codex alimentarius commission E

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

WORLD HEALTH ORGANIZATION

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Agenda Item 9(b) **CX/FA 09/41/12**

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD ADDITIVES

Forty-first Session

Shanghai, China, 16-20 March 2009

Proposals for Additions and Changes to the text of the Circular Letter on Priority List of Food Additive proposed for evaluation by JECFA (replies to CL 2008/26-FA)

The following comments have been received from the following Codex members and observers:

Australia and IFAC

AUSTRALIA

Australia is pleased to submit the following comments in response to Circular Letter 2008/26-FA. The following comments are in relation to: (ii) the 'Text of the Circular Letter on Priority List of Food Additives Proposed for Evaluation by JECFA'

Australia notes the proposal by the Delegation of the USA to modify point 8 of the "Form on which information on the additive to be evaluated by JECFA is provided" that was not discussed at the in-session Physical Working Group on Priorities at the 40th session of CCFA due to insufficient time.

The current relevant text reads "has the compound been approved for use in 2 or more countries (please identify the countries)?" The US suggest the question should be re-worded to capture whether or not the compound is currently used in international trade: "is the compound currently added to foods in international trade?"

Australia can identify with the rationale provided by the US: (i) that if a national regulatory authority does not require pre-market approval, the substance can lawfully be sold; and (ii) requiring approval in 2 countries before JECFA will consider the substance limits the ability of Codex to establish safe conditions for the use of new additives.

Australia would like to provide an alternative option for consideration. This option would be to establish the requirement that in order for a substance to be proposed for evaluation by JECFA, applications seeking approval for the substance have been submitted in 2 or more countries. The benefits of this approach are as follows:

1. This would address the second rationale used by the US, i.e. allow Codex to establish safe conditions for the use of food additives in a timely manner.
2. Data would be available for evaluation of the substance by JECFA, due to requirements for this data to be submitted in a number of countries in order for pre-market approval to be sought. Data would not necessarily be available if the substance is in international trade without pre-market approval having been required.
3. If a substance is proposed for evaluation by JECFA at the time that an application has been submitted for approval, the assessment of application by the relevant authorities is likely to be finalized shortly prior to the actual JECFA consideration. This provides for currency of the data available to JECFA without duplication of effort and reduces the delay between an individual country assessment and a JECFA assessment.

Alternative wording proposed: "Has the compound been approved, or submitted for approval, in 2 or more countries?"

IFAC (THE INTERNATIONAL FOOD ADDITIVES COUNCIL)

IFAC is pleased to submit the following comments in response to CL 2008/26-FA.

Annex 2 – Form on which Information on the Additive to be evaluated by JECFA is provided.

Number 8 in the current draft reads, "Has the compound be approved for use in 2 or more countries (please identify the countries)?" IFAC requests that this question be reworded as follows:

8. Is the compound allowed for use in one or more countries (please identify the countries)?

This change is requested in light of the fact that all countries do not have approval processes for all food additives. For example, not all countries require official approval of substances considered "natural."