codex alimentarius commission

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

WORLD HEALTH ORGANIZATION

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Agenda Item 2 **CX/FL 02/2**

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

Thirtieth Session
Halifax, Canada, 6 - 10 May 2002

MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES

A. DECISIONS OF THE COMMISSION AND THE EXECUTIVE COMMITTEE CONCERNING THE WORK OF THE COMMITTEE

Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods

The Commission adopted the *Draft Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods : 1)Livestock and Livestock Products and 2) Beekeeping and Additives* and the *Proposed Draft Amendment to the Guidelines (Table 1:Substances Used in Soil Fertilizing and Conditioning) as proposed by the Committee.*

The Delegation of China pointed out that the section on veterinary drugs for livestock required further clarification as to the substances which were actually allowed in an organic production system and the definition of relevant limits. The Commission noted that this could be addressed as part of the regular review of the Guidelines.

Draft Amendment to the General Standard for the Labelling of Prepackaged Foods: Section 4.2.2 Labelling of Foods obtained through Certain Techniques of Genetic Modification/Genetic Engineering (Declaration of Allergens)

The Commission adopted the amendment as proposed by the Committee.

Draft Amendment to the General Standard for the Labelling of Prepackaged Foods /Draft Recommendations for the Labelling of Foods obtained through Certain Techniques of Genetic Modification/Genetic Engineering: Definitions

The Chairperson of the Committee recalled that there had been extensive debate on the use of the terms "modern biotechnology" and "genetically modified/engineered" and the Committee had agreed to include both definitions as a compromise, with the understanding that this did not prejudge the decision which might be taken on labelling requirements. Several delegations including that of Japan supported the recommendations of the Committee.

Some delegations and observers expressed the view that the reference to "modern biotechnology" should be deleted as it was not accepted by consumers. Several delegations and the Observer from Consumers International indicated that although they did not support its use for labelling purposes, they could accept its inclusion in the definitions following the compromise reached in the Committee.

The Observer from the Biotechnology Industry Association proposed to delete the definition of "genetically modified/engineered" which was not scientifically based and to retain only the definition of "modern

biotechnology" as it was consistent with the Cartagena Protocol and the definitions under consideration by the *ad hoc* Intergovernmental Task Force on Foods Derived from Biotechnology.

Some delegations pointed out that the definitions should not be advanced further as the recommendations concerning labelling were still at Step 3 and a number of controversial issues remained to be solved. It was also noted that the definition of genetically modified foods currently used in the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods* was different. The Commission agreed to return the Draft Amendment to Step 6 for further comments and consideration by the Committee on Food Labelling (ALINORM 01/41, paras. 150-157).

This question will be considered under **Agenda Item 5**.

Other Matters Related to the Work of the Committee

The Commission adopted the Draft Table of Conditions for Nutrient Contents for Protein and for Vitamins and Minerals, for inclusion in the *Guidelines for Use of Nutrition Claims*, as proposed by the Committee on Nutrition and Foods for Special Dietary Uses (ALINORM 01/41, para. 165).

Approval of New Work

The 49th (Extraordinary) Session of the Executive Committee approved as new work the revision of Section 5 - Criteria and Annex 2- Permitted Substances in the *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods*. This question will be considered under **Agenda Item 4**.

The Executive Committee did not approve the an amendment of the *General Standard for the Labelling of Prepackaged Foods* in relation to provisions for the labelling of country of origin. It was aware of the considerable interest of consumers in this matter. In noted that there were divisions of opinion among the Member countries of some regions and between the Regions themselves. It also noted the views expressed by some Members that ongoing work in the WTO and World Customs Union on rules of origin needed to be taken into account or might circumvent the need for specific Codex guidance in this matter. The Executive Committee agreed however that it was appropriate for further discussions on the need for such an amendment should take place and requested the Secretariat to provide a discussion paper for the next session of the Committee on Food Labelling. This question will be considered under **Agenda Item 10**.

B. GENERAL DECISIONS OF THE COMMISSION

Strategic Framework and Medium-Term Plan 2003-2007

The Commission discussed and finally adopted the draft Strategic Framework, including the Strategic Vision Statement. It agreed that the draft Medium-Term Plan should be revised by the Secretariat in the light of the Strategic Framework, the Commission's discussion and the written comments received and should incorporate the elements of the Chairperson's Action Plan agreed to by the Commission. The revised draft Medium-Term Plan would then be circulated for the inputs of Codex Coordinating Committees, other Codex Committees, member governments and international organizations, further consideration by the 50th and 51st Sessions of the Executive Committee and finalization at the 25th Session of the Commission.

C. TRACEABILITY

Executive Committee

The 49th (Extraordinary) Session of the Executive Committee (October 2001) discussed how to address the general issue of traceability in the framework of Codex on the basis of a document prepared by the Codex Secretariat. The Executive Committee recommended that the Committee on General Principles consider the following aspects of traceability: as a food safety objective (i.e., as an SPS measure); and as a legitimate objective as a TBT measure. However, the Executive Committee was of the opinion that the first consideration should be given to the use of traceability as a risk management option in the Working Principles for Risk Analysis and also noted that the role of Committee on Food Import and Export Inspection and Certification Systems. The Executive Committee agreed that the Committees concerned (including the Committees on General Principles, Food Import and Export Inspection and Certification Systems, Food Hygiene and Labelling) should undertake work as they deemed appropriate, within their respective mandates (ALINORM 03/3, paras. 29-33).

Committee on Food Hygiene

The 34th Session of the Committee on Food Hygiene (October 2001) recalled its previous decision that traceability would be considered in the context of its work on the proposed draft *Principles and Guidelines for the Conduct of Microbiological Risk Management*. However, the Committee was of the opinion that specific work on traceability as related to food hygiene was premature. The Committee therefore reiterated its request to the drafting group that the concept of traceability should be taken into account in the further elaboration of the above Principles and Guidelines (ALINORM 03/13, paras. 170-171).

Committee on Food Import and Export Inspection and Certification Systems

The 10th Session of the Committee (February 2002) considered the information paper on Traceability in the Context of Inspection and Certification Systems prepared by the Australian Secretariat and had an extensive debate on the application of traceability in the context of food inspection and certification systems. Considering the relevance of this issue for the CCFICS and the mandate provided by the CCEXEC, the Committee decided that a working group would draft a discussion paper for circulation, comment and further consideration at its next meeting (ALINORM 03/31, references to be finalized).

***Ad hoc* Intergovernmental Task Force on Foods Derived from Biotechnology**

The Third Session of the Task Force (March 2002) considered the issue of traceability in the framework of the *Draft Principles for the Risk Analysis of Foods Derived from Modern Biotechnology* (Section III - Principles - Risk Management).

The Task Force was of the opinion that the resolution of this issue was important in order to reach a final conclusion on the text of the Draft Principles. It noted that the addition of a new paragraph after paragraph 20 concerning tools for the implementation and enforcement of risk management measures made it possible to place the question of traceability into context as a one of these tools, leaving aside its use for other purposes. On this basis a compromise text was drafted and accepted by the Task Force In drafting this compromise text, the Task Force recognized that there were applications of product tracing (traceability) other than the risk management of foods derived from biotechnology, and that these applications be consistent with the provisions of the SPS and TBT Agreements. The Task Force noted that further consideration of these broader issues would continue within Codex (ALINORM 03/34, paras. 22-28).

The following paragraphs and footnote were therefore included in the *Draft Principles for the Risk Analysis of Foods Derived from Modern Biotechnology*:

> *20. Post-market monitoring may be an appropriate risk management measure in specific circumstances. Its need and utility should be considered, on a case-by-case basis, during risk assessment and its practicability should be considered during risk management. Post-market monitoring may be undertaken for the purpose of:*
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> *a) verifying conclusions about the absence or the possible occurrence, impact and significance of potential consumer health effects; and*
> *b) monitoring changes in nutrient intake levels, associated with the introduction of foods likely to significantly alter nutritional status, to determine their human health impact.*
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> *21. Specific tools may be needed to facilitate the implementation and enforcement of risk management measures. These may include appropriate analytical methods; reference materials; and, the tracing of products[1] for the purpose of facilitating withdrawal from the market when a risk to human health has been identified or to support post-market monitoring in circumstances as indicated in paragraph 20.*

The Task Force finalized the *Draft Principles for the Risk Analysis of Foods Derived from Modern Biotechnology* and the *Draft Guideline for the Conduct of Food Safety Risk Assessment of Foods Derived from Recombinant-DNA Plants* and advanced them to Step 8 for adoption by the 25th Session of the Codex Alimentarius Commission.

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[1] It is recognised that there are other applications of product tracing. These applications should be consistent with the provisions of the SPS and TBT Agreements. The application of product tracing to the areas covered by both Agreements is under consideration within Codex on the basis of the decisions of 49th Session of the Executive Committee.

D. MATTERS REFERRED BY OTHER COMMITTEES

COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

Sports and Energy Drinks

The Committee recalled that the Committee on Food Labelling had initially discussed this question and asked the advice of the CCNFSDU on the opportunity of developing conditions for a "high energy" claim and the need for a standard for sports drinks as foods for special dietary uses. The last session of the Committee had discussed this question briefly and agreed to ask for comments on these proposals in order to facilitate further discussion. The Secretariat presented a discussion paper highlighting the issues raised in earlier discussions and in the comments received, and the applicability of current labelling texts to the claims for "sports and energy drinks". The Chairman recalled that the main problems with these products related to misleading claims and possible adverse effects to health, and proposed to discuss the following issues: the definition of a "high energy" claim; the need for a standard for "sports drinks/foods"; and the question of pharmacologically active substances.

Some delegations supported the definition of conditions for "high energy" as such claims were currently found on the market. Other delegations pointed out that there was no real need for such criteria as the main problem was the misuse of the term "energy" and misleading claims, which were already covered in general Codex labelling texts and in the national regulations of many countries. The Delegation of Uruguay considered that the definition of "high energy" is necessary for consumers as documented in its comments (CRD 7) and expressly asked the Committee to work on this subject, for solids as well as for liquids.

As regards the opportunity to develop a standard for sports drinks as foods for special dietary uses, the Committee recognized that it was within its mandate. Some delegations and Observers supported new work in this area, since these products were regulated in several countries and traded internationally. Other delegations expressed the view that sports foods were not foods for special dietary uses and did not warrant the development of a specific standard and enough information on current problems of these products in consumer health and international trade was not shared among member countries at this moment, and the Committee could not come to a consensus on this question.

As regards the establishment of maximum levels for pharmacologically active substances in beverages, some delegations agreed that this might be considered on the basis of scientific risk assessment, while other delegations objected to work on setting levels for pharmacologically active substances as food ingredients as it was not within the mandate of the Committee. In addition, the term "pharmacologically active substances" was not appropriate to some delegations to designate those substances.

The Committee therefore concluded that there was no need for further consideration of "sports drinks/foods" and "energy drinks" and that no further work was required in this area (ALINORM 03/26, paras. 144-150).

AD HOC INTERGOVERNMENTAL TASK FORCE ON FOODS DERIVED FROM BIOTECHNOLOGY

In addition to the matters mentioned above concerning traceability and risk analysis, the Task Force agreed on a list of validated methods of analysis for the detection or identification of foods or food ingredients derived from biotechnology and forwarded it for consideration by the next session of the Committee on Methods of Analysis and Sampling (November 2002).