



## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES

#### Forty-third Session

#### MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER SUBSIDIARY BODIES

#### MATTERS ARISING FROM THE FORTY-FOURTH AND FORTY-FIFTH SESSIONS OF THE CODEX ALIMENTARIUS COMMISSION

##### **Matters for information**

##### **44th and 45th Session of the Codex Alimentarius Commission (CAC44 and 45)**

##### Standards and Related Texts adopted by the Commission<sup>1</sup>

1. CAC45 adopted the Guidelines for Ready-to-Use Therapeutic Foods (RUTF) with editorial amendments proposed by WHO on the definition for severe acute malnutrition and by the EU in CX/CAC 22/45/4 Add.1.

##### Codex and the pandemic<sup>2</sup>

2. CAC44 recommended that Rule XI (7) and (8) of the Procedural Manual 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 of the criteria outlined by CCEXEC80.

##### 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)<sup>3</sup>

3. CAC44 welcomed the ongoing work by CCEXEC on the guidance for Chairpersons and Members on the operationalization and the consistent application of the Statements of Principle, and further encouraged CCEXEC to complete this work in an expeditious manner.

4. CAC45 endorsed the proposal of CCEXEC83 to refer the draft Guidance for Codex Chairpersons and Members on the application of the SoP to the chairpersons of Codex subsidiary bodies to facilitate deliberations on matters that fell within the scope of the SoP and urged members to take account of the draft guidance as appropriate during the process of standards development and advancement. CAC45 furthermore requested the Codex Secretariat to issue a Circular Letter (CL) inviting Members and Observers to provide specific suggestions to improve the draft guidance, its finalization and its possible incorporation into guidance documents for Chairpersons and Members.

##### 60<sup>th</sup> Anniversary of Codex<sup>4</sup>

5. CAC44 agreed that the celebration of the Codex 60<sup>th</sup> Anniversary (2023) would be a wonderful occasion to raise awareness about food safety and quality, and encouraged all Members and Observers to use the opportunity of the Codex 60<sup>th</sup> Anniversary to plan and implement activities to build awareness of Codex and to engage high level political support for Codex work.

6. CAC45 encouraged Members and Observers to fully engage in the celebrations and to share information on their plans and activities directly and through the Codex Secretariat; and urged Members to

<sup>1</sup> REP22/CAC Agenda Item 4.2 - paras to be confirmed and Appendix II. The adoption of the report of CAC45 is ongoing and the final report will only be published in February 2023 when adoption of the entire report has been completed. The information provided herein represents the content of the CAC45 report as adopted at the time of publication of this working document.

<sup>2</sup> REP21/CAC para. 12(iii)

<sup>3</sup> REP21/CAC paras. 13-14, REP22/CAC, para. 22

<sup>4</sup> REP21/CAC para. 150

commit to advocacy at all levels to ensure both the widest possible participation in the celebrations and the widest possible promotion of the work of Codex. Members and Observers are encouraged to send details of any activities to celebrate Codex @60 to the Codex Secretariat at [Codex@fao.org](mailto:Codex@fao.org).

#### New Food Sources and Production Systems (NFPS)<sup>5</sup>

7. CAC45 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; 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 Circular Letter (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.

#### Future of Codex<sup>6</sup>

8. CAC45 considered the report of a subcommittee established by CCEXEC82 to develop a blueprint for the future of Codex based on the experience of and changes that were needed to remain active during the COVID-19 pandemic and the timely opportunity of the 60<sup>th</sup> Anniversary to ensure Codex was fit for purpose moving forward. The work to date had focused on preparedness in terms of working modalities and the evolution of working practices within Codex related to meeting formats, meeting schedules and working groups, and other virtual informal working mechanisms.

9. CAC45 noted that the future of Codex was a work in progress and that there would be an opportunity in 2023 for all Members and Observers to engage on this topic; 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.

10. CAC45 requested the Codex Secretariat to consult with the FAO and WHO Legal Offices on a possible amendment to the rules of procedure allowing the Commission to take place virtually if needed, and to prepare a paper on this specific issue for consideration by CCGP33, which in turn should advise CAC46.

### **MATTERS ARISING FROM OTHER SUBSIDIARY BODIES**

#### ***A. Matters for information***

#### **82<sup>nd</sup> and 83<sup>rd</sup> Sessions of the Executive Committee of the Codex Alimentarius Commission (CCEXEC82 AND CCEXEC83)**

##### Critical Review<sup>7</sup>

11. CCEXEC82 recommended:

- CAC45 adopt the draft Guidelines for Ready-to-Use Therapeutic Foods (RUTF) at Step 8.
- extension of the deadline for completion of the review of the *Standard for Follow-up Formula* (CXS 156-1987) to 2023 and urged completion of the work by CCFSDU43.

##### A model for future Codex work<sup>8</sup>

12. CCEXEC82, (2022), agreed to establish a sub-committee to develop in collaboration with the Codex Secretariat a report including a proposed blueprint for the future of Codex for CCEXEC84, taking into consideration the views of Members and Observers, FAO and WHO, Chairpersons of Codex Committees, Regional Coordinators and Host Secretariats.

13. CCEXEC83, (2022), considered an interim report of the CCEXEC sub-committee on the future of Codex, recognized that virtual and hybrid meetings were essential tools for Codex and that practices in relation to these meeting modalities continued to develop and agreed on a timeline for the way forward up to the publication of the blueprint by mid-May 2023. CCEXEC83 also requested the Codex Secretariat to draft practical guidance for Codex Members on submitting proposals for new work.

##### New food sources and production systems (NFSP)<sup>9</sup>

14. CCEXEC82 recognized that ongoing work by CCEXEC on “new food sources” did not preclude committees from undertaking new work falling within their respective mandates and agreed that the sub-

<sup>5</sup> REP22/CAC, para. 31

<sup>6</sup> REP22/CAC, para. 41

<sup>7</sup> REP22/EXEC1, para. 14

<sup>8</sup> REP21/EXEC2 para. 85, REP22/EXEC1 paras. 86-101 and REP22/EXEC2, para. 177

<sup>9</sup> REP22/EXEC1, para. 85 and REP22/EXEC2, para. 100

committee should continue its stepwise consideration of the issues, informed by an analysis of the information collected through the CL, CRDs and report of CCEXEC82.

15. CCEXEC83, while considering the report of its sub-committee on new food sources and production systems (NFPS), recommended that CAC45 encourage Members to submit proposals related to NFSP using existing Codex mechanisms, and Codex subsidiary bodies to consider NFSP in their deliberations; and recognized the need to prepare guidance on how to apply existing procedures to ensure that Members do not perceive procedural obstacles to submitting new proposals for work in this and other areas of Codex.

#### Monitor and use of Codex texts<sup>10</sup>

16. CCEXEC82 discussed the draft mechanism to monitor the use and impact of Codex texts (Goal 3 “increase impact through the recognition and use of Codex Standards”) and

- recognized the benefits and challenges in monitoring the use and impact of Codex texts, and the importance of engagement as the process evolved and of periodic review.
- endorsed the proposed approach for building the Codex monitoring and evaluation (M&E) framework, noting that 2022 would be a pilot year for the re-designed survey approach and that the preliminary results would be reported at CCEXEC83 and CAC45.
- encouraged Members and Observers to identify potential resources to support data gathering for this work, particularly through case studies which should be selected according to a set of pre-defined criteria and be clear in terms of scope and context.

17. CCEXEC83, noted the preliminary results of the 2022 pilot survey on the use and impact of Codex texts<sup>11</sup>, and requested Codex Secretariat: to further review and streamline the Codex Strategic Plan monitoring framework, and to consider the results of the survey when undertaking the elaboration of the next Strategic Plan with the membership.

### ***B. Matters for action***

#### **42nd Session of the Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU42)**

##### Nutrient profiles and methods of analysis<sup>12</sup>

18. CCNFSDU42 agreed to consider at CCNFSDU43 the following:

- The reply from CCFL46<sup>13</sup> relating to nutrient profiles; and
- The request from CCMAS41<sup>14</sup> relating to the methods for fructans, beta-carotene and lycopene in infant formula.

#### **83<sup>rd</sup> Session of the Executive Committee (CCEXEC83)**

##### New standards or review of standards and guidelines<sup>15</sup>

19. 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, to have due regard to on-going global efforts to achieve health and nutrition related goals through reducing noncommunicable diseases (NCD) risk factors such as sodium intake.

### **RECOMMENDATIONS**

20. The Committee is invited to:

- i. note the information provided in paragraphs 1 – 17;
- ii. consider the reply from CCFL under agenda item 7; and
- iii. consider the request from CCMAS under agenda item 8a; and
- iv. take into account the request from CCEXEC83 in paragraph 19 when considering new standards or the review of standards relating to composition of foods.

<sup>10</sup> REP22/EXEC1, paras. 114 – 121; and REP22/EXEC2, paras. 155 – 165

<sup>11</sup> CX/CAC 22/45/14 Add.1 (the *General Principles for the Addition of Essential Nutrients* (CXG 9-1987) was one of the four texts selected for the first pilot survey)

<sup>12</sup> REP22/NFSDU, para. 6ii

<sup>13</sup> CX/NFSDU 21/42/2, para. 23

<sup>14</sup> CX/NFSDU 21/42/2, Para. 27

<sup>15</sup> REP22/EXEC2, para. 154v.