

European Union Comments
CODEX COMMITTEE ON FOOD ADDITIVES

Forty-Eight Session

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AGENDA ITEM 4(b)

**ALIGNMENT OF THE FOOD ADDITIVE PROVISIONS OF COMMODITY STANDARDS
AND RELEVANT PROVISIONS OF THE GSFA**

(CX/FA 16/48/6)

European Union Competence
European Union Vote

The European Union (EU) would like to thank Australia for chairing the electronic Working Group (eWG) and developing the discussion paper.

General comments

The EU appreciates the work on the alignment between provisions on commodity standards and relevant provisions of the GSFA. The EU recognises the complexity and the extent of this work and is generally supportive to the approach taken as outlined in the discussion paper.

Specific comments

Appendix 2 – Issues arising from the eWG discussion in relation to chocolate and cocoa products

A1. Appendix 3 (1E) - Proposed amendments to Table 1 of GSFA for Polysorbates, for food category 5.1.4

The EU supports the revised New Note 101 which includes the group of polysorbates. The EU believes that the revised New Note 101 should replace New Note 101 in Appendix 4 (CX/FA 16/48/6, page 29)

A2. Amend the new entry (3.4) relating to CODEX STAN 87-1981 in Appendix 2(B) dealing with carry over

The EU supports the chair's proposal.

The reference to Section 4.1 of the Preamble to GSFA is not necessary if there is a common understanding that Section 4 of the Preamble to GSFA also applies to the Commodity Standards and an additive may be proportionally present in the standardised products as a result of carry-over from raw materials or other ingredients provided such additive use is acceptable according to the GSFA.

A3. Amendments relating to food category 05.1.1

The EU supports the chair's proposal to keep the current Note 97. In the EU's understanding the note is needed because finished cocoa or chocolate products might be different to the final product as consumed.

A4. Group permissions in the GSFA compared to single food additive permissions in commodity standards (e.g. tartrates compared to L(+)-tartaric acid)

The EU supports that group permission for tartrates is added. However, to reflect that only INS 128 tartaric acid is permitted in the commodity standards the EU recommends adding Note 128 ("Tartaric acid (INS 334) only") to the provision.

A5. Amendments relating to food category 05.1.4

The EU supports the chair's proposal.

A6. Dealing with GMP food additives in the commodity standards; making entries into Table 3 of the GSFA

The EU supports the chair's proposal.

A7. Limitations for flavourings to be consistent with CS 87-1981, CS 141-1983 and CS 105-1981

The EU considers that deleting existing harmonized maximum levels for flavourings is out of the scope of the alignment process. Hence the EU is of the position to keep the maximum level set for vanillin and ethyl vanillin in CS 87-1981. The EU supports the proposal in appendix 3.

A8. Amendments to new note AA to improve clarity (Appendix 3, I. A. relating to category 05.0)

The EU supports the chair's proposal to amend New Note AA to improve clarity.

A9. Amendments to CX 87-1981 dealing with flavouring limitations for vanillin and ethyl vanillin

See the EU's reply to A7.

Appendix 3 – proposed amendments to the food additive provisions of the Codex commodity standards

Proposed amendments to CS 87-1981

As regards the general reference to the GSFA in section 3.1, for "colours" the EU suggests the following amendment: colours (for **surface** decoration purposes only).

The EU takes note that the current text corresponds to the text in CS 87-1981, however, the EU is of the view that the intention was to allow colours only for surface decoration and not for the decoration of chocolate mass. The proposed amendment is in line with the wording of (New) Note 183 in the GSFA.

As for the use of processing aids for the sake of consistency the EU prefers to use the same structure as suggested for CS 86-1981 – i.e. firstly, to refer to hexane and then to the guidelines, both under the same Section 3.3 as follows:

3.3 PROCESSING AIDS	MAXIMUM LEVEL
Hexane (62°C - 82°C)	1 mg/kg calculated on a fat basis
The processing aids used in products conforming to this Standard should be consistent with the Guidelines on Substances used as Processing Aids (CAC/GL 75-2010)	

Appendix 4 – proposed amendments to the GSFA as regards chocolate and cocoa products

As a general remark the EU noticed that in notes that provide for a different maximum use levels for standardised products only the number (i.e. "at XXX mg/kg") without the words "maximum level" (e.g. "...up to a maximum level of XXX mg/kg...") is mentioned. The EU takes note that this approach was used in the past and that there are several notes with such text in the GSFA. However, in the EU's view the Committee could consider including the additional text "**...up to a maximum level of XXX mg/kg...**" for the sake of clarity to all notes which provide for a numerical maximum level.

As regards category 05.1.4 the EU supports the revised New Note 101 as presented in point A1 of appendix 2 and does not support New Note 101 as outlined on page 29 of CX/FA 16/48/6. The EU also supports the revised New Note 183 which reads "For use in surface decoration only".

The EU has one editorial remark – the proposed amendments to Table 2 of the GSFA for category 05.1.4 (CX/FA 16/48/6, page 29) refer to carotenoids as 160a(i), (ii), e, f whilst the correct reference should be 160a(i),a(iii),e,f.

Appendix 5 – alignment of the commodity standards identified by CCFPP and CCPFV

The EU supports the approach taken.

Appendix 6 - proposed amendments to the GSFA as regards CCFPP and CCPFV standards

The EU would like to offer certain observations for the amendments proposed.

CCFFP request for the adopted GSFA provisions not technologically justified in CS 311-2013

The EU takes note that the proposed amendments are based on the specific request made by the CCFFP. In this respect the EU observes that the alignment deals only with the food additives referred to the CCFA by the CCFFP. Therefore, the proposed approach differs comparing to that one used for the alignment of the meat commodity standards (or currently used for the standards on chocolate and cocoa products) and it does not lead to a full alignment according to the decision tree. Consequently, the list of individual food additives in CS 311-2013 cannot be replaced by a general reference to the GSFA. Therefore, the EU notes that a further work on a full alignment between CS 311-2013 and the corresponding GSFA food category will be needed in the future.

In addition, the EU would like to bring the attention to New Note 22 worded as “For use in non-standardized smoked fish products only.”

The EU would like to note that the Standard for smoked fish, smoke-flavoured fish and smoke-dried fish is broad and it is not clear to what kind of “non-standardized smoked fish products” is New Note 22 referring to. Such clarification is necessary. In the EU’s view New Note 22 should be fine-tuned to refer to specific non-standardized smoked fish products (if such products exist) since the CCFFP clearly noted the food additives which are not technologically justified in smoked fish.

Finally, the EU suggests an amendment to Note AA and BB (see below) to clarify that Annatto extracts, bixin-based and Tartrazine are not permitted for use in Smoke-dried Fish (CODEX STAN 311-2013) which is currently not captured in the proposed notes.

AA: Except for use in smoked fish and smoke-flavoured fish conforming to the *Standard for Smoked Fish, Smoked-flavoured Fish and Smoke-dried Fish* (CODEX STAN 311-2013) at 10 mg/kg as bixin. **Not permitted for use in Smoke-dried Fish (CODEX STAN 311-2013).**

BB: Except for use in smoked fish and smoke-flavoured fish conforming to the *Standard for Smoked Fish, Smoked-flavoured Fish and Smoke-dried Fish* (CODEX STAN 311-2013) at 100 mg/kg. **Not permitted for use in Smoke-dried Fish (CODEX STAN 311-2013).**

CCPFV standards

The EU takes note of the request made by the CCPFV for some food additive provisions which are not technologically justified in certain standards developed by the CCPFV. The EU can support the proposed amendments.

However, the EU notes that the discussion paper goes further and even if not within the scope of the eWG it proposes to consider adding references to Section 2 of the Annex to Table 3 of the GSFA and in case of CS 13-1981 and CS 57-1981 to replace the specific lists of food additives in the commodity standards by a general reference to the GSFA.

Whilst the EU is generally supportive to both proposals it considers that for the sake of consistency with the alignment carried out in the past and in line with the decision tree (see BOX B and BOX C) XS notes excluding the additional additives in the corresponding GSFA categories should be added to achieve a full alignment. The EU notes that this was not done (i.e. in case of all mentioned commodity standards the GSFA additive provisions in the corresponding categories which are of the functional classes other than those referred to in the commodity standards should be associated with XS notes; in case of CS 13-1981 and CS 57-1981 it applies also to acidity regulators other than those listed in CS 13-1981 and CS 57-1981).