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SCIENCE SOCIETY

ANALYSIS OF AGENDA ITEMS AND PREPARATION FOR THE
47th SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING (CCFL47)

15-19 May 2023, Gatineau, Québec, Canada

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**It is important to note that experts – members of the Expert Working Group (EWG) – do not represent the organizations and / or jurisdictions to which they are affiliated. The selection and participation in the EWG proceedings is based on each expert’s own credentials and experience which should not be misconstrued as the country’s / delegation’s / organization’s position to which they belong.*

Objectives

This document offers a review and analysis of the agenda items planned for discussion at the 47th session of the Codex Committee on Food Labelling, scheduled to take place in Gatineau, Québec, Canada from 15 – 19 May 2023.

The document is intended for possible use by the Codex communities of practice promoted by [GForSS](#) and [PARERA](#), as part of their contribution to enhancing awareness and supporting effective participation in international food standard setting meetings (Codex meetings) by representatives from members and observers.

The analysis provided in this document offers a factual review of agenda items, their background and a discussion of some considerations. This analysis is indicative in nature and does not represent an official position of the organizations mentioned above ([PARERA](#) and [GForSS](#)), their membership or their management.

This analysis is prepared as part of the **Codex Asia Initiative**, part of the **Codex Outreach Program** implemented by [PARERA](#) and [GForSS](#), in partnership with Landolakes Venture 37 and ILSI South East Asia, and funded by the US Codex Office, US Department of Agriculture.

Items of Interest

The highlights of this session include:

- ❖ The Proposed **Draft Guidelines on the provision of Food Information for Prepackaged Foods Offered via E-Commerce** – agenda item 6,
- ❖ The Proposed Draft **Guidelines on the Use of Technology to Provide Food Information: Amendment of the General Standard for the Labelling of Prepackaged Food** – Agenda Item 7
- ❖ Discussion Paper on **Food Labelling Exemptions in Emergencies**– Agenda Item 10

Agenda Item 6: Draft Guidelines on the provision of Food Information for Prepackaged Foods Offered via E-Commerce

Documents: [CX/FL 23/47/6](#)

Status in Codex Step Process: Step 3

Background

- ❖ CCFL45 agreed to start new work on internet sales/e-commerce through reviewing and then revising Codex food labelling texts. The new work was approved by CAC42.
- ❖ an EWG was established and was tasked to prepare a proposed draft text for circulation at Step 3 for consideration by CCFL46. The EWG was chaired by the United Kingdom, and co-chaired by Chile, Ghana, India, and Japan.
- ❖ At CCFL46, the ‘Proposed Draft Supplementary Text to the GSLPF on the Food Information Requirements for Pre-packaged Foods to be Offered via e-Commerce’ was discussed. The Committee agreed to return the work to Step 2 for further development with the same Chair and co-chairs.
- ❖ Outstanding issues included: the Status of the document as a supplementary text, Definition of e-Commerce, Minimum Durability and Small Unit Exemption.



*Considerations and Current State***CCFL47 was invited to:**

- i) Review the proposed draft guidelines (Appendix II) and consider whether it can be advanced to Step 5.
- ii) Review the status of the draft text as a supplementary text to the GSLPF and consider whether the text extends beyond the scope of the GSLPF.
- iii) Review the proposed definition of e-commerce, as amended from the WTO definition, and consider options around this definition.

Some of the considerations around this Codex work are as follows:

- ❖ It is important that the work on this text such as the definition of “food information” aligns with the draft Guidelines on the Use of Technology to Provide Food Information, under preparation.
- ❖ These guidelines are meant to lead to a set of requirements for information to be provided to consumers shopping for food online, which must be comparable to the information provided or accessible when shopping in a physical store.
- ❖ The discussion on “minimum durability” and on whether this aspect should be included in these guidelines should be guided by the alignment with the principles related to providing **a best before or use-by date** on the label of the physical food as set out in section 4.7.1 of the GSLFP.

As a result, there should be consideration for amending the draft definition of “**period of minimum durability**” such that it is based on when the product is shipped or picked up by the consumer (as opposed to its point of delivery)

- ❖ The discussion around “small unit exemption” should be guided by the fact that the limitations observed around availability of information in physical setting do not apply, given that electronic information has no space limitation.
- ❖ Currently, several items for which no consensus was achieved at the EWG are referred to be dealt with, at the national legislation level. While this is accurate for any provision (i.e., that national legislation always applies), deferring to national legislation at multiple occasions in a Codex text negates the value of the text to drive harmonization of food regulatory decisions pertaining to food labelling globally.

Conclusion

Given that there were limited discussions on this item at previous plenary settings of CCFL, it will be important that enough time is devoted to reach consensus on key considerations proposed by this text.

Agenda Item 7: Proposed draft Guidelines on the Use of Technology to Provide Food Information: Amendments to the General Standard for the Labelling of Prepackaged Foods

Document: [CX/FL 23/47/7](#)

Status in Codex Step Process: Step 3

Background

- ❖ CCFL44 considered new work based on the direction provided from the Discussion Paper on Future Work and Direction for CCFL, which identified the item “Innovation – use of technology in labelling” as one of the key areas of future work for CCFL, in relation with new approaches that consumers are to receive information about the food they buy.



- ❖ The proposed new work received broad support from the membership and Canada agreed to prepare a discussion paper on the matter.
- ❖ CCFL45 discussed the paper produced and confirmed the level of interest to this work, with the added guidance to clarify the distinction between this work and the work to be carried out by CCFL on internet sales/e-commerce. A revised discussion paper was therefore to be developed along with a possible project document on new work.
- ❖ CCFL46 agreed to start new work **on the use of technology in food labelling**, which was approved by CAC44 (November 2021). CCFL46 also agreed to establish an electronic working group (EWG), **chaired by Canada**, to prepare a proposed draft text for circulation for comments at Step 3 and consideration by **CCFL47**.

Considerations and Current State

CCFL47 was invited to:

- ❖ consider the Proposed Draft Guidelines on the use of technology to provide food information (Appendix II), and to:
 - i) agree that the proposed definition of “food information” should align with the same term used in the CCFL EWG on e-commerce/internet sales;
 - ii) agree that Sections 4(1) and 4(2) cover the intent of item (a) in Project Document for this work and that the GSLPF would not require revisions;
 - iii) discuss whether a reference to “purchasers” is needed, or if “consumers” is sufficient; and
 - iv) consider if the criteria in Section 5 of the Proposed Draft Guidelines in Appendix II address items 3 (b)(i) and (ii) of the Project Document for this work.

General Considerations

- ❖ It is important to have a harmonized definition of “food information” between the work streams for the Use of Technology to Provide Food Information and E-Commerce / Internet Sales.
- ❖ Sections 4(1) and 4(2) of the draft guidelines seem to cover well the intent of item 2(a) in the Project Document to prevent false and misleading food information. As a result, there is no need to consider revisions to the GSLPF, upon inclusion of these sections in the draft guidelines.
- ❖ There is value to include both “consumers” and “purchasers” in the guideline. The word “purchasers” would equally apply to persons purchasing foods for catering purposes.
- ❖ Section 5 of the draft guidelines includes useful principles that would guide competent authorities in determining the relevant use of technology to provide food labelling type information. The criteria also support the work on the (Temporary) Labelling Exemptions in Emergency Situations to be discussed at CCFL47 (criteria 5(7))

Conclusion

Although this item is being discussed for the first time at CCFL47. There does not seem to be polarising issues around it.

It is therefore possible for this item to move forward in the step process if discussions at plenary would support consensus on the draft.



Agenda Item 10: Discussion Paper on *Labelling Exemptions in Emergency Situations*

Document: [CX/FL 23/47/10](#)

Background

- ❖ CCFL46 discussed the possibility of future work to assist countries in establishing flexibilities in food labelling requirements when necessary, to assure supply chain resilience during national or global public health emergencies, such as the current COVID-19 pandemic.
- ❖ CCFL46 agreed that the U.S. would prepare a discussion paper to outline possible new work for consideration by CCFL and that a CL would be issued to request information to support the development of this discussion paper.
- ❖ A set of questions were developed and circulated to Codex members in March 2022 through CL 2022/09-FL to assist the formulation of this paper. The questions were intended to obtain input from the Codex membership and to share their experience, if any, with labelling flexibilities, and to guide and inform the types of labelling flexibilities to be considered as part of the future work.
- ❖ Feedback received was also intended to help assess whether the labelling flexibilities adopted are best addressed by amendments to the GSLPF (CXS 1-1985) or through a separate guideline document. This discussion paper summarizes responses from Codex members to CL 2022/09-FL and proposes elements for CCFL consideration to guide discussions on potential work regarding labelling exemptions in emergencies.

Considerations and Current State

The Committee is invited to:

- i. consider the key considerations noted in this discussion paper;
- ii. consider initiating new work on guidelines on food labelling exemptions in emergencies (Project Document in Appendix I).

General Considerations

- ❖ Significant interest was noted from Codex members and observers (as noted from the level of response) in response to the circular letter.
- ❖ Most responses indicate support for future work in this area, noting the necessity of further discussion at CCFL47.

Conclusion

There seems to be broad support to proceed with new work on this issue.

Such new work would need to consider that consumers need to have the same level of access to food information through labelling to make informed purchasing decision, particularly in relation with health and safety related labelling, such as allergen information.

