



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD ADDITIVES

Fifty-third Session

MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER SUBSIDIARY BODIES

MATTERS ARISING FROM THE 44TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION (CAC44)

Matters for information

44th Session of the Codex Alimentarius Commission (CAC44)

Standards and Related Texts adopted by the Commission¹

1. CAC44 adopted:

- (i) The Specifications for the Identity and Purity of Food Additives arising from the 87th, 89th and 91st JECFA meetings;
- (ii) The revision of the *Class Names and the International Numbering System for Food Additives* (CXG 36-1989);
- (iii) The relevant food additive provisions of the *General standard for Food Additives* (CXS 192-1995) (GSFA);
- (iv) The following revised food additive provisions of the GSFA:
 - xanthan gum (INS 415) and pectins (INS 440) in FC 13.1.3 "Formulae for special medical purposes for infants";
 - the group header "STEVIOL GLYCOSIDES";
 - the amendments to title and food category number for *General Standard for Cheese* (CXS 283-1978) in Annex C;
 - the alignment of nine standards for CCMMP, six standards for CCFO and three standards for CCSCH;
 - the partial alignment of the food additives provisions in the *Standards for: Instant Noodles* (CXS 249-2006), *Cottage Cheese* (CXS 273-1968), *Cream Cheese* (CXS 275-1973) and *Cream and Prepared Creams* (CXS 288-1978) to include tamarind seed polysaccharide (INS 437);
 - the linked entry for food category 12.5 Soups and broths, in the "References to Commodity Standards for GSFA Table 3 Additives" in the Annex to Table 3;
 - The sweeteners in different food categories;
- (v) The revised food-additive sections for the following nine (9) standards for milk and milk products, i.e.
 - Group Standards: for *Cheeses in Brine* (CXS 208-1999) and *Unripened Cheese including Fresh Cheese* (CXS 221-2001);
 - Standards for: *a Blend of Evaporated Skimmed Milk and Vegetable Fat* (CXS 250-2006); *a Blend of Skimmed Milk and Vegetable Fat in Powdered Form* (CXS 251-2006); and *a Blend of Sweetened Condensed Skimmed Milk and Vegetable Fat* (CXS 252-2006);

¹ REP21/CAC para 76 and Appendix III

- Standards for: *Cottage Cheese* (CXS 273-1968); *Cream Cheese* (CXS 275-1973); *Extra Hard Grating Cheese* (CXS 278-1978); and *General Standard for Cheese* (CXS 283-1978);
- (vi) The revised food-additive sections of the six (6) standards for fats and oils, i.e. Standards for: *Edible fats and oils not covered by individual standards* (CXS 19-1981); *Olive oils and olive pomace oils* (CXS 33-1981); *Named vegetable oils* (CXS 210-1999); *Named animal fats* (CXS 211-1999); *Fat spreads and blended spreads* (CXS 256-2007); and *Fish oils* (CXS 329-2017);
- (vii) The revised food-additive sections of the three standards for spices and culinary herbs, i.e. Standards for: *Black, White and Green (BWG) Peppers* (CXS 326-2017); *Cumin* (CXS 327-2017); and *Dried Thyme* (CXS 328-2017); and
- (viii) The amendments to Standards for: *Bouillons and Consommés* (CXS 117-1981) and *Wheat Flour* (CXS 152-1985) due to alignment of methyolate copolymer, basic (INS 1205.).

Approval², Revocation³, and Discontinuation of work⁴

2. CAC44:

- (i) approved the priority list of substances proposed for evaluation by JECFA;
- (ii) revoked the food additive provisions of the GSFA; and
- (iii) approved the discontinuation of draft and proposed draft food additive provisions for the GSFA.

Proposal for the development of a Codex standard for yeast⁵

3. China requested guidance from CAC44 regarding the Codex committee that could undertake new work on yeast, a product that has a wide application globally, noting that this product fell outside of the Terms of Reference (ToRs) of the existing committees.

4. CAC44 agreed that the discussion paper on the development of a standard for yeast should be presented at the next session of CCFA, which could then take a decision accordingly.

Codex and the pandemic⁶

5. CAC44 recommended that Rule XI (7) and (8) of the Procedural Manual continue to be interpreted in a manner that includes a virtual setting with respect to sessions of Codex Subsidiary Bodies including CCEXEC and that application of this should take into consideration of the criteria outlined by CCEXEC80.

Application of the Statements of Principle Concerning the Role of Science in the Codex Decision-Making Process and the extent to which other factors are taken into account (SoP)⁷

6. CAC44 welcomed the ongoing work by CCEXEC on the guidance for Chairpersons and Members on the operationalization and the consistent application of the Statements of Principle, and further encouraged CCEXEC to complete this work in an expeditious manner.

60th Anniversary of Codex⁸

7. CAC44 agreed that the celebration of the Codex 60th Anniversary (2023) would be a wonderful occasion to raise awareness about food safety and quality, and encouraged all Members and Observers to use the opportunity of the Codex 60th Anniversary to plan and implement activities to build awareness of Codex and to engage high level political support for Codex work.

MATTERS ARISING FROM OTHER SUBSIDIARY BODIES

A. Matters for information

81st, 82nd and 83rd Sessions of the Executive Committee of the Codex Alimentarius Commission (CCEXEC81, CCEXEC82 and CCEXEC83)

Codex and the Pandemic⁹

² REP21/CAC para 77 and Appendix VI

³ REP21/CAC para 80 and Appendix V

⁴ REP21/CAC para 81 and Appendix VII

⁵ REP21/CAC paragraphs 151-153

⁶ REP21/CAC para 12(iii)

⁷ REP21/CAC paras 13-14, REP21/EXEC2, para 92-99, REP21/EXEC1, paras 37-43

⁸ REP21/CAC para 150

⁹ REP21/EXEC2 paras 83-84 (ii) and (iv)

8. CCEXEC81 (2021) commended the huge efforts of the Codex family to deliver the 2021 work programme and in moving forward, CCEXEC recommended that: Chairpersons and Host Secretariats collaborate closely with the Codex Secretariat in their efforts to establish a meeting schedule that is realistic to implement and ensures adequate time between meetings and that the Codex Secretariat together with Chairpersons and the larger membership, and further consider how EWGs and/or other inclusive and transparent mechanisms can continue to be strengthened, playing an even more fundamental role in Codex as a flexible mechanism to prepare work and ensure that discussions in subsidiary bodies is only held when there is a need for guidance or the work it is ready for progression in the step process.

A model for future Codex work¹⁰

9. CCEXEC81 agreed to establish and lead a process to develop the blueprint for the future of Codex for consideration by CAC on its 60th anniversary in 2023. The process should include communication and outreach to Members and Observers to collect general views on what a future Codex should look like.

10. CCEXEC82, (2022), agreed to establish a sub-committee to develop in collaboration with the Codex Secretariat a report including a proposed blueprint for the future of Codex for CCEXEC84, taking into consideration the views of Members and Observers, FAO and WHO, Chairpersons of Codex Committees, Regional Coordinators and Host Secretariats.

11. CCEXEC83, (2022), considered an interim report of the CCEXEC sub-committee on the future of Codex, recognized that virtual and hybrid meetings were essential tools for Codex and that practices in relation to these meeting modalities continued to develop and agreed on a timeline for the way forward up to the publication of the blueprint by mid-May 2023.

New food sources and production systems (NFSP)¹¹

12. CCEXEC81 agreed to establish a sub-committee to investigate potential mechanisms to address crosscutting, overarching and emerging issues in Codex such as new food sources in the context of food safety, food quality and labelling and the state of related science, the needs and priorities of members as well as any other considerations identified.

13. CCEXEC82 recognised that ongoing work by CCEXEC on “new food sources” did not preclude committees from undertaking new work falling within their respective mandates and agreed that the sub-committee should continue its stepwise consideration of the issues, informed by an analysis of the information collected through the CL, CRDs and report of CCEXEC82.

14. CCEXEC83, while considering the report of its sub-committee on new food sources and production systems (NFPS), recommended that CAC45 encourage Members to submit proposals related to NFSP using existing Codex mechanisms, and Codex subsidiary bodies to consider NFSP in their deliberations; and recognized the need to prepare guidance on how to apply existing procedures to ensure that Members do not perceive procedural obstacles to submitting new proposals for work in this and other areas of Codex.

Monitoring the use and impact of Codex Standards¹²

15. CCEXEC81 noted that, in line with Goal 3 of the Codex Strategic Plan 2020-2025 (Increase recognition and use of Codex Standards), the Codex Secretariat in consultation with the FAO and WHO Evaluation Offices had initiated a project to identify, and in due course implement, an approach to monitor the use and impact of Codex standards.

16. CCEXEC82 discussed the draft mechanism to monitor the use and impact of Codex texts (Goal 3 “increase impact through the recognition and use of Codex Standards”) and

- recognized the benefits and challenges in monitoring the use and impact of Codex texts, and the importance of engagement as the process evolved and of periodic review.
- endorsed the proposed approach for building the Codex monitoring and evaluation (M&E) framework, noting that 2022 would be a pilot year for the re-designed survey approach and that the preliminary results would be reported at CCEXEC83 and CAC45.
- encouraged Members and Observers to identify potential resources to support data gathering for this work, particularly through case studies which should be selected according to a set of pre-defined criteria and be clear in terms of scope and context.

¹⁰ REP21/EXEC2 para 85, REP22/EXEC1 paras 86-101 and REP22/EXEC2, paras. 101-122

¹¹ REP22/EXEC1, para 85 and REP22/EXEC2, para 100

¹² REP22/EXEC1, para 121 and REP22/EXEC2, para 165

17. CCEXEC83, noted the preliminary results of the 2022 pilot survey on the use and impact of Codex texts, and requested Codex Secretariat: to further review and streamline the Codex Strategic Plan monitoring framework, and to consider the results of the survey when undertaking the elaboration of the next Strategic Plan with the membership.

B. Matters for action

27th Session of the Codex Committee on Fats and Oils (CCFO27)

Use of mono- and diglycerides of fatty acids (INS 471)¹³

18. CCFO27 agreed to inform CCFA that mono- and diglycerides of fatty acids (INS 471) was technologically justified for use as antifoaming agents at a maximum level of 10,000 mg/kg in oils for deep frying, conforming to the *Standard for Named Vegetable Oils* (CXS 210-1999) excluding virgin and cold-pressed oils.

19. CCFO27 also noted that CCFA52 had completed the process for the alignment of CXS 210-1999. Hence, the proposed amendments to the food additives section of CXS 210-1999 to include mono- and diglycerides of fatty acids (INS 471) would be incorporated directly into the GSFA by CCFA.

20. The Committee is **invited to consider** the proposal from CCFO27.

42nd Session of the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU42)

Food Additive Sections in the Proposed Draft Revised Standard for Follow-Up Formula for Older Infants and Drink/Product for Young Children with Added Nutrients or Drink for Young Children¹⁴

21. CCNFSDU42 agreed to inform CCFA:

- that the Standard for Follow-up Formula was currently split into two Sections i.e., Section A follow-up formula for older infants and Section B: drink for young children with added nutrients or products for young children with added nutrients or drink for young children or product for young children;
- of the accompanying note stating "within the limits for sodium in Section 3.1" associated with sodium ascorbate (INS 301) should be included in the table for Section A and the accompanying note should not be included in the table of food additives for Section B as there were no maximum levels for sodium for that product;
- of the changes of the provisions for carry-over principle, i.e. to adopt the text from the Standard for Infant Formula and Formulas for Special Medical Purposes (CXS 72-1981), and the Standard for Processed Cereal-Based Foods for Infants and Young Children (CXS 74-1981) for the carry-over of food additives and nutrient carriers, for both Sections A and B; and
- of the changes of the provisions for flavourings i.e. for Section A, to delete the provisions for flavourings and to indicate that no flavourings are permitted in this product; for Section B, to insert a footnote to read "National and/or regional authorities may restrict or prohibit the use of the listed flavourings."

22. CCNFSDU42 noted that the consequential amendments to the *Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants* (CXS 72-1981) could be considered in future (i.e., to indicate that no flavourings are permitted).

23. The Committee is **invited to consider** the information provided by CCNFSDU42.

52nd Session of the Codex Committee on Food Additives (CCFA52)

Outstanding issues from CCFA52

24. During the exercise for updating of the GSFA database after CCFA52, the following potential inconsistencies and/or errors were noted:

- The recommendations from the alignment WG¹⁵ for the three provisions (i.e., polyglycerol esters of fatty acids (INS 475), sorbitan esters of fatty acids (INS 491-495) and stearyl lactylates (INS 481(i), 482(i)) in FC 02.1.2 respectively) were inconsistent with those from the GSFA WG¹⁶ (for details, see Appendix I); and

¹³ REP22/FO, paras 23-24

¹⁴ REP22/NFSDU, paras 26, 27, 40, 41, 45, 53(ii), 23-24 and Appendix IV

¹⁵ REP21/FA, Appendix VI Part C.3

¹⁶ REP21/FA, Appendix VI Part D.1

- two provisions were erroneously put forward for adoption by CAC (i.e., potassium silicate (INS 560) in FC 1.6.1 and 1.6.2.1 respectively)¹⁷, yet there were no established JECFA specifications for potassium silicate (INS 560). Furthermore, potassium silicate (INS 560) should be deleted from Notes E221 and D283 in CCFA52 report. In the GSFA, Note E221 is designated as Note 488 while Note D283 is designated as Note 502.

25. Due to the above identified potential inconsistencies and/or errors, the five provisions as indicated in paragraph 24 have not been included in the updated GSFA of year 2021.

26. After a comparison of these different Notes and a further review on potassium silicate (INS 560) in the GSFA, it is recommended that CCFA should consider:

- adopting Notes 356, XS33, XS325R, 535 for the three provisions (i.e., polyglycerol esters of fatty acids (INS 475), sorbitan esters of fatty acids (INS 491-495) and stearyl lactylates (INS 481(i), 482(i)) in FC 02.1.2 respectively) (Appendix II); and
- not including the two provisions (i.e., potassium silicate (INS 560) in FC 1.6.1 and 1.6.2.1 respectively); and making consequential amendments to Notes 488 and 502 by removing potassium silicate (INS 560) from them (Appendix III).

27. The Committee is **invited to consider** the recommendations contained in paragraph 26 and Appendices II and III to this document.

¹⁷ REP21/FA Appendix VI Part C.2

The recommendations from the alignment WG and the GSFA WG of CCFA52

Provision	Recommendation from Alignment WG of CCFA52	Recommendation from GSFA WG of CCFA52
Polyglycerol esters of fatty acids (INS 475) in FC 02.1.2 at 10,000 mg/kg	A-CXS19210, XS33	356, XS33, XS325R, B1
Sorbitan esters of fatty acids in (INS 491-495) FC 02.1.2 at 750 mg/kg	A-CXS19210, XS33	356, XS33, XS325R, B1
Stearoyl lactylates (INS 481(i), 482(i)) in FC 02.1.2 at 300 mg/kg	A-CXS19210, XS33	356, XS33, XS325R, B1

Note A-CXS19210¹⁸: Excluding virgin and cold pressed oils in products conforming to the Standard for Edible Fats and Oils not Covered by Individual Standards (CXS 19-1981) and the Standard for Named Vegetable Oils (CXS 210-1999).

Note XS33: Excluding products conforming to the Standard for Olive Oils and Olive Pomace Oils (CODEX STAN 33-1981).

Note 356: Excluding virgin or cold pressed oils.

Note XS325R: Excluding products conforming to the Regional Standard for Unrefined Shea Butter (CXS 325R-2017).

Note B1¹⁹: For use as an emulsifier in cooking or solid oils conforming to the Standard for Named Vegetable Oils (CXS 210-1999) and the Standard for edible fats and oils not covered by individual standards (CXS 19-1981) only.

¹⁸ Note A-CXS19210 is Note 511 in the GSFA updated in 2021

¹⁹ Note B1 is Note 535 in the GSFA updated in 2021

The suggested provisions for adoption in the GSFA**Food Category 02.1.2 (Vegetable oils and fats)**

Additive	INS	Max Level	Notes	Year Adopted
POLYGLYCEROL ESTERS OF FATTY ACIDS	475	10,000 mg/kg	356, XS33, XS325R, 535	2023
SORBITAN ESTERS OF FATTY ACIDS	491-495	750 mg/kg	356, XS33, XS325R, 535	2023
STEAROYL LACTYLATES	481(i), 482(i)	300 mg/kg	356, XS33, XS325R, 535	2023

The suggested amendments to Notes 488 and 502 in the GSFA

New texts added are shown in **bold/underlined** font. Texts proposed for deletion are shown in ~~strike through~~

- Note 488 Except for use in products conforming to the Group Standard for Unripened Cheese including Fresh Cheese (CXS 221-2001): silicon dioxide, amorphous (INS 551), calcium silicate (INS 552), magnesium silicate, synthetic (INS 553(i)), **and** talc (INS 553(iii)) ~~and potassium silicate (INS 560)~~, singly or in combination, as anticaking agents for the surface treatment of sliced, cut, shredded or grated cheese only, at 10,000 mg/kg as silicon dioxide.
- Note 502 Except for use in surface treatment of sliced, cut, shredded or grated cheese only for products conforming to the General Standard for Cheese (CXS 283-1978): silicon dioxide, amorphous (INS 551), calcium silicate (INS 552), magnesium silicate, synthetic (INS 553(i)), **and** talc (INS 553(iii)) ~~and potassium silicate (INS 560)~~ as anticaking agents at 10,000 mg/kg, as silicon dioxide, singly or in combination.