Codex Alimentarius Commission
(32nd Session)

Rome
29 June – 4 July 2009

European Community Positions
PART I INTRODUCTION

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<tr>
<td><strong>EC position:</strong> The MSEC have no additional items to be added to the agenda.</td>
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<td><strong>CCFICS</strong> is recommending to the Commission to request the FAO/WHO Coordinating Committees to discuss whether there is a need for further guidance on traceability/product tracing.</td>
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**EC Position:** The ECMS support the recommendation of CCFICS to request the FAO/WHO Coordinating Committees to discuss whether there is a need for further guidance on traceability/product tracing.

**CCGP: - Terms of Reference for Regional Committees**

**EC Position:** The ECMS are of the view that the Terms of Reference for Regional Committees are sufficiently broad to allow the development of regional positions and consider that the current Terms of Reference are adequate and should remain unchanged.  

At the last session of the CCEURO it was re-iterated "that the promotion of adoption of regional positions on strategic subjects by the Regional Coordinating Committees was already covered by the current terms of reference, in particular, the bullet (g) “exercises a general coordinating role for the Region” and therefore there was no need to change the terms of reference of Coordinating Committees as proposed by the CCLAC” (ALINORM 09/32/19 para. 21)

**CCFA: Codex Committee on Food Additives**

The Coordinating Committee for Europe noted that it was important for delegations to stress in the relevant Codex Commodity Committees that in accordance with section 1.2 of the Preamble of the General Standard for Food Additives, Commodity Committees had the responsibility and expertise to appraise and justify the technological need for the use of additives in foods subject to a commodity standard, while the task of the Codex Committee on Food Additives was more focused on the safety of these food additives.

Therefore, when the food categories, as defined by the GSFA, are much broader than the scope of the Codex Commodity Standards it is not appropriate to just refer in a commodity standard to the list of food additives of the corresponding food category (para. 80).

**EC Position:** The European Community is strongly supporting the responsibility of the Commodity Committees to appraise and justify the technological need for the use of additives in food.
PART II  PROCEDURAL MATTERS

Agenda item 4  Amendments to the Procedural Manual

ALINORM 09/32/4 / ALINORM 09/32/4A

CCNFSDU

DRAFT NUTRITIONAL RISK ANALYSIS PRINCIPLES AND GUIDELINES FOR APPLICATION TO THE WORK OF THE COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

Mixed Competence

European Community Vote

EC position: In favour of adoption.

CCMAS

PROPOSED AMENDMENT TO THE WORKING INSTRUCTIONS FOR THE IMPLEMENTATION OF THE CRITERIA APPROACH IN CODEX

Mixed Competence

Member States Vote

EC position: In favour of adoption.

Background: Following the excellent work carried out by Sweden, the Nordic Committee on Food Analysis (NMKL) and the electronic working group, consensus was reached to amend section II of “Working instructions for the implementation of the Criteria approach” of the Codex Procedural Manual. This document has been endorsed by the Committee on General Principles and complements the "Working Instructions for the Implementation of the Criteria Approach in Codex" adopted by the CAC last year.

CCMAS

CONSEQUENTIAL AMENDMENT TO THE GENERAL CRITERIA FOR THE SELECTION OF METHODS OF ANALYSIS (TERMINOLOGY)

Mixed Competence

Member States Vote

EC position: In favour of adoption.
Background: The Committee noted that a reference to one of the definitions recommended for deletion, “specificity”, appeared in the Procedural Manual under General Criteria for the Selection of Methods of Analysis, section (b) (i) and agreed that it should be replaced with “selectivity”.

CCGP

PROPOSED AMENDMENT TO THE GUIDELINES TO CHAIRPERSONS OF CODEX COMMITTEES AND AD HOC INTERGOVERNMENTAL TASK FORCES

Member States Competence

Member States Vote

EC position: In favour of adoption.

Background: The amendment provides for the option to use a facilitator to resolve deadlocks in standard development.

CCGP

PROPOSED AMENDMENT TO THE TERMS OF REFERENCE OF THE COMMITTEE ON GENERAL PRINCIPLES

Member States Competence

Member States Vote

EC position: In favour of adoption.

Background: The amendment simplifies the Terms of Reference (ToR) of CCGP by deleting the list of examples of CCGP tasks. This simplification brings the ToR into accord with those of other Codex Committees.

CCGP

PROPOSED INCLUSION OF AN INFORMATION FOOTNOTE TO THE FOURTH PARAGRAPH OF THE STATEMENTS OF PRINCIPLE CONCERNING THE ROLE OF SCIENCE IN THE CODEX DECISION-MAKING PROCESS AND THE EXTENT TO WHICH OTHER FACTORS ARE TAKEN INTO ACCOUNT INDICATING THAT THE ACCEPTANCE PROCEDURE WAS ABOLISHED IN 2005

Member States Competence

Member States Vote

EC Position: The MSEC are NOT IN FAVOUR of adoption of the proposed amendment to the Procedural Manual because the term "acceptance" in the "Statements of Principle" does not refer to the "Acceptance Procedure" and adding the proposed footnote would therefore be misleading.
PART III  CODEX STANDARDS AND RELATED TEXTS

Agenda item 5  Part 1 - Standards and Related Texts submitted for adoption at Step 8, at Step 5 of the Accelerated Procedure and Step 5/8

ALINORM 09/32/5

1) CCCF: PROPOSED DRAFT REVISION TO THE PREAMBLE OF THE GENERAL STANDARD FOR CONTAMINANTS AND TOXINS IN FOODS (GSCTF)

**Mixed Competence**

**Member States Vote**

**EC position:** In favour of adoption at Step 5/8, with omission of Steps 6 and 7.

**Background:** The CCCF agreed to delete some parts from the Preamble that are already covered directly or indirectly in the Procedural Manual and to retain Annex I (Criteria for the Establishment of MLs in Foods and Feeds). In the Preamble the "feed aspect" is better integrated which is also reflected in the change of the title of the standard into "General Standard for Contaminants and Toxins in Food and Feed (GSCTFF)". As regards the food categorisation system to be used, the CCCF supported the compromise solution proposed by the EC to discontinue work. A clearer description of the food/feed would be provided in the standards developed by the Committee instead of developing any food/feed classification. Appendix II (Annex to the Risk Analysis Principles Applied by the CCFA and CCCF) was deleted with the understanding that texts not fully covered in the Procedural Manual would be brought to the attention of the CCCF for consideration at the next session.

2) CCCF: DRAFT CODE OF PRACTICE FOR THE REDUCTION OF ACRYLAMIDE IN FOOD

**Mixed Competence**

**Member States Vote**

**EC position:** In favour of adoption at Step 8.

3) CCCF: DRAFT CODE OF PRACTICE FOR THE REDUCTION OF CONTAMINATION OF FOOD WITH PAH FROM SMOKING AND DIRECT DRYING PROCESSES

**Mixed Competence**

**Member States Vote**

**EC position:** In favour of adoption at Step 8.
4) CCCF: DRAFT CODE OF PRACTICE FOR THE PREVENTION AND REDUCTION OF OCHRATOXIN A IN COFFEE

**Mixed Competence**

**Member States Vote**

**EC position:** In favour of adoption at Step 5/8, with omission of Step 6 and 7.

5) CCFA: DRAFT AND PROPOSED DRAFT FOOD ADDITIVE PROVISIONS OF THE GENERAL STANDARD FOR FOOD ADDITIVES (GSFA)

**European Community Competence**

**European Community Vote**

**EC comments sent to the Codex Secretariat**

**Codex document CL 2009/7-FA - PART A – Matters for adoption by the 32nd Session of the Codex Alimentarius Commission- ALINORM 09/32/5A**

**Erythrosine:**

Erythrosine was allocated a very low ADI of 0.1 mg/kg bw/d both by the Joint FAO/WHO Expert Committee on Food Additives (JECFA) and the Scientific Committee on Food (SCF), respectively in 1990 and 1987.

The current proposal intends to authorise the use of erythrosine in a very large number of subcategories of foodstuffs at a maximum limit quite high, among which some are widely consumed by children (e.g. water based flavoured drinks, confectionary, dairy based drinks, breakfast cereals...). With an ADI of 0.1 mg/kg bw/d the proposed level at 300 mg/kg (for both foods and drinks), children will reach the ADI by consuming very low quantity of food or drinks (less than 7 ml or 7 g), which is clearly a safety concern.

The European Community (EC) is therefore strongly opposed, in general, to the proposed uses and use levels of Erythrosine mentioned in Appendix IV of CL 2009/7-FA. The ECMS suggest that the risk assessment undertaken by JECFA in 2000 on erythrosine (WHO food additives series 44) be refined on the basis of the updated principles and method developed by JECFA for the risk assessment of chemicals in food in order to ensure that the current proposed uses and use levels do not exceed the ADI, in particular for high consumer children. The EC is of the opinion that a refined exposure assessment is needed before endorsing any of the uses and use levels for erythrosine.

**Fast Green FCF**

The EC notes that this food additive is not permitted currently in the EU. However the EC can lift its reservation as the note 161 has been added to the various food categories for which the EC has got concern that consumers can be misled.
6) CCFA: PROPOSED DRAFT AMENDMENTS TO THE INTERNATIONAL NUMBERING SYSTEM FOR FOOD ADDITIVES

Mixed Competence

European Community Vote

EC position: In favour of adoption at Step 5/8, with omission of Steps 6 and 7.

7) CCFA: PROPOSED DRAFT SPECIFICATIONS FOR THE IDENTITY AND PURITY OF FOOD ADDITIVES ARISING FROM THE 68TH JECFA MEETING

Mixed Competence

European Community Vote

EC position: In favour of adoption at Step 5/8, with omission of Steps 6 and 7.

8) CCFH: PROPOSED DRAFT MICROBIOLOGICAL CRITERIA FOR LISTERIA MONOCYTOGENES IN READY-TO-EAT FOODS (ANNEX II TO THE GUIDELINES ON THE APPLICATION OF GENERAL PRINCIPLES OF FOOD HYGIENE TO THE CONTROL OF LISTERIA MONOCYTOGENES IN READY-TO-EAT FOODS (CAC/GL 61-2007)

European Community Competence.

European Community Vote.

EC position: In favour of adoption at Step 5/8, with omission of Steps 6 and 7.

9) CCFH: PROPOSED DRAFT MICROBIOLOGICAL CRITERIA FOR POWDERED FOLLOW-UP FORMULAE AND FORMULAE FOR SPECIAL MEDICAL PURPOSES FOR YOUNG CHILDREN (ANNEX II TO THE CODE OF HYGIENIC PRACTICE FOR POWDERED FORMULAE FOR INFANTS AND YOUNG CHILDREN (CAC/RCP 66-2008))

European Community Competence

European Community Vote

EC position: In favour of adoption at Step 5/8, with omission of Steps 6 and 7.

10) CCFICS: PROPOSED DRAFT GENERIC MODEL OFFICIAL CERTIFICATE (ANNEX TO GUIDELINES FOR DESIGN, PRODUCTION, ISSUANCE AND USE OF GENERIC OFFICIAL CERTIFICATES - CAC/GL 38-2001)

Mixed Competence

European Community Vote
EC position: In favour of adoption at Step 5/8, with omission of Steps 6 and 7.

11) CCFL: DRAFT AMENDMENT TO THE GUIDELINES FOR THE PRODUCTION, PROCESSING, LABELLING AND MARKETING OF ORGANICALLY PRODUCED FOODS: ANNEX 2 (CONDITIONS FOR USE OF ROTENONE)

European Community Competence

European Community Vote

EC position: In favour of adoption at Step 8.

Background: The Committee agreed to retain rotenone but restricted its use to prevent its flowing into waterways. Japan which originally proposed to delete rotenone due to its fish toxicity accepted this compromise.

12) CCFO: DRAFT AMENDMENT TO THE STANDARD FOR NAMED VEGETABLE OIL: INCLUSION OF RICE BRAN OIL

Mixed Competence

Member States Vote

EC position: In favour of adoption.

13) CCGP: PROPOSED DRAFT REVISED CODE OF ETHICS FOR INTERNATIONAL TRADE IN FOODS

Mixed Competence

European Community Vote

EC position: In favour of adoption at Step 5/8, with omission of Steps 6 and 7.

Background: A number of modifications were agreed to the short version for the Code of Ethics which the previous session of CCGP had circulated for comments at step 3. The main point for discussion was whether exported food should be in compliance with exporting country's legislation or importing country's legislation. Finally, it was agreed that from an ethical point of view the primary consideration should be compliance with exporting country's legislation.

14) CCMAS: DRAFT GUIDELINES FOR SETTLING DISPUTES ON ANALYTICAL (TEST) RESULTS

Mixed Competence

Member States Vote
EC position: In favour of adoption.

15) CCMAS: DRAFT GUIDELINES ON ANALYTICAL TERMINOLOGY

Mixed Competence

Member States Vote

EC position: In favour of adoption.

16) CCNFSDU: TABLE OF CONDITIONS FOR NUTRIENT CONTENTS (PART B: PROVISIONS ON DIETARY FIBRE) TO THE GUIDELINES FOR USE OF NUTRITION AND HEALTH CLAIMS (CAC/GL 23-1997):

European Community Competence

European Community Vote

EC position: In favour of adoption at Step 8.

17) CCNFSDU: PROVISIONS ON GUM ARABIC (GUM ACACIA) (SECTION D: ADVISORY LIST OF FOOD ADDITIVES FOR SPECIAL NUTRIENT FORMS) TO THE ADVISORY LISTS OF NUTRIENT COMPOUNDS FOR USE IN FOODS FOR SPECIAL DIETARY USES INTENDED FOR INFANTS AND YOUNG CHILDREN (CAC/GL 10-1997)

European Community Competence

European Community Vote

EC position: In favour of adoption at Step 8.

Background: The Committee agreed to advance the provisions on Gum Arabic at a level of 10 mg/kg to the CAC for adoption at Step 8. It was forwarded to the 41st CCFA for endorsement as a coating agent for inclusion in Section D. As there is no functional class for coating agents on the GSFA the CCFA was asked to consider how to accommodate it. The CCFA endorsed the use of Gum Arabic at the level of 10 mg/kg as a carrier as this was the original functional class for Gum Arabic.

18) CCNFSDU: DRAFT NUTRITIONAL RISK ANALYSIS PRINCIPLES AND GUIDELINES FOR APPLICATION TO THE WORK OF THE COMMITTEE ON NUTRITION AND FOODS FOR THE SPECIAL DIETARY USES

Mixed Competence

European Community Vote

EC position: In favour of adoption at step 8.
19) CCNFSDU: PROPOSED DRAFT RECOMMENDATIONS ON THE SCIENTIFIC BASIS OF HEALTH CLAIMS (ANNEX TO THE GUIDELINES FOR USE OF NUTRITION AND HEALTH CLAIMS - CAC/GL 23-1997)

European Community Competence

European Community Vote

EC position: In favour of adoption at Step 5/8, with omission of Steps 6 and 7.

20) CCPFV: DRAFT CODEX STANDARD FOR JAMS, JELLIES AND MARMALADES

European Community Competence

European Community Vote

EC comments sent to the Codex Secretariat

Codex Circular Letter CL 2008/31-PFV - PART A:

MATTERS FOR ADOPTION BY THE 32ND SESSION OF THE CODEX ALIMENTARIUS COMMISSION (ALINORM 09/32/5A)

Draft Codex Standard for Jams, Jellies and Marmalades (Food Additive Provisions)

Draft Codex Standard for Certain Canned Vegetables (Food Additive Provisions)

STATEMENT

The European Community (EC) would like to raise its concerns about the provisions on food additives as proposed in the draft standards for jams, jellies and marmalades and the draft Codex standard for certain canned vegetable. The EC can accept the food additive provisions in both standards at the condition that some modifications are inserted in the Appendix III of Alinorm 09/32/12.

RATIONALE

The EC would like to reiterate that Commodity Committees shall evaluate the technological justification for the use of individual food additives, and list the additives that really achieve the desired effect in the respective food categories. This basic principle is enshrined in the Procedural Manual of the Codex Alimentarius dedicated to the relations between Commodity Committees and General Committees since one can read in section II that “All provisions in respect of food additives contained in commodity standards will require endorsement by the Codex Committee on Food Additives, on the basis of technological justification submitted by the commodity committees...”.
Therefore, the EC would like to express its strong concern for inclusion by default into both draft Codex Standard for Jams, Jellies and Marmalades and draft Codex Standard for certain Canned Vegetables of all food additives listed under the functional classes colours, acidity regulators, antifoaming agents, firming agents, preservatives, thickeners and already listed in the Table 3 of the Codex General Standard for Food Additives.

In particular, the current proposal to authorise some of the acidity regulators and thickeners listed in Table 3 could mislead the consumer.

The EC is of the opinion that categories covering jams, jellies and marmalades but also certain canned vegetables should be added to the Annex to Table 3 of the GSFA as these categories of products are widely consumed and only need a very limited number of food additives from a technological point of view.

In addition, the EC is of the opinion that sorbates and benzoates are not technologically justified in jams, jellies and marmalades as the preservative action is adequately performed by the high concentration of sugar.

Finally, the EC is of the opinion that colours should be restricted in both standards due to potential intake concern.

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**DRAFT CODEX STANDARD FOR JAMS, JELLIES AND MARMALADES**

**Extra jam/extra jelly**

The EC regrets that the report of the 24th session of the Codex Committee on Processed Fruit and Vegetables did not retain specific criteria promoting a higher quality standard for extra jam and extra jelly. The ECMS still consider that the use of food additives in such products should be restricted.

The EC notes that only a very limited number of food additives are permitted in such products in the EU, namely INS 440, INS 270, INS 296, INS 300, INS 327, INS 330, INS 331 (i, iii), INS 333, INS 334, INS 335 (i, ii), INS 350 (i, ii) and INS 471.

**Colours**

Colours should not be permitted in extra jam/extra jelly. The higher quantity of fruit that are contained in extra jam/extra jelly should suffice by itself to ensure the colouring properties of the product. The addition of colours should not serve any technological purpose and could even mislead the consumer by masking the bad quality of the raw material.

**Preservatives**

Preservatives should not be permitted in such products because there is no technological justification. The high concentration of fruit is sufficient to ensure the adequate preservation of the product.
**Jam/jelly/marmalades**

**Colours**

Due to their very low numerical ADIs, the EC expresses its opposition to use Riboflavin (ADI: 0.5 mg/kg) and Iron oxides (allocated ADI of 0.5 mg/kg by JECFA) in jam, jellies and marmalades.

The EC notes that Allura Red (INS 129; ADI: 7 mg/kg) and Brilliant blue FCF (INS 133) are not authorised in jam, jellies and marmalades, according to the EU legislation.

In addition, the EC would like to note that fast green FCF is not currently permitted as food additive in the EU legislation.

The EC would like to stress that, based on a recent opinion issued by EFSA\(^1\) highlighting possible exceedance of the ADI in the EU, the EC is currently reviewing the use and use levels of lycopene.

**EC position:** In a spirit of compromise, EC can accept the section 4.4 on “colours” as it stands if a specific footnote “Subject to national legislation of the importing country aimed, in particular, at consistency with Section 3.2 of the Preamble of the Codex General Standard for Food Additives (CODEX STAN 192-1995)” is assigned to the following food additives: Riboflavin, Iron oxide, Allura Red, Brilliant blue FCF, and Fast green FCF.

**Preservatives**

Bearing in mind that the scope of the draft Codex Standard for jams, jellies and marmalades does not cover low sugar products, the EC is opposed to authorise the use of sorbates and benzoates as preservatives in jams, jellies, and marmalades because it is not technologically justified under temperate climates. The preservative action is adequately performed by the high concentration of sugar itself.

**EC position:** In a spirit of compromise, EC can accept the section 4.5 “preservative” if the specific footnote “Subject to national legislation of the importing country aimed, in particular, at consistency with Section 3.2 of the Preamble of the Codex General Standard for Food Additives (CODEX STAN 192-1995)” is assigned both to Sorbates and Benzoates.

**Acidity regulator**

The EC is of the opinion that Fumaric acid (INS 297) which is assigned a low numerical ADI in EU should be restricted to a limited number of applications. The EC notes that sodium Fumarate, while it is listed in Table 3, is not permitted in the EU legislation on food additives.

In addition, it should be kept in mind that the analytical calculation of percentage of fruit added in the jam may be undertaken through the dosage of potassium naturally present in the fruit.
fruit. The EC would like to stress that the presence of potassium-based acidity regulators contained in the Table 3 of GSFA (e.g. potassium lactate, potassium dihydrogen citrate, tripotassium citrate, potassium hydrogen malate) could artificially interfere with the dosage of potassium, leading to an artificial increase of the percentage of fruit contained in the final product. Consequently, the consumer could be misled. The EC is therefore of the opinion that these food additives should not be authorised in jam. For the same reason, the potassium tartrate (INS 336i) should not be authorised in jam.

EC position: In a spirit of compromise, EC can accept the section 4.1 as it stands if the specific footnote “Subject to national legislation of the importing country aimed, in particular, at consistency with Section 3.2 of the Preamble of the Codex General Standard for Food Additives (CODEX STAN 192-1995)” is assigned at the end of the paragraph.

**Thickeners**

The EC would welcome further clarification regarding the technological need for adding by default all thickeners listed in the Table 3 of GSFA in the Codex Standard for jams while most of these food additives are not necessary in these products. Many of these food additives are intended to be used in the preparation of low sugar products which are outside the scope of the Standard.

In addition, a number of thickeners listed in the Table 3 of GSFA, e.g. starch-based food additives, cellulose-based food additives and polydextrose may substantially contribute to increase artificially the soluble solids contents in jam. Therefore the EC is of the opinion that such food additives should not be authorised in jam and jellies on the ground that the consumers could be misled.

EC position: In a spirit of compromise, EC can accept the section 4.1 as it stands if the specific footnote “Subject to national legislation of the importing country aimed, in particular, at consistency with Section 3.2 of the Preamble of the Codex General Standard for Food Additives (CODEX STAN 192-1995)” is assigned at the end of the paragraph.

21) CCPFV: DRAFT CODEX STANDARD FOR CERTAIN CANNED VEGETABLES (GENERAL PROVISIONS)

**Mixed Competence**

**Member States Vote**

EC comments sent to the Codex Secretariat

Codex Circular Letter CL 2008/31-PFV - PART A: FOOD ADDITIVE PROVISIONS IN THE

DRAFT CODEX STANDARD FOR CERTAIN CANNED VEGETABLES- (ALINORM 09/32/5A)

**Colours**
As a general principle, the EC does not support the inclusion of any colours listed in the table of section 4.2 in the canned vegetables standard because their use could mislead the consumer except in a very limited number of cases, like INS 102 and INS 133 for processed mushy and garden peas only.

EC position: In a spirit of compromise, EC can accept the section 4.2 as it stands if the specific footnote “Subject to national legislation of the importing country aimed, in particular, at consistency with Section 3.2 of the Preamble of the Codex General Standard for Food Additives (CODEX STAN 192-1995)” is assigned to the heading “colours” in section 4.2 of appendix III in the draft standard for certain canned vegetables.

Colour retention agents

The EC would like to reiterate that due to the very low numerical ADI of EDTA (ADI: 2.5 mg/kg), this food additive should be restricted, and not permitted as a general rule to all canned vegetables because of potential intake concern. However, the EC supports the use of INS 385 only in canned and bottled pulses, legumes, mushrooms and artichokes.

INS 512 (stannous chloride) should be limited to canned or bottled white asparagus only.

EC position: In a spirit of compromise, EC can accept the section 4.3 “colour retention agents” as it stands if the specific footnote “Subject to national legislation of the importing country aimed, in particular, at consistency with Section 3.2 of the Preamble of the Codex General Standard for Food Additives (CODEX STAN 192-1995)” is attached to “Stannous chloride”, “Calcium disodium ethylene diamine tetra acetate” and “Disodium ethylene diamine tetra acetate”.

22) CCPFV: PROPOSED DRAFT PROVISIONS FOR PACKING MEDIA FOR CERTAIN CANNED VEGETABLES: SECTION 3.1.3 (FOR INCLUSION IN THE DRAFT CODEX STANDARD FOR CERTAIN CANNED VEGETABLES)

Mixed Competence

Member States Vote

EC position: In favour of adoption at Step 5/8, with omission of Steps 6 and 7.

23) CCPFV: PROPOSED DRAFT ANNEXES SPECIFIC TO CERTAIN CANNED VEGETABLES (FOR INCLUSION IN THE DRAFT CODEX STANDARD FOR CERTAIN CANNED VEGETABLES)

Mixed Competence

Member States Vote

EC position: In favour of adoption at Step 5/8, with omission of Steps 6 and 7.

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2 Classified as "mature processed peas" in the draft Codex Standard for Certain Canned Vegetables.
24) CCPR: DRAFT MAXIMUM RESIDUE LIMITS FOR PESTICIDES (AT STEP 8)

European Community Competence

European Community Vote

EC comments sent to the Codex Secretariat
CL 2009-14-PR

CARBARYL (008): CITRUS FRUIT

The EC does not support the adoption of the draft MRL for Carbaryl (008) in citrus fruit (15 mg/kg) at Step 8.

The EC noted the response of the JMPR (2008) in relation to specific concerns raised by CCPR. However, there are important differences in toxicological endpoints set by JMPR and the European Food Safety Authority (EFSA), especially for ARfD, that result in completely different risk evaluations. The EC ARfD was established in 2006 as 0.01 mg/kg bw on the basis of neurotoxicity observed in dogs with a safety factor of 100. Following EFSA assessment, the EC considers the established EC ADI and ARfD to be still relevant for EC consumers.

Accordingly, for the above reasons, in the event that the Codex Alimentarius Commission adopts the draft MRL for Carbaryl (008) in citrus fruits, the EC wishes to record its reservation to this decision in the report of the Codex Alimentarius Commission.

FUSILAZOLE (165), EDIBLE OFFAL, APPLE AND PEAR

The EC does not support the adoption of the draft MRLs for Fusilazole (165) in Edible Offal (2.8 mg/kg), Apple (0.3 mg/kg) and Pear (0.3 mg/kg) at Step 8.

The EC noted the response of the JMPR (2008) on the EC review report which sets the 2 mg/kg/bw/day as the start of a dose response relationship. The JMPR did not consider the effects at that dose to be significant and reaffirmed the higher dose of 10 mg/kg/day to be such a start. The EC wishes to reconfirm the endpoint of 0.005 mg/kg/bw/day for the ARfD derived from the 2 mg/kg/bw/day dose level that was established in the EC peer review process in EFSA.

Accordingly, for the above reasons, in the event that the Codex Alimentarius Commission adopts the draft MRL for Fusilazole (165) in Edible Offal, Apple and Pear, the EC wishes to record its reservation to this decision in the report of the Codex Alimentarius Commission.
25) CCPR: DRAFT MAXIMUM RESIDUE LIMITS FOR PESTICIDES (AT STEP 5/8)

European Community Competence

European Community Vote

EC comments sent to the Codex Secretariat

CL 2009-14-PR

**DIMETHOATE (027): PEPPERS AND LETTUCE**

The EC does not support the adoption of the proposed draft MRLs for Dimethoate (027) in peppers (0.5 mg/kg) and lettuce (0.3 mg/kg) at Step 5/8.

Using EC endpoints and risk assessment methodologies, the proposed MRLs for peppers are 164% of the ARfD. Although dimethoate residues for lettuce do not indicate an intake concern, omethoate is not included in the Codex residue definition for dimethoate. Omethoate is one of the degradation products of dimethoate, and it is 7 times more toxic than dimethoate. Hence, there may also be an intake concern for the proposed MRL for lettuce due to residues of omethoate.

Accordingly, for the above reasons, in the event that the Codex Alimentarius Commission adopts the proposed draft MRLs for Dimethoate (27) in peppers and lettuce, the EC wishes to record its reservation to this decision in the report of the Codex Alimentarius Commission.

**MALATHION (049): WHEAT**

The EC does not support the adoption of the proposed draft MRL for Malathion (049) in wheat (10 mg/kg) at Step 5/8.

Using STMR, the proposed draft MRL for wheat is 427% of EU ADI (no acute exceedance from malathion plus maleoxon residues). Furthermore, the EC has concerns about possible levels of desmethyl-malathion, malathion monocarboxylic acid and malathion dicarboxylic acid, which were not measured in supporting residue trials and are considered to be of toxicological relevance in the draft 2009 EU evaluation.

Accordingly, for the above reasons, in the event that the Codex Alimentarius Commission adopts the proposed draft MRLs for Malathion (049) in wheat, the EC wishes to record its reservation to this decision in the report of the Codex Alimentarius Commission.

**METHOMYL (094): GRAPES AND TOMATO**

The EC does not support the adoption of the proposed draft MRLs for Methomyl (094) in grapes (0.3 mg/kg) and tomato (1 mg/kg) at Step 5/8.
Using the EU ARfD at 0.002 mg/kg/bw/day and EU risk assessment methodologies, the proposed MRLs for grapes is 524% of the ARfD. For tomato it is 1698% of the EU ARfD. Using the JMPR ARfD it would be 212%.

Accordingly, for the above reasons, in the event that the Codex Alimentarius Commission adopts the proposed draft MRLs Methomyl (094) in grapes and tomato, the EC wishes to record its reservation to this decision in the report of the Codex Alimentarius Commission.

**CYPERMETHRINS (118): CAULIFLOWER, SCAROLE, APPLES AND PEACHES**

The EC does not support the adoption of the proposed draft MRLs for Cypermethrins (118) in cauliflower (1 mg/kg), scarole (0.7 mg/kg), apples (0.7 mg/kg) (covered by pome fruits) and peaches (2 mg/kg) (covered by stone fruits) at Step 5/8.

The JMPR residue evaluation has been reviewed by the ECMS and based on the global toxicological end points for cypermethrins, the chronic and acute dietary intake calculation was performed according to EFSA PRIMo.

Using the HR values in the EFSA PRIMo, there is an acute intake concern for children for the following crops:

- Peaches (102.2% ARfD-VF=5)
- Apples (101.1% ARfD-VF=5)
- Cauliflower (107% ARfD-VF=5)
- Scarole (broad-leaf) (113% ARfD-VF=5).

No processing data on pome fruit and stone fruit were available in order to perform a refined dietary intake risk assessment.

Accordingly, for the above reasons, in the event that the Codex Alimentarius Commission adopts the proposed draft MRLs for Cypermethrins (118) in cauliflower, scarole, apples and peaches, the EC wishes to record its reservation to this decision in the report of the Codex Alimentarius Commission.

**CYALOTHIN (146): APRICOTS, PEACHES, NECTARINES, TOMATOES, PEPPERS, SWEET CORN, BROCCOLI, CAULIFLOWER, HEAD CABBAGE AND MILK**

The EC does not support the adoption of the proposed draft MRLs for Cyalothrin (146) in apricots (0.5 mg/kg), peaches (0.5 mg/kg), nectarines (0.5 mg/kg), tomatoes (0.3 mg/kg), peppers (0.3 mg/kg), sweet corn (0.02 mg/kg), broccoli (0.5 mg/kg), cauliflower (0.5 mg/kg), head cabbage (0.3 mg/kg) and milk (0.2 mg/kg) at Step 5/8.
The EC ADI (0.005 mg/kg bw) and ARfD (0.0075 mg/kg bw) for lambda-cyhalothrin was established in 2001 on the basis of neurotoxicity observed in dogs, NOAEL 0.5 and 0.75 mg/kg bw/day respectively and a safety factor of 100.

Using the EFSA model, the proposed MRLs with STMR and HR identified by JMPR, the EU ADI and ARfD, acute intake concern was identified for the following MRL proposals:

- apricots (DE child 109%), peaches and nectarines (DE child 192%), tomatoes (BE child 101%), peppers (DE child 108%), sweet corn (DE child 126%), broccoli (BE child 166%), cauliflower (NL child 264%, NL general population 127%), head cabbage (NL child 119%), milk and milk products from cattle (UK Infant 133%).

Accordingly, for the above reasons, in the event that the Codex Alimentarius Commission adopts at Step 5/8 the proposed draft MRLs for Cyalothrin (146) in apricots, peaches, nectarines, tomatoes, peppers, sweet corn, broccoli, cauliflower, head cabbage and milk, the EC wishes to record its reservation to this decision in the report of the Codex Alimentarius Commission.

26) CCRVDF: Draft MRLs for Veterinary Drugs (AT STEP 8)

European Community competence

European Community vote

MELENGESTROL ACETATE

**EC position**: The EC re-iterates its concerns that by excess intake of residues of MGA and its metabolites, endocrine, developmental, immunological, neurobiological, immunotoxic, genotoxic and carcinogenic effects could be envisaged, in particular for susceptible risk groups (children and teenagers). Therefore, **the EC retains its opposition to the adoption of the proposed MRLs for MGA**.

27) CCRVDF: DRAFT MRLS FOR VETERINARY DRUGS (AT STEP 5/8)

European Community competence

European Community vote

AVILAMYCIN
DEXAMETHASONE
MONENSIN
NARASIN IN CHICKEN TISSUES
TRICLABENDAZOLE
TYLOSIN
**EC position:** The EC is in favour of adoption (subject to a favourable evaluation by the EMEA of data in relation to monensin in sheep and goats and tylosin in cattle milk and chicken eggs).

28 ) CCRVDF: DRAFT GUIDELINES FOR THE DESIGN AND IMPLEMENTATION OF NATIONAL REGULATORY FOOD SAFETY ASSURANCE PROGRAMMES ASSOCIATED WITH THE USE OF VETERINARY DRUGS IN FOOD PRODUCING ANIMALS

*European Community competence*

*European Community vote*

**EC position:** EC in favour of adoption.

**Agenda item 5 Part 2 – Other standards and related texts submitted for adoption**

1) CCCF: AMENDMENTS TO PARAGRAPH 10, SAMPLE PREPARATION IN THE SAMPLING PLANS FOR AFLATOXIN CONTAMINATION IN READY-TO-EAT TREENUTS AND TREENUTS DESTINED FOR FURTHER PROCESSING: ALMONDS, HAZELNUTS AND PISTACHIOS

*European Community Competence*

*European Community Vote*

**EC position:** In favour of adoption.

2) CCFA: AMENDMENT TO TABLE 3 OF THE GSFA

*European Community Competence*

*European Community Vote*

**EC position:** In favour of adoption.

3) CCFA: AMENDMENT TO THE NAME AND DESCRIPTORS OF FOOD CATEGORIES 01.2.1.1, 15.1 AND 15.2 OF THE GSFA

*European Community Competence*

*European Community Vote*

**EC position:** In favour of adoption.

4) CCFO: AMENDMENT TO THE STANDARD FOR NAMED VEGETABLE OILS: REPLACEMENT OF THE SECTION ON CONTAMINANTS WITH THE
STANDARD LANGUAGE IN THE FORMAT FOR CODEX COMMODITY STANDARDS

Member States competence

Member States vote

EC position: In favour of adoption.

5) CCMAS: METHODS OF ANALYSIS IN CODEX STANDARDS AT DIFFERENT STEPS

Mixed Competence

Member States Vote

EC position: In favour of adoption.

Background: Lists of methods of analysis had been transmitted by the Committee on Nutrition and Foods for Special Dietary Uses, the Committee on Processed Fruits and Vegetables, the Coordinating Committee for Asia and the Committee on Sugars. Most of these methods were endorsed with some changes as regards their references and types.

Agenda item 5 Part 2 – Other standards and related texts submitted for adoption

ALINORM 09/32/5- Add 1

1) CCFO: ADDITIVES PROVISIONS IN THE STANDARD FOR FAT SPREADS AND BLENDED SPREADS AND OTHER STANDARDS FOR FATS AND OILS

European Community Competence

European Community Vote

EC position: In the spirit of compromise the EC does not object the adoption of the additives provisions.

Background: The CCFA endorsed the additive provisions in fats and oils standards as proposed by the CCFO. The EC questioned the rational to endorse a higher level of annatto extracts (bixin based) in fat spreads compared to the value agreed last year in the sub category 02.2.2 of the GSFA but agreed with the proposal in the spirit of compromise.
**Agenda item 5  Part 3 – Standards and related Texts held at Step 8**

1) CCFFV: DRAFT CODEX STANDARD FOR BITTER CASSAVA

*Mixed Competence*

*Member States Vote*

**EC position:** To hold the Standard at Step 8 until all Sections are ready for adoption.

**Background:** CAC 31: "In light of the above discussion, the Commission decided to return the labelling section to Step 6 for further comments, in particular on the preparation instructions, for consideration by the 15th Session of the Committee on Fresh Fruits and Vegetables (2009) and endorsement by the 38th Session of the Committee on Food Labelling (2010) and to hold the other sections at Step 8, with a view to the adoption of the Standard by the Commission in 2010. The Commission recalled its earlier decision that merging the standards for bitter and sweet cassava could be considered after the finalization of the current draft Standard."

2) CCRVDF: DRAFT MRLs FOR RACTOPAMINE

*European Community Competence*

*European Community Vote*

**EC position:** Taking into account that Ractopamine is in the Priority List for a JECFA review of residue data in pigs, the EC considers that the proposed MRLs for Ractopamine should be returned to Step 6 for comments at CCRVDF level once the JECFA report is available.
Agenda Item 6  Proposed Draft Standards and Related Texts submitted at Step 5

ALINORM 09/32/6

1) CCFO: PROPOSED DRAFT AMENDMENT TO THE CODE OF PRACTICE FOR THE STORAGE AND TRANSPORT OF EDIBLE FATS AND OILS IN BULK: CRITERIA TO ASSESS THE ACCEPTABILITY OF SUBSTANCES FOR INCLUSION IN A LIST OF ACCEPTABLE PREVIOUS CARGOES

European Community Competence

European Community Vote

EC position: The EC does not object adoption of the proposed draft criteria at Step 5. The EC will submit specific comments to the draft amendment at Step 6.

2) CCFO: PROPOSED DRAFT AMENDMENT TO THE STANDARD FOR NAMED VEGETABLE OIL: INCLUSION OF PALM KERNEL OLEIN AND PALM KERNEL STEARIN

Mixed Competence

Member States Vote

EC position: In favour of adoption.

3) CCPR : PROPOSED DRAFT MAXIMUM RESIDUE LIMITS FOR PESTICIDES

European Community Competence.

European Community Vote.

EC comments sent to the Codex Secretariat

CL 2009-14-PR

METHOMYL (094): APPLES

The EC does not support the adoption of the proposed draft MRL for Methomyl (094) in apples (0.3 mg/kg) at Step 5. The EC would like to record that a concern form for apples has been submitted to the JMPR.

Using EC endpoints (ARfD 0.0025mg/kg bw/day) and risk assessment methodologies (EFSA model PRiMo rev2), the proposed draft MRL for apples is 666% of the ARfD, using an HR value of 0.17mg/kg (15 trials). It is acknowledged that a higher ARfD of 0.01mg/kg bw/day is accepted by JMPR, based on a human volunteer study. Even using the JMPR ARfD with EC risk assessment methodologies, apples are 167% of the ARfD.
Accordingly, for the above reasons, in the event that the Codex Alimentarius Commission adopts the proposed draft MRL for for Methomyl (094) in apples, the EC wishes to record its reservation to this decision in the report of the Codex Alimentarius Commission.

TEBUCONAZOLE (189): BRASSICA, POMEFRUITS AND LETTUCE, HEAD:

The EC does not support the adoption of the proposed draft MRLs for Tebuconazole (189) in Brassica (1 mg/kg), Pome fruits (1 mg/kg), and Lettuce, Head (5 mg/kg) at Step 5.

The EC would like to inform the CAC that a revised concern form has been forwarded to the JMPR. The EC ARfD of 0.03 mg/kg bw/day was set (based on developmental LOAEL of 10 mg/kg bw/day obtained in the mouse teratogenicity study applying a safety factor of 300). No ARfD is allocated by JMPR.

Accordingly, for the above reasons, in the event that the Codex Alimentarius Commission adopts the proposed draft MRLs for Tebuconazole (189) in Brassica, Pomefruits and Lettuce, Head, the EC wishes to record its reservation to this decision in the report of the Codex Alimentarius Commission.

BOSCALID (221): BANANA AND KIWI

The EC does not support the adoption of the proposed draft MRLs for Boscalid (221) in Banana (0.6 mg/kg) and Kiwi (5 mg/kg) at Step 5.

The 2006 JMPR could not recommend STMR values for a large number of follow up crops (rotational crops) in which residues may be present above the LOQ and decided that any estimation of the long term intake would be unrealistic. The 2008 JMPR recommended new MRLs for banana and kiwi fruit, but again no long term intake calculations including follow up crops could be carried out.

Consequently, a long-term intake assessment including possible residues in follow up crops arising from the GAPs evaluated must be carried out at a future meeting before the MRL proposals made by JMPR can proceed.

The EC has concerns to adopt the proposed draft MRLs at Step 5 before a calculation of a long term dietary intake is made. Therefore, the EC proposes to use a conservative residue value of 0.5 mg/kg for all commodities from annual crops which are not treated directly but with possible residues by uptake from soil. Based on this worst-case approach a preliminary long-term intake assessment can be made to exclude any concerns for consumers. In addition JMPR may use all data available on rotational crops to propose more realistic MRLs for annual crops according the procedure described in the JMPR Report 2008.

Accordingly, for the above reasons, in the event that the Codex Alimentarius Commission adopts at Step 5 the proposed draft MRLs for Boscalid (221) in
Banana and Kiwi, the EC wishes to record its reservation to this decision in the report of the Codex Alimentarius Commission.

4) CCPR: PROPOSED DRAFT REVISION OF THE CODEX CLASSIFICATION OF FOODS AND ANIMAL FEEDS: PROPOSALS FOR EIGHT COMMODITY GROUPS: BULB VEGETABLES, OTHER THAN CUCURBITS; BERRIES AND OTHER SMALL FRUITS; EDIBLE FUNGI; CITRUS FRUITS; STONE FRUITS AND OILSEED

European Community Competence

European Community Vote

EC position: EC in favour of adoption at Step 5.

5) CCRVDF: PROPOSED DRAFT MAXIMUM RESIDUE LIMITS FOR VETERINARY DRUGS

European Community Competence

European Community Vote

NARASIN IN CATTLE AND PIG TISSUES

EC position: EC in favour of adoption at Step 5.

TILMICOSIN

EC position: The EC expresses opposition to the adoption of these MRLs at step 5 due to intake concerns.
Agenda Item 7  List of Existing Codex Standards and Related Texts whose Revocation is recommended

ALINORM 09/32/7

1) CCFA: FOOD ADDITIVE PROVISIONS OF THE GENERAL STANDARD FOR FOOD ADDITIVES

European Community Competence

European Community Vote

EC position: In favour of revocation.

2) CCPR: MRLS FOR PESTICIDE / COMMODITY COMBINATIONS

European Community Competence

European Community Vote

EC position: In favour of revocation.

3) CCPFV:
   - STANDARD FOR JAMS (FRUIT PRESERVES) AND JELLIES (CODEX STAN 79-1981)
   - STANDARD FOR CITRUS MARMALADE (CODEX STAN 80-1981)

European Community Competence

European Community Vote

EC position: In favour of revocation.

Background: Subject to adoption of the Draft Standard for Jams, Jellies and Marmalades CAC32 will propose revocation of the old standards.

4) CCPFV:
   - STANDARD FOR CANNED SWEET CORN (CODEX STAN 18-1981)
   - STANDARD FOR CANNED ASPARAGUS (CODEX STAN 56-1981)
   - STANDARD FOR CANNED GREEN PEAS (CODEX STAN 58-1981)
   - STANDARD FOR CANNED CARROTS (CODEX STAN 116-1981)
22 June 2009

- **STANDARD FOR CANNED PALMITO (CODEX STAN 144-1985)**
- **STANDARD FOR MATURE PROCESSED PEAS (CODEX STAN 81-1981)**

**Mixed Competence**

**Member States Vote**

**EC position:** In favour of revocation subject to the adoption of the corresponding new Standards.

**Background:** Subject to adoption of the draft Standard for Certain Canned Vegetables, the proposed draft provisions for packing media for canned vegetables and the proposed draft Annex on specific canned vegetables.

5) **CCRVDF: TEMPORARY MRL FOR TILMICOSIN IN SHEEP MILK**

**European Community Competence**

**European Community Vote**

**EC position:** In favour of revocation.

6) **CCRVDF: GUIDELINES FOR THE ESTABLISHMENT OF A REGULATORY PROGRAMME FOR CONTROL OF VETERINARY DRUG RESIDUES IN FOODS (CAC/GL 16-1993)**

**European Community Competence**

**European Community Vote**

**EC position:** In favour of revocation.

**Background:** Subject to adoption of the "Draft Guidelines for the Design and Implementation of National Regulatory Food Safety Assurance Programmes Associated with the Use of Veterinary Drugs in Food Producing Animals".

7) **CCRVDF: CODE OF PRACTICE FOR CONTROL OF THE USE OF VETERINARY DRUGS (CAC/RCP 38-1993)**

**European Community Competence**

**European Community Vote**

**EC position:** In favour of revocation.

**Background:** Subject to adoption of the "Draft Guidelines for the Design and Implementation of National Regulatory Food Safety Assurance Programmes Associated with the Use of Veterinary Drugs in Food Producing Animals".
**Agenda Item 8 – Amendments to Codex Standards and Related Texts**

**ALINORM 09/32/8**

**PART I: EDITORIAL AMENDMENTS TO ADOPTED CODEX STANDARDS AND RELATED TEXTS**

1. **Reference to acceptance in annexes**

**EC position:**

In general, the ECMS agree that Codex standards and their annexes should have the same status.

As for the statements regarding acceptance, these should be deleted in the standards listed by the Secretariat on page 3 of ALINORM 09/32/8 as the acceptance procedure has been abolished.

As for the statements on voluntary application, these were originally introduced for those provisions for which no consensus could be found. Therefore, these statements cannot be deleted without verifying that the provisions are acceptable for Codex members. It would appear that statements on voluntary application occur in standards for certain fats and oils, for sugar and honey and for certain milk products. As there are still active committees for fats and oils and for milk products, the Commission should invite the relevant committees, i.e. CCFO and CCMP, to determine whether the provisions under the statements on voluntary application can be incorporated in the standard or whether they should be revoked. For the standards for sugar and honey, there is no active commodity committee. Therefore, the Codex Secretariat should issue a Circular Letter asking Members' views on whether the provisions under the statements on voluntary application can be incorporated in the standards or whether they should be revoked.

2. **References to the Carry-over Principle (Volume 1)**

**EC position:** The ECMS consider that CCFA should be consulted to find the most appropriate solution to the issue of "Carry-over Principle" and agree with the recommendation to request the CCFA to clarify the relationship between the “Carry-over Principle” and Section 4 of the GSFA, especially whether the former has been superseded by the latter or is still valid, and to make relevant recommendations for further consideration at the 33rd Session of the Commission.

3. **References to Volume 2 (for information)**

4. **Committee on Food labelling**

4.1 **General Standard for the Labelling of Prepackaged Foods**

**Section 4.2.3.3:** The 31st Session of the CAC adopted a revised list of technological functions of food additives as proposed by CCFA. This list is now different from the list of section
4.2.3.3 of the GSLPF which establishes the class titles to be used on the food labels. The EC is of the opinion that the changes of the technological functions listed in section 4.2.3.3 of the GSLPF are substantive changes and should be considered by CCFL as new work and cannot be adopted directly by the CAC.

Section 4.3.1: The EC supports the proposed changes.

4.2 General Guidelines on Claims

The ECMS supports the proposed changes.

4.3 Guidelines on Nutrition Labelling

The ECMS supports the proposed changes including the elaboration of a definition for "competent authority" in the Procedural Manual (see point 7).

4.4 Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods

Section 8: The ECMS OPPOSE THE DELETION of section 8 of the Guidelines. This section deals with the review of the Guidelines, point on which the Committee is currently discussing. Therefore the deletion of this section is inappropriate at this stage.

5. Code of Hygienic Practice for Powdered Formulae for Infants and Young Children (CAC/RCP066-2007). The EC supports the proposed changes.

6. Links to websites

The EC supports the proposed changes.

7. Use of the term “competent authority”

EC position: The ECMS are in favour of using the term "competent authority" in all cases. The definition presently given in CAC/GL 32-1999 could be used provided that it is complemented as follows:

"Competent authority means the official government administration or agency having jurisdiction or any authority to which it has delegated that competence."


EC position: The ECMS are in favour of aligning the references for lot acceptance in the relevant standards for processed fruit and vegetables with the wording used in the latest standards revised by CCPFV.
PART II: EDITORIAL AMENDMENTS TO TEXTS PROPOSED FOR ADOPTION AT THE 31ST SESSION OF THE COMMISSION

European Community comments on
Codex Circular Letter CL 2009/2-CAC

Subject: Request for comments and information on: Use and Validity of certain old Codes, Standards and Related Texts

According to the experience of the European Community, the following standards are still applied in trade of processed meat products and should therefore be retained and revised where necessary:

- CODEX STAN 88-1981: Corned Beef;
- CODEX STAN 89-1981: Luncheon Meat;
- CODEX STAN 96-1981: Cooked Cured Ham;
- CODEX STAN 97-1981: Cooked Cured Pork Shoulder; and
- CODEX STAN 98-1981: Cooked Cured Chopped Meat

The following standard appears redundant and could therefore be revoked:
- CAC/RCP 7-1974: System for the Description of Carcasses of Bovine and Porcine Species

PART III: TEXTS FOR CONSIDERATION FOR REVISION OR REVOCATION

1. Amendments to the Section on Contaminants and Pesticides in Commodity Standards

1.1 Standards in which only provisions for contaminants are relevant

Food Grade Salt (CODEX STAN 150-1985)

**EC position:** the ECMS support the proposal to add the proposed statement.

1.2 Standards in which provisions for contaminants and pesticides are relevant

1.2.1 Named Vegetable Oils (CODEX STAN 210-1999)

**EC position:** the ECMS fully support this amendment.

1.2.2 Table Olives (CODEX STAN 66-1981); Olive Oils and Olive Pomace Oils (CODEX STAN 33-1981)
EC position: the ECMS are of the opinion that before amending these standards the CCFO should reconsider, as suggested, whether halogenated solvents should be considered contaminants.

1.2.3 Standards for fresh fruits and vegetables

EC position: the ECMS support this proposal

1.2.4 Standards for processed fruits and vegetables and fruit juices

EC position: the ECMS support this proposal

1.2.5 Standard for Dates (CODEX STAN 143-1985)

EC position: the ECMS support this proposal

1.2.6 Standards for cereals, pulses and legumes

EC position: the ECMS support that when provisions for contaminants exists in the GSCTF, the general statement referring to contaminants and pesticide MRLs could replace the current sections. The ECMS also support that the provisions on cyanogenic glycosides in the Standards for Gari and Edible Cassava Flour could be included in the section on contaminants.

1.2.7 Vegetable protein products

EC position: the ECMS supports the proposal to delete the section on contaminants in these standards as no provisions for contaminants exist in these products.

1.3 Standards including specific provisions for contaminants or pesticides

1.3.1 Processed vegetables

EC position: The ECMS support that this question is referred to the CCPFV for further consideration.

1.3.2 Foods for special dietary uses

EC position: The ECMS agree with the proposal to maintain the entire section unchanged in view of the specificity of the products.

1.4 Standards in which a reference to veterinary drug residues is relevant

EC position: The ECMS support the proposal to introduce a general statement referring to compliance with the maximum levels/limits established by the CCCF, CCPR and CCRVDF.

1.5 Other standards

Honey (CODEX STAN 12-1981, last revision in 2000)
EC position: The ECMS support the proposal to invite the relevant Committees to consider if the provisions on MRLs for pesticides and veterinary drugs and for contaminants in this standard are necessary or not and inform the Commission accordingly.
Agenda Item 9  List of Proposals for the Elaboration of New Standards and Related Texts (including project documents submitted) and for the Discontinuation of Work

ALINORM 09/32/9

(Proposals Arising by 3 April 2009)

Proposals for New Work


Mixed Competence

Member States Vote

EC position: In favour of new work.

2) CCPFV: REVISION OF CODEX STANDARDS FOR TABLE OLIVES (CODEX STAN 66-1981)

Mixed Competence

Member States Vote

EC position: In favour of new work.

3) CCPFV: REVISION OF CODEX STANDARDS FOR GRATED DESICCATED COCONUT (CODEX STAN 177-1991)

Mixed Competence

Member States Vote

EC position: In favour of new work.

4) CCFICS: PRINCIPLES AND GUIDELINES FOR NATIONAL FOOD CONTROL SYSTEMS

Mixed Competence

European Community Vote
EC position: In favour of new work.

5) CCFH: CODE OF HYGIENIC PRACTICE FOR CONTROL OF VIRUSES IN FOOD

Mixed Competence

European Community Vote

EC position: In favour of new work.

6) CCCF: MAXIMUM LEVELS FOR FUMONISINS IN MAIZE AND MAIZE PRODUCTS AND ASSOCIATED SAMPLING PLANS

Mixed Competence

European Community Vote

EC position: In favour of new work.

7) CCCF: CODE OF PRACTICE FOR THE REDUCTION OF ETHYL CARBAMATE IN STONE FRUIT DISTILLATES

Mixed Competence

Member States Vote

EC position: In favour of new work.

8) CCCF: REVISION OF THE CODE OF PRACTICE FOR THE PREVENTION AND REDUCTION OF AFLATOXINS IN TREE NUTS: ADDITIONAL MEASURES FOR BRAZIL NUTS

European Community Competence

European Community Vote

EC position: In favour of new work.

9) CCCF: MAXIMUM LEVELS FOR MELAMINE IN FOOD AND FEED

Mixed Competence

European Community Vote

EC position: In favour of new work.
Proposals for the Discontinuation of Work

1) CCPFV: GUIDELINES FOR PACKING MEDIA FOR CANNED VEGETABLES

*Mixed Competence*

**Member States Vote**

**EC position:** In favour of discontinuation.

2) CCFO: AMENDMENT TO THE STANDARD FOR NAMED VEGETABLE OILS ON TOTAL CAROTENOIDS IN UNBLEACHED PALM OIL (N01-2005)

*Mixed Competence*

**Member States Vote**

**EC position:** In favour of discontinuation.

3) CCFA: DISCONTINUATION OF WORK ON DRAFT AND PROPOSED DRAFT FOOD ADDITIVE PROVISIONS OF THE GENERAL STANDARD FOR FOOD ADDITIVES

*European Community Competence*

**European Community Vote**

**EC position:** In favour of discontinuation.

4) CCMAS: - DISCONTINUATION OF WORK ON THE DRAFT GUIDELINES FOR EVALUATING ACCEPTABLE METHODS OF ANALYSIS

*Mixed Competence*

**Member States Vote**

**EC position:** In favour of discontinuation.
Agenda Item 9  List of Proposals for the Elaboration of New Standards and Related Texts (including project documents submitted) and for the Discontinuation of Work

ALINORM 09/32/9- Add. 1

(Proposals Arising after 3 April 2009)

Proposals for New Work

1) CCPR: PRIORITY LIST OF CHEMICALS SCHEDULED FOR EVALUATION AND RE-EVALUATION BY JMPR

Mixed Competence

European Community Vote

EC position: ECMS in favour of new work.

2) CCRVDF: PRIORITY LIST OF VETERINARY DRUGS FOR EVALUATION OR RE-EVALUATION BY JECFA

Mixed Competence

European Community Vote

EC position: In favour of new work.

Proposals for Discontinuation of Work

CCPR: DRAFT CODEX MAXIMUM RESIDUE LIMITS FOR PESTICIDES WITHDRAWN

European Community Competence

European Community Vote

EC position: EC in favour of withdrawal.
2) CCRVDF: DRAFT MAXIMUM RESIDUE LIMITS FOR TRICLABENDAZOLE IN GOAT TISSUES

European Community Competence

European Community Vote

EC position: EC in favour of withdrawal.

PART V  POLICY AND GENERAL MATTERS

Agenda item 12  Matters arising from the Reports of the Commission, Codex Committees and Task Forces – General Matters

ALINORM 09/32/9C

(Matters Arising by 3 April 2009)

I. MATTERS FOR ACTION BY THE COMMISSION

THE 31st SESSION OF THE CODEX ALIMENTARIUS COMMISSION

○ Future work on animal feeding

Mixed Competence

Member States Vote

European Community Comments on
Codex Circular Letter CL 2008/40-CAC

Subject: Proposals for the Scope and Terms of Reference of Future Work on Animal Feeding and Suitable Mechanisms for Codex to Carry out this Work (to be considered at the 32nd Session of the Codex Alimentarius Commission)

1. Background
This document is the European Community response to Codex Circular Letter CL 2008/40-CAC of December 2008 requesting comments on the proposals for the Scope and Terms of Reference of Future Work on Animal Feeding and for Suitable Mechanisms for Codex to carry out this Work. The deadline for comments is 15 March 2009.

The European Community would like to thank Codex and the electronic Working Group, in particular its host and co-chair countries, for their substantial efforts in undertaking this work which has resulted in some extremely valuable outputs.

2. Terms of Reference

The European Community considers that the work described in points number 4, 5 and 6, in the paper of the electronic Working Group is particularly worthy of endorsement and future action within Codex, namely:

- (4) the development of guidelines for governments on how to apply the existing Codex risk assessment methodologies to the various types of hazards in feed;
- (5) the development of a prioritized list of hazards in feeds for governments use; and
- (6) the development of criteria for the global identification and notification of emergency situations affecting the feed sector, taking into account systems existing already in food and, therefore, encompassing more clearly all food safety risks in the food chain.

The European Community considers that the work described in points 1, 2 and 3 in the paper of the electronic Working Group also merits future action within Codex, particularly in order to identify gaps relating to food safety issues coming from feed, namely:

- (1) examine existing Codex texts concerning risk analysis principles;
- (2) examine the existing Codex texts on exchange of information and rejection on imported food; and
- (3) examine the Codex Code of Practice for Source Directed Measures to reduce Contamination of Food with Chemicals.

3. Suitable Mechanisms

The European Community concurs with the electronic Working Group that the work described in points 4, 5, and 6 should be taken forward by a Codex Task Force. In doing so, experience gained within the predecessor Task Force that developed the Code of Practice on Good Animal Feeding (CAC/RCP 54–2004) should be taken into account.

The European Community considers that if it is agreed that a Codex Task Force is an appropriate mechanism for carrying out tasks 4, 5 and 6, it would appear to be wholly consistent, for it also to undertake the analysis in respect of tasks 1, 2 and 3. It could then make efficient use of the available expertise and resources at its disposal in order to prepare
reports for consideration by the relevant Codex Committees identified by the electronic Working Group.

- **The use of the lactoperoxidase system (LPS) for milk and milk products in international trade**

**Mixed Competence**

**European Community Vote**

**EC position:** The ECMS support the proposal by New Zealand to amend footnote 9 in Appendix A: "Any trade in milk treated by the lactoperoxidase system should only be on the basis of mutual agreement between countries concerned, and without prejudice to trade with other countries."

**Background:** ALINORM 09/32/9C

15. The Delegation of New Zealand noted that the Code of Hygienic Practice for Milk and Milk Products (CAC/RCP 57-2004) allowed for several microbiostatic control measures including the LPS and that the use of any of these measures required validation prior to their use with respect to their effectiveness and safe use. The Delegation, pointing out that this point was also emphasized in the *Guidelines for the Validation of Food Safety Control Measures* (CAC/GL 69-2008), which provided that control measures required validation on a case-by-case basis, proposed that the restriction be lifted, but that the use of the LPS be conditional on infrastructure and validation and be based on mutual agreements between countries depending on patterns of trade, and in line with this observation, further proposed to amend footnote 9 in Appendix A: Microbiostatic Control Measures - Code of Practice for Milk and Milk Products by the addition of the following: "Any trade in milk treated by the lactoperoxidase system should only be on the basis of mutual agreement between countries concerned, and without prejudice to trade with other countries." This view was supported by many delegations.

**THE 17th SESSION OF THE CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS (CCFICS)**

**Mixed Competence**

**European Community Vote**


**EC position:** In favour of requesting the Codex Committees on Fish and Fishery Products and on Milk and Milk Products to consider revising the *Model Certificate for Fish and Fishery Products* and *Model Export Certificate for Milk and Milk Products* to ensure consistency with the Generic Model Official Certificate.
o Development of guidelines for traceability/product tracing in the context of food import and export and certification systems

**EC position:** The ECMS consider traceability a very important element in food safety control systems and remind that the OIE is taking steps to establish guidance on traceability of animal products. Therefore, the ECMS support the recommendation of CCFICS to request the FAO/WHO Coordinating Committees to discuss whether there was a need for further guidance on traceability/product tracing.

**THE 41st SESSION OF THE CODEX COMMITTEE ON FOOD ADDITIVES (CCFA)**

o Food additive provisions in commodity standards

**European Community Competence**

**European Community Vote**

**EC position:** The EC agrees that commodity committees should be encouraged to consider the recommendations of the CCFA when developing commodity standards. The EC would in particular emphasise that the guidance provided in the Preamble of the GSFA requires that there needs to be technological justification for the use of food additives. It appears that commodity committees do not always take this precondition sufficiently into account when preparing food additive provisions for commodity standards. This problem was evident in the preparation of the standards for jams, jellies and marmalades and for canned vegetables by CCPFV.

**Background**

ALINORM 09/32/19, para. 21:

"The Coordinating Committee for Europe noted that is important for delegations to stress in the relevant Codex Commodity Committees that in accordance with section 1.2 of the Preamble of the General Standard for Food Additives, Commodity Committees had the responsibility and expertise to appraise and justify the technological need for the use of additives in foods subject to a commodity standard, while the task of the Codex Committee on Food Additives was more focused on the safety of these food additives.

Therefore, when the food categories, as defined by the GSFA, are much broader than the scope of the Codex Commodity Standards it is not appropriate to just refer in a commodity standard to the list of food additives of the corresponding food category (para. 80)."
THE 25th SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES (CCGP)

- Matters arising from the FAO/WHO Coordinating Committee for Latin America and the Caribbean (CCLAC)

**Member States Competence**

**Member States Vote**

**EC position:** The MSEC maintain their position that the current guidance concerning the preparation of reports is balanced allowing reports to be sufficiently informative whilst not being too long and detailed. To provide additional clarification, the MSEC agree with the recommendation of CCGP to insert the following sentence in the Section "Conduct of Meetings - Guidelines on the Conduct of Meetings of the Codex Committees and Ad Hoc Intergovernmental Task Forces" of the Procedural Manual:

"The names of delegations should be recorded in the report upon their request whenever a decision has been taken by the Commission or its subsidiary bodies despite their opposition"

- **The concept of consensus and its application in Codex**

**EC position:** The MSEC welcome all the actions proposed by CCGP (preparation of chairs' booklet, informal meetings of chairs etc.) to further facilitate consensus in Codex decision making. As for the definition for consensus, the MSEC maintain their position that creating a rigid definition for consensus may prove to be a very difficult task and might not be the most productive way to improve its application within Codex. Instead, the actions proposed by CCGP could be more effective approach. The MSEC are not fully convinced that the paragraph proposed by Malaysia would bring clarity on the application of consensus, instead it would seem to create more questions than answers. However, the MSEC remain open to further discuss in CCGP the Malaysian proposal and any other proposals to facilitate consensus.

Taking into account the outcome of the discussions in the CCEXEC further coordination on-the-spot could be necessary.

- **Possibility for a study on the possible introduction of qualified majority voting and its implications**

**EC position:** The MSEC consider it useful to conduct a study on the introduction of qualified majority voting with a clear understanding that consensus continues to be the primary tool in Codex decision making.

- **Terms of reference of FAO/WHO Coordinating Committees**

**EC position:** The MSEC are in favour of endorsing the confirmation that the current Terms of Reference of FAO/WHO Coordinating Committees allow issuing regional positions.
THE TENTH SESSION OF THE FAO/WHO COORDINATING COMMITTEE FOR NORTH AMERICA AND SOUTH WEST PACIFIC (CCNASWP)

**Member States Competence**

**Member States Vote**

- Information on national food control systems and consumer participation in food standard setting

**EC position:** The MSEC consider it useful to make information available on national food control systems and consumer participation in food standard setting. However, the MSEC are open to discuss whether the repetitive exercise to request members to submit this information for each session of Regional Coordinating Committees is the most appropriate way for this purpose. As an alternative, members could consider making up-to-date information available on their official websites. The Regional Coordinating Committees could keep the issue on their agenda to allow exchange of views and sharing of experiences in implementing food control systems and consumer participation in standard setting.

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**Agenda item 12 a) Matters arising from the Reports of the Commission, Codex Committees and Task Forces – General Matters**

ALINORM 09/32/9C-Add.1

(Matters Arising after 3 April 2009)

I. MATTERS FOR ACTION BY THE COMMISSION

THE 37th SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING

**Definition of the "competent authority"**

**Mixed Competence**

**Member States Vote**

**EC position:** The ECMS are in favour of proposed replacement. The ECMS also support the CCFL view that the term "competent authority" should be defined Codex wide in the Procedural Manual.

**Background:**

The CCFL agreed to replace the words “national authority having jurisdiction” with “competent authority” in Section 3.2.6.2 of the *Guidelines for Nutrition Labelling* (CAC/GS 2-1985), on the understanding that for the purposes of the CCFL the term “competent authority” means “the official government agency having jurisdiction” as defined in Section 2.2 of CAC/GL 32-1999.