

## INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission held its Eighty-fifth Session (CCEXEC85) at the Headquarters of the Food and Agriculture Organization of the United Nations (FAO), Rome, Italy, from 20 to 24 November 2023.
2. The Vice-Chairperson of the Codex Alimentarius Commission (CAC), Mr Raj Rajasekar (New Zealand), chaired the meeting due to the unavailability of Mr Steve Wearne (United Kingdom), CAC Chairperson. The Deputy Director-General, FAO, Ms Maria Helena Semedo, and the Assistant Director-General, Universal Health Coverage/Healthier Populations of the World Health Organization (WHO), Ms Ailan Li, welcomed the participants on behalf of the parent organizations. The Codex Secretary ad-interim, Ms Corinna Hawkes, also greeted the participants.

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

3. CCEXEC85 adopted the agenda with the following addition under agenda item 9 (Other business):
  - Proposal for the investigation and development of recycling guidance in the Codex Alimentarius (CRD01)
4. CCEXEC85 also agreed to consider the “Report on further informal consultations on the draft MRLs for zilpaterol hydrochloride” following agenda item 2. CCEXEC85 further agreed to consider, under agenda item 6, “Comments of Member from North America on Joint FAO/WHO Scientific Expert Advice Program and International Agency for Research in Cancer: Procedures for review of chemicals in foods”, recalling that due to time constraints, CCEXEC84 was unable to complete discussions on this issue.

## CRITICAL REVIEW (Agenda item 2.1 and 2.2)<sup>2</sup>

5. The Codex Secretariat reminded CCEXEC85 of the purpose of the Critical Review as described in the Codex Procedural Manual (PM). CCEXEC85 discussed the proposals committee by committee and made the following comments and recommendations.

### Codex Committee on Methods of Analysis and Sampling (CCMAS)<sup>3</sup>

#### Final adoption

6. CCEXEC85 recommended that CAC46 adopt:
  - Methods of analysis / performance criteria / sampling plans for provisions in Codex standards (CXS 234-1999, CXS 193-1995); and
  - the revised *General Guidelines on Sampling* (CXG 50-2004) (Step 8).
7. CCEXEC85 acknowledged the progress made on the review of methods of analysis for provisions in Codex standards in CXS 234-1999 and that in doing so is continuing to refine its guidance on endorsement work.
8. CCEXEC85 furthermore encouraged the relevant committees to use the information document that CCMAS prepared on how to submit methods for endorsement.
9. In relation to the finalization of the revised *General Guidelines on Sampling* (CXG 50-2004), CCEXEC85 encouraged CCMAS to complete the supporting information document (e-book and sampling plan apps) to support the implementation of the guidelines and commended CCMAS on its innovative approach to sampling.

#### Revocation

10. CCEXEC85 recommended that CAC46 revoke:
  - Methods of analysis for provisions in Codex standards in the *Recommended Methods of Analysis and Sampling* CXS 234-1999); and
  - *General Methods of Analysis for Contaminants* (CXS 228-2001).

#### Other issues

11. One Member highlighted the importance of delegates attending commodity committees that were sending issues for endorsement to CCMAS, to also participate in CCMAS. The Member referred to an intervention at CCEXEC84<sup>4</sup> encouraging participation of delegates from the Codex Committee on Food Labelling (CCFL) in

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<sup>1</sup> CX/EXEC 23/85/1 Rev.2; CX/EXEC 23/85/7; CCEXEC84 CRD05.

<sup>2</sup> CX/EXEC 23/85/2 and Add.1

<sup>3</sup> CX/EXEC 23/85/2, Appendix 1

<sup>4</sup> REP23/EXEC1, Paragraph 64

the Electronic Working Groups (EWG) under CCMAS to support the CCFL work on development of guidelines on precautionary allergen labelling.

12. One Regional Coordinator and one Member highlighted the importance of allowing remote participation in or providing webcasting of CCMAS so as to increase participation of Members and thereby strengthen inclusivity in the work of CCMAS. They expressed concern that the next session of CCMAS may be physical only.

13. CCEXEC85:

- encouraged delegates attending Committees that had sent items for endorsement to CCMAS to also participate in CCMAS; and
- noted the concerns expressed regarding the removal of a virtual dimension from the next CCMAS session and appreciated the clarification from the Codex Secretariat that there was ongoing consideration of how to improve participation without being physically present.

#### **Codex Committee on Pesticide Residues (CCPR)<sup>5</sup>**

##### Final adoption

14. CCEXEC85 recommended that CAC46 adopt at Steps 5/8 the:

- Maximum Residue Levels (MRLs) for different combinations of pesticide/commodity(ies); and
- Revision of the *Classification of Foods and Animal Feeds* (CXA 4-1989) and consequential amendment to the *Principles and Guidance on the Selection of Representative Commodities for the Extrapolation of MRLs for Pesticides to Commodity Groups* (CXG 84-2012) (completion of Class B Primary commodities of animal origin - and Class E – Processed commodities of animal origin and corresponding tables of representative commodities).

##### Adoption

15. CCEXEC85 recommended that CAC46 adopt the:

- Consequential amendments to the CXLs for peppers groups/subgroups to cover okra, martynia and roselle;
- Consequential amendment to the *Classification of Foods and Animal Feeds* (CXA 4-1989) (revised definitions for the portion of the commodity to which MRLs apply and which is analyzed for Group 006 – Assorted tropical and subtropical fruits of inedible peel and Group 023 – Oilseeds and oilfruits); and
- Consequential amendment to the *Classification of Foods and Animal Feeds* (CXA 4-1989) and to the *Principles and Guidance on the Selection of Representative Commodities for the Extrapolation of MRLs to Commodity Groups* (CXG 84-2012) (additional commodity groups in Class A – Primary food commodities of plant origin and Class D – Processed commodities of plant origin and revised Group 12C – Eggplant and eggplant-like commodities, Table 2)

##### Approval

16. CCEXEC85 recommended that CAC46 approve the:

- Priority list of pesticides for evaluation by JMPR; and
- Proposal for new work on the development of guidance for monitoring the stability and purity of reference materials and related stock solutions of pesticides during prolonged storage.

##### Revocation

17. CCEXEC85 recommended that CAC46 revoke the:

- Guidelines on *Portion of Commodities to which Maximum Residue Levels Apply and which is Analyzed* (CXG 41-1993)
- CXLs for different combinations of pesticide/commodity(ies).

##### Discontinuation

18. CCEXEC85 recommended that CAC46 discontinue the:

- MRLs for different combinations of pesticide/commodity(ies) withdrawn from the Step Procedure.

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<sup>5</sup> CX/EXEC 23/85/2, Appendix 2

Other issues

19. CCEXEC85 applauded the good collaboration between CCPR and Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF), including the Joint CCPR/CCRVDF working group, which is a cost-efficient and effective approach for facilitating coordination of work on matters of common interest, specifically those related to compounds with dual use.
20. CCEXEC85 also noted the revised Terms of Reference for this joint EWG and the addition of Brazil and New Zealand as co-chairs of the joint EWG to be endorsed by CAC46.
21. The Coordinator for Europe expressed their support for the final adoption of the *Classification of Foods and Animal Feeds* (CXA 4-1989) while recalling the discussion at CCPR54 on the inclusion of endangered marine mammal species therein and the options given to address this concern, e.g. by including a reference to CITES either in the foreword or the relevant sections of CXA 4-1989. The Coordinator recalled that the Codex Secretariat had noted that this matter should be considered at a higher level within Codex such as the discussion on the future of Codex in CCEXEC and CAC as it was not limited to the issue of classification. The Coordinator indicated that this kind of matter (i.e. endangered species) should be reflected in the critical review document, and further proposed that the specific issue of endangered species could be considered as part of a broader discussion on the elaboration of the Codex Strategic Plan 2026-2031 without precluding the possibility of revisiting CXA 4-1989.
22. One Member highlighted the relevance of consideration of endangered species in relation to discussions on biodiversity loss either as a separate item or as part of a broader discussion under the Codex Strategic Plan 2026-2031. If the Strategic Plan would not be an appropriate venue to consider this matter, a discussion paper could be prepared on the loss of biodiversity and its relevance to Codex work.
23. Other Regional Coordinators and Members questioned how biodiversity loss could be considered by Codex, as the Codex purpose was to address food safety and quality without excluding specific commodities or available risk management options. Therefore, they did not agree with considering biodiversity loss in the framework of the Codex Strategic Plan 2026-2031 and noted that Codex texts, including the CXA 4-1989, can be revised as necessary in line with the Codex purpose. It was further recalled that CCPR54 agreed that consideration of endangered species was outside the purpose of Codex, and therefore had not included any proposed change to address endangered species.
24. CCEXEC85:
  - noted the interest of one Member and one Regional Coordinator in further discussion on the nexus between Codex work and loss of biodiversity and noted that the Member/Regional Coordinator was free to prepare a paper on the issue for discussion at a future session of CCEXEC.

**FAO/WHO Coordinating Committee for Near East (CCNE)<sup>6</sup>**Adoption at Step 5

25. CCEXEC85 recommended that CAC46 adopt at Step 5 the:
  - Regional Standard for Maamoul, noting that there would be a need for endorsement of the food additive and food labelling provisions by CCFA and CCFL, respectively, in the future.

**Codex Committee on General Principles (CCGP)<sup>7</sup>**Approval

26. CCEXEC85 recommended that CAC46 approve the:
  - Move of Section 6 (Membership of the Codex Alimentarius Commission) of the PM to the Codex website;
  - Changes to the PM to align with modern technologies and current practices;
  - Review of the procedures in section 3 of the PM, guidelines for subsidiary bodies; and
  - Issuing of a Circular Letter soliciting proposals from Members on inconsistencies in language, and superseded content of the PM, apart from section 3

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<sup>6</sup> CX/EXEC 23/85/2 Add.1, Appendix 1

<sup>7</sup> CX/EXEC 23/85/2 Add.1, Appendix 2

Other issues

27. Two Regional Coordinators highlighted the importance of ensuring the correct terminology was used across the language versions of Codex texts, to promote a common understanding thereof and indicated their willingness to support efforts to achieving this.
28. CCEXEC85 noted:
- that the proposed changes to the PM will be implemented in the next edition of the PM; and
  - the importance of consistent and accurate translation of key terms across all languages and encouraged Members to support the Codex Secretariat in this endeavor.

**BLUEPRINT ON THE FUTURE OF CODEX - FINAL REPORT FROM CCEXEC SUBCOMMITTEE (Agenda item 3)<sup>1</sup>****Introduction**

29. The Vice-Chairperson, that had led the work on the Blueprint for the Future of Codex, introduced the item, noting that this had been discussed at CCEXEC84 and recalled that, in the evolution of the work, its two main elements had taken different pathways. The element relating to the global context and how it may impact the nature of future Codex work was being used as an input to the development of the Codex Strategic Plan 2026-2031, while the section on the Model for Future Codex Work remained the focus of the current discussion. Thus, CCEXEC was no longer developing a blueprint as such.
30. The Vice-Chairperson recalled that written comments on the Model for Future Codex Work had been sought from Members and Observers through a Circular Letter (CL) and informal discussions had also taken place in the margins of CCGP33, both of which had confirmed much of the information in the document and as such validating the work to date as well as providing some additional perspectives and experiences. The Vice-Chairperson also recalled that CCEXEC84 had agreed to revisit the recommendations presented at that session (section 5.2 of CX/EXEC 23/84/3) following the comments received.

**Discussion**

31. CCEXEC85 Members shared a range of views including that:
- There was useful information in the document on the Model for Future Codex Work (CX/EXEC 23/85/3, Appendix II) which could be particularly valuable to host secretariats and can prompt them to try new meeting approaches and tools;
  - There were further updates to be made to this document based on experiences in recent months, but this would require time outside of CCEXEC85 and, in this context, it would be useful for this to remain a living document to gather such experiences;
  - It would be premature to make any statements on efficacy and appropriateness of any single meeting modality;
  - If it was to be used for the purpose of guidance, the Model for Future Codex Work document would need to be made more concise and practical; and
  - It was not clear where such a document could ultimately be housed and further noted that different aspects of the document may indeed take different paths.
32. Based on the Model for Future Codex Work document, Members also identified some key questions to take forward from this work such as:
- how to increase participation in Codex meetings;
  - whether a virtual participation option could be provided for all Codex meetings;
  - how to collect data and information on best practices as a basis for any possible procedural changes;
  - the need to better monitor virtual participation and webcast viewership to inform further discussion; and
  - how to use virtual meetings to reduce the burden on the agenda of physical meetings.
33. A particular issue of concern related to interpretation and translation, including the sometimes-late availability of documents in other languages. Looking towards extending the range of languages used in all Codex meetings was also highlighted as an important issue for the future.

34. CCEXEC85 considered some of the challenges related to timely availability of documents in all languages, from resources to quality of translation, availability of translation services, and turnaround time. It was also noted that translation was not an isolated issue and availability of other language versions was also related to availability of the original language version, whether they were delivered on time or not. The requirement to use official translation services and competing priorities within the organization's translation teams, and high volumes of documents becoming available for translation at the same time. Hence this needed to be addressed in a holistic manner considering the whole cycle of document preparation and the Codex meeting schedule.
35. One Member proposed that technology be used to increase the timeliness of documents in all languages. The importance of glossaries to ensure harmonisation of terminology across different language versions was also highlighted. Some Members underlined that this was not a new challenge, but that it was time to make real progress in addressing the timely availability of all language versions of documents, as it was also a key contributor to the core value of inclusiveness within Codex.
36. Some Members suggested that further time was needed to update the Model for Future Codex Work document and consider the key recommendations coming from this work and in that context, it would be premature to make any recommendations to CAC46. CCEXEC85 therefore considered that there should be further discussions at CCEXEC86. Some Members noted their disappointment at not being able to deliver a Blueprint for Codex on the occasion of the 60th anniversary but acknowledged that the important work of the last two years would continue and contribute to the future work of Codex.

### Conclusion

#### 37. CCEXEC85:

- agreed that rather than develop a blueprint for the future of Codex it was more appropriate to use the Codex Strategic Plan 2026-2031 to guide the future direction of Codex and to consider, in parallel, a working model for future Codex work;
- noted the value and richness of input from the informal and formal consultation as well as the discussions in CCEXEC on the model for future Codex work and acknowledged that this has been an important learning experience;
- agreed that the document describing the key elements of a model for future Codex work (CX/EXEC 23/85/3, Appendix II) remained a living document that should be periodically reviewed in light of experiences and learnings, and that this would be further considered at CCEXEC86; and
- expressed appreciation to Members, Observers, Host governments, Chairpersons and delegates who provided extensive and valuable inputs and proposals that will continue to inform how Codex will need to work as it navigates the environment, in which it operates.

### **CODEx STRATEGIC PLAN 2026-2031 – REVIEW OF INTERSESSIONAL WORK AND NEXT STEPS AND COMMENTS (Agenda item 4)<sup>8</sup>**

#### Introduction

38. The Chairperson introduced the item recalling the CCEXEC84 decision that CCEXEC85 should consider two substantive elements of the work to develop the content of the Codex Strategic Plan 2026-2031<sup>9</sup>.
- First, that CCEXEC85 should develop a first draft of the following elements of the Codex Strategic Plan 2026-2031: Vision; mission; core values; a narrative on drivers for change; the role of Codex; and a high-level description on Codex ways of working;
  - Second, that CCEXEC85 should discuss and agree questions to be used as a basis for initial engagement with Members and Observers on goals and outcomes for inclusion in the Codex Strategic Plan 2026-2031.

#### **Discussion of the first draft of the following elements of the Codex Strategic Plan 2026-2031: Vision; Mission; Core values; a narrative on Drivers for change; the Role of Codex; High level description of Codex ways of working<sup>10</sup>**

39. While welcoming the proposed draft sections of the Codex Strategic Plan 2026-2031, Members expressed their desire that this part be more concise and focused. In reviewing the text, several suggestions were made to improve clarity.

<sup>8</sup> CX/EXEC 23/85/4; CX/EXEC 23/85/4 Add.1

<sup>9</sup> REP23/EXEC1, Paragraph 136, Appendix III

<sup>10</sup> CX/EXEC 23/85/4, Appendix I

Vision, Mission, and Core Values

40. While some Members noted that these may need to be revisited at a later stage, there were no changes proposed at this time.

Introduction

41. An introductory section was added to the document by moving the two first paragraphs of the drivers for change section and adding two additional paragraphs from the Codex Strategic Plan 2020-2025. Some Members were of the view that the last paragraph of this new section was redundant and proposed its deletion, while others were of the view that this was important to retain, thus the paragraph was put in square brackets for future consideration.

Drivers for change

42. Members agreed to the inclusion of several additional drivers, and deleted reference to consumer concerns. A proposal to include biodiversity loss as a relevant driver was discussed extensively with some arguing that the link between loss of biodiversity and the purpose of Codex was not clear. Others were of the view that this was an important issue that at least warranted further consideration and it was agreed to retain it in square brackets for the moment. Further revisions were made with the aim of improving clarity of the text.

Role of Codex

43. Members shortened and simplified this section with the aim of achieving a more concise and focused text. The concept of Codex as a risk manager was added. There were different views on whether the text should reflect a continuation or a strengthening of the pivotal role of Codex in supporting the advancement of global goals by developing international food standards. Some were of the view that in order to contribute to the achievement of the 2030 Agenda, Codex needed to strengthen its role, while others were of the view that such terminology suggested that Codex was not effectively carrying out its role currently, therefore the text was put in square brackets.

A high-level description of Codex ways of working

44. The promotion of coordination of all food standards work was proposed to be added by one Member, in line with the Codex statutory purpose. Some Members expressed the view that this addition was redundant, recalling that in the development of the Codex Strategic Plan 2020-2025, clauses b-d were considered to be supportive of clause a) of article 1 of the statutes of the CAC (protecting the health of consumers and ensuring fair trade practices in the food trade), therefore the proposal was put in square brackets for future consideration.
45. It was agreed that the revised draft (Appendix II) would be circulated through a CL to Members and Observers to gather their comments, in accordance with the schedule for the development of the Codex Strategic Plan 2026-2031 (Appendix III).

**Discussion on proposals regarding questions to be used as a basis for initial engagement with Codex Members and Observers on goals and outcomes for inclusion in the Codex Strategic Plan 2026-2031<sup>11</sup>**

46. It was agreed that the CL to be issued to gather Members and Observers' comments on the first part of the Strategic Plan 2026-2031 (vision; mission; core values; drivers for change; the role of Codex; ways of working) would be complemented by recommendations and questions to engage Members and Observers on goals and outcomes for the Codex Strategic Plan 2026-2031.
47. In formulating the proposed recommendations and questions, the following issues were discussed:
- reference to the statutory purpose of Codex;
  - the need to outline the envisaged results chain of the Codex Strategic Plan 2026-2031 at this stage; and
  - references to higher strategies and plans, to avoid repetition with the drivers for change section of the Codex Strategic Plan 2026-2031.
48. For the purpose of engaging Members and Observers, CCEXEC agreed on the following text:
- “Members and Observers will be invited to note the following recommendations for the drafting of the Codex Strategic Plan 2026-2031:
- A few high-level, ambitious strategic goals should be formulated;
  - The strategic goals should be aspirational. As such, Codex would only be contributing to these goals, not necessarily achieving them during the strategic plan cycle;

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<sup>11</sup> CX/EXEC 23/85/4, Appendix II

- The Strategic Goals should be within the Codex statutory purpose and should take into consideration the draft narrative on “drivers for change”; and
- A clear timeline for the engagement with Members and Observers.

The purpose of Codex is to develop standards that protect the health of consumers and ensure fair practices in the food trade.<sup>12</sup> Members and Observers will also be invited to answer the following questions:

- What could Codex do to have the greatest impact on the protection of consumer health and promotion of fair practices in the food trade in the period to 2031?
- Consistent with its purpose, how can Codex respond to the food safety, nutrition and food quality implications of, and support efforts to address, the drivers for change that have been identified in the related draft section of the Strategic Plan 2026-2031?”

49. It was also agreed that the recommendations and questions contained in the CL would be used by the Chairperson and Vice-Chairpersons of the Codex Alimentarius Commission (CVCs) to hold informal consultations with the Regions through the Regional Coordinators and with Observers. CVCs would make their “best effort” to hold these informal consultations before the CL was issued and/or as soon as possible after its issuance. The purpose of the informal consultations would be to encourage interaction, discussion and reflection, and to support Members and Observers in responding to the CL. The results of the consultation would be reported to CCEXEC86.
50. The schedule to engage Members and Observers in the development of the Codex Strategic Plan 2026-2031 was updated accordingly and is contained in Appendix III.

#### **Survey on the use and impact of Codex texts**

51. The Codex Secretariat presented high level results from the survey on the use and impact of Codex texts conducted by the Codex Secretariat in 2023, and highlighted with appreciation the key role that Regional Coordinators played in increasing the response rate to this year's survey.

#### **Conclusion**

52. CCEXEC85:

- agreed a first draft of the vision; mission; core values; drivers for change; the role of Codex; and a high-level description on Codex ways of working of the Codex Strategic Plan 2026-2031 (Appendix III) for the purposes of broader consultation, together with recommendations for the drafting of, and questions to initiate the discussion around goals and outcomes of the Codex Strategic Plan 2026-2031;
- agreed to send a CL to Codex Members and Observers requesting:
  - comments on the first draft of the vision; mission; core values; drivers for change; the role of Codex; and a high-level description on Codex ways of working of the Codex Strategic Plan 2026-2031; and
  - replies to questions outlined in para 48 to initiate the discussion around goals and outcomes of the Codex Strategic Plan 2026-2031 while noting note the following recommendations for the drafting as outlined in para 48.
- agreed that the CVCs hold informal consultations with Members and Observers to encourage interaction, discussion and reflection, and to support Members and Observers in responding to the CL; and
- amended the schedule to engage Members and Observers in the development of the Codex Strategic Plan 2026-2031 (Appendix III).

#### **CODEX BUDGETARY AND FINANCIAL MATTERS (Agenda item 5)<sup>13</sup>**

53. The Codex Secretariat presented the document which contained a report on expenditure for the calendar year 2022 and provided an estimate of expenditure for 2023. It also contained a budget proposal for 2024-25.
54. During 2022-23, the Codex Secretariat had an increase of interpretation and translation costs due to inflation and holding meetings with both in-person and virtual dimensions and/or with an increased number of meeting days. Staff costs were also higher in 2022-23 compared to the budget. This generated a deficit that was covered by a special allotment by FAO in 2023.

<sup>12</sup> Article 1 of the Statutes of the Codex Alimentarius Commission

<sup>13</sup> CX/CAC 23/46/23

55. The proposed budget for the 2024-25 biennium is in line with the set objectives of the Codex Strategic Plan 2020 – 2025. The Codex Secretariat will continue to try to identify efficiency savings. However, it is important to highlight that the deficit experienced in 2022-23 is likely to recur in the next biennium.
56. As no savings are foreseen in the 2024-25 biennium, Codex is seeking extra-budgetary contributions to support work under Goal 3 of the Strategic Plan on recognition and use of Codex texts. Additional resources will be required to support the ongoing project to increase accessibility to all Codex texts in the six official languages, which are estimated at about USD 1.5 Million over a period of 5 years. Also, to continue and expand work on monitoring the use and impact of Codex texts, extra-budgetary resources will be required.

### Discussion

57. Members welcomed the document and requested additional information on the following issues:
- 2024-25 biennium budget on events and publications;
  - A budgeted work plan to better understand Secretariat expenditures and be better placed to provide guidance on areas of prioritization;
  - Information on the comparative cost analysis of different meeting modalities requested at CCEXEC83;
  - The current share of the budget allocated to interpretation and translation; and
  - The extra-budgetary resources requested and their purpose.
58. One Member noted the budget constraints of the Secretariat and referred to the need to either increase the budget or decrease activities in the next biennium in order not to incur a deficit. A few Members encouraged Codex to explore new working modalities and continue achieving efficiency gains to make better use of available resources. The importance of timely access to Codex documents in all relevant languages was also stressed (see para 34).
59. The Chairperson questioned the sustainability of the budget based on the information provided and agreed with the requests for additional information in order for CCEXEC to provide better indications on financial needs for the Codex Secretariat.
60. The Secretariat clarified that:
- A detailed budget was provided in the document and explained the different cost types;
  - A comparative analysis of the cost of the different meetings formats of CCEXEC and CAC was carried out, but it did not provide a clear indication on variations in cost related to meeting format as cost is impacted by several factors including meeting venue, number of meeting days, number of words to be translated, and meeting modality. In addition, costs associated with back-to-back sessions of CCEXEC and CAC were difficult to separate due to the shared services and venues;
  - The Codex Secretariat was always trying to achieve additional savings, however the flexibility has decreased over the years, in particular upon returning to a pre-pandemic setting;
  - Events in the biennium, in addition to those that directly supported CAC or Codex subsidiary bodies, were undertaken primarily in response to requests from Regional Coordinators or Members focusing on increasing awareness of Codex and facilitating participation in Codex work, and normally in a virtual format;
  - The primary publication was the annual CODEX magazine, and in the past year a new project to make Codex standards more visible and accessible had been initiated. Additional resources would be required to continue the project; and
  - Communication activities in the Codex Secretariat were covered by both staff and consultants and a review of activities would be undertaken in 2024 to determine how to optimally implement ongoing and future communications activities.

61. The FAO Representative informed that financial matters related to Codex are also discussed in the related Governing Bodies of the parent Organizations FAO and WHO.

### Conclusion

62. CCEXEC85:
- thanked FAO and WHO for their ongoing recognition and support for the work of the CAC and the ring-fencing of its budget;
  - noted the progress report 2022–2023, and proposal 2024-25, including the FAO special allocation to cover the budgetary shortfall for the current biennium;



- reiterated the importance of timely access to Codex documents in all relevant languages;
- requested more detailed information, particularly regarding the various cost types to better understand areas of expenditure, identify future needs and priorities;
- urged the Secretariat to explore and identify new work modalities and/or efficiency gains that would allow better use of available resources;
- noted the need for a continued flexible approach, the redistribution of resources to support the delivery of the Codex work programme, and the need for sustainable funding for Codex to address current and anticipated shortfalls;
- urged Members to advocate with their government representatives to FAO and WHO for adequate funding for the Codex work programme, and provision of information to support a more forward-looking consideration of budget and financial matters by the CCEXEC and CAC;
- noted the increasing difficulty in delivering the Codex work plan in a zero-growth budget environment, and noted the Secretariat's request for Members to consider extra-budgetary funding of the ongoing project to increase accessibility to Codex texts in the 6 official languages, and work on monitoring the use and impact of Codex texts; and
- requested the Secretariat to provide a comparative analysis of CAC and CCEXEC meeting costs, with inputs from the host secretariats on subsidiary body meetings, to improve recognition and understanding of the significant contribution of Member governments in support to the Codex programme.

#### **MATTERS ARISING FROM FAO AND WHO (Agenda item 6)<sup>14</sup>**

63. The Representatives of FAO and WHO introduced the item and summarized the issues included in the document.

#### **Discussion**

64. Members welcomed the comprehensive information provided and commended FAO and WHO for the important work they were doing in advancing food safety through international, regional and national levels activities, and through their support to Codex work.
65. The importance of supporting implementation of FAO and WHO guidelines at national level through capacity building was emphasized, with Members requesting development of more practical guidance and support to facilitate this. FAO and WHO indicated that their regional offices were actively working with governments to provide tailored capacity building support in line with country needs, noting that global guidance documents needed to be generic and advisory in nature to be globally relevant and promote harmonized approaches.
66. Members, recalled events organized to celebrate World Food Safety Day, noting that the day was creating enthusiasm in and engagement on food safety at national levels. Acknowledging increasing engagement in the World Food Safety Day, FAO and WHO encouraged Members to continue making active use of this annual day to promote and enhance efforts to ensure food safety.
67. The crucial role of FAO and WHO in providing evidence-based scientific advice to guide the standard setting work of Codex was highlighted.
68. One Member referred to the FAO strategic priorities that encouraged a more consistent integration of food safety in the development of sustainable and inclusive agri-food systems and noted its relevance to the discussions on the Codex Strategic Plan 2026-2031.
69. In response to a question on the GM platform, the FAO Representative explained that the platform had been created based upon a very specific mandate from Codex that can be revisited if there was a desire from Codex to modify, enlarge or enhance that mandate. The current discussion around gene editing, including precision fermentation, may prompt Members to consider the need to revisit the GM platform.
70. One Member, recalling the CRD presented at CCEXEC84, expressed concerns about duplicative reviews of the sweetener aspartame that were undertaken by two WHO bodies, the International Agency for Research on Cancer (IARC) and the Joint FAO/WHO Expert Committee on Food Additives (JECFA), since duplicative reviews could potentially undermine the Codex scientific advice programme.<sup>15</sup>
71. The WHO Representative noted the issues of duplication of evaluations by the Joint FAO/WHO scientific advice bodies and IARC, which might be attributed to differences in methodologies and the scope of the evaluation. The Representative highlighted that it was critical to note that IARC only carried out one component of the

<sup>14</sup> CX/CAC 23/46/24; CX/CAC46 INF1, INF2, INF3; EXEC/85 CRD03; EXEC/84 CRD05

<sup>15</sup> EXEC/84 CRD05

assessment, hazard identification, whereas the Joint FAO/WHO scientific advice bodies performed a full risk assessment. Unlike the Joint FAO/WHO scientific advice bodies, IARC investigated various routes of exposure, such as inhalation or contact, and occupational exposures. Furthermore, the expression of hazard identification findings varied between the two bodies. The use of the word “possible” in the context of aspartame caused obstacles to communication.

72. The Representative emphasized that IARC did not use the word “possible” to declare presence of a hazard, but rather as an appeal to the scientific community to put more effort into research to remove the uncertainty around a substance’s hazardous nature. The Representative informed CCEXEC85 that a meeting with IARC had taken place following the evaluation of aspartame; it was decided that in future, double evaluations should be limited to circumstances when non-dietary exposure was noteworthy, and that scientific and communications activities should be coordinated as appropriate.

### **Conclusion**

73. CCEXEC85:

- noted the information provided and thanked FAO and WHO for their continued support to Codex;
- encouraged FAO and WHO to continue their fruitful collaboration when implementing the FAO Food Safety Priorities and WHO Global Strategy for Food Safety, and consider these strategies in the discussions on the Codex Strategic Plan 2026-2031;
- recognized the importance of the Joint FAO/WHO scientific advisory bodies to underpin the work of Codex;
- recognized the benefits to Codex Members of capacity building and awareness raising events delivered both physically and virtually, and supported their continuation as part of an appropriately blended approach that continues to build engagement; and
- with regard to the concerns about possible duplication of work between the Joint FAO/WHO scientific advisory bodies and IARC, noted that WHO had acknowledged concerns expressed and efforts were underway to proactively avoid unnecessary duplication and enhance coordination in future.

### **REVIEW OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS WITH OBSERVER STATUS IN CODEX – DOUBLE REPRESENTATION CLAUSE (Agenda item 7)<sup>16</sup>**

74. The Codex Secretariat introduced the item recalling previous discussions on the double representation clause and highlighting that the Secretariat could not actively monitor Non-Governmental Organizations (NGOs) subject to the double representation clause as it relied on the information directly provided by these entities when e.g. applying for observer status or during the review process. The Codex Secretariat stressed that, as prescribed in the PM, it was the responsibility of NGOs with Observer Status with Codex to share any relevant information also regarding their memberships of any other NGO to allow the correct implementation of the double representation clause.
75. The Codex Secretariat concluded the introduction by noting that consideration could be given to gathering information on a trial period on the participation of NGOs to Codex meetings as it would aid Chairpersons in their management of meetings and allow a better assessment of the issue.

### **Discussion**

76. CCEXEC85 welcomed the information provided and noted the following:

- the responsibility of NGOs with Observer Status with Codex to provide relevant information regarding their respective organizations to the Codex Secretariat, including during their participation in a Codex committee, and the concern that the currently available information may not fully reflect the extent of NGO relations with other organizations;
- the importance of NGOs participating in Codex work in accordance with the principles, while also recognizing that some flexibility, as outlined in the working document, is possible such that both the umbrella and smaller organization can contribute to Codex work as appropriate and in line with their knowledge, expertise and experiences;
- the challenges faced by EWG Chairs in checking the origin of comments sent by NGOs in order to ensure the double representation clause was correctly implemented and Chairpersons in managing interventions from NGOs subject to the double representation clause;

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<sup>16</sup> CX/EXEC 23/85/5

- the need to sensitize Chairpersons of Codex Committees, EWGs and PWGs, on the rules regarding the participation of NGOs, through e.g. the handbook for Chairpersons or the future handbook for EWGs;
- the need to use new mechanisms, such as e-tools hosted on the Codex website, and to update existing ones, such as the Online Registration System and the application form for observer status, to facilitate receipt and maintenance of up-to-date information related to the double representation clause, and means of communication on when the double representation clause applies, through more visible information on the Codex webpage or appropriate announcements at Codex meetings.

77. In response to a question from a Member regarding what considerations should be given to NGOs undertaking parallel work to the one of Codex, the Codex Secretariat recalled that the role of NGOs with Observer Status was to secure for the CAC their expert information, advice and assistance, and that NGOs were not part of the decision-making process which belonged to Codex Members only.

### **Conclusion**

78. CCEXEC85:

- noted the information provided;
- requested the Codex Secretariat to collect further information regarding the participation of NGOs subject to the double representation clause in Codex meetings, EWGs and PWGs, and to inform CCEXEC of any recommendations for changes in the way the double representation principle is implemented;
- recommended CAC to encourage NGO observers to be proactive and provide the necessary information as needed according to the procedures set forth in the PM; and
- recognized the need to sensitize Chairpersons of committees, PWGs and EWGs regarding the procedures and considerations around the participation of NGOs subject to the double representation clause.

## **REGIONAL STANDARDS – CHALLENGES WITH APPLICATION OF THE CRITERIA FOR REGIONAL STANDARDS IN THE CONTEXT OF CURRENT REGIONAL NEEDS (Agenda item 8)<sup>17</sup>**

### **Introduction**

79. The Codex Secretariat introduced this item, recalling the questions posed by CCASIA22, highlighting the further analysis undertaken and noting that the paper presented at CCEXEC84 had also been updated with input from the Regional Coordinators and had served as an input for the analysis presented.
80. The Codex Secretariat highlighted that current procedures within the PM provided the means to address challenges related to regional standards, underlining the importance of fully applying these procedures. The Codex Secretariat emphasized the value of a well-researched discussion paper together with a well-presented and complete project document in facilitating application of the procedures.

### **Discussion**

81. CCEXEC85 expressed appreciation for the information and analysis provided and requested further clarifications on the nature of standards Regional Coordinating Committees (RCCs) could develop, and whether commodity standards could be established for processed foods. The Codex Secretariat noted that the normal practice was for RCCs to develop regional standards, but that there appeared to be no procedural impediment to RCCs developing worldwide standards, if the Commission so desired, and the agenda item was open to all Codex Members. However, this had never been done. The common practice was that regional standards were developed and converted to worldwide standards in line with Codex procedures if needed.
82. One Member expressed concern regarding the possibility of RCCs preparing worldwide standards, noting that, while procedurally possible, it may be challenging as a mechanism. The Member further noted that proposals for worldwide standards could be submitted directly to CCEXEC when a relevant commodity committee was adjourned or did not exist.
83. With regard to the nature of standards for processed foods, the Codex Secretariat noted that this could be determined based on the issue the standard was intended to address or resolve and that such a decision could be optimally informed by a well-prepared discussion paper and project document. The Codex Secretariat further highlighted the evolution of Codex commodity standards over the years with safety issues being addressed horizontally and a move towards group standards in some areas.

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<sup>17</sup> CX/EXEC 23/85/6

84. Several Members supported the Codex Secretariats view on the importance of well researched proposals and the need to highlight this to Members.
85. One Regional Coordinator noted that the information provided was also relevant to regions other than Asia.
86. There were different views on the development of practical guidance related to new work and work prioritization with one perspective being that this should be developed as soon as possible and available in advance of the next round of RCC's. Another view was that further guidance documents were not needed and sometimes the utility of such documents was overestimated. Rather, the guidance provided in the PM was considered sufficient, and hands-on support to Members in the regions in preparing their discussion papers and project documents to optimally deploy the information already available would be more useful. This was further supported with a proposal for webinars at the regional level, to share experiences, address challenges and facilitate improvements, and when necessary, engage relevant experts to support proposal development.
87. Acknowledging the value of hands-on support, the Codex Secretariat noted that this may also come from other sources, such as FAO and WHO, and provided an example of how such an approach was being deployed following CCNE11 in relation to the identifying the focus of potential standard setting work for camel milk.

### **Conclusion**

#### **88. CCEXEC85:**

- i. noted the information provided by the Codex Secretariat;
- ii. responded to the request of CCASIA22 by indicating that:
  - a) regardless of whether a commodity was traded internationally or not, a proposal for new work for either a regional or worldwide standard could be submitted from RCCs to CCEXEC for critical review, and to CAC for final approval and decision on the nature of the standard and by whom it should be developed; and
  - b) RCCs (and proponents of new work) should prepare well researched and complete discussion papers/proposals for new work, which will facilitate the role of CCEXEC, and enable it to advise CAC accordingly on a possible way forward; and
- iii. recommended that the Codex Secretariat works to prepare practical guidance as well as engage with Members to address the challenges related to new work and work prioritization, as recommended by CCEXEC83.

### **ANY OTHER BUSINESS (Agenda item 9)**

#### **Report on further informal consultations on the draft MRLs for zilpaterol hydrochloride by the Chairperson and Vice-Chairpersons of the Codex Alimentarius Commission<sup>18</sup>**

89. The Chairperson underlined the purpose of the document was to inform CCEXEC85 and CAC46 of the ongoing commitment of the Chairperson and Vice-Chairpersons (CVCs) to engage with Members on the draft MRLs for zilpaterol hydrochloride so as to keep the lines of communication open, in order to improve the understanding of the different perspectives and facilitate a well-informed and constructive engagement, consistent with the Codex procedures.
90. As was welcomed by CAC45, the CVCs had held a further round of regional informal consultations reaching 89 Codex Members.
91. Summarizing the outcome of their informal discussions, the Chairperson noted that there was no fundamental shift or changes on positions of Members on this issue since CAC45, and that a broad acceptance of the science remained. While some Members did raise concerns on the science during the informal consultations, the CVCs had highlighted that it was incumbent on those Members to provide the appropriate data to the risk assessment bodies to facilitate any further risk assessment work. The Chairperson noted that the view of the CVCs was that science was not the issue, but rather other considerations.
92. In the informal consultations, the CVCs had noted the overwhelming desire of Members to have a final resolution of this issue at CAC46 and had presented various options or routes for resolution for consideration without preference. The Chairperson noted that it was within the competence of CAC to conclude the issue on the draft MRLs for zilpaterol hydrochloride and Members had the sovereign right to express their positions. CCEXEC85 was reminded that the Chairperson of CAC had shared a letter in the previous days outlining the intended approach to the discussions on the draft MRLs for zilpaterol hydrochloride. The Chairperson reiterated the ongoing availability of the CVCs for informal discussions in advance of CAC.

<sup>18</sup> CX/EXEC 23/85/7; EXEC/85 CRD04

93. Noting that this matter was not open for discussion at CCEXEC85, the Chairperson underlined that the report was for information only.

#### **Conclusion**

94. CCEXEC85 noted the update from the CVCs.

#### **ANY OTHER BUSINESS (Agenda item 9)**

##### Proposal for the investigation and development of recycling guidance in the Codex Alimentarius<sup>19</sup>

95. The Advisor to the Member from North America presented the proposal contained in CRD01 regarding investigation and development of recycling guidance in the Codex Alimentarius. The Advisor stressed that the aim of the proposal was to consider how Codex might support global efforts in this area, noting the increase in the use of recycled material for food packaging purposes by Member countries and the private sector. The Advisor further noted that the development of this guidance could be useful to Members and Observers, and was in line with the Codex purpose. The Advisor concluded by proposing that a CL be issued to gauge whether there was interest, value, or need for new work on guidance from the Codex Alimentarius Commission on the use of recycled material in food packaging.

#### **Conclusion**

96. CCEXEC85:

- thanked the Member and the Advisor to the Member from North America for submitting the proposal for the investigation and development of recycling guidance in the Codex Alimentarius as contained in CRD01;
- agreed to recommend CAC46 to request the Codex Secretariat to issue a CL to Codex Members and Observers to gauge whether there is interest, value, or need for new work on guidance from Codex Alimentarius on the use of recycled material in food packaging; and
- to consider next steps based on the response of Members and Observers to the CL.

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<sup>19</sup> CRD01 (USA)