

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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

Agenda Item 7

NFSDU/43 CRD 6-rev

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

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REPORT OF THE PHYSICAL WORKING GROUP ON THE PRIORITIZATION MECHANISM / EMERGING ISSUES OR NEW WORK PROPOSALS

6 March 2023

Prepared by Germany and Canada

At CCNFSDU42, the Committee agreed to establish a physical working group (pWG) chaired by Germany and co-chaired by Canada, to meet immediately prior to CCNFSDU43 and conduct a case-by-case review of the emerging issues and proposals for new work submitted by members in response to the Circular Letter.

DISCUSSION OF THE PWG ON THE PRIORITIZATION MECHANISM

The chair started the meeting by reminding the attendees of the mandate of the pWG. After a brief discussion on the *draft guideline on preliminary assessment to identify and prioritize new work proposals*, the pWG will evaluate the six new work proposals, received in response of CL2020/30-NFSDU, by testing the draft guideline. The aim of the pWG was to provide clear recommendations to the Committee during the plenary on whether to accept the new work proposal and/or the need for further work on the discussion paper or reject the new work proposal at this time and advise that a revised proposal could be considered in the future.

The chair of the pWG emphasized that the draft guideline is a living document. She reminded the attendees that CCNFSDU42 agreed to use the draft guideline on a trial basis. The pWG chair suggested that the guideline might be improved as the mechanism is tested. This will be the first time that the mechanism will be used and there might be lessons learned from this exercise, which can be drawn upon to improve the document at a later stage.

According to what was agreed to at CCNFSDU42, the chair suggested to not spending too much time on improving the mechanism at this session, but to focus on the proposals received.

Following the presentation of the mechanism, a Codex Member (CM) suggested to revise paragraph 9 to include the availability of scientific and/or appropriate data. The pWG chairs reminded attendees that JEMNU could be requested by the Committee for scientific advice. One Codex Member Organization (CMO) mentioned the importance to consider negative impacts as well as the impact on consumer preferences. The chair recommended that this would be discussed later during the discussions on the criteria.

The pWG reached consensus on the procedure and on the decision tree with small editorial changes. The modified decision tree can be found in Annex I.

The pWG chair presented a revised explanatory description of the criteria. Several CMs commented on the importance of considering negative impacts as well as positive impact. There was also a request to review the revised explanatory descriptions (CRD26) and provide feedback. The chair requested that pWG attendees submit comments on the revised explanatory descriptions of the criteria outlined in the draft guideline. The comments received by seven CMs, one CMO and one Codex Observer (CO) have been considered¹. The submissions received by the pWG attendees vary widely. Therefore, the chairs of the pWG recommend the establishment of

¹ Canada, European Union and Norway, Malaysia, New Zealand, Switzerland, Uganda, United States of America, ENCA

an electronic Working Group (eWG) to further review the explanatory description of the criteria. The comments received are presented in Annex 2.

The pWG was then asked to review the six new work proposals received in response to CL 2020/30-NFSDU.

PROPOSALS FOR AMENDMENTS

Proposal 1.1: Proposed amendment/revision: Standard for Canned Baby Foods (CXS 73-1981)

Submitted by the Dominican Republic

The proposal is intended to revise paragraph 9.5.2 of the Standard for Canned Baby Foods. The current wording is: For canned beets (beetroot) and spinach, the following statement shall appear on the label “use after the age of twelve weeks”. The Dominican Republic proposes to replace “twelve weeks” with “twelve months” or seek scientific advice from JEMNU.

The representative from WHO looked at the evidence related to nitrate intakes in infants from canned baby foods. Although there can be a decreasing risk with age, there is not enough evidence to establish 12 months as a clear cut-off. Therefore, it was recommended to delete paragraph 9.5.2 from the standard CXS 73-1981.

A CM and a CO recommended that this issue should be submitted to the Codex Committee on Contaminants in Foods (CCCCF). However, there was support and no objections to delete paragraph 9.5.2 from the standard. The pWG recommendation to the Committee is as follows:

Delete paragraph 9.5.2 from the standard CXS 73-1981. The amendment shall be submitted directly to CAC46 for adoption.

Proposal 1.2: Proposal to align the permitted uses of the folic acid source Calcium-L-Methyl-Folate with those of N-Pteroyl-L-Glutamic acid in the advisory list of nutrient compounds for use in foods for special dietary uses intended for infants and young children

Submitted by Switzerland

The proposal is intended to revise the Advisory list on nutrient compounds in CXG 10-1979, part B, in order to align the permitted uses of the folic acid source Calcium-L-Methyl-Folate with those of N-Pteroyl-L-Glutamic acid. The proposed change will permit Calcium-L-Methyl-Folate to be used in all six food categories (i.e., infant formula, follow-up formula, and processed cereal based food for infants and young children and canned baby food).

The proposal was supported by the pWG. The recommendation of the pWG to the Committee is as follows:

Revision of the Advisory List of nutrient compounds in CXG 10-1979, part B, row 10.2 Calcium-L-Methyl-Folate by adding four additional checkmarks in the columns *Sec. A*, *FUF*, *PCBF* and *CBF* as well as adding the reference *USP* to the column *International and/or national bodies*. The amendment shall be submitted directly to CAC46 for adoption.

PROPOSALS FOR NEW WORK

Proposal 2.1: Harmonized probiotic guidelines for use in foods and food supplements

Submitted by Argentina and Malaysia

The proposal is intended to establish Guidelines for probiotics for use as an ingredient in foods, beverages and food supplements. These guidelines shall include the establishment of a harmonized definition, minimum requirements as well as labelling parameters for probiotics. Health claims on probiotics shall not be established.

Several CMs supported the development of guidelines for probiotics as they are widely available and, in their view, a harmonized international standard was required. The CMO and one CM are of the view that a definition is already well established and probiotics are linked to health claims. They also point out that the minor benefits are strain specific. Therefore, they did not support the proposed work. Due to divergent views, the pWG chairs concluded that there was no consensus with this new work proposal.

The recommendation of the pWG to the Committee is as follows:

There is no consensus in the pWG to go ahead with this new work proposal. It is recommended that Argentina/Malaysia further develop their discussion paper on the new work proposal by the next session (through the pWG to assess new work proposals).

Proposal 2.2: Guidelines including General Principles for the Nutritional Composition of foods and beverages made from plant-based and other alternative protein sources

Submitted by Canada and the United States

The proposal is intended to establish of Guidelines including general principles for the nutritional composition of foods and beverages made from plant-based and other alternative protein sources, which are intended to replace animal-based products. The work shall include foods and beverages with protein derived from plants, bacteria, insects, and fungi and shall exclude animal-based or animal cell-based proteins.

The CMO and CMs commented on the need to refine the scope of the proposal regarding the protein-source, the final processed products as well as consider what is already covered by other Codex standards. The chair concluded that there were no consensus in the pWG for the work to go ahead.

The pWG recommendation to the Committee is as follows:

There is no consensus in the pWG to go ahead with this new work proposal. It is recommended that Canada and the United States of America refine the scope of the new work proposal.

Proposal 2.3: General Guidelines to establish nutrient profiles for front-of-pack nutrition labelling (FOPNL)

Submitted by Costa Rica

The proposal is intended to develop General Guidelines to establish nutrient profiles for front-of-pack nutrition labelling (FOPNL). The guidelines shall articulate general principles to assist in the development of validated science-based nutrient profiling models. The guidelines are not intended to establish a single harmonized nutrient profiling model.

Several CMs, the WHO and a CO did not support the new work proposal. In their view, CCFL has already develop Guidelines on front-of-pack nutrition labelling and the finalization of the work was not dependent on the work on nutrient profiles in CCNFSDU. WHO is already working on nutrient profiles models and they did not see a need for Codex work to be undertaken. In light of these comments, the chairs concluded that there is no support for this new work proposal by the pWG.

the pWG recommendation to the Committee is as follows:

There is no support in the pWG to go ahead with this new work proposal. It is recommended to reject the proposal and advise Costa Rica that it could be submitted again in the future considering the comments received.

Proposal 2.4: Nutrient reference value (NRV-NCD) for trans-fatty acids

Submitted by The European Margarine Association (IMACE)

The proposal is intended to establish a nutrient reference value (NRV-NCD) for trans-fatty acids. The value for the NRV-NCD for trans-fatty acids should be not more than 1% daily energy intake, in grams adjusted to recommended daily energy requirements for adults and children.

In light of the requirement for Member support, in the Codex Procedural Manual, for starting new work, the chairs asked the pWG attendees if a Member was willing to support and lead this work. As there was no support from Members, the chairs of the pWG proposed that the proposal be rejected.

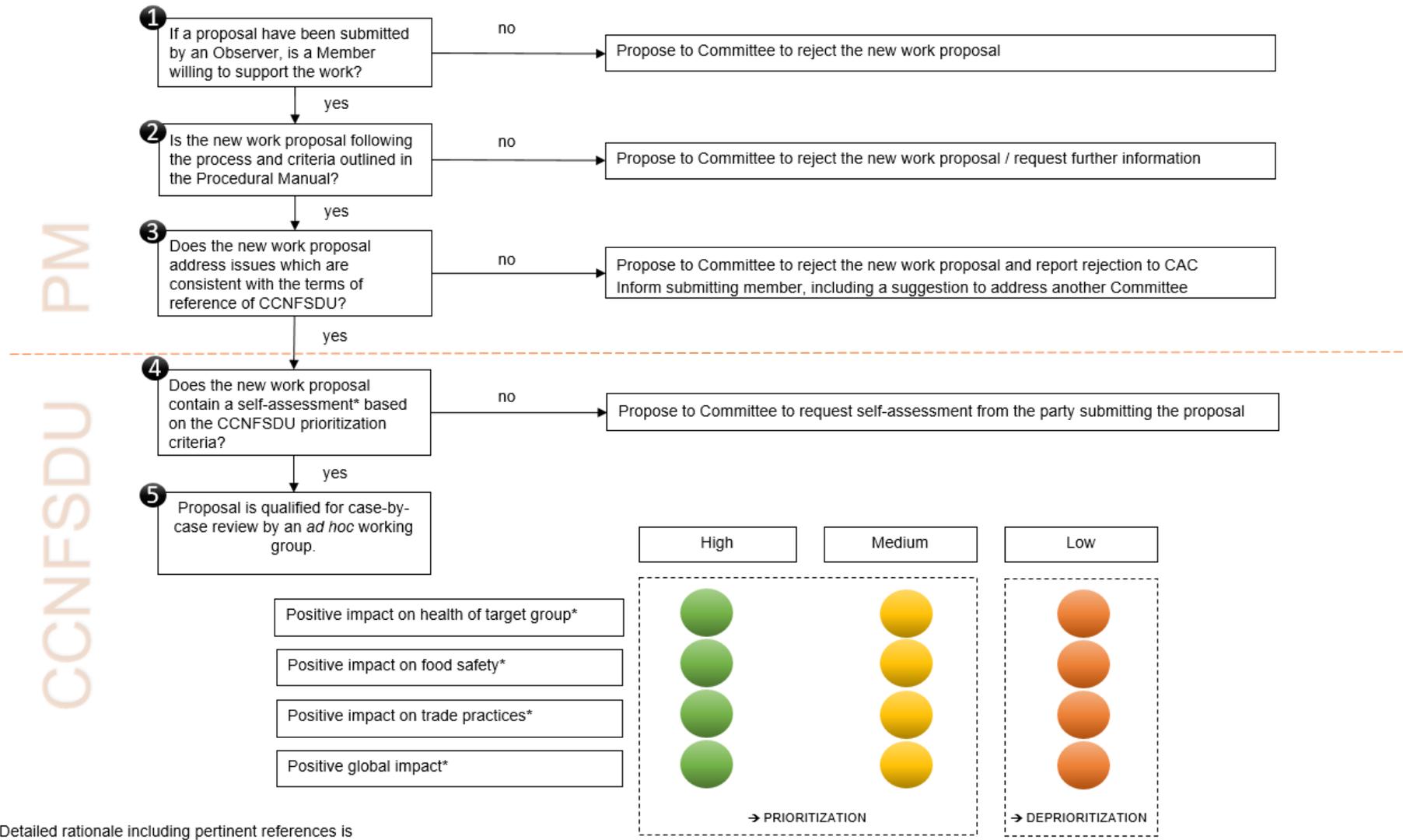
the pWG recommendation to the Committee is as follows:

Reject the new proposal in the absence of Member support in the pWG.

Conclusion of the pWG:

- Consensus on the procedure outlined in the draft guideline for the preliminary assessment to identify and prioritize new work for CCNFSDU and decision tree with small editorial changes.
- Recommendation to the Committee to establish an eWG to further review the explanatory description of the criteria outlined in the draft guideline.
- Recommendations to the Committee for each of the six new work proposals received in response to CL2020/30-NFSDU (Annex III).

DECISION TREE FOR THE PRELIMINARY ASSESSMENT OF NEW WORK PROPOSALS FOR CCNFSDU



* Detailed rationale including pertinent references is essential to accompany the self-assessment.

Annex II

FEEDBACK PROVIDED ON THE REVISED EXPLANATORY DESCRIPTIONS (CRD26)

Comments by Canada, European Union and Norway, Malaysia, New Zealand, Switzerland, Uganda, United States of America, ENCA

CANADA

Canada suggest that the committee consider deleting the global impact criteria as we believe it is not needed and the proposed description adds information which falls outside of CCFSDU (consumer information) or Codex mandate (sustainability).

Proposed sentence to be added to each of the health, food safety and trade criteria.

Potential negative impact should be considered in the assessment rating.

EUROPEAN UNION AND NORWAY

Proposed addition to criteria

Criterion	Previous: Further information	New: Explanatory descriptions
Impact on Health of The target group	<p>What is the target group of the proposed work (e.g. infants, the elderly, patients, whole populations)?</p> <p>What is the potential of the proposed work to resolve, mitigate, prevent, or significantly reduce a consumer health risk?</p> <p>Describe the positive impact on health of the target group and classify it into the categories high, medium or low.</p>	<p>Here it should be described which target group is affected by the proposed new work and to what extent the new work has an positive impact on the health of the target group and other groups. In this context the impact on nutritional adequacy or on chronic disease risk could be under review. The impact should be justified and supported by examples.</p> <p>Explanation: impacts can be positive and negative Example: potential higher risk to colon cancer with mandatory fortification of folic acid, while there is a positive impact for reducing the risk of neural tube defects of unborns</p>
Impact on food safety	<p>What is the potential of the proposed work to improve food safety?</p> <p>Describe the positive impact on food safety and classify it into the categories high, medium or low.</p>	<p>Here it should be described to what extent the proposed new work can contribute to improveaffects food safety. In this context the impact on food safety borne risks (i.e. biological, chemical, or physical or physiological risks) could be under review. The positive impact should be justified and supported by examples.</p> <p>Explanation: impacts can be positive and negative Example: allowing protein ingredients/products</p>
Impact on trade practices	<p>What is the potential of the proposed work to reduce technical impediments to trade?</p> <p>Describe the positive impact on trade practices and classify it into the categories high, medium or low.</p>	<p>Here it should be described to what extent the proposed new work has an positive impact on global trade. In this context technical impediments and the importance for consumption could be under review. The positive impact should be justified and supported by examples.</p> <p>Explanation: impacts can be positive and negative</p>

Global Impact	<p>What is the potential of the proposal to resolve, mitigate, prevent, or significantly reduce a global issue?</p> <p>Describe the global impact of the proposal and classify it into the categories high, medium or low.</p>	<p>Here it should be described to what extent the proposed new work is suitable for solving or is aggravating a global problem. In this context sustainability aspects or measures for the promotion of transparency or consumer information could be under review. The positive impact should be justified and supported by examples.</p> <p>Explanation: impacts can be positive and negative Example: Having RUTF more freely available to make them more accessible for children in need, this could lead to persons consuming them that should not consume them and aggravate the global problem of obesity</p>
Impact on other consumers' interest		<p>Here it should be described to what extent the proposed new work has an impact on consumers' interest. In this context, e.g. freedom of choice, consumers' understanding, misleading potential, affordability could be under review. The impact should be justified and supported by examples.</p> <p>Explanation: impacts can be positive and negative Example: excessive labelling requirements could reduce affordability as they drive up costs</p>

MALAYSIA

Criterion	Previous: Further information	New: Explanatory descriptions	Comments from Malaysia
Impact on health of the target group	<p>What is the target group of the proposed work (e.g. infants, the elderly, patients, whole populations)? What is the potential of the proposed work to resolve, mitigate, prevent, or significantly reduce a consumer health risk? Describe the positive impact on health of the target group and classify it into the categories high, medium or low.</p>	<p>Here it should be described which target group is affected by the proposed new work and to what extent the new work has a positive impact on the health of the target group. In this context the impact on nutritional adequacy or on chronic disease risk could be under review. The impact should be justified and supported by examples.</p>	<p>No need to mention negative impact, The rating of high, medium and low will take care of it.</p>
Impact on food safety	<p>What is the potential of the proposed work to improve food safety? Describe the positive impact on food safety and classify it into the categories high, medium or low.</p>	<p>Here it should be described to what extent the proposed new work can contribute to improve food safety. In this context the impact on foodborne risks (i.e. biological, chemical or</p>	<p>No comments</p>

		physical) could be under review. The positive impact should be justified and supported by examples.	
Impact on trade practices	What is the potential of the proposed work to reduce technical impediments to trade? Describe the positive impact on trade practices and classify it into the categories high, medium or low.	Here it should be described to what extent the proposed new work has a positive impact on global trade. In this context technical impediments and the importance for consumption could be under review. The positive impact should be justified and supported by examples.	We feel that this part “the importance for consumption” is already covered in the criteria on health impact.
Global Impact	What is the potential of the proposal to resolve, mitigate, prevent, or significantly reduce a global issue?	Here it should be described to what extent the proposed new work is suitable for solving a global problem. In this context sustainability aspects or measures for the promotion of transparency or consumer information could be under review. The positive impact should be justified and supported by examples.	<p>We feel that the phrase “suitable for solving a global problem” should be reworded as “suitable for solving a global health and nutrition problem” as this is the mandate of this Committee</p> <p>In addition we feel this criteria should not include “sustainability aspects or measures for the promotion of transparency or consumer information”.</p> <p>This aspects are already covered by other organization within the UN System.</p>

NEW ZEALAND

Additional CCNFSDU criteria:

1. Impact on health of the target group:

~~Here it should be described by which~~ Description of the target group ~~is that would be~~ affected by the proposed new work and ~~identification~~ to what extent the new work ~~has would have~~ a nett positive health impact. ~~In this context the impact on nutritional adequacy or on chronic disease risk could be under review.~~ The impact should be justified and supported by examples.

2. Impact on food safety

~~Here it should be described to what extent~~ Description of how the proposed new work can contribute to improved food safety. ~~In~~ In this context the impact on food bourne risks (i.e. biological, chemical or physical) ~~could be under review would be considered.~~ The positive impact should be justified and supported by examples.

3. Impact on trade practices

Description of the potential contribution of the proposed work ~~Here it should be described to what extent the proposed new work can contribute~~ to global food trade and its contribution to food security. ~~In this context the technical impediments and the importance for consumption could be under review.~~ Global harmonisation and support of fair trade would be captured here. The positive impact of the proposed new work should be justified and supported by example.

4. Global impact

Description of the potential impact of the proposed work on global issues of relevance to, and within the mandate of, CCNFSDU, in particular those contributing to improved food security. ~~Here it should be described to what extent the proposed new work is suitable or solving a global problem.~~ Many issues may impact on food security including disruptions to food supply chains, climate change, innovation and new technologies. ~~this context sustainability aspects of measures for the promotion of transparency or consumer information could be under review.~~ The positive impact of the new work should be justified and supported by examples.

SWITZERLAND

General comments:

The use of a decision tree adds certainly value to the need of priority setting within CCNFSDU. However, it should be born in mind that a decision tree is just one tool to employ among others for a sound priority setting. In particular, it cannot replace expert judgement.

Furthermore, each case is special, and while we support continuous improvement, a certain degree of flexibility is what is needed.

Overall, for the priority setting of CCNFSDU, it will be important that two aspects are properly considered: 1. What is the added value of the work? 2. What is the chance of completing the work in a timely fashion and with reasonable resources?

Specific comments:

Focussing on Q5 with its sub-questions and the traffic-light rating.

Impact on health of target population:

We agree that an impact can be positive or negative, and opportunity or a threat. However, this is not contradictory in determining the priority. A highly negative impact gets a high rating, and a highly positive rating also gets a high rating. A negative impact can always be viewed from the angle of improving that negative impact which is then the reason to do the work. If there is a threat (negative impact; e.g. a plant based alternative food does not provide the nutrients as the conventional counterpart), its improvement will add value. And the questions put here in CX/NFSDU/23/43/8 properly address this. We support the list of questions under this sub-question "impact on health of target population".

Impact on food safety:

The set of questions here is more difficult.

What should also be considered and rated high is whether the safety aspect of the work proposal is already covered. If a non-negotiable (safety!) piece of "homework" is already accomplished, it should not be rated low for the priority setting, but should be rated high. Established safety should be honoured and not down-graded in the rating. Because the point needs be viewed in light of the "high level" question we raise above: what is the chance of completing the work in a timely fashion and with reasonable resources. If an consultation with JECFA or JEMNU is not needed (anymore), this should be viewed positive and rated high as it helps to complete new work in a timely fashion. We understood that this is what CAC is looking for.

Needless to say that if a topic identified to negatively impact health, it needs be addressed and priority is high if the potential negative health impact is significant.

A topic and potential additional question for really low priority rating under this specific question would be: Is the proposal only addressing a labelling topic? And if Yes, the rating should be low for the "Impact on food safety" sub-question. We propose to consider the addition of this question to "Impact on food safety".

We have no further comments on the other two sub-questions.

UGANDA

Criteria 4: Global impact

There is need to confine the criteria on global impact to avoid other matters being raised from a global context that are not within the mandate of Codex work.

Proposed addition:

On para 1; at the end of line 1: ".....solving a global problem *related to the health of target population; trade practices; and food safety.*"

UNITED STATES OF AMERICA

Proposed addition to criteria

Criterion	Previous: Further information	New: Explanatory descriptions
<p>Impact on health of the target group</p>	<p>What is the target group of the proposed work (e.g. infants, the elderly, patients, whole populations)?</p> <p>What is the potential of the proposed work to resolve, mitigate, prevent, or significantly reduce a consumer health risk?</p> <p>Describe the positive impact on health of the target group and classify it into the categories high, medium or low.</p>	<p>Here it should be described which target group is affected by the proposed new work and to what extent the new work has a positive impacts on the health of the target group or other groups. In this context the impact on nutritional adequacy or on chronic disease risk could be discussed.under review. The impact should be justified and supported by examples.</p>
<p>Impact on food safety</p>	<p>What is the potential of the proposed work to improve on food safety, either positive or negative?</p> <p>Describe the positive impact on food safety and potential challenges and classify it into the categories high, medium or low.</p>	<p>Here it should be described to what extent the proposed new work can contribute to improve food safety on any food safety concerns. In this context the impact on foodborne risks (i.e. biological, chemical or physical) could be summarized be under review. The positive impacts on food safety, either positive or negative, should be justified and supported by examples.</p>
<p>Impact on trade practices</p>	<p>What is the potential of the proposed work to reduce technical impediments to trade?</p> <p>Describe the positive impact on trade practices and classify it into the categories high, medium or low.</p>	<p>Here it should be described to what extent the proposed new work has a positive impact on global trade. In this context technical impediments or benefits to trade should be discussed. Potential impacts on product options, information and nutrient status considered. and the importance for consumption could be under review. The positive impact should be justified and supported by examples.</p> <p>Comment: How is importance of consumption a trade impediment?</p>
<p>Global Impact</p>	<p>What is the potential of the proposal to resolve, mitigate, prevent, or significantly reduce a global issue?</p> <p>Describe the global impact of the proposal and classify it into the categories high, medium or low.</p>	<p>Here it should be described-to what extent the proposed new work is suitable for resolving, mitigating, or significantly reducing a global problem. In this context sustainability aspects or measures for the promotion of transparency or consumer information could be under review. The positive impact should be justified and supported by examples.</p> <p>Comment: While sustainability is an important topic, it is not something that this committee should take into consideration under Global impact in the prioritization of new work.</p> <p>The CCEXEC currently has a subgroup considering the further of Codex with a section on “health, fairness and sustainability,” so this committee should wait until the conclusion of that work as it would be premature to include a mention of sustainability here</p>

ENCA

ENCA warmly welcomes the proposal to consider these wider concerns before agreeing to take on new work - and strongly recommends that it involves public interest civil society groups that have good monitoring systems.

We agree with EUMS and FINLAND that the negative impacts should be reflected clearly in the decision tree - with red dots perhaps?

We feel it is high time that Codex moves to One Health Approach (considering not just public health, but animal health and environmental degradation (land-grabbing, deforestation etc), water safety, nutrition, the control of zoonoses (diseases that can spread between animals and humans, pollution management, antimicrobial resistance (the emergence of microbes that are resistant to antibiotic therapy).

The impact of weak Codex standards on MSs ability to move ahead with strong health protective legislation (policy coherence with WHO recommendations) is a major concern.

In the areas of infant and young child feeding Codex standards are too often used as a 'regulatory ceiling' rather than a regulatory floor as they're intended to be. Weak Codex standards are often cited in challenges in the WTO Technical Barriers to Trade Committee in attempts to stop governments bringing in strong marketing controls. If it is not considered possible to draw up a strong standard that protects human and has minimal planetary harm, then the proposal should not go ahead.

Special concern should be shown for the protection of breastfeeding and culturally appropriate, bio-diverse foods.

Annex III

**RECOMMENDATIONS TO THE COMMITTEE FOR EACH OF THE SIX NEW WORK PROPOSALS
RECEIVED IN RESPONSE TO CL2020/30-NFSDU**

No.	Title of Work	Prepared by	Recommendation to the plenary
PART 1: REQUESTS FOR AMENDMENTS/REVISIONS OF EXISTING CCNFSDU TEXTS			
1.1	Proposed amendment/revision: Standard for Canned Baby Foods (CXS 73-1981)	Dominican Republic	Delete paragraph 9.5.2 from the standard CXS 73-1981. The amendment shall be submitted directly to CAC46 for adoption.
1.2	Proposal to align the permitted uses of the folic acid source Calcium-L-Methyl-Folate with those of N-Pteroyl-L-Glutamic acid in the advisory list of nutrient compounds for use in foods for special dietary uses intended for infants and young children	Switzerland	Revision of the Advisory List of nutrient compounds in CXG 10-1979, part B, row 10.2 Calcium-L-Methyl-Folate by adding four additional checkmarks in the columns Sec. A, FUF, PCBF and CBF as well as adding the reference USP to the column International and/or national bodies. The amendment shall be submitted directly to CAC46 for adoption.
PART 2: REQUESTS FOR NEW WORK			
2.1	Harmonized probiotic guidelines for use in foods and food supplements	Argentina and Malaysia	There is no consensus in the pWG to go ahead with this new work proposal. It is recommended that Argentina/Malaysia further develop their discussion paper on the new work proposal by the next session (through the pWG to assess new work proposals).
2.2	Guidelines including General Principles for the Nutritional Composition of foods and beverages made from plant-based and other alternative protein sources	Canada and the United States	There is no consensus in the pWG to go ahead with this new work proposal. It is recommended that Canada and the United States of America refine the scope of the new work proposal.
2.3	General Guidelines to establish nutrient profiles for front-of-pack nutrition labelling (FOPNL)	Costa Rica (co-chaired by Paraguay, EU and the United States)	There is no support in the pWG to go ahead with this new work proposal. It is recommended to reject the proposal and advise Costa Rica that it could be submitted again in the future considering the comments received.
2.4	Nutrient reference value (NRV-NCD) for trans-fatty acids	The European Margarine Association (IMACE)	Reject the new proposal in the absence of Member support in the pWG.