

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

Forty-seventh Session

Gatineau, Canada

15 – 19 May 2023

Discussion Paper on Sustainability labelling claims

(Proposed amendments in response to comments from CL 2023/16/OCS-FL)

(Prepared by New Zealand and the European Union)

New Zealand together with the European Union, have revised the recommendations in discussion paper CX/FL 2023/47/12 and the project document in Appendix 1 based on comments received in response to CL 2023/16/OCS-FL as compiled in CX/FL 23/47/12 Add.1. The amendments are indicated by tracked changes. The Committee is invited to consider the revised project document and recommendations as presented in this CRD.

Recommendations

The Committee is invited to:

- a) Consider and agree to initiate new work on sustainability-related labelling as presented in the project document in Appendix 1.
- b) Agree that ~~such work be limited to high level guidance and principles for developing sustainability-related labelling on food.~~ any guidance provided by CCFL would be high level and will not include technical criteria for substantiation of sustainability-related labelling on food.

PROPOSAL FOR NEW WORK ON SUSTAINABILITY-RELATED LABELLING

(proposed amendments to the project document in response to comments from CL 2023/16-FL)

(prepared by New Zealand and the European Union)

NOTE:

Tracked changes show proposed amendments in response to comments from CL 2023/16-FL

PROPOSAL FOR NEW WORK ON SUSTAINABILITY-RELATED LABELLING

Background

CCFL46 agreed that New Zealand and the European Union would prepare a discussion paper to explore possible work on sustainability claims within the mandate of CCFL to assist the Committee to decide whether there was value or need for new work in this area. A CL [\(CL2022/12-FL\)](#) was issued to take stock of sustainability claims in countries. Responses to ~~this~~ CL were used to support preparation of the discussion paper and ~~this~~ a project document. [CL 2023/16/OCS-FL was subsequently issued to elicit comments on the discussion paper and proposed project document. Responses from CL 2023/16/OCS-FL were used to further refine this project document as follows:](#)

1. PURPOSE AND SCOPE OF THE NEW WORK

The purpose of the proposed work is to provide guidance to assist governments and other relevant stakeholders looking to develop, implement and/or regulate sustainability-related labelling.

The scope of the proposed work is to [consider relevant work being undertaken by other international organisations and develop guidance](#) ~~develop high-level principles~~ for sustainability-related labelling to ensure the labelling meets the requirements of the *General Guidelines on Claims* (CXG 1-1979), specifically to ensure sustainability-related labelling is:

- Not described or presented in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect;
- Substantiated;
- Meaningful and;
- where possible comparable or harmonised.

This would help consumers make informed choices about the relative sustainability of products and assist in reducing barriers to trade.

2. RELEVANCE AND TIMELINESS

There is a globally recognised need to improve the sustainability of food systems to address major crises such as climate change, land degradation and biodiversity loss, and to ensure sustainable livelihoods. Sustainability-related labelling can fuel consumer demand for sustainable foods and be a powerful tool in driving practices to improve the sustainability of food systems. As a result, sustainability-related labelling is expected to increase.

The stocktake illustrates the large number and diversity of sustainability-related labelling currently used on food products. These are based on varying attributes and criteria. It is important this labelling meets the requirements of the *General Guidelines on Claims* to ensure these are not presented in a false, misleading or deceptive manner, and are substantiated and meaningful so consumers can make informed choices. ~~More specific~~ [g](#)Guidance for sustainability-related labelling is needed to assist governments and other relevant stakeholders looking to develop, implement and/or regulate such labelling.

~~There is currently no global guidance for governments on sustainability-related labelling or claims for food. The development of best practice guidance for governments and other relevant stakeholders~~

~~looking to develop, implement and/or regulate~~ There is currently limited government regulation in this area therefore, the development of guidance for sustainability-related labelling is ~~therefore~~ timely before the possible proliferation of government regulation. The Codex Strategic Plan 2020-2025 identifies that Codex will need to be proactive and flexible to respond in a timely manner to opportunities and challenges. This plan also recognises Codex's role in supporting the sustainable development goals.

3. MAIN ASPECTS TO BE COVERED

- Consider work undertaken or being undertaken by other international organisations relevant to sustainability related labelling on food
- Propose a definition of sustainability-related labelling for the purposes of this work, if deemed necessary and appropriate
- Identify areas where CCFL could provide guidance on sustainability-related labelling on food
- Consider the form this guidance could take. Including:
 - Any changes to the General Guidelines on Claims (CXG 1-1979)
 - Development of high-level principles specific to sustainability-relating labelling on food
- Develop draft guidance for sustainability-related labelling on food as appropriate

Any guidance provided by CCFL would be high level and will not include technical criteria for substantiation of sustainability-related labelling on food.

~~It is proposed the high-level guidance covers the following aspects:~~

- ~~Purpose~~
- ~~Scope~~
- ~~Definition of sustainability-related labelling (if required and appropriate)~~
- ~~General principles for sustainability-related labelling~~

~~The location or placement of this guidance has not been specified and is proposed to be considered at a later stage.~~

4. ASSESSMENT AGAINST THE CRITERIA FOR ESTABLISHMENT OF NEW WORK PRIORITIES

General criterion

Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries

Consumer protection – there is a current proliferation of sustainability-related labelling which considers a wide array of factors contributing to sustainability. Without global guidance and underpinning principles upon which this type of labelling should be based, there is a risk of consumers being misled and not being able to make informed decisions with respect to the sustainability of the foods they are buying.

Fair practices in trade – Providing ~~underpinning high-level principles~~ guidance to assist governments (or other stakeholders) in the development, implementation and/or regulation of sustainability-related labelling before such national legislation is developed by member countries will promote harmonisation and facilitate trade.

Criteria applicable to general matters

a) Diversification of national legislations and apparent resultant or potential impediments to international trade

The stocktake demonstrates the proliferation of diverse sustainability-related labelling internationally. Currently, there is relatively limited government regulation for sustainability-related labelling and where present this focuses on specific areas such as organic or vegetarian claims. However, it is likely that government regulation for sustainability-related labelling will increase given the focus on sustainability by consumers and the UN. ~~High-level principles to provide~~ guidance to assist governments (or other stakeholders) in the development, implementation and/or regulation of sustainability-related labelling is therefore timely. Providing such guidance before legislation is widely developed nationally will promote harmonisation and facilitate trade.

b) Scope of work and establishment of priorities between the various sections of the work.

It is proposed that guidance is developed for sustainability-related labelling to assist governments (and other stakeholders) in the development, implementation and/or regulation of sustainability-related labelling.

c) Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body(ies)

This work would be in line with the [2030 Agenda for Sustainable Development](#) adopted by the United Nations and its Sustainable Development Goals (SDGs). SDG12 '*ensuring sustainable consumption and production patterns*' is particularly relevant. Achieving the SDGs are a strong focus for the Food and Agriculture Organization of the United Nations and the World Health Organization.

The conclusion of the UN Food Systems Summit in September 2021 reinforced the importance of encouraging sustainable food systems and the need for consumers to be making purchases with a sustainability lens. Providing global guidance ~~in the form of high-level principles~~ for sustainability-related labelling would help ensure consumers could make informed decisions based on robust, substantiated labelling.

[As part of the work, it is proposed to examine relevant work being undertaken by other international organisations.](#)

d) Amenability of the subject of the proposal to standardization

Many countries look to Codex for clear and unambiguous guidance on labelling. The purpose of the proposed work is to develop such guidance to assist governments (or other stakeholders) in the development, implementation and/or regulation of sustainability-related labelling. While the *General Guidelines on Claims* require that information voluntarily provided on labels (claims) are not presented in a false, misleading or deceptive manner, and are substantiated and meaningful, ~~more-specific~~ guidance for sustainability-related labelling is needed to assist governments and other stakeholders looking to develop, implement and/or regulate such labelling in ensuring these requirements are met. Since the development of the *General Guidelines on Claims* in 1979 there have been a number of Codex texts developed to provide additional guidance on specific types of claims where this has been deemed necessary, such as the *Guidelines for Use of Nutrition and Health Claims* (CXG 23-1997) and the *General Guidelines for Use of the Term "Halal"* (CXG 24-1997).

e) Consideration of the global magnitude of the problem or issue.

Increasing global awareness on sustainability, including the impacts of climate change, environment, animal welfare, and labour rights, has resulted in businesses providing consumers with greater information on the sustainability of food products. The stocktake of sustainability-related labelling shows there is an increasing number of sustainability-related labelling being developed for food products with varying criteria as the basis for the label statements/claims. This is making it difficult for consumers to make informed decisions and compare the sustainability of products. The development of sustainability-related labelling and the reliability of this labelling is thus likely to have a significant impact on fair practices in trade. The information collected during the stocktake also indicates that the development of this type of labelling is widespread amongst the Codex regions, including through the development of international schemes.

5. RELEVANCE TO CODEX STRATEGIC OBJECTIVES

The proposed new work is in line with the Commission's mandate for the development of international standards, guidelines and other recommendations for protecting the health of consumers and ensuring fair practices in food trade. The new work will contribute to advancing Strategic Goals 1, 2, 3.

Strategic Goal 1: Address current, emerging and critical issues in a timely manner

Increasing global awareness on sustainability, including the impacts of climate change, environment, animal welfare, and labour rights, has resulted in businesses providing consumers with greater information on the sustainability of food products. Sustainability-related labelling on food is diverse and growing. Government regulations in this area will likely increase and the development of Codex guidance would therefore be timely.

Strategic Goal 2: Develop standards based on science and Codex risk-analysis principles

High level guidance on sustainability-related labelling would help ensure clearer understanding of how to meet the substantiation requirements of the *General Guidelines on Claims* for such labelling, therefore ensuring sustainability-related labelling is based on science.

Strategic Goal 3: Increase impact through the recognition and use of Codex standards

The Codex Strategic Plan 2020-2025 recognises the role of Codex and Codex Standards in achieving the United Nations' SDGs. This identifies several SDGs where Codex can particularly support their achievement, including SDG12 '*ensuring sustainable consumption and production patterns*'. Achieving the SDGs are a strong focus for the Food and Agriculture Organization of the United Nations and the World Health Organization. Sustainability-related labelling can fuel consumer demand for sustainable foods and be a powerful tool in driving practices to improve the sustainability of food systems. The development of sustainability-related labelling and its reliability are thus likely to have a significant impact on fair practices in trade.

Developing high level guidance ~~_, including underpinning principles,~~ to assist governments (or other stakeholders) in the development, implementation and/or regulation of sustainability-related labelling, could help in the achievement of SDG12. By elaborating on how to ensure sustainability-related labelling is not presented in a false, misleading or deceptive manner, and is substantiated and meaningful so consumers can make informed choices, this guidance will increase the impact of the *General Guidelines on Claims*.

The new work is proposed to be undertaken via an electronic working group, which will facilitate equal participation opportunity for all members.

6. RELATION BETWEEN THE PROPOSAL AND OTHER EXISTING CODEX DOCUMENT

Sustainability-related labelling meets the definition of a claim outlined in *General Guidelines on Claims* (CXG 1-1979). These provide generic guidance applicable to all claims and examples on when a claim may be potentially misleading. While these general guidelines apply to sustainability-related labelling, the *General Guidelines on Claims* were developed at a time when sustainability labelling was not used on food labels. The myriad of diverse sustainability-related labels, the potential for labels with a global sustainability focus and their application to foods that are subject to international trade highlights the need for ~~more-specific~~ guidance on what is needed to ensure sustainability-related labelling ~~to~~ meet the requirements of the *General Guidelines on Claims* namely that they are not misleading and that they are substantiated and meaningful to consumers to allow them to make informed purchasing decisions. This includes considering amendments to the General Guidelines on Claims.

The ~~principles guidance~~ relevant to sustainability-related labelling would be applicable horizontally across all ~~prepackaged~~ foods.

7. REQUIREMENT FOR AND AVAILABILITY OF EXPERT SCIENTIFIC ADVICE

None identified. It is proposed the guidance would be high level and should not develop technical criteria for substantiation of sustainability-related labelling.

8. NEED FOR TECHNICAL INPUT TO THE STANDARD FROM EXTERNAL BODIES

There will be opportunity to consult with relevant bodies if necessary, throughout the process. The technical information available from other international organisation will be taken into account. Consideration of evidence-based consumer understanding and use of sustainability-related labelling could be useful.

9. PROPOSED TIMELINE

Subject to the Codex Alimentarius Commission approval at its next session, it is expected that the work can be completed in three sessions of the Committee on Food Labelling.