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JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX ALIMENTARIUS COMMISSION
Tenth Session, Geneva, July 1974

REPORT OF THE NINETEENTH SESSION OF THE
EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION
Geneva, 3-5 July 1973

Introduction

1. The Executive Committee held its Nineteenth Session at WHO Headquarters, Geneva, from 3 to 5 July 1973. The Committee was presided over by the Chairman of the Codex Alimentarius Commission, Mr. A. Miklovicz (Hungary) and in the presence of the three Vice-Chairmen, Dr. D.G. Chapman (Canada), Dr. E. Matthey (Switzerland) and Dr. E. Méndez (Mexico). The following representatives from the geographic locations mentioned were present: for Africa, Ing. A. Amraoui from Tunisia; for Asia, Professor Y. Bunnag from Thailand; for Europe, Dr. D. Eckert from the Federal Republic of Germany; for Latin America, Mr. S.F.G. Bath from Brazil; for North America, Dr. V. Wodicka from the United States of America; for South-West Pacific, Mr. W.C.K. Hammer from Australia. The Coordinator for Europe, Dr. H. Woidich (Austria) was also present.

Adoption of Agenda

2. The Committee adopted the provisional agenda with a slight re-arrangement in the order of items to be discussed. The Committee noted that certain matters would be raised under the item "Other Business".

Progress Report on Acceptances of Recommended Codex Standards and Membership of the Commission

3. Appendix III to the Report of the Ninth Session of the Commission (ALINORM 72/35) set forth country positions as at 17 November 1972 regarding acceptance of the first series of 42 Recommended Standards sent to governments for acceptance. The Committee noted that since that time, six further countries had indicated their positions with regard to one of the 42 Recommended Standards referred to above, namely the Recommended International Standard for Olive Oil, Virgin and Refined and for Refined Olive-Residue Oil (Ref. No. CAC/RS 33-1970). Algeria, Iraq and Romania had given Full Acceptance to this standard. Argentina had given Target Acceptance with the intention of indicating before 30 October 1975 whether to pass to Full Acceptance or Acceptance with Minor Deviations. Italy and Tunisia had given Acceptance with Minor Deviations to the standard.

4. The details of the deviations, as indicated by Italy and Tunisia, were set forth in a document which was before the Committee. This information would also be made available in due course, for the Tenth Session of the Commission. The Committee did not enter into a discussion on the details of these deviations, since they were of a very technical nature and since the concept of Acceptance with Minor Deviations would be re-examined at the next session of the Codex Committee on General Principles to be held in Paris in January 1974. It was further understood that the Codex Committee on Fats and Oils would be looking into the technical matters raised in government acceptances of the fats and oils standards.

5. The Committee stressed the particular importance of having a well prepared basic working document on the subject of Acceptance - in particular Acceptance with Minor Deviations - for the next session of the Codex Committee on General Principles. In preparing this document, the Secretariat should consult with the Legal Offices of FAO and WHO. The document should also contain some examples of different kinds of deviations classified by governments, in acceptances received to-date, as being minor. The Secretariat informed the Executive Committee of action which had been taken in order to ensure adequate preparation for the next session of the Codex Committee on General Principles.

6. The Committee noted that ten further Recommended Standards had been sent to governments for acceptance early in 1973. These standards were as follows:

- (i) CAC/RS 43-1971 - Tolerances for Pesticide Residues (3rd series)
- (ii) CAC/RS 44-1971 - Apricot, Peach and Pear Nectars
- (iii) CAC/RS 45-1971 - Orange Juice
- (iv) CAC/RS 46-1971 - Grapefruit Juice
- (v) CAC/RS 47-1971 - Lemon Juice
- (vi) CAC/RS 48-1971 - Apple Juice
- (vii) CAC/RS 49-1971 - Tomato Juice
- (viii) CAC/RS 50-1971 - Quick Frozen Fillets of Cod and Haddock
- (ix) CAC/RS 51-1971 - Quick Frozen Fillets of Ocean Perch
- (x) CAC/RS 52-1971 - Quick Frozen Strawberries

7. So far, two countries had indicated their positions with regard to acceptance of the ten Recommended Standards listed in paragraph 6. Cyprus had given Target Acceptance to all ten Recommended Standards, except the Recommended Standard for Quick Frozen Strawberries, on which Cyprus would indicate its position later. Kuwait had given Full Acceptance to all ten Recommended Standards, except the Recommended Standard for Quick Frozen Strawberries on which Kuwait has not yet indicated its position. Cyprus and Kuwait had also accepted (i) the Standard Procedure for Thawing of Quick Frozen Fruits and Vegetables (Ref. No. CAC/RM 32-1970) and (ii) the Standard Procedure for Cooking of Quick Frozen Vegetables (Ref. No. CAC/RM 33-1970), which were also sent to governments early in 1973.

8. Apart from the ten Recommended Standards listed in paragraph 6 and the two texts listed in paragraph 7, the following had also been published in 1973:

- (a) Code of Hygienic Practice for Dessicated Coconut and Code of Hygienic Practice for Dehydrated Fruits and Vegetables including Edible Fungi (Ref. No. CAC/RCP 4/5 - 1971).
- (b) FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (1969) (AQL-6.5) (Ref. No. CAC/RM 42-1969).
- (c) Recommended International Standard for Special Dietary Foods with Low Sodium Content (including Salt Substitutes) (Ref. No. CAC/RS 53-1971).
- (d) Recommended International Standard for Powdered Dextrose (Icing Sugar) (Ref. No. CAC/RS 54-1971).

9. The Committee noted that the text mentioned in paragraph 8(a) had already been sent to governments and that those mentioned in 8(b), (c) and (d) would be sent to governments in due course. The Committee further noted that the Recommended Standards for canned mushrooms, canned asparagus, processed tomato concentrate, canned green peas, canned plums, canned raspberries, canned pears and canned strawberries as well as the Recommended Standards for concentrated apple juice and concentrated orange juice would also be published during 1973 and sent to governments for acceptance.

10. The Committee noted that a booklet entitled "Recommended International Standard for Cheeses and Government Acceptances" (Ref. No. CAC/C1-C25 (1972)) had recently been published and would be made available to governments inviting further acceptances. The Committee also noted that (i) a Seventh Edition of the Code of Principles concerning Milk and Milk Products, Associated Standards for Milk Products and Methods of Analysis and Sampling, and (ii) a Third Edition of the Procedural Manual of the Codex Alimentarius Commission, would be published during 1973.

Membership of the Commission

11. Two more countries - Libya and Tanzania - had become Members of the Commission since the Ninth Session, bringing the current membership of the Commission up to 100 countries.

Budget for 1972/73 and Proposed Budget for 1974/75

1972/73

12. As had been explained at the Ninth Session of the Commission, about the middle of 1972, FAO found itself faced with serious financial difficulties arising from a continuation of outside factors, including changes in the US dollar/lira exchange rate. In order to meet the situation brought about by these difficulties, the Director-General of FAO had directed that all sectors of the FAO budget paid for out of Regular Programme Funds be cut back by 10%. This cut applied to the FAO funds made available to the Food Standards Programme and amounted to \$96 000. The 10% cut had to be apportioned in the

ratio of 35% to staff and 65% to the Programme. As regards programme elements, a small reduction had been made in duty travel and meetings and the balance of the reduction applied to documents.

13. The Committee noted the statement of the Secretariat that it was not expected that the 10% cut would have any serious immediate repercussions on the Programme for the remainder of the 1972/73 period, because the phasing of Codex sessions and the need to schedule Codex sessions in such a way as to best facilitate the progress of the work had resulted in the postponement to early 1974 of a number of Codex sessions which it had been originally intended to convene in 1973. This, coupled with economies achieved, notably through the reproduction of Codex documents on 20% reduction frames, would enable the Programme to function satisfactorily until the end of 1973, notwithstanding the cut.

14. The Committee noted, however, that the postponement of certain Codex sessions to 1974 (Codex Committee on Pesticide Residues and Codex Committee on General Principles), the re-activation of certain Codex Committees (Codex Committee on Fats and Oils and Codex Committee on Sugars), the establishment of new Codex Committees (Codex Committee on Edible Ices and Coordinating Committee for Africa) and the projected Joint FAO/WHO Food Standards Regional Conference for Asia (1975) would be likely to make it extremely difficult to provide full servicing against a background of a reduction in the staff at the Joint Office of the Codex Secretariat, caused by the 10% cut.

1974/75

15. The Committee took note of the proposed budget for 1974/75, details of which were in the working paper before it on the subject. The 10% cut had had to be carried forward into 1974/75 and was reflected in the 1974/75 proposals. The proposed budget for 1974/75 amounted to \$781,100 (FAO - \$585,825; WHO - \$195,275) exclusive of internal translation and printing which would continue to be made available by FAO and which in the 1974/75 biennium would be in the region of \$430,000. It was explained that the increase in the budget for 1974/75 notwithstanding the carry through into 1974/75 of the 10% cut was due to expected increased operating costs and not programme increases in 1974/75.

16. The Committee noted that the Directors-General of FAO and WHO had been in correspondence regarding the proposed budget. The Director-General of FAO had approved the proposed budget for submission to the governing body of FAO. The Committee noted that the Director-General of WHO had the proposed budget under review but that, in view of the present financial situation, he was not in a position to make a definite commitment at this stage regarding the proposed increase in the WHO contribution to the Joint Budget. In view of the importance attached by governments to the work of the Food Standards Programme, the Committee hoped that the Director-General of WHO would be in a position to make the proposed increase in the WHO contribution available, in order to maintain the Commission's work programme in 1974/75 and to avoid possible cutbacks in the Programme. The Committee also expressed the hope that the reduction in staff in the Joint Office of the Codex Secretariat would not have adverse repercussions on the Commission's work in 1974/75.

17. The representative of WHO made available to the Committee an Information Document, prepared in WHO, giving details of the costs of technical backstopping to the health aspects of the Food Standards Programme over and above the WHO financial contribution to the Joint Budget of the Programme. The amount contributed in 1972/73 to the joint costs was \$155,850 and the figure shown for 1974/75 was \$155,925. It was noted from the document that the cost sharing agreement might be increased in the 1974/75 biennium. The Committee, whilst appreciating the technical backstopping which WHO was proposing to provide in 1974/75, emphasized that there was a real need, if the Programme were just to be maintained at its present level, for WHO to contribute the amount indicated in the exchange of correspondence between the Directors-General (\$195,275).

Arrangements for the Joint FAO/WHO Food Standards Regional Conference for Africa

18. The Committee noted that the Government of Kenya had kindly agreed to host the Joint FAO/WHO Food Standards Regional Conference for Africa in Nairobi, and that present indications were that the Conference would be held from 2 to 9 October 1973, subject to one or two formal matters being finalized. As agreed at the Ninth Session of the Commission, a detailed questionnaire had been prepared by the Secretariat designed to obtain up-to-date information from African countries on existing food legislation and regulations, on existing facilities for food control (laboratories - their equipment and staff; inspectorate - number and distribution; qualifications of staff in laboratories and of the inspectorate) and on commodities which are of significance in the export and import trade of Africa and in intra African trade. This questionnaire had been sent to African countries early in 1973.

19. The Secretariat indicated that the response to the questionnaire was most encouraging in that some 24 African countries had supplied information, which would be made use of in the working papers for the Conference. The Committee expressed its appreciation of the work which had been done by the representative of the region of Africa (Mr. A. Amraoui, Tunisia) in promoting interest in the Conference: the Secretariat informed the Committee that a good deal of information had been supplied by Tunisia and other North African countries in response to the questionnaire.

20. The Committee noted that arrangements had been made for the preparation of working documents for the Conference and wished the Conference every success.

Question of establishment of a Coordinating Committee for Asia

21. The delegations of India, Japan, Kuwait, Malaysia and Thailand, attending the ninth session of the Commission had indicated their support of the idea of establishing a Coordinating Committee for Asia. The Executive Committee noted that no further requests had been received from Members of the Commission in Asia for the establishment of a Coordinating Committee. Under the Rules of Procedure it would be necessary for the Commission to have before it a report from the Director-General of FAO and/or WHO on the administrative and financial implications before proceeding to any decision concerning the establishment of a Coordinating Committee for Asia. In the absence of a clear expression of opinion from at least a majority of the Members of the Commission in Asia and in the light of the current financial difficulties of the Food Standards Programme, there would be no prospect of funds being found for such a Committee in 1974/75. The Executive Committee noted, however, that provision was included in the proposed budget for 1974/75 for the holding of a FAO/WHO Food Standards Regional Conference for Asia. Concerning the matter of a food control seminar in Asia, the Executive Committee was informed that the Japanese Government had recently proposed the establishment of an FAO/Japan Donor Programme to provide technical assistance to developing countries of Asia. FAO had proposed to the Japanese authorities that a Regional Food Control and Inspection Training Institute be financed by the Donor Programme for training of food control officials in Asian countries. The Institute could, as part of the training courses, arrange the holding of seminars. The Executive Committee was strongly in favour of the idea of a Regional Institute and emphasized that training in food control matters was essential and complementary to the standardization activities of the Commission.

Resolution 12/72 of the 12th FAO Regional Conference for Latin America

22. The Executive Committee had before it the text of the above-mentioned resolution on the activities of the Codex Alimentarius Commission. The Executive Committee noted that the background to the resolution appeared to be the controversial nature of a draft standard for Canned Sardines. The Executive Committee thought that it would be inappropriate for the Director-General of FAO to take any action on the resolution in view of the narrowness and controversial nature of the subject of sardines. The Executive Committee therefore recommended that the attention of the Codex Committee on Fish and Fishery Products should be drawn to the concern felt in Latin America about the draft standard for sardines. It was further suggested that the resolution could be reconsidered by a Coordinating Committee for Latin America, should such a Committee be established. The Executive Committee emphasized that contrary to the views expressed in the resolution, a principal aim of the Codex Alimentarius Commission was in fact to facilitate international trade by the removal of obstacles to trade arising from differing national food legislation.

Proposed GATT Code of Conduct for Preventing Technical Barriers to Trade

23. During the course of the Ninth Session of the Commission, "the delegate of Canada drew the attention of the Commission to the proposed Code of Conduct which, as drafted, did not exclude food or foods subject to food standards. In his view, which had been supported by the delegate of the U.S.A., the provisions of the proposed Code were not appropriate to food laws of a mandatory nature. The Commission had asked the Secretariat to bring the work of the Codex to the attention of the GATT Secretariat in order that the necessary steps could be taken to ensure that the Code did not in any way prejudice the work of the Commission or of its Members in the elaboration of food laws. It had asked the Executive Committee to keep the matter under review" (para 88 of the Report of the Ninth Session of the Commission - ALINORM 72/35).

24. The Secretariat indicated that it had brought the work of the Commission to the attention of the GATT Secretariat and had also drawn attention to the General Principles of the Codex Alimentarius. The text of paragraph 88 of the Report of the Ninth Session of the Commission, quoted in para 1 of this paper, had also been transmitted to the GATT Secretariat.

25. The Proposed Code was being developed by Working Group 3 of the GATT Committee on Trade in Industrial Products. A meeting of the Working Group had been held from 15 to 22 March 1973, and the latest meeting of the Working Group had taken place in June 1973. The Proposed Code was still a restricted document.

26. The Secretariat had received a copy of the Proposed Code. In brief, the Code contains a set of provisions designed to achieve a situation where adherents to the Code undertake to ensure that, in the preparation, adoption and use of standards (both mandatory and voluntary), and in the establishment and application of test methods, administrative procedures and quality assurance systems for determining compliance with standards, no unjustifiable obstacles for international trade are thereby created. The term "standard" as presently defined in the Proposed Code has a wider meaning than in customary usage and means any specification which lays down some or all of the properties of a product in terms of quality, purity, nutritional value, performance, dimension or other characteristics. The term "standard" includes, where applicable, test methods and specifications concerning testing, packaging, marking or labelling to the extent that they affect products rather than processes. It excludes standards which are prepared for use by a single enterprise, whether governmental, semi-governmental, or non-governmental, either for its own production or purchasing purposes.

27. In view of the fact that the Codex Alimentarius Commission has evolved a comprehensive procedure for the acceptance by governments of international food standards adopted by the Commission, with clearly defined obligations, both in relation to domestic production and imports, for countries which decide to accept the standards, the Secretariat raised, with the GATT Secretariat, the question of the feasibility and desirability, in these circumstances, of the Proposed Code applying also to food products. It is understood from the GATT Secretariat that when Working Group 3 has completed its task, the question of the applicability of the Proposed Code to agricultural products will be reviewed by the GATT Agricultural Committee. The GATT Secretariat will keep the Codex Secretariat informed of developments.

28. The Executive Committee noted the following points which are understood to have been made during the discussions in GATT on the Proposed Code:

- (i) It is recognized that governments have an obligation to protect the health of their populations and to achieve other legitimate aims, such as the protection of the safety of populations and the protection of national security. Nothing in the Code alters this. The aim of the Code is to simplify the existing GATT rules on these matters, by laying down that when pursuing these aims, governments should not create unjustifiable obstacles to international trade, for instance by adopting measures which are disproportionate to the desired aim.
- (ii) Another aim of the Proposed Code is to reinforce the work of organizations elaborating international standards, such as the Codex Alimentarius Commission. The Code would lay an obligation on adherents to play a full part in these bodies within the limits of their resources and, whenever possible, to adopt internationally agreed standards as a basis for their own mandatory standards. This is regarded as the best way to reduce the diversity of national standards which can be an impediment to international trade.
- (iii) The Proposed Code would not require reliance to be placed on declarations from an exporting country. This is included among other methods which are desirable from the point of view of the facilitation of international trade, but none of these is obligatory.

29. The representative of the region of North America (Dr. V. Wodicka, United States of America) informed the Committee that the United States supports activities which remove barriers to trade including the examination of standards to achieve this objective. The United States considered, however, that GATT activities should carefully avoid any duplication with the responsibilities of the Codex Alimentarius Commission. The United States had taken the view that the efforts of GATT were consistent with the above-mentioned aims and the United States supported efforts in GATT to conclude the proposed Code covering, inter alia, the uses of product standards and certification. Dr. Wodicka concluded by stating that the United States had noted with satisfaction that the GATT Code is completely consistent with the work of the Codex Alimentarius Commission and that one of the major purposes of the Code is to encourage the development of international

standards by international bodies such as the Commission.

30. Although the Committee was in favour of the aim expressed in paragraph 28 (ii) above, it expressed concern at the possibility that food might be included within the scope of the Proposed GATT Code. The Committee considered that food should be excluded from the scope of the Code for a number of reasons. Food standards were already being developed and sent to governments for acceptance within one international forum and if food standards and related matters were to come within the scope of activity of another inter-governmental agency there would be a risk of some duplication of work between the two agencies. Furthermore, if food standard matters were being dealt with satisfactorily by one inter-governmental body which was now well established with a membership of 100 countries, there would not seem to be any good reason for having problems arising on food standards matters discussed in another inter-governmental forum. Also, in view of the fact that the protection of the health of the consumer was one of the most important elements in food standards work, it was desirable that this work should continue to be done within the framework of the Codex Alimentarius Commission.

31. The Committee expressed the wish to be kept informed of developments within GATT concerning the Proposed Code. The Committee also thought that it would be desirable for GATT to be represented at the Tenth Session of the Commission, when this item would come up for discussion. The Committee decided that this subject should be on the agenda of its next session and instructed the Secretariat to report on the latest developments.

Question of Establishment of a Coordinating Committee for Latin America

32. The Executive Committee received information from the Vice-Chairman, Dr. Méndez (Mexico) and the representative of Latin America indicating how they envisaged the organization of a Coordinating Committee for Latin America in order to provide a forum to stimulate the participation of the countries of the region in the work of the Codex Alimentarius Commission and to consider Codex matters of particular interest to the region. The proposals outlined to the Executive Committee were as follows:

- (a) Each member of the region should endeavour to set up a National Codex Committee.
- (b) Members of the region should endeavour to meet in advance of Codex Sessions, in particular sessions of the Commission's subsidiary bodies to coordinate their approach to subject matters.
- (c) A Coordinating Committee for the region should be established by the Commission which would meet at least two months in advance of sessions of the Commission. Responsibility for hosting sessions of the Committee could be on a rotational basis among the members of the region.
- (d) Some secretarial assistance would be required from the Secretariat of the Commission for (b) and (c).

33. It was explained that it would not be possible for the Secretariat of the Commission to participate in meetings such as those envisaged under (b) as they would be private sessions of the Members of the region. In the case of (c) and (d), these matters would have to be studied further as to the administrative and financial implications, in order that the Directors-General could place a report before the 10th Session of the Commission. The Executive Committee whilst agreeing to the desirability of establishing a Coordinating Committee for Latin America recommended that the Vice-Chairman, Dr. Méndez, the Representative for the region and the Secretariat should examine what possibilities might exist for host governments financing sessions of a Coordinating Committee either (i) on a rotational basis or (ii) by the creation of a trust fund made up of nominal contributions from the Members of the region. Furthermore the Secretariat, in the light of such additional information, should prepare estimates of the financial implications for the Joint Budget of documentation and participation in meetings of the Coordinating Committee for sessions held in the region and for sessions held at headquarters in conjunction with sessions of the Commission.

Intensification of WHO's role in the Joint FAO/WHO Food Standards Programme

34. The representative of WHO reported that in respect to the pertinent recommendations of the UN Conference on Human Environment, Stockholm (1972) and of the resolutions of the World Health Assembly (WHA24.47 and 25.59) the Organization planned to intensify its work in areas related to the Food Standards Programme by the development of primary protection standards and of derived working limits for pollutants in foods. The latter activity would be carried out with FAO. Within budgetary limitations the Organization therefore planned to increase its level of activity in the following areas: by the conduct of studies to fill the gaps that exist in the scientific data on food additives, pesticide residues and contaminations; by continuing a study of the potential daily intakes of food additives,

pesticide residues and contaminants; by a continuation of the development of methodology for sampling and detection of food pathogens (bacteria, viruses, rickettsia, protozoan and metazoan parasites, etc.) as well as indicator and spoilage organisms in order to arrive at internationally agreed standardized methods; by calling to the attention of appropriate Codex bodies those matters judged to be of health significance; and by continuing to provide assistance to governments to aid them in the enforcement of the provisions of Codex Standards and with the development of environmental food sanitation programmes.

35. In addition, it was planned to present to the Ministries of Health for their information at the World Health Assemblies, as appropriate, a report on the WHO participation in the work of the Codex Alimentarius Commission. Furthermore WHO planned to develop with FAO a coordinated programme for the monitoring of pollutants in food in the broad context of a larger programme designed to establish derived working limits for pollutants in air, water and food. Such information would permit an evaluation of the total body burden for the human being. Data relevant to Codex Food Standards would be given consideration for inclusion in such standards. The Executive Committee expressed the wish to be kept informed of developments.

36. The Executive Committee noted with satisfaction the efforts of WHO to intensify its participation in the Food Standards Programme and stressed the need for very close cooperation between FAO and WHO. It noted, however, that increased funds would be required in order to carry out the proposals, but that apart from that there was also a need for the development of a more effective administrative mechanism in WHO to increase its input into the work of the Codex Alimentarius Commission.

"Appellation d'origine" in relation to the work of the Commission

37. The Executive Committee recalled that it had been requested by the Commission to consider this subject, "insofar as the work of the Commission was concerned, in the light of background materials to be made available by the Legal Office of FAO." ^{1/} It further recalled that a note had been submitted at its previous session but that consideration had been deferred; in the meantime, the questions pertaining to the elaboration of standards in respect of commodities that were covered by an "appellation d'origine" in certain countries had again been examined by the Committee of Government Experts on the Code of Principles concerning Milk and Milk Products, where it originally arose. The Executive Committee was informed that an understanding had been reached by the interested governments on the method for proceeding with the elaboration of the cheese standard in question.

38. Having considered the various possibilities of resolving the problems involved, as well as the legal implications of the solutions envisaged, the Executive Committee felt that since the controversial issues had been resolved within the Committee of Government Experts on a pragmatic basis and may not arise again in the immediate future, it did not seem essential to arrive at a definite recommendation at this stage.

39. However, the Committee agreed that, if the question should again arise in practice, it would be desirable to envisage a solution which would permit the elaboration and adoption of a Codex Standard while at the same time safeguarding the interests of those countries who wished to maintain protection of the "appellation d'origine". This might be achieved by the introduction of an alternative name (apart from the "appellation d'origine") and of a special clause whereby countries accepting the Standard would be allowed to maintain the status quo with regard to the protection of the 'appellation d'origine'.

40. This special clause would enable governments to accept the standard for the commodity concerned with a declaration:

1. that the name considered as 'appellation d'origine' will be reserved to the products produced in the area of origin in accordance with the traditional local requirements, and
2. that products corresponding to the standard but manufactured outside that area will have to be sold on their territory under an alternative name.

41. The inclusion in the standard itself of such an enabling clause and of the alternative name would avoid doubts and disputes as to the validity of any declarations that may be made to this effect by countries accepting the standard. It would also enable a potential

^{1/} Report of the Eighth Session, paragraph 178.

importing country in whose territory the 'appellation d'origine' is protected on the basis of a multilateral or bilateral agreement to accept the international standard in a manner compatible with pre-existing international obligations.

Codex Mark or Symbol

42. At its 16th Session (February 1971), the Executive Committee had considered a suggestion that the Commission might study the possibility of adopting a Codex Mark or Symbol which could be used to indicate that a food conformed to the requirements of the Codex Alimentarius. It requested the Secretariat and the Legal Counsels of FAO and WHO to examine this question in all its aspects and to submit a report, taking into account the practices of other international organizations.

43. The Committee carefully studied the report submitted (CX/EXEC 73/19/9), which gave a comparative analysis of the replies received from five international organizations that had been invited, by a questionnaire, to provide information on the practice followed and experience gained by them in connexion with marks or symbols. The report further outlined the legal, as well as certain practical aspects pertaining to the possible introduction of a Codex mark, with particular reference to the nature of such a mark, the conditions for its use, procedures for granting licenses, and monitoring, control and enforcement arrangements that would be required to prevent abuses.

44. The Committee agreed that, in view of the steadily growing number of commodities covered by the Food Standards Programme and the large membership of the Commission, the licensing procedures and arrangements for monitoring and control would present formidable problems to the Programme, the Commission and its parent Organizations, going well beyond the technical, administrative, and financial capacity and potential of FAO and WHO. It also appeared very doubtful whether the governing bodies would authorize the use of a mark which might involve the Organizations in trade competition.

45. For these reasons, the Executive Committee agreed that the feasibility of introducing a Codex mark or symbol was very doubtful and that any advantages that might be derived therefrom would in any event be largely outweighed by the difficulties it would entail. It therefore recommended to the Commission not to pursue this suggestion.

Question of the Feasibility of the Elaboration of a Code of Ethics for the International Trade in Food

46. The UN Conference on Human Environment (Stockholm, June 1972) had, in Recommendation No. 82, recommended, amongst other things, that increased support be given to the Codex Alimentarius Commission to develop a Code of Ethics for International Food Trade. This Recommendation had been brought to the attention of the Ninth Session of the Commission, which decided that it would be more appropriate to refer the examination of the implications of the elaboration of such a Code to the Executive Committee for consideration at its Nineteenth Session.

47. The Recommendation did not contain any information as to what matters such a Code might cover. The Secretariat indicated that it believed that the thinking which gave rise to the Recommendation was based on an earlier proposal put before the US Congress which was understood to be to the effect that food which would not be permitted to be sold domestically in the USA under US legislation should not be exported even though it might be in compliance with the requirements of the importing country.

48. The Secretariat drew the attention of the Committee to the Code of Principles concerning Milk and Milk Products and to the international standards elaborated thereunder. The Code, which had been accepted by a very large number of countries, exhorted countries to apply the provisions of the Code and of the Standards made thereunder not only to imports and the domestic market, but also to exports. No country which had accepted the Code or standards made thereunder had indicated its willingness to apply the Code to exports. Amongst other things, most countries would probably be reluctant to give such an undertaking unless they felt assured that potential competitors would act in the same way.

49. The Committee considered that the question of the elaboration of such a Code would need very careful consideration. For example a country in the temperate zone might prohibit the use of an additive in a given product on the grounds that it was technologically unnecessary, but if the product were to be exported to a country in the tropical zone it might be necessary to use the additive prohibited in the temperate zone country. Provided there was no known health risk involved in the use of the additive, it could hardly be argued, thought Dr. Chapman, Vice-Chairman, that the use of the additive should not be permitted in the product intended for export, simply because its use was not permitted in the exporting country.

50. The representative of the region of North America stated that the legal position in the U.S.A. is that if the country importing from the U.S.A. knows what it is purchasing, then the U.S.A. has no function in the matter. The representative of the Region of Europe stated that food which is, under the law, considered unsafe for human consumption in a country should not be permitted to be exported.

51. The point was also made that the proposal might not be designed to cover only risks to health in food but might well be designed to cover also situations in which consignments of food of well known composition fell short of generally acceptable compositional requirements.

52. In addition, the point was made that the Draft General Standard for Food, which the Commission had agreed to leave 'on the table' at its Ninth Session might also be relevant to this subject, in that it might possibly cover some of the matters of concern to those who framed the Recommendation. It was also pointed out that the protection of the consumer against health risks and fraud was inherent in the work of the Commission.

53. The Committee agreed that the particular attention of governments should be drawn to this subject in a circular letter which should accompany the Report of the Executive Committee and the government should be requested to give their views on the feasibility or otherwise of elaborating a Code of Ethics. Governments which considered it desirable to elaborate such a Code should indicate what matters the Code ought to cover and how they thought the Code could be applied. The Committee also agreed to re-examine this subject at its next session in the light of the observations of governments.

Soups and Broths

54. The Executive Committee had before it a report prepared by Switzerland on the subject of standards for soups and broths as requested by the Seventh Session of the Commission. The report answered all the requirements laid down in the criteria for new work established by the Commission and a detailed preliminary proposal for a standard for soups and broths had been submitted to the Commission Secretariat. The Government of Switzerland had also indicated its willingness to host a Codex Committee on Soups and Broths and would be prepared to arrange for the first session of the Committee to be held in 1975. The Executive Committee agreed that the paper and standard prepared by Switzerland should be distributed to Members of the Commission well in advance of the Commission's Tenth Session so that the Commission could decide whether to establish a Codex Committee on Soups and Broths.

Consideration of the Question of International Grade Standards for Primary Food Products

55. The Executive Committee noted that at the 14th Session of the Executive Committee the Secretariat had been requested to bring before the Committee at a future session the question whether the Commission should embark on the elaboration of grade standards. The Executive Committee recommended that, in the light of the Commission's current work load, the financial situation of the Programme and other matters, consideration of this subject should be adjourned sine die.

Recommendations Nos 78 and 82 of the UN Conference on Human Environment (Stockholm, June 1972)

56. The WHO representative reported that, in view of the recent decisions made by the United Nations Environmental Council in respect to the nature and the scope of their environmental action plans for the near future, the preliminary joint proposals prepared by WHO and FAO in respect to Recommendations Nos. 78 and 82 of the Stockholm Conference (1972) were premature. The Executive Committee expressed its interest and desire to be kept informed as to future developments. The Committee requested both WHO and FAO to continue to develop and to design a programme which would meet the current objectives of the UNEP within the framework of the above recommendations.

57. The Executive Committee briefly examined the joint proposals of WHO and FAO in respect to Recommendation No. 82 of the Stockholm Conference (1972). The Executive Committee requested clarification as to how derived working limits for pollutants would be included in the Codex Alimentarius and what steps were contemplated for the preparation of a manual on the organization of a food control and inspection service. The Executive Committee was informed that limits for contaminants would, in general, be elaborated and published for acceptance by governments in the same way as Codex Pesticide Residue tolerances and Pesticide Residue limits. The Committee recommended that work on the manual should be carried to fruition, if possible. The Secretariat intended to utilize material already available within the Organizations as a basis for drawing up the manual which would be intended to have international application in the field of food control. The Committee recognized however that the major part of the proposals was an extension of the proposal

for Recommendation No. 78 and that both would require funding from other sources, such as the Environment Fund.

58. A question was raised as to the need for convening FAO/WHO Expert Meetings on Food Microbiology and FAO/WHO Expert Meetings on Methods of Analysis and Sampling of Contaminants, since there were many such methods in existence which had been developed by internationally reputable bodies. It was explained that while this was so, the purpose of the Expert Meetings would be to select or, where necessary, develop methods which would be suitable for use for international reference purposes and which would be likely to be generally acceptable to governments.

59. The Committee was informed that the Division of Environmental Health in WHO was compiling a manual that would offer guidelines to those responsible for food sanitation in developing countries.

Frequency and Phasing of Sessions of the Commission's Subsidiary Bodies

60. The Commission, at its Ninth Session, agreed that the Executive Committee, at its Nineteenth Session, should consider the frequency and phasing of sessions of subsidiary bodies of the Commission. The Secretariat prepared for the Committee a proposed timetable of Codex sessions for 1974-76 which took into account, as far as possible, the various points and requests made during the discussion of this subject at the Ninth Session of the Commission. The proposed timetable is attached as an Appendix to this Report. The Secretariat indicated that, with the exception of the sessions scheduled for the early part of 1974, all of the proposals in the timetable involving Committees hosted by governments were subject to the agreement of the host governments concerned. Subject to what follows the Committee considered the proposed timetable to be generally acceptable.

61. The representative of the region of South-West Pacific drew attention to the fact that it was agreed at the recent session of the Codex Committee on Meat Hygiene that the next session of that Committee should be held in November 1974 (scheduled for March 1975 in the proposed timetable). The Secretariat stated that there was also a question of the next session of that Committee being held in New Zealand, but that this was a matter on which the New Zealand authorities would be consulting interested governments. The Executive Committee noted that it would be necessary to await developments regarding the likely place and date of the next session of the Codex Committee on Meat Hygiene.

62. Dr. D.G. Chapman (Vice-Chairman of the Commission and Chairman of the Codex Committee on Food Labelling) indicated that the outstanding issues, such as bulk labelling and nutritional labelling, to be considered by the Committee could more profitably be discussed if more time were allowed for necessary material to be gathered and analysed in working documents. For this reason, a full session of the Committee did not appear to be necessary in 1974. However, it would be necessary to have a short session of the Committee in 1974 to deal with labelling provisions in Step 8 Standards and Dr. Chapman thought that perhaps arrangements could be made to hold the 1974 session of the Committee (one or two days duration) in conjunction with the Tenth Session of the Commission in Geneva or Rome. It was agreed that this matter should be settled by the Canadian authorities and the Secretariat in consultation with each other. The Executive Committee thought that it should be possible to arrange for a short session of the Committee to be held in conjunction with the 1974 session of the Commission.

63. Dr. D.G. Chapman also informed the Committee of the view of Dr. O. Braekkan, Chairman of the Codex Committee on Fish and Fishery Products that the sequence of Codex sessions in North America should be the Committee on Processed Fruits and Vegetables, followed by the Committee on Food Hygiene, followed by the Committee on Food Labelling, the two last mentioned having endorsing functions. The Executive Committee did not think it could take any position on this request and left the matter in the hands of the Secretariat in consultation with the host governments concerned.

64. As regards the 20th Session of the Executive Committee, which the Secretariat had placed in square brackets in the proposed timetable, the Committee considered that it would be desirable to have a short session before the Tenth Session of the Commission.

65. Attention was drawn to the fact that the Codex Committee on Meat had now completed almost all its work. There might be a question, therefore, whether the remaining work to be done in that Committee was such as to justify the convening of a further session of the Committee in the absence of any further work.

66. It was agreed that the question of whether a meeting of the Coordinating Committee for Europe should be convened before the Tenth Session of the Commission be left open, pending, in particular, the outcome of developments concerning the Draft European Regional Standard for Natural Mineral Waters.

67. Dr. D.G. Chapman, Vice-Chairman, enquired whether, in a period of financial stringency, it would not be substantially cheaper to the Organizations to hold the next session of the Commission in Rome. Having been informed by the Secretariat that it would cost a good deal less to hold the Commission in Rome, but that there were also other non financial considerations, it was agreed that this was a matter for the Organizations to consider.

Code of Ante-Mortem and Post-Mortem Inspection of Slaughtered Animals

68. The representative of the region South-West Pacific indicated that the New Zealand authorities had expressed the hope that the Executive Committee would authorize, as an exceptional measure, the Secretariat to obtain government comments on the above Code prior to its consideration at Step 5 by the Commission at its Tenth Session in July 1974. Taking into account that it might be necessary to hold the next session of the Codex Committee on Meat Hygiene in October 1974, the Executive Committee agreed to this request.

Draft Agenda and Timetable for the Tenth Session of the Commission

69. The Committee had before it a Draft Provisional Agenda for the Tenth Session of the Commission. The Committee took note of the position to-date regarding standards, codes of practice and other texts which would be before the Tenth Session of the Commission at Steps 8 and 5. In view of the heavy workload likely to fall on the Tenth Session of the Commission, the Committee agreed, exceptionally in this instance, that the item "Information on activities within FAO and WHO of interest to the Codex Alimentarius Commission and on the activities of other International Organizations working on the standardization of foods and related matters", although important, should be considered at the end of the session of the Commission.

70. The point was made that in the case of some of the organizations which report on their activities to the Commission - especially those working in specialized fields - it might be desirable that they report to the Codex Committee concerned. On the other hand, many countries not represented at sessions of Codex Committees were represented at sessions of the Commission.

Other Business

Standard for Processed Foods for Infants and Children based on Cereals

71. The representative of the region of Europe drew the Committee's attention to a standard which had been considered by the Codex Committee on Foods for Special Dietary Uses at its last session, held some two or three weeks before the Ninth Session of the Commission, but which, although advanced to Step 5 by the Committee, could not be considered by the Commission at its Ninth Session, because of the time factor. In accordance with the request of the representative of the region of Europe, the Committee agreed, exceptionally, that the Secretariat could request comments from governments on the standard in question (Standard for Processed Foods for Infants and Children Based on Cereals), so that an undue amount of time would not be lost and the standard could be considered by the Committee in the light of government comments at its next session to be held in February 1974. It would be open to the Committee to make a recommendation to the Commission, if it considered it appropriate to do so, that Steps 6, 7 and 8 be omitted.

Labelling

72. Dr. D.G. Chapman (Vice-Chairman and Chairman of the Codex Committee on Food Labelling) drew the Committee's attention to a matter arising from the Report of the eighth session of the Codex Committee on Food Labelling. In the standard for Canned Tuna and Bonito in Water or Oil (advanced to Step 8) there was a provision in the Section on Name of the Food which permitted the use of alternative names to describe the species listed in the standard "in accordance with the law and custom of the country in which the food is sold, etc." A somewhat analogous type of provision appears in the section on declaration of nutritive value in the standard for Canned Baby Foods. The concern of the Labelling Committee was that provisions of this kind ran counter to international standardization and a country could accept a standard containing a provision of this kind without being required to indicate which alternatives would be acceptable in that country.

73. The Executive Committee agreed that commodity committees should go to great lengths to avoid this type of provision and that in exceptional cases, where it could not be avoided, governments should be requested to indicate what their requirements are in precise terms.

APPENDIX

PROPOSED TIMETABLE OF CODEX SESSIONS 1974-1976 1/

MONTH	1974	1975	1976
January	General Principles (4th)	-	-
February	Pesticide Residues (7th) Foods for Special Dietary Uses (8th) Edible Ices (1st)	Pesticide Residues (8th)	Executive Committee (22nd) Coordinating Committee for Africa (2nd) Codex Alimentarius Commission (11th)
March	Sugars (6th)	Milk & Milk Products (17th) Meat Hygiene (3rd) Meat (8th) Processed Meat Products (8th)	
April	Fats & Oils (7th)	Coordinating Committee for Europe (10th) Foods for Special Dietary Uses (9th)	
May	Food Hygiene (11th) Processed Fruits & Vegetables (11th) Food Labelling (9th)	Food Hygiene (12th) Processed Fruits & Vegetables (12th) Food Labelling (10th)	
June	Coordinating Committee for Africa (1st)	Sugars (7th) Fats & Oils (8th) Edible Ices (2nd)	
July	Executive Cttee (20th) Codex Alimentarius Commission (10th)	Food Additives (10th) Executive Committee (21st)	
August	-	-	-
September	Methods of Analysis & Sampling (9th)	Methods of Analysis & Sampling (10th) FAO/WHO Food Standards Regional Conference for Asia	
October	Fish & Fishery Products (9th)	Fish & Fishery Products (10th)	
November	Quick Frozen Foods (9th) Fruit Juices (11th)	-	
December	Cocoa Products & Chocolate (11th)	-	

1/ See also paragraphs 60 to 67.