

codex alimentarius commission E



FOOD AND AGRICULTURE
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Agenda Item 5(e)

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD ADDITIVES

Forty-second Session

Beijing, China, 15-19 March 2010

COMMENTS ON DISCUSSION PAPER ON INNOVATIVE PROPOSALS TO EXPEDITE THE WORK ON THE GSFA

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

Brazil, Cuba, European Union, India, Malaysia and ICGMA

BRAZIL

Consideration of food additives provisions

Brazil supports the recommendations in general.

Electronic working group on GSFA

Brazil agrees with the **Option 1**, taking into account the difficulties of developing countries to participate in international meetings.

Physical working group on GSFA (pre-session)

Brazil supports **Option 1**. However, considering the need to have more time to discuss the GSFA provisions, Brazil suggests that the CCFA pre-session lasts 2 days (Friday and Saturday) and the plenary lasts 6 days, from Monday to Saturday. Therefore, **Option 2** could be complementary to Option 1.

Besides, Brazil agrees that the time spent in discussing some issues during the plenary should be reduced. For example, Commodity Standards submitted for adoption could be previously checked by the relevant Committee and/or Codex Secretariat regarding to INS, names, and proposed functional classes.

CUBA

Cuba agrees with the positions taken by Australia, China, Costa Rica, the European Community, Japan, the United States of America, the *FIL* and the IFAC and underlines the need for grouping additives by their technological function for the reviewing of provisions, since otherwise the completion of the NGAA will take far too long. Cuba reaffirms the need for dedicating more time to the discussion of the NGAA during the 42nd meeting and agrees with the comments by the other countries in that the work would be much facilitated if the physical Working Group did not dedicate time to discussing matters on which the electronic Work Group has reached a consensus, although this would be of greater value if a larger number of countries were to join the electronic Group.

EUROPEAN UNION

The European Union and its Member States (EUMS) thank the Codex Secretariat for its work in formulating recommendations as a first step to our common goal of accelerating work on the GSFA. At this time the EUMS offer some comments and observations on the proposed recommendations and look forward to a constructive discussion at the 42nd CCFA.

1. Consideration of food additive provisions

- i. *Develop a system for prioritizing work on the GSFA, which would consider all remaining provisions in Tables 1 and 2 (including the provisions of food additives listed in Table 3), by grouping food additive by functional class.*
- ii. *Develop horizontal principles for the technological justification of a functional class.*
- iii. *Discuss food additive provisions by groups (including provisions of food additives listed in Table 3) based on functional classes, e.g. colours, sweeteners, etc.*

The EUMS see merit in the idea of grouping food additives by functional class and in a horizontal approach to the technological justification for a functional class to be permitted in particular food categories. This approach has worked well for the Committee's consideration of sweeteners.

It is not clear to us whether these first three recommendations are intending to go further than the approach adopted for colours and sweeteners and this is something we will wish to clarify in the forthcoming session. Certainly, whilst we agree a functional group approach to some parts of this work will help us to move forward to our goal, we still see the need to consider all the use levels of an individual additive because to decide the acceptability of any one use level to the overall intake of the additive must be compared with the ADI. This principle is of course at the heart of the epic work of CCFA (see for example section 3.1b of the Preamble). To fulfil this principle, and thus to ensure the use of an additive does not present an appreciable health risk to consumers, the EUMS tend to the view that all adopted and proposed use levels of an individual food additive need to be accompanied by an intake assessment. One additional challenge to the functional class approach which we have identified is the treatment of additives belonging to more than one class.

- iv. *Only consider comments which are substantiated by scientific and technological evidence.*
- v. *Establish an electronic working group to clarify how to consider technological justification and develop principles for inclusion in the Preamble of the GSFA.*

The EUMS agree that scientific and technological evidence is an appropriate basis to substantiate comments on food additive provisions. However, consistent with section 3.2 of the Preamble, there are other acceptable reasons such as whether use has an advantage, whether use misleads the consumer and whether there are other economic alternatives.

Similarly, perceptions of consumers with regard to the use of food additives, like colours, may radically differ among Codex countries. The EUMS are of the view that such divergences of perceptions should be admitted in the preamble of the GSFA. This would consequently provide more flexibility to the completion process.

The EUMS welcome the recommendation to establish the electronic working group to consider technological justification. We agree with the comment made by China that this working group needs to consider the standard of justification of technological function i.e. the information necessary to be supplied at the outset by those supporting a particular provision.

2. Electronic working group on the GSFA

The EUMS favour option 1, taking into account the possible difficulties that would be raised from option 2, e.g. budget for the mission, agenda and physical place of the meeting, problem of resources, etc.

3. Physical working group on the GSFA (pre-session)

The EUMS support option 1 but suggest extending the duration of the pre-session physical working group dedicated to the GSFA to 2 days instead of one day.

INDIA

Consideration of food additive provisions

Recommendation i. Develop a system for prioritizing work on the GSFA, which would consider all remaining provisions in Tables 1 and 2 (including the provisions of food additives listed in Table 3), by grouping food additive by functional class.

We support the recommendation.

Recommendation ii. Develop horizontal principles for the technological justification of a functional class.

We support the recommendation.

These principles would be useful for the commodity committees as well as for the CCFA in deciding which functional classes of the food additives are technologically justified for use in a food. We also propose that the Commodity Committees be consulted in the development of these principles.

Recommendation iii. Discuss food additive provisions by groups (including provisions of food additives listed in Table 3) based on functional classes, e.g. colours, sweeteners, etc.

We support the recommendation to discuss food additive provisions by groups based on functional classes subject to the condition that discussion on any individual additive in the group would be held, if required. Such a discussion might be needed as each additive has its own ADI, accepted ML and required use in different foods, and discussions on a group might provide unacceptable proposals.

Recommendation iv. Only consider comments which are substantiated by scientific and technological evidence.

We support the recommendation.

Recommendation v. Establish an electronic working group to clarify how to consider technological justification and develop principles for inclusion in the Preamble of the GSFA.

We support the recommendation.

Electronic working group on GSFA

Option 1.

Recommendation i. Clearly define and record the terms of reference of the electronic working group in the report of the CCFA and specify the expected outputs (e.g. recommendations for adoption, revocation, discontinuation; outstanding issues for consideration by the physical working group, etc.).

We support the recommendation. It may however be noted that the proposed approach pertaining to the outputs is already being followed by the electronic working groups established by the CCFA.

Recommendation ii. Request the lead country of the electronic working group to revise the working procedures to allow for members of the electronic working group to share and discuss their comments in order to resolve different views.

In principle we support the approach which allows members of the electronic working group to share and discuss their comments in order to resolve different views.

However, as this approach would be useful to the electronic working groups established by all the Codex Committees, it would be appropriate if the same were discussed in other Codex Committees, including the CCGP, to finally amend the guidance on conduct of electronic working groups provided in the Codex Alimentarius Procedural Manual.

Therefore, our suggestion would be that the CCFA make a request to CCGP to initiate new work on amendment of the guidance on conduct of electronic working group, based on the above, in the Codex Alimentarius Procedural Manual.

Recommendation iii. The report of the electronic working group should reflect the comments submitted by members.

We support the recommendation.

Option 2

i. Replace the electronic working group on the GSFA with a physical working group (with clearly defined and recorded terms of reference) to meet between session. The physical working groups (3-4 days) would be held 6-8 months ahead of the CCFA session (e.g. July-September when CCFA session takes place in March) with preliminary work carried out by the lead country.

We do not support option 2.

Physical working group on GSFA (pre-session)**Option 1**

- i. Clearly define and record the terms of reference of the physical working group in the report of the CCFA.
- ii. The physical working group should focus on food additive provisions of the GSFA and only consider those issues that were not solved by the electronic working group.

We support Option 1.

MALAYSIA

Malaysia would like to thank the Codex Secretariat, member countries and organizations that have come forward with innovative proposals to expedite the work on the GSFA. Malaysia would like to offer some comments as follows:

Consideration of food additive provisions.

In principle Malaysia agrees with the recommendations.

Electronic working group of the GSFA

Malaysia supports Option 1. Malaysia believes electronic working group has played a major role in the work of the GSFA. It allows full participation of member countries and INGOs without additional resources. An agreed upon TOR and clear mandate between the electronic working group, physical working group and plenary session will strengthen the working mechanism and hopefully would increase participation at the electronic working group so that debate and re-opening issue or new proposal at the plenary could be minimized. This is also consistent with the Guidelines on Electronic Working Groups in the Procedural Manual in which, Codex Committees, when deciding to undertake work between sessions, should give the first priority to considering the establishment of electronic working groups.

Physical WG on GSFA (pre-session)

Malaysia supports Option 2. This would ensure transparency and reduce logistical costs, provided the terms of reference of the electronic working group is well established and clearly understood. Malaysia believes that with clear working principles on consideration of food additive provisions and improved working procedure that allow members of electronic working group to share and discuss comments, more consensus could be reached. As such, Malaysia agrees that the physical working group meeting could be replaced by an extra day for plenary.

ICGMA (International Council of Grocery Manufacturers Associations)

ICGMA appreciates the opportunity to comment on the discussion paper regarding proposals to expedite the work on the GSFA. Additionally, ICGMA offers an example of a template that could be used by delegates in future food additive provision submissions to help facilitate the consolidation of these detailed inputs for food additive provisions.

I. COMMENTS AND INNOVATIVE PROPOSALS TO EXPEDITE THE WORK ON THE GSFA

ICGMA recognizes the importance of achieving consensus on food additive provisions proposed for inclusion in the General Standard for Food Additives (GSFA) and notes that recent deliberations have extended well beyond the allocated time in both the physical working group to the GSFA and the CCFA Plenary. This is due in part to differences in national standards and invoking Note 161¹ excessively. Often the work is blocked by precautionary measures without scientific justification even when a legitimate technological need is identified. ICGMA is also troubled when objections are raised that challenge JECFA recommendations and reports, expressing ADI levels as “too high”, without scientific or toxicological evidence.

¹ Note 161 - *Subject to national legislation of the importing country aimed, in particular, at consistency with Section 3.2 of the Preamble*

The referenced Discussion Paper lists a number of recommendations that align well with the positions of ICGMA specifically,

- (i) Consideration of food additives provisions:
 - a. Prioritize work AND grouping by functional class;
 - b. Develop principles for technological justification to have broad application to all functional classes (deliberations possibly through an electronic working group);
 - c. Maintain scientific and technological evidence to avoid politicizing the work of CCFA;
- (ii) Continued and expanded use of the electronic working group on the GSFA to facilitate the participation of developing nations;
- (iii) Continued Physical Working Group on the GSFA including the option of extending the duration of the session prior to the plenary.

Some additional measures that may be useful to alleviate existing problems of evaluating food additive provisions for inclusion into the GSFA include:

1. Whenever possible, all proposed provisions (use and levels) for a food additive should be presented at the same time for discussion, including those that have been adopted, so that the delegations can view them together in view of the ADI.
2. The use of Note 161 should be eliminated.
3. The use of the e-Working Group authority should be expanded to allow it to operate on a continual basis, with recommendations (adopt, revoke, discontinue or hold over) sent to the CCFA Secretariat whenever the e-Working Group has completed their work on a set of food additive provisions. The e-Working Group recommendations could be sent to all CCFA delegations for endorsement, between CCFA plenary sessions. If there are technologically-based objections from CCFA delegations, then those e-Working Group recommendations would either be returned to the e-Working Group for additional deliberation or held over to the next CCFA plenary.
4. CCFA should develop a clear detailed explanatory document to be shared with Codex Commodity Committees to ensure food additive activities in these committees are compliant with provisions of the GSFA Preamble and Codex Procedures. This should reduce the amount of time CCFA is required to spend reviewing and endorsing those provisions in plenary.

II. STANDARD TEMPLATE FOR FOOD ADDITIVE PROVISIONS SUBMISSIONS

The ICGMA joins other recognized observer organizations to encourage CCFA to consider the proposed response template (below) when requesting comments on the draft and proposed draft food additive provisions of the GSFA.. A “standard” response template would assist governments and international organizations in gathering input from their constituents and also the Secretariat when it collates the comments received. The template would be in a word format (instead of a pdf file).

Using the document CX/FA 10/42/5 as an example, a draft template is provided below that could be used for this purpose. In the attached example, the first 5 columns would be filled in with the data from the CX, and the columns under “Comments to CCFA” would be filled in by the Codex Member or NGO. Two lines of data are included as a hypothetical food additive example to illustrate. The format may be flexible depending on the topic.