

# CODEX ALIMENTARIUS COMMISSION



**Food and Agriculture  
Organization of  
the United Nations**



**World Health  
Organization**

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REP 11/FL

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

**CODEX ALIMENTARIUS COMMISSION**

*Thirty fourth Session*

*Geneva, Switzerland, 4-9 July 2011*

## REPORT OF THE THIRTY NINTH SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING

**Québec, Canada  
9 – 13 May 2011**

**Note:** This report includes Circular Letter CL 2011/13-FL.

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**CX 5/15**

**CL 2011/13-FL  
May 2011**

**TO:** Codex Contact Points  
Interested International Organizations

**FROM:** Secretariat, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme

**SUBJECT:** Distribution of the Report of the 39<sup>th</sup> Session of the Codex Committee on Food Labelling (REP11/FL)

## **MATTERS FOR ADOPTION BY THE 34<sup>th</sup> SESSION OF THE COMMISSION:**

### **Draft Guidelines at Step 8 and Step 5/8 of the Procedure**

1. Draft Revision of the *Guidelines on Nutrition Labelling* (CAC/GL 2-1985) concerning the list of nutrients that are always declared on a voluntary or mandatory basis (para. 32, Appendix II).
2. Proposed draft **Compilation of Codex Texts Relevant to Labelling of Foods Derived from Modern Biotechnology** (para. 157, Appendix III)

### **Draft Guidelines at Step 5 of the Procedure**

3. Proposed draft definition of Nutrient Reference Values (para. 170, Appendix IV)

Governments and interested international organizations wishing to comment on points 1, 2 and 3 above should do so in writing, in conformity with the *Procedure for the Elaboration of Codex Standards and Related Texts* (Procedural Manual of the Codex Alimentarius Commission) to the Secretariat, Codex Alimentarius Commission, [codex@fao.org](mailto:codex@fao.org), **before 15 June 2011**.

## **B. REQUEST FOR COMMENTS AND INFORMATION**

### **Draft Standard at Step 3 of the Procedure**

4. Proposed draft amendment of Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: to Include Aquaculture Animals and Seaweed (para. 119, Appendix V)

Governments and international organizations wishing to comment on point 4 above should do so in writing to the Secretariat, Codex Alimentarius Commission, [codex@fao.org](mailto:codex@fao.org), with a copy to Codex Contact Point for Canada, Food Directorate, Health Canada, [codex\\_canada@hc-sc.gc.ca](mailto:codex_canada@hc-sc.gc.ca) and with a copy to the Codex Contact Point of the European Union, [codex@ec.europa.eu](mailto:codex@ec.europa.eu), **before 31 July 2011**.

## SUMMARY AND CONCLUSIONS

The summary and conclusions of the 39<sup>th</sup> Session of the Codex Committee on Food Labelling are as follows:

### **Matters for decision by the 34<sup>th</sup> Session of the Commission:**

The Committee:

- Advanced to Step 8 the Draft Revision of the *Guidelines on Nutrition Labelling* (CAC/GL 2-1985) concerning the list of nutrients that are always declared on a voluntary or mandatory basis (para. 32, Appendix II) and to Step 5/8 the Proposed draft Compilation of Codex Texts Relevant to Labelling of Foods Derived from Modern Biotechnology (para. 157, Appendix III);
- Advanced to Step 5 the Proposed draft definition of Nutrient Reference Values (para. 170, Appendix IV)
- Agreed to discontinue the work on the draft amendment to the General Standard for the Labelling of Prepackaged Foods: Definitions (para. 124); and
- Agreed to propose new work on inclusion of new substances into the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: (para. 101, Appendix VI).

### **Other Matters of Interest to the Commission:**

The Committee:

- Retained the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Inclusion of ethylene for other products at Step 7 (para. 77); and
- Returned the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: Inclusion of new substances to Step 6 to include aquaculture animals and seaweed to Step 3 (para. 119, Appendix V)

### **Matters referred to other Codex Committees**

The Committee:

- Informed the Committee on Nutrition of Foods and Special Dietary Uses that the Committee would review the appropriate sections of the Guidelines on Nutrition Labelling after CCNFSDU had completed the general principles for establishing nutrient reference values for nutrients associated with non-communicable diseases and the list of NRVs. (para. 8)
- Requested the Committee on Nutrition of Foods and Special Dietary Uses to consider the revised definition of trans-fatty acid (para. 191) and the Proposed draft definition of Nutrient Reference Values (para. 171, Appendix IV).

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## INTRODUCTION

1 The Codex Committee on Food Labelling held its Thirty-ninth Session in Quebec City, Quebec, Canada from 9-13 May 2011, at the kind invitation of the Government of Canada. Mr Paul Mayers, Associate Vice-President, Programs, Policy and Programs Branch, Canadian Food Inspection Agency chaired the Session. 247 delegates representing 60 Member Countries, 1 Member Organization, and 24 International Organizations attended the session. A complete list of participants is attached as Appendix I to this report.

### Division of Competence

2 The Committee noted the division of competence between the European Union and its Member States, according to paragraph 5, Rule II of the Rules of Procedure of the Codex Alimentarius Commission, as presented in CRD 4.

### ADOPTION OF THE AGENDA (Agenda Item 1)<sup>1</sup>

3 Committee agreed to discuss:

- Agenda Item 7 - Proposed Draft Definition of Nutrient Reference Values after Agenda Item 4 -Implementation of the Global Strategy;
- Agenda Item 5a - Inclusion of ethylene for other products after Agenda Item 5b - Inclusion of new substances; and
- Agenda Item 6a – Draft Amendments to the *General Standard for the Labelling of Prepackaged Foods: Definitions* after Agenda Item 6b - Proposed Draft Recommendations for the Labelling of Foods and Food Ingredients Obtained through Certain Techniques of Genetic Modification / Genetic Engineering.

4 The Committee noted that the discussion paper under Agenda Item 8 on the need to amend the *General Standard for the Labelling of Prepackaged Foods*, in line with OIML Recommendations, was not available and thus the item would not be discussed at this session.

5 The Committee agreed that FAO and WHO would provide some background information concerning the United Nations Summit on Non-Communicable Diseases (New York, 19 – 20 September 2011) as other business under Agenda Item 11.

6 The Committee adopted the Provisional Agenda with the amendments described above as its Agenda for the Session.

### MATTERS REFERRED TO THE COMMITTEE (Agenda Item 2)<sup>2</sup>

7 The Committee noted that some matters were for information and that several matters would be considered under other agenda items.

#### **Proposed Draft Annex to the Codex Guidelines on Nutrition Labelling: General Principles for Establishing Nutrient Reference Values for Nutrients Associated with Risk of Non-communicable Diseases for the General Population**

8 The Committee agreed to review the appropriate sections of the Guidelines after CCNFSDU had completed the general principles for establishing nutrient reference values for nutrients associated with non-communicable diseases and the list of NRVs.

### Matters from FAO/WHO

#### FAO

9 Recalling the recommendation made by the 38th session of CCFL to FAO regarding capacity building tools related to nutrition labelling the Representative of FAO informed the committee that work was progressing. FAO focused first on the aspects of consumer use and understanding and a review of legislation and guidance tools from countries, which have implemented mandatory nutrition labelling. Work on enforcement and implementation issues, as well as cost benefit analysis will follow. As information becomes available, FAO will post this information on its nutrition labelling website.

<sup>1</sup> CX/FL 11/39/1, CRD-29 (Comments of IACFO)

<sup>2</sup> CX/FL 11/39/2, Additional comments: CRD-15 (FAO and WHO), CRD-32 (FAO), CRD-34 (European Union)

10 FAO informed the Committee that the final report, *Fats and fatty acids in human nutrition: Report of an expert consultation*, FAO Food and Nutrition Paper 91 has been published. The full report is available on the FAO website and hard copies can be ordered from FAO.

11 Two meetings on protein quality were held in New Zealand recently. FAO, in collaboration with Health Canada and the Riddet Institute, sponsored an international symposium on dietary protein in human health (27-30 March 2011). This was followed by a FAO expert consultation on protein quality (31 March-2 April 2011). When the report is finalized it will be available on the FAO website.

## WHO

12 The Representative of WHO highlighted four key activities of interest to the work of the Committee referring to the document, CRD-15. These included: 1) the implementation of salt/sodium reduction strategy at global and regional levels, 2) updates of the WHO Nutrition Guidance Expert Advisory Group (NUGAG), in particular of the work of the Subgroup on Diet and Health on sugars, total fat, and sodium and potassium, 3) field-testing of the guiding principles and methodological framework manual on nutrient profiling in countries as well as the compilation of a catalogue of nutrient profile models, and 4) holding of the UN Summit on NCDs to be held in September 2011 and the Moscow Ministerial conference on NCD held in April 2011.

13 Regarding the salt/sodium reduction strategy, the Representative of WHO informed the Committee of the Survey on Knowledge, Attitude and Behaviour Towards Dietary Salt and Health which was undertaken by the WHO Regional Office for the Americas (PAHO/AMRO) in five countries in that region. The preliminary analysis of the survey results indicated that the population had very little knowledge regarding the relationship of salt or sodium and health, the difference between salt and sodium was unknown, and the majority of persons did not have a preference for which term was found on food labels; thus, no clear recommendation could be made from these results to Codex regarding how to label food packaging in regard to salt/sodium.

14 The Representative of WHO indicated that with the GRADE methodology an entire body of evidence can be evaluated for quality. This methodology is used after a systematic review of all evidence to assist the generation of a guideline and recommendation. More technical information on the GRADE methodology can be found on the GRADE working group website.

15 Regarding the process and experts who were involved in the peer-review of the guiding principle manual on nutrient profiling, the Representative explained in detail the work being undertaken in the development, peer-review, revision and finalization of the 1<sup>st</sup> edition of the manual which is being field-tested in various countries including Brazil, Philippines, Portugal, South Africa and Thailand. The 1<sup>st</sup> edition of the manual will be made available on the WHO website shortly.

16 On the work and process of the WHO Nutrition Guidance Expert Advisory Group (NUGAG) and its link to joint work with FAO, the Representative explained that NUGAG is a required internal WHO mechanism set up to respond to the new WHO guideline development process for WHO guidelines and recommendations. As previously stated, a review is underway by FAO and WHO with the involvement of respective Legal Offices regarding required modalities of each organization to establish a joint FAO/WHO mechanism.

## **CONSIDERATION OF LABELLING PROVISIONS IN DRAFT CODEX STANDARDS (Agenda Item 3)<sup>3</sup>**

### **Codex Committee on Processed Fruits and Vegetables**

#### Proposed Draft Standard for Desiccated Coconut (Step 5/8)

17 The Committee endorsed the labelling provision with deletion of *or "Reduced Oil Desiccated Coconut"* in Section 9.1.1 Name of the Product as, although it referred to an ingredient and not to a nutrient, this term could be understood as a nutrient content claim or as a modification of a standardised common name and therefore could mislead consumers. The declaration of the oil content in section 9.1.2 was retained as it was not a claim. As regards a proposal to amend also section 3.2.4(c), the Committee noted that it was not competent to amend composition provisions insofar as they did not affect the labelling section.

<sup>3</sup> CX/FL 11/39/3; CX/FL 11/39/3-Add.1; Additional comments: CRD-18 (India), CRD-30 (Labelling Provisions in Draft Standards from CCFFV) and CRD-34 (European Union).

Proposed Draft Annex on Certain MushroomsProposed Draft Codex Standard for Canned Bamboo Shoots (Step 5/8)

18 The Committee endorsed the labelling provisions as proposed.

**FAO/WHO Coordinating Committee for Asia**Proposed Draft Regional Standard for Chili Sauce (Step 5/8)

19 The Committee endorsed the labelling provision concerning the level of pungency with the deletion of “in accordance with the agreement between trading partners” in Section 8.1.2 because it was considered superfluous and not in line with usual Codex practice.

**FAO/WHO Coordinating Committee for Latin America and the Caribbean**Proposed Draft Regional Standard for Culantro Coyote (Step 5/8)Proposed Draft Regional Standard for Lucuma (Step 5/8)

20 The Committee endorsed the labelling provisions as proposed.

**Codex Committee on Fish and Fishery Products**Proposed Draft Standard for Fish Sauce (Step 8)

21 The Committee endorsed the labelling provisions as proposed.

**Codex Committee on Fresh Fruits and Vegetables**Proposed Draft Standard for Tree Tomatoes (Step 8)

22 The Committee endorsed the labelling provisions as proposed.

Proposed Draft Standard for Chili Peppers (Steps 5/8)

23 The Delegation of India proposed that the labelling of “pungency” in Sections 6.1.1 and 6.2.4 should not be mandatory as proposed by the CCFFV as pungency level was a sensory parameter and there were technical difficulties in measuring it. The Committee noted however that mandatory labelling of pungency was introduced intentionally as it was considered important information to handlers and consumers and, as a compromise, to widen the scope of the Standard. The Committee therefore endorsed the labelling provisions as proposed. The Committee noted a comment that, as the CCFFV had been held the week before CCFL, delegations had not had time to consider these provisions in detail. It was recalled that delegations would also have the opportunity to make comments at Steps 5/8 for consideration by the Commission.

**IMPLEMENTATION OF THE WHO GLOBAL STRATEGY ON DIET, PHYSICAL ACTIVITY AND HEALTH (Agenda Item 4)****DRAFT REVISION OF THE GUIDELINES ON NUTRITION LABELLING CONCERNING THE LIST OF NUTRIENTS THAT ARE ALWAYS DECLARED ON A VOLUNTARY OR MANDATORY BASIS<sup>4</sup>****RECOMMENDATIONS ON THE DECLARATION OF SODIUM (SALT)<sup>5</sup> (Agenda Item 4a)**

24 The Committee recalled that the Draft Revision of section 3.2 Listing of Nutrients had been adopted at Step 5 by the 33<sup>rd</sup> Session of the Commission and circulated for comments at Step 6. Although it had been agreed that sodium and/or salt should be included in the list of nutrients, there had been no agreement on the terminology to be used in the declaration, and the Committee had decided to establish an electronic Working Group led by New Zealand to consider further the different approaches for the declaration of sodium/salt.

25 The Delegation of New Zealand indicated that there had been general support for the declaration of sodium/salt but no agreement within the working group on the terminology to be used in the declaration, whether it should refer to “sodium” or “salt” only, or allow both terms, and whether

<sup>4</sup> CL 2010/40-FL, ALINORM 10/33/22, Appendix II, CX/FL 11/39/4 (comments of Brazil, Canada, Costa Rica, Iran, Malaysia, Mexico, New Zealand, Peru, Sudan, United States of America, Consumers International, IDF, IFT), CX/FL 11/39/4-Add.1 (comments of Colombia, European Union, Thailand, ICBA), CX/FL 11/39/4-Add.2 (comments of Uruguay), CRD 2 (Philippines), CRD 6 (Chile), CRD 12 (Nigeria), CRD 16 (Indonesia), CRD 17 (Ghana), CRD 18 (India), CRD 19 (Mali), CRD 21 (Bolivia), CRD 26 (United States); CRD 29 (IACFO), CRD 31 (Malaysia), CRD 33 (Thailand), CRD 35 (Panama)

<sup>5</sup> CX/FL 11/39/5



other sources of sodium than salt should be taken into account and expressed in the labelling as “salt”. The working group had therefore listed various options for the declaration of sodium/salt for further consideration by the Committee.

26 Many delegations supported the declaration of “sodium” as this was the scientifically correct term for nutrient declaration and sodium could also originate from other sources than salt (NaCl), while salt should be declared in the list of ingredients. As sodium intake could be through means other than salt (NaCl), the use of the term “salt” could result in misleading the consumer. These delegations pointed out that issues related to consumer understanding should be addressed through consumer education to ensure that labelling of nutrients was correctly understood.

27 Other delegations expressed the view that the term “salt” was better understood by consumers and that salt reduction policies were implemented in many countries, and therefore it should be possible to use “salt” as an alternative to “sodium”, perhaps even only for a short time period. Some delegations also proposed to leave the declaration of sodium/salt to national authorities if it was not possible to come to a conclusion in the Committee.

28 Some delegations supported the addition of the conversion factor, while some delegations believed this could confuse consumers.

29 After an extensive discussion, the Committee agreed to refer to “sodium” declaration only in section 3.2.1.2 and to indicate in a footnote that “National authorities may decide to express the total amount of sodium in salt equivalents as “salt”, in order to allow the declaration of “salt” at the national level in addition to or instead of “sodium”.

30 The Chair recalled that sodium/salt declaration was the only pending issue in the revised section 3.2 and therefore proposed to finalise the section for adoption by the Commission.

31 The Delegation of Malaysia, supported by some observers, expressed the view that trans-fatty acids should be included in section 3.2 as if they were not labelled together with saturated fatty acids, this could mislead consumers on the total fatty acid profile. The delegation proposed that the declaration be revised once the definition of trans-fatty acids is reviewed. The Committee also noted a proposal from one observer to insert a footnote to section 3.2.1.2 on the labelling of saturated fatty acids. The Committee recalled that its last session had discussed extensively the declaration of trans fatty acids and had agreed to insert a footnote to section 3.2.1.4 to address this question, and the current text was therefore retained.

### **Status of the Draft Revision of the Guidelines on Nutrition Labelling: section 3.2**

32 The Committee agreed to advance the Draft Revised Section 3.2 to Step 8 for adoption by the 34<sup>th</sup> Session of the Codex Alimentarius Commission (see Appendix II).

33 The Delegation of Malaysia expressed its reservation on this decision.

### **DISCUSSION PAPER ON ADDITIONAL CONDITIONS FOR NUTRIENT CONTENT CLAIMS AND COMPARATIVE CLAIMS IN THE GUIDELINES FOR USE OF NUTRITION AND HEALTH CLAIMS (Agenda Item 4b)<sup>6</sup>**

34 The Committee recalled that its last session had considered suggested actions to address the ingredients identified in paragraph 22 of the Global Strategy on Diet, Physical Activity and Health and had agreed to establish an electronic working group and a physical working led by Canada to prepare a discussion paper “New Entries and Amendments to the Table of Conditions in the Guidelines for the Use of Nutrition and Health Claims” on: (1) New entries to the Table of conditions for nutrient contents in the *Guidelines for Use of Nutrition and Health Claims* (CAC/GL 23-1997) for the non addition of sugars and salt/sodium; (2) Additional conditions of use for comparative claims for sugars and salt/sodium content; (3) Reviewing the heading of the table of conditions for nutrient contents; and (4) Adding nutrient content claims in relation to trans-fatty acids.

35 The Delegation of Canada presented the outcome of the physical working group held prior to the session to review these questions. The Committee expressed its thanks to Canada and to the working group for their excellent work to facilitate the discussion in the plenary and considered the recommendations in paragraph 57 of CRD 8.

<sup>6</sup> CX/FL 11/39/6, CX/FL 11/39/6-Add.1 (Comments of Brazil, Canada, Costa Rica, European Union, Japan, Morocco, Mexico, New Zealand, Norway, Singapore, Thailand, United Kingdom, United States of America, CEFS, CIAA, ICBA, IDF, WSRO), CRD 8 (report of the working group held prior to the session)

## 1. New entries for the non-addition of sugars and salt/sodium

### Non-Addition of Sugars

36 The Delegation of Morocco informed the Committee that the reference to their reply in CX/FL 11/39/6, Section II, paragraph 14 should be corrected as they do not use the claim "no added sugar" in chocolate and cocoa products with artificial sweeteners but allow the use of artificial sweeteners in chocolate and cocoa products which are energy reduced or which contain no added sugars.

37 Some observers did not support the use of non-addition claims as they were used only for marketing purposes and could be made for foods that were high in some other nutrients, the over-consumption of which WHO reports note contribute to cardio vascular disease, diabetes and certain cancers, and therefore they did not contribute to healthy diets but were rather likely to mislead consumers. Disclaimers may be inadequate to prevent deception.

38 Some delegations pointed out that these claims were allowed in several countries and that conditions should be defined to avoid misleading consumers.

39 The Committee considered the principles proposed as a basis for developing new provisions for non-addition claims for added sugars and made some amendments for clarification purposes. It was noted that additional conditions as found in (f) would require collaborative work with CCNFSU.

40 The Representative of WHO proposed to rephrase the term "added sugars" as "sugars that have been added" in order to avoid any misunderstanding, as sugars referred to in this section mean all mono-saccharides and di-saccharides as defined in the Guidelines on Nutrition Labelling. If the term "added sugars" was kept, it would be helpful to have a footnote to provide the definition of sugars.

41 The Committee agreed that proposals for claims for non-addition of sugars should be developed on the basis of the following principles:

- (a) No sugars of any type have been added to the food (examples: sucrose, glucose, honey, molasses, corn syrup, etc);
- (b) The food contains no ingredients that contain sugars as an ingredient (examples: jams, jellies, sweetened chocolate, sweetened fruit pieces, etc);
- (c) The food contains no ingredients containing sugars that functionally substitute for added sugars (examples: concentrated fruit juice not reconstituted, dried fruit paste, etc);
- (d) The sugars content of the food itself has not been increased above the amount contributed by the ingredients by some other means (examples: by enzymes);
- (e) The food that it resembles and for which it substitutes normally contains added sugars
- (f) Additional conditions and/or disclaimer statements may be used with these claims to assist consumer understanding of the claims within countries. Disclaimer statements should appear in close proximity to, on the same side and in the same prominence as the claim

### Non-Addition of Salt

42 In regards to the conditions for the non-addition claims for salt/sodium, the Representative of WHO reminded the Committee that the WHO Global Strategy on Diet, Physical Activity and Health states that recommendations for populations and individuals should include the limitation of consumption of salt/sodium from all sources.

43 The Committee referred to its earlier discussion on the declaration of sodium/salt and considered whether the principles should refer to salt or to sodium salts, as several delegations considered that non-addition claims referred to the ingredient and not to the nutrient, and it was agreed to refer to "principles for conditions for non-addition of salt". Other delegations pointed out that the claim was on the addition of salt but the conditions should take into account sodium from all sources and the term "sodium salts" was retained in the principles.

44 The Committee therefore agreed that proposals for claims for non-addition of salt should be developed on the basis of the following principles:

- (a) The food contains no added sodium salts
- (b) The food contains no ingredients that contain added sodium salts (examples: Worcestershire sauce, condiments, pickles, pepperoni, soya sauce, etc);

(c) The food contains no ingredients that contain sodium salts that functionally substitute for added salt (potential example might be seaweed);

(d) The food that it resembles and for which it substitutes normally contains added sodium salts

(e) Additional conditions and/or disclaimer statements may be used with these claims to assist consumer understanding of the claims within countries. Disclaimer statements should appear in close proximity to, on the same side and in the same prominence as the claim

45 The Delegation of the European Union noted that in some countries claims may use the word “salt”, where in fact the conditions relate to the sodium content and sodium chloride might not be present.

46 As regards the “salt free” claim, the Committee supported the principle that “claims to the effect that a food is “salt free” are permitted provided that the food meets the conditions for “sodium free” listed in the Table of conditions for nutrient contents”.

47 One Observer did not support that the “salt free” claim should meet the conditions for the “sodium free” claim as it was not applicable to milk products due to their naturally occurring sodium content.

48 The Committee agreed to refer that the consideration of non-addition claims for sugars and for salt to the Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) for advice.

## **2. Title of the table of conditions for nutrient contents**

49 The Committee discussed the proposal to amend the title of the Table in the Guidelines to read “Table of conditions for nutrient content claims”. Some delegations pointed out that the title of the Table may need to be amended again if other types of claims were established for ingredients, in addition to nutrients. Some delegations indicated that such claims should be described in the text of the Guidelines but not included in the Table. It was also recalled that the Table was placed at the end of the Guidelines for editorial reasons but that it was part of section 5. Nutrient Content Claims.

50 The Committee agreed that in order to improve the clarity of the text, the Table should be placed in section 5. Nutrient Content Claims and that its title should read “Table of conditions for nutrient content claims”, and agreed to forward this amendment to the Commission for approval.

## **3. Comparative Claims**

51 The Committee considered the proposal of the working group to amend section 6.3 of the Guidelines for Use of Nutrition and Health Claims to include sodium in the nutrients that would require a relative difference of 25%, while the difference is currently 10% for micronutrients. It was noted that no NRVs currently exist for sodium and potassium but that these and other NRVs are under consideration in the CCNFSDU. The Committee noted that some countries were currently reviewing the evidence on potassium, that it was also under review in WHO, and agreed that the relative difference applied for potassium required further consideration.

52 One observer pointed out that, as no condition was defined for “low” sugars, comparative claims for sugars could not be made in view of the conditions specified in section 6.3, which require both a relative difference and a minimum absolute reference to the figure defined as “low” or “source” in the Table. One delegation noted that comparative claims for increased energy were used in some foods for special population groups but according to the Guidelines no comparison could be made for “energy” as no condition for “source” was defined. The Committee noted some proposals to define such claims and agreed that they should be considered as new work as they had not been discussed earlier.

53 The Committee agreed to review section 6.4 referring to the “light” claim as it was closely related to section 6.3 and to consider the inclusion of an additional paragraph in order to address the different types of comparative claims in three separate sections.

## **Trans Fatty Acids**

54 Several delegations supported the establishment of nutrient content claims for trans fatty acids in view of their relevance to the implementation of the WHO Global Strategy on Diet, Physical Activity and Health.

55 One observer expressed the view that mandatory disclosure of trans-fat levels should be encouraged by Codex standards to help national authorities monitor trans-fat levels in foods and

prevent population intake levels from rising long before they reach levels that pose a public health threat.

56 Other delegations considered that, as in the case of nutrient declaration, this should be better addressed at the national level as trans-fatty acids were not a public health issue in all countries. One delegation expressed the view that such claims would be difficult to enforce due to lack of adequate methodology. Another delegation pointed out that the principles used for establishing mandatory nutrition declaration are not necessarily the same applied for nutrition claims as the *Guidelines for the use of nutrition and health claims* contain conditions for nutrition claims that are not of public health concern in many countries. The United States noted that it could support this work if limited in scope since no reference value exists for trans-fatty acids.

57 The Representative of WHO supported a proposal to develop common unified claims and related conditions for trans fatty acids internationally as such work would be consistent with the WHO Global Strategy on Diet, Physical Activity and Health.

58 After some discussion, the Committee agreed to develop nutrient content claims and conditions for use related to trans fatty acids and care will be taken with regard to the scope of work in the absence of an NRV.

59 The delegations of the European Union and Mexico expressed their reservation on this decision.

### **Conclusion**

60 As a result of the above discussions, the Committee agreed to establish an electronic working group led by Canada and working in English with the following terms of reference:

(1) To develop proposed text for inclusion in the *Guidelines for Use of Nutrition and Health Claims* for non-addition claims for sugars and salt consistent with the principles agreed at the 39th Session of the Committee and consider the placement of text. To propose an amendment to the text of section 6.3 to clarify that sodium would be captured in the claims that would require a change of 25% in order to be made.

(2) To review paragraphs 6.3 and 6.4 of the current *Guidelines for Use of Nutrition and Health Claims* and consider adding an additional paragraph in order to have separate paragraphs for conditions for each of the three types of comparative claims; namely:

(a) claims related to reducing the energy or nutrient content (e.g. “reduced”/“lower”);

(b) “light” claims; and

(c) claims related to having more of a nutrient (e.g. “more”).

(3) To develop claims and conditions for use related to trans-fatty acids for inclusion in the *Guidelines for Use of Nutrition and Health Claims*.

61 The Committee, recalling that the project document recommended a proposed date for adoption at Step 5 in 2012, agreed that the above proposals would be circulated for comments at Step 3 as Proposed Draft Amendments to the *Guidelines for Use of Nutrition and Health Claims* and consideration by the next session.

### **CONSIDERATION OF THE USE OF STANDARDISED SYMBOLS TO REPRESENT THE INGREDIENTS IDENTIFIED IN THE GLOBAL STRATEGY (Agenda Item 4c)<sup>7</sup>**

62 The Committee recalled that its last session had discussed the use of standardised symbols and had agreed to reconsider this question at its next session if more information became available.

63 The Representative of WHO updated the Committee on WHO’s work on nutrient profiling and explained that the current work, related to the development of the guiding principles manual, would not provide any standardized symbols for the ingredients identified in the WHO Global Strategy on Diet, Physical Activity and Health.

64 One observer expressed the view that the use of symbols could facilitate consumer understanding. One observer noted that surveys it conducted in some countries showed that the use

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<sup>7</sup> ALINORM 10/33/22, para. 91

of different colours such as traffic light symbols in front-of-pack labelling facilitated consumer understanding.

65 Some delegations indicated that referring to symbols was not necessary in Codex guidelines and was likely to create more confusion in consumer understanding as they might be interpreted in various ways in different countries.

66 The Committee recognized that no additional information had been put forward to justify new work on the use of symbols and therefore agreed to discontinue consideration of this question as a separate agenda item, with the understanding that any new proposals could always be put forward under "Other Business and Future Work".

#### **MANDATORY NUTRITION LABELLING (Agenda Item 4d)<sup>8</sup>**

67 The Committee recalled that its last session had considered a discussion paper prepared by Australia and agreed to include it as Appendix III to ensure its availability to governments when considering mandatory labelling and recommended its use to FAO when developing capacity building tools related to nutrition labelling. The Chair invited the Committee to consider how to proceed further with consideration of mandatory labelling.

68 In reply to some questions, the Representative of FAO informed the Committee that FAO was collecting information from countries which apply mandatory nutrition labelling, which would be posted on the FAO nutrition labelling website for convenience of interested parties. The development of capacity building tools is progressing and this information will be available from FAO.

69 Several delegations and some observers supported further work on mandatory labelling in order to facilitate the implementation of the Global Strategy and recalled that, according to the project document approved in 2008, once a revised list of nutrients has been identified, consideration of the requirements for mandatory nutrition labelling would be undertaken. The Committee also recalled that, according to the timeline, the proposed amendments to the Guidelines on Nutrition Labelling regarding the requirements for mandatory nutrition labelling could be circulated for government comments at Step 3 following the 39th Session of the CCFL (2011), and therefore consideration of mandatory labelling was already approved as new work.

70 The Committee agreed to establish an electronic working group led by Australia and working in English, to develop proposed amendments to the *Guidelines on Nutrition Labelling* regarding the requirements for mandatory nutrition labelling for circulation at Step 3 and consideration at the next session. It was further agreed that the discussion paper prepared for the last session (ALINORM 10/33/22, Appendix III) would be taken into account in the process.

#### **GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS (Agenda Item 5)**

##### **Inclusion of ethylene for other products at Step 7 - Use of ethylene for the ripening of fruit (Annex 1)(Agenda Item 5a)<sup>9</sup>**

71 The Committee recalled that at its 38<sup>th</sup> Session it had established a working group, led by Ghana, with the terms of reference to develop a justification regarding the use of ethylene for the ripening of fruit and that this justification could be differentiated by fruit categories.

72 The delegation of Ghana reported that the eWG had not agreed on specific fruits for which ripening using ethylene should be allowed but proposed to amend the text in paragraph 82 of Annex 1 of the Guidelines to read "Ethylene may be used for ripening kiwifruit, bananas and other climacteric fruits.". The eWG had provided a justification for this proposal in the appendix to the working document.

73 Several delegations were of the opinion that the use of ethylene for ripening should be limited to those climacteric fruits, for which sufficient justification had been provided. They stated that ethylene was not used for ripening of all climacteric fruits e.g. apples. They believed that the working group had not provided sufficient justification for its proposal and suggested limiting the application to tropical climacteric fruits, for which individual justifications would have to be given.

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<sup>8</sup> ALINORM 10/33/22, para. 67, ALINORM 08/31/22, Appendix IX; Comments: CRD 17 (Ghana); CRD 18 (India); CRD 22 (Bolivia), CRD 34 (EU) and CRD 35 (Panama).

<sup>9</sup> ALINORM 10/33/22, Appendix VII; CX/FL 11/39/7; Additional comments: CRD 9 (Chile); CRD 18 (India); CRD 27 (United States of America); CRD 33 (Thailand) and CRD 35 (Panama).

74 One observer said that before allowing ripening of fruit with ethylene, alternatives should be considered on a case by case basis, as ethylene was a synthetic product, even if it was nature identical. The ripening of pineapples should be treated separately because of their special physiology. The observer was not in favour of allowing the use of ethylene for ripening of all climacteric tropical fruits in general, without requesting justifications for each fruit or fruit category.

75 Another delegation mentioned that the provision on the use of ethylene for ripening was not correctly placed and should rather be included in Annex 2, as this was the appropriate place for substances used in organic production. The Committee agreed to deal with the issue on a case-by-case basis and requested an in-session working group of interested parties to present a list of fruit for which ethylene for ripening was appropriate so that work on relevant justifications could begin. The in-session working group however did not agree on a list of fruits but proposed to amend the text as follows: "Ethylene may be used for ripening of kiwifruit, bananas and other tropical fruits for which justification will be provided by interested members that will be reviewed through the structured work approach". The Committee noted that the inclusion of such a statement in the guidelines was not appropriate as it dealt with the procedure within the Committee and was not a provision of the Guidelines.

76 After some discussion, the Committee agreed that the electronic working group dealing with the structured approach for the review to the guidelines could consider proposals and justifications for the ripening of tropical fruit with ethylene and noted that the eWG might have to prioritise its work in the event too many proposals were received.

#### **Status of the draft amendment: Inclusion of Ethylene for Other Products**

77 The Committee agreed to hold the extension of uses of ethylene for ripening of other fruit at Step 7 for consideration at the next Session of the Committee.

#### **Justification against the criteria in section 5.1 regarding the use of ethylene for: de-greening of citrus fruit, induction of flowering in pineapples and sprout inhibition in potatoes and onions and Annex 2: Inclusion of new substances (Agenda item 5b)<sup>10</sup>**

78 The Committee recalled that at its 38<sup>th</sup> Session it had established an electronic working group led by the United States to review substances proposed for inclusion in Annex 2 of the *Guidelines*, to identify additional data needed to meet Section 5.1 criteria, to undertake to collect such data from the submitting countries or from members of the eWG, to make recommendations on whether these substances should be included in Annex 2 and to provide advice to the Committee on the utility of a working group approach to facilitating a two year cycle regarding substances to be included in Annex 2.

79 The Committee noted that in addition to the inclusion of spinosad, potassium bicarbonate and copper octanoate, the working group had also reviewed the use of ethylene for de-greening of citrus fruit, for the induction of flowering in pineapples and for sprout inhibition in potatoes and onions against the criteria in section 5.1.

80 Many delegations mentioned the usefulness of the structured approach and the template used for preparing the justification for inclusion of substances in Annex 2.

81 One delegation suggested that a physical working group could be held every two years prior to the session of the CCFL when reviewing the Guidelines. They also mentioned that it was problematic for consumer perception that a number of pesticides remained in the annex and suggested to adopt a periodic review process similar to the CCPR.

82 One observer said that the origin and areas of usage of substances should be specified and felt that for more substantial changes to the guidelines a physical working group could be useful.

83 The Committee noted that the delegation of Australia had proposed to refine the approach by making the template clearer in terms of process. They also suggested that the Committee consider the process used by the Codex Committee on Food Hygiene, which, while being more complex, was a good model for outlining how to conduct the work. The delegation agreed to prepare a specific proposal in this regard.

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<sup>10</sup> CX/FL 11/39/9; Additional comments: CRD-1 (Kenya); CRD 13 (Philippines); CRD 23 (Bolivia); CRD 33 (Thailand); and CRD 35 (Panama)

84 The Committee agreed to continue using the structured approach and an electronic working group and to discuss refining the process based on the discussion held and the proposal prepared by Australia.

85 The Committee reviewed the proposals of the working group and discussed them as follows.

#### **Spinosad**

86 The Committee agreed that spinosad should be included in the table with the condition that it should only be used where measures are taken to minimize the risk to parasitoids and to minimize the risk of development of resistance.

87 The Committee noted that several delegations had also proposed that need, prescription and application rates should be recognized by a certification body or authority.

#### **Copper octanoate**

88 Many delegations agreed that copper octanoate should be included with no additional condition needed to the one applying to all copper compounds, i.e. that need, prescription and application rates are recognized by a certification body or authority and that as a fungicide the substance be used in such a way as to minimize copper accumulation in the soil.

89 Other delegations and one observer, while agreeing to the inclusion of the compound, preferred to include a footnote to the condition that members should set limits for the maximum application at a national level taking into account pedo-climatic conditions, type of crops and periodic disease attacks.

90 One delegation stated its concern about the copper compounds authorized in the list and that they should be phased out when other fungicides would be available.

91 Several delegations stated that the footnote was not necessary as this specific compound rather helped to reduce the amount of copper in the soil. If the footnote was included, then it should apply to all copper compounds, which went beyond what the eWG had examined. It was mentioned that the guidelines already allowed to restrict use of a compound to specific regions or commodities.

92 The Committee noted that one observer was of the opinion that the footnote should be included for all copper compounds as it was important to emphasize the amount of copper in the soil rather than application and that the soil content should be taken into account.

93 The Committee agreed that copper octanoate be included in the table without the footnote.

#### **Potassium bicarbonate**

94 The Committee agreed with the view of the working group to include potassium bicarbonate without any conditions.

95 The Committee noted that some delegations proposed the condition that it was used as a fungicide. The Committee noted also that in some countries the product was used as a plant strengthener and that potassium bicarbonate was a food grade product.

#### **Use of ethylene for the degreening of citrus for fruit fly prevention and flowering agent for pineapples**

96 The Committee agreed to allow the use of ethylene for degreening of citrus for fruit fly prevention and as a flowering agent for pineapples.

97 The Committee agreed to place these applications in Annex 2, Table 2, under "Other", with the justification that both applications could be seen as plant protection measures. Some delegations felt that this was not the best place for these applications but no other place was proposed.

#### **Use of ethylene as sprouting inhibitor for potatoes and onions**

98 The working group had not made a final recommendation on the use of ethylene as sprouting inhibitor as there was no consensus on the use of alternative options.

99 Several delegations were of the opinion that while there were other options such as cold storage or use of caraway seed oil, it was always good to have more options available. Cooling could cause a problem with acrylamide and small producers could have problems with the use of cold storage or oil.

100 The Committee agreed that more reflection on this issue was necessary. The electronic working group could be charged to provide further justification for the use of ethylene as sprouting inhibitor for potatoes and onions and to consider alternatives in more detail.

### **Conclusion**

101 The Committee agreed to submit a project document (See appendix VI) to the Commission for approval of new work on the inclusion in Annex 2, Table 2 of spinosad, copper octanoate, potassium bicarbonate and uses of ethylene for degreening of citrus for fruit fly prevention and flowering induction in pineapples.

102 The Committee also agreed to re-establish the electronic working group led by the United States and working in English only, with the terms of reference to continue considering the structured approach operating on a 2 year cycle on the revision of the Guidelines and any proposals for amendment including any specific proposals for the use of ethylene for ripening of fruit and the use of ethylene for sprout inhibition in onions and potatoes. The working group would also consider the proposals from Australia on refining the process and the template as its tool with the objective to finalise both at the next session of the Committee.

### **Organic Aquaculture (Agenda Item 5c)<sup>11</sup>**

103 The Committee recalled that its last session had agreed to initiate new work on organic aquaculture to include in the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods* (GL 32-1999) and that the European Union would prepare the proposed revisions on aquaculture animal and seaweed production for consideration at this session.

104 One Delegation pointed out that the standard should not cover sustainable aquaculture and the Committee should take note of the Guidelines for sustainable aquaculture prepared by FAO<sup>12</sup>. The Committee also noted that the Proposed Draft revision should be consistent with other Codex texts and the Guidelines on Aquaculture Certification, which had been approved by the 29<sup>th</sup> Session of the FAO Committee on Fisheries.

105 One observer proposed to develop clear decision criteria for crucial areas instead of going for very detailed guidelines.

106 The Committee considered the Proposed Draft revision section by section. In addition to written comments the following discussion was held:

### **General changes in Foreword, Section 1 and Section 2**

107 The Committee noted that when the term “agriculture” was used in these sections, it would be revised to mean both “agriculture including aquaculture” if necessary.

### **Section B.1: Aquaculture animals**

#### General Principles

108 It was pointed out that paragraph 1 should be deleted or revised as it was a promotional statement or observation rather than a principle. More details for different species should be included. It was proposed to replace “should” with “must” in the second sentence of paragraph 2 but there was no consensus on this.

#### Origin

109 It was proposed to replace “locally grown species” with “indigenous species” as “locally grown species” was not clear but it was also stated that “locally grown species” was more flexible and it was sometimes difficult to define which species were indigenous. It was also mentioned that, whether species were locally grown or indigenous, might not matter for organic production. It was also proposed to include “if the stock is healthy” after the second sentence of paragraph 8 and to include that the animals should be GMO free.

#### Husbandry

110 It was proposed to change the title of this section to “Production”. With regard to closed recirculation systems, there were different opinions whether they should be allowed or not because of

<sup>11</sup> CX/FL 11/39/10, CX/FL 11/39/10-Add.1 (Norway), CX/FL 11/39/10-Add.2 (Australia), CRD 18 (India), CRD 28 (United States of America), CRD 33 (Thailand), CRD 35 (Panama)

<sup>12</sup> <http://www.fao.org/focus/e/fisheries/sustaq.htm>



consumer perception. The Committee noted that the definition of closed recirculation systems would need to be further discussed.

111 It was proposed to include clear criteria in paragraph 9 regarding what constituted good quality water and sufficient space.

112 It was pointed out that paragraph 10 should be amended as for aquaculture of some sedentary species like scallop “containment systems” were not necessary.

#### Breeding

113 It was noted that in the first sentence of paragraph 12 it was unclear what would constitute “the natural situation”. Paragraph 13 should be deleted or rephrased as some fish species might occur naturally in flocks with a biomass density exceeding the normal regulated density in conventional fish farming operations.

#### Nutrition

114 It was noted that some addition was needed on contamination through feeding and cannibalism. The section should define the nutritional needs for the aquaculture animals and not mix it with consumer demands.

#### Health Care

115 It was proposed that the statement “where possible” be added to paragraph 16 regarding ectoparasites, noting that sealice cleaner-fish are not available in all parts of the world.

116 It was proposed that hormones only be allowed as reproductive aids, and that consideration be given to a withholding period similar to that of livestock. One observer said that use of hormones should be avoided.

#### Others

117 It was noted that the document should include information about use of veterinary drugs, probiotics and chemical products as well as sections on “transport” and “slaughtering”.

### **Section B.2 Seaweeds**

118 It was noted that the title could be changed to include aquatic plants, a definition for seaweed and overall more detail was needed in this section

### **Status of the Proposed Draft Revision of the Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods: to Include Aquaculture Animals and Seaweed**

119 The Committee agreed to re-circulate the Proposed Draft Revision (Appendix V) at step 3 for comments until 31 July 2011, for redrafting by the European Union by the end of October taking into account also comments made at the session. The re-drafted version would be circulated for comments at step 3 and be discussed at step 4 at the next session of the Committee.

### **LABELLING OF FOODS AND FOOD INGREDIENTS OBTAINED THROUGH CERTAIN TECHNIQUES OF GENETIC MODIFICATION / GENETIC ENGINEERING (Agenda Item 6)**

#### **Draft Amendment to the *General Standard for the Labelling of Prepackaged Foods: Definitions (at Step 7)(Agenda Item 6a)*<sup>13</sup>**

120 Several delegations proposed that, rather than including definitions in the General standard, a cross reference could be made in 4.2.2 to the *Principles for the Risk Analysis of Foods Derived from Modern Biotechnology* (CAC/GL 44-2003) as the word “biotechnology” was used in section 4.2.2 but was not defined. In order to make section 4.2.2 consistent with the terminology used CAC/GL 44-2003, it was proposed to add the word “modern” in front of “biotechnology”.

121 Other delegations however were of the opinion that the scope of the word “biotechnology” as it relates to allergens was wider than that of “modern biotechnology” thus the proposed change would be a substantial change to the scope of that section, to which they could not agree. They proposed to discontinue work on separate definitions for inclusion in the General standard. As a new text had been

<sup>13</sup> ALINORM 10/33/22 Appendix IX; CL 2010/15-FL; CX/FL 11/39/11; Additional comments: CRD 1 (Kenya), CRD 13 (Philippines); CRD 18 (India); CRD 19 (Mali); and CRD 24 (Bolivia)

agreed under 6b, they proposed to make a reference to the *Principles for the Risk Analysis of Foods Derived from Modern Biotechnology* (CAC/GL 44-2003) in a footnote to the title of this new text.

122 The Committee agreed to this proposal.

123 One observer noted that the difference in terms was just historical as the word “modern” had been introduced at a later stage but there was no difference in meaning.

**Status of the Draft Amendment to the *General Standard for the Labelling of Prepackaged Foods: Definitions* (at Step 7)**

124 The Committee agreed to propose to the Commission discontinue work on this issue.

**Proposed draft Recommendations for the labelling of foods and food ingredients obtained through certain techniques of genetic modification/genetic engineering (Agenda Item 6b)<sup>14</sup>**

125 The Committee recalled that the item had been on its agenda for a number of years and that to make progress and to reconcile different opinions it had agreed at its last session to hold a facilitated work session, chaired by Ghana, facilitated by the Chairperson of the Committee and hosted by the European Union.

126 The Delegation of Ghana introduced the report of the facilitated work session of the Committee, which was held in Brussels in November 2010 with the goal of exploring the objectives of different delegations with regard to various versions of texts being considered under the CCFL agenda item dealing with the labelling of foods derived through modern biotechnology and to reconcile them in one text if possible.

127 The Committee agreed to discuss the topic on the basis of the outcome of the facilitated session (CX/FL 11/39/13, Appendix 3: Guidance text options).

128 The Committee noted that Appendix 3 presented three options for consideration. All options contained the same proposals for the initial sections (title, purpose and consideration) and varied in the presentation of the final section concerning the listing of the various Codex texts. The Committee agreed to discuss the proposals section by section.

**General remarks**

129 Many delegations congratulated the facilitated session on its work.

130 Some delegations stated that it was necessary for the Committee to make progress on the issue also keeping in mind the statements made by the Executive Committee and the deadline that the Committee had set itself. Other delegations expressed concern about continuing work on this agenda item.

131 Some delegations stated that Codex guidance on this issue should be short and concise concentrating on a list of applicable Codex texts to which all members could agree.

132 Some delegations were not in favour in principle of Codex guidance in this area but could accept a very concise document that could find consensus in the Committee.

133 One delegation recalled that during the long work of Codex on this issue many accomplishments had been achieved such as the the criteria on allergens in section 4.2.2 of the *General Standard for the Labelling of Prepackaged Foods* and the background paper prepared by Nigeria, Canada and the United States for the working group in Ghana<sup>15</sup> and that the Committee had not been able to achieve consensus on other items.

**Title**

134 All delegations and observers that intervened preferred the second option given in the Appendix for the title of the document.

135 In the discussion, the text proposed was simplified to read “Proposed Draft Compilation of Codex texts relevant to labelling of foods derived from modern biotechnology”.

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<sup>14</sup> ALINORM 10/33/22, Appendix X; CL 2010/19-FL; CX/FL 11/39/12; CX/FL 11/39/12-Add.1; CX/FL 11/39/13; CX/FL 11/39/13-Add.1; Additional comments: CRD 1 (Kenya); CRD 3 (European Union); CRD 5 (Consumers International); CRD 10 (Chile); CRD 12 (Nigeria); CRD 13 (Philippines); CRD 16 (Indonesia); CRD 17 (Ghana); CRD 18 (India); CRD 19 (Mali); CRD 24 (Bolivia); CRD 31 (Malaysia) and CRD 35 (Panama)

<sup>15</sup> CL 2007/39-FL, Annex 1

136 Some delegations suggested to add “as for all foods” at the end of the title. Other delegations and observers did not think this was appropriate as some of the texts referred to in the document applied to foods derived from modern biotechnology only.

137 One delegation stated that the Codex texts on food labelling, referred to in the text were applicable to all foods and this should be clarified in the title possibly through a footnote.

138 The Committee agreed to leave the title as amended as a “working title” and come back to the question raised when discussing the placement of the text.

### **Section 1 – Purpose**

139 The Committee agreed with the proposal of the facilitated session that the purpose should read as follows: “The purpose of this document is only to recall and assemble in a single document some important elements of guidance from Codex texts, which are relevant to labelling of foods derived from modern biotechnology.”

### **Section 2 – Considerations**

140 There were several proposals for possible amendments to the first sentence of this section. One delegation proposed that the first part of the sentence could be included in a footnote. Others proposed to delete the first part of the sentence, as the purpose of the document was to give guidance to countries that needed it and not to acknowledge what other countries were doing. Other delegations and observers proposed to delete the second part of the sentence, as it was confusing in relation to the first part.

141 After some discussion the Committee agreed to clarify that the first part was not an acknowledgement or endorsement but a statement of a fact. The text of the first sentence was split into two sentences and the first sentence amended to read as follows: “Different approaches regarding labelling of foods derived from modern biotechnology are used.”

142 The Committee also agreed to harmonise the wording of “framework” and “approach” to read “approach” and to inverse the order of the second and the third sentence as it considered it more logical if the statement of fact on different approaches used appeared in conjunction with the obligation that any approach should be consistent with already adopted Codex provisions, whereas the new last sentence was a clarification.

### **Section 3 – Compilation of relevant Codex texts**

143 Many delegations and observers supported the first option proposed by the facilitated session i.e. to include in the listing only references to Codex texts and not to include the actual texts referred to either partly or completely as suggested in second and third option. The main reason was to facilitate the maintenance of the text as otherwise it would have to be changed each time one of the referred texts was changed.

144 The Committee noted however the concerns of a number of delegations and observers that the text could be difficult to use because of the many references contained and access might be difficult especially in countries with slow Internet connections.

145 The Committee agreed that to facilitate the widest possible use of the text, the Codex secretariat will include hyperlinks in the listing of Codex texts and explore the possibility to print compilations of the text (including all texts referred to) in accordance with the needs of members and the funds available

146 After some discussion, the Committee agreed to delete the introductory text to the listing as all relevant text had already been included in the sections on purpose and considerations.

147 Many delegations and observers supported including the *General Guidelines for Use of the Term “Halal”* (CAC/GL 24-1997), as foods derived from modern biotechnology could have an impact on halal foods. Other delegations were of the opinion that this text did not mention foods derived from modern biotechnology and questioned why it would be included.

148 The Committee noted that also some of the other texts referenced did not make mention of foods derived from modern biotechnology but were relevant to labelling of claims. It was clarified that including the text on halal here did not mean to say that foods derived from modern biotechnology were or were not “halal” as this determination was to be made by the relevant religious authorities.

149 It was noted that Section 5.1(v) of the *General Guidelines on Claims* (CAC/GL 1-1979) was also relevant and was included in the relevant list of sections.

150 Recalling that, when discussing the title of the document, one delegation had noted that it should be clarified that some of the texts referenced applied to all foods, the Committee agreed to reorder the texts as follows: first those texts applying to all foods, followed by the *Working Principles for Risk Analysis for Food Safety for Application by Governments* (CAC/GL 62-2007), followed by the other relevant texts on Risk Analysis and Food Safety Assessments related to foods derived from modern biotechnology.

151 One delegation proposed that the Committee could report to the Commission that the Committee had achieved its task providing relevant guidance to governments in the text discussed at this session and the background document from the Ghana workshop.

152 Some delegations proposed that the text should become an annex to the *General Guidelines on Claims* (CAC/GL 1-1979) as it dealt predominantly with representations about foods.

153 Many other delegations and observers were not of the opinion that the text predominantly dealt with claims and supported that the text was important guidance to countries and should be a stand-alone Codex text.

154 The Committee noted that when work had begun on the issue it was intended to become part of the *General Standard for the Labelling of Prepackaged Foods* (Codex Stan 1-1985) and that at a later stage the focus had changed, and the text had been discussed as stand-alone recommendations or guidance document, whereas it had not been previously discussed to make it an annex to the *General Guidelines on Claims*.

#### **Status of the Proposed draft Recommendations for the labelling of foods and food ingredients obtained through certain techniques of genetic modification/genetic engineering**

155 Many delegations were of the opinion that as no further open questions remained in the document it should be advanced to the Commission for adoption at steps 5/8.

156 Some delegations preferred to advance the document only to Step 5 to allow for more consideration as to the placement of the text but stated that they could agree with advancing it to steps 5/8 if it was annexed to the *General Guidelines on Claims*.

157 As all major issues related to the document had been solved, the Committee agreed to advance the text as contained in Appendix III to the Commission for adoption at steps 5/8 as a standalone document.

158 The delegation of Argentina expressed its reservation to this decision.

#### **PROPOSED DRAFT DEFINITION OF NUTRIENT REFERENCE VALUES (Agenda Item 7)<sup>16</sup>**

159 The Committee recalled that at its last session, upon a request from the CCNFSDU, it had agreed to start new work on a definition of the term "Nutrient Reference Values", which was subsequently approved by the 33<sup>rd</sup> Session of the Commission. A circular letter (CL 2010/21-FL) had been sent, containing the proposed elements for a definition suggested by the CCNFSDU. The delegation of Canada had prepared a synthesis of the replies in the working document, which had been circulated for comments at step 3.

160 In the synthesis, the delegation of Canada had drafted two options, which in addition to the first sentence stating that NRVs were numerical values established for the purpose of nutrition labelling, made explicit reference to the two kinds of NRVs: those based on scientific data on levels of nutrients associated with nutrient requirements (NRVs) and those based on scientific data on levels of nutrients associated with a reduction in the risk of diet-related non-communicable diseases (NRVs-NCD). The second option additionally used the term "daily intake reference values". Some delegations preferred to work from a shorter version with just one sentence based on the proposal by CCNSFDU. After some discussion the Committee agreed to work on the first option proposed in the discussion paper as there was more support for it.

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<sup>16</sup> CX/FL 11/39/14-Rev1; CX/FL 11/39/14-Add.1 (Comments of Brazil, European Union, Japan, United States of America); CX/FL 11/39/14-Add.2 (Comments of Australia and IDF); Additional comments: CRD-1 (Kenya), CRD-7 (Chile), CRD-12 (Nigeria), CRD-13 (Philippines), CRD-14 (Korea), CRD-16 (Indonesia), CRD-18 (India), CRD-19 (Mali), CRD-29 (IACFO), CRD-31 (Malaysia), CRD-33 (Thailand) and CRD 36 (NHF).

161 It was mentioned that the scientific basis of the NRVs was an important consideration and should be maintained in the definition.

162 Some delegations suggested to include that the NRVs were established by the Codex Alimentarius Commission to avoid confusion with values established by other organisations. The Committee noted however that, as the definition would be contained in the *Guidelines for Nutrition Labelling* (CAC/GL 2-1985), which would also contain the annexes on principles for the definition of NRVs and NRVs-NCD (currently under development by the CCNFSDU), there would not be much doubt as to the origin of the values.

163 As NRVs, additionally to nutrition labelling, were also used as a basis for claims, it was proposed that this should be added in the definition, making reference to “nutrient content claims”, “health claims” or “relevant claims”. Some delegations were of the opinion that this was already included in the definition for “nutrition labelling”. The Committee noted however that the Codex definition did not explicitly include nutrition claims, which were defined separately.

164 One observer stated that the definition should clarify that the NRVs were defined for the general population and that labelling based on NRVs for the general population might be misleading for population groups with special nutritional needs such as pregnant or lactating women. The Committee noted however that the definition of nutrient reference values for specific groups was possible and the definition should be wide enough to allow this.

165 Many delegations were of the opinion that a simpler definition would be more adequate for the purpose of the guidelines and proposed to maintain only the first sentence of the first option stating that NRVs were numerical values established for the purpose of nutrition labelling without going into further details concerning application, or alternatively to include the second part in a footnote.

166 One observer mentioned that some nutrients could have more than one NRV depending on the purpose of the food labeling information.

167 Different versions of the definition were proposed in order to include all relevant information needed to define NRVs, while keeping the text simple.

168 After some discussion the Committee agreed on a compromise solution as contained in Appendix IV. It was noted that the definition could contain a footnote which would refer to the annexes on the principles for establishing NRVs at a later stage.

169 The delegation of Kenya expressed its reservation on this decision.

#### **Status of the proposed draft definition of Nutrient Reference Values**

170 The Committee agreed to advance the proposed draft definition of nutrient reference values as contained in Appendix IV to Step 5 for adoption by the Commission.

171 The Committee noted that the draft definition would be referred to the CCNFSDU for comments, which would be taken into account at the next session when finalising the definition.

#### **DISCUSSION PAPER ON THE NEED TO AMEND THE GENERAL STANDARD FOR THE LABELLING OF PREPACKAGED FOODS (CODEX STAN 1-1985) IN LINE WITH OIML RECOMMENDATIONS REGARDING THE DECLARATION OF THE QUANTITY OF PRODUCT IN PREPACKAGES (Agenda Item 8)**

172 See Agenda Item 1 regarding the Committee's decision not to consider this item as no discussion document was available. The Committee agreed not to include the item in the agenda for its 40<sup>th</sup> Session but was prepared to take it up under other business if a document was available.

#### **MODIFIED STANDARDIZED COMMON NAMES (Agenda Item 9)<sup>17</sup>**

173 The Committee recalled that it had considered this matter at previous sessions and at its 37<sup>th</sup> Session, on the basis of a discussion paper prepared by an eWG led by Canada, had recognized that there was no consensus on whether CCFL should undertake work in this area and had agreed to invite Codex Commodity Committees and FAO/WHO Regional Coordinating Committees to provide

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17 CX/FL 09/37/13 (This document replaces CX/FL 11/39/16), CX/FL 11/39/2 (Views of commodity committees and FAO/WHO coordinating committees on this issue), CRD 18 (India), CRD 25 (Bolivia), CRD 29 (IACFO), CRD 31 (Malaysia), CRD 34 (European Union)

advice, in particular concerning the relevance and implications of horizontal guidance from CCFL on this matter to their work.

174 The Committee noted that five Committees had considered this matter: CCFO, CCMMP and CCEURO did not see a need for horizontal guidance on the matter; CCPFV did not find a consensus on this issue and CCASIA had no specific advice. It was noted that the CCMMP had already developed guidance for modification of standardized names.

175 Many delegations proposed to discontinue discussions on this matter in the CCFL and proposed that any specific proposals for modified standardized common names could be discussed in relevant commodity committees and regional committees on a case-by-case basis as no committee had supported this work. They also mentioned that modification of a standardized name could confuse and mislead consumers because they expect essential characteristics and quality of a product with a standardized name. They also expressed the view that the *Guidelines for Use of Nutrition and Health Claims* already covered the issue.

176 Other delegations supported horizontal guidance on modified standardized common names that would help protect standardized foods while allowing modified names to provide useful information to consumers to make healthy food choices and could thus be helpful to assist the implementation of WHO Global Strategy on Diet, Physical Activity and Health. The view was expressed that nutrition can contribute to the quality of foods. The horizontal guidance would make modified names more systematic and harmonized among various kinds of foods.

177 After some discussion, the Committee agreed to establish an electronic working group led by Canada and Hungary, working in English, with the following terms of reference: The eWG would note the work already carried out on the issue and prepare an inventory of existing Codex texts related to modified standardized common names that could serve to inform Codex members wishing to promote healthier food options.

178 The Committee noted that the electronic working group should reflect on the past work found in discussion papers and reports on this item while recognising that there was no consensus to undertake new work in this area.

#### **REVISED DISCUSSION PAPER ON EXCHANGE OF INFORMATION BETWEEN COMPETENT AUTHORITIES WHEN SUSPECTING FRAUD CONCERNING ORGANIC PRODUCTS (Agenda Item 10)<sup>18</sup>**

179 The Committee recalled that its last session had agreed that the European Union would prepare a revised discussion paper on the basis of comments received for consideration at this session.

180 The Delegation of the European Union introduced the document CX/FL 11/39/17 explaining the importance of the exchange of information between competent authorities to protect consumers against deception and fraud with regard to organic foods. The Delegation proposed to recommend that the FAO maintain a list of all Competent Authorities as referred to in Section 6.2 of the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods* (CAC/GL 32-1999) and to amend Section 6.10 of the *Guidelines* to add references to relevant sections of the *Guidelines for the Exchange of Information between Countries on Rejections of Imported Foods* (CAC/GL 25-1997).

181 The Secretariat informed the Committee that the list of competent authorities could possibly be included on the existing FAO site dedicated to organic agriculture (<http://www.fao.org/organicag/>).

182 The Secretariat would check this and other options and report back to the Committee. The Committee also noted the possible challenges of establishing such a list and keeping it current and that in some countries several authorities were responsible for organic agriculture.

183 Some delegations supported the proposal. Other delegations were of the view that the amendment was not necessary because the *Guidelines for the Exchange of Information between Countries on Rejections of Imported Foods* covered the matter for all kinds of foods, including organic products. In reply to some questions, it was also clarified that INFOSAN only dealt with health and food safety issues and could not include rejections related to organic foods.

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<sup>18</sup> CX/FL 11/39/17, CL 2010/20-FL, CRD 11 (Chile), CRD 17 (Ghana), CRD 18 (India), CRD 19 (Mali), CRD 20 (Bolivia)

184 Some delegations mentioned that in exchange of information on fraud, the information should be verifiable and in case of corrective action the evidence on the fraud discovered should be included by the notifying authority. It was also noted that in several countries inspection was carried out by certifying bodies and not by government competent authorities.

185 The Committee did not agree to start new work on amending section 6.10 of the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods* (CAC/GL 32-1999) and noted the relevance of the CCFICS texts to organic agriculture and that the issue of fraud in organic products was an important consideration.

#### **OTHER BUSINESS, FUTURE WORK AND DATE AND PLACE OF THE NEXT SESSION (Agenda Item 11)**

##### **Background Information concerning the United Nations Summit on Non-Communicable Diseases**

186 The Representative of WHO presented detailed information on the UN High-level Meeting on NCDs to be held in New York in September 2011. The Representative informed the Committee of the preparatory work and process leading up to the High-level Meeting at global and regional levels including the 1<sup>st</sup> Global Ministerial Conference on Healthy Lifestyles and NCD Control held in April 2011 in Moscow and summaries of its outcomes, as well as the WHO report on Prevention and Control of NCDs which will be reviewed at the World Health Assembly starting on 16 May 2011.

187 One Observer expressed the view the United Nations Summit will be convened because the status quo is unsustainable. In the observer's view, CCFL should support ambitious and innovative national standards, based on the best available evidence, to help reduce the enormous economic, health and development burden of non-communicable diseases. The Observer mentioned as references three articles: "Priority actions for the non-communicable diseases" by Beaglehole, Bonita et al [www.thelancet.com](http://www.thelancet.com); UN News Service: Synopsis of the Moscow meeting [www.un.org/apps/news/printnews.asp?nid=38238](http://www.un.org/apps/news/printnews.asp?nid=38238); and UN resolution 65/238 on Scope, modalities, format and organization of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases <http://www.un.org/en/ga/president/65/issues/A-RES-65-238.pdf>.

##### **Proposal for New Work on Review of the Definition of Trans-Fatty Acids**

188 The Delegation of Malaysia proposed new work to review the definition of trans-fatty acids in the *Guidelines on Nutrition Labelling* (CAC/GL 2-1985) taking into consideration the origin of trans-fatty acids to take into account natural trans-fatty acids from dairy products and new scientific data such as the outcome of the FAO/WHO expert consultation.

189 Some delegations and observers supported new work. Other delegations questioned the need for such revision at this stage as there was no clear scientific evidence to support it. Some delegations were of the view that CCNFSDU would be more appropriate to conduct this work.

190 Regarding the health effects of industrial trans-fatty acids and ruminant trans-fatty acids, the Representative of WHO informed the Committee that much of the evidence reviewed for the 2007 WHO Scientific Update on trans-fatty acids was based on the studies on partially hydrogenated vegetable oils as not many studies on ruminant trans-fatty acids existed. The 2008 joint FAO/WHO Expert Consultation on fats and fatty acids drew much of the evidence review from the 2007 WHO Scientific Update. The Representative also informed the Committee that WHO reviewed new scientific data periodically and WHO anticipates taking up the topic of trans-fatty acids this year.

191 The Committee recalled that with regard to the current definition, the 31<sup>st</sup> Session of the Committee (2003) had asked CCNFSDU to provide a definition of trans-fatty acids for the purpose of the Guidelines<sup>19</sup> and the 34<sup>th</sup> Session of the Committee (2006) had considered the definition based on the draft definition provided by CCNFSDU. The Committee therefore agreed to invite CCNFSDU to give its opinion on revising the definition of trans-fatty acids.

##### **192 Date and Place of the Next Session**

193 The Committee was informed that the 40<sup>th</sup> Session of the Committee was tentatively scheduled to be held in Ottawa, Canada from 14 to 18 May 2012.

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<sup>19</sup> ALINORM 03/22A para. 35

## SUMMARY STATUS OF WORK

SUBJECT MATTER	STEP	ACTION BY:	DOCUMENT REFERENCE (REP11/FL)
Draft revision of the Guideliens on Nutrition Labelling (CAC/GL 2-1985) concerning the list of nutrients that are always declared on a voluntary or mandatory basis	8	Governments 34 <sup>th</sup> CAC	para. 32 Appendix II
Proposed draft Compilation of Codex Texts Relevant to Labelling of Foods Derived from Modern Biotechnology	5/8	Governments 34 <sup>th</sup> CAC	para. 157 Appendix III
Proposed draft definition of Nutrient Reference Values (for inclusion in the <i>Guidelines for Nutrition Labelling</i> (CAC/GL 2-1985))	5	Governments 34 <sup>th</sup> CAC 40 <sup>th</sup> CCFL	para. 170 Appendix IV
Draft amendment to the <i>Guidelines for the production, processing, labelling and marketing of organically produced foods</i> (CAC/GL 32-1999): inclusion of ethylene for other products	7	40 <sup>th</sup> CCFL	para. 77
Additional conditions for nutrient content claims and comparative claims in the <i>Guidelines for Use of Nutrition and Health Claims</i> (CAC/GL 23-1997)	2/3	Electronic working group	paras 60 and 61
Proposed draft amendment to the <i>Guidelines for the production, processing, labelling and marketing of organically produced foods</i> (CAC/GL 32-1999): to include of aquaculture animals and seaweed	3	Governments, European Union 40 <sup>th</sup> CCFL	para. 119 Appendix V
Draft amendment to the General Standard for the Labelling of Prepackaged Foods (CODEX STAN 1-1985): Definitions	Discontinue	34 <sup>th</sup> CAC	para. 124
<i>Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods</i> (CAC/GL 32-1999): inclusion of new substances	1/2/3	65 <sup>th</sup> CCEXEC 34 <sup>th</sup> CAC	para. 101 Appendix VI



## APPENDIX I

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## APPENDIX II

**LIST OF NUTRIENTS THAT ARE ALWAYS DECLARED ON A VOLUNTARY OR MANDATORY BASIS  
(At Step 8 of the Procedure)**

## 3.2 Listing of Nutrients

3.2.1 Where nutrient declaration is applied, the declaration of the following should be mandatory:

3.2.1.1 Energy value; and

3.2.1.2 The amounts of protein, available carbohydrate (i.e. dietary carbohydrate excluding dietary fibre), fat, saturated fat, sodium<sup>1</sup> and total sugars; and

3.2.1.3 The amount of any other nutrient for which a nutrition or health claim is made; and

3.2.1.4 The amount of any other nutrient considered to be relevant for maintaining a good nutritional status, as required by national legislation or national dietary guidelines<sup>2</sup>.

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<sup>1</sup> National authorities may decide to express the total amount of sodium in salt equivalents as "salt".

<sup>2</sup> Countries where the level of intake of trans-fatty acids is a public health concern should consider the declaration of trans-fatty acids in nutrition labelling.

**PROPOSED DRAFT COMPILATION OF CODEX TEXTS RELEVANT TO LABELLING OF FOODS  
DERIVED FROM MODERN BIOTECHNOLOGY<sup>3</sup>**

**(At Step 5/8 of the Procedure)**

**1. Purpose**

The purpose of this document is only to recall and assemble in a single document some important elements of guidance from Codex texts, which are relevant to labelling of foods derived from modern biotechnology.

**2. Considerations**

Different approaches regarding labelling of foods derived from modern biotechnology are used. Any approach implemented by Codex members should be consistent with already adopted Codex provisions. This document is not intended to suggest or imply that foods derived from modern biotechnology are necessarily different from other foods simply due to their method of production.

**3. Compilation of relevant Codex texts**

3.1 General Standard for the Labelling of Prepackaged Foods, (Codex Stan 1-1985); and particularly, Sections 3.1, 3.2, 4.1.1, 4.1.2, 4.2.2, 7.1

3.2 General Guidelines on Claims (CAC/GL 1-1979); and particularly, Sections 1.2, 1.3, Section 2 – Definition of Claim, 3.3, 3.5, 4.1, 5.1(iii), 5.1(iv), 5.1 (v), 5.1(vi)

3.3 Guidelines for Use of Nutrition and Health Claims (CAC/GL 23-1997); Introduction and particularly, Sections 1.1, 1.2, 1.3, 1.4 and 1.5

3.4 Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods (CAC/GL 32-1999); and particularly Section 1.5

3.5 General Guidelines for Use of the Term “Halal” (CAC/GL 24-1997)

3.6 Working Principles for Risk Analysis for Food Safety for Application by Governments (CAC/GL 62-2007)

3.7 Principles for the Risk Analysis of Foods Derived from Modern Biotechnology (CAC/GL 44-2003); and particularly, Paragraph 19.

3.8 Guidelines for the Conduct of Food Safety Assessments of Foods Derived from Recombinant-DNA plants (CAC/GL 45-2003)

3.9 Guidelines for the Conduct of Food Safety Assessments of Foods Derived from Recombinant-DNA microorganisms (CAC/GL 46-2003)

3.10 Guideline for the Conduct of Food Safety Assessment of Foods derived from Recombinant-DNA Animals (CAC/GL 68-2008)

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<sup>3</sup> See the Principles for the Risk Analysis of Foods derived from Modern Biotechnology (CAC/GL 44-2003)



**APPENDIX IV****PROPOSED DRAFT DEFINITION OF NUTRIENT REFERENCE VALUES (FOR INCLUSION IN THE  
GUIDELINES ON NUTRITION LABELLING (CAC/GL 2-1985))****(At Step 5 of the Procedure)**

“Nutrient Reference Values (NRVs) are a set of numerical values that are based on scientific data and established for purposes of nutrition labelling and relevant claims. NRVs are based on levels of nutrients associated with nutrient requirements, or with the reduction in the risk of diet-related non-communicable diseases.”

## APPENDIX V

**PROPOSED DRAFT REVISION OF THE GUIDELINES FOR THE PRODUCTION, PROCESSING,  
LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS (GL 32-1999)  
(TO INCLUDE AQUACULTURE ANIMALS AND SEAWEED)  
(At Step 3 of the Procedure)**

**A) General changes in Foreword, Section 1 and Section 2:**

- Foreword, Paragraph 6, last phrase: Add "and aquatic" after "soil".
- Section 1.1 – Scope: Reference to aquaculture animals and seaweed to be added (note that not all seaweeds are plants), possibly through a footnote.
- Section 2.1 – Description: add a sentence at the end of the section: "The basis for organic husbandry of aquaculture animals is the harmonious relationship between water, seaweed and aquaculture animals and respect for their characteristic physiological and behavioural needs."
- Section 2.2 – Definitions: clarify that livestock refers to terrestrial animals. Insert a definition of aquaculture: "Aquaculture means the farming of aquatic organisms involving intervention in the rearing process to enhance production and the individual or corporate ownership of the stock being cultivated." (definition of Aquaculture in the FAO Technical Guidelines on Aquaculture Certification, document agreed by the Sub-Committee on Aquaculture in 2010 and approved by FAO Committee on Fisheries February 2011).

**B) Changes in Annex I****Add a section B.1: Aquaculture animals****General principles**

1. Aquaculture is an important activity that contributes to the supply of fish and other seafood species in a world where fisheries are highly exploited. Seafood is beneficial for human health because it contains nutrients, particularly 'essential fatty acids' for which fish is an extremely important source, together with protein, trace elements, vitamins and minerals.
2. The operation and management of aquaculture animals and seaweed, whether in containment systems or not, should respect the principles of organic farming. The biodiversity of the aquatic environment and the quality of the surrounding water should be maintained.
3. Aquaculture operators should maintain an Organic Management Plan to guide the operation of the farm to keep the impact on the environment low and setting out monitoring to be done to ensure that that this aim is achieved each year.

**Siting**

4. The nature of the growing area should have characteristics which allow the production of safe products of high quality without unacceptable negative environmental impact. Aquaculture facilities should be located in areas where the risk of contamination is minimized and where sources of pollution can be controlled or mitigated.
5. Water used for aquaculture should be of a quality suitable for the production of food which is safe for human consumption and waste water from domestic or industrial sources should not be used.
6. The certification body or authority must confirm at the outset that the location of the farm is not unsuitable due to potential sources of contamination with prohibited substances or environmental contaminants. It may also set up minimum distances to separate organic and non-organic production units based on factors such as upstream or downstream location and water or tidal flow.

**Conversion period**

7. Products of aquaculture animals can be sold as organically produced when these Guidelines have been complied with for at least one year. In cases where the water can be drained and the facility cleaned and disinfected a shorter period of six months may apply. In the case of non-enclosed marine locations a period of three months may apply. During the conversion period the stock should not be subject to treatments or exposed to products which are not permitted for the production of organic foods.

**Origin**

8. It is preferable that locally grown species be used for organic farming where possible. Aquaculture stock can be converted to organic production by farming under organic management for the latter two thirds of their production cycle. Following the conversion period stock should come from organic production units where the parent stock have been under organic management for at least three months before being used for breeding.

**Husbandry**

9. The farm should provide sufficient space for the animals needs and they should be provided with good quality water with sufficient oxygen and, in the case of filter feeding animals, other nutritional factors for their needs. The temperature and light conditions should be suitable for the species concerned in the particular geographic location of the farming operation.

10. Containment systems, including cages (net pens) should be designed, constructed, located and operated to minimize the risk of escapes and other negative environmental impacts.

11. Closed recirculation systems are prohibited except when used as hatcheries or nurseries or for production of species used as organic feed.

**Breeding**

12. Breeding conditions should reflect the natural situation as closely as possible using appropriate strains for the type of farming.

Artificial polyploidy, cloning, artificial hybridization and use of single sex strains should be avoided.

13. The maximum stocking density should be lower than that used in conventional farming and competent authorities should develop guide values for maximum densities for the species grown under their authority.

14. Competent authorities should also develop criteria for production systems, with particular reference to type of system, water flow, oxygen saturation and effluent elimination and whether fallowing is necessary.

**Nutrition**

15. Where feed is used, the feed should meet the animal's nutritional requirements at the various stages of its development. Plant material used in feed should always meet the requirements of these guidelines. Carnivorous fish should not be fed a totally plant based diet so as to ensure their physiological needs and to ensure that consumers are not deprived of the essential fatty acids. The aquatic animal based portion of the feed should be made from fish meal and fish oil or ingredients of fish origin derived from the following sources:

- trimmings of organically grown aquatic animals, or
- trimmings of fish caught for human consumption in sustainable fisheries, or
- fish caught in sustainable fisheries.

**Health care**

16. Disease prevention in organic aquaculture shall be based on the principles and practices for health care of livestock (terrestrial animals) in these guidelines and on the following additional points:

- ensuring that the siting and design of the production unit is optimal and that there is regular cleaning and disinfection of premises where appropriate.
- to control ectoparasites such as sealice cleaner-fish should be used rather than parasiticides where possible.

17. Hormonal treatment should not be used. Annex 2, Table 2 of the guidelines to also list substances permitted for aquaculture; products for cleaning and disinfection should distinguish between those permitted in the presence and absence of aquaculture animals.

**Add a section B.2: Seaweeds**

18. Farmed seaweed and wild seaweed collected on the shore can be sold as organically produced when these Guidelines have been complied with. The criteria for siting and conversion of aquaculture animal units in these guidelines should be applied as appropriate to seaweed farming units.

19. Both farming and collection of seaweed should be carried out in areas with very good water quality which are not directly subject to contamination from human, industrial or geological sources. The

Organic Management Plan to be used for farming of aquaculture animals should be maintained by all organic seaweed producers.

20. Collection in the wild should be restricted to areas which have been surveyed to determine the baseline biomass present. Subsequent collection levels should allow regeneration and not affect the long term stability of the natural habitat.

21. Farming should be carried out in a sustainable manner at all stages from collection of juvenile seaweed to harvesting. Fertilization should be restricted to pond cultivation. Ropes and other equipment used for growing seaweed should be re-used or re-cycled where possible. Removal of bio-fouling organisms should by preference be by physical means.

**PROJECT DOCUMENT****PROPOSAL TO AMEND THE GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS (CAC/GL 32-1999)****Purposes and scope of the proposed standard**

The purpose is to include new substances in Table 2 of Annex 2 in accordance with the need established by the CCFL.

**Its relevance and timeliness**

In order to ensure that the indicative list of substances allowed for use in organic agriculture is up to date, it should be periodically adapted in order to take into account new substances or existing substances becoming obsolete.

**The main aspects to be covered**

Inclusion of spinosad, copper octanoate, potassium bicarbonate as well as the use of ethylene for degreening of citrus for fruit fly prevention, as a flowering agent for pineapples and as sprouting inhibitor for onions and potatoes.

**An assessment against the *Criteria for the Establishment of Work Priorities***

The proposal is consistent with the general criterion as follows:

*Ensuring fair practices in the food trade:* Some national standards for organically produced foods allow the use of these substances, but some do not. There are different regulations on their use, which may cause international disputes.

**Relevance to Codex Strategic Objectives**

The proposal is consistent with:

- a. Promoting sound regulatory framework; and
- b. Promoting maximum application of Codex standards.

**Information on the relation between the proposal and other existing Codex documents**

The proposal is an amendment to the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Food*. It does not affect other Codex documents.

**Identification of any requirement for and availability of expert scientific advice**

Justifications have been developed by the 39<sup>th</sup> Session of the Committee.

**Identification of any need for technical input to the standard from external bodies so that this can be planned for**

None

**The proposed timeline for completion of the new work, including the start date, the proposed date for adoption at Step 5, and the proposed date for adoption by the Commission; the time frame for developing a standard should not normally exceed five years**

It is expected that a proposed draft will be discussed at Step 4 at the 40th CCFL and adopted at Step 5 of the Accelerated Procedure by the 35<sup>th</sup> Session of the CAC in 2012.