

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

E

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: codex@fao.org - www.codexalimentarius.org

Agenda item 13

CX/FL 21/46/13

JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON FOOD LABELLING

46th Session

Virtual

27 September – 1 October and 7 October 2021

CRITERIA FOR EVALUATION AND PRIORITIZATION OF WORK OF CCFL

Comments in reply to CL 2020/09/OCS-FL

Comments of Australia, Canada, Costa Rica, Cuba, Egypt, New Zealand, Nicaragua, Nigeria, Peru, Thailand, USA

Background

1. This document compiles comments received through the Codex Online Commenting System (OCS) in response to CL 2020/09/OCS-FL issued in January 2020. Under the OCS, comments are compiled in the following order: general comments are listed first, followed by comments on specific sections.

Explanatory notes on the appendix

2. The comments submitted through the OCS are hereby attached as **Annex I** and are presented in table format.

GENERAL COMMENTS
<p>Canada</p> <p>Canada supports the proposed draft approach, considering that the criteria and the rating scheme have been developed taking into account the mandate of the Codex Alimentarius Commission, the general principles of food labelling and the approaches taken by other Committees such as CCFH and CCFICS. Overall, Canada understands this work to fall under Goal 1 of the Codex Strategic Plan for 2020-2025, i.e.: address current, emerging and critical issues in a timely manner.</p> <p>Canada notes that a new work proposal should always be presented first in the form of a Project Document addressing the criteria given under the “Criteria for establishment of work priorities” in the Procedural Manual. In addition to this, Canada sees no concern with assessing the proposed work against the CCFL specific criteria and evaluated as per the ratings given for each criterion as outlined in CL 2020/09/OCS-FL. This may indeed help to prioritize work proposals.</p> <p>Having a consistent/uniform approach is always preferable and it is Canada’s understanding that both CCFH and CCFICS follow a similar process, i.e. the issuance of a CL to identify proposals for new work, and a working group meeting prior to the plenary session to review proposals and prioritize them.</p> <p>Canada has no objection to the proposal to update the work plan through a physical working group meeting prior to the plenary session, as needed. However, Canada notes that this may not always be necessary, such as when the Committee’s workload is manageable. It may be helpful to identify triggers or circumstances under which the work plan would require updating.</p>
<p>Costa Rica</p> <p>Costa Rica would like to thank you for the opportunity to comment on this proposal</p>
<p>Egypt</p> <p>Egypt agrees the proposed Approach and Criteria for Evaluation and Prioritization of the Work of CCFL with no comments</p>
<p>New Zealand</p> <p>New Zealand considers this to be an important piece of work for CCFL. Setting the right criteria and associated ratings for those criteria is critical to ensuring sound evaluation and prioritisation of CCFL’s workplan going forward. We have the following comments to make:</p> <p>The Procedural Manual states (pg 21) that the aim of the Codex Alimentarius food standards and related texts is to protect consumers’ health and ensure fair practices in food trade, and that they are intended to assist in harmonising definitions and requirements for food and in doing so facilitate international trade. New Zealand considers that both protecting consumers’ health and ensuring fair practices/facilitating international trade are important and that the proposed criteria could better reflect this.</p> <p>New Zealand suggests guidance on the different rating levels is provided in this document. We note CCFH provide guidance on how to apply the different rating levels for their criteria. The specific descriptions of the rating levels for CCFH may not be entirely suitable for CCFL, however the concept would be useful to follow. This would help provide a level of consistency in the rating of the different criteria by members.</p> <p>New Zealand notes that examples were given of the criteria and ratings being applied to proposed new work in Agenda paper CX/FL 19/45/13 for CCFL45, however the paper did not provide any explanation how the specific ratings were determined. We consider that how the different work areas are rated would be dependent on the scope of the work proposed. New Zealand would like to see worked examples of the proposed new work areas applying the criteria (including descriptions of the rating levels) which give commentary of the rationale behind the ratings applied to each. We consider this would be helpful in determining the appropriateness of the criteria and the ratings. This may be something that could be provided to members for comment in a further CL prior to the next session given the delay to CCFL46. The examples used in CX/FL 19/45/13 also give a good spread of issues to test the criteria in this way.</p>

<p>Nicaragua Nicaragua thanks the Secretariat for preparing the document; it believes that planning approaches based on objective consideration methodologies contribute to the works of the CCFL, which are many, being managed in a more orderly and efficient manner.</p>	
<p>Nigeria Nigeria is of the opinion that it would be preferable to adopt a rating system of 'high, medium, and low' without scores assigned to each rating. Rationale: In consideration of the fact that the document does not state a minimum number of overall points (cut-off points) required in the scoring/rating system for the proposed new work to be prioritized as being of high, medium, or low importance for CCFL to undertake. There could be scenarios where the rating/scores could vary across the various criteria between high, medium and low in evaluating the proposed new work requiring that there be a cut-off score for proper evaluation of the priority level. A rating system of 'high, medium, low' without scores assigned to each priority level would be based on a self-assessment by the proposer(s) of the new work including a rationale to justify the rating as is in the CCFICS criteria for evaluating and prioritising new work.</p>	
<p>Peru Peru thanks the Secretariat of the Codex Alimentarius Commission for sending Circular Letter CL 2020/09-OCS-FL. The National Commission has analyzed the work done in that circular letter and makes no comments on it, so it recommends its approval</p>	
<p>Thailand Thailand would like to thank for the opportunity to provide comments on the proposed draft approach and criteria for evaluation and prioritization of the work of CCFL. By taking into account the approach that CCFH is undertaking to identify, prioritize, carry out their works, it fits well with the nature of the work as well as the number of works in their pipeline for consideration. In addition, the criteria they use rely mainly on the possible impact of the work on public health and its consequence on trade. In contrast to the work of CCFL, the issues on labelling relate relatively more to the understanding of consumer and the trade facilitation, hence the TBT issues. We are not certain about the rationale for assigning the lowest weight for trade facilitation thus would like to seek some clarification on these numeric rating. In our opinion, the criterion on trade facilitation should be assigned higher, if not equal, to other criteria, considering the purposes of Codex on protecting consumer health as well as removing barriers to trade.</p>	
SPECIFIC COMMENTS	
1. Purpose	
	<p>Cuba Cuba in principle agrees with the Preliminary Draft Approach and Criteria for the Evaluation and Prioritization of the Work of the Codex Committee on Food Labeling (CCFL), considering that the document being consulted for comments and observations fully meets these objectives. We suggest that a minimum score should appear in Annex III so that the CCFL can make a correct choice on pending work and new, priority-based, work topics to start a new work.</p>
<p>1. Purpose: The following guidelines are established to assist the CCFL to identify, establish an order of priorities and efficiently carrying out its work and interacting with with other Codex committees, the Action Groups, and the other FAO/WHO <u>Auxiliary Bodies</u> and their scientific bodies, when the need arises.</p>	<p>Nicaragua</p>

	<p>USA</p> <p>The United States suggests that the purpose statement ends after "... carry out its work" and then delete the remainder of the text. The document, as drafted, does not address interaction with other bodies.</p>
2. SCOPE	
	<p>New Zealand</p> <p>New Zealand supports the scope but considers it should be made explicit that the new work includes the revision of current texts. We suggest adding the words 'including the revision of current texts' to the end of this sentence as follows:</p> <p>These guidelines apply to new work proposed to the CCFL and lays down criteria and procedures for considering the priorities for proposed work including the revision of current texts.</p>
<p>2. Scope: These guidelines apply to new work proposed to the CCFL and establish criteria and procedures for considering the priorities of the proposed work, in addition to the criteria applicable to general issues in the Manual of Procedures and the priorities set by the Commission in the Strategic Plan.</p>	<p>Nicaragua</p> <p>Paragraph 4 indicates that these criteria are in addition to the relevant provisions in the Manual of Procedures and the Strategic Plan. It is considered appropriate to move this information to the scope of the document.</p>
Criteria for evaluating and prioritizing new work Para. 3	
	<p>Australia</p> <p>There is now a 27th edition so that could be referenced.</p>
<p>3. The draft prioritization approach has been developed in recognition of the criteria for new work as outlined in the Procedural Manual¹, along with existing and proposed guidance developed by other Codex Committees, in particular the Codex Committee on Food Hygiene (CCFH)² and the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS)³. Criteria relevant to the work of the CCFL and a rating scheme have been developed taking into account the mandate of the Codex Alimentarius Commission, the general principles of food labelling included in the GSLPF General Standard for the Labelling of Prepackaged Foods (GSLPF) and the approaches taken by CCFH and CCFICS.</p>	<p>Canada</p> <p>Suggest writing out the full name.</p>
	<p>New Zealand</p> <p>New Zealand agrees that the criteria developed in this paper should be used in addition to the criteria set out in the Procedural Manual for the Establishment of Work Priorities (pg 44). We suggest that the criteria from the Procedural Manual (as listed below) are included in the Guideline for completeness and ease of use of the document, rather than being referenced.</p> <p>General criterion</p> <p>Consumer protection from the point of view of health, food safety,</p>

	<p>ensuring fair practices in the food trade and taking into account the identified needs of developing countries.</p> <p>Criteria applicable to general subjects</p> <p>(a) Diversification of national legislations and apparent resultant or potential impediments to international trade.</p> <p>(b) Scope of work and establishment of priorities between the various sections of the work.</p> <p>(c) Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body(ies).</p> <p>(d) Amenability of the subject of the proposal to standardization.</p> <p>(e) Consideration of the global magnitude of the problem or issue.</p>
	<p>Nicaragua</p> <p>It considers that this text should be located as an introduction to the document.</p>
	<p>USA</p> <p>With regards to Footnote 1, we note that the 27th Ed. of the Codex Procedural Manual is the current edition.</p>
Procedural Manual (26 27th Edition)	<p>Costa Rica</p> <p>It could be updated to the current edition</p>
Process for evaluating new work Criteria for evaluating and prioritizing new work	
	<p>Canada</p> <p>It may be valuable to add some information to clarify what are the criteria applicable to general subjects and how these will be applied in relation to the criteria for evaluating and prioritizing new work.</p>
<p>4. In addition to the priorities set by the Commission in the Strategic Plan and the criteria applicable to general issues, additional criteria are required to evaluate further work relevant to the CCFL. <u>Standards over five years old, or those with duplication or inconsistencies with other current codes, should also be evaluated against these criteria, in order to determine the need for review.</u> The following are the criteria for which the new work to be undertaken by the CCFL can be assessed:</p>	<p>Costa Rica</p> <p>Justification: Costa Rica considers this sentence to be important in ensuring the validity of the CCFL standards, while ensuring consistency with the approach previously established by the CCFH.</p>
<p>4. In addition to the priorities set by the Commission in the Strategic Plan and the criteria applicable to general issues, additional criteria are required to assess further work relevant to the CCFL. The following are the criteria under which the new work to be undertaken by the CCFL can be assessed:</p>	<p>Nicaragua</p>
CRITERION / RATING	
	<p>Australia</p> <p>It will be important to test whether the proposed rating is appropriate and aligns with the Codex strategic plan priorities.</p>

	<p>Canada Canada suggests that it would be helpful to include a list of questions to help assess each criterion and define how the rating points will be applied. Please see paragraph 6 in the CCFH information document- Process by which the CCFH will Undertake its Work (http://www.fao.org/fileadmin/user_upload/codexalimentarius/committee/docs/INF_CCFH_e.pdf) for an example of how criteria are applied in a stepwise manner. Additionally, when implementing this approach, it would be beneficial to provide a rationale for ratings given, as this would contribute to consistent interpretation.”</p>
	<p>Costa Rica Costa Rica would like to point out that there is a lack of clarity regarding the establishment of the classification or score assigned to the criteria. For this reason, it considers to be important that the definition of the "low/medium/high" weight values for each of the criteria be specified, either through an appendix or as part of the table, and thus ensure transparency and avoid subjectivities in the prioritization process of the CCFL work.</p>
	<p>Nicaragua Nicaragua proposes to change the order of the criteria, in accordance with the Codex objectives as set out in the Procedure Manual.</p>
	<p>USA The United States believes there needs to be a robust discussion around each of the following criteria. Below are some of our initial thoughts on each of the criteria. In addition, the Committee may want to consider additional criteria similar to CCFH on new information/data or new technologies.</p>
Does the proposed new work fall under the mandate of CCFL	
	<p>New Zealand New Zealand recommends the word ‘mandate’ is changed to ‘terms of reference’. The Procedural Manual refers to the terms of reference of the subsidiary committees and not the mandate. The TOR could be included in the document for completeness and ease of use. They are: CCFL Terms of Reference (a) to draft provisions on labelling applicable to all foods; (b) to consider, amend if necessary, and endorse draft specific provisions on labelling prepared by the Codex Committees drafting standards, codes of practice and guidelines;</p>

	<p>(c) to study specific labelling problems assigned to it by the Commission; and</p> <p>(d) to study problems associated with the advertisement of food with particular reference to claims and misleading descriptions.</p>
	<p>USA</p> <p>The United States suggests to add text: “Does some or all of the proposed new work ...”. Only work within the mandate of CCFL should be further considered.</p>
Risk* to health of the consumer in the absence of the proposed new work	
	<p>Australia</p> <p>Suggest that the whole definition be included here rather than just cross referencing this CRD2</p>
<p>Risk* Implications to health of the consumer in the absence of the proposed new work</p> <p>Low 3</p> <p>*Defined in the CCFH44 CRD2</p>	<p>Costa Rica</p> <p>Justification: Costa Rica considers that the approach and definition of "risk" given by the Codex Committee on Food Hygiene (CCFH) does not adequately conform to the mandate of the CCFL, and therefore we propose to change the wording of the criterion by adopting the approach only for consumer health.</p>
	<p>New Zealand</p> <p>New Zealand supports a criteria relating to consumer health and that it should be rated the highest of the criteria.</p> <p>New Zealand suggests descriptions are provided for what would constitute a high rating, a medium rating and a low rating for this criteria. We consider this would aid consistency in rating of the criteria by members.</p>
	<p>USA</p> <p>The US suggests that the Committee consider whether the existing definitions of risk in the Codex Procedural Manual are sufficient for the purposes of this document.</p> <p>Suggested text for the Committee to consider for this criterion: “The potential of new work to resolve, mitigate, prevent, or significantly reduce a consumer health risk.”</p>
Potential to mislead consumer in the absence of the proposed new work	
	<p>New Zealand</p> <p>New Zealand considers this criteria should be deleted and incorporated as part of the below criteria regarding informed consumers by the addition of the words ‘without being misled’. If a consumer is able to make an informed decision we consider that they are not being misled. However to ensure it is clear that consumers not being misled is an explicit part of this criteria we</p>

	<p>suggest the words “without being misled” are added to the end of the below criteria.</p>
<p><u>Potential to mislead consumer in the absence of the proposed new work Impact (positive) on Trade Facilitation</u></p>	<p>Nicaragua Nicaragua proposes to place this criterion in second position, in accordance with the order of priority reflected in the mandate of the Codex Alimentarius (Manual of Procedure). In addition, at a practical level, much of the work carried out by the CCFL aims to avoid unnecessary barriers to Trade.</p>
	<p>USA The US suggests that this criteria be separated into 2 questions: Consumer Confusion: Q1: Is there evidence of consumer confusion? A1: y/n Q2: If yes, what is the likelihood that the new work will have a significant impact in overcoming consumer confusion? A2: Low / Med. / High</p>
<p>Whether the proposed work once finished will assist the consumer in making an informed choice</p>	
	<p>New Zealand As described above, New Zealand considers that this criteria also encompasses the following criteria ‘Potential to mislead the consumer in the absence of this new work’. If a consumer is able to make an informed decision we consider that they are not being misled. However to ensure it is clear that consumers not being misled is an explicit part of this criteria we suggest the words “without being misled” are added to the end of this criteria as follows: Whether the proposed work once finished will assist the consumer in making an informed choice without being misled. New Zealand suggests descriptions are provided for what would constitute a high rating, a medium rating and a low rating for this criteria. We consider this would aid consistency in rating of the criteria by members.</p>
<p><u>Whether the proposed work once finished will assist the consumer in making an informed choice Potential to mislead the consumer in the absence of the proposed new job</u></p>	<p>Nicaragua</p>
<p>Impact (positive) on trade facilitation</p>	
	<p>Costa Rica New Criterion: How current is the Information? – Is there new information, new data or new technologies that would justify the need to review existing standards and guidelines or establish a new work?</p>

	<p>Justification: Costa Rica considers that this criterion, previously established by the CCFH, is applicable in the context of food labelling and it is therefore important to take this into account.</p>
<p><u>Impact (positive) on trade facilitation- If the work proposed, once completed, will help the consumer to make an informed decision</u></p>	<p>Nicaragua</p>
	<p>New Zealand The Procedural Manual states (pg 21) that the aim of the Codex Alimentarius food standards and related texts is to protect consumers' health and ensure fair practices in food trade, and that they are intended to assist in harmonising definitions and requirements for food and in doing so facilitate international trade. New Zealand considers that both protecting consumers' health and ensuring fair practices/facilitating international trade are important and that the proposed criteria could better reflect this. We suggest ratings are changed to High 15, Medium 8 and Low 5. New Zealand suggests descriptions are provided for what would constitute a high rating, a medium rating and a low rating for this criteria. We consider this would aid consistency in rating of the criteria by members. New Zealand suggests the addition of the word 'international' to describe 'trade' would improve clarity of this criteria.</p>
	<p>USA The US suggests to add a "0" for "no positive impact on trade" and delete the word "facilitation". It will be necessary for the Committee to balance the anticipated trade impact with the benefit from addressing consumer health risk, consumer confusion, and more informed choice.</p>
<p>Process for evaluating new work</p>	
<p>Para. 5</p>	
	<p>Australia We suggest it may also be reasonable to include a new criterion to assess whether there is currently any existing work within CCFL that may fully or partially be able to address the issue. Footnote 3 currently refers to a CCFICS document. Suggest this is changed to refer to the relevant part of the 27th edition of the Procedural Manual.</p>
	<p>New Zealand New Zealand suggests the wording in this paragraph could be strengthened to specifically refer to the need for members to assess new work proposals against the criteria before submitting</p>

	<p>to CCFL for consideration. We suggest the following amendment to the text:</p> <p>New Work Proposals should be presented to CCFL in the format of a project document addressing the criteria given under the “Criteria for establishment of work priorities” for general subjects in the Procedural Manual³ and should preferably also include a self-assessment against take into account the additional criteria outlined above.</p> <p>New Zealand notes that the process for evaluation of new work being trialled by CCFICS includes the following: CCFICS host secretariat will prepare a summary document presenting each new proposal for new work and associated self-assessment against the above criteria for discussion at the next session of CCFICS.</p> <p>New Zealand suggests this would be something CCFL could consider.</p>
5. New work proposals should be presented to CCFL in the format of a <u>project</u> document addressing the criteria given under the “Criteria for establishment of work priorities” for general subjects in the Procedural Manual ³ and <u>should</u> preferably take into account the additional criteria <u>outlined above indicated.</u>	Nicaragua
Para. 6	
	New Zealand New Zealand suggests for simplicity that the words ‘standard/guideline’ are replaced by ‘Codex text’ in both instances in this sentence.
6. The new work proposal should also indicate that the work, if approved to commence further, would likely lead to preparation of a new standard/guideline or revision of an existing standard/guideline.	Nicaragua This aspect is considered to be implicit in the project document.
Para. 7	
7. <u>As necessary</u> , CCFL will prioritize new work proposals including revision of existing texts, in order of merit based upon decisions made by CCFL after assessing the new work against the criteria (as defined above) for evaluating and prioritizing work.	Canada The suggested addition of “as necessary” may provide flexibility to the Committee. It may not always be necessary, such as at times where the workload of the Committee is lower.
	New Zealand No specific comments. Note New Zealand does not support the proposed criteria and ratings without the amendments suggested in comments above.
Para. 8	
	New Zealand New Zealand supports this and has no specific comments

	<p>Nicaragua Nicaragua suggests reviewing the translation of this paragraph.</p>
Para. 9	
	<p>Australia We agree that feasibility should be an important consideration. Suggest rewording the first sentence as follows: The criteria will be applied in a stepwise manner, in the order set out in the table under part 4.</p>
	<p>Nigeria Nigeria is of the opinion that it is necessary to state a time frame within which such additional criteria should be developed. Rationale: This is in consideration of the cycle of CCFL meetings, which are usually 18 months interval between meetings, to enable timely decisions.</p>
	<p>New Zealand New Zealand suggests this point could be more explicit as to the order of the criteria. We also consider the last sentence fits better with the next point. We suggests the following changes: The criteria will be applied in a stepwise manner, in the order set out in the table above as mentioned. If the committee decides that a proposed work does not fall under the mandate terms of reference of CCFL, then the remaining criteria do not need to be applied. Additional criteria, such as feasibility of the proposed new work, may be necessary and developed later for application while considering two or more items of similar priority.</p>
Para. 10	
10. The proposed work should be assessed against the criteria and evaluated as per the ratings given for each criterion. New work proposals will ultimately be prioritized as per the overall points received through this rating.	<p>Costa Rica</p>
	<p>New Zealand As described above New Zealand considers the sentence 'Additional criteria, such as feasibility of the proposed new work, may be necessary and developed later for application while considering two or more items of similar priority' fits better with this point and suggest it is added here as follows: The proposed work should be assessed against the criteria and evaluated as per the ratings given for each criterion. New work proposals will ultimately be prioritized as per the overall points received through this rating. Additional criteria, such as feasibility of the proposed new work, may be necessary and developed later</p>

	for application while considering two or more items of similar priority.
10. The proposed work should be assessed to be evaluated against the criteria and evaluated as per the ratings given for each criterion. New work proposals will ultimately be prioritized as per the overall points received through this rating.	Nicaragua
	USA The consideration of the rating by the PWG needs to be fleshed out here. The rating has to be considered within the context of the current work of the Committee as well as the other potential projects.
Para. 11	
	Australia The second part of this in particular (CCFL will need to decide whether to update the workplan in the plenary...) is key. It could help the plenary to have a sub-group or PWG consider the work proposals and to make recommendations to the plenary. Particularly when there is a risk of running short on time in the Plenary to consider the new work proposals.
	Nigeria The last sentence should be corrected to reflect CCFL. Rationale: To indicate the appropriate Codex Committee.
11. The CCFL will develop and maintain a work plan that will include all potential work items relevant to CCFL. The work plan will be revised by the CCFL at every session based on its decisions, new work proposals made and new information/data available. The CCFL will need to decide whether to update the work plan in the plenary or with the help of member countries volunteering on rotational basis. In this context, it may be informed that the CCFH establishes appropriate for CCFL to establish a PWG-physical working group (PWG) for this at its every session.	Canada
	New Zealand New Zealand supports further consideration of how to manage the update of the workplan either at CCFL46 or via further circular letters.