

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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**Agenda Item 5**

**CX/CAC 19/42/6 Add.1**  
**June 2019**  
**Original Language Only**

## **JOINT FAO/WHO FOOD STANDARDS PROGRAMME**

### **CODEX ALIMENTARIUS COMMISSION**

**42<sup>nd</sup> Session**

**CICG, Geneva, Switzerland, 8 - 12 July 2019**

**ADOPTION OF CODEX TEXTS AT STEP 5<sup>1</sup>**

## **BACKGROUND**

This document compiles the comments on the Draft Standards at Step 5 of the Procedure, submitted through the Codex Online Commenting Systems (OCS) or received via email by the time this document was issued. The comments are as shown in the Appendix I and Appendix II

Appendix I is the compilation of comments through the OCS. The Online Commenting System (OCS) is an online tool that enables contact points to submit comments on draft texts in a standardised way thus providing more transparency and better management of comments on different Codex texts as requested through Circular Letters. Since its launching at CAC39 (2016), the OCS has been used for different Codex Committees.

### EXPLANATORY NOTES ON THE APPENDIX I

Structure of Comments

The Comments submitted have been presented in a table format, with each Table divided into the following two Columns as follows:

**First Column** – Provides comments with the rationale.

**Second Column** – Provides comments provider (name of country or observer)

Appendix II is the compilation of comments received via email.

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<sup>1</sup> This document compiles comments submitted through OCS, and via email by the time this document was issued, in reply to CL 2019/55/OCS-FL and CL 2019/61-MAS.

**Codex Committee on Food Labelling**  
**Comité du Codex sur l'étiquetage des denrées alimentaires**  
**Comité del Codex sobre Etiquetado de los Alimentos**

**Proposed draft guidance for the labelling of non-retail containers**  
**In reply to CL 2019/55/OCS-FL**

***Comments of Australia, Brazil, Costa Rica, Ecuador, Iraq, Ireland, Mexico, New Zealand, Nicaragua, Thailand, United States of America and IDF/FIL***

<b>COMMENTS</b>	<b>COUNTRY / OBSERVER NAME</b>
<p>Overall, Australia supports the progression of this work.</p> <p>Specific Comments</p> <p>Guideline or standard</p> <p>Australia notes the advice provided by the Codex Secretariat at CCFL45 that there is no clear guidance to when a document should be guidance or a standard but that the present text had been drafted more in line with the practice used for standards (REP19/FL para 61).</p> <p>Australia would support designating this text as a Standard.</p> <p>Section 1 – Purpose</p> <p>The text refers to information that must be provided with a non-retail container by other means. However the guideline/standard provides that information can be provided through other means, not necessarily 'with' the container.</p> <p>Change proposed:</p> <p>The purpose of [these Guidelines] / [this Standard] is to facilitate appropriate harmonized labelling of non-retail containers of food and to outline what information shall be presented on the label and what information, while not required on the label, must be provided for a non-retail container by other means.</p> <p>Section 3 – Definitions</p> <p>Change proposed:</p> <p>Definition of 'non-retail container' includes reference to 'containers' in the second sentence which should be singular not plural i.e. container</p> <p>Section 4 – General principles</p> <p>We suggest the opening sentence in this section is superfluous. We note the General Standard for the Labelling of Prepackaged Foods (CXS 1 -1985) (GSLPF) does not have a similar opening sentence. We propose this can be deleted.</p> <p>Section 4.3</p> <p>The use of 'The' at the beginning of this sentence does not make grammatical sense.</p> <p>Change proposed:</p> <p>4.3 Non-retail containers should be clearly identifiable as such.</p>	<p><b>Australia</b></p>

## Section 5 – Mandatory Information Requirements on a Label

5.3 We note this section is written in a different way to other sections in that there is no reference to 'shall be provided' or similar.

Changes proposed:

5.3 Date marking and storage instructions shall be provided only when they are related to the safety and integrity of the product.

## Section 6 – Mandatory information requirements by means other than label

The title appears to be missing two words 'shared' and 'the'.

Changes proposed:

Mandatory information requirements shared by means other than the label'

Sections 6.1 and 6.2

In these sections there is reference to providing information 'through other appropriate means'. Whereas elsewhere in the document reference is made to only 'through other means' consistent with the title of this section. Also for grammatical clarity the 'all' in the second dash point in section 6.1 can be deleted and 'provided' included instead.

Changes proposed:

6.1 The information that shall be provided in the accompanying documents, or through other means, is the following:

- Information provided on the label as identified in Section 5;
- if not provided on the label:

6.2 The information provided in the accompanying documents, or through other means, shall be effectively traceable to the food in non-retail container.

Section 6.1

In the first open dot point, we think the use of the wording 'information sufficient to enable the preparation' could be problematic. This is because only the preparation steps needed to ensure safety e.g. for heat treating beans, processing cassava, should be included in mandatory information. It is not possible to provide general information sufficient to enable preparation as this will differ from product to product and in different countries.

Changes proposed:

- o Information required to prepare the food safely and to enable the labelling of pre-packaged foods in which the food in the non-retail container will be used or packaged from.

## Section 7 – Bulk Transport Containers

Change proposed:

Australia supports deletion of the square brackets on the title of this section.

## Section 8 – [EXEMPTION]

Australia suggests this new section could be titled 'TRANSPARENT NON-RETAIL CONTAINERS'

There are also a number of editorial errors where 'container' should be 'containers'; reference to 'pre-packed' in the section should be 'prepackaged'.

Changes proposed:

8. In the case of non-retail containers which provide visual and legible access to the information on the label of prepackaged foods, inside such non-retail containers, the information stipulated in section 5 is not required.

## Section 9 – Language

9.2 Consistent with section 6, and with our comments above on sections 6.1 and 6.2 the reference to providing information 'through other appropriate means' should be amended to 'by means other than the label'.

Changes proposed:

<p>9.2 If the language in the original labelling is not acceptable to the competent authority or the food business in the country in which the product is sold, a translation of the information in the labelling should be provided in the required language in the form of re-labelling, supplementary label and/or in the accompanying documents or by means other than the label to meet the requirements of the country in which the product is sold.</p>	
<p>The Brazilian delegation would like to thank the opportunity to comment on CL 2019/55/OCS-FL. At the 45th Session of CCFL there was a significant progress in the proposed Guidelines for the Labeling non-retail containers due to the efforts made by delegations to reach consensus on the subject. In this regard, the Brazilian delegation supports the adoption of this document at Step 5.</p>	<b>Brazil</b>
<p>Costa Rica agradece la oportunidad de emitir comentarios. En ese sentido, desea expresar su apoyo al avance del documento.</p>	<b>Costa Rica</b>
<p>Una vez revisado el ANTEPROYECTO DE ORIENTACIÓN PARA EL ETIQUETADO DE ENVASES DE ALIMENTOS NO DESTINADOS A LA VENTA AL POR MENOR, Ecuador manifiesta que está de acuerdo con el texto y con las consideraciones descritas de manera general, las mismas que engloban los criterios emitidos en documentos anteriores basándose en el propósito de facilitar el etiquetado y que éste sea apropiado y armonizado, especificando la información que debe declararse en la etiqueta y la información que puede proporcionarse por otros medios; resaltando que la información mínima presentada en la etiqueta de estos envases debe ser la considerada obligatoria. La información restante, que se intercambia apropiadamente a través de documentos de acompañamiento u otros medios aceptables, debe ser rastreable a los alimentos en el envase no destinado a la venta al por menor. Por tanto al considerar que ha habido un gran progreso en el trabajo del documento, se sugiere la adopción en el paso 5.</p>	<b>Ecuador</b>
<p>Agree with proposed draft guidelines.</p>	<b>Iraq</b>
<p>Section 5.1 on the name of the food, some B2B products could be labelled along the lines of the CN code e.g. 'Food Preparations' is at times used for powder mixtures classified under CN code 2106 90. The customer would however be supplied with the product specification which would carry the full details, product description, composition, allergens, etc. In these cases would section 6 then apply in that the mandatory information is supplied by means other than a label. Section 5.4 – identification of a non-retail container In practice, bags and boxes for B2B would not currently be labelled "Non-retail container". To meet this requirement would section 6 also apply i.e. that this statement which is mandatory under the guideline could be met in the accompanying documents rather than on the label? Section 8 [Exemption] afraid I am unclear of what exactly this section applies to. Does it perhaps mean that if the container contains smaller packaged foods with more labels then you don't need labels on the outside? I am thinking shrink wrapped 25 kg bags on a pallet? As the guideline is at step 5 does it advance to step 8 in July for adoption. If so will there be a transition period for its implementation. I am thinking here if section 6 (facility to provide information in the accompanying documents) does not apply and bags/boxes have to be replaced.</p>	<b>Ireland</b>

<p>México recomienda la asesoría de expertos en logística de la OMC, ya que hay presencia de textos no operables para la venta no destinada al por menor y pudieran representar una barrera al comercio internacional.</p> <p>Se recomienda la remoción de la declaración del contenido neto del contenedor de alimentos no destinados a la venta al por menor, ya que este dato se establece en la factura entre proveedor/cliente; aunado a lo anterior, el procedimiento para establecerlo es a nivel industrial, lo cual implica un grado de dificultad para aplicarlo y por último no aporta información reelevante para el etiquetado posterior de alimentos preenvasados.</p> <p>Para el párrafo "En el caso de contenedores de alimentos no destinados a la venta al por menor que brindan acceso visual y legible a la información en la etiqueta de los alimentos preenvasados, dentro de dichos contenedores, la información estipulada en la sección 5 no es requerida. " México sugiere un caso de ejemplo para aclarar que es lo que se quiere exceptuar.</p> <p>Para el párrafo "9.1.2 La información y las declaraciones que deben figurar en la etiqueta, en virtud de [estas Directrices] / [esta Norma], o cualquier otra norma del Codex, serán claras, prominentes, fácilmente legibles y aplicadas de tal manera que cualquier manipulación con ella sea evidente."</p> <p>La operación referida en el presente numeral es complicada. Un productor, distribuidor, empacador no puede asegurar bajo ningún medio que la etiqueta que pegó en origen no sea alterada posteriormente. Esto no está en sus manos y los actos ilegales no pueden evitarse poniendo la responsabilidad en el origen. Recomendamos la remoción del texto tachado quedando la siguiente redacción: 9.1.2 La información en la etiqueta en virtud de esta Directriz o Norma o cualquier otra norma de Codex deberá ser clara, destacada, fácilmente legible.</p> <p>México sugiere eliminar el numeral "9.1.3 Los requisitos de información obligatoria en la etiqueta (Sección 5) aparecerán en una posición prominente en el envase no destinado a la venta al por menor y en el mismo campo de visión."; en virtud de que la naturaleza de estos contenedores no son para estar en un anaquel, por lo que poner conceptos de producto preenvasado en éstas operación es imposible de cumplir. Cuando el alimento es trasladado en cajas de trailer no existen posiciones como racks tal cual por lo que la posición destacada es imposible y mucho menos en el mismo campo de visión ya que se habla a niveles industriales por lo que tampoco se puede cumplir. Proponemos que este punto sea eliminado ya que el concepto se cubre en los apartados 9.1.1, 9.1.2.</p>	<p><b>Mexico</b></p>
<p>New Zealand Position on Circular Letter (CL 2019/55/OCS-FL) at STEP 5 on the Request for Comments at Step 5 on the proposed draft Guidance for the labelling of non-retail containers.</p> <p>New Zealand appreciates the opportunity to comment on the Circular Letter at Step 5 concerning the proposed draft Guidance for the labelling of non-retail containers.</p> <p>New Zealand strongly supports the adoption of the proposed draft guidance at Step 5 noting the significant progress made on the drafting at both the physical working group immediately prior to CCFL45 and in the plenary of that meeting. New Zealand strongly supports the need for specific guidance on the labelling of non-retail containers and for this to be clearly differentiated from the labelling requirements of pre-packaged foods for retail sale to the consumer (as outlined in the General Standard for the Labelling of Pre-packaged Food (CXS 1-1985)).</p> <p>New Zealand does have some issues with some of the current drafting of paragraph 9.1.3 and section 6.1.</p> <p>REP19/FL Appendix I: 9.1.3 The mandatory information requirements on label (Section 5) shall appear in a prominent position on the non-retail container and in the same field of vision.</p> <p>New Zealand would like to see the words “and in the same field of vision” put into square brackets to allow further discussion on this at</p>	<p><b>New Zealand</b></p>

<p>Step 6. We note there was no significant discussion on the inclusion of these words at CCFL45 and the proposed wording would be quite restrictive and could reduce clarity of the labelling information. Section 6.1 information sufficient to enable the preparation and labelling of pre-packaged foods from the food in the non-retail container We also suggest the words 'preparation and' in this bullet point is placed in square brackets for further discussion at Step 6. New Zealand suggests that while information required to correctly label pre-packaged foods made from the food in the non-retail container is necessary to accompany non-retail container, information to enable correct preparation of pre-packaged products made from the food in the non-retail container would not be possible due to the wide variety of pre-packaged products the food in the non-retail container may be used in. New Zealand has some editorial changes to other paragraphs but will provide comments on these at Step 6.</p>	
<p>Nicaragua valora positivamente los avances del documento y agradece los esfuerzos llevados a cabo para cumplir con éstos. Tomando como referencia el párrafo 61 del del REP19/FL, acerca de la falta de una orientación clara en el Codex sobre cuándo un documento debería convertirse en una directriz o en una norma; Nicaragua considera que aunque la naturaleza de los textos del Codex no afecte su importancia, si existen implicaciones en su estructura y en el proceso de negociación (tiempo invertido), cuando ésta no se define; por lo tanto sugiere que este caso sirva como referencia para que se evite en la medida de lo posible, avanzar en la tramitología, sin tener clara la naturaleza del texto, dado que que el orden y la uniformidad de los procesos impacta la calidad de los productos y en los tiempos de negociación.</p>	<b>Nicaragua</b>
<p>Thailand does not oppose the Proposed Draft Guidance for the Labelling of Non-Retail Containers for adoption at Step 5 by the CAC 42. Noting the remaining issues, especially those in square brackets, may affect the text that has already been agreed upon. Therefore, Thailand is of the view that the whole draft should still be opened for members to carefully consider in the next meeting of CCFL.</p>	<b>Thailand</b>
<p>In paragraph 2 "Scope", please enter the following parenthetical: "... or by other means (e.g., electronically between food businesses or central competent authorities), and the presentation ..."</p> <p>In paragraph 4.7, please make two edits: (1) please delete the comma after "... of food, ..." and (2) please add the following text "when it is". In sum, this is how we would like it to read: "... labelling of food when it is intended for sale to ..."</p> <p>In paragraph 5.2, the United States recommends editing and restructuring of the paragraph as follows: "Each non-retail container shall: <input type="checkbox"/> Be marked in code or in a manner to clearly identify the producing factory and the lot; and <input type="checkbox"/> Include date marking and storage instructions when related to the safety and integrity of the product."</p>	<b>United States of America</b>

<p>For paragraph 6.1, the United States recommends that it be edited as follows:          "The accompanying documents or other appropriate means should include the mandatory information required on the label (Section 5), as well as is the following:          o information sufficient to enable the preparation and labelling of pre-packaged foods from the food in the non-retail container;          o net content of the non-retail container.</p> <p>In paragraph 7.1, the United States recommends the following additional parenthetical:          ""... or through appropriate other means (e.g. electronically between food businesses or central competent authorities) and shall be ..."</p> <p>For Section 8, the United States recommends that it be edited as follows:          "[PHYSICAL LABEL EXEMPTION]          When non-retail containers provide visual and legible access to the information on the label of prepacked foods, the information stipulated in section 5 is not required on the label of the non-retail container."</p>	
<p>We acknowledge the significant progress made on this paper during the physical working group and the plenary session of CCFL45. We continue to support this document being a guideline due to the flexibility required to accommodate labelling differences at national level. We have the following comments to make:</p> <ul style="list-style-type: none"> <li>• Para 9.1.3 : The mandatory information requirements on label (Section 5) shall appear in a prominent position on the non-retail container and in the same field of vision. We are unaware of any evidence of the necessity for requiring all mandatory labelling elements to be in the same field of vision. This could compromise clarity and readability of the presented information and would cause industry significant relabelling costs (including redoing artwork, running out existing stock and possibly changing packaging procedure) without evidence of benefit. A common practice is to pre-print the standard mandatory elements such as supplier address on one side of a bag or carton and then the variable information (lot number etc) is printed during manufacturing and packaging.</li> <li>• We note that the definition of 'food', taken from the CGSLPF, refers to 'any substance'. Many whole foods, especially fruit and vegetables and fish, could not be described as a substance.</li> <li>• 5.3 minor insertion needed 'Date marking and storage instructions are required only when they are related to the safety...'</li> <li>• 5.4 minor addition to first dot point ..to be sold directly to the consumer....</li> <li>• 5.5 should have emboldened subheading Name and address, as for the other subsections of para 55.</li> <li>• Section 5.6 is out of context with the other subsections of 5. It could be presented as a subsection under 9.1 Presentation of Information. This would also enable this para to refer to the provisions in both sections 5 and 6.</li> <li>• Section 6.1 – the use of the wording 'information sufficient to enable the preparation' is not appropriate. We suggest it could be reworded to something like "Any information required to prepare the food safely and any information needed to meet mandatory requirements for the labelling of pre-packaged foods in which the food in the non-retails container will be used or packaged." Only the preparation steps needed to ensure safety e.g. for heat treating beans, processing cassava, should be included in mandatory information. It is not possible to provide general information sufficient to enable the preparation as this will differ from product to product and in different countries.</li> <li>• Accept Section 7.</li> <li>• Section 8 [Exemptions] could be moved under 9.1 (presentation of Information, General).</li> </ul>	<p><b>IDF/FIL</b></p>

**Committee on Methods of Analysis and Sampling**  
**Comité sur les méthodes d'analyse et d'échantillonnage**  
**Comité sobre Métodos de Análisis y Toma de Muestras**

**Proposed draft Revised Guidelines on Measurement Uncertainty (CXG 54-2004)**

**In reply to CL 2019/61-MAS**

***Comments of Costa Rica, Ecuador, Mexico and Peru***

<b>COMMENTS</b>	<b>COUNTRY / OBSERVER NAME</b>
Costa Rica agradece la oportunidad de emitir comentarios. En ese sentido, desea expresar su apoyo al avance del documento.	<b>Costa Rica</b>
Ecuador agradece el trabajo realizado por el Grupo de Trabajo Electrónico y considera apoyar al documento, a fin de que sea remitido a la CAC para su aprobación en su 42° período de sesiones.	<b>Ecuador</b>
Mexico agrees that the sampling examples are no longer included and agrees it's progress to step 5.	<b>Mexico</b>
<p><b>Observaciones generales</b>  Perú agradece a la secretaría de la Comisión del Codex Alimentarius por la CL 2019/61/OCS-MAS Solicitud de comentarios en la etapa 5 sobre el anteproyecto de revisión de las Directrices sobre incertidumbre en la medición (CXG 54 - 2004).  Perú ha revisado las recomendaciones del CCMAS contenidas en el párrafo 66 i. del REP19/MAS y considera que están listas las Directrices sobre la incertidumbre en la medición (CXG 54-2004) revisadas al CAC 42 para su adopción en el Trámite 5.</p> <p><b>Observaciones específicas</b>  El Perú en el marco del Codex Alimentarius con relación a la solicitud contenida en la CL 2019/61/OCS-MAS, no tiene comentarios específicos.</p>	<b>Peru</b>



## Appendix II

**Committee on Food Import and Export Inspection and Certification Systems**  
**Comité du Codex sur les systèmes d'inspection et de certification des importations et des exportations alimentaires**  
**Comité del Codex sobre Sistemas de Inspección y Certificación de Importaciones y Exportaciones de Alimentos**

**Draft Principles and Guidelines for the Assessment and Use of voluntary Third-Party Assurance (vTPA)**

***Comments of Ghana, India, Philippines and Tanzania***

**GHANA**

**Position:** Ghana supports the proposed draft of Principles and guidelines for the assessment and use of voluntary third-party assurance programmes and supports its advancement to CAC42 for adoption at Step 5.

However, Ghana while recognizing that vTPA could enhance risk management, also cautions that it must not replace official government inspections or that its use become obligatory.

**Rationale:** These principles and guidelines will support and strengthen National Food Control Systems as private information/data can be used for risk profiling and supplement official information.

**INDIA**

**Comment:** India supports the adoption of this document at Step 5.

**PHILIPPINES****General Comments:**

We stand in agreement with the provisions of the revised guidance document. Overall, we found the texts as technically sufficient in structure and form, and we recommend maintaining clarity and consistency in the document. We acknowledge the importance and supporting role of vTPA in achieving NFCS objectives, thus, we highly support the advancement of the document through the Codex process. We are in the view that the provisions therein are substantially ready for adoption as draft standard.

Relevant to the request of the Committee for comments at Step 5 of vTPA, we are pleased to submit our specific comments/recommendations:

Specific Matters	PH Recommendations
<b>C: DEFINITIONS</b>	<p>We would like to suggest for the inclusion of a definition for 'Standard'.</p> <p><u>'Standard – is document, established by consensus and approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context'</u></p> <p>Reference :ISO/IEC Guide 2:2004 Standardization and related activities -- General vocabulary</p>
<b>E: ROLES, RESPONSIBILITIES AND RELEVANT ACTIVITIES</b>  <b>FOOD BUSINESS OPERATORS (FBOs)</b>  a. Have the primary role and responsibility for managing the food safety of their products and for complying with regulatory requirements relating to those aspects of food under their control.	<p>The Philippines proposes the inclusion of the following texts as:</p> <p>e. Have appropriate systems in place to protect against potential conflicts of</p>

<p>b. Need to demonstrate that they have effective controls and procedures in place to protect the health of consumers and ensure fair practices in food trade.</p> <p>c. May elect to participate in vTPA programmes to meet business needs, demonstrate compliance with relevant food safety standards, and provide independent assurance of the integrity of their products or production systems to buyers.</p> <p>d. Owns the information/data generated by the vTPA programme.</p> <p>e. [Is able to demonstrate that it has no conflicts of interest with the operation of the vTPA.]</p>	<p>interest with the operation of the vTPA and be able to demonstrate adherence to data protection obligations.</p>
<p><b>VOLUNTARY THIRD-PARTY ASSURANCE OWNERS (vTPA)</b></p>	
<p>a. Are responsible for implementing the governance arrangements of a vTPA programme, which may include utilising national/international standards and independent accredited audit and certification.</p> <p>b. [Are accountable to FBOs that participate in vTPA programmes]</p> <p>c. Sharing information/data generated by the vTPA programme owners for use by the competent authority, according to the process established by the vTPA programme owners and the competent authority.</p> <p>d. Have policies and processes when sharing vTPA information such as notification to the FBO and protections for proprietary information.</p> <p>e. Have policies to ensure a vTPA alerts the competent authority of any significant [public health risks associated with] non-compliances by the regulated industry.</p> <p>f. Have appropriate systems in place to protect against potential conflicts of interest between TPA owners, auditors and FBOs, and be able to demonstrate adherence to data protection obligations.</p>	<p>Further, we recommend the following texts under vTPA:</p> <p>g. Publish public information on vTPA's process of granting, refusing, maintaining, renewing, suspending, storing or withdrawing certification or expanding or reducing the scope of certification.</p> <p>h. The certification body shall provide by any means it chooses certification documents to the certified client.</p> <p>i. Processes for handling requests for information, complaints and appeals.</p>

## **TANZANIA**

**Position:** Tanzania does not support the adoption at step 5, of the draft principles and guidelines for the assessment and use of voluntary Third Party Assurance (vTPA) programmes, REP19/FICS Para. 53, Appendix III.

**Rationale:** Tanzania reiterates her concerns which have been expressed severally in different fora including the Codex Alimentarius Commission that Third Party Assurance programmes, are private standards and do not take into account the unique circumstances of producers in developing countries. We are concerned about their risk to the creation of a dual certification systems at the national level. Besides questions still

remain about the legitimacy of these vTPA programme, as they are not developed in a broad-based inclusive manner and their affordability for small and medium-sized food businesses.

It is worth noting that most developing countries are still at the stage of basic food control schemes under pre-requisites requirements for food safety and product certification as per ISO Standards as enshrined in our various national food laws. This regime which has worked well for many countries. We do not think integrating vTPA programmes into governmental food control schemes is the way to go. This will be an unnecessary layer of control that will affect our producers and potentially could lead to trade barriers.

We are aware that the STDF recently initiated projects in some developing countries to test and assess how voluntary Third-Party Assurance (TPA) programmes may be used in practice by government authorities in developing countries to improve food safety outcomes. We understand that the outcome of this project will further inform the current ongoing work on Principles and guidelines for the assessment and use of voluntary Third Party Assurance (vTPA) programmes. This further supports the evidence in most developing countries, that Third Party Assurance programmes (private standards) are not the basis for food control in most developing countries.

Tanzania wishes to remind that the Codex Alimentarius Commission is an intergovernmental standard setting body. Developing Codex guidelines to assess the performance of voluntary third party assurance programmes developed by some private entities does not fall in the mandate of the CAC.

**Committee on Food Hygiene**  
**Comité sur l'hygiène alimentaire**  
**Comité sobre Higiene de los Alimentos**

**Proposed Draft Code of Practice on Food Allergen Management for Food Business Operators,  
REP19/FH Para.56, Appendix III**

***Comments of Ghana, India, Senegal and Tanzania***

**GHANA**

**Position:** Ghana supports:

- the use of precautionary level for allergen management
- request for scientific advice from FAO/WHO related to thresholds and risk assessment to support decisions for allergen management

**Rationale:** The use of precautionary allergen labelling is appropriate particularly when it is not considered as replacement for implementation of measures necessary to prevent or minimize the presence of undeclared allergens. The proposed code establishes the principles of allergen identification and sources of risk rather than providing prescriptive guidance. This will allow flexibility in its implementation and practices.

**INDIA**

**Comment:** India supports the adoption of “Proposed Draft Code of Practice on Food Allergen Management for Food Business Operators” at step 5 with the understanding that the issue related to precautionary allergen labelling is appropriately considered and addressed by CCFH/CCFL, as the case may be.

**SENEGAL**

**Contexte :** Le CCFH49 était d'accord pour commencer de nouveaux travaux sur la gestion des allergènes alimentaires, avec l'Australie, le Royaume-Uni et les États-Unis comme co-responsables. Au CCFH50, l'Australie a présenté la proposition révisée élaborée par les co-présidents sur base des observations écrites reçues du GTE. Les principaux problèmes abordés étaient (i) les seuils d'allergènes, (ii) les méthodes d'évaluation des risques des allergènes (iii) utilisation d'un étiquetage de précaution pour les allergènes (par ex. “peut contenir”).

**Position:** Le Sénégal soutient l'utilisation de niveau de précaution pour la gestion des allergènes et la demande d'avis scientifique à la FAO/OMS sur les seuils et l'évaluation des risques afin d'appuyer les décisions pour la gestion des allergènes.

**Justificatif:** Le code proposé établit les principes d'identification des allergènes et les sources possibles de risques plutôt que de fournir les guides d'orientation. Cela permettra une flexibilité dans la mise en œuvre et les pratiques.

L'utilisation d'un étiquetage de précaution relatif aux allergènes est très appropriée particulièrement quand cela n'est pas considéré comme un substitut à la mise en œuvre de mesures nécessaires pour prévenir ou réduire au minimum la présence d'allergènes non déclarés.

### **TANZANIA**

**Position:** Tanzania support

- the use of precautionary level for allergen management
- request for scientific advice from FAO/WHO related to thresholds and risk assessment to support decisions for allergen management

**Rationale:** The use of precautionary allergen labeling is appropriate particularly when it is not considered as replacement for implementation of measures necessary to prevent or minimize the presence of undeclared allergens.

The proposed code establishes the principles of allergen identification and sources of risk rather than providing prescriptive guidance. This will allow flexibility in its implementation and practices.

**Codex Committee on Nutrition and Foods for Special Dietary Uses  
Comité du Codex sur la nutrition et les aliments diététiques ou de régime  
Comité del Codex sobre Nutrición y Alimentos para Regímenes Especiales**

**Review of *the Standard for Follow-up Formula (CXS 156-1987)*: Proposed draft Scope, Description and Labelling for followup formula for older infants**

***Comments of Ghana, India and Peru***

### **GHANA**

**Position:** Ghana supports the adoption of Section A: follow-up formula for older infants: scope, product definition and labelling.

**Rationale:** The provisions are necessary to enable countries better regulate follow-up formula for older infants.

### **INDIA**

**Comment:** India does not support adoption of the proposed draft Scope, Description and Labelling for follow-up formula for older infants at step 5.

**Rationale:** It is not appropriate to adopt the proposed draft text at Step 5 as there are still some unresolved issues with respect to sections on "Scope" and "Labelling". India has been proposing to add relevant WHO and WHA resolutions w.r.t recommendations made in the International Code of Marketing of Breast-milk Substitutes (1981), the Global Strategy for Infant and Young Child Feeding and World Health Assembly resolution WHA in the scope of the standard as was done in case of CODEX STAN 72-1981 (section A: standard for infant formula). India had also proposed to add relevant marketing provisions of WHO and WHA resolutions in the labelling which is not captured in the proposed draft text.

### **PERU**

#### **1. Antecedente:**

"Solicitud de observaciones en el trámite 5 sobre la revisión de la Norma para preparados complementarios: anteproyecto de ámbito de aplicación, descripción y etiquetado de los preparados complementarios para lactantes de más edad".

#### **2. Posición:**

El Perú **no aprueba** la adopción del texto relacionado con el Paso 5 sobre la Revisión de la Norma para la Fórmula de Seguimiento: anteproyecto de requisitos de composición esencial para bebés mayores. El fundamento es que la carta circular propuesta, debido al documento CODEX STAN 156 Norma para Preparaciones Complementarias, se encuentra en revisión; y en él hay temas que escapan del alcance del Codex Alimentarius.

Como una forma de avanzar para facilitar la adopción, Perú **solicita** excluir el alcance de la última oración, por lo tanto, solicitamos eliminar la última frase (tachado) del texto. Solicitamos, revisar el texto propuesto a continuación con el segmento excluido.

**9.6.4** Los productos serán etiquetados de manera diferenciada evitando cualquier riesgo de confusión entre preparados para lactantes, preparados complementarios para lactantes de más edad, [nombre del producto] para niños pequeños y preparados para usos medicinales especiales, en particular, por el texto, las imágenes y los colores utilizados, y de manera que los consumidores los distingan claramente. ~~No se permite la promoción cruzada entre categorías de productos en [la etiqueta/el etiquetado] del producto.~~

La Promoción Cruzada está vinculado al uso de las marcas registradas por los titulares de licencias y/o productos.

Perú, como país miembro del Codex, es un país que respeta los principios y términos del Codex Alimentarius y, por lo tanto, solicita eliminar esta premisa y excluye esta referencia a la promoción cruzada, como país miembro de CODEX.

### 3. Argumentos:

- a) El término "Promoción cruzada" es un término utilizado por las marcas (marcas familiares) y en el campo del marketing. Por lo tanto, no es un término abarcado por el alcance del Codex Alimentarius, que incluye estándares para todos los alimentos principales, ya sean procesados, semielaborados o crudos, para su distribución al consumidor. Los materiales para su posterior procesamiento en alimentos deben incluirse en la medida necesaria para lograr los propósitos del Codex Alimentarius tal como se definen. El Codex Alimentarius incluye disposiciones con respecto a la higiene de los alimentos, los aditivos alimentarios, los residuos de plaguicidas y medicamentos veterinarios, los contaminantes, el etiquetado y la presentación, los métodos de análisis y muestreo, y la inspección y certificación de importaciones y exportaciones.
- b) Incluir el término "Promoción cruzada" es profundizar en las discusiones sobre la Ley de Propiedad Intelectual y las Marcas, que van más allá del alcance del Codex Alimentarius.

**Committee on Spices and Culinary Herbs  
Comité sur les épices et les herbes culinaires  
Comité sobre Especies y Hierbas Culinarias**

**Proposed draft standard for dried oregano**

***Comments of Ghana and India***

#### **GHANA**

**Position:** Ghana supports adoption of the proposed draft standard for dried oregano.

**Rationale:** Establishing international standard for dried oregano will contribute to safe trade in this product.

#### **INDIA**

**Comment:** India supports the adoption of the following texts proposed by CCSCH at Step 5.

**Proposed draft standard for for dried roots, rhizomes and bulbs — dried or dehydrated ginger**

***Comments of Ghana and India***

#### **GHANA**

**Position:** Ghana supports adoption of the proposed draft standard for dried or dehydrated ginger

**Rationale:** Dried roots, rhizomes and bulbs – dried or dehydrated ginger are important agricultural commodities world-wide and especially in Africa (Ghana, etc). Having international standard for this product will contribute to and facilitate safe trade.

**INDIA**

**Comment:** India supports the adoption of the following texts proposed by CCSCCH at Step 5. However, we propose to add the parameter "Calcium (as oxide) on dry basis by mass, max %", with the following values a) 1.1 for unbleached and, b) 2.5 for bleached, under the 'Chemical properties'.

**Proposed draft standard for dried basil*****Comments of Ghana and India*****GHANA**

**Position:** Ghana supports adoption of the proposed draft standard for dried basil

**Rationale:** Dried basil is an important spice that is traded widely with significant economic importance to Ghana in particular. Having international standard for this commodity will contribute to and facilitate safe trade.

**INDIA**

**Comment:** India supports the adoption of the following texts proposed by CCSCCH at Step 5.

**Proposed draft standard for dried floral parts – dried cloves*****Comments of Ghana, India and Tanzania*****GHANA**

**Position:** Ghana supports adoption of the proposed draft standard for dried cloves

**Rationale:** Dried cloves are important spice that are traded widely with significant economic importance to Africa in particular. Having international standard for this commodity will contribute to and facilitate safe trade.

**INDIA**

**Comment:** India supports the adoption of the following texts proposed by CCSCCH at Step 5.

**TANZANIA**

**Position:** Tanzania supports adoption of the proposed draft standard for dried cloves.

**Rationale:** Dried cloves are an important spice that is traded widely with significant economic importance to Africa in particular. Having international standard for this commodity will contribute to and facilitate safe trade.

**Proposed draft standard for saffron*****Comments of European Union, Ghana and India*****EUROPEAN UNION**

The European Union and its Member States (EUMS) do not object to the adoption of the Draft Standard for Saffron at Step 5.

However, the EUMS consider that the CCSCCH should further address physical and chemical parameters proposed for saffron, and in particular, the values proposed for picrocrocin, crocin and safranal.

The EUMS also believe that the current draft does not reflect the reality of the product currently traded and that saffron should be classified in three classes according to the levels of picrocrocin, crocin and safranal.

**GHANA**

**Position:** Ghana supports adoption of the proposed draft standard for dried cloves

**Rationale:** Saffron is an important spice that is traded widely with significant economic importance. Establishing international standard for this commodity will contribute to and facilitate safe trade.

**INDIA**

**Comment:** India supports the adoption of the following texts proposed by CCSC at Step 5.

**Committee on Food Labelling**  
**Comité du Codex sur l'étiquetage des denrées alimentaires**  
**Comité del Codex sobre Etiquetado de los Alimentos**

**Proposed draft guidance for the labelling of non-retail containers**

***Comments of India and Tanzania***

**INDIA**

**Comment:** India supports the adoption of the proposed draft guidance document at Step 5, since we believe significant agreement has been achieved on the document after elaborate and sustained discussions in the Codex Committee on Food Labelling.

**TANZANIA**

**Position:** Tanzania supports adoption of the proposed draft guidance but recommends the amendment of the definition of “food business” to include “harvesting” the definition will read as follows:

“Food Business” means an entity or undertaking, carrying out one or more activity(ies) related to any stages of production, **harvesting** processing, packaging, storage and distribution(including trade) of food.

**Rationale:** The food value chain does not always start with farmed produce (production), but could start with raw materials that are harvested from the wild e.g. Baobab fruits and Shea nuts. A case which is common in Africa.