

# codex alimentarius commission



FOOD AND AGRICULTURE  
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Agenda Item 6 (a)

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

Thirty-eighth Session

The Hague, the Netherlands, 24 – 28 April 2006

### REPORT OF THE WORKING GROUP ON THE WORKING PRINCIPLES OF THE GSFA

Comments by Canada, Costa Rica, European Community, Norway, Unites States, Venezuela,  
CEFS, ICGMA, IDF and IFU

#### CANADA

Canada wishes to extent its appreciation to China and the members of the Working Group for this extensive report on a complex issue, which is very significant in terms of its impact on CCFAC future work on food additives.

Canada would like to offer the following comments:

#### *Part I: Proposed Procedure for Consideration of the Entry and Review of Food Additives in the GSFA*

Canada supports the proposed procedure for entry of food additives into the GSFA as presented in the revised diagram.

#### *Part II: Analysis of the Relationship between the Food Additive Provisions of the GSFA and those of the Commodity Standards, including Options for moving Commodity Standard Food Additive Provisions to the GSFA*

Canada supports actions that improve coherence, transparency and harmonization of all Codex standards relevant to food additives. It seems that the proposed action for food additive provisions with a one-to-one correspondence between the GSFA and a commodity standard as outlined in Table 1 satisfies these goals and therefore Canada supports the proposal to adopt the corresponding food additive provisions from the commodity standards into the GSFA.

Concerning the two possibilities offered to eliminate inconsistencies between the GSFA and the Codex commodity standards for food additive provisions in food categories with one-to- several commodity standards correspondence, Canada has no objection to either Option but favours Option 1 (direct incorporation into the GSFA tables). Canada looks forward to discussion on these Options at the Working Group prior to the 38<sup>th</sup> Session.

#### *Part III: Proposed Revisions to the Codex Procedural Manual*

Canada supports consequential changes to the Proposed Revisions of the Codex Procedural Manual.

#### COSTA RICA

Costa Rica is grateful to the government of the Netherlands for its continued commitment in presiding over the work of the Codex Committee on Food Additives and Contaminants and at the same time avails itself of the opportunity to make the following comments:

***Part I: Procedure proposed for consideration, for the incorporation and examination of food additives in the GSFA***

Costa Rica considers it relevant to point out the importance of the detailed study, in the context of this draft, of the steps for Identification of a food additive, its functional effect, its proposed use, the justification for its use and the technological necessity of the additive and the safety of its use, in response to section 3.2 of the preamble of the GSFA, since our national legislation requires that information in order to be able to adopt an additive in our country.

***Part II: Analysis of the relationship between the provisions of the GSFA on food additives and the provisions of the standards for products, including the options for transferring the standard provisions on food additives in products to the GSFA.***

Costa Rica has assessed the repercussions of unifying the provisions on food additives of the standards for products with those of the GSFA and has arrived at the conclusion that the principles employed in the elaboration of the GSFA would propitiate serious incongruence between the provisions of the GSFA and the provisions containing the standards of the Codex for products, in particular where it concerns the acceptable maximum level in the GSFA, which is sometimes higher than the level mentioned in individual standards. Added to this is the fact that at the moment only additives assessed by the JECFA may be incorporated in the GSFA, whereas in the standards for products provisions on food additives are incorporated which the product committee deems fitting even without the JECFA having issued a guarantee or without an ADI having been assigned.

Our country takes the position that it needs a more extensive explanation of how this new GSFA would look given the proposed changes in format and with a view to facilitating its legibility.

As a country which adopts the provisions of the Codex Alimentarius, Costa Rica agrees to the process of incorporating food additives in the GSFA being speeded up, without sacrificing however the process of analysis which is carried out by FAO/OMS .

Costa Rica supports the recommended option No. 1, intended to make the provisions on food additives uniform in all the Codex standards for products bearing an unambiguous relationship with a food category in the GSFA, by directly incorporating the provisions on food additives of the standards for products in the tables of the GSFA.

***Part III: Proposed revisions to the Procedural Manual of the Codex***

Costa Rica supports the fact that each product committee of the Codex must prepare a section on food additives in each draft product standard, and that that section must contain a list which determines the functional classes of the food additives that are technologically necessary for that product. Only specific additives and maximum levels must be indicated in those cases in which restrictions or exceptional authorizations may be necessary.

The question nevertheless remains of what would be the procedure to follow for those additives which do not have an ADI or a JECFA assessment

**EUROPEAN COMMUNITY**

The European Community and its Member States would like to thank the electronic Working Group and its chair China for the preparation of the report on the Working principles of the GSFA, which will be subject to a separate working group meeting prior to the 38<sup>th</sup> CCFAC session.

The European Community and its Member States are generally of the opinion that the Codex commodity committees, which have the expertise in the field of each commodity standard, should continue where possible to examine the justification for the use and technological need of individual food additives and refer this information to CCFAC for final decision.

In the proposed options, it should be also borne in mind that Commodity Standards as well as addressing health risks and technological function, also address quality aspects.

With regard to the different approaches to aligning the food additive provisions of the commodity standards with the GSFA, the European Community and its Member States consider, that even if changes in the GSFA food category system should be limited, it might be necessary to allow some flexibility for listing of particular standardised foods in order to avoid unnecessary extension of the use of food additives.

The European Community and its Member States would like to add the following specific comments as regards the three parts of the report:

**Part II: Analysis of the Relationship between the Food Additive Provisions of the GSFA, and those of the Commodity standards, including options for moving Commodity Standard Food Additives provisions into the GSFA.**

***Principles Used to develop the GSFA (paragraph 13)***

Under letter h) when evaluating the technological need for food additives, focus is placed on the food additive functional classes rather than on the individual food additives. The European Community and its Member States are of the opinion that in this case Codex needs to adopt a resilient procedure for the assignment of the functional classes to food additives. The ongoing work for the harmonisation of the Codex class names and INS is a first step but further work will be needed.

***Proposal for GSFA food categories with one-to-one correspondence to a single codex commodity standard (paragraphs 33-37).***

The European Community and its Member States generally support the proposal for moving food additive provisions from single commodity standards into the respective GSFA food categories to which they correspond one-to-one. We particularly welcome that the Commodity committees have the responsibility to provide technological justification for the use of the additives in standardised foods and that the proposal would exclude the affected food categories and the relevant Codex commodity standards from the general provisions of Table 3.

***Options for GSFA food categories that span several commodity standards (paragraphs 38-54)***

The European Community and its Member States support the goal of integrating the food additive provisions of the commodity standards into the GSFA in a pragmatic and consistent way.

With regard to the implementation of **option 1: Direct incorporation into the GSFA tables** the European Community and its Member States have the following concerns:

- The number of food additives available to be used in the standardised foods would be increased in those cases where the GSFA food category is broader than the commodity standard (see comparison table between food additive provisions for ripened cheese in Codex STAN A-6-1-1978, Rev1-1999, amended 2003 and in the sub-categories of category 1.6.2 (ripened cheese)). This would contradict the principle of the commodity standards where the use of specific food additives may be restricted for quality and not only for safety reasons.
- The maximum use levels applicable to a standardised food may be increased if the highest maximum level is to be applied among a group of commodity standards. Even if the use of an additive in the GSFA is governed by the GMP principle, it is very probable that the use of food additives in standardised foods will be increased. There are cases where a particular standardised food needs a higher maximum use level than the foods of other commodity standards covered by the same food category. In this case, this use level should be restricted to the particular standardised food only.
- Considering that the general provisions of Table 3 additives would apply in all standardised foods (with the exception of commodity standards corresponding to food categories 01.5.1, 05.1.1. and 13.4) as long as the food additive functional class is permitted in the relevant standard, the number of Table 3 additives used in standardised foods would increase. We believe that the Codex Commodity committees should be responsible to decide which of the general provisions in Table 3 could apply to their standardised foods.
- Food additives are often assigned more than one functional classes (e.g. antioxidant, preservative). To control if a food additive is used for the technological function identified in the relevant standard and not for another function would be difficult. A thorough procedure for the assignment of functional classes to food additives by CCFAC would be necessary.

The European community and its Member States believe that **option 2 indirect, or two-step incorporation into the GSFA tables** is the simplest and most pragmatic step-by-step approach to resolve inconsistencies. The goal of a single reference for food additive provisions in Codex will be achieved. As the scope of commodity standards are aligned with the GSFA, food categories will be deleted from the new Annex C and their food additive provisions will be incorporated into Tables 1, 2, and 3 of the GSFA. This will ensure that progressively the goal of fully integrating the food additive provisions of the Codex commodity standards into the GSFA will be achieved.

Finally this approach minimises effects on adopted Codex commodity standards, and current and future standard-setting activities of Codex commodity committees and the CCFAC.

For the above mentioned reasons the European Community and its Member States support option 2, the two step proposal for incorporation of the food additive provisions from the Codex commodity standards into the GSFA.

However, with regard to the implementation of option 2 the European Community and its Member States consider that paragraph 54 which aims at directing the commodity committees to revise their standards to be consistent with the individual food categories of the GSFA does not take into account of the fact that the food category system of the GSFA is not intended for labelling purposes while the commodity standards are also developed for the purpose of authenticity and labelling. The European Community and its Member States therefore consider that this paragraph should be amended as follows: *“To fully implement option 2, the Commission must agree to ask the commodity committees to make proposals to integrate their standards as far as possible into the food category system of the GSFA. Revisions to the standards of commodity committees that have been adjourned sine die could be addressed through Circular Letter.”*

### **Part III: Proposed revisions to the CODEX Procedural Manual**

This part would need to be adapted to the Part II option which will be endorsed for food categories that span several commodity standards. Our comments on this part are therefore related to our comments on Part II.

### **Appendix I: Proposed draft procedure for consideration of the entry and review of food additive provisions in the GSFA**

#### **“Is the food additive used in standardised food?”**

The European Community and its Member States are of the opinion that the Codex commodity committees, should continue to examine the technological justification for the use of individual food additives and not only of functional classes. They should then refer this information to CCFAC within a certain deadline. CCFAC would be responsible for these food additives uses in the Codex system through revision of the food additive provisions in the GSFA.

#### **“Consideration of conditions of use in the specific food categories”**

Codex commodity standards are quality standards, therefore the European Community and its Member States consider that the hierarchical structure of the food category system should not be used in such a way as to overrule already-listed food additive provisions for standardised foods. These should be seen separately and they should not be superseded by the provisions for the broader food category.

### **NORWAY**

Norway would like to thank the Working Group and especially the US delegation for their extensive work on the discussion paper on the development of guidelines for flavouring agents.

Norway is pleased to present some general and some specific comments on this subject:

#### **General Comments**

The 37<sup>th</sup> session of the CCFAC agreed to propose that a project document for new work on the elaboration of a Codex guideline for the use of flavourings be elaborated.

Norway welcomes the proposed new work on a Guideline on the use of flavouring agents and natural flavouring complexes - as the use of flavourings is important in international trade; the Joint FAO/WHO Expert Committee on Food Additives (JECFA) has assessed a number of flavouring substances and some natural flavouring complexes. Flavourings and subgroups thereof have not been thoroughly described in the Codex system; and for the time being, a number of descriptions are used without being properly defined. This may lead to confusion and hence become a barrier to trade.

Guidelines on the safe use of flavourings including definitions may be a feasible way for the CCFAC to address the use of flavourings in foods in international trade in a way that will not slow down the work on finishing the General Standard for Food Additives - which must have the highest priority.

The mandate given by the 37<sup>th</sup> session of the CCFAC was to develop guidelines on flavouring substances and natural flavouring complexes, with definitions on flavourings in General. This discussion paper addresses flavourings, not only flavouring substances and natural flavouring complexes. Norway supports this widening of the scope of the guidelines.

## **Specific Comments**

### **Appendix I - Project Document proposal for new work**

Norway supports the elaboration of a project document for new work to prepare Codex guidelines for the use of flavourings.

#### 1. Purpose and scope

Norway supports the purpose and scope. However, we propose that “safety assessment” be replaced with “risk assessment” as this is the term defined by the Codex Alimentarius Commission.

#### 2. Its relevance and timeliness

It is relevant and timely to develop guidelines as JECFA has assessed a number of flavouring substances and have developed a method for evaluation of natural flavouring complexes.

However – intake estimates are an extremely important part of the JECFA method for risk assessment of flavouring substances. There have been some questions concerning the method currently used by JECFA – the Maximum Survey-derived Daily Intake (MSDI). The method is known to underestimate the intake, especially when the annual production figures are low. The 65<sup>th</sup> JECFA meeting of 7-16 June 2005 discussed this topic and recommended to the JECFA secretariat that a working group be formed to look into this matter.

We still believe this project document should be proposed, but we would propose for the CCFAC to include a note of the ongoing work by JECFA to evaluate the intake method used in the risk assessment in the project document.

#### 3. The main aspects to be covered

We support the proposed main aspects to be covered, but we propose that the CCFAC consider inserting a chapter on the specific conditions to be used in order to protect the health of the consumer following additional scientific advice on exposure assessment in the project document. This would be in compliance with the scope to establish safe conditions of use given in point 1 of the project document.

#### 6. Information on the relation between the proposal and other existing Codex documents

We support the proposal to include the Appendix A of CAC/GL 29-1987 (References to Lists of Raw Materials Suitable for the Preparation of Natural Flavors) as Appendix A to the Guidelines as these provides considerable guidance to both Member States and the industry.

#### 7. Identification of any requirement for and availability of expert scientific advice

We refer to our comment on point 2 on the current ongoing work by JECFA to look into the method currently used by JECFA to estimate intake of flavouring substances.

#### 9. Proposed timeline

We would like the CCFAC to ask for JECFA's advice on the proposed timeline considering the additional work that need to be carried out by JECFA on the intake method. It may be prudent to fix a timeline only when this matter is solved.

## Appendix II

Norway welcomes and supports this proposed draft guidelines as a starting point for further work. Depending on the conclusions and recommendations on method for intake assessment by JECFA, an additional chapter on the conditions of use may be necessary.

### 2. Definitions

Norway agrees to the categories of flavourings that are proposed. However, we have some comments on the definitions.

The definition of flavourings includes the phrase “added in small amount”. This is an unclear description that should not be included in the definition.

We propose that the CCFAC consider the following definition of flavourings:

“Flavourings are products, not intended to be consumed as such, which are added to foods in order to impart flavour to food, excluding only salty, sweet or acid tastes. Flavourings may be natural or artificial, and may contain adjuvants.

We do not agree with the last sentence in the definition of adjuvants. If food additives are added to flavourings with an intended technical effect in the finished food, it should be covered in the General Standard for Food Additives (GSFA). We therefore propose that the last sentence of the definition of flavouring adjuvants be deleted.

### 3. General principles for the use of flavourings

#### 3.1

The guidelines concern the flavouring substances evaluated by JECFA and shown to be safe at the proposed levels of use. We propose that the following sentence be included: “The use of flavourings should not lead to intake that exceeds the threshold of toxicological concern.”

#### 3.3

We propose that this point be aligned with the scope for this guideline and the definition of flavourings reading; “the use of flavourings is justified only when they *impart flavour* to food, provided that such use does not *mislead* the consumer about the nature or quality of the food.

#### 3.4.b

We propose this point to read: “the quantity of carriers and flavouring adjuvants should be reduced to the extent reasonably possible; and”

### 4 Flavouring adjuvants

We propose to replace this point with the following:

“Flavourings may contain flavouring adjuvants as a matrix for dissolving or diluting flavourings in food and flavouring adjuvants necessary for production, storage, handling and use of flavourings. The use of flavouring adjuvants should be limited to the lowest levels that are necessary to guarantee the safety and quality of flavourings and to facilitate their storage.

Food additives that are used with flavourings that provide a technical effect in the finished food are additives in the finished food itself and hence may only be used in compliance with the General Standard for Food Additives (GSFA; CODEX STAN 192-1995 Rev. 6 – 2005).”

### 8. Labelling

In order to avoid misleading the consumer, we would like CCFAC to consider introducing specific provisions to this text or the Codex Committee on Labelling in order to inform the consumer about the source of the natural flavouring.

### 10 Reference to the evaluations of flavouring substances completed by JECFA

We would like to propose that a list of the described aromatic raw materials suitable for the preparation of natural flavourings be included.

## UNITED STATES

This responds to CX/FAC 06/38/7 (December 2005) requesting comments on the Report of the Working Group on the General Principles of the General Standard for Food Additives (GSFA). The United States of America appreciates the opportunity to provide the following comments for consideration at the 38<sup>th</sup> Session of the Codex Committee on Food Additives and Contaminants (CCFAC).

### Introductory Remarks

The United States congratulates the Working Group for the preparation of this thorough and insightful discussion paper and its recommendations and options on very complex and inter-related issues contained in the three parts of the Working Group's report. We believe that in moving forward on each part of the report, CCFAC should take a pragmatic and consistent approach when discussing and implementing the various options and recommendations proposed by the Working Group.

The United States understands that the overarching goal of the GSFA is to protect consumer health by establishing safe conditions of use for food additives. Significant progress toward this goal has been achieved by establishing acceptable maximum use levels for food additives in various food categories, taking into account their acceptable daily intakes (ADI) established by the Joint FAO/WHO Expert Committee on Food Additives (JECFA). In the interest of promoting fair trade practices, the acceptable maximum use levels for food additives established by Codex in the GSFA for both standardized and non-standardized foods must accommodate the variability of technological need among different nations, while ensuring that the food additive use is safe.

In our view, the fundamental question that Codex must resolve in order to move forward is whether, as a general rule, it is necessary to explicitly list in the GSFA the maximum use levels for food additives in standardized foods. Resolution of this question is essential to determining the future relationship between CCFAC and the commodity committees when considering the entry and review of new food additive provisions into the GSFA, how Codex will integrate the existing food additive provisions in the commodity standards into the GSFA, and the roles and responsibilities of CCFAC and the commodity committees when establishing Codex maximum use levels for food additives.

The United States supports explicitly listing food additive provisions for standardized foods in the GSFA only when there are either specific food safety concerns, or if the use of the additive would mislead the consumer or result in economic adulteration. Explicit listing of food additive provisions for standardized foods in the GSFA should be the exception and not the general approach by Codex.

The United States offers the following comments with respect to the three parts of the Report of the Working Group.

### **Part I: Proposed Procedure for Consideration of the Entry and Review of Food Additives in the GSFA**

As currently drafted, Appendix I describes the process and procedure for revising and amending the GSFA. The United States generally supports the content of Appendix I and recommends that CCFAC discuss and consider its endorsement at this CCFAC session with a view toward its inclusion in the Codex Procedural Manual, and not as a component of the GSFA or other Codex standard.

### **Part II: Analysis of the Relationship between the Food Additive Provisions of the GSFA and Those of the Commodity Standards, Including Options for Moving Commodity Standard Food Additive Provisions into the GSFA**

#### (1) GSFA food categories with a one-to-one correspondence to a single Codex commodity standard

The United States supports the recommendations in paragraphs 34 – 37 and supports CCFAC's endorsement of Appendix IV (Actions to Implement the Proposal to Address GSFA Food Categories with a One-to-One Correspondence to a Single Codex Commodity Standard) to fully implement these recommendations.

(2) GSFA food categories that span several Codex commodity standards

**Option 1 - Direct Incorporation into the GSFA Tables** (paragraphs 39 – 42) moves the food additive provisions from Codex commodity standards directly into Tables 1 and 2 of the GSFA by selecting the highest numeric maximum use level for each additive from among the commodity standards that correspond to a given food category, and subsequently forwarding these levels for adoption at Step 8 in the GSFA. The commodity standards would also be revised to identify the technologically justified food additive functional classes, as determined by the Codex commodity committee, and to reference the GSFA. Proposed draft and draft food additive provisions in the GSFA (Steps 3/4 or 6/7) that differ from those in the commodity standards in the same food category would be maintained in the GSFA at their current Step, and considered further by CCFAC according to the principles agreed upon, as outlined in Part I of the Report of the Working Group. The United States supports the proposed Option 1 for the following reasons:

- This option achieves the goal of establishing the GSFA as the single Codex reference document for the use of additives in standardized and non-standardized foods, and thereby eliminates inconsistencies among food additive provisions in the Codex system.
- This option allows the incorporation of the food additive provisions from commodity standards into the GSFA to proceed according to the general principles that form the basis of the GSFA. This ensures consistent application of the principles for developing food additive provisions across the Codex system.
- This option is consistent with the recommended approach for incorporating food additive provisions from commodity standards that have a one-to-one correspondence with a food category into the GSFA (paragraphs 34 - 37).
- This option maintains the role of CCFAC in establishing acceptable maximum use levels for food additives based on safety considerations.
- This option maintains the role of commodity committees in identifying food additive functional classes that are technologically justified for use in the food subject to the standard.
- This option does not require the commodity committees to devote significant resources to revision of the food additive provisions of their commodity standards.
- This option allows for efficient and consistent maintenance and updating of food additive provisions in the Codex system.
- This option allows Codex to monitor and evaluate all uses of a single additive as new safety data and information become available to ensure consumer protection.

**Option 2 - Indirect, or Two-Step Incorporation into the GSFA Tables** (paragraphs 43 – 46) moves the food additive provisions of certain commodity standards into a proposed new Annex C to the GSFA, and implicitly excludes these provisions from the GSFA food additive tables (Tables 1-3). The CCFAC would also request that the Commission instruct commodity committees to revise the scopes of all their standards to conform to an individual GSFA food category and update their food additive provisions, as appropriate, with a view toward subsequently incorporating all food additive provisions into the GSFA tables. The United States does not support the proposed Option 2 for several reasons, including the following:

- This option perpetuates Codex's uncoordinated approach to food additives by maintaining two classes of food additive provisions in the Codex system through the differential application of the principles used to develop the GSFA: one for some standardized foods that have a one-to-many correspondence with a GSFA food category, and one for non-standardized foods and those standardized foods conforming to an individual GSFA food category (i.e., a one-to-one correspondence).
- This option is not practical because it can only lead to inconsistencies between the proposed new Annex C and the GSFA food additive tables (Tables 1-3).
- This option unnecessarily delays the establishment of a single Codex reference for food additives because:
  - it requires that the Commission agrees to instruct all commodity committees to revise their standards to be consistent with the scope of individual GSFA food categories;



- it unnecessarily burdens commodity committees with new work that would take several committee sessions to complete;
  - it maintains the potential for inconsistent approaches to food additives among Codex commodity committees; and
  - it does not provide a timeline for implementing the transfer of food additive provisions from the proposed new Annex C to the GSFA food additive tables.
- This option undermines the ability of Codex to update and revise food additive provisions based on new scientific and technological developments by maintaining two classes of Codex food additive provisions.
  - This option offers little food safety benefit when compared to the resources required for full implementation, and has the potential for being more trade restrictive than necessary to protect public health.

### **Part III: Proposed Revisions to the Codex Procedural Manual**

The United States agrees, in principle, with the proposed revisions to the Codex Procedural Manual, provided that the Committee agrees to Option 1 (direct incorporation into the GSFA tables) regarding the GSFA food categories that span several commodity standards.

#### **VENEZUELA**

I address myself to you, availing myself of the opportunity to inform you that having examined the document CX/FAC 06/38/7, "Part I: Procedure proposed for consideration, for the incorporation and examination of food additives in the GSFA", Venezuela agrees to their direct incorporation in the tables of the GSFA.

#### **CEFS**

CEFS (Comité Européen des Fabricants de Sucre), on behalf of all sugar manufacturers in the EU and Switzerland, would like to present comments on the report of the Working Group on the General Principles of the General Standard on Food Additives (GSFA).

CEFS welcomes the above-mentioned report prepared by China with the assistance of Australia, Morocco, New Zealand, Norway, Sweden, ELC, IFU and IDF. It indeed addresses one of CEFS' long-term concerns as expressed in our comments to CCFAC since several years, i.e. the need for consistency between the food additive provisions of the GSFA and those of the Commodity Standards, and in particular the Codex Standard for Sugars (CXSN 212-2001 rev 1).

We support the Working Group's proposal developed in paragraphs 32 to 37, which recommends "*align[ing] the food additive provisions in all Codex commodity standards that have a one-to-one correspondence with a food category in the GSFA by integrating the food additive provisions from the commodity standards directly into the GSFA table*". This is reflected, as regards sugars, in Appendix IV of the proposed report, page 58, where the additive provisions for GSFA food categories 11.1.1., 11.1.2., 11.1.3., 11.1.4. and 11.1.5. (corresponding to the so-called "standardised sugars") have been aligned with those of the Codex standard for sugars.

As far as non-standardised sugars (subcategories 11.2-11.4) are concerned, CEFS remains open to the addition of other additives if there is a technological justification and need, and in amounts which do not present a hazard for health. Moreover, the labelling should mention the presence of the additives.

## ICGMA

INS	Additive	Food Category	Comments
321	Butylated Hydroxytoluene	5.1.4 5.1.5 5.2 5.3 5.4 12.5.2 12.6 15.0	ICGMA requests that the WG continue work on the specific provisions for the use in GSFA. The proposed limit is justified on the technical need. Butylated Hydroxytoluene is used to prevent oxidative rancidity of fats and oils used in various food products. BHT may be used as an antioxidant in frying oils for ready to eat savories. BHT may also be used as an antioxidant in flavor substances whereby the additive does not exceed 0.5% of the essential oil content of the flavor substance.
220, 221, 222, 223, 224, 225, 227, 228, 539	Sulfites	4.1.2.2 4.1.2.5 4.1.2.8 15.1	ICGMA requests that the WG continue work on the specific provisions for the use in GSFA. Sulfites are commonly used as an antioxidant and preservative in the preparation of dried or desiccated coconut. Typical specification for dried coconut state a maximum of 150 ppm. The proposed limit for 15.1 is justified on the technical needs.
129	Allura Red	15.1	ICGMA requests that the WG continue work on the specific provisions for the use in GSFA. The proposed maximum level of 200 ppm is justified on the technical need.
150c	Caramel Color III	15.0 and all other food categories.	ICGMA requests that the WG continue work on the specific provisions for the use in GSFA. Caramel color III is safe in ready to eat savories at 10000 ppm. JECFA has reviewed caramel color and deemed safe for its intended uses. Caramel color is widely used in foods.
150d	Caramel Color IV	15.0 5.0 5.1.1 5.1.2 5.1.4 5.1.5 5.2 5.3 5.4 7.1.2 – 7.1.6 14.1.4	ICGMA supports the adoption of the food additive provisions for the food categories listed and supports the maximum level for ready to eat savories at 10000 ppm, water-based flavor drinks... at 50000 ppm. JECFA has reviewed caramel color and deemed safe for its intended uses. Caramel color is widely used in foods.
110	Sunset Yellow	15.1	ICGMA supports the adoption of the food additive provisions for the food categories listed and request that the maximum level for snacks be set at 550 ppm.

INS	Additive	Food Category	Comments
210 211 212 213	Benzoates	4.1.2.5	ICGMA requests that the WG continue work on the specific provisions for the use of benzoates in GSFA. The proposed level is justified on the technical need.
477	Propylene glycol esters of fatty acids		ICGMA supports the adoption of the specific provisions listed.
163ii	Grape Skin Extract	5.1.5 8.4 13.6 15.1 15.2	ICGMA supports the adoption of the specific provisions listed. Grape skin extract are anthocyanins, natural occurring pigment, extracted through acidified water or alcohol.
432 433 434 435 436	Polysorbates	5.1.2- 5.1.5 5.2 12.6 12.0 5.3	ICGMA supports the adoption of the specific provisions listed. Polysorbates are used as emulsifiers in many food products.
120	Carmines	All food categories listed.	ICGMA requests that the WG continue work on the specific provisions for the use of carmines in the GSFA. The proposed maximum level is justified on the technical need. ICGMA requests that clarification be made for consistent comparison between cochineal extract and carminic acid. Carmines are widely used in the food industry in many products.

## IDF

IDF wishes to congratulate the chair of the Working Group for conducting the work in an organized manner and providing an excellent report on this complex and important issue.

### GENERAL REMARKS

IDF concurs with the GSFA becoming the single reference point for food additives and that it regulates safety aspects of using food additives. IDF also concurs with commodity standards continue to be the place where technologically justified additive functions are regulated.

This would result in one reference standard and eliminate all inconsistencies in Codex food additive provisions and in the Procedures for the commodity committees and provide flexibility for the use of food additives that have been shown to be safe and technologically justified in various product categories, and allow the commodity committees to focus their limited resources in areas where they have expertise.

Therefore, IDF supports the proposal for the amendment of the Codex Procedural Manual (para. 61 of the report), and as explained in para. 62 of the report. The proposal represents a practical and acceptable approach to govern the above.

Our comments to the report therefore aim at addressing the practical implementation of the revised procedure.

### Re: PART I: Revision of the Preamble to the GSFA (diagram and Annex 1)

IDF believes that the food additive flow diagram is helpful and supports the important role of the Codex Commodity Committees in the establishment and review of food additives in Codex commodity standards.

However, the diagram does need modification to allow for an exception from the requirement that a numerical ADI requires a numerical maximum level, which for instance is appropriate when the ADI is high enough to merit use according to GMP levels in Table 3 of the GSFA.

**Re: PART II: Options for moving the commodity food standard food additive provisions to the GSFA**

The IDF supports moving individual food additive specifications of the Codex commodity standards into the applicable GSFA food category. While there are some benefits to each of the two options listed by the Codex Working Group, we are inclined to support the general approach listed in Option #1, but with some important modifications.

Our major recommendations are listed below.

1. We recommend inclusion of wording in the GSFA Preamble and the Codex Procedural Manual that would clearly state that Codex Commodity Committees have the responsibility to:
  - Specify in commodity standards which functional classes of additives for the foods allowed in a Codex commodity standard, as well as those functional classes that are not technologically justified (see the Codex standard on creams and fermented milks for examples of this approach).
  - Make recommendations on inclusion or exclusion of individual food additives in the various food categories of the GSFA to CCFAC to the extent that the foods are covered by the terms of reference by the Committee in question (both standardized and non-standardized food categories).
  - Identify any exclusions or prohibitions of food additives listed in the GSFA that for technological or other reasons should not be used in a particular food category or Codex commodity standard or non-standardized food that falls under the terms of reference by the Committee in question (both standardized and non-standardized food categories).
  - As a consequence, Commodity Committees must review the food additive sections in the existing as well as in the draft Codex commodity standards under development with a view to modify the applicable sections accordingly, including insertion of relevant references to the GSFA.
2. The expertise for appropriate functional classes of food additives in a particular foods lies with the Codex Commodity Committees. Their members are experts in foods covered by the terms of reference for the Codex Committee, including the existing and draft Codex commodity standards, and therefore, are better equipped than CCFAC to make decisions about appropriate food additive functional classes in a particular food. CCFAC should rely on the Codex Commodity Committees for appropriate food additive functional classes
3. The expertise for the safe use of specific food additives lies with the CCFAC. Their members are experts in toxicological aspects of additives and therefore, are better equipped than Codex Commodity Committees to make decisions about specific food additives. Codex Commodity Committees should rely on CCFAC for safe levels of use.
4. When inconsistencies in levels of use occur between specific additives that originate in the Codex commodity standard and the GSFA, the GSFA additive provisions should be modified to reflect the highest maximum level for a specific food additive from either the GSFA or the Codex commodity standard, unless the Commodity Committee has a different recommendation.
5. A transitional process should be established by CCFAC for those food additives in the Codex commodity standards that do not meet the criteria for inclusion in the GSFA and would normally be dropped (typically, because they have not been evaluated by JECFA, either in general or for a particular food category). These additives could be retained in square brackets within the applicable GSFA food category (Table I and II) or in a new annex of the GSFA identifying the commodity standard, the food category, the functional class, the specific food additive, and its use level as found in the Codex commodity standard. These additives should be given a high priority for evaluation by CCFAC, to address the reason for not incorporating it into the GSFA (i.e. lack of JECFA review, incorrect INS number, incorrect functional class, etc.).

6. Principally, a one-to-one correspondence between certain commodity standards and GSFA food categories does not exist, as it is clearly stated (see e.g. para. 13(b) and 2<sup>nd</sup> section of Appendix II) that the GSFA food category system is, in contrast to commodity standards (at least the milk product standards), not intended for labeling purposes. For example, a food may technically be a whey cheese, but may be named differently (e.g. by a descriptive term such as “coagulated milk protein product”) in which case the commodity standard for Whey Cheese (CODEX STAN A-07-1999) does not apply. IDF therefore doubts this appropriateness of applying the suggested one-to-one approach and prefers that all categories and commodity standards be handled in a uniform way.

### **Re: PART III: Proposed revision to the Codex Procedural Manual**

IDF supports the proposal for the amendment of the Codex Procedural Manual (para. 61 of the report), and as explained in para. 62 of the report.

However, some flexibility should be granted with regard to the format and specific text that can be used to address the various elements within a commodity standard. For instance,

- For transparency reasons, IDF favors the use of a table approach that addresses the technological justifications of all relevant functional additives classes for various sub-categories covered by a commodity standard (justified/not justified).
- Sub-categorization within a commodity standard is primarily driven by labeling or other priorities, which is a different approach from the approach used to categorize a food for the purpose of the GSFA. Therefore, full consistency with the GSFA food category system cannot always be achieved. In these cases, specific wording that provide cross-reference between commodity standard sub-categories and the GSFA food categories will be necessary.
- In some cases, additional text that governs the use of GMP levels for a specific food may be necessary (e.g. that GMP level of use for a particular additive class decreases with increased fat contents)
- Finally, it should be clearly stated in the Procedural Manual, which, if any, of the additive provisions in future commodity standards (eventually will list functional classes, subcategory cross references, GMP guidance, etc, but not specific additives) are subject to endorsement by CCFAC prior to adoption at Step 8.

### **IFU**

Our Federation, which represents the global fruit juice industry, would like to comment the above mentioned document, taking into account the experience of establishing the new Codex Standard for Fruit Juices and Nectars.

We can agree with the report to a great extent, however, we still have some proposals for amendments as follows (in italic writing):

#### **Appendix 1**

#### **Page 16**

#### **Is the food additive used in standardized food?**

##### First paragraph, 1<sup>st</sup> sentence:

The Codex Committee on Food Additives and Contaminants, ~~if necessary~~, asks the relevant Codex commodity committee.....

Who decides, whether it is necessary to ask the relevant commodity committee? CCFAC may think that it is not necessary, whereas the commodity committee would consider it to be of high importance. Therefore, the commodity committee has to be asked in each case.

##### Second paragraph, 4<sup>th</sup> sentence:

For example, an additive may be listed in a commodity standard if it is needed to achieve the *necessary technical* effect for which the other additives of the same functional class *are not desirable*.

There are not only technical functions which could fail with other additives of the same functional class. There are standardized foods, in which the use of additives is restricted as far as possible to the natural ingredients of the respective food, e.g. in the case of fruit juices:

- Acidity Regulator: citric, malic and tartaric acid
- Antioxidant: ascorbic acid and its salts
- Stabilizer: pectins

Besides fruit juices mainly standardized foods of the Annex to Table 3 may justify the exception of the rule of using the functional class.

## Page 17

### Consideration of Conditions of Use in the Specific Food Categories

#### 6. First paragraph, 3<sup>rd</sup> sentence

I strongly support the beginning of the sentence: To the extent possible.....

Additive provisions of standardized foods should not be overruled by the hierarchical structure, and therefore the sentence

*However, this should not overrule already listed provisions for standardized foods.*

which existed in earlier drafts should be reintroduced at the end of this paragraph.

#### 1<sup>st</sup> and 3<sup>rd</sup> bullet

The text:

*However, provisions for standardised foods should be considered separately and should not be superseded by the use in the broader food category.*

which existed in earlier drafts should be reintroduced at the end of these two bullets.

### **Proposed Diagram of Procedure for Consideration of the Entry and Review of Food Additives in the General Standard for Food Additives**

I would like to propose the following clarification in connection with the box reading:

“Refer to the appropriate Codex commodity committee for opinion on technological need.”

If we accept the principle, that the commodity committee has the necessary expertise to decide on the technological need of an additive, they are expected to say yes or no to the entry or review of an additive. The line as drawn in the proposed diagram means “yes”, but there is a line missing for the decision “no for the respective food category”. I therefore add a new proposal for an adjusted diagram which reflects both possibilities.

