CODEX COMMITTEE ON FOOD LABELLING

Electronic Working Group (EWG) on the Application of Food Labelling Provisions in Emergencies

Chaired by the United States of America
1st Consultation Paper, April 2025

Please respond to the questions in this consultation paper using the response sheet provided (Appendix II) and post the responses using the Codex Forum online platform by **15 June 2025**

Note: Only one response per Codex Member or Codex Observer is permitted.

Background

At CCFL48, it was discussed that the goal of the proposed work was to develop high-level guidance to assist countries in considering food labelling measures in emergencies when appropriate. Food supply chains may be disrupted due to war, pandemic, and other emergencies. General support was expressed for the proposed work at CCFL. Certain members emphasized that the application of food labelling in emergencies should not result in unsafe food being exported to other countries, and any text should help prevent such scenarios. Others highlighted that the proposal should not permit unilateral implementation of labelling flexibilities on products for export without agreement from the importing country. The United States affirmed these points and agreed to limit the scope of the proposal to foods offered for sale domestically and exported if the country that imports the foods accepts such conditions, and that any text should help prevent unsafe food being offered for sale in importing countries and protect vulnerable populations.

CCFL48 agreed to:

(i) start new work on the application of food labelling provisions in emergencies and submit the project document for approval by CAC47 (Appendix VI).

(ii) establish an EWG, chaired by the United States of America, working in English, to prepare proposed guidelines for circulation and comments at Step 3 and consideration by CCFL49.

(iii) request the EWG to consider the discussion in the committee and all the written comments submitted for consideration by CCFL48.

(iv) leave open the possibility of a PWG or VWG, chaired by the United States of America, meeting before CCFL49 to prepare a revised proposal for consideration by CCFL49; and

(v) inform CCFICS of the new work.

CAC47 outcomes

CAC47 approved as new work the Guidelines on the Application of Food Labelling Provisions in Emergencies. CAC47 noted that the work was relevant and timely as Members had experienced disruptions to the food supply during recent emergencies such as the COVID-19 pandemic, which the new work sought to alleviate. The new work would prioritize food safety in all circumstances and revisions to the project document were made at CCFL48 to emphasize this. Cross-linkages could be made in the Guidelines to existing relevant texts to ensure that Codex Alimentarius principles guide the future text.

EWG Process

Prior to CCFL49, the Chair expects to undertake the work of the EWG through two consultation papers. This first consultation paper seeks general comments on the below draft guidelines and poses several more specific questions regarding elements of the draft guidelines in the response form at the end of this document.

1st Consultation on the Application of Food Labelling Provisions in Emergencies

Taking into consideration the discussion at CCFL48, the Chair seeks comment on the draft guidelines in Appendix I, and the questions in Appendix II to progress the work of the EWG. The Chair invites members of the EWG to focus their comments on the following specific areas and to provide their responses using the response form in Appendix II.

Exporting unsafe product: At CCFL47, certain members emphasized that the application of food labelling in emergencies should not result in unsafe food being exported to other countries, and any text should help prevent such scenarios. The committee, including the EWG Chair, agreed on this approach. Emergencies should never become a pretext to offer for sale unsafe product, through export, import, or domestic commerce. The EWG is invited to review the draft guideline and, if additional text to prevent the sale of unsafe product is necessary, propose additional guidance or concepts for EWG consideration. If countries have experienced such scenarios, this feedback is welcome

as well for the EWG to fully understand the extent of this concern.

Emergency declaration criteria: At CCFL47, some members recommended that the guideline further develop criteria to guide competent authorities when determining whether or how to identify an emergency situation that may involve the flexible application of food labelling provisions to maintain a safe and adequate food supply. Currently, the draft guideline references local, regional, national, or international supply chain disruption – one common consequence of emergencies – to describe instances when an emergency situation may be identified. The EWG is invited to consider if it is necessary to develop more robust criteria to assist competent authorities in determining when an emergency, as described in this guideline, is occurring that may necessitate consideration of food labelling flexibilities.

Examples: Some members at CCFL47 found the inclusion of examples to be helpful, while others recommended removing them expressing that they were not appropriate for a Codex text. The EWG is invited to provide feedback on the inclusion of examples in the current draft text, and if including examples is consistent with the drafting of Codex texts.

Ingredient substitution: Ingredient substitution is considered a potential response to certain emergency scenarios in which supply chains are disrupted, therefore impacting food labelling. However, the committee agreed that guidelines should remain high level, and not technical in nature. In considering ingredient substitution guidance, the EWG Chair proposes to the EWG that detailed, technical ingredient substitution guidance, while very important and useful in the context of emergencies, is outside the scope of this high-level labelling work and could be referred to other Codex bodies for consideration of new work. The EWG is, however, asked to consider if ingredient substitution, insofar as it concerns the accurate and truthful representation of such in labelling, could be dealt with at a high, but meaningful, level in these guidelines.

Stakeholder roles and responsibilities: Some members at CCFL47 found the inclusion of stakeholder roles and responsibilities helpful, while others recommended that this approach would deviate from the scope of the work and enter into too much detail. The EWG Chair notes the presence of stakeholder roles and responsibilities in an existing, relevant Codex text: *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CXG 19-1995). Stakeholders could include competent authorities, food business operators, consumers, and potentially others. The EWG is invited to consider whether or how stakeholder roles and responsibilities could be effectively adapted into this guideline.

Regulatory Decision-Making and Discretion: Some members at CCFL47 emphasized the need to consider using regulatory decision-making and implementation (*e.g.* enforcement discretion) in the application of food labelling provisions in emergencies. The Chair welcomes the EWG's comments on whether or not current national legislative or regulatory authorities exist to accommodate consideration of applying food labelling provisions in a flexible manner to ensure a safe and adequate food supply in times of emergency.

APPENDIX I

Draft Guidelines on the Application of Food Labelling Provisions in Emergencies

1. Purpose
The purpose of these guidelines is to provide guidance through principles and decision-making criteria for the consideration and flexible application of food labelling requirements in emergencies that cause supply chain disruptions, and to ensure that the food labelling flexibilities applied by competent authorities in such emergencies are harmonized and risk-based to maintain food safety and fair trade in uncertain situations.

2. Scope
For the purposes of these guidelines, an emergency is understood to mean an exceptional and temporary event that causes significant disruption to the international, regional, national, or local food supply chain, in whole or in part. Emergencies and consequent supply chain disruptions may occur due to human pandemics, animal disease outbreaks, natural disasters, disruption of critical infrastructure, war, famine, and/or other scenarios. These guidelines apply to situations where, in such emergencies, competent authorities are prompted to consider the flexible application of food labelling requirements to maintain a safe and adequate food supply (hereafter referred to as "flexibilities").

For the purposes of these guidelines, such flexibilities are risk-based provisions implemented to the extent and for the periods strictly necessary to facilitate a safe and adequate food supply during an emergency, as determined by competent authorities. These guidelines apply to both prepackaged foods and non-retail containers of food in domestic commerce and exported with the agreement of the importing country.

3. GENERAL CONSIDERATONS
Sections 3.1 and 3.2 *of* the *General standard on the labelling of prepackaged food* (CXS 1-1985), apply to these guidelines.

Competent authorities should consider the following principles when implementing specific applications of food labelling provisions in an emergency. The following general considerations should be applied in a manner that is consistent with all existing and applicable Codex texts.

In preparation for an emergency, competent authorities should**:**

a) Review national legislation to determine which flexibilities authorities are able to grant in an emergency and, if no flexibilities could be offered in such emergencies, harmonize national legislation with these guidelines.

b) Develop a transparent and risk-based plan for considering requests for food labelling flexibilities in times of emergency, indicating stakeholder responsibilities, procedures to be followed, as well as communication with the public and notification to countries that may be importing products from a country experiencing an emergency. Such a plan should be part of an overall national food safety emergency plan.

c) When identifying an emergency, competent authorities should consider whether evidence exists that the event:
   i. Reveals existing food labelling provisions, though effective under normal conditions, now compromise or otherwise negatively impact the availability of a safe and adequate food supply;
   ii. Demonstrates that the flexibility will assist in mitigating the effects of the emergency on the availability of a safe and adequate food supply, and;
   iii. Is exceptional and temporary in nature.

Any flexibilities provided by the competent authority during an emergency should:

a) Not compromise food safety or introduce risks such as foods or ingredients that are known to cause hypersensitivity (*e.g.* allergen labelling) that are not addressed by adequate labeling;

b) Not apply to foods exported without the confirmed agreement of the importing country;

c) Be tailored to proportionally address negative impacts resulting from the emergency, such as risk of shortage of a safe and adequate food supply, as demonstrated by the food business operator (FBO);

d) Be effective only for the period in which negative impacts are experienced, as demonstrated by the competent authority, FBO, or other stakeholders;

e) In the event of approved ingredient substitution, the labeling or supplementary materials should truthfully and accurately represent the substituted ingredients;

f) Consider how products produced during the emergency that remain available for sale after the emergency is

over should be addressed (*i.e.* stock in trade);

g) Be based on an assessment of risk relative to the emergency using all relevant, available information, including consideration of impacts on nutrition or health claims and whether any proposed substitute ingredients are already approved by the competent authority;

h) Arise from issues identified by FBOs and communicated to competent authorities, or be identified by competent authorities;

i) Be monitored and supported by records kept by the FBO and the competent authority to support and document implementation of the flexibilities and enable traceability [placeholder for CCFICS text, Revision to the Principles and guidelines on traceability/product tracing as a tool within a Food Inspection and Certification System (CXG 60-2006)]. All records relevant to the flexibility kept by the FBO should be made available to the competent authority upon request.

j) Not provide undue competitive advantage to one or more FBOs over others;

k) Be communicated in a transparent manner, as far in advance as possible using all effective means, including the use of technology, to FBOs, trading partners, and consumers;

l) Leverage technology-based approaches (CXG 105-2024, Guidelines on the use of technology to provide food information in food labelling) where feasible to enhance the availability of food information to all appropriate stakeholders (*i.e.* FBOs, trading partners, consumers, and competent authorities).

m) Be guided by harmonized principles when considering flexibilities across commodities, FBOs, and trading partners, as far as possible; and apply flexibilities to specific foods/food groups based on the kind and nature of emergency;

n) Be notified to and coordinated with other countries, leveraging international networks such as the International Food Safety Authorities Network (INFOSAN) and other relevant international bodies;

o) Be considered as part of a broader national, regional, or international framework to enhance food supply chain resilience in emergencies.

After an emergency, competent authorities should:

a) Evaluate the results of any flexibilities provided during the period of the emergency and adapt the country's food labelling emergency plan accordingly to promote resilience in future emergencies.

b) Communicate to FBOs, countries, and the public that time-limited flexibilities offered during the emergency are no longer in effect.

4. EXAMPLES OF FLEXIBILITIES

The following are non-exhaustive examples of flexibilities that competent authorities may choose to provide, when sufficiently demonstrated by the FBO as necessary to mitigate the effects of an emergency on a safe and adequate food supply:

a) Labelling format flexibility in how the information is provided.

b) Permit alternative ingredient lists for circumstances when an alternative approved food or ingredient was sourced, allowing formulation changes to be communicated through accompanying documents, websites, in-store materials, or stickering if labelling modification is not possible.

c) Slight variations in nutrition information not reflected in nutrition information panels.

d) Depletion of existing labelling stocks.

e) Provide flexibility around language labelling requirements, except for labelling requirements that impact health and safety, such as allergen labelling.

f) Permit non-food safety labelling flexibilities to allow food made for catering purposes (*e.g.* hotels, restaurants, and institutions) to be sold at retail.

APPENDIX II

RESPONSE FORM
Codex Committee on Food Labelling
EWG on Application of Food Labelling in Emergencies

1st Consultation Paper

Please provide a response using this form and post it on the Codex Forum EWG on the Application of Food Labelling Provisions in Emergencies by **June 15 2025**

Name of Member Country/Organization: European Federation of Allergy and Airways Diseases Patients' Associations (EFA)

Question 1: Is additional text needed in this guideline to prevent the sale of unsafe product? If so, please propose additional text or concepts for the EWG to consider.
☒YES ☐NO
Please provide reasons for your answer: Regarding general considerations (Section 3), EFA understands that, in emergency situations, certain flexibilities might be unavoidable. However, any flexibility that could undermine the health and safety of consumers, including those with food allergy, would be totally unacceptable. In this light, we strongly recommend the Chair to emphasise that, while flexibilities might be possible for a limited period of time, derogations from legal requirements on food allergen labelling shall never be allowed. Indeed, the EFA food allergy patient community stands firmly against any derogation from food allergen labelling requirements, as reflected in the EU Food Information to Consumers Regulation 1169/2011. It is key mentioning an example from 2022 here: as a result of the invasion of subsequent war of Russia in Ukraine, there was an emergency situation with sunflower oil (both countries combined produce around 80% of the world's sunflower oil). As stocks started running short, the food industry looked to replace their recipes with other fats, including peanut oil and wheat germ, categorised as allergens in the European Union. While most EU Member States introduced flexibilities that would still allow allergenic ingredients to be clearly declared, others allowed producers to declare the generic term 'vegetable oils and fats', without mentioning the nature of the substitute oils. Such a practice created uncertainty among consumers with food allergy. The European Commission acknowledged that it is not helpful and did not endorse it. However, the uncertainty persisted because some countries did not adhere to the EC position. Continuing with general considerations, EFA believes that the first priority of competent authorities must be to communicate with the public, through all available channels (traditional and new) about the enforcement of emergency measures, their justification, the sectors/products within the scope and, importantly, the communities expected to be affected. Moreover, particularly with regards to the discussion about a detailed plan in preparation of an emergency (Section 3[b]), such a plan should also include a publicly accessible mechanism through which consumers can provide immediate feedback on potential problems, concerns and disruptions as a result of the emergency measures. Perhaps this is implied already by the reference to 'communication with the public', but it should be more specific and clear. The current Guidelines should also clarify that labelling information, where provided also via electronic means, needs to be up-to-date with emergency measures and flexibilities. This is especially important for safety and health-related information, including ingredient and voluntary statements such as Precautionary Allergen Labelling. Overall, EFA invites the Chair to structure more clearly Section 3, to ensure greater visibility (and also easier navigation among) its various sub-topics. This could take place simply by splitting the existing text into distinct sub-sections e.g. 3.1 Considerations in preparation of an emergency; 3.2 Considerations on flexibilities provided during an emergency; 3.3. Considerations following an emergency. Finally, considering the start of the new guidelines work, ~~we~~ EFA strongly suggest ~~-~~amending the general considerations ~~with~~ to incorporate a more prescriptive wording, for example, using ~~the word~~ 'shall' instead of 'should', which sounds more optional.

Question 2: Are additional criteria necessary to assist competent authorities to determine when an emergency, as described in this guideline, is occurring?

Commented [Ug1]: Acceptable or unacceptable? I am confused. I prefer to say that it is unacceptable. MP

Commented [Ga2R1]: agree with Marci - it should be "not acceptable" or "unacceptable"

Commented [Ga3]: we should focus on "food allergen labelling" here and throughout the text, because potential derogations from general food labelling are the purpose of this issue and the task for the eWG to determined them

Commented [Ug4]: I added this because the issue persisted, creating chaos among the FA community. MP

Commented [Ga5R4]: Of course I agree with the statement, but would recommend to shorten it and only use the first part until "Persisted".
Not adhering to the EUs position is nothing that concerns Codex, because it is more an enforcement issue and might weaken the EU position at Codex.

☐YES ☒NO **but amendment proposal**
Please provide reasons for your answer: While supply chain disruption is indeed an adequate criterion to determine when a food-related emergency is occurring, EFA believes that the current position of the contributing factors (human pandemics, animal disease outbreaks…war…etc) under Section 2: Scope does not give them the visibility they deserve. We therefore suggest making the criteria much more prominent in the text of the Guidelines. This could be done by adding a separate section just below the scope outlining a non-exclusive list of contributing factors, establishing that one or more of which, should occur to justify the declaration of an emergency by a competent authority.

Question 3: Are the examples in these guidelines appropriate and helpful to facilitate understanding of the type of flexibilities that competent authorities may consider?
☒YES ☐NO
Please provide reasons for your answer: EFA fully agrees with the explicit reference to examples of flexibilities, by way of explaining the logic, as well as setting the limits of the flexibilities that are considered acceptable. The beginning of Section 4, and prior to the list of examples, would be an appropriate place to reiterate the rationale is based on the principle that there shall be no flexibilities in terms of labelling requirements related to health and safety (alluded to in Example e, but indeed cutting across all given examples). Regarding Section 4(a), providing health and safety information, such as allergen information, only via technological means, should not be considered as an acceptable flexibility to be provided at times of emergency. Access to mandatory labelling information needs to be safeguarded at all costs, especially during an emergency situation. Such safeguards can only be offered via the physical (on-pack) labelling

Question 4: Would additional guidance be helpful for competent authorities when considering how to represent approved substituted ingredients on labelling?
☒YES ☐NO
Please provide reasons for your answer: EFA is glad to see that the top consideration in relation to any flexibilities provided is to ensure that it does 'not compromise food safety or introduce risks such as foods or ingredients that are known to cause hypersensitivity (e.g. allergen labelling) that are not addressed by adequate labelling'. However, we believe that the Guidelines need to be more concrete of the possible impact from the implementation of certain flexibilities, so that these flexibilities are not used at the expense of critical information related to health and safety. This information could be offered under Section 4: Examples of flexibilities. For instance, specific measures such as inkjet corrections of the ingredients' label, which are often printed and placed in spaces of the packaging and wrappers, shall not be positioned too far from the original list of ingredients, as there is always the risk that they will be missed by the consumer. Furthermore, adhesive labels (stickers), used as temporary measure showing the updated ingredients' list, must not cover other critical information, such as the nutritional profile.

Question 5: Would additional information be helpful on stakeholder roles and responsibilities in the application of food labelling provisions in emergencies, similar to the *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations* (CXG 19-1995)?
☐YES ☐NO

Please provide reasons for your answer:

EFA strongly believes that the role of stakeholders is key in amplifying appropriate, fact-based information at the time of an emergency. Stakeholders such as patient groups, competent authorities, food business operators, consumers, and healthcare professionals are important as they represent communities that it is often difficult to reach.

Commented [Ga6]: maybe:
"communities for whom accurate information on food labelling is not easy accessible"
>> that would probably be more relevant to patient / Consumers and HCP - rather than to competent authorities and food industry.
But all stakeholders play an important rolw in communicating information to the target group - and patient organisations specically to those represented by them.

Question 6: Does your country have authorities or a framework to implement or enforce food labelling provisions in a flexible manner to ensure a safe and adequate food supply in emergencies? Please provide further explanation of your response, whether "yes" or "no."

☒YES
☒NO

Please provide reasons for your answer:

In the EU, it is the European Commission's Directorate General for Health and Food Safety (DG SANTE) that oversees the implementation of food policies. Food safety issues, in particular, are regulated via the General Food Law (Reg. 178/2002) and mainly the Food Information to Consumers Regulation (Reg. 1169/2011).

At the same time, the European Food Safety Authority (EFSA), working under the supervision of DG SANTE, is responsible for conducting food risk assessments and providing scientific and labelling advice, including for regulatory purposes.

Despite various stakeholders calling for an EU-wide framework putting forward common rules on food labelling during emergencies, currently there is no such framework in place. This is an additional reason why the current Codex Guidelines are necessary.

Question 7: Does your country have any further input on the draft guidelines (e.g. structure, content, or organization)? Please provide further explanation of your response, whether "yes" or "no."

☐YES
☒NO

Please provide reasons for your answer:

EFA has outlined the main positions and concerns of the food allergy patient community in Europe in the above responses.