codex alimentarius commission

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

WORLD HEALTH ORGANIZATION

JOINT OFFICE: Viale delle Terme di Caracalla 00100 ROME Tel: 39 06 57051 www.codexalimentarius.net Email: codex@fao.org Facsimile: 39 06 5705 4593

ALINORM 05/28/33A

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION
Twenty-eighth Session
Rome, 4 – 9 July 2005

REPORT OF THE TWENTY-SECOND SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES

Paris, France, 11 – 15 April 2005

Note: This document incorporates Circular Letter CL 2005/17-GP

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CX 4/10 **CL 2005/17-GP**
April 2005

TO: - Codex Contact Points
- 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 22nd Session of the Codex Committee on General Principles (ALINORM 05/28/33A)**

A. MATTERS FOR ADOPTION BY THE 28TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Proposed Amendments to the Procedural Manual

1. Proposed Amendments to the Procedural Manual Resulting form the Abolition of the Acceptance Procedure (para. 89, Appendix II)

Governments and international organizations wishing to submit comments on the above amendments should do so in writing to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Viale delle Terme di Caracalla, 00100 Rome, Italy **before 30 May 2005**.

B. REQUEST FOR COMMENTS AND INFORMATION

2. Proposed Draft Working Principles for Risk Analysis for Food Safety (paras. 52-53).

Governments and international organizations are invited to make proposals on the objective and scope of the document, as well as the elements that should be included therein, to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Viale delle Terme di Caracalla, 00100 Rome, Italy, with a copy to Dr. F.E. Scarbrough, U.S. Manager for Codex, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 4861 – South Building, Washington, DC 20250, Fax: 001 202 720 3157, Email: ed.scarbrough@fsis.usda.gov, **before 30 July 2005**.

SUMMARY AND CONCLUSIONS

The summary and conclusions of the 22nd Session of the Codex Committee on General Principles are as follows:

Matters for adoption by the Commission:

The Committee

- agreed to forward to the Commission the Proposed Amendments to the Procedural Manual Resulting form the Abolition of the Acceptance (para. 89, Appendix II);
- agreed to discontinue work on the revision of the definition of "food" in the Procedural Manual (para. 97);
- agreed to initiate new work on Proposed Amendments to the Rules of Procedure: duration of the term of office of the Members of the Executive Committee (para. 111);

Other matters of interest to the Commission:

The Committee

- agreed to return the Proposed Draft Working Principles for Risk Analysis for Food Safety to Step 2/3 for redrafting and further comments (para. 54);
- agreed to forward the Proposed Draft Revised Code of Ethics for International Trade in Foods to the Committee on Food Import and Export Inspection and Certification Systems with specific questions concerning food import and export (paras. 72-73);
- agreed to consider the following questions at its next session: clarification of the term "interim" (para. 21); proposed amendments to the Elaboration Procedure (para. 16); new definitions of risk analysis terms related to food safety (para. 24); proposals concerning the management of the work of the Committee on Food Hygiene (para. 30); and the structure, content and presentation of the Procedural Manual.

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LIST OF APPENDICES

INTRODUCTION

1) The Codex Committee on General Principles held its Twenty-second session in Paris, France, from 11 to 15 April 2005 at the kind invitation of the Government of the French Republic. The Session was chaired by Professor Michel Thibier, Director-General of Education and Research, Ministry for Agriculture, Food, Fisheries and Rural Affairs. The session was attended by 215 delegates representing 72 member countries, one Member Organization (EC), one observer country, and 26 international organizations. A full list of participants, including the Secretariat, is attached as Appendix I.

OPENING

2) The Session was opened by Mr Guillaume Cerutti, Director-General of Competition Policy, Consumer Affairs and Fraud Control, who welcomed the participants on behalf of the French government. Mr Cerutti congratulated the Codex Committee on General Principles for its achievement during the last few years regarding the reform of procedures which have helped Codex increase its efficiency and transparency. He also stressed the importance of its work on the establishment of principles for risk analysis for food safety intended for governments and on the revision of the Code of Ethics for International Trade in Food. Mr Cerutti emphasised that it was important for all parties involved in ensuring food safety to adopt an approach basing their decisions on risk analysis. He encouraged delegates to endeavour to define guiding principles for action, encompassing science, precaution and other legitimate factors. With regard to the aspects of ethics and food safety, he suggested that the free exchange of food should be built on due consideration to countries lacking effective means of controlling the safety and quality of foodstuffs. Mr Cerutti wished the delegates all success in their work.

ADOPTION OF THE AGENDA (Agenda Item 1)[1]

3) The Delegation of India pointed out that the documents relating to Agenda Items 7 and 8, and document CX/GP 05/22/2-Add.1 referred by the Committee on Food Hygiene under Agenda Item 2 had been received very late and therefore proposed to delete these items from the Agenda and to consider them at the next session.

4) Several delegations stated they had not had the opportunity to consider the document CX/GP 05/22/2-Add.1 in detail at the national level. The Committee noted that the next session of the Committee on General Principles (April 2006) would meet in time to provide its comments to the next session of the Committee on Food Hygiene (November 2006) on the matter referred. After some discussion, that Committee agreed that the Chairperson of the CCFH would provide a short introduction to document CX/GP 05/22/2-Add.1, and clarify the intent of the CCFH, with a view to obtaining a preliminary advice from the WHO Legal Counsel.

5) The Committee agreed to consider Agenda Item 7 and 8 as scheduled in the Provisional Agenda, with the understanding that no final conclusions would be reached at the present session.

6) The Committee agreed with the proposal of the Delegation of Canada, supported by other delegations, to consider Agenda Item 3 - Proposed Draft Working Principles for Risk Analysis for Food Safety after Agenda Item 4 in order to give more time for delegates to consider this item prior to its discussion in the plenary session.

7) With these amendments, the Committee approved the Agenda as proposed in document CX/GP 05/22/1.

MATTERS REFERRED BY THE CODEX ALLIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES (Agenda Item 2)[2]

Amendments to the Elaboration Procedure

8) The Committee recalled that the 27th Session of the Commission had referred the comments made by the Delegation of India concerning the revised *Uniform Procedure for the Elaboration of Codex Standards and Related Texts* to the Committee on General Principles. The 21st (Extraordinary) Session of the Committee had agreed that no work should be undertaken on a definition of "consensus" at this stage and that the detailed comments of the Delegation of India should be considered by its next session.

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1 CX/GP 05/22/1

2 CX/GP 05/22/2, CX/GP 05/22/2-Add.1, CRD 1 (comments of India), CRD 8 (comments of the EC)

9) The Delegation of India presented its written comments in CRD 1 and expressed the view that the issues raised at the last session should be considered as a separate Agenda Item. The Secretariat indicated that these issues had been included in Agenda Item 2 as they had been referred back from the last session of the Committee.

10) The Committee had a general discussion on the proposals of the Delegation of India to introduce several amendments to the *Uniform Procedures for the Elaboration of Codex Standards and Related Texts*, aiming at addressing the following issues: the reference to decisions taken by consensus, including a definition of that term; the need to take into account the situation of developing countries; and the scope of the critical review by the Executive Committee.

11) Several delegations supported the conclusion of the last session that no new work should be undertaken on a definition of "consensus" until more experience had been gained on the application of the *Measures to Facilitate Consensus*, adopted by the 26th Session of the Commission. Several other delegations expressed the view that the notion of consensus was essential to the work of Codex and should be defined, or alternatively the decision making process should be clarified in order to ensure transparency and consistency throughout Codex.

12) Several delegations expressed the view that it was not possible for them to take a position at the present session on the proposals in CRD 1 as they had not been available prior to the session. Some delegations noted that these proposals were identical to those made at the last session and proposed to have a preliminary discussion.

13) Several delegations expressed their general concern with the multiplication of CRDs in Codex meetings since it was difficult for delegations to discuss documents without adequate consultations at the national level. Some delegations questioned the status of CRDs and suggested to address this problem in the Procedural Manual. Some delegations and observers expressed the view that CRDs should be available to delegates that were not present at the meeting and suggested that they could be placed on the Codex website or distributed electronically.

14) The Codex Secretariat indicated that CRDs could be distributed to the Codex electronic lists of distribution following Codex sessions wherever possible.

15) Some delegations noted that in some cases comments were late because working documents were distributed late, and were not available in all the working languages of the Committee. Some delegations expressed the view that, when documents were distributed well in advance, members should make all efforts to reply in time to the requests for comments, so that these comments could be translated into other languages before the meeting.

16) After some discussion, the Committee agreed that the Delegation of India would prepare a discussion paper providing the objectives and rationale for the proposed changes to the Elaboration Procedure for consideration by the next session of the Committee, as a separate Agenda Item.

Definition of the term "interim"

17) The Delegation of Chile, referring to the discussion at the 27th Session of the Commission, indicated that the Committee on General Principles was asked by the Commission to consider a definition or clarification of the term "interim" for the purpose of the adoption of standards. The Delegation also proposed to seek advice from the SPS Committee of the WTO on the status these texts adopted on an interim basis might have under the WTO Agreements.

18) Some delegations questioned the need for Codex to define what is meant by an "adoption on an interim basis" since no particular problem appeared to have arisen in practice from such an adoption. It was indicated that all Codex texts were subject to amendment when required. It was also noted that some decisions had been taken by the Commission on an interim basis in order to obtain the views on a given issue from several subsidiary bodies meeting separately, without unnecessarily delaying the progress of work in Codex.

19) Other delegations, supporting the view expressed by Chile, stated that clarification was still useful in order to obtain a common understanding of the term within Codex and its implications.

20) The Secretariat informed the Committee that in the past, interim adoptions were made by the Commission in order to commit itself to review its decisions in the light of imminent developments relative to the subject matter by specifying the steps to be taken and the timeframe to be observed for undertaking the

review. Otherwise, standards or definitions adopted on an interim basis were considered to have the same status as those of "non-interim" nature.

21) The Committee agreed that the Secretariat would prepare a discussion paper, for consideration at the next session of the Committee, describing the instances where the Commission had adopted standards and related texts on an interim basis as well as proposals to clarify the term "interim" and the conditions under which the Commission could adopt standards and related texts on an interim basis.

Committee on Meat Hygiene

22) In addition to the information provided in CX/GP 05/22/2, the Delegation of New Zealand proposed to consider the development of Codex-wide definitions for "risk based" and "science based", since these terms were used frequently and some times imprecisely within the framework of Codex and elsewhere. The Delegation noted that some standards might be considered as "risk based" even though a complete risk analysis had not been carried out, and that such definitions would be especially relevant in relation to the provisions of the SPS Agreement.

23) The Committee noted that the definitions proposed by the Committee on Meat Hygiene were already included in the Draft Code of Hygienic Practice for Meat, submitted for adoption by the 28th Session of the Commission and would not be affected by the development of general definitions in the CCGP at this stage, but could be reviewed in the future if required.

24) After some discussion, the Committee agreed that it would be premature to decide on the need for new work on definitions at the present session and welcomed the offer of the Delegation of New Zealand to prepare a discussion paper providing the background to the proposed definitions, taking into account the recommendations of the last session of the CCMH, for consideration by the next session.

The Management of the Work of the Committee on Food Hygiene[3]

25) The Chairperson of the Committee on Food Hygiene (CCFH) introduced document CX/GP 05/22/2 Add.1, stating that the text referred from the 37th Session of the Committee on Food Hygiene to the Committee on General Principles reflected the continuing effort of the CCFH to make its work management more efficient and streamline its process, as other Codex Committees had already established a standing mechanism of setting priorities of work, while keeping consistency with the established Codex procedure.

26) The Delegation of Chile stated that working groups, including that mentioned in the text from CCFH, should ensure appropriate geographical representation and participation of developing countries.

27) In reply to the questions raised by some delegations, the Chairperson of the CCFH clarified that the *ad hoc* Working Group mentioned in paragraphs 3 and 4 of the Appendix of the text "Proposed Process by which the Codex Committee on Food Hygiene will undertake its work" was meant to be an open-ended working group chaired by one of the delegations, which would be convened on the day immediately preceding the opening of a plenary session of the CCFH with a view to forwarding its recommendations to the Committee. In regard to paragraph 15 of the abovementioned text, the Chairperson of the CCFH noted that it might be more appropriate to further differentiate the nature and scope of requests addressed by the CCFH to FAO/WHO bodies on one hand and to other international scientific bodies such as ICMSF on the other.

28) The Representatives of FAO and of WHO welcomed the initiative of the CCFH aiming at effectively prioritising its work programme. The Representatives stressed that given the limitation in available resources of FAO and WHO to provide scientific advice to Codex and to member states, Codex subsidiary bodies, including the CCFH, should describe the scope and objective of requests for scientific advice as precisely and specifically as possible, including the expected Codex outcome based on such advice.

29) The Committee also noted that the text referred from the CCFH actually contained two elements, one addressing the process for prioritization of work, which basically fell under the responsibility of the CCFH as long as the proposed mechanism adhered to the overall Codex procedure, and the other concerning the interaction between the CCFH and scientific bodies conducting risk assessments. It was suggested that the latter element could be considered a useful documentation of the risk analysis process followed by the CCFH, and could further be developed for inclusion in the Procedural Manual in the future.

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3 CX/GP 05/22/2 Add.1,

30) After the preliminary exchange of views and discussion as above, the Committee on General Principles agreed to consider this matter again at its next session. The Committee agreed to request legal advice from the Legal Counsels of FAO and WHO on the consistency of the texts referred from the Committee on Food Hygiene with Codex procedures.

PROPOSED DRAFT WORKING PRINCIPLES FOR RISK ANALYSIS FOR FOOD SAFETY (Agenda Item 3)[4]

31) The Committee recalled that its last session had decided to convene a working group co-chaired by Argentina and Canada prior to the 21st (Extraordinary) Session with a view to preparing a revised version of the Working Principles in the light of the comments received.

32) The Chair of the Working Group, Dr Anne MacKenzie (Canada), presented its report on behalf of the co-chairs, Canada and Argentina. The Working Group had considered the compilation of comments available in CX/GP 05/22/4, Annex III, and a general discussion had taken place on the basis of the general questions posed in document CX/GP 04/20/4, especially as to the opportunity of proceeding with the development of principles intended for governments. The Working Group had noted that the following positions had been put forward: 1) no new principles were needed; 2) a new text would be necessary which would address "higher" principles; 3) discussion should continue on the text under consideration; 4) discussion should continue but the section on precaution should be removed.

33) The Working Group had then considered the text of the Proposed Draft Working Principles, in accordance with its mandate, and had completed the discussion on paragraphs 1 to 22 (General Provisions and Risk Assessment), but had not been able to consider the provisions on risk management and risk communication due to lack of time.

34) The Chair of the Working Group concluded that the key issues for the consideration of the Committee were whether or not to continue work on the proposed draft principles; and the placement within these principles of the concept of caution/prudence/precaution. The discussions of the Working Group were available in document CX/GP 05/22/4, including the revised draft document as Annex II and the comments received as Annex III.

35) The Committee expressed its appreciation to the Delegations of Argentina and Canada and to the Working Group for their considerable efforts to achieve progress on the complex issues of risk analysis, and discussed how to proceed further with the Proposed Draft Working Principles.

36) The Delegation of Mexico expressed the view that there was no need to proceed with the development of risk analysis principles intended for governments as the adopted *Working Principles for Risk Analysis for Application in the Framework of Codex* provided adequate guidance and the FAO/WHO Manual under development would be more useful to facilitate the application of risk analysis in developing countries. The Delegation also expressed its objection to the inclusion of the concept of precaution as it could allow countries to introduce measures which had no clear scientific basis. These positions were supported many delegations, including the Delegation of Cuba, and some observers.

37) Some delegations pointed out that precaution was a qualified exception under the provisions of the SPS Agreement and therefore when necessary, national authorities could adopt the necessary measures to ensure consumers' health protection. These delegations therefore expressed the view that it was not necessary to include this question in the document.

38) Many delegations supported the inclusion of the concept of precaution in the document. Questions were raised as to why, when precaution was applied widely in practice, the concept should not be mentioned in the document.

39) The Delegation of the European Community, supported by many delegations and several observers, expressed the view that the Committee should proceed with the development of risk analysis principles intended for governments, in view of the necessity of such guidance at the international level in the light of Article 5.1 of the SPS Agreement. The Delegation also drew the attention of the Committee to the proposals put forward in CRD 8 in order to overcome the divergence of views regarding the issues of precaution, for

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4 CX/GP 05/22/4, CRD 1 (comments of India), CRD 2 (comments of Paraguay), CRD 6 (comments of Peru), CRD 7 (comment of Indonesia), CRD 8 (comments of the EC), CRD 9 (comments of Chile), CRD 10 (comments of Canada), CRD 12 (comments of Malaysia)

which it was proposed to take on board the corresponding conclusions of the last session of the Coordinating Committee for Latin America and the Caribbean, and the reference to "ecological and environmental conditions" in the Proposed Draft Working Principles.

40) The Delegation of Chile, referring to the last session of the Coordinating Committee for Latin America and the Caribbean[5], stated that it supported the elaboration of Codex principles for risk analysis intended for governments provided that in risk management, precaution was considered in an exceptional, qualified, and provisional form with a scientific basis. The Delegation also noted that there was no consensus on this issue and proposed, as an alternative, to develop principles for risk assessment as a first stage, taking into account the provisions of Article 5.1 of the SPS Agreement. This position was supported by the Delegation of Thailand.

41) Other delegations expressed the view that risk assessment should not be addressed separately from risk management and risk communication, that the Committee should provide recommendations on risk analysis as a whole, including on how to address the issue of scientific uncertainty.

42) The Representative of WTO recalled that Article 5.1 of the SPS Agreement requested members to base their measures on an assessment of the risks, taking into account risk assessment techniques developed by the relevant international organizations. The Representative stated that OIE and IPPC had developed guidance to governments on risk assessment and that it would be helpful if Codex could provide similar guidance as regards food safety. The Representative further indicated that Codex guidance encompassing all components of risk analysis would assist governments in taking action in an appropriate and objective way, consistent with Article 5.7 of the SPS Agreement.

43) Several delegations and some observers expressed the view that the adopted *Working Principles*, the recommendations of the various FAO/WHO Expert Consultations held on risk analysis and the FAO/WHO Manual on risk analysis under development would provide adequate guidance to member countries, and in particular to developing countries, and therefore the development of risk analysis principles was not necessary. Some of these delegations pointed out that the basic principles of risk analysis did not differ between international and national settings and that the provisions of the Proposed Draft Working Principles for Food Safety duplicated the provisions of the adopted Working Principles.

44) Other delegations and observers stated that, since the draft FAO/WHO Manual was intended to provide to countries didactic material including case studies, and the adopted Working Principles were applicable in the framework of Codex, a set of principles intended for governments was still necessary in order to facilitate harmonization in the application of risk analysis, in the interest of both developed and developing countries, and both importing and exporting countries.

45) The Representative of WHO pointed out that the decision to split the Working Principles into two documents had been taken by the Committee, that the provisions on risk analysis were largely based on the recommendations of the first Joint FAO/WHO Expert Consultation on risk analysis, and recalled that such consultations were convened in order to facilitate Codex work on risk analysis. The Representative stressed the importance of intergovernmental recommendations developed by Codex and noted that training manuals had a different scope and purpose. The Representative informed the Committee that the revised International Health Regulations, to be considered for adoption by the next session of the World Health Assembly, referred to all relevant diseases, including foodborne diseases. The Representative noted that member countries, in order to apply the revised Regulations, would need appropriate guidance on how to assess risks, and stressed the importance of Codex work in this respect.

46) In reply to some questions, the Representative of FAO informed the Committee that the draft joint FAO/WHO publication "Food Safety Risk Analysis – An Overview and Framework Manual" had already been tested in the field in some regions and that it would be published later in the year. The Representative pointed out that the Manual had been developed by FAO and WHO for training purposes whereas Codex principles were the result of discussion and consensus between member countries. The Representative also informed the Committee that the 19th Session of the FAO Committee on Agriculture would consider the issue of Sustainable Agriculture and Rural Development and Good Agricultural Practices, and FAO's *Strategy for a Safe and Nutritious Food Supply*, which focuses on the food chain approach to food safety in FAO programmes.

[5] ALINORM 05/28/36

47) Several delegations from developing countries drew the attention of the Committee to the difficulties they faced at the national level in the application of risk analysis, due to lack of infrastructures and training, and stressed the need for technical assistance from FAO and WHO in this area.

48) The Delegation of New Zealand, while strongly supporting the continuation of work in this area, called for a fundamental restructuring of the Proposed Draft Principles in order to provide practical guidance to governments in the application of risk analysis, and with specific focus on the provisions that were relevant for governments, especially enforcement, monitoring and review, in the framework of a structured approach to risk analysis. Several delegations supported this proposal and stressed the need for constructive work to develop a holistic approach to risk analysis that would provide guidance to all countries, pay due attention to the series of Joint FAO/WHO Expert Consultations on risk analysis. Some delegations proposed that the work undertaken to date be taken into account as part of the work proposed by New Zealand.

49) The Committee discussed whether to establish an electronic Working Group that would initiate the development of a new document on the basis of new proposals put forward by member countries.

50) Several delegations questioned the usefulness of establishing a new working group as the earlier working group convened in November 2004 had not been able to reach consensus, no new elements had appeared that would facilitate consensus, and there was no merit in convening a working group if no specific proposals were put forward for discussion.

51) Other delegations expressed the view that the document in its present form did not provide adequate guidance and that they could agree to proceed with work on risk analysis only if the structure and content of the document were completely revised.

52) After some further discussion, the Committee acknowledged that there was no consensus on whether to proceed with the Principles in their present form. The Committee noted that there was some level of consensus on the proposal of New Zealand as a way to take the matter forward. The Committee therefore agreed that a Circular Letter would invite proposals from members and observers on the objective and scope of a future Codex document, as well as the elements that should be included in the document, for consideration by an electronic working group chaired by the United States, with Malaysia and Morocco as co-chairs. Consideration by the working group would not be limited to the existing document. On the basis of the proposals and comments received, the Working Group would develop the structure and outline of a possible new document, which would be circulated for comments and consideration at the next session. With a view to facilitating discussion in the plenary session of the Committee, the host country would consider the possibility of hosting a physical meeting of the working group prior to the 23rd Session, in order to consider the comments and proposals received and, if possible, to determine those elements or sections that could be developed rapidly and those that would require further discussion.

53) Some delegations suggested that the FAO/WHO Trust Fund be used to support the participation of developing countries in the physical meeting of the working group.

Status of the Proposed Draft Working Principles for Risk Analysis for Food Safety

54) The Committee agreed to return the Proposed Draft Working Principles to Step 2 for redrafting by a Working Group, comments at Step 3 and consideration by the next session of the Committee.

PROPOSED DRAFT REVISED CODE OF ETHICS FOR INTERNATIONAL TRADE IN FOODS (Agenda Item 4)[6]

55) The Secretariat recalled that the 20th Session of the Committee had agreed to seek the advice of the 27th Session of the Commission as regards the need to revise the Code of Ethics. The Commission had agreed to address six questions to the Committee on General Principles in order to clarify the issues involved. These questions had been subsequently circulated for comments in Circular Letter CL 2004/57-GP. In addition, all FAO/WHO Coordinating Committees had been invited to discuss this issue and their comments were presented in CX/GP 05/22/5-Add.1.

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[6] CL 2004/57-GP, CX/GP 05/22/5 (comments of Argentina, Australia, Bolivia, Brazil, Canada, Colombia, Cuba, European Community, New Zealand, Paraguay, Tonga, United States, CI, IACFO, IBFAN CX/GP, CX/GP 05/22/5-Add.1 (comments of Coordinating Committees), CX/GP 05/22/5-Add.2 (comments of Nigeria, ISO), CRD 2 (comments of Paraguay), CRD 3 (comments of Cuba), CRD 4 (comments of Kenya), CRD 9 (comments of Chile), CRD 12 (comments of Malaysia), CRD 13 (comments of the Philippines)

56) The Chairperson invited the Committee to consider the questions put forward in the Circular Letter one by one. The Committee discussed the first question concerning the need for a Code of ethics; however since the questions were closely related, other aspects were also considered in the discussion.

57) The Delegation of Senegal pointed out that the Code provided ethical principles but that the main problem faced by developing countries was the lack of infrastructures and trained personnel to implement efficient food control at the national level, including at the import stage. Several delegations stressed the difficulties of developing countries in this area and supported the continuation and strengthening of FAO and WHO technical assistance in order to improve food control systems. Some of these delegations expressed the view that capacity building in the area of food control would assist developing countries more effectively than the development of general principles in a code of ethics. The Delegation of Zimbabwe was particularly concerned with the need to strengthen food control systems with regard to monitoring the safety and quality of donated food.

58) The Delegation of Argentina expressed the view that the provisions of the Code had been superseded by the provisions of the WTO SPS and TBT Agreements. However, as the present Code might be used by countries that were not members of WTO, the Delegation suggested to retain the present Code without revision and stated that the prevention of unethical trade practices would be better addressed through the strengthening of food control capacities. The Delegation therefore proposed to retain the current Code of Ethics and to discontinue work on its revision, recalling that this was the position of the Coordinating Committee for Latin America and the Caribbean. This position was supported by several delegations.

59) Several delegations pointed out that no consensus had been reached on the revision of the Code although it had been under consideration for several sessions and expressed the view that it would be a waste of resources to proceed with such work.

60) Several other delegations supported further work on the revision of the Code, especially in order to address the problems of export of sub-standard food and to set out ethical principles and recommendations that would provide guidance to member countries, especially to developing countries that were not able to carry out effective food control, and to food trade operators. These delegations stated that the WTO Agreements' primary objective was to reduce unnecessary barriers to trade, and consequently there was still a need for a revised Code.

61) Some delegations pointed out that the Coordinating Committees for Africa and for the Near East had supported the revision of the Code and that their views should be taken into account, especially as many of the countries from these regions were not present at the session.

62) The Observer from Consumers International strongly supported the revision of the Code in view of its importance for consumers, and stressed the need to develop ethical principles and to define unethical practices more clearly in the Code. The Observer expressed concern with overly emphasizing trade considerations in the framework of Codex and at the national level in many countries, and stressed that consumer protection should be the main consideration at the international and national level. This position was supported by several observers. The Observer from NHF supported the written comments of Paraguay and expressed the view that the Code should apply to non commercial transactions as well.

63) Some delegations pointed out that the principles and objectives of Codex provided an ethical basis for all Codex work, as reflected in the General Principles of Codex Alimentarius and in the elaboration of standards and related texts intended to ensure consumer protection.

64) The Representative of FAO informed the Committee that FAO had established a High Level Panel on Ethics in Food and Agriculture to discuss issues related to ethics, and that although it had not considered issues concerning food trade so far, it could do so if it received a specific request in this respect. The Representative of WHO drew the attention of the Committee to some recent World Health Assembly Resolutions on Global Strategies developed by WHO, in particular the Global Strategy on Diet, Physical Activity and Health, and suggested to consider ethics not only in trade but in relation to all relevant aspects of health. This view was supported by some observers.

65) Some delegations expressed the view that consideration of issues that went beyond the scope of the present code should not be considered as they were beyond the mandate of Codex, and that any broadening of the scope of the Code should be referred to the Commission for advice.

66) The Chairperson proposed to establish an electronic working group to consider the issues that should be included in the Code in order to facilitate further discussion and consensus. Some observers supported this

proposal. However, several delegations expressed their objections to this proposal as it would not solve the basic issue of the need for the revision of the Code and proposed to suspend the revision work for 4 or 5 years.

67) Some delegations suggested that the Codex Secretariat, FAO or WHO could provide a record of how the Code of Ethics had been applied in practice, with or without success, in order to ascertain whether the present Code was of assistance to member countries. The Committee however noted that such information was not readily available, and that the conduct of specific surveys to obtain such data was not feasible with current resources. In reply to some questions, the Secretariat recalled that the Committee had initiated the revision of the Code in order to take into account the provisions of the WTO Trade Agreements and the work of the CCFICS, and to generally update other references in the Code.

68) The Delegation of New Zealand recalled the importance of addressing the problem of export of sub-standard food, which was a particular concern for countries which lacked effective food control systems. The Delegation proposed that issues related to export and import should be considered by the Committee on Food Import and Export Inspection and Certification Systems (CCFICS). This proposal was supported by several delegations.

69) Several delegations and observers expressed the view that the mandate of the CCFICS was too narrow to consider the Code of Ethics as the main focus of the Committee' work was on trade issues. The Delegation of Australia, as host country for CCFICS, pointed out that the mandate of the CCFICS encompassed the dual objective of Codex and that the proposal was not for CCFICS to take over the revision of the Code of Ethics, but that it could be requested to consider how it might address specific issues related to export and import concerns of countries without adequate food control systems. Some delegations proposed that any remaining issues to be addressed in the Code should be further considered in parallel by the Committee on General Principles. The Committee noted that the revision of the Code of Ethics was specifically entrusted to the CCGP by the Commission, while issues related to export and import were covered by the terms of reference of the CCFICS, and agreed that there were no procedural difficulties with the consideration of relevant issues by both Committees, in accordance with their respective terms of reference.

70) The Delegation of Switzerland expressed the view that the discussion had not addressed the questions referred by the Commission, that the comments received had not been discussed in detail, and that they should be referred to the CCFICS. The Chairperson indicated that the comments presented at the current session addressed specific questions from the Commission but that the CCFICS would discuss a different question referred by the Committee on General Principles, and that comments were available in working documents for the present session.

71) The Committee noted that the existence of a Code of Ethics in Codex had not been questioned during the discussion but that there was no consensus on whether the present Code should be revised or how it should be revised.

72) The Committee agreed to ask the CCFICS to consider whether it could provide recommendations to address the question of "the subsequent export of food, whether imported or produced domestically, that had been found to be unsafe or unsuitable or otherwise did not meet the safety standards of the exporting country", within its terms of reference, and also consider whether further guidance could be provided to remedy the problems faced by countries with insufficient capacity to conduct import food control. The Committee requested the CCFICS to review, where necessary, the comments included in the working documents considered by the CCGP at the present session. It was noted that the Australian Secretariat to CCFICS would reproduce the comments presented to the present session as part of the working documents for CCFICS.

Status of the Proposed Draft Revised Code of Ethics for International Trade in Foods

73) The Committee agreed to suspend consideration of the Proposed Draft Revised Code of Ethics, currently at Steps 3/4, until its next session pending the reply from the CCFICS.

PROPOSED AMENDMENTS TO THE PROCEDURAL MANUAL: ACCEPTANCE OF CODEX STANDARDS (Agenda Item 5)[7]

74) The Committee recalled that, following the decision of the 21st Session of the Commission, the Committee had considered proposals for the amendments of the acceptance procedure from its 12th to its 14th Session and had decided to suspend consideration of this issue at its 14th Session. The Committee agreed to consider this issue further at its 19th (Extraordinary) Session, had a general discussion at its 20th Session and considered a discussion paper at its 21st (Extraordinary) session.

75) The Secretariat introduced the document prepared following the decision of the 21st Session to consider all the amendments to the Procedural Manual that would result from the abolition of the acceptance procedure.

76) The Representative of WTO recalled that under the SPS Agreement, members were not required to notify their regulations if they were based on international standards, and informed the Committee that the notification of sanitary and phytosanitary measures was under review as part of the review of the operation and implementation of the SPS Agreement, in order to enhance transparency. The Representative noted that duplication of work should be avoided between WTO and Codex.

77) Many delegations expressed the view that the acceptance procedure should be abolished as it had not been used by member countries for a long time, its revision had been discussed for several sessions without any conclusion, and it was not relevant any more in the framework of the WTO SPS and TBT Agreements.

78) Some delegations and the Observer from Consumers International expressed the view that although the Codex notification of acceptance had not been used in practice, it could be modified or simplified in order to provide useful information monitoring the use of Codex standards, since the SPS notification was not sufficient and not all member countries of Codex were members of the WTO. It was suggested that other possible ways of promoting the application of Codex standards following the abolition of the acceptance procedure should be considered. It was also suggested that the Secretariat could propose a revised notification procedure in coordination with the Secretariat of the SPS Committee.

79) The Committee agreed that the Secretariat should initiate informal consultations with the WTO Secretariat on how to monitor information on the use of Codex standards at the national level.

80) The Committee agreed to abolish the acceptance procedure and considered the relevant amendments presented in document CX/GP 05/22/6 section by section, with the following comments and amendments.

Statutes of the Codex Alimentarius Commission

81) The Committee agreed to delete the reference to acceptance in the Statutes. It was noted that a special quorum was required for the Commission to recommend the amendment of the Statutes, as specified under Rule V.6 Sessions, and that this recommendation would be submitted to the FAO Conference and the World Health Assembly for adoption.

Procedures for the Elaboration of Codex Standards

82) The Committee agreed with the proposal of the Delegation of Canada to amend and simplify the Note concerning the texts that were subject to the Elaboration Procedures. The Committee however agreed to retain the reference to "Codex standards and related texts" for the time being in order to complete the revision of provisions concerning acceptance.

83) The Committee noted that the terminology used in the Elaboration Procedure and other sections in the Manual was not always consistent, and agreed that the Secretariat should verify the consistency of the terminology and make proposals for its harmonization, for further consideration, as required (see also Agenda Item 7).

84) The Delegation of Belgium pointed out that paragraph 9 of the Introduction also referred to "notification of the status or use of Codex standards" and the Committee agreed to amend the paragraph accordingly.

General Principles of the Codex Alimentarius and Guidelines for the Acceptance Procedure for Codex Standards

[7] CX/GP 05/22/6, CRD 13 (comments of the Philippines)

85) The Delegation of Australia, supported by the Delegation of Malaysia and the Observer from NHF, proposed to retain paragraph 4 of the section on *Codex Alimentarius: Not a Substitute for, or Alternative to, Referring to National Legislation* as it provided important information on Codex standards. The Secretariat and the WHO Legal Counsel indicated that this paragraph had been part of the *Guidelines for the Acceptance Procedure*, referring to the provisions that should be notified and therefore could not be taken in isolation or transferred to another section where it would not have the same relevance, without a specific need to do so. The Committee agreed to delete the entire *Guidelines* and noted that the delegations would have the possibility to submit comments to the Commission concerning the possible insertion of additional provisions in the General Principles of the Codex Alimentarius.

Terms of Reference of Subsidiary Bodies

86) The Committee agreed that section h) of the Terms of Reference of all FAO/WHO Coordinating Committees should refer to the "use of Codex standards" instead of "acceptance".

87) The Delegation of the European Community proposed to replace the reference to "member countries" with "members" to reflect the amendments made to Rules of Procedure at the 26th Session of the Commission. The Committee noted that this amendment might have implications for other sections of the Manual, that the terms of reference of FAO/WHO Coordinating Committees were not identical as regards the use of "member countries" or "member nations", and that only the Coordinating Committee for Europe had a Member Organization among its members. The Committee therefore agreed that the use of these terms required further consideration and needed not be addressed at the present session as it was not directly related to the issue of acceptance.

Statements of Principle Concerning the Role of Science in the Codex Decision-Making Process and the Extent to which Other Factors Are Taken into Account

88) Several delegations pointed out that the reference to "acceptance" in the Statements of Principle should not be understood as a formal reference to the acceptance procedure and therefore could be retained. The Committee therefore agreed to retain the four Statements of Principles without any change.

Status of the Proposed Amendments to the Procedural Manual: Acceptance of Codex Standards

89) The Committee agreed to forward the proposed amendments, as presented in Appendix II, to the 28th Session of the Codex Alimentarius Commission, with a recommendation that the Commission submit the proposed amendment to the Statutes to the Governing bodies of FAO and WHO and adopt all other amendments.

REVISION OF THE DEFINITION OF "FOOD" (Agenda Item 6)[8]

90) The Committee recalled that at its 20th Session, while considering the revision of the Code of Ethics for International Trade in Food, it was agreed to initiate new work on the revision of the definition of "food" as contained in the Procedural Manual. The 27th Session of the Commission approved this proposal for new work. The Circular Letter CL 2004/58-GP was issued to invite comments and proposals for amendments, for consideration at the present session of the Committee.

91) Several delegations recognized that while the definition of "food" differed from one country to another, the current definition of "food" in the Procedural Manual had long been well accepted by the members for Codex purposes. Any attempt to amend the current definition was likely to raise many issues that would call for a long consultation process before being resolved. For these reasons, many delegations proposed to retain the current definition without making any changes.

92) Some delegations noted that the current definition included references to examples being excluded from or included in the concept of "food" and that the listing of these examples should be deleted from the definition for the sake of simplicity and clarity. In particular, the Delegation of Colombia questioned the utility of referring to "cosmetics" in the definition, since such substances were obviously not considered as food. The Committee noted however that the reference to "cosmetics" might add value to the definition, since some cosmetic products applied onto lips or teeth could be absorbed through the oral route.

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8 CL 2004/58-GP; CX/GP 05/22/7 (comments of Australia, Brazil, Canada, Columbia, European Community, Iran, New Zealand, Nigeria, United States of America, Venezuela, Consumers International, IADSA, IBFAN, ICBA, IFCGA and ISO); CRD 1 (comments of India); CRD 11 (comments of Consumers International); CRD 14 (Extract from the Glossary of the WHO Manual for Drug Regulatory Authority - Marketing Authorization of Pharmaceutical Products)

93) After some debate, the Committee agreed that the definition as currently written had served the purpose of achieving a common understanding of what are or are not considered as food and had proven to be useful from a pragmatic point of view.

94) The Delegation of Brazil, referring to its written comments, expressed its objection to the current definition for food as it seemed to contain logical flaws.

95) The Committee considered whether it was appropriate to replace the term "drugs" with the term "medicines" in the English version of the definition, since the former term was often perceived as a concept wider than the latter and might be taken to include substances other than those used for medical or therapeutic purposes. As the current definition in Spanish and in French referred to the term which more closely corresponded to the term "medicines" (*in English*) rather than to "drugs" (*in English*), the suggested amendment, which would affect the English version only, could narrow potential gaps between the definition in English and that in the other working languages of the Commission.

96) The Committee was informed that in the WHO Manual for Drug Regulatory Authority, the terms "drug" and "medicine" were defined in an interchangeable manner[9] although WHO tended to use the term "medicine" instead of "drug", as the term "drug" in English was associated in people's mind with illicit products. The Committee therefore agreed that there was no immediate need to amend the definition in the English language and that the term "drug" could continue to be used.

Status of the Revision of the Definition of "Food"

97) The Committee agreed to retain the current definition of "food" in all languages as it appears in the Procedural Manual and to discontinue work on its revision.

CONSIDERATION OF THE STRUCTURE AND PRESENTATION OF THE PROCEDURAL MANUAL (Agenda Item 7)[10]

98) The Committee at its 20th Session had requested the Secretariat to prepare a discussion paper for the present session, on the possible ways to reorganize the Procedural Manual. The Secretariat introduced document CX/GP 05/22/8 and drew particular attention of the Committee to, among others, paragraphs 30 to 35 of the document, which presented a few examples of reference texts regarding the internal working procedures of subsidiary bodies that might usefully be included in the Procedural Manual.

99) The Chairperson invited the Committee to provide preliminary comments on the working document, recognizing that the delegations had not had sufficient time to study the document prior to the session. Any comments made would assist the Secretariat to further reflect on how to improve the structure, content and presentation of the Procedural Manual.

100) The Delegation of the United States of America stated that it would be useful to publish reference materials concerning the operation of specific subsidiary bodies, especially those which were found neither in the Procedural Manual nor in the Codex Alimentarius. These texts, however, could be printed separately from the Procedural Manual, in order to keep the latter handy and concise. The Delegation also suggested that the Secretariat should constantly review the logical order in which different texts were presented in the Procedural Manual as well as the consistency in the terminology throughout the Procedural Manual.

101) The Delegation, supported by many other delegations, proposed to delete the list of Codex Contact Points from the Procedural Manual, since the list in the Manual was outdated at the moment of publication while a continuously updated list was available on Internet. The Committee invited the Secretariat to look at the possibility to remove the list of Codex Contact Points from the 15th Edition of the Procedural Manual and to make the list available as a separate document. The Committee agreed to draw the attention of the Commission to this proposal in order to ensure transparency, while noting that no formal approval was required.

102) The Committee was informed that amendments and new texts, if adopted by the 28th Session of the Commission, would be included in the 15th Edition of the Procedural Manual.

103) The Delegation of Mali stated that the Codex Contact Point should be associated with an institutional or government branch, rather than with an individual, in order to avoid occasional disruptions in the

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9 "Drug" – Any substance or pharmaceutical product for human or veterinary use that is intended to modify or explore physiological systems or pathological states for the benefit of the recipient; "Medicine" – See Drug.

10 CX/GP 05/22/8

communication between Codex Contact Points. The Secretariat clarified that it was up to governments to decide on designating an institution or an individual as the Contact Point. However, it was desirable for each Codex Contact Point to indicate an institutional Email address to facilitate the maintenance of the Email lists and thus ensure continuity in electronic communication to Codex Contact Points, which was being increasingly used in Codex process.

104) In regard to the presentation of the Procedural Manual, views differed between delegations; whereas one delegation supported introduction of a loose-leaf style publication, another delegation favoured the current booklet format, which offered certain ease and comfort of use.

105) The Committee agreed to request the Secretariat to present a revised discussion paper to its next session, to further explore ways to improve the structure, content and presentation of the Procedural Manual.

CLARIFICATION OF THE DURATION OF THE TERM OF THE MEMBERS OF THE EXECUTIVE COMMITTEE (Agenda item 8)[11]

106) The Legal Counsel of WHO introduced document CX/GP 05/22/9, prepared at the request of the Committee at its 21st (extraordinary) session. The Legal Counsel recalled that the item under discussion had first been raised at the 20th session of the Committee in the light of the decision taken by the Commission in 2003 to hold annual regular sessions, as well as of the pending amendment to the Rules of Procedure to include the Coordinators as members of the Executive Committee. The Committee, at its 21st session, agreed in general to review and harmonize as much as possible the terms of office of the various categories of members of the Executive Committee, with due regard to the need to reconcile a desirable degree of continuity in the tenure of the members with the necessary flexibility to accommodate possible changes in the pattern of regular sessions of the Commission.

107) The document submitted to the Committee at the present session presented possible options for harmonising, to the extent possible, the duration of the terms of office of all Members of the Executive Committee, their implications, as well as all relevant scenarios, mainly based on the terms of office being equal to two regular sessions of the Commission, renewable once, with a limit of three or four years. The document offered four possible options, focusing on the terms of office of the Chairperson and Vice-chairpersons, on the one hand, and of the members elected on a geographic basis on the other hand, on the understanding that the duration of the terms of the Coordinators could be adjusted accordingly once an option was chosen by the Committee. The four options were as follows:

a) Term of office to continue to be defined only on the basis of the pattern of regular sessions of the Commission;

b) Term of office to be defined by the Commission at each session;

c) Term of office to be established by reference to regular sessions, on the understanding that it would not exceed a given number of years;

d) Term of office to be established by reference to a given number of years irrespective of the pattern of sessions.

108) Many delegations, in the ensuing debate, supported option c), while some favoured option a) or did not have a strong preference between those two options. Option c) was favoured because it appeared to best reconcile flexibility with respect to the pattern of sessions of the Commission with a reasonable degree of continuity in the membership of the Executive Committee, while avoiding the risk of excessively long terms of office. Delegations favoured the same term of office for both the Chairperson and Vice-Chairpersons, and the members elected on a geographic basis, as well as the possibility of re-election to a second term. It was also suggested in the discussion that the terms of office of all Members of the CCEXEC should not terminate simultaneously but should follow a progressive schedule.

109) The Delegation of the United States of America, supported by other delegations, noted that the term of office of the Coordinators should be approached differently from that of the other members of the Executive Committee. The term of the Coordinators was tied to the cycle of meetings of regional coordinating committees, which were held every two years. For this reason, the delegations that expressed views on this issue favoured a term of office of two years with the possibility of re-appointment for another term. The Secretariat noted that, in the past, the pattern of meetings of regional coordinating committees

[11] CX/GP 05/22/9; CRD 1 (comments of India); CRD 12 (comments of Malaysia)

varied widely, but had recently settled on a two-year cycle and would likely remain so for the foreseeable future due to financial implications as well as conditions set by Codex sessions schedules. In response to a question concerning the respective roles of Coordinators and members elected on a geographic basis, the Secretariat recalled that the regional coordinating committees had been requested to provide comments on this matter and that the Commission at its forthcoming session would debate this issue within the context of the review of the regional coordinating committees.

110) The Committee agreed to focus its further discussions on option c), and requested the Secretariat to prepare a document for its 23rd session presenting possible models of implementation of that option, with a view to finalizing proposed amendments to the Rules of Procedure. The models to be elaborated by the Secretariat should be based on a term of office extending to two regular sessions of the Commission, with the possibility of re-election for a second term of the same duration but with a maximum of four years of tenure. The Committee also agreed that the model concerning the term of office of the Coordinators should take into account the discussion held at the present session.

111) The Committee agreed to ask the Commission to approve as new work the revision of the Rules of Procedure concerning the duration of the terms of office of the officers of the Commission and other members of the Executive Committee.

OTHER BUSINESS AND FUTURE WORK (Agenda Item 9)

112) The Representative of FAO informed that Committee that the final report of the second Global Forum of Food Safety Regulators was available on the FAO website in five languages and that an electronic forum of discussion had been launched inviting comments on the opportunity of convening a third Global Forum and on its possible structure and themes.

113) The Representative of WHO informed the Committee that the INFOSAN network currently involved more than 150 countries and allowed food safety authorities to exchange relevant information on food safety issues, including emergencies. The Representative stressed the importance for countries to designate INFOSAN focal points as well as emergency contact points. The Representative also pointed out that a WHO study on modern food biotechnology, human health and development would soon be published.

114) The Delegation of Uganda expressed its thanks to FAO and WHO and donor countries for allowing the participation of developing countries in the present meeting and other Codex sessions through the FAO/WHO Trust Fund, as this was an important aspect of capacity building.

Future Work

115) The Committee noted that, as a result of the discussions held at the current session, the agenda for the next session would include the following items:

- Proposed Amendments to the Rules of Procedure: duration of the term of office of the Members of the Executive Committee (Secretariat and Legal Counsels of FAO and WHO)
- Proposed Draft Working Principles for Risk Analysis for Food Safety (Working Group)
- Proposed Draft Revised Code of Ethics for International Trade in Foods (reply from the CCFICS)
- Clarification of the term “interim”, as used for the purpose of adoption of standards at Step 8 (Secretariat)
- Proposals to amend the Procedures for the Elaboration of Codex Standards and Related Texts (India)
- Proposed New Definitions of Risk Analysis Terms Related to Food Safety (New Zealand)
- Consideration of the document on the “Management of the Work of the Committee on Food Hygiene” (original document from CCFH complemented by a document from the Secretariat)
- Consideration of the Structure, Content and Presentation of the Procedural Manual (Secretariat)

DATE AND PLACE OF THE NEXT SESSION

116) The Committee was informed that its 23rd Session was tentatively scheduled to be held in Paris from 10 to 14 April 2006, the final arrangements subject to confirmation by the Host Country and the Codex Secretariat.

SUMMARY STATUS OF WORK

Subject Matter	Step	Action by	Reference in ALINORM 05/28/33A
Proposed Amendments to the Procedural Manual Resulting form the Abolition of the Acceptance Procedure		Governments 28th CAC	para. 89 Appendix III
Revision of the Definition of "food" (discontinuation of work)		28th CAC	para. 97
Proposed Draft Revised Code of Ethics for International Trade in Foods	3/4	CCFICS 23rd CCGP	para. 73
Proposed Draft Working Principles for Risk Analysis for Food Safety	2/3	Governments Working Group 23rd CCGP	para. 54
Proposed Amendments to the Rules of Procedure: duration of the term of office of the Members of the Executive Committee		28th CAC Secretariat Legal Counsels 23rd CCGP	para. 111
Clarification of the term "interim"		Secretariat 23rd CCGP	para. 21
Proposed amendments to the Elaboration Procedure		India 23rd CCGP	para. 16
New definitions of risk analysis terms related to food safety		New Zealand 23rd CCGP	para. 24
Management of the Work of the Committee on Food Hygiene		Secretariat 23rd CCGP	para. 30
Consideration of the Structure, Content and Presentation of the Procedural Manual		Secretariat 23rd CCGP	para. 105

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PROPOSED AMENDMENTS TO THE PROCEDURAL MANUAL RESULTING FROM THE ABOLITION OF THE ACCEPTANCE PROCEDURE

STATUTES OF THE CODEX ALIMENTARIUS COMMISSION

ARTICLE 1

The Codex Alimentarius Commission shall, subject to Article 5 below, be responsible for making proposals to, and shall be consulted by, the Directors-General of the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) on all matters pertaining to the implementation of the Joint FAO/WHO Food Standards Programme, the purpose of which is:

(a) protecting the health of the consumers and ensuring fair practices in the food trade;

(b) promoting coordination of all food standards work undertaken by international governmental and non governmental organizations;

(c) determining priorities and initiating and guiding the preparation of draft standards through and with the aid of appropriate organizations;

(d) finalizing standards elaborated under (c) above and, ~~after acceptance by governments~~, publishing them in a Codex Alimentarius either as regional or world wide standards, together with international standards already finalized by other bodies under (b) above, wherever this is practicable;

(e) amending published standards, **as**~~after~~ appropriate, ~~survey~~ in the light of developments.

PROCEDURES FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS

Note: **These procedures apply to the elaboration of Codex standards and related texts (e.g, codes of practice, guidelines, etc.) adopted by the Codex Alimentarius Commission as recommendations for governments**

INTRODUCTION

Paragraphs 1 to 8 : Unchanged

9. Codex standards and related texts are published and are sent to governments as well as to international organizations to which competence in the matter has been transferred by their Member States (see Part 5 of this document).

PART 1 TO 4 : UNCHANGED

PART 5. SUBSEQUENT PROCEDURE CONCERNING PUBLICATION ~~AND ACCEPTANCE~~ OF CODEX STANDARDS

The Codex standard **or related text** 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 the status or use of the Codex standard in accordance with the notification acceptance procedure set out in paragraph 4, paragraph 5 or 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 also 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 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 REGIONAL 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 the status and use the Codex Regional Standard in accordance with the notification procedure set out in Section 4 of the General Principles of the Codex Alimentarius. Other Members of the Commission may likewise notify the Secretariat of their use 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 of the status or use of the Codex 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 World-wide Codex Standard. ~~in the light of all notifications received.~~

ARRANGEMENTS FOR THE AMENDMENT OF CODEX STANDARDS ELABORATED BY CODEX COMMITTEES WHICH HAVE ADJOURNED SINE DIE

1. The need to consider amending or revising adopted Codex standards arises from time to time for a variety of reasons amongst which can be:

(a) changes in the evaluation of food additives, pesticides and contaminants;

(b) finalization of methods of analysis;

(c) editorial amendments of guidelines or other texts adopted by the Commission and related to all or a group of Codex standards e.g. “Guidelines on Date Marking”, “Guidelines on Labelling of Non-retail Containers”, “Carry-over Principle”;

(d) consequential amendments to earlier Codex standards arising from Commission decisions on currently adopted standards of the same type of products;

(e) consequential and other amendments arising from either revised or newly elaborated Codex standards and other texts of general applicability which have been referenced in other Codex standards (Revision of General Principles of Food Hygiene, Codex Standard for the Labelling of Prepackaged Foods);

(f) technological developments or economic considerations e.g. provisions concerning styles, packaging media or other factors related to composition and essential quality criteria and consequential changes in labelling provisions;

~~(g) modifications of standards being proposed following an examination of government notifications of acceptances and specified deviations by the Secretariat as required in accordance with the Procedure for the Elaboration of Codex standards i.e. “Subsequent Procedure concerning Publication and Acceptance of Codex Standards”, page 36.~~

2. The “Guide to the Procedure for the Revision and Amendment of Codex Standards” (see page 27) covers sufficiently amendments to Codex standards which have been elaborated by still active Codex Committees [and those mentioned] ~~under paragraph 1 (g) above~~. In the case of amendments proposed to Codex standards elaborated by Codex Committees which have adjourned *sine die*, the procedure places an obligation on the Commission to “determine how best to deal with the proposed amendment”. In order to facilitate consideration of such amendments, ~~in particular, those of the type mentioned in para. 1 (a), (b), (c),~~

~~(d), (e) and (f),~~ the Commission has established more detailed guidance within the existing procedure for the amendment and revision of Codex standards.

3. In the case where Codex committees have adjourned *sine die*:

(a) the Secretariat keeps under review all Codex standards originating from Codex Committees adjourned *sine die* and to determine the need for any amendments arising from decisions of the Commission, in particular amendments of the type mentioned in para. 1(a), (b), (c), (d) and those of (e) if of an editorial nature. If a need to amend the standard appears appropriate then the Secretariat should prepare a text for adoption in the Commission;

(b) amendments of the type in para (f) and those of (e) of a substantive nature, the Secretariat in cooperation with the national secretariat of the adjourned Committee and, if possible, the Chairperson of that Committee, should agree on the need for such an amendment and prepare a working paper containing the wording of a proposed amendment and the reasons for proposing such amendment, and request comments from Member Governments: (a) on the need to proceed with such an amendment and (b) on the proposed amendment itself. If the majority of the replies received from Member Governments is affirmative on both the need to amend the standard and the suitability of the proposed wording for the amendment or an alternative proposed wording, the proposal should be submitted to the Commission with a request to approve the amendment of the standard concerned. In cases where replies do not appear to offer an uncontroversial solution then the Commission should be informed accordingly and it would be for the Commission to determine how best to proceed.

GENERAL PRINCIPLES OF CODEX ALIMENTARIUS

PURPOSE OF THE CODEX ALIMENTARIUS

1. The Codex Alimentarius is a collection of internationally adopted food standards presented in a uniform manner. These food standards aim at protecting consumers' health and ensuring fair practices in the food trade. The Codex Alimentarius also includes provisions of an advisory nature in the form of codes of practice, guidelines and other recommended measures intended to assist in achieving the purposes of the Codex Alimentarius. The publication of the Codex Alimentarius is intended to guide and promote the elaboration and establishment of definitions and requirements for foods to assist in their harmonization and in doing so to facilitate international trade.

SCOPE OF THE CODEX ALIMENTARIUS

2. The Codex Alimentarius includes standards for all the principle foods, whether processed, semi-processed or raw, for distribution to the consumer. Materials for further processing into foods should be included to the extent necessary to achieve the purposes of the Codex Alimentarius as defined. The Codex Alimentarius includes provisions in respect of food hygiene, food additives, pesticide residues, contaminants, labelling and presentation, methods of analysis and sampling. It also includes provisions of an advisory nature in the form of codes of practice, guidelines and other recommended measures.

NATURE OF CODEX STANDARDS

3. Codex standards contain requirements for food aimed at ensuring for the consumer a sound, wholesome food product free from adulteration, correctly labelled and presented. A Codex standard for any food or foods should be drawn up in accordance with the Format for Codex Commodity Standards and contain, as appropriate, the criteria listed therein.

~~*ACCEPTANCE OF CODEX COMMODITY STANDARDS*~~

~~4.A. A Codex standard may be accepted by a country in accordance with its established legal and administrative procedures in respect of distribution of the product concerned, whether imported or home produced, within its territorial jurisdiction in the following ways:~~

~~(i) Full acceptance~~

~~(a) Full acceptance means that the country concerned will ensure that a product to which the standard applies will be permitted to be distributed freely, in accordance with (c) below, within its territorial jurisdiction under the name and description laid down in the standard, provided that it complies with all the relevant requirements of the standard.~~

(b) The country will also ensure that products not complying with the standard will not be permitted to be distributed under the name and description laid down in the standard.

(c) (c)The distribution of any sound products conforming with the standard will not be hindered by any legal or administrative provisions in the country concerned relating to the health of the consumer or to other food standard matters except for considerations of human, plant or animal health which are not specifically dealt with in the standard.

(ii) Acceptance with specified deviations

Acceptance with specified deviations means that the country concerned gives acceptance, as defined in paragraph 4.A(i), to the standard with the exception of such deviations as are specified in detail in its declaration of acceptance; it being understood that a product complying with the standard as qualified by these deviations will be permitted to be distributed freely within the territorial jurisdiction of the country concerned. The country concerned will further include in its declaration of acceptance a statement of the reasons for these deviations, and also indicate:

(a) whether products fully conforming to the standard may be distributed freely within its territorial jurisdiction in accordance with paragraph 4.A(i);

(b) whether it expects to be able to give full acceptance to the standard and, if so, when.

(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.

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

(i) whether products conforming to the standard may be distributed freely within its territorial jurisdiction;

(ii) in what ways its present or proposed requirements differ from the standard, and, if possible the reasons for these differences.

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

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

ACCEPTANCE OF CODEX GENERAL STANDARDS

5.A. A Codex general standard may be accepted by a country in accordance with its established legal and administrative procedures in respect of the distribution of products to which the general standard applies, whether imported or home-produced, within its territorial jurisdiction in the following ways:

(i) Full acceptance

Full acceptance of a general standard means that the country concerned will ensure, within its territorial jurisdiction, that a product to which the general standard applies will comply with all the relevant requirements of the general standard except as otherwise provided in a Codex commodity standard. It also means that the distribution of any sound products conforming with the standard will not be hindered by any legal or administrative provisions in the country concerned, which relate to the health of the consumer or to other food standard matters and which are covered by the requirements of the general standard.

(ii) Acceptance with specified deviations

Acceptance with specified deviations means that the country concerned gives acceptance, as defined in paragraph 5.A(i), to the general standard with the exception of such deviations as are specified in detail in its

declaration of acceptance. The country concerned will further include in its declaration of acceptance a statement of the reasons for these deviations, and also indicate whether it expects to be able to give full acceptance to the general standard and, if so, when.

(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.

B. A country which considers that it cannot accept the general standard in any of the ways mentioned above should indicate in what ways its present or proposed requirements differ from the general standard, and if possible, the reasons for these differences.

C. (i) A country which accepts a general standard according to one of the provisions of paragraph 5.A is responsible for the uniform and impartial application of the provisions of the standard as accepted, in respect of all home produced and imported products distributed within its territorial jurisdiction. In addition, the country should be prepared to offer advice and guidance to exporters and processors of products for export to promote understanding of and compliance with the requirements of importing countries which have accepted a general standard according to one of the provisions of paragraph 5.A.

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

ACCEPTANCE OF CODEX MAXIMUM LIMITS FOR RESIDUES OF PESTICIDES AND VETERINARY DRUGS IN FOOD

6.A. A Codex maximum limit for residues of pesticides or veterinary drugs in food may be accepted by a country in accordance with its established legal and administrative procedures in respect of the distribution within its territorial jurisdiction of (a) home-produced and imported food or (b) imported food only, to which the Codex maximum limit applies in the ways set forth below. In addition, where a Codex maximum limit applies to a group of foods not individually named, a country accepting such Codex maximum limit in respect of other than the group of foods, shall specify the foods in respect of which the Codex maximum limit is accepted.

(i) Full acceptance

Full acceptance of a Codex maximum limit for residues of pesticides or veterinary drugs in food means that the country concerned will ensure, within its territorial jurisdiction, that a food, whether home-produced or imported, to which the Codex maximum limit applies, will comply with that limit. It also means that the distribution of a food conforming with the Codex maximum limit will not be hindered by any legal or administrative provisions in the country concerned which relate to matters covered by the Codex maximum limit.

(ii) Free distribution

A declaration of free distribution means that the country concerned undertakes that products conforming with the Codex maximum limit for residues of pesticides or veterinary drugs in food may be distributed freely within its territorial jurisdiction insofar as matters covered by the Codex maximum limit are concerned.

B. A country which considers that it cannot accept the Codex maximum limit for residues of pesticides or veterinary drugs in foods in any of the ways mentioned above should indicate in what ways its present or proposed requirements differ from the Codex maximum limit and, if possible, the reasons for these differences.

C. A country which accepts a Codex maximum limit for residues of pesticides or veterinary drugs in food according to one of the provisions of paragraph 6.A sóhould be prepared to offer advice and guidance to exporters and processors of food for export to promote understanding of and compliance with the requirements of importing countries which have accepted a Codex maximum limit according to one of the provisions of paragraph 6.A.

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

~~*WITHDRAWAL OR AMENDMENT OF ACCEPTANCE*~~

~~7. The withdrawal or amendment of acceptance of a Codex standard or a Codex maximum limit for residues of pesticides or veterinary drugs in food by a country shall be notified in writing to the Codex Alimentarius Commission's Secretariat who will inform all Member States and Associate Members of FAO and WHO of the notification and its date of receipt. The country concerned should provide the information required under paragraphs 4.A(iii), 5.A(iii), 4.B, 5.B or 6.B above, whichever is appropriate. It should also give as long a notice of the withdrawal or amendment as is practicable.~~

REVISION OF CODEX STANDARDS

~~48~~. The Codex Alimentarius Commission and its subsidiary bodies are committed to revision as necessary of Codex standards and related texts to ensure that they are consistent with and reflect current scientific knowledge and other relevant information. When required, a standard or related text shall be revised or removed using the same procedures as followed for the elaboration of a new standard. Each member of the Codex Alimentarius Commission is responsible for identifying, and presenting to the appropriate committee, any new scientific and other relevant information which may warrant revision of any existing Codex standards or related texts.

~~*GUIDELINES FOR THE ACCEPTANCE PROCEDURE FOR CODEX STANDARDS*~~

~~*THE IMPORTANCE OF A RESPONSE TO EVERY NOTIFICATION*~~

~~1. The Codex Alimentarius is the record of Codex Standards and of acceptances or other notifications by Member Countries or international organizations to which competence in the matter has been transferred by their Member States. It is revised regularly to take account of the issue of new or amended standards and the receipt of notifications. It is important that governments respond to every issue of new or amended standards. Governments should aim at giving formal acceptance to the standards. If acceptance or free circulation cannot be given unconditionally, the deviations or conditions, and the reasons, can be included in the response. Early and regular responses will ensure that the Codex Alimentarius can be kept up to date so as to serve as an indispensable reference for governments and international traders.~~

~~2. Governments should ensure that the information in the Codex Alimentarius reflects the up to date position. When changing national laws or practices the need for a notification to the Codex Secretariat should always be kept in mind.~~

~~3. The Codex procedure for elaboration of standards enables governments to participate at all stages. Governments should be able to make an early response to the issue of a Codex standard and should do their utmost to be ready to do so~~.

~~*THE CODEX ALIMENTARIUS: NOT A SUBSTITUTE FOR, OR ALTERNATIVE TO, REFERRING TO NATIONAL LEGISLATION*~~

~~4. Every country's laws and administrative procedures contain provisions which it is essential to understand and comply with. It is usually the practice to take steps to obtain copies of relevant legislation and/or to obtain professional advice about compliance. The Codex Alimentarius is a comparative record of the substantive similarities and differences between Codex Standards and corresponding national legislation. The Codex Standard will not normally deal with general matters of human, plant or animal health or with trade marks. The language which is required on labels will be a matter for national legislation and so will import licences and other administrative procedures.~~

~~5. The responses by governments should show clearly which provisions of the Codex Standard are identical to, similar to or different from, the related national requirements. General statements that national laws must be complied with should be avoided or accompanied by details of national provisions which~~

require attention. Judgement will sometimes be required where the national law is in a different form or where it has different provisions.

OBLIGATIONS UNDER THE ACCEPTANCE PROCEDURE

6. The obligations which a country undertakes under the acceptance procedure are included in paragraph 4 of the General Principles. Paragraph 4.A(i)(a) provides for free distribution of conforming products, 4.A(i)(b) with the need to ensure that products which do not conform may not be distributed "under the name and description laid down". Paragraph 4.A(i)(c) is a general requirement not to hinder the distribution of sound products, except for matters relating to human, plant or animal health, not specifically dealt with in the standard. Similar provisions are included in Acceptance with Specified Deviations.

7. The essential difference between acceptances and notifications of free distribution is that a country which accepts, undertakes to enforce the Codex standard and to accept all the obligations set out in the General Principles subject to any specified deviations.

8. The Codex Committee on General Principles (CCGP) and the Commission (CAC) have reviewed the acceptance procedure and notifications by governments on a number of occasions. While recognizing that difficulties can arise from time to time in reconciling the obligations of the acceptance procedure with the laws and administrative procedures of a Member Country, the CCGP and the CAC have determined that the obligations are essential to the work and status of the CAC and that they should not be weakened in any way. The purpose of these guidelines therefore is to assist governments when they are considering how, in the light of the objectives of the acceptance procedure, to respond to Codex Standards.

THE RETURN OF THE RESPONSE

9. The principal decision which is required is whether to notify an acceptance according to one of the methods prescribed, or non acceptance as provided for in 4.B. Free distribution (4.A(iii)) does not carry with it the obligation to prevent non-conforming products from being circulated, and it may be useful in cases where there is no corresponding national standard and no intention to introduce one.

THE NEED FOR AN INFORMED, RESPONSIBLE JUDGEMENT WHEN COMPARING THE CODEX STANDARD WITH NATIONAL LAWS

10. There will be some occasions when the detail in the Codex Standard is identical with national laws. Difficulties will arise however when national laws are in a different form, contain different figures or no figures at all, or in cases where there may be no standard in the country which corresponds in substance to the Codex Standard. The authority responsible for notifying the response to the CAC is urged to do its best to overcome any such difficulties by the exercise of its best endeavours and to respond, after such consultations as may be appropriate with the national organizations. The grounds on which the judgement has been based can be made clear in the notification. It may well be that they will not be such as to justify an acceptance, because of the obligations to stop the distribution of non conforming products, but a statement of free circulation should be possible on the basis of the facts and practices of each case. If there was a court decision or change in the law or practice subsequently, an amending response should be made.

PRESUMPTIVE STANDARDS

11. A presumptive standard is one which is assumed to be the standard in the absence of any other. (A presumption in law is the assumption of the truth of anything until the contrary is proved.) Some countries have said that a Codex MRL is the presumptive limit for a pesticide residue. Countries may be able and willing to regard a Codex Standard as the presumptive standard in cases where there is no corresponding standard, code of practice or other accepted expression of the "nature, substance or quality" of the food. A country need not apply the presumption to all the provisions of the standard if the details of its additives, contaminants, hygiene or labelling rules are different from those in the standard. In such a case the provisions in the Codex Standard defining the description, essential composition and quality factors relating to the specified name and description could still be the presumptive standard for those matters.

12. The justification for regarding the Codex Standard as a presumptive standard is the fact that it is the minimum standard for a food elaborated in the CAC "so as to ensure a sound, wholesome product free from adulteration, correctly labelled and presented". (General Principles, Paragraph 3.) The word minimum does not have any pejorative connotations: it simply means the level of quality and soundness of a product judged by consensus to be appropriate for trade internationally and nationally.

13. Whether a presumptive standard would merit an acceptance would depend on whether the country concerned could say that non conforming products could not be distributed under the same name and description laid down in the standard. However it would enable a declaration of free circulation to be made and countries are asked to give the idea serious consideration.

FORMAT AND CONTENT OF CODEX STANDARDS

Scope

14. This section, together with the name of the standard and the name and description laid down in the labelling section, should be examined in order to assess whether the obligations of the acceptance procedure can properly be accepted.

Description, essential composition and quality factors

15. These sections will define the minimum standard for the food. They will be the most difficult to address unless by chance the details are virtually identical (i.e. ignoring significant matters of editorial expression or format). However, a country which has taken part in the elaboration of the standard either by attending the meetings or by sending comments under the Step Procedure has, no doubt, consulted national organizations on the extent to which the draft provisions in the standard would be acceptable nationally. This factual information needs to be turned into a formal response when the standard is sent out for acceptance. Countries are asked to do their best to exercise an informal judgement on lines discussed in Paragraph 7 above. Some of the quality criteria e.g. allowances for defects may represent good manufacturing practice or be left to trade contracts. This will have to be taken into account. A free distribution response ought to be possible in most cases.

Food Additives

16. The food additives included in the standard have been assessed and cleared by JECFA. The Commodity Committee and the CCFAC have assessed technological need and safety in use. If national laws are different, all the detailed differences should be reported. It should be borne in mind, however, that the aim of international food standardization work is to harmonize policies and attitudes as much as possible. Therefore every effort should be made to keep deviations to the minimum.

Contaminants

17. If national limits apply they should be quoted if not the same as those laid down in the Codex Standard. Where general laws about safety, health or nature of the food apply, the limits quoted in the standard could properly be regarded as representing those which are unavoidable in practice and within safety limits.

Hygiene and Weights and Measures

18. If national requirements are different they should be reported.

Labelling

19. The General Standard for the Labelling of Prepackaged Foods represents the international consensus on information to be included on the labels of all foods.

20. Governments are exhorted to use the General Standard as a basis for their national legislation and to keep differences to an absolute minimum especially those of detail or minutiae. Governments should observe the footnote to the Scope section and should ensure that all compulsory provisions relating to presentation of information which are additional to, and different from, those in the standard should be notified. Any other compulsory provisions in national legislation should also be notified if they are not provided for in the Codex standard. The labelling provisions in Codex standards include sections of the revised General Standard by reference. When accepting a Codex commodity standard, a country which has already accepted and responded to the General Standard can then refer to the terms of that acceptance in any subsequent responses. As much specific information as is relevant and helpful should be given. In particular, this should include the name and description relating to the food, the interpretation of any special requirements relating to the law or custom of the country, any additional details about presentation of the mandatory information and detailed differences if any in the labelling requirements e.g. in relation to class names, declaration of added water, declaration of origin. It will be assumed that the language(s) in which the particulars should be given will be as indicated by national legislation or custom.

~~***Methods of Analysis and Sampling***~~

~~21. The obligations which a country assumes in accepting the following Codex Defining Methods of Analysis included in Codex standards are as follows[1]:~~

~~(a) Codex Defining Methods of Analysis (Type I) are subject to acceptance by governments just as are the provisions which they define and which form part of Codex standards.~~

~~"Full acceptance" of a Codex Defining Method means the acceptance that the value provided for in a Codex standard is defined by means of the Codex method. In determining compliance with the value in the Codex standard, governments undertake to use the Codex Defining Method, especially in cases of disputes involving the results of analysis.~~

~~"Non acceptance" of Codex Defining Method or acceptance of Codex standards with substantive deviations in the Codex Defining Methods means acceptance of the Codex standard with specified deviation.~~

~~(b) The "acceptance" of Codex standards containing Codex Reference Methods of Analysis (Type II) means the recognition that Codex Reference Methods are methods the reliability of which has been demonstrated on the basis of internationally acceptable criteria. They are, therefore, obligatory for use, i.e. subject to acceptance by governments, in disputes involving the results of analysis. "Non acceptance" of the Codex Reference Method or acceptance of Codex standards with substantive deviations in the Codex Reference Methods for use in disputes involving methods of analysis, should be taken to mean acceptance of the Codex standard with specified deviation.~~

~~(c) The "acceptance" of Codex standards containing Codex Alternative Approved Methods of Analysis (Type III) means the recognition that Codex Alternative Approved Methods are methods the reliability of which has been demonstrated in terms of internationally acceptable criteria. They are recommended for use in food control, inspection or for regulatory purposes.~~

~~"Non acceptance" of a Codex Alternative Approved Method does not constitute a deviation from the Codex standard.~~

~~(d) Since the reliability of the Tentative Methods (Type IV) has not yet been endorsed by the Codex Committee on Methods of Analysis and Sampling on the basis of the internationally accepted criteria, it follows that they cannot be regarded as final Codex methods. Type IV methods may, eventually become Type I, II or III methods with the resultant implications regarding the acceptance of Codex methods. Type IV methods are, therefore, not recommended as Codex methods until their reliability has been recognized by the CCMAS. They may be included in draft Codex standards or in Codex standards provided their non approved status is clearly indicated.~~

~~***SUMMARY***~~

~~22. Governments are urged to respond to every issue of Codex standards. The inclusion of responses in the Codex Alimentarius will enable the CAC and Member Governments to address the question of closer approximation of international and national requirements. Governments are urged to take the Codex standard fully into consideration when changing their national laws. The Codex Alimentarius will always be an invaluable reference for governments and for international traders although national legislation must always be consulted and complied with.~~

TERMS OF REFERENCE OF SUBSIDIARY BODIES

FAO/WHO Coordinating Committees

(h) promotes the **use**~~acceptance~~ of Codex standards and **related texts**~~maximum limits for residues~~ by member countries.

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[1] ~~The Committee on General Principles, when elaborating these Guidelines, noted that the Classification of Methods was under review by the Codex Committee on Methods of Analysis and Sampling and that the application of Part (b) particularly could be unnecessarily restrictive.~~