

# CODEX ALIMENTARIUS COMMISSION

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Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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**REP21/EXEC2**

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX ALIMENTARIUS COMMISSION

Forty-fourth Session

Virtual, 8 – 18 November 2021

### REPORT OF THE EIGHTY FIRST SESSION OF THE EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

Virtual, 28 October - 5 November 2021

## TABLE OF CONTENTS

### Report of the Eighty First Session of the Executive Committee of the Codex Alimentarius Commission

page 1

	<i>Paragraph(s)</i>
Introduction	1
Adoption of the Agenda (Agenda item 1)	3 - 6
Critical Review Agenda (item 2)	
- Codex Committee on General Principles (CCGP)	7 – 8
Codex Committee on Spices and Culinary Herbs (CCSCH)	9 - 14
Codex Committee on Contaminants in Foods (CCCF)	15 - 19
Codex Committee on Methods of Analyses and Sampling (CCMAS)	20 - 24
Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS)	25 - 29
Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF)	30 - 42
Codex Committee on Pesticide Residues (CCPR)	43 – 48
Codex Committee on Food Additives (CCFA)	49 - 53
Codex Committee on Food Labelling (CCFL)	54 - 57
<i>Ad hoc</i> Codex Intergovernmental Task Force on Antimicrobial Resistance (TFAMR)	58 - 60
Matters related to other Codex Subsidiary bodies (Agenda item 3)	61 – 68
Codex and the Pandemic- Progress on implementation of recommendations of CAC43 and CCEXEC80 and issues for consideration for 2022 (Agenda item 4)	69 - 85
Sub-committee on the Codex Strategic Plan 2020-2025 (Agenda item 5)	86 - 91
Sub-committee on the application of the Statements of Principle concerning the role of Science(Agenda item 6)	92 - 99
Codex Budgetary and Financial matters (Agenda item 7)	100 -101
Matters arising from FAO and WHO (Agenda item 8)	102 - 110
Applications from International Non-Governmental Organizations for Observer Status in Codex (Agenda item 9)	111 - 112
FAO/WHO Coordinating Committees – Report on implementation of the harmonized agenda and proposed approaches for the next cycle of the Coordinating Committees (Agenda item 10)	113 - 115
Other Business (Agenda item 11)	116 - 124

## APPENDICES

*Page(s)*

**Appendix I:** List of Participants

23

## INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission (CCEXEC) held its Eighty-first Session (CCEXEC81) online, from 28 October to 5 November 2021.
2. The Chairperson of the Codex Alimentarius Commission (CAC), Guilherme da Costa Junior (Brazil), opened the meeting. The Assistant Director-General, Universal Health Coverage/Healthier Populations of the World Health Organization (WHO), Naoko Yamamoto and the Deputy Director-General of the Food and Agriculture Organization of the United Nations (FAO), Maria Helena Semedo also welcomed participants on behalf of the parent organizations.

### ADOPTION OF THE AGENDA (Agenda item 1)<sup>1</sup>

3. CCEXEC81 adopted the agenda with the following additions, under agenda item 11 (Other Business):
  - 60<sup>th</sup> Anniversary of the Codex Alimentarius Commission: 1963-2023<sup>2</sup>;
  - Proposal for the development of a Codex standard for yeast<sup>3</sup>;
  - Sequencing and frequency of meetings of Codex subsidiary bodies; and
  - The level of detail provided in the list of participants for Codex meetings.
4. The Coordinator for Latin America and the Caribbean requested that CAC/44 CRD/6 and CRD/7 be considered under agenda items 2 and 6.
5. The Member for North America recalled that the issue of the presence of the European Union (EU) as advisor to the Member for Europe was still pending subject to a paper yet to be provided by the FAO and WHO Legal Offices in light of the FAO rules governing committees of restricted membership and the commitment made by the EU at the time of its application for membership in Codex. In response, the Chairperson referred to the decision taken in a previous CCEXEC and noted that the matter would be discussed at a future session of CAC.

### CRITICAL REVIEW (Agenda Item 2)

6. CCEXEC81 discussed the proposals committee by committee and made the following comments and recommendations.

#### Codex Committee on General Principles (CCGP)<sup>4</sup>

##### Adoption

- Amendment to the Codex Procedural Manual: draft Criteria and Procedural Guidelines for Codex Committees and *ad hoc* Intergovernmental Task Forces Working by Correspondence
7. It was clarified that following a review of the comments received in response to the Circular Letter CL 2021/66/OCS-GP, the Chairperson and Vice-chairpersons of the electronic working group (EWG) on the topic in collaboration with the Codex Secretariat had prepared a proposal for a revised version of the Draft Criteria and Procedural Guidelines for Codex Committees and *ad hoc* Intergovernmental Task Forces Working by Correspondence as contained in CRD1 to CCEXEC81 (CRD2 to CAC44).

##### **Conclusion**

8. CCEXEC81 recommended that CAC44 adopt the Draft Criteria and Procedural Guidelines for Codex Committees and *ad hoc* Intergovernmental Task Forces Working by Correspondence as contained in CRD1 to CCEXEC81 (CRD2 to CAC44) to be included in the Codex Procedural Manual, Section III.

#### Codex Committee on Spices and Culinary Herbs (CCSCH)<sup>5</sup>

##### Final adoption

- Draft standard for dried oregano – Step 8
- Draft standard for dried roots, rhizomes and bulbs – dried or dehydrated ginger – Step 8
- Draft standard for dried floral parts – dried cloves – Step 8

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<sup>1</sup> CX/EXEC 21/81/1

<sup>2</sup> CAC/44 CRD/3

<sup>3</sup> CAC/44 CRD/5

<sup>4</sup> CX/EXEC 21/81/2, Appendix 1; CRD 1; CX/CAC 21/44/2; CX/CAC 21/44/2 Add.1.

<sup>5</sup> CX/EXEC 21/81/2, Appendix 2; CX/CAC 21/44/3; CX/CAC 21/44/3 Add.1

- Draft standard for dried leaves - dried basil – Step 8

9. Regarding the Draft standard for dried roots, rhizomes and bulbs — dried or dehydrated ginger, CCEXEC81 noted that CCFA had revised and endorsed the food additive provisions (see section on the Codex Committee on Food Additives (CCFA), paragraph 53 of this report).

#### **Conclusion**

10. CCEXEC81 recommended that CAC44 adopt at Step 8: the draft standard for dried oregano; the draft standard for dried roots, rhizomes and bulbs – dried or dehydrated ginger, with the food additive provisions as revised by CCFA; the draft standard for dried floral parts – dried cloves; and the draft standard for dried leaves - dried basil.

#### Adoption at Step 5

- Proposed draft standard for dried seeds - nutmeg

#### **Conclusion**

11. CCEXEC81 recommended that CAC44 adopt the proposed draft standard for dried seeds - nutmeg at Step 5 and recommended extension of the deadline for completion of the work until CCSC06.

#### New work proposals

- Proposal for new work on the development of a standard for small cardamom
- Proposal for new work on the development of a standard for turmeric
- Proposal for new work on the development of a group standard for spices in the form of dried fruits and berries (All spice, Juniper berry, Star anise and Vanilla)

12. A Member noted that it would have been preferable to develop a separate standard on vanilla, while another Member underlined the importance of group standards to expedite the work of the Committee, noting that CCEXEC and CAC had previously commended this approach.

#### **Conclusion**

13. CCEXEC81 recommended that CAC44 approve the three new work proposals and reiterated the importance of developing group standards with the aim of expediting work of the Committee.

#### Monitoring – approval of extension of timelines for completion of work

- Draft standard for saffron – Step 6/7
- Proposed draft standard for dried chilli peppers and paprika – Step 2/3

#### **Conclusion**

14. CCEXEC81 recommended extension of timelines for completion of work to CCSC06 for the draft standard for saffron and the proposed draft standard for dried chilli peppers and paprika.

#### **Codex Committee on Contaminants in Foods (CCCF)<sup>6</sup>**

#### Final adoption

- Proposed MLs for cadmium in chocolates containing or declaring <30% total cocoa solid on a dry matter basis – Step 8
- Proposed MLs for cadmium in chocolates containing or declaring ≥30% to <50% total cocoa solid on a dry matter basis – Step 5/8
- Proposed amendment to the MLs for lead in fruit juices (CXS 193-1995) – No Step
- Proposed revision of the *Code of practice for the prevention and reduction of lead contamination in foods* (CXS 56-2004) – Step 5/8

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<sup>6</sup> CX/EXEC 21/81/2, Appendix 3; CX/CAC 21/44/4.

**Conclusion**

15. CCEXEC81 recommended that CAC44 adopt at Step 8 the proposed MLs for cadmium in chocolates containing or declaring <30% total cocoa solid on a dry matter basis; adopt at Step 5/8 the proposed MLs for cadmium in chocolates containing or declaring ≥30% to <50% total cocoa solid on a dry matter basis; adopt the proposed amendment to the MLs for lead in fruit juices (CXS 193-1995); and adopt at Step 5/8 the proposed revision of the *Code of practice for the prevention and reduction of lead contamination in foods* (CXS 56-2004).

Adoption at Step 5

- Proposed Code of practice for the prevention and reduction of cadmium contamination in cocoa beans

**Conclusion**

16. CCEXEC81 recommended that CAC44 adopt the proposed Code of practice for the prevention and reduction of cadmium contamination in cocoa beans at Step 5 and recommended extension of the timeline for completion of work to 2023.

New work proposals

- MLs for methylmercury in orange roughy and pink cusk eel (CXS 193-1995)
- Development of a Code of practice for the prevention and reduction of mycotoxin contamination in cassava and cassava-based products

**Conclusion**

17. CCEXEC81 recommended that CAC44 approve the two new work proposals.

Monitoring – approval of extension of timelines for completion of work

- Maximum levels for lead in certain food categories (CXS 193-1995)
- Maximum level for total aflatoxins in ready-to-eat peanuts and associated sampling plan

**Conclusion**

18. CCEXEC81 recommended extension of the timeline for completion of the two work items to 2023.
19. CCEXEC81 noted that CCCF14 had requested guidance from CCEXEC on the best approach to address the safety of edible insects in Codex and agreed to address this under Agenda Item 8.1.

**Codex Committee on Methods of Analyses and Sampling (CCMAS)<sup>7</sup>**Final adoption

- Draft revised *Guidelines on Measurement Uncertainty* (CXG 54-2004)
  - Adoption of and amendments to the methods of analysis/performance criteria for provisions in *Recommended Methods of Analysis and Sampling* (CXS 234-1999)
  - Editorial amendment to the provision in Section 3.3 of the *Standard for Edible Casein Products* (CXS 290-195)
20. The Codex Secretariat noted that editorial corrections were needed to some methods for infant formula (referring to IDF 229) and the footnote to the water/moisture provision.

**Conclusion**

21. CCEXEC81 recommended that CAC44 adopt: the draft revised *Guidelines on Measurement Uncertainty* (CXG 54-2004); the methods of analysis/performance criteria for provisions in the *Recommended Methods of Analysis and Sampling* (CXS 234-1999); the amendments to the methods of analysis/performance criteria for provisions in *Recommended Methods of Analysis and Sampling* (CXS 234-1999); and the editorial amendment to the provision in Section 3.3 of the *Standard for Edible Casein Products* (CXS 290-195).
22. CCEXEC81 furthermore recommended that CAC44 adopt the corrections to the methods for determination of potassium, sodium and zinc in infant formula (AOAC 2011.14/ ISO 15151 | IDF 229) and the footnote to the provision “Water (moisture)” for blend of skimmed milk and vegetable fat in powdered form and reduced fat blend of skimmed milk powder and vegetable fat in powdered form.

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<sup>7</sup> CX/EXEC 21/81/2, Appendix 4; CX/CAC 21/44/5; CX/CAC 21/44/5 Add.1

Adoption at Step 5

- Proposed Draft revised *General Guidelines on Sampling* (CXG 50-2004)

**Conclusion**

23. CCEXEC81 recommended that CAC44 adopt the proposed draft revised *General Guidelines on Sampling* (CXG 50-2004) at Step 5.

Revocation

- Revocation of methods of analysis/performance criteria for provisions in *Recommended Methods of Analysis and Sampling* (CXS 234-1999).

**Conclusion**

24. CCEXEC81 recommended that CAC44 revoke the methods listed.

**Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS)<sup>8</sup>**Final adoption

- Draft principles and guidelines for the assessment and use of voluntary Third-Party Assurance (vTPA) programmes – Step 8
- Proposed draft guidance on paperless use of electronic certificates (*Revised Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CXG 38-2001)) – Step 5/8

**Conclusion**

25. CCEXEC81 recommended that CAC44 adopt at Step 8 the draft principles and guidelines for the assessment and use of voluntary Third-Party Assurance (vTPA) programmes and adopt at Step 5/8 the proposed draft guidance on paperless use of electronic certificates (*Revised Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CXG 38-2001)).

Monitoring

- Proposed draft guidelines on recognition and maintenance of equivalence of National Food Control Systems (NFCS)
- Proposed draft consolidated Codex Guidelines related to equivalence

26. CCEXEC81 noted the importance of resolving the outstanding issues on the guidelines on recognition and maintenance of equivalence of NFCS so they could be completed by CCFICS26 and further progress be made on the consolidated Codex Guidelines related to equivalence.

**Conclusion**

27. CCEXEC81 recommended an extension of the timeline for completion of the work on the proposed draft guidelines on recognition and maintenance of equivalence of National Food Control Systems (NFCS) to CCFICS26.
28. CCEXEC81 noted that the two projects on equivalence were inter-related and therefore urged CCFICS to resolve the outstanding issues related to the guidelines on recognition and maintenance of equivalence of NFCS so that the work on these guidelines could be completed by CCFICS26 and the proposed draft consolidated Codex Guidelines related to equivalence be further progressed.

New work proposals

- Project document for new work on the development of guidance on the prevention and control of food fraud

**Conclusion**

29. CCEXEC81 recommended that CAC44 approve the new work on the development of guidance on the prevention and control of food fraud.

**Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF)<sup>9</sup>**Final adoption

<sup>8</sup> CX/EXEC 21/81/2, Appendix 5; CX/CAC 21/44/6; CX/CAC 21/44/6 Add. 1

<sup>9</sup> CX/EXEC 21/81/2, Add. 1; CCEXEC81 CRD 2; CX/CAC 21/44/2 Add. 2; CX/CAC 21/44/7.

- MRL for flumethrin in honey - Step 8
- MRLs for diflubenzuron (salmon - muscle plus skin in natural proportion) 2021 - Step 5/8
- MRLs for halquinol (swine - muscle, skin plus fat, liver and kidney) 2021 - Step 5/8
- Amendment to the Glossary of Terms and Definitions (Residues of Veterinary Drugs in Foods) (CXA 5-1993): Definition of edible offal – No step
- Amendment to the Procedural Manual, Risk Analysis principles applied by CCRVDF: Approach for the extrapolation of MRLs for veterinary drugs to one or more species – No step

**Conclusion**

30. CCEXEC81 recommended that CAC44 adopt the proposed MRLs and amendments.

Adoption at Step 5

- Draft proposed MRLs for ivermectin (sheep, pigs, and goats - fat, kidney, liver and muscle)

**Conclusion**

31. CCEXEC81 recommended that CAC44 adopt the draft proposed MRLs for ivermectin at Step 5 and recommended extension of the timeline for completion of the work until CCRVDF26.

New work proposal

- Priority list of veterinary drugs for evaluation or re-evaluation by JECFA

**Conclusion**

32. CCEXEC81 recommended that CAC44 approve the priority list of veterinary drugs for evaluation or re-evaluation by JECFA.

Coordination of work between CCRVDF and CCPR

33. CCRVDF25 has sought CCEXEC advice on a mechanism for cooperation between the Codex Committee on Pesticide Residues (CCPR) and CCRVDF on the establishment of harmonized MRLs setting for compounds with dual use. In supporting this request, CCPR52 also encouraged innovative ways of working to facilitate and promote cooperation on cross-sectoral issues between CCRVDF and CCPR as needed and to the extent possible. This was also relevant within the framework of the cooperation on edible offal.

**Conclusion**

34. CCEXEC81 recommended that CCRVDF and CCPR makes use of joint EWGs, including the use of virtual technology, to further advance the work on cross-sectoral issues between CCRVDF and CCPR.

Monitoring

- MRLs for zilpaterol hydrochloride (cattle fat, kidney, liver, muscle)

**Discussion**

35. CCEXEC81 recalled that the Chairperson of CCRVDF had noted that the Committee was unable to reach consensus on either advancing the MRLs for zilpaterol hydrochloride to Step 5 or 5/8 or to retain them at Step 4. He had further noted that all efforts had been exhausted in CCRVDF to reach consensus and observed that CCRVDF had reiterated the views that there were no public health concerns regarding the proposed MRLs and supported the JECFA scientific evaluations while recognizing that some Members disagreed. The CCRVDF Chairperson had thus requested CCEXEC81 to provide a recommendation on the way forward in the framework of the critical review and to inform a CAC decision on the path forward for the proposed MRLs in the Codex step process (REP21/RVDF, paragraph 87).

36. Following an initial discussion in CCEXEC81, an aide-memoire<sup>10</sup> summarizing the different procedural options identified was prepared by the Chairperson and Vice-Chairpersons of CAC in collaboration with the Codex Secretariat as follows (in no particular order):

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<sup>10</sup> CCEXEC/81 CRD/2

- **Adjournment:** (not considered by CCRVDF25) This option noted that the Chairperson of CCRVDF had determined that he had exhausted all routes to consensus and that referring the issue back to the Committee would not aid consensus. CCEXEC81 should therefore support the Commission to find a resolution, including the option to vote if that was the will of Members. The proposal was therefore that CCEXEC adjourned debate on this item and recommended that CAC did likewise until CAC45 so that all options for resolution would then be open to Members. Discussion at CAC45 could be supported by a short working document from the Codex Secretariat, setting out all the options available to CAC and to its Chairperson at that time with a possible analysis of each.
- **Adoption at Step 5/8:** (considered by CCRVD25 without consensus). Points made at CCRVDF25 supporting this were: the proposed MRLs met all the procedural and scientific requirements for adoption by CAC and were in line with the conclusions and recommendations of JECFA, which had not been objected to in CCRVDF or JECFA; there continued to be broad consensus regarding the safety of zilpaterol MRLs recommended by JECFA; and objections that had been made to advancement were for reasons outside the mandate of Codex and should thus be ignored. Those not supporting noted that there was no consensus.
- **Adoption at Step 5:** (considered by CCRVDF as a compromise proposal without consensus). Delegations supporting this option had indicated that this would allow another round of comments and discussion and the opportunity for submission of new scientific information should any exist. Delegations not supporting Adoption at Step 5 noted that this would result in the discussion reverting once more to CCRVDF with no indication that prospects of consensus being achieved in that Committee would be improved as a result.
- **Discontinuation of work:** (not considered by CCRVDF). This option noted that the standing guidance to CCEXEC on the critical review included the provision that “when an item has been considered for several sessions without any progress and there is no prospect of reaching consensus, the Executive Committee could propose suspension of work at a particular Step in the Elaboration Procedure for a specified period of time or discontinuation of work, or corrective action to be taken to achieve progress, fully taking into consideration the information provided by the subsidiary body concerned”. On this basis, the proposal suggested that the conditions for discontinuation of the work had been met. Conversely, Members who opposed this option pointed out that conditions had been met, which would allow this proposed draft standard to be adopted by the Commission (see “Adoption at Step 5/8” above).
- **Suspension of work:** (not considered by CCRVDF). Postponing further discussion on this in CCEXEC until after completion of work on the operationalization of the *Statements of Principle concerning the Role of Science in the Codex decision-making process and the extent to which other factors are taken into account* (SoP).

37. The CAC Chairperson emphasized that discontinuation would not be beneficial for the reputation of Codex and a way forward should be identified. It was also noted that adjournment of the debate risked simply postponing a resolution by vote at CAC, which would hurt the reputation of both CCRVDF and Codex.

38. Following an extensive debate, the Chairperson took all views into consideration in proposing a way forward.

### Conclusion

39. CCEXEC81 recommended that the Codex Secretariat circulate the proposed draft MRLs for zilpaterol for comments at Step 5 to be considered in the next critical review of CCEXEC together with the outcome of the discussion on the SoP and subsequent discussion at, and adoption by CAC, noting that:

- the proposed draft MRLs for zilpaterol had met all the procedural and scientific requirements for advancement
- delegations at CCRVDF which remained opposed to advancement had provided reasons for their position which were legitimate within their national regulatory contexts, but which could not be taken into account by CCRVDF because they were not “other legitimate factors” for Codex as they were not acceptable on a worldwide basis
- advancement to Step 5 was a compromise, it would still allow for further comments at Step 6 through which Members could submit any new scientific information if/as available for consideration by CCRVDF26

40. The conclusion was welcomed by several Members of the CCEXEC as it was seen as an important step forward, a recognition of the scientific basis of Codex standards and the importance of remaining within the mandate of Codex.



41. The Member for Europe, the Regional Coordinator for Europe, the Member for the Near East and the Regional Coordinator for the Near East expressed their reservation to this conclusion as in their view there was no consensus in CCEXEC on the way forward. Noting that the item had been considered for several sessions of CCRVDF without any progress and there was no prospect of reaching consensus, the topic should rather be discontinued or suspended until the CCEXEC discussion on the operationalization of the SoP had been concluded.
42. Following a question, the Codex Secretariat clarified that in recommending this way forward, the CCEXEC was recommending one of the options that had been open to the CCRVDF Chairperson at CCRVDF25. This recommendation would be discussed at CAC44, and if agreed, would follow the Codex step process.

### **Codex Committee on Pesticide Residues (CCPR)<sup>11</sup>**

#### Final adoption

- Proposed draft MRLs for different combinations of pesticide/commodity(ies)- Step 5/8
- Revised *Classification of Food and Feed* (CXA 4-1989), Class C - Primary feed commodities, Type 11 - Primary feed commodities of plant origin; and revised *Principles and Guidelines for the Selection of Representative Commodities for the extrapolation of MRLs for Pesticides to Commodity Group* (CXG 84-2012) Table 7 - Representative commodities for Class C – Step 5/8
- Revised *Classification of Food and Feed* (CXA 4-1989) Class D - Processed foods of plant origin; and revised *Principles and Guidelines for the Selection of Representative Commodities for the extrapolation of MRLs for Pesticides to Commodity Group* (CXG 84- 2012) Table 8 - Representative commodities for Class D - Step 5/8

#### **Conclusion**

43. CCEXEC81 recommended that CAC44 adopt at Step 5/8 the proposed MRLs for different combinations of pesticide/commodity(ies); the proposed revised *Classification of Food and Feed* (CXA 4-1989); and the revised *Principles and Guidelines for the Selection of Representative Commodities for the extrapolation of MRLs for Pesticides to Commodity Group* (CXG 84-2012).

#### Adoption at Step 5

- Proposed draft Guidelines for compounds of low public health concern that may be exempted from the establishment of CXLs or do not give rise to residues

#### **Conclusion**

44. CCEXEC81 recommended that CAC44 adopt the proposed draft Guidelines at Step 5 and recommended extension of the timeline for completion of work until CCPR53.

#### New work proposal

- Proposed priority lists of pesticides for evaluation by the Joint FAO/WHO Meeting on Pesticide Residues (JMPR)

45. In response to a question about reported differences between the priority list CCPR forwarded for approval by CAC44 and the actual work plan JMPR was now planning to implement, the representative of the JMPR secretariat clarified that, due to the disruption caused by the COVID-19 pandemic, JMPR had a backlog of evaluations. JMPR had had an extra meeting in May/June 2021 and then the regular meeting in September/October 2021. During the 2021 regular meeting, most compounds evaluated were from the 2020 agenda. It was expected that the 2022 JMPR would be evaluating mostly compounds from the 2021 agenda. The JMPR secretariat was currently in the process of determining if a call for data was required or if already received data submissions were sufficient to populate the agenda of JMPR 2022. There may be a need for CCPR53 to consider this situation and adjust the priority list accordingly, in the interest of greater clarity and transparency.

#### **Conclusion**

46. CCEXEC81 recommended that CAC44 approve the proposed priority list of pesticides for evaluation by JMPR.

#### Revocation

- MRLs for different combinations of pesticide/commodity(ies)

#### **Conclusion**

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<sup>11</sup> CX/EXEC 21/81/2, Add. 2 Appendix 1; CX/CAC 21/44/8.

47. CCEXEC81 recommended that CAC44 revoke the listed MRLs for different combinations of pesticide/commodity(ies).

Discontinuation of work

- CCPR52 agreed to discontinue work on MRLs in the Step Procedure for different combinations of pesticide/commodity(ies).

**Conclusion**

48. CCEXEC81 noted discontinuation of work on MRLs in the Step Procedure for different combinations of pesticide/commodity(ies).

**Codex Committee on Food Additives (CCFA)<sup>12</sup>**

Final adoption

- Proposed draft Specifications for the Identity and Purity of Food Additives
- Draft and proposed draft food-additive provisions of the *General Standard for Food Additives* (GSFA) (CXS 192- 1995)
- Revisions to adopted provisions of the GSFA (CXS 192- 1995)
- Proposed draft revision of the *Class Names and the International Numbering System for Food Additives* (CXG 36-1989)
- Inclusion of xanthan gum (INS 415) and pectins (INS 440) in FC 13.1.3 "Formulae for special medical purposes for infants" of the GSFA (CXS 192- 1995)
- Changes related to the group header STEVIOL GLYCOSIDES in the GSFA (CXS 192-1995)
- Revised provisions of the GSFA in relation to the amendments to title and food category number for CXS 283 in Annex C of the GSFA (CXS 192-1995)
- Revised food-additive provisions of the GSFA in relation to the alignment of nine standards for CCMMP, six standards for CCFO and three standards for CCSCHE
- Revised food-additive provisions of the GSFA in relation to the partial alignment of CXS 249-2006, CXS 273-1968, CXS 275-1973 and CXS 288-1978 to include tamarind seed polysaccharide (INS 437)
- Proposed revised food-additive provisions of the GSFA in relation to the linked entry for food category 12.5 in the References to Commodity Standards for GSFA Table 3 Additives in the Annex to Table 3
- Revised provisions for sweeteners in different food categories (CXS 192-1995).
- Revised food-additive sections of the nine standards for milk and milk products, i.e. Group Standards for *Cheeses in Brine* (CXS 208-1999); *Unripened Cheese including Fresh Cheese* (CXS 221-2001); *Standards for a Blend of Evaporated Skimmed Milk and Vegetable Fat* (CXS 250- 2006); *a Blend of Skimmed Milk and Vegetable Fat in Powdered Form* (CXS 251-2006); *a Blend of Sweetened Condensed Skimmed Milk and Vegetable Fat* (CXS 252-2006); *Standards for Cottage Cheese* (CXS 273-1968); *Cream Cheese* (CXS 275- 1973); *Extra Hard Grating Cheese* (CXS 278-1978); and *General Standard for Cheese* (CXS 283-1978).
- Revised food-additive sections of the six standards for fats and oils, i.e. *Standards for Edible Fats and Oils not covered by Individual Standards* (CXS 19-1981); *Olive oils and olive pomace oils* (CXS 33-1981); *Named vegetable oils* (CXS 210-1999); *Named animal fats Adoption CX/EXEC 21/81/2 Add.2 11* (CXS 211-1999); *Fat spreads and blended spreads* (CXS 256-2007); and *Fish oils* (CXS 329-2017).
- Revised food-additive sections of the three standards for spices and culinary herbs, i.e. Standards for Black, White and Green Peppers (CXS 326-2017); Cumin (CXS 327-2017); and Dried Thyme (CXS 328-2017)
- Amendments to the *Standards for Bouillons and Consommés* (CXS 117-1981) and *Wheat Flour* (CXS 152-1985) due to alignment of methyolate copolymer, basic (INS 1205)

**Conclusion**

49. CCEXEC81 recommended that CAC44 adopt the texts as listed.

<sup>12</sup> CX/EXEC 21/81/2, Add. 2 Appendix 2; CX/CAC 21/44/9.

Revocation

- The food additive provisions of the GSFA

**Conclusion**

50. CCEXEC81 recommended that CAC44 revoke the listed food additive provisions of the GSFA.

New work proposal

- Priority list of substances proposed for evaluation by JECFA

**Conclusion**

51. CCEXEC81 recommended that CAC44 approve the priority list of substances for evaluation by JECFA.

Discontinuation of work

- CCFA52 agreed to discontinue work on the listed food additive provisions of the GSFA.

**Conclusion**

52. CCEXEC81 endorsed the discontinuation of work on the listed food additive provisions of the GSFA.
53. CCEXEC81 noted that CCFA52 had endorsed all the food additive provisions in various commodity standards submitted by the respective Committees except for the food additive provisions in the draft standard for dried roots, rhizomes and bulbs – dried or dehydrated ginger for which CCFA52 had made corresponding amendments. Since this draft standard had been sent for adoption by CAC44, CCEXEC81 agreed for clarity reasons to include this explanation in the recommendations to CAC44 (see paragraph 9).

**Codex Committee on Food Labelling (CCFL)<sup>13</sup>**Final adoption

- Draft General standard for the labelling of non-retail containers of foods - Step 8
- consequential amendment to the Procedural Manual
- Proposed draft Guidelines on front-of-pack nutrition labelling and inclusion as an Annex to the *Guidelines on Nutrition Labelling* (CXG2-1985) - Step 5/8
- consequential amendment to Section 5 of the *Guidelines on Nutrition Labelling* (CXG2-1985)
- The amendment to the labelling provision 4.2.1 in annex C on raisins in the *General Standard for Dried Fruits* by including a reference to the *General Guidelines on Claims* (CXG 1-1979)

**Conclusion**

54. CCEXEC81 recommended that CAC44 adopt at Step 8 the draft General standard for the labelling of non-retail containers of foods; at Step 5/8 the Proposed draft Guidelines on front-of-pack nutrition labelling and inclusion as an Annex to the Guidelines on Nutrition Labelling (CXG 2-1985); and adopt the consequential amendment to the Procedural Manual (Format for Codex Commodity Standards, section on labelling) and Section 5 of the Guidelines on Nutrition Labelling (CXG 2-1985).
55. CCEXEC81 also recommended that CAC44 adopt the proposed amendment to the labelling provision 4.2.1 in annex C on raisins in the *General Standard for Dried Fruits* since the Codex Committee on Processed Fruits and Vegetables (CCPFV) was adjourned *sine die*.
56. CCEXEC81 further recommended that CAC44 request Commodity Committees, and in the case of adjourned Committees, the Codex Secretariat, to review the labelling provisions for non-retail containers in existing Codex standards in light of the new standard for the labelling of non-retail containers.

New work proposal

- Innovation –use of technology in food labelling

**Conclusion**

57. CCEXEC81 recommended that CAC44 approve the proposal to start new work on Innovation – use of technology in food labelling.

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<sup>13</sup> CX/EXEC 21/81/2, Add. 2 Appendix 3; CX/CAC 21/44/10

**Ad hoc Codex Intergovernmental Task Force on Antimicrobial Resistance (TFAMR)<sup>14</sup>**Final adoption

- Revised *Code of Practice to Minimize and Contain Foodborne Antimicrobial Resistance* (CXC 61-2005) – Step 8
- Proposed draft Guidelines on integrated monitoring and surveillance of foodborne antimicrobial resistance – Step 5/8

58. Members of CCEXEC applauded TFAMR for having completed its work within the established timeframe and been able to resolve very complex issues and work together through virtual means to find consensus despite the challenges, which was a major undertaking.

59. It was suggested to support a proposal noted in the report of TFAMR8 acknowledging the importance of Codex, the World Organization for Animal Health (OIE) and the International Plant Protection Convention (IPPC) in developing coherent texts to support efforts to address antimicrobial resistance and the need for Codex Members to advocate that IPPC prioritize the development of guidance on the use of antimicrobials for phytosanitary purposes.

**Conclusion**

60. CCEXEC81:

- recommended that CAC44 adopt at Step 8 the revised *Code of Practice to Minimize and Contain Foodborne Antimicrobial Resistance* (CXC 61-2005); and adopt at Step 5/8 the proposed draft Guidelines on integrated monitoring and surveillance of foodborne antimicrobial resistance;
- commended TFAMR for completion of its work and recommended CAC44 to dissolve TFAMR upon final adoption of the two texts; and
- encouraged Codex Members to advocate for prioritization of the work of IPPC on the use of antimicrobials for phytosanitary purposes to address the challenges posed by antimicrobial resistance.

**MATTERS RELATED TO OTHER CODEX SUBSIDIARY BODIES (Agenda Item 3)<sup>15</sup>****Proposal for revision of the *Standard for Kimchi* (CXS 223-2001)**

61. CCEXEC81 was informed that a discussion paper with a proposal to revise the *Standard for Kimchi* (CXS 223-2001) had been submitted to the Codex Secretariat. As this standard was under the purview of CCPFV, which had been adjourned *sine die* at CAC43, a CL would be circulated requesting the views of Members and observers on the new work proposal. This would then feed into a critical review by CCEXEC83 and consideration for approval as a new work by CAC45. CCEXEC81 was invited to note the new work proposal, also recalling that two other new work items, cashew kernels and dried sweet potatoes, had already been approved and placed in a queue for possible future work, and that this may warrant consideration of a possible proposal for reactivation of CCPFV by CAC45.

62. One Member, welcoming the plan of issuing a CL to assess the interest and support for undertaking the proposed new work, emphasized that it was premature to discuss the reactivation of CCPFV before the responses to the CL had been compiled and analyzed.

**Codex Committee on Fish and Fishery Products (CCFFP)**

63. CCEXEC81 was informed that CCFFP35 had recently been convened successfully by correspondence and had agreed to establish an EWG, chaired by the Philippines and co-chaired by the EU, to oversee the sensory evaluation of the candidate species, i.e. *S. lemuru* and report back to CCFFP36, tentatively scheduled to take place in early 2023.

<sup>14</sup> CX/EXEC 21/81/2, Add. 2 Appendix 4; CX/CAC 21/44/11

<sup>15</sup> CX/EXEC 21/81/3

**Codex Committee on Fats and Oils (CCFO)**

64. CCEXEC81 was informed that CCFO27, which had just taken place, had successfully concluded its work on sunflowerseed oil, which was forwarded to CAC45 for final adoption, and advanced its work on avocado oil, which was forwarded to CAC45 for adoption at Step 5. Due to the need for further work on both the revision of the *Standard for Olive Oils and Olive Pomace Oils* (CXS 33-1981) and the proposed draft provisions for avocado oil (for inclusion in the *Standard for Named Vegetable Oils* (CXS 210-1999)), an extension of the timeline for completion of these work items until CCFO28 had been requested.
65. CCFO27 had forwarded four new work proposals for approval, i.e. Camellia seed oil; Sacha inchi oil and high oleic acid soy bean oil (for inclusion in the *Standard for Named Vegetable Oils* (CXS 210-1999)), and Calanus oil (for inclusion in the *Standard for Fish Oils* (CXS 329-2017)), and that due to the extremely short time between CCFO27 and CCEXEC81/CAC44, the approval of these new work proposals was scheduled for 2022.
66. CCFO27 on behalf of a Member had also requested guidance and advice from CCEXEC on a mechanism that could be used to consider revising the *Standard for Milk Fat Products* (CXS 280-1973) with a view to aligning the maximum levels for copper and iron in ghee (butter oil) in CXS 280-1973 with those in the *Standard for Named Vegetable Oils* (CXS 210-1999). The Codex Secretariat proposed that this be further addressed by CCEXEC82.
67. A Member noted that the issues discussed above illustrated that the sustainability of Codex work depended on how the work was being organized and that this should be kept in mind in the organization of Codex work in 2022 and the discussion on Codex and the pandemic (Agenda item 4).

**Conclusion**

68. CCEXEC81:
- noted the information provided;
  - recommended an extension of the timeline for completion of work on the revision of the *Standard for Olive Oils and Olive Pomace Oils* (CXS 33-1981) and the provisions for avocado oil to CCFO28, taking into account the challenges posed by the pandemic;
  - noted the new work proposals from CCFO27 and recommended that based on the current practice and in order not to lose time, the EWGs should immediately commence their work pending the approval of the new proposals by CAC45; and
  - noted the request from CCFO27 for advice on the mechanism for a possible revision of the *Standard for Milk Fat Products* (CXS 280-1973) with a view to aligning the maximum levels for copper and iron in ghee (butter oil) in CXS 280-1973 with those in the *Standard for Named Vegetable Oil* (CXS 210-1999). CCEXEC81 noted further that this would be considered by CCEXEC82.

**CODEX AND THE PANDEMIC- PROGRESS ON IMPLEMENTATION OF RECOMMENDATIONS OF CAC43 AND CCEXEC80 AND ISSUES FOR CONSIDERATION FOR 2022 (Agenda Item 4)<sup>16</sup>**

69. In opening the item, the Vice-Chairperson recalled the work of CCEXEC80 on this matter, noting that it had laid the foundations for the progression of Codex work in 2021.
70. The Codex Secretariat introduced the document, indicating that it had been prepared in consultation with the Chairperson and Vice-Chairpersons of the Commission and taking into considering feedback received from Members and observers and many others with a key role in Codex through for example post-meeting surveys and informal meetings. It aimed to reflect on the experiences of the first fully virtual year of Codex and recalled the achievements and resilience of the Codex family and the generally high level of satisfaction with the progress of work in 2021. Challenges were also noted, including the relentless schedule, the difficulty in ensuring all work was delivered in a timely manner, and the gap left by the lack of face-to-face interaction. It was reiterated that the core values of Codex underpinned all efforts to progress work in 2021 and in general this led to greater inclusiveness, transparency and collaboration and that although challenging, consensus-building was still possible in a virtual setting.

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<sup>16</sup> CX/EXEC 21/81/4

71. The Codex Secretariat emphasized that uncertainties around the immediate future remained. With the 60th anniversary of Codex rapidly approaching in 2023, it was important for Codex as a whole to reflect on its physical past and current virtual reality and bring these experiences together as the basis for an improved model for Codex as it emerged from the pandemic. In this context, it was explained that the recommendations in the document focused on 3 areas; i) acknowledging the achievements of 2021; ii) putting in place the key elements to facilitate progression of Codex work in 2022; and iii) identifying a process by which an updated model for Codex for the medium to longer term could be developed.
72. The Vice-Chairperson acknowledged some concerns on the limited time to reflect upon the document as well as the recognition of the importance of this issue for Codex, and that while more time was always welcome, this was an urgent issue that CCEXEC needed to continue to address. It was agreed to review the recommendations one by one, noting that in this way the more time-sensitive issues could be addressed at this session with other aspects being addressed subsequently.

#### Recommendation 1

73. Members acknowledged the huge amount of work undertaken by the Codex Secretariat, host secretariats, Chairpersons, EWGs, Members and Observers in attaining the achievements of 2021 and expressed gratitude to all involved for their adaptability and hard work. The increased activity of Members who had not previously engaged or participated in Codex meetings was also noted.

#### Recommendation 2

##### *i) Extension of interpretation of the rules on place of meeting*

74. There was general agreement to recommend to CAC44 that Rule XI (7) and (8) should continue to be interpreted in a manner that included a virtual setting. It was proposed that this not be time-bound to 2022, but would rather be the interpretation of these Rules moving forward, and the WHO Legal Office confirmed that it was the prerogative of Members to make such a recommendation and even possibly consider revision of the procedures at a future date. In agreeing to this, it was confirmed that such an interpretation was permissive in nature allowing for consideration of either a physical or virtual setting for each Committee session on a case-by-case basis, without explicitly promoting either format.
75. In noting that this recommendation was accompanied by a statement that the criteria developed by CCEXEC80 be considered when applying the interpretation, a concern was raised that these criteria may not always be relevant or appropriate as countries and regions emerge from the pandemic, perhaps at different paces. This was acknowledged to be a likely scenario and that moving forward CCEXEC would need to revisit and report on these criteria to ensure they remained relevant.
76. A concern was raised that the interpretation of the Rules excluded the possibility of hybrid meetings. The Codex Secretariat and the WHO Legal Office noted that in response to requests from Members, both FAO and WHO were starting to implement hybrid meetings and their use in Codex needed further reflection and discussion. In the meantime, this recommendation did not exclude any discussion of such approaches.

##### *ii) Scheduling of Codex meetings*

77. The importance of realistic and timely scheduling of Codex meetings was generally supported with Members requesting the Codex Secretariat to make the meeting schedule for 2022 available as early as possible to facilitate planning by Members. In reflecting on the 2021 schedule, it was noted that the heavy workload was due both to the postponements of sessions in 2020 as well as the additional preparations needed to effectively implement the work programme virtually. While it was considered that as Members gained experience, the number of preparatory meetings could be reduced, it was also highlighted that there would still be a need to address postponed meetings in 2022, such as the next round of the FAO/WHO coordinating committees (RCCs). The Codex Secretariat also noted that the issue of scheduling would have to be considered in medium to longer term planning.

*iii) Standards adoption in 2022*

78. Members noted the momentous nature of the recommendation not to have a meeting of the Commission in 2022 and the need for further details and reflection on what that would entail. It was agreed at this point that it was useful to ask the question as to what a simplified mechanism of standards adoption might look like and that for the moment there was agreement in principle to further explore this. The Codex Secretary clarified that the proposal signalled the need to find time in the Codex year to reflect on the huge experiences of the past 18 months so that Codex could truly benefit from the investment, and as the Commission was a resource intensive endeavour, this was an important aspect to explore. Noting the willingness in principle to consider this further, he indicated that the Codex Secretariat would prepare a more detailed proposal for consideration by CCEXEC82 and that any process would have to be endorsed by CAC Members. He finally noted that it was envisaged to hold physically a CAC session in July 2023, thus there would not be a 24-month gap between two full sessions.

*iv) Role of EWGs and other inclusive and transparent mechanisms*

79. There was general agreement on the importance of building on the experiences on the past 18 months to further consider how EWGs and other mechanisms could be more effectively used. The often-low participation of Members in EWGs was highlighted as an area that needed attention if EWGs were to be more effective. Consideration of a reduction in the number of EWGs was also suggested.
80. Responding to a request for an update on the handbook for EWGs, the Codex Secretariat noted that this had been delayed due to the pandemic and that there was a need to consider the experiences during the pandemic in its finalization.
81. In response to a concern that the recommendation suggesting that EWGs continued until they had a recommendation for the relevant Committee, the Codex Secretariat clarified that the underlying intent was not to restrict when EWGs could report to Committees, but to encourage EWGs to be as productive as possible, since bringing incomplete work to a Committee potentially delayed progress and was resource intensive.

Recommendation 3

82. There was general recognition of the importance of having further discussions to reflect on the experiences to date and agreement to put in place a process to develop the “blueprint” for the future of Codex by the 60<sup>th</sup> anniversary. It was considered that the process should be realistic, take into account the upcoming elections and the subsequent changes in CCEXEC membership and not be overly detailed at this point. Responding to the request for clarity on a proposed consultative event with Members and observers, the Secretariat indicated that the intent was to ensure Members and observers were involved from the outset, that they were aware of the document for this item, and that they would have an opportunity to share their views on what CCEXEC should consider/focus on as they begin to develop a proposed approach. This would also provide an opportunity to assure Members and observers that the process would be inclusive with opportunities for input provided during the process.

**Conclusion**

83. CCEXEC81 commended the huge efforts of the Codex family to deliver the 2021 work programme in a pragmatic and effective manner, making optimal use of all the tools available to them with the highly effective support of the Codex Secretariat.
84. In order to ensure that Codex can continue to quickly and effectively respond to the ongoing uncertainties related to the pandemic or any new/emerging challenges, particularly in 2022, CCEXEC81 recommended that:
- i. CAC44 agree that Rule XI (7) and (8) continue to be interpreted in a manner that includes a virtual setting with respect to sessions of the Codex Subsidiary Bodies including CCEXEC; Application of this should take into consideration the criteria outlined by CCEXEC80 (para 35.iv).
  - ii. Chairpersons and Host Secretariats collaborate closely with the Codex Secretariat in their efforts to establish a meeting schedule that is realistic to implement and ensures adequate time between meetings to facilitate the work of both the Codex Secretariat and the preparation and participation by Members and Observers over the next year.
  - iii. CAC44 mandate the Codex Secretariat to prepare a proposal for a less work intensive method for standards adoption in 2022 than a full CAC with a view to lighten the workload in 2022, for CCEXEC82.
  - iv. the Codex Secretariat together with Chairpersons and the larger membership further consider how EWGs and/or other inclusive and transparent mechanisms can continue to be strengthened, playing an even more fundamental role in Codex as a flexible mechanism to prepare work and ensure that

discussions in subsidiary bodies is only held when there is a need for guidance or the work it is ready for progression in the step process.

85. CCEXEC81 agreed to establish and lead a process to develop the blueprint for the future of Codex for consideration by CAC on its 60th anniversary in 2023. It was noted that the process would begin in the first quarter of 2022 with communication and outreach to Members and observers to collect general views on what a future Codex should look like. CCEXEC Members would then consider the input from Members and Observers; review the information available in the CCEXEC81 document as well as in post-meeting and event surveys; develop a zero-draft proposal; and define the subsequent steps in the process.

#### **SUB-COMMITTEE ON THE CODEX STRATEGIC PLAN 2020-2025 (Agenda item 5)<sup>17</sup>**

86. One of the Vice-Chairpersons of CAC being the Chairperson of the Sub-committee on the Codex Strategic Plan 2020-25 (SP) introduced this Agenda Item, noting that the report had been discussed extensively in the Sub-committee and expressed appreciation to all contributors. There was general agreement with the report's content and recommendations, with additional discussions as follows:

##### Monitoring of the implementation of the Codex Strategic Plan 2020-2025

87. The Codex Secretariat provided an overview of Addendum 1 to the report, which presented proposals on how to report on the implementation of the SP, with a view to providing complete, objective and reliable information to the Membership on the implementation of the SP. In addition, to ensure an effective and reliable monitoring and evaluation plan, this should be an integral part of the SP development process rather than done at a later stage, and this lesson-learned should be taken into account in future strategic planning exercises.
88. Specific comments were provided regarding the following indicators:
- 2.3.1: A short narrative report (qualitative description of progress) could be included in the monitoring and evaluation framework to report on FAO/WHO core funding for scientific advice to CAC, based on the related CAC document from FAO/WHO on scientific advice.
  - 4.1.1: Rather than registration, it was proposed that the Secretariat monitors trends in Member Countries' participation in Codex meetings using the participants lists.
  - 4.2.1: The reply to one CL seemed too low to indicate active participation. The number of replies could be increased to two or three replies.
89. The Codex Secretariat noted that the comments would be addressed within the monitoring and evaluation framework. It was further noted that a comprehensive report for the biennium 2020-21 on the monitoring and evaluation of the SP would be presented next year.

##### Matters referred from CCGP

90. The Vice-Chairperson noted that CCGP had referred two items for the attention of the sub-committee on Codex Strategic Planning, namely its discussions on monitoring the use of Codex standards and on monitoring Codex results in the context of the Sustainable Development Goals (SDGs). In the context of Goal 3 of the SP and development of a mechanism to monitor the use and impact of Codex standards, the Codex Secretariat provided an overview of the work being undertaken to design such a mechanism noting that the results of this work would be reported at the next session of the CCEXEC. Given the broad interest of Members in this work, the Codex Secretariat noted that following the report to the next session of CCEXEC, other committees could also be updated on the work in progress. With regard to monitoring Codex Standards in the context of the SDGs and while noting its importance, it was considered that this was primarily the role of Members and no further consideration was needed by the sub-committee.

#### **Conclusion**

91. CCEXEC81:
- i. Welcomed the report and its recommendations in fulfilment of the terms of reference of the Fourth Strategic Planning Sub-committee in relation to implementation of the SP and commended it to CAC44.
  - ii. Noted the matters referred to the sub-committee by CCGP32.
  - iii. Recommended that:
    - a) CCEXEC82, with its membership refreshed following the elections scheduled for CAC44, should consider whether the tracking of implementation of the SP should be a standing item on its agenda, and whether this activity should be supported by a further strategic planning sub-committee.

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<sup>17</sup> CX/EXEC 21/81/5



- b) a substantive discussion of implementation of the SP should take place at CAC45 as part of the first biennial review of the SP, informed by the relevant report on SP implementation and any discussion by CCEXEC.
- c) the agenda for each of the upcoming FAO/WHO Regional Coordinating Committees, due to meet in 2022/23, should include:
  - the review of the relevant regional implementation plan for 2020 and 2021; and
  - the development of regional implementation plans focusing on priority activities to be undertaken in 2022 and 2023.
- d) the Codex Secretariat should report annually to CCEXEC on further progress in the delivery of activities to support implementation of Strategic Goals 3 and 5, and in particular its continuing work to develop a mechanism to measure the use and impact of Codex standards.
- e) CAC44 request FAO and WHO Member countries to urge the two organizations to maintain and maximise co-ordination in the development and subsequent implementation of their respective food safety strategies.<sup>18</sup>
- f) a future meeting of CCEXEC discuss the output of the mid-term evaluation of Codex Trust Fund 2 (CTF2)\_ and assess any implications for the delivery of the SP outcomes, to inform discussions within existing CTF governance structures on any amendments to its project document; and
- g) CAC44 adopt the monitoring framework for the SP, with the modifications as proposed by CCEXEC81.

#### **SUB-COMMITTEE ON THE APPLICATION OF THE STATEMENTS OF PRINCIPLE CONCERNING THE ROLE OF SCIENCE (Agenda Item 6)<sup>19</sup>**

92. The Codex Secretary introduced the item noting that the document would serve as the basis of a possible future guidance on the operationalization of the SoP. He further provided an overview of the analysis carried out by the Secretariat and in consultation with the Chairperson and Vice-Chairpersons of the Commission. He first recalled that the SoP were adopted in conjunction with the constitution of the World Trade Organization (WTO) and before the complete development of the risk analysis framework, which occurred over the following 15 years. It was also noted that the paper was for initial discussion and had not been considered or reviewed by the sub-committee as originally envisioned by CCEXEC.
93. The Codex Secretary drew the attention of CCEXEC81 to the interpretative guidance on the use of the SoP included in the document, noting that:
- SoP1 described the way Codex worked in relation to food safety and quality considerations, and was neither controversial nor did it offer guidance in complex cases;
  - SoP2 did not explain which other legitimate factors (OLF) relevant to the Codex mandate were appropriate to be taken into account by Codex when deciding on food standards. This was the role of the Criteria which had been developed later;
  - SoP3 stressed the importance of food labelling which could be used to address consumer concerns;
  - SoP4 offered a formal way for Members to opt out of using a Codex text without further debating their views on other considerations. It was a possibility for Members as reflected by the use of the words “may abstain” and not an obligation.
94. The Codex Secretary presented the analysis of the “Criteria for the Consideration of the Other Factors Referred to in the Second Statement of the Principles” (Criteria) noting that:

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<sup>18</sup> WHA73.5 requests that the Director-General of WHO explores with the Director-General of FAO a method for coordinating the two agencies' strategic efforts on food safety, and provides a report on this proposed method to the Seventy-fifth World Health Assembly, and through Director-General of FAO to FAO's governing bodies, as appropriate.

<sup>19</sup> CX/EXEC 21/81/6

- Criterion (a) contained information also included in Codex texts on risk analysis and in the Codex Strategic Plan and did not offer further information on the use of OLF;
- Criterion (b), (c), (e) and (g) provided elements of identification of the OLF, and that they should be identified in the risk management process;
- Criterion (b) and (f) indicated that when OLF are used in Codex, this had to be clearly indicated and documented;
- Criterion (d) recognized that Members could still base measures at national level on concerns that were not admissible in Codex and that these might be legitimate in other contexts but that it was not the role of Codex to determine this legitimacy;
- Criterion (h) was unclear in particular the first part in terms of the creation of trade barriers and that it could be considered only *ex post*.

95. The Codex Secretary subsequently described the flowchart to guide the Chairpersons of Codex Committees as proposed in the document and presented the possible operationalization of the application of SoP4 for cases where the Chairperson concluded that the application of SoP4 was appropriate. This procedure comprised two options, which included either the addition of a statement in the report, or the inclusion of a footnote in the relevant Codex standard.
96. In concluding, the Codex Secretary recalled the important role of the Chairpersons in Codex and noted the different options they have at their disposal in different cases when SoP4 was either not applicable or when there was no agreement to use it.

### Discussion

97. CCEXEC81 noted and expressed appreciation for the paper presented by the Codex Secretariat, recognizing that due to its late availability it was not possible to provide detailed comments on the analysis contained in the document and that more time and further discussion was required.
98. The following points were made in interventions by Members:
- the need to engage with the wider Codex membership in the development of the practical guidance;
  - the practical guidance on the operationalization should also be directed to Members and examine further the use of reservations in Codex meetings;
  - the use of footnotes regarding reservations in Codex texts could undermine the value of Codex texts;
  - other factors outside the mandate of Codex or not acceptable on a worldwide basis should not block the adoption of a Codex standard;
  - the use of science as basis was of utmost importance for the development of Codex standards; and
  - it should not be possible to disagree with the use of SoP4; the Statements applied whether or not a Member objected and agreed to abstain.

### Conclusion

99. CCEXEC81 noted CX/EXEC 21/81/6 and agreed to re-establish the CCEXEC sub-committee on the application of the Statements of Principles Concerning the Role of Science with following Terms of Reference (ToR):

#### i. Scope of work

To continue the development of practical guidance for Codex Subsidiary Bodies and their Chairpersons and Members on the operationalization of the Statements of Principle Concerning the Role of Science to allow Codex to set standards that are needed by Members and are based on science, while acknowledging different situations in different areas of the world and to complement the guidance provided in the Measures to Facilitate Consensus.

#### ii. Timetable and deliverables

The sub-committee would start work on 18 November 2021. It would aim to facilitate an exchange of views among the Members of CCEXEC on CX/EXEC 21/81/6 with a view to having consolidated comments for discussion and revision of the draft guidance by CCEXEC82 and noting that CCEXEC82 would further consider how to engage the wider Codex membership.

### iii. Membership and ways of working

The sub-committee would be chaired by one of the Vice-Chairpersons of the Commission, to be appointed by the Chairperson of the Commission following the completion of elections at CAC44, with the other two Vice-Chairpersons as co-chairpersons and open to all Members of the CCEXEC. The sub-committee will work electronically using the online platform. The sub-committee will work in English only.

## **CODEX BUDGETARY AND FINANCIAL MATTERS: PROGRESS 2020-21 (Agenda Item 7)<sup>20</sup>**

100. The Codex Secretariat introduced this item giving an overview of expenditures during the 2020-21 biennium as well as a budget proposal for the 2022-23 biennium. Efforts had continued to direct available budget to support the inclusiveness and transparency of Codex work during the COVID-19 pandemic. Where savings had been identified, these had been directed to key work areas in line with the SP such as preliminary work on a mechanism to monitor the use and impact of Codex standards (Goal 3) and renewal of the Codex IT systems (Goal 5). He highlighted that flexibility would continue to be important in the next biennium as uncertainties remain, and expenditure would continue to be guided by the SP.

### **Conclusion**

101. CCEXEC81 noted:
- the progress report for 2020-21, the adjustments made in response to the pandemic, and the ongoing efforts to anticipate work under the SP to ensure optimal use of savings, mainly due to reduced travel in the biennium.
  - the assessment of the impact of the pandemic on the work plan and budget, the proposals for the 2022-23 biennium, and the assumptions therein and the ongoing flexibility in the budget lines to ensure Codex continued to be able to adapt to evolving situations.

## **MATTERS ARISING FROM FAO AND WHO (Agenda Item 8)<sup>21</sup>**

102. The Representatives of FAO and WHO introduced this item.
103. CCEXEC81 noted the comprehensive overview of FAO and WHO activities of interest to Codex and made no specific comments on the general paper.

### **Item 8.1 New food sources and production systems: need for Codex attention and guidance**

104. FAO and WHO wished to draw Codex attention to a number of emerging issues affecting agri-food systems with relevance to food safety and quality, including new food sources and production systems and sought CCEXEC's advice on:
- mechanisms through which FAO/WHO could share these topics of interest with relevant Committees;
  - modalities to consider how further work could be initiated and taken up by Codex on these cross-cutting issues; and
  - processes that would allow Codex to holistically evaluate and prioritize potential need for actions on these cross-cutting issues.
105. CCEXEC81 discussed a means to investigate potential mechanisms to address cross-cutting, overarching and emerging issues in Codex, such as edible insects and seaweed. There was consensus that at the current stage emerging issues should be addressed through existing mechanisms and committees, with the support of FAO and WHO for scientific advice as appropriate.
106. FAO recalled that the challenge was how these issues could initially be introduced for consideration by Codex noting that these items did not naturally fall within the ToR of existing committees.
107. Different options were considered such as a working group of the Commission, a subcommittee of CCEXEC, use of CLs, discussion at RCCs or a combination of these options. While there was no ideal way forward, since this issue required procedural and managerial considerations, it was proposed that a CCEXEC sub-committee provided an initial means to further consider this issue in an expeditious manner.

### **Item 8.2 New FAO Food Safety Strategy 2022-2031 – update of status**

### **Item 8.3 WHO global strategy for Food Safety 2022-2030 – update of status**

<sup>20</sup> CX/CAC 21/44/14; CX/CAC 21/44/14 Add. 1-4

<sup>21</sup> CX/CAC 21/44/15

108. The Vice-Chairperson recalled, and CCEXEC81 reiterated, the conclusion taken during the discussion of item 5 on the strategic planning subcommittee, recommending that FAO and WHO maintain and maximise coordination in the development and subsequent implementation of their respective food safety strategies, while recognizing at the same time that both organizations were already making suitable provisions to ensure such coordination.

#### **Item 8.4 Codex Trust Fund: lessons learned from the COVID-19 pandemic**

109. The Vice-Chairperson drew attention to the sections in the report that identified the need to consider to which extent the Codex Trust Fund (CTF) current scope of support could be adapted to be most effective and demonstrate flexibility in responding to challenges posed by exceptional circumstances that limit countries' ability to engage effectively in Codex work, and to adjust to the emerging virtual working environment brought about by the pandemic. While there was general agreement that flexibility was important particularly under the current circumstances, transparency on the adaptations made should also be ensured.

#### **Conclusion**

110. CCEXEC81:

- i. noted the information and recommendations in the document presented by FAO and WHO; noted with appreciation the paper on emerging issues affecting agri-food systems with relevance to food safety and quality, including new food sources and production systems;
- ii. agreed to establish a sub-committee to investigate potential mechanisms to address cross-cutting, overarching and emerging issues in Codex, with the following ToR:

##### **i. Scope of work**

The sub-committee will work with the support of the Codex Secretariat, FAO and WHO to consider such issues in the context of food safety, food quality and, labelling and the state of the related science, the needs and priorities of members as well as any other considerations as identified by the sub-committee. The sub-committee will also assess the scientific information available as well as the range and suitability of Codex tools that could be used to progress work on such issues when needed.

##### **ii. Timeframe and deliverables**

The subcommittee will begin work after CAC44 and provide an update to CCEXEC82.

##### **iii. Membership and ways of working**

The sub-committee will be chaired by one of the Vice-Chairpersons of the Commission, to be appointed by the Chairperson of the Commission following the completion of elections at CAC44 and open to all members of the CCEXEC. The sub-committee will work electronically using the online platform. The sub-committee will work in English only.

- iii. noted the information provided by FAO and WHO on progress in developing their respective food safety strategies and urged the two organisations to maintain and maximise co-ordination in the further development and subsequent implementation of the strategies; and
- iv. noted the information and analysis provided by the CTF Secretariat and supported the intention of the CTF to demonstrate flexibility in responding to the impacts on countries' effective engagement in Codex work that result from the pandemic, and requested that the CTF report back to CCEXEC on the benefits and lessons-learned from the application of such flexibility.

#### **APPLICATIONS FROM INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS FOR OBSERVER STATUS IN CODEX (Agenda Item 9)<sup>22</sup>**

111. The Codex Secretariat introduced the document containing three applications for observer status, which had been examined by the Legal Offices of FAO and WHO and found to be complete and receivable, adding that the paper regarding the review of NGOs with observer status with Codex would be presented at CCEXEC in 2022.

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<sup>22</sup> CX/EXEC 21/81/7

**Conclusion**

112. CCEXEC81 recommended that the Directors-General of FAO and WHO grant observer status to the Alianza Latinoamericana de Asociaciones de la Industria de Alimentos y Bebidas (ALAIAB), the Healthy Caribbean Coalition (HCC), and the Clean Smoke Coalition (CSC).

**FAO/WHO COORDINATING COMMITTEES – REPORT ON IMPLEMENTATION OF THE HARMONIZED AGENDA AND PROPOSED APPROACHES FOR THE NEXT CYCLE OF THE COORDINATING COMMITTEES (Agenda Item 10)<sup>23</sup>**

113. The Codex Secretariat introduced the item noting that the paper covered three issues: Implementation of the harmonized agenda; the work of the RCCs and the regional coordinators (RCs) during the pandemic; and the next round of RCCs.
114. The Codex Secretariat highlighted the following:
- While there was value in a harmonized agenda, there would be a need for adjustments at each new round of RCCs to reflect any changes that had taken place and update it with the needs of the day, and the way agenda items were developed and discussed would need to continue to evolve;
  - Both the RCs and RCCs had played an important role during the COVID-19 pandemic in maintaining active engagement and promoting inclusivity in Codex work. The Codex Secretariat plans to facilitate regular meetings among the RCs to strengthen cooperation between the regions and facilitate sharing of experiences and lessons learned;
  - Due to the pandemic, the next round of RCCs had been delayed but the Codex Secretariat was working closely with the RCs to facilitate their implementation before the 60th anniversary session of the CAC in 2023; and
  - The evolving role of RCCs could be deliberated as part of the process considering the future of Codex, identified under Item 4.

**Conclusion**

115. CCEXEC81:
- noted the information provided in the document; and
  - expressed appreciation for the efforts of the RCs and the Codex Secretariat for work during the pandemic to maintain and build engagement in Codex.

**OTHER BUSINESS (Agenda item 11)<sup>24</sup>****60<sup>th</sup> Anniversary of the Codex Alimentarius Commission: 1963-2023**

116. The Coordinator for Europe introduced the discussion paper prepared by Switzerland, emphasizing that the Codex 60<sup>th</sup> Anniversary would be a great opportunity for Codex Members, observers and other relevant stakeholders to undertake activities to promote the use of Codex standards and related texts, and to raise awareness about food safety at national, regional and global levels.
117. The Codex Secretariat welcomed the initiative stating that the anniversary, like the annual World Food Safety Day, which had been successfully celebrated for the third time in 2021, were indeed excellent opportunities to raise the level of awareness of Codex work and food safety in general.
118. The Codex Secretariat further informed CCEXEC81 of the activities planned by the Codex Secretariat to date in preparation for the celebration of the 60th Codex Anniversary, which included, among others, the preparation of a Codex publication reflecting on 60 years of Codex and a project to enhance the visibility of Codex standards, in line with Goal 3 of the Codex SP.
119. Finally, the Codex Secretariat further informed CCEXEC81 that all Codex Members and observers would be duly involved in the process to create a successful and impactful celebration, which would hopefully have a strong in-person component supported by virtual events using the experience gained over the last 18 months.

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<sup>23</sup> CX/EXEC 21/81/8

<sup>24</sup> CAC/44 CRD/3; CAC/44 CRD/5

Proposal for the development of a Codex standard for yeast

120. The Coordinator for Asia introduced the topic recalling the wide applications of yeast worldwide and requested guidance regarding which Codex Committee could undertake the proposed new work on yeast since such a product fell outside the ToR of existing Committees.
121. The Codex Secretariat noted that similar cases, where no active Codex committee with a clear responsibility for a project existed, had occurred in the past. In this case, it seemed likely that the proposed work on yeast could be undertaken within the framework of the CCFA, which had also developed the Standard for Food Grade Salt. The Codex Secretariat recommended presenting a discussion paper on the development of a standard for yeast at the next session of CCFA, which would take a decision accordingly.

Sequencing and frequency of meetings of Codex subsidiary bodies

122. The Advisor to the Member for Asia recalled that India at CCEXEC77 and CAC43 had raised the issue regarding the sequencing and frequency of meetings of Codex subsidiary bodies, especially with respect to those committees not meeting annually, in particular CCSC and mentioned that raising this issue at CCEXEC81 would draw attention and help schedule annual meetings of CCSC once regular physical schedule of meetings would resume.
123. The Codex Secretariat confirmed that the scheduling of Codex Committees would be discussed at CCEXEC82, within the context of the broader discussion on the future of Codex.

The level of detail provided in the list of participants for Codex meetings

124. Due to time-constraints, CCEXEC81 could not discuss this item. An update will be provided at CCEXEC82.

**APPENDIX I****LIST OF PARTICIPANTS**

LISTE DES PARTICIPANTS

LISTA DE PARTICIPANTES

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**MIEMBROS ELEGIDOS SOBRE UNA BASE GEOGRÁFICA**

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