



## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEx COMMITTEE ON FOOD LABELLING

#### Forty-ninth Session

11-15 May 2026

### GUIDELINES ON THE APPLICATION OF FOOD LABELLING PROVISIONS IN EMERGENCIES (STEP 4)

(Prepared by the EWG chaired by the United States of America)

Codex Members and Observers wishing to submit comments on the draft guidelines in the Appendix I should do so as instructed in CL 2026/09-FL available on the Codex webpage/Circular Letters:  
<http://www.fao.org/fao-who-codexalimentarius/resources/circular-letters/en/>

## **INTRODUCTION**

1. At the 48th Session of the Committee on Food Labelling (CCFL48) (2024), it was agreed to start new work on the application of food labelling provisions in emergencies and submit the project document for approval by the 47th Session of the Codex Alimentarius Commission (CAC47) (REP24/FL, Appendix VI). CCFL48 discussed that the goal of the proposed work was to develop high-level guidance to assist countries in considering food labelling provisions in emergencies when appropriate. Food supply chains may be disrupted due to war, pandemic, and other emergencies. General support was expressed for the proposed work at CCFL.
2. CCFL further agreed that an EWG chaired by the United States of America, working in English would prepare the guidelines for circulation and comments at Step 3 and consideration by CCFL49.
3. CAC47(2024) approved the new work noting that the work was relevant and timely as Members had experienced disruptions to the food supply during recent emergencies such as the COVID-19 pandemic, which the new work sought to alleviate. The new work would prioritize food safety in all circumstances and revisions to the project document were made at CCFL48 to emphasize this. Cross-linkages could be made in the Guidelines to existing relevant texts to ensure that Codex Alimentarius principles guide the future text.<sup>1</sup>

## **PARTICIPATION AND METHODOLOGY**

4. The EWG was established in February 2025 with 33 Codex Members, one Codex Member Organization, and 18 Codex Observers. A list of participants is provided in Appendix II.
5. The EWG Chair undertook the work of the EWG through two consultations. The first consultation sought general comments on the draft guidelines and posed several more specific questions regarding elements of the draft guidelines. Twenty-six responses from 14 Members, one Member Organization and 11 Observers were received.
6. The second consultation addressed the issues arising from Members and Observers' feedback in the first Consultation, incorporated feedback into updated draft guidelines, and sought general comments and suggestions on the updated draft. Twenty-three responses from 11 Members, one Member Organization and 11 Observers were received.

*First Consultation (April 2025) and Second Consultation (September 2025):*

7. Taking into consideration the discussion at CCFL48, the EWG Chair sought comment in a first consultation in April 2025 on the draft guidelines, and the questions to progress the work of the EWG. These questions sought feedback on preventing the export of unsafe product in times of emergency, including:

- Additional criteria to guide competent authorities when determining whether or how to identify an emergency situation that may involve the flexible application of food labelling provisions to maintain

<sup>1</sup> REP24/CAC paragraphs 159-163

a safe and adequate food supply.

- The use and appropriateness of examples in the draft guidelines.
- Whether and how to address more technical aspects such as ingredient substitution.
- Whether and how to outline stakeholder roles and responsibilities.
- And any input on competent authorities' regulatory decision-making and discretion in the application of food labelling provisions in emergencies.

8. The EWG Chair addressed the EWG Members' comments from the first consultation in updated text distributed in September 2025 for a second consultation and incorporated several recommended edits and concepts as appropriate.

### **SUMMARY OF DISCUSSION:**

*First Consultation:* The first consultation responses indicated the following:

- General consensus that: additional text to prevent the sale of unsafe product is not needed in this guideline, small refinements to clarify the "unsafe" product were required, and the critical role of notifying to the public and how flexibilities are represented were underscored.
- Broad support for the approach of describing emergency situations, with certain refinements to ensure the description is both flexible and clear, rather than developing additional criteria to determine emergencies or thresholds for the flexible application of labelling provisions.
- Lack of consensus on listing examples. The Chair proposed identifying the goals of listing such examples and integrating them more organically throughout the text to avoid a prescriptive list of examples and alleviate concerns that a list of examples would be confusing and misunderstood as exhaustive, as reflected in the 2<sup>nd</sup> Consultation text.
- Lack of consensus on ingredient substitution. Recognizing the salient point that ingredient substitution is broader than supply chain disruptions caused by emergencies and has implications beyond labelling, following the first consultation, the EWG Chair recommended including only a high-level reference in the text, with brief clarification on how substitutions may be communicated.
- Some support for including stakeholder roles and responsibilities, and some concern that this exceeded the level of detail provided in the scope. EWG Chair reordered the guideline to use primarily existing content that better highlights high-level, non-prescriptive guidance for competent authorities, and includes references to food business operators, consumers, and other organizations as needed.
- In general, most competent authorities regarded that they have the authority, either explicitly stated or implied/embedded within existing interpretations of authorizing legislation, to implement flexibilities to food labelling as necessary in times of emergency.
- Multiple EWG Members noted the structure of the guideline could be improved.

*Second Consultation:* The second consultation addressed issues arising from Members and Observers' feedback in the first consultation and the guideline presented in Appendix I reflects the following feedback: *f*:

- **Re-structuring:** The EWG Chair re-ordered the text so that Part 3 (General Considerations) of the updated text included three sub-sections: 3.I: Reviewing or Authorizing a Flexibility; 3.II. Implementing and Monitoring Authorized Flexibilities; and 3.III. Concluding Implementation of Authorized Flexibilities. This restructuring was intended to provide greater readability, clarity on stakeholder roles with a primary focus on guidelines to competent authorities, and address several editorial issues helpfully raised by EWG Members. Members broadly supported this restructuring and the guideline has been further refined to improve flow and order, based on Members' feedback. Based on Members' feedback in the second consultation, the restructured sections were renumbered according to Codex conventions for clarity.
- **Simplification:** The EWG Chair integrated multiple Members' recommendations to simplify and streamline the text wherever possible to reflect the generally shared view in the EWG that the scope of the work as high-level, non-technical guidelines and to improve clarity of the text.
- **Request for More Detail:** One Member sought more detailed criteria and guidance as part of this work. The EWG Chair recognizes this request but is cautious to add more detail than needed to ensure alignment with the scope of the work as high-level, non-technical guidance.
- **Title Change:** One Member recommended changing the title of the guideline to replace "Provisions" with "Flexibilities." However, the work as originally approved used the term "Provisions" and the Chair

is of the view that the title of the work as agreed is appropriately factual and clear, and the concept of flexible application is suitably captured in the scope.

- **Humanitarian contexts:** One Observer recommended explicitly including reference to “humanitarian” contexts. The Observer emphasized that this recommendation does not seek the development of additional provisions specifically for food aid, but rather a clear confirmation that the existing labelling provisions apply to humanitarian supply chains functioning in both short-term and long-term emergency contexts. The EWG Chair has included a brief reference to “humanitarian crises” in the updated text to reflect this recommendation.
- **Deletions:** One Member recommended deleting sections on authorities for flexibilities, communication of flexibilities, review of flexibilities, evaluation of flexibilities, and reference to traceability. The EWG Chair notes that these sections, have thus far been supported by all other Members for ongoing inclusion in the draft text.

#### **CONCLUSION:**

9. The EWG fulfilled its Terms of Reference as provided by CCFL48 and provided the draft guidelines in Appendix I for CCFL49’s consideration.

#### **RECOMMENDATIONS:**

10. CCFL49 is invited to:
- (i) consider the draft guidelines in Appendix I, particularly whether they achieve a suitable balance between remaining high-level and non-prescriptive, while also providing guiding principles that competent authorities can consider regarding to the application of food labeling provisions in emergencies.
  - (ii) consider if the text is ready for advancement in the Codex Step process.

## APPENDIX I

**DRAFT GUIDELINES ON THE APPLICATION OF FOOD LABELLING PROVISIONS IN EMERGENCIES****1. Purpose**

The purpose of these guidelines is to provide guidance through principles and general decision-making criteria for the consideration and flexible application of food labelling requirements in emergencies that cause significant supply chain disruptions, and to ensure that the food labelling flexibilities applied by competent authorities in such emergencies are temporary, justified, proportionate, and risk-based to maintain food safety and fair trading practices in uncertain situations.

**2. Scope**

- 2.1. These guidelines apply to the flexible application of one or more food labelling requirements by competent authorities in emergencies to maintain a safe and adequate food supply without misleading the consumer or compromising food safety (hereafter referred to as “flexibilities”).
  - 2.1.2. For the purpose of these guidelines, an emergency means an exceptional and temporary event that causes significant disruption to the international, regional, national, or local food supply chain, in whole or in part. Emergencies and consequent supply chain disruptions or food shortages may occur due to scenarios including human pandemics, animal disease outbreaks, environmental or natural disasters, disruption of critical infrastructure, war and humanitarian crises, drought, or other scenarios.
  - 2.1.3. For the purpose of these guidelines, such flexibilities are an agreement to allow specific, risk-based, and approved, non-compliance with certain labelling provisions implemented during an emergency to the extent and for the periods strictly necessary to facilitate a safe and adequate food supply without compromising food safety, as determined by competent authorities. Flexibilities may include considerations such as changes to labelling formats, labelling of ingredient substitutions that do not compromise food safety, managed depletion of existing labelling stocks, or language requirements for labelling elements that do not present food safety risk among other flexibilities as determined by competent authorities.
- 2.2. These guidelines apply to both prepackaged foods and non-retail containers of food.
- 2.3. These guidelines are intended to facilitate the proposal, review, implementation and monitoring, and conclusion of flexibilities during and after emergencies.
- 2.4. These guidelines are applicable to domestic commerce or export, subject to the agreement of the importing country.

**3. General Considerations**

During an emergency, when a competent authority becomes aware of a need or proposal for a flexibility, the following guidelines apply. These guidelines are intended to facilitate the proposal, review, implementation and monitoring, and conclusion of flexibilities during and after emergencies.

**3.1. Reviewing or Authorizing a Flexibility**

When reviewing a proposed flexibility and/or authorizing a flexibility during an emergency, competent authorities should:

- 3.1.1. Ensure they have sufficient authority to grant flexibilities during an emergency;
- 3.1.2. Clearly communicate to all relevant stakeholders a risk-based approach for reviewing or authorizing requests for food labelling flexibilities during an emergency, considering any stakeholder responsibilities, procedures to be followed, and communication with the public;
- 3.1.3. Ensure that the proposed flexibility will not compromise food safety (e.g. safety-related instructions for use) nor introduce health risks such as foods or ingredients that are known to cause hypersensitivity, or, that are not addressed by accurate labeling (e.g. allergen labeling and gluten labeling), and that the proposed flexibility is not misused to introduce the use of an unapproved or unsafe food or ingredient;
- 3.1.4. Verify that the proposed flexibility will substantially assist in mitigating the effects of the emergency on the availability of a safe and adequate food supply in the country or region in which the food is traded, and that existing food labelling provisions, though effective under normal conditions, now compromise or otherwise significantly negatively impact the availability of a safe and adequate food supply;
- 3.1.5. Base review of the proposed flexibility on an assessment of the food safety and consumer health risks triggered by the implementation of the flexibilities relative to the emergency using all relevant, available information, evaluating any alternatives to the proposed flexibility, and confirming that the flexibility does not lead to undue competitive advantage to one or more Food Business Operators (FBOs) over others.

- 3.1.6 Ensure that records related to the proposed flexibility be maintained as needed;
- 3.1.7 Confirm with all relevant stakeholders the expected timeframe that the proposed flexibility will be necessary, ensuring that the flexibility is effective only for the period in which significant negative impacts from the emergency are experienced, and that the proposed flexibility is tailored to proportionally address significant negative impacts resulting from the emergency;
- 3.1.8 When considering proposed flexibilities across commodities, seek a consistent approach in the application of flexibilities based on the impacts of the emergency on the availability of a safe and adequate food supply.
- 3.1.9 Consider leveraging technology-based approaches (CXG 105-2024, Guidelines on the use of technology to provide food information in food labelling) where feasible to enhance the availability of food information to all appropriate stakeholders (i.e. FBOs, countries, consumers, and competent authorities).
- 3.1.10 Ensure that the proposed flexibility would not compromise adherence to Sections 3.1 and 3.2 of the *General standard on the labelling of prepackaged foods* (CXS 1-1985).

#### **4. Implementing and Monitoring Authorized Flexibilities**

- 4.1 When an FBO implements an authorized flexibility during an emergency, competent authorities should:
  - 4.1.1. Consult with any countries to which products subject to the flexibility may be exported to ensure the importing country's agreement to the authorized flexibility before exporting any such product to the importing country.
  - 4.1.2. Monitor implementation of the flexibility, as supported by records kept by the FBO and the competent authority intended to document implementation of the flexibility and enable traceability<sup>2</sup> when possible in the emergency situation, and;
  - 4.1.3. Notify, as quickly as possible using all effective means, the authorized flexibility including any uses of technology, to FBOs, countries, and the public, leveraging international networks such as the International Food Safety Authorities Network (INFOSAN) and other relevant international bodies as appropriate.

#### **5. Concluding Implementation of Authorized Flexibilities**

- 5.1. When concluding use of an authorized flexibility, competent authorities should:
  - 5.1.1 Notify FBOs, countries, and the public that time-limited flexibilities offered during the emergency are no longer in effect.
  - 5.1.2 Ensure the FBO demonstrates the cessation of the flexibility as determined by the competent authority, considering also how products produced during the emergency that remain available for sale after the emergency is over will be addressed (i.e. stock in trade).
  - 5.1.3 Evaluate the results of any flexibilities provided during the period of the emergency and adapt, where necessary, the country's relevant emergency plan(s) accordingly to promote resilience in future emergencies.

---

<sup>2</sup> See the *Principles for traceability/product tracing as a tool within a food inspection and certification system* (CXG 60-2006)

## APPENDIX II

## LIST OF PARTICIPANTS

## CHAIR

United States of America

## MEMBERS

Japan	New Zealand
Australia	Norway
Brazil	Panama
Brunei Darussalam	Peru
Canada	The Philippines
Chile	Republic of Korea
China	Russia
Colombia	Saudi Arabia
Costa Rica	Senegal
Egypt	Singapore
European Union	Spain
Ghana	Sweden
Guatemala	Switzerland
India	Tanzania
Indonesia	Thailand
Iran	United Kingdom
Malaysia	Uruguay

## OBSERVERS

Alianza	
Latinoamericana de Asociaciones de la Industria de Alimentos y Bebidas	International Council of Beverages Associations
European Federation of Allergy and Airways Diseases Patients' Associations	International Council of Grocery Manufacturers Associations
European Federation of the Associations of Dietitians	International Chewing Gum Association
ENCA	International Dairy Federation
Food Industry Asia	International Special Dietary Foods Industries
Food Drink Europe	World Federation of Public Health Associations
International Baby Food Action Network	Association of European Coeliac Societies
International Confectionery Association	World Food Program
	World Health Organization