

## EU comments in reply to CL 2015/34-MMP

### Request for comments at Step 6: Draft general Standard for Processed Cheese

#### *Mixed competence*

#### *Member States Vote*

#### **General comments**

The EUMS welcome the opportunity provided by CL 2015/34-MMP for all Members to comment at Step 6 on the draft general standard for processed cheese.

The EUMS wish to express their concerns about the absence of Codex procedures to guide the work carried out by Committees working only by correspondence. In fact, the lack of clear procedures - agreed to by the Codex membership – may result in *ad hoc* decision-making without the broad consultation and support of the Codex membership, which is essential in order to ensure that Codex standards are both relevant and applicable at a global level.

We note that the Procedural Manual does not provide guidance on how a draft standard discussed in a Committee working by correspondence should progress in the Step procedure:

- Section II of the Manual (Procedures for the Elaboration of Codex Standards and Related Texts) states with regard to Step 7: “The comments received are sent by the Secretariat to the subsidiary body or other body concerned, which has the power to consider such comments and amend the draft standard”. If, as in this case, a physical working group has been established, one would hope to find guidance in the Guidelines on Physical Working Groups provided in the Procedural Manual. However, these Guidelines only state that a physical working group cannot take decisions on behalf of the Committee that has established the working group itself.
- Section III of the Manual states: “The working group shall report, through its Chairperson, on the progress of its work at the next session of the Committee, which has established the working group”.

Against this background, the EUMS believe that the draft standard as it has been tabled following the discussions in the Physical Working Group should be formally discussed and agreed upon by the CCMMP before work can progress in the step procedure.

The EUMS also note that it is not common practice for draft standards at Step 6 to contain sections which have not been discussed at technical level (e.g. list of food additives, methods of analysis, etc.). The EUMS therefore believe that, before taking the draft standard any further in the Step process, technical discussion on these sections is necessary.

Finally, the EUMS wish to underline that due consideration should be given to processed cheese products that are currently globally traded, so that the draft proposed standard does not become a barrier to international trade. This would in fact be in contradiction to the purpose of setting a Codex standard.

## **Specific comments**

### **1. SCOPE**

Only after an agreement has been reached on section 3 ('Essential Composition and Quality Factors'), the EUMS can take a position on the scope of the draft standard.

### **2. DESCRIPTION**

More technical discussion is needed on the description of processed cheeses. One issue that needs to be clarified is whether processed cheese can be produced also without using any emulsifying salts (e.g. by replacing melting salts by vinegar or lemon juice).

### **3. ESSENTIAL COMPOSITION AND QUALITY FACTORS**

More technical discussion is needed on this section, in particular the issue of the minimum level of cheese content. While acknowledging the compromise proposal of the PWG to differentiate between different categories, the EUMS consider that this approach raises a number of further questions that need to be addressed. In addition, as regards the category of 'spreadable processed cheese', more discussion is needed to determine what would be the appropriate minimum percentage of cheese content in the total raw materials. In this regard, due account should be taken of the technological requirements for producing this type of processed cheese.

#### **3.3 Composition**

More technical discussions is needed on this section, including whether it is appropriate to insert the standard wording linking the modification of composition to the provision in section 4.3.3 of the Codex General Standard for the Use of Dairy Terms (CODEX STAN 206-1999).

### **4. FOOD ADDITIVES**

The EUMS will provide specific comments on the functional classes that may be used for the food categories specified in the table under section 4 once the specific categories are agreed. See previous EUMS comments under section 3.

In relation to the list of specific food additives, the EUMS regret that no exhaustive technical discussion has taken place so far. The EUMS are of the view that under these circumstances it is unacceptable to include a detailed list of food additives at Step 6. The EUMS would like to request that the list of food additives is included in square brackets.

## **8. LABELLING**

The EUMS may provide comments on this section further to the agreement of the previous sections.

## **9. METHODS OF ANALYSIS AND SAMPLING**

The EUMS regret that no technical discussion has taken place so far. The EUMS are of the view that under these circumstances it is unacceptable to include detailed methods of analysis and sampling at Step 6. The EUMS would like to request that both tables are included in square brackets.

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