



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

Forty-sixth Session

Virtual

27 September – 1 October and 7 October 2021

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

A. MATTERS ARISING FROM CODEX ALIMENTARIUS COMMISSION (CAC42 and 43)

MATTERS FOR INFORMATION

Adoption of standards at Step 8¹

1. CAC43 **adopted** the draft Code of Practice on Food Allergen Management for Food Business Operators at Step 8 noting that the Code of Practice could be revised in future following scientific advice from FAO/WHO and completion of the work on guidance on precautionary allergen labelling in CCFL. .

Adoption of standards at Step 5²

2. CAC42 **adopted** proposed draft guidance for the labelling of non-retail containers at Step 5 and noted that all technical comments should be resubmitted at Step 6.

New work³

3. CAC42 **approved** the new work on:

- guidance on internet sales/e-commerce and noted the proposal from one Member that CCFL collaborate with CCFICS on the work with a view to developing guidance to assist in the control and inspection of food products sold online.
- allergen labelling: Revision to the General Standard for the Labelling of Prepackaged Foods: allergen labelling, and guidance on precautionary allergen or advisory labelling, and noted that this work is linked to the work of CCFH on allergen management and therefore close collaboration between CCFL and CCFH on this issue was important to ensure consistency between the two texts. .

Discontinuation of work⁴

4. CAC43 **discontinued** the work on a condition for a claim for “free of” trans fatty acids (TFAs) having been conducted by CCNFSDU, and in view of the importance of the addressing TFAs, noted that other committees such as CCFL and CCFO could consider risk management options to address TFAs.

Recognition of the Commission of the current situation and necessary actions between CAC43 and CAC44⁵

5. CAC43:

- (i) 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;
- (ii) recognized that while many Codex Committee meetings had to be postponed in 2020 this could not continue in 2021; and

¹ REP20/CAC, paras 70 and Appendix II

² REP19/CAC, paras 80, 93 – 94 and Appendix III

³ REP19/CAC, para. 96, 98, 99 and Appendix V

⁴ REP20/CAC, para. 93

⁵ REP20/CAC para. 10

- (iii) 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 aspects⁶

6. CAC43:
 - (i) 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;
 - (ii) 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 bodies⁷

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 Improvements⁸

8. CCEXEC78 requested that Chairpersons of subsidiary bodies and CAC together with the Secretariat:
 - a) 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
 - b) 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 Process⁹

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 Standards¹⁰

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 Texts¹¹

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.

⁶ REP20/CAC para. 20

⁷ REP20/CAC para. 31

⁸ REP20/EXEC1, paras. 25-30

⁹ REP20/EXEC1, paras. 42, 46

¹⁰ REP 20/EXEC1, paras. 54-56

¹¹ REP20/EXEC1, para. 64

Report of the CCEXEC Sub-Committee on Codex and the Pandemic - Strategic Challenges and Opportunities¹²

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” TFAs¹³

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 the Codex Committee on Fats and Oils (CCFO) could explore suitable risk management options.

COMMITTEE ON FOOD HYGIENE (CCFH51)

Draft Code of Practice on Food Allergen Management for Food Business Operators¹⁴

15. CCFH51 agreed to forward the draft COP to CAC43 for adoption at Step 8; to inform CCFL of the status of the work ; and that the COP could be revised upon completion of the work on precautionary allergen labelling in CCFL and advice from FAO/WHO.

COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES (CCNFSDU41)

Review of the Standard for Follow-Up Formula (CODEX STAN 156-1987): draft scope, description and labelling for follow-up formula for older infants¹⁵

16. CCNFSDU41 agreed: i. to hold the scope, description and labelling provisions at Step 7; ii. to send the labelling provisions in 9.6.5 to CCFL46 for endorsement (see CX/FL 21/46/3) and iii. to inform CCFL of the editorial and other corrections to sections 9.2.2, 9.4.1 and 9.6.4.

Proposed draft claim for “free of” trans fatty acids and Discussion paper on risk management possibilities for the reduction of TFAs¹⁶

17. CCNFSDU41 agreed: i. to inform: CCFL of the Committee’s decision to discontinue the work on the condition for a claim for “free” of TFAs and to consider possible actions in CCFL, and; ii. that any member could make proposals to other Codex committees for new work to address the issue of TFAs and could take necessary actions at the national level taking into account the work of WHO.

COMMITTEE ON SPICES AND CULINARY HERBS (CCSCH5)

Section 8.3 and 8.3.1 “Country of Origin/Country of Harvest”¹⁷

18. CCSCH5 agreed to:

- i. keep both provisions in the standards.
- ii. split “Country of Origin/Country of Harvest” into two independent and clear provisions, i.e. a provision on “Country of Origin” being mandatory and a provision on “Country of Harvest” being optional; and that these provisions would be reconsidered in individual standards, should the need arise.
- iii. inform CCFL on the above decision.

Section 8.5 “Inspection mark (optional)”¹⁸

19. CCSCH5 agreed that the provision be expunged from SCH standards. However, it could be considered under individual draft standards should there be a need.

¹² REP21/EXEC1, paras. 35-36

¹³ REP20/EXEC2, para 39

¹⁴ REP20/FH, para 26

¹⁵ REP20/NFSDU, para 28

¹⁶ REP20/NFSDU, para 131

¹⁷ REP21/SCH, para 19

¹⁸ REP21/SCH, para 21

MATTERS FOR ACTION**EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION (CCEXEC78)*****Timeliness of Codex working documents***¹⁹

20. CCEXEC78 requested that the Codex Secretariat bring the information²⁰ 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.

COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES (CCNFSDU41)***Discussion Paper on General Guidelines to Establish Nutrient Profiles***²¹

21. CCNFSDU41 agreed to establish an EWG to i. Analyse document CX/NFSDU 19/41/12 ; and ii. Develop a discussion paper and project document which defines the scope for developing general guidelines for the establishment of nutrient profiles for use in front of pack nutrition labelling.

22. CCNFSDU41 agreed to inform CCFL of the ongoing discussion in CCNFSDU and to ask CCFL to what extent the work concerning nutrient profiles in CCNFSDU can support the work of CCFL on FOPNL and to what extent it is taken into account.

Recommendations

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

- i. the information provided in paragraphs 1 – 17 and 19.
- ii. the information provided in paragraph 18 and to take this information into account when considering the endorsement of labelling provisions in standards for spices and culinary herbs (see Agenda item 4).
- iii. for paragraph 20, the Codex Secretariat works closely with the Chair of CCFL, Chairs of EWGs and the Host Country Secretariat on ways forward to improve work management of the Committee.
- iv. the request from CCNFSDU in paragraphs 21 – 22 will be considered under Agenda Item 6.

¹⁹ REP20/EXEC1, para. 111

²⁰ CX/EXEC 20/78/8

²¹ REP20/NFSDU, para 28