

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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Agenda Item 2

CX/NFSDU 21/42/2

November 2021

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

#### Forty-second Session

#### Virtual

19 – 25 November and 1 December 2021

### MATTERS REFERRED TO THE COMMITTEE BY THE CAC AND OTHER CODEX SUBSIDIARY BODIES

#### A. MATTERS ARISING FROM CODEX ALIMENTARIUS COMMISSION (CAC43)

##### MATTERS FOR INFORMATION

##### *Adoption of text<sup>1</sup>*

1. CAC43 **adopted** the provisions for xanthan gum (INS 415) and pectins (INS440) as thickeners in the *Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants (CXS 72-1981)*

##### *Adoption of texts at Step 5<sup>2</sup>*

2. CAC42 **adopted** at Step 5 the:

- scope, description and labelling for drink/product for young children with added nutrients or drink for young children<sup>3</sup>; and
- Guidelines for Ready-to-Use Therapeutic Foods (RUTF).<sup>4</sup>

3. CAC42 noted that all technical comments should be resubmitted at Step 6 for further consideration by CCNFSDU.<sup>5</sup>

##### *Discontinuation of work<sup>6</sup>*

4. CAC43 **approved discontinuation** of the work on:

- a condition for a claim for “free of” TFAs, and in view of the importance of addressing TFAs, noted that other committees such as Codex Committee on Food Labelling (CCFL) and Codex Committee on Fats and Oils (CCFO) could consider risk management options to address TFAs; and
- a definition for biofortification.

##### *Recognition of the Commission of the current situation and necessary actions between CAC43 and CAC44<sup>7</sup>*

5. CAC43:

- recognized the challenges facing the Codex Alimentarius Commission in fulfilling its duties as the pre-eminent international food standards setting body due to the COVID-19 pandemic;
- recognized that while many Codex Committee meetings had to be postponed in 2020 this could not continue in 2021; and

<sup>1</sup> REP20/CAC, para. 83 and Appendix III

<sup>2</sup> REP20/CAC, paras 89 and 92, and Appendix III

<sup>3</sup> See REP20/CAC, paras 84 – 89 for full discussion

<sup>4</sup> See REP20/CAC, paras 90 – 92 for full discussion

<sup>5</sup> REP20/CAC, paras 89 and 92

<sup>6</sup> REP20/CAC, para. 93

<sup>7</sup> REP20/CAC, para 10

- supported the use of modern tools and approaches by Codex subsidiary bodies in line with the Codex core values to ensure Codex work progressed in a timely and effective manner.

### **Procedural aspects**<sup>8</sup>

#### 6. CAC43:

- agreed, on an exceptional basis in view of the circumstances surrounding the pandemic that, with respect to meetings and sessions of the Codex Subsidiary Bodies to be held in 2021, Rule XI (7) and (8) may be interpreted in a manner that includes a virtual setting;
- agreed on this basis that Codex Subsidiary Bodies may be held virtually in 2021, if determined appropriate by FAO and WHO, in consultation with the host governments concerned and the Codex Secretariat.

### **Ongoing work of the subsidiary bodies**<sup>9</sup>

7. CAC43 recommended to all subsidiary bodies and Members and Observers to make full use of existing remote working mechanisms such as EWGs and CLs and to plan their virtual committee meetings in such a manner as to optimize the possibility to complete their agendas.

## **B. MATTERS ARISING FROM OTHER CODEX SUBSIDIARY BODIES**

### **MATTERS FOR INFORMATION**

#### **EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION (CCEXEC78, 79, 80)**

##### ***Implementation of CAC42: Feedback on Changes and Proposals for Further Improvements***<sup>10</sup>

8. CCEXEC78 requested that Chairpersons of subsidiary bodies and CAC together with the Secretariat:
- develop strategies to prevent or mitigate technical discussions at CAC on topics for which there was no consensus and communicate these strategies to Members. Such strategies may include short adjournments of the session for informal discussions or suspension of discussions on items that overrun the planned time limit; and
  - ensure that, at meetings of CAC, written comments received were given due consideration and the technical basis of reservations were included in meeting reports.

##### ***Regular Review of Codex Work Management 2018-2019: Critical Review Process***<sup>11</sup>

9. CCEXEC78 concluded that the Critical Review was overall an efficient and effective work management tool and that there was no urgent need to revise it substantively while recognizing that improvements could be further discussed.

10. In this regard, CCEXEC78 also recognized that CCEXEC could provide guidance and advice to subsidiary bodies and that subsidiary bodies could also seek advice from CCEXEC and that such exchange could take place outside of the Critical Review process.

##### ***Follow-Up to Regular Review of Codex Work Management 2017-2018: Periodic Review of Codex Standards***<sup>12</sup>

11. CCEXEC78 concluded that the current approaches to standards review were working for active subsidiary bodies, and encouraged these bodies to continuously enhance their work management processes to consider the need for reviewing existing Codex standards.

##### ***Follow-up to Regular Review of Codex Work Management 2017-2018: Use of References in Codex Texts***<sup>13</sup>

12. CCEXEC78 emphasized that while there may on occasion be merit in including references to standards of another standard setting organization, these should be kept to a minimum since they become an integral part of a Codex text and require life-long monitoring.

<sup>8</sup> REP20/CAC para. 20

<sup>9</sup> REP20/CAC para. 31

<sup>10</sup> REP20/EXEC1, paras. 25-30

<sup>11</sup> REP20/EXEC1, paras. 42, 46

<sup>12</sup> REP 20/EXEC1, paras. 54-56

<sup>13</sup> REP20/EXEC1, para. 64

**Report of the CCEXEC Sub-Committee on Codex and the Pandemic - Strategic Challenges and Opportunities<sup>14</sup>**

13. CCEXEC80 recognized that CAC43 had agreed on the possibility of holding virtual meetings in 2021 and endorsed the proposals from the sub-committee on Codex and the pandemic to operationalize this decision, noting that this did not at present require any change to formal Codex procedures.

**Condition for a claim for “free of” TFAs<sup>15</sup>**

14. CCEXEC79 noted the importance of addressing TFAs and that while this will not be further pursued in CCNFSDU, other committees such as CCFL and CCFO could explore suitable risk management options.

**THE COMMITTEE ON METHODS OF ANALYSIS AND SAMPLING (CCMAS41)****Methods of analysis for provisions in the Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants (CXS 72-1981)<sup>16</sup>**

15. CCMAS41 agreed to inform CCNFSDU:

- Of the decision to submit the AOAC2011/14 / ISO 15151 | IDF 229 in CXS 234 as Type III for calcium, copper, iron, magnesium, manganese, phosphorous, potassium, sodium and zinc in infant formula as previously endorsed for adoption by CAC44 and inclusion in CXS234.
- That it was not possible to develop numeric criteria in this case as CCNFSDU had agreed to retain the Type II methods. Numeric criteria would not solely apply to Type III methods, but also remove the designation of Type II methods.

**Methods to measure sweetness in drink/product for young children with added nutrients or drink for young children<sup>17</sup>**

16. CCMAS41 agreed to inform CCNFSDU that there were no known validated methods to measure sweetness of carbohydrate sources and therefore no way to determine compliance for such a provision.

**THE COMMITTEE ON FOOD ADDITIVES (CCFA52)****GSFA: Xanthan gum (INS 415) and pectins (INS 440)<sup>18</sup>**

17. CCFA52 agreed to include xanthan gum (INS 415) and pectins (INS 440) in food category 13.1.3 “Formulae for special medical purposes for infants” of the *General Standard for Food Additives* (GSFA, CXS192-1995).

**Endorsement of food additives provisions: Guideline on Ready-to-Use Therapeutic Foods<sup>19</sup>**

18. CCFA52 agreed to endorse the food additive provisions in the proposed draft Guideline for Ready-to-Use Therapeutic Foods (RUTF) and to include the Guideline for RUTF in the list of CCNFSDU standards awaiting future alignment work and that this work will also undertake the determination of the appropriate GSFA food category.

**Alignment of food additive provisions<sup>20</sup>**

19. CCFA52 agreed to:

- publish on the Codex website the document titled “*Guideline on avoiding future divergence of food additive provisions in the GSFA with commodity standards*” as an information document;
- consider the alignment of the following CCNFSDU standards: CXS 72-1981; CXS 73-1981; CXS 74-1981; CXS 156-1987; CXS 181-1991; CXS 203-1995 and the Guideline for RUTF.

<sup>14</sup> REP21/EXEC1, paras. 35-36

<sup>15</sup> REP20/EXEC2, para 39

<sup>16</sup> REP21/MAS, paras 8 (i and ii)

<sup>17</sup> REP21/MAS, para. 10

<sup>18</sup> REP21/FA, paras 19 - 27

<sup>19</sup> REP21/FA, paras 71 – 72 and 85

<sup>20</sup> REP21/FA, para. 107

**THE COMMITTEE ON FOOD LABELLING (CCFL46)*****Endorsement of Labelling Provisions*****Review of the Standard for Follow-Up Formula****Follow-up formula for older infants<sup>21</sup>**

20. CCFL46 endorsed the labelling provision in section 9.6.5.

**Drink/product for young children with added nutrients or drink for young children<sup>22</sup>**

21. CCFL46 endorsed the labelling provisions and requested CCNFSDU to consider whether exclusion of the term “product” in the name for “drink for young children” was an omission.

**Guideline on Ready-to-Use Therapeutic Foods (RUTF)<sup>23</sup>**

22. CCFL46 endorsed the labelling provisions and noted that consideration of the relevance of the *Guidelines for Use of Nutrition and Health Claims* to RUTF could be addressed in CCNFSDU.

***Nutrient Profiles<sup>24</sup>***

23. CCFL46 agreed to inform CCNFSDU that work on the Guidelines for front of pack nutrition labelling had been completed and was not dependent on work on nutrient profiles in CCNFSDU.

***Trans fatty acids (TFAs)<sup>25</sup>***

24. CCFL46 agreed that Canada would prepare a discussion paper to outline possible new work for consideration by CCFL.

**THE CODEX COMMITTEE ON FATS AND OILS (CCFO27)*****Trans fatty acids (TFAs)<sup>26</sup>***

25. CCFO27 agreed that a discussion paper to address the possible work that CCFO could undertake to reduce TFAs or eliminate partially hydrogenated oils (PHOs) would be prepared by Canada in collaboration with the European Union, Egypt, India, Saudi Arabia, Uganda, the United States of America and WHO for consideration by the next session of CCFO.

**MATTERS FOR ACTION****EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION (CCEXEC78)*****Timeliness of Codex working documents<sup>27</sup>***

26. CCEXEC78 requested that the Codex Secretariat bring the information<sup>28</sup> on the timeliness of Codex working documents, reports and the availability of adopted standards to the attention of subsidiary bodies for their review and suggestions.

**CODEX COMMITTEE ON METHODS OF ANALYSIS AND SAMPLING (CCMAS41)*****Methods of analysis for provisions in the Standard for Infant Formulas and Formulas for Special Medical Purposes Intended for Infants (CXS 72-1981)<sup>29</sup>***

27. CCMAS41 agreed to inform CCNFSDU that the methods for fructans, beta-carotene and lycopene were not endorsed as there were no accompanying provisions in CXS 72-1981 and to request CCNFSDU to provide a rationale to support their proposal for methods for these substances. CCNFSDU should be informed that all proposed methods of analysis must have direct pertinence to the Codex standard to which they are directed.

**Recommendations**

28. The Committee is invited to **note**:

- i. the information provided in paragraphs 1–15, 17, 19, 24- 25; and that the information in paragraph 23 will be taken into account by CCNFSDU<sup>43</sup>.

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<sup>21</sup> REP21/FL, paras 19 - 23

<sup>22</sup> REP21/FL, paras 24 - 31

<sup>23</sup> REP21/FL, paras 32 - 36

<sup>24</sup> REP21/FL, paras 97 - 99

<sup>25</sup> REP21/FL, paras 153 - 159

<sup>26</sup> REP21/FO, para. 11

<sup>27</sup> REP20/EXEC1, para. 111

<sup>28</sup> CX/EXEC 20/78/8

<sup>29</sup> REP21/MAS, paras 8(ii) and 9

- ii. the information provided in paragraphs 16, 18, 20 – 22 and to take this information into account when considering agenda items 4 and 5.
- iii. for paragraph 26, the Codex Secretariat works closely with the Chair of CCNFSDU, Chairs of EWGs and the Host Country Secretariat on ways forward to improve work management of the Committee.
- iv. the request from CCMAS in paragraph 27 will be considered by CCNFSDU43.