

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 13

**CX/FL 19/45/13
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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

Forty-fifth Session

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13- 17 May 2019

DISCUSSION PAPER ON FUTURE WORK AND DIRECTION FOR CCFL

Prepared by India

Introduction

1. At the 43rd Session of Codex Committee on Food Labelling in 2016 (CCFL43), the Committee noted that there was a need to investigate future direction and work for CCFL and agreed that the Delegation of Canada would prepare a paper summarizing some of the previously identified work that had not gone forward in the Committee; the then ongoing work; and emerging issues. The Committee also agreed that the paper would be kept current at each session with a different delegation taking on responsibility each time.
2. Canada prepared and presented the discussion paper in the 44th Session of the Committee (CCFL44, 2017)¹. The paper included previous work identified by the Committee, the current work and potential work of CCFL. The Committee considered the items identified as potential work. While noting broad support for them, the Committee identified 6 areas for preparing discussion paper (para 58, REP18/FL) to be discussed in the next session (CCFL45), which are briefly explained later in this paper.
3. In CCFL44, it was agreed that India would update the paper and develop a prioritization approach (para 63 a, REP18/FL). In this context, information was sought from Members through a circular letter² as agreed in CCFL44.
4. Responses (Annex to this document) were received from two countries, viz., Switzerland and New Zealand. Switzerland has comprehensively shared information on the situation prevailing there and identified issues to be addressed in Codex with respect to emerging work (discussion papers identified in the CCFL44).
5. New Zealand proposed to include “consumer preference claims” and issues regarding use of the words ‘flavours’ and ‘flavourings’ in the agenda on future work. New Zealand also suggested considering related criteria mentioned in the Procedural Manual for the development of any criteria for prioritisation of new work for CCFL. Reference of a “Review of Labelling, Law and Policy in New Zealand and Australia report³”, published in January 2011, which included a hierarchy of food labelling issues, was also shared for consideration in the development of such criteria for prioritisation of work for CCFL.
6. As decided in CCFL44, India has prepared the agenda document, including a proposed draft approach and criteria for evaluation and prioritization of the proposed new work, a brief on ongoing work, outstanding issues and the discussion papers in the CCFL, and an illustrative application of the proposed criteria on the CCFL work.
7. It will be useful to read this document in conjunction with the paper prepared by Canada at CCFL44¹.

¹ CX/FL 17/44/9

² CL 2018/49-FL

³ [‘Labelling Logic’ – The Final Report of the Review of Food Labelling Law and Policy](#)

8. **Recommendations**

The Committee is invited to consider the following:

- i) Draft criteria and process of evaluation and prioritization of a proposed new work in the CCFL (Appendix I);
- ii) Outstanding issues and work identified by CCFL44 (2017) (Appendix II),
- iii) Implement, on experimental basis, the criteria along with their weighing values and judge the adequacy of proposed criteria and weightages for developing a work plan for CCFL (Appendix III).

Appendix I

APPROACH AND CRITERIA FOR EVALUATION AND PRIORITIZATION OF THE WORK OF CCFL

1. **Purpose:** The following guidelines are established to assist the CCFL to identify, prioritize and efficiently carry out its work, and interact with [other Codex Committees, Task Forces, and] FAO/WHO and their scientific bodies as the need arises.
2. **Scope:** These guidelines apply to new work proposed to the CCFL and lays down criteria and procedures for considering the priorities for proposed work.
3. The draft prioritization approach has been developed in recognition of the criteria for new work as outlined in the Procedural Manual⁴, along with existing and proposed guidance developed by other Codex Committees, in particular the Codex Committee on Food Hygiene (CCFH)⁵ and the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS)⁶. Criteria relevant to the work of the CCFL and a rating scheme have been developed taking into account the mandate of the Codex Alimentarius Commission, the general principles of food labelling included in the GSLPF and the approaches taken by CCFH and CCFICS.

Criteria for evaluating and prioritizing new work

4. In addition to the priorities established by the Commission in the Strategic Plan, and the criteria applicable to general subjects, additional criteria are required for assessing the new work relevant to the CCFL. Following are the criteria against which the new work to be undertaken in CCFL may be assessed:

Criterion	Rating
Does the proposed new work fall under the mandate of CCFL	Yes/No
Risk* to health of the consumer in the absence of the proposed new work	High 20 Medium 14 Low 8
Potential to mislead consumer in the absence of the proposed new work	High 15 Medium 8 Low 5
Whether the proposed work once finished will assist the consumer in making an informed choice	High 12 Medium 6 Low 4
Impact (positive) on trade facilitation	High 10 Medium 5 Low 3

*As defined in CCFH44 CRD2

Process for evaluating new work

5. New Work Proposals should be presented to CCFL in the format of a project document addressing the criteria given under the "*Criteria for establishment of work priorities*" for general subjects in the Procedural Manual³ and should preferably take into account the additional criteria outlined above.

⁴ Procedural Manual (26th Edition)

⁵ [CCFH Information document](#)

⁶ CX/FICS 18/24/8

6. The new work proposal should also indicate that the work, if approved to commence further, would likely lead to preparation of a new standard/guideline or revision of an existing standard/guideline.
7. CCFL will prioritize new work proposals including revision of existing texts, in order of merit based upon decisions made by CCFL after assessing the new work against the criteria (as defined above) for evaluating and prioritizing work.
8. The Committee may reassess the priority of each item if new information becomes available relating to an item. Such data may be submitted for consideration and the priority for the new work proposal reconsidered.
9. The criteria will be applied in a stepwise manner, in order as mentioned. If the committee decides that a proposed work does not fall under the mandate of CCFL, then the remaining criteria do not need to be applied. Additional criteria, such as feasibility of the proposed new work, may be necessary and developed later for application while considering two or more items of similar priority.
10. The proposed work should be assessed against the criteria and evaluated as per the ratings given for each criterion. New work proposals will ultimately be prioritized as per the overall points received through this rating.
11. The CCFL will develop and maintain a work plan that will include all potential work items relevant to CCFL. The work plan will be revised by the CCFL at every session based on its decisions, new work proposals made and new information/data available. The CCFL will need to decide whether to update the work plan in the plenary or with the help of member countries volunteering on rotational basis. In this context, it may be informed that the CCFH establishes a PWG for this at its every session.

Appendix II

WORK RELEVANT TO CCFL

Ongoing work in CCFL

i) Proposed Draft Guidance on the Labelling of Non-retail Containers of foods

1. In its 43rd session, CCFL recognising the need for appropriate labelling requirements for non-retail containers of food agreed to recommend the development of guidance for the labelling of non-retail containers of foods and established an electronic working group for this purpose. The proposed Draft Guidance on the Labelling of non-retail containers of foods was presented in the last session of CCFL (2017). It was decided that the guidance be developed as a stand-alone document and to prepare a revised proposal for consideration by the CCFL45. The proposed draft guidance is now prepared as a standalone guidelines/Standard for consideration by the Committee and forms the Agenda item 5 for CCFL45.

ii) Proposed Draft Guidelines on Front of Pack Nutrition Labelling

2. The 43rd session of CCFL agreed to start discussions on Front of Pack Nutrition Labelling and established an electronic working group to collect more information and consider the need for development of global principles to underpin front of pack nutrition labelling. As a result, a discussion paper on consideration of issues regarding Front-of-Pack Nutrition Labelling was presented before the 44th session of CCFL. The CCFL44 (2017) agreed to start new work to develop guidelines on FOPL systems. The proposed Draft Guidelines on the Front of Pack Nutrition Labelling will now be considered by the committee under the Agenda item 6.

Outstanding issues

i) Use of the terms 'Flavour' and 'Flavouring' in labelling

3. The issue of use of the terms 'Flavour' and 'Flavouring' was raised owing to inconsistency in the use of terms as laid down in Codex Guidelines on the use of Flavourings and the standards addressing labelling of flavourings.

4. This matter was considered in the 48th session of the CCFA which finally agreed to revise sections 4.1 c and 5.1 c of the *General Standard for the Labelling of Food Additives when sold as such* (CXS 107-1981) and to recommend to CCFL43 to consider the revision of section 4.2.3.4 of the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985), taking into account the proposed revisions⁷.

5. The issue was discussed in the CCFL44 wherein, It was decided not to make any revisions to the class titles "flavours" and "flavourings" in section 4.2.3.4 as these terms were already included in various national legislations in a number of countries.

6. The Committee also noted that there might be a need to revise the qualifiers "natural", "nature identical", "artificial" as well other related sections in the Standard, i.e. section 5, and agreed that this could be addressed as part of overall improvements of CXS 1-1985

ii) Discussion paper on Consumer Preference claims

7. a discussion paper on consumer preference claims was prepared and presented in the 44th session of CCFL emphasizing that the food labels should be clear and understandable in order to assist consumers who want to make better-informed food and dietary choices. It should be ensured that consumers are appropriately informed as regards the food they consume.

8. The agenda was discussed and it was recommended to amend the General Guidelines on Claims (CXG 1-1979) to include definition of consumer preference claim and related provisions.

9. The CCFL44 decided that there was no need to start new work at this stage; and may be considered in the future.

10. The Committee may consider and decide actions on the above outstanding issues.

⁷ REP16/FA, Paras 148 and 151

New work for CCFL as identified in CCFL44 (2017)

11. The Committee in its last session (CCFL44, 2017) considered the items identified as potential work and noted broad support for some specific work areas. Based on the deliberations in the Committee, it was decided to develop discussion papers on the following areas:

- i) Internet sales/e-commerce;
- ii) Allergen labelling;
- iii) Innovation – use of technology in food labelling;
- iv) Alcoholic beverages labelling;
- v) Criteria for the definition of “high in” nutritional descriptors for fats, sugars and sodium; and
- vi) Labelling of foods in multipack format

The available discussion papers will be considered by the CCFL45.

Summary of each proposal:*Internet sales/e-commerce*

12. Internet/e-commerce is a new and emerging platform for selling food which is growing in use globally. From the responses to the Circular Letter 2018/24-FL, the general view was that there is ambiguity surrounding food labelling requirements in an internet sales/e-commerce environment. This is considered to be a potential risk to the protection of consumers and barrier to international trade.

13. The majority of responses showed support for CCFL to undertake new work on the labelling of food sold through internet sales/e-commerce. This would help in providing a harmonised approach on the labelling of foods sold by internet; protecting consumer health, enabling consumers and businesses to make informed choices, and facilitating trade.

14. Some key issues for CCFL to address relate to developing a harmonised approach on the information to be provided to the consumer by businesses: what information is mandatory and at what points of the sale, and how this information should be presented?

Allergen Labelling

15. The discussion paper emphasizes on the need for allergen labelling, which is intended to provide consumers with access to clear and accurate information on the presence of allergens (or substances) in foods, so that they can make safe and informed food choices. This is particularly significant given the potential life-threatening consequences for food allergic individuals, and the fact that the prevalence of food allergies is increasing in many parts of the world.

16. It also recommends that CCFL initiate new work to review the provisions for the declaration of foods and ingredients known to cause hypersensitivity (allergen labelling). The discussion paper also includes a Project Document.

Innovation – use of technology in food labelling

17. The discussion paper details current practices respecting the use of technology in labelling, which further groups the information into types of technologies used to convey food labelling information, types of labelling information provided using technology, and the advantages and challenges.

18. The discussion paper proposes possible new work in the following areas (a) Develop criteria for labelling that must be available at the point of sale and labelling that could be provided with more flexibility as to timing and method of disclosure, (b) Revise the definitions for “label” and “labelling” in the GSLPF to accommodate technology as a platform for labelling information, where appropriate, and (c) Review of other Codex texts developed by CCFL to identify other possible amendments that would facilitate use of technology for labelling.

Labelling of Alcoholic beverages

19. The discussion paper analyses the responses to the circular letter CL 2018/24-FL (ANNEX 4), which was circulated to help inform the development of this discussion paper and provides recommendations to address the issues identified by the respondents to either initiate new work on a new Codex standard on labelling of alcoholic beverages or initiate new work to provide clarity in the existing *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) and the *Guidelines on Nutrition Labelling* (CXG 2-1985) with respect to identified issues.

Criteria for the definition of “high in” nutritional descriptors for fats, sugars and sodium; and

20. The discussion paper summarizes responses received from the member countries and observer organizations on general and specific questions asked with respect to criteria and implementation of “high in” descriptors for nutrients of public health concern through the Annex 5 of CL 2018/24-FL.

21. Recommendations made on the basis of responses received are a) Clarify the scope and intended applications of “high in” nutritional descriptors b) Agree on the timing of further work, if any, in relation to the work on FOPL and nutrient profiling c) If further work is supported, develop the principles/guidelines for the elaboration of criteria and review the evidence on the impact, including consumer understanding and use, of “high in” labelling and for other uses, as appropriate.

Labelling of foods in multipack format

22. The discussion paper had not been made available at the time of writing this paper.

APPENDIX III

ILLUSTRATIVE APPLICATION OF CRITERIA ON THE OUTSTANDING AND OTHER RELEVANT WORK OF CCFL

Sr. No.	Description	Criteria					Total
		Within CCFL Mandate	Consumer health affected adversely in absence	Consumer misled in absence	Will assist informed choice by consumer	Trade facilitation	
		Yes/No	20- High 14-Medium 8- Low	15- High 8- Medium 5- Low	12- High 6-Medium 4- Low	10- High 5- Medium 3- Low	
	<i>Use of the terms 'Flavour' and 'Flavouring' in labelling</i>	Yes	8	15	6	5	34
	<i>Discussion paper on Consumer Preference claims</i>	Yes	8	15	12	5	40
	Internet sales/e-commerce	Yes	14	15	12	10	51
	Allergen labelling	Yes	20	15	12	5	52
	Innovation – use of technology in food labelling	Yes	8	5	4	10	27
	Alcoholic beverages labelling	Yes	20	8	6	3	37
	Criteria for the definition of “high in” nutritional descriptors for fats, sugars and sodium	Yes**	20	15	12	3	50
	Labelling of foods in multipack format	Yes	8	8	6	5	27

** In conjunction with the CCNFSDU