Procedure for establishing food legislation in Canada under the Ministry of Agriculture

By: Dr. C. K. Hetherington, Director, Meat Inspection Division, Agriculture Canada.

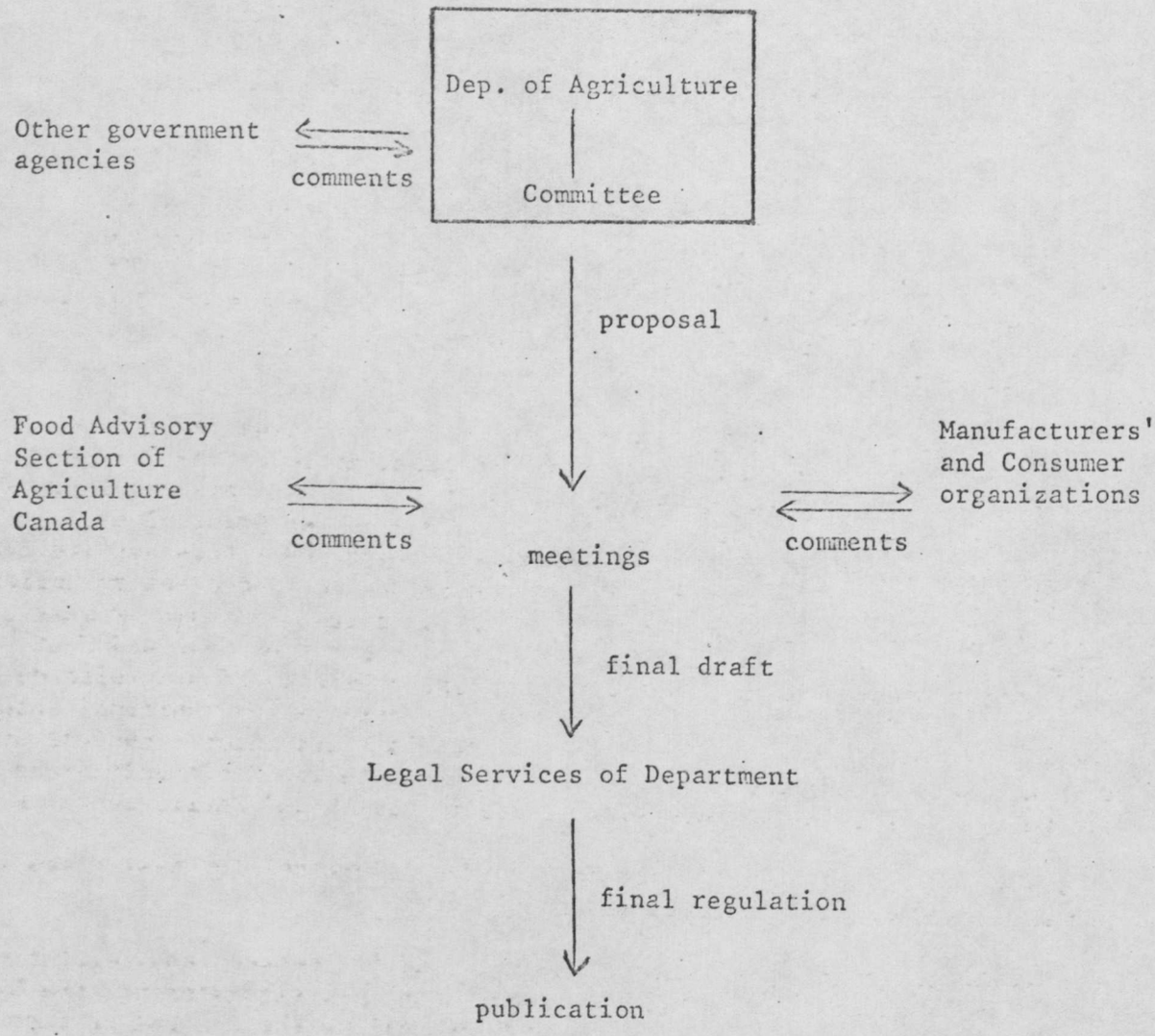
The need for new legislation or changes in present legislation arises from any number of sources. As an example, it might come from consumer groups in Canada, industrial concerns, or from other Governments to which Canada may be sending food products of one kind or another.

When the need for legislation is established, the Government Department, charged with the administration of that particular food item, is requested to prepare draft legislation and if the enforcement aspect overlaps to other Government agencies, then draft copies are forwarded to them for their comments. When the comments are finally received they are usually examined by a committee and a position is established. When this time arrives, the comments are then sent to agencies outside of the Government of Canada such as. The Meat Packers Council of Canada, The Canadian Poultry and Egg Council, the Grocery Products Manufacturers of Canada, and the like.

The Consumers Association of Canada are consulted, as well as the Food Advisory Section of Agriculture Canada. After numerous meetings the final draft of the proposed legislation is prepared and is then sent to the Legal Services of the Department concerned, in order to see that the new legislation does not conflict with present day legislation such as the Bill of Rights and so on.

We are presently amending the Meat Inspection Act and Regulations and the officer doing this work is now writing the 18th draft which shows that the procedure outlined above can be a very time-consuming task.

CANADA


Dep. of Agriculture
Committee
Other government agencies
comments
proposal
Food Advisory Section of Agriculture Canada
comments
meetings
Manufacturers' and Consumer organizations
comments
final draft
Legal Services of Department
final regulation
publication

Procedures for establishing food regulations in The Netherlands

By: J. Meester, Central Institute for Nutrition and Food Research
TNO, Zeist.

Legislation on food (including meat and meat products) is subject to the jurisdiction of the Ministry of Public Health and Environmental Hygiene, the Ministry of Agriculture and Fisheries and the Ministry of Economic Affairs. It is based on frame acts and effected in royal orders or ministerial decrees, in regulation and dispositions. Some of the basic acts, important for the meat branch, are given below.

The "Warenwet" (Merchandise Act) regulates (1) the designation and (2) the composition of merchandise, viz. foods and beverages, articles used in or employed for the preparation, packaging or storage of such goods, and some other items, such as children's toys and cosmetics. It is based upon two principles: (a) public health aspects and (b) fair trade practices. Under this act, relevant requirements have been laid down in general provisions (e.g. decrees on antioxidants, colouring matters, preservatives) and in commodity decrees. For meat products, there is the 'Vlees- en Vlees-warenbesluit' (decree on Meat and Meat Products), which prescribes in a positive list the chemical and otherwise determined composition. Control is being exercised by provincial or municipal inspection services (provided with laboratories) in 16 districts under technical supervision of the General Inspection Service of Public Health for Foods and Merchandise and regional inspectors of the Ministry of Public Health and Environmental Hygiene.

In a decree based upon the Pesticides Act residue tolerances for pesticides in meat and meat products have recently been laid down.

In the "Vleeskeuringswet" (Meat Inspection Act) and its decrees and regulations, inspection of slaughter-animals (ante- and post mortem), slaughtering, the hygiene of meat and the preparation of meat products, as well as the control on imports are regulated. The work is done by local and district services, which are assisted by the "Veterinaire Hoofdinspectie" (General Veterinary Inspection Service of Public Health) of the Ministry of Public Health and Environmental Hygiene.

A separate veterinary service, the "Veeartsenijkundige Dienst" and its district officers of the Ministry of Agriculture and Fisheries, is operating under the "Veewet" (Cattle Act). Their main task is to take care of the state of health of live-stock and the prevention of contagious animal diseases. They are in charge too of veterinary export control and certification of cattle, meat and meat products.

Also involved in food legislation are the so-called "Schappen" (Industrial Boards), being corporate, industrial organisations under public law. In the Boards employers and employees co-operate to promote the interests of the branch concerned in industry and trade, e.g. by co-ordinating and advising, or by financing research. There are two kinds: a. "Bedrijfschappen" (Industry Boards) for all enterprises carrying out similar activities, e.g. "Bedrijfschap voor het Slagersbedrijf" for the butchery trade and "Bedrijfschap voor de Vleeswarenindustrie" for the meat canning industry;

b. "Produktschappen" (Commodity Boards), comprising all enterprises engaged in manufacturing and/or selling a specific product or group of products, e.g. "Produktschap voor Vee en Vlees" for all concerned with cattle and meat. The Boards have statutory power, making it possible that they issue decrees and regulations on specific matters concerning the branch, e.g. quality specifications or packaging standards. For example: the quality control of Dutch export meat products is exercised by a decree of the Commodity Board for Cattle and Mea

The procedures followed in establishing new regulations or changes in existing rules, depend on the subject and the respronsibilities in that particular case, and may be very complicated. In fact, any one (e.g. an industrial group) can start such a procedure by submitting a petition to the Ministry or, occasionally to an Industrial Board.

For instance, association X makes a request to allow the use of a new additive i meat products, which concerns the Decree on Meat and Meat Products (Merchandise Act). In this case, the Ministry of Public Health and Environmental Hygiene will delegate the question to the Merchandise Act Advisory Commission, instituted by law. The 20 members of this Commission, appointed by the Crown, are being chosen partly from the official and scientific sphere, partly from business and consum circles. The Commission must not only be heard in such cases, but frequently als makes proposals on its own accord. The Commission is divided into a number of technical Subcommittees (23 at present), on which, besides members of the Advisor Commission and departmental representatives, also advisers and experts have a se In our example, the request will be handled in the first place by the Subcommitt "Meat - Meat Products - Fish - Aroma - Gravy - Soup - Meat Extract - Game - Poultry", but presumably also in the Subcommittees for "Additives", for "Toxicit and for "Chemical-analytical Methods". Representatives of interested private associations or industries may be invited to take part in the discussions.

All material pertaining to the case in question will be checked. Apart from the arguments with regard to the necessity and usefulness of the relative additive, as well as further documentation and background information on toxicological aspects supplied by the applicant, scientific knowledge from litterature and in stitutes' representatives will be considered. If not available, such informatio may be gathered by research. As far as these additives are concerned, the "Voed raad" (Nutrition Board) has published detailed General Guidelines with regard t the points to be taken into consideration.

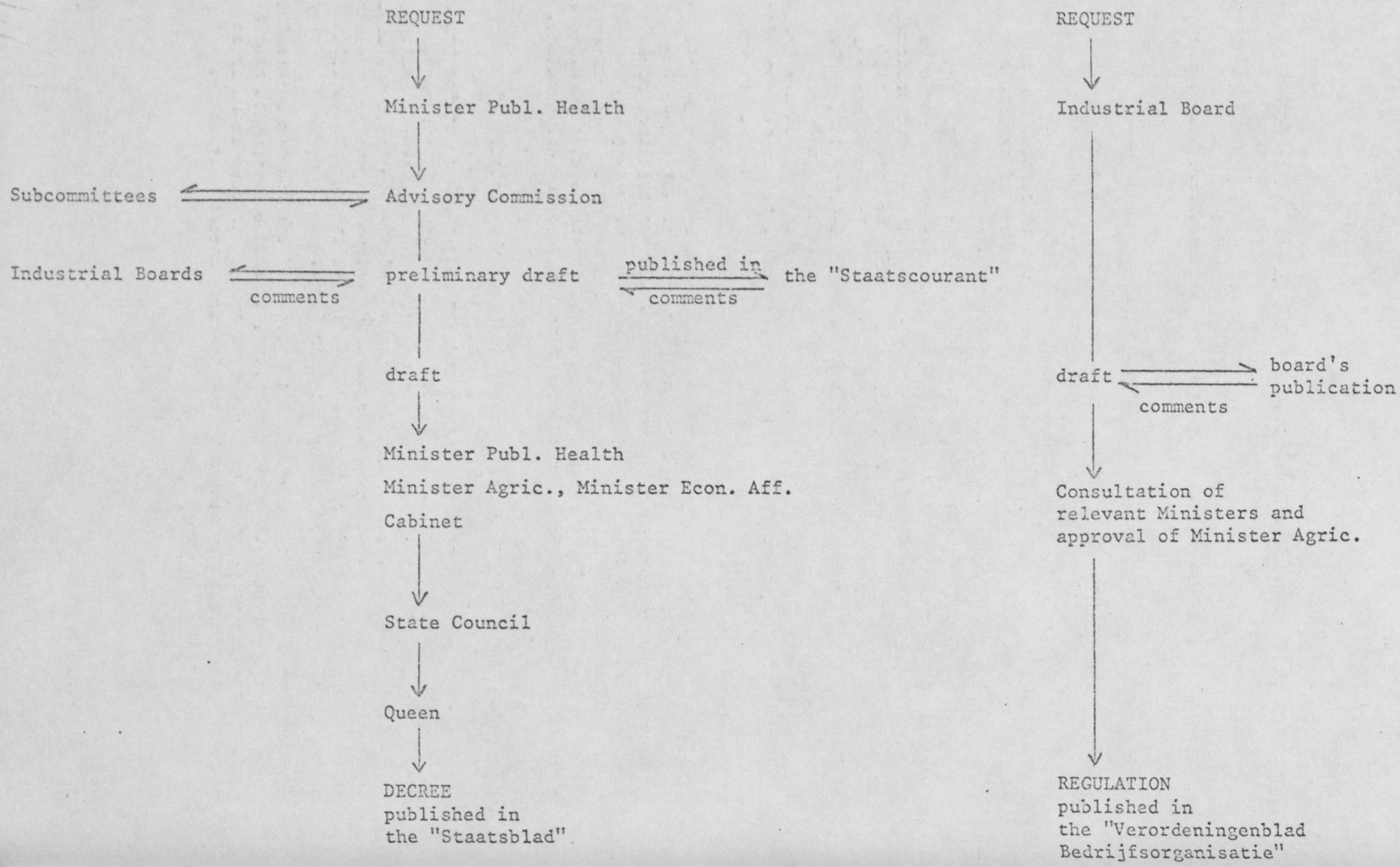
In case agreement is reached, the Subcommittee will compose the text for the relevant change in the Decree for Meat and Meat Products. This preliminary draf is published in the "Nederlandse Staatscourant" for comment. Usually, the respe Industrial Boards will also be consulted.

After this step, the Advisory Commission or Subcommittee writes a final draft, which has to be passed by the Ministries involved, the Cabinet and the State Counsil. After sanction, the decree will be signed by the Crown and be publishe in the "Staatsblad".

The relevant procedure, schematically presented in the graph annexed, is in bro outline also applicable to other items. It undoubtedly guarantees participation of all groups interested and all factors being weighed.

However, it cannot be denied that in cases where opinions are conflicting the preliminary technical and political consultations delay the final decisions, sometimes even for years. Nevertheless, in case legislative action is obviously and urgently needed, quick decisions may be taken, of which the Dutch problem with HCB-residues in ham, some time ago, is an example. In close co-operation with the Ministry of Agriculture and Fisheries and all parties concerned, the Commodity Boards for Stock-feed and for Cattle and Meat decided that case within a relatively short time with the aid of their own regulations (see graph), as a result of which the HCB-residue levels were brought down to normal proportions.

EXAMPLE OF PROCEDURES FOR ESTABLISHING FOOD REGULATIONS IN THE NETHERLANDS



Procedure for establishing Food Legislation in Sweden

By leg. vet. Bengt Eriksson, KFs Meat Products Laboratory, Nacka, Sweden

In 1963, the Swedish Government set up a committee of 7 members with the task of scrutinizing the 1951 Swedish food regulations. The appointed members represented the Government, the food control authorities, the consumers, the food workers' organisation, industry and trade. In its work the committee engaged a number of experts and arranged several hearings with various social groups.

The committee drew up a proposal, which was submitted in 1970. This document was sent to many organisations, authorities etc for comments and was severely criticized in several respects. Taking these critical comments into consideration, the Government in 1971 presented a bill about food legislation and control to the Riksdag. This bill passed, which implied that the Food Act came into force on January 1st, 1972, and a new civil service department, the National Swedish Food Administration Board, was established and began working on January 1st 1972. Before 1972, questions about the composition, treatment, handling, storing and selling of food had been handled by various ministries and civil service departments.

The new Food Act is a type of frame law containing some broad definitions, aims and directions. In many respects and details it authorizes the Government to form more specific regulations. Such regulations have also been worked out by the Government in a decree primarily containing directions and instructions in the field of food hygiene. This decree authorizes the Food Administration Board to elaborate relevant ordinances concerning the composition, labelling, treatment, production, handling, storing and selling of food.

The Food Administration, which is subordinate to the Ministry of Agriculture, is managed by a board consisting of ten members. The director-general is a member of the board and also chairman of the board. The other members who are all appointed by the Government, represent various groups of people, e.g. the consumers, the food workers, health authorities, industry, sale etc. The Food Administration Board has also appointed about 50 scientists specialized in various subjects as advisers to the board or the staff of the Food Administration Board in specific matters. The organisation is indicated in Fig 1.

New ordinances mostly originate from the staff of the Food Administration Board. Earlier regulations and directions, as well as proposals made by the committee, are the basis of these ordinances. In some cases ideas of proposals are also initiated by the press or certain activists.

Before a proposal made by the staff can be adopted and come into force it is submitted to the board who sends it out for comments to interested parties. At this stage also the Scientific Council may be asked to give its opinion. Based on these comments and information, the regulation is promulgated (See Fig. 2).

If a proposal implies considerable costs for the consumers, industry, trade etc. it must be passed on to the Government. The Government forwards the proposal to organisations, institutions, authorities, representatives of industry etc. that might be interested in the matter, for comments. Based on these comments a decision is made as to whether the proposal as a whole can be accepted or has to be revised.

Proposals of minor importance drawn up by the staff can be accepted by the board. Directions and/or interpretations can also be made by the responsible officials of the board. Such regulations are, however, of minor importance from an economic point of view.

Slaughter-houses, dairies and big food factories are directly supervised by the National Food Administration Board through Government inspectors. The regional food control is performed by the officials of the Country Government Board.

The municipal public health board are the authorities which from a practical point of view have responsibility for most of the immediate food control. These committees are politically elected. Inspectors employed by them perform the essential supervision of handling and sale.

The construction of the new law enables the National Food Administration Board to issue new or change older detailed ordinances fairly quick. The 1951 Food Act was even in details adopted by the Riksdag. This was a procedure which took a lot of time even for smaller amendments. Considering the research work on health hazards as new ingredients and new technology introduced for food composition and production, it is favourable to have rather flexible regulations. Up to now the new regulations have mostly concerned food hygiene, in particular pathogen microorganisms, and labelling. The quality criteria for various food items that have appeared are in many cases not very different from the earlier ones and do not concern so much the proper quality of the food. In some cases they might even be looked upon as bureaucratic or protectionistic.

Among those employed at the National Food Administration Board there are very few persons educated and/or trained in food science and technology, which can hamper practical and functional regulations coming into force. For the moment it is hard to judge how the new regulations and supervision will work in the future for the consumer as well as for industry and trade.

Fig.1 ORGANIZATION OF SWEDISH FOOD ADMINISTRATION FROM BOARD.

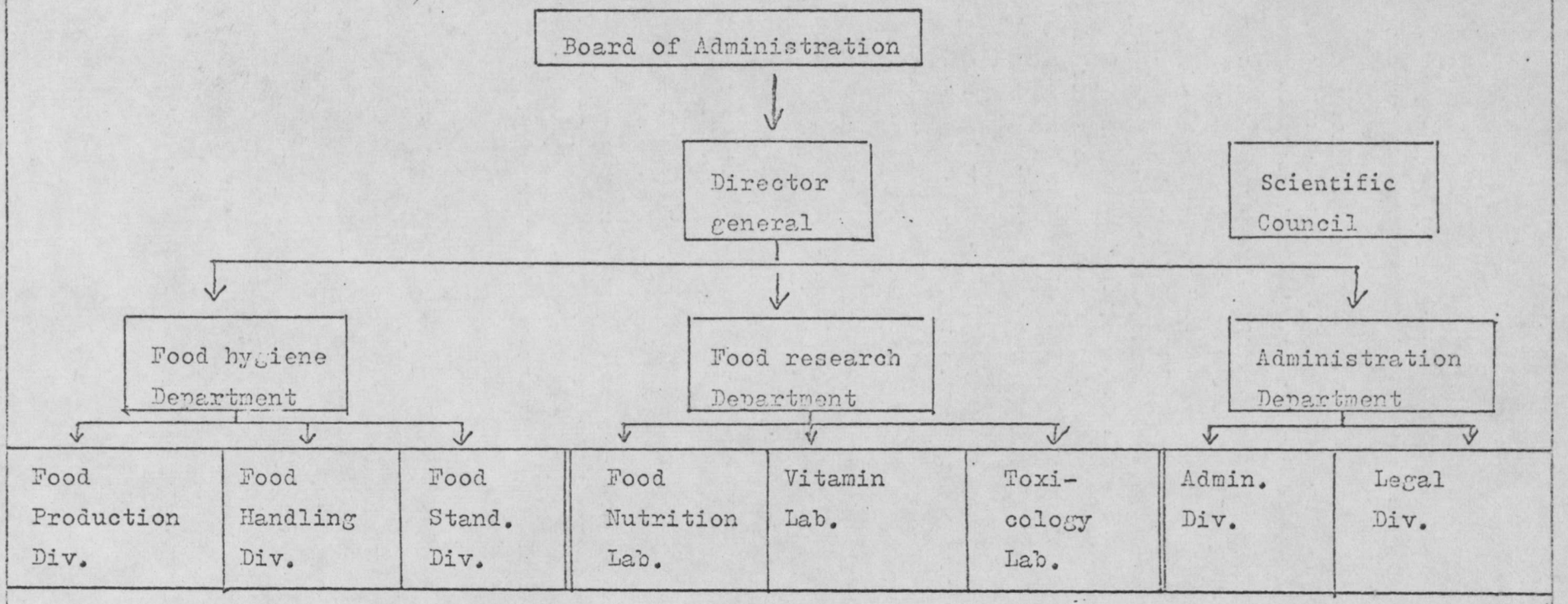
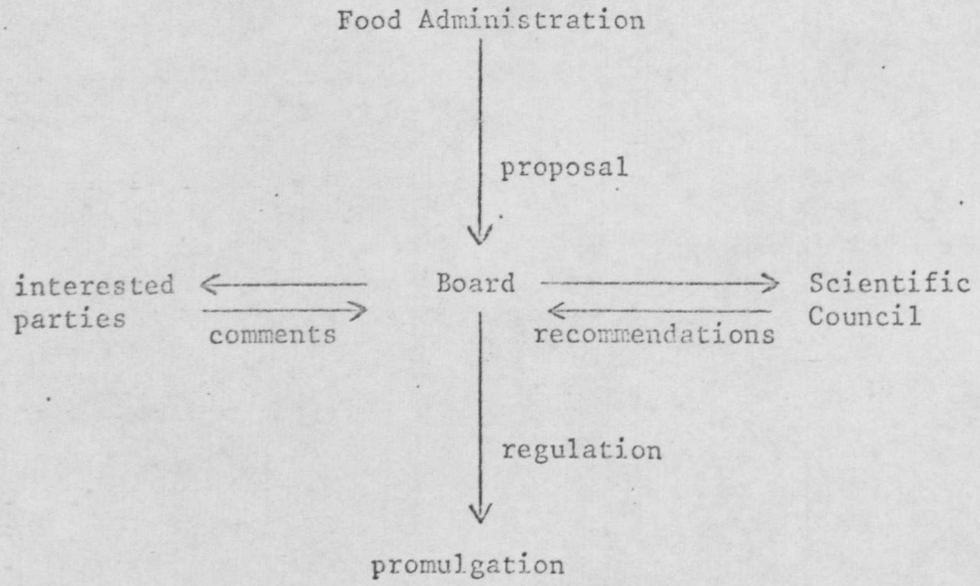


Fig. 2

SWEDEN


Food Administration
proposal
interested parties
comments
Board
recommendations
Scientific Council
regulation
promulgation

Procedure for establishing Food Legislation in the U.K.

By: Trevor J. Coomes, B.Sc. Head of Food Chemistry,
Composition & Safety Branch, Ministry of Agriculture, Fisheries & Food

The breadth of legislative control is defined by Parliament in the Food and Drugs Act 1955[1], and the relevant powers necessary are set out in Part 1, of the Act, the General Provisions as to Food and Drugs. Responsibilities for the Regulations are shared in England (with Wales), and Scotland by the Ministry of Agriculture, Fisheries and Food, the Department of Health and Social Security, and the Scottish Home and Health Department using powers conferred on them by Section 4 of the Act. Ministers may, by virtue of this Section, make Regulations so far as appears to them 'to be necessary or expedient in the interests of public health or otherwise for the protection of the public' for any of the following reasons:

(a) for requiring, prohibiting or regulating the addition of any specified substance to food, or the use of any substance to food, or the use of any substance as an ingredient of food during its preparation, or generally for regulating the composition of such food;

(b) for requiring, prohibiting or regulating the use of any process or treatment in the preparation of any food;

(c) for prohibiting or regulating the sale or possession for sale, or importing for sale, food which does not comply with any of the regulations;

(d) for prohibiting or regulating the sale or possession for sale of any specified substance intended for use in the preparation of food.

One of the most important clauses in this section of the Act deputes upon ministers the desirability of restricting, as far as is practicable, the use of non-nutritive substances as foods or as ingredients of foods. All foods sold in the United Kingdom, for human consumption, are subject to the requirements of this statute, with the single exception of milk, for which separate controls are imposed, although cream, and any food containing cream or milk are embraced by these powers.

To advise them in their responsibilities in respect of regulations authorised by the Act, ministers have established two bodies of independent experts on food and related topics. These constitute, first, the Food Standards Committee, whose members have responsibilities embracing both compositional standards and regulations relating to description, labelling and advertisement of food; secondly the Food Additives and Contaminants Committee advises on the desirability or otherwise of the permissive uses of food adjuncts or ingredients not normally considered of nutritional value,

but currently necessary with the increasing need to apply science and technology to the production, preservation, storage, transport and marketing of food. Neither of these committees is a statutory body, but merely advises ministers in the excercise of its regulation-making powers. Each consists of representatives of consumers, trade, enforcement, and scientific interests, with an independent chairman, and members are appointed in their personal capacities. The department provides the secretariat for each committee, and there is a joint secretary dealing with the scientific functions of both bodies. Administrative aspects of both committees are, at the moment, in the hands of the Food Standards Division in the Department.

Matters of both toxicological hazard and safety-in-use of foods and food adjuncts may be referred by both of these committees to the Toxicity Sub-Committee of the Department of Health and Social Security's Committee on the Medical Aspects of Chemicals in Food and the Environment. This group consists of both scientific and medical experts, also of independent status particularly experienced in the field of food additives and contaminants.

None of the committees is self-generating as far as work is concerned. Each one deals only with questions referred to it by the responsible ministers. When a topic is referred to a committee, it is provided with all the relevant material available to departments at the time, and, having considered this, it will normally seek written evidence from anyone who cares to submit it. As the work of the committee proceeds, it invariably seeks further advice on a number of specific points and, almost always, oral evidence is taken from the main interests concerned.

When the report of the committee on a given topic is completed it is submitted to Ministers who will, if they see fit and they usually do, authorize its publication in printed form. The report is issued with a press notice inviting comments by those interested by a specific date, usually three months ahead, and indicating that Ministers are not committed by publication to the acceptance of any of the views put forward in it.

In most cases, the point has now been reached when the committee has played its part, and the task of completing the standard is the work of the departments. All comments on the report received are summarized and any organisations who have asked for meetings to discuss the report are seen, and their detailed observations discussed. This task, in the case of a comprehensive report can be very exacting and, of course, consultations of this nature take time. However, the four responsible departments after many meetings and much correspondence decide what, in their opinion, should be done, and produce draft proposals for regulations. These proposals indicate what is to be done in terms which, it is hoped, are not only exact, but also comprehensible. The issue of proposals for regulations for comment by interested parties is a statutory obligation laid down by the Food and Drugs Act, and a press notice is issued, together with the proposals, again with a time limit, usually of three months. This action concerning proposals for regulations is obligatory, whereas the issue of a committee's report for comment is an act of grace on the part of ministers. It must be emphasised here that the press notice announcing proposals for regulations

quite clearly states that anyone who wants a copy can have it, but we do make the task of keeping up to date easy for all associations and firms known to be interested by sending copies to them as well as to local authorities and all high commissions and embassies in London.

Now the whole process of summarizing comments, reading them, holding meetings as requested, and drawing conclusions is repeated. The four departments then come to a final conclusion on the form the regulations should assume. Occasionally, the comments received radically alter the ideas of departments, and when this happens there is a second round of consultations on revised proposals.

When the final decisions are made, the final draft is prepared by the legal advisers of the Ministry of Agriculture, Fisheries and Food, and evan at this stage some unexpected snags may arise, calling perhaps for more meetings. Scrutiny by the legal advisers of other departments may also presage some changes, but finally a satisfactory regulation is submitted to ministers for their approval. For those regulations containing labelling provisions, the Food and Drugs Act requires that they be commented upon by the Food Hygiene Advisory Council, and when this has occurred the regulations are submitted to ministers for signature.

The final stage of making a regulation involves their being laid before Parliament. Within forty sitting days after this, they are automatically annulled if a prayer against them is carried in either house. If this does not ahppen the regulations pass into the statute book on the forty-first day, the so-called negative resolution procedure.

This system is very laborious, but it has a number of advantages, notably that it permits very close contact between all the interests concerned, and there is a very good chance that all the problems and difficulties emerge before the regulations are made. I am convinced that in this modern, sophisticated world you cannot make food standards quickly.

It is the modern intention to review the food standards and additive regulations every five years, and this gives the committee the opportunity to re-examine the various regulations in the light not only of the changing food technology scene but also to take account of the changing patterns of consumer preference and food consumption. These reviews are particularly important in the case of the additive regulations, since they also enable the Toxicity Sub-Committee to review the toxicology of existing additives and to evaluate any new additives that have been justified in respect of need to the Food Additives and Contaminants Committee.

REFERENCE

1 Great Britain : Parliament, Food and Drugs Act, 1955 London H.M.S.O.

Procedure for establishing food legislation in USA under the Department of Agriculture

By: Dr. D. Houston, Director Technical Services, Animal and Plant Health Inspection Service, USDA.

In the United States we have a two-tiered system of Federal food legislation. Broad, enabling legislation is written by the Congress. In order to amass the necessary information to do this, both Houses of Congress hold congressional hearings and many specialists are allowed to testify. The Department of Agriculture, because of its expertise, is a frequent participant in these hearings.

Once the legislation has been enacted, the cabinet official who is delegated the responsibility of enforcing the law promulgates implementing regulations.

The United States Meat and Poultry Inspection Program employs scientists and professionals representing a wide range of disciplines on the various staffs from which a proposed regulation or change might originate. Among these are chemists, epidemiologists, microbiologists, biologists, toxicologists, pathologists, food scientists, veterinarians, and statisticians. They have ample opportunities to keep current in their fields through access to professional and trade publications, attendance at professional meetings, and frequent consultations with their counterparts in other Federal agencies. Arrangements can be made for the Department to subsidize research in academic areas when there is a need for information or data that is not available.

The staffs in our Program are organized to a large degree on a functional basis, which emphasizes the interdisiplinary approach to problems. As a result, many of our staff members have a broad knowledge of scientific developments in the food area.

When rulemaking which requires scientific knowledge is needed, it is initiated by the most appropriate staff. Frequently, that staff will request special aid from one or more members of other groups with specialized knowledge. Before publication, rulemaking proposals are individually submitted to other staffs in the Program for comments and clearance. All questions raised by such comments are resolved prior to publication.

Most rulemaking, especially if it embraces new scientific principles, is first published as a proposal in the Federal Register, a publication of the U.S. Government with wide distribution and which is available to any interested party. The public then has a stated period of time in which to comment - one frequently used is 90 days. All views and information contained in the submitted comments must be considered in the promulgation of the final regulation.

There is no formal requirement or procedure for consulting with extra departmental scientific bodies or other groups on a particular regulation. However, it is the policy of the Department to seek pertinent information from all possible sources prior to announcing proposed regulations.

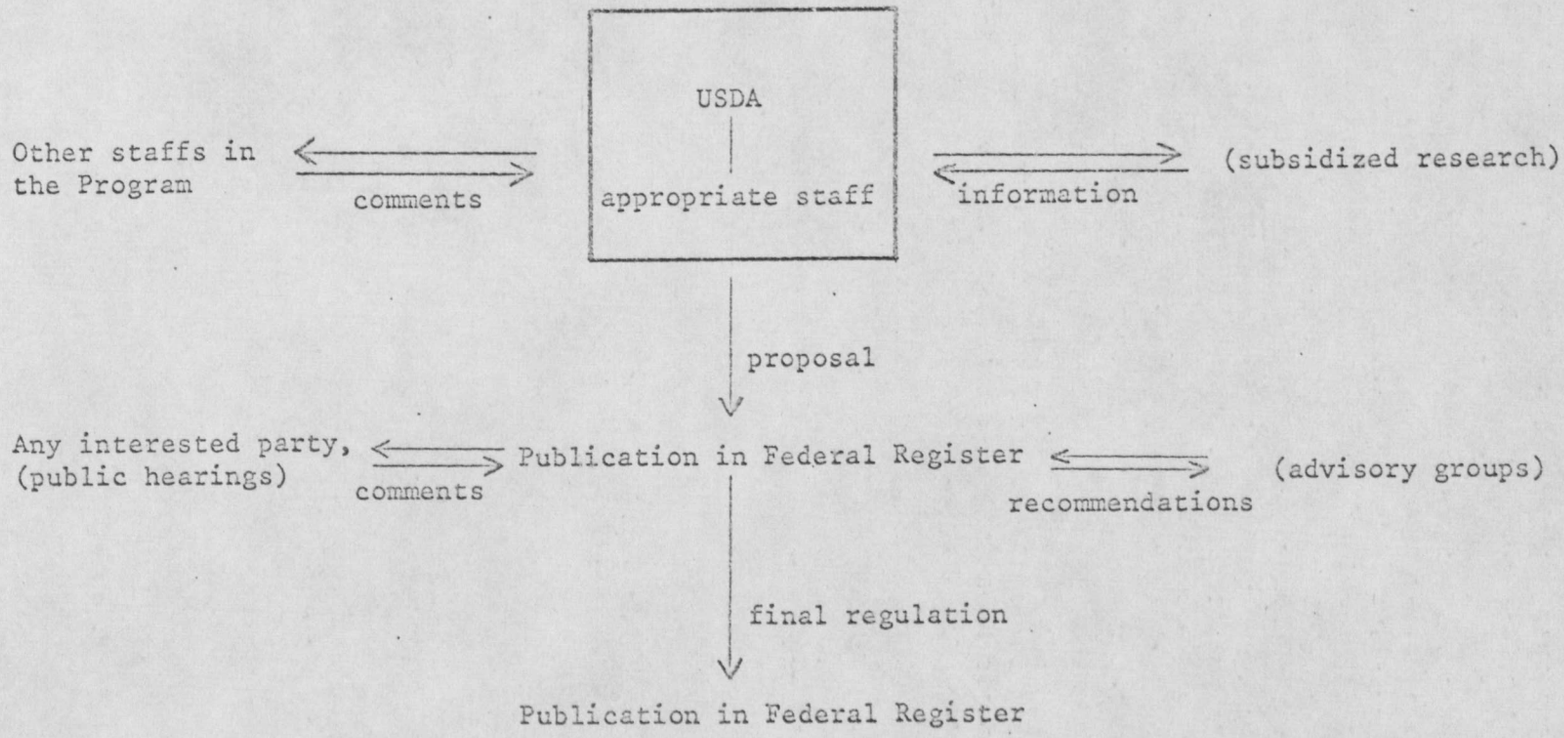
After the information received as a result of the published proposal is evaluated, the regulation is usually prepared in the final form. In unusual cases, the information received may result in republication in proposal form. This is the case when it is decided to change the final rule substantially from the initial proposal.

If a new regulation is expected to have appreciable public impact, one or more public hearings may be held to assure that the Department considers the views of all concerned. Further, where the Secretary of Agriculture feels that special outside expertise could be helpful, he may appoint an advisory group to consider a specific issue and make recommendations.

To prevent special interest groups from exerting undue influence, the Federal Information Act requires that notice of either a public hearing or a meeting of an advisory group be placed in the Federal Register so that the public may attend.

When a decision is made on the final content of the regulations, they are then published in their final form in the Federal Register. At this point, an effective date is stated in the Federal Register publication. Regulations may become effective upon publication or at any point in the future considered necessary for orderly implementation.

USA (USDA procedure)



Procedure for establishing food legislation in Yugoslavia

By: Dr. V. Oluski, Yugoslav Institute of Meat Technology.

According to the Yugoslav constitution, the legislation is in the jurisdiction of federation or socialistic republics and autonomous regions. Rules covering the norms of quality and other properties of product are in the jurisdiction of federation.

In Yugoslavia, foodstuffs are regulated from two aspects:

- quality, and
- hygiene.

In addition, foodstuffs of animal origin are regulated also from the veterinary-sanitary standpoint. Enforcement of these regulation is in the competence of three legal authorities.

The hygienic aspect of foodstuffs is regulated by the Federal Law on Wholesomeness of Foodstuffs and Articles of General Use (Sluzbeni list SFRJ No. 71-1972 and No. 1-1973), the republic namely regional laws being based on it. Besides foodstuffs, the provisions of this law encircle also the articles of general use which among other things include containers, equipment and packages for foodstuffs.

The matter included in the above law is in details regulated in the accompanying legal documents. One form of legal documents are regulations: on bacteriological norms, on minimum conditions regarding wholesomeness of articles of general use, containers and packages, on pesticide residues.

Veterinary-sanitary supervision over foodstuffs of animal origin is governed by the regulations of Federal Veterinary Inspection Service. With the aim of ensuring more economic production, quality and other properties of foodstuffs, as is the case with other goods as well, the quality of foodstuffs is also regulated, on the basis of the Federal Law on Yugoslav Standards and Norms of the Product Quality (Sluzbeni list SFRJ No. 2-1974). The standards of quality, being symbolically marked as JUS, are prescribed for the majority of products of different industrial branches (chemistry, civil engineering and others). Besides standards, for agricultural and food products there are also rules on quality. As for agricultural products, standards refer only to those agricultural products which have a status as raw material for the manufacture of finished food products. Standards encircle only one or several products, whereas the rules on quality encircle a whole group of products. The rules are issued in the form of regulations, 9 of them having been issued up to now. They include almost all food products (about 340 groups namely products). For example, there are regulations on the quality of milk and milk products, on the quality of meat products, on the quality of meat derived from slaughter animals, poultry and game, and others.

Regulations on quality, as well as standards, represent the minimum norms of quality required for the concerned products.

The regulations prescribe the basic ingredients to be contained in the product, their quantities as well as the quantities of permitted additional ingredients, the way of keeping, storage, packaging, identification, declaration, sampling and analyses.

The regulations and the standards are issued by the Yugoslav Office for Standardization on the basis of previously made programs. The proposal for their issuance may be given by a manufacturer, an economic chamber (federal, republic, regional or basic chamber), an association of manufacturers, an institute, etc. The proposal is accompanied by the draft and by explanation.

The draft is considered by a Professional Commission of eminent experts from the Yugoslav Office for Standardization, the Health Secretariat, the Committe for Agriculture, the Secretariat for Trade and Prices, research institutions, universities and experts working on practical problems. The members of the Commission are named by the Office for Standardization. The Professional Commissi adopts the first proposal - if it considers the proposal to be interest - and submits it to the interested organizations and institutions. It also organizes the study of application of such proposal in practice.

The drafts of standards or regulations are distributed to all organizations having interest in it, so that they can consider it and give their comments on it.

Comments, opinions and proposals on the regulations on quality, namely standards of quality, are submitted within 3 month from the date of the draft receipt. On the expiration of this period, the commission examines the received comments and proposals, reconciles them and makes a new version of the standard or the regulations.

The procedure for issuing the standards lasts for two to four years. In that period the institutions ordered by the Professional Commission test in practice the initial proposal, if this has not already been done. In addition, internatio- nal standards, recommendations in the field of standardization, and internatio- nal obligations of Yugoslavia in that field, should be taken into consideration. The international standard with which the issued standard or regualtions were reconciled must be stated.

The Commission forms the final version based on the obtained results from the study, objections of interested organizations or objections adopted at profes- sional meetings and returns them to interested organizations and institutions.

The final standard or the regulation adopted by the Professional Commission is issued after it was signed by Director of Yugoslav Office for Standardization, Secretary for Health, President of the Committee for Agriculture and Secretary for Trade and Prices. By their agreement it is secured against the contradicti- ons of a standard or a regulation with some other legal acts from the work region of mentioned state organs (for example, to appriciate orders of regula- tions from the veterinarian region).

Every year, a special commission makes amendments of regulations or standards, if there are any comments received from the practice..

After the issuance of regulations or standards, proffessional meetings are organized where their application is discussed, and permanent consultations regarding their prompt changes are held in order to prevent them to obstruct the introduction of new technological accomplishment.

These professional institutions (for example, Meat Research Institute) periodically organize professional meeting of all corresponding experts from factories where they bring mutual conclusions regarding the proposal of a standard or a regulation. They submit them to the Professional Commission which is not obliged to adopt them. The practice has shown that the Commission respects them and often adopts them.

In the above way, professional and scientific institutions are fully engaged in making the rules on quality of food products, as well as on their wholesomeness.

YUGOSLAVIA

Proposal from an economic chamber,
federal, republic, regional or basic chamber,
association of manufacturers, institute etc.

↓

Yugoslav Office for Standardisation

↓

Professional meetings, Interested organizations ⇄ (comments) Professional Commission ⇄ study of application

↓

Final standard or regulation → Professional meetings, Interested organizations
← (changes)

Procedure of the Codex Alimentarius

By: V. Enggaard, Assistant Director, Danish Meat Products Laboratory.

The Codex Alimentarius was established in 1961 as a joint programme to continue the work on establishing food standards initiated by the Codex Alimentarius Europaeus.

It was agreed that the purpose of the Codex Alimentarius should be

"(Ex.)

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

b) promoting co-ordination of all food standard work undertaken by international governmental and non-governmental organizations".

To obtain this goal it was also agreed to elaborate different types of standards, codes of practice and other recommendations (see fig. 1).

To day more than 100 countries are members of the Codex Alimentarius and participate in the work by attending Codex meetings and/or by giving written comments to the documents under consideration.

The idea is that once a number of countries have accepted the standards or included the substance of a Codex Alimentarius publication in their national food legislation the first step is taken to reach a harmonization which is necessary for a free exchange of wholesome food products of a minimum quality correctly labelled.

Elaboration of standards, codes of practice and the like is allocated by the governing body, the Codex Alimentarius Commission (C.A.C.), to specific Codex Committees, each of which is chaired by a member state responsible for convening meetings in accordance with the rules of procedure laid down by the Codex Alimentarius Commission.

Six Codex Committees deal with general problems (see fig. 2).

Of course not all countries participate in the work of all the committees. Normally 25-30 countries are participating in each Codex Committees but also a number of international organizations are represented.

As it can be seen especially horizontal committees seek advise from expert committees either those of the two motherorganizations or other recognized international organizations.

In fig. 2 the terms of reference have only been summarized but a general obligation is to assist the Codex Committee elaborating standards for specific foods.

The procedure for the elaboration of these standards is given in fig. 3, and it includes 11 steps.

At each of the steps 1 to 9 all member states are invited to given their opinion either as written comments or by participating in the sessions which take place at Step 1, 4, 7 and 8.

Written comments are also sought from international organizations which at the sessions usually take part in the discussion.

Amendment of a standard follows the normal procedure outlined in fig. 3 but with the consensus of Codex Alimentarius Commission a certain number of steps can be skipped.

Fig. 1

Codex Alimentarius.

Purpose

(Ex.) a) protecting the health of the consumers and ensuring fair practices in the food trade:

b) promoting co-ordination of all food standard work undertaken by international governmental and non-governmental organizations

by means of

Codex standards { General / Commodity } World-wide or regional

Codes of practice

Recommendations and studies { Food additives / Definitions

Fig. 2

General Codex Committees

Codex Committees	Terms of reference	Collaborate with
Food Additives	Establish levels of use of food additives, max. levels of contaminants, propose food additives for tox. evaluation.	Joint FAO/WHO Expert Committee on Food Add. Codex Commodity Committees.
Pesticide residues	Propose international tolerances for pesticide residues, propose pesticide residues for tox. evaluation.	WHO Expert Committee on Pesticide Residues. FAO Working party on Pesticides Codex Commodity Committee
Food Hygiene	Codes of hygienic practice, endorse hygienic provisions in Codex standards.	FAO and WHO Codex Commodity Committee
Methods of analysis and sampling	Specify generally applicable methods for food, recommend sampling systems, endorse methods of analysis in Codex standards.	ISO, AOAC. ICMSF Codex Commodity Committees.
Food labelling	General standard for food labelling, consider principles of food labelling, endorse labelling provisions in Codex standards.	Codex Commodity Committees.
General principles	Make recommendation to the Codex Alimentarius Commission on procedural and other general questions.	Member states

Fig. 3

Elaboration of Codex Standards

(World-wide standards for commodities)

Steps			
1	C.A.C. decides on the proposal	← Propose elaboration of a standard	GOVERNMENTS ACTION
2	Codex Commodity Committee elaborates first draft of the proposed standard	← Suggestions for requirements to be incorporated in the standard	
3	C.A.C. asks all member states + international organizations for comments	← Comments on proposed draft standard	
4	Codex Commodity Committee considers oral and written comments and revises the proposed draft standard	← Participation in Committee session	
5	C.A.C. adopts the proposed draft standard	← Participation in C.A.C. session	
6	C.A.C. asks all member states + international organizations for comments	← Comments on draft standard	
7	Codex Commodity Committee considers oral and written comments and revises the draft standard	← Participation in Committee session	
8	C.A.C. adopts the draft standard	← Specific comments to step 8 standard and participation in C.A.C. session	
9	C.A.C. asks member states for acceptance of the Codex standard	← Notify C.A.C. on acceptance	
10	C.A.C. publication of received acceptances		
11	C.A.C. the standard is published in the CODEX ALIMENTARIUS		

DANISH MEAT PRODUCTS LABORATORY
The Royal Veterinary and Agricultural College

Procedure for elaboration of EEC food legislation

By: Anne Brincker, Danish Meat Products Laboratory

The purpose of elaborating EEC food legislation is to harmonize the national provisions of EEC member states in those areas, where existing national provisions constitute a trade barrier within the community.

The procedure for elaborating EEC food legislation may be summarized in the following way:

1. The EEC Commission elaborates a proposal for provisions.
2. The proposal of the Commission is submitted to the Council of Ministers for acceptance.
3. Comments are requested from European Parliament and the Economic and Social Committee.
4. The Council of Ministers accepts the provisions.
5. The Council of Ministers promulgates the final provisions.

This procedure is further described in details below, and in annex 1 a graphic presentation of the procedure is given.

1. The Commission elaborates a proposal for provisions

It is the responsibility of the Commission to make proposals for EEC legislation in those areas, which have been established in the Treaty of Rome or in earlier decisions of the Council. Thus it is always the Commission which must take the initiative for the elaboration of a proposal for harmonized legislation (or for changes of existing EEC provisions) and it is then up to the Council to accept this proposal.

However, in some areas the Commission has been given the responsibility by the Council to issue provisions on its own under certain conditions. See further under point 1.4 below.

Within the Commission, food legislation is treated either by Directorate General III (industry and technology) or Directorate General VI (agriculture). The first draft is elaborated by the officials of the Commission and is often based on a proposal from the EEC industry organisations.

In the further elaboration of the proposal, the Commission normally uses the procedures mentioned below under point 1.1-1.3. But these procedures are not mandatory. As the Commission is solely responsible for the wording of the proposal, it has in principle no obligation to take advice from anybody.

1.1 Advisory working group

The most important and most time consuming examination of the Commission's first proposal is done by a working group consisting of experts which are appointed by the various member states' administrations. The members of the working group participate in their personal capacities and even though the Commission has the responsibility for the elaboration of the proposal and also has the chairmanship of the working group, it has no influence on the appointment of the experts. These are not permanent members of the working group but are appointed before each meeting dependent on the topic that is going to be discussed.

There are two permanent working groups of this type, one is called "Food Legislation" and assist Directorate General VI, while the other is called "non-appendix II products" (which refers to appendix II in the Treaty of Rome) and it assists Directorate General III. In practice, however, there is no real difference between these two working groups. Furthermore sub-groups can be established under these working groups to deal with the various topics which is the normal procedure.

The function of the working group is advisory as the Commission alone is responsible for the wording of the proposal and although the Commission naturally seeks to establish agreement between the experts during the examination of the proposal with a view to its future destiny, it has no obligation to obtain complete agreement between the experts.

1.2 Consultations with food industry and consumers

During the elaboration of the proposal the Commission consults the EEC organisations of the food industry and the EEC consumer organisation in order to obtain their comments to the proposal.

This consultation of industry and consumer organisations may take place at various stages of the work, for instance before the proposal is treated in the working group or while the proposal is considered by the working group. The consultations may take place in writing and in meetings (hearings) between the Commission (which on these occasions may be assisted by the working group) and the representatives of the organizations involved.

1.3 Scientific Committee for Foods

In April 1974 the Commission established a "Scientific Committee for Foods" to deal with health questions in connection with foods. Its members are experts appointed by the Commission.

The Committee is advisory to the Commission with respect to questions concerning nutrition, toxicology and the like but the Commission is not obliged to follow the advice given.

1.4 The Permanent Foodstuffs Committee, the Permanent Veterinarian Committee and the Management Committees

As it was mentioned under point 1, the Commission may in some cases itself issue community-provisions. Such provisions are normally of a technical nature such as methods of analysis, methods of sampling and tolerances which are connected with provisions stated in Council directives or regulations and the Commission is obliged to elaborate these technical provisions in cooperation with the member states in the Permanent Foodstuffs Committee.

The Permanent Foodstuffs Committee consists of a group of government experts which have been appointed by the member countries. The Commission has the chairmanship in the Committee and the provisions can only be agreed to by a qualified majority in the Committee.

A similar procedure exists in the area of veterinarian provisions, where the Commission cooperates with the Permanent Veterinarian Committee in those cases where it is authorized to issue provisions. The composition and the working method of the Permanent Veterinarian Committee is the same as that of the Permanent Foodstuffs Committee.

In those instances where food legislative provisions have been issued persuant to the market regulations within the agricultural area (this is for example the case with regard to certain provisions on milk, poultry and eggs) it is the Management Committee in question, which cooperates with the Commission.

2. The Commission's proposal is transferred to the Council of Ministers

When the Commission has elaborated its final proposal it is published in the EEC journal and thereby transferred to the Council for its acceptance.

3. Comments requested from the European Parliament and the Economic and Social Committee

The Council then requests the European Parliament and the Economic and Social Committee for comments on the proposal. These comments are also published in the EEC journal, but they are not binding for the future treatment of the proposal by the Council.

As regards provisions based on the markets regulations it is, however, not necessary to request the Parliament or the Economic and Social Committee for their comments.

4. The Council accepts the final provisions

The decisions of the Council are prepared by the Permanent Representatives Committee (Coreper) or by the Special Committee for Agriculture (CSA) when the provisions are concerned with the market regulations. Both of these committees can set up working groups to examine questions of a more technical character and proposals for food legislation will therefore normally be examined by such working groups.

The experts in these working groups are appointed by the administrations of the member countries in the same way as was the case in the working groups of the Commission (see point 1.1). In practice the working groups of the Council will therefore consist of the same persons as those that participated in the working groups of the Commission, but in the sphere of the Council these government experts represent the national political interests and the meetings are chaired by the country which at that time has the chairmanship of the Council.

In these working groups a representative from the Commission participates and he has the right to withdraw the proposal and to change it. If the Council wants to make a change of the Commission's proposal it requires unanimity from the participating countries and this principle is often perpetuated in the working groups so that the representative of the Commission is willing to alter the text as long as there is agreement among the representatives of the member countries.

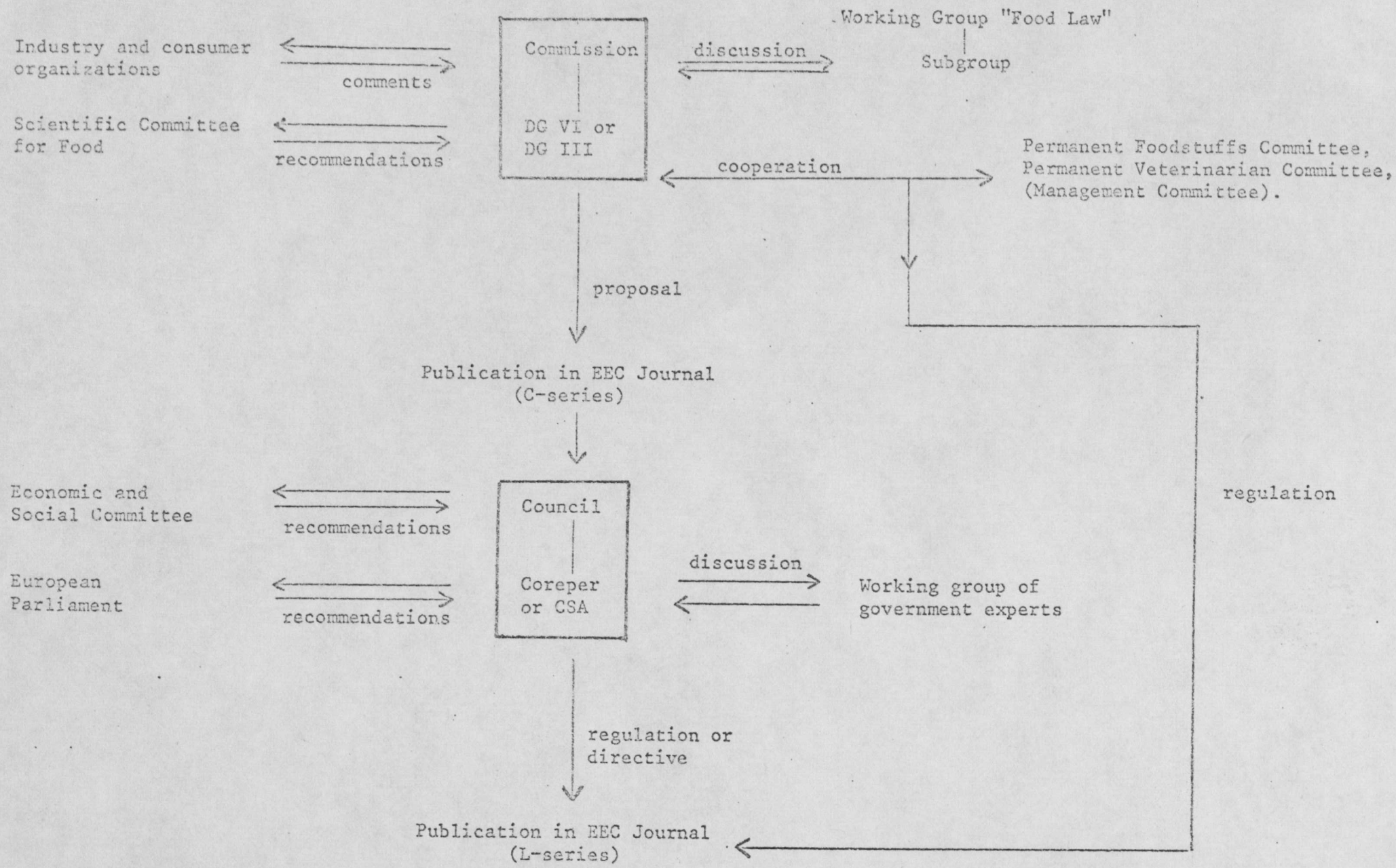
When the council working group has reached agreement upon the proposal it is sent to the Council through Coreper or CSA and automatically accepted. If agreement cannot be reached in the working group, the remaining questions are treated by the Council itself which then comes to an agreement or returns the proposal to the Commission to be changed.

5. The Council promulgates the final provisions

The provisions accepted by the council are published in the EEC journal as an EEC directive or an EEC regulation.

AB/KJo

EEC


Industry and consumer organizations
comments
Scientific Committee for Food
recommendations
Commission
DG VI or DG III
discussion
Working Group "Food Law"
Subgroup
cooperation
Permanent Foodstuffs Committee, Permanent Veterinarian Committee, (Management Committee).
proposal
Publication in EEC Journal (C-series)
Economic and Social Committee
recommendations
European Parliament
recommendations
Council
Coreper or CSA
discussion
Working group of government experts
regulation
regulation or directive
Publication in EEC Journal (L-series)