

European Union comments

CODEX COMMITTEE ON FOOD HYGIENE

Fifty-first Session

Cleveland, Ohio, USA

4-8 November 2019

Agenda Item 5: Draft code of practice on food allergen management for food business operators (REP19/FH Appendix III)

*Mixed Competence
European Union Vote*

The EUMS would like to make the following comments:

- Paragraph 9: The following change is propose to the first bullet:
“cereals containing gluten (i.e. wheat, rye, barley, oats or their hybridized strains-~~and products of these~~)”
Rationale: In order to avoid repetition, the EUMS propose the revision because “products of these” is already mentioned in the lines above with eight foods/food groups (and derived products).
- Paragraph 14: The following changes are proposed:
“In some instances, it may not be possible to prevent cross-contact, despite the implementation of preventive measures and GHPs, and in such situations, the application of a precautionary allergen statement such as “may contain **allergen**” is substantiated. However, it might be possible to minimise cross-contact to an extent that the amount of allergen present due to cross-contacts is below the threshold that would cause an adverse reaction in the majority of consumers allergic to the specific allergen. In these instances, the use of scientifically based threshold levels is a tool to evaluate risk for consumers with food allergies. **Such** threshold levels, **when endorsed by national authorities**, can be used to reduce precautionary allergen labelling, in turn making precautionary labelling much more meaningful for consumers with food allergies.”
Rationale: Clarity + FBOs should not base their risk assessment on any threshold level existing in literature. Pending the establishment of threshold levels by Codex, levels endorsed by national authorities should be used.
- Paragraph 28: The following changes are proposed to the definition of “precautionary allergen labelling”:
Precautionary allergen labelling means a label indicating the allergens (other than those that are listed as ingredients) that may be present, **at hazardous levels**, in the product because of unavoidable cross-contact (e.g. “may contain **allergen**”).]

Rationale: clarity

- Paragraph 72:

The following change is proposed in the last sentence of the paragraph:

...~~Periodic~~ **In case of doubt, occasional** product testing for undeclared allergens may also be considered.

Rationale: Manufacturers and suppliers must work hand in hand and allergen information provided by suppliers must be trusted and trustable.

- Paragraph 160:

- It is proposed to switch the order with paragraph 161.

Rationale: clarity reasons.

- last sentence before bullet points: The following change is proposed: “Precautionary allergen labels that are **considered justified and** necessary following this process...”

Rationale: The word “necessary” alone might be too strong and could be read as a mandatory requirement.

- Replace the last bullet point with the following text: **based on an assessment of risk, the allergen may be present above the threshold level referred to in paragraph 14.**

Rationale: To make a link to the threshold levels foreseen in paragraph 14.

- Paragraph 161: The following changes are proposed:

“~~However~~ **In** order to not limit food choices to allergic consumers, the use of precautionary allergen labelling should be restricted to those situations in which cross-contact cannot be controlled to the extent that the product does not present a risk to ~~the~~ allergic consumers.]”

Rationale: On allergic consumers, we suggest the use of the same wording as in para 14.