

codex alimentarius commission



FOOD AND AGRICULTURE
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Agenda Item 7 (b)

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON FOOD ADDITIVES AND CONTAMINANTS

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PROPOSED DRAFT PREAMBLE OF THE CODEX GENERAL STANDARD FOR FOOD ADDITIVES

REPORT ON THE WORK UNDERTAKEN BY THE WORKING GROUP ON THE PREAMBLE TO THE GENERAL STANDARD FOR FOOD ADDITIVES

Governments and international organizations wishing to submit comments on the following subject matter are invited to do so **no later than 16 February 2004** as follows: Netherlands Codex Contact Point, Ministry of Agriculture, Nature and Food Quality, P.O. Box 20401, 2500 E.K., The Hague, The Netherlands (Telefax: +31.70.378.6141; E-mail: info@codexalimentarius.nl, with a copy to the Secretary, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, Viale delle Terme di Caracalla, 00100 Rome, Italy (Telefax: +39.06.5705.4593; E-mail: Codex@fao.org).

INTRODUCTION

1. The Codex Committee on Food Additives and Contaminants (CCFAC) decided at its 35th session (Arusha, Tanzania, 17th-21st March 2003) to set up a Working Group¹ whose members are: Switzerland (Chair), Australia, Denmark, France, Japan, New Zealand, the United States of America, the European Commission (EC), the Comité Européen des Fabricants de Sucre (CEFS), the Food and Agriculture Organisation (FAO) and the International Fruit Juice Union (IFU).

2. In view of the division in the Working Group, the Working Group Chair decided to develop this Discussion Paper based on the views expressed in comments received from the majority of Working Group Members (Denmark, France, Switzerland, the European Commission, CEFS and IFU). The following members explicitly declared their disagreement with the conclusions and recommendations: Australia, New Zealand, USA

MANDATE AND TERMS OF REFERENCE OF THE WORKING GROUP (paragraph 47 & 48, ALINORM 03/12A)

3. The following terms of reference were given to the Working Group:

- To review the Preamble to the GSFA in order to comply with the General Principles for the Use of Food Additives (Section 5.1, Volume 1A of the Codex Alimentarius) and the Codex Alimentarius Commission Procedural Manual, including Relations Between Commodity Committees and General Committees (pages 94 – 100), and the consideration of maximum levels of use for food additives proposed by Commodity Committees;

¹ ALINORM 03/12A, paragraph 47

- To develop an accompanying document for the GSFA to describe the technical procedures used by CCFAC in the development of the GSFA, plus definitions and terminology and a step-by-step approach for the use of the GSFA, and;
 - To review the policy for selecting maximum levels of use for inclusion in the GSFA as a matter of the highest priority.
4. The Committee agreed that this review of the Preamble should take into account paragraph 100 of document CX/FAC 03/6, the discussions held at its 35th session on this subject as well as the written comments submitted (documents CX/FAC 03/6-Add. 1 and CRD 5)².
5. Switzerland prepared a first Draft Discussion Paper (dated 5.8.2003) that was submitted to all members of the Working Group for comments.
6. The development by CCFAC of the GSFA, which falls within the general orientation of the Codex Alimentarius towards the development of horizontal Standards is fully supported by the Working Group. It is also generally accepted that the GSFA, once completed, will contribute to achieving the Codex objectives of protecting consumers and ensuring fair trade practices. It is also recognised that the identification of inconsistencies in food additive recommendations between the GSFA and Commodity Standards has led to the current state of confusion as regards actual additive recommendations within Codex. It was recognised that this lack of consistency regarding food additives will lead to confusion among Codex Stakeholders as they could refer to two completely different Codex food additive lists with one being the GSFA and the other being additive lists in Commodity Standards. The resulting discrepancies could lead to the discrediting of Codex and its years of work on food standards.
7. Consumer protection could also be affected by the lack of a harmonised approach within Codex. It is worth questioning the reason why standardised food commodities such as butter or fruit juices, have completely different food additive lists between the GSFA and commodity standards. In the case of **butter**, the butter Standard lists **10** food additives whereas the GSFA lists **111**. The new Draft Standard for **Fruit Juice and Nectars** (currently at Step 7) only foresees **17** food additives whereas the GSFA lists **96** for this food category. Clearly, there is a difference in approaches to the assignment of food additives and their Maximum Levels (MLs) between Codex Committees and in the GSFA.
8. The Codex Procedural Manual has foreseen the Format for Codex Commodity Standards and it also has a section on the Relations between Commodity Committees and General Committees which states the Codex procedure as regards food additives. It is foreseen that Codex Committees consider the necessity of the food additives in a specific or related food commodity based on a clear technological justification and thereafter assign the ML of use. The CCFAC endorses these food additives after ensuring their safety.
9. The GSFA on the other hand was developed in order to cater for both standardised and non-standardised foods and a completely different approach was taken to its assignment of food additives. Codex members and Observers submitted directly to the CCFAC the lists of food additives as well as their MLs for direct inclusion in the GSFA. This approach was used for both standardized and non-standardized commodities. In the case of different maximum levels, the highest recommended ML was retained.

STRUCTURE OF THIS DOCUMENT

10. This document is divided into three sections based on the terms of reference mentioned above.

SECTION 1: Review of the Preamble to the General Standard for Food Additives in order to comply with the General Principles for the Use of Food Additives and the Codex Alimentarius Commission Procedural Manual, including Relations between Commodity Committees and General Committees

SECTION 2: Accompanying document to the Codex General Standard for Food Additives (2.1 Technical procedures used in the development of the GSFA, 2.2 Definitions and terminology, and 2.3 A step-by-step approach for the use of the GSFA)

SECTION 3: Review of the policy for selecting maximum levels of use for inclusion in the GSFA

² Comments were submitted by Japan, the USA, the EC, ELC, IFAC, IFU and ISDC.

SECTION 1: REVIEW OF THE PREAMBLE TO THE GENERAL STANDARD FOR FOOD ADDITIVES

11. Based on the given terms of reference, this section proposes a review of the Preamble to the GSFA in order to comply with the General Principles for the Use of Food Additives (Section 5.1, Volume 1A of the Codex Alimentarius) (1.1) and the Codex Alimentarius Commission Procedural Manual³, including Relations Between Commodity Committees and General Committees (pages 96 - 97) and the consideration of maximum levels of use for food additives proposed by Commodity Committees (1.2). A set of recommendations follows the review (1.3).

PREAMBLE TO THE GSFA

12. The first proposed draft of the Preamble was published in 1992⁴ and was adopted as a final text in 1995. Since then, the Preamble has been revised three times. The last revision was in 2001. The Preamble is of primary importance in the development of this standard since it provides the scope of the GSFA and the basic principles used in its development.

1.1 GENERAL PRINCIPLES FOR THE USE OF FOOD ADDITIVES (Section 3 of the Preamble)

13. It is worth recalling the fact that there are two sets of General Principles for the Use of Food Additives. The first set is found in a section of its own in the Codex Alimentarius, Volume 1A - Revised 1999, Section 5 Food Additives, under Section 5.1 which is entitled "General Principles for the Use of Food Additives" and the second set is included in the Codex Alimentarius, Volume 1A - Revised 1999, Section 5 Food Additives, Section 5.2 on the General Standard for Food Additives, in the Preamble to the GSFA, under Paragraph 3 which is entitled "General Principles for the Use of Food Additives". The General Principles for the Use of Food Additives⁵ were originally adopted as an advisory text by the Ninth Session of the Codex Alimentarius Commission in 1972 (see Preamble, footnote 6)⁶. It is stated in the footnote that "Pertinent portions of the text (Section 5.1 - General Principles for the Use of Food Additives) have now been incorporated as an integral part of this Standard, suitable modifications having been made as necessary with respect to the present context". Paragraph 3.2 (a) – (d) of the Preamble provides a very good example of this incorporation as it states the same text as found in Point 5 (a) – (d) of the General Principles.

14. Since the Preamble as well as Tables 1, 2 and 3 of the GSFA were developed according to a different philosophy from that outlined in the General Principles, the result is that the Preamble can not entirely comply with all the principles stated within the General Principles. Moreover, the General Principles were developed in 1972 when Codex food additive recommendations were very restrictive. This is clearly illustrated in Point 6 letter (a) of the General Principles text (Section 5.2 Food Additives) which states that the "inclusion of a food additive in an advisory list or in a food standard should as far as possible be limited to specific foods for specific purposes and under specific conditions".

15. Due to the following reasons, a different approach was taken during the development of the GSFA: the GSFA has a much larger scope as it caters for both standardised and non-standardised foodstuffs, related foods have been grouped together in the same category of the Food Category System, and furthermore, food additives with a group ADI are listed under one chemical name, e.g. the listing for Phosphates includes 25 forms of Phosphates; and finally, the specific technical function served by a food additive within a certain food is no longer mentioned.

³ 13th Edition available electronically on Codex website: http://www.codexalimentarius.net/index_en.stm

⁴ CL 1992/18-FAC, July 1992, Proposed Draft Codex General Standard for Food Additives (GSFA)

⁵ Codex Alimentarius, Volume 1A-1999, Section 5 Food Additives, Section 5.1., page 101

⁶ Footnote 6, page 2 of the Preamble to the GSFA, 2001.

16. In the 1992 proposed draft version of the Table⁷, the antioxidants and preservatives with group ADIs (ascorbates, ascorbyl esters, benzoates, etc.) were listed together. Even though the Commodity Standards recommended the use of only one or two of the food additives within the group, the draft Table permitted the use of all of the additives in the group. A few examples where this occurred include the use of all ascorbates in Mayonnaise (Codex STAN 168-1989 lists only ascorbic acid) and Canned fruit cocktail (Codex STAN 78-1981 lists only ascorbic acid) and the use of all benzoates in Mango chutney (Codex STAN 160 – 1987 lists only sodium and potassium benzoates). However, for some entries it is indicated that only one of the additives listed within the group is allowed, i.e. for quick-frozen French fried potatoes, ascorbic acid only (from Codex STAN 114-1981).

17. It is apparent that the General Principles recommendation of including a food additive in an advisory list or in a food standard should as far as possible be limited to specific foods, for specific purposes and under specific conditions, could not have been followed when it was decided to develop Tables 1, 2 and 3 of the GSFA in their present format.

18. The outcome of the decision to develop the GSFA in its current format is that Codex food additive recommendations are now broader than they would have been had all the principles outlined in the General Principles been followed.

1.2 Codex Alimentarius Commission Procedural Manual

19. The Codex Alimentarius Commission's Procedural Manual⁸, describes the working relationship between the Commodity Committees, the General Committees and the responsibilities of each. The relationship between the Commodity Committees and CCFAC are stated on pages 96 - 97, with the following specific working procedure outlined in the first and second paragraphs of page 97:

"When an active commodity committee exists, proposals for the use of food additives in any commodity standard under consideration should be prepared by the committee concerned, and forwarded to the Codex Committee on Food Additives and Contaminants for endorsement. When the Codex Committee on Food Additives and Contaminants decides not to endorse specific food additives provisions (use of the food additive, or level in the end-product), the reason should be clearly stated. The section under consideration should be referred back to the Committee concerned if further information is needed, or for information if the Codex Committee on Food Additives and Contaminants decides to amend the provision." (Procedural Manual, 13th Edition, page 97, 1st paragraph).

"When no active commodity committee exists, proposals for new food additive provisions or amendment of existing provisions should be forwarded directly by member countries to the Codex Committee on Food Additives and Contaminants." (Procedural Manual, 13th Edition, page 97, 2nd paragraph).

20. The Codex Procedural Manual also provides the format that Codex Commodity Standards should follow. A section provides the requirements for listing food additives in Codex Standard and it states: "this section should contain the names of the additives permitted and, where appropriate, the maximum amount permitted in the food" (Procedural Manual, 13th Edition, page 91).

21. The proposed 1992 draft version of the Preamble did comply with the food additive sections of the Procedural Manual. However, as amendments were made to the text, paragraphs deleted and parts of text moved to different paragraphs, the Preamble and the procedure used to develop the GSFA were no longer in compliance with the Procedural Manual.

22. Terminology that was originally used in one sense ended up being interpreted as having another meaning. In the original draft Preamble, Section 4 "Basis for Establishing Food Additive Provisions for the Standard" which states that

"(a) the food additive provisions of Codex Commodity Standards shall be included in and *superseded* by the provisions of this Standard".

⁷ CL 1992/18-FAC, July 1992, Proposed Draft Codex General Standard for Food Additives (GSFA)

⁸ Codex Alimentarius Commission Procedural Manual, Thirteenth edition, 2003.

23. The use of the word "superseded" implies in the original draft text that once the additive provisions have been transferred from the Commodity Standards to the GSFA, that only the GSFA would be consulted for additive listings. It is not believed to imply that Member State or Observer NGOs recommendations would take priority over Codex Commodity recommendations. A schematic drawing of how the GSFA would be developed was included in a Working Group Memorandum⁹ from 1991 and it illustrates a procedure that is in compliance with the Procedural Manual.

24. In this same paragraph of the original draft Preamble, sub-paragraph (c) states that Annex A ("Guidelines for the Use of Food Additives in Non-Standardised Foods") would be used for assigning additives to non-standardized commodities. Annex A begins with Guideline 1 which states that additive recommendations for standardized commodities should be regarded as suitable for non-standardized products within the same food category¹⁰.

25. Thus taken together, sub-paragraphs (a) and (c) of Paragraph 4 present the procedures for the entry of additives and their MLs for standardised and non-standardised foods into the GSFA.

26. However, at the 25th Session of the CCFAC in 1993¹¹ Paragraph 4 was removed and the sub-paragraphs altered. Sub-paragraph 4 (a) with the reference "included in and superseded by" was moved to Paragraph 1.2 "Food in Which Additives May be Used". The part of sub-paragraph 4 (c) that refers to "the provisions set out in Annex A" was also added as the last sentence to Paragraph 1.2. But it was decided to alter Annex A and to remove the reference to "non-standardised" foods making it less obvious that this Annex should be used when considering additive usage in non-standardised foods.

27. Thus, Paragraph 1.2 "Foods in Which Additives May be Used" which originally stated:

"This Standard sets forth the conditions under which permitted food additives may be used in foods covered by Codex Commodity Standards, and provides guidelines for their use in non-standardised foods."

28. Became after the 25th Session of the CCFAC in 1993:

"This Standard shall set forth the conditions under which permitted food additives may be used in all foods, whether or not they have previously been standardised by Codex. The food additive provisions of Codex Commodity Standards shall be included in and superseded by the provision of this Standard. The bases for these provisions are set forth in Annex A."

29. In the 1995 draft version of Annex A (at Step 5)¹², Guideline 1 is still included. As mentioned above, this Guideline stated that additive used in Standardised foods should be regarded as suitable for use in non-standardised foods placed in the same category. At the Codex Alimentarius Commission session of 1995, the Preamble was adopted¹³ with the mention to Annex A and its Guidelines.

30. At the request of the Codex Committee on General Principles 1995¹⁴, a clarification was needed on the interaction between the CCFAC and the Commodity Committees in the framework of the GSFA. This issue was discussed at the 28th Meeting of CCFAC 1996¹⁵ and the paragraphs concerning the relation between CCFAC and the Commodity Committees as printed in the current version of the Codex Procedural Manual were agreed upon. At its 28th session, the CCFAC also noted the confirmation from the Commission that "the additives section should be included as an integral part of Codex Standards until such time as the GSFA was finalized"¹⁶.

⁹ WG Memorandum No.1, FDA, R.J. Ronk, D.F. Dodgen, September 17, 1991

¹⁰ CL 1992/18-FAC, Annex A, Guideline 1, page 24.

¹¹ ALINORM 93/12A, paras 27 – 50, Appendix II

¹² Appendix III, ALINORM 95/12A. 27th Session of CCFAC.

¹³ CAC Report of 21st Session, July 1995, Appendix 4, Adopted Standards and Related Texts at Step 8

¹⁴ ALINORM 95/33, para 49.

¹⁵ CX/FAC 96/3 and ALINORM 97/12, paras 22 – 25, Appendix III.

¹⁶ ALINORM 97/12, para 22.

31. At the 28th Session of the CCFAC, it was decided to redraft Annex A in light of the discussions concerning exposure assessment¹⁷. The resulting papers¹⁸ discussed the need to rewrite the original Annex A because a number of underlying principles had changed. One of the changed principles was that Codex Standards take precedence over any other national or regional standards. Since it was decided that this was no longer the case, Guideline 1 was no longer relevant and needed to be deleted.

32. Due to the major revision of Annex A, it was necessary to revise the Preamble and at the 29th Session of CCFAC in 1997, the following Section 1.2 of the Preamble was proposed at Step 8¹⁹:

"This Standard sets forth the conditions under which permitted food additives may be used in all foods, whether or not they have previously been standardised by Codex. The food additive provisions of Codex Commodity Standards shall be included in and superseded by the provisions of this Standard. These provisions also comply with the other requirements of the Preamble".

33. This version of Paragraph 1.2 was adopted at the 22nd Session of CAC and remains in the current version of the Preamble.

34. Furthermore, Paragraph 1.4, 2nd paragraph of the Preamble to the GSFA states that:

"The food additives covered by this standard and their maximum levels of use are based in part on the food additive provisions of previously established Codex commodity standards, or upon the request of governments after subjecting the requested maximum levels to an appropriate method which would verify the compatibility of a proposed maximum level with the ADI".²⁰

35. Since the GSFA caters for food additive use for both Codex standardised and non-standardised commodities, and it was decided that additive usage from Codex Standards do not take precedence over non-standardised products, **Codex Member States were requested to submit lists of food additives and their maximum levels of use for non-standardised commodities.**

36. Regarding standardised commodities, food additives recommendations were transferred from the existing Codex standards into the GSFA. **However, Member States included in their lists of additives recommendations for non-standardized commodities, additive recommendations for Codex Standardized commodities and these were also included in Table 1 and Table 2 of the GSFA.** The result is that the food additives use and maximum levels recommended by Member States now *supersede* those foreseen in Codex Commodity Standards.

37. This has led to discrepancies in Codex recommended food additives and maximum levels of use for the same Commodities when the GSFA and Commodity Standards are compared. As shown in the table below, it is very striking to note that the number of additive recommendations found in the Codex Commodity Standards for Fruit Juices and Nectars (Step 7, Codex Alimentarius Commission 2003) and Butter (CODEX STAN A-1-1971, Rev 1) is vastly lower than that being proposed in the GSFA. When analysing the sources of the additive recommendations for these commodities within the GSFA, it becomes clear that many of the recommendations were submitted by only one Codex Member State or by an Observer NGO and not by two Member States as being stated as a requirement for additive inclusion within the GSFA.

38. If the stated policy of accepting additive recommendations within the GSFA (the request for the food additive has to be submitted by at least two Member States) had been followed, the GSFA listing of additives for use in Fruit Juices and Nectars would be at 39, twenty-two more than listed in the draft Commodity Standard. For the commodity Butter, the total number of additive recommendations made by at least two Member States is 29, only 19 more than the adopted standard for butter.

¹⁷ para 39 ALINORM 97/12

¹⁸ CX/FAC 97/5, October 1996, and CX/FAC 97/9, October 1996

¹⁹ Appendix III, ALINORM 97/12A

²⁰ Section 1.4, 2nd paragraph, Preamble to the General Standard for Food Additives, CODEX STAN 192-1995, (Rev 3 – 2001).

Table N° 1

Additive recommendations from Codex Commodity Committees	Fruit Juices and Nectars Additives in the GSFA	TFFJ: Total number of additives in Draft Gen. Standard for Fruit Juices and Nectars (Step 7): 17	Butter Additives in the GSFA	CCFO: Total number of additives in Butter (CODEX STAN A-1-1971, Rev 1-1999) 10
GSFA Food categories for same commodity Additive recommendations in the GSFA submitted by:	14.1.2 – 14.1.3.4		02.2 – 02.2.1.1	
• 2 or more MS ¹ , or 1 MS and Codex	39		29	
• 1 MS	30 ²		14	
• 1 MS and 1 Observer	3		7	
• Observer (s) only	1		58 ³	
• Raw data from 2000 does not have information on source	23		3	
	Total number of additives for Fruit Juices and Nectars in the GSFA: 96		Total number of additives for Butter in the GSFA: 111	

¹. Member State

². Most of these entries were submitted by one of three countries

³. Majority of the submissions were indicated for 2.0 – fats & oils & fat emulsions, or 2.2 – fat emulsions mainly of type water in oil but in GSFA were specifically listed in category for butter

39. One of the recommendations made by the CCFAC to the Commodity Committees during the amendment or finalisation of existing Commodity standards is that only the technological function of the food additive be listed and not all the specific additives. This recommendation has merit because as food research and development continues, there will be situations when a different food additive with the similar technical function may be more effective under slightly different conditions or other situations in which the same food additive can be used for different technical functions. Furthermore, the structure of Table 1 of the GSFA allows for the grouping of related food additives under the same food additive name thereby making it difficult to be specific to the exact additive that is permitted.

40. However, this recommendation by CCFAC has not been put into practice within the GSFA. The work of the Codex Committee for Milk and Milk Products (CCMMP) provides a very good example in this respect.²¹ The CCMMP followed the recommendation made by CCFAC during the development of the Codex Standard for Fermented Milks²², however, there are still discrepancies between the additive functions recommended within this Standard and the GSFA. The Fermented Milks Standard does not permit the use of colours and sweeteners in plain fermented milks, whereas the GSFA allows the use of several sweeteners and two caramel colours in the food category of plain fermented milks²³.

Table N°. 2

Additive Class	Plain Fermented Milks		Plain Fermented Milks Heat Treated after Fermentation	
	Codex Standard (adopted at Step 8, 26 th CAC, 2003)	GSFA 01.2.1, 01.2.1.1	Codex Standard (adopted at Step 8, 26 th CAC, 2003)	GSFA 01.2.1, 01.2.1.2
Colours	-	X (adopted 1999)	-	X (adopted 1999)
Sweeteners	-	X	-	X
Emulsifiers	-	X	-	X
Flavour enhancers	-	-	-	-
Acids	-	-	X	X
Acidity regulators	-	X	X	X
Stabilizers	X ¹	X	X	X
Thickeners	X ¹	X	X	X
Preservatives	-	-	-	-
Packaging gases	-	X	X	-

¹. Use is restricted to reconstitution and recombination and if permitted by national legislation in the country of sale to the final consumer.

41. It should be noted that, Commodity Committees following the recommendation of CCFAC to list only the necessary technological function are not in compliance with the Procedural Manual which states that the food additive section in Codex Standards should contain the names of the additives permitted and where appropriate the maximum amount permitted in food. They also do not comply with the recommendations made by the CCGP in 1996 that Codex Committees continue to list food additives by name and MLs until the GSFA is completed.

1.3 RECOMMENDATIONS

Recommendation N°.1

42. **The CCFAC should request the Codex Alimentarius Commission to clarify the relationship between the CCFAC and the Commodity Committees with regard to food additive allocation for standardised foods. This should be done as a matter of priority as this step is considered to be the most fundamental one towards the resolution of the inconsistencies between the GSFA and the allocation of food additives within the Commodity Standards.**

Recommendation N°.2

43. **Based on the dual objectives of Codex, i.e. the protection of the health of the consumers and ensuring fair practices in the food trade and as a general guidance to all users of Codex Standards, it is recommended that Paragraph 6 of the General Principles for the Use of Food Additives (Section 5.1., Codex Alimentarius, Vol. 1A-Revised 1999) be included in Section 1.2 of the GSFA Preamble.**

²¹ CX/FAC 03/5, Endorsement and/or Revision of Maximum levels for Food Additives in Codex Standards, page 6, Draft Revised Standard for Fermented Milks as Step 8 (Appendix III).

²² Based on the Standards for yoghurts, CODEX STAN A-11(a)-1975, CODEX STAN A-11(b)-1976.

²³ Table 2, Draft GSFA version of March 2002, FCS 01.2.1 and FCS 01.2.1.2.

Recommendation N°. 3

44. It is recommended that the CCFAC takes due note of the recommendation made to it by the Codex Alimentarius Commission at its 23rd Session (1999) which states that "prior to its publication, the General Standard should take into account the endorsed food additives provisions contained in Codex Commodity Standards"²⁴.

²⁴ Codex Alimentarius Commission, Report of the Twenty-Third Session, Rome 28 June – 3 July 1999, para 109.

SECTION 2: ACCOMPANYING DOCUMENT FOR THE CODEX GENERAL STANDARD FOR FOOD ADDITIVES

2.1 TECHNICAL PROCEDURES USED IN THE DEVELOPMENT OF THE GSFA

Origin of the GSFA

45. This overview of the origin and scope of the Codex General Standard for Food Additives summarizes the major decisions and procedures used in the elaboration of the GSFA. For a detailed historical account of the development of the GSFA, consult Codex document CX/FAC 03/6, November 2002.

46. Since its beginning in 1962, Codex Alimentarius has developed over 240 commodity, or vertical standards, through the work of specialized Codex Committees e.g. Codex Committee on Milk and Milk Products, Codex Committee on Natural Mineral Waters, Codex Committee on Processed Fruits and Vegetables, etc.. These standards are developed based on the "Format For Codex Commodity Standards" contained in the Codex Procedural Manual (see Thirteenth Edition, page 90 - 93). The Format foresees the following sections: Name of the Standard, Scope, Description, Essential Composition and Quality Factors, Food Additives, Contaminants, Hygiene, Weights and Measures, Labelling and Methods of Analysis and Sampling. The sections of the Format required to be completed in a Codex standard are only those provisions that are appropriate for the food commodity in question.

47. During the late 1980's, it was realized that there would be greater uniformity in Codex recommendations and ease for the users of these Standards if horizontal standards were developed on subjects common to all the Commodity Standards²⁵.

48. For food additives, several issues were taken into consideration when evaluating the most appropriate way to develop a Codex horizontal standard covering food additives. One major issue was the calculation of food additive intake for the protection of consumers. Since Codex Standards only cover a selection of the foodstuffs that are consumed worldwide, calculations on additive intake that were based solely on Codex additive recommendations were only partially complete. In order to obtain a more accurate estimation of food additive intake, it was advisable to establish Codex recommendations for the safe use of additives in non-standardised foods.

49. The 21st session of the CCFAC (1989) discussed the "Denner Paper"²⁶ which contained an evaluation of the then current situation and included a set of recommendations. The CCFAC followed several of the recommendations contained in the Denner Paper during the development of the GSFA.

50. At its 23rd session (1991), the CCFAC decided to set up an Ad hoc drafting group²⁷ whose mandate was to prepare a set of draft General Principles for the GSFA and to propose draft tables for antioxidants and preservatives. The resulting document²⁸ included a draft proposal for the Preamble, Schedule 1 listing uses for antioxidants and preservatives (which later became Table 1), and several of the Annexes that are now part of the Preamble.

²⁵ CX/FA 85/16

²⁶ CX/FAC 89/16

²⁷ Australia, Belgium, Canada, Denmark, Finland, France, Germany, Italy, Japan, Netherlands, Norway, Spain, Sweden, Switzerland, Thailand, United Kingdom, United States of America, EEC, IOCU, IFAC, ILSI, IDF, CIAA, and IFGMA.

²⁸ CL 1992/18-FAC.

51. In March 1991, an FAO/WHO Conference on Food Standards, Chemicals in Foods and Food Trade was held to review aspects of the work and procedures of Codex, and to consider import and export controls which impeded international trade in food.²⁹ The Conference, which had been convened jointly by the Directors-General of FAO and WHO, in cooperation with the General Agreement on Tariffs and Trade (GATT), strongly endorsed the use of a “horizontal” approach as the main strategy for the control of additives in foods, and recommended, among others, that the Codex Alimentarius Commission follow the same horizontal approach in other areas, for example in relation to chemical and microbiological contaminants, and methods of analysis and sampling³⁰. This was considered necessary since Codex standards were to encompass all foods moving in international trade. Furthermore, a horizontal approach would provide general guidance and recommendations to promote safe food handling and processing.

Procedures used in the development of the GSFA

52. The CCFAC decided at its 24th (1992)³¹ and 29th (1997)³² sessions that:

- the GSFA would list additive recommendations for both Codex standardised and non-standardised commodities,
- only additives evaluated by JECFA and determined as safe would be included in the GSFA,
- the format of the GSFA would be based on additive functional classes as provided in the Codex International Numbering System for Food Additives (INS) as well as on food categories based on the Food Category System,
- Additives that have been assigned a "Not Specified" ADI by JECFA would be allowed for use at GMP,
- Certain foods should have only restricted number of additives permitted for use.

Food Category System (FCS)

53. At its 24th session (1992), the CCFAC agreed that a food category (also referred to as “categorisation”) system for the GSFA be based on the CIAA³³ system developed for use in the European Union. The committee reaffirmed that the categorisation system should include all foods in international trade and requested that specific recommendations be submitted to amend the CIAA food category system accordingly. The original system was enlarged to include categories for foodstuffs consumed and traded worldwide.

54. In order to assist users in classifying a foodstuff in the FCS, a Discussion paper³⁴ was prepared for consideration by the 34th session of the CCFAC. This Discussion paper contains a full description of the GSFA food categories and provides examples of use.

Preamble

55. The Preamble provides the scope of the GSFA and the basic principles used in its development. The first proposed draft was published in 1992³⁵ and was adopted as a final text in 1995.

56. At its 28th session (1996), the CCFAC accepted the offer made by the Belgian Delegation, in cooperation with the CIAA, to propose amendments to the Preamble in order to describe more thoroughly the principles and the application of the food category system.

57. At its 29th session (1997), the CCFAC endorsed the revisions to the Preamble³⁶ in order to include principles and application of the GSFA's food category system. These revisions were subsequently adopted by the Codex Alimentarius Commission at its 22nd session held in 1997.

²⁹ Report of the FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade in Cooperation with GATT, 1991 Rome

³⁰ FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade, Appendix I, page 43, Recommendations 2(i) and 2 (ii).

³¹ ALINORM 93/12

³² ALINORM 97/12A

³³ Confederation of the Food and Drink Industries of the European Union – Confédération des Industries Agro-alimentaires de l'Union européenne

³⁴ CX/FAC 02/6

³⁵ CL 1992/18-FAC, July 1992, Proposed Draft Codex General Standard for Food Additives (GSFA)

58. The Preamble was amended a second time in 1999 to include a footnote that was required during the development of the GSFA. The last amendment to date occurred in 2001 and it resulted in the current version of Annex A.

Data for the GSFA (Tables 1 & 2)

59. Tables 1 and 2 of the GSFA list the food additives permitted for use under specified conditions in certain food categories or in individual food items as well as their recommended maximum levels of use. The food categories cover standardised and non-standardised foods. Table 1 is arranged alphabetically by additive and Table 2 is arranged numerically following the categorisation numbers of the FCS. Additive usage and maximum levels of use listed in these Tables were obtained from existing Codex Commodity Standards and from submissions made by Codex Member States.

60. In 1992, at the beginning of the development of these Tables, additives and the maximum levels for antioxidants and preservatives were compiled from existing Codex Commodity Standards³⁷. Via Circular Letters³⁸, the CCFAC systematically collected and published³⁹ proposals from Member States for additive usage in non-standardized and standardized commodities.

61. This acceptance of Member States additive recommendations for standardized commodities has led to discrepancies between Codex additive recommendations found in the GSFA and the Commodity Standards. In numerous cases, Member States additive recommendations for standardised foodstuffs superseded the food additives provisions contained in adopted Codex Standards.

62. Only food additives which had been evaluated by JECFA and found acceptable for use in foods are included in the GSFA. Within Table 1, additives with a group ADI (e.g., benzoates) are listed together. Thus, the listing for "Benzoates" includes the following additives: benzoic acid, sodium benzoate, potassium benzoate and calcium benzoate. For additives that have several technological functions, their use within a specific foodstuff is not indicated. For example, Mono- and Diglycerides can be used as an antifoaming agent, bulking agent, emulsifier, stabilizer, and thickener. However, there is no indication as to the technological function they should fulfil within the foodstuffs in which they are used.

63. As the amount of data increased, there was concern about the enormous quantity of information contained in the "source worksheets" which had over 23,000 entries. It was apparent that a means to condense the reported maximum levels of use had to be found in order to proceed with the development of the standard. Differing views were expressed as to the level of use which would be given (the minimum reported use level, an average level, or the maximum reported use level).

64. At its 27th session (1995), the CCFAC agreed that the following version of the proposed draft standard would contain the reported range of use levels for an additive in any given food category. The United States Delegation, as chair of the GSFA Working Group, volunteered to revise the worksheets according to the following general principles⁴⁰ :

- Remove references to the source of information, i.e., names of Member States,
- Combine identical entries, and
- Retain the highest and lowest maximum use level reported for a food category. However, in the end only the highest maximum level was retained in order to prevent any restriction on trade.

65. At its 30th session (1998) and due to different opinions amongst the Member States, the CCFAC agreed to the following procedure to resolve questions regarding the technological justification and need for the use of food additives in the GSFA:

- Establish that at least two Codex Member States permit the use of the additive up to the maximum level proposed in Tables 1 and 2 in foods representative of the category. This establishes that trade may occur in the food containing the additive.

³⁶ CX/FAC 97/6

³⁷ CL 1992/18-FAC, July 1992

³⁸ CL 1994/11-FAC, CL 1995/15-FAC, CL 1996/14-FAC, CL 1997/9-FAC

³⁹ CX/FAC 96/8, CX/FAC 97/8, CX/FAC 98/8

⁴⁰ CX/FAC 96/7

- Establish whether the maximum level proposed is limited to an obscure or unrepresentative food. If so, consideration may be given to recognizing that food and the level of additive use as a specific entry in the GSFA, and identifying a more representative level for the category as a whole.
- Use "square brackets" as appropriate, where Codex Member States continue to express concern about the proposed maximum levels.

66. At its 34th session (2002), the CCFAC agreed that as a matter of principle, food additives assigned a numerical ADI by JECFA should have a numerical limitation on their use in the GSFA. With this in mind, the committee agreed to hold all GMP provisions for these additives (i.e., with numerical ADIs) at Steps 3 or 6 so that specific numerical levels of use could be provided before its 35th Session in 2003. The committee agreed that all GMP maximum levels for the additives with numerical ADIs would be deleted from the draft GSFA if this information were not provided by its 35th session. The committee also agreed to consider the application of these principles to already adopted additive provisions at a future meeting.⁴¹

67. At its 35th session (2003), even though the CCFAC re-confirmed that while it was generally accepted that additives assigned a numerical ADI by JECFA should be assigned numerical maximum levels of use in the GSFA, exceptions were allowed where the CCFAC agreed to a specific exemption on a case-by-case basis.⁴²

Table 3 and Annex 1 to Table 3

68. Since the beginning of the GSFA, it was decided that food additives that were assigned a "Not Specified" Acceptable Daily Intake (ADI) from JECFA would be permitted for use in most foodstuffs under conditions of Good Manufacturing Practice (GMP). The Codex definition of this term is as follows:

"The term ADI "Not Specified" is a term applicable to a food substance of very low toxicity which, on the basis of the available data (chemical, biochemical, toxicological, and other), from the total dietary intake of the substance arising from its use at the levels necessary to achieve the desired effect, and from its acceptable background in food, does not, in the opinion of JECFA, represent a hazard to health. For that reason, and for reasons stated in individual JECFA evaluations, establishment of an acceptable daily intake expressed in numerical form is not deemed necessary by JECFA. An additive meeting this criterion must be used within the bounds of good manufacturing practice as defined in sub-paragraph 3.3 below."⁴³

69. The food additives permitted for use in the GSFA following the practice of GMP are compiled in Table 3.

70. It was also decided that the GSFA would define food categories or individual food items where the use of food additives is not allowed or is restricted. This restriction applied to the use of the GMP additives (Table 3) in an unregulated manner. Individual food items or food categories subjected to this restriction are, in general, raw, un- or low-processed foods and foods for infants and young children. Nevertheless, GMP-listed additives are allowed for use in the foods listed in Annex 1 to Table 3, however, this has to be regulated through the inclusion of a specific entry in Tables 1 and 2.

Current Format of the GSFA

71. The Preamble comprises 7 paragraphs:

1. The **Scope** indicates the food additives and the foodstuffs to which the GSFA applies.
2. The **Definitions of terms** comprise the definitions of "Food Additive", "Acceptable Daily Intake" and "Acceptable Daily Intake "Not Specified"".
3. The **General Principles for the Use of Food Additives** indicate which additives can be used, why, and the concept of Good Manufacturing Practice (GMP). This section is partly based on the existing Codex document "General Principles for the Use of Food Additives".
4. The concept of **Carry-over** of food additives is explained.

⁴¹ ALINORM 03/12, para. 60.

⁴² ALINORM 03/12A, para 44.

⁴³ Codex Alimentarius, Vol. 1A-1999, Section 5 Food Additives, Preamble to the GSFA, Section 2 (c)

5. An explanation of the **Food Category System** used for facilitating the allocation of food additives within the GSFA.
6. The **Format of the Standard** describes the different parts (Tables) in which the GSFA is divided.
7. The **Review and Revision of the Standard** outlines the procedure that should be followed when new food additives are introduced into the GSFA or when existing food additive entries are revised.
72. Annex A is a guidance document to screen proposals for use of additives based on consideration of their maximum use level and the physiological upper limit to the amount of food and drink that can be consumed each day. The Annex is not intended for allocating provisions for the use of an additive and cannot be used for calculating accurate additive intakes.
73. Annex B comprises the Food Categorisation System (FCS) which is a tool for the allocation of food additive uses authorised in the GSFA. The FCS applies to all foodstuffs including those in which no additives are permitted. The FCS is hierarchical, meaning that when the use of an additive is permitted in a general category, it is automatically permitted in all its sub-categories, unless otherwise stated. Similarly, when an additive is permitted in a sub-category, its use is also allowed in any further sub-categories and in individual foodstuffs mentioned in a sub-category.
74. Annex C to the Preamble of the GSFA is the list of foods covered by Codex commodity standards cross-referenced to their category within the FCS. This Annex is arranged first by Codex Standard number, followed by an alphabetic arrangement by Codex Standard Title, with a final list arrangement by Food Category Number.
75. Lists A and B are the JECFA-approved list of food additives that are used in the GSFA. The additives in these lists, which have been evaluated and approved by JECFA as safe for use in foods, are the only permitted for use in the GSFA. Additional additives are included only after a complete, JECFA evaluation.
76. As indicated in the electronic version of the GSFA available on the Codex website, List A and List B are included as part of Annex C.
77. Annex C - List A is JECFA-approved food additives with ADIs, INS numbers and commonly used synonyms. The additives are arranged first by alphabetical order then numerically by INS.
78. Annex C - List B comprises JECFA-approved food additives with ADIs, INS Numbers, and the year and JECFA meeting when the additive was discussed. The additives are arranged first by alphabetical order then numerically by INS.
79. Table 1 comprises additives permitted for use under specified conditions in certain food categories or individual food items.
80. Table 2 comprises food categories or individual food items in which food additives are permitted under specified conditions.
81. Table 3 comprises additives permitted for use in food in general, unless otherwise specified, in accordance with GMP. These are additives with non-numerical ADIs.
82. Annex to Table 3 comprises food categories or individual food items excluded from the general conditions of Table 3. The use of additives listed in Table 3 in the food categories contained in this Annex is governed by the provisions of Tables 1 and 2.

RECOMMENDATIONS

Recommendation N°. 1

83. The first recommendation concerns the electronic version of the Preamble which is available on the Codex Alimentarius Internet site⁴⁴. Unlike the paper version of 1999, printed in Volume 1A 2000, the electronic version does not bear the indication "Preamble to the" mentioned in its title. For the sake of consistency, **it is recommended that the similar wording for the heading, i.e. "Preamble to the" be added to the electronic version which is available on the Codex website.**

⁴⁴ http://www.codexalimentarius.net/index_en.stm

Recommendation N°. 2

84. This recommendation refers to the current electronic version of the GSFA (CODEX STAN 192-1995, Rev. 3-2001). The following titles are given to the three Annexes to the Preamble:

- Guidelines For The Development of Maximum Levels For The Use Of Food Additives With Numerical Acceptable Daily Intakes. *Annex A to the Codex General Standard for Food Additives (GSFA)*
- Codex General Standard For Food Additives (GSFA) Food Categorisation System For The GSFA – 33RD CCFAC (The reference that this is Annex B is only on the page heading).
- Annex C To The Preamble Of The GSFA
 - Cross-Reference of Codex Standardised Foods with the Food Categorisation System Used For the Elaboration of the GSFA – Sort by Codex Standard No.
 - Cross-Reference of Codex Standardised Foods with the Food Categorisation System Used For the Elaboration of the GSFA – Sort by Codex Standard Title.
 - Cross-Reference of Codex Standardised Foods with the Food Categorisation System Used For the Elaboration of the GSFA – Sort by Food Category No.

85. It can be noted from the above titles of the three Annexes, that these headings have not been assigned in a consistent manner. We notice that only Annex C makes reference to the Preamble of the GSFA, whilst the heading of Annex A does not refer to the Preamble but to the GSFA, and finally, there is no reference, either to the Preamble or to the GSFA, given in the title of Annex B. **It is therefore recommended that along with the specific document titles, wording similar to that of Annex C be added to the titles of Annexes A and B, i.e. "Annex A to the Preamble of the GSFA" and "Annex B to the Preamble of the GSFA".**

Recommendation N°. 3

86. In the electronic version of the GSFA and in ALINORM 99/12, Appendix II, Lists A and B bear titles indicating that they are part of Annex C of the Preamble. However, CX/FAC 03/6 separates List A and List B into their own section labelled as "Index". Considering that these are lists of JECFA-approved food additives, they do not seem to be a sub-section of Annex C which is a cross-reference between Codex Commodity Standards and the GSFA Food Category System. **It is recommended that a clarification be made regarding whether Lists A and B are subsections of Annex C or if they are stand-alone texts, and that the appropriate and correct heading be given to both lists once the above has been clarified. In addition, the first section of the electronic version of List A is missing the INS and ADIs next to the additive name.**

2.2 DEFINITIONS AND TERMINOLOGY USED IN THE GSFA, Paragraph 2 of the Preamble

87. Paragraph 2 of the Preamble provides the definitions of three basic terms used in the GSFA. These are Food additive, Acceptable Daily Intake (ADI), and Acceptable Daily Intake "Not Specified" (NS).

88. As stated in ALINORM 03/12A, paragraph 43, the term "**widely used**" should be defined within the Preamble so that there is a common understanding for it within Codex. This term has been questioned on several occasions when Member States recommend additive use and maximum levels within a commodity whose production is restricted to regional trade or is produced in a limited volume. One of the criteria listed in the Commission Procedural Manual for Codex commodity committees during the consideration of the use of an additive and ML within a standardised commodity is "additives which are considered to be technologically necessary or which are widely permitted for use in the food within maximum levels where appropriate"⁴⁵.

89. In addition, part of the terms of reference for the Working Group was to develop and accompanying document for the GSFA with definitions and terminology used within the GSFA.

⁴⁵ Food Additives and Contaminants, page 84, Codex Alimentarius Commission Procedural Manual, 12th Edition, 2001

90. There are three possibilities of amending Paragraph 2 of the Preamble to take into account the views expressed at the 35th Meeting of CCFAC:

Option 1: Amendment of Paragraph 2 to include a definition for “widely used” and development of an accompanying document containing other terms and definitions used within the GSFA,

Option 2: Amendment of Paragraph 2 to include a definition for "widely used" as well as all other terms and definitions used in the GSFA,

Option 3: Development of an accompanying document that would contain the definition of terms used in the GSFA including those presently found in Section 2 as well as the term "widely used". Remove Section 2 from the Preamble.

RECOMMENDATIONS

91. Option 2 seems to be the most appropriate of the three options as all definitions used in the GSFA would be found in the same document. Since it is recognized that definitions are of paramount importance to the understanding of the GSFA, **it recommended that Paragraph 2 of the Preamble be amended to include a definition for “widely used” as well as all other terms and definitions used in the GSFA.**

2.3 STEP-BY-STEP APPROACH TO THE USE OF THE GSFA

92. The following procedure should be used to determine which food additives are recommended by the GSFA for use in a food commodity. Examples of use are provided after the four steps.

Step 1: Food Categorisation System (Annex B)

93. Locate the commodity in the Food Categorisation System (Annex B) and take note of the FCS number. If there is no specific entry for your commodity, select the entry that best describes your product.

94. The Food Categorisation System has been developed to ease the assignment of food additives to the commodities. The FCS applies to all foodstuffs including those in which no additives are permitted.

Step 2: Foods in which food additives are not allowed to be used at GMP maximum level of use. (Annex to Table 3)

95. Check if the commodity is listed in the Annex to Table 3.

96. If the answer is NO, then this means that all additives listed in Table 3 (additives assigned an ADI "not specified") are permitted for use in that particular commodity in accordance with Good Manufacturing Practice (GMP). Additives with a numerical ADI, thus not in Table 3, will be allowed for use in the commodity if listed in Table 1 / Table 2.

97. If the answer is YES, then this means that all the additives permitted for use in that commodity will be listed in Table 1, thus no GMP additives can be used without first consulting Table 1.

98. Annex to Table 3 lists the food categories of individual food items excluded from the general conditions of Table 3. In general, these are commodities in which the minimum of food additives should be used. The products listed are those which are usually considered unprocessed, or with only the minimum of processing, or foods for special groups of consumers (e.g. infants and young children).

Step 3: Additives permitted for use at GMP level (Table 3)

99. Table 3 lists the additives that have been evaluated by JECFA and which have been assigned an ADI "Not specified". This designation is used for food additives of very low toxicity and for which the level of use necessary to achieve the desired effect does not represent a hazard to health.

Step 4: Additives permitted for use under specified conditions in certain food categories or individual food items (Table 1)

100. Table 1 provides the following information:

- Maximum levels of use for additives with numerical ADIs in all permitted food categories.
- Maximum levels of use of all additives (with and without ADIs) permitted for use in the categories mentioned in Annex to Table 3.

Examples

101. The following two food commodities are used as examples of how to use the Step-by-Step approach in order to determine the food additives which could be used in specific foodstuffs.

Example 1: Frozen flavoured yoghurt dessert

Step 1: Identify (as closely as possible) the category in the Food Categorisation System to which the product belongs

Answer: 01.7 Dairy-based desserts (e.g. ice milk, pudding, fruit or flavoured yoghurt)

Step 2: Is Category 01.7 listed in Annex to Table 3, i.e. restricted food commodities.

Answer: No

Step 3: All additives listed in Table 3 (ADIs = not specified) are permitted for use in this food category at GMP.

Step 4: For additives with a numerical ADI listed in **Table 1**, check additive by additive those that are permitted in the food commodity. More easily, **Table 2** which lists additive use by Food Category can be checked for permitted additives but remember that the **Table 3 GMP additives** are not included but are permitted.

102. Also, because the GSFA is hierarchical, any additives permitted in the larger category of 01.0 Dairy Products, are allowed in the sub-categories.

Example 2: Canned, pasteurised pineapple juice

Step 1: Identify (as closely as possible) the category in the Food Categorisation System to which the product belongs

Answer: 14.1.2.1 Canned and bottled (pasteurised) fruit juice

Step 2: Is Category 14.1.2.1 listed in Annex to Table 3, i.e. restricted food commodities.

Answer: Yes

Step 3: Because food category 14.1.2.1 is included in Annex to Table 3, Table 3 additives cannot be used at GMP without further confirmation from Table 1 and Table 2.

Step 4: Use Table 1, additive by additive, or Table 2, searching by category number to see all the additives that can be used in pineapple juice. Since this is a restricted food, Table 2 will list all the additives (including those from Table 3) that can be used in this product.

SECTION 3: REVIEW OF THE POLICY FOR SELECTING MAXIMUM LEVELS OF USE FOR INCLUSION IN THE GSFA

TECHNOLOGICAL JUSTIFICATION AND MAXIMUM LEVELS OF USE

103. The technological justification and accepted maximum level of use of additives has been the subject of numerous Codex documents⁴⁶. The basic tenets regarding technological need and use have been repeated on several occasions and appears to be accepted by all, e.g. that the technological needs for food additives differ from country to country, partly due to the availability of raw materials, the climate, the advancement of the food technology used in production, etc.

104. "The General Principles for the Use of Food Additives"⁴⁷ as well as the Preamble to the GSFA:⁴⁸ state similar principles (see paragraph 5 of the General Principles for the use of food additives and paragraph 3.2. of the Preamble to the GSFA):

105. Section 3.2. of the Preamble to the GSFA states that:

"The use of food additives is justified only when such use has an advantage, does not present a hazard to health of and does not mislead the consumer, and serves one or more of the technological functions set out by Codex and needs set out from (a) through (d) below, and only where these objectives cannot be achieved by other means which are economically and technologically practicable:

a) to preserve the nutritional quality of the food; an intentional reduction in the nutritional quality of a food would be justified in the circumstances dealt with in sub-paragraph (b) and also in other circumstances where the food does not constitute a significant item in a normal diet;

b) to provide necessary ingredients or constituents for foods manufactured for groups of consumers having special dietary needs;

c) to enhance the keeping quality or stability of a food or to improve its organoleptic properties, provided that this does not change the nature, substance or quality of the food as to deceive the consumer;

d) to provide aids in the manufacture, processing, preparation, treatment, packing, transport or storage of food, provided that the additive is not used to disguise the effects of the use of faulty raw materials or of undesirable (including unhygienic) practices or techniques during the course of any of these activities."

106. There has been some discussion at recent sessions of the CCFAC as well as at Codex Commodity Committee sessions regarding which Committee has the technical expertise to decide on the food additives needed in a food commodity and the maximum levels of use for these particular additives. There is no doubt that both the horizontal (CCFAC) and the vertical commodity committees have expertise in the field of food additives. However, the first paragraph of the Procedural Manual which relates to Food Additives and Contaminants, page 96, clearly states that:

"Codex Commodity Committees should prepare a section on food additives in each draft commodity standard and this section should contain all the provisions in the standard relating to food additives. The section should include the names of those additives which are considered to be technologically necessary or which are widely permitted for use in the food within maximum levels where appropriate"

107. It is for this specific reason that the GSFA should list for standardized food only those food additives which are recommended for use by Commodity Standards (e.g. butter, fruit juice, etc).

⁴⁶ ALINORM 72/35, para. 295, CX/FAC 89/16, CX/FAC 95/5, CX/FAC 97/10, ALINORM 99/12 para 45-48

⁴⁷ Codex Alimentarius, Vol. 1A, Section 5.1, General Principles for the Use of Food Additives, Section 5

⁴⁸ Preamble to the GSFA, Codex Stan 192-1995 (Rev. 2 – 1999), Section 3.2

RECOMMENDATIONS

Recommendation N°. 1

108. The example of the Codex Standard on Fermented Milks (Plain) which was recently adopted by the Codex Alimentarius Commission at its 26th Session (July 2003), clearly illustrates the current inconsistencies between the GSFA and the Codex Alimentarius Procedural Manual, in particular the provisions found in the chapter on “Relations Between Commodity Committees And General Committees”. Considering the expertise of the Commodity Committees as regards the technological needs for standardized commodities, and based on the Codex provisions found in the 13th Edition of the Codex Procedural Manual (2003), **it is recommended that with respect to Codex Standardized Commodities, the GSFA should only list the food additives contained in Codex Standards based on the endorsement of these food additives by the CCFAC.**

109. Moreover, the Procedural Manual states that:

“All provisions in respect of food additives will require to be endorsed by the Codex Committee on Food Additives and Contaminants, on the basis of technological justification submitted by the commodity committees and of the recommendations of the Joint FAO/WHO Expert Committee on Food Additives concerning the safety-in-use (acceptable daily intake (ADI) and other restrictions) and an estimate of the potential and, where possible, the actual intake of the food additives, ensuring conformity with the General Principles for the Use of Food Additives.”⁴⁹

110. Abiding by this procedure would result in a full consistency between the additives listed in the GSFA for a particular foodstuff and the additives listed in the Commodity Standard which regulated that particular commodity. Thus, there would be no more confusion as Codex would be consistent in its approach to the necessary food additives thereby maintaining its credibility vis à vis the protection of the consumer and ensuring fair trade practices.

Recommendation N°. 2

111. As regards non-standardized commodities, food additive usage and maximum levels need to be based on Member State recommendations as laid down in the Procedural Manual. It is fully acknowledged that the technological needs for food additives differ from country to country depending, among others, on the availability of raw materials, the climate and the available technology. **It is therefore recommended that the following text be included in the Preamble:**

- i) **the lowest reported level of use is taken as the starting point for discussion**
- ii) **If a Codex Member considers that the proposed Maximum Level of use of a food additive is too low, then this Codex Member should provide data proving that the proposed ML of use is technologically insufficient and that a higher proposed ML of use would not present a risk to the health of the consumers and that it would not lead to consumer deception about the nature of the food. It should be ensured that the data is based on foods which are identical or equivalent.**

Recommendation N°. 3

112. In order to distinguish between Standardized and non-Standardized foods within the Food Categorization System, whenever possible, **it is recommended that the Food Categorization System reference the Codex Standard which regulates the particular foodstuffs.** Thus users of Codex Standards will be aware of the existence of the two lists of food additives, this will also be inline with the confirmation from the Commission that "the additives section should be included as an integral part of Codex Standards until such time as the GSFA was finalized"⁵⁰.

⁴⁹ Codex Alimentarius Procedural Manual , Thirteenth Edition, page 96, 3rd paragraph

⁵⁰ ALINORM 97/12, para 22.