

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: [codex@fao.org](mailto:codex@fao.org) - [www.codexalimentarius.org](http://www.codexalimentarius.org)

Agenda Item 10

FL/48 CRD12

ORIGINAL LANGUAGE ONLY

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD LABELLING

Forty-eighth Session

Québec City, Québec, Canada

27 October - 01 November, 2024

### DISCUSSION PAPER ON APPLICATION OF FOOD LABELLING PROVISIONS IN EMERGENCIES

(Comments from the European Union, Kenya, United Republic of Tanzania)

#### European Union

*Mixed Competence*

*European Union Vote*

#### General comments:

The European Union and its Member States (EUMS) would like to thank the United States of America for the preparation of the *Discussion paper on the application of food labelling provisions in emergencies* (CX/FL 24/48/10).

Following their experience regarding the application of labelling provisions in emergencies covered by the Discussion paper, the EUMS are of the opinion that it is sufficient to offer some **flexibilities at national level in the enforcement** of food labelling provisions **on a case-by-case basis**, under the condition that these flexibilities are **temporary** (*i.e.* for the period strictly necessary), **justified** (*i.e.* evidence-based) and **proportionate** (*i.e.* to the extent strictly necessary), and that **food safety is not compromised**. **National competent authorities** responsible of the enforcement of the labelling legislation should be the **primary responsible** for the implementation of these guidelines.

Moreover, flexibilities to the application of food labelling requirements should only be considered in the case of emergencies with **significant supply chain disruptions** where existing food labelling requirements **significantly compromise or otherwise significantly negatively impact** the availability of a safe and adequate food supply in the country.

The EUMS are further of the opinion that the guidelines should provide only **high-level guidance** (*i.e.* **principles or general criteria**) to facilitate decision making by the national competent authorities without entering into technicalities or processes or giving examples. Also, the guidelines should focus on the flexibilities offered by national competent authorities **during emergencies** and not entail guidance on actions of the national competent authorities before or after an emergency.

The EUMS would like to stress that these guidelines should not allow a national competent authority to decide unilaterally on the non-application of certain food labelling requirements for foods exported to and sold/consumed in another country and to merely inform that other country of the derogations it decided, even if these flexibilities are temporary and, according to the national competent authority, justified, proportionate and not compromising food safety. The flexibilities offered by national competent authorities should therefore **not apply to products exported to other countries unless acceptance from the country or countries importing the products is confirmed by the competent authority.**

Finally, in order to avoid entering into detailed discussions before having decided such new work, the EUMS consider that the project document should **not entail a sample proposed text but only some examples of principles.**

The EUMS stand ready for detailed proposals to amend the project document in line with the above comments.

### Kenya

**Comment:** Kenya supports the initiation of work as proposed in the discussion papers except the discussion paper on Labelling of alcoholic beverages. Further, we agree with the proposal to withdrawal discussion paper on TFAs.

**Rationale:** Kenya recognizes the need to have appropriate labelling of alcoholic beverages, but we seek guidance whether the ToRs for CCFL includes labelling provisions of alcoholic beverages. We also note that there is no corresponding Codex commodity Committee on alcoholic beverages hence seeking clarification from Codex on its role, if any, in alcoholic beverages.

### United Republic of Tanzania

#### COMMENT

The URT recommends that the updated discussion paper and project document (Appendix II) should be used as potential new work to prepare a draft of the proposed guidelines for consideration at CCFL49

#### JUSTIFICATION

providing this guideline, will enable food supply during emergencies when there is a food crisis.

