



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD ADDITIVES

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DISCUSSION PAPER ON THE ALIGNMENT OF THE FOOD ADDITIVE PROVISIONS OF THE STANDARDS FOR MEAT PRODUCTS AND RELEVANT PROVISIONS OF THE GSFA

Prepared by an electronic Working Group (eWG) led by Australia with the assistance of Argentina, European Union, People's Libyan Arab Jamahiriya, Japan, Malaysia, Mexico, New Zealand, Switzerland, United Kingdom, United States of America, International Dairy Federation (IDF) and International Organization of the Flavor Industry (IOFI)

Introduction

1. The 42nd Session of the Codex Committee on Food Additives (CCFA), held in Beijing, China, March 2010, agreed to establish a electronic Working Group (eWG), led by Australia, working in English, to prepare a discussion paper with a proposal for the alignment of the food additive provisions of the five Codex standards for meat products with the adopted food additive provisions of food categories 8.2 "Processed meat, poultry, and game products in whole pieces and cuts" and 8.3 "Processed comminuted meat, poultry, and game products" and relevant subcategories of the General Standards of Food Additives (GSFA) and an analysis of the problems and solutions identified in carrying out this work.
2. This work is intended to build on work already completed by the delegation of Switzerland (CX/FA 10/42/17), which provided a brief account of the discussion in the CCFA on the relationship between the GSFA and the food additive provisions in Codex commodity standards.
3. The Delegation of Australia, as Chair of the e-WG, would like to sincerely thank all members of the Working Group for their valuable input into the draft Discussion Paper on the Alignment of the Food Additive Provisions of the Standards for Meat and Relevant Provisions of the GSFA.

Summary

4. **The following are the main points as noted and taken up by the Chair of the e-WG:**
 - Comments received during the two rounds of consultation are generally supportive of the process proposed for harmonising the food additive provisions in food categories 8.2 (Processed meat, poultry, and game products in whole pieces and cuts) and 8.3 (Processed comminuted meat, poultry and game products) and relevant subcategories of the GSFA, and an analysis of the problems and solutions identified in carrying out this work.
 - The eWG participants were generally supportive of the decision tree approach, and two Flow Charts were considered. A number of useful comments from all participants were received on both Flow Charts 1 and 2. However, Flow Chart 2 seems to present the issues in the most simple, clear and concise manner and therefore is the preference of the eWG Chair for future efficient use. Useful comments provided by eWG members were incorporated into the Flow Chart 2, which have greatly improved Flow Chart 2 (Attachment 1). This decision tree approach was technically trialled on the processed meat standards and should be applicable to all commodity standards.
 - Consensus was reached on the need for food additives to be technologically justified and assessed as safe before being permitted into both the commodity standards and the GSFA, as per the Codex Procedural Manual (Section II: Elaboration of Codex Texts. Relations Between Commodity

Committees and General Subject Committees; 19th Ed., pp. 34-35), and Section 3.2 of the Preamble to the GSFA.

- Where there were differing views, generally constructive suggestions were given to progress forwards. However, there was a difference of views on certain fundamental approaches to aligning the food additive provisions in the commodity standards and the GSFA which reflect long standing disagreements that need to be finally resolved. This can only be achieved by good will and compromise, otherwise the eWG Chair cannot see how the GSFA can progress in a timely manner as expected by the Codex Alimentarius Commission.

5. Some of these differing views include:

- The issue of which standard should be the default (when aligning these) – commodity or the GSFA. This includes differing views on the technological justification where there is a permission in the Commodity Standard but not in the GSFA, and vice versa, and which Maximum Level (ML) should apply.
- Member Countries often put forward food additive provisions to CCFA to be included in the GSFA that are technologically justified and safe food additive permissions for their specific food products and climate conditions. These food additive provisions may differ to permissions in other parts of the world and may be challenged by other Member Countries for various reasons. Some objections, which would not seem to be based on the criteria contained in Section 3.2 of the Preamble of the GSFA, but are put forward to CCFA as arguments to not allow food additive permissions in the GSFA, include, but are not limited to:
 - A specific food additive is not used in a particular Member Country or region because it is not needed/required (or indeed has never been requested to be used by industry in that particular Member Country or region), and therefore is not permitted in their Member Country or region, and the extension of this is that the food additive should not be permitted in the CCFA. In these situations, comments should be put to CCFA to justify why the use of the food additive is not consistent with Section 3.2 of the Preamble to the GSFA. Following this process will ensure there is fair, transparent and consistent discussion on food additive provisions in the GSFA so that legitimate and differing use of food additives by Member Countries is respected.
 - A food additive is not considered technologically justified because food technologists in one Member Country or region do not agree on technological justification with those food technologists in another Member Country or region, and therefore should not be permitted in the CCFA. In these situations, comments should be put to CCFA to justify why the use of the food additive is not consistent with Section 3.2 of the Preamble to the GSFA. Following this process will ensure there is fair, transparent and consistent discussion on food additive provisions in the GSFA so that legitimate and differing use of food additives by Member Countries is respected.
- Whether, as a general process, additives should be considered by additive class as in the Procedural Manual or additive by additive.

6. Some possible solutions suggested by the e-WG for consideration as a way to progress forwards:

- As agreed by the Codex Alimentarius Commission, the fundamental concept that the GSFA is the ultimate authoritative text (single reference point) for food additive provisions, covering both standardised foods and non-standardised foods in Codex, should be accepted by CCFA Member Countries.
- An acceptance by all CCFA Member Countries that new food additive provisions should be permitted in the GSFA covering both standardised and non-standardised foods, provided they are technologically justified and safe (as decided by CCFA), and different MLs may be permitted for food additives listed in the GSFA compared to the corresponding commodity standard, provided technologically justified and safe, as per the Codex Procedural Manual and Section 3.2 of the Preamble to the GSFA.
 - Example 1: Where there are no permissions for the use of the food additive in the commodity standard but there is permission in the GSFA (i.e. no permission in the commodity standard but permission in Food Category 08.3.2 of the GSFA), and the use of the food additive is

technologically justified according to the criteria in the Codex Procedural Manual and Section 3.2 of the Preamble to the GSFA. In these cases, relevant information can be provided to the CCFA to decide on whether a deviation from the GSFA is justified, or technical and scientific information can be provided to the Committee to justify why the use of the food additive is not consistent with Section 3.2 of the Preamble to the GSFA (as the defining authoritative text).

- Example 2: Where there are permissions in the commodity standards but not (yet) in the GSFA (i.e. nitrites in 08.2.2 and 08.3.2). In these cases, relevant information in relation to technological justification and safety for the use of the food additive can be provided to the CCFA to decide on whether the food additive can be adopted into the corresponding food category in the GSFA. If CCFA cannot agree, technical and scientific information can be provided to the Committee to justify why the use of the food additive is not consistent with Section 3.2 of the Preamble to the GSFA (as the defining authoritative text).
- There should be a process to note, in both the commodity standards and the GSFA, in situations where a commodity standard requires a different provision from the relevant provision in the GSFA, and vice versa.
- Where a new food additive or higher ML is proposed for the GSFA compared to the corresponding commodity standard, it is proposed that Member Countries respect the positions of other Member Countries with different technological needs and MLs to adapt to their climate conditions and consumer requirements. This is in line with the general principles of the Codex Procedural Manual and the Preamble outlined in 3.2 of the GSFA relating to the justification of use for food additives.
- Some other concepts for considerations are:
 - Difficulties arise in considering factors involved in decisions in relation to food additive provisions when those factors vary significantly from one country to another. For example, cultural and societal values will clearly be different from one country to another. Similarly, such areas as consumer right to know, animal welfare concerns, and traditional practices vary from country to country, sometimes extensively. Inclusion of such factors which differ so much between countries may provide a benefit to a Member Country or group of countries to the exclusion of the legitimate, technologically justified and safe use of food additives by other Member Countries. By contrast, factors such as technological justification and safety of food additives are often universal in their impact with respect to all countries and should be able to be accommodated easily during international food additive standards development.
 - It may be useful to consider that food additive provisions in commodity standards may need to change from time to time, and that CCFA can determine changes to food additive provisions to commodity standards where the committee is *sine die*. Similarly the CCFA may contain additional food additive provisions to reflect that it covers both standardised and non-standardised foods.
 - It may also be useful to consider whether it is really appropriate for one region of the world to argue to other regions of the world that a food additive can or cannot be used. This is particularly true if the food additive is demonstrated to be technologically justified and safe for use in the requesting region or member Country and/or listed in the GSFA, and indeed is needed to preserve, for example, the shelf life of products in particular environments and climate conditions. These matters can present technical barriers to trade which would seem unnecessary given the requirement for labelling of food additives in most products, allowing consumers freedom of choice to use or avoid products.

Recommendations

Recommendation I

7. CCFA note that the eWG was able to reach consensus on:

- On a decision tree approach to harmonising food additive permissions in Commodity Standards with the GSFA (Attachment 1).
- On the need for the food additive to be technologically justified and safe for use.

Recommendation II

8. CCFA note that consensus was not reached on:

- Which standards to use as the default, the commodity standard or the GSFA.
- Whether additives should be considered by additive class or additive by additive.

Recommendation III

9. It is recommended that the eWG continue to progress this issue to resolve issues associated with the harmonisation of meat Commodity Standards with the GSFA and present a further paper for agreement at the 44th Meeting in 2012.

Background

10. At the 38th, 39th and 40th sessions, the CCFA discussed extensively the relationship between the GSFA and the food additives provisions in the Codex commodity standards, and reached a consensus with respect to the procedure for developing the GSFA, involving in a clear and transparent manner the responsible Codex Commodity Committee for those food categories that are covered by a commodity standard. The Codex Procedural Manual was thereby amended accordingly and the amendment adopted by the Codex Alimentarius Commission (CAC) at its 30th session in 2007.

11. The main elements of the consensus were:

- The GSFA is being developed to be the single reference point for food additives within the Codex Alimentarius and should therefore be fully consistent with any food additive provisions in Commodity Standards.
- Preferably Commodity Standards should refer in a general manner to the GSFA (using the default form laid down in the Format for Codex Commodity Standards, Procedural Manual 17th Edition, page 101). Deviations from that default language need to be fully justified and should be kept to a minimum.
- All food additives provisions in Commodity Standards must be endorsed by the CCFA; the CCFA shall consider the technological justification submitted by Commodity Committees. The endorsement by the CCFA is based on the General Principles for the Use of Food Additives (Section 3. of the Preamble to the GSFA).
- Where an active Commodity Committee exists, the CCFA and the Commodity Committee shall consult each other very early (before Step 5) on proposed amendments to the food additives provisions relevant to a Codex Standard.
- Where no active Commodity Committee exists, the CCFA is entrusted with preparing new additive provisions or amendments to existing ones which shall be forwarded directly to Codex members. The technological need will be appraised by CCFA in accordance with Section 1.2 of the Preamble to the GSFA.
- Commodity standards that do not contain food additive provisions will not be considered by the CCFA.

12. This matter was further discussed at the 40th Session of the CCFA, with the main arguments were basically reiterated. At this meeting the Committee agreed to ask Switzerland to prepare a more focused Discussion Paper with clear identification of the problems and concrete recommendations, which would take into account document CX/FA 08/40/7, as well as the recommendations contained in document CX/FA 07/39/6, for consideration at the next session of the CCFA and subsequent referral to the Commission, through the Executive Committee, for further guidance as appropriate.

13. A discussion paper was presented by Switzerland at the 41st session of the CCFA however this was not reviewed. At this meeting the Committee agreed to establish an eWG hosted by Switzerland to revise the discussion paper for further consideration at the 42nd Session of CCFA.

14. Switzerland presented the Discussion Paper on the Identification of Problems and Recommendations Related to the Inconsistent Presentation of Food Additives provisions in Codex Commodity Standards at the 42nd meeting of CCFA in Beijing in February 2010.

15. This paper highlighted that inconsistencies occurred at various levels of provisions such as format, nomenclature / terminology, technological justification, list of food additives, conditions of uses, etc. and referred to a comparison of the food additive provisions of two “old” Codex standards for meat products with the adopted provisions of the corresponding food categories in the GSFA that provided examples for such inconsistencies. The delegation further noted that it was important to address these inconsistencies as they had the potential to create confusion and /or disputes in international trade and weaken the credibility of Codex. It was also emphasised that the notion of not starting any revision work before the completion of the GSFA could perpetuate these inconsistencies, which could be perceived as an acceptance of “dual standards” by Codex.

16. The delegation introduced the three recommendations of the discussion paper recalling the Committee’s decision to reconsider the revision of the food additive provisions of the five commodity standards for meat products, and proposed to consider working on these standards as an initial and pragmatic approach to address these inconsistencies.

- **Recommendation I** - The Committee endorsed the recommendation that a document compiling all food additive provisions of Codex commodity standards should be made available as an information document for the CCFA and regularly updated by the Codex Secretariat, but should not be an official Annex to the GSFA.
- **Recommendation II** - The Committee noted that, according to comments received, the recommendation to adhere to previously agreed principles about the use of food additives in certain food categories and commodity standards (see Background) was generally supported, especially as regards the possible addition of specific text in footnotes to the appropriate food category title to the effect that only food additives with a specified functional effect (based on the commodity standard) could be added to the GSFA. An example of such a footnote would be the previous agreement that the functional class sweeteners should not be used in fruit and vegetable juices. Thus, a new sweetener should not be proposed for use in this food category on the basis that it had been evaluated by JECFA.
- **Recommendation III** - The Chairperson indicated that this recommendation, which proposed to establish a long-term work programme with the aim to review all commodity standards for which food additives provisions were not yet aligned with the GSFA, was a very good but also an ambitious recommendation. The Chairperson stressed that the key message of recommendation III was to take an active action.

Attachment 1**Flow Chart 2 - Approach to harmonising Commodity Standard food additive permissions with GSFA**