

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Items 7(c/d)

CX/PR 23/54/8-Add.1

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ORIGINAL LANGUAGE ONLY

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON PESTICIDE RESIDUES

54th Session

Beijing, P.R. China

26 June - 1 July 2023

REVISION OF THE CLASSIFICATION OF FOOD AND FEED (CXA 4-1989)

PORTION OF THE COMMODITY TO WHICH THE MRLs APPLY, AND WHICH IS ANALYZED FOR

GROUP 006 ASSORTED TROPICAL AND SUB-TROPICAL FRUITS - INEDIBLE PEEL AND

GROUP 023 OILSEEDS

(Agenda Item 7c)

COMPARISON OF THE GUIDELINES ON PORTION OF COMMODITIES TO WHICH MRLs APPLY AND WHICH IS

ANALYZED (CXG41-1993) WITH THE CLASSIFICATION OF FOOD AND FEED (CXA-4-1989)

(Agenda Item 7d)

Comments in reply to CL 2023/35-PR

*Comments of Australia, Canada, Chile, Egypt, European Union (EU), Iraq, Kenya, Peru, Thailand,
the International Commission for Uniform Methods of Sugar Analysis (ICUMSA)*

Background

1. This document compiles comments received through the Codex Online Commenting System (OCS) in response to CL 2023/35-PR¹ issued in April 2023 on Agenda Items 7c/d as indicated above. Under the OCS, comments are compiled in the following order: general comments are listed first, followed by comments on specific sections.

Explanatory notes on the appendix

2. The comments submitted through the OCS are hereby annexed and presented in tabulated format.

¹ <https://www.fao.org/fao-who-codexalimentarius/resources/circular-letters/en/>
<https://www.fao.org/fao-who-codexalimentarius/committees/committee/related-circular-letters/en/?committee=CCPR>

GENERAL AND SPECIFIC COMMENTS

COMMENT	MEMBER/OBSERVER
<p>Australia supports:</p> <p><u>Agenda Item 7c</u></p> <p>a. The revision of the Classification as per the changes proposed for Group 006 – Assorted tropical and subtropical fruits (inedible peel) and Group 023 – Oilseeds and oilfruits.</p> <p><u>Agenda Item 7d</u></p> <p>b. The Classification of Food and Feed (CXA 4-1989) as the single, authoritative reference for the classification of food and feed for the establishment of maximum residue limits for pesticides.</p> <p>c. The revocation of the Guidelines on portion of commodities to which MRLs apply and which is analyzed (CXG 41-1993) as these provisions are taken up in the Classification of Food and Feed.</p>	<p>Australia</p>
<p>CCPR54 Agenda Items 7(c) and 7 (d)– Reference Documents CX/PR 23/54/8 and CX/PR 23/54/9</p> <p><u>Agenda Item 7c</u></p> <p>Revision of the Classification of Food and Feed: Portion of the Commodity to Which Maximum Residue Limits Apply, and Which Is Analyzed for Group 006 Assorted Tropical And Sub-Tropical Fruits - Inedible Peel Group 023 Oilseeds</p> <p><u>Agenda Item 7d</u></p> <p>Revision of the Classification of Food and Feed: Comparison of the Guidelines on Portion of Commodities to Which MRLs Apply and Which Is Analyzed (CXG41-1993) With the Classification of Food and Feed (CXA 4-1989)</p> <p>CL2023/35-PR BACKGROUND</p> <p><u>Agenda Items 7c/d</u></p> <p>1. CCPR53 (2022) considered matters related to the revision of the Classification of Food and Feed concerning the modification of the portion of commodities to which MRLs apply and which is analyzed in relation to:</p> <ul style="list-style-type: none"> • Group 014 (Assorted fruits – inedible peel) (Guidelines on portion of commodities to which MRLs apply and which is analyzed (CXG 41-1993)) and Group 006 (Assorted tropical and sub-tropical fruits – inedible peel (Classification of Food and Feed (CXA 4-1989)) • Group 023 Oilseeds <p>2. The United States of America, as Chair of the Electronic Working Group (EWG) on the revision of the Classification, recalled that the issues raised in the proposal for the modification of the portion of commodities to which MRLs apply and which is analysed raised by Ecuador for Group 014/Group 006 (CX/PR 22/53/17) and by Australia for Group 023 Oilseeds (CRD11) had been considered by the virtual meeting of the Working Group held prior to CCPR53 and that it was proposed that they should be considered further by the EWG in order to make recommendations for consideration by CCPR54.</p>	<p>Canada</p>

COMMENT	MEMBER/OBSERVER
<p>3. The Codex Secretariat noted that, following the requests from Australia and Ecuador to provide clarifications on provisions pertaining to the portion of the commodity to which the MRL applies and which is analyzed for both Group 014/006 (Ecuador) and Group 023 (Australia), the Secretariat would request to task the EWG on the revision of the Classification to undertake the review of CXG41 vis-à-vis the Classification on provisions for the portion of the commodity to which the MRLs apply and which is analyzed with a view to integrate CXG41 into the Classification as appropriate and subsequently recommend its revocation to avoid the coexistence of two Codex texts addressing the same provisions with the possibility to become redundant or contradictory.</p> <p>4. The Codex Secretariat indicated that this was in line with the decision of CCPR that once the revision of the Classification would be completed, the Committee would decide on whether to retain CXG41 as a single text or integrate it into the Classification. She further noted that the revision of the Classification would be completed with the finalization of the revision of Class B and Class E.3</p> <p>5. CCPR53 (2022) agreed to re-establish the EWG on the revision of the Classification, chaired by USA and co-chaired by The Netherlands to continue work on the revision of the Classification and in addition, to consider the proposals on the portion of the commodity to which MRLs apply, and which is analyzed for Group 006 Assorted tropical and sub-tropical fruits - inedible peel and Group 023 Oilseeds.</p> <p>CANADA'S POSITION</p> <p><u>Agenda Item 7c</u></p> <p>1. Canada would like to thank the EWG on Classification of Food and Feed for their ongoing work on the revision of the Classification in addition to considering the proposals on the portion of the commodity to which MRLs apply and which is analyzed.</p> <p>2. Canada agrees that the proposed changes should reflect the commodities in trade and therefore supports the recommended changes to be implemented to the Classification of Food and Feed (CXA 4-1989) for:</p> <ul style="list-style-type: none"> • Group 006 Assorted tropical and sub-tropical fruits - inedible peel Portion of the commodity to which the MRL applies (and which is analysed): Whole fruit unless qualified: e.g. <ul style="list-style-type: none"> - Banana after removal of crown tissue and stalks. - Pineapple after removal of crown. - Avocado, mangos, and similar fruit with hard seeds: Whole commodity after removal of stone but residue calculated and expressed on whole fruit. • Group 023 Oilseeds and oilfruits Portion of the commodity to which the MRL applies (and which is analysed): <ul style="list-style-type: none"> - Oilseeds: Unless otherwise specified, seed or kernels, with shell or husk - Peanuts: Kernels - Castor beans: Whole product after removal of capsules - Cotton seeds: Undelinted - Oilfruits: Whole commodity <p><u>Agenda Item 7d</u></p> <p>3. Canada also agrees with the recommendation to revoke the Guidelines on portion of commodities to which MRLs apply and which is analyzed (CXG 41-1993) as the Classification of Food and Animal Feed (CXA 4-1989) now takes precedence over CXG 41-1993. Doing so will avoid having two Guidelines addressing the same or similar text where there may be overlapping or conflicting information.</p>	

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<p><u>Tema 7c del Programa</u></p> <p>Los cambios propuestos para el Grupo 006 y el Grupo 023 basados en la descripción proporcionada en el párrafo 11 del documento CX/PR 23/54/8. Chile considera clave definir la traducción más apropiada utilizada en el documento CX/PR 23/54/8 en español, cuando se refiere a “shell or husk”, dado que aparece como cáscara/vaina/hojas.</p> <p><u>Grupo 023 Semillas oleaginosas y frutos oleaginosos</u></p> <p>Adicionalmente, nos permitimos señalar que lo planteado por Australia en términos de reconsiderar la parte del producto a la que se aplica el LMRs para el Grupo 023 “Semillas oleaginosas y frutos oleaginosos”, descrita en el documento CX/PR 23/54/8, haciendo referencia al CRD 11 presentado por Australia en la 53ª reunión del CCPR, sólo es visible en el reporte en idioma inglés de la 50ª reunión del CCPR de 2018, dado que el informe en la versión en idioma español señala “tras eliminar la cáscara o la vaina”</p>	<p>Chile</p>
<p><u>Tema 7d del Programa</u></p> <p>La <i>Clasificación de alimentos y piensos</i> (CXA 4-1989) en su calidad de única referencia autorizada para la clasificación de alimentos y piensos a efectos del establecimiento de LMR de plaguicidas.</p> <p>Chile apoya las conclusiones del GTE, liderado por Estados Unidos, tanto para el Grupo 006, como para el Grupo 023.</p> <p>La revocación de las <i>Directrices sobre la parte del producto a la que se aplican los LMR y que se analiza</i> (CXG 41-1993), ya que estas disposiciones se recogen en la Clasificación de alimentos y piensos.</p> <p>Chile poya revocar la “Directrices sobre la parte del producto agrícola a la que se aplican los LMR y que se analiza” (CXG 41-1993), quedando como única referencia la Clasificación de alimentos y piensos (CXA 4-1989).</p>	
<p>Egypt appreciates the work done in the document & agrees on it</p>	<p>Egypt</p>
<p><u>Agenda Item 7c</u></p> <p><u><i>The revision of the Classification as per the changes proposed for Group 006 – Assorted tropical and subtropical fruits (inedible peel) and Group 023 – Oilseeds and oilfruits</i></u></p> <p>The EU agrees.</p> <p><u><i>The proposed changes to Group 006 and Group 023 based on the description provided in CX/PR 23/54/8, paragraph 11.</i></u></p> <p>The EU agrees with the changes listed in paragraph 11.</p>	<p>EU</p>

COMMENT	MEMBER/OBSERVER
<p><u>Agenda Item 7d</u></p> <p>The <i>Classification of Food and Feed</i> (CXA 4-1989) being the single authoritative reference for the classification of food and feed for the establishment of maximum residue limits for pesticides.</p> <p>The EU agrees.</p> <p>The revocation of the <i>Guidelines on portion of commodities to which MRLs apply and which is analyzed</i> (CXG 41-1993) as these provisions are taken up in the Classification of Food and Feed.</p> <p>The EU agrees. This will avoid redundancy and potential confusions and inconsistencies.</p>	
<p>Agree with regard.</p>	Iraq
<p><u>Agenda Item 7c</u></p> <p>The proposed changes to Group 006 and Group 023 based on the description provided in CX/PR 23/54/8, paragraph 11.</p> <p>Kenya is in agreement with the consensus that was reached as provided for in CX/PR 23/54/8 para 11.</p> <p><u>Justification:</u> This reflects on the consumption patterns in Kenya and the commodities as presented for trade.</p>	Kenya
<p><u>Agenda Item 7d</u></p> <p><u>The revocation of the Guidelines on portion of commodities to which MRLs apply and which is analyzed (CXG 41-1993) as these provisions are taken up in the Classification of Food and Feed</u></p> <p>Kenya supports the revocation of the Guidelines on portion of commodities to which MRLs apply and which is analyzed (CXG 41-1993) as these provisions are taken up in the Classification of Food and Feed.</p>	
<p><u>Agenda Item 7d</u></p> <p>La muestra es una porción del todo en donde se llevará a cabo la investigación y mantendrá características de representatividad, apropiada y otros; que se consideren necesarios para cumplir con el fundamento de ser la fuente generadora de datos.</p> <p>En materia de establecimiento de Límites Máximos de Residuos, la muestra es el principio para obtener la definición de residuo del plaguicida, la validación de residuos y obtener mayor información sobre aquellos residuos en alimentos que son parte de la ingesta. A esto se suma, estudios críticos como la estabilidad de almacenamiento de las muestras de análisis con la finalidad de evaluar la confiabilidad de los datos.</p> <p>En este sentido, es de conocimiento sobre la norma de “Clasificación de Alimentos y Piensos CXA4-1989” y la directriz “CXG41-1993. Parte del producto agrícola al que se aplican los límites máximos de residuos y que se analiza”. Ambos documentos no guardan armonía entre sí y esto puede causar confusión al mantenerse la vigencia de ambos. Estas diferencias pueden generar una interpretación e implementación incorrecta tan solo por mantener documentos que no guardan relación entre sí.</p> <p>Ante lo ya expuesto, el comité solicita al grupo de trabajo electrónico continúe con el análisis de diferencias y logre uniformizar la información tomando en consideración el hábito de consumo de productos.</p>	Peru

COMMENT	MEMBER/OBSERVER
<p><u>Agenda Item 7c</u> <u>The revision of the Classification as per the changes proposed for Group 006 – Assorted tropical and subtropical fruits (inedible peel) and Group 023 – Oilseeds and oilfruits</u></p> <p>Thailand does not object to the revision of the Classification as per the changes proposed for banana in Group 006 – Assorted tropical and subtropical fruits (inedible peel) and Group 023 – Oilseeds and oilfruits.</p> <p>However, we are of the opinion that the analysis of the whole fruit in group 006 may have an impact on international trade, especially when this requirement is applied for determination of compliance of MRL which is set as default limit due to lack of Codex MRL. Therefore, EWG should conduct a study and gather information to revise the portion of commodities to which MRLs apply and which is analyzed for other commodities, particularly subgroup 006C, subgroup of assorted tropical and sub-tropical fruits-inedible rough or hairy peel-large. Some fruits in this subgroup have thick peel. The portion of peel is greater than that of flesh. Likely, the residue found in flesh is smaller than on peel. Moreover, few Codex MRLs were established for these fruits. With this regard, EWG should review whether supervised residue trials consist of analysing the whole commodity or the edible portion in order to bring the obtain data/information to further review the portion of some commodities effectively.</p> <p><u>Group 006 Assorted tropical and sub-tropical fruits - inedible peel</u></p> <p>Thailand has comments specific to portion of subgroup 006C, subgroup of assorted tropical and sub-tropical fruits-inedible rough or hairy peel-large as the above-mentioned in Question c.</p>	<p>Thailand</p>
<p><u>Agenda Item 7d</u> <u>The Classification of Food and Feed (CXA 4-1989) being the single authoritative reference for the classification of food and feed for the establishment of maximum residue limits for pesticides</u></p> <p>Thailand agrees with the Classification of Food and Feed (CXA 4-1989) which is the single authoritative reference for the classification of food and feed to establish of maximum residue limits for pesticides.</p> <p><u>The revocation of the Guidelines on portion of commodities to which MRLs apply and which is analyzed (CXG 41-1993) as these provisions are taken up in the Classification of Food and Feed</u></p> <p>Thailand agrees with the revocation of the Guidelines on portion of commodities to which MRLs apply and which is analyzed (CXG 41-1993) as these provisions are incorporated into the Classification of Food and Feed. However, before the revocation of CXG 41-1993, the Expert Working Group (EWG) on classification should review the portion of all commodities specified in the group/subgroup in the Classification of Food and Feed (CXA4-1989). This review is necessary because there have been comments and revisions made to some groups (group 006 and group 023). Furthermore, the EWG should draft an integration document for the portion of commodities in CXG 41-1993 and CXA4-1989 in order to ensure consistency between the commodities in CXA4-1989 and the portion of commodities.</p>	
<p>The general comments as stated in the document are valid and should be enacted. With respect to point d) in the document, it is important to report the results based on the original commodity, regardless of the portion of the commodity to which the MRL applies.</p>	<p>ICUMSA</p>