

15/06/2021

**European Union comments on
Codex Circular Letter CL 2021/24-FA:
Request for comments on alignment of the food additive provisions of
commodity standards**

*European Union Competence
European Union Vote*

The European Union (EU) would like to provide the following comments:

General comments

As a general comment the EU notes that the alignment exercise should respect the intentions of the commodity standard and the scope of the provisions listed therein.

Appendix 1

Development of Table 3 notes

The EU considers it important that the intentions and specificities of the commodity standards food additive uses, including those for Table 3 additives, are captured in the GSFA as the result of the alignment process.

The EU supports further discussion on how this could be implemented in the GSFA including further clarifications on the practical impact if it is addressed within Table 3 or alternatively within Table 1 and 2.

The EU observes that two generic Codex commodity standards and 13 distinct standards of identity for various cheeses relate to the food category 01.6.2.1 (ripened cheese, includes rind) of the GSFA. The EU is concerned about the impact of any change to the individual provisions required to maintain distinct standards of identity for various cheeses.

As outlined, the EU believes that if this matter is addressed in Table 3 it should take into account the technological need and justification appraised by the commodity committees in the past.

Amendments to Codex Standard titles list in Annex C of GSFA

The EU supports the recommendation to remove the entry for CXS 283-1978 with the title “Cheese (unripened, including fresh cheese) – see also CXS 221-2001” and the food category number 01.6.1 in Annex C of GSFA to provide clarity on the appropriate food category considered for the alignment of the food additives provisions in CXS 283-1978.

Addition of the general processing aid sentence to all cheese commodity standards:

The EU takes note of the comments made by IDF, New Zealand that a number of starter cultures and coagulating enzymes used for ripened cheese manufacture do not meet the processing aid definition as they have a technological function in the final cheese. In this case they are considered as ingredients as noted in CXS 278-1978 and CXS 283-178. Furthermore, enzymes assist in flavour development, such as lipases, are associated with a food additive functional class within the GSFA. Therefore, the EU wonders what substances and for what purpose are used as processing aids in products conforming to CXS 278-1978 and CXS 283-178. This raises a question whether the general processing aid sentence is needed and justified for those standards.

As a general approach, the EU believes that adding a sentence referring to the use of processing aids to standards, where such sentence is currently not included, would go beyond the alignment exercise.

Note 51 (“For use in herbs only”)

The EU agrees with consulting CCSCCH as regards the technological justification and need for the use of the provisions associated with Note 51 in spices. The EU notes that the question in the chair’s proposal should be reworded to ask CCSCCH for the feedback on the technological need rather than referring to the GSFA Note 51 and the annex to Table 3, which may not be understandable for other committees than CCFA.

Other option to provide a better clarity to the GSFA, the Committee could also consider revising FC 12.2 and establishing separate food sub-categories for herbs and spices. Only the category of herbs would be then listed in the Annex to Table 3.

12.2 Herbs, spices, seasonings, and condiments (e.g. seasoning for instant noodles)

12.2.1 Herbs

12.2.2 Spices

12.2.3 Seasonings and condiments

In this regard, the EU observes that Recommendation 4 of CX/FA 21/52/9 suggests to discuss whether the descriptors of certain food categories, including FC 12.2, should be revised. If agreed by the Committee, further work on FC 12.2 could also address splitting herbs and spices into 2 sub-categories as suggested.

Appendix 6

The EU acknowledges the need to avoid divergence of food additive provisions of commodity standards that have been aligned with the GSFA.

The EU notes that the Procedural Manual (PM) already includes provisions in that respect clarifying that

- (i) the GSFA is intended to include food additive provisions for standardised and non-standardised foods in the Codex Alimentarius (PM, p. 61),
- (ii) commodity committees shall examine the GSFA with a view toward incorporating a reference to it (PM, p. 49),
- (iii) all provisions in respect of food additives (including processing aids) should be referred to CCFA including all proposals for additions or amendments to the GSFA (PM, p. 49),
- (iv) development of food additive lists in commodity standards should be justified and restricted as much as possible and any specific provisions should be submitted to CCFA for endorsement and, ultimately, incorporation into the GSFA (PM, p. 64-65).

Therefore, the EU is of the view that further guidance is not necessary.

Should the Committee eventually decide to inform the active commodity committees in order to prevent them from any future divergence from the GSFA, the EU suggests some amendments to the text and flow chart in Annex 2 of CX/FA 21/52/6 to further clarify that the text applies to the standards already aligned and it does not intend to discourage commodity committees from revising food additive provisions of standardised foods when needed.

The EU suggests deleting the following part of the text:

~~CCFA has a concern that after a commodity standard has been aligned with the GSFA, Commodity Committees may wish to vary the food additive provisions relevant to their commodity standards but not notify CCFA to update the GSFA. Such changes could include additional food additive provisions, amend functional classes, or alter conditions of use of the food additives. It is important that the GSFA stays current and is maintained as the single source of food additive provisions.~~

and replacing it by the following:

While Commodity Committees have the right to develop specific food additive lists for commodity standards and it is recognised that the food additive provisions may be revised as necessary in light of the risk assessment by JECFA or of changing technological need and justification for use (e.g. add or remove food additive provisions, amend functional classes, or alter conditions of use of the food additives), any changes to the food additive provisions applicable to commodity standards, which have already been aligned with the GSFA, should be done in the GSFA and not in the commodity standards to ensure that the GSFA stays current and is maintained as the single source of food additive provisions.

In addition, the EU suggests amending the text under the heading “Active Commodity Committees (with physical meetings)” as follows:

~~Active Commodity Committees (with physical meetings) should not make changes to the Food Additive section of the commodity standard without the agreement of CCFA. Rather, a A general reference to the GSFA should be maintained **in commodity standards, which have been aligned with the GSFA.** and ~~the~~ **The** Commodity Committee should make any request for the addition, **removal** or change to **be introduced to the GSFA, for** a food additive provision **applicable to the commodity standard,** directly to CCFA after considering the technological **need and justification for use** function(s) undertaken by **for** each food additive(s).~~

The EU also suggests the following changes to the flow chart on p. 137:

To delete the following heading

No further changes to the Commodity Standard¹
(except for functional class after consulting the CCFA)

and replace it by the following:

Changes to food additive provisions through the GSFA¹

To amend Note 1 as follows:

~~That~~ Once the alignment of the commodity standard is complete, ~~no further changes be made to the food additive section of commodity standards, other than the consideration of the listing of a new/amended functional class in consultation with CCFA.~~ the commodity standard would **should** maintain a general reference to the GSFA. The Commodity Committee should make any request for the addition, **removal** or change to **be introduced to the GSFA, for** a food additive provision **applicable to the commodity standard,** directly to CCFA after considering the technological **need and justification for use** function(s) undertaken by **for** each food additive(s). **As a consequence, the general reference to the GSFA in the commodity standard may need to be updated.**

Specific Comments

Alignment of the CCFO-standards to the GSFA

Food category 02.1.1 (Butter oil, anhydrous milkfat, ghee)

The alignment of standard CXS 19-1981 relates to FC 2.1.2 and 2.1.3 as indicated in the table under point (19) in Part B: SUMMARY OF THE DISCUSSIONS IN THE EWG of CX/FA 21/52/6. As Edible fats and oils covered by CXS 19-1981 are described as fats of animal origin produced from animals at the time of slaughter, food category 02.1.1 which covers products derived exclusively from milk and/or milk products should not be affected by the alignment.

However, several provisions for adoption contain references to notes related to this standard for new and existing provisions and the alignment of the provisions of the Standard for Milkfat Products (CXS 280-1973) performed in relation to this food category in 2018 was not taken into account during the new alignment exercise.

Therefore, the EU suggest to keep food category 02.1.1 as it is or to consider exclusion note XS280 to the new provisions proposed for adoption in the food category 02.1.1 (INS 160b(i), INS 319, INS 322(i), INS 471, INS 333(iii) and INS 332(ii)).

For the sake of clarity and completeness note XS280 should also be attached to the proposed draft provisions in food category 02.1 (*Fats and oils essentially free from water*).

Food category 02.1.3 (Lard, tallow, fish oil, and other animal fats)

For the sake of clarity note XS329 should be added to Polydimethylsiloxane and Thiodipropionates to exclude products conforming to the Standard for Fish Oils.

Food category 02.2.2 (Fat spreads,dairy fat spreads and blended spreads)

Lycopene, tomato:

The food additive is listed in Table Three and this Table is applicable for products conforming to CXS 256-2007. Therefore note 215 is not justified. Further consideration is necessary when aligning the Standard for Dairy Fat Spreads (CXS 253-2006) which is also related to food category 02.2.2.

Future work on alignment:

The FAO/WHO Regional Coordinating Committee for Africa and the Codex Committee on Nutrition and Foods for Special Dietary Uses discussed the alignment and concluded on the issue. It is therefore suggested that the EWG on Alignment to be established by the 52nd session of the CCFA be mandated to deal with the alignment of the standards related to the above mentioned Committees.

It is further suggested that the EWG on Alignment to be established by the 52nd session of the CCFA be mandated to deal with the alignment of a number of standards for which this exercise seems to be very easy as outlined below:

Codex Committee on Fresh Fruits and Vegetables

In Appendix I Part II LIST OF OTHER CODEX COMMODITY STANDARDS of document FA/52 INF/02 a number of standards are listed which are in the responsibility of the CCFFV.

CXS 182-1993	Standard for Pineapples	NO	CCFFV
CXS 183-1993	Standard for Papaya	NO	CCFFV
CXS 184-1993	Standard for Mangoes	NO	CCFFV
CXS 185-1993	Standard for Nopal	NO	CCFFV
CXS 186-1993	Standard for Prickly Pear	NO	CCFFV
CXS 187-1993	Standard for Carambola	NO	CCFFV
CXS 188-1993	Standard for Baby Corn	NO	CCFFV
CXS 196-1995	Standard for Litchi	NO	CCFFV
CXS 197-1995	Standard for Avocado	NO	CCFFV
CXS 204-1995	Standard for Mangosteens	NO	CCFFV
CXS 205-1997	Standard for Bananas	NO	CCFFV
CXS 213-1999	Standard for Limes	NO	CCFFV
CXS 214-1999	Standard for Pummelos	NO	CCFFV
CXS 215-1999	Standard for Guavas	NO	CCFFV
CXS 216-1999	Standard for Chayotes	NO	CCFFV
CXS 217-1999	Standard for Mexican Limes	NO	CCFFV
CXS 218-1999	Standard for Ginger	NO	CCFFV
CXS 219-1999	Standard for Grapefruits	NO	CCFFV
CXS 220-1999	Standard for Longans	NO	CCFFV
CXS 224-2001	Standard for Tannia	NO	CCFFV
CXS 225-2001	Standard for Asparagus	NO	CCFFV
CXS 226-2001	Standard for Cape Gooseberry	NO	CCFFV
CXS 237-2003	Standard for Pitahayas	NO	CCFFV
CXS 238-2003	Standard for Sweet Cassava	NO	CCFFV
CXS 245-2004	Standard for Oranges	NO	CCFFV
CXS 246-2005	Standard for Rambutan	NO	CCFFV

CXS 255-2007	Standard for Table Grapes	NO	CCFFV
CXS 293-2008	Standard for Tomatoes	NO	CCFFV
CXS 299-2010	Standard for Apples	NO	CCFFV
CXS 300-2010	Standard for Bitter Cassava	NO	CCFFV
CXS 303-2011	Standard for Tree Tomatoes	NO	CCFFV
CXS 307-2011	Standard for Chilli Peppers	NO	CCFFV
CXS 310-2013	Standard for Pomegranate	NO	CCFFV
CXS 316-2013	Standard for Passion Fruit	NO	CCFFV
CXS 317-2013	Standard for Durian	NO	CCFFV
CXS 318-2014	Standard for Okra	NO	CCFFV
CXS 330-2018	Standard for Aubergines	NO	CCFFV

These standards do not contain food additive provisions.

According to Annex C to the Preamble of the General Standard for Food Additives (GSFA) (CODEX STAN 192-1995) the standards are related either to the food category 04.1.1.1 *Untreated fresh fruit or the food category 04.2.1.1 Untreated fresh vegetables, (including mushrooms and fungi, roots and tubers, pulses and legumes (including soybean), and aloe vera), seaweeds and nuts and seeds*. It is assumed that the Standard for Aubergines (CXS 330-2018) is related to the food category 04.2.1.1.

There are no food additive provisions for food category 04.1.1.1 of the GSFA. There are a few food additive provisions for the food category 04.2.1.1 of the GSFA. These are associated with the note 262 *For use in edible fungi and fungus products only*. Additionally in one case note 263 related to pickled fungi and in two cases note 264 related to sterilized fungi are associated. Thus the food additive provisions of food category 04.2.1.1 are restricted to fungi and fungus products.

The food additive provisions of Table Three of the GSFA are not applicable to the food categories 04.1.1 and 04.2.1 according to the Annex to Table Three.

It is therefore assumed that the above mentioned commodity standards are in line with the GSFA.

Codex Committee on Cereals, Pulses and Legumes

In Appendix I Part II LIST OF OTHER CODEX COMMODITY STANDARDS of document FA/52 INF/02 a number of standards are listed which are in the responsibility of the CCCPL.

According to Annex C to the Preamble of the General Standard for Food Additives (GSFA) (CODEX STAN 192-1995) two of these standards are related to the food category 04.2.1.1 *Untreated fresh vegetables, (including mushrooms and fungi, roots and tubers, pulses and legumes (including soybean), and aloe vera), seaweeds and nuts and seeds*:

CXS 171-1989 Standard for Certain Pulses;

CXS 200-1995 Standard for Peanuts.

These standards do not contain food additive provisions.

There are a few food additive provisions for the food category 04.2.1.1 of the GSFA. These are associated with the note 262 *For use in edible fungi and fungus products only*. Additionally in one case note 263 related to pickled fungi and in two cases note 264 related to sterilized fungi are associated. Thus the food additive provisions of food category 04.2.1.1 are restricted to fungi and fungus products.

The food additive provisions of Table Three of the GSFA are not applicable to the food category 04.2.1 according to the Annex to Table Three.

It is therefore assumed that the above mentioned commodity standards are in line with the GSFA.

Codex Committee on Cocoa Products and Chocolate

In Appendix I Part II LIST OF OTHER CODEX COMMODITY STANDARDS of document FA/52 INF/02 a standard is listed which is in the responsibility of the CCCPC:

CXS 86-1981 Standard for Cocoa Butter.

According to Annex C to the Preamble of the General Standard for Food Additives (GSFA) (CODEX STAN 192-1995) this standard is related to the food category 05.1.3 *Cocoa based spreads, incl. fillings*.

The Standard for Cocoa Butter rules that no additives are permitted in this product.

Accordingly all food additive provisions in the food categories 05.0, 05.1 and 05.1.3 of the GSFA are associated with the note XS86 except those for Sucroglycerides and Sucrose oligoesters, type I and type II in food category 05.1.3. For full alignment note XS86 should be added to the provisions for these food additives.

Table Three of the GSFA is generally applicable to food category 05.0 and its subcategories. Therefore for full alignment Table Three should be amended to exclude its applicability to products conforming to the Standard for Cocoa Butter (as e.g. done for the Standard for Soy Protein Products (CXS 175-1989) related to food category 06.8.8).