

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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ALINORM 95/33

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Twenty-first Session

Rome, 29 June - 12 July 1995

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

Paris, France

25 - 29 April 1994

Note: This document incorporates Codex Circular Letter 1994/13-GP

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CX 4/10

CL 1994/13-GP

TO: - Codex Contact Points
- Participants in the 11th Session of the Committee on General Principles
- Interested International Organizations

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

SUBJECT: Distribution of the Report of the Eleventh Session of the Codex Committee on General Principles (ALINORM 95/33)

A. MATTERS FOR ADOPTION BY THE 21st SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Amendment to the Rules of Procedure

1. Amendment to provide that one-third of the Members of the Commission would constitute the necessary quorum to make recommendations for amendment of the Statutes and Rules of Procedure (para. 14, Appendix II).

Amendments to the Procedural Manual

2. Amendment to the **General Principles of the Codex Alimentarius** (Section D - Paragraph 8.) to add a reference to "other relevant information" besides "current scientific knowledge". This proposal also applies to paragraph 6. (f) **Duties and Terms of Reference** in Section G - **Guidelines for Codex Committees** (para. 31, Appendix IV).
3. Amendment to the **Guidelines for Codex Committees** in order to strengthen the transparency of the proceedings, to clarify working procedures and bring the text in line with current practice in Codex Committees (para. 42 to 45, Appendix IV).
4. Amendment to paragraph 6. **Duties and Terms of Reference** to add a subparagraph (b) on the safety and quality elements to be covered by the standards. This point will be subject to further review at a later date (para. 43, Appendix IV).
5. Amendment to the **Drawing up of Codex Standards and Related Texts** to recommend that standards should provide a brief description of their scope and purpose(s). This point will be subject to further review at a later date (para. 46, Appendix IV).
6. Amendment to Section J - **Relations between Commodity Committees and General Committees** to emphasize the horizontal aspects of the Commission's work, and especially the General Committees (para. 48-50, Appendix IV).

7. Modifications intended to harmonize terminology throughout the Procedural Manual (para. 51, Appendix V).

Governments and international organizations wishing to submit comments on the above documents should do so in writing to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Via delle Terme di Caracalla, 00100 Rome, Italy, **before 30 November 1994**.

B. REQUEST FOR COMMENTS AND INFORMATION

8. Proposals for review of a number of Sections in the Procedural Manual in order to address the mandate given by the Commission to the Committee to integrate science and other factors in the decision-making process (para. 27, Appendix III). Governments and international organizations wishing to submit comments on the above document should do so in writing to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Via delle Terme di Caracalla, 00100 Rome, Italy, **before 1 September 1994**.

SUMMARY AND CONCLUSIONS

The summary and conclusions of the 11th Session of the Codex Committee on General Principles are as follows:

Matters for adoption by the Commission:

The Committee:

- recommended that Rule IV.6 of the Rules of Procedure be amended to provide that one-third of the Members of the Commission would constitute the necessary quorum to make recommendations for amendment of the Statutes and Rules of Procedure (para. 14, Appendix II)
- agreed to revise the following sections of the Procedural Manual:
 - General Principles of the Codex Alimentarius (para. 31)
 - Guidelines for Codex Committees (paras. 42. to 46)
 - Relations between Commodity Committees and General Committees (para. 44, Appendix IV)
- agreed to a number of changes in order to harmonize the terminology used throughout the Manual (para. 51, Appendix V)

Other matters of interest to the Commission:

The Committee:

- agreed to continue its work on the integration of science and other factors in the Codex decision-making process and identified a number of sections of the Procedural Manual which would require amendments to address this issue (para. 26, Appendix III)
- agreed to consider the following matters in its future work:
 - strategic planning (para. 53)
 - relationship with Non Governmental Organizations (para. 55)
 - establishment of a General Policy for Food Safety (para. 58)
 - streamlining Codex elaboration/adoption procedures (para. 56)

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**REPORT OF THE ELEVENTH SESSION OF
THE CODEX COMMITTEE ON GENERAL PRINCIPLES**

OPENING OF THE SESSION (Agenda Item 1)

1. The Codex Committee on General Principles held its Eleventh Session in Paris, from 25-29 April 1994, by courtesy of the Government of France, under the chairmanship of Professor Jean-Jacques Bernier, President of the French National Codex Alimentarius Committee. The session was attended by 113 delegates from 30 member countries and 13 international organizations. A complete list of participants is attached as Appendix I to this report.

2. The Session was opened by Mr. Babusiaux, Director General of the Direction de la Concurrence de la Consommation et de la Répression des Fraudes, who welcomed the participants on behalf of the French Government and recalled that his administration followed the same objectives as Codex, namely to protect the health of the consumer and facilitate trade. He emphasized the importance of the horizontal approach and pointed out that Codex international standards were given recognition in the recommendations of the FAO/WHO International Conference on Nutrition and were referred to in the recently finalized GATT Agreements on the Application of Sanitary and Phytosanitary (SPS) Measures and Technical Barriers to Trade (TBT). He stressed the need to update standards and related texts so as to take into account the evolution of science and technology and increase transparency in order to improve consumers' confidence in the decision making process. While noting that the matters to be considered would be determining for the orientation of future Codex activities, he wished the delegates all success in their work.

ADOPTION OF THE AGENDA (Agenda Item 2)

3. The Committee had before it document CX/GP 94/1, the Provisional Agenda for the Session. At the request of the Delegation of the United States, the Committee agreed to consider the following matters under Agenda Item 8 - Other Business and Future Work :

- Long term planning
- The role of the Executive Committee
- Non-Governmental Organizations
- Streamlining the Elaboration/Adoption Process used for Codex Standards
- Establishment of a General Policy for Food Safety

The Chairman informed the Committee of the request of a representative of the Press (Food Chemical News) to attend the Session and the Committee agreed to such participation. In reply to a question, the Secretariat clarified the status of such an observer, whose participation would be limited to taking notes of the proceedings. The Committee noted that the question of press participation would be considered specifically under Agenda Item 7 -Revision of the Procedural Manual.

MATTERS OF INTEREST (Agenda Item 3)

a) **Matters of interest arising from FAO, WHO, the Codex Alimentarius Commission and other Codex Committees**

4. The Secretariat introduced document CX/GP 94/2, presenting the aforesaid matters of interest, and noted the action taken by the Committee on Fats and Oils regarding the format of commodity standards and the transfer of non-essential provisions to an advisory appendix. The Committee agreed that questions relating to the status and presentation of standards should be considered specifically under Agenda Item 7 - Revision of the Procedural Manual (Guidelines for Codex Committees), in order to provide the required guidance for the future work of commodity committees.

5. The Delegation of Brazil informed the Committee of the action taken in their country as a follow-up to the ICN with the creation of a National Council for Food Security. The Representative of WHO informed the Committee that a Circular Letter had been distributed to member countries drawing their attention to the implications of the SPS Agreement and the necessity for individual countries to justify any health protection measure more restrictive than the provisions of Codex texts.

b) Matters arising from activities of other international organizations

GENERAL AGREEMENT ON TARIFFS AND TRADE (GATT)

6. The Observer from GATT informed the Committee that the new World Trade Organization (WTO) was scheduled to come into operation on 1 January 1995 or as soon thereafter as possible, with the final date to be set by the Preparatory Committee currently working on the transition from GATT to WTO. The SPS and TBT Agreements would be applicable immediately, with the exception of some provisions for developing countries. The Committee noted that the SPS and TBT Agreements should henceforth be referred to as WTO Agreements, and that the General Agreement itself would remain as one of the WTO Agreements. In reply to a question on the work programme and procedures of the WTO, the Observer indicated that this was still under consideration, but that the new Organization would work in close cooperation with international organizations, and especially Codex, so as not to duplicate efforts. Delegates were provided with a paper explaining the SPS Agreements, copies of which are available from the GATT Secretariat.

INTERNATIONAL ORGANIZATION OF CONSUMERS' UNIONS (IOCU)

7. The Observer from IOCU noted that significant progress had been made recently to address consumers concerns at the level of Codex and informed the Committee that a regional office had been opened in Harare, Zimbabwe, in March 1994. The Committee was informed that African consumer organizations showed a great interest in Codex work and expressed their concern that the quality of Food Aid food should comply with Codex specifications; this matter had been brought to the attention of the concerned services in FAO and the World Food Programme.

EUROPEAN FREE TRADE ASSOCIATION (EFTA)

8. The Observer from EFTA informed the Committee of the developments regarding the establishment of the European Economic Area (EEA), which took effect on 1 January 1994, and indicated that the harmonization of the legislation in EFTA countries with the EC legislation had been completed. The Committee was further informed that certain EFTA countries had applied for membership of the European Union, which might significantly affect the future of EFTA.

REVIEW OF PROCEDURE FOR THE ADOPTION OF AMENDMENTS OF THE RULES OF PROCEDURE (Rule IV.6) (Agenda Item 4)

9. The Committee recalled that, failing the necessary quorum, the Commission, at its Twentieth Session in June 1993, was unable to adopt amendments to Rule II of the Rules of Procedure concerning the Chairman and Vice-Chairmen, the functions of the Coordinators and the nomination of interim Coordinators, in spite of the fact that there had been a general consensus in favor of these amendments. Consequently, the Commission requested its Legal Advisers to submit to the Committee on General Principles proposals to alleviate this situation in future.

10. The Committee recalled further that Rule IV.6 provides that: "The majority of the Members of the Commission shall constitute a quorum for the purposes of making recommendations for amendments to the Statutes of the Commission and of adopting amendments of, or additions to, the present Rules in accordance with Rule XIII.1...".

11. The Legal Advisers considered that the matter could be approached in two ways, i.e. either suppress entirely the special quorum for amending the Statutes or Rules of Procedure or, alternatively, decrease the quorum required. Given that a special quorum was imposed because of the importance of the rules to be amended, it seemed preferable to maintain this principle but to reduce the number of Members of the Commission required to constitute a quorum. Consequently, they had proposed that the quorum be reduced to one third of the membership.
12. There was general consensus that it would be preferable to maintain a special quorum. Many members were prepared to accept reducing the number of Members of the Commission required whilst, nevertheless, expressing their regret that this had become a practical necessity due to the expanded membership of Codex. However, a number of other members expressed the wish to seek an alternative proposal whereby the present quorum requirement could be maintained but combined with practical measures to allow the indirect participation in the vote by Members of the Commission unable to be present.
13. The Committee held a full exchange of views on the subject and requested the Legal Advisers to propose an alternative solution for its consideration. The alternative proposal put forward was to maintain the present quorum at a majority of the membership but to allow those Members not present to participate in the vote by correspondence within a period of six months following the session.
14. The Committee carefully considered all aspects of this question; several Delegations were favourable to the alternative proposal of the Legal Advisers but agreed to accept the majority opinion of the Committee whereby it was decided that a simple solution which would allow a decision to be taken at the session itself would be preferable. Therefore, it recommended that Rule IV.6 be amended to provide that one third of the Members of the Commission would constitute the necessary quorum to make recommendations for amendment of the Statutes and the Rules of Procedures. The Delegations of Brazil and Panama expressed their opposition to this decision; the Delegation of Brazil requested the establishment of viable measures to ensure the participation of developing countries in Codex work.
15. The Committee noted that in order to adopt the foregoing proposal at the next session of the Commission the present quorum requirement of a majority of the membership would be necessary. It requested the Secretariat to make every effort to ensure that the quorum be attained for the vote on this proposed amendment.
16. The draft amendment to Rule IV.6 contained in Appendix II to this report is submitted to the Commission for consideration.

CONSIDERATION OF THE ROLE OF SCIENCE IN THE CODEX DECISION-MAKING PROCESS, INCLUDING RISK ANALYSIS AND RISK ASSESSMENT: IMPLICATIONS ON RULES OF PROCEDURE AND ELABORATION PROCEDURES (Agenda Item 5)

17. The Committee had for its consideration documents CX/GP 94/4 *Consideration of the Role of Science in the Codex Decision-Making Process*, ALINORM 93/37 *Risk Assessment Procedures used by the Codex Alimentarius Commission and its Subsidiary and Advisory Bodies*, and Conference Room Documents (un-numbered) containing comments and proposals submitted by the Delegations of Finland and the United States and the Observers from the European Community, COMISA and IFGMA. The Secretariat in introducing the documents noted the background whereby the Commission at its 20th Session had requested the CCGP to consider developing guidance on how science and other factors should be considered for possible integration into its elaboration procedures and decision-making processes. Such other factors included legitimate consumer concerns, animal welfare, fraudulent or unfair trading practices, labelling and other ethical and cultural considerations while stressing the preeminence of science in Codex procedures (Report of the 20th Session of the CAC, ALINORM 93/40, paras. 158-159). The Secretariat had conferred with a small group of advisors in order to assist in the preparation of document CX/GP 94/4.

18. The Secretariat stressed that science had played an essential role in the development of Codex standards since the Commission's inception. For example, no provisions in Codex standards or related texts had been introduced or maintained when scientific advice indicated that the application of the provision would pose a risk to human health. Similarly, very many provisions relating to essential composition, quality and methods of analysis and sampling had been developed on a scientific basis. Consumer concerns and many other factors had also been taken into account in the formulation of standards. Since the March 1991 Conference on Food Standards, Chemicals in Food and Food Trade, efforts had been made to introduce principles of risk assessment and risk management into Codex decision-making procedures along the lines recommended in ALINORM 93/37. Document CX/GP 94/4 contained a brief summary, Committee by Committee, of the approaches taken in this area (para. 6).

Role of science and other factors

19. The Committee concentrated its attention on the Recommendations contained in document CX/GP 94/4, paras. 30-37, and considered especially the elements which should be taken into consideration in the elaboration of standards. Many Delegations expressed their disappointment that the Secretariat paper did not address the mandate given to the Committee to integrate science and other factors in the Codex elaboration procedures and decision-making process, although they recognized the role of science had been emphasized. The Delegation of Finland outlined the scope and application of the SPS and TBT Agreements. It was noted that the scope of the SPS measures was defined by the purpose of the measure and that where food was concerned, this included all measures taken with the view of minimizing risks to human health (additives, contaminants, disease-causing organisms). All such measures, whether standards, codes of practice or guidelines, established with this objective should be based on scientific principles, including risk assessment. The scope of the TBT Agreement was defined by the nature of the measures covered, such as technical regulations, standards and conformity assessment, which could apply to any purpose, whether technical, commercial, ethical or religious. Within the TBT Agreement, science was one factor among others to be taken into consideration.

20. Some delegations expressed their concern regarding the implications of the GATT SPS and TBT Agreements for Codex. It was noted that the notion of public health as understood in Codex was broader than the objectives defined in the SPS as protection of health against a number of specified risks, and encompassed other aspects which did not appear in the SPS text, such as nutrition labelling. It was pointed out that the work and purposes of Codex should not be confused with those of GATT, and that Codex would continue its work in its own field of competence according to its rules and objectives in cooperation with GATT in order to achieve their common purpose of international harmonization and facilitation of trade without jeopardizing consumers' health. Some Delegations while pointing out that Codex was a voluntary process whereby standards were adopted through consensus and accepted by governments, questioned whether its nature and procedures would be significantly affected by the GATT Agreements. If the Agreements were interpreted too strictly they could place on governments obligations which did not previously exist with regard to acceptance, and this might hinder the adoption process and prove detrimental to the overall efficiency and recognition of Codex work. Some other Delegations stressed the enhanced prominence for Codex resulting from the GATT SPS and TBT Agreements, as Codex was thus facing new opportunities and new challenges. It was important to develop Codex so that the opportunities would be seized and the challenges met.

20. The Committee had an exchange of views on the necessity and opportunity to establish a distinction between standards or provisions which were relevant to the SPS requirements, dealing essentially with safety and other standards of a technical nature; for some Delegations, it appeared however that the distinction was not always clear and the Committee did not come to a conclusion on this point.

21. The Observer from GATT indicated that the Committee on Sanitary and Phytosanitary Measures would establish a list of standards, guidelines and recommendations with a major trade impact and that WTO Members would indicate whether or not the SPS measures they applied to import were in conformity with such standards. If not, the WTO Member would be requested to indicate the reasons for

this. In order not to duplicate efforts, the SPS Committee could cooperate with Codex in the process and could rely on any work carried out by the Commission in this area. A number of delegations emphasized the necessity for Codex to take rapid action in order to develop standards consistent with the requirements set out in the framework of the SPS Agreement.

Proposed Amendments to the General Principles of the Codex Alimentarius Commission

23. The Committee considered the possible inclusion of an additional statement (3bis) in the General Principles of the Codex Alimentarius (as proposed in document CX/GP 94/4) reaffirming the fundamental principles for decision making.¹ The Committee had an extensive exchange of views on the inclusion of other factors, either through a general statement or through a list of specific factors to be considered. Several Delegations and the Observer from IOCU expressed the view that a general statement did not provide guidance on how to integrate legitimate consumers concerns in the decision making process, as discussed during the last session of the Commission, and the relevant factors should be clearly stated.

24. There was general consensus on the fact that standards should be based on a thorough review of all relevant information, as this statement was general enough to encompass scientific information and other aspects. It was also agreed that standards should promote fair trade practices, should not be more restrictive to trade than necessary to meet their legitimate objectives and should take into account technical and administrative aspects of implementation. Several proposals were put forward to complete the statement, as some delegations were of the view that the major "other aspects" should be listed explicitly (such as technological need, consumer acceptance, animal welfare). The Observer from the EC emphasized the importance of the assessment of technological need and benefit for consumers when considering the use of food additives.

25. Several delegations proposed to establish a distinction in the basis for standards according to the purpose of the text, proposing that food safety standards in the sense of the SPS Agreement should be based exclusively on scientific principles while there was no particular requirement for other texts in the nature of TBT measures. It was recognized that for other texts subject to the TBT Agreement science was one factor among others to be taken into consideration. Some Delegations expressed the view that such a distinction was too strict, and that other factors were also be taken into account where food safety was concerned. Most Delegations stressed that scientific considerations should generally be given precedence, and that moreover the orientation taken should remain consistent with the Statutes and mandate of the Commission. It was also pointed out that a number of considerations, such as ethical and cultural concerns, were best addressed at the national level.

26. In view of the difficulties in arriving at an agreed statement on the means by which science and other factors needed to be taken into account in the elaboration of Codex standards and related texts (proposed para. 3bis), the Committee established an informal working group to consider the different options presented during the debate. The Working Group however came to the conclusion that in view of the problems raised during the discussion on this particular point, a thorough consideration of this matter would entail a comprehensive review of a number of sections in the Procedural Manual. After an exchange of views on the opportunity to continue during the current session the review of any amendments which might be required to address the mandate given by the Commission, the Committee agreed that the Working Group should continue its task presently with the assistance of the Secretariat, in order to identify the sections of the Manual to be revised and the objectives and outline of the revision.

27. The Secretariat presented the proposals of the Working Group (Australia, Canada, Finland, France, Japan, Netherlands, United States, EC) which indicated a list of sections potentially affected in the Procedural Manual, as presented in Appendix III to the present report. The Delegation of the Netherlands

¹ A number of Conference Room Documents were tabled during this debate. These proposals were made by Canada, Finland, France, Netherlands, EEC, IFGMA.

expressed its view that such a detailed revision might be too extensive and that its purpose might be achieved as effectively by setting general principles for the elaboration of standards, as presented in its position document distributed to the Committee. After a brief discussion of the proposals of the Working Group, the Secretariat indicated that the following procedure would be followed: on the basis of the recommendations and discussions of the Committee, the Secretariat would prepare a draft revision of the relevant sections in the Manual, circulate it for government comments, and redraft them in final form for consideration by the next session of the Committee. Several Delegations expressed the view that this possible review should take into account the impact of the SPS and TBT Agreements on the conditions of adoption and acceptance of Codex standards and related texts after thorough consideration of the conditions for the implementation of the Agreements. The Committee felt that in order to present proposals to the Commission as soon as possible, another session of the Committee would be required before the next session of the Commission; the Chairman and the Secretariat took note of the wish of the Committee and indicated that they would consider the feasibility of this proposal, though no final reply could be given at this stage.

Revision of Codex Standards (paras. 34 to 37)

28. The Secretariat presented the proposals contained in document CX/GP 94/4 regarding the updating and expiration of standards and related texts. There was a large measure of consensus on the need for transparency and stricter disciplines with respect to procedures.

29. The Committee agreed that reference should be made to "standards and related texts" everywhere so that no confusion should arise and the text was modified accordingly. The Committee further agreed that it was not necessary to repeat that the texts were intended for the protection of the consumer and the facilitation of trade, as this was the Codex mandate.

30. A number of delegations felt that the Committee should consider carefully the implications of the automatic expiration clause, which might deprive Codex of legal references and reduce the scope of its activities, as standards which had been in existence for a long time could still be very widely used in international trade or as the basis for national regulations. Some delegations also drew the attention of the Committee to the practical difficulty of achieving regular revision of all standards as an alternative to automatic expiration. It was proposed to replace this provision with a request for automatic review, but this appeared to create some difficulties. The Committee therefore agreed not to add to the Manual the proposed paragraph 9 on "automatic expiration", and to retain the current system allowing for revision on a case by case basis, as determined by the relevant committee.

31. As there was a large consensus on the need to take into account other aspects besides scientific evidence, the Committee agreed to add in paragraph 8 a reference to "other relevant information" whenever "current scientific knowledge" was mentioned, to allow for a general consideration of these factors in the review process. This decision also applied to paragraph 6. (f) Duties and Terms of reference.

32. The proposed revisions are contained in Appendix IV to this report.

Risk Assessment/Risk Analysis and Transparency

33. Some Delegations raised the questions of the working procedures of the Expert Groups (JECFA and JMPR) and the Observer from the EC indicated that they had presented suggestions on this matter in their comments paper.

34. In reply to a number of questions the Secretariat recalled that it was not in the power of Codex to alter the status and working procedures of the expert groups, as these were governed by the General Rules of FAO and WHO. It was also pointed out that geographical representation was carefully taken into account in the selection of experts and that the meetings of expert groups for a biennium were announced well in advance. The Representative of WHO indicated that according to WHO rules, only JECFA (but

not JMPR) had the status of an Expert Committee and that reports of Expert Committees were presented to the WHO Executive Board for review.

35. The Committee proposed that the Commission should advise FAO and WHO of the desire of this Committee that a greater transparency should be incorporated into the working procedures of expert groups, including *ad hoc* groups, in the procedures for the selection of experts, and in ensuring adequate geographical distribution among the experts appointed to these groups.

36. Some Delegations indicated that better communication should be sought so that the public should be better acquainted with the work of the expert committees. It was also pointed out that the difficulty did not lay with the risk assessment at the level of the expert groups, but with the risk management entrusted to Codex committees, and the specific difficulties encountered by the Committee on Pesticide Residues were noted in this respect.

37. The Observer from IOCU stressed the need for public confidence to be developed through better information and expressed the view that procedures might need to be modified to achieve this purpose.

38. The Committee could not come to a decision at this stage on proposals related to risk assessment and it was agreed that new proposals dealing with this issue would have to be prepared for the next session of the Committee. These would be integrated in the general review of the Procedural Manual agreed upon by the Committee (see para. 27).

MEMBERSHIP OF REGIONAL ECONOMIC GROUPINGS IN THE CODEX ALIMENTARIUS COMMISSION (Agenda Item 6)

39. At its Tenth Session, the Committee had before it proposed amendments to allow the Rules of Procedure of the Codex Alimentarius Commission which had been prepared to allow the admission of Regional Economic Integration Organizations to the Commission. The proposed amendments were modelled on the changes made to the Constitution of FAO which resulted in the membership of the European Economic Community (EEC) in FAO. The Committee took no action on the proposals other than to request that the matter be placed on its present agenda. It stated that "In the meantime, the EEC would prepare specific proposals for discussion with the FAO and WHO Secretariats" (ALINORM 93/33, paragraphs 19-27). The Committee was informed (see CX/GP 94/5) that such proposals had not been prepared and that therefore the item had been withdrawn from discussion.

REVISION OF THE PROCEDURAL MANUAL: GUIDELINES FOR CODEX COMMITTEES, RELATIONS BETWEEN CODEX COMMODITY COMMITTEES AND GENERAL SUBJECT COMMITTEES AND OTHER RELATED ASPECTS (Agenda Item 7)

40. The Committee had before it document CX/GP 94/6, prepared by the Secretariat following discussions at the Committee's Tenth Session (See ALINORM 93/33, para. 53) on the above subject. Also available to the Committee was a document containing proposals to harmonize the terminology used throughout the Procedural Manual, as had been requested by the Committee at its previous Session (CX/GP 94/6-Add.1).² The Committee noted that the proposals contained in the present documents were intended to strengthen the horizontal aspects of the Commission's work, harmonize terminology, and otherwise bring the text of the Procedural Manual into line with current practices. Proposals related to the integration of science and other factors into the Commission's procedures and decision-making processes were dealt with elsewhere (see discussions under Item 5, paras. 27-38).

² The versions of this paper in English, French and Spanish vary one from another according to the different usages in terminology in the different language versions of the Procedural Manual. There was a Corrigendum to the English Version of CX/GP 94/6-Add.1.

41. After discussion, the Committee adopted the proposals presented to it concerning the Guidelines for Codex Committees, Relations between Codex Commodity Committees and General Subject Committees and other related aspects, with some minor amendments. These proposals, submitted to the Commission for adoption, are contained in Appendix IV to the present report. During the discussions, a number of points were made concerning certain items and these are detailed in the following paragraphs.

(a) Guidelines for Codex Committees

Secretariat

42. The Committee agreed that responsibility for the preparation of the draft report had been, for some time, the joint responsibility of the Host Government Secretariat and the FAO/WHO (Codex) Secretariat and agreed to specify this in the text.

Duties and Terms of Reference

43. The proposed inclusion of a new sub-paragraph 6(b) was generally welcomed but the Committee noted that the wording of the sub-paragraph may have to be changed in light of final changes made to integrate science and other factors into the Commission's procedures and decision-making processes. The sub-paragraph was placed in square brackets.

Organization of Work

44. Several Delegations expressed concern that the proposed text specifying that *ad hoc* working groups should be disbanded once they had completed their assigned tasks, was overly restrictive. It was considered that such working groups offered a flexible and efficient way of accelerating the Commission's work programme. Other Delegations felt that the use of working groups to accomplish the Commission's work created problems of transparency and posed difficulties in ensuring equitable participation, especially by small delegations. In this regard it was pointed out that the holding of working group meetings concurrently with plenary Committee sessions seriously disadvantaged smaller delegations. The Committee amended the section to indicate that Codex Committees should decide when an assigned task had been completed.

Conduct of Meetings

45. The Committee noted that the text provided by the Secretariat had been prepared in response to the request of the Commission to open Codex work to the public and to the press to the greatest extent possible. Although some concerns were expressed that the changes proposed would lead to a restriction of free and frank discussions at Committee sessions, especially on sensitive issues, the Committee agreed to recommend the changes to the Commission.

Drawing up of Codex Standards and Other Texts

46. The Committee, while noting that the matter was strongly related to the **Format of Codex Standards**, which was still under discussion within the context of the consideration of how to integrate science and other factors into the Commission's procedures and decision-making processes, agreed to recommend the inclusion of a requirement (new sub-paragraph 12(b)(ii)) that standards should provide a brief description of the standards' scope and purpose(s). This text was placed in square brackets. The Committee also agreed to simplify even further sub-paragraph (c) of the same Section.

47. The Committee recalled that the Codex Committee on Fats and Oils had included an statement to the effect that certain quality and compositional provisions of a non-regulatory nature had been transferred to an advisory Appendix, and that this Appendix did not form part of the Standard (See CX/GP 94/2, Part C.3). The Committee agreed that such an approach was in conformity with the

recommendation made at its last Session (ALINORM 93/33, paras. 67-68) but that this approach should be used with prudence in determining which provisions to transfer to such advisory texts. It was also noted that it was possible to transfer such material to other advisory texts such as Codes of Practice.

(b) Relations between Commodity Committees and General Committees

48. The Committee agreed to the texts proposed aimed at emphasizing the status of the horizontal work carried out by the Commission's "General Subject" Committees. Reference to the Joint ECE/Codex Alimentarius Group of Experts on Standardization of Quick Frozen Foods was, however, deleted as it was not clear as to how procedures could be established to allow Codex Committees to request its advice and guidance as it had adjourned *sine die*.

49. The Committee decided not to endorse, for the time being, the recommendation to delete the section in the Procedural Manual concerning **Food Additives**. Instead, it requested clarification from the Committee on Food Additives and Contaminants on how it proposed Commodity Committees would be able to interact with the responsible General Committee within the framework of the Draft General Standard for Food Additives in the course of elaboration.

50. The Committee agreed that the comprehensive statements of Codex policy currently entitled "4. Instructions to Codex Committees" (selection of methods of analysis, sampling protocols, establishment of microbiological criteria for foods, and guidelines on the inclusion of provisions on nutritional quality in food standards and other Codex texts) belonged more correctly in the *CODEX ALIMENTARIUS* itself than in the Procedural Manual. It requested the Committees responsible for the development of these texts to review them and rephrase them in a way which would give them general applicability. However, until such time as general statements of policy suitable for inclusion in the *CODEX ALIMENTARIUS* were elaborated, the texts should be retained in the Procedural Manual under the general heading "**Guidelines for the Inclusion of Specific Provisions in Codex Standards and Related Texts**".

(c) Other aspects

51. As requested by the Committee at its previous session, the Secretariat had prepared a document proposing a number of modifications intended to harmonize the terminology used in the Procedural Manual. The Committee recommended the adoption by the Codex Alimentarius Commission of the proposals which are attached to this Report as Appendix V. Delegations were requested to inform the Secretariat at their earliest convenience of any modifications of terminology which may have been overlooked.

OTHER BUSINESS (Agenda Item 8)

52. The Delegation of the United States introduced a Conference Room Document containing suggested topics for further study by the Codex Alimentarius Commission. These topics related to long-term planning; the role of the Executive Committee; interaction with non-governmental organizations; streamlining the elaboration/adoption process used for Codex standards; and establishing a general policy on food safety.

Long-term (Strategic) Planning

53. Delegations generally welcomed the concept of introducing strategic planning into the Codex process. It was noted that the Executive Committee would be considering specific proposals at its 41st Session, June 1994. It was recognized that the introduction of a strategic planning process into Codex might have implications for the Committee on General Principles in view of possible changes which would be required to the Procedural Manual. The Committee indicated its willingness to undertake any work which would be necessary to introduce the strategic planning concept into the Codex procedures.

Role of the Executive Committee

54. The Committee recognized the important role played by the Executive Committee in the management of Codex work. Several Delegations were therefore hesitant to recommend changes to its terms of reference. It was noted that the role of the Executive Committee had been discussed thoroughly in recent years, and that a number of changes made to ensure that the Members of the Commission would have continuing confidence in the elected members of the Executive Committee during their terms of office. Some Delegations expressed the view that the balance between the authority of the Executive Committee and the rights of Members of the Commission had to be maintained. The Representative of IOCU reiterated that organization's request for the right of consumers' representatives to be present as observers at meetings of the Executive Committee.

Non-Governmental Organizations

55. The Committee welcomed the general trend in Codex towards a more constructive relationship between non-governmental organizations, especially those representing consumers' interests. It particularly welcomed the idea of the designation of a liaison point within the Codex Secretariat to act as a contact point with environmental and consumers' organizations, and asked the Secretariat to consider how this might be done. It was noted that a paper on integrating consumers' interests into Codex work had been recently discussed by the Commission, however the Representative of IOCU also welcomed the idea of the preparation of a paper containing options to improve the effectiveness of relationships and offered to prepare the first draft of such a paper.

Streamlining the Elaboration/Adoption Process Used for Codex Standards

56. The Committee noted that a number of changes had recently been adopted with a view to providing for a streamlined and accelerated elaboration process. The Secretariat however noted that most delays in the development of standards occurred at Committee level and were probably not related to procedures. Nevertheless, the Committee agreed to study to possibility of introducing alternative procedures for obtaining consensus on draft standards at the various stages of the elaboration/adoption process, and requested the Secretariat to conduct a survey of the procedures used by other standardizing organizations such as the International Telecommunication Union, the International Organization for Standardization and the International Electrotechnical Commission.

57. A number of Delegations expressed the opinion that the potential of Codex response to emergency situations was limited. The Committee also considered the need to take rapid action to reconsider Codex Standards or related texts when new scientific information questioning the safety of the standard became available. A number of Delegations stated that the accelerated procedure could be used, but that perhaps even more rapid response would be needed. One Delegation particularly drew attention to the failure to reconsider the Maximum Residue Limits for Pesticide Residues of pesticides for which the Acceptable Daily Intake had been significantly reduced.

Establishment of a General Policy for Food Safety

58. The Committee generally welcomed the proposal for the development of such a Policy and noted that the subject was closely linked to the discussions which had taken place under Agenda Item 5. Some Delegations expressed the view that the scope of the proposal was too narrow and that the development of a general policy on other aspects of Codex work should be considered.

Statement by the Delegation of the Slovak Republic

59. The Delegation of the Slovak Republic informed the Committee about developments in relation to the establishment of a new Food, Tobacco Products and Cosmetics Law in the Republic. The

Committee was pleased to note that Codex Standards had been used, among other sources, for the development of regulations under the new law.

DATE AND PLACE OF THE NEXT SESSION (Agenda Item 9)

60. In view of the need to complete the review of Codex Procedures to integrate science and other factors in the decision-making process (see Agenda Item 5, above), the Committee welcomed the suggestion that a further meeting might be held before the next Session of the Commission in July, 1995. The Committee was informed that the Joint FAO/WHO Secretariat and the Host Government would consider arrangements for holding such a Session at a date and place to be decided. It noted that the constraints on the Codex Programme's budget might require the postponement of one other Codex Committee meeting scheduled for 1995.

SUMMARY STATUS OF WORK

Subject Matter	Step	Action by	Document Reference in ALINORM 95/33
Amendment of the Rules of Procedure		Governments 21st CAC	para. 14 Appendix II
Revision of the Procedural Manual: - General Principles of Codex - Guidelines for Codex Committees - Relations between Committees - Terminology		Governments 21st CAC	para. 31 para. 42 to 46 Appendix IV para. 44 para. 51, Appendix V
Review of the Manual to integrate science and other factors in the decision-making process		Secretariat Governments 12th CCGP	para. 26 Appendix III

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DRAFT AMENDMENT TO RULE IV.6 OF THE RULES OF PROCEDURE

"Rule IV.6. One third of the Members of the Commission shall constitute a quorum for the purposes of making recommendations for amendments to the Statutes of the Commission and of adopting amendments of, or additions to, the present Rules in accordance with Rule XIII.1. For all other purposes the majority of the Members of the Commission attending a session shall constitute a quorum, provided that such a majority shall not be less than 20 percent of the total membership of the Commission, nor less than 25 Members. In addition, in the case of amendment or adoption of a proposed standard for a given region or group of countries, the quorum of the Commission shall include one third of the Members belonging to the region or group of countries concerned."

PROPOSED DRAFT AMENDMENTS TO THE PROCEDURAL MANUAL
INTEGRATION OF SCIENCE AND OTHER FACTORS INTO CODEX ELABORATION
PROCEDURES AND DECISION-MAKING PROCESSES

LIST OF SECTIONS POTENTIALLY AFFECTED

A. STATUTES OF THE CODEX ALIMENTARIUS COMMISSION

None.

B. RULES OF PROCEDURE

Rule VI: A new rule could be included to specify that subject to other provisions in this Rule (e.g., provision for use of the secret ballot), when a vote is taken concerning the adoption of a draft standard, those Members voting against the standard should clearly state their reason(s) for doing so. This objective could be more easily achieved by modifying the "Guide to Consideration of Codex Standards at Step 8 of the Procedure" (See below).

PM 8th ed. page 15

Keywords: science, level of protection, legitimate objectives

C. ELABORATION PROCEDURES

Part 1 - Uniform (Regular) Procedure

Introduction, para. 1: Reference is made to the "Criteria for the Establishment of Work Priorities, etc" which could be amended, or else (preferably) add "Following a review of all relevant information". The Criteria would need to be expanded in any case to give an indication of the nature of the most relevant types of information.

PM 8th ed. page 25

Keywords: Science, risk analysis, other factors

Introduction, paras. 2 and 4: Extension of the list of "appropriate information" to be taken into consideration.

PM 8th ed. page 26

Keywords: Science, risk analysis, other factors

Steps 1,2 and 3: (1) Either the "Criteria for the Establishment of Work Priorities, etc" should be amended, or else (preferably) add "Following a review of all relevant information".

PM 8th ed. page 27

Keywords: Science, risk analysis, other factors

Steps 1, 2 and 3 (3), 5 and 6: The current text requests statements of economic interest and consideration of these statements. This could be extended to "economic interest and other factors".

PM 8th ed. page 28-29

Keywords: science, other factors, transparency

Step 8: A complete text concerning the adoption procedure could be included which would include statements by Members of the potential acceptability of the standard; reasons for opposing or voting against adoption of a standard.

PM 8th ed. page 29

Keywords: science, risk analysis, level of protection, legitimate objectives, other factors, national considerations

Part 2 - Accelerated Procedure

Parallel amendments to those above.

PM 8th ed. page 30-31

Part 3 - Subsequent (Acceptance) Procedure

Include a provision for the tabulation and publication of reasons why standards have not been accepted.

PM 8th ed. page 32, 2nd para

Keywords: science, level of protection, legitimate objectives, transparency, other factors, national considerations

GUIDE TO THE CONSIDERATION OF STANDARDS AT STEP 8 OF THE PROCEDURE

There is considerable scope in this section for heavy revision laying out the principles concerning the **adoption** of standards, including the prior notification of why adopted standards may not be accepted or applied at the national level and the nature of arguments which can be introduced or considered depending on the nature of the standard under discussion.

PM 8th ed. page 34/35

Keywords: science, risk analysis, level of protection, legitimate objectives, transparency, other factors, national considerations

CONSIDERATION OF RISK ANALYSIS AND MANAGEMENT PRINCIPLES (New)

There is need for a new Chapter laying out the procedures integrating risk analysis and management principles into the Codex decision-making process and outlining the responsibilities of the Committees concerned.

D. GENERAL PRINCIPLES OF THE CODEX ALIMENTARIUS

Nature of Codex Standards: Potential inclusion of a statement regarding the factors taken into account when developing standards (3 bis).

PM 8th ed. page 40

Keywords: science, risk analysis, transparency, other factors

Acceptance of Codex Commodity Standards: Strengthening of para. 4.B.(ii) on non-acceptance. It may be useful to prepare a simple and direct statement about **acceptance** stating that Members may accept standards, accept them with specified deviations or not accept them. It may be appropriate to indicate that standards which have the stated intention of protecting the consumers' health can only be accepted or not accepted as the case may be.¹ Then should follow **immediately** the statement that Members should provide information on why they are unable to accept or why they wish to apply a specified deviation. The descriptions of the different modes of acceptances are largely repetitive can be condensed into a series of "definitions".

¹ See the current texts relating to Pesticide and Veterinary Drug Residues (PM 8th ed. pages 44-46). If an MRL is set at 50 mg/kg, the application of a national MRL at 25 mg/kg constitutes non-acceptance, not a specified deviation. Similarly, food additives usage may be set at an established level, and the application of a different level would constitute non-acceptance.

PM 8th ed. page 40-46

Keywords: science, risk analysis, other factors, legitimate objectives, level of protection, transparency, national considerations

Revision of Codex Standards and Related Texts: New paragraph 8 agreed to by 11th CCGP.

PM 8th ed. page 46

E. GUIDELINES FOR THE ACCEPTANCE PROCEDURE FOR CODEX STANDARDS

This is an informal text aimed at helping governments to understand the acceptance procedure and national obligations once statements of acceptance have been made. It provides an excellent opportunity to outline the relationship between "Acceptance" under the General Principles of Codex and the obligations of the WTO Agreements. Complete rewriting will be necessary.

PM 8th ed. page 47-55

F. DEFINITIONS FOR THE PURPOSE OF CODEX ALIMENTARIUS

Possible inclusion of definitions for "public health", "food safety", "deceptive trade practices", "risk analysis", etc.

PM 8th ed. page 57-61

G. GUIDELINES FOR CODEX COMMITTEES

Duties and Terms of Reference: New text for the revision of standards.

PM 8th ed. page 67
Agreed by 11th CCGP

I. FORMAT OF CODEX [COMMODITY] STANDARDS

There is potential for combining this section with the Section on the **DRAWING UP OF STANDARDS AND RELATED TEXTS** and incorporating instructions to Codex Committees to consider "all relevant information", to include a statement of purpose(s) of the standard.

PM 8th ed. page 74/75 and 81-85: CX/GP 94/6 para 17

Keywords: science, other factors, risk analysis, transparency, legitimate objectives

CRITERIA FOR THE ESTABLISHMENT OF WORK PRIORITIES ...

There is potential for considerable revision and restructuring of this section to indicate the degree to which food safety is the object of the standards and which degree other science-based legitimate objectives and other objectives are being pursued.

PM 8th ed. page 87-89

Keywords: science, other factors, risk analysis, transparency, legitimate objectives

REVISION OF THE PROCEDURAL MANUAL:
PROPOSED AMENDMENTS TO THE GENERAL PRINCIPLES OF THE CODEX
ALIMENTARIUS, GUIDELINES FOR CODEX COMMITTEES AND RELATIONS
BETWEEN CODEX COMMODITY COMMITTEES AND GENERAL COMMITTEES
(Proposals arising from Item 5 and Item 7)

GENERAL PRINCIPLES OF THE CODEX ALIMENTARIUS
(Procedural Manual, Section D)

Revision of Codex Standards (New text)

8. 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.

A. GUIDELINES FOR CODEX COMMITTEES

Introduction

1. By virtue of Article 7 of the Statutes of the Codex Alimentarius Commission and Rule IX.1(b)(4) of its Rules of Procedure, the Commission has established a number of Codex Committees to prepare standards in accordance with the Procedure for the Elaboration of Codex Standards and Coordinating Committees to exercise general coordination of its work in specific regions or groups of countries. The Commission has specified for each Codex Committee whether the standards are to be world-wide or for a given region. The Rules of Procedure of the Commission shall apply, *mutatis mutandis*, to Codex Committees and Coordinating Committees.¹

Composition of Codex Committees

Membership

2. Membership of Codex Committees ~~elaborating world-wide standards~~ is open to Members of the Commission who have notified the Director-General of FAO or WHO of their desire to be considered as members thereof or to selected members designated by the Commission. Membership of Regional Coordinating Committees ~~and Codex Committees established to elaborate regional or group of countries standards~~ is open only to Members of the Commission belonging to the region or groups of countries concerned.

¹ Proposed additions are underlined; proposed deletions are ~~struck out~~.
[Text] is subject to further review (see para. 27).

Organization and Duties

Chairmanship

5. A member country to which a Codex Committee has been assigned is responsible for providing all conference services including the secretariat. The secretariat should have adequate ~~stenographic and typing~~ administrative support staff able to work easily in the languages used at the session and should have at its disposal adequate typing word processing and document reproducing equipment. Interpretation, preferably simultaneous, should be provided from and into all languages used at the session, and if the report of the session is to be adopted in more than one of the working languages of the Committee, then the services of a translator should be available. The Committee secretariat and the Joint FAO/WHO (Codex) Secretariat ~~is~~ are charged with the preparation of the draft report in consultation with the rapporteurs, if any. ~~Where necessary, assistance will be given by the representatives of FAO and WHO attending the meeting in the drafting of the report.~~

Duties and Terms of Reference

6. The duties of a Codex Committee shall include:

- (a) the drawing up of a list of priorities as appropriate, among the subjects and products within its terms of reference,
- [(b) consideration of the types of safety and quality elements (or recommendations) to be covered, whether in standards for general application or in reference to specific food products,]
- (c) consideration of the types of product to be covered by standards, e.g., whether materials for further processing into food should be covered,
- (d) preparation of draft Codex standards within its terms of reference,
- (e) reporting to each session of the Commission on the progress of its work and, where necessary, on any difficulties caused by its terms of reference, together with suggestions for their amendment,
- (f) the review and, as necessary, revision of existing standards and related texts on a scheduled, periodic basis to ensure that the standards and related texts within its terms of reference are consistent with current scientific knowledge and other relevant information.

SESSIONS

Invitations and Provisional Agenda

7. (a) Sessions of Codex Committees and Coordinating Committees will be convened by the Directors-General of FAO and WHO in consultation with the chairman of the respective Codex Committee. ~~The chairman concerned should send drafts of~~ The letter of invitation and provisional agenda shall be prepared by ~~to~~ the Chief, Joint FAO/WHO Food Standards Programme, FAO, Rome, in consultation with the chairman of the committee for issue by the Directors-General to all Members and Associate Members of FAO and WHO or, in the case of Coordinating Committees, to the countries of the region or group of countries concerned, Codex Contact Points and interested international organizations

in accordance with the official mailing lists of FAO and WHO. ~~Draft invitations and the Provisional Agenda should be sent to FAO at least three months before the date of the meeting.~~ Chairmen should, before submitting finalizing the drafts, inform and consult with the national Codex Contact Point where one has been established, and, if necessary, obtain clearance from the national authorities concerned (Ministry of Foreign Affairs, Ministry of Agriculture, Ministry of Health, or as the case may be). ~~If the Directors-General wish to propose amendments, the chairman of the Committee concerned should be consulted before these are made.~~ The draft invitation and Provisional Agenda ~~submitted by the chairman~~ will be translated and distributed by FAO/WHO ~~into~~ in the working languages of the Commission at least four months before the date of the meeting.

- (b) Invitations ~~will be issued in the working languages of the Commission and drafts~~ should include the following:
- (i) title of the Codex Committee,
 - (ii) time and date of opening and date of closing of the session,
 - (iii) place of the session,
 - (iv) languages to be used and arrangements for interpretation, i.e., whether simultaneous or not,
 - (v) if appropriate, information on hotel accommodation,
 - (vi) request for the names of the chief delegate and other members of the delegation, and for information on whether the chief delegate of a government will be attending as a representative or in the capacity of an observer.

Replies to invitations will normally be requested to be sent to reach the chairman as early as possible and in any case not less than 30 days before the session. A copy should be sent also to the Chief, Joint FAO/WHO Food Standards Programme, FAO, Rome. It is of the utmost importance that by the date requested a reply to invitations should be sent by all those governments and international organizations which intend to participate. The reply should specify the number of copies and the language of the documents required.

- (c) The Provisional Agenda should state the time, date and place of the meeting and should include the following items:
- (i) adoption of the agenda,
 - (ii) if considered necessary, election of rapporteurs,
 - (iii) items relating to subject matter to be discussed, including, where appropriate, the step in the Commission's Procedure for the Elaboration of Standards at which the item is being dealt with at the session. There should also be reference to the Committee papers relevant to the item,
 - (iv) any other business,
 - (v) consideration of date and place of next session,
 - (vi) adoption of draft report.

The work of the Committee and the length of the meeting should be so arranged as to leave sufficient time at the end of the session for a report of the Committee's transactions to be agreed.

Organization of Work

8. A Codex or Coordinating Committee may assign specific tasks to countries, groups of countries or to international organizations represented at meetings of the Committee and may ask member countries and international organizations for views on specific points. Ad hoc working groups established to accomplish specific tasks shall be disbanded once the tasks have been accomplished as determined by the Committee. Reports of ad hoc working groups shall be distributed to all members of the Committee and

observers in time to allow full consideration of the working groups' recommendations. A Codex or Coordinating Committee may not set up formal standing sub-committees, whether open to all Members of the Commission or not, without the specific approval of the Commission.

9. (e) Committee chairmen should assign Consecutive reference numbers in suitable series should be assigned to all documents of Codex Committees. (End of the paragraph unchanged).

Conduct of Meetings

10. (a) Meetings of Codex and Coordinating Committees shall be held in public ~~apart from formal opening proceedings, should be open only to accredited delegates and observers and to members of the secretariat and its ancillary staff~~ unless the Committee decides otherwise. Member countries responsible for Codex and Coordinating Committees shall decide who should open meetings on their behalf. The chairman should invite observations from members of the Committee concerning the Provisional Agenda and in the light of such observations formally request the Committee to adopt the Provisional Agenda or the amended agenda. Meetings should be conducted in accordance with the Rules of Procedure of the Codex Alimentarius Commission. Attention is particularly drawn to Rule VI.7 which reads: "The provisions of Rule XII of the General Rules of FAO shall apply mutatis mutandis to all matters which are not specifically dealt with under Rule VI of the present Rules." Rule XII of the General Rules of FAO, a copy of which will be supplied to all chairmen of Codex and Coordinating Committees, gives full instructions on the procedures to be followed in dealing with voting, points of order, adjournment and suspension of meetings, adjournment and closure of discussions on a particular item, reconsideration of a subject already decided and the order in which amendments should be dealt with.

Reports

(c) ~~The secretariat of a Codex committee~~ Joint FAO/WHO Secretariat should ensure that, as soon as possible and in any event not later than one month after the end of the session, copies of the final report, as adopted, are sent to all participants, and all Codex Contact Points ~~and to the Chief, Joint FAO/WHO Food Standards Programme, FAO, Rome, who should receive 20 copies in each language used at the session.~~

Drawing-up of Codex Standards and Related Texts

12. A Codex committee, in drawing up standards and related texts, should bear in mind the following:

(a) The guidance given in the General Principles of the Codex Alimentarius;

(b) that all standards and related texts should have a preface containing the following information:

- (i) the description of the standard or related text,
- (ii) [a brief description of the scope and purpose(s) of the standard or related text,]
- (iii) references including the step which the standard or related text has reached in the Commission's Procedures for the Elaboration of Standards, together with the date on which the draft was approved,
- (iv) matters in the draft standard or related text requiring endorsement or action by other Codex Committees.

(c) that for standards or any related text for a product which includes a number of sub-categories, e.g. cheese, the Committee should give preference to the development of a ~~may either draft a general standard or related text with specific provisions as necessary for sub-categories with different requirements and then draft standards for sub-categories, with different composition~~

requirements, e.g. "full fat cheese", "skimmed milk cheese" within the general standard or draft standards for a series of sub-categories without any general standard. In either case, such standards should contain clear designation for the sub-categories;

- (d) that, in general, it should not be necessary to change the name of a food solely because of the presence of a permitted food additive. However, in some instances, where the additive results in a significant change in the product, appropriate labelling may be required in addition to the listing of the additive among the declaration of ingredients.

RELATIONS BETWEEN COMMODITY COMMITTEES AND GENERAL COMMITTEES

Codex Committees may ask the advice and guidance of committees having responsibility for matters applicable to all foods on any points coming within their province.

The Codex Committees on Food Labelling; Food Additives and Contaminants; Methods of Analysis and Sampling; Food Hygiene; Nutrition and Foods for Special Dietary Uses; and Food Import and Export Inspection and Certification Systems may establish general provisions on matters within their terms of reference. These provisions should only be incorporated into Codex Commodity Standards by reference unless there is a need for doing otherwise.

Codex Commodity standards shall contain sections on hygiene, labelling and methods of analysis and sampling and these sections should contain all of the relevant provisions of the standard. Provisions of Codex General Standards, Codes or Guidelines shall only be incorporated into Codex Commodity Standards by reference unless there is a need for doing otherwise. Where Codex Committees are of the opinion that the general provisions are not applicable to one or more commodity standards, they may request the responsible Committees to endorse deviations from the general provisions of the Codex Alimentarius. Such requests should be fully justified and supported by available scientific evidence and other relevant information. Sections on hygiene, labelling, and methods of analysis and sampling which contain specific provisions or provisions supplementing the Codex General Standards, Codes or Guidelines shall be referred to the responsible Codex Committees at the most suitable time during Steps 3, 4 and 5 of the Procedure for the Elaboration of Codex Standards and Related Texts, though such reference should not be allowed to delay the progress of the standard to the subsequent steps of the Procedure.

The following amendments are proposed on procedures for endorsement of provisions relating to Food Labelling, Food Additives, Food Hygiene:

Food Labelling: Delete the first paragraph, which is now covered by the general description of the endorsement procedures above. The remainder of this section, adopted by the Commission in 1991, remains unchanged.

Food Additives: It is recommended that this section be temporarily retained pending clarification on how Commodity Committees would be able to interact with the Committee on Food Additives and Contaminants within the framework of the Draft General Standard for Food Additives in the course of elaboration.

Food Hygiene: Delete the first paragraph, which is now covered by the general description of the endorsement procedures above. The remainder of this section, adopted by the Commission in 1993, remains unchanged.

**PROPOSED AMENDMENTS TO THE CODEX TEXTS
TO STANDARDIZE THEIR TERMINOLOGY**

Note: the number appearing in square brackets refers to the page of the Codex Alimentarius Commission Procedural Manual (Eighth Edition) on which the proposed amendment would need to be made.

I. Present terminology MEMBER/S, MEMBER COUNTRY/COUNTRIES,
MEMBER NATION/S, MEMBER STATE/S,
MEMBER GOVERNMENT/S.

Proposed future terminology MEMBER/S OF THE COMMISSION

Provisions to be amended

Introduction

1. twice in paragraph 1 [1];
2. paragraph 3 [1];

Section I

3. in "Contents of this Section", paragraph 3 [4];

Chapter A Statutes of the Codex Alimentarius Commission

4. art. 2 [6];
5. art. 5 [6];
6. art. 9 [7];

Chapter B Rules of Procedure of the Codex Alimentarius Commission

7. rule III.1 [11];
8. rule III.2 [12];
9. twice in rule IV.6 [13];
10. rule VI.3 [15];
11. rule VI.4 [15];
12. rule IX.2 [18];
- 12bis. rule IX.10 [20]
13. rule XI.3 [21];

**Chapter C Procedures for the elaboration of Codex Standards and related texts
Introduction**

14. paragraph 4 [26];

Part 1 - Uniform procedure for the elaboration of Codex Standards and related texts

15. steps 1,2 and 3, paragraph 1 [27];
16. three times in step 5 [29];
17. step 6 [29];
18. three times in step 8 [29]

Part 2 - Uniform accelerated procedure for the elaboration of Codex Standards and related texts

19. twice in step 5 [31];

Part 3 - Subsequent Procedure Concerning Publication, Acceptance and Possible Extension of Territorial Application of the Standard

19bis. paragraph 1 [32]

Guide to the consideration of Standards at Step 8 of the Procedure for the elaboration of Codex Standards including consideration of any statements relating to economic impact

- 20. paragraph 2 [34];
- 21. twice in paragraph 6 [34-35];

Arrangements for the amendment of Codex Standards elaborated by Codex committees which have adjourned *sine die*

- 22. twice in paragraph 3.(ii) [38];

Chapter E Guidelines for the acceptance procedure for Codex Standards

- 23. paragraph 1 [47];
- 24. paragraph 8 [49];
- 25. paragraph 22 [55];

Section II

Chapter G Guidelines for Codex Committees

- 26. paragraph 3 [66];
- 27. three times in paragraph 4 [66];
- 28. paragraph 5 [66];
- 29. paragraph 8 [69];
- 30. paragraph 9.(a) [70];
- 31. paragraph 10.(a) [71];
- 32. paragraph 10.(d) [73];

Chapter I Criteria for the establishment of work priorities and for the establishment of subsidiary bodies of the Codex Alimentarius Commission

- 33. paragraph 3 [87];

Section III Chapter K List of subsidiary bodies of the Codex Alimentarius Commission

Part C

- 34. body 1, under the heading "Terms of reference" sub-paragraph (h) [153];
- 35. body 2, under the heading "Terms of reference", sub-paragraph (h) [155];
- 36. body 3, under the heading "Terms of Reference", sub-paragraph (h) [156];
- 37. body 3, under the heading "Terms of reference" sub-paragraph (h) [157];
- 38. body 4, under the heading "Terms of reference", sub-paragraph (h) [159];
- 39. body 5, under the heading "Terms of reference", sub-paragraph (h) [160];

II. Present terminology NATION/S, GOVERNMENT/S

Proposed future terminology MEMBER/S OF THE COMMISSION

Provisions to be amended

Introduction

39bis. paragraph 2 [1];

Section I

40. under "Contents of this Section", paragraph 2 [4];

40bis. under "Contents of this Section", paragraph 3 [4];

Chapter A Statutes of the Codex Alimentarius Commission

41. art. 1(d) [5];

42. twice in art. 10 [7];

Chapter B Rules of Procedure of the Codex Alimentarius Commission

43. rule XI.4 [21];

Chapter C Procedure for the elaboration of Codex Standards and related texts

44. "Note" at top of page [25];

Introduction

45. twice in paragraph 1 [25-26];

46. twice in paragraph 7 [27];

Part 1 - Uniform procedure for the elaboration of Codex Standards and related texts

47. step 5, footnote 1 [28];

Part 3 - Subsequent procedure concerning publication and acceptance of Codex Standards

48. paragraph 2 [32];

49. paragraph 4 [32];

Guide to the consideration of Standards at Step 8 of the Procedure for the elaboration of Codex Standards including consideration of any statements relating to economic impact

50. paragraph 2 [34];

51. paragraph 3 [34];

Guide to the procedure for the revision and amendment of Codex Standards

52. paragraph 2 [36];

Arrangements for the amendment of Codex Standards elaborated by Codex Committees which have adjourned *sine die*

53. paragraph 1.(g) [37];

Chapter E Guidelines for the acceptance procedure for Codex Standards

54. three times in paragraph 1 [47];

55. paragraph 2 [47];

56. twice in paragraph 3 [47];

57. paragraph 5 [48];

- 58. twice in paragraph 8 [49];
- 59. twice in paragraph 20 [52];
- 60. twice in paragraph 21.(a) [53-54];
- 61. paragraph 21.(b) [54];
- 62. three times in paragraph 22 [55];

Section II

- 63. under "Contents of this Section", paragraph 1 [64]¹

Chapter J Relations between Commodity Committees and General Committees

- 64. under the heading "Food Labelling", paragraph 1 [91];
- 64bis. under the heading "Food Labelling", paragraph 5 [94];
- 65. under the heading "Food Hygiene", paragraph 1 [96];
- 66. under the heading "Methods of Analysis and Sampling", paragraph (i), line 5 [99];
- 67. under the heading "Methods of Analysis and Sampling", paragraph (v), line 7 [101];

Guidelines for the use of Codex Committees on the inclusion of provisions on nutritional quality in food standards and other Codex texts

- 67bis. paragraph 4.3.2 [121];²
- 67ter. paragraph 4.3.4 [121];
- 68. paragraph 4.3.8 [122];

Section III Chapter K List of subsidiary bodies of the Codex Alimentarius Commission

Part B

- 69. body 1, under heading "Terms of reference" [127];

III. Present terminology COUNTRY/ COUNTRIES

Proposed future terminology MEMBER/S OF THE COMMISSION

Provisions to be amended

Section I

Chapter B Rules of Procedure of the Codex Alimentarius Commission

- 70. rule III.1 [11];

Chapter C Guide to the consideration of Standards at Step 8 of the Procedure for the elaboration of Codex Standards including consideration of any statements relating to economic impact

- 71. twice in paragraph 4 [34];
- 72. paragraph 6 [35];

¹ last line to be redrafted to read: "Members of the Commission hosting the Secretariat of individual Codex Committees."

² The words "national Governments" should be replaced by "Members of the Commission".

Chapter D General Principles of the Codex Alimentarius³

73. principle 4.A [40];
74. principle 4.A.(i)(a) [40];
75. principle 4.A.(i)(b) [40];
76. principle 4.A.(i)(c) [40];
77. three times in principle 4.A.(ii) [41];
78. principle 4.A.(iii) [41];
79. principle 4.B [41];
80. three times in principle 4.C.(i) [42];
81. four times in principle 4.C.(ii) [42];
82. principle 5.A [42];
83. twice in principle 5.A.(i) [43];
84. twice in principle 5.A.(ii) [43];
85. principle 5.A.(iii) [43];
86. principle 5.B [44];
87. three times in principle 5.C.(i) [44];
88. four times in principle 5.C.(ii) [44];
89. twice in principle 6.A [44-45];
90. twice in principle 6.A.(i) [45];
91. principle 6.A.(ii) [45];
92. principle 6.B [45];
93. twice in principle 6.C [46];
94. four times in principle 6.D [46];
95. twice in principle 7 [46];

Chapter E Guidelines for the acceptance procedure for Codex Standards

96. paragraph 4 [47]⁴;
97. paragraph 6 [48];
98. paragraph 7 [48];
99. three times in paragraph 11 [50];
100. twice in paragraph 13 [51];
101. twice in paragraph 15 [51];
102. twice in paragraph 20 [53];
103. paragraph 21 [53];

Section III Chapter K List of subsidiary bodies of the Codex Alimentarius Commission

Part B

104. body 1, under the heading "Terms of reference" [127];

³ The replacement of "country/countries" by "Member/s of the Commission" in the **General Principles of the Codex Alimentarius** would have a substantive consequence in that it would exclude non-Members of the Commission from accepting standards pursuant to Codex texts. A solution might be to add a further principle at the end of this Chapter as follows:

Acceptance by Non-Members of the Commission

8. Codex Commodity and General Standards may also be accepted in the same ways by countries which are not Members of the Commission.

⁴ the first line should read as follows: "The laws and administrative procedures of every Member of the Commission".

- IV. Present terminology BODY/BODIES
Proposed future terminology SUBSIDIARY BODY/BODIES
Provisions to be amended

Section I

Chapter B Rules of Procedure of the Codex Alimentarius Commission

- 105. rule IX.6(a) [19];
- 106. rule IX.6(b) [19];
- 107. rule IX.6(c) [19];
- 108. twice in rule IX.7 [19];
- 109. rule IX.8 [20];
- 110. rule IX.10 [20];
- 111. rule XI.3 [21];

- V. Present terminology CHAIRMAN, VICE-CHAIRMEN
Proposed future terminology CHAIRPERSON, VICE-CHAIRPERSONS
Provisions to be amended

Section I

Chapter A Statutes of the Codex Alimentarius Commission

- 112. art. 9 [7]⁵;

Chapter B Rules of Procedure of the Codex Alimentarius Commission

- 113. four times in rule II.1 [9];
- 114. five times in rule II.2 [9-10];
- 115. ten times in rule II.3 [10];
- 116. rule II.4(c) [11];
- 117. rule II.4(d) [11];
- 118. twice in rule III.1 [11];
- 119. rule III.2 [12];
- 120. four times in rule III.3 [12];
- 121. rule III.4 [12];
- 122. rule IV.1 [12];
- 123. rule V.1 [13];
- 124. rule V.5 [14];
- 125. rule VI.5 [15];
- 126. rule VI.6 [16];
- 127. rule IX.6(a) [19];
- 128. rule IX.6(b) [19];
- 129. rule IX.6(c) [19];
- 130. rule IX.7 [19];
- 131. rule XI.3 [21]⁶;

⁵ "chairmanship" in the third line, should be replaced by "the Chair".

⁶ "chairmanship" should be replaced by "the Chair".

Chapter C **Part 3 - Guide to the consideration of Standards at Step 8 of the Procedure for the elaboration of Codex Standards including consideration of any statements relating to economic impact**

132. three times in paragraph 4 [34];

Arrangements for the amendment of Codex Standards elaborated by Codex Committees which have adjourned sine die

133. paragraph 3.(ii) [38];

Section II **Chapter G** **Guidelines for Codex Committees**

134. four times in paragraph 4 [66];

135. five times in paragraph 7.(a) [67-68];

136. paragraph 7.(b), final part [68];

137. paragraph 9.(a) [70];

138. paragraph 9.(b) [70];

139. paragraph 9.(e) [70];

140. paragraph 9.(f) [71];

141. twice in paragraph 10.(a) [71-72];

142. three times in paragraph 10.(b) [72];

Section III **Chapter K** **List of subsidiary bodies of the Codex Alimentarius Commission**

Part B

143. body 1, under "Terms of reference" [127];

Part C

144. body 3, under the heading "Membership" [156];

VI. ADDITIONAL AMENDMENTS

Section I **Chapter B** **Rules of Procedure of the Codex Alimentarius Commission**

145. rule IX.10 [20], the first two lines should be replaced by the following: "The Member of the Commission who shall be responsible for appointing the Chairperson of a subsidiary body established under Rule";

146. rule XII.3 [22] should be amended to read: "A representative wishing to use a language other than a language of the Commission shall provide the necessary interpretation and/or translation into one of the languages of the Commission.";

Section II **Chapter G** **Guidelines for Codex Committees**

147. heading preceding paragraph 4 [120] should be amended to read: "The Chair";

Section III **Section K** **List of subsidiary bodies of the Codex Alimentarius Commission**

Part C

148. body 3, under the heading "Membership" [156]: the reference to the "USSR" should be deleted.