



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FATS AND OILS

Twenty-eighth Session

Kuala Lumpur, Malaysia

19 - 23 February 2024

MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND ITS SUBSIDIARY BODIES

MATTERS ARISING FROM THE 44th, 45th AND 46th SESSIONS OF THE CODEX ALIMENTARIUS COMMISSION AND ITS EXECUTIVE COMMITTEE (CCEXEC81, CCEXEC82, CCEXEC83, CCEXEC84, AND CCEXEC85)

Standards and related texts adopted/or revoked by the Commission:

1. CAC44¹ (2021) adopted:
 - i. the *General Standard for the Labelling of Non-retail Containers of Foods* at Step 8; and
 - ii. the consequential amendment to the Procedural Manual i.e. the Format for Codex Commodity Standards, section on labelling.
2. CAC44 requested commodity committees to review the labelling provisions for non-retail containers in existing and draft standards in light of the new standard for the labelling of non-retail containers. In the case of adjourned committees, the Codex Secretariat will undertake the review.²
3. CAC45³ (2022) adopted:
 - i. the revision to the *Standard for Named Vegetable Oils* (CXS 210-1999): Essential composition of sunflowerseed oils at Steps 5/8;
 - ii. editorial amendments/changes to the *Code of Practice for the Storage and Transport of Edible Fats and Oils in Bulk* (CXC 36-1987): Appendix 2; and
 - iii. the draft revision to the *Standard for Named Vegetable Oils* (CXS 210-1999): inclusion of avocado oil, noting that pending technical comments should be submitted at Step 6 and endorsed the extension of the deadline for completion of the work to CCFO28 at Step 5.
4. CAC46⁴ (2023) adopted the changes to, and/or revoked the methods of analysis submitted by CCMAS42, for provisions in the various CCFO relevant standards and in the *Recommended Methods of Analysis and Sampling* (CXS 234-1999). As a consequence, and in line with the decision that CXS 234-1999 should be the single reference for methods of analysis, all methods of analysis will be removed from relevant standards developed by CCFO and replaced with the general wording from the PM.

Approval of new work⁵

5. CAC45 (2022) approved the following proposals for new work:
 - i. Revision to the *Standard for Named Vegetable Oils* (CXS 210-1999) to include camellia seed oil, Sacha inchi oil, and high oleic acid soya bean oil; and
 - ii. Revision to the *Standard for Fish Oils* (CXS 329-2017) to include Calanus oil.

¹ REP21/CAC, paragraph 83 (i, ii)

² REP21/CAC, paragraph 86

³ REP22/CAC, paragraphs 46 and 51

⁴ REP23/CAC, paragraphs 92 (i) and 93 (i); REP23/MAS, paragraphs 59-60

⁵ REP22/CAC, paragraphs 52 and 172

6. CAC45 considered the proposal for revision of the *Standard for Milkfat Products* (CXS 280-1973) and:
 - i. agreed not to approve the proposal; and
 - ii. noted that it was open to Members to submit a revised new work proposal.

Timelines for completion of work⁶

7. CAC44 (2021) agreed to extend the timeline for completion of the work on the revision of the *Standard for Olive Oils and Olive Pomace Oils* (CXS 33-1981) and the provisions for avocado oil for inclusion in the *Standard for Named Vegetable Oils* (CXS 210-1999).

Application 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)⁷

8. CCEXEC81 (2021) agreed to the development of practical guidance for Codex Subsidiary Bodies and their Chairpersons and Members on the operationalization of the SoP 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.
9. CCEXEC83 (2022) agreed to forward the proposed text on the “*Guidance for Codex Chairpersons and Members on the application 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*” to CAC45 for its further consideration.
10. CAC45 (2022) endorsed the proposal of CCEXEC83 to refer the draft Guidance to the Chairpersons of Codex subsidiary bodies to facilitate deliberations on matters that fell within the scope of the SoP and urged members to take account of the draft guidance as appropriate during the process of standards development and advancement.
11. CAC46 (2023) reiterated its previous conclusion that the draft guidance remained serviceable and available as practical guidance for Chairpersons of Codex Commission and its subsidiary bodies and for Members in situations when there is agreement on science but differing views on other factors/considerations. CAC46 also agreed on the need to gain more experience on application of the draft guidance, and to revisit the draft guidance in the light of experience gained.

Codex and the pandemic⁸

12. CCEXEC81 (2021) recommended that 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 and that 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 are only held when there is a need for guidance or the work it is ready for progression in the step process.
13. CAC44 (2021) recommended that Rule XI (7) and (8) continue to be interpreted in a manner that includes a virtual setting with respect to sessions of Codex subsidiary bodies, including CCEXEC, and that application of this should take into consideration the criteria outlined by CCEXEC80 (2021).

Codex Strategic Plan 2026-2031⁹

14. CCEXEC81 (2021) noted that, in line with Goal 3 of the Codex Strategic Plan 2020-2025 (Increase recognition and use of Codex Standards), the Codex Secretariat in consultation with the FAO and WHO Evaluation Offices has initiated a project to identify, and in due course implement, an approach to monitor the use and impact of Codex standards.
15. CCEXEC84 (2023) recommended to take into account the lessons learnt from the development and implementation of the monitoring framework for the Strategic Plan 2020-2025 when developing the monitoring framework for the Strategic Plan 2026-2031.
16. CCEXEC85 (2023) discussed the first draft of the elements to be included in the Codex Strategic Plan 2026-2031 and agreed to send a Circular Letter (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

⁶ REP21/CAC, paragraph 106

⁷ REP21/EXEC2, paragraph 99 (i); REP22/EXEC2, paragraphs 81-84; REP22/CAC, paragraph 22 (iv, v); REP23/CAC, paragraph 194 (ii, vi, vii)

⁸ REP21/EXEC1, paragraph 35 (iv); REP21/EXEC2, paragraph 84 (ii, iv); REP21/CAC, paragraph 12 (iii)

⁹ REP21/EXEC2, paragraph 90; REP23/EXEC1, paragraph 115; REP23/EXEC2, paragraphs 40-47, 54 (i(a), ii); REP23/CAC, paragraph 16

a high-level description on Codex ways of working of the Codex Strategic Plan 2026-2031. CCEXEC85 further agreed that the Codex Chairperson and Vice-Chairpersons hold informal consultations with Members and Observers to encourage interaction, discussion and reflection, and to support Members and Observers in responding to the CL.

17. CAC46 endorsed the conclusions of CCEXEC85 regarding matters pertaining to the Codex Strategic Plan 2026-2031.

New food sources and production systems (NFPS)¹⁰

18. CCEXEC81 (2021) agreed to investigate potential mechanisms to address crosscutting, overarching and emerging issues in Codex such as new food sources in the context of food safety, food quality and labelling and the state of related science, the needs and priorities of Members as well as any other considerations as identified.
19. CAC45 (2022) recognized the importance of Codex working in a flexible and timely manner to consider NFPS as an important topic in the development of international standards aimed at protecting consumer health and ensuring fair practices in the food trade. CAC encouraged Members to submit proposals related to NFPS using existing Codex mechanisms, and Codex subsidiary bodies to consider NFPS in their deliberations, and requested the Codex Secretariat to send a CL to Members and Observers to identify possible issues related to NFPS that the current structure and procedures could not address and options to address them for discussion at CAC46.
20. CAC46 (2023) highlighted the importance of addressing challenges posed by NFPS and the important role Codex can play in this; noted that the current working mechanisms were adequate to address any new work on NFPS that Members may propose; encouraged Members to submit discussion papers or new work proposals, either to active Codex committees or to the Executive Committee through the Codex Secretariat.

Blueprint on the future of Codex¹¹

21. CCEXEC81 (2021) agreed to establish and lead a process to develop the blueprint for the future of Codex.
22. CAC45 (2022) considered the report of CCEXEC83 on the development of the blueprint for the future of Codex, based on the experience and changes that were needed to remain active during the COVID-19 pandemic to ensure Codex was fit for purpose moving forward, and noted that the future of Codex was a work in progress and noted the need, in due course, to review the Procedural Manual to ensure that its provisions enabled and facilitated continued virtual and hybrid meetings.
23. CCEXEC85 (2023) 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; and 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.
24. CAC46 endorsed the conclusions of CCEXEC85 regarding matters pertaining to the blueprint on the future of Codex.

New standards or review of standards and guidelines¹²

25. At the request of the WHO representative, CCEXEC83 agreed to request that Codex committees, when prioritizing and undertaking work on new standards or the review of standards and guidelines relating to composition of foods, have due regard to ongoing global efforts to achieve health and nutrition related goals through reducing non-communicable diseases (NCD) risk factors such as sodium intake.

MATTERS ARISING FROM OTHER SUBSIDIARY BODIES MATTERS

47th Codex Committee on Food Labelling (CCFL47)¹³

Trans fatty acids

26. CCFL47 agreed to defer discussions on *trans* fatty acids to its next session, pending the outcome of the discussions in CCFO.

¹⁰ REP21/EXEC2, paragraphs 105, 106, 110 (i, ii); REP22/CAC, paragraph 31 (ii, v, vi); REP23/CAC, paragraph 206 (i, ii, iii)

¹¹ REP21/EXEC2, paragraph 85; REP22/EXEC2, paragraphs 101-122; REP22/CAC, paragraph 41; REP23/EXEC2, paragraph 38; REP23/CAC, paragraph 16

¹² REP22/EXEC2, paragraph 154 (v)

¹³ REP23/FL, paragraph 163 (i)

26th Codex Committee on Food Import and Export Inspection and certification (CCFICS26)¹⁴

27. CCFICS26 (2023) agreed to inform other Codex committees about the proposed review and update of the *Principles for Traceability/Product Tracing as a Tool Within a Food Inspection and Certification System* (CXG 60-2006). CAC46 (2023) approved this as new work.

53rd Codex Committee on Food Additives (CCFA53)¹⁵

28. CCFA53 agreed to request guidance from CCFO on the technological justification of:

- i. chlorophylls (INS 140) in FC 02.1.2: use in vegetable oils to restore natural colour lost in processing or for the purpose of standardizing colour, including in virgin, cold pressed, and other oils covered by *Standard for Edible Fats and Oils not Covered by Individual Standards* (CXS 19-1981), and especially for that purpose in vegetable oils for deep frying; and
- ii. paprika extract (INS 160c(ii)) in FC 02.2.2: use and use level in products conforming to the *Standard for Dairy Fat Spreads* (CXS 253-2006) and *Standard for Fat Spreads and Blended Spreads* (CXS 256-2007).

42nd Session of the Codex Committee on Methods of Analysis and Sampling (CCMAS42)¹⁶

29. CCMAS42:

- i. concluded its work on the review of methods for fats and oils workable package. The methods were forwarded to CAC46 for adoption and/or revocation. However, review of methods related to provisions for the *Standard for Olive oils and olive pomace oils* (CXS 33-1981) was suspended pending the ongoing revision of the standard in CCFO.
- ii. agreed to inform relevant Codex committees of the revised *General Guidelines on Sampling* (CXG 50-2004) and request these committees to review their sampling plans in light of the revised guidelines; and to remind committees that sampling plans should be developed as needed in compliance with the *General Guidelines on Sampling* and not by a reference to CXG 50.

33rd Session of the Codex Committee on General Principles (CCGP33)¹⁷

30. CCGP33 (2023), following its discussion on update to the Guide to the procedures for the amendment and revision of Codex standards and related texts in the PM, agreed:
- a) to inform other Codex committees of the ongoing work to update Section 2, Procedures for the elaboration of Codex standards and related texts, Part 7 of the PM to better align with current practices in Codex and international publishing standards.
 - b) to ask the host secretariats to review the procedures in section 3 of the PM, Guidelines for subsidiary bodies, to identify text to be updated, in line with current practices; to request the Codex Secretariat to circulate any proposed changes for comments by the Members.

RECOMMENDATIONS

31. CCFO28 is invited to:

- i. note the information provided in relevant paragraphs above.
- ii. note that in compliance with the requirements of the Procedural Manual as well as the ongoing finalisation of review of methods of analysis for fats and oils in relevant CCFO standards and CXS 234-1999 by CCMAS, the provisions for the methods of analysis in all the existing CCFO standards (barring the methods in the *Standard for Olive Oils and Olive Pomace Oils*), will be replaced with the following text:

“For checking the compliance with this standard, the methods of analysis and sampling contained in the *Recommended Methods of Analysis and Sampling* (CXS 234-1999) relevant to the provisions in this standard, shall be used.”; and
- iii. consider the request from:
 - CAC44 in paragraph 1 and 2 in relation to the provisions for non-retail containers;
 - CCEXEC83 in paragraph 25 when considering new standards or guidelines; and
 - CCFA53 in paragraph 28.

¹⁴ REP23/FICS, paragraph 117 (c); REP23/CAC, paragraph 87

¹⁵ REP23/FA, paragraph 76

¹⁶ REP23/MAS, paragraphs 59; 81 (iii) and Appendix II

¹⁷ REP23/GP, paragraphs 36 (ii) and 69 (iv)