

CODEX COMMITTEE ON PESTICIDES RESIDUES

**(Fifty-fourth Session)
Beijing, China
26 June – 01 July 2023**

European Union comments on

Agenda Item 7a & b

Revision of the Classification of Food and Feed:

**Class B – Primary food commodities of animal origin (all types) and
Class E - processed foods of animal origin (all types)**

**The development of tables on examples of selection of representative
commodities for Class B and Class E Table 9 - Primary food commodities
of animal origin Table 10 - processed foods of animal origin**

(CX/PR 23/54/6– CX/PR 23/54/7– CL 2023/34-PR)

***European Union Competence
European Union Vote***

The European Union (EU) would like to thank the Electronic Working Group on the Revision of the Classification of Food and Feed for the preparation of CX/PR 23/54/6 and CX/PR 23/54/7.

The EU would like to submit its comments, as instructed in CL 2023/34-PR, as follows:

- a) General comments on the overall approach to the revision of Class B and Class E and the tables of representative commodities.

The EU agrees with the overall approach followed for the revision of Class B and Class E and the tables of representative commodities.

The EU highlights revised classification includes certain endangered species, notably under - but not limited to - group 044 (marine mammals). Several species are listed under annex I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as “threatened with extinction” (e.g., *Balaenoptera bonaerensis*, *B. borealis*, *B. musculus*, *B. physalus*, *Megaptera novaeangliae*).

According to article II.1 of the CITES (fundamental principles), “Trade in specimens of these species must be subject to particularly strict regulation in order not to

endanger further their survival and must only be authorized in exceptional circumstances”.

The EU is concerned that the inclusion of such species in the Codex classification of foods and animal feeds, as an international food standard relevant for global trade, may contradict the CITES provisions and should therefore be avoided. By deleting those species from Appendixes I and II, Codex would sustain the global efforts made regarding biodiversity loss, in conformity with the One health approach, as well as better respond to the UN sustainable goals 12 (Ensure sustainable consumption and production patterns) and 14 (Conserve and sustainably use the oceans, seas and marine resources for sustainable development).

In addition, the EU notes that some of these species are not consumed or traded on a large scale and may not be amenable to international standardisation in any case.

Based on the above, the EU recommends the Electronic Working Group to identify and remove from classes B and E all species belonging to annex I of the CITES before presenting the revised Class B and E and the tables of representative commodities for final adoption by the CAC.

In addition, the EU recommends considering implementing some editorial changes to Appendices I and II of the document CX/PR 23/54/6. Specific comments are provided below.

b) Specific comments on Types/Groups/Subgroups of Class B and Class E and The respective Tables 9 and 10 on examples of selection of representative commodities.

The EU recommends considering the following specific comments:

Class B (CX/PR 23/54/6)

Page 4, Definition of muscle

The EU highlights that there seems to be a discrepancy with the definition of muscle, i.e., “Muscle, including adhering fatty tissues such as intramuscular, intermuscular, and subcutaneous fat from animal carcasses” and the portion to which the MRL applies, which is defined as “Muscle is the skeletal tissue of an animal carcass or cuts of these tissues from an animal carcass that contains interstitial and intramuscular fat. It does not include edible offal or trimmable fat”. While the definition for muscle includes subcutaneous fat, this is not included in the definition of portion to which the MRL applies. The EU also notes that subcutaneous fat is included in the definition for fat presented at page 9 “Mammalian fats, excluding milk fats are derived from the fatty tissues of animals (not processed). [...] Fat is the food-based tissue that is trimmable from an animal carcass or cuts from an animal carcass. It may include subcutaneous, omental or perirenal fat. It does not include interstitial or intramuscular carcass fat or milk fat”.

Therefore, the EU recommends amending the proposed definition for muscle, deleting subcutaneous fat.

Page 4, Muscle, portion to which the MRL applies

The EU notes that the description of the portion to which MRL applies for muscle present in CX/PR 23/54/6, i.e., “For fat-soluble pesticides a portion of adhering fat is analyzed and MRLs apply to the fat” seems to refer to the previously used definition for meat (fat and muscle) as this appears to imply that fat can still be trimmed off while, according to the new definition for muscle, trimmable fat is not included. Therefore, the EU considers that the MRL for muscle should not apply to the fat in case of fat soluble substances. Furthermore, a separate MRL for fat is provided.

Therefore, the EU recommends amending the proposed text regarding the portion of the commodity to which the MRL applies (and which is analysed) for muscle as follows: “Whole commodity (without bones, edible offal and trimmable fat)”.

Page 23, Code WF 0887

Please consider adding “Snakehead, striped” after the code and before the scientific name *Channa striata* Bloch. The common name is missing.

Page 33, Last entry before WS 0952 Tuna

Please consider deleting all text after Southern bluefin tuna, see Tuna, WS 0952 and add the content between Tuna, skipjack ... and Tuna, yellowfin ... in the same way, i. e.

“Tuna, Southern bluefin, see Tuna, WS 0952

Thunnus thynnus maccoyii;

syn: *Thunnus maccoyii*”

in order to make the entry in line with other entries,

Page 34, Entry after WS 0942 Menhaden

Please consider deleting all text after Oil sardine, see Sardines and Sardine type fishes, WS 0130 and adding the content after Sardine, European ... in the same way, i. e.

“Sardine, oil, see Sardines and Sardine type fishes, WS 0130

Sardinella spp.”

to make the entry in line with other entries,

Page 35, Entries Liveroil shark and Requien shark

Please consider deleting all text after Liveroil shark and Requien shark, see Sharks, WS 0131 and add the content after Shark, blue ... in the same way, i. e.

“Liveroil shark, see Sharks, WS 0131

Galeorhinus galeus L.;

other Galeorhinus spp.”

and

“Requiem shark, see Sharks, WS 0131

spp. of the family Carcharinidae of the Order of Selachii”

in order to make the entries in line with other entries,

Page 38, Code WS 994 to WS 996

Please consider placing all the lines in alphabetical order.

Page 42, Subgroup 044B Fat of marine mammals

Please reconsider using the Code WM 0142 instead of the new code WM 3741. WM 0142 is the existing code for “Fat of Dolphins, Seals and Whales, unprocessed” and this are exactly the commodities mentioned in subgroup 044B. WM 0142 should than read “Subgroup of fat of marine mammals, unprocessed (includes all commodities in Subgroup 044B)”.

Page 43, Last three entries before WC 0976

Please consider placing the entries in alphabetical order: the three entries on “Crab, mud”, “Crab, red King” and “Crab, swimming” should shift its position before “Crab, tanner”.

Page 46, Subgroup 045E Turtles, Page 52 Subgroup 048A Arachnida

Please consider adding the dividing line below the given headings which are missing.

Page 49, Entry after Scallop, New Zealand

Please consider deleting the entry “Scallop, Sea, see Scallops IM 1005” after the entry “Scallop, New Zealand”. This entry is available twice and correctly included after the entry “Scallop, queen, see Scallops IM 1005”.

Class E (CX/PR 23/54/6)

Page 57, Code MD 1010

Please consider editing the text after the code in bold, to be in line with the whole text.

Page 59 – 61, Subgroup headings

Please consider underlining all subgroup headings by a single line instead of a double line.

Page 59, Code IV 1000

Please consider adding the word “dried” in the line after code IV 1000, so that it reads “Clam, hort necked, dried, see IV 1000 Clams, dried”.

Page 59, Code IV 1005

Please consider adding the word “dried” after Scallops to read “Scallops, dried”

Please also consider adding the word “dried” in the following line so that it reads “Scallop, sea. Dried, see IV1005 Scallops, dried”.

Page 59 and 60, Subgroup 83C

Please consider aligning the name of the Subgroup 83 C on page 59 and 50 with code IV 0160 that mentioned group 48 and thus with IN 0160 the group of insects and spiders.

Therefore, please consider renaming subgroup 83 C to “Insects and spiders dried” on page 59 and 60.

To be in line with the explanation of IV 0160 (“See Class B, Group IN 0160 ...”) the two spider commodities “Araneae, dried” and “Ixodida, dried” should be added in alphabetical order.

In case only insects were meant, Code IV 0160 should be changed to “IV 0162 Subgroup of insects, dried (includes all commodities in this subgroup) (See Class B, Group IN 0162 for commodities in this subgroup)”

Page 65, Code FA 3741 and FA 0142

Subgroup 085B Processed fats from marine mammals is connected to Subgroup 044B which only mentions dolphin, seals and whale fat. Therefore, the EU is of the opinion that code FA 0142 would be sufficient to describe the subgroup and that the new code FA 3741 would not be needed.

- c) Guidance on whether the revised Class B and Class E and the corresponding Tables 9 and 10 of representative commodities are ready for final adoption by the 46th Session of the Codex Alimentarius Commission

The EU recommends considering implementing the editorial changes listed above before presenting the revised Class B and Class E and the corresponding Tables 9 and 10 of representative commodities for final adoption by the 46th Session of the Codex Alimentarius Commission.