

codex alimentarius commission



FOOD AND AGRICULTURE
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Agenda Item 8

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

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Rotterdam, The Netherlands, 22 – 26 March 2004

DISCUSSION PAPER ON THE CONSIDERATION OF PROCESSING AIDS AND CARRIERS

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).

I. BACKGROUND INFORMATION

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 Drafting Group¹ under the Chairmanship of Switzerland, whose mandate was to elaborate a Discussion paper on realistic approaches and recommendations on the consideration of processing aids and carriers for circulation, comments and further consideration at its 36th session (2004).

MEMBERSHIP OF THE CCFAC DRAFTING GROUP ON PROCESSING AIDS AND CARRIERS

2. The following Codex Member Countries and International Observer Organisations were members of the Drafting Group: Switzerland (Chair), Japan, the Netherlands, New Zealand, FAO, IDF and IFU.

CONSIDERATION OF PROCESSING AIDS AND CARRIERS BY THE CCFAC

3. At its 31st Session, the CCFAC accepted the offer made by New Zealand to develop a Discussion paper on how the Committee should address the issue of processing aids².

¹ ALINORM 03/12A, paragraph 60

² ALINORM 99/12A, paragraph 145

4. The delegation of New Zealand prepared the first Discussion paper on processing aids which was then presented to the 33rd session of the CCFAC³ in 2001 for review. This Discussion paper contains sections concerning processing aids, current Codex definitions for food additives and processing aids and several options concerning the future consideration of processing aids, including the option of including processing aids in the Codex General Standard for Food Additives. After reviewing the Discussion paper, the Committee decided that a Drafting group led by New Zealand, and assisted by Australia, Canada, Denmark, Italy, Japan, the Netherlands, the United Kingdom, AMFEP, EC, ELC, IDF, IFT and IFU would prepare another (second) Discussion paper on the consideration of processing aids and carriers in the context of the GSFA⁴.

5. This second Discussion paper (CX/FAC 02/9) on processing aids and carriers⁵ highlighted the following issues: definitions of processing aids, the definition and inclusion of carriers, consideration of a horizontal approach to processing aids and the role of the existing Inventory of Processing Aids. Several other options on how processing aids and carriers should be handled by CCFAC were further presented in this Discussion paper. One of the options was that of a horizontal approach to the regulation of processing aids. This horizontal approach proposed the inclusion of processing aids in the General Standard for Food Additives (GSFA)⁶. However, in view of the difficulties related to the incorporation of processing aids into the GSFA and the potential of related delays in finalizing the text, the Committee decided not to consider the inclusion of processing aids into the GSFA for the time being⁷.

MANDATE OF THE CCFAC – DRAFTING GROUP ON PROCESSING AIDS

(Paragraph 60, ALINORM 03/12A)

6. The mandate of the Drafting Group was to **elaborate a Discussion paper on realistic approaches and recommendations on the consideration of processing aids and carriers for circulation, comment and further consideration at the next meeting⁸ of the CCFAC.**

II. OPTIONS FOR THE FUTURE CONSIDERATION OF PROCESSING AIDS

7. The Drafting Group would like to propose the following options to the CCFAC for consideration in the further examination of processing aids:

OPTION A: DEVELOPMENT OF A POSITIVE LIST

8. At its 33rd session held in 2001, the CCFAC recognised that substances used as processing aids should be safe for use but realized that undertaking detailed evaluations of all compounds listed in the Inventory of Processing Aids would be an enormous task⁹.

9. Regarding the implementation of a horizontal standard for processing aids, it was mentioned in the Discussion paper¹⁰ that significant CCFAC resources were currently being directed towards the development of the GSFA, which was expected to take several more years to complete. It was therefore considered that CCFAC resources would most unlikely be available to actively develop a positive list of processing aids until the work on food additives was substantially completed.

10. In view of the decision made by the CCFAC at its 35th session, i.e., not to include processing aids into the GSFA¹¹ and based on the observations regarding the lack of resources, the Drafting Group does not consider the development of a positive list of processing aids to be a realistic approach to resolving the issue of processing aids.

³ CX/FAC 01/10

⁴ ALINORM 01/12A, paragraph 71

⁵ CX/FAC 02/9

⁶ CF/FAC 02/09, paragraph 55-56

⁷ ALINORM 03/12A, paragraph 59

⁸ ALINORM 03/12A, paragraph 60

⁹ ALINORM 01/12A paragraph 70

¹⁰ CX/FAC 02/9, paragraph 63

¹¹ ALINORM 03/12A, paragraph 59

OPTION B: INCLUSION OF PROCESSING AIDS IN COMMODITY STANDARDS

11. The Codex Procedural Manual does not give specific information on whether Commodity committees are obliged to include a list of recommended processing aids in commodity standards. In the Chapter “Format for Codex Commodity Standards”, processing aids are not even mentioned under the section Food Additives¹². They are however mentioned in the chapter entitled “Relations between Commodity Committees and General Committees” under the Section on “Food Additives and Contaminants” where it is stated that¹³:

“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.

All provisions in respect of food additives (including processing aids) and contaminants contained in Codex commodity standards should be referred to the Codex Committee on Food Additives and Contaminants...”

12. The inclusion of processing aids in commodity standards can therefore be regarded as a realistic approach. The advantages and disadvantages of this approach were highlighted in the Discussion paper referenced earlier (CX/FAC 02/9). These are as follows¹⁴:

“Commodity committees have the best knowledge about the technological need and types of substances used in foods regulated by a commodity standard. They would be responsible for deciding on and preparing the justification for inclusion of processing aids in the relevant commodity standards.

To make this option work, the Codex Secretariat would have to provide guidance to commodity committees on what information is required to propose use of processing aids, reinforce the requirement to include processing aid provisions where applicable in new commodity standards, and recommend revision of existing standards.

One drawback of this approach is that only a small percentage of foods are regulated by Codex commodity standards. There is no international guidance for those foods that are not regulated by commodity standards and have a technological need for processing aids. This has both food safety and trade implications for those foods.”

13. The Drafting Group therefore considers this Option to be a feasible one and would consequently propose that the CCFAC request for comments from Codex Member countries and International observer Organisations regarding this Option. Furthermore, should it be decided that processing aids are to be handled by Codex Commodity Committees, this decision would have to be communicated to all Codex Commodity Committees in a more explicit manner in order to ensure an appropriate follow-up.

OPTION C: GUIDELINES ON THE USE OF PROCESSING AIDS

14. An additional realistic and feasible option of dealing with processing aids would be the development of a Codex Guideline on the use of processing aids. This Guideline could contain the following:

- principles for the use and control of processing aids;
- advice on Good Manufacturing Practice as regards processing aids;
- definitions (with a clear distinction between food additives and processing aids);
- different acceptable types/classes of processing aids;
- a non-restrictive list of processing aids as presented in the Appendix A of the Inventory of Processing Aids; and

¹² Codex Alimentarius Procedure Manual, 12th edition, page 79, Rome 2001

¹³ Codex Alimentarius Procedural Manual, 12th Edition, page 84, Rome 2001

¹⁴ CX/FAC 02/9, paragraph 43-45

- information on the handling of processing aids, safety aspects including information on how to remove processing aids from the final foodstuffs, etc.

15. The implementation of this Guideline would necessitate a close collaboration between the CCFAC and the Codex Commodity Committees, which have the best knowledge about the technological need and types of substances used in the relevant foodstuffs.

RECOMMENDATION

16. The review of the three Options presented above clearly demonstrates that **the most feasible and the most realistic approach to the future consideration of processing aids by the CCFAC would be the Option B and/or C**. Adopting the two options would allow for Commodity Committees to recommend and to ensure that only the correct types of processing aids are used in standardized commodities. The development of a Codex general Guideline would provide guidance for the use of processing aids which would be useful for both standardized and non-standardized commodities.

III. INVENTORY OF PROCESSING AIDS

17. The need for changes to be made to the existing Inventory of Processing Aids (IPA) was acknowledged in the second Discussion paper on processing aids and carriers (CX/FAC 02/9). It was pointed out¹⁵ that:

“retaining the current IPA is contrary to Codex objectives with respect to protecting consumers’ health and ensuring fair practices in trade. Codex advisory texts have no different status to standards or guidelines in the SPS Agreement. Even with a new title for the IPA, substances in the list could be interpreted as being assessed as safe for use in food.”

“The current IPA advisory text is also contrary to the statement in the Procedural Manual that food standards, guidelines and other recommendations of CAC should be based on the principles of sound scientific analysis and evidence and the requirement to integrate risk management principles into Codex procedures.”

RECOMMENDATION

18. The Drafting Group would like to recommend to the CCFAC that the status of the IPA be given serious consideration due to the current state of confusion which results from the fact that several Codex member countries and International Observer Organisations who refer to the Inventory of Processing Aids consider it to be an up-dated list of all approved processing aids. However, it is recognised that the CCFAC does not currently have the adequate resources to assess the processing aids based on the most appropriate criteria. Consequently, the IPA cannot be updated in a scientific manner. It therefore seems appropriate that the CCFAC considers withdrawing the IPA.

IV. INCLUSION OF CARRIERS IN THE GSFA

19. At its 32nd session (2000), the CCFAC agreed to request comments on the use of food additives which are used as carriers¹⁶. At its following 33rd session, the CCFAC decided that carriers should be included in the GSFA¹⁷ and that a Drafting group led by New Zealand would prepare a Discussion paper on the consideration of Processing aids and Carriers in the context of the GSFA.

20. Neither Codex nor JECFA have established a definition for “carrier”. Several different definitions have been proposed but the CCFAC has yet to agree upon a given definition.

21. The USA proposed the following definition:

“A carrier is a food additive that is intended to facilitate delivery of another food additive or to stabilise another food additive or to otherwise enhance the other food additive’s intended functional effect in the final food.”¹⁸

¹⁵ CX/FAC 02/9 paragraph 72 and 73

¹⁶ ALINORM 01/12 paragraph 32

¹⁷ ALINORM 01/12A paragraph 67

¹⁸ US comments in CX/FAC 01/9

22. The Discussion paper on the consideration of processing aids and carriers in the context of the GSFA, which was drafted by the Drafting Group led by New Zealand (CX/FAC 02/9) proposed to amend the definition provided by the USA and asked the CCFAC to consider whether the phrase in brackets below was needed¹⁹:

“A carrier is a substance that is intended to serve as a vehicle for the introduction of, or to facilitate the delivery of another food additive, (or to stabilise another food additive), or to otherwise enhance the other food additive’s intended functional effect in the final food.”

23. In its comments to the above-mentioned Discussion paper, the USA supported the proposed definition²⁰ for a carrier as “a substance that is intended to serve as a vehicle for the introduction of or facilitate the delivery of another food additive **into the final food**, or to stabilise another food additive, or to otherwise enhance the other food additive’s intended functional effect in the final food.” The USA suggested that the word “stabilise” be deleted and that it should be replaced with “maintain the integrity of”.

24. The UK proposed the following definition, which is based on the European Union definition of carrier²¹:

“A carrier is a food additive that is intended to facilitate delivery of another food additive, by dissolving, diluting, dispersing, or otherwise physically modifying it, but without exerting any technological effect itself.”

25. The Discussion paper on the consideration of processing aids and carriers in the context of the GSFA further recommended including a category for “food additive preparations” in the GSFA-Food Category System used in the GSFA²². However in the comments made by the USA, it was rightfully stated that the GSFA-Food Category System is intended to include provisions for the use of food additives in finished foods, not in other food additives (or food additive preparations)²³.

26. As an alternative, it could be considered to include carriers in the GSFA by providing a specific list of food additives that may be used as carriers. Such a list should not be incorporated as part of Table 1 and 2 but as an Annex or maybe as a new Table 4. In addition to carriers, the list could provide permission to use food additives with a wider range of needed technological functions as suggested in the Discussion paper²⁴ and by the European Community²⁵ in their comments.

27. The most appropriate approach to the regulation of carriers seems to be that of establishing a separate list for carriers (and food additives in other food additives). This approach seems more feasible than that which would result in the establishment of individual provisions for carriers in each food category of the GSFA. Carriers (and food additives in other food additives) only end up in the final foodstuff by carry-over. It would not be feasible to provide technological justifications for the use of food additive carriers in each food category, when the carrier is carried-over into the final foodstuff without exerting any technological effect itself.

28. The second Discussion Paper (CX/FAC 02/9) on processing aids and carriers recommended the inclusion of the definition of carrier in the *Table of functional classes, definitions and technological functions*²⁶ in the guideline document CAC/GL36 – 1989 Class Names and the International Numbering System.

29. However it needs to be considered that the Table of functional classes is intended for labelling purposes and that carriers only end up in final foods by carry over. According to the General Standard for the Labelling of Pre-Packaged Foods, food additives carried over into foods at a level less than required to achieve a technological function are not subject to labelling²⁷. Therefore, it wouldn’t be appropriate to include the definition of carrier in the table of functional classes, since this table is only intended for labelling purposes.

30. As an alternative “carrier” should be defined in the Preamble of the GSFA.

¹⁹ CX/FAC 02/9 paragraph 23-24

²⁰ US comments CX/FAC 03/10

²¹ CX/FAC 02/9 paragraph 25

²² CX/FAC 02/9 paragraph 83

²³ US comments CX/FAC 03/10

²⁴ CX/FAC 02/9 paragraph 29

²⁵ EC comments CX/FAC 03/10

²⁶ CX/FAC 02/9 paragraph 83

²⁷ Codex General Standard For The Labelling of Prepackaged Foods, Codex Stan 1-1985, paragraph 4.2.3.2

RECOMMENDATION

31. The Drafting Group would like to recommend that the CCFAC:

- Defines the term “carrier”;
- Includes the agreed definition of “carrier” in the Preamble to the GSFA under paragraph 2. Definitions of terms used in this standard;
- Provides a specific list of food additives that may be used as carriers as an additional Annex in the GSFA. This list should also include the use of any other type of food additive needed for handling or for use of another food additive;
- Seeks information from Codex Member countries and International Observer Organisations on the carriers and other food additives that should be included in that specific list of food additives.