

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
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World Health
Organization

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Agenda Item 5b and 12

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

Forty-first Session

**Dusseldorf, Germany
24 – 29 November 2019**

Comments by European Union

Agenda Item 5b

European Union competence

European Union vote

General comments

The European Union (EU) would like to thank South Africa, Senegal and Uganda for their work on document CX/NFSDU 19/41/6.

The EU is pleased that the comments it provided in the eWG were taken into account in the document. As explained in previous occasions, the EU supports the work on these guidelines on ready-to-use therapeutic foods (RUTF). Its main concern was to make sure that no doubts exist in the guidelines on the status of RUTF as food for special medical purposes, covered by CODEX Standard 180-1991, and that the language used in the guidelines follows the one used in the Standard on food for special medical purposes. The EU considers that the text proposed by the Chairs adequately addresses the EU concerns.

Specific comments on the recommendations

Recommendation 1 (Table 1)

In the EU's view RUTF should be considered as foods for special medical purposes. Taking that into account the EU could agree with all those additives in table 1 of CX/NFSDU 19/41/6 that are currently permitted in FSMP for infants (i.e. in the GSFA food category 13.1.3) and for which an appropriate technological justification for the use in RUTF is provided. However, the EU would be hesitant to accept food additives that are not specifically permitted for use in FC 13.1.3.

The EU considers that as older infants are the most vulnerable group, the strictest regulations of food category 13.1, i.e. FSMP for infants, should be applied to all RUTF. Otherwise, it might be necessary to develop different requirements for older infants and for children from 12 to 59 months, respectively.

The EU agrees with the proposal of the eWG to use the list of food additives in table 1 as the basis for further discussion on additives in RUTF in the forthcoming session of CCNFSDU.

Recommendation 2 (Seeking advice from CCFA)

The EU can support consulting CCFA as regards the appropriate categorization of RUTF within the GSFA food category system to determine the best means of providing for the use of food additives in these products.

In the EU's view, there is no "perfect" match between RUTF and any particular single GSFA FC, which may imply a potential need for the revision of the GSFA food category system in order to accommodate RUTF products. However, at the same time the EU notes that the GSFA refers to Codex standards (Annex C of the GSFA) and not to Codex Guidelines documents.

The EU does not agree that FC 13.3 is the right corresponding GSFA food category. FC 13.3 is not aimed at infants and young children and it allows many food additives including colours, sweeteners and all Table 3 additives that would not be appropriate for foods intended for infants and young children. Taking the most vulnerable group into account the EU believes that the food additive provisions for FC 13.1.3 should be considered as the most relevant for the RUTF.

Recommendation 3 (Carry-over of additives and carriers)

The EU agrees in general with the recommendation.

The EU appreciates the changes made in the second consultation paper, which improve the clarity as regards the provisions for carry-over related to RUTF. The EU has only a few editorial comments as outlined below:

*“Only the food additives listed in this Section or in the Advisory Lists of Nutrient Compounds for Use in Foods for Special Dietary Uses Intended for Infants and **Young** Children (CAC/GL 10-1979) may be present in the foods described in section 24.1 of this **Guideline Standard**, **Other than by direct addition, an additive may be present in a food** as a result of carry-over from a raw material or other ingredient (including food additive) used to produce the food, subject to the following conditions:*

a) *The additive....”*

Recommendation 4 (Minimum and maximum values for protein + protein quality)

As regards recommendation 4.1., the EU agrees to the proposed protein values for RUTF as discussed and agreed in the pWG 2018.

As regards recommendation 4.2 on protein quality, the EU welcomes the proposed text that reflects well the recommendations of the FAO Expert Working Group.

As regards the proposal to retain a reference to “RUTF formulations containing a minimum of 50 % of protein from milk products” in the text, the EU can support it.

Recommendation 5 (Processing technologies)

The EU agrees with this recommendation.

Agenda Item 12

Mixed Competence

European Union Vote

The European Union and its Member States (EUMS) would like to thank Costa Rica, the USA and Paraguay for the preparation of the discussion paper and its attached Project Document on General Guidelines for the Development of Nutrient Profiles for Food Labelling.

At the 39th session of the CCNFSDU, the Codex Committee on Food Labelling (CCFL) requested CCNFSDU to consider how it could contribute towards the new work on front-of-pack nutrition labelling but discussion on the topic was postponed. Following discussion at the 40th session of the CCNFSDU, the Committee agreed that Costa Rica and Paraguay, supported by the USA, would undertake an inventory of nutrient profiles and continue preparing the discussion paper for consideration at CCNFSDU41.

Many countries have already introduced or are introducing front-of-pack nutrition labels, leading to a proliferation of different front-of-pack labels worldwide. Most front-of-pack nutrition labels make use of nutrient profiling models. Current Codex texts do not provide guidance on establishing nutrient profiling models for food labelling. Establishing international guidelines for the development of nutrient profiles for front-of-pack labelling would ensure that nutrient profiling models used for labelling purposes are scientifically informed, based on harmonised methodologies, and would facilitate international trade.

In view of the above and in line with the internal EUMS position prepared for CCNFSDU40 in 2018, the EUMS support to start new work on the development of harmonised general guidelines for the development of nutrient profiles for front-of-pack nutrition labelling and to establish an electronic working group to undertake the work.

The EUMS take this opportunity to re-iterate their position that mandatory “high in” warnings should not be considered as front-of-pack nutrition labelling.

Concerning the draft project document, the EUMS consider that the project document needs to be revised since a number of elements under sections 2, 3, 4 and 5 are unclear and have to be redrafted and the scope and objectives need to be framed adequately in order to clarify that this work is to be undertaken in the context of front-of-pack nutrition labelling.

Title

The EUMS would like to underline that the work for developing guidelines for the development of nutrient profiles should be framed adequately in the context of front-of-pack nutrition labelling, in line with the request

of CCFL to CCNFSDU to consider how it could contribute towards the new work on front-of-pack nutrition labelling.

PROJECT DOCUMENT

GENERAL GUIDELINES FOR THE DEVELOPMENT OF NUTRIENT PROFILES FOR FRONT-OF-PACK NUTRITION FOOD LABELLING (FOPNL)

Section 2

The EUMS

- would like to underline that the new work should be framed adequately in the context of FOPNL;
- would like to clarify that these guidelines are being developed in order to guide governments in the *development* of nutrient profiles and not in the *application* of nutrient profiles;
- consider that the objective of the work on guidelines for the development of nutrient profiles should not be to define the specific type of front-of-pack schemes that should be developed; the EUMS therefore suggest deleting the specific reference to 'interpretative';
- propose other modifications aiming to clarifying the meaning of the text.

2. RELEVANCE AND OPPORTUNITY

The multiple interpretations of the ~~nutritional~~ profiles available today can be confusing, so a systematic comparison of different approaches is necessary, and the establishment of general principles that make it easier for countries and organizations to use any profile in the context of FOPNL that is considered effective, appropriate and scientifically grounded.

This proposal concerns the development of guidelines to guide governments (or other stakeholders) in the ~~application~~ development of interpretative ~~nutritional~~ profiles that may be relevant ~~are used in the context of packaging front labelling systems FOPNL and food industries to reformulate or develop new foods with a healthier nutritional composition.~~

On the other hand, the work being carried out by the EWG on "Front of pack nutrition labelling" in the Codex Committee on Food Labelling (CCFL) showed that, ~~increasingly,~~ an increasing number of Codex members implemented nutrition labelling on the front of the container that ~~need to be supported by~~ are based on a validated nutritional nutrient profiles. However, the *Guidelines on Nutrition Labelling* (CXG 2-1985) do not include criteria on nutrient profiles for food labelling ~~in the label.~~

Therefore, and taking into account that Codex Alimentarius is the internationally recognized body of The World Trade Organization in the field of food regulation and has 189 affiliated countries; it is apparent that, for the Organization, it is an opportunity for Codex to ensure that all member states and organizations can evaluate and discuss methodologies developed to establish existing and recommended ~~nutritional~~ profiles in the context of FOPNL and, in this way, obtain global harmonization to help protect public health and in turn remove barriers to trade generated by the diversity of existing methodologies; in accordance with the legitimate objectives of Codex's action.

Section 3

The EUMS

- would like to underline that the new work should be framed adequately in the context of FOPNL;
- would like to clarify that these guidelines should provide general guidance for establishing public health ranges or thresholds, and should not lay down concrete ranges or thresholds as such. Therefore, the EUMS suggest the following changes.

3. MAIN ASPECTS TO BE COVERED

The *Guidelines on Nutrition Labelling* (CXG 2-1985), in Section 5, allow the use of complementary nutritional information, however; greater clarity is needed, so the proposed work seeks to strengthen and establish additional guidelines that may include general principles for the development of ~~nutritional~~ profiles for the purpose of FOPNL.

~~The proposal is to develop guidelines that may or may not be included in the *Guidelines on Nutrition Labelling* (CXG 2-1985). The decision on their location will be made once they have been developed.~~

Next steps for the proposed new work could be to identify and discuss:

- [...]
- How to establish Recommended public health ranges or thresholds for those components based on public health outcomes.
- Develop a consensus definition of "nutrients profiles" for the purpose of FOPNL and all those definitions necessary to establish nutrient profiles.
- ~~Review the " Guidelines on Nutrition Labelling (CAC / GL 2-1985)" in order to develop additional guidance and facilitate the use of nutritional profiles.~~

Section 4

In line with the comment made above, i.e. (1) the guidelines are being developed in order to guide governments in the *development* of nutrient profiles and not in their *application*, (2) the new work should be framed adequately in the context of FOPNL and (3) reference to revision of Codex texts should be deleted, the following changes are proposed:

4. EVALUATION WITH RESPECT TO THE CRITERIA FOR THE ESTABLISHMENT OF NEW WORKING PRIORITIES

General criteria

~~Simplified nutritional information linked to the Nutrient profiles in the context of FOPNL can provide consumers with a better understanding of the nutritional composition of foods, as well as facilitate their choice of food consistent with national dietary guidance or health and nutrition policy of the country or region of implementation promote a balanced and healthy diet and a conscious consumption. It can also cause food manufacturers to reformulate their food products to improve the nutritional quality of the foods they offer to consumers.~~ Improving people's nutrition by providing healthier choices would improve the risk profile of noncommunicable diseases around the world, along with other initiatives that could ensure improvements in consumers' healthy lifestyles (educational campaigns on better nutrition and physical activity).

Criteria applicable to general matters

(a) Diversification of national legislations and apparent resultant or potential impediments to international trade

Several countries have adopted or are planning FOPNL simplified nutrition labelling systems that use nutrient profiles, either voluntarily or mandatory. With the increased implementation of these systems around the world, harmonization of guidelines at the global level is important to minimize barriers to trade.

(b) Scope of work and establishment of priorities between the various sections of the work

To develop guidelines for the establishment of nutrient profiles in the context of FOPNL.

~~Review Codex texts, including the Nutrition Labelling Guidelines (CXG 2-1985), to draft guidance on the use of nutritional profiles.~~

(d) Amenability of the subject ~~of~~ the proposal to standardization

Nutrient profiles are an input for the implementation of FOPNL labelling systems, so the purpose of the new work proposal is to revise existing texts for the development of guidelines to support the use of profiles nutrition products, either in the current guidelines or in a separate document for the establishment of nutrient profiles in the context of FOPNL.

(e) Consideration of the global magnitude of the problem or issue

Recognizing the burden and threat posed by non-communicable diseases to public health, promoting healthier diets for consumers, and encouraging manufacturers to improve the nutritional quality of food supplies are areas where an appropriate guidance could have a significant impact globally, which is why FOPNL simplified nutritional information on food packaging and related nutrient profiles is an issue of global interest.

Section 5

The following changes are proposed to ensure consistency between the text and the listed strategic objectives.

5. RELEVANCE FOR CODEX STRATEGIC OBJECTIVES

The proposed work is in line with the Mandate of the Commission for the Development of International Standards, Guidelines and Other Recommendations to protect consumer health and ensure fair practices in food trade. The new work proposal will contribute to the progress of Strategic Goals 1 and 4, as described below.

Strategic Objective 1: Address current, emerging and critical issues in a timely manner

Objective 1.1 Identify needs and emerging issues.

Objective 1.2 Prioritize needs and emerging issues.

The use of nutrient nutritional profiles in the context of FOPNL ~~as part of simplified nutritional labelling on the packaging front~~ is of increasing interest and activity in several countries worldwide. There is currently no global guideline on best practices regarding the establishment of these profiles on a scientific basis.

Providing guidance to countries wishing to make use of nutrient nutritional profiles in the context of FOPNL ~~on frontal nutrition labelling~~ would help achieve a global basic level of harmonization on the subject.

~~**Strategic Objective 2:** Develop standards based on science and Codex risk analysis principles~~

~~**Strategic Objective 2.1** Use scientific advice consistently in line with Codex risk analysis principles.~~

Strategic Objective 4: Facilitate the participation of all Codex Members throughout the standard setting process

Bringing this issue to the CCNFSDU will allow all members who have an interest in nutrient ~~nutritional~~ profiles to participate in the discussions.