



GFORSS

GLOBAL FOOD REGULATORY  
SCIENCE SOCIETY



foodregsci

# Codex Standards and WTO

## Obligations

*Discussion Point*

# Case Study 1 / Background

- ❑ Country A's food competent authority has been administering a robust regulatory framework for food additives.
- ❑ The National food additive regulation is based on an application-based system, where industry wishing to use a food additive in a product available for sale in Country A has to submit an application to the competent authority, which includes a Dossier that demonstrates the efficacy and safety of the food additive application for consumers of country A.
- ❑ In making its decision, the food authority of country A, reviews the information provided by the petitioner and conducts a safety assessment taking into account JECFA evaluations when they exist, and assessments carried out by like-minded organizations
- ❑ As part of its national food safety policy, Country A decided and applied the following policy over the last 15 Years:
  - Synthetic food coloring are not allowed for addition in food destined for children, such as Candies and other confectionary products.

# Part 1

- ❑ The Codex Committee on Food Additives is considering a standard related to Additive X.
  
- ❑ Additive X (e.g. Tertiary Butyl Hydroquinone : TBTQ) is to be allowed for addition in various processed foods as an **antioxidant (that prevents to prevent oils and fats from oxidative deterioration and rancidity)**, the list of food includes Instant Noodles - At the level of 200 mg/kg
  
- ❑ Country A has already allowed TBTQ as part of the list of authorized additives. But based on a high consumption level of Instant Noodles by CountryA's population, the level of TBTQ allowed in Country A was set at 80 mg/kg
  
- ❑ **You are Country A's delegation at the CCFA: How do you formulate your position :**
  - **Formulate your position**
  - **Explain Why**

# Part 2

- ❑ At the same session of CCFA, the Committee is considering a new Synthetic Colour for addition to the General Standard of Food Additives.
- ❑ This Synthetic would have a key use in Candies and other confectionary Products.
- ❑ This Colour went through a JECFA assessment which determined that it was safe, under the planned conditions of use, and helped determine such planned conditions i.e. the quantities that may be allowed in various foods
- ❑ Country A Supported the Adoption of the Standard, considering that the Additive fulfils Codex Conditions
- ❑ A Major Food Additive Producer and a Major Confectionary Producer applied to Country A to use the same food additive and Country A's food authority denied the application, based on its policy: *“ Synthetic food coloring are not allowed for addition in food destined for children, such as Candies and other confectionary products”*
- ❑ **Can Country A be subject to a WTO Challenge for denying the application of the Food Additive Producer ?**
- ❑ **Should Country A change its national regulation, and allow the Synthetic Food Colouring as a result of the adoption of the new Codex Standard for this synthetic food colouring in Candies ?**

# Reminder : National Legislation & Codex

## التشريعات الوطنية

□ دليل الاجراءات في الدستور الغذائي - المبادئ العامة  
للدستور الغذائي - طابع مواصفات الدستور

□ مواصفات الدستور الغذائي والنصوص ذات الصلة ليست  
بديلاً عن التشريعات الوطنية. فكل بلد قوانين وإجراءات  
إدارية تتضمن أحكاماً من الضروري الالتزام بها.

□ Codex Procedural Manual – General Principles  
of the Codex Alimentarius – Nature of Codex  
Standards

□ *Codex standards and related texts are not a  
substitute for, or alternative to national  
legislation. Every country's laws and  
administrative procedures contain provisions  
with which it is essential to comply.*