

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
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World Health
Organization

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Agenda Item 4b

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD ADDITIVES

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DEVELOPMENT OF A GUIDELINE FOR COMMODITY COMMITTEES TO UNDERTAKE WORK ON THE ALIGNMENT OF FOOD ADDITIVE PROVISIONS

prepared by the Australian co-chair of the Alignment electronic working group

Introduction

The 48th session of the CCFA agreed to establish an EWG, led by Australia and co-chaired by the United States of America (USA), open to all Members and Observers and working in English only to (REP 16/FA, para. 52). One of the tasks assigned to the EWG was to develop guidelines for commodity committees to undertake work on alignment. This follows the decision by the 47th session of the CCFA to remind active commodity committees, that it is their responsibility to consider the alignment of food additive standards with the GFSA for all those commodity standards within their mandate.

Considerations

As part of the 2nd circular to the eWG members following the 48th session, a request was made to provide comments on the following questions:

- (i) How might the CCFA Guideline provide clarity to active Commodity Committees on what alignment activities to undertake?
- (ii) What would the scope and structure of the new Guideline look like?
- (iii) How might the existing Alignment Decision Tree be built upon, with respect to providing specific guidance to active Committee Committees?

Comments were received to these questions from New Zealand and the Federation of European Specialty Food Ingredients Industries (ELC) - Appendix 1.

Proposed Approach

- i) Request that Commodity Committees use the Decision Tree including the *Principles established that have guided the direction and development of the Decision Tree*. The current version of the Decision Tree, including the *Principles*, is at Appendix 2.
- ii) Provide further supplementary guidance to Commodity Committees on how to use the Decision Tree. A supplementary guidance text has been drafted at Appendix 3.

Appendix 1

**COMMENTS RECEIVED ON THE APPROACH TO THE DEVELOPMENT OF GUIDELINES FOR
COMMODITY COMMITTEES TO UNDERTAKE WORK ON THE ALIGNMENT OF FOOD ADDITIVE
PROVISIONS**

ELC**(i) How might the CCFA *Guideline* provide clarity to active Commodity Committees on what alignment activities to undertake?**

ELC's answer: The Commodity Committees should give priority to the Commodity Standards that have most relevance from a commercial standpoint. The Commodity Committees would be in charge of determining the commercial relevance of each Standard. Then, once the alignment work has been undertaken for all Commodity Standards they are responsible for, they might systematically include into their agenda an item dedicated to the alignment with the latest adopted GSFA provisions.

Furthermore and with regard to the food additives provisions that are still in the step process, we would suggest that the *Guideline* clarifies if and when the Commodity Committees can address these provisions directly without receiving them from the Codex Committee on Food Additives for consideration.

(ii) What would the scope and structure of the new *Guideline* look like?

ELC's answer: The *Guideline* should notably include the electronic working group's Working Principles in addition to the Decision-tree for the recommended approach to alignment of the GSFA and Commodity Standards food additive provisions.

(iii) How might the existing Alignment Decision Tree be built upon, with respect to providing specific guidance to active Committee Committees?

ELC's answer: The Decision-Tree shall include a scenario for additives being part of a group of additives. Although the additive in question is not mentioned in the Commodity Standard, it shall be taken into consideration during the alignment process if it has the same functional class as the other additives mentioned in the Commodity Standard.

New Zealand**(i) How might the CCFA *Guideline* provide clarity to active Commodity Committees on what alignment activities to undertake?**

NZ comments: NZ believes that a *Guideline* is needed, that contains the elements listed under (ii) below.

The CCFA section of the Codex website should contain a dedicated section on Alignment, with the following information:

- Alignment Decision Tree and associated Notes and Principles, and in due course the completed *Guideline*. Information on the process, and the current Decision Tree, is difficult to find.
- List of all active commodity committees, and commodity standards within those committees
- List of other commodity committees and standards within those committees
- An update on what alignment has been completed to date
- Prioritisation – explain the process, explain the criteria

(ii) What would the scope and structure of the new *Guideline* look like?

NZ comments: A *Guideline* could contain the following elements, as commodity committees undertaking the alignment exercise need to know the background.

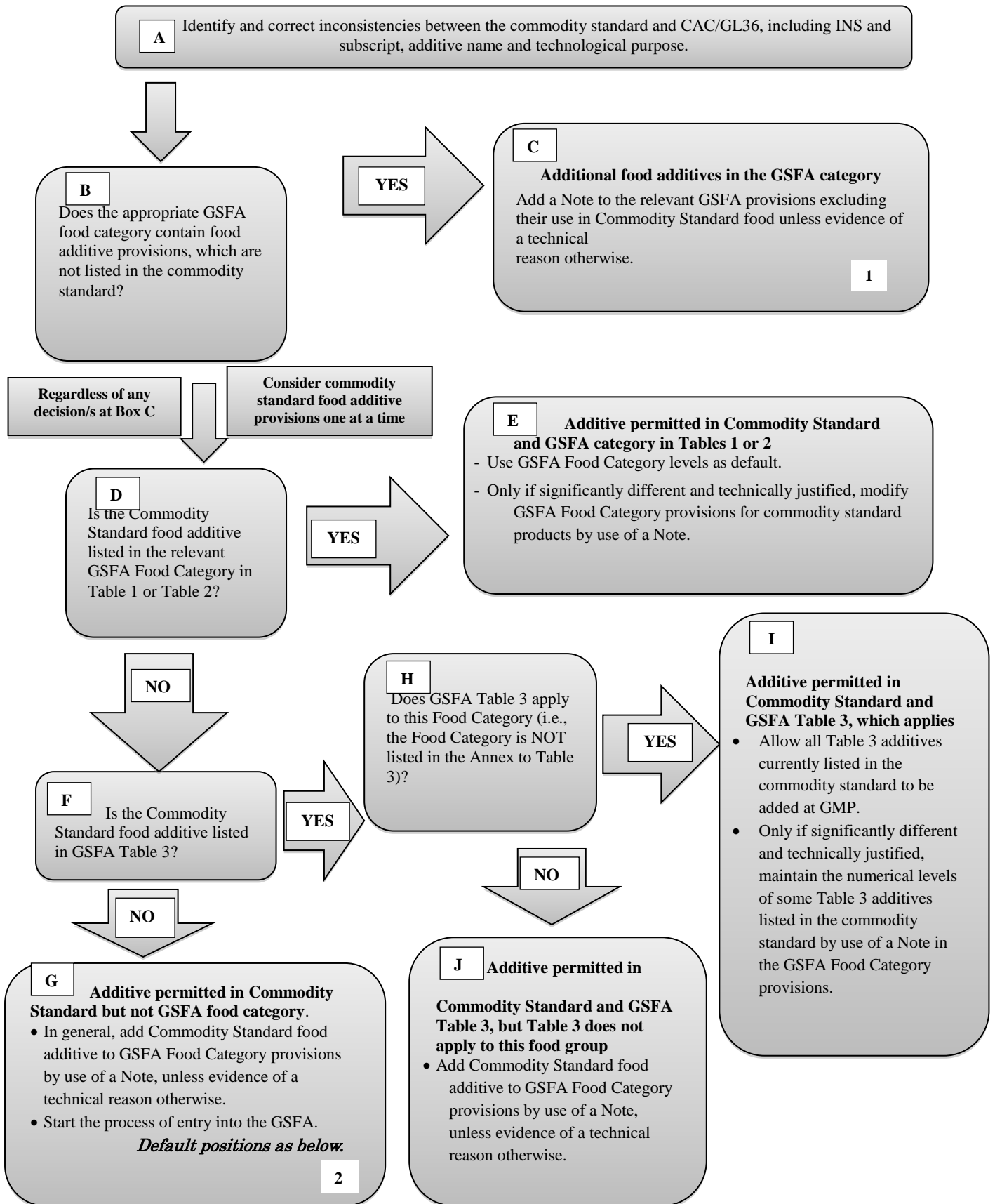
- An explanation that the GSFA is to become the single authoritative reference point for food additives in Codex. Commodity standards will reference the GSFA, and not contain additive provisions.
- An explanation of the Decision Tree, and how it is used
- How to go about alignment, where to start, perhaps some questions and answers, eg
 - How to conduct alignment when there is not a 1:1 relationship between commodity standard and GSFA
 - Explain how draft provisions are dealt with

- What should a commodity committee do if a provision is outdated and no longer needed, or if it needs to be updated (recognising that some of the commodity standards were developed some time ago)
- Do they need to set up an eWG
- What do they do once the draft Alignment provisions are developed – how is it submitted to CCFA and what explanatory information needs to accompany the draft Alignment provisions

(iii) How might the existing Alignment Decision Tree be built upon, with respect to providing specific guidance to active Committee Committees?

NZ comments: The existing Decision Tree should be used, and perhaps expanded on with more Notes, and an example of how to apply it, or questions and answers. The development of a step-by-step guide could assist.

REVISED DECISION TREE FOR THE RECOMMENDED APPROACH TO ALIGNMENT OF THE GSFA AND COMMODITY STANDARDS FOOD ADDITIVE PROVISIONS, BASED ON USE FOR PROCESSED MEATS, BOUILLONS AND CONSOMMÉS, AND COCOA-BASED COMMODITY STANDARDS



Note that for the purpose of testing the decision tree, it has been simpler to consider only the adopted (Step 8) GSFA provisions. However, for the actual application of the decision tree, it would be preferable to consider both the adopted (Step 8) GSFA provisions and the draft and proposed draft GSFA provisions. This would ensure that all provisions in the food category relevant to the commodity standard are considered together in a consistent manner. An appropriate note could be applied to the draft GSFA provision to indicate the relevance to the commodity standard, until such time as the draft GSFA provision is discussed by the Committee.

Principles established that have guided the direction and development of the Decision Tree

- There is a need for the food additive to be technologically justified and safe for use.
- The GSFA is being developed to be the single reference point for food additives within Codex Alimentarius and should therefore take into account any food additive provisions in the commodity standards.
- It is recognised that commodity standards have legitimate technical reasons for a reduced set of food additive permissions whilst also recognising that where possible the provisions of the GSFA should be used as a default.
- It has been agreed that a decision tree approach to harmonising food additive permissions in commodity standards with the GSFA be used.
- The decision tree is a tool for CCFA to align commodity standards with the GSFA. However, it is recognised that there may be cases where the results of its application are not consistent with the intention of the commodity committee, or not consistent with the general principles for entry into the GSFA. In these cases, entries should be considered on a case-by-case basis.
- It is not considered appropriate to automatically allow the addition of all food additives in Table 3 of the GSFA to commodity standards, but to allow for all Table 3 additives that are currently listed in a particular commodity standard to be added at GMP through the GSFA unless it is technologically justified to restrict their use for that commodity.
- When it is clear that the intention of the relevant commodity committee was to list all food additives belonging to a certain functional class, permission of all Table 3 food additives belonging to such a class is appropriate. This approach is consistent with the Codex Procedural Manual regarding the format of the Food Additives Section of commodity standards³. Namely, a reference to the associated functional class and GSFA food category is appropriate, except when a list of specific additives is technologically justified for a product that is the subject of the commodity standard.
- **There are two types of restrictions for Table 3 food additives in the commodity standards. These restrictions are described in Table 3 of the GSFA and in Section 2 to the Annex to Table 3 of the GSFA.**

A. The first is the restriction to a certain functional class. In this case, all Table 3 additives with that functional class are acceptable. An example of the entry for a particular food category and commodity standard in Section 2 of the Annex to Table 3 is shown below.

12.5	Soups and broths
	Acidity regulators, anticaking agents (in dehydrated product only), antifoaming agents, antioxidants, colours, emulsifiers, flavour enhancers, humectants, packaging gases, preservatives, stabilizers, sweeteners and thickeners listed in Table 3 are acceptable for use in foods conforming to the standard.
Codex standard	<i>Bouillon and Consommés</i> (CODEX STAN 117-1981)

B. The second type of the restriction is when the commodity standard lists individual food additives and therefore, the use of only certain Table 3 additives with that functional class are acceptable. An example of the entry in Section 2 of the Annex to Table 3 is shown below.

08.2.2	Heat-treated processed meat, poultry, and game products in whole pieces or cuts
	Only certain Table 3 food additives (as indicated in Table 3) are acceptable for use in foods conforming to these standards.
Codex standard	<i>Cooked cured ham</i> (CODEX STAN 96-1981) and <i>Cooked cured pork shoulder</i> (CODEX STAN 97-1981)

For those commodity standards for which it is acceptable to use all Table 3 additives of a certain functional class, and only certain Table 3 additives of another functional class, a combination of the options A and B, above, is appropriate.

1. **C:** *Technological justification is to be determined by the relevant commodity committee, where an active commodity committee exists, or by the CCFA, where the relevant commodity committee has been adjourned/abolished.*
2. **G1:** *Additive in Table 1 for other GSFA food categories*
Add Commodity Standard food additive to GSFA Food Category provisions by use of a Note.
Start the process of entry into the GSFA
G2: *Additive does not have any provision in the GSFA, however has been assessed by JECFA and has been included in the CAC/GL 36-1989.*
Add to GSFA but only for relevant Commodity Standard products. Start the process of entry into the GSFA.
G3: *Additive is not listed in the GSFA. Remove from commodity standards.*
3. *Codex Procedural Manual (21st Ed., 2013) Section II; Elaboration of Codex Texts, Format for Codex Commodity Standards, pp.51-52.*

Appendix 3

SUPPLEMENTARY GUIDANCE FOR COMMODITY COMMITTEES TO UNDERTAKE WORK ON THE ALIGNMENT OF FOOD ADDITIVE PROVISIONS

The general reference to the GSFA that is to be included in the commodity standard needs to take into account the fact that there are limitations due to the listing of specific additives in the commodity standard. Therefore, when applying the provisions in the commodity standard to the GSFA for alignment:

- A new provision for an additive is added to the GSFA only if there is a provision for that additive in the commodity standard, but currently no provision for that additive in the GSFA in the relevant food category. According to Box G of the Decision Tree a provision is added by use of a Note to limit the use of products conforming to the commodity standard unless evidence of a technical reason otherwise (i.e. evidence justifying the need for non-standardised products).
- Only adopted GSFA additive provisions are considered for alignment with the commodity standards at this time. However, draft and proposed draft GSFA additive provisions are considered if:
 - The commodity standard is revised to include only a general reference to the GSFA, and the use of these additives listed in the standardized food would not be recorded elsewhere.¹
 - The GSFA food additive provision needs to be revised to include appropriate note(s) to describe the use of the additive in the relevant commodity standard(s) (e.g., to exclude food products subject to the relevant commodity standard, to indicate a different use level in food products subject to the relevant commodity standard). The rationale for this is the following: Some GSFA food categories that include the relevant commodity standard(s) also include non-standardized food products. Therefore, CCFA still needs to discuss the use of these food additives in non-standardized foods. As such, these draft and proposed draft food additive provisions are maintained at their current step. The new note(s) associated with these draft and proposed draft food additive provisions address the alignment with the relevant commodity standard(s), and will be retained when CCFA discusses the food additive provisions in the future.
- An appropriate note is associated with the relevant GSFA additive provision to include a limitation from the commodity standard. For example, the “XS##” Notes are used to denote the exclusion of the commodity standard from the GSFA provision (i.e., there is a provision in the GSFA for the additive, but the additive is not listed in the commodity standard).
- If a commodity standard lists an individual additive that is included under a “group” additive in the GSFA (e.g., sulfites, ascorbyl esters in the current work), and the individual additives in the group that have the same functional class(es) as the additive listed in the relevant commodity standard are expected to be appropriate for the use specified in the relevant commodity standard, then the alignment should include all the individual additives with the appropriate functional class(es) in the group.

The recommendations for alignment should be to amend the GSFA provisions in Tables 1 and 2, rather than *add* provisions (the latter applies only to the situation described in the first bullet point). There can only be one provision in the GSFA for a given food category for an additive. Therefore, the recommendations are to amend (revise) existing GSFA provisions to take into account the provisions in the commodity standard. As such, the recommendations with the proposed revisions to the GSFA are presented in a single table, with the same data each in Table 1 and Table 2 format. This presentation would eliminate any confusion or misinterpretation as to the final provision in the GSFA.

New text is indicated in <u>bold/underline</u> . Text to be removed is indicated in strikethrough .

¹ This approach was taken in the alignment of the food additive provisions in the *Standard for Bouillons and Consommés* (CODEX STAN 117-1981; see CX/FA 15/47/6). CCFA47 agreed to align several draft food additive provisions in the GSFA with the food additive provisions in the commodity standard because the commodity standard was revised to include only a general reference to the GSFA, and the use of these additives in the standardized food would not be recorded elsewhere (i.e., azorubine, curcumin, quinoline yellow, sucrose esters of fatty acids, tartrazine, and tocopherols). These aligned draft GSFA provisions were put forward for adoption (REP 15/FA, Appendix VII, Part F) and were adopted by the 38th Codex Alimentarius Commission (CAC38) at Step 8 (REP 15/CAC, Appendix III).