

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
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CODEX COMMITTEE ON FOOD ADDITIVES

Fifty-Fourth Session

ALIGNMENT OF THE FOOD ADDITIVE PROVISIONS OF COMMODITY STANDARDS:

REPORT OF THE ELECTRONIC WORKING GROUP ON ALIGNMENT

(Comments of Australia, Canada, Kenya, Senegal, Thailand, the International Dairy Federation (IDF))

Australia

Australia thanks Canada, the United States of America and Japan for chairing the Electronic Working Group (EWG) and preparing CX/FA 24/54/6, relating to the alignment of the food additive provisions of commodity standards with the GSFA. Australia supports Canada's approach to managing the especially complicated CCMP standards, CXS 243-2003 and CXS 288-1987. Australia supports the Chair's proposals in general but has a small number of minor errors which are provided below.

Annex 2 (CCMP) PROPOSED AMENDMENTS TO THE FOOD ADDITIVE PROVISIONS OF THE SUBJECT COMMODITY STANDARDS FOR MILK AND MILK PRODUCTS (CCMP) AND TO TABLES 1, 2 AND 3 OF THE GSFA RELATING TO THE ALIGNMENT OF THOSE STANDARDS

Issue 1

This relates to the alignment of 'calcium chloride (509)' (firming agent, stabiliser, thickener) for FC 01.2.1.2 (fermented milks (plain), heat treated after fermentation) within Table 1. Australia believes the new note should be 234 ('For use as a stabiliser or thickener only') not G243 ('For use in flavoured products conforming to the Standard for Fermented Milks (CXS 243-2003) only, as a stabilizer or thickener.') which refers to flavoured products. FC 01.2.1.2 only refers to plain not flavoured products. This would be consistent with current entries and new entries in FC 01.2.1.2 for stabilisers and thickeners (pages 47 & 48). The same change is also needed for Table 2 (page 82).

Issue 2

Table 1 entry of Ponceau 4R (Cochineal Red A) (INS 124), Functional class should be 'colour', not 'Emulsifier, stabiliser (INS 432, 433, 435, 436); emulsifier (INS 434)' This appears to have been copied from the entry for Polysorbates above (page 64).

Issue 3

Table 2 entry for tamarind seed polysaccharide (437) for FC 01.2.1.2 should only have note 234, not note 235. This is how the GSFA is correctly listed so only an error in the agenda document itself. It is correctly listed in Table 1 (page 84).

Issue 4

Australia notes that there is inconsistent use of 'only' in new notes B243 and D288. Australia notes and agrees with the chair's explanation below B243 explaining why 'only' is not required as it is implicit. Therefore, 'only' should be removed also from D288 (pages 93 & 94).

Issue 5

Separately, Australia believes the qualifier 'as phosphorus' needs to be added to these new notes related to phosphates, i.e. new notes B243 and D288 (pages 93 & 94). This addition would make the notes consistent with similar notes already used within the GSFA. This phrase is important as there are two different ways to report the analysis of phosphates, either as phosphorus pentoxide P₂O₅ or as phosphorus.

Entry GSFA paragraphs into section 4 CXS 243-2003

Australia believes there is inconsistency between the new discussion and conclusions within Issue 2 – *Updated associations between flavoured products in the commodity standard and FCs 01.1.4 and 01.7 [NEW]* within Annex 1 (specifically the new proposal on page 6) compared to what has actually been proposed as new entries in Annex 2 on page 32.

Australia can support what the Chair has proposed for the reasons explained in Issue 2 (Annex 1), but this does NOT seem to have been correctly transferred across to the new proposed entries referencing the GSFA within section 4 of the CXS 243-2003 post alignment (Annex 2, page 32).

New proposal (page 6, Annex 1)

"...acidity regulators, colours, emulsifiers, flavour enhancers, **preservatives**, stabilizers, sweeteners and thickeners in food category 01.1.4 (Flavoured fluid milk drinks) and acidity regulators, colours, emulsifiers, flavour enhancers, preservatives, stabilizers, sweeteners and thickeners in food category 01.7 (Dairy-based deserts (e.g. pudding, fruit or flavoured yoghurt)) used in accordance with Tables 1 and 2 of the General Standard for Food Additives (CXS 192-1995) are acceptable for use in foods conforming to this standard".

Australia also agrees with the Chair's proposal for issue 5 of Annex 1 that there is no need to refer to carbonating agents and packaging gases for Table 1 & 2 for FC 01.1.4 and 01.7 since the only relevant ones are listed in Table 3. Therefore packaging gases can be removed from the paragraph relating to Tables 1 & 2 of the GSFA.

Australia suggests that the new two paragraphs should be consistent with Annex 1 and so see Australia's proposed amendments below:

Extract from page 32 (input into CXS 243-2003)

Carbonating agents, stabilizers and thickeners in food category 01.2.1.1 (Fermented milks (plain), not heat treated after fermentation), acidity regulators, carbonating agents, packaging gases, stabilizers and thickeners in food category 01.2.1.2 (Fermented milks (plain), heat treated after fermentation), acidity regulators, colours, emulsifiers, flavour enhancers, ~~packaging gases~~ **preservatives**, stabilizers, sweeteners and thickeners in food category 01.1.4 (Flavoured fluid milk drinks) and food category 01.7 (Dairy-based deserts (e.g. pudding, fruit or flavoured yoghurt)) used in accordance with Tables 1 and 2 of the General Standard for Food Additives (CXS 192-1995) are acceptable for use in foods conforming to this standard.

For flavoured products, all acidity regulators, colours, emulsifiers and packaging gases listed in Table 3 of the General Standard for Food Additives (CXS 192-1995) and only certain carbonating agents, flavour enhancers, stabilizers, sweeteners and thickeners in Table 3 of the General Standard for Food Additives (CXS 192-1995) are acceptable for use in fermented milk products categories as specified in the table below. Preservatives listed in Table 3 are only permitted in flavoured fermented milks heat treated after fermentation and drinks based on fermented milk heat treated after fermentation.

Canada

Issue 6 – Names and descriptors for FC 01.4 and its subcategories (CXS 288-1976)

Canada strongly believes that the Alignment of CXS 288 can and should proceed. Further, Canada supports the majority consensus to proceed with Option 2 to make minor changes to the Food Category descriptors within Annexes B and C of the GSFA for FC 01.4 and its sub-categories.

Option 2 ensures coverage of the foods in CXS 288 within the GSFA and promotes clarity on the associations of the standardized foods with food categories 01.4.1, 01.4.2 and 01.4.3 of the GSFA. The associations are supported by the pre-existence of Note 236, which has been replaced by Note XS288, established during CCFA53 (REP23/FA).

The proposed changes under Option 2 do not result in any differences in the substantive food additive provisions. In fact, neither Option 1 nor Option 2 would affect the alignment of the food additive provisions for CXS 288.

Should the Committee choose not to proceed with Option 2, then Canada suggests that Alignment of CXS 288 should nonetheless proceed as, for the reasons noted above.

Issue 10 - General reference to certain functional classes of food additives in Standard 66-1981

Canada wishes to support the inclusion of ADIPATES (INS 355) and propylene glycol alginate (INS 405, for stuffed olives only) in standardized table olives (CXS 66-1981) and therefore, the removal of Note XS66, because of the general reference to functional classes (e.g., acidity regulators and thickeners) created in CXS 66, and that the other general references were taken to supersede the more conservative food additive restrictions for other CCPFV standards to be aligned this year (e.g., CXS 260, Standard for Pickled Fruits and Vegetables; and CXS 320, Standard for Quick Frozen Vegetables).

Keeping the XS66 Notes for ADIPATES and propylene glycol alginate in FC 04.2.2.3 would be an inconsistent approach with how food additive provisions were considered and aligned for the other two CCPFV Commodity Standards and even within the same standard (i.e., how CCPFV treated the proposed endorsement of food additives differently between different standards when comments were not received by Member countries on their technological need).

For INS 355 and 405, we would suggest that although the CCPFV did not find information on their use, this might not be a sufficient justification to exclude their use, and may not have been the intention as was the case with the other additives evaluated and in other CCPFV Commodity Standards.

As an example of a similar review conducted by CCPFV (CX/PFV 12/26/7) for colour retention agents in CXS 66:

“Based on the current food additive provisions in the standard, there is a technological need for ferrous gluconate and ferrous lactate to stabilize the color of treated olives darkened by oxidation. **The eWG could not identify a justification for excluding colour retention agents listed in food category 04.2.2.3 or in Table 3 of the GSFA for use in table olives. The eWG could not identify a technological need for other colour retention agents that are not listed in food category 04.2.2.3 or in Table 3 of the GSFA for use in table olives.**” (CX/PFV 12/26/7).

In this case, though, a general reference to colour retention agents was maintained despite the lack of information on the use of every colour retention.

We think that the two approaches—whether to rely on the general reference to Tables 1 and 2 as the foremost conclusion, or to rely on the case-by-case analysis for each additive despite the general reference to Tables 1 and 2—should be brought to the attention of the physical working group (PWG), and the Membership should decide on the appropriate approach that should be taken during alignment. **This will set a precedent going forward.** Canada supports abiding by the general reference to functional class additives for additives in Tables 1 and 2.

If the PWG decides that the case-by-case history for each additive should be the deciding factor, then we may need to make adjustments to several Tables 1 & 2 proposals. This may require some further discussion on the best approach, but one option may be to automatically endorse those additives that were present in the GSFA at the time the general references to Tables 1 & 2 were created in the commodity standards, and consider adding XS notes only to those that were endorsed after the general reference was created, as the CCPFV might not have considered their justification.

Kenya

Kenya appreciates the work undertaken chaired by Canada and co-chaired by the United States of America (USA) and Japan. Kenya supports the proposed alignments of the food additives provisions for the subject commodity standards for milk and milk products and to tables 1,2, and 3 of the GSFA relating to the alignment of those standards.

Senegal

Contexte : La 53^{ème} session du CCFA a décidé de créer un groupe de travail électronique, présidé par le Canada et coprésidé par les États-Unis et le Japon sur l'alignement, chargé de veiller à ce qu'il n'y ait pas de conflit entre les dispositions relatives aux additifs des normes de produits et celles de la NGAA.

Le GTE a mené trois séries de consultations :

a. la diffusion des questions relatives aux normes du Comité du Codex pour le lait et les produits laitiers (CCMMP), y compris une analyse des options pour l'approche de l'alignement de la norme CXS 288-1976 ; ainsi que la diffusion de la proposition d'alignement des normes relatives au CCPFV et de certaines normes régionales.

b. la diffusion de l'alignement proposé des normes relatives au CCMMP, et la poursuite de la diffusion du CCPFV et des normes régionales ; et,

c. poursuite de la diffusion des normes proposées en relation avec le CCMMP et les normes régionales, ainsi que diffusion d'une approche de la conception des notes du tableau 3.

Des mises à jour de la NGAA ont été effectuées conformément aux approbations de la CAC46 ; par conséquent, certaines révisions des propositions dans les annexes ont été effectuées pour s'aligner sur ces mises à jour.

Position : Le Sénégal félicite le GTE sur le travail effectué et soutient les propositions d'alignement des dispositions relatives aux additifs alimentaires.

Justification : L'alignement assure une cohérence entre les normes de produits et la NGAA

Thailand

Thailand would like to thank Canada and the United States of America and Japan for leading the Electronic Working Group (EWG) on the alignment of the food additive provisions of the commodity standards with the GSFA.

We have no objection on the proposals of the EWG on the amendments to the food additive section of the Commodity Standards and Regional Standards related to CCMMP, CCPFV, CCASIA, CCLAC and CCNE and the relevant provisions of the GSFA contained in Annex 1,2,3 and 4 of CX/FA 24/54/6.

In addition, we would like to propose the inclusion of the two remaining CCPFV standards in the Workplan for future alignment of the food additive provisions of commodity standards for consideration by Physical Working Group on Alignment and CCFA54 as follows:

Inclusion of the two remaining CCPFV standards in the Workplan for future alignment of the food additive provisions of commodity standards for CCFA55

Background

CCFA52 agreed to refer the food additive provisions of five CCPFV standards (namely Standard for Gochujang (CXS 294-2009), Standard for Chili Sauce (CXS 160-1987), Standard for Mango Chutney (CXS 160-1987), General Standard for Dried Fruits and General Standard for Canned Mixed Fruits) that were provided by the CCPFV29 for endorsement, to the EWG on alignment for resolving some identified technical issues. However, the committee had agreed with the explanation that the alignment and endorsement exercises were separate, and that the alignment exercise was not a prerequisite for endorsement (REP21/FA para 73-75).

CCFA53 finished the alignment work of the three standards from CCPFV29 (CXS 294-2009, CXS 160-1987 and 160-1987). Furthermore, the Secretariat also noted that the food additive provisions in the two remaining standards from CCPFV29, namely General Standard for Dried Fruits and General Standard for Canned Mixed Fruits, should be considered for alignment. CCFA53 acknowledged the need to consider the two remaining standards at future sessions (REP23/FA para 60-61).

Regarding the Workplan for future alignment contained in the "Guidance to Commodity Committees on the Alignment of Food Additive Provisions" published on Codex's website, the two remaining standards were included in the Workplan for future alignment for CCFA54. However, these two standards were not considered to be included in CCFA54 alignment work in this year (2024). Although these two standards had already been adopted by CAC43 (2020), the food additives provisions are still waiting for endorsement and alignment.

Thailand's proposal

For the above-mentioned reasons, Thailand, therefore, would like to propose the inclusion of the two remaining standards from CCPFV29 (General Standard for Dried Fruits and General Standard for Canned Mixed Fruits) in the Workplan for future alignment for CCFA55 (2025). We are of the opinion that the alignment exercise should not delay the endorsement of food additive provisions of these standards.

Moreover, we would like to point out that if these two remaining standards are included in the Workplan for future alignment for CCFA55 (2025), there are five CCPFV standards should be deleted from the Workplan for future alignment. The reason is that the General Standard for Dried Fruits will supersede the Standards for Dried Apricots (CXS 130-1981), Dates (CXS 143-1985), and Raisins (CXS 67-1981), and the General Standard for Canned Mixed Fruits will supersede the Standards for Canned Fruit Cocktail (CXS 78-1981) and Canned Tropical Fruit Salad (CXS 99 -1981) (REP20/PFV para 22 and 27).

the International Dairy Federation (IDF)

Request for correction CXS 283-1978 – Section 4 – Food Additives

The International Dairy Federation (IDF) would like to request an editorial correction to the section 4 on Food Additives of the Codex General Standard for Cheese (CXS 283-1978).

It appears that the outcome of the alignment discussion conducted in 2020 had not been properly recorded, as the table for justification of use of additives has mistakenly been moved to the section 4.1 Processing aids, instead of behind under section 4, just above the title 4.1.

IDF understands this is a minor issue for which a correction could be confirmed by the next session of the Codex Committee on Food Additives, and in particular by the physical Working Group on alignment.

IDF is providing the correction below for clarification.

4. FOOD ADDITIVES

Unripened cheeses

As listed in the *Group Standard for Unripened Cheese Including Fresh Cheese* (CXS 221-2001).

Cheeses in brine

As listed in the *Standard for Cheeses in Brine* (CXS 208-1999).

Ripened cheeses, including mould ripened cheeses

Additives not listed below but provided for in Codex individual standards for varieties of ripened cheeses may also be used for similar types of cheese within the limits specified within those standards.

Only those additive classes indicated as justified in the table below may be used for the product categories specified.

Acidity regulators, colours and preservatives used in accordance with Tables 1 and 2 of the *General Standard for Food Additives* (CXS 192-1995) in food category 01.6.2.1 (Ripened cheese, includes rind) and only certain acidity regulators, anticaking agents, colours and preservatives in Table 3 are acceptable for use in foods conforming to this standard.

Additive functional class	Justified use	
	Cheese mass	Surface/rind treatment
Colours:	X	X^(b)
Bleaching agents:	–	–
Acidity regulators:	X	–
Stabilizers:	–	–
Thickeners:	–	–
Emulsifiers:	–	–
Antioxidants:	–	–
Preservatives:	X	x
Foaming agents:	–	–
Anticaking agents:	–	X^(a)
Packaging gas	–	–

4.1 Processing aids

Processing aids used in products conforming to this standard should be consistent with the *Guidelines on Substances used as Processing Aids* (CXG 75-2010).

Additive functional class	Justified use	
	Cheese mass	Surface/rind treatment
Colours:	✗	✗ ^(b)
Bleaching agents:	–	–
Acidity regulators:	✗	–
Stabilizers:	–	–
Thickeners:	–	–
Emulsifiers:	–	–
Antioxidants:	–	–
Preservatives:	✗	✗
Foaming agents:	–	–
Anticaking agents:	–	✗ ^(a)
Packaging gas	–	–

^(a) ~~For the surface of sliced, cut, shredded or grated cheese only~~

^(b) ~~For edible cheese rind~~

~~✗ The use of additives belonging to the class is technologically justified.~~

~~– The use of additives belonging to the class is not technologically justified.~~

The IDF wishes to thank the delegation of Canada for all the extensive work done to prepare this document.

IDF supports all the changes brought forward in the documents with the exceptions of the points highlighted in this CRD that require correction, discussion or clarification within CCFA.

Annex 1(Explanatory)

EXPLANATORY DOCUMENT –

QUESTIONS, COMMENTS AND CHAIR'S PROPOSALS FOR THE EWG FOR CCMMP, AND THE ISSUES ASSOCIATED WITH THE ALIGNMENT OF CCPFV AND REGIONAL COMMODITY STANDARDS

Key issues and questions requiring consideration by the Committee

Issues related to CCMMP

Issues related to Standard for Fermented Milks (CXS 243-2003)

Issue 1 – Specific eligibility of certain functional classes for additives in Table 3 [NEW]

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Chair's proposal (final): The report (Annex 2) presents the proposed amendments of Table 3 in line with the literal interpretation of the commodity standard, as has been shown in all circulars; however, the proposal put forward is to restrict Table 3 functional classes to cases where the Table 3 additive is listed in the Table to section 4 of the commodity standard for a specific functional class. This proposal would be more conservative and avoid expanding the intended scope of permitted additives (i.e., a limit on the eligible functional classes endorsed for use), but conversely may create unforeseen restrictions. The Chair asks if there are any objections to IDF's proposal before changes are made to the proposed amendments to Table 3 in Annex 2.

IDF confirms its support for the more conservative proposal.

Issue 2 – Updated associations between flavoured products in the commodity standard and FCs 01.1.4

and 01.7 [NEW]

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Chair's proposal (final): (1) revise the food categories that were associated with the commodity categories in the table of functional classes in CXS 243-2003, as follows:

	Fermented Milks and Drinks based on Fermented Milk		Fermented Milks Heat Treated After Fermentation and Drinks based on Fermented Milk Heat Treated After Fermentation	
	Plain	Flavoured	Plain	Flavoured
Food category of the General Standard for Food Additives (CXS 192-1995)	<u>01.2.1.1</u>	<u>Not heat treated: 1.1.4 (drinks based on fermented milks); 01.7 (dairy-based desserts)</u>	<u>01.2.1.2</u>	<u>Heat treated: 1.1.4 (drinks based on fermented milks); 01.7 (dairy-based desserts)</u>

(2) Fortunately, according to CXS 243-2003, the only functional class difference is that preservatives are not permitted in non-heat treated products; thus an adjustment to the FC associations would not have a considerable impact on the previously circulated tables of provisions. Thus, the 2nd proposal is to make adjustments to the affected provisions for preservatives permitted by CXS 243-2003 (BENZOATES, Nisin and SORBATES) to enable their use in both FCs 01.1.4 and 01.7, though only in heat-treated products.

(3) Further revise the general reference to Tables 1 and 2 of the GSFA in CXS 243-2003 as follows:

Previous proposal: "...acidity regulators, colours, emulsifiers, flavour enhancers, stabilizers, sweeteners and thickeners in food category 01.1.4 (Flavoured fluid milk drinks) and acidity regulators, colours, emulsifiers, flavour enhancers, preservatives, stabilizers, sweeteners and thickeners in food category 01.7 (Dairy-based deserts (e.g. pudding, fruit or flavoured yoghurt)) used in accordance with Tables 1 and 2 of the General Standard for Food Additives (CXS 192- 1995) are acceptable for use in foods conforming to this standard"

New proposal: "...acidity regulators, colours, emulsifiers, flavour enhancers, **preservatives**, stabilizers, sweeteners and thickeners in food category 01.1.4 (Flavoured fluid milk drinks) and ~~acidity regulators, colours, emulsifiers, flavour enhancers, preservatives, stabilizers, sweeteners and thickeners~~ in food category 01.7 (Dairy-based deserts (e.g. pudding, fruit or flavoured yoghurt)) used in accordance with Tables 1 and 2 of the General Standard for Food Additives (CXS 192- 1995) are acceptable for use in foods conforming to this standard".

IDF supports the relationship between the FCs in the GSFA (01.1.4, 01.7, 01.2.1.1, 01.2.1.2) and the various 'plain' and 'flavoured' categories in CXS 243 as shown in the Table in the Chair's final proposal. IDF also supports the consequential changes proposed above.

However, IDF would point out that the FC descriptors in Annex B: Part II do not reflect the clear wording that is contained in Annex C with respect to FC 01.1.4 and 01.7. The FC descriptors in Annex B: Part II there is no mention of heat treatment in the descriptor for FC 01.1.4 whereas the descriptor for FC 01.7 contains the wording '...that may or may not have been heat treated after fermentation... '.

Although it is IDF's understanding that FC 01.1.4 does cover non-heat treated and heat-treated products, IDF would anticipate that there could be a possible confusion between the wording in Annex C and the wording in Annex B: Part II: Food Category Descriptors. The descriptor for FC 01.1.4 could be amended to contain similar wording as that of FC 01.7 with respect to heat treatment.

Issue 3 – On the reference to Table 3 additives in the Annex to Table 3 of the GSFA [NEW]

*CX/FA 24/54/6 Page 7**Revised approach and Chair's proposal (final):*

(1) Factoring in the proposed associations between the GSFA food categories and CXS 243-2003 (see Issue 2), the only practical change would be to enable food additives with a preservative function in FC 01.1.4, but limited to heat treated products, the same as in FC 01.7. Appropriate adjustments to the provisions for BENZOATES (INS 210-213), nisin (INS 234) and SORBATES (INS 200, 202, 203) have been made, accordingly. See also further discussion on these proposals under the miscellaneous issues, item iv., below.

(2) In accordance with the Alignment approach that takes the references to permitted food additives provisions in CXS 243-2003 as the authoritative reference, the footnote to Table 3 in the GSFA is proposed to be deleted. See the proposed amendments to the Annex to Table Three (in Annex 2), below.

IDF can agree to the removal of the footnote to Table 3, and associated amendments.

Miscellaneous issues related to the changes to food additive provisions in the GSFA (Annex 2) between the 3rd circular and this report of the EWG

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- i. General reference to the GSFA for CXS 243-2003 – As pointed out by Australia, the text in the general reference to the GSFA for CXS 243-2003, “For plain fermented milks heat treated after fermentation and drinks based on fermented milk heat treated after fermentation, all Table 3 acidity regulators and packaging gases, and some Table 3 carbonating agents, stabilizers and thickeners are acceptable for use in foods conforming to this standard” is inaccurate as FCs 01.2.1.1 and 01.2.1.2 do not permit Table 3 additives. Therefore, this text is stricken and new text specific to a reference to Table 3 for flavoured products has been added. It should also be noted that there are minor differences in the permitted functional classes for flavoured products not heat-treated (FC 01.1.4) and those that are heat-treated (FC 01.7).

IDF agrees with this proposal, as long as the outcome of Issue 3 above will be that for plain fermented milks heat treated after fermentation and drinks based on fermented milks heat treated after fermentation all Table 3 acidity regulators and packaging gases and some Table 3 carbonating agents, stabilisers and thickeners are moved to Tables 1 & 2. In which case IDF can also agree that Footnote 1 to the Annex to Table 3 in the GSFA can be removed.

- v. Calcium chloride (INS 509) in FC 01.2.1.2 – Because this is a new provision in this FC, calcium chloride requires a “for use in ... only” type of Note rather than an “Except for use in” type of Note. Therefore, Note H243 is changed to G243.

IDF disagrees with changing Note H243 to G243.

Note G243: For use in flavoured products conforming to the Standard for Fermented Milks (CXS 243- 2003) only, as a stabilizer or thickener.

This would not be suitable as it relates to flavoured products but FC 01.2.1.2 is for plain products.

The new note should be:

For use in plain products conforming to the Standard for Fermented Milks (CXS 243-2003) only, as a stabilizer and/or thickener.

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xi. Neotame (INS 961) and SACCHARINS (INS 954(i)-(iv)) in FC 01.1.4 – New Zealand had raised concerns to the 2nd circular on the overlap between Notes 406 (For use in energy-reduced products or products with no added sugar conforming to the Standard for Fermented Milk (CODEX STAN 243- 2003) at 100 mg/kg) and Note Q243 (Except for use in products conforming to the Standard for Fermented Milks (CXS243-2003): for use in milk- and milk derivative-based products energy reduced or with no added sugar). However, the Chair proposed to not change the Notes because Note Q243 captured the language in the footnote to the food additives table, while Note 406 expressed an alternative maximum level relative to non-standardized foods. However, the Russian Federation also raised concern about the use of both notes. Upon further reflection, the Chair proposes to create a single note by revising Note 406 to an “Except for...” type of note, and by including the language of the footnote as captured by Note Q243. The revised 406 note should read: “Except for use in products conforming

to the Standard for Fermented Milk (CXS 243-2003): for use in milk- and milk derivative- based products energy reduced or with no added sugar at 100 mg/kg). Consequently, it is proposed to omit Note Q243 for Neotame and Saccharins. Note 406 only applies to saccharins in FC 01.1.4, which has the same level of use as neotame, thus changing Note 406 will not impact other provisions.

NB: For FC 01.7, because there is not a different maximum level for neotame and saccharins, note Q243 is appropriate, instead of the revised note 406.

IDF agrees with the Chair's proposals to create a new note by revising Note 406, and to omit Note Q243 for Neotame and Saccharins as the new note would cover the effect of Note Q243

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Xvi. Note M243 – Australia raised the concern that the Note M243 could be read to apply the acidity regulators permitted in Tables 1 and 2 of FC 01.2.1.1 and 01.2.1.2 to FCs 01.1.4 and 01.7, when these are already captured by Table 3 provisions in the latter FCs. It is not the intent to doubly apply the permissions in FCs 01.2.1.1 and 01.2.1.2 to flavoured products. In FC 01.1.4, Note M243 only applies to TARTRATES in FC 01.1.4, as TARTRATES are not Table 3 additives. Although one possible solution would be to separate the Notes by plain and flavoured products, the Chair believes that the concern may be alleviated by simply omitting any reference to food descriptors. Considering Issue 3, above, as both FC 01.1.4 and FC 01.7 should contain heat treated and non-heat-treated flavoured products, there is no need to distinguish heat treatment in the Note. Therefore, it is proposed to revise Note M243 as follows:

Previous M243: For use in products conforming to the Standard for Fermented Milks (CXS 243-2003) only, as an acidity regulator in flavoured fermented milks and flavoured drinks based on fermented milks that are not heat treated after fermentation, and in plain and flavoured milks and drinks based on fermented milks that are heat treated after fermentation.

New M243: For use in products conforming to the Standard for Fermented Milks (CXS 243- 2003) only, as an acidity regulator.

A similar revision is appropriate for the tartrates provision in FC 01.7 that requires an “Except for use in...” type of Note (see item xv.).

IDF disagrees with this rewording of Note M243.

The previous M243 specified a limitation for plain products that they must be heat treated in order to use the additive.

The new M243, when applied to plain products, does not now require them to be heat treated in order to use the additive.

IDF believes that separating the Notes by plain and flavoured products is the better option so that all details are maintained. For flavoured products, the new M243 could be appropriate whereas for plain products, the new note could be:

For use in products conforming to the Standard for Fermented Milks (CXS 243-2003) only, as an acidity regulator in plain fermented milks and drinks based on fermentation that are heat treated after fermentation.

xvii. New Note U243 – Because of the similarity of this Note with the series of Notes M243, M243a and M243b, related to restricted use of additives as acidity regulators, Note U243 was revised to M243c. This change only affects TARTRATES in FC 01.7. However, pursuant to Issue 3, above, as FC 01.7 can contain both heat treated and non-heat treated flavoured products, it is unnecessary to specify type of heat treatment, in the Note. Therefore, the proposed change is as follows:

Previous U243: Except for use in products conforming to the Standard for fermented Milks (CXS 243-2003) as an acidity regulator, only in flavoured milks and drinks based on fermented milks, heat treated after fermentation

New Note M243c: Except for use in products conforming to the Standard for fermented Milks (CXS 243-2003) as an acidity regulator.

IDF supports this change because tartrates are permitted acidity regulators in CXS 243, and acidity regulators are permitted functions for flavoured products in CXS 243 whether heat treated or not. Therefore, there was no need to specify in the previous Note U243 that the provision only applied to heat treated products.

xxiii. The IDF has prepared a series of proposed Notes based on an analysis that was presented. Largely, the Chair considers these changes to be reasonable and has included most of the suggested revisions in the Notes in Annex 2 of this document. Some minor differences have been made to introduce consistency in punctuation. Further, these note revisions have prompted minor changes to other Notes (see the following items xxiv. and xxv.).

IDF appreciates the Chair's consideration of our proposals and their incorporation into the Alignment work. IDF is providing further suggestions in the CCMMP notes where additional changes are necessary.

xxiv. Revisions to existing notes 355, 400, 402, and 406 – Each of these notes are used to describe an alternative condition that applies to products conforming to CXS 243-2003, relative to the substantive provisions in the respective food categories of the GSFA. Therefore, consistent with the IDF's Notes Analysis, the structure of these notes is best written using "Except for use in..." rather than a "For use in...". A review of the existing notes does not reveal a conflict with the current provisions of the GSFA if such a change were to be made. Therefore, each of these Notes has been revised accordingly, in Annex 2.

Consequently, Note 402(revised) "Except for use in products conforming to the Standard for Fermented Milk (CXS 243-2003) at 100 mg/kg" is now the same as New Note C243 from previous circulations. Therefore, all instances of Note C243 have been replaced with Note 402(revised).

IDF supports these changes in line with the other changes proposed in our review of the Notes.

Issues related to the Standard for Cream and Prepared Creams (CXS 288-1976)

Issue 6 – Names and descriptors of FC 01.4 and its subcategories (CXS 288-1976)

CX/FA 24/54/6 Page 11-21

Chair's proposal (final): Regardless of whether amendments to the Food Category descriptors for Food Category 01.4, Cream (plain) and the like, proceed or not, the Chair strongly believes that the Alignment of CXS 288-1976 can proceed. The Chair believes this because Alignment has been undertaken in the context of additive provisions already present in CXS 288-1976, and because of the pre-existence and use of Note 236 in Food Categories 01.4.1 and 01.4.2 in the GSFA, which has been replaced with Note XS288 as per the 2023 amendment to the GSFA (as per REP23/FA and adoption at REP23/CAC; see also discussion on Note 236 in last year's Alignment report CX/FA 23/53/6). This provided certainty around which additives in GSFA Food Categories 01.4.1 and 01.4.2 could specifically be used in products falling under CXS 288-1976. Further, no Notes were proposed that related specifically to Food Category descriptors. During the Alignment of CXS 288-1976, an internal analysis was undertaken to evaluate whether changes made to the Food Category descriptors (Option 1, 2 or no change to descriptors) would affect the Alignment of food additive provisions in CXS 288-1976. The result of this analysis suggests that alignment can proceed regardless.

Considering this and the relative consensus of the participants, it is proposed to continue the Alignment exercise.

IDF supports all the proposals from the chair highlighted under issue 6, and to consider the alignment exercise as proposed.

Annex 2 (CCMMP)

PROPOSED AMENDMENTS TO THE FOOD ADDITIVE PROVISIONS OF THE SUBJECT COMMODITY STANDARDS FOR MILK AND MILK PRODUCTS (CCMMP) AND TO TABLES 1, 2 AND 3 OF THE GSFA RELATING TO THE ALIGNMENT OF THOSE STANDARDS

PROPOSED AMENDMENTS TO THE FOOD ADDITIVE PROVISIONS OF THE STANDARD FOR FERMENTED MILKS (CXS 243-2003)

CX/FA 24/54/6 Page 32-33

	Fermented Milks and Drinks based on Fermented Milk		Fermented Milks Heat Treated After Fermentation and Drinks based on Fermented Milk Heat Treated After Fermentation	
	Plain	Flavoured	Plain	Flavoured
Food category of the General Standard for Food	01.2.1.1	Not heat treated: 1.1.4 (drinks based on fermented milks);	01.2.1.2	Heat treated: 1.1.4 (drinks based on fermented milks);

<u>Additives (CXS 192-1995)</u>		<u>01.7 (dairy-based desserts)</u>		<u>01.7 (dairy-based desserts)</u>
Acidity regulators:	-	X	X	X
Carbonating agents:	χ(b)	χ(b)	χ(b)	χ(b)
Colours:	-	X	-	X
Emulsifiers:	-	X	-	X
Flavour enhancers:	-	X	-	X
Packaging gases:	-	X	X	X
Preservatives:	-	-	-	X
Stabilizers:	χ(a)	X	X	X
Sweeteners:	-	χ(c)	-	χ(c)
Thickeners:	χ(a)	X	X	X

(a) Use is restricted to reconstitution and recombination and if permitted by national legislation in the country of sale to the final consumer.

(b) Use of carbonating agents is technologically justified in Drinks based on Fermented Milk only.

(c) The use of sweeteners is limited to milk and milk derivatives-based products energy reduced or with no added sugar.

X The use of additives belonging to the class is technologically justified. In the case of flavoured products the additives are technologically justified in the dairy portion.

– The use of additives belonging to the class is not technologically justified.

IDF supports the changes proposed in this annex but would not support the inclusion of the food categories in the Functional class table in as proposed above. This information is already in the GSFA in Annex C where it lists which GSFA FC applies to which commodity standard. No other functional class table currently repeats the Annex C information so IDF would recommend its removal.

PROPOSED AMENDMENTS TO THE FOOD ADDITIVE PROVISIONS OF THE STANDARD FOR CREAMS (CXS 288-1976)

IDF supports all the proposed changes.

PROPOSED AMENDMENTS TO TABLE ONE OF THE GSFA FOR THE ALIGNMENT OF THE SUBJECT CCMMP STANDARDS (CXS 243-2003 and CXS 288-1976)

NOTES FOR CCMMP STANDARDS

CX/FA 24/54/6 Page 92-95

Chair's note: The proposed notes below have been modified in accordance with IDF's proposed modifications, though with minor variations on the uses of commas and colons, for legibility. Comments are welcome, in particular on the removal of the term "only", where its removal does not alter the meaning of the note (i.e., the "only" is implicit).

235(revised) For use **only** in reconstituted and recombined products **conforming to the Standard for Fermented Milks (CXS 243-2003)**~~only~~.

IDF suggests keeping the "only" at the end of this Note for consistency with other Notes such as G243.

We therefore propose the revision to be:

235 (revised): For use in reconstituted and recombined products **conforming to the Standard for Fermented Milks (CXS 243-2003)** only

D288 Except for use in products conforming to the Standard for Creams and Prepared Creams (CXS 288-1976): sodium dihydrogen phosphate (INS 339(i)), disodium hydrogen phosphate (INS 339(ii)), trisodium phosphate (INS 339(iii)), potassium dihydrogen phosphate (INS 340(i)), dipotassium hydrogen phosphate (INS 340(ii)), tripotassium phosphate (INS 340(iii)), calcium dihydrogen phosphate (INS 341(i)), calcium hydrogen phosphate (INS 341(ii)), tricalcium phosphate (INS 341(iii)), ammonium dihydrogen phosphate (INS 342(i)), diammonium hydrogen phosphate (INS 342(ii)), magnesium dihydrogen phosphate (INS 343(i)), magnesium hydrogen phosphate (INS 343(ii)), trimagnesium phosphate (INS343(iii)), disodium diphosphate (INS 450(i)), trisodium diphosphate (INS 450(ii)), tetrasodium diphosphate (INS 450(iii)), tetrapotassium diphosphate (INS 450(v)), dicalcium diphosphate (INS 450(vi)), calcium dihydrogen diphosphate (INS 450(vii)), magnesium dihydrogen diphosphate (INS 450(ix)), pentasodium triphosphate (INS 451(i)), pentapotassium triphosphate (INS 451(ii)), sodium polyphosphate (INS 452(i)), potassium polyphosphate (INS 452(ii)), sodium calcium polyphosphate (INS 452(iii)), calcium polyphosphate (INS 452(iv)), ammonium polyphosphate (INS 452(v)) and bone phosphate (INS 542), singly or in combination as stabilizers and thickeners only, at 1,100 mg/kg.

IDF proposes to remove the word "only" after the functional classes, and also to move the location of "singly or in combination":

*D288: Except for use in products conforming to the Standard for Creams and Prepared Creams (CXS 288-1976): sodium dihydrogen phosphate (INS 339(i)), disodium hydrogen phosphate (INS 339(ii)), [...], ~~singly or in combination~~ as stabilizers and thickeners **only**, **singly or in combination** at 1,100 mg/kg.*

G243 For use in flavoured products conforming to the Standard for Fermented Milks (CXS 243- 2003) only, as a stabilizer or thickener.

G243a Except for use in products conforming to the Standard for Fermented Milks (CXS243-2003) as a stabilizer and/or thickener.

G288 Except for use in products conforming to the Standard for Cream and Prepared Creams (CXS 288-1976) as a stabilizer and thickener.

Looking at Notes G243, G243a, and G288 as examples, IDF has now also noticed that there is inconsistency between the use of "and", "or" and "and/or" when listing functional classes. IDF suggests that "or" should be used in all instances and proposes this editorial change.

H243 Except for plain products conforming the Standard for Fermented Milks (CXS243-2003) as a stabilizer or thickener.

IDF proposes a slight further amendment for consistency:

H243 Except for **use in** plain products conforming to the Standard for Fermented Milks (CXS243-2003): as a stabilizer or thickener.

L243 Except for products conforming to the **Standard for Fermented Milks (CXS 243-2003): for use in flavoured fermented milks and flavoured drinks based on fermented milks, heat treated or not after fermentation, as an emulsifier.**

IDF believes it would be more consistent with other notes (e.g. J243) to have the functional class after the type of product

L243 Except for products conforming to the Standard for Fermented Milks (CXS 243-2003): ~~for use as an emulsifier~~ in flavoured fermented milks and flavoured drinks based on fermented milks, heat treated or not after fermentation, ~~as an emulsifier.~~

PROPOSED AMENDMENTS TO TABLE THREE OF THE GSFA FOR THE ALIGNMENT OF THE SUBJECT CCMMP STANDARDS (CXS 243-2003 and CXS 288-1976)

IDF supports the proposed changes.