

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

**CODEX COMMITTEE ON FOOD LABELLING
THIRTY-FIRST SESSION
OTTAWA, CANADA, 28 APRIL - 2 MAY 2003**

**GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING
AND MARKETING OF ORGANICALLY PRODUCED FOODS:
PROPOSED DRAFT REVISED SECTION:
ANNEX 2 - PERMITTED SUBSTANCES
(ALINORM 03/22, APPENDIX VIII & CL 2002/15-FL & CL 2002/50-FL)**

GOVERNMENT COMMENTS AT STEP 3

COMMENTS FROM:

AUSTRALIA

CANADA

DENMARK

NEW ZEALAND

POLAND

EUROPEAN COMMUNITY

INTERNATIONAL FEDERATION OF ORGANIC AGRICULTURE MOVEMENTS (IFOAM)

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GOVERNMENT COMMENTS AT STEP 3

AUSTRALIA:

Australia would like to thank the E-Drafting Group for its valuable work on the proposed revised draft amendments to Annex 2 of the Guidelines. In response Australia would like to make the following comments:

1. Australia agrees that any new proposal that is submitted without supporting documentation for evaluation against the criteria for section 5 should not be accepted by the CCFL Working Group.
2. Australia supports the use of separate lists for plant products, and for livestock products. In the case of product that contains products from both sources both lists could be used.

Australia supports the EC proposal to append the lists for livestock products to the end of the list for plants (while still retaining the separate headings).

Australia supports Denmark and IACFO in retaining as short and restrictive list (additives and processing aids) as possible, as this is consistent with consumer expectations on organic products.

3. The proforma matrix is a positive move and will do much to facilitate the assessment and review of any proposals. However, it remains a question as to who fills out the “scoring” section of the document. Should it be the applicant? Or rather, should it be the assessment of an appointed/independent Working Group? Or the evaluation assigned by the members of the Ad Hoc Working Group? These matters need to be resolved.

Australia would support the use of the proforma matrix, with the evaluation of the matrix system within two years, in order to ensure that the process was meeting the needs and requirements of the international organic community.

Australia does not support the annexing of the matrix to the Guidelines. Rather, the matrix should be issued by the Secretariat each time an amendment to the Permitted Substances Annex is requested.

4. Australia supports the need for an internationally agreed set of lists as presented in Annex 2. This list will provide guidance to countries in developing their own lists, and will facilitate equivalency agreements between countries.

CANADA:

Canada would like to congratulate the electronic working group and the regional coordinators for the work done since the last session

B) Proposed Draft Revised Section: Annex 2 - Permitted Substances

Canada agrees that proposals not supported by a justification against the criteria should not be considered.

Canada supports restrictive and positive single list provided this list is used only as guidance by member countries in the establishment of their national lists.

Canada supports the proforma matrix. Canada does not have a preference as to attaching it as an annex to the Guidelines or distribution through the Secretariat as we see benefits for each approach.

Canada suggests the term "factory farming" be replaced throughout the Guidelines by "any farm which is not organic".

Nitrites and nitrates are permitted for specified uses in agriculture and food production. However, the Canadian organic sector does not support their inclusion as inputs.

DENMARK:

Denmark has the following comments:

Suggestions for additives for animal products Annex 2

Denmark does not support the inclusion of most of the new additives suggested for animal products. Most of them are not necessary/essential and especially nitrite, nitrate and phosphates have a bad image amongst consumers and in order to protect the integrity of organic production should therefore not be allowed in organic products.

Character of lists (indicative or not) and trade between countries

In the foreword it is mentioned that these guidelines are at this stage a first step into official international harmonization of the requirements for organic products in terms of production and marketing standards, inspection arrangements and labelling requirements. In the precautions of Annex 2 it is mentioned that the following lists do not attempt to be all inclusive or exclusive, or a finite regulatory tool but rather provide advice to governments on internationally agreed inputs.

Since the guidelines were adopted in 1999 several more countries have gained experience in the field of organic standards and production and we find that it is now time to seek a clearer commitment for the guidelines including its lists of inputs in Annex 2. We therefore suggest a strengthening of the guidelines by removing references to the indicative nature of the lists throughout the text. We find that even when these references are removed the lists are by definition indicative since they are part of the *Guidelines*.

Concerning import we consider it important that an importing country can say no to products produced with substances not on the codex lists if the importing country finds that the substances are in contradiction with its consumers understanding of the principles of organic farming. This situation can arise even if the criteria in Section 5 are followed in the development of national lists. Different countries have different opinions on which substances are acceptable and on how big differences/economic costs they can accept between conventional and organic products/production.

We find that Section 7 does not clearly signal that the importing country is free to say no to products produced with substances not on the Codex lists.

According to 7.4 c) an importing country may in order to avoid any confusion to the consumer require that the product is labelled in accordance with the labelling requirements applied, in accordance with the provisions of section 3, in the importing country. We consider the references in section 3 to the lists of additives and processing aids in Table 3 and 4 as an important part of the labelling requirements and we believe therefore that the importing country may say no to additives and processing aids not accepted in the importing country. However 7.4 a) describes a procedure which may be followed when two countries decide whether to trade products. This procedure could put pressure on the importing country when it is making import decisions on the basis of equivalency judgements also in relation to the lists in Annex II.

For clarification we suggest that Section 5.2 is amended to read:

“Countries may develop lists of substances that meet the criteria outlined in Section 5.1. Substances on national lists but not on the Codex lists may be used for products for export provided they are accepted in the country of retail sale.”

We find that the basis for trade should be equivalency but we also find it important that a country can say no to products produced with substances which are considered unacceptable in order to secure the image and thus the integrity of organic farming in that country.

We find that a clear text in the Codex guidelines is important since exporting countries should not be encouraged to develop national lists without being able to clearly see from the text in the guidelines that this could *possibly* lead to some limitations when it comes to acceptance by other countries.

NEW ZEALAND:

The New Zealand Government would like to make the following comments:

Recommendation 1

Codex has agreed to a procedure, in section 5.3 of the *Guidelines*, for inclusion of substances in Annex 2, in order to ensure that the amendments are soundly based. It is therefore hard to accept proposals that are not adequately justified.

New Zealand considers that the lists should be all-inclusive, for example a single list covering food additives for plant products and livestock products. This avoids multiple entries for the same food additive and makes the lists easier to use.

Recommendation 2

New Zealand supports the use of the matrix as a useful way of providing information on proposed inputs. It would be useful to annex the matrix to the *Guidelines*.

It would be helpful if each table had a header that included the name of the list, the name of the substance and its proposed use. The symbol "oo" is not clear - does it mean not relevant, or not evaluated? A total score for each substance would be helpful to judge the acceptability of each proposed input.

Recommendation 3

New Zealand supports retaining indicative lists as a guide to governments establishing national lists.

Recommendation 4

We assume that this decision has been overtaken by the discussions at the 30th session of CCFL.

POLAND:

- Poland does not accept using the following food additives in organically produced foods: INS 250-sodium nitrite, 251 – sodium nitrate, 252 – potassium nitrate. 339 – sodium phosphate.
- INS 322 – lecithin and corn starch may not be derived from genetically engineered/modified organisms.
- The list for additives should be as short and restrictive as possible.

EUROPEAN COMMUNITY:

- **With regard to '1. Overview of comments' (1.a. Proposed amendments to the lists):**

The **European Community** justified the comments on CL/2002/15 against Section 5 of the guidelines, taking into account the intent of the draft revised criteria.

- The European Community considers that any amendment of the existing lists of permitted substances should be justified against the Criteria in Section 5. For that reason, only comments supported by such a justification should be taken into account.
- The European Community considers that although the proposed proforma matrix is useful, the ranking system is quite subjective. More discussion is needed to agree upon a common format.

□ **With regard to '1. Overview of comments' (1.b. Structure of Appendix 2, Tables 3 and 4 of the Guidelines):**

- The European Community considers that the current presentation of Tables 3 and 4 could be simplified. In this regard, the two lists of food additives (including carriers) in Table 3, could be amalgamated in one sole list with several columns. These columns would provide information on the code of the food additives, the name of the latter, whether a food additive is allowed in a preparation of foodstuffs of plant and/or animal origin and specific conditions of use. The same approach should apply in the case of Table 4.
- The European Community points out, that EU legislation on food additives allows the presence of an additive in a compound foodstuff to the extent that the additive is permitted in one of the ingredients of the compound foodstuff.

□ **With regard to '2. Future maintenance of the lists' :**

The European Community considers that it is very important to apply the Criteria in Section 5. The European Community also wants to emphasise the importance of keeping the lists of plant protection products, fertilisers and additives in the Codex Guidelines. In fact, these lists are an essential part of the Guidelines.

INTERNATIONAL FEDERATION OF ORGANIC AGRICULTURE MOVEMENTS (IFOAM):

1. Introduction

IFOAM submits the following comments regarding the new document CL 2003/9-FL. First of all IFOAM appreciates and thanks very much the Codex Secretariat for the thorough compilation of all the requests and comments in a comprehensive format. This will be certainly help very much the discussions in the Working group.

IFOAM only comments these substances where there are different view points.

2. Proposed substances by other member countries

IFOAM comments see below.

Substances for use in soil fertilizing and conditioning

Additives	Comments	IFOAM response
Dried farmyard and poultry manure	Chile NO not precise enough	IFOAM: detailed requirements should be left to national certification bodies.
Compost from organic household refuse	EU more precise Chile No	IFOAM is not opposed to the intent, but does not think that this level of detail is necessary. The numerical restrictions might be supported. Other elements (e.g. Arsenic) should be considered if thresholds are established. Put the numeric restrictions in brackets for Step 5 for further considerations.

Processed animal products from slaughterhouses and fish industries	EU more precise Chile NO CH exclusion of meat and bone meal	IFOAM is not opposed to the intent, but does not think that this level of detail is necessary, although the numeric restrictions might be acceptable in general. It should be clarified if by-products of the leather industry are included as well.
Sawdust, bark and wood waste	EU more precise Chile and CH more precise	IFOAM supports the EU restrictions
Sawdust, bark and wood waste	EU more precise Chile and CH more precise	IFOAM supports the EU restrictions and the Swiss additional wording
Gypsum	EU more precise Chile and CH more precise	IFOAM supports the EU restrictions and Swiss additional wording
Sodium Chloride	Chile	IFOAM: Use should be clarified.
Sodium nitrate	Chile NO IFOAM No	IFOAM does not allow it
Aluminium Calcium Phosphate	Chile NO, more precise IFOAM No	IFOAM does not support the proposal: too detailed
Peat	Chile more restrictions	IFOAM does support the restrictions proposed
Wood charcoal	CH , more restrictions	IFOAM does support this amendment
Human excrements	CHILE NO	IFOAM does not support Chile, there are already clear restrictions set.
Calcium Chloride solution	CH , more precise	IFOAM: Acceptable for use as proposed (calcium deficit) e.g. bitter pit in apples. Agreement with Swiss proposal
Plant extracts such as infusions or tea	CH proposes addition	IFOAM yes
Biodynamic preparations	CH proposes addition	IFOAM: Biodynamic preparations are well described and should be listed
Substrata	CH restrictions	IFOAM At that stage this needs more reflections, as in some Nordic countries peat is not a limited resource

Substances for Plant Pest and Disease Control

Seaweed products	CH more restrictions	IFOAM can accept the wording
Lecithin	CH more restrictions	IFOAM can accept the wording
Chitin nematicides	IFOAM	IFOAM still supports addition
Sabadilla	IFOAM	IFOAM still support addition
Repellents of plant and animal origin	CH proposes addition	IFOAM: support
Natural enemies such as e.g. parasitical hymenoptera, predatory mites, gall mites, lady birds, nematoda.	CH addition	IFOAM support
Plant waxes and oils	CH addition	IFOAM: support
Beeswax	CH addition	IFOAM: support
Inorganic copper compounds	Chile more precise EU	IFOAM does support the proposal of Chile, EU wording is too detailed

Copper salts	IFOAM	IFOAM proposes to add to the Chilean proposal “ on a rolling average basis”
Iron Phosphates	IFOAM	IFOAM has proposed the substance, but is still in the process of final evaluation. Put the substance in brackets for step 5
Mineral oils	CH more specific Chile more specific	IFOAM suggests limiting mineral oils to ‘paraffinic.’ Restrictions to certain pests too detailed. Crops should not be limited without a dossier.
Micro organisms	Chile more precise no GMO	IFOAM: In general covered but could be added
Rodenticides	CH more precise only in livestock buildings	IFOAM: not only in livestock buildings and installations, this might be a problem but also in storage houses
Metaldehyde	Chile set a date	IFOAM does not allow. Support—need to remove it as soon as possible
Mechanical control devices	CH	IFOAM okay

Substances for the processing of plant products

Additives	Comments	IFOAM response
Calcium citrate	CH NO EC IFOAM	IFOAM allows the substance as an additive without restriction
Tartaric acid	CH NO EC YES	IFOAM allows the substance only for wine
Glycerol	EC YES IFOAM	IFOAM does not support that proposal
Silicon dioxide	EC CH No IFOAM	IFOAM has not listed this substance as additive but has accepted this substance as processing aid for wine, fruit and vegetable processing

Substances for the processing of livestock and bee products

Additives	Comments	IFOAM Response
E 153 Wood Ash	DK more specific restrictions, IDF Yes,	IFOAM has not listed wood ash. IFOAM could accept the proposal of the Codex Secretariat to restrict it only for specific cheese varieties as proposed.
E 332 Potassium citrate	CH NO IFOAM YES	This substance is used as emulsifying agent for sausages. FOAM Allows as an additive without restrictions.
E 339 and 340 Sodium and Potassium phosphates	IDF Yes IFOAM NO	The 1. technical application with is mentioned by the IDF (Emulsifying salt) can be realised with Sodium citrate. That means that the substance is not necessary! Therefore IFOAM is not in favour to add this substance to the list. The 2. technical application as a stabilizer for cream is not needed. Several organic dairies have demonstrated that the product can be produced without a stabilizer.
E 450 and 452 Diphosphates and Polyphosphates	IDF Yes IFOAM NO	The technical application with is mentioned by the IDF can be realised with Sodium citrate. That means that the substance is not necessary! Therefore IFOAM is not in favour to add this substance to the list.
E 942 Nitrous oxide	IDF Yes IFOAM NO	IFOAM has not listed this substance.

Corn Starch	IDF Yes IFOAM NO	Can be obtained from certified organic sources. GMO risk product. IFOAM does not want to list it.
Processing aids		
Lactic acid	DK comments, IFOAM and IDF	IFOAM supports proposal of Codex Secretariat to list it as additive and as processing aid
Sodium carbonate	DK comments IFOAM and IDF	Some countries understand the mentioned application of Sodium carbonate as processing aid others as additive. Therefore we propose, as we have decided it in the IBS, to accept this substance as additive and as processing aid.