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# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
HEALTH  
ORGANIZATION



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## Agenda Item 8

### JOINT FAO/WHO FOOD STANDARDS PROGRAMME

#### CODEX ALIMENTARIUS COMMISSION

*Thirty-second Session*

*FAO Headquarters, Rome, Italy, 29 June - 4 July 2009*

#### AMENDMENTS TO CODEX STANDARDS AND RELATED TEXTS

**(Prepared by the Secretariat)**

#### INTRODUCTION

The Commission keeps under review the revision of Codex standards and related texts. The procedure for revision is, *mutatis mutandis*, that laid down for the elaboration of Codex standards, except that the Commission may decide to omit any other step or steps of that Procedure where, in its opinion, an amendment proposed by a Codex Committee is either of an editorial nature or of a substantive nature but consequential to provisions in similar standards adopted by the Commission at Step 8.<sup>1</sup>

In accordance with the *Guide to the Procedure for the Amendment and Revision of Codex Standards and Related Texts*<sup>2</sup>, the Secretariat keeps under review all Codex standards and related texts elaborated by Codex subsidiary bodies that have been abolished or dissolved, or by Codex committees that have been adjourned *sine die*, and determines the need for any amendments, in particular those arising from decisions of the Commission. If the need for amendments of an editorial nature is identified then the Secretariat prepares proposed amendments for consideration and adoption by the Commission.

The Commission has the final authority to determine whether a proposal made constitutes an amendment or a revision, and whether an amendment proposed is of an editorial or substantive nature. The Commission decides whether the amendment or revision of a standard is necessary.

In the case of an amendment of an editorial nature, it will be open to the Commission to adopt the amendment at Step 8 of the Uniform Procedure. In the case of an amendment proposed and agreed upon by a subsidiary body, it will also be open to the Commission to adopt the amendment at Step 5 of the Uniform Procedure. In other cases, if the Commission approves the proposal as new work, the approved new work will be referred for consideration to the appropriate subsidiary body, if such body is still in existence. If such body is not in existence, the Commission will determine how best to deal with the new work.

<sup>1</sup> Introduction of the Procedures for the Elaboration of Codex Standards and Related Texts, Procedural Manual.

<sup>2</sup> Part 5 of the Procedures for the Elaboration of Codex Standards and Related Texts, Procedural Manual.

This document contains three parts:

**Part I:** Proposed amendments to Codex standards and related texts.

**Part II:** Texts that could be considered for revision or revocation.

**Part III:** Amendments to the section on contaminants of certain commodity standards and amendments to the General Standard for Contaminants in Foods (GSCTF).

## **PART I: EDITORIAL AMENDMENTS TO ADOPTED CODEX STANDARDS AND RELATED TEXTS**

### **1. Reference to acceptance in annexes**

#### ***1.1 Background***

The Commission abolished the acceptance procedure at its 28<sup>th</sup> Session (2005), as proposed by the 22<sup>nd</sup> Session of the Committee on General Principles; consequential amendments were made immediately to some standards and related texts. However, the reference to acceptance in the annexes was not considered at that time.

The 31<sup>st</sup> Session of the Commission considered the changes proposed by the Secretariat as consequential amendments to various standards to ensure consistency throughout Codex standards. Among these amendments, it was proposed to review the statement appearing in several standards and referring to the abolished acceptance procedure.

The Commission noted the discussion in the Executive Committee on potential problems associated with giving differing definitions of applicability to different segments of the same Codex standard: the World Trade Organization (WTO) was unlikely to make a distinction in these terms between different parts of a single Codex standard.

The Commission agreed to the recommendation of the Executive Committee to invite the Codex Secretariat to draw up a list of all standards containing the text mentioned above, or a similar text (see 1.2 below), for submission to the 25<sup>th</sup> Session of the Committee on General Principles for advice on how to deal with this issue in a consistent and horizontal way.<sup>3</sup>

The 25<sup>th</sup> Session of the Committee on General Principles did not discuss the question in detail due to the late availability of the document and agreed that the topic should be included in the present document for further consideration by the Commission, in particular with regard to the proposed deletion of provisions relating to acceptance of Codex standards.<sup>4</sup>

#### ***1.2 Standards including a statement concerning the status of an annex***

**Statement on acceptance:** “The Annex to this standard contains provisions which are not intended to be applied within the meaning of the acceptance provisions of Section 4.A (I) (b) of the General Principles of the Codex Alimentarius.”

**Statement on voluntary application:** “This text is intended for voluntary application by commercial partners and not for application by governments.”

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<sup>3</sup> CX/GP 09/25/11/7

<sup>4</sup> ALINORM 09/32/33, paras 104 - 106

<b>Standard</b>	<b>Statement on acceptance</b>	<b>Statement on voluntary application</b>
All standards for cereals, pulses and legumes adopted in 1995 <sup>5</sup>	Standard	-
Standard for Named Animal Fats CODEX STAN 211-1999	-	Standard
Edible Fats and Oils not Covered by Individual Standards CODEX STAN 19-1981	-	Standard
Standard for Named Vegetable Oils CODEX STAN 210-1999	-	Standard
Standard for Olive Oils and Olive-Pomace Oils CODEX STAN 33-1981	-	Standard
Standard for Honey CODEX STAN 12-1981	-	Standard and Annex
Standards for Sugars CODEX STAN 212-1999	Standard	Annex
Standard for Edible Casein Products CODEX STAN 290-1995	Standard	Annex
Standard for Milkfat Products CODEX STAN 280-1973	Standard	Annex
Standard for Milk Powders and Cream Powder CODEX STAN 207-1999	-	Annex
Standard for Mozzarella CODEX STAN 262-2007	-	Annex
Standard for Cheddar CODEX STAN 263-1966	-	Annex
Standard for Edam CODEX STAN 265-1966	-	Annex
Standard for Gouda CODEX STAN 266-1966	-	Annex
Standard for Emmental CODEX STAN 269-1967	-	Annex
Standard for Saint-Paulin CODEX STAN 271-1968	-	Annex
Standard for Provolone CODEX STAN 272-1968	-	Annex
Standard for Coulommiers CODEX STAN 274-1969	-	Annex
Standard for Camembert CODEX STAN 276-1973	-	Annex
Standard for Brie CODEX STAN 277-1973	-	Annex

### *1.3 Status of annexes in Codex standards – general aspects*

The inclusion of a statement which confers a different status on an annex was discussed between 1994 and 1999 in the context of specific standards in some commodity committees and from a general point of view in the Committee on General Principles, the Executive Committee and the Commission. This discussion was held in relation to the consideration of the acceptance procedure and the status of Codex texts under the WTO Agreements. The acceptance procedure was discussed from the point of view of both the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) and the Technical Barriers to Trade (TBT) Agreement, while the status of annexes was discussed in relation to the TBT Agreement only, since the annexes concerned quality provisions.

Under the item on “Review of the Status of Codex Texts under the WTO Agreement”, the 22<sup>nd</sup> Session of the Commission (1997) agreed on several recommendations concerning the elaboration of Codex texts and their relevance under the WTO Agreements; in particular, the following:

“In view of the confusion created by the use of the term “advisory” and as the term cannot be defined satisfactorily and the SPS and TBT Agreements do not appear to distinguish between mandatory and

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<sup>5</sup> The statement, together with other references to the acceptance procedure, was inadvertently deleted in the preparation of the recent special publication on Cereals, Pulses and Legumes. Depending on the decisions taken on the matter, this error will be corrected in future editions of that publication and on the Codex website.

advisory texts, its use within the Codex framework should be discouraged, as well as the use of the term ‘mandatory’.”

The Committee on General Principles agreed that all Codex texts, including standards and their annexes, were covered by the TBT definition of “standard”, and that distinctions based on acceptance (under the Codex Procedures) were not relevant in the framework of WTO (ALINORM 99/33A, paras 58-61).

#### ***1.4 The present situation***

The situation has evolved significantly since the discussions in this area began. Considerable experience has been gained in the application of the WTO SPS and TBT Agreements and in the development and use of Codex standards in the context of the WTO Agreements. Following the clarification provided by the TBT Committee (and its recognition by the Committee on General Principles) that all Codex texts were covered by the definition of “standard” under the TBT Agreement, making reference within a standard to the different status of any section of that standard may not be appropriate in the present context.

Codex texts are intended for application by governments; they are of a voluntary nature and there are no provisions in the Procedure allowing Codex Committees or the Commission to decide by whom or how standards will be used once they are adopted.

Following the discussion on acceptance and the status of Codex texts, a large number of commodity standards were revised and provisions of various individual standards were integrated into more general standards, without the inclusion of an annex or specific statement in the large majority of cases. The two different statements in the standards or annexes represent an exception to the general approach followed for Codex standards and currently appears only in a limited number of standards (see 1.2).

The format used for the large majority of commodity standards does not appear to have created any particular difficulty or barrier to trade. Similarly, the provisions included in the “voluntary annexes” of the standards mentioned above have not created specific problems, nor has the statement been considered in relation to trade disputes.

As the acceptance procedure was abolished and most references were consequently deleted throughout Codex (as agreed by the 28<sup>th</sup> Session of the Commission), deleting the reference to acceptance from the statement in the relevant standards (cereals, sugars and casein products) would be consistent with the approach taken for other such provisions.

#### ***1.5 Discussion of annexes in Commodity Committees***

A list of those standards that include a statement concerning annexes is presented in the Appendix and the background to each specific case is presented below.

##### ***1.5.1 Committee on Cereals, Pulses and Legumes***

Prior to the general discussion in the Commission and the Committee on General Principles, the issue of an annex with a different status was raised in the Committee on Cereals, Pulses and Legumes (CCCPL). When it revised the standards covered by its terms of reference, the Committee was following the general recommendation made by the Commission in 1991 to revise and simplify standards, in particular transferring non-essential provisions to an annex or to codes of practice.

The standards concerned were finalized by the last session of the Committee on Cereals Pulses and Legumes (as an active committee) in 1994, prior to the general discussion on acceptance. At the time, general concerns were expressed in various committees as to the future status of Codex texts in the framework of the WTO. It also appears from the discussion in the CCCPL on the content of the annexes that there would have been no agreement regarding finalizing the standards if the statement on acceptance had not been included. The revised standards for cereals, pulses and legumes were adopted by the Commission in 1995. As no change was made to the acceptance procedure in the following years and as the standards were not revised further, the statement was not reconsidered and remained unchanged.

##### ***1.5.2 Committee on Fats and Oils***

When the general discussion on the status of the standard and the annex referring to voluntary use by commercial partners took place, the statement was actually included only in the draft standards for fats and oils under revision at that time. The question of a statement on the nature of the annex was raised and

discussed extensively in the Committee on Fats and Oils before it was discussed in the Committee on General Principles.

The situation was somewhat similar to the CCCPL insofar as there would have been no agreement on finalizing the standards if the provisions had not been included in an annex, due to the general concern about the status of Codex texts and to the views of certain delegations on potential trade problems deriving from provisions in the annexes.

#### *1.5.3 Committee on Sugars*

The statement on acceptance appears in the revised Standard for Sugars adopted in 1999 and, in addition, the statement on voluntary application appears in the annex itself. The standard was revised by correspondence and these statements were not specifically discussed. The Committee on Sugars reconvened for a single session in 2000 with the main task of revising the standard for honey and some provisions in the Standard for Sugars. The Committee did not discuss the statements contained in the standard for sugars and its annex. But when discussing the standard for honey, the committee agreed to include the same statement on voluntary application in the standard and the annex, noting that this usual practice within Codex (e.g. Standards for Fats and Oils). The difference between the standard-development processes used for these two standards would explain the lack of consistency in the statements appearing in two standards developed by the same committee.

#### *1.5.4 Committee on Milk and Milk Products (CCMMP)*

Two standards for milk and milk products contain the statement on acceptance in the standard and the statement on voluntary application in the annex. A number of other texts – mainly individual cheese standards – contain the statement for voluntary application by commercial partners in their annexes. When revising the individual cheese standards, no specific decision was taken by the CCMMP on the annexes. However, when developing a Standard on Whey Powders, the 5th CCMMP “noted that the optional quality factors contained in the Appendix to the Standard were not relevant to the mandate of the Codex Alimentarius Commission and therefore, deleted the Appendix in its entirety. This decision also resulted in the deletion of the introductory paragraph to the Standard in regard to the voluntary nature of these provisions” (ALINORM 03/11 para. 73).

#### *1.5.5 Other standards*

Many standards were reviewed in accordance with earlier recommendations of the Commission and, as a result, provisions were combined or made more general with different practical approaches according to the nature of the products concerned. However, there are no other cases of committees including an annex with a statement on its status. This is the case in particular for fresh fruit and vegetables, processed fruit and vegetables, vegetable protein products, foods for special dietary uses and several “miscellaneous” products.

In the case of fish and fishery products, non-essential provisions were transferred to the relevant sections of the Code of Practice for Fish and Fishery Products under the title “Optional Provisions”, as they were considered to provide useful references on the quality of the products; several of these sections are still in the parts of the code of practice under development.

In those standards developed prior to the cereals standards and not later revised, there are no annexes and all provisions, including provisions such as percentages of defects, are included in the standard; see, for example, the Standard for Dates (CODEX STAN 143-1985). Another approach to non-essential characteristics is the inclusion of a section on “Optional Provisions” in the main standard, as, for example, in the Standard for Bouillons and Consommés (revised by correspondence).

### ***1.6 Recommendations***

Discussion in the Commission should not focus on the content of the provisions in the annexes and their relevance; this should be left to the relevant committees.

The Commission should focus its discussion on whether it is appropriate for an intergovernmental organisation to specify that a part of a standard should not be used by governments and whether this is of any relevance in relation to the TBT Agreement, taking into account the earlier conclusion that all Codex standards are covered by the definition of “standard” in that agreement.

Following this approach, the Commission is invited to consider the following recommendations:

- (1) All statements indicating that the annex and the standard have different status should be eliminated.
- (2) If the Commission cannot agree on deleting all statements, it should consider recommending the deletion of the statement regarding acceptance (since the acceptance procedure was abolished and making reference to it causes confusion) as a first step and holding further discussion on how to address the statement on voluntary application.
- (3) The Commission may take the following action to harmonize the approach to the presentation of Codex standards and ensure that they are adequately updated:
  - a. To retain the provisions in annexes under a heading such as “Other Provisions” or “Optional Provisions”, or as a section within the main standard under the heading “Optional Provisions”, as in some standards mentioned above.
  - b. To recommend that the Committee on Cereals Pulses and Legumes and the Committee on Sugars review the standards covered by their terms of reference in order to determine whether the annexes are still needed and whether the provisions currently included in the annexes might either be integrated into the standards or deleted, taking into account their relevance to the essential quality of the product. This proposal may not be feasible on a short-term basis because the Committees are adjourned. A possible solution at this stage is to retain the annexes without the statement on acceptance/voluntary application with a simple descriptive title such as mentioned under point a. above so as to establish some measure of distinction between the “essential quality requirements” in the standard itself and the annex, without substantially amending the provisions of the standards.
  - c. To recommend that the Committee on Fats and Oils reconsider the annexes. Taking into account that the annexes, especially those for named vegetable oils, are regularly reviewed and updated, it is clear that the provisions therein are of importance for the description of the products and would not be recommended for deletion. The Committee on Fats and Oils might therefore consider whether these provisions can be integrated into the standards.
  - d. To recommend that the Committee on Milk and Milk Products reconsider the annexes.

## 2. References to the Carry-over Principle (Volume 1)

### 2.1 Background

Carry-over of food additives from raw materials or other ingredients into foods is generally accepted in the Codex Alimentarius and many commodity standards contain a provision for carry-over under the section on food additives. In the 15 standards listed below, reference is made to Section 3 (Conditions under which the Carry-over Principle applies) of the “Principle relating to the Carry-over of Additives into Food” (hereinafter referred to as “Carry-over Principle”) in Section 5.2 of the Volume 1 of the Codex Alimentarius. The Principle was adopted by the 17<sup>th</sup> Session of the Commission, as recommended by the 18<sup>th</sup> Session of the Committee on Food Additives (CCFA) (ALINORM 87/12, Appendix IX).

### 2.2 Standards containing the reference to the “Carry-over Principle” in Volume 1 of the Codex Alimentarius

*Standards for Canned Baby Foods (CODEX STAN 73-1981), Corned Beef (CODEX STAN 88-1981), Luncheon Meat (CODEX STAN 89-1981), Cooked Cured Ham (CODEX STAN 96-1981), Cooked Cured Pork Shoulder (CODEX STAN 97-1981), Cooked Cured Chopped Meat (CODEX STAN 98-1981), Quick Frozen Broccoli (CODEX STAN 110-1981), Quick Frozen Cauliflower (CODEX STAN 111-1981), Quick Frozen Brussels Sprouts (CODEX STAN 112-1981), Quick Frozen Wax Beans (CODEX STAN 113-1981), Quick Frozen French Fried Potatoes (CODEX STAN 114-1981), Quick Frozen Whole Kernel Corn (CODEX STAN 132-1981), Quick Frozen Corn-on-the-cob (CODEX STAN 133-1981), Quick Frozen Carrots (CODEX STAN 140-1983) and Follow-up Formula (CODEX STAN 156-1987)*

### 2.3 Present situation

More recently, conditions applying to carry-over of food additives were agreed upon and incorporated in Section 4.1 of the Preamble to the General Standard for Food Additives (GSFA, CODEX STAN 192-1995). The Standard for Fermented Milks (CODEX STAN 243-2003) and Standard for Processed Cereal-based Foods for Infants and Young Children (CODEX STAN 74-1981) make reference to this provision in the GSFA instead of to the “Carry-over Principle” in Volume 1 of the Codex Alimentarius.

The GSFA itself recognizes the existence of the “Carry-over Principle” adopted by the 17<sup>th</sup> Session of the Commission, in Footnote 10 attached to Section 4, “Carry-over of Food Additives into Foods”, of its Preamble. However, the footnote does not clarify the relationship between the “Carry-over Principle” and the provisions for carry-over in the GSFA. Specifically, it does not address whether the “Carry-over Principle” has been superseded by Section 4 of the GSFA or remains valid, complementing the provisions in the GSFA; nor does it address how, if the Principle does remain valid, it complements the GSFA provisions.

### 2.4 Recommendations

In order to ensure consistency and avoid duplication in the Codex Alimentarius, and in line with the previous decision<sup>6</sup> to delete or replace references with Volume numbers, the Commission is **invited to consider**:

- replacing the references in commodity standards to Section 3 of the “Carry-over Principle” in Volume 1 of the Codex Alimentarius with references to Section 4.1 of the Preamble to the GSFA and deleting Footnote 10 in the Preamble to the GSFA and withdrawing the “Carry-over Principle”, if the Commission is of the view that the “Carry-over Principle” has been superseded by Section 4 of the GSFA; or
- requesting the CCFA to clarify the relationship between the “Carry-over Principle” and Section 4 of the GSFA, especially whether the former has been superseded by the latter or is still valid, and to make relevant recommendations for further consideration at the 33<sup>rd</sup> Session of the Commission.

The “Principle relating to the Carry-Over of Additives into Food” and Section 4 of the Preamble to the GSFA are reproduced in the annex to this document, for ease of reference

## 3. **References to Volume 2 (for information)**

Several Codex texts – CODEX STAN 229-1993 (Analysis of Pesticide Residues: Recommended methods), CAC/GL 33-1999 (Recommended Methods of Sampling for Pesticide Residues for the Determination of Compliance with Maximum Residue Limits (MRLs)) and CAC/GL 40-1993 (Analysis of Pesticide Residues: Guidelines on Good Laboratory Practice in Pesticide Residue Analysis) – contain a number of references to texts in Volume 2 dealing with pesticide residues, which are still valid because they have not been replaced with other texts and have no separate identification number. The Codex Committee on Pesticide Residues agreed to request the Codex Secretariat to prepare a paper containing an analysis of these discrepancies in order to take a more informed decision on this matter at its next session.<sup>7</sup>

## 4. **Committee on Food labelling<sup>8</sup>**

### 4.1 *General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985)*

**Section 4.2.3.3:** The Committee noted that the 31<sup>st</sup> session of the Commission had adopted a revision of the *Class Names and International Numbering System for Food Additives (CAC/GL 36-1989)* including a revised list of technological functions in Section 2 which was different from the technological functions listed in the *General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985)* and considered the need for the alignment of the two texts. The Committee considered the proposal for amendment as outlined below and whether the alignment was editorial or substantive in nature. After clarification that the final authority to determine whether an amendment was of an editorial or substantive nature lay with the Commission, the Committee agreed that the proposal to align the text could be included in the present document which would allow all delegations to study the implications of the amendment further.

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<sup>6</sup> ALINORM 08/31/REP para. 88; ALINORM 08/31/8, Section 3.1

<sup>7</sup> ALINORM 09/32/24, paras 9 and 10

<sup>8</sup> ALINORM 09/32/22, paras 8 to 10 and 106 to 121

Amend the list of technological functions in 4.2.3.3 as follows:

- Acidity Regulator
- ~~Acids~~
- Anticaking Agent
- Antifoaming Agent
- Antioxidant
- Bleaching agent
- Bulking Agent
- Carbonating agent
- Carrier
- Colour
- Colour Retention Agent
- Emulsifier
- Emulsifying Salt
- Firming Agent
- Flavour Enhancer
- Flour Treatment Agent
- Foaming Agent
- Gelling Agent
- Glazing Agent
- Humectant
- Packaging gas
- Preservative
- Propellant
- Raising Agent
- Sequestrant
- Stabilizer
- Sweetener
- Thickener

**Section 4.3.1:** The Committee on Food Labelling agreed the amendment as follows:

Replace the words “The declaration of nutrition information on the label...” with “Nutrition labelling...” (English and Spanish versions only).

#### **4.2 General Guidelines on Claims (CAC/GL 1-1979)**

**Section 3.4(a):** The Committee agreed to clarify the text as follows: “(a) in accordance with the provisions of Codex standards or guidelines for foods as developed by the ~~under jurisdiction of the~~ Codex Committee on Nutrition and Foods for Special Dietary Uses and follow the principles set forth in these guidelines.”

#### **4.3 Guidelines on Nutrition Labelling (CAC/GL 2-1985)**

**Purpose of the guidelines:** The Committee agreed to amend in the last sentence the words “nutritional claims are” to read “nutrition claim is” (English and French versions only).

**Section 2.3:** The Committee agreed to amend the words “Nutrition declaration” to read “Nutrient declaration” (English and Spanish versions only).

**Section 2.7:** The definition of dietary fibre should be aligned with the definition developed by the CCNFSDU in case this definition is adopted by the Commission.

**Section 3.2.6.2:** The Committee agreed to replace the words “national authority having jurisdiction” with “competent authority” on the understanding that for the purposes of the Committee on Food Labelling the term “competent authority” means “the official government agency having jurisdiction” as defined in Section 2.2 of CAC/GL 32-1999.

The Committee also agreed to transmit to the Commission the view of the Committee that the term “competent authority” should be defined Codex wide in the Procedural Manual.

**Section 3.2.7:** The Committee agreed to correct the reference “3.2.7” to read “3.2.6” (English and French versions only).

**Footnote 4:** The Committee agreed to delete the words “Proposed addition to Section 3.2.7 (Calculation of Nutrients) of the Codex *Guidelines on Nutrition Labelling*.”

**Footnote 5:** The Committee agreed to correct the reference “3.2.4.1” to read “3.2.6.1”.

**Section 5:** The Committee agreed to delete this section as it was directed mainly to the Committee itself and all Codex texts were kept under review by the Commission.

#### **4.4 Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (CAC/GL 32-1999)**

**Section 8:** The Committee agreed to delete this section as it contained advice to the Committee itself on how to organize the work to update the Guidelines.



Consequential amendments not discussed in the Committee:

**Footnote 13:** This footnote makes reference to section 8 and could be deleted:

“The use of chemical processes in the context of these Criteria is an interim measure and should be reviewed in line with the provisions as set out in Section 8 of these Guidelines.”

**Section 5.3:** The last sentence of the section makes reference to section 8 and could be deleted :

“5.3 Because of the primary purpose of providing a list of substances, the lists in Annex 2 are open and subject to the inclusion of additional substances or the removal of existing ones on an ongoing basis. When a country proposes inclusion or amendment of a substance in Annex 2 it should submit a detailed description of the product and the conditions of its envisaged use to demonstrate that the requirements under Section 5.1 are satisfied. ~~The procedure for requesting amendments to the lists is set out under Section 8 of these Guidelines.~~”

## **5. Code of Hygienic Practice for Powdered Formulae for Infants and Young Children (CAC/RCP 066-2007)**

**Footnote 20 of Annex I:** The reference to a Food Control article should be completed:

“Relating microbiological criteria to food safety objectives and performance objectives. M. van Schothorst, M.H. Zwietering, T. Ross, R.L. Buchanan, M.B. Cole and International Commission on Microbiological Specifications for Foods (ICMSF), Food Control 20 (2009) 967–979”

(NOTE: The same addition should be made to Footnote 1 in ALINORM 09/32/26, Appendix III which is to become annex II of the code if adopted by the Commission)

## **6. Links to websites**

Some Codex texts include references to external websites. For instance, the sampling plans for aflatoxin contamination in ready-to-eat treenuts and treenuts destined for further processing: almonds, hazelnuts and pistachios contained in CODEX STAN 193-1995 refers to a dead link [<http://www5.bae.ncsu.edu/usda/www/ResearchActDocs/treenutwg.html>] as a source of data. Another link is currently valid [<http://www.bae.ncsu.edu/usda/www/ResearchActDocs/treenutwg.html>]. The question is how to be sure that this link will remain live?

Many websites may have a limited lifespan and are not reliable references, which makes them particularly inappropriate for inclusion in Codex standards and related texts. It would be difficult for the Codex Secretariat to ensure that all links are always updated.

Committees could be encouraged to include references to external websites only when absolutely necessary and when the link is expected to be stable. Existing links on the Codex Alimentarius website could be corrected by the Codex Secretariat upon notification that a link is dead. If it is not clear how to replace the link, the matter would be brought to the relevant Committee or the Commission.

## **7. Use of the term “competent authority”**

The Committee on Nutrition and Foods for Special Dietary Uses noted the concerns of several delegations that the terms “national competent authority” or “competent national authority” were not consistently used throughout Codex texts and noted the information given by the Codex Secretariat that a document on amendments to Codex standards addressing such and other issues would be prepared for discussion at the 32nd Session of the Commission.<sup>9</sup> In view of the discussion in CCFL (see 4.3), the suggestion from the Secretariat would be to use the term “competent authority” in all cases in line with the definition presently given in CAC/GL 32-1999, which could also be included in the Procedural Manual.

## **8. Reference to Sampling Plans for Prepackaged Foods in Codex standards for processed fruits and vegetables (CODEX STAN 233-1969)**

In view of the revocation of Codex STAN 233-1969 by the Commission and its replacement by the Codex General Guidelines on Sampling Plans (CAC/GL 50-2004) by which subsidiary bodies of the Commission should develop appropriate sampling for the product(s) being standardized, the reference to this standard for lot acceptance provisions in a number of Codex standards for processed fruits and vegetables should be

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<sup>9</sup> ALINORM 09/32/26, par. 87

aligned with the current wording using in the latest standards revised by the Committee on Processed Fruits and Vegetables which take account of this fact by referring to “the appropriate sampling plan with an AQL of 6.5”.

**PART II: TEXTS FOR CONSIDERATION FOR REVISION OR REVOCATION (for decision/referral)**

*CAC/RCP 7-1974: System for the Description of Carcasses of Bovine and Porcine Species*

*CODEX STAN 88-1981: Corned Beef*

*CODEX STAN 89-1981: Luncheon Meat*

*CODEX STAN 96-1981: Cooked Cured Ham*

*CODEX STAN 97-1981: Cooked Cured Pork Shoulder*

*CODEX STAN 98-1981: Cooked Cured Chopped Meat*

*(All revised in 1991)*

*CAC/GL 15-1991: Use of Non-Meat Protein Products in Processed Meat and Poultry Products*

The 31<sup>st</sup> Session of the Commission noted the information given by the Secretariat that the above texts might require updating and agreed with the recommendation of the Executive Committee to request the Secretariat to send a circular letter inviting government comments on the use and validity of these texts before taking any further decision.<sup>10</sup>

Subsequently, the Secretariat issued CL 2009/2-CAC, entitled *Request for comments and information on: Use and validity of certain old Codex standards and related texts*. Replies were received from Australia, Ghana and Kenya. The Commission is invited to discuss how to proceed on this matter.

**Australia:** Whilst acknowledging there may be a question over the continued use or validity of these Codex standards, we do appreciate that there may be other Codex members that use these standards and if necessary could support the revision of them to bring them into line with current processes and practices. However, if the Commission finds that there are no members in favour of revising these standards, Australia would support the revocation of all the standards listed as our own domestic and export requirements are not aligned with them in any way.

**European Community:** According to the experience of the European Community, the following standards are still applied in trade of processed meat products and should therefore be retained and revised where necessary:

- CODEX STAN 88-1981: *Corned Beef*;
- CODEX STAN 89-1981: *Luncheon Meat*;
- CODEX STAN 96-1981: *Cooked Cured Ham*;
- CODEX STAN 97-1981: *Cooked Cured Pork Shoulder*; and
- CODEX STAN 98-1981: *Cooked Cured Chopped Meat*

The following standard appears redundant and could therefore be revoked:

- CAC/RCP 7-1974: *System for the Description of Carcasses of Bovine and Porcine Species*

**Ghana:** The following standards are still applied in trade of processed meat products and should therefore be retained and revised where necessary:

- CODEX STAN 98-1981: *Cooked Cured Chopped Meat*;
- CODEX STAN 97-1981: *Cooked Cured Pork Shoulder*;
- CODEX STAN 96-1981: *Cooked Cured Ham*;
- CODEX STAN 89-1981: *Luncheon Meat*; and
- CODEX STAN 88-1981: *Corned Beef*.

**Kenya:** We have examined the texts and recommend that they need to be revised. Areas of concern are mentioned in LIM/6.

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<sup>10</sup> ALINORM 08/31/REP, par. 90

## **PART III: AMENDMENTS TO THE SECTION ON CONTAMINANTS OF CERTAIN COMMODITY STANDARDS / AMENDMENTS TO THE GENERAL STANDARD FOR CONTAMINANTS IN FOODS (GSCTF)**

### **1. Amendments to the Section on Contaminants and Pesticides in Commodity Standards**

The section on contaminants in the Format for Commodity Standards was amended at the 32<sup>nd</sup> Session of the Commission (2008). The current presentation and content of the sections on contaminants and pesticides in Codex standards differ according to the type of products covered and to the date of adoption of the standard; the wording used also evolved throughout the years. When two separate statements on contaminants and pesticides appear and they correspond to existing provisions on contaminants and pesticides, they can be easily replaced by the general statement in the Format for Commodity Standards on both pesticides and contaminants, with the addition, where relevant, of veterinary drugs. However this is not the case in all standards, and current provisions cannot always be replaced by a general statement without considering the implications of the amendment on the content of the standard.

While some standards may require only editorial amendments that could be adopted directly by the Commission, other standards may require further consideration by the committees concerned.

Some standards include a general statement on the presence of contaminants, or of a specific group of contaminants, such as heavy metals, while maximum levels may not actually exist. These statements could be replaced by the general statement for contaminants when maximum levels are included in the GSCTF or are under development, and could be deleted when no such provisions exist.

In addition, the contaminants and pesticide sections in some standards differ from the general statement because specific provisions were included in view of the technical characteristics of the product or the risks involved. This concerns in particular some processed fruit and vegetables and foods for special dietary uses.

During the review of the relevant standards, it was also noted that some of them did not include references to pesticide residues even though MRLs existed and could therefore be inserted where necessary.

The reference to veterinary drugs in the contaminants sections was introduced at the 30<sup>th</sup> Session of the Commission in 2007 and, with a few exceptions, most previously developed standards did not include it. While veterinary drug MRLs are established, in general, for basic commodities and not for processed products, many Codex standards do apply to processed foods; therefore, the general statement referring to “the products covered by this standard” could be adapted to take into account the nature of the product. The approach taken in the Standard for Dairy Spreads, referring to the milk used in the manufacture of the product, could be applied to other processed foods of animal origin. A similar issue may also occur with pesticide MRLs, although a number of processed foods are also directly covered by pesticide MRLs and this should be considered on a case by case basis.

Taking the above considerations into account, the relevant standards are listed below according to the content of the section on contaminants, the type of product concerned and the amendments that should be considered.

#### ***1.1 Standards in which only provisions for contaminants are relevant***

Food Grade Salt (CODEX STAN 150-1985)

The list of contaminants could be replaced with the statement: “The products covered by this Standard shall comply with the maximum levels of the Codex General Standard for Contaminants and Toxins in Foods (CODEX STAN 193-1995)”. This proposal may also be referred to the Committee on Food Additives for advice in the case of food grade salt.

#### ***1.2 Standards in which provisions for contaminants and pesticides are relevant***

##### ***1.2.1 Named Vegetable Oils (CODEX STAN 210-1999)***

The Committee on Fats and Oils proposed replacing the current section on Contaminants with the general statement included in the Procedural Manual (ALINORM 09/32/17, para. 82). This proposal will be considered under Agenda Item 5. In addition, the general statement on pesticides could be included as some MRLs exist for virgin oils.

### 1.2.2 Table Olives (CODEX STAN 66-1981); Olive Oils and Olive Pomace Oils (CODEX STAN 33-1981)

As both provisions for contaminants and pesticide MRLs exist, the section “Contaminants” could be replaced by the following: “The products covered by this Standard shall comply with the maximum levels of the Codex General Standard for Contaminants and Toxins in Foods (CODEX STAN 193-1995) and the MRLs for pesticides established by the CAC”.

In the case of olive oils, the following text should be added:

“Additionally, the following applies:

Maximum content of each halogenated solvent: 0.1 mg/kg.

Maximum content of the sum of all halogenated solvents: 0.2 mg/kg.”

The Committee on Fats and Oils may also need to reconsider whether halogenated solvents should be considered contaminants.

### 1.2.3 Standards for fresh fruits and vegetables

The general statement for contaminants and pesticide MRLs could replace the current statements, as an editorial amendment.

### 1.2.4 Standards for processed fruits and vegetables and fruit juices

In the standards listed below, the general statements mentioned above for contaminants and for pesticides should be inserted, without the reference to veterinary drugs which is not relevant for these products :

- Codex Standard for Canned Applesauce (CODEX STAN 17-1981)
- Canned Pineapple (CODEX STAN 42-1981)
- Canned Mushrooms (CODEX STAN 55-1981)
- Canned Raspberries (CODEX STAN 60-1981)
- Codex Standard for Canned Pears (CODEX STAN 61-1981)
- Canned Strawberries (CODEX STAN 62-1981)
- Codex Standard for Table Olives (CODEX STAN 66-1981)
- Canned Fruit Cocktail (CODEX STAN 78-1981)
- Canned Tropical Fruit Salad (CODEX STAN 99-1981)
- Pickled Cucumbers (Cucumber Pickles) (CODEX STAN 115-1981)
- Codex Standard for Canned Chestnuts and Chestnut Puree (CODEX STAN 145-1985)
- Canned Mangoes (CODEX STAN 159-1987)
- Mango Chutney (CODEX STAN 160-1987)
- Codex Standard for Aqueous Coconut Products: Coconut Cream and Coconut Milk (CODEX STAN 240-2003)
- Kimchi (CODEX STAN 223-2001)
- Codex Standard for Canned Bamboo Shoots (CODEX STAN 241-2003)
- Codex Standard for Canned Stone Fruits (CODEX STAN 242-2003)
- Codex Standard for Certain Canned Citrus Fruits (CODEX STAN 254-2007)
- Codex Standard for Pickled Fruits and Vegetables (CODEX STAN 260-2007)
- Fruit Juices and Nectars (CODEX STAN 247-2005)
- Canned Palmito (CODEX STAN 144-1985)\*
- Canned Sweet Corn (CODEX STAN 18-1981)\*
- Canned Asparagus (CODEX STAN 56-1981)\*
- Canned Carrots (CODEX STAN 116-1981)\*
- Canned Green Beans and Canned Wax Beans (CODEX STAN 16-1981)\*
- Canned Green Peas (CODEX STAN 58-1981)\*
- Canned Mature Processed Peas (CODEX STAN 81-1981)\*
- Jams (Fruit Preserves) and Jellies (CODEX STAN 79-1981)\*\*

\* To be replaced with the Draft Standard for Certain Canned Vegetables (for adoption at Step 8 at the 32<sup>nd</sup> Session of the Commission).

\*\*To be replaced with the Draft Standard for Jams, Jellies and Marmalades (for adoption at Step 8 at the 32<sup>nd</sup> Session of the Commission).

In addition, the reference to pesticide MRLs may need further consideration since MRLs are not generally established for processed products. Three possible options are: making reference to MRLs for the processed products covered by the standard, when such MRLs exist; making reference to the established MRLs for the relevant fruit or vegetable, in the absence of MRLs for the processed product; or, inserting the name of the product when the standard applies to a specific product. As this is not an editorial amendment but a question that may require specific discussion, it could be referred to the Committee on Processed Fruits and Vegetables, where applicable, and to the Committee on Pesticide Residues, as a general issue which would affect a number of standards for processed foods.

#### *1.2.5 Standard for Dates (CODEX STAN 143-1985)*

As MRLs for pesticide residues have been established for dates but are not currently mentioned in the standard, it is proposed to insert the statement referring to pesticide MRLs.

#### *1.2.6 Standards for cereals, pulses and legumes*

In all standards for cereals and related products, the reference to pesticide MRLs is relevant and should remain in all cases, since many MRLs exist.

In the following standards, which were all revised in 1995, two statements on contaminants appear – one on heavy metals (“[name of the product] shall be free from heavy metals in amounts which may represent a hazard to health”) and one on mycotoxins (to the effect that they shall comply with the maximum limits established by the CAC):

- Wheat Flour (CODEX STAN 152-1985)
- Maize (CODEX STAN 153-1985)
- Whole Maize (Corn) Meal (CODEX STAN 154-1985)
- Degermed Maize (Corn) Meal and Maize (Corn) Grits (CODEX STAN 155-1985)
- Whole and Decorticated Pearle Millet Grains (CODEX STAN 169-1985)
- Pearl Millet Flour (CODEX STAN 170-1985)
- Certain Pulses (CODEX STAN 171-1985)
- Sorghum Grains (CODEX STAN 172-1985)
- Sorghum Flour (CODEX STAN 173-1985)
- Durum Wheat Semolina and Durum Wheat Flour (CODEX STAN 178-1985)
- Couscous (CODEX STAN 202-1985)
- Gari (CODEX STAN 151-1985)
- Edible Cassava Flour (CODEX STAN 176-1985).

In the following standards, only heavy metals are mentioned:

- Rice (CODEX STAN 198-1985)
- Wheat and Durum Wheat (CODEX STAN 199-1985)
- Oats (CODEX STAN 201-1985)
- Peanuts (CODEX STAN 22-1979) (with a note referring to the provisions on aflatoxins which were still under development when the revised standard was adopted in 1995).

When provisions for contaminants exist in the GSCTF, the general statement referring to contaminants and pesticide MRLs could replace the current sections.

In addition, the provisions on cyanogenic glycosides in the Standards for Gari and for Edible Cassava Flour could be included in the section on contaminants.

#### *1.2.7 Vegetable protein products*

General Standard for Vegetable Protein Products (CODEX STAN 174-1999)

General Standard for Soy Protein Products (CODEX STAN 175-1999)

Wheat Protein Products Including Wheat Gluten (CODEX STAN 163-1987, revised in 2001)

These standards include a statement on heavy metals or contaminants. As no provisions for contaminants exist in these products, the deletion of the section on contaminants may be considered.

### **1.3 Standards including specific provisions for contaminants or pesticides**

In some standards, specific recommendations were included for pesticide residues or contaminants in order to take into account the characteristics of the product.

#### **1.3.1 Processed vegetables**

Preserved Tomatoes (CODEX STAN 13-1981, revised in 2007)

Processed Tomato Concentrates (CODEX STAN 57-1981, revised in 2007)

Specific provisions were included to take into account the concentration of the products, both in the contaminants and the pesticides sections. The single statement for contaminants and pesticides could replace the current sections (see above for processed fruits and vegetables), while retaining the text on concentration. This question may be referred to the Committee on Processed Fruits and Vegetables for further consideration.

#### **1.3.2 Foods for special dietary uses**

Infant Formula and Formulas for Special Medical Purposes Intended for Infants (CODEX STAN 72 - 1981, revised in 2007)

Follow-up Formula (CODEX STAN 156-1987)

Specific provisions were developed for pesticides and contaminants. A general statement referring to the GSCTF could replace the numerical limit. However, the other provisions on pesticides and contaminants resulting from specific discussion in the Committee on Nutrition and Foods for Special Dietary Uses should be retained. Alternatively, the entire section could remain unchanged in view of the specificity of the products.

### **1.4 Standards in which a reference to veterinary drug residues is relevant**

- Edible Fats and Oils not Covered by Individual Standards (*CODEX STAN 19-1981*)
- Named Animal Fats (*CODEX STAN 211 – 1999*)
- Fat Spreads and Blended Spreads (*CODEX STAN 256-2007*)
- Cooked Cured Chopped Meat (*CODEX STAN 98-1981*)\*
- Cooked Cured Ham (*CODEX STAN 96-1981*)\*
- Cooked Cured Pork Shoulder (*CODEX STAN 97-1981*)\*
- Corned Beef (*CODEX STAN 88-1981*)\*
- Luncheon Meat (*CODEX STAN 89-1981*)\*

\*If they are to be maintained in the Codex Alimentarius (See Part III of this document).

As mentioned above, MRLs for pesticides and veterinary drugs are not established for the processed foods covered by these standards; the section “Contaminants” could therefore read as follows:

“The products covered by this Standard shall comply with the maximum levels of the Codex General Standard for Contaminants and Toxins in Foods (CODEX STAN 193-1995). The [meat /for meat products] [animal fat / for Named Animal Fats] used in the manufacture of these products shall comply with the maximum residue limits for pesticides and veterinary drugs established by the CAC”

For composite products (CODEX STAN 19-1981 and 211-1999), the text could refer to “the vegetable oils and animal fats used in the manufacture of these products”.

This would be consistent with the approach taken in the Standard Dairy Fat Spreads (CODEX STAN 253-2006) which refers to “the milk used in the manufacture of the products...”. The Committee on Milk and Milk Products may also consider the insertion of a similar statement in other standards for milk and milk products, where applicable.

### **1.5 Other standards**

Honey (CODEX STAN 12-1981, last revision in 2000)

General statements are included on MRLs for pesticides and veterinary drugs, and for contaminants with the following note: “These levels will be established in consultation between the Codex Committee on Sugars and the Codex Committee on Food Additives and Contaminants as soon as possible”. Since the CCS was adjourned *sine die* in 2000 and no maximum levels were established or proposed for contaminants and no MRLs exist for this product, the relevant committees may be invited to confirm that these provisions are not required and that the deletion of both sections may be considered.

## ANNEX

**THE PRINCIPLE RELATING TO THE CARRY-OVER OF FOOD ADDITIVES INTO FOODS****1. SCOPE**

For the purposes of the Codex Alimentarius, the Principle relating to the Carry-Over of Food Additives into Foods (the “Carry-Over Principle”) applies to the presence of additives in food as a result of the use of raw materials or other ingredients in which these additives are used.

**2. APPLICATION**

The Carry-Over Principle applies to all foods covered by Codex Standards, unless otherwise specified in such standards (see Section 4).

**3. CONDITIONS UNDER WHICH THE CARRY-OVER PRINCIPLE APPLIES**

The presence of an additive in food, through the application of the Carry-Over Principle, is generally permitted if:

- (a) the additive is permitted in the raw materials or other ingredients (including food additives) by an applicable Codex Standard or under any other acceptable provision which takes into account the safety aspects of food additives;
- (b) the amount of the additive in the raw materials or other ingredients (including food additives) does not exceed the maximum amount so permitted;
- (c) the food into which the additive is carried over does not contain the food additive in greater quantity than would be introduced by the use of the ingredients under proper technological conditions or manufacturing practice, and
- (d) the food additive carried over is present at a level which is non-functional, i.e., at a level significantly less than that normally required to achieve an efficient technological function in its own right in the food.

**4. SPECIAL CONDITIONS**

4.1 An additive carried over into a particular food in a significant quantity or in an amount sufficient to perform a technological function in that food as a result of the use of raw materials or other ingredients in which this additive was used, shall be treated and regarded as an additive to that food, and shall be provided for in the Section on Food Additives of the applicable Codex Standard.

**5. STATEMENTS IN CODEX STANDARDS REGARDING CARRIED OVER ADDITIVES**

5.1 Where the Carry-Over Principle does not apply to a food, i.e., where the presence of additives carried over is not permitted in the food, this should be clearly stated in the relevant Codex standard using the following statement:

“no food additives shall be present as a result of Carry-Over from raw materials or other ingredients”.

5.2 Where reference to the applicability of the Carry-Over Principle is specifically made in a Codex Standard, the following statement should be used:

“Section 3 of the Principle relating to the Carry-Over of Additives into Foods shall apply”

**CODEX GENERAL STANDARD FOR FOOD ADDITIVES****CODEX STAN 192-1995****PREAMBLE****4. CARRY-OVER OF FOOD ADDITIVES INTO FOODS<sup>11</sup>****4.1 CONDITIONS APPLYING TO CARRY-OVER OF FOOD ADDITIVES**

Other than by direct addition, an additive may be present in a food as a result of carry-over from a raw material or ingredient used to produce the food, provided that:

- a) The additive is acceptable for use in the raw materials or other ingredients (including food additives) according to this Standard;
- b) The amount of the additive in the raw materials or other ingredients (including food additives) does not exceed the maximum use level specified in this Standard;
- c) The food into which the additive is carried over does not contain the additive in greater quantity than would be introduced by the use of raw materials, or ingredients under proper technological conditions or manufacturing practice, consistent with the provisions of this standard.

An additive may be used in a raw material or other ingredient if the raw material or ingredient is used exclusively in the preparation of a food that is in conformity with the provisions of this standard.

**4.2 FOODS FOR WHICH THE CARRY-OVER OF FOOD ADDITIVES IS UNACCEPTABLE**

Carry-over of a food additive from a raw material or ingredient is unacceptable for foods belonging to the following food categories, unless a food additive provision in the specified category is listed in Tables 1 and 2 of this standard.

- a) 13.1 - Infant formulae, follow-up formulae, and formulae for special medical purposes for infants.
- b) 13.2 - Complementary foods for infants and young children.

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<sup>11</sup> The principle relating to the carry-over of food additives into foods (the "Carry-Over Principle") addresses the presence of additives in food as a result of the use of raw materials or other ingredients in which these additives are used. The Codex Alimentarius Commission at its 17<sup>th</sup> Session (1987) adopted a revised statement of the principle as a Codex Advisory Text. The Carry-Over Principle applies to all foods covered by Codex standards, unless otherwise specified in such standards.