

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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Agenda Item 6

CAC47/CRD38

Original Language Only

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX ALIMENTARIUS COMMISSION

Forty-seventh Session

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### OTHER MATTERS RELATED TO CODEX SUBSIDIARY BODIES

(CX/CAC 24/47/17 Rev.1 and CX/CAC 24/47/17 Add.1)

(Comments of Brazil)

1. The General Standard for Fruit Juices and Nectars (CXS 247-2005) was developed by the ad hoc Codex Intergovernmental Task Force on Fruit and Vegetable Juice (TFFJ) in 2005. This Task Force was dissolved by CAC26 in 2005, and the text is currently under the purview of the Codex Committee on Processed Fruits and Vegetables (CCPFV), which was adjourned sine die by CAC43 in 2020.
2. After 2005, Brazilian government and the productive sector made huge efforts to gather data on grape production in the country in order to have a database to serve as reference for further discussions.
3. The current minimum soluble solids level for reconstituted grape juice (16 °Brix) excludes up to 45% of the juice produced from *Vitis labrusca* L. grown in the main Brazilian production region, depending on the climate conditions of each vintage year.
4. In 2018, the Brazilian delegation proposed the definition of reconstituted grape juice within the International Organisation of Vine and Wine (OIV). After progressing through various stages, this draft resolution reached stage 7 at the OIV's 2022 General Assembly, pending Brazil's request to the Codex Alimentarius to revise the minimum soluble solids level for reconstituted grape juice in CXS 247-2005 to avoid inconsistencies between standards from different organizations.
5. At the 22nd session of the FAO/WHO Coordinating Committee for Latin America and the Caribbean (CCLAC22) in 2022, Brazil introduced a discussion paper (LAC22/CRD07) proposing an amendment to the General Standard for Fruit Juices and Nectars (CXS 247-2005). CCLAC22 supported the proposal, which aims to improve both the precision and coverage of the standard for better adoption and transparency in the trade of grape juices (REP23/LAC, paragraphs 96-97).
6. The proposed amendment concerns the Annex of CXS 247-2005, where it is suggested that the current single minimum Brix level for grape juice be divided into two groups: one for *Vitis vinifera* and its hybrids, maintaining the current minimum Brix level of 16.0, and another for *Vitis labrusca* and its hybrids, with a proposed minimum Brix level of 14.0. The aim of this amendment is to enhance the precision of CXS 247-2005 and accurately reflect the minimum Brix level for reconstituted grape juice made from *Vitis labrusca* and its hybrids by adding a specific limit for this species to the Annex.
7. CAC46 agreed to establish an Electronic Working Group (EWG) under the Codex Alimentarius Commission, chaired by Brazil and working in English, French, and Spanish, with the following Terms of Reference:
  - To consider the proposal to amend the General Standard for Fruit Juices and Nectars (CXS 247-2005) regarding the Brix levels for *Vitis labrusca* and its hybrids and submit a report to the Codex Secretariat for consideration by CCEXEC's critical review, with recommendations for further action by the Commission.
  - To make every effort to report back to the Codex Secretariat at least 3 months before CAC47.
8. The report from the Electronic Working Group on the Proposed Amendment of the Brix Level for Grape Juice from *Vitis labrusca* or its hybrids (prepared by the EWG chaired by Brazil) was submitted for the Critical Review at the 87th session of the Executive Committee of the Codex Alimentarius Commission.
9. Among other points, CCEXEC87 highlighted the following:

- "The Codex Secretariat introduced the item, noting that the EWG report recognized that it had not been possible to reach consensus in the EWG but that the EWG Chair had recommended CAC47 to adopt the proposed amendment considering the technical consent expressed by most EWG participants for the proposed amendments."
- "Facts around this issue should be recognized both in terms of the lack of consensus in the EWG, and the recommendation of the Chair of the EWG that CAC still positively consider the amendment based on technical information provided;"
- "Members of one region had expressed support to the proposed amendment and expressed concern that those not supporting the amendment had not provided alternatives or substantive arguments and recalled the importance of being responsive to the needs of Members in line with the Codex Strategic Plan;"
- "Another Member noted that EWG participants from their region had expressed both technical and procedural concerns;"
- "The importance of striving towards consensus at CAC47;"
- "If consensus could not be reached at CAC47, then the option should be to discontinue the work at this time noting that a new work proposal can be submitted at any time;"
- Other options, such as facilitating further discussion on the amendment, should also be explored should consensus not be reached at CAC47.
- "The Chairperson, noting that while consensus was elusive in the EWG, encouraged efforts to find consensus and exhaust all avenues to reach consensus before other decision-making avenues are pursued. The Chairperson also reminded CCEXEC that as this work had not gone through the step procedure, it had not had the benefit of all the interactions that might enable Members to reach consensus."
- CCEXEC87 concluded: "... (ii) encouraged all parties to come together to explore whether a consensual resolution could be found at CAC47; and (iii) recognized that in the absence of consensus at CAC47, in considering how to proceed, CAC47 may, among other options, wish to consider discontinuation of the work, noting that a new work proposal may be submitted by any Member at any stage."

10. Finally, considering that:

- The output from the EWG and comments from the CL did not provide an uncontroversial solution, and CAC would need to determine how to proceed.
  - The EWG Chair recommended that CAC47 adopt the proposed amendment, given the technical consensus expressed by most EWG participants.
  - Based on the EWG discussions, Brazil provided information on all specific concerns exposed by two members, in written and by virtual meeting, addressing matters such as representativeness of data, adulteration, restoring/sensorial characteristics, methods of control, labelling/certification, size of grape production.
- Options should be explored if consensus is not reached at CAC47;
11. Brazil requests that CAC47 adopt the proposed amendment, considering the technical consensus expressed by most EWG participants for the proposed amendments. Despite the scientific data presented supporting the Brazilian position, no counterarguments or scientific evidence have been identified to challenge the proposal, and no alternative approaches or language have been suggested to improve the proposed amendment.
12. Furthermore, to determine how to proceed, the Commission could explore options for decision-making, such as the voting process, among others.