

**APPENDIX V****GUIDELINES ON THE APPLICATION OF FOOD LABELLING PROVISIONS IN EMERGENCIES****(For adoption at Step 5/8)****1. PURPOSE**

The purpose of these guidelines is to support a safe and adequate food supply during emergencies, by providing principles and general decision-making criteria. These guidelines can be used for the consideration and flexible application of food labelling requirements in emergencies that cause significant supply chain disruptions. They ensure that the food labelling flexibilities applied by competent authorities in such emergencies are temporary, justified, proportionate, and risk-based to protecting the health of the consumer and ensuring fair practices in food trade in uncertain situations.

**2. SCOPE**

- 2.1 These guidelines are intended to be used only by competent authorities to determine the flexible application of one or more food labelling requirements in emergencies to maintain a safe and adequate food supply without misleading the consumer or compromising food safety (hereafter referred to as “flexibilities”).
- 2.1.1 For the purpose of these guidelines, an emergency means an exceptional and temporary event as identified by the competent authorities 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 or plant disease outbreaks, environmental or natural disasters, disruption of critical infrastructure, war and humanitarian crises, drought, or other similar scenarios.
- 2.1.2 For the purpose of these guidelines, flexibilities are an agreement by the competent authorities to allow specific, risk-based, 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, and to support stabilization of supply chains, without compromising food safety or misleading the consumer. 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.
- 2.1.3 For the purpose of these guidelines, food labelling flexibilities are not intended as a means to reduce production costs, mitigate commercial trade pressures, facilitate improper disposal, or gain economic advantage to address non-emergency production or market-driven considerations.
- 2.2 These guidelines apply to both the *General standard on the labelling of prepackaged food* (CXS 1-1985) and the *General standard for the labelling of non-retail containers of foods* (CXS 346-2021). The terms “label” and “labelling” as used in these guidelines are defined in CXS 1-1985.
- 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 and food in trade, subject to the agreement of the importing country.

**3. GENERAL CONSIDERATIONS FOR FOOD LABELLING FLEXIBILITIES IN EMERGENCIES**

During an emergency, when a competent authority becomes aware of a need or proposal for a flexibility, the following guidelines apply.

**3.1 Reviewing and Authorizing a Flexibility**

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

- 3.1.1 Ensure, as determined prior to the emergency if possible, they have sufficient authority to grant flexibilities during an emergency.
- 3.1.2 Apply a risk-based approach for reviewing or authorizing requests for flexibilities during an emergency, considering any stakeholder responsibilities, procedures to be followed, and communication with consumers and all relevant stakeholders and foster clear and transparent communication to all relevant stakeholders regarding the application of such an approach.
- 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 allergenic foods and related food allergens that are not addressed by appropriate labelling, 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 consumed, and that existing food labelling provisions, though effective under normal conditions, would 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, apply consistent principles 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 (*Guidelines on the use of technology to provide food information in food labelling* (CXG 105-2024)) or other alternative means to provide food information to consumers and other relevant stakeholders.
- 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) and Section 4.1 of the *General standard for the labelling of non-retail containers of foods* (CXS 346-2021).
- 3.1.11 Ensure that the proposed flexibilities do not introduce any specific food safety risks for vulnerable populations within the country where the food will be consumed (e.g. infants, young children, persons with special dietary needs).

### **3.2 Implementing and Monitoring Authorized Flexibilities**

When an FBO implements an authorized flexibility during an emergency, competent authorities should:

- 3.2.1 Recognize that any flexibilities implemented within their jurisdiction are subject to the prior agreement of the importing country's competent authorities, should such products be exported.
- 3.2.2 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>1</sup> when possible in the emergency situation, and;
- 3.2.3 Notify, in a timely manner using all effective means, the authorized flexibility including any uses of technology, to FBOs, countries, and the public, leveraging as appropriate international networks such as the International Food Safety Authorities Network (INFOSAN) and other relevant international bodies.

### **3.3 Concluding Implementation of Authorized Flexibilities**

When concluding use of an authorized flexibility, competent authorities should:

- 3.3.1 Notify FBOs, countries, and the public that time-limited flexibilities offered during the emergency are no longer in effect.
- 3.3.2 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).
- 3.3.3 Evaluate the results of any flexibilities provided during the period of the emergency in consultation with relevant stakeholders and adapt, where necessary, the country's relevant emergency plan(s) accordingly to promote resilience in future emergencies.

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<sup>1</sup> See the *Principles for traceability/product tracing as a tool within a food inspection and certification system* (CXG 60-2006)