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ALINORM 74/36

JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX ALIMENTARIUS COMMISSION
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REPORT OF THE FOURTH SESSION OF THE
CODEX COMMITTEE ON GENERAL PRINCIPLES
Paris, 4-8 March 1974

Introduction

1. The Fourth Session of the Codex Committee on General Principles was held in Paris from 4 to 8 March 1974 under the Chairmanship of Mr. G. Weill (France), who opened the session and welcomed the delegates. The session was attended by 96 delegates and observers from 29 countries and 10 International Organizations. The list of participants is attached as Appendix I.

Adoption of the Agenda

2. The Committee unanimously adopted the provisional agenda.

Working Documents

3. A list of working documents for the session is contained in Appendix II.

Consideration of the Procedure for the Acceptance of Recommended Standards, in particular, Acceptance with Minor Deviations

4. As it was the consensus in the Committee that the provisions of Full Acceptance and Target Acceptance had not given rise to difficulties, the Committee decided that there was no need to recommend any change in these two methods of acceptance.

5. The Executive Committee, at its Eighteenth Session, had drawn the attention of the Ninth Session of the Commission to the difficulties connected with the concept of 'Acceptance with Minor Deviations' (see ALINORM 72/3, paras 79 and 80). In the written comments which had been submitted by governments in the working papers for the session and in the working paper which the Secretariat had been instructed to prepare, the difficulties mentioned by the Executive Committee were acknowledged and proposals for dealing with the problem were put forward.

6. One such proposal, put forward for consideration by Denmark, contained the suggestion of abandoning the present system of various methods of acceptance requiring a formal declaration of acceptance, and substituting therefor a system of implementation reports. Thus under this proposal a government would not be asked to accept a Recommended Standard but would be asked for an implementation report, which would indicate what use the government concerned had been able to make of the Recommended Standard.

7. The Danish delegation stated that, having regard to the rather limited number of acceptances of Recommended Standards received so far, it had put forward its proposal with the thought that this approach might prove more meaningful in terms of the main objective of inducing governments to adopt in their national legislations the Recommended Standards or as many of their provisions as possible. The Danish delegation would, however, view favourably any alternative proposal which would remedy the situation.

8. A number of delegations stated that, in their view, it would be wrong to think that the progress made so far in relation to acceptances received was disappointing. The first series of Recommended Standards had been sent to governments for acceptance four years ago and more than thirty countries had so far accepted several of the standards which had been issued to-date for acceptance. Furthermore, it was pointed out that the adaptation of existing national legislation to the Recommended Standards was necessarily a slow process. In some countries the degree and extent of consultation necessary and the administrative and other procedures involved were such that several years might elapse before national legislation was adapted to the provisions of a Recommended Standard.

9. In considering the Danish proposal, the attention of the Committee was drawn to difficulties which the proposal would seem to pose in relation to Article 1 (d) of the Statutes of the Commission, which provided for "finalizing standards elaborated under (c) above and, after acceptance by governments, publishing them in a Codex Alimentarius". Taking into account also a view expressed that a system of implementation reports might not be more meaningful than the existing system of different methods of acceptance, and as the Danish delegation was open to other proposals, the Committee proceeded to consider other proposals that had been submitted.

10. The USA had proposed "Partial Acceptance" in place of "Acceptance with Minor Deviations" and several countries, in their written comments, had indicated their general support for this proposal. The text proposed by the USA was set forth in document CX/GP 74/1. The significant difference between the proposed "Partial Acceptance" and the existing "Acceptance with Minor Deviations" was that, under the US proposal, the Commission would not be called upon to judge whether any specified deviation was or was not minor. The point was made that, in practical terms, the difference between the Danish proposal "Partial Implementation" and the proposed "Partial Acceptance" was less important than might appear at first sight, since under "Partial Acceptance" a country would report on those provisions in a Recommended Standard which it could not accept, and under "Partial Implementation" it would do substantially the same thing.

11. Under the proposed "Partial Acceptance", the Commission's function of determining whether a deviation was or was not minor would disappear. Some delegations pointed out, however, that there was a question of when a "Partial Acceptance" becomes a non-acceptance by reason of extensive deviation from the Recommended Standard. They considered that if a "Partial Acceptance" was to be meaningful, there should be a point at which an acceptance ceased to be valid, by reason of non-acceptance of the basic features of the standard. It was on the basis of this thinking that Australia, whilst it saw the merit of the US proposal, included in its comments paper a list of criteria to which reference might be made by governments contemplating giving acceptance under the proposed "Partial Acceptance" method. The suggested criteria were intended to indicate the line of demarcation between acceptance and non-acceptance, and were set forth as a basis for discussion by the Committee.

12. The view was put forward that there was no real need for the Committee to occupy itself with the question of distinguishing between acceptance and non-acceptance in connection with "Partial Acceptance", and that this was a matter which governments themselves would determine. However, a number of delegations which spoke on this subject saw merit in the concept of the Australian proposal.

13. Several delegations stressed, in connection with the proposed "Partial Acceptance", the importance of having full details of the positions of the various countries in regard to any given Recommended Standard. The deviations would need to be set forth in full detail. This was particularly important for the food industry. The manner in which such information would be published was also very important. Both the French and Italian delegations had, in their written comments, emphasized this point and both had put forward proposals, similar in substance, for dealing with it. The proposals of France and Italy were also very close to those of the USA on "Partial Acceptance".

14. As the discussion progressed, a general consensus emerged in favour of the concept of "Partial Acceptance", and in favour of the French and Italian proposals reflecting the importance of publishing periodically the positions taken by governments, including all the details of any specified deviations, in response to requests inviting them to accept the Recommended Standards. Since the proposals of France, Italy and the USA with regard to "Partial Acceptance" were very similar and since the proposals of France and Italy concerning the publication of positions notified by Governments regarding acceptance of the Recommended Standards were also very close to each other, the Committee appointed a working party consisting of representatives of these three countries and charged them with the task of drawing up a text on the above matters for consideration by the Committee.

15. The Committee also appointed a working group consisting of representatives of Australia, Ghana, Netherlands and Switzerland to consider the proposals of Australia concerning criteria which might be applied for establishing a line of demarcation between "Partial Acceptance" and non-acceptance.

16. The Committee considered the written proposals of the two working parties referred to in paragraphs 14 and 15 of this Report. The Committee accepted the proposal that the expression "Acceptance with specified deviations" should replace the expression "Partial Acceptance" and noted that the reason for this proposal was that several delegations considered that the expression "Partial Acceptance" could be taken to imply some measurable degree of acceptance.

17. The Committee had already agreed, at an earlier stage in the discussions, to instruct the Secretariat to prepare, for consideration by the Commission at its Tenth Session, a text on declaration of acceptance. It was the view of the Committee that this text, which would be in the nature of a format, should, if adopted by the Commission, be published in the Procedural Manual, possibly as part of the General Principles of the Codex Alimentarius. It was agreed that this text should include, amongst other matters, the following four questions which the Executive Committee had formulated at its Eighteenth Session, and which were designed to elicit the most essential information from governments concerning their positions in regard to Recommended Standards sent to them for acceptance.

- (i) Has the government a national standard for the commodity covered by the Recommended Codex Standard?
- (ii) Is the national standard the same in all respects as the Recommended Codex Standard insofar as substance is concerned?
- (iii) If the national standard is not the same, in what respects does it differ from the Recommended Codex Standard?
- (iv) If the product meets the Recommended Codex Standard, will it be permitted to be distributed freely in the country concerned or must the product meet deviations from the Recommended Codex Standard in order to gain entry?

The attention of the Secretariat was drawn to the need, in preparing this text, to mention not only national standards, but also, where more appropriate, national laws and regulations.

18. During the discussion on the proposed text of "Acceptance with specified deviations", the question was raised whether it would not be better to remove the portion of the text which related to declaration of acceptance and include it in the text on declaration of acceptance which the Secretariat had been instructed to prepare for the next session of the Commission. After some discussion, it was agreed that the portion in question formed an essential part of the text of "Acceptance with specified deviations" and it was decided, therefore, to retain it.

19. In regard to sub-section (a) of the proposed text of "Acceptance with specified deviations", the delegation of Portugal suggested that the text would be clearer for some countries if the word "standard" were qualified by the word "recommended". It was pointed out, however, that the word "standard" rather than "recommended standard" was used throughout the provisions of the General Principles of the Codex Alimentarius dealing with acceptance, and that the word "standard" both in the proposed text of "Acceptance with specified deviations" and in the other methods of acceptance set forth in the General Principles meant the published standard sent to governments for acceptance.

20. Having agreed on certain amendments to the proposed text of "Acceptance with specified deviations", there was a consensus in the Committee in favour of adopting the proposed text as amended. The adopted text is set forth in Appendix III to this Report. The delegation of Switzerland expressed its concern that as there was nothing in the adopted text of "Acceptance with specified deviations" to link it with the criteria designed to draw a line of demarcation between meaningful acceptance on the one hand and non-acceptance on the other, the end result might be that the information supplied by governments would amount to very little more than a collection of reports on how their different national legislations differed from the Recommended Standards. The delegation of Switzerland added that this would not seem to be achieving the aims of the Codex Alimentarius in its task of promoting the harmonization, as far as possible, of national food standards. On the other hand, the delegation of the USA expressed the view that economic factors and international trade competition would exert the greatest real influence on countries to achieve harmonization with Codex standards acting as the catalyst to bring them together.

21. The Committee emphasized that the objectives of the Joint FAO/WHO Food Standards Programme were to protect the health and interests of consumers and to facilitate international trade, and that it was important to keep this in mind. In this connection, reference was made to the role the Commission can play as an international forum for dealing with these matters.

22. The report of the working party which had been set up to consider the question of criteria for use in drawing a line of demarcation between meaningful acceptance and non-acceptance, as contained in Appendix V to this Report, gave rise to some questions of principle in the Committee. It was made clear to the Committee at the outset that there had not been complete unanimity in the working party on all the details of the criteria set forth in the document submitted to the Committee by the working party.

23. The discussion in the Committee turned on the following points: (i) was there a need for criteria for establishing a line of demarcation between meaningful acceptance and non-acceptance (ii) for whose use were the criteria intended, and (iii) what would be the status of the criteria, e.g. advisory or of a more binding nature.

24. Those delegations which saw a need for establishing such criteria based their view on the consideration that it was important to distinguish between a meaningful acceptance and an acceptance which in reality was tantamount to non-acceptance. In the opinion of these delegations, an acceptance with specified deviations which resulted in the non-acceptance of fundamental provisions of a Recommended Standard ought not to be accorded the status of a form of acceptance. These delegations argued that, without such criteria, a country could specify a list of deviations which, in their totality, could amount to an almost total rejection of the Recommended Standard under one of the methods of acceptance set forth in the General Principles of the Codex Alimentarius, i.e. "Acceptance with specified deviations". These delegations drew attention to a further consideration, namely that at least some Governments would wish to have the benefit of advice or guidance in trying to decide between acceptance with specified deviations and non-acceptance. The point was also made that it was necessary to have some general agreement on criteria for a country to have an idea of the basis on which other countries distinguished between meaningful acceptance and non-acceptance.

25. On the other hand, several delegations saw no need for any such criteria. These delegations took the view that it would not be productive to draw a line of demarcation between a meaningful acceptance and non-acceptance. The main consideration, in the view of these delegations, was that governments should specify deviations in detail together with the reasons for them, so that their positions in relation to any Recommended Standard were made known to all. They pointed out that any classification of deviations would not alter the fact that the deviations would remain. This was the main reason why it would not be a productive exercise to develop criteria to distinguish between meaningful acceptance and non-acceptance. For example, the delegation of Denmark pointed out that, although the USA had notified the Secretariat that it had not accepted the Recommended International Standard for Margarine, primarily because the USA did not permit the use of one of the permitted oils, it would not have mattered if the USA had stated that it was giving acceptance with a deviation prohibiting the use of that oil. The view was also expressed that governments would exercise their own discretion in declaring specified deviations and, for this purpose, did not need to have recourse to criteria established by the Commission.

26. Some delegations took the view that there did not appear to be a need, at the present time, for such criteria, given the number of acceptances received, and that when more acceptances had been received it might be worthwhile to consider the question of establishing such criteria.

27. On the question as to whether the criteria, if established, would be addressed to Member Governments and/or the Commission, those delegations which were in favour of the establishment of criteria stated that they would be intended primarily for the use of governments but also for the Commission. They explained that since governments could take whatever action they thought appropriate in regard to acceptance of the Recommended Standards, the criteria were intended to constitute advice or a guide to governments in deciding between a meaningful acceptance and non-acceptance. They pointed out that governments, being sovereign, could make whatever use they thought fit of the criteria. They also indicated that such criteria might be useful for the Commission in the event of an acceptance with specified deviations being challenged on the grounds that in reality it was tantamount to non-acceptance. It was explained that the criteria which had been suggested by the working group were open to modification.

28. Some delegations thought that if the criteria were also to be for the use of the Commission in the event of an acceptance with specified deviations being challenged, then this would seem to be reverting to a situation where the Commission would be asked to sit in judgment of a country's response, and several delegations considered this to be undesirable. The FAO Legal Adviser pointed out that while under the present texts of the General Principles, the Commission was expected to give or deny recognition to "minor" deviations, this function of the Commission would cease if the proposed provisions on "Acceptance with specified deviations" were adopted. Accordingly, any guidelines that might be drawn up for drawing a line of demarcation between acceptance and non-acceptance would be intended to assist governments in determining their position in relation to Recommended Standards. Although this would not necessarily exclude reference to such guidelines by the Commission or its subsidiary bodies, if a government should decide to seek advice on the interpretation of the guidelines, or if it were found desirable to revise them in the light of experience, the Commission would have no authority to give any rulings on whether specified deviations declared by a government were made in accordance with the guidelines.

29. The delegation of New Zealand considered that if the proposed definition of "Acceptance with specified deviations" did not contain supporting criteria to elaborate its meaning, there would be no great practical difference between its requirements and those of paragraph 4B of the General Principles of the Codex Alimentarius. The delegation of New Zealand added that the continued existence of paragraph 4B or of the wording of its text could then become an issue.

30. The Committee decided that, subject to the Commission's concurrence with the Committee's proposals:

- (i) the Secretariat should prepare a paper containing the different views and reasons for them, as contained in this report, on the question of establishing criteria for drawing a line of demarcation between meaningful acceptance and non-acceptance;
- (ii) the views of governments should be sought on the following specific points:

- (a) whether it is important to establish a line of demarcation between acceptance with specified deviations and non-acceptance;
- (b) whether it would be desirable to establish criteria for determining whether a specified deviation would be compatible with the forms of acceptance;
- (c) whether it is practicable to establish a single set of criteria which would apply to all standards, given that foods differ widely;
- (d) whether and to what extent the draft criteria suggested by the Working Party would be suitable or what other criteria governments would propose;
- (e) whether such criteria, if established, should be intended solely to provide guidance to governments or whether the Commission should be authorized to review declarations with specified deviations, on the basis of such criteria.

31. Following a proposal made by the delegation of the Federal Republic of Germany, **in the interest of greater clarity, the Committee recommended that paragraph 4C(i) of the General Principles of the Codex Alimentarius be amended as follows: ***

"A country which accepts a Codex standard according to one of the provisions of 4A is responsible for the uniform and impartial application of the provisions of the standard as they apply to as accepted, in respect of all home-produced and imported products distributed within its territorial jurisdiction. In addition, the country should be prepared according to one of the provisions of 4A."

The Committee agreed that there would need to be a consequential amendment in paragraph 5C(i) of the General Principles.

32. During the course of the discussions the Committee took note of the statement of the delegation of Canada concerning its approach to acceptance of the Recommended Standards. Canada was now taking steps to amend certain national standards to bring them into line, as far as was feasible for Canada, with the corresponding Recommended Standards.

Procedure for the Elaboration of Codex Standards

33. The Committee examined the proposals of the Working Group which had considered the procedure for the elaboration of Codex standards. The Committee agreed on the need for inserting a new Step in the procedure requiring the Secretariat to publish periodically the notifications received from governments with respect to each recommended standard. The Committee further agreed that the Codex Alimentarius should also contain an appendix for each Codex standard listing the countries in which products conforming with the standard may be freely distributed and, where applicable, stating in detail all specified deviations which have been declared by an accepting country.

34. The Committee also agreed that the procedure should contain a footnote instructing the Secretariat to examine deviations notified by governments and to report periodically to the Commission on features which appeared to be common to the deviations and which might justify the Commission considering the revision or amendment of a standard in accordance with the procedure for the revision or amendment of recommended standards. In accordance with the "Guide to the Procedure for the Revision and Amendment of Recommended Codex Standards", a proposed amendment to a recommended standard put forward by other than the subsidiary body concerned of the Commission would be referred to that subsidiary body for consideration.

35. The Committee agreed that it would be desirable for the Secretariat, in consultation with the FAO and WHO Legal Advisers, to examine carefully the texts adopted by the Committee, to ensure consistency throughout the General Principles and the Procedure for the Elaboration of Codex Standards, including the provisions relating to commodity, general and regional standards. The Committee noted that if the Commission were to approve this proposal, comparable amendments would be necessary in the Procedure for the Elaboration of Milk and Milk Product Standards. It was also agreed that the entire text of these principles and procedures be placed before the Commission at its next session.

* Words in square brackets to be deleted, words underlined to be added.

Possible criteria for determining when it is appropriate to publish a recommended standard in the Codex Alimentarius

36. The Committee agreed that this subject would not be an urgent matter until more responses concerning the acceptance of recommended standards had been received and also that a decision on publication would be related to the decision on inclusion of criteria for making a demarcation between acceptance and non-acceptance. The Committee agreed, therefore, that this matter should be included in the questionnaire relating to demarcation criteria (see paragraph 30 of this Report).

Consideration of the Acceptance Procedure for Recommended Codex Maximum Limits for Pesticide Residues

37. The Secretariat, in introducing its paper, drew the Committee's attention to the problems related to the acceptance of recommended Codex maximum limits for pesticide residues (hereafter referred to as recommended Codex limits) as stated also in the Report of the 6th Session of the Codex Committee on Pesticide Residues. In the opinion of the Secretariat, recognition had to be given to the fact that, as a result of divergence in good agricultural practices in the various parts of the world, leading in turn to varying levels of pesticide residues in food, a number of instances arose where countries were not in a position to give full acceptance to recommended Codex limits. It seemed, therefore, desirable to introduce flexibility into the Codex Acceptance Procedure in order to allow for recognition of this variation in agricultural practices, as reflected in the recommended Codex limits, by means, for example, of a form of acceptance limited to imported foods. In doing so, however, one of the purposes of the Joint FAO/WHO Food Standards Programme viz. ensuring fair trade practices, had to be kept in mind.

38. It was also desirable to amend the Codex Acceptance Procedure in such a way as to enable governments which were not in a position to give any form of acceptance, to state whether a food in conformity with a recommended Codex limit would be allowed to be distributed freely or under certain specified conditions within the territorial jurisdiction of the country concerned. Lastly it appeared that the concept of acceptance with minor or other deviations did not apply to recommended Codex limits.

39. The Chairman of the Codex Committee on Pesticide Residues, who was a member of the delegation of the Netherlands, agreed with the analysis of the problems as outlined by the Secretariat and stressed that recommended Codex limits, which were based on good agricultural practices in certain regions of the world, were frequently higher than limits laid down in some national legislation. As legal limits for pesticide residues were based on good agricultural practices prevailing in individual countries, full acceptance of a higher recommended Codex limit deprived countries of the possibility of ensuring that good agricultural practice had, in fact, been followed in their country. He pointed out that, for this reason, his delegation favoured, apart from Full Acceptance, the concept of providing for an acceptance procedure limited to imported food as proposed by the Secretariat.

40. As it was desirable to secure as many full acceptances as possible, he was of the opinion that the Joint FAO/WHO Meeting on Pesticide Residues should be requested to base its recommendations on residue data covering the majority of cases, such as would result in the lowest possible recommended Codex limit, making better use of information obtainable from Codex Contact Points.

41. A number of delegations pointed out that provision had, in fact, been made in their national legislation for the residues of pesticides on imported crops not grown in their country and also for pesticide residues on crops both imported and also grown there, in full recognition of the good agricultural practices prevailing in producing countries, although the pesticides in question were not necessarily always registered for use in their agriculture. For this reason a form of acceptance limited to imports appeared to offer a solution.

42. The delegation of the Federal Republic of Germany and others pointed out that for some countries and in certain circumstances a dual system of maximum pesticide residue limits would not be possible.

43. The Committee noted that, unlike commodity standards and other general standards, acceptance of pesticide residue limits represented a special case which should not

necessitate that the same requirement be enforced for both home-produced and imported products. It was recognized for all other standards that discrimination would result if governments were to enforce different regulations on imported products than on domestic products. However, this principle did not apply to pesticide residue limits because the need for using different pesticides varied from country to country. Therefore, the proposed designation of "limited acceptance" applied singularly to pesticide residue limits, so that countries - where such action was permissible - could "accept" Codex limits for imported products while maintaining stricter limits for domestic products.

44. The Committee discussed the procedure for the acceptance of recommended Codex limits proposed by the Secretariat and adopted the text of "Full Acceptance" and "Target Acceptance" without amendment, together with the preamble to the various forms of acceptance. As regards "Limited Acceptance" the Committee adopted the proposed text with minor editorial amendments, noting that, while short of the ideal, it offered a method of acceptance which could be given a trial to see whether it would serve to facilitate the movement of food in international trade, while still offering protection to the health of the consumer.

45. With regard to section 6.B dealing with non-acceptance of recommended Codex limits, the Committee agreed to introduce a provision such as appears in section 4.B of the Acceptance of Codex Commodity Standards. It adopted the text proposed by the Secretariat with an amendment which allowed for a statement by non-accepting countries that foods complying with the recommended Codex limits would be permitted to be (a) distributed freely or (b) distributed under certain conditions specified by the country concerned.

46. The view was expressed that the Commission should aim at single (Codex) limits for pesticide residues in food and that the amendment to Section 6.B dealing with the non-acceptance of recommended Codex limits (which provided for the distribution of food complying with recommended Codex limits "under certain specified conditions"), might lead to difficulties for the exporting countries. On the other hand, it was pointed out that the above amendment would result in allowing a non-accepting country to state to what extent or under what conditions food which did not initially meet the national limit for pesticide residues could be marketed.

47. The Committee noted that the various procedures for the acceptance of recommended Codex limits related to residues of pesticides in food and not to their use in agriculture. In accepting the recommendations of the Commission a government was, therefore, in no way obliged to permit the use of a particular pesticide nor was it prevented from exercising any other form of control relating to its use. In this connection the Committee noted that, while environmental considerations (eg. protection of wildlife, background contamination with persistent pesticides, hazard to operators and population, etc.....) would undoubtedly play a part in a country deciding to exercise control over the use of pesticides, these fundamental issues would be considered by FAO and WHO and possibly the Commission in the light of the existing food and environmental monitoring programmes of these Organizations as well as the UN Environmental Programme. The full text of the acceptance procedure as adopted by the Committee is given in Appendix IV.

Review of (a) the Guide to the Consideration of Standards at Step 8 of the Codex Procedure and (b) Existing Practice in the Consideration of Standards at Step 5

(a)

48. The Committee considered the above Guide applicable to Codex Standards at Step 8 (Procedural Manual of the Codex Alimentarius Commission, 3rd Edition). Some delegations were of the opinion that, in order to ensure the orderly consideration of proposed amendments to Standards at Step 8, the Secretariat should not reproduce for distribution at a Commission session or report verbally on any proposed written amendments which were not received in a timely manner as set forth in para. 2 of the Guide. Nor should a Step 8 standard be placed on the Commission's agenda whenever time would not permit the Secretariat to comply fully with the said paragraph. In the opinion of these delegations, the Guide for the consideration of standards at Step 8 did not require any amendment but should be applied more rigorously.

49. The Chairman of the Committee pointed out that in considering this question it should be kept in mind that (i) some aspects of standards might not have been dealt with in sufficient depth in the opinion of some countries and (ii) the large membership of

the Commission did not allow for full participation at the Committee level, where technical and other aspects of standards were discussed.

50. On the invitation of the Committee, the Secretariat expressed the view that while the Guide was satisfactory, its implementation often presented problems resulting from factors outside the control both of Members of the Commission and the Secretariat. Sometimes also the Step 8 Procedure was used by governments as a last attempt to make their views known and it might even be considered desirable that such views be submitted to the Commission in writing for the information of the Commission.

51. It was pointed out by some delegations that many of the comments at Step 8 submitted by governments were not in the form of a proposed amendment. The view was also held that governments should not rely on the Step 8 Procedure to submit comments or to propose amendments, which should rather have been made at Steps 3 or 6 of the Codex Procedure.

52. The opinion was also expressed that the Commission should not proceed with any substantive amendment of a Codex standard at Step 8 if members did not have the opportunity to study the proposed changes prior to the session of the Commission.

53. The Committee noted the various statements made above and decided that the Guide for the consideration of Standards at Step 8 of the Codex Procedure did not require any amendment. It requested the Secretariat to include in appropriate notes to governments a reminder concerning the need to comply with the Step 8 procedure pointing out the consequences of failure to do so. It was understood that the Chairman of the Commission would exercise judgment in cases where amendments submitted by Members failed to comply with the Guide.

(b)

54. The Committee received a report by the Secretariat on the views expressed by governments in the various working documents on the existing practice regarding the consideration of standards by the Commission at Step 5 of the Procedure. In the opinion of the Secretariat, the present procedure which had been followed for a number of years had proved to be satisfactory, although it might indeed be desirable to simplify the work of the Commission by submitting to the Commission, for consideration, all standards at Step 5 which the Commission might, if no objections were raised during the session, advance en bloc.

55. The view was expressed by a delegation that the Executive Committee could be entrusted with the task of reviewing Step 5 standards and advancing them to Step 6 of the Procedure. The Secretariat pointed out in this connection that the role of the Executive Committee would not lend itself to consider technical matters having major commercial significance which might more appropriately be considered by the Commission.

56. The Committee decided not to make any changes in the existing practice in considering Step 5 standards but agreed that the proposal for an en bloc consideration of apparently uncontroversial Step 5 standards by the Commission could be given a trial.

Other business

57. With regard to the remaining subjects contained in the paper prepared by the French Government, namely, simplified standards, group standards, standards including several quality classes and multiple standards, the Committee expressed its thanks to the French delegation for the consideration it had given to these questions, and agreed that government comments should be invited as a basis for future discussion by the Committee. It was noted that group standards for fish products were already the subject of consideration in the Codex Committee on Fish and Fishery Products.

58. The delegation of Denmark drew attention to the question raised in the Danish paper concerning the "name and description laid down in the standard" in paragraph 4.A(i)(b) of the General Principles of the Codex Alimentarius. Some delegations thought the point raised might be resolved under the procedure for Acceptance with specified deviations. On the other hand, as the possible interpretations of the expression "name and description" also affected Full Acceptance, the matter could be referred to the Executive Committee.

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APPENDIX II

LIST OF WORKING DOCUMENTS FOR THE
FOURTH SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES

- CX/GP 74/1 - U.S.A. Recommendations for Modifying the General Principles of the Codex Alimentarius Commission governing the Procedure for Acceptance of Standards and other subjects to be considered at the 1974 Meeting of the Codex Committee on General Principles
- CX/GP 74/2 - Comments of Canada, Czechoslovakia and New Zealand on the Subject Matters to be discussed at the Fourth Session of the Codex Committee on General Principles
- CX/GP 74/3
CX/GP 74/3-Addendum
(Conf. Room Doc.) - Secretariat Paper on the Subject Matters to be discussed at the Fourth Session of the Codex Committee on General Principles
- CX/GP 74/4 - Comments of Denmark on the Subject Matters to be discussed at the Fourth Session of the Codex Committee on General Principles
- CX/GP 74/5 - Provisional Agenda
- CX/GP 74/6 - Paper by the Netherlands on the Acceptance Procedure of the Codex Alimentarius Maximum Residue Limits and Practical Residue Limits of Pesticides
- CX/GP 74/7 - Comments of the Democratic Republic of the Sudan on the Subject Matters to be discussed at the Fourth Session of the Codex Committee on General Principles
- CX/GP 74/8 - Comments by the French Government on Questions concerning the Acceptance of Standards
- CX/GP 74/9 - Australian Comments on Matters to be discussed by the Fourth Session of the Codex Committee on General Principles
- CX/GP 74/10 - Comments of the Federal Republic of Germany on the Items of the Agenda for the Fourth Session of the Codex Committee on General Principles
- CX/GP 74/11 (Conf. Room Doc.) - Comments of Italy on Subject Matters to be discussed at the Fourth Session of the Codex Committee on General Principles

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Acceptance of Codex Commodity Standards

4.A (iii) 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.

Procedure for the Elaboration of World-Wide Codex Standards

Insert the following after Step 9, as new Step 10:

"Step 10 1/

The Secretariat publishes periodically the notifications received from Governments with respect to each recommended standard".

Step 11

The recommended standard will be published in the Codex Alimentarius as a world-wide Codex standard when the Commission determines that it is appropriate to do so in the light of the acceptances received. The Codex Alimentarius will also contain 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 by any accepting country.

Procedure for the Elaboration of Regional Codex Standards

Insert the following after Step 9, as new Step 10.

Step 10 1/

The Secretariat publishes periodically the notifications received from Governments of the region concerned, and, if possible, by other Governments with respect to each recommended standard.

Step 11

The recommended standard will be published in the Codex Alimentarius as a Codex standard for the region concerned when the Commission determines it appropriate to do so in the light of acceptances received from within the region. The Codex Alimentarius will also contain an appendix for each Codex standard for the region concerned (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 by any accepting country.

1/ The Secretariat will examine deviations notified by governments and will report 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.

Step 12

The Codex standard will be published in the Codex Alimentarius as a world-wide Codex standard when the Commission determines that it is appropriate to do so in the light of all acceptances received. The Codex Alimentarius will also contain 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 by any accepting country.

APPENDIX IV

Acceptance of Codex Maximum Limits for Pesticide Residues

6.A A Codex maximum limit for pesticide residues (Codex Tolerance or Practical Residue Limit) 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 for Pesticide Residues 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 Pesticide Residues 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 for Pesticide Residues.

(ii) Limited Acceptance

Limited Acceptance of a Codex Maximum Limit for Pesticide Residues means that the country concerned undertakes not to hinder the importation of a food which complies with the Codex Maximum Limit for Pesticide Residues on that food by any legal or administrative provisions in the country concerned which relate to matters covered by the Codex Maximum Limit for Pesticide Residues, it being understood that in so undertaking the country concerned does not impose by the Codex maximum limit a more stringent maximum limit than is applied domestically.

(iii) Target Acceptance

Target Acceptance means that the country concerned indicates its intention to give Full Acceptance or Limited Acceptance to the Codex Maximum Limit for a pesticide residue after a stated number of years.

6.B A country which considers that it cannot accept the Codex Maximum Limit for Pesticide Residues in any of the ways mentioned above should indicate:

- (i) in what ways its present or proposed requirements differ from the Codex Maximum Limit for a pesticide residue, and, if possible, the reasons for these differences;
- (ii) whether products conforming to the Codex Maximum Limit may be distributed freely, or may be distributed under certain specified conditions, within its territorial jurisdiction in so far as matters covered by the Codex Maximum Limit are concerned.

6.C A country which accepts a Codex Maximum Limit for Pesticide Residues according to one of the provisions of paragraph 6.A should 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.

6.D Where, in an importing country, a food claimed to be in compliance with a Codex Maximum Limit for Pesticide Residues, 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 Amendement of Acceptance

7. The withdrawal or amendment of acceptance of a Codex standard or a Codex Maximum Limit for Pesticide Residues by a country shall be notified in writing to the Codex Alimentarius Commission's Secretariat who will inform all Members 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.

APPENDIX V

GUIDE FOR THE ACCEPTANCE WITH SPECIFIED DEVIATIONS OF CODEX COMMODITY STANDARDS 1/

For the purposes of the Codex Alimentarius, an acceptance with specified deviations of a Codex standard should not include deviations extending beyond the following:

- a) the use of styles and forms of packs additional to those specified in the standard provided those additions are described in complete detail;
- b) the use of packing media additional to those specified in the standard;
- c) the restriction of the use of additives specified in the standard, in full or in part, including levels of use, or the authorisation of other additives provided that such additions are included in Codex List A of Food Additives;
- d) the use of a name not provided for in the standard in accordance with local usage for an identical product;
- e) the imposition of supplementary labelling requirements currently in force in national legislation in the country concerned; and
- f) the use of methods of analysis and sampling other than Codex referee methods and not including methods specified in Codex standards for the purpose of defining or verifying particular essential composition and quality factors.

1/ The draft criteria set forth in this guide were suggested by a Working Party established during the Fourth Session of the Codex Committee on General Principles but see paragraph 22 of the Report of the Committee's session. The different views expressed on this subject are recorded in paragraphs 11 to 29 of the Report and the action recommended by the Committee is set out in paragraph 30.