

**Agenda Item 9****CX/GP 14/28/8****JOINT FAO/WHO FOOD STANDARDS PROGRAMME  
CODEX COMMITTEE ON GENERAL PRINCIPLES  
Twenty-eighth Session**

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**Report of the Electronic Working Group on Reference to Information Documents***Prepared by the United States of America***1. BACKGROUND****Background:**

1. The 4<sup>th</sup> session of the Codex Committee on Contaminants in Food (CCCF) agreed to establish an electronic working group (eWG), led by the United States, to develop guidance on risk management options for dealing with the results from risk assessment approaches that are used by the Joint FAO/WHO Committee on Food Additives (JECFA, ALINORM 10/33/41, paragraph 111). At the 5<sup>th</sup> session of CCCF, the Committee agreed to continue the work on the discussion paper with The Netherlands as co-chair (REP11/CF, paragraph 70).
2. It was discussed at the 6<sup>th</sup> Session of CCCF that the purpose of the resulting discussion paper, "Guidance for Risk Management Options in Light of Different Risk Assessment Outcomes," was to provide information and guidance to the CCCF delegates in order to assist them in understanding the working of their committee and the implications of their decisions. The document was never intended to be put through the step process, nor to be appended to the *Risk Analysis Principles Applied by the Codex Committee on Contaminants* in the Procedural Manual. There was, however, general agreement at the 6<sup>th</sup> session that the document contained very useful information and should be maintained for use by the Committee and national governments. The committee discussed how the document could be given visibility and made more easily accessible.
3. It was also noted by the 6<sup>th</sup> CCCF that similar situations with comparable documents had arisen in other committees and it was agreed to put a general request to the Codex Committee on General Principles (CCGP) asking them to explore ways on how to deal with such documents in the Codex system (REP12/CF, paragraph 157). Acting upon the CCCF's request, the 27<sup>th</sup> session of the CCGP agreed to establish an eWG, chaired by the United States, to consider ways to make information or reference documents that were developed by Codex committees, but not formally adopted by the Codex Alimentarius Commission, widely available and to develop criteria for selecting such documents (REP12/GP, paragraph 104). The United States was kindly assisted by The Netherlands.
4. This mandate was translated into the following activities:
  - Identifying and reviewing a list of documents that would fall into the category of reference or informational documents;
  - Selecting a name or classification that would aptly describe these documents;
  - Developing criteria for inclusion in this category of documents;
  - Assigning responsibility for determining the documents meet the criteria for inclusion in this category;
  - Identifying how the documents could be made available.
5. Twenty one member countries and one observer organization joined the eWG. The participants list is included in Appendix II. Comments were received from 18 countries.

## Discussion

### Classifying/Labelling of the Documents

6. The working group discussed several options for names of this category of documents.
7. There was a general agreement among the working group to not include “Codex” in the name of this class of documents because it would be comprised of texts which have not been, nor were not expected to be, put through the Codex step procedure. Use of the term “Codex” might confuse the reader as it could imply that these documents have been sanctioned by the Codex Alimentarius Commission through formal adoption procedures.
8. There was also widespread agreement to avoid any names for which an acronym would be the same as the acronym for already-existing Codex documents.
9. There was wide acceptance for labelling these documents “Reference and Information Documents.” This would allow the combination of the two types of texts: 1) references to past work not captured in the reports or agenda documents to inform future committee work, and 2) information documents that would prove useful to national governments.
10. The term “Supporting Document” was also suggested as it was thought to be a good descriptor for the different purposes, e.g., guides, tools, lists, etc. of these documents. Several eWG members also preferred including “supporting” in any title as they believed supporting implies help or assistance.

### Criteria for Determining Inclusion in this Category of Documents

11. The working group gathered informational documents that could be candidates for inclusion. To gather criteria for future selection of documents, an analysis was conducted upon these documents to identify the reasons why these were not put through the Codex step process.
12. There was universal agreement on the fact that the documents should contain information that would be useful to one or more parties involved in Codex, i.e. national governments, Codex committees and Codex members and observers.
13. To clearly distinguish these documents from official Codex documents, additional conditions were agreed that the documents would be not amenable to the development of a Codex, standard, guideline, code of practice or recommendation or would not be more properly dealt with as a Codex procedure and incorporated into the *Procedural Manual*.
14. Some members had concerns that committees would use this classification of documents to avoid having to achieve consensus on difficult issues. Therefore, it was agreed that a last criterion was included that documents should not be recommended for inclusion in this class of documents as a way to deal with difficult issues for which the committee had not been able to reach consensus.
15. A listing of the documents that the working group believes meet the criteria for the type of document is included in Annex 1 to the Proposed Guidelines.

### Responsibility for Determining the Documents Satisfy the Criteria for Inclusion in the Category

16. All of the eWG members believed that the relevant committee, i.e. the one in which the document was developed, should be the main responsible party to determine if the criteria for inclusion were met. Most of the eWG members also thought that the Codex Secretariat could assist in this process.
17. The eWG members agreed that the committee should prepare and include in the committee report:
  - a brief analysis/rationale, referencing the criteria and explaining why the document was not put through the Codex Step process or the subject was not amenable to the development of a Codex standard etc., and
  - an explanation of why it is recommended for posting as an informational document.
18. There was no agreement on whether there was a role for either the Executive Committee or the Commission in determining whether the criteria had been satisfied. Involving these bodies would confer a higher relevance for these documents equating them more closely to a standard. In addition, several eWG members believed that having the Executive Committee involved would add an unnecessary layer to the review process. Other members felt that involvement of the Executive Committee could ensure that committees were consistent in applying the criteria, and intervene if they thought it necessary to do so.

### Making the Documents Accessible and Available

19. There was universal agreement among the eWG members that the documents should be posted on the Codex web site as a link – distinctly separate from the Codex standards -under the agreed- upon title for

this class of documents. Almost all eWG members suggested that it would be useful to group the documents in chronological order under the relevant Committee.

20. There was considerable support for including a disclaimer that these documents
  - are only support documents;
  - were not formally adopted by a committee or by the Codex Alimentarius Commission, and;
  - should not be used or referenced by any other international organization.
21. There were also suggestions that the criteria for this class of documents and an explanation of the status of these documents be included under the link for these documents.
22. Other recommendations accepted by the eWG members involved including a reference in the Committee report where the document could be found, and including a footnote in the document, referencing the committee report in which it was discussed.
23. The resulting proposed draft guidelines are included in Appendix I, 'Proposed Guidelines for Classifying and Making Informational Documents Accessible to All Prospective Users in Codex'.

### **Recommendations**

24. The 28<sup>th</sup> CCGP is invited to consider the 'Proposed Guidelines for Classifying and Making Informational Documents Accessible to All Prospective Users in Codex' and to discuss the following recommendations of the working group:
  - the title for these class of documents to be 'Reference and Information Documents', and whether the title should include the word 'supporting';
  - the recommended criteria for classifying these documents to be that the document:
    - contains information that would be helpful to national governments, Codex committees and Codex members and observers, but,
    - is not amenable to the development of a Codex, standard, guideline, code of practice or recommendation, and would not be more properly dealt with as a Codex procedure and incorporated into the Procedural Manual.
    - must not be recommended for inclusion in this class of documents as a way to deal with difficult issues for which the committee had not been able to reach consensus.
  - the responsibility in determining if a document satisfies the criteria for inclusion in this category of documents is recommended to be allocated to the Codex Committee with assistance of the Codex Secretariat, and that it should be discussed whether there is a role for the Codex Executive Committee and/or the Codex Alimentarius Commission in this process.
  - These documents will be made available on the Codex website grouped under the relevant Codex Committee with a disclaimer that these are not official Codex standards

## APPENDIX I

### Proposed Guidelines for Classifying and Making Informational Documents Accessible to All Prospective Users in Codex

#### Introduction

1. The members of the Codex Alimentarius Commission acknowledge that in certain instances there is a need for committees and/or task forces to develop specific information and guidance texts to assist delegates in understanding the work of the committee/task force and the implications of their decisions. There are also cases in which additional guidance, e.g., in the form of practical examples, is needed to assist competent authorities in better understanding and applying the guidance contained in Codex guidelines, standards and codes of practice.
2. This additional guidance or information is often contained in an informal text, usually developed by a working group, but not intended to be formally adopted by a committee or the Commission, and thus, not put through the step process.
3. As a general rule, these texts contain very useful information that may assist Codex members in making decisions at the national level, but may not be appropriate as a Codex standard, guideline, code of practice, or recommendation.
4. These texts were developed with the intent that they would be used by national governments, Codex members and observers, and in some instances, Codex committees. In the past, these documents were usually attached to committee reports, but this was not considered a satisfactory way of making them widely available. Therefore, there is a need to make these documents available and easily accessible to all potential users.
5. In an effort to address this concern, the documents referred to as [*Reference and Information Documents (RID)*], will be reviewed to ensure they meet agreed-upon criteria, and posted on the Codex web site.

#### Scope

6. The scope of this document is to provide guidance to Codex Committees on the application of criteria that is used to ensure that documents providing useful guidance or information are readily accessible.
7. Matters that are amenable to the development of a Codex standard, guideline, recommendation and/or code of practice should not be considered for posting on the Codex website as a [*Reference and Information Document (RID)*].
8. The primary purpose of [*Reference and Information Documents (RID)*] is to provide guidance and information to, among others, committees and national governments. As such, [RIDs] provide:
  - reference information prepared by a Committee, which the committee may use in its future work,
  - information for national governments,
  - guidance or useful tools for competent authorities and/or others, or
  - information that has been developed to support discussion and decision making by the Committee, national governments and or observer organizations.

#### Criteria for Placement in this Class of Documents

9. Only those documents which have been determined by the appropriate committee to satisfy the criteria below may be posted on the web site under the heading of [*Reference and Information Documents*].
10. The use of this classification of documents to avoid discussion or resolution of difficult issues is not an option. Committees should not categorize documents as [*Reference or Information Documents*] when they have been unable to reach consensus on the need for a standard, recommendation, guideline and/or code of practice.
11. Once a committee agrees that a document is informative and contains useful information, and should be posted on the Codex web site for continued access, as a [*Reference or Information Document*], it must ensure that the following criteria has been satisfied:

The document:

- has been agreed upon by a committee and determined to contain information that is useful to national governments and/or Codex members and observers and Codex Committees in carrying out their work.
- is not appropriate to be adopted as a Codex standard, guideline, code of practice, or recommendation and is not, nor was ever intended to be, put through the Codex step process

### **Satisfaction of the Criteria**

12. In considering whether to classify a text as a [*Reference and Information Document*], a committee should conduct a review to determine that the above criteria has been satisfied.
13. The committee should also include in its report:
  - (1) a brief analysis/rationale referencing the criteria and explaining why the document was not put through the Codex Step process or the subject was not amenable to the development of a Codex standard etc., and
  - (2) an explanation of why it is being recommended for posting as an informational document.
14. In determining whether the criteria have been satisfied, the committee may be assisted by the Codex Secretariat.
15. [Once the review has been completed, the respective committee should forward the document with the accompanying analysis to the Codex Executive Committee which will make recommendations to the Commission regarding the placement of this document on the web site as a [*Reference and Information Document*].]
16. The report of the appropriate committee should clearly identify in a footnote where the [*Reference and Information Document*] can be found.

### **Accessibility**

17. [*Reference and Information Documents*] will be made available on the Codex website, by the Codex Secretariat, under a separate link.
18. The documents will be grouped under the appropriate or originating committee, in chronological order (i.e., the year in which they were developed) and contain a reference to the relevant Committee report.
19. Under the link, a disclaimer will be included explaining that these documents:
  - are support documents providing information/guidance and are not Codex standards, guidelines, codes of practice or recommendations.
  - have not been adopted by any Codex committee or the Codex Alimentarius Commission.
  - should not be used or referenced as a Codex document by any international organization.
20. When appropriate, the document will be hyperlinked to the individual Codex standard, recommendation, guideline and/or code of practice that it references or supports.

**ANNEX 1 – Documents meeting the criteria for [Reference and Information Documents]**

<b>Codex Committee on Food Additives</b>		
<b>Text</b>	<b>Purpose/Description</b>	<b>Status</b>
GSFA Categories in which the Use of One or More Colours is Technologically Justified	Lists all food categories in which the use of colours is technologically justified. For internal use by CCFA	Agreed to as a working document by the CCFA Appendix to CX/FA 11/43/7
Food Categories in which the Use of Sweeteners is Technologically Justified	Lists all food categories in which the use of sweeteners is technologically justified. For internal use by CCFA	Agreed to as a working document by the CCFA CX/FA 08/4/5, Part 2 Appendix 1
Determination of Technological Justification for the Use of Acidity Regulators in Food Categories Contained in the Annex to Table 3	Provides recommendations of the GSFA physical working group on technological justifications for the use of acidity regulators. For internal use by CCFA	Agreed to as a working document by the CCFA FA45/CRD2, Appendix IV
Determination of Technological Justification for Use of Emulsifiers, Stabilizers and Thickeners in Food Categories	Provides recommendations of GSFA physical working group on technological justification for the use of emulsifiers, stabilizers and thickeners listed in Table 3 of the GSFA. For internal use by CCFA	Being developed by the CCFA FA45/CRD2, Appendix v
Decision Tree on the Alignment of the Food Additive Provisions of Commodity Standards and Relevant Provisions of the GSFA.	For internal use by the CCFA in aligning food additive provisions in commodity standards with the GSFA. CCFA will notify the commodity committees of the decision tree approach.	Being developed by CCFA
Database on Processing Aids	A repository list of processing aids used in one or more countries. Information for the database will be provided by Codex members and observers. Once the data base becomes active, it will subsume the Inventory of Processing Aids (IPA), which is the current repository of processing aids	Being developed by CCFA.

<b>Codex Committee on Contaminants in Foods</b>		
<b>Text</b>	<b>Purpose/Description</b>	<b>Status</b>
<i>Guidance for Risk Management Options in Light of Different Risk Assessment Outcomes</i>	Contains a brief description of risk assessment steps and outcomes and provides a description of the risk management options for use by Codex committee as well as by national governments.	Completed and agreed upon by the committee PER 12/CF Appendix XIII

<b>Codex Committee on Food Hygiene</b>		
<b>Text</b>	<b>Purpose/Description</b>	<b>Status</b>
<i>Process by which the Codex Committee on Food Hygiene will Undertake its Work</i>	Established to assist the CCFH in (1) identifying its work and (2) in interacting with FAO/WHO and the scientific bodies	Agreed upon by the Committee and attached as Appendix VI to REP 12/FH
<i>Annex of Practical Examples to the Establishment and Application of Microbiological Criteria</i>	Contains useful examples that allows for a better understanding of the application of microbiological criteria. Supports <i>Principles for the Establishment and Application of Microbiological Criteria for Foods</i> .	Committee has requested FAO and WHO to (1) review and harmonize the examples and (2) to provide an introductory text and background for the document

<b>Codex Committee on Food Labelling</b>		
<b>Text</b>	<b>Purpose/Description</b>	<b>Status</b>
<i>Issues Related to Mandatory Nutrition Labelling</i>	Prepared by the Codex Committee on Food Labelling for use as a tool by national governments in considering the implementation of mandatory nutrition labelling for pre-packaged foods. This refers to nutrition labelling that would be applied to virtually all pre-packaged foods in the absence of a nutrition claim.	Completed and agreed upon by the committee ALINORM 10/33/22, Appendix I

<b>Task Force on Animal Feeding</b>		
<b>Text</b>	<b>Purpose/Description</b>	<b>Status</b>
<i>Guidance on Prioritizing Hazards in Feed</i>	Prepared by the Codex Task Force on Animal Feeding for use as a tool by national governments for prioritizing feed hazards in their country.	The Commission agreed that the Annex on feed be detached from the main document and post it on the FAO web site REP 13/CAC, para 63

## APPENDIX II – Participants list

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