

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

JOINT OFFICE: Via delle Terme di Caracalla 00100 ROME Tel.: 57971 Telex: 625852-625853 FAO I Cables: Foodagri Rome Facsimile: (6) 57973152-5782610

ALINORM 93/33

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION
Twentieth Session
Geneva, 28 June - 7 July 1993

REPORT OF THE TENTH SESSION OF THE CODEX COMMITTEE
ON GENERAL PRINCIPLES
Paris, France, 7 - 11 September 1992

Note: This document incorporates Circular Letter CL 1992/25-GP

W/Z9577

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

JOINT OFFICE: Via delle Terme di Caracalla 00100 ROMÉ Tel.: 57971 Telex: 625852-625853 FAOI Cables: Foodagri Rome Facsimile: (6) 57973152-5782610

CX 4/10

CL 1992/25-GP

TO: - Codex Contact Points
- Participants in the 10th Session of the Codex Committee on General Principles
- Interested International Organizations

FROM: - Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme
FAO, 00100 Rome, Italy

SUBJECT: Distribution of the Report of the Tenth Session of the Codex Committee on General Principles (ALINORM 93/33)

A. MATTERS FOR CONSIDERATION BY THE 20TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Amendments to the Rules of Procedure of the Commission

1. Amendment to Rule II.1 to indicate that elected officers of the Commission should enjoy the full confidence of their government during their entire term of office (para. 12, Appendix II)
2. Amendment to Rule II.4 (c) to clarify the functions of the Regional Coordinators (paras. 7-9, Appendix II)
3. Amendment to Rule II.4 (d) to allow the appointment of an Interim Coordinator in the event that an elected officer of the Commission were unable to continue in office (para. 10, Appendix II)

Amendments to the General Principles of Codex Alimentarius

4. Deletion of "target acceptance" (para. 30, Appendix III)
5. Application of acceptance under the "free distribution" principle to Codex commodity and general standards (para. 33, Appendix III)
6. Proposal for a common procedure for all Codex standards and related texts (paras. 40-42, Appendix V)
7. Institution of a "Fast Track" elaboration procedure (paras. 43-44, Appendix V)

Change of status of the Committee of Government Experts on the Code of Principles concerning Milk and Milk Products

8. Transformation from a committee operating under Rule IX.1(a) into a Codex committee operating under Rule IX.1(b) (para. 46)
9. Alignment of elaboration and acceptance procedures (para. 48-49)

Terms of Reference of General Subject Committees

10. Amendment of the Terms of Reference of CCFAC (para. 53)

Format of Revised Codex Standards

11. Recommendations on the revision of Codex standards (para. 67-68, Appendix VI)
Governments and international organizations wishing to submit comments on the above documents should do so in writing to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Via delle Terme di Caracalla, 00100 Rome, Italy, before 31 January 1993.

SUMMARY AND CONCLUSIONS

The summary and conclusions of the Codex Committee on General Principles are as follows:

Matters for consideration by the Commission:

The Committee:

- agreed to recommend to amend the Rules of Procedure of the Commission as follows:
 - 1) Rule II.1 to indicate that elected officers of the Commission should enjoy the full confidence of their government during their entire term of office (paras. 12, Appendix II)
 - 2) Rule II.4 (c) to clarify the functions of the Regional Coordinators (paras. 7-9, Appendix II)
 - 3) Rule II.4 (d) to allow the appointment of an Interim Coordinator in the event that an elected officer of the Commission were unable to continue in office (para. 10, Appendix II)
- agreed to propose amendments to the General Principles of Codex Alimentarius so as to delete "target acceptance" and to apply the modality of acceptance under the "free distribution" principle to Codex commodity and general standards (paras. 30-34, Appendix III)
- agreed on a text implementing the decision of the 19th Session of the Commission to adopt standards at step 5 and 8 with the omission of Steps 6 and 7 by a two-thirds majority of votes cast (paras. 36-37, Appendix IV)
- agreed to propose a common elaboration procedure for all Codex standards and related texts and to recommend the incorporation of an amendment for the establishment of a "fast track" procedure (paras. 40-44, Appendix V)
- supported the change of status of the Committee of Government Experts on the Code of Principles concerning Milk and Milk Products from a Committee operating under Rule IX.1(a) to a Codex Committee established under Rule IX.1(b), and recommended that the procedures for the acceptance of milk and milk products standards be aligned on Codex acceptance procedures (paras. 46-49)
- agreed to recommend modifications to the terms of reference of the Codex Committee on Food Additives and Contaminants (para. 53)
- recommended that Codex standards should be revised so as to retain only those provisions which appeared essential as regarded health, safety and consumer protection concerns, as well as other elements needed to ensure fair trade practices (paras. 67-68, Appendix VI)

Other Matters of Interest to the Commission:

The Committee:

- decided not to amend Rule XI.4 regarding funding of participation costs (paras. 14-17)
- recommended amendments to the terms of reference of the Codex Committee on Food Hygiene and the Codex Committee on Methods of Analysis and Sampling (paras. 57-62)

- reasserted the need for those Committees which had prepared advisory texts to examine their implications especially in relation to international trade
- agreed that the implications of membership of regional integration organizations would be considered more fully at the next session of the Committee
- agreed to discuss in detail at its next session the proposition by the United States aimed at confirming the preeminence of science in Codex discussions

TABLE OF CONTENTS

	<u>Paragraph</u>
Introduction	1 - 3
Adoption of the Agenda	4
Matters of interest arising from FAO, WHO, the FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade, the CAC and other Codex Committees	5
Structure of the Executive Committee and the Functions of the Regional Representatives	6 -14
Proposals to amend the Rules of Procedure of the Codex Alimentarius Commission	
- Rule IX.4: Funding of participation costs for least developed countries	15-18
- Membership of Regional Economic Groupings in the Codex Alimentarius Commission	19-27
Proposals to amend the General Principles of the Codex Alimentarius	
- Review of Acceptance Procedures	28-34
Proposals to amend the Procedures for the Elaboration of Codex Standards and related texts	35
- Adoption of standards at Step 5 with omission of Steps by two-thirds majority vote	36-37
- Alignment of Codex Elaboration Procedures	38-44
Status of the FAO/WHO Committee of Government Experts on the Code of Principles concerning Milk and Milk Products and procedures for the elaboration of standards for milk and milk products	45-50
Terms of Reference for Codex "General Subject" Committees	51-62
Status of Codex advisory texts and procedures for their elaboration	63-66
Consideration of the format of "revised" Codex Standards	67-68
Other business	69-76

INTRODUCTION

1. The Codex Committee on General Principles held its Tenth Session in Paris, 7 - 11 September 1992, under the Chairmanship of Professor Jean-Jaques Bernier, President of the National Codex Alimentarius Committee. The session was attended by 89 delegates and observers from 19 member countries, one observer from a non-member country and 12 international organizations. A complete list of participants is given in Appendix I to this report.

2. The session was opened by Mme Neiertz, Secrétaire d'Etat chargé des Droits des Femmes et de la Consommation, who welcomed the participants and recalled that the objectives of Codex, protection of consumer health and safety, fair trade practices, facilitating international trade were integrated by the international community as a whole. She stressed the importance of these internationally accepted standards and related texts in the context of the present GATT negotiations on sanitary and phytosanitary barriers, and noted the forthcoming FAO/WHO International Conference on Nutrition might have certain implications for the work of Codex. She outlined the recommendations made by the FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade (March 1991) regarding the horizontal approach to food standardization, the necessity to review the standards according to their relevance and scientific basis, the improvement of participation by developing countries, and the improvement of working procedures in Codex. She also noted that the present session had to consider the legal conditions of membership of regional economic integration organizations in the Codex Alimentarius Commission, which would presently apply to the EEC and wished the Committee all success in its work.

3. While thanking the Secretary of State for her address, the Chairman recalled the essential role of the Committee on General Principles to provide a legal basis for Codex work, and to ensure that the rules and procedures would enable the Committees to carry out their activities as efficiently as possible. He noted that the present session would consider, in particular, several significant proposed amendments to rules of procedure as well as elaboration and acceptance procedures.

ADOPTION OF THE AGENDA (Agenda Item 1)

4. The Committee had before it document CX/GP 92/1, the Provisional Agenda for the Session. At the request of the Delegation of the United Kingdom speaking as President of the Council of the European Communities, the Committee agreed not to consider in depth the proposals relating to the Membership of Regional Economic Integration Organizations in the Codex Alimentarius Commission (Agenda Item 4). The Committee adopted the Provisional Agenda as the Agenda for the Session.

MATTERS OF INTEREST ARISING FROM FAO, WHO, THE FAO/WHO CONFERENCE ON FOOD STANDARDS, CHEMICALS IN FOOD AND FOOD TRADE, THE CODEX ALIMENTARIUS COMMISSION, AND OTHER CODEX COMMITTEES (Agenda Item 2)

5. The Committee had before it documents CX/GP 92/2 and CX/GP 92/2 - Addendum 1, presenting the aforesaid matters of interest, as well as consideration of Monitoring the effectiveness of the Code of Ethics for International Trade in Food. It was noted that the matters requiring detailed consideration would be examined specifically under other Agenda items. The Committee also agreed to consider the questions relating to the Code of Ethics under Agenda Item 11: Other Business.

STRUCTURE OF THE EXECUTIVE COMMITTEE AND THE FUNCTIONS OF REGIONAL REPRESENTATIVES
(Agenda Item 3)

6. The Committee had before it document CX/GP 92/3, prepared by the Secretariat. Reference was also made to discussions at the Thirty-Seventh Session of the Executive Committee on this matter as reported in document CX/GP 92/10, Section C., paragraphs 59-62. On this basis, the Committee agreed to discuss the following additional matters:

- appointment of interim Regional Coordinators; and
- action to be taken in the event that an elected Officer of the Commission were unable to continue in office.

Functions of "Regional Representatives"

7. The Committee noted the proposal of the Secretariat contained in Annex 1 of document CX/GP 92/3 to amend Rule III so as to assign certain responsibilities to Members of the Executive Committee elected on a geographical basis. The Committee considered that a clear distinction should be drawn between the status of the Members of the Executive Committee elected on a geographical basis and the status of the Regional Coordinators. The Committee noted that the concept of electing Members on a geographical basis was intended to ensure the widest possible equitable representation of the Member States of FAO and WHO on the Executive Committee. Such Members were elected on a regional basis. They had firstly the main responsibility of being Members of the Executive Committee and were not therefore expected to present the views of the countries of that region *per se* but rather to ensure that the general concerns and interests of the region were reflected in Executive Committee decisions. On the other hand, the Committee was of the view that it would be more appropriate to enhance the roles of the Regional Coordinators at Sessions of the Executive Committee because they were better placed to be able to ascertain the views of the countries of their region. Consequently, they should play a more active role in their status as observers to the Executive Committee.

8. The Committee therefore agreed that the proposed amendment should be redrafted so as to assign the responsibilities of reporting on the views of the countries of the respective regions to the Regional Coordinators, thus assisting the Executive Committee in its deliberations. The Committee further agreed that the views of recognized regional intergovernmental and non-governmental organizations should also be solicited.

9. The Committee did not accept the views of some delegations that the roles of Regional Coordinators and Members of the Executive Committee elected on a geographical basis should be combined; nor did it accept that Members of the Executive Committee elected on a geographical basis should be elected *ad personam*.

Interim Regional Coordinators

10. The Committee noted the opinion of the Executive Committee that greater flexibility should be introduced in cases where Coordinators might not be able to assume the Chair of their respective Regional Coordinating Committees (CX/GP 92/3, para. 5). It agreed that in such cases a procedure should be adopted whereby an interim Coordinator could be appointed.

11. The proposed amendments are included as Appendix II of the present report.

Action to be taken in the Event that an Elected Officer of the Commission were unable to continue in Office

12. The Committee noted further that the Executive Committee had pointed out that the Rules of Procedure were unclear in the event that an elected Officer of the Commission were unable to continue in office for any reason. The Committee also considered the situation of an elected officer whose affiliation had changed from that held at the time of election. The Committee was particularly concerned that the inter-governmental nature of the Commission should be protected, and that its officers should be seen to be above any sectorial interest. It was of the opinion that the Commission's elected officers should enjoy the full confidence of their governments during their entire period in office and that measures were needed to ensure that the Commission was notified when officers no longer enjoyed such confidence. The Committee was of the opinion that a mechanism need not be instituted to replace a Vice-Chairperson unable to continue in office.

13. In relation to the discussion, several delegations suggested that the roles of advisers and alternates in delegations and their eligibility needed to be clarified. It was also suggested by the Observer from IOCU that persons elected to Codex office make a statement of their interests. The Committee came to no conclusion on these points.

Proposed amendments to Rule II

14. The proposed amendments to Rule II - Officers of the Rules of Procedure, covering the recommendations made above, are contained in Appendix II of the present report.

PROPOSALS TO AMEND THE RULES OF PROCEDURE OF THE CODEX ALIMENTARIUS COMMISSION
(Agenda Item 4)

Rule XI.4: Funding of participation costs for least developed countries

15. Document CX/GP 92/4 (CRD 5) on the above was presented by Mr. Richard M. Stein, Legal Advisor (FAO). The Committee noted that the March 1991 Conference on Food Standards, Chemicals in Food and Food Trade had requested the Codex Alimentarius Commission to explore means by which the participation of developing countries in its work could be enhanced. Rule XI.4 of the Rules of Procedure of the Commission provided specifically that expenses (including travel) incurred in connection with attendance at sessions of the Commission and its subsidiary bodies were borne by the governments or organizations concerned. Expenses were borne out of regular budgetary funds only for experts invited by the Directors-General of FAO or WHO. This was analogous to the rules and practice of FAO, the particular parent body responsible for the administration of the Codex programme and of which the Codex Alimentarius Commission was a subsidiary body under Article VI of the FAO Constitution. It was noted that developing country participation in Regional Codex Coordinating Committees was encouraged by the holding of technical workshops immediately before each session, and that the travel expenses of participants in these workshops was provided for by FAO and WHO.

16. Delegations expressed sympathy for proposals to enhance the participation of developing countries in Codex work, but noted that in the light of Rule XI.4 and of the financial difficulties faced by both parent Organizations, it would be appropriate to seek other means for the direct funding of participation of least developed countries at meetings. Some delegations considered that the current wording of Rule XI.4 was overly restrictive as it seemed to prevent funding from extra-budgetary sources.

17. The Committee noted that it had not been specifically requested by the Commission to propose amendments to Rule XI.4, and pointed out that the Rule as currently written did not provide for the direct use of FAO, WHO or Joint FAO/WHO funds for participation costs. It encouraged the organizations to continue to use and to develop further alternate legitimate means of support to developing countries wishing to participate in Codex work.

18. The observer from IDF pointed out that, as previously indicated, possibilities existed within the framework of Codex to facilitate participation by developing countries and that consequently, it did not appear necessary to amend the present Rules of Procedure.

Membership of Regional Economic Integration Organizations in the Codex Alimentarius Commission

19. Documents CX/GP 92/4, CX/GP 92/4 Corrigendum 1 and Annex II, CX/GP 92/4 Corrigendum 2 (CRD No 2) were presented by Mr. Richard M. Stein, FAO Legal Adviser, who recalled the amendments to the FAO Constitution and to the General Rules of the Organization which had been adopted by the FAO Conference in November 1991 to allow regional economic integration organizations which met the criteria therein to be admitted as Member Organizations of FAO. The EEC had been admitted as a Member at the same session. He emphasized that a fundamental principle of the membership of regional economic integration organizations in FAO was based on the alternative exercise of membership rights. In order to allow for the participation of Organizations members of FAO in the work of Codex, a number of changes would be required to the Codex Procedural Manual.

20. He pointed out that, in studying the changes required, the Secretariat had identified many minor discrepancies in the terminology used in various Codex texts and had taken the initiative of proposing a number of purely formal amendments with a view to standardizing terminology.

21. It was agreed that the object of the discussion would not be to reach a conclusion during the present session, but to provide the opportunity to hold a preliminary exchange of views on the matter.

22. In reply to a question on the legal aspects of this matter as regarded WHO, the WHO Legal Adviser informed the Committee that no amendment to the WHO Constitution was contemplated to allow membership of regional economic integration organizations.

23. The delegation of the United Kingdom, speaking as President of the Council of the European Communities, indicated that more time would be needed for the EEC and its Member States to consider the matter in depth. Whilst the principle of alternate exercise of membership raised no difficulties, a number of questions did arise. The Codex Alimentarius has distinct functions and the rules adopted must be suitable for them. It would not be satisfactory simply to transpose to Codex the provisions of the FAO Basic Texts. The matter must be reviewed carefully. For example, the issue arose as to whether it was proper to exclude regional economic integration organizations from membership in a restricted Codex body such as the Executive Committee. The Delegation also inquired as to the meaning of the draft provisions on voting; was it intended that the EEC Representative would exercise twelve votes where necessary at meetings. The Legal Adviser confirmed that this was his understanding of the present draft.

24. Several delegations expressed concern at the possibility for the EEC to cast votes for all its Member States entitled to vote when all those Members were not present at the session of a committee. It was pointed out that this would give an

advantage to Codex Members which belonged to Organizations members of FAO, as other Codex Members had to be actually present at the meeting to cast a vote. It was pointed out, however, that though, as a matter of principle, the question of vote was of great importance, in practice, most Codex committees reached their decisions by discussion and consensus, due to the technical nature of the questions involved.

25. In reply to several questions raised, the Secretariat indicated that the membership of the EEC in Codex would represent a positive change as it would give legal recognition to the situation created by developing integration within the EEC, as competence for a great many Codex matters had been transferred to the EEC. It was recalled that under the new proposed Rules, it would be for the Member Organization and its Member States to determine who would be competent to vote on each specific matter on the Agenda of a meeting and to inform the Codex Secretariat accordingly.

26. The Observer from the EEC queried the withdrawal of paragraphs 2, 3 and 4 of the original proposal for a new Rule X bis in paragraph 16 of document CX/GP 92/4. On the other hand, he indicated that draft paragraph 7 of new Rule X bis relating to the declaration of competence before any meeting of Codex would create problems for the Community and was inappropriate. The competence of the EEC on food law is very wide. In this connection, he pointed out that it would be very difficult to make the required detailed declaration of the precise distribution of competence on each agenda item prior to each Codex meeting. The EEC would require sufficient time to examine and discuss in detail all the implications of the proposed new Rule in relation to its own regulations and working procedures.

27. The Committee agreed that this question would be considered again at its next session. In the meantime, the EEC would prepare specific proposals for discussion with the FAO and WHO Secretariats. It was further noted that Annex II to document CX/GP 92/4 included proposed changes which were independent of the proposed new Rule X bis as well as changes linked to that Rule; consequently it was agreed that all proposed changes would be examined together at the next session. The Chairman requested that the document be revised to present distinctly the amendments related to regional economic organizations and those of a purely formal nature.

PROPOSALS TO AMEND THE GENERAL PRINCIPLES OF THE CODEX ALIMENTARIUS (Agenda Item 5)

28. The Committee had before it Document CX/GP 92/5 prepared by the Secretariat following the recommendations of the FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade, Rome, March 1991, and the endorsement of these recommendations by the Nineteenth Session of the Codex Alimentarius Commission (Alinorm 91/40, para.69).

29. The paper proposed the deletion of target acceptance as a means of accepting Codex commodity and general standards and the inclusion of a new form of acceptance, "free distribution", in relation to commodity standards.

30. The Committee warmly welcomed the proposal to delete references to target acceptance and supported the proposal to introduce a text which would allow acceptance of standards on the principle of free distribution. The Committee however wished to see this principle extended to Codex general standards and that the definition of free distribution be simplified along the lines of the statement used for acceptance of residue limits under the modality of free distribution.

31. Some delegations believed that a more radical approach was needed and that the current text permitting acceptance with specified deviations, which they considered to be equivalent to non-acceptance for GATT purposes, should be deleted from the General Principles of the Codex Alimentarius. The Committee however

considered that until such time as the GATT Uruguay Round decisions had been finalized, the modality of acceptance with specified deviations served a useful purpose in providing for transparency of government regulations. It decided therefore not to delete the reference to "acceptance with specified deviations" for the time being but to review the matter at a future session after the GATT Uruguay Round had been concluded.

32. The Observer from the International Organization for Consumers' Union (IOCU) welcomed the idea that products that conform to internationally recognized standards should be freely traded. The Observer recalled the concerns expressed by the IOCU at the March 1991 Food Standard Conference that procedures for international food standard setting may not ensure sufficient consumer protection and that acceptance of the free distribution principle could undermine the level of consumer protection which the consumer organizations had fought hard to achieve. The Observer questioned whether the adoption of the free distribution principle would affect a country's sovereignty to maintain and set higher standards particularly after the GATT Agreement had been signed. The Committee was informed by the Observer from GATT that the Uruguay Round text on sanitary and phytosanitary measures confirmed countries' rights to establish all measures necessary to protect human, animal and plant health but subjected the exercise of this right to certain disciplines including the fact that such measure could not be maintained against scientific knowledge. The Observer from GATT also noted that the establishment of a Codex standard was most important in relation to the application of the Sanitary and Phytosanitary decision, and that the acceptance by member countries did not affect the obligations of the parties under the SPS decision. The Representative of WHO, reporting on a speech made on behalf of the Director-General of WHO to the Third World Congress of Food Borne Infections and Intoxications, held in Germany in June 1992, stated that it was WHO's view that Codex recommendations provided adequate consumer protection and that stricter standards would not necessarily offer greater protection but could be used as non-tariff barriers to trade.

33. Bearing in mind the above, the Committee agreed to propose draft amendments to the General Principles of the Codex Alimentarius so as to apply the modality of acceptance under the "free distribution" principle to Codex commodity and general standards.

34. The amendments adopted are contained in Appendix III of this report. The Committee recommended the adoption of these amendments by the Commission.

PROPOSALS TO AMEND THE PROCEDURES FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS (Agenda Item 6)

35. The Committee had before it document CX/GP 92/6, prepared and introduced by the Secretariat. The Committee noted that the document contained three main proposals:

- a text implementing the decision of the 19th Session of the Commission to adopt standards at Step 5 and 8 with the omission of Steps 6 and 7 by a two-thirds majority of votes cast;
- a text aligning all of the elaboration procedures used for the development of all Codex standards, maximum residue limits, codes of practice, guidelines and other advisory texts; and
- proposals for the institution of a "fast track" elaboration procedure as requested by the 39th Session of the Executive Committee (ALINORM 93/3, paras. 39 - 41).

Adoption of Standards at Step 5 and 8 with the omission of Steps 6 and 7 by a two-thirds majority of votes cast

36. The Committee agreed to the proposed amendment to paragraph 3 of the Introduction of the section on Procedures for the Elaboration of Codex standards and related texts as contained in Appendix 1 of CX/GP 92/6. In view of its subsequent discussions on the need for transparency if accelerated procedures, including the procedure of the omission of Steps, were to be used, it agreed to amend the proposal to indicate that all interested parties should be advised of this fact as quickly as possible. It also agreed to add to the introduction a new paragraph 4. to indicate some of the criteria which would warrant a recommendation to omit steps.

37. The revised text as contained in Appendix IV to this report was adopted by the Committee which also recommended its adoption by the Commission.

Alignment of Codex Elaboration Procedures

38. The Committee noted that separate Elaboration Procedures had been established for the following Codex texts:

- Worldwide Codex Standards, applying mutatis mutandis to the elaboration of codes of practice and other texts of an advisory nature;
- Regional Codex Standards, applying mutatis mutandis to the elaboration of codes of practice and other texts of an advisory nature;
- Maximum Limits for Pesticide Residues;
- Maximum Limits for Residues of Veterinary Drugs;
- Codex Advisory Specifications for the Identity and Purity of Food Additives;
- Milk and Milk Products Standards; and
- International Individual Cheese Standards.

39. It was noted that all of these procedures had much in common. The main reasons for developing separate elaboration procedures were to give special recognition to non-Codex bodies in the early stages of the elaboration process and to provide for elaboration of Regional texts taking into account Rule VI.3 of the Rules of Procedure.

40. The Committee agreed that a common elaboration procedure for all Codex standards, guidelines and other recommendations would lead to greater transparency and understanding of the Commission's work; but this procedure would also have to recognize the special role played by JECFA and JMPR, and, in a somewhat different way, the International Dairy Federation (IDF) in the early stages of the elaboration process. It noted that provisions relating to Regional Standards would have to be incorporated, even though the Commission had adopted a policy of not proceeding with the elaboration of Regional Standards.

41. The Committee also noted that the aligned elaboration procedure would require the Codex Committee for Pesticide Residues and the Codex Committee for Residues of Veterinary drugs in Foods to notify and obtain the approval of the Commission to

initiate the elaboration of MRLs for specific pesticides or veterinary drugs. In practice, this could be done by requesting the Commission's endorsement of the Priority Lists established by these Committees.

42. It further noted that Proposed Draft Advisory Specifications for the Identity and Purity of Food Additives may be adopted by the Commission at Steps 5 and 8 with the omission of Steps 6 and 7, on the recommendation of the Codex Committee on Food Additives and Contaminants. This would be equivalent to the current adoption by the Commission at Step 3 of the special procedure for Advisory Specifications for Identity and Purity of Food Additives.

Proposals for the Institution of a "Fast Track" Elaboration Procedure

43. The Committee welcomed the Secretariat's proposals for the institution of a "fast track" elaboration procedure. Nevertheless, it was of the opinion that a number of additional safeguards had to be incorporated into the procedure which would i) provide criteria for the guidance of the Commission and Codex Committees on the nature of standards and related texts to be subject to the "fast track" procedure; ii) ensure that there was adequate time for consultation by national governments with consumer and other national non-governmental organizations on the implications of the standard for them; iii) provide for consultation with interested international organizations through written comments at the adoption step (Step 5A); and iv) clarify the role of the Executive Committee in the elaboration process especially as the Executive Committee was a closed Committee from which observers other than the Codex Regional Coordinators were excluded, raising the question of the transparency of its decisions. In this latter case, it was agreed that although the power to adopt standards lay exclusively with the Commission, the Executive Committee, acting as the executive body of the Commission between sessions, could instigate the "fast track" procedure and could also advance proposed draft standards under the normal procedure at Step 5 of the Procedure to Step 6. It was noted that under the "fast track" procedure it would be possible for the Commission to both confirm the initiation of a fast track procedure and adopt the standard at the same session. It was further agreed that the majority required for decisions of the Executive Committee when acting as the executive body of the Commission between sessions would be the same as that required of the Commission.

44. The Committee agreed to incorporate amendments to the proposed text covering these points, adopted the text contained in Appendix V of the present report, and recommended its adoption by the Commission.

STATUS OF THE FAO/WHO COMMITTEE OF GOVERNMENT EXPERTS ON THE CODE OF PRINCIPLES CONCERNING MILK AND MILK PRODUCTS AND PROCEDURES FOR THE ELABORATION OF STANDARDS FOR MILK AND MILK PRODUCTS (Agenda Item 7)

45. The Committee had before it document CX/GP 92/7, prepared by the Secretariat, and Conference Room Document No. 4 containing comments from the International Dairy Federation (IDF). The Committee recalled that the Joint FAO/WHO Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products was established in 1957, prior even to the creation of the Codex Alimentarius Commission. It was subsequently integrated into the framework of the Codex Alimentarius Commission but had until now been fully funded from the Joint FAO/WHO Food Standards Programme budget. A Secretariat proposal to the FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade (March 1991) recommended that the future activities of the Committee should be based on the same host government arrangements applying to other Codex Committees whereby the host government pays for meeting, interpretation and documentation costs, thereby providing considerable savings to the Codex budget. This recommendation was endorsed by the 19th Session of the Codex Alimentarius Commission in July 1991.

46. The Committee fully supported the change of status of the Committee of Government Experts from a Committee operating under Rule IX.1(a) to that of a Codex Committee established under Rule IX.1(b)(i). It agreed that this change of status did not require amendments to the Rules of Procedure of the Commission.

Name of the Committee and Terms of Reference

47. The Committee endorsed the proposal that the Committee be re-named the "Codex Committee on Milk and Milk Products". It proposed the following draft Terms of Reference for the Committee for consideration by the Codex Committee on Milk and Milk Products and subsequent endorsement by the Commission:

To elaborate international codes and standards for milk and milk products within the framework of the Codex Alimentarius and the Code of Principles concerning Milk and Milk Products.

Procedures for the Elaboration and Acceptance of Standards

48. The Committee agreed that the procedures for the elaboration of standards for milk and milk products should be aligned with the procedures applicable to all other Codex texts under the new elaboration procedure proposed at the present session (see paragraphs 38 to 44 above). In the special case of standards for individual named cheeses where the depositing country for the standard was normally consulted at the first stage of the elaboration process, it was noted that this consultation could be done by the International Dairy Federation when formulating its recommendations to the Committee on Milk and Milk Products at Step 2 (see also Appendix V).

49. The Committee expressed concern that the procedures for the acceptance of milk and milk product standards under the Code of Principles concerning Milk and Milk Products were at variance with the General Principles of the Codex Alimentarius, especially Article 6.4 of the Code. It was the opinion of some delegations that these procedures were inconsistent with current GATT texts, and that acceptances made under Article 6.4 might have to be justified as legitimate non-tariff barriers, if challenged. The Committee strongly recommended that the Committee on Milk and Milk Products examine Article 6 of the Code of Principles with a view to either aligning it with the General Principles of the Codex Alimentarius, or to deleting it altogether.

50. The Committee noted that a Steering Committee had been established by the Committee of Government Experts to handle its business between sessions. It was agreed that the functions of the Steering Committee would be assumed by the Host Government Secretariat once the Committee was re-established as a Codex Committee.

TERMS OF REFERENCE FOR CODEX "GENERAL SUBJECT" COMMITTEES (Agenda item 8)

51. The Committee had for its consideration document CX/GP 92/8, recalling the recommendations of the Food Standards Conference, as endorsed by the 19th Session of the Commission for General Subject committees to consider their terms of reference. The results of this review by the committees which had met since then were presented in the document.

52. Several delegations expressed their support of the general objectives of the proposals to make the terms of reference consistent with one another and to enable General Subject committees to work independently. However, they expressed some reservations on the possible consequences for commodity committees, stressing that these should not be set aside in the decision making process. Other delegations indicated that a clear definition of the responsibilities of the committees was necessary.

53. The Committee agreed that, in line with the priority given to the "horizontal" approach for the elaboration of food standards, a major responsibility would need to be given to General Subject committees, especially as there were fewer commodity standards in preparation, and the work of several commodity committees had been completed. The Committee agreed that the chapter on "Relations between Commodity Committees and General Committees" in section K of the Procedural Manual "Guidelines for Codex Committees" required comprehensive revision, as it currently gave the primary responsibility for the development of Codex standards to Commodity Committees. This revision of section K "Guidelines for Codex Committee" should be prepared for consideration by the next session of the Committee.

54. The Committee examined the changes in the terms of reference proposed for individual General Subject Committees. The Codex Committee on Food Additives and Contaminants, at its last session, proposed modifications designed to widen its scope, especially as regarded the elaboration of a General Standard for Food Additives and consideration of naturally occurring toxicants. This proposal had been endorsed by the last session of the Executive Committee.

55. The Committee agreed to recommend to the Commission to amend the terms of reference of CCFAC as follows:

- (a) to establish or endorse permitted maximum or guideline levels for individual food additives, for contaminants (including environmental contaminants) and for naturally occurring toxicants in foodstuffs and animal feeds.

56. The delegation of Sweden, recalling the discussions which had taken place at the 24th session of CCFAC (ALINORM 93/12, para. 71) was of the opinion that source-directed measures should be recommended to reduce the occurrence of contaminants. The Secretariat indicated that the last session of the Executive Committee had considered this matter and had agreed that the Committee on Food Additives and Contaminants should concentrate on the priority task of setting maximum levels for contaminants in food.

57. The Committee noted that the Codex Committee on Food Hygiene had examined its terms of reference in the perspective of new concepts to be introduced, especially the Hazard Analysis Critical Control Point (HACCP) system and the proposed revision of the General Principles of Food Hygiene, but had concluded that no revision was warranted at the present time.

58. In order to make it clear that the Committee on Food Hygiene could act independently from commodity committees where hygiene matters were concerned, the Committee agreed to propose the following change in its terms of reference:

- (b) (iii) to draft provisions on hygiene applicable to specific food items or food groups, whether coming within the terms of reference of a Codex commodity committee or not
- (c) delete
- (d) becomes (c)

59. The Committee considered the proposed amendments to the terms of reference of the Codex Committee on Methods of Analysis and Sampling so as to strengthen its role in the area of laboratory certification, as agreed by the Commission at its last session.

60. The Committee noted that laboratory accreditation fell outside the mandate of Codex and noted that the reference to "laboratory certification" in the proposed text could create some confusion in this context. It was also agreed that there should be no duplication with the work of other organizations working in this or related fields and that the task of the Committee could include the identification and endorsement of appropriate texts recommended by other organizations. The Committee consequently agreed to propose the following amendment to the terms of reference of the Committee on Methods of Analysis and Sampling:

- (b) to serve as a coordinating body for Codex with other international groups working on methods of analysis and sampling and quality systems for laboratories.
- (g) to define procedures, protocols, guidelines or related texts for the assessment of food laboratory proficiency, as well as quality systems for laboratories

61. The Committee noted that this proposal would have to be considered by CCMAS at its next session (November 1992).

62. The Committee noted that there was a possible overlap in the terms of reference of CCMAS and CCFAC in relation to methods of analysis for food additives in food, and indicated that arrangements should be made to avoid duplication of work in this area.

STATUS OF CODEX ADVISORY TEXTS AND PROCEDURES FOR THEIR ELABORATION (Agenda Item 9)

63. Document CX/GP 92/9 was presented by the Secretariat. The Committee noted that the Commission at its 19th Session, July 1991, had discussed the matter as a follow-up to questions raised at the 18th Session of the Codex Alimentarius Commission and the 37th Session of the Executive Committee (ALINORM 91/33 and ALINORM 91/3 para. 43).

64. The Commission had concluded that in principle all Codex texts should be subject to full and transparent elaboration procedures, with full and equal participation by all member governments and other interested parties. It had requested all committees to ensure that texts which were not defined as standards or maximum residue limits would clearly state their non-binding character and their intended application. The Commission had also agreed that all such texts should be developed openly and with the same scientific rigour. The Commission had also requested those committees which had prepared advisory texts to examine the implication of these recommendations especially in relation to international trade.

65. The Committee agreed that the new elaboration procedure for all Codex texts, proposed at the present session (see Agenda Item 6, paragraphs 36 to 44 above), met the Commission's wish that all advisory texts should be developed openly and with the same scientific rigour. The Committee, however, expressed concern that a number of Guidelines established or under elaboration by the Commission could be applied in the post-Uruguay Round environment for the resolution of challenges and disputes. The Committee also noted that the principle of "equivalence" contained in the Sanitary and Phytosanitary (SPS) text of the Uruguay Round recognized that different approaches might be used to achieve the same measure of health protection.

66. The Committee requested the Secretariat to notify the Committees concerned of its views as described above, and proposed that these Committees examine these texts to determine whether they were appropriate to international trade and met the necessary conditions of scientific rigour.

CONSIDERATION OF THE FORMAT OF "REVISED" CODEX STANDARDS (Agenda Item 10)

67. The Secretariat introduced Conference Room Document 3, which recalled the recommendations of the Food Standards Conference, as endorsed by the Commission, for a revision of all Codex standards in the light of their importance and acceptance in international trade, and in the perspective of the horizontal approach. It was proposed to retain in the standards only those provisions which appeared essential and were used by governments as regulatory control measures as regarded health, safety and consumer protection concerns, as well as other essential elements needed to ensure fair trade practices and protection against fraud. Other provisions dealing with non-essential matters such as commercial quality, would be removed or transferred to texts of an advisory nature. In the case that the non-essential material were transferred to an appendix of the standard, the appendix would need to indicate clearly that it was not subject to formal acceptance as was the main text of the standard.

68. The Committee expressed its support for this orientation and for the need to give clear recommendations to commodity committees so that they could carry out this revision. The Committee agreed to the proposed recommendations, which are presented in Appendix VI, for consideration by the next session of the Commission.

OTHER BUSINESS (Agenda Item 11)

69. The Committee had before it documents CX/GP 92/10 and 92/10 - Addendum, which contained extracts from the report of the Thirty-Ninth Session of the Executive Committee and of other Codex Committees which had requested the advice of the Committee on several matters.

Implications for the Codex Committee on Residues of Veterinary Drugs in Foods of the Codex Alimentarius Commission Vote not to Adopt JECFA Recommendations for Growth Promoting Cattle Hormones at Step 8

70. The Committee noted that a proposal on the above subject, tabled by the Delegation of the United States at the Sixth Session of the Codex Committee on Residues of Veterinary Drugs in Foods, had been referred to it by the Executive Committee. Neither the Executive Committee nor the Codex Committee on Residues of Veterinary Drugs in Foods had taken a position on the proposal (Documents CX/RVDF 91/2-Add. 1, CX/EXEC 92/37/12, and ALINORM 93/3, paragraphs 56 to 58).

71. The Delegation of the United States stated that it supported a review of the Commission's procedures for the elaboration of standards so as to strengthen public perception of the impartiality and competence of Codex. It stated that Codex should demonstrate that it was a genuinely neutral intergovernmental body and that it must show that its standards, guidelines and other recommendations rested on a sound scientific basis. The Delegation stated its opinion that revisions in Codex procedures were required to confirm the preeminent role of science in Codex decisions on health and safety matters. Although it recognized that other factors might be involved in arriving at Codex decisions, the Delegation believed that these matters should be dealt with separately from the scientific considerations. With this in mind, the Delegation requested the Secretariat, in consultation with representatives from Member countries, to consider possible amendments to the Procedures. The Delegation suggested that the procedure should allow for objections to be raised in writing, early in the process so as to allow full debate at Committee sessions. Furthermore, the Delegation proposed that when a Committee submits a draft recommended standard to the Commission with objections from any delegate, such objections should be submitted in writing to the Commission in sufficient time prior to the meeting to allow due consideration by Commission

members. The Delegation suggested that a working group be established to propose recommendations along these lines. The Delegations of Canada and New Zealand associated themselves with the statement of the Delegation of the United States.

72. Several other delegations expressed their support for the principle that Codex recommendations should be based on the best scientific opinion available, but that there were other non-scientific criteria, such as economic factors or consumers' concerns, which needed be taken into account in arriving at Codex recommendations. They expressed support for any proposal which would lead to greater transparency of the Codex process. Other delegations noted that in situations where there were no Codex standards developed from the recommendations emanating from FAO/WHO Expert Panels, disciplines on the application of national standards in these areas to internationally traded products could still be applied through other legal instruments.

73. The Committee agreed to discuss the new United States proposal in full at its next session. It requested the Secretariat, with the assistance of consultants as necessary, to prepare a discussion paper to be distributed for government comments well in advance of the Committee's next session.

Codex Coordinating Committee for Europe: Terms of Reference

74. The Committee noted that the Coordinating Committee had proposed deletion of the section of its Terms of Reference which provided for the elaboration of standards for products moving exclusively or almost exclusively in intraregional trade. Noting also that the Terms of Reference of Regional Coordinating Committees had only recently been aligned, the Committee agreed to discuss this matter more fully at its next session.

Code of Ethics for International Trade in Foods

75. The Committee noted that the Executive Committee at its Thirty-Seventh Session had discussed proposals to strengthen the application of the Code of Ethics (ALINORM 93/3, paragraphs 48 to 51). The Committee, recalling that it had been responsible for the development of the Code, strongly endorsed the idea of bringing the Code to the attention of traders through trade associations and similar mechanisms. It noted that the Code had recently been republished as a small trilingual booklet with this in mind. It also welcomed reports that countries had begun to use the Code as a basis for their trading practices especially to countries which had no, or limited, food standards and food control services of their own.

76. Recalling that the Code of Ethics contained a number of elements relating to the inspection and certification of food moving in international trade, the Committee requested that a system of close liaison be established between itself and the Codex Committee on Food Import and Export Inspection and Certification Systems.

SUMMARY STATUS OF WORK

Subject Matter	Action by	Document Reference
Rules of Procedure	Governments 20th CAC	ALINORM 93/33 Appendix II
General Principles of Codex Acceptance	Governments 20th CAC	ALINORM 93/33 Appendix III
Adoption of standards at Step 5 and 8	Governments 20th CAC	ALINORM 93/33 Appendix IV
Common elaboration procedure for Codex standards	Governments 20th CAC	ALINORM 93/33 Appendix V
Status of Milk Committee	Governments 20th CAC	ALINORM 93/33 par. 46-48
Terms of Reference of CCFAC	20th CAC	ALINORM 93/33 par. 53
Format of revised Codex standards	Governments 20th CAC	ALINORM 93/33 Appendix VI
Terms of Reference of CCFH	CCFH 20th CAC	ALINORM 93/33 par. 58
Terms of Reference of CCMAS	CCMAS 20th CAC	ALINORM 93/33 par. 60
Advisory texts	Secretariat Commodity Committees	ALINORM 93/33 par. 66
Matters concerning CCRVDF	Secretariat 11th CCGP	ALINORM 93/33 par. 73
Membership of regional economic integration organizations	Secretariat 11TH CCGP	ALINORM 93/33 par. 27

LIST OF PARTICIPANTS*
LISTE DES PARTICIPANTS
LISTA DE PARTICIPANTES

CHAIRMAN
PRESIDENT
PRESIDENTE

M. Jean-Jacques BERNIER
Président du Comité National du Codex Alimentarius

ALBANIA
ALBANIE

HARITO Tatjana
Director of Public Health Department
Ministry of Health and Environment
Protection of Albania
Tirana
Albania

AUSTRALIA
AUSTRALIE

MERTON John
Assistant Director
Food Inspection (Non-Meat) Branch
Australiane Quarantine
and Inspection Service
Barton ACT 2600
Australia

BELGIUM
BELGIQUE
BELGICA

CREMER Charles
Inspecteur Principal
Chef de Service
Inspection des Denrées Alimentaires
Ministère de la Santé Publique
Cité Administrative de l'Etat
Quartier Vésale
1010 Bruxelles
Belgium

YSABERT Gabriel
Ingénieur Agronome
Ministère de l'Agriculture
Avenue du Boulevard, 21
Manhattan Office Tower
1210 Bruxelles
Belgium

KAYAERT Guido
Centre de Coordination Nestlé
Rue de Birmingham, 221
1070 Bruxelles

Belgium

BRASIL
BRESIL

LIMA RODRIGUES Adauto
Coordonator dos assuntos
do Codex Alimentarius
Ministère de l'Agriculture
et de la Réforme Agraire
Brasil

GUERREIRO Antonio Vallim
Conseiller
Ambassade du Brésil à Paris
France

CANADA

SMITH Barry
Canadian Codex Contact Point
Health Protection Branch
Health and Welfare
Ottawa, Canada K2H5W2

MILLS Robert
Technical Trade Coordinator
Department of Fisheries and
Oceans
200 Kent Street
Ottawa, Ontario KIA DE6
Canada

CZECHOSLOVAKIA
TCHECOSLOVAQUIE
CHECOSLOVAQUIA

DOBROVSKY Pavel
Senior Officer of the
Agriculture Standards
Department
Federal Ministry of Economy
170 32 PRAHA 7
Czechoslovakia

* The heads of delegations are listed first; alternates, advisers and consultants are listed in alphabetical order.
Les chefs de délégation figurent en tête et les suppléants, conseillers et consultants sont énumérés par ordre alphabétique.
Figuran en primer lugar los Jefes de las delegaciones; los Suplentes, Asesores y Consultores aparecen por orden alfabético.

DENMARK
DANEMARK
DINAMARCA

STROMGREN Sten
Head of Division
Danish Veterinary Service
Rolighedsvej 25
DK-1958 Frederiksberg C
Denmark

BUSK-JENSEN Anne
Deputy Director
Confederation of Danish Industries
DK 1787 Copenhagen V
Denmark

FINLAND
FINLANDE
FINLANDIA

HEIKONEN Tauno
Ministerial Counsellor
Ministry of Trade and Industry
Box 230
00171 Helsinki - Finland

TUOMAALA Vesa
General Secretary
Advisory Committee on Foodstuffs
Ministry of Trade and Industry
Box 230
00171 Helsinki
Finland

BERGHOLM Kari
Ambassador, Sanitary
and Phytosanitary Measures
Ministry of Foreign Affairs
Box 176
00161 Helsinki
Finland

FRANCE
FRANCIA

GABRIE Pierre
Chef de Service
Ministère de l'Economie
et des Finances
D.G.C.C.R.F.
Carré Diderot
3-5 Boulevard Diderot
75012 PARIS
France

LECOURT Roseline
Ministère de l'Economie
et des Finances
D.G.C.C.R.F.
Carré Diderot
3-5 Boulevard Diderot
75012 PARIS
France

GUILLOU Marion
Sous-Directeur
Ministère de l'Agriculture
et de la Forêt
D.G.Ai.
175 rue du Chevaleret
75646 PARIS CEDEX 13
France

RICO Béatrice
Ministère de l'Agriculture
et de la Forêt
D.G.Ai.

175 rue du Chevaleret
75646 PARIS CEDEX 13
France

GUILLON Françoise
Union Féminine Civique et Sociale
U.F.C.S.

6 rue Béranger
75003 PARIS
France

JEANCLAUDE Daniel
S.I.M.V.

Syndicat de l'Industrie du
Médicament Vétérinaire et Réactif
6 rue de la Trémoille
75008 PARIS
France

NORMAND Nadine
Association Française
de Normalisation
Tour Europe - CEDEX 7
92080 PARIS LA DEFENSE
France

MARESCHI Jean-Pierre
Directeur
REG SCIENTIFIQ INTENA
7 rue de Téhéran
75008 PARIS

BUREL Dominique
F.N.C.L.
Fédération Nationale des
Coopératives Laitières
34 rue Godot de Mauroy
75009 PARIS

GERMANY
ALLEMAGNE
ALEMANIA

SCHULTE Ortwin
Assistant Head of Division
Fédéral Ministry of Health
Koblenzer Str. 112
5300 BONN 2
Germany

ROEMERSCHIEDT Monika
Assistant Head of Division
Federal Ministry of food,
agriculture and forestry
Rochusstrasse 1
5300 Bonn 1
Germany

SCHUELLER Franz-Josef
Assistant Head of Division
Federal Ministry of Economics
Villemombler Str. 76
5300 Bonn 1
Germany

BELITZ Gernot Wilfried
Assistant Head of Division
Federal Ministry of food,
agriculture and forestry
Rochustrasse 1
5300 Bonn 1
Germany

NETHERLANDS
PAYS-BAS
PAISES BAJOS

VAN HOOGSTRATEN Steven
Member of the Executive Committee
Ministry of Welfare, Health and
Cultural Affairs
Director for Food and Product
Safety Affairs
P.O. Box 3008
2280 MK Rijswijk
Netherlands

Otto C. KNOTTNERUS
Adviser
General Commodity Board for
Arable Products
P.O. Box 29739
2502 LS The Hague
Netherlands

NEW ZEALAND
NOUVELLE ZELANDE
NUEVA ZELANDIA

BOYD Gilbert Henry
Manager (International Affairs)
MAF Regulatory Authority
Ministry of Agriculture and Fisheries
PO Box 2526
Wellington
New Zealand

NORWAY
NORVEGE
NORVEGA

RACE John
International liaison officer
Norwegian Food Control Authority
P.O. Box 8187 Dep.
N-0034 Oslo
Norway

AABY Kirsten Elnaes
Head of division
Norwegian Food Control Authority
P.O. Box 8187 Dep.
N-0034 Oslo
Norway

LYCKE Charlotte
Executive officer
Consumer Council of Norway
P.O. Box 8104 Dep.
N-0032 Oslo
Norway

SWEDEN
SUEDE
SUECIA

SLORACH Stuart
Head of Department
National Food Administration
Box 622
S-751 26 Uppsala
Sweden

LÖNBERG Eva
Principal Administrative Officer
Legal Division
National Food Administration
Box 622
S-751 26 Uppsala
Sweden

BLOMBERG Barbro
Codex Coordinator for Europe
Mohultsvägen 8A
S-716 94 Fjugesta
Sweden

SWITZERLAND
SUISSE
SUIZA

ROSSIER Pierre
Chef Section Normes Internationales
Office Fédéral de la Santé Publique
Haslerstrasse 16, Case postale
CH-3000 Berne 14
Switzerland

DU BOIS Irina
Nestec S.A.
CH-1800 Vevey
Switzerland

IMFELD Marquard
F. Hoffmann - La Roche LTD
CH-4002 Basel
Switzerland

THAILAND
THAILANDE
TAILANDIA

Samnao Chulkarat
Secretary-General
Thai Industrial Standards Institute
Ministry of Industry
Ram VI Street, Bangkok 10400
Thailand

AMARA Vongbuddhapitak
Principal Scientist
Department of Medical Sciences
Ministry of Public Health
Yodse, Bangkok 10100
Thailand

SURAKUL Marase
Assistant Secretary General
Office of the National FAO Committee
of Thailand
Ministry of Agriculture and
Cooperatives
Bangkok
Thailand

KUTTAWAS Vanida
First Secretary
Ambassade Royale de Thaïlande
Paris
France

Sansanee Reingvirodkij
General Administration Officer 6
Thai Industrial Standards Institute
Ministry of Industry
Bangkok
Thailand

Chanida Hiangrat
General Administration Officer 5
Thai Industrial Standards Institute
Ministry of Industry
Bangkok
Thailand

TOGO

GERMA Coawovi
Délégué Permanent Adjoint
du TOGO/UNESCO

UNITED KINGDOM

ROYAUME-UNI
REINO UNIDO

COCKBILL Charles A.
Head of Consumer Protection Division
Ministry of Agriculture, Fisheries
and Food
Ergon House c/o Nobel House
17 Smith Square
London SW1P 3JR - United Kingdom

MILLAR Keith
Consumer Protection Division
Ministry of Agriculture, Fisheries
and Food
Ergon House c/o Nobel House
17 Smith Square
London SW1P 3JR - United Kingdom

FORSYTHE Ian
Health Aspects of Environnement
and Food Division
Department of Health
Eileen House
80-94 Newington Causeway
London SE1 6EF - United Kingdom

UNITED STATES
ETATS-UNIS
ESTADOS UNIDOS

Delegate

THIERMANN Alejandro B.
Deputy Administrator
International Services
Animal and Plant Health Inspection
Service - Room 324-E
U.S. Department of Agriculture
14th and Independence Avenue, SW.
Washington, DC 20250
USA

Alternate Delegate

SHANK Fred R.
Director
Center for Food Safety
and Applied Nutrition (HFF-1)
Food and Drug Administration
200 C Street, SW.
Washington, DC 20204 - USA

JORDAN William
Government Adviser
U.S. Environmental Protection
Agency (H 7501c)
401 M Street, SW
Washington, DC 20460 - USA

NALLY Rhonda
Executive Officer for Codex
Food Safety and Inspection Service
Room 3175, South Building
U.S. Department of Agriculture
14th and Independence Ave., SW.
Washington, DC 20250 - USA

CARNEVALE Richard A.
Assistant Deputy Administrator
U.S. Department of Agriculture
FSIS/S and T
Room 405-Annex Building
12th and C Street, SW
Washington, DC 20250 - USA

COOPER Charles W.
Assistant to the Director
Center for Food Safety
and Applied Nutrition (HFF-1)
Food and Drug Administration
200 C Street, S.W.
Washington, DC 20204 - USA

DEROEVER Catherine M.
Supervisory Policy Analyst
Center for Food Safety and Applied
Nutrition (HFF-1)
Food and Drug Administration
200 C Street, SW.
Washington, DC 20204 - USA

LEONARD Rodney E.
Executive Director
Community Nutrition Institute
2001 S Street, N.W.
Suite 530
Washington, DC 20009 - USA

OBSERVER COUNTRIES
PAYS OBSERVATEURS
PAISES OBSERVADORES

RUSSIA
RUSSIE
RUSIA

KORTCHINSKI Vitali E.
Vice Chief of the Department
of Science and Technology of the
Fisheries Committee of the
Russian Federation
12, Rozhdestvensky Boul.
103045 Moscow - Russia

CHUPACHINA Nina
Chief, Laboratory of Standardization
VNIRO
V. Krashoselskaya 17
107140 Moscow - Russia

INTERNATIONAL ORGANISATIONS
ORGANISATIONS INTERNATIONALES
ORGANIZACIONES INTERNACIONALES

AOAC International

HOPKIN Edward
IDF Secrétaire
41 Square Vergote
1040 Bruxelles
Belgium

EEC (EUROPEAN COMMUNITY)
CEE (COMMUNAUTE EUROPEENNE)
COMMISSION DES COMUNAUTES
EUROPEENNES

GAERNER Egon
Chef d'Unité
Commission des Communautés
Européennes
Direction Générale Marché Intérieur
et Affaires Industrielles
rue de la Loi, 200
B-1049 Bruxelles, Belgique

DEMINE Olga
Administrateur principal
Commission des Communautés
Européennes
Direction Générale
du Marché Intérieur
et des Affaires Industrielles
Rue de la Loi, 200
B-1049 Bruxelles, Belgique

BALBINOT Marie-Ange
Commission des Communautés
Européennes
Direction Générale
du Marché Intérieur
et des Affaires Industrielles
rue de la Loi, 200
B-1049 Bruxelles, Belgique

ALLO Alain-Pierre
Chef d'Unité à la Direction
Générale des Relations Extérieures
Commission des Communautés
Européennes
rue de la Loi, 200
B-1049 Bruxelles, Belgique

SACK Jörn
Conseiller Juridique
Commission des Communautés
Européennes
Service Juridique
rue de la Loi, 200
B-1049 Bruxelles, Belgique

GAUDOT Claire
Expert Vétérinaire auprès
de la Commission
Commission des Communautés
Européennes
DG. VI - B II 2
rue de la Loi, 200
B-1049 Bruxelles, Belgique
Secrétariat du Conseil CEE

CULLEY Paul
rue de la Loi, 170
B-1048 Bruxelles, Belgique

FEDERATION INTERNATIONALE
DE LAITERIE (FIL)

OTERHOLM Anders
Président, Commission D
IDF-FIL
P.O. Box 9051 - Grønland
N-0133 Oslo
Norway

HOPKIN Edward
Secretary General
International Dairy Federation
41 Square Vergote
1040 Bruxelles - Belgium

INTERNATIONAL ASSEMBLY
OF GROCERY MANUFACTURERS
ASSOCIATIONS

GARDNER Sherwin
Science and Technology
Grocery Manufacturers of America
Suite 800
1010 Wisconsin Avenue, SW.
Washington, DC 20007 - USA

INTERNATIONAL ORGANIZATION
OF CONSUMERS UNIONS (IOCU)

BEISHON John
IOCU Executive Member
CONSUMERS' ASSOCIATION
2 Marylebone Road
London, NW1 4DX
United Kingdom

SCHIPAANBOORD Atie
Coordinator Food and Trade Programmes
IOCU-ROENA
9, Emmastraat
2595 EG The Hague
The Netherlands

ROBERTSON Margaret
Research Officer Food and Health
Consumers' Association
2 Marylebone Road
London, NW1 4 DX
United Kingdom

EUROPEAN FREE TRADE ASSOCIATION
(EFTA/AELE)

FRAUERWIESER Gerhard
Senior Officer
Trade Policy Affairs
European Free Trade Association
Rue de Varembe 9-11
CH-1211 GENEVA 20
Switzerland

GENERAL AGREEMENT ON TARIFFS
AND TRADE (GATT)

MAGALHAES Joao
Economiste
GATT
Division de l'agriculture
et des produits de base
Centre William Rappard
Rue de Lausanne 154
CH-1211 Geneve 21
Switzerland

MARINALG INTERNATIONAL

PIOT Jean-Jacques
Conseiller
85 Boulevard Haussmann
75008 Paris, France

OFFICE INTERNATIONAL DE LA VIGNE
ET DU VIN (OIV)

JUBAN Yann
Attaché d'Administration OIV
11, rue Roquépine
75008 Paris, France

NIELSEN
OIV
11, rue Roquépine
75008 Paris, France

COMISA

VERSCHUEREN Christian
c/o FEDESA
Rue Defacqz, 1/Bte 8
B-1050 Bruxelles
Belgique

FRENCH SECRETARIAT
SECRETARIAT FRANCAIS

VERGNETTES Jeannie
Secrétaire Général
D.G.C.C.R.F.
Carré Diderot
3-5 Boulevard Diderot
75012 PARIS

GUNZLE Michelle Annick
D.G.C.C.R.F.
Carré Diderot
3-5 Boulevard Diderot
75012 PARIS

JOINT FAO/WHO SECRETARIAT

RANDELL Alan
Senior Officer
Joint FAO/WHO Food Standards Programme
FAO
00100 ROME, Italy

DOYRAN Selma
Food Standards Officer
Joint FAO/WHO Food Standards Programme
FAO
00100 ROME, Italy

WORLD HEALTH ORGANIZATION

KÄFERSTEIN Fritz
Chief, Food Safety Unit
Division of Health Protection
and Promotion
OMS
CH-1211 Genève, Suisse

LEGAL ADVISERS

STEIN Richard
Chief, General Legal Affairs Service
FAO Legal Office
00100 Rome, Italy

PECTEAU Josée
Legal Officer
General Legal Affairs Service
FAO Legal Office
00100 Rome, Italy

PINET Geneviève
Senior Legal Officer
Office of the Legal Counsel
OMS
CH-1211 Genève, Suisse

PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE
OF THE CODEX ALIMENTARIUS COMMISSION

Rule II - Officers

1. Amend Rule II.1 by the insertion of the following sentence after the second sentence:
 1. *The Chairman and Vice-Chairmen may remain in office only with the continuing endorsement of the respective Member of the Commission of which they were a delegate at the time of election. The Directors-General of FAO and WHO shall declare a position vacant when advised by the Member of the Commission that such endorsement has ceased.*
2. Amend Rule II.4.(c) to read as follows:
 - (c) *The functions of the Coordinators shall be:*
 - (i) *to assist and coordinate the work of the Codex Committees set up under Rule IX.1(b)(i) in their region or group of countries in the preparation of draft standards, guidelines and other recommendations for submission to the Commission.*
 - (ii) *to assist the Executive Committee and the Commission, as required, by advising them of the views of countries and recognized regional intergovernmental and non-governmental organizations in their respective regions on matters under discussion or of interest.*
3. Amend Rule II.4.(d) as follows:
 - (d) *Where a Coordinating Committee has been set up under Rule IX.1(b)(ii), the Coordinator of the region involved should be the Chairman of the Committee.*
 - (e) *Where a Coordinator is not able to carry out the functions of office, the Member of the Commission of which the Coordinator was a delegate at the time of appointment shall inform the Secretary of the Commission accordingly and shall appoint an interim Coordinator until such time as the Coordinator is able to resume those functions or until the next session of the Commission.*

PROPOSED DRAFT AMENDMENTS TO THE
GENERAL PRINCIPLES OF THE CODEX ALIMENTARIUS

I. Deletions

Delete sections 4.A.(ii) and 5.A.(ii) "Target acceptance"

Renumber sections 4.A.(iii) and 5.A.(iii) accordingly.

II. Insertions

Insert a new section 4.A.(iii)

- (iii) Free distribution: A declaration of free distribution means that the country concerned undertakes that products conforming with a Codex commodity standard may be distributed freely within its territorial jurisdiction insofar as matters covered by the Codex commodity standard are concerned.

Insert a new section 5.A.(iii)

- (iii) Free distribution: A declaration of free distribution means that the country concerned undertakes that products conforming with the relevant requirements of a Codex general standard may be distributed freely within its territorial jurisdiction insofar as matters covered by the Codex general standard are concerned.

PROPOSED DRAFT AMENDMENTS TO THE PROCEDURE FOR THE ELABORATION OF CODEX
STANDARDS AND CODES OF PRACTICE, CODEX MAXIMUM LIMITS FOR PESTICIDE RESIDUES,
AND RESIDUES OF VETERINARY DRUGS, CODEX ADVISORY SPECIFICATIONS FOR THE IDENTITY
AND PURITY OF FOOD ADDITIVES

INTRODUCTION

I. Deletions

Delete paragraph 3. and replace it with the following:

3. The Commission or the subsidiary body or other body concerned may decide that the draft be returned for further work at any appropriate previous Step in the Procedure. The Commission may also decide that the draft be held at Step 8. The Commission may authorize, on the basis of two-thirds majority of votes cast, the omission of Steps 6 and 7, where such an omission is recommended by the Codex Committee entrusted with the elaboration of the draft. Recommendations to omit steps shall be notified to Members and interested international organizations as soon as possible after the session of the Codex Committee concerned.

II. Insertions

Insert a new paragraph 4. as follows:

4. When formulating recommendations to omit Steps 6 and 7, Codex Committees shall take all appropriate matters into consideration, including the need for urgency, and the likelihood of new scientific information becoming available in the immediate future.

Renumber paragraphs 4. to 9. accordingly.

PROPOSED DRAFT UNIFORM PROCEDURE
FOR THE ELABORATION OF CODEX STANDARDS
AND RELATED TEXTS

Note: Throughout this text the word "Standard" is meant to include any of the recommendations of the Commission intended to be submitted to Governments for acceptance. Except for provisions relating to acceptance, the Procedure applies mutatis mutandis to codes of practice and other texts of an advisory nature.

STEPS 1, 2 and 3

The Commission decides, taking into account the "Criteria for the Establishment of Work Priorities and for the Establishment of Subsidiary Bodies", to elaborate a Worldwide Codex Standard and also decides which subsidiary body or other body should undertake the work. A decision to elaborate a Worldwide Codex Standard may also be taken by subsidiary bodies of the Commission in accordance with the above-mentioned criteria, subject to subsequent approval by the Commission or its Executive Committee at the earliest possible opportunity. In the case of Codex Regional Standards, the Commission shall base its decision on the proposal of the majority of Members belonging to a given region or group of countries submitted at a session of the Codex Alimentarius Commission.

STEP 1A (Accelerated procedure)

The Commission or the Executive Committee between Commission sessions, on the basis of a two-thirds majority of votes cast, shall identify those standards which shall be the subject of an accelerated elaboration process. The identification of such standards may also be made by subsidiary bodies of the Commission, on the basis of a two-thirds majority of votes cast, subject to confirmation at the earliest opportunity by the Commission or its Executive Committee by a two-thirds majority of votes cast.

The Secretariat arranges for the preparation of a proposed draft standard. In the case of Maximum Limits for Residues of Pesticides or Veterinary Drugs, the Secretariat distributes the recommendations for maximum limits, when available from the Joint Meetings of the FAO Panel of Experts on Pesticide Residues in Food and the Environment and the WHO Panel of Experts on Pesticide Residues (JMPR), or the Joint FAO/WHO Expert Committee on Food Additives (JECFA). In the cases of milk and milk products or individual standards for cheeses, the Secretariat distributes the recommendations of the International Dairy Federation (IDF).

The proposed draft standard is sent to Members of the Commission and interested international organizations for comment on all aspects including possible implications of the proposed draft standard for their economic interests. If standards are subject to an accelerated procedure, this fact shall be notified to the Members of the Commission and the interested international organizations.

Relevant considerations could include, but need not be limited to, matters concerning new scientific information; new technology(ies); urgent problems related to trade or public health; or the revision or up-dating of existing standards.

STEP 4

The comments received are sent by the Secretariat to the subsidiary body or other body concerned which has the power to consider such comments and to amend the proposed draft standard.

STEP 5¹

The proposed draft standard is submitted through the Secretariat to the Commission or to the Executive Committee with a view to its adoption as a draft standard. In taking any decision at this step, the Commission or the Executive Committee will give due consideration to any comments that may be submitted by any of its Members regarding the implications which the proposed draft standard or any provisions thereof may have for their economic interests. In the case of Regional Standards, all Members of the Commission may present their comments, take part in the debate and propose amendments, but only the majority of the Members of the region or group of countries concerned attending the session can decide to amend or adopt the draft. In taking any decisions at this step, the Members of the region or group of countries concerned will give due consideration to any comments that may be submitted by any of the Members of the Commission regarding the implications which the proposed draft standard or any provisions thereof may have for their economic interests.

STEP 5A (Accelerated Procedure)

In the case of standards identified as being subject to an accelerated elaboration procedure, the draft standard is submitted through the Secretariat to the Commission together with any written proposals received from Members and interested international organizations for amendments with a view to its adoption as a Codex standard. In taking any decision at this step, the Commission will give due consideration to any comments that may be submitted by any of its Members regarding the implications which the proposed draft standard or any provisions thereof may have for their economic interests.

STEP 6

The draft standard is sent by the Secretariat to all Members and interested international organizations for comment on all aspects, including possible implications of the draft standard for their economic interests.

STEP 7

The comments received are sent by the Secretariat to the subsidiary body or other body concerned, which has the power to consider such comments and amend the draft standard.

STEP 8

The draft standard is submitted through the Secretariat to the Commission together with any written proposals received from Members and interested international organizations for amendments at Step 8 with a view to its adoption as a Codex standard. In the case of Regional standards, all Members and interested international organizations may present their comments, take part in the debate and propose amendments but only the majority of Members of the region or group of countries concerned attending the session can decide to amend and adopt the draft.

¹ Without prejudice to any decision that may be taken by the Commission at Step 5, the proposed draft standard may be sent by the Secretariat for government comment prior to its consideration at Step 5, when, in the opinion of the subsidiary body or other body concerned, the time between the relevant session of the Commission and the subsequent session of the subsidiary or other body concerned requires such action in order to advance the work.

Subsequent Procedure Concerning Publication and Acceptance of Codex Standards

The Codex standard is published and issued to all Member States and Associate Members of FAO and/or WHO and to the international organizations concerned. Members of the Commission and international organizations to which competence in the matter has been transferred by their Member States notify the Secretariat of their acceptance of the Codex standard in accordance with the acceptance procedure laid down in paragraph 4, paragraph 5 or in paragraph 6 of the General Principles of the Codex Alimentarius, whichever is appropriate. Member States and Associate Members of FAO and/or WHO that are not Members of the Commission are invited to notify the Secretariat if they wish to accept the Codex standard.

The Secretariat publishes periodically details of notifications received from governments and from international organizations to which competence in the matter has been transferred by their Member States with respect to the acceptance or otherwise of Codex standards and in addition to this information an appendix for each Codex standard (a) listing the countries in which products conforming with such standard may be freely distributed, and (b) where applicable, stating in detail all specified deviations which may have been declared in respect to the acceptance.

The above-mentioned publications will constitute the Codex Alimentarius.

The Secretariat examines deviations notified by governments and reports periodically to the Codex Alimentarius Commission concerning possible amendments to standards which might be considered by the Commission in accordance with the Procedure for the Revision and Amendment of Recommended Codex Standards.

Subsequent Procedure Concerning Publication, Acceptance and Possible Extension of Territorial Application of the Standard

The Codex Regional Standard is published and issued to all Member States and Associate Members of FAO and/or WHO and to the international organizations concerned. Members of the region or group of countries concerned notify the Secretariat of their acceptance of the Codex Regional Standard in accordance with the acceptance procedure laid down in paragraph 4, paragraph 5 or in paragraph 6 of the General Principles of the Codex Alimentarius, whichever is appropriate. Other Members of the Commission may likewise notify the Secretariat of their acceptance of the standard or of any other measures they propose to adopt with respect thereto, and also submit any observations as to its application. Member States and Associate Members of FAO and/or WHO that are not Members of the Commission are invited to notify the Secretariat if they wish to accept the standard.

It is open to the Commission to consider at any time the possible extension of the territorial application of a Codex Regional Standard or its conversion into a Worldwide Codex Standard in the light of all acceptances received.

RECOMMENDATIONS FOR THE FORMAT OF "REVISED" CODEX STANDARDS

Background

As indicated in the report of the 19th Session of the Codex Alimentarius Commission (paras. 95-97, ALINORM 91/40), the Commission noted that considerable detail in some Codex standards might negatively influence their acceptance by governments and therefore, recommended that all Codex standards should be reviewed in the light of their acceptance and importance in international trade.

In making this decision, it was noted that health, safety and consumer protection concerns, as well as other essential elements needed to ensure fair trade practices and protection against fraud, should be included in Codex standards.

It also agreed that detailed information contained in Codex standards should be transferred from the standards themselves to other advisory documents so that the standards would not contain any provisions of an optional nature. The Commission stressed the need for an urgent review of Codex standards and in this regard, requested the Secretariat to contact host governments to initiate the work as soon as possible.

Recommendations

1. It is recommended that the redrafted standards should contain only those essential provisions used by governments as regulatory control measures for health, safety, and consumer protection concerns as well as those essential elements needed to assure fair practices in the food trade and to protect against fraud. Other provisions should be removed completely or transferred to an appendix of the standard or another advisory text. In the case that the non-essential material were transferred to an appendix of the standard, the appendix would need to indicate clearly that it was not subject to formal acceptance as was the main text of the standard

2. It is recommended that the labelling sections of all Codex standards be amended and simplified as instructed by the Commission (see pages 129-131, Codex Alimentarius Procedural Manual). This would entail incorporating, by reference, the Codex General Standard for the Labelling of Prepackaged Food (Codex Stan 1-1985). In this manner, only those labelling sections which differ from the General Standard would be included. This amendment would also require the inclusion of amended provisions for the labelling of non-retail containers, where applicable.

3. It is recommended that the relevant section of the General Provisions Relating to Food Hygiene (see Appendix II, ALINORM 93/13), which are currently scheduled for Step 8 adoption by the forthcoming 20th Session of the Commission, be incorporated into all Codex standards, depending on the nature of the product.

4. It is recommended that the Contaminants section of all Codex standards should be amended as follows, where applicable:

- X. CONTAMINANTS
- X.X Heavy Metals
 - (a) Include or refer to specific provisions established for the Commodity and endorsed by the Codex Committee on Food Additives and Contaminants where these have been established; or
 - (b) include the following statement: "(Name of Product) shall be free from heavy metals in amounts which may represent a hazard to human health".
- X.X Pesticide Residues
 - Include the following statement: "(Name of Product) shall comply with those maximum residue limits established by the Codex Committee on Pesticide Residues for this Commodity".