

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
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World Health
Organization

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Agenda Item 4b

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD ADDITIVES

Forty-eighth Session

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ALIGNMENT OF THE FOOD ADDITIVE PROVISIONS OF COMMODITY STANDARDS AND RELEVANT PROVISIONS OF THE GSFA

Comments of Egypt, El Salvador, India, Indonesia, Malaysia, Norway, Russian Federation, Senegal, European Union and African Union

EGYPT

- A. We support the proposals for the revision of the relevant food categories of the GSFA, and of the following food additive of the Standards for:
- i. Cocoa Butter (CODEX STAN 86-1981): that no food additives should be permitted in this product and that the processing aids used should be consistent with the guidelines on substances used as processing aids (CAC/GL 75-2010)
 - ii. Chocolate and Chocolate Products (CODEX STAN 87-1981), Cocoa Powders (Cocoas) and Dry Mixtures of Cocoa and Sugars (CODEX STAN 105-1981) and Cocoa (Cacao) Mass (Cocoa/Chocolate Liquor) and Cocoa Cake (CODEX STAN 141-1983): that food additives used in these products should be in accordance with GSFA and that only flavourings that do not imitate chocolate or milk flavours are permitted at GMP.
- B. We support endorsement of the proposed changes in tables 1 and 2 of the GSFA in relation to chocolate and cocoa products and their corresponding new Notes 101 and 183.
- C. We support the new identified food additives in Table 3 of the GSFA. They are considered safe in line with their functional class.
- D. We support endorsement of the proposed revisions in table 1 and 2 of the GSFA in relation to food category 9.2.5 and their corresponding new Notes 22, XS311, AA and BB.
- E. We support addition of the new Note XS254 in Table 1 and 2 of the GSFA in food category 04.1.2.4 and the amendment to section 2 of Table 3 in the GSFA.
- F. We support addition of the new Notes XS13 & XS57 in Table 1 and 2 of the GSFA in food category 04.2.2.4 and the amendment to section 2 of the annex to Table 3 of the GSFA and consequentially, amendment of Table 3 of the GSFA to reflect the specific food additives in CODEX STAN 13-1981 and CODEX STAN 57-1981.

We support addition of the new Note XS66 in Table 1 and 2 of the GSFA in food category 04.2.2.3 and amendment of the section 2 of the annex to Table 3 of the GSFA and consequentially, amendment of Table 3 of the GSFA to reflect the specific food additives in CODEX STAN 66-1981.

EL SALVADOR

El Salvador agradece el Documento presentado por el Grupo de electrónico.

El Comité Nacional apoya de manera general lo expresado por el grupo de trabajo para este tema, por el momento El Salvador no tiene observaciones específicas sobre el tema 4 (b).

INDIA

Appendix 2

A. Key Individual Issues:**1. Appendix 3 (1E) – Proposed Amendments to Table 1 of GSFA for Polysorbates for food category 5.1.4**

Outstanding issue 01: The Chair's proposal is acceptable. The amendment to note 101 to reference all four Polysorbates is also acceptable.

2. Dealing with GMP food additives in the commodity standards; making entries into Table 3 of the GSFA**Outstanding issue 2: Addition of three glazing agents into Table 3**

India can agree to the conditional entry into Table 3

Appendix 3**3. Point No. B - Proposed Amendments to the Food Additive Provisions of the Standard for chocolate and chocolate products (Codex Stan 87-1981)****3.8 Colours (For Decoration Purpose Only)**

India does not support the deletion of Gold and Silver provisions from the commodity standard (CODEX STAN 87).

Rationale:

GOLD (INS 175) was evaluated by JECFA in 1977 and the comments were recorded "Very limited use. Not considered to present a hazard".

The provisions on gold and silver would have been included by the commodity committee after due discussions on their technological need and these additives are being used in these products by the industry. Further, no food safety issue has been reported owing to such use. In India, for example, it is a traditional common practice to decorate chocolates/sweets with silver and gold foils, indicating a history of safe use of these additives.

In view of the above, it is proposed to consider this case separately from decision tree approach. It may be recalled that one of the principles recognises that there might be cases where the results of application of decision tree may not be consistent with the intention of the commodity committee or with the general principles for entry into the GSFA and hence may need to be considered on the case by case basis. This is a case that qualifies for such a consideration.

INDONESIA

Indonesia welcomes and appreciate the work performed by the electronic Working Group under the lead of Australia and co-chaired by United States of Amerika on Alignment Of The Food Additive Provisions Of Commodity Standards And Relevant Provisions Of The GSFA. Indonesia supports the recommendation.

MALAYSIA**Limitations for flavourings to be consistent with CS 87-1981, CS 141-1983 and CS 105-1981.**

Malaysia appreciates the hard work of the eWG to provide an explanation of the issues arising from this discussion as Appendix 1. Specifically, Malaysia has view on limitation for flavouring. Malaysia believes the limitation for flavouring in CS 87-1981 should be at GMP limit and it already specified in section 3.4 of CAC/GL 66-2008.

NORWAY

With reference to the report from the EWG on alignment CX/FA 16/48/6 and its recommendations in paragraph 9, bullet 4 we would like to give the following comments associated with the proposed new note 22:

The standard on Smoked Fish (STAN 311 – 2013) was adopted by CAC in 2013 with the FA provisions endorsed by CCFA. During the endorsement process, there has been a good dialogue of information exchange between the two committees. Not only are the FA provisions in the Smoked Fish standard endorsed, but also the need for amendments in the relevant FC 9.2.5 have been discussed. It is in this regard we would like to raise our concerns about the proposed new note coming from the note 22: "For smoked fish only".

The need to amend the note is coming from information from FFP to CCFA about food additives which are not technologically justified¹ for smoked fish. Consequently the note 22 was not applicable. The new note 22: “*For use in non-standardized smoked fish products only*” is not sufficiently clear. We cannot find that the GSFA has included any similar note referring to a “non-standardized **specific product**”, rather the use of “non-standardized” is linked to “**food**” as such.

There is also a question on whether the additives are technologically justified at all, and whether they shall remain in the GSFA, as their inclusion was linked to smoked fish, and smoked fish is now a standardized product.

As we consider “smoked fish” a standardized product (according to STAN 311 – 2013), we therefore question the introduction of the terminology “non-standardized smoked fish products” without considering the implications:

According to the GSFA preamble para 1.2, “*Commodity committees have the responsibility and expertise to appraise and justify the technological need for the use of additives in foods subject to a commodity standard. The information given by the commodity committees may also be taken into account by the Codex Committee on Food Additives (CCFA) when considering food additive provisions in similar non-standardized foods.*”

It is therefore our understanding that CCFA should consider the food additives in the GSFA which have the old note 22 and at the same time are not included in the standard (311 – 2013). This should be done in light of information given by FFP that these FA are not technologically justified for smoked fish products according to the standard. If some of these additives still are to be kept in FC 9.2.5 and the understanding of “non-standardized smoked fish products” is clear, another note could be discussed.

Conclusion: Smoked fish products are standardized products, and therefore the new note 22 does not, in our opinion, give any useful guidance to the reader of the GSFA, rather the contrary, it is misleading. There is also a need to consider the remaining FA with note 22 in regard to in which products the FA are to be used and their technological justification. Keeping the FAs or the need for a new note, can only be decided upon after these considerations are made.

RUSSIAN FEDERATION

1. The Russian Federation agrees with the necessity to develop a guideline which will establish the “Decision Tree” for better justification of food additives used according with commodity standards and relevant provisions of the GSFA.

The phrase “... may be cases where the results of its application are not consistent with the intention of the commodity committee, or not consistent with the general principles for entry into the GSFA. In these cases, entries should be considered on a case-by-case basis” requires making specific decisions. In this case, it should be indicated which principles will be at the basis for these decisions.

Adoption of this rule can open the headway for implementation of a great amount of food additives not justified and hazardous for consumers’ health. All food additives should be implemented in compliance with general principles for their safe use.

2. RU supports the proposals presented in Appendix 3 for the revision of the relevant food categories of the GSFA, and of the food additive sections of the Standards for Cocoa Butter (CODEX STAN 86-1981); Chocolate and Chocolate Products (CODEX STAN 87-1981); Cocoa Powders (Cocoas) and Dry Mixtures of Cocoa and Sugars (CODEX STAN 105-1981); and Cocoa (Cacao) Mass (Cocoa/Chocolate Liquor) and Cocoa Cake (CODEX STAN 141-1983).

According Appendix 4 Agenda Item 4b

We consider it is necessary to check all proposals to amend table 1, 2 and 3 of the GSFA in relation to chocolate and cocoa products, because not all decisions are justified by “Decision Tree” principles. For example it is proposed to amend Table 2 of the GSFA for food category 05.1.1 as follows:

Food category 05.1.1 Cocoa mixes (powders) and cocoa mass/cake			
Food additive	INS	Maximum Level	Notes
Polyglycerol esters of fatty acids	475	5000 mg/kg	XS141, 97
Polyglycerol esters interesterified ricinoleic acid	476	5000 mg/kg	97
Sorbitan esters of fatty acids	491-495	2000 mg/kg	97, CC, XS141
Sucrose esters of fatty acids	473	10000 mg/kg	97, XS141

¹ REP 13/FFP para 37

All of these food additives are derived from saturated fatty acids which (like magnesium stearate INS470 - see Agenda 5e) need to be lowered in diet. Therefore there is a need for technological justification of using these food additives in this food category and in so higher concentrations and estimation of Theoretical Maximum Daily Intake of fatty acids with all categories of food additives.

A number of other proposed amendments to Table 1 and 2 of the GSFA in relation to commodity standards on in relation to chocolate and cocoa products should be justified too.

According Appendix 5 Agenda Item 4b

Proposed amendments to Table 1 and 2 of the GSFA in relation to commodity standards identified by the CCFFP and the CCPFV should be checked for compliance with "Decision Tree" principles too.

SENEGAL

Problème:

(i) Les propositions pour la révision des catégories de la NGAA pertinentes alimentaires, et des sections relatives aux additifs alimentaires des normes pour le beurre de cacao (CODEX STAN 86-1981); Chocolat et produits de chocolat (CODEX STAN 87-1981); Le cacao en poudre (cacaos) et les mélanges secs de cacao et de sucres (CODEX STAN 105-1981); et du cacao (Cacao) Masse (cacao / chocolat) et le tourteau de cacao (CODEX STAN 141-1983).

(li) Les propositions de la révision au tableau 1 et 2 de la NGAA par rapport aux normes de produits identifiés par CCFFP et CCPFV.

Position:

A. Nous soutenons les propositions de révision des catégories de la NGAA pertinentes alimentaires et de l'additif des normes pour des aliments suivants:

i. Beurre de cacao (CODEX STAN 86-1981): que les additifs alimentaires ne soient pas autorisés dans ce produit et que les auxiliaires technologiques utilisées soient compatibles avec les lignes directrices sur les substances utilisées comme auxiliaires technologiques (CAC / GL 75-2010)

ii. Chocolat et produits de chocolat (CODEX STAN 87-1981), le cacao en poudre (cacaos) et les mélanges secs de cacao et de sucres (CODEX STAN 105-1981) et du cacao (Cacao) Masse (cacao / chocolat) et le tourteau de cacao (CODEX STAN 141 -1983): que les additifs alimentaires utilisés dans ces produits doivent être conformes aux NGAA et que seuls les arômes qui n'imitent chocolat ou lait saveurs sont autorisés à GMP.

B. Nous soutenons l'approbation des modifications proposées dans le tableau 1 et 2 de la NGAA en relation avec le chocolat et les produits de cacao et de leurs nouvelles notes de 101 et 183 correspondants.

C. Nous soutenons les nouveaux additifs alimentaires identifiés dans le tableau 3 de la NGAA. Ils sont considérés comme sûrs en ligne avec leur classe fonctionnelle.

D. Nous soutenons l'approbation des révisions proposées dans le tableau 1 et 2 de la NGAA par rapport à la catégorie d'aliments 9.2.5 et leurs nouvelles notes 22, XS311, AA et BB correspondant.

E. Nous appuyons l'addition de la nouvelle note XS254 dans le tableau 1 et 2 de la NGAA dans la catégorie alimentaire 04.1.2.4 et la modification de l'article 2 du tableau 3 dans la NGAA.

F. Nous soutenons la nouvelle note XS13 et XS57 dans le tableau 1 et 2 de la NGAA dans la catégorie alimentaire 04.2.2.4 et l'amendement à l'article 2 de l'annexe au tableau 3 de la NGAA et par conséquent, la modification du tableau 3 de la NGAA pour tenir compte des additifs alimentaires spécifiques dans CODEX STAN 13-1981 et CODEX STAN 57-1981.

G. Nous soutenons l'addition de la nouvelle note XS66 dans le tableau 1 et 2 de la NGAA dans la catégorie alimentaire 04.2.2.3 et la modification de la section 2 de l'annexe au tableau 3 de la NGAA et par conséquent, la modification du tableau 3 de la NGAA à refléter les additifs alimentaires spécifiques dans CODEX STAN 66-1981.

Justification :

A. L'addition de diacétate de sodium (SIN 262 (ii)) et tartrates (SIN 334; 335 (i), (ii); 336 (i), (ii); 337) dans la catégorie alimentaire 04.1.2.4 dans CCPFV " n'est pas justifiée sur le plan technologique.

B. L'ajout d'adipates (INS 355-357, 359), de diacétate de sodium (SIN 262 (ii)), et d'alginate de propylène glycol (SIN 405); et la disposition adoptée pour le sulfate d'aluminium d'ammonium (SIN 523) dans la catégorie alimentaire 04.2.2.3 dans CCPFV " n'est pas technologiquement justifié.

EUROPEAN UNION

The European Union (EU) would like to thank Australia for chairing the electronic Working Group (eWG) and developing the discussion paper.

General comments

The EU appreciates the work on the alignment between provisions on commodity standards and relevant provisions of the GSFA. The EU recognises the complexity and the extent of this work and is generally supportive to the approach taken as outlined in the discussion paper.

Specific comments

Appendix 2 – Issues arising from the eWG discussion in relation to chocolate and cocoa products

A1. Appendix 3 (1E) - Proposed amendments to Table 1 of GSFA for Polysorbates, for food category 5.1.4

The EU supports the revised New Note 101 which includes the group of polysorbates. The EU believes that the revised New Note 101 should replace New Note 101 in Appendix 4 (CX/FA 16/48/6, page 29)

A2. Amend the new entry (3.4) relating to CODEX STAN 87-1981 in Appendix 2(B) dealing with carry over

The EU supports the chair's proposal.

The reference to Section 4.1 of the Preamble to GSFA is not necessary if there is a common understanding that Section 4 of the Preamble to GSFA also applies to the Commodity Standards and an additive may be proportionally present in the standardised products as a result of carry-over from raw materials or other ingredients provided such additive use is acceptable according to the GSFA.

A3. Amendments relating to food category 05.1.1

The EU supports the chair's proposal to keep the current Note 97. In the EU's understanding the note is needed because finished cocoa or chocolate products might be different to the final product as consumed.

A4. Group permissions in the GSFA compared to single food additive permissions in commodity standards (e.g. tartrates compared to L(+)-tartaric acid)

The EU supports that group permission for tartrates is added. However, to reflect that only INS 128 tartaric acid is permitted in the commodity standards the EU recommends adding Note 128 ("Tartaric acid (INS 334) only") to the provision.

A5. Amendments relating to food category 05.1.4

The EU supports the chair's proposal.

A6. Dealing with GMP food additives in the commodity standards; making entries into Table 3 of the GSFA

The EU supports the chair's proposal.

A7. Limitations for flavourings to be consistent with CS 87-1981, CS 141-1983 and CS 105-1981

The EU considers that deleting existing harmonized maximum levels for flavourings is out of the scope of the alignment process. Hence the EU is of the position to keep the maximum level set for vanillin and ethyl vanillin in CS 87-1981. The EU supports the proposal in appendix 3.

A8. Amendments to new note AA to improve clarity (Appendix 3, 1. A. relating to category 05.0)

The EU supports the chair's proposal to amend New Note AA to improve clarity.

A9. Amendments to CX 87-1981 dealing with flavouring limitations for vanillin and ethyl vanillin

See the EU's reply to A7.

Appendix 3 – proposed amendments to the food additive provisions of the Codex commodity standards

Proposed amendments to CS 87-1981

As regards the general reference to the GSFA in section 3.1, for "colours" the EU suggests the following amendment: colours (for **surface** decoration purposes only).

The EU takes note that the current text corresponds to the text in CS 87-1981, however, the EU is of the view that the intention was to allow colours only for surface decoration and not for the decoration of chocolate mass. The proposed amendment is in line with the wording of (New) Note 183 in the GSFA.

As for the use of processing aids for the sake of consistency the EU prefers to use the same structure as suggested for CS 86-1981 – i.e. firstly, to refer to hexane and then to the guidelines, both under the same Section 3.3 as follows:

3.3 PROCESSING AIDS	MAXIMUM LEVEL
Hexane (62°C - 82°C)	1 mg/kg calculated on a fat basis

The processing aids used in products conforming to this Standard should be consistent with the Guidelines on Substances used as Processing Aids (CAC/GL 75-2010)

Appendix 4 – proposed amendments to the GSFA as regards chocolate and cocoa products

As a general remark the EU noticed that in notes that provide for a different maximum use levels for standardised products only the number (i.e. “at XXX mg/kg”) without the words “maximum level” (e.g. “...up to a maximum level of XXX mg/kg...”) is mentioned. The EU takes note that this approach was used in the past and that there are several notes with such text in the GSFA. However, in the EU’s view the Committee could consider including the additional text “**...up to a maximum level of XXX mg/kg...**” for the sake of clarity to all notes which provide for a numerical maximum level.

As regards category 05.1.4 the EU supports the revised New Note 101 as presented in point A1 of appendix 2 and does not support New Note 101 as outlined on page 29 of CX/FA 16/48/6. The EU also supports the revised New Note 183 which reads “For use in surface decoration only”.

The EU has one editorial remark – the proposed amendments to Table 2 of the GSFA for category 05.1.4 (CX/FA 16/48/6, page 29) refer to carotenoids as 160a(i), (ii), e, f whilst the correct reference should be 160a(i),a(iii),e,f.

Appendix 5 – alignment of the commodity standards identified by CCFFP and CCPFV

The EU supports the approach taken.

Appendix 6 - proposed amendments to the GSFA as regards CCFFP and CCPFV standards

The EU would like to offer certain observations for the amendments proposed.

CCFFP request for the adopted GSFA provisions not technologically justified in CS 311-2013

The EU takes note that the proposed amendments are based on the specific request made by the CCFFP. In this respect the EU observes that the alignment deals only with the food additives referred to the CCFA by the CCFFP. Therefore, the proposed approach differs comparing to that one used for the alignment of the meat commodity standards (or currently used for the standards on chocolate and cocoa products) and it does not lead to a full alignment according to the decision tree. Consequently, the list of individual food additives in CS 311-2013 cannot be replaced by a general reference to the GSFA. Therefore, the EU notes that a further work on a full alignment between CS 311-2013 and the corresponding GSFA food category will be needed in the future.

In addition, the EU would like to bring the attention to New Note 22 worded as “For use in non-standardized smoked fish products only.”

The EU would like to note that the Standard for smoked fish, smoke-flavoured fish and smoke-dried fish is broad and it is not clear to what kind of “non-standardized smoked fish products” is New Note 22 referring to. Such clarification is necessary. In the EU’s view New Note 22 should be fine-tuned to refer to specific non-standardized smoked fish products (if such products exist) since the CCFFP clearly noted the food additives which are not technologically justified in smoked fish.

Finally, the EU suggests an amendment to Note AA and BB (see below) to clarify that Annatto extracts, bixin-based and Tartrazine are not permitted for use in Smoke-dried Fish (CODEX STAN 311-2013) which is currently not captured in the proposed notes.

AA: Except for use in smoked fish and smoke-flavoured fish conforming to the *Standard for Smoked Fish, Smoked-flavoured Fish and Smoke-dried Fish* (CODEX STAN 311-2013) at 10 mg/kg as bixin. **Not permitted for use in Smoke-dried Fish (CODEX STAN 311-2013).**

BB: Except for use in smoked fish and smoke-flavoured fish conforming to the *Standard for Smoked Fish, Smoked-flavoured Fish and Smoke-dried Fish* (CODEX STAN 311-2013) at 100 mg/kg. **Not permitted for use in Smoke-dried Fish (CODEX STAN 311-2013).**

CCPFV standards

The EU takes note of the request made by the CCPFV for some food additive provisions which are not technologically justified in certain standards developed by the CCPFV. The EU can support the proposed amendments.

However, the EU notes that the discussion paper goes further and even if not within the scope of the eWG it proposes to consider adding references to Section 2 of the Annex to Table 3 of the GSFA and in case of CS 13-1981 and CS 57-1981 to replace the specific lists of food additives in the commodity standards by a general reference to the GSFA.

Whilst the EU is generally supportive to both proposals it considers that for the sake of consistency with the alignment carried out in the past and in line with the decision tree (see BOX B and BOX C) XS notes excluding the additional additives in the corresponding GSFA categories should be added to achieve a full alignment. The EU notes that this was not done (i.e. in case of all mentioned commodity standards the GSFA additive provisions in the corresponding categories which are of the functional classes other than those referred to in the commodity standards should be associated with XS notes; in case of CS 13-1981 and CS 57-1981 it applies also to acidity regulators other than those listed in CS 13-1981 and CS 57-1981).

AFRICAN UNION

Issue:

- (i) Proposals for the revision of the relevant food categories of the GSFA, and of the food additive sections of the Standards for Cocoa Butter (CODEX STAN 86-1981); Chocolate and Chocolate Products (CODEX STAN 87-1981); Cocoa Powders (Cocoas) and Dry Mixtures of Cocoa and Sugars (CODEX STAN 105-1981); and Cocoa (Cacao) Mass (Cocoa/Chocolate Liquor) and Cocoa Cake (CODEX STAN 141-1983).
- (ii) Proposals for the revision to Table 1 and 2 of the GSFA in relation to commodity standards identified by CCFFP and CCPFV.

Position:

- G. AU supports the proposals for the revision of the relevant food categories of the GSFA, and of the following food additive of the Standards for:
 - ii. Cocoa Butter (CODEX STAN 86-1981): that no food additives should be permitted in this product and that the processing aids used should be in consistent with the guidelines on substances used as processing aids (CAC/GL 75-2010)
 - iii. Chocolate and Chocolate Products (CODEX STAN 87-1981), Cocoa Powders (Cocoas) and Dry Mixtures of Cocoa and Sugars (CODEX STAN 105-1981) and Cocoa (Cacao) Mass (Cocoa/Chocolate Liquor) and Cocoa Cake (CODEX STAN 141-1983): that food additives used in these products should be in accordance with GSFA and that only flavourings that do not imitate chocolate or milk flavours are permitted at GMP.
- H. AU supports the endorsement of the proposed changes in table 1 and 2 of the GSFA in relation to chocolate and cocoa products and their corresponding new Notes 101 and 183.
- I. AU supports the new identified food additives in Table 3 of the GSFA. They are considered safe in line with their functional class.
- J. AU supports the endorsement of the proposed revisions in table 1 and 2 of the GSFA in relation to food category 9.2.5 and their corresponding new Notes 22, XS311, AA and BB.
- K. AU supports the addition of the new Note XS254 in Table 1 and 2 of the GSFA in food category 04.1.2.4 and the amendment to section 2 of Table 3 in the GSFA.
- L. AU supports the addition of the new Notes XS13 & XS57 in Table 1 and 2 of the GSFA in food category 04.2.2.4 and the amendment to section 2 of the annex to Table 3 of the GSFA and consequentially, amendment of Table 3 of the GSFA to reflect the specific food additives in CODEX STAN 13-1981 and CODEX STAN 57-1981.
- M. AU supports the addition of the new Note XS66 in Table 1 and 2 of the GSFA in food category 04.2.2.3 and amendment of the section 2 of the annex to Table 3 of the GSFA and consequentially, amendment of Table 3 of the GSFA to reflect the specific food additives in CODEX STAN 66-1981.

Rationale:

- A. The addition of sodium diacetate (INS 262(ii)) and tartrates (INS 334; 335(i), (ii); 336(i), (ii); 337) in food category 04.1.2.4 in CCPFV's view, were not technologically justified.

- B. The addition of adipates (INS 355-357, 359), sodium diacetate (INS 262(ii)), and propylene glycol alginate (INS 405); and the adopted provision for aluminium ammonium sulfate (INS 523) in food category 04.2.2.3 in CCPFV's view, were not technologically justified.