

**European Union Comments for the
CODEX COMMITTEE ON NUTRITION AND FOODS FOR
SPECIAL DIETARY USES**

Forty-first Session

Düsseldorf, Germany, 24 – 29 November 2019

AGENDA ITEM 6

- **Proposed Draft Claim for “free” of Trans Fatty Acids
(at step 4)**
- **Discussion Paper on Risk management possibilities for the reduction of TFAs
(REP19/NFSDU Appendix VII and CX/NFSDU 19/41/7)**

*European Union competence
European Union vote*

The European Union (EU) would like to thank Canada for their work on document CX/NFSDU 19/41/7.

RECOMMENDATION

The Committee is invited to consider the possible Codex risk management roles as presented in Table 1.

EU comments:

The EU is convinced that limiting the intake of trans fatty acids (TFA) is an important measure to protect public health. In order to ensure that all population groups are equally protected, a regulatory approach limiting industrially produced TFA in foods has been chosen in the EU. On 24 April 2019, the Commission adopted a Commission Regulation that limits the presence of trans fat, other than trans fat naturally occurring in fat of animal origin, in food which is intended for the final consumer and food intended for supply to retail. The maximum limit allowed is 2 grams per 100 grams of fat.

Following an in-depth impact assessment in 2018, the EU concluded that a legal limit for the presence of industrially manufactured TFA in food performs best in terms of positive effects on health, but also in terms of costs for producers. All other options considered were less effective and efficient, including mandatory labelling options including TFA content or declaration of PHO presence, voluntary reformulation agreements with operators to reduce levels of TFA or partially hydrogenated oils (PHO). Therefore, and considering the presented advantages and drawbacks, the EU strongly favours risk management option B.

In view of the potential risk management roles of Codex presented in table 1, the EU notes that among the risk management roles identified, 4 out of the 7 risk management options (A,

B, E and F) involve CCMAS to provide advice on suitable reference methods of analysis and sampling regarding TFA, making this the most frequently referred to risk management role of Codex in the table. The EU therefore supports to request CCMAS to provide such advice.

In addition, 3 of the risk management options (A, B, C) involve CCFO to amend the Standard for Fat Spreads and Blended Spreads (CXS 256-2007) and the Standard for Edible Fats and Oils Not Covered by Individual Standards (CXS191981) to either include TFA levels that must not be exceeded or to include a prohibition of PHO. PHO are currently not defined at Codex levels and would need to be defined. Risk management option B, closely followed by option C, appears to have the least drawbacks and the most convincing advantages. The EU therefore supports to request CCFO to consider whether TFA levels could be established in those standards. In addition, such levels could be related to a PHO prohibition by appropriately defining PHO.

The indication of ‘hydrogenated’ or ‘partially hydrogenated’ is already mandatory as a specific name shall be used for ingredients in the list of ingredients and such precise indication is also required if the class name ‘oil’ is chosen (General Standard for the Labelling of Prepackaged Foods CXS 1-1985, 4.2.3 and 4.2.3.1). Therefore, the EU considers that risk management **option G**, the requirement that partially hydrogenated and fully hydrogenated oils be declared by their specific names, would not add additional incentives for industry to reformulate. The EU agrees that those terms have not been defined.

In its Impact Assessment, the EU identified in 2018 impacts related to risk management options A, B, C and E. The identified benefit:cost ratio is the largest for **options B and C**. Risk management **option E** was the most resource-intensive option and had the worst benefit:cost ratio of all options considered. Therefore, the EU does not support to initiate the identified related risk management roles for CCFL/CCNFSDU.