

28 July 2021

**CODEX COMMITTEE ON FOOD LABELLING
(Forty-sixth Session)
Virtual, 27 September – 1 October and 7 October 2021**

European Union Comments on

Agenda item 5:

**Draft Guidance for the Labelling of Non-Retail Containers
(CX/FL 21/46/5)**

*Mixed Competence
European Union Vote*

The European Union and its Member States (EUMS) would like to thank India and the Canadian Secretariat of the CCFL for updating the draft *Guidance for the Labelling of Non-Retail Containers* on the basis of the comments received to the circular letter CL 2019/85-FL.

1/ Comments on the draft text

The EUMS would like to propose the following modifications to further improve the text:

5.2 Lot identification

As the definition of “food business” in the document differentiates between the production, processing and packaging activities, the EUMS are of the opinion that this distinction should also be specified in sub-section 5.2 on the identification of the lot. Also, it should be made clear that the lot identification refers to the food in the non-retail container. The EUMS propose therefore following additions:

“Each non-retail container [shall]/[should] be marked in code or in a manner to clearly identify the production, processing or packaging factory and the lot(s) of the food in the non-retail container.”

6. Mandatory information requirements by means other than on the label

To our view, the current drafting of sections 5 and 6 does not make it sufficiently clear that all the information required under section 5 and sub-section 6.1 must be shown in one place, either on the label, or in the accompanying documents or through other means, and that the information required under section 5 must always be shown on the label.

Therefore, to make this clear, the EUMS propose following modifications of section 6:

“6.1 The following information [shall]/[should] be provided in the accompanying documents or through other means:

~~The information that shall be provided in the accompanying documents, or through other means, is the following:~~

- Information required under ~~provided on the label as identified in Section 5;~~
- Information sufficient to enable the safe preparation and the labelling of pre-packaged foods from the food in the non-retail container;
- Net contents of the non-retail container.

6.2 The information required under sub-section 6.1 ~~provided in the accompanying documents, or through other means,~~ shall be traceable to the food in the non-retail container.

6.3 If all ~~mandatory~~ information required under sub-section 6.1 is made available on the label, sub-sections ~~provisions of 6.1 and 6.2~~ **do need not apply.**”

Use of “shall” or “should”

The EUMS consider that, unless there is a specific reason for not doing so, the use of “shall” or “should” should be consistent throughout the entire document. If this document is adopted as a guideline, the use of “should” should be favoured. If it is adopted as a standard, the use of “shall” should be favoured as this is the case in the *General Standard for the Labelling of Prepackaged Products* (GSLPF).

Editorial modifications

The EUMS would propose furthermore several editorial modifications to clarify the text and to ensure consistency of the wording used (see annex).

2/ Other comments

Guideline or standard

The preference of the EUMS is that the final document be adopted as a guideline.

Amendment of the Procedural Manual

The EUMS agree on the draft amendment of the Procedural Manual proposed in Annex II to CX/FL 21/46/5 Add. 1.

ANNEX

““Non-retail container” means any container that is not intended to be offered for direct sale to the consumer. The food in a the non-retail containers is for further food business activities before being offered to the consumer.”

“4.7 The information on the label and the information in the accompanying documents or information provided by other means [shall]/[should] be traceable to the food in the non-retail container and [shall]/[should] provide information to enable the labelling of the food, intended for sale to the consumer.”

“5.4 Identification of a non-retail container

[...]

- carry any other mark that indicates that the container is not intended to be sold directly to the a consumer.”

“7.1 Non-retail container used as food transportation unit Food transportation unit used as non-retail container

In the case of a food transportation unit used as non-retail container non-retail container used as a food transportation unit that is not amenable to possess a label, all the information required under stipulated in sections 5 and sub-section 6 shall be provided in the accompanying documents or through appropriate other means (e.g. electronically between food businesses) and shall be effectively traceable to the food in such containers. “

“7.2 Non-retail container containing multiple types of food

Where a non-retail container contains multiple types of foods, the mandatory information required under by Section 5 on the label and sub-section 6.1 through means other than on the label [should]/[shall] be provided for all the types of foods contained therein. “

“8.1.3 The mandatory information requirements on the label under (Section 5 above) [shall]/[should] appear in a prominent position on the non-retail container and [shall]/[should] be readily accessible under normal handling and use of the container.”