck
Fédération Internationale de Laiterie
41 Square Verjote
Bruxelles, Belgium

EUROPEAN ECONOMIC COMMUNITY (EEC)
COMMUNAUTE ECONOMIQUE EUROPEENNE (CEE)

Mr. E. Gaerner
Administrateur Principal
Direction Général du Marché Interieur et
des Affaires Industrielles
Commission des Communautés Européennes
200 rue de la Loi
B-1040 Bruxelles
Belgium

EUROPEAN ECONOMIC COMMUNITY (contd.)

Mr. R. Sevenier
Administrateur
Directeur Général de l'Agriculture
Commission des Communautés Européennes
200 rue de la Loi
B-1040 Bruxelles
Belgium

Mr. M.L. Cisnetti
Administrateur
Secretariat Général du Conseil
170 rue de la Loi
1048 Bruxelles
Belgium

INTERNATIONAL ORGANIZATION OF CONSUMER
UNIONS (IOCU)

Miss D.H. Grose
I.O.C.U.
14 Buckingham Street
London W.C.2
England

OFFICE INTERNATIONAL DE LA VIGNE
ET DU VIN (OIV)

Mr. P. Mauron
Directeur
11 rue Roquépine
75008 Paris
France

INTERNATIONAL SECRETARIAT OF DIETETIC
FOOD INDUSTRY (ISDJ)

Dr. Schultheiss
Adviser
I.S.D.J.
6146 Alsbach
Schlosstrasse
Fed. Rep. of Germany

FAO PERSONNEL

Mr. G.O. Kermode
Chief
FAO/WHO Food Standards Programme
FAO, 00100 Rome, Italy

Mr. H.J. McNally
Senior Officer
FAO/WHO Food Standards Programme Group
FAO, 00100 Rome, Italy

FAO PERSONNEL (contd.)

Mr. L. Hanson
Consultant to FAO Secrétariat
7 Conchmore Avenue
Esher, Surrey
England

WHO
OMS

Dr. D.G. Chapman
Health Criteria & Standards
Environmental Health Division
World Health Organization
1211 Geneva 27
Switzerland

SECRETARIAT FRANÇAIS

Mr. J.L. Gianardi
Inspecteur Principal du Service
de la Répression des Fraudes et
du Contrôle de la Qualité
44 Bd. de Grenelle
75015 Paris
France

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APPENDIX IV

FAO/WHO CODEX ALIMENTARIUS COMMISSION

DRAFT

CODE OF ETHICS FOR THE INTERNATIONAL TRADE IN FOOD

PREAMBLE

THE CODEX ALIMENTARIUS COMMISSION,
RECOGNIZING THAT:

- (a) Adequate, safe, sound and wholesome food is a vital element for the achievement of acceptable standards of living and that the right to a standard of living adequate for the health and wellbeing of the individual and his family is proclaimed in the Universal Declaration of Human Rights of the United Nations;
- (b) Food is a vital and critical item of international trade and its quality is influenced primarily by prevailing commercial practices and such food legislation and food control practices as are in operation in particular countries;
- (c) Food purchases utilize a significant portion of the income of consumers, particularly low-income consumers, who often also represent the most vulnerable group and for whom the ensurance of safe, sound and wholesome food and protection from unfair trade practices is quite critical;
- (d) There is increasing worldwide concern about food safety, food contamination through environmental pollution, adulteration, unfair trade practices in quality, quantity and presentation of food, food losses and wastage and, generally, about the improvement of food quality and nutritional status everywhere;
- (e) Food legislation and food control infrastructures are not sufficiently developed in many countries to enable adequate protection of their food imports and prevent the dumping of sub-standard and unsafe foods.

AND CONSIDERING THAT:

- (a) The major objectives of the work of the Codex Alimentarius Commission are to protect the health of the consumer and ensure fair practices in the trade in food and to facilitate international trade in food through the elaboration and harmonization of definitions and requirements for food;
- (b) The above stated objectives can best be achieved by each country establishing or strengthening its food legislation and food control infrastructures and, where necessary, taking advantage of the work of international organizations competent to advise and provide assistance in these areas and particularly of the recommendations of the Codex Alimentarius Commission;
- (c) A code of ethical conduct for the international trade in food embodying the principles of sound consumer protection can supplement and complement the establishment and strengthening of national food legislation and food control infrastructures and, at the same time, provide an internationally agreed norm and framework for the realization of practical and effective international cooperation.

HEREBY DECIDES TO RECOMMEND THAT ALL THOSE ENGAGING IN THE INTERNATIONAL TRADE IN FOOD COMMIT THEMSELVES MORALLY TO THIS CODE AND UNDERTAKE VOLUNTARILY TO SUPPORT ITS IMPLEMENTATION IN THE LARGER INTEREST OF THE WORLD COMMUNITY.

ARTICLE 1 - OBJECTIVE

1. The objective of this code is to establish standards of ethical conduct for all those engaged in international trade in food or responsible for regulating it and thereby to protect the health of the consumers and promote fair trade practices.

ARTICLE 2 - SCOPE

- 2.1 This code applies to all food introduced into international trade. ^{1/}
- 2.2 This code establishes standards of ethical conduct to be applied by all those concerned with international trade in food.

ARTICLE 3 - DEFINITION AND INTERPRETATION

- 3.1 For the purposes of this code, "food" means any substance, whether processed, semi-processed or raw which is intended for human consumption and includes drink, chewing gum and any substance which has been used in the manufacture, preparation or treatment of "food" but does not include cosmetics or tobacco or substances used only as drugs.
- 3.2 In their interpretation and application, the provisions of this code are inter-related and each provision shall be construed in the context of the other provisions.

ARTICLE 4 - GENERAL PRINCIPLES

- 4.1 International trade in food should be conducted on the principle that all consumers are entitled to safe, sound and wholesome food and to protection from unfair trade practices.
- 4.2 Subject to the provisions of Article 5 below, no food should be in international trade which:
- (a) has in or upon it any substance in an amount which renders it poisonous, harmful or otherwise injurious to health; or
 - (b) consists in whole or in part of any filthy, putrid, rotten, decomposed or diseased substance or foreign matter, or is otherwise unfit for human consumption; or
 - (c) is adulterated; or
 - (d) is labelled, or presented in a manner that is false, misleading or deceptive; or
 - (e) is sold, prepared, packaged, stored or transported for sale under un-sanitary conditions.

ARTICLE 5 - SPECIFIC REQUIREMENTS

Food Standards

- 5.1 Appropriate and adequate national food standards should be established and enforced taking into account that uniform consumer protection and the orderly marketing of food can be better achieved through the acceptance of food standards elaborated by the Codex Alimentarius Commission or the adaptation of national standards to such international recommendations.

^{1/} It is understood that the principles of this code should also apply, mutatis mutandis to concessional and food aid transactions.

Food Hygiene

- 5.2 Food should be subject at all times to sound hygienic practices as set forth in the codes of practice elaborated by the Codex Alimentarius Commission.

Labelling

- 5.3 All food should be accompanied by accurate and adequate descriptive information particularly:
- (a) in the case of prepackaged food, labelling should be in accordance with provisions and standards elaborated by the Codex Alimentarius Commission; and
 - (b) in the case of food in bulk and non-retail containers, labelling should be in accordance with the Codex guidelines for the labelling of non-retail containers of food. ^{1/}

Food Additives

- 5.4 The use of and the trade in food additives should be in accordance with criteria in the General Principles for the Use of Food Additives adopted by the Codex Alimentarius Commission, taking into account the Codex lists of approved food additives.

Pesticide Residues

- 5.5 Limits for pesticide residues in food should be subject to control and should take into account the international maximum limits recommended for pesticide residues elaborated by the Codex Alimentarius Commission.

Microbiological Contaminants

- 5.6 All food should be free from microorganisms and parasites in amounts harmful to man and should not contain any substance originating from microorganisms or parasites in an amount which may represent a health hazard.

Other Contaminants

- 5.7 Levels of other contaminants in food should be subject to control and should take into account the international maximum levels recommended for contaminants elaborated by the Codex Alimentarius Commission.

Irradiated Food

- 5.8 Irradiated food should be produced and controlled in accordance with provisions and standards of the Codex Alimentarius Commission.

Foods for Infants, Children and other Vulnerable Groups

- 5.9 Foods for infants, children and other vulnerable groups should be in accordance with standards elaborated by the Codex Alimentarius Commission, and in view of the effects of protein-calorie malnutrition among infants and children in various socio-economic groups:
- (a) the highest professional standards should be maintained for the advertising, product information and advisory services for breast-milk substitutes, weaning foods and generally all foods for infants and children; and

^{1/} These guidelines are being developed by the Codex Committee on Food Labelling for adoption in due course by the Commission.

- (b) no claims ^{1/} in any form should be permitted that would directly or indirectly encourage a mother not to breast feed her child, or imply that breast milk substitutes are superior to breast milk.

Nutritional Aspects concerning in particular Vulnerable Groups and Regions where malnutrition exists

- 5.10 (a) no claims ^{1/} in any form should be made about food - particularly processed food - with minimal nutritive value which implies that the food can make a valuable (significant) contribution to the diet;
- (b) information concerning the nutritional value of food should not mislead and should take precedence over promotional material.

ARTICLE 6 - IMPLEMENTATION

6.1 Food that is exported should conform:

- (a) to such food legislation, regulations, standards, codes of practice and other legal and administrative procedures as may be in force in the importing country; or
- (b) to the provisions contained in bilateral or multilateral agreements signed by the exporting country and the importing country; or
- (c) in the absence of such provisions to such standards and requirements as may be agreed upon, with emphasis on the use of Codex Standards wherever possible.

6.2 Where the General Principles stated in Article 4 above, as expanded in specific terms in Article 5, are not covered by appropriate food legislation, regulations, standards, codes of practice and other legal and administrative procedures in the importing country, food that is exported should conform to the General Principles stated in Article 4, taking into account such standards, codes of practice or other guidelines elaborated by the Codex Alimentarius Commission as applicable to the food or practice concerned.

6.3 Where, in an importing country, a food product:

- (a) is found not meeting health and safety considerations, or
- (b) claiming to be in compliance with a standard, code of practice or other generally accepted certification system is found not to be in compliance, whether in respect of the label accompanying the product or otherwise, or
- (c) is the subject of unfair trade practices, or otherwise not conforming to the provisions of this code,

the authorities of the importing country should inform the competent authorities in the exporting country of all the relevant facts of serious cases involving considerations of human health or fraudulent practices and, in particular, the details of the origin of the product in question, and appropriate action should be taken by the exporting country in accordance with its legal and administrative procedures, and a statement concerning the facts of the matter made to the importing country.

^{1/} General Guidelines on Claims have been elaborated by the Codex Committee on Food Labelling.

ARTICLE 7 - RESPONSIBILITIES FOR IMPLEMENTATION

7.1 The implementation of this code rests with:

- (a) governments of all countries, who should provide adequate food legislation and food control infrastructures, including certification and inspection systems and other legal or administrative procedures that also apply to re-exports of food as appropriate and necessary, and
- (b) more especially Governments of exporting countries who should:
 - (i) employ as appropriate and practicable, legal or administrative controls aimed at preventing the exportation of shipments of food which does not comply with the provisions of Articles 6.1 or 6.2.
 - (ii) promptly notify the importing country of the exportation of shipments of food found not to comply with 6.1 when legal or administrative means of preventing exportation are not available or were unsuccessfully applied or where non-compliance was determined after exportation.
 - (iii) make available to the importing country upon request appropriate certification, inspection or other procedures as appropriate with the manner of compensation for these services to be agreed upon between the Governments.
- (c) All concerned with the international trade in food - particularly in respect of Article 6.1(c) - who should take into account, as appropriate, the General Principles in Article 4,

and further, will depend on

- such cooperation and consultative procedures as may be established between Governments of importing and exporting countries, and, generally, between all those concerned with international trade, and
- the extent to which international food standards, codes of practice and similar other recommendations, elaborated by the Codex Alimentarius Commission are considered and accepted where relevant and appropriate.

7.2 The code should be promoted by Governments in their respective territorial jurisdictions in accordance with their legal and administrative procedures regulating the conduct of exporters and importers.

ARTICLE 8 - EXCEPTIONAL CIRCUMSTANCES

8. Where special circumstances exist under which it is neither possible nor desirable to apply certain provisions of this code, as in the case of famines and other emergency situations (where the appropriate competent authorities in recipient and donor countries responsible for food control may decide to establish mutually agreed criteria), due regard should always be given to the basic principles of the safety of the food and other provisions of this code as may be applicable under those circumstances.

ARTICLE 9 - EXCHANGE OF INFORMATION

9. Countries denying entry to food for reasons involving serious considerations of human health or fraud and having reason to believe the food may be offered for sale in other countries should use whatever appropriate facilities exist to warn those countries.

ARTICLE 10 - REVIEW

10. From time to time, each Government will be requested to submit to the Secretariat of the Codex Alimentarius Commission a report on the implementation of this code. Such reports should be compiled and presented to the Codex Alimentarius Commission for its consideration of progress achieved and of any improvement and additions or otherwise which might become necessary, and to enable it to make appropriate recommendations. Such consideration should take into account the evolution of health, safety and trade factors related to the principles upon which this code is based and on its objective.

Proposed Amendment to Paragraph 13(b) of the Guidelines for Codex Committees
(Procedural Manual of the Commission, 4th Edition)
"Food Additives"

- (b) Codex Commodity Committees should prepare a section on food additives in each draft commodity standard and this section should contain all the provisions in the standard relating to food additives. The section should include the names of those additives which are considered to be technologically necessary or which are widely permitted for use in the food within limits maximum levels where appropriate.

All provisions in respect of food additives (including processing aids) and contaminants contained in Codex commodity standards should be referred to the Codex Committee on Food Additives preferably at the most suitable time during Steps 3, 4 and 5 of the Procedure for the Elaboration of Codex Standards after the Standards have been advanced to Step 5 of the Procedure for the Elaboration of Codex Standards or before they are considered by the Commodity Committee concerned at Step 7, though such reference should not be allowed to delay the progress of the Standard to the subsequent Steps of the Procedure.

All provisions in respect of food additives will require to be endorsed by the Codex Committee on Food Additives, on the basis of technological justification submitted by the Commodity Committees and of the recommendations of the Joint FAO/WHO Expert Committee on Food Additives concerning the safety-in-use (acceptable daily intake ((ADI)) and other restrictions) and an estimate of the potential and, where possible, the actual intake of the food additives, ensuring conformity with the General Principles for the Use of Food Additives (see page 71).

In preparing working papers for the Codex Committee on Food Additives, the Secretariat should make a report to the Committee concerning the endorsement of provisions for food additives (including processing aids), on the following basis:

- (a) suitable for endorsement: (i) where the food additive is subject to limitation by GMP but appears in List A(1) with an ADI "not specified"; or (ii) where the food additive is subject to a maximum level in the final product and appears in List A(1) with a specified ADI;
- (b) suitable for temporary endorsement: where the additive is subject to a maximum level in the final product and appears in List A(2);
- (c) endorsement to be postponed: (i) where no ADI (or temporary ADI) has been established by the Joint FAO/WHO Expert Committee on Food Additives or (ii) where justification of technological need has not been adequately established by the Commodity Committees.

When Commodity standards are sent to Governments for comment at Step 3, they should contain a statement that the provisions "in respect of food additives are subject to endorsement by the Codex Committee on Food Additives and to any general list of food additives drawn up by that Committee".