

codex alimentarius commission

FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD HEALTH
ORGANIZATION

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Agenda Item 3

CX/FAC 99/2
February 1999

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD ADDITIVES AND CONTAMINANTS

Thirty-first Session

The Hague, The Netherlands, 22-26 March 1999

MATTERS REFERRED FROM THE EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES

A. MATTERS CONSIDERED BY THE 45TH SESSION OF THE EXECUTIVE COMMITTEE (Rome, 3-5 June 1998, ALINORM 99/3)

A.1 APPROVAL OF NEW WORK

1. The 45th Session of the Executive Committee approved to initiate the following new work:

- Amendments to the Revised Standard for Food Grade Salt: packaging requirements to preserve the stability of iodized salt; and
- Amendments to the International Numbering System (INS) for Food Additives under Accelerated Procedure: Argon (INS 938), Helium (INS 939) and Oxygen (INS 948)

A.2 REPORT ON MATTERS RELATING TO THE APPLICATION OF THE WTO SPS AND TBT AGREEMENTS (paras 41-44)

2. The 22nd Session of the Commission requested the Secretariat to write to the chair of the WTO Committee on the Application of Sanitary and Phytosanitary Measures in order to obtain clarification on how the Committee would “differentiate standards, guidelines and other recommendations” in relation to the SPS Agreement. The response of the Chair of the SPS Committee is provided *verbatim* in the working paper.¹

3. The 45th Session of the Executive Committee noted² the following features in the reply:

- the SPS Committee cannot formally interpret the provisions of the SPS Agreement;
- the Agreement does not differentiate between the terms “standards”, “guidelines” or “recommendations”;
- there is no legal obligation on WTO Members to apply any of these Codex texts;
- how a text would be applied depended on its substantive content rather than on the category of the text;
- Regional standards are not included in the definition of “international standards” used in the Agreement, but may be applied within a given Region.

4. The Executive Committee also noted that the above points seem to be consistent with the rulings of the Appellate Body in relation to the Panel reports concerning EC Measures Concerning Meat and

¹ CX/EXEC 98/45/9

² ALINORM 99/3, paras. 41-44.

Meat Products (Hormones)³. It also noted that the SPS Committee was of the view that the work of Codex should not be constrained by this question.

5. The Executive Committee agreed that:

- the reply of the SPS Committee should be brought to the attention of all Codex Committees;
- the reply by the SPS Committee seemed to conclude the correspondence on this matter;
- the work of Codex should move forward without concern arising from misunderstandings or misinterpretations as to how Codex standards and related texts might be used;
- the guidance given by the 22nd Session of the Commission in relation to the status of Codex advisory texts should continue to be adhered to;
- the Committee on General Principles should examine the possibility of developing a set of appropriate preambular statements explaining the intent of different types of Codex texts.

A.3 JUDGEMENT OF EQUIVALENCE (paras 35-36)

6. The Executive Committee discussed in depth the matter of Judgement of Equivalence in relation to the Terms of Reference of the Codex Committee on Food Import and Export Inspection and Certification systems (CCFICS) and the overall work programme of the Commission.

7. The Executive Committee was of the opinion that in the area of determination of equivalence of measures, the mandate of the CCFICS only referred to food inspection and certification systems and that the matter being discussed by the CCFICS involved issues which were also relevant to the responsibilities of other Codex Committees especially those dealing directly with the science-based risk management and the Committee on General Principles.

8. The Executive Committee was of the opinion that the matter was a priority for the work of the Commission, and that the CCFICS was in the best position to deal with the subject with a view to developing concepts for equivalence in food control for import and export. This would require the CCFICS to develop concepts, to identify issues for consideration by the Commission and by other Codex Committees, and to suggest how a systematic approach might be applied. However, the Executive Committee should ensure that the issue was broadened. It suggested that as soon as work proceeded beyond the initial stages, the other relevant Committees (e.g., Food Hygiene, Pesticide Residues, Residues of Veterinary Drugs in Foods, Food Additives and Contaminants, General Principles) should initiate their own work on this matter as appropriate. In order to facilitate understanding of the issues involved, the Executive Committee invited the Secretariat to arrange for a revision of the basic paper and to circulate it to the relevant Committee for their information.

A.4 CODE OF PRACTICE ON GOOD ANIMAL FEEDING (paras 39-40)

9. The 45th Session of the Executive Committee noted⁴ that not all of the Codex Committees which had been requested to examine the draft had as yet met. In particular, the opinion of the Codex Committee on Residues of Veterinary Drugs in Foods in the matter of the use of antibiotics in animal feeding would be of special importance. The opinion was expressed that the draft Code as written was too general and too wide to be of use in some of the areas which it intended to cover and that one solution would be to treat specific risks separately.

10. The Executive Committee supported the proposal that once all of the Committees had expressed their opinions, an analysis should be prepared for the further consideration of the Executive Committee and the Commission.

Note: Since the 11th Session of the Codex Committee on Residues of Veterinary Drugs in Foods also considered the Proposed Draft Code in September 1998, all the Codex committees which had been requested to examine the Proposed Draft Code have considered it.

³ WTO Document AB-1997-4, World Trade Organization, Geneva.

⁴ ALINORM 99/3, paras. 39-40.

A.5 HIGH-DOSE FOOD IRRADIATION (para. 49)

11. The Representative of WHO reported that a joint FAO/WHO/IAEA Study Group had met in Vienna in September 1997 to consider the wholesomeness of food irradiated with doses above 10kGy, the current limit in the Codex Standard. The Study Group had concluded that food irradiated to any dose appropriate to achieve the technological objective was both safe to consume and was nutritionally adequate.⁵ It was noted that the findings of the Study Group could lead to a revision of the Codex General Standard for Irradiated Foods and other texts.

B. MATTERS CONSIDERED BY THE 13TH SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES (Paris, 7-11 September 1998, ALINORM 99/33)

B.1 CERTAIN DEFINITIONS FOR RISK ANALYSIS TERMS AND WORKING PRINCIPLES FOR RISK ANALYSIS (paras 16-17, 23)

12. The Committee agreed to propose a definition of *Risk Assessment Policy* to be circulated for further comment and to review the current definitions of *Risk Management* and *Risk Communication*. It also agreed to return to Step 2 the Working Principles for Risk Analysis.

C. MATTERS REFERRED TO THIS COMMITTEE BY OTHER CODEX COMMITTEES

C.1 CODEX COMMITTEE ON PROCESSED FRUITS AND VEGETABLES (19th Session, Washington, D.C., 16-20 March 1998, ALINORM 99/27)

Contaminant Provisions in Standards for Processed Fruits and Vegetables (para. 21)

13. The Committee noted that the Codex Committee on Food Additives and Contaminants had not yet agreed upon maximum levels for tin and lead in processed foods. It agreed to reinstate the maximum levels for tin and lead in all the Proposed Draft Standards where there are ones in the existing standards, but to put them in square brackets pending guidance from this Committee on this issue.

C.2 CODEX COMMITTEE ON MILK AND MILK PRODUCTS (3rd Session, Montevideo, 18-22 May 1998, ALINORM 99/11)

Inventory of Processing Aids (paras 27 & 66)

14. The Committee agreed that calcium chloride when used in cheese manufacture was a processing aid in accordance with its Codex definition. The Committee requested the Codex Committee on Food Additives and Contaminants to evaluate the inclusion of calcium chloride in the Codex Inventory of Processing Aids for this purpose. The Committee stated that the Codex Inventory of Processing Aids should be updated to include processing aids required in the dairy industry and agreed to bring this matter to the attention of this Committee.

Processing Aids in Commodity Standards (para. 46 & 66)

15. The Committee agreed that a number of commonly used acidity regulators were used as processing aids for milkfat products and that there was very little residue of these substances in the final product. The Committee therefore decided not to include reference to them in the food additives provision of the Draft Revised Standard for Milkfat Products.

16. The Committee also deleted the references to the processing aids (calcium chloride, carbon dioxide as ingredients) from the section on Essential Composition and Quality Factors in the Draft Standard for Cheese. It made a general reference to "safe and suitable enzymes" used in the manufacturing process.

17. The Committee noted that there was considerable confusion relating to the need to list processing aids in Codex standards (either in the Essential Composition and Quality Factors section or

⁵ WHO, *Weekly Epidemiological Record*, Vol. 98, No. 3, 16 January 1998.

under the section dealing with food additives), in the criteria for labelling of processing aids including enzymes. The Committee recommended that there should be clearer guidance for Codex Committees in relation to the need to include provisions for processing aids in standards.

Use of Pimaricin (Natamycin) in Sliced, Cut, Shredded and Grated Cheese (para. 70)

18. A number of delegations opposed to the extension of the approval of pimaricin (natamycin) (INS 235) to sliced, cut, shredded and grated cheese⁶. Although the Committee felt that the substance should not be in the food as consumed, it referred the matter to this Committee (see also CX/FAC 99/5).

C.3 CODEX COMMITTEE ON COCOA PRODUCTS AND CHOCOLATE (17th Session, Bern, 16-18 November 1998, ALINORM 99/14)

Processing Aid (para. 26)

19. While considering the Proposed Draft Revised Standard for Cocoa Butters at Step 4 the Committee noted that hexane is classified as a processing aid rather than food additive. After some discussions on whether or not to change the heading from “food additives” to either “processing aids” or “food additives and processing aids”, the Committee decided to retain the original section heading, “food additives” in line with the standard format of Codex Standards, and to amend the subheading from “extraction solvent” to “processing aid”.

C.4 CODEX COMMITTEE ON NATURAL MINERAL WATERS (6th Session, Bern, 19-21 November 1998, ALINORM 99/20)

Health-Related Limits for Certain Substances (para 32)

20. While considering the Proposed Draft General Standard for Bottled/Packaged Waters Other Than Natural Mineral Waters at Step 4 the Committee agreed that the Health-Related limits be referred to the CCFAC for consideration. It was noted that several delegations favoured alignment of the levels to those being considered for Natural Mineral Waters. The CCFAC is invited to consider the Health-Related Limits Provision as contained in the Annex.

⁶ The use of pimaricin was endorsed by the 29th Session of the CCFAC for only surface/rind treatment of ripened cheeses, including mould ripened cheeses.

**EXTRACT FROM PROPOSED DRAFT GENERAL STANDARD FOR
BOTTLED/PACKAGED WATERS OTHER THAN NATURAL MINERAL WATERS**

3.3 HEALTH-RELATED LIMITS FOR CERTAIN SUBSTANCES

No bottled water shall contain any constituent in quantities that may be injurious to health. Bottled water shall not contain more than the following amounts of the substances indicated hereunder:

	Substance	Maximum Limit
3.3.1	Antimony	0.005 mg/l
3.3.2	Arsenic	0.05 mg/l, calculated as total As
3.3.3	Barium	1 mg/l
3.3.4	Borate	5 mg/l, calculated as B
3.3.5	Cadmium	0.003 mg/l
3.3.6	Chromium	0.05 mg/l, calculated as total Cr
3.3.7	Copper	1 mg/l
3.3.8	Cyanide	0.07 mg/l
3.3.9	Fluoride	See Section 6.2.2
3.3.10	Lead	0.01 mg/l
3.3.11	Manganese	2 mg/l
3.3.12	Mercury	0.001 mg/l
3.3.13	Nickel	0.02 mg/l
3.3.14	Nitrate	50 mg/l, calculated as nitrate
3.3.15	Nitrite	0.02 mg/l as nitrite
3.3.16	Selenium	0.05 mg/l

3.3.17 For any other chemical substances, the World Health Organization's most recent *Guidelines for Drinking Water Quality* may be used as a guide.