

**Subject to Legal Review for Accuracy, Clarity, and Consistency**  
**Subject to Language Authentication**

**ANNEX 3 A**

**PROPRIETARY FORMULAS FOR PREPACKAGED FOODS AND FOOD ADDITIVES**

1. This Annex applies to the preparation, adoption, and application of technical regulations and standards of central government bodies that are related to prepackaged foods and food additives, other than sanitary or phytosanitary measures or technical specifications prepared by a governmental body for production or consumption requirements of governmental bodies.
2. For the purposes of this Annex, the terms “food,” “food additive,” and “prepackaged” have the same meanings as set out in the *Codex General Standard for the Labelling of Pre-Packaged Food* (CODEX STAN 1-1985) and the *Codex General Standard for the Labelling of Food Additives When Sold as Such* (CODEX STAN 107-1981), as they may be amended.
3. When requesting information relating to proprietary formulas for prepackaged foods or food additives, each Party shall:
  - (a) ensure that its information requirements are limited to what is necessary to achieve its legitimate objective; and
  - (b) protect the confidentiality of information supplied about products originating in the territory of another Party in the same manner as for domestic products and in a manner that protects legitimate commercial interests.

A Party may use confidential information it has obtained relating to proprietary formulas in administrative and judicial proceedings in accordance with its law, provided the Party maintains procedures to protect the confidentiality of the information in the course of those proceedings.

4. Nothing in paragraph 3 shall prevent a Party from requiring ingredients to be listed on labels consistent with CODEX STAN 1-1985 and CODEX STAN 107-1981, as they may be amended, except when those standards would be an ineffective or inappropriate means for the fulfilment of a legitimate objective.