CODEX ALIMENTARIUS COMMISSION

Food and Agriculture Organization of the United Nations

World Health Organization

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**Agenda item 12** **CAC/44 CRD/45**

**December 2021**

**JOINT FAO/WHO FOOD STANDARDS PROGRAMME**

**CODEX ALIMENTARIUS COMMISSION**

**Forty-fourth Session**

**AGENDA ITEM 12: Adoption of the report**

# Request for comments on Agenda item 2 Zilpaterol and Agenda item 11 Other Business of the CAC44 draft report

*Comments of Argentina, Australia, Canada, Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, European Union, Honduras, Iran, Iraq Japan, Kazakhstan, Malaysia, Mexico, the Netherlands, Nigeria, Norway, Panama, Paraguay, Peru, Somalia, Switzerland, Thailand, Trinidad and Tobago, Uganda, United Kingdom, Uruguay, United States of America, African Union and healthforanimals*

## BACKGROUND

This document compiles the comments received in response to CL 2021/80/OCS-CAC on the draft report of Agenda item 2 - Zilpaterol and Agenda item 11 - Other Business of the CAC44 draft report. The comments are those received through the Codex Online Commenting Systems (OCS) by the dextended deadline of 3 December 2021. Comments are provided in original language only. The reference text (draft report as presented to CAC44 on 18th November is included as Appendix1).

## GENERAL COMMENTS

| GENERAL COMMENTS | MEMBER / OBSERVER |
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| In principle, African Union supports the content of this report as it is a true reflection of the discussions that took place during the discussions on the Proposed draft MRLs for zilpaterol. AU wishes to reiterate that the Codex step process still provides a transparent pathway for all Members and Observers to engage in a science-based and progressive manner to address the current impasse on zilpaterol. And so African Union favors continuation of discussions on this matter using all available formal and informal tools. | **African Union** |
| Argentina tendría pequeños cambios que realizar, pero creemos que el texto propuesto refleja adecuadamente lo que sucedió en la reunión, es por ello que en aras del consenso apoyamos su adopción como parte del Report de la 44° CAC tal cual esta. | **Argentina** |
| Para un tema al que se le dio un amplio espacio de debate, debido a las divergencias de posturas entre los Miembros y Observadores, es sumamente relevante que el reporte refleje los distintos escenarios que se sucedieron para la búsqueda de consenso, con el fin de informar de manera comprensiva a quienes no estuvieron presentes durante el debate y con la finalidad de contar con el adecuado seguimiento para reuniones posteriores del Codex en que se aborde esta cuestión.<br><br>Chile apoya el borrador de reporte propuesto sobre la discusión para la aprobación del LMR del zilpaterol, sin observaciones adicionales. Ya que considera que lo reflejado en el borrador de reporte recoge de manera adecuada y balanceada lo sucedido durante la discusión plenaria. | **Chile** |
| Costa Rica considera que luego del arduo y complicado intercambio de posiciones y el gran esfuerzo del presidente en busca de alcanzar el consenso, esta propuesta de redacción recoge de manera general, acertada y muy bien redactado el debate, además las conclusiones marcan la ruta que los actores deben seguir para abordar el tema. | **Costa Rica** |

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| Cabe mencionar que, Costa Rica hizo una intervención en la que planteaba una preocupación y solicitó expresamente que se incluyera en el informe; no obstante, en aras del compromiso y por lo antes mencionado, Costa Rica apoya la propuesta de informe para el tema 2, tal como esta planteado sin ninguna modificación. | |
| Cuba apoya el documento sobre los Punto 2 – Sección relativa a las recomendaciones del CCEXEC sobre la vía a seguir para los LMR propuestos para el zilpaterol. y el Punto 11 – Otros asuntos.<br>En el caso del zilpaterol, concordamos con lo escrito en el documento, lo que si consideramos que se debe hacer referencia a la votación cuando se nombran las herramientas, porque asi se expresó por muchos miembros en la 44 CAC, como uso de los mecanismos existentes en el Codex.<br>En otros asuntos, apoyamos lo descrito en el documento. | **Cuba** |
| República Dominicana no tiene observaciones al tema 2 propuesto y lo apoya en todo su texto propuesto.<br><br>República Dominicana no tiene observaciones al tema 11 propuesto y lo apoya en todo su texto propuesto. | **Dominican Republic** |
| Ecuador, agradece la oportunidad de presentar observaciones a la CL 2021/80/OCS-CAC - Agenda tema 2 - Propuesta borrador LMRs para zilpaterol y Agenta tema 11 - Otros Asuntos.<br><br>Como lo indicamos en plenaria el último día de la adopción del reporte, consideramos importante que en el reporte se refleje también los argumentos de los Países Miembros que estuvimos a favor de la recomendación del CCEXEC81, ya que existe un sin número de intervenciones, sin embargo, nuestro país con el objetivo de buscar un consenso en la aprobación del reporte apoyamos plenamente la propuesta remitida por la Secretaria del Codex y que consta en esta Carta Circular.<br>Es menester recalcar que este borrador, así como está presentado actualmente muestra un equilibrio de todas las intervenciones.<br><br>Adicionalmente, dejamos sentado que, en el caso de que se modifique y se pierda el equilibrio solicitaremos gentilmente la inclusión de los argumentos esgrimidos por la parte que está a favor también. | **Ecuador** |
| Honduras se une a los países: Costa Rica, Ecuador, Guatemala, Mexico. Respalda la redacción del texto propuesto relativo a los puntos #2 y #11 de la agenda de CAC44 | **Honduras** |
| Iran emphasizes the consideration of the application of the Statement of Principle on the role of science in the Codex Decision-making process and the extent to which other factors are taken into account as well as consensus building approach of Codex in its decision making | **Iran** |
| In principle, Malaysia finds that the draft report for item 2 sufficiently captured the facts and essence of the extensive discussions held during CAC44, and agrees with the proposed text.<br><br>With regard to the Conclusion, Malaysia is of the opinion that some improvements can be made for the arrangement of the proposed text in the Conclusion namely for points (i), (ii), and (iv). Malaysia understands the importance to capture these points in the report to address the efforts made in reaching a consensus. In view that these are not the decision of CAC44 but rather elaborate the process of reaching a decision, we propose for points (i), (ii), and (iv) to be placed as the chapeau of the Conclusion.<br><br>In addition, for point (ii), Malaysia proposes to replace “could not agree” with “could not reach agreement” for more clarity on what really takes place during the meeting. | **Malaysia** |
| México agradece el trabajo y se pronuncia a favor de la propuesta de los textos propuestos, sin modificaciones, para su adopción en el informe; Tal y como se presentan, particularmente para el Punto 2: Sección relativa a las recomendaciones del CCEXEC sobre la vía a seguir para los LMR propuestos para el zilpaterol. Se estima que las conclusiones, recogen claramente lo acontecido durante la 44a sesión, y los esfuerzos del Presidente por encontrar el equilibrio entre los países miembros, y el objetivo del Codex, de elaborar proyectos basados en la ciencia. | **Mexico** |

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| Nigeria recommends keeping the three (3) Chair proposals and the final conclusion without any changes as a compromise text for the report. Nigeria supports the current draft of the report regarding the MRLs for Zilpaterol as provided by the codex secretariat given that it reflects in a balanced way the discussion during the plenary.<br><br>Nigeria also supports the current draft report regarding agenda item 11 as this is also a true reflection of the discussions at CAC44. | **Nigeria** |
| Panamá agradece el trabajo realizado por la Secretaría del Codex y la Comisión en General. Ha sido un intercambio valioso en cuanto a los temas abordados en Esta CAC44.<br>Panamá está de acuerdo con la conclusión tal cual se propone, estamos convencidos de que el documento presentado plantea los hechos como ocurrieron, dando la oportunidad de expresar el sentir de los países y de la región, como es el caso de Panamá. Estamos de acuerdo con la propuesta de informe final para el tema 2 de la agenda.<br><br>Panama appreciates the work done by the Codex Secretariat and the Commission in General. It has been a valuable exchange regarding the issues addressed in this CAC44.<br>Panama agrees with the conclusion as it is proposed, we are convinced that the document presented presents the events as they occurred, giving the opportunity to express the feelings of the countries and the region, as is the case of Panama. We agree with the final report proposal for item 2 of the agenda. | **Panama** |
| Con relación al Punto 2 - Sección relativa a las recomendaciones del CCEXEC sobre la vía a seguir para los LMR propuestos para el zilpaterol, Paraguay cree que el mismo es un resumen que recoge con gran transparencia lo sucedido durante los largos debates en la 44° Periodo de Sesiones de la Comisión del Codex Alimentarius. Las tres conclusiones propuestas por el Presidente demuestran los esfuerzos realizados por parte del mismo para llegar a un acuerdo en la plenaria.<br>Por lo tanto, Paraguay apoya el borrador de reporte propuesto en la Carta Circular, sin ninguna modificación adicional.<br><br>Con relación al Punto 11 - Otros Asuntos, Paraguay no tiene comentarios al respecto. | **Paraguay** |
| Con relación al tema 2 - Propuesta borrador LMRs para zilpaterol<br>Comentarios Generales:<br><br>El Perú apoya el borrador del informe propuesto sobre el tema 2 del programa - Anteproyecto de LMR para zilpaterol, sin necesidad que sea modificado ya que refleja objetivamente las discusiones realizadas en la plenaria de la CAC 44, así como los esfuerzos del presidente para lograr un consenso y además tal como está redactado es un resumen que no pretende ser una declaración detallada pero que ayudará en el seguimiento para quienes participen en las próximas reuniones del Codex.<br><br>A Perú al igual que otros países también nos preocupa que en la última reunión algunos miembros no estaban de acuerdo con recomendar adelantar los LMR al trámite 5, e incluso nos sorprendió que presentaron oposiciones y no reservas, sobre todo porque las razones que daban no se enmarcaban en preocupaciones de inocuidad alimentaria o dentro del Mandato del Codex, es por eso que consideramos fundamental que en una próxima CAC estén disponibles todas las herramientas que el Manual de procedimientos permite para la toma de decisiones cuando no se llega a un consenso.<br>Por estas razones, Perú apoya en general el texto del borrador de informe propuesto en la Carta Circular.<br><br>Con relación al tema 11 - Otros Asuntos.<br><br>Perú no tiene comentarios al respecto. | **Peru** |
| Somalia is in full supports the MRL proposed by JECFA on Zilpatrol because JEGA is an independent credible scientific organisation with highly respected scientists.<br>Also Somalia extends its support item 11 in which Switzerland proposed on the 60th anniversary of Codex creation. | **Somalia** |

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| Somalia is in full support of advancement to step five of the MRL proposed by JECFA. JECFA is a reputable and independent scientific organisation in which its findings can be trusted and relied. The proposed MRL 0f Zilpatrol is recommended to safe for human and therefore doesn't pose any risk to human health. | |
| Uruguay, puede aceptar la propuesta de informe presentado por la secretaria en estos dos puntos, 2 y 11, considerando que refleja el intercambio durante la reunion. | **Uruguay** |
| **Specific comments on the draft report of Agenda item 2 Proposed draft MRLs for zilpaterol** | |
| Panama agrees with the report presented, it is a compromise solution of this commission, which would continue to allow member countries to present new scientific information, if any, for consideration by the CCRVDF at its twenty-sixth (26th) meeting.<br><br>Panama is aware that all the risk assessment requirements and scientific procedures related to the assurance of food safety have been met.<br><br>For Panama it is very important to have an international reference regulation on the MRLs of this substance that is used by my country and many others.<br><br>Panama supports the conclusion presented by the Presidency, decisions based on science should take precedence over all things and also comply with the Manual of Procedures and the Declarations of Principles.<br><br>We accept the president's conclusion to provide an opportunity for opposing countries to have time to present their scientific support to their opposition. We support with the intention of advancing this important work.<br><br>Panama supports the draft report that has been presented on the discussion for the approval of the MRL for zilpaterol, as is. | **Panama** |
| The United States believes that the draft report on Agenda Item 2-- Proposed draft MRLs for zilpaterol, is a balanced and factual summary of the debate during the 44th Session of the Codex Alimentarius Commission and the three proposed conclusions by the Chair. We concur with the approach taken, which is consistent with other Codex reports. As noted in CL 2021/80/OCS-CAC, the report is not intended to be a detailed statement of positions and comments, and they should not be repeated in the text of the report.<br><br>Based on how discussions occurred over several days in plenary during CAC44, the United States remains extremely concerned that some members are seeking to prevent further discussion of setting MRLs for zilpaterol or advancing the proposed MRLs to Step 5 for reasons not based on any food safety concerns or issues within the Codex mandate. Refusal to record a reservation or to have further debate on the issue, objecting to every compromise the Chairperson proposed and then seeking to remove references in the CAC44 report to the three separate occasions that they refused to accept the Chairperson's conclusions, undermines the Codex process and the very foundations of the organization.<br><br>While the United States did ask for certain points in our interventions to be included in the report, we can accept the simpler approach in this draft in order to avoid getting enmired in lengthy debates during report adoption. For these reasons the United States generally supports the text of the report as proposed in Circular Letter and urges other participants to keep suggested changes to a minimum. | **USA** |
| Respecto al debate celebrado por varios días durante la 44a sesión de la CAC, Costa Rica quisiera ratificar su preocupación respecto al desconocimiento del criterio científico que nos aporta el JECFA y la falta de compromiso de algunos miembros para lograr el consenso necesario para adelantar los LMR de clorohidrato de zilpaterol propuestos, por razones que no se basan en preocupaciones de inocuidad alimentaria o cuestiones dentro del mandato del Codex. Costa Rica respalda los comentarios manifestados por algunos miembros respecto a que, negarse a registrar una reserva o tener más debates sobre el tema, objetar cada | **Costa Rica** |

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| compromiso propuesto por el Presidente y luego tratar de eliminar las referencias en el informe de la CAC44 a las tres ocasiones distintas en las que se negaron a aceptar las conclusiones del Presidente, socava el proceso del Codex y los mismos cimientos de la organización. El Codex es el ente de referencia y la base de la regulación de sus países miembros, especialmente los países en via de desarrollo, por ello la aprobación de sus textos y LMR de forma expedita y fundamentados en ciencia es imprescindible. | |
| ***Comments on Paragraph 1*: CCEXEC81 in its critical review on items from CCRVDF also monitored the work on the development of the draft MRLs for zilpaterol hydrochloride (cattle fat, kidney, liver, muscle). 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).** | |
| Panamá está de acuerdo con el reporte presentado, es una solución de compromiso de esta comisión, que seguiría permitiendo a los países miembros presentar información científica nueva, si la hubiera, para su examen por el CCRVDF en su vigésima sexta (26.ª) reunión<br>Panamá es consciente que se han cumplido todos los requisitos de evaluación de riesgos y procedimientos científicos relativos al aseguramiento de la inocuidad de los alimentos.<br>Para Panamá es muy importante contar con una normativa de referencia internacional sobre los LMR de esta sustancia que es utilizada por mi país y muchos otros.<br><br>Panamá apoya la conclusión presentada por la Presidencia, las decisiones basadas en la ciencia deberían primar por sobre todas las cosas y además cumplir con el Manual de Procedimientos y las Declaraciones de Principios.<br>Aceptamos la conclusión del presidente de dar una oportunidad para que los países que se oponen tengan tiempo para presentar su sustento científico a su oposición. Apoyamos con la intensión de que avance este trabajo tan importante.<br>Panamá apoya el borrador de reporte que ha sido presentado sobre la discusión para la aprobación del LMR del zilpaterol, tal cual. | **Panama** |
| "Desde Colombia estamos de acuerdo con la propuesta "Draft Rep21_CAC Item 2 _CCRVDF monitoring Zilpaterol", sin incorporar ningún cambio, con el objetivo de mantener la versión propuesta, apoyamos las posiciones de otros países que van en la misma línea de mantener el texto propuesto sin modificaciones adicionales." | **Colombia** |
| ***Comments on chapeau to Paragraph 2*: The Chairperson recalled that CCEXEC81, with reservations from the Member for Europe, the Regional Coordinator for Europe, the Member for the Near East, and the Regional Coordinator for the Near East, had 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:** | |
| SOP – Use "Statements of Principles" in full considering its importance in the section of the report | **Uganda** |
| ***Comments on second bullet of Paragraph 2*:**<br>• **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** | |
| acceptable | **Australia** |

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| Australia proposes replacing the word 'acceptable' with 'accepted' as The Statements of Principle Criteria say ‘Only those other factors which can be accepted on a worldwide basis’ in English the correct word is ‘accepted’ | |
| acceptable on a worldwide basis<br><br>Replace with "generally applicable or relevant worldwide as espoused in the SoP" | **Uganda** |
| ***Comments on chapeau to Paragraph 3*: Following an initial round of comments at CAC44, it became clear that there were very different opinions in the Commission on the way forward:** | |
| Australia initially proposed deletion of the bulleted list in order to avoid it becoming an extensive list of Members positions put forward during the course of the discussion. We would still propose deletion of the bulleted list taking into account the Secretariat's guidance that the report is a succinct summary. We would propose the inclusion of 3 alternative paragraphs that summarise the debate more succinctly.<br>The new paragraphs have been inserted against the relevant bullets below. | **Australia** |
| Canada suggests to add a new fifth bullet: “Delegations supporting deletion of reference to Step 5 were of the view that there was not consensus for advancement”<br><br>Rationale: Canada suggests that this missing opinion be added as it was stated a number of time by various delegations. | **Canada** |
| The EU proposes the following wording: "Following an initial round of comments, Members made the following proposals on the way forward:"<br><br>The EU further proposes to add the following bullet points:<br><br>• Delegations suggested discontinuation of work noting that this was one option identified in CX/EXEC 19/77/10<br>• Delegations suggested the inclusion of a note in the standard to reflect abstention from acceptance noting that this was an option presented in EXEC 21/81/6<br>• Delegations suggested that CAC could advise members to make use of the JECFA evaluation in their national regulation.<br><br>Rationale: These proposals were put forward by Members. | **European Union** |
| Члены предложили:<br>- прекратить работу, как один из вариантов, изложенных в документе CX / EXEC / 19/77/10.<br>- поддержать продолжение обсуждений до завершения реализации Заявления о принципах, других ролей в процессе принятия решений Кодекса и контекста, в котором учитываются факторы (SoP).<br>- включить в примечание стандарта отказ, как вариант, представленный в EXEC 21/81/6.<br>- CAC рекомендовать членам использовать оценку JECFA в своих национальных технических регламентах. | **Kazakhstan** |
| Members, in expressing their views:<br><br>• supporting the CCEXEC81 recommendation<br>• requesting advancement of the draft MRLs in the step process without further delay<br>• suggested discontinuation of work as one option<br>• supporting postponing further discussion 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).<br>• suggesting the inclusion of a note in the standard to reflect abstention from acceptance<br>• suggesting that CAC could advice members to make use of JECFA evaluation in their national regulation. | **Norway** |

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| • requesting further scientific data and risk assessment regarding other edible tissues than those already addressed.<br><br>Reason: This approach and language is previously used in CAC reports where members differ in views. Therefore bullets should be included reflecting all proposals as a lot of time was spent on this discussion, and the report need to reflect this: "The final report is a concise, written, summary of the meeting capturing the decisions made and how they were reached." Proposals listed cannot ignore positions presented. | |
| Switzerland proposes to add the following bullet point:<br>• Delegations suggested discontinuation of work as a possible option<br><br>Rationale: Switzerland suggests that this missing opinion be added as it was stated by delegations. | **Switzerland** |
| The UK would prefer to retain the bullets that follow this chapeau, as amended by the members so that the report captures an accurate and balanced reflection of the range of opinions expressed by members.<br>We do not believe it is sufficient to say ' they were very different' and then move on to the Chair's proposed conclusions, as the bullets provide necessary insight into why it was not possible to reach a consensus. | **United Kingdom** |
| The United States supports retaining these brief statements of major opinions expressed during the plenary debate, without getting into detailed rationales for the positions, for the reasons stated in the Circular Letter and our General Comments, above. | **USA** |
| ***Comments on bullet 1 of Paragraph 3*:**<br><br>• **Delegations supporting the CCEXEC81 recommendation** | |
| Australia suggests deletion of the first two bullet points and replacing them with the following paragraph "A number of delegations expressed the view that the CCEXEC81 recommendation addressed the request from the Chair of CCRVDF for advice and guidance and that the recommendation upheld the robustness of the JECFA risk assessment. These delegations expressed their continued support for advancement of the draft MRLs in the step process in order to protect the health of consumers and ensure fair practices in the food trade and that continuing to delay a decision on this issue had the potential to affect the reputation of Codex as the preeminent food standard setting body." | **Australia** |
| Canada suggests to add at the end of this bullet: “were of the view that it represented a good compromise”<br><br>Rationale: Canada suggests the addition of the clause to provide a brief rationale for the opinion. | **Canada** |
| for completeness it should say "Delegations supporting the CCEXEC81 recommendation to move to Step 5". | **healthfor animals** |
| ***Comments on bullet 2 of Paragraph 3*:**<br><br>• **Delegations requesting advancement of the draft MRLs in the step process without further delay** | |
| Australia proposes deletion of this bullet point as it is now covered in our proposed alternate paragraph above. | **Australia** |
| Canada suggests to clarify with the following amendments that it was “advancement of the draft MRLs to Step 5 and Step 5/8….”; and add at the end of this bullet: “were of the view that the proposed draft MRLs met scientific and procedural requirements and progress of this work was not dependent on the completion of the work on the operationalization of the Statements of Principles concerning the Role of Science in the Codex decision-making process and the extent to which other factors are taken into account” | **Canada** |

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| Rationale: Canada suggests the clarification and addition of the clause to provide clarity and a brief rationale for the opinion. | |
| The United States proposes that this bullet read as follows for additional clarity: Delegations requesting advancement of the draft MRLs in the step process by the Commission without further delay (to Step 5/8 or to Step 5) | **USA** |
| ***Comments on bullet 3 of Paragraph 3*:**<br>• **Delegations supporting postponing further discussion 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).** | |
| Australia proposes replacing this bullet with the following paragraph "Those delegations that were opposed to the advancement of the draft MRLS expressed the view that any decision should be postponed until after the completion of the work on the operationalization of 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)." | **Australia** |
| Canada suggests to add at the end of this bullet: “were of the view that the work could provide critical guidance to build consensus”<br><br>Rationale: Canada suggests the addition of the clause to provide a brief rationale for the opinion. | **Canada** |
| The EU suggests to modify this bullet point as follows:<br>"• Delegations supported, referring to the conclusions of CAC41 (footnote: Paragraph 12 of REP18/CAC), a postponement of further discussion until after completion ....."<br><br>Rationale: This proposal is tightly linked to the conclusions of CAC41 on zilpaterol (see hereunder). The proposed wording is factually correct and is worded in a way that does not require the inclusion of views of members who stated that guidance on the completion of the operationalization of the SOP is not required before progressing the MRLs at step5. Conclusion 12. Reiterating the value of Codex as the pre-eminent international rules-based food standards-setting body, and underscoring its commitment to both science and consensus, the Commission endorsed the approach proposed by CCEXEC75 in paragraph 38-40 of its report, emphasized the value of holding regional coordination meetings to inform the process, and stressed that the reports prepared on the matter should be shared with the broader membership, not only CCEXEC. The Commission: (i) highlighted the importance of science, the observance of Codex procedures and consensus in the Codex decision-making process; (ii) endorsed the importance of the work proposed by CCEXEC75 to be considered at CCEXEC77; (iii) requested that the Codex Secretariat make the reports to inform CCEXEC77’s work available to all Members sufficiently in advance to enable regional coordinators to solicit views from their respective regions; and (iv) took note of the comments made during the discussion and requested that the Codex Secretariat take them into account in preparing the reports on the matter for CCEXEC77. | **European Union** |
| It should be clarified that there was never a condition agreed or set, in CAC or CCEXEC, that the guidance document was a prerequisite to advancing Codex MRLs. Linking these two separate issues is inappropriate and inaccurate. | **healthfor animals** |
| Delete SOP. Not necessary here. | **Uganda** |
| (A new bullet point to be introduced after this one to read as follows)<br><br>Delegations suggesting the inclusion of a note in the standard to reflect abstention from the standard, noting that this was an option presented in paragraph 6.2 of CX/EXEC/21/81/6. | **United Kingdom** |
| The United States believes that the conclusions of CAC41 do not support modifying this bullet, and to do so, would be misleading. | **USA** |
| ***Comments on bullet 4 of Paragraph 3*:** | |

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| **Delegations requesting further scientific data and risk assessment regarding other edible tissues than those already addressed.** | |
| Australia proposes replacing this bullet with the following paragraph<br>"Further, in response to those delegations opposed to advancement and who were of the opinion that there was a need for further scientific data and risk assessment regarding edible tissues other than those already addressed, the JECFA representative emphasized that all safety evaluations included the consideration of a broad range of applicable health end points." | **Australia** |
| ***Comments on Paragraph 4*: The Chairperson proposed a conclusion to CAC44 closely based on the recommendation of CCEXEC81 as follows:** | |
| African Union supports retention of this text as this was the reflections of the Chairperson, which was also supported by many delegations and several observers. This style of reporting is no different from the reporting style adopted when CCRVDF25 could not reach consensus on the issue of zilpaterol and the Chairperson of CCRVDF had to reflect his own conclusions in the report. | **African Union** |
| In Australia's view it is important that the report reflect that there was also significant support for the Chairperson's' conclusions and despite his efforts there continued to be opposition even after several attempts to facilitate consensus the opposition remained. To address this point we suggest that this paragraph and the subsequent paragraphs covering the first and second conclusions be replaced with a new paragraph that would read<br><br>"In an effort to address members' concerns the Chairperson proposed several alternate conclusions to CAC44 all closely based on the recommendation of CCEXEC81, which were extensively discussed without agreement. The Chairperson further noted that, while there had been significant support for his proposed conclusions, there had also been objections to them. Those delegations opposed to the Chair's conclusions continued to express the view that the draft MRLs should not progress without the completion of the work on the Statements of Principle. While those supporting his conclusions expressed concern that this implied that CAC44 would not be responding to the request of the Chairperson of CCRVDF to provide a way forward." | **Australia** |
| The EU proposes to delete the detailed description of the Chair's three draft proposals in order to keep the report concise.<br>The whole section from this paragraph down to the last bullet from the third draft conclusion "Possible adoption at Step 5 at a subsequent Session of CAC would be a compromise that would still allow Members to submit any new scientific information." should be deleted and replaced by a simple sentence: "The Chairperson noted that CAC44 could not agree on his three attempts of conclusions." | **European Union** |
| Suggest deleting all the proposals from the chairperson, rather summarise, that the chairperson proposed several ways forward, and if possible, describe the difference between the proposed conclusions:<br>After extensive discussions, and several proposed conclusions from the Chairperson. The Chairperson expressed his regret for not finding an agreement on any of the conclusions, and underscored there was no dispute on the risk assessment provided by JECFA, which, in his view, was the key requirement for advancement and adoption of the proposed draft standard. | **Norway** |
| The United States believes it is important to retain this initial proposed compromise conclusion, as well as the other two conclusions proposed by the Chairperson, as they are presented in this draft. They are essential for readers to understand what the Commission actually discussed during its deliberations. | **USA** |
| ***Comments on Paragraph 5*: After discussion, the Chairperson noted that, while there had been significant support for his proposed conclusion, there had also been objections to it.** | |
| There had also been significant objections to it. But these proposed conclusion does not need to be included in a report, | **Norway** |
| In general, Thailand agrees with the overall detail of the report according to CL 2021/80/OCS-CAC. However, we recognise the importance of the report in summarising of the outcome based on situation during the meeting. We are of the view that the report should not be | **Thailand** |

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| recorded in such a way that quantifies the different opinions of member countries. The word choices such as less, significant, etc., should not be used. As a result, we would like to propose some amendments to the report as follows:<br><br>After discussion, the Chairperson noted that, while there had been support for his proposed conclusion, there had also been objections to it. | |
| ***Comments on Paragraph 5 – second bullet of chairpersons proposal*:**<br><br>**advancement for comments at Step 5 was a compromise that would still allow Members to submit any new scientific information/data.** | |
| 1. It is in the best interest of the Codex Commission to recognize the days of both formal and informal discussions on this topic and keep any edits to the proposed final text to a minimum.<br><br>2. While there are always improvements and wordsmithing that can be done without changing the final outcome or altering what took place during plenary, the majority of the current report language should not be changed or further elaborated. It is imperative to reiterate the request from the CCRVDF Chair, the outcome of the CCEXEC recommendation, the three proposals put forward by the Chair and the final conclusion as stated. The clarifying statements by the FAO and WHO JECFA Secretariats should also be maintained.<br><br>3. It was our understanding that the conclusion as originally proposed and reflected in the final report was final at the end of the discussion. No further changes should be made.<br><br>4. We do not support country reservations or individual country positions to be elaborated on in the report.<br><br>5. It is important to clarify that the CCEXEC recommendation was to advance the standard to step | **healthfor animals** |
| ***Comments on Paragraph 7:* The Chairperson noted that there was less support and continued opposition to his amended conclusion and invited Members to submit further comments via CRDs suggesting possible ways forward to reach consensus.** | |
| Australia proposes deletion of the paragraphs preceding this one containing the alternative conclusions and rewording this paragraph to read<br><br>" Despite the Chairperson proposing a range of alternative conclusions in an effort to reach consensus, he noted that there was less support and continued opposition to his amended conclusions and invited Members to submit further comments via CRDs suggesting possible ways forward to reach consensus." | **Australia** |
| In general, Thailand agrees with the overall detail of the report according to CL 2021/80/OCS-CAC. However, we recognise the importance of the report in summarising of the outcome based on situation during the meeting. We are of the view that the report should not be recorded in such a way that quantifies the different opinions of member countries. The word choices such as less, significant, etc., should not be used. As a result, we would like to propose some amendments to the report as follows:<br><br>The Chairperson noted that there was continued support and opposition to his amended conclusion and invited Members to submit further comments via CRDs suggesting possible ways forward to reach consensus. | **Thailand** |
| Replace with "whereas there was support, some delegations continued to oppose" | **Uganda** |
| ***Comments on Paragraph 8*: Based on these comments, the Chairperson proposed a third conclusion:** | |
| Based on our previous proposals this would read 'the Chairperson proposed a 'final' conclusion: etc..." | **Australia** |

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| ***Comments on Paragraph 9*: The Chairperson noted that while again there was significant support for his conclusion, there continued to be opposition to it despite several attempts to adjust it further to help consensus-building.** | |
| Australia proposes deleting the word 'help' and replacing it with 'facilitate' to better reflect the importance of the efforts of the Chairperson in facilitating consensus. | **Australia** |
| The EU proposes to replace the detailed description of the three draft conclusions by the following paragraph: "The Chairperson noted that CAC44 could not agree on his three attempts of conclusions." | **European Union** |
| In general, Thailand agrees with the overall detail of the report according to CL 2021/80/OCS-CAC. However, we recognise the importance of the report in summarising of the outcome based on situation during the meeting. We are of the view that the report should not be recorded in such a way that quantifies the different opinions of member countries. The word choices such as less, significant, etc., should not be used. As a result, we would like to propose some amendments to the report as follows:<br><br>The Chairperson noted that while again there was support for his conclusion, there continued to be opposition to it despite several attempts to adjust it further to help consensus-building. | **Thailand** |
| The chairperson acknowledged that the three (3) proposed alternative options did not satisfy all of the Members and therefore consensus was not reached at CAC44 | **Trinidad and Tobago** |
| Replace “help” with "facilitate" | **Uganda** |
| ***Comments on Paragraph 10*: The Legal Office of WHO speaking on behalf of the Legal Offices of FAO and WHO, confirmed that the Commission did not have all tools at its disposition to resolve the issue in the context of the current Session due to the suspension of the rule relating to voting on any matter other than elections.** | |
| Australia would propose editorial amendments to improve clarity and readability of this paragraph. In the second line 'Commission did not have all the tools at its disposal to resolve the issue....."<br>In the last line the word rule should be capitalized 'Rule' and to preserve clarity we would request the inclusion of a footnote to the word Rule to identify accurately which Rule(s) were suspended. | **Australia** |
| ***Comments on Paragraph 11*: On behalf of the joint JECFA secretariat, the FAO JECFA secretariat expressed his gratitude to all delegates that expressed their strong support to the FAO/WHO scientific advice programme in general and JECFA in particular. He emphasized that all safety evaluations, and thus also JECFA, included the consideration of a very broad array of applicable health end-points that were applicable to the substance in question. He stressed further that the FAO/WHO risk assessments were evidence driven and routinely included topics such as the potential to be of concern with regard to their potential to promote antimicrobial resistance, or any specific risk to a wide range of potentially vulnerable sub-populations and possible interactions with other substances present in food.** | |
| Australia would propose deletion of the second sentence as we moved the content to further up in the report to better reflect what the response was to. We also don't believe that this sentence was linked to the comment regarding antimicrobial resistance | **Australia** |
| Replace “detailed” with "confirmed" | **Uganda** |
| ***Comments on Conclusion:*** | |
| The United States supports retention of the conclusions as projected on the screen during the final day of plenary discussion, without change. According to our notes, there were no interventions following the Chairperson’s statement at the end of the debate that these would be the conclusions for the report. The United States and others refrained from attempting to edit | **USA** |

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| them at the time, and they should not be altered during report adoption.<br><br>With respect to the statement in (vii), it is our understanding that the reference to “all tools” includes the option of voting on adoption of the MRLs, if necessary, | |
| ***Comments on Conclusion i:***<br><br>**i. CAC44 discussed extensively several proposed conclusions from the Chairperson that were based on the CCEXEC81 recommendation.** | |
| Australia proposes this should read 'extensively discussed' for clarity and readability | **Australia** |
| ناقشت الهيأة في دورتها الرابعة والأربعين على نطاق واسع عدة استنتاجات مقترحة من الرئيس استندت إلى توصية اللجنة التنفيذية في دورتها الحادية والثمانين. | **Iraq** |
| Above the conclusion | **Norway** |
| CAC44:<br>- requested the Chairperson and Vice-Chairpersons of the Commission to undertake informal consultations with all relevant parties to encourage and enable sustained effort to build consensus in advance of CAC45.<br><br>- directed the Chairperson and Vice-Chairpersons of the Commission to submit a report two months in advance of CCEXEC83 to inform its further monitoring and critical review, and then to inform further discussion at CAC45.<br><br>- noted that as per the advice of the Legal Office of WHO speaking on behalf of the Legal Offices of FAO and WHO, the Commission did not have all tools at its disposition to resolve this issue in the context of the current Session due to the suspension of the rule relating to voting on any matter other than elections.<br><br>- acknowledgeding that, even with informal consultation mechanisms, consensus might not be forthcoming and that, after having exhausted all the opportunities that successive Chairpersons would then have explored all options/avenues to find consensus, requested the Codex Secretariat to ensure that all tools are at the disposal of CAC45 to allow resolution of this issue.<br><br>Comment: point i., ii and iii does not belong in the conclusion. i and ii could be moved to the paragraph above the conclusion. | **Norway** |
| Include at the end of the paragraph "and could not agree on any of the conclusions" | **Uganda** |
| ***Comments on Conclusion ii:***<br><br>**Ii CAC44 could not agree on any of these proposed conclusions.** | |
| ولم تتمكن اللجنة في دورتها الرابعة والاربعون الى التوصل الى اختيار احد الاستنتاجات المقترحة | **Iraq** |
| Move to above the conclusion | **Norway** |
| To be deleted if comment provided in (i) is considered | **Uganda** |
| ***Comments on Conclusion iii:***<br><br>**iii CAC44 noted that as per the advice of the Legal Office of WHO speaking on behalf of the Legal Offices of FAO and WHO, the Commission did not have all tools at its disposition to resolve this issue in the context of the current Session due to the suspension of the rule relating to voting on any matter other than elections.** | |

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| Australia proposes for consistency replacing 'disposition' with 'disposal' for clarity | **Australia** |
| 3) وأشارت الهيأة في دورتها الرابعة والأربعين وبناءً على مشورة المكتب القانوني في منظمة الصحة العالمية الذي يتحدث باسم المكتبين القانونيين لمنظمة الأغذية والزراعة ومنظمة الصحة العالمية، فإن اللجنة لا تملك جميع الأدوات اللازمة لحل هذه المسألة في سياق الدورة الحالية بسبب تعليق القاعدة المتصلة بالتصويت على أي مسألة أخرى غير الانتخابات. | **Iraq** |
| Replace “no dispute” with "limited dispute" to leave room for the continued opposing delegations | **Uganda** |
| ***Comments on Conclusion iv:*** **iv Expressing his regret for not finding an agreement on any of the conclusions, the Chairperson noted there was no dispute on the risk assessment provided by JECFA, which, in his view, was the key requirement for advancement and adoption of the proposed draft standard.** | |
| African Union recommends to remove this text as it is not a conclusion and rather include in the discussions as the reflections of the Chairperson. | **African Union** |
| Australia proposes replacing the word 'standard' with 'MRLs for zilpaterol" for clarity and to ensure that there is no ambiguity with regard to which standard this applies. | **Australia** |
| China proposes to delete this paragraph as it was the opinion of the chairman and not the CAC44. Moreover ,the risk assessment provided by JECFA does not include other offals, which can not prove that there is no risk to consumers.<br><br>中国建议删除结论中第4条，这是主席的意见，而非大会结论。需要注意的是JECFA的评估结果没有包含其他下水的风险评估数据，不能证明对消费者无风险 | **China** |
| The EU proposes to take this paragraph out of the conclusions as it reflects the views of the Chairperson, not a CAC conlusion. This paragraph could be placed right before the Conclusions. | **European Union** |
| The chairs vieuw should not be part of the conclusion. The Netherlands proposes to delete iv. | **Netherlands** |
| The chair’s view should not be in the CAC44 conclusion, that’s just his view. Could rather be included in the text introducing the conclusion, this would follow “normal” report writing, see our comment above. Delete. | **Norway** |
| Switzerland recommends to remove paragraph iv. out of the CAC44 conclusion as it reflects the opinion of the Chair and not a CAC conclusion. | **Switzerland** |
| ***Comments on Conclusion v:*** **v CAC44 requested the Chairperson and Vice-Chairpersons of the Commission to undertake informal consultations with all relevant parties to encourage and enable sustained effort to build consensus in advance of CAC45.** | |
| Australia requested clarification during the discussion of the conclusion on how 'relevant parties' would be identified and we note that this has not yet been addressed and while it may not be included in the report at this time, we would encourage that the process be conducted in an open and transparent manner at the earliest opportunity. | **Australia** |
| وطلبت الهيأة في دورتها الرابعة والأربعين من رئيس الهيئة ونوابه إجراء مشاورات غير رسمية مع جميع الأطراف المعنية لتشجيع وتمكين الجهود المستمرة لبناء توافق في الآراء قبل انعقاد الدروة الخامسة والأربعين للهيأة | **Iraq** |
| ***Comments on Conclusion vi:*** | |

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| **vi CAC44 directed the Chairperson and Vice-Chairpersons of the Commission to submit a report two months in advance of CCEXEC83 to inform its further monitoring and critical review, and then to inform further discussion at CAC45.** | |
| كلّفت الهيأة في دورتها الرابعة والأربعين رئيس الهيأة ونوابه بتقديم تقرير قبل شهرين من انعقاد الدورة الثالثة والثمانين للجنة التنفيذية من أجل مواصلة الرصد والاستعراض التقييمي، وبالتالي مواصلة توجيه المناقشة في الدورة الخامسة والأربعين للهيأة. | **Iraq** |
| ***Comments on Conclusion vii:*** **vii. CAC44 acknowledging that, even with informal consultation mechanisms, consensus might not be forthcoming and that, having exhausted all the opportunities that successive Chairpersons would then have explored all options/avenues to find consensus, requested the Codex Secretariat to ensure that all tools are at the disposal of CAC45 to allow resolution of this issue.** | |
| Australia considers it would be helpful to include a description of which Chairpersons this refers to as we would note that the efforts to find consensus have included the chairpersons of CCRVDF and the Commission. | **Australia** |
| 7) واعترفت الهيأة في دورتها الرابعة والأربعين بأنه، حتى مع وجود آليات التشاور غير الرسمية، قد لا يكون التوافق في الآراء وشيكاً، وأنه بعد استنفاد جميع الفرص واستكشاف الرؤساء المتعاقبين لجميع الخيارات/السُبل للتوصل إلى توافق في الآراء، طلبت من أمانة الدستور الغذائي التأكد من إتاحة جميع الأدوات أمام الدورة الخامسة والأربعين للهيئة من أجل تيسير تسوية هذه المسألة. | **Iraq** |

**COMMENTS ON PROPOSED DRAFT REPORT ON OTHER BUSINESS (Agenda Item 11)[1]**

| **GENERAL COMMENTS** | **MEMBER /OBSERVER** |
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| Panama appreciates the hard work that the Codex Commission has done for the countries of the world, always faithfully believing that they continue to promote having science support in all Codex decisions. We agree with item 11 presented in other matters on the CAC44 agenda.<br><br>Panamá Agradece el trabajo arduo que ha realizado la Comisión del Codex para los países del mundo, siempre creyendo fielmente en que se sigan promoviendo tener un respaldo de ciencia en todas las decisiones del Codex. Estamos de acuerdo con el tema 11 presentado en otros asuntos en la agenda de la CAC44 | **Panama** |
| **SPECIFIC COMMENTS** | |
| *60th Anniversary of the Codex Alimentarius Commission; 1963-2023* | |
| Please include the title of the Discussion Paper: "60th Anniversary of the Codex Alimentarius Commission: 1963-2023 Codex Standards: Science, policy and practice for consumer health protection and fair practices in the food trade". | **Switzerland** |
| ***COMMENTS ON PARAGRAPH 1:*** **The Delegation of Switzerland introduced the discussion paper, emphasizing the opportunity that the 60th Anniversary of Codex presented to 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. She also highlighted the importance of using this opportunity to reflect on the successes of 60 years of Codex, to highlight key issues such as the role of water in food safety and to build partnerships and promote youth engagement to secure the future of Codex. The Delegation proposed the establishment of a 60th Anniversary Organizing Committee, which would be co-chaired by one of the Vice-Chairpersons and Switzerland and include as members the Regional Coordinators, the Codex Secretariat, FAO and WHO, to work between CAC44 and CAC46 to collect ideas, support organization and progress and final reports on the 60th Anniversary.** | |
| Cut out “She also highlighted” and include "was underscored" at the end of the sentence which should start "The importance....." | **Uganda** |

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| Kindly note that Switzerland has proposed both "Editorial" and "Substantive" amendments and that both "Categories" are valid for all of Switzerland's proposed amendments. Thank you very much. | **Switzerland** |
| To the Codex Secretariat: As instructed by the Codex Chairperson on 18th November 2021 during the Adoption of the Report, Switzerland immediately sent an E-mail (18th November 2021, 14:46) to the Codex Secretariat and the Chairperson with Switzerland's suggested amendments attached in a Word file. Prior to the Chairperson's instructions, Switzerland had already proposed several editorial amendments in plenary during the Adoption of the Report. As neither of the proposed amendments are contained in the current Draft and in view of the fact that Switzerland cannot insert the proposed amendments in the Draft, Switzerland kindly submits the following proposed text:<br><br>"Switzerland" instead of "The Delegation of" - to be applied throughout the text.<br>In addition, please insert "Codex" before 60th Anniversary throughout the entire text so that it would read "Codex 60th Anniversary".<br><br>Kindly note that the following proposed text is based on the original Draft including Switzerland's proposed amendments, which lead very nicely to the paragraphs which outline the elaborate presentations by the Codex Secretariat, the FAO and WHO.<br><br>Switzerland introduced the Discussion Paper, emphasising the opportunity that the Codex 60th Anniversary presented to 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. Switzerland stressed the importance of using this opportunity to highlight the notable achievements that Codex has made over the past 60 years. As part of the proposed activities contained in CRD 3, Switzerland underlined key issues such as the need to ensure a High-level Ministerial participation at CAC46, the possibility of the Codex 60th Anniversary to focus on the importance of water safety to ensure food safety, and fostering partnerships for Codex and food safety across regions and sectors including consumers and consumer organisations, the private sector, academia, etc. Switzerland insisted on the need to promote youth engagement to ensure efficient and competent leadership in Codex as well as the sustainable advocacy for Codex and food safety in future.<br><br>In order to ensure the perfect staging of the Codex 60th Anniversary celebrations with the dynamic and full engagement of all the Members of the Commission and the Observers, Switzerland proposed the establishment of a Codex 60th Anniversary Organising Committee, which would be co-chaired by one of the Vice-Chairpersons and Switzerland and include as members the Regional Coordinators, the Codex Secretariat, FAO and WHO, to work between CAC44 and CAC46. Its mandate would be to collect ideas from Codex Members and Observers on activities, which could be organised in view of the celebrations of the Codex 60th Anniversary in 2023, work with Codex Members and Observers in view of the organisation and staging of the Codex 60th Anniversary celebrations in 2023, submit a Progress Report of the preparations as well as the Draft Programme of the Codex 60th Anniversary to the 45th Session of the CAC in 2022, and submit a Final Report on the activities that would have been organised as part of the Codex 60th Anniversary celebrations to the 47th Session of the CAC in 2024. The Timeframe for the Codex 60th Anniversary Organising Committee would be from CAC44 (Nov. 2021) until CAC47 when the Final Report would be submitted to the Commission. | **Switzerland** |
| To replace “The Delegation” with “Switzerland”<br>To replace “she” with “Switzerland”<br>To delete “The Delegation of” with Switzerland<br><br>Rationale: For consistency with the rest of the report on how country interventions are reported | **Canada** |
| ***Comments on Paragraph 2:*** **The Codex Secretariat welcomed the initiative to use the occasion of the 60th Anniversary to build awareness of and engagement in Codex and outlined plans already underway to celebrate the event. The Secretariat noted that the 7 June date of the annual World Food Safety Day (WFSD), which coincided with the period of the 60th Anniversary, was an excellent opportunity to raise the** | |

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| **level of awareness of Codex work and food safety in general and that Members and observers could use this as a natural launch pad for their own initiatives to promote Codex.** | |
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| Add "in specific" after Codex work | **Uganda** |
| الموافقة على المقترحات المدرجة ضمن البند 11 من جدول الاعمال | **Iraq** |
| **Comments on Paragraph 7: The Representatives of FAO and WHO noted their strong support for the celebration of the 60th Anniversary of Codex and the importance of Member engagement in that celebration, the opportunity to use WFSD to raise awareness and engage with Members, and to maintain an agile organization mechanism as proposed by the Codex Secretariat** | |
| Replace with “FAO and WHO noted”with "FAO and WHO expressed" | **Uganda** |
| ***Comments on Paragraph 8:*** **There was strong support for preparing an appropriate celebration of the 60th anniversary of Codex with suggestions to include national level events and activities, and engage all stakeholders along the food chain from primary producers through to consumers** | |
| The Discussion Paper prepared by Switzerland was welcomed by many Members and Observers who expressed their strong support for this initiative as well as for the activities proposed by Switzerland. In addition, Delegations expressed their --- delete "There was" and continue with the rest of the sentence as drafted by the Secretariat. Delete "governmental" and replace it with "political" so that the text reads ... high-level political support ... | **Switzerland** |
| ***Comments on Paragraph 11:*** **With regards to the mechanisms to organize the celebrations, both the proposal to use an organizing committee or a lighter structure of existing mechanisms, found support. There was an overall agreement on the need to ensure inclusivity and the important role the RCCs could play to assure this.** | |
| Please insert "Codex 60th Anniversary" before "celebrations". After "found support", kindly insert, Switzerland emphasised that the activities of the Codex 60th Anniversary Organising Committee and those of the Codex Secretariat would be complementary and their collaboration would create synergies.<br>The following sentence is slightly amended to ensure clarity. There was an overall agreement on the need to ensure inclusiveness (instead of inclusivity) and the important role that the FAO/WHO Regional Coordinating Committees (instead of RCCs) could play to ensure (instead of assure) this was emphasised. | **Switzerland** |
| ***Comments on Paragraph 12 chapeau:*** **Following some discussion, CAC44** | |
| Delete”some” and replace with "the" and insert "held" after discussion | **Uganda** |
| ***Comments on bullet 1 of Paragraph 12:***<br>• **thanked Switzerland for raising this issue and enabling the Commission to have a timely discussion on the 60th Anniversary;** | |
| Switzerland proposes that "Codex 60th Anniversary" is consistently used throughout this text instead of "60th Anniversary of Codex" or "60th Anniversary". | **Switzerland** |
| ***Comments on bullet 4 of Paragraph 12:***<br>• **requested the Codex Secretariat in cooperation with FAO, WHO, the Chairperson and Vice-Chairpersons of the Commission and CCEXEC (including the Regional Coordinators) to reach out** | |

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| **to all Members and observers in their preparations for the 60th anniversary and provide regular reports; and** | |
| All text “the Chairperson and Vice-Chairpersons of the Commission and CCEXEC (including the Regional Coordinators” to be replaced with only "CCEXEC" as it includes all the listed. It is recommended to ensure the responsibility is with the Committee and not selected members of the Committee | **Uganda** |
| To replace “reports” with “updates” | **Canada** |
| ***Comments on bullet 5 of Paragraph 12:***<br>• to include the 60th Anniversary on the agenda of the next sessions of the CCEXEC and CAC45 which would be the final session before the 60th anniversary session. | |
| Include "RCCs" | **Uganda** |
| ***Comments on Paragraph 13:*** **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 of the ToR of existing Committees. It was clarified that although yeast may be used to produce alcoholic beverages, this was excluded from the scope of the new work proposal. It was also suggested that the work proposal consider the revision of the GFSA Category 12.8 on yeast and yeast products to include yeast containing cultures for kefir in the *Standard for Fermented milks* (CXS 243-2003) and to note that ISO was beginning work on microbial food cultures including yeast and that such work be considered by Codex moving forward.** | |
| To replace “The Coordinator for Asia”with "China" | **China** |
| The new work was proposed by China as a member country, not as the Regional Coordinator for Asia. Therefore, Japan would like to propose replacing "The Coordinator for Asia” with “China.” | **Japan** |
| To add: “Regional” before “Coordinator”. | **Canada** |
| | **Cuba** |
| 请将“亚洲协调员”**更改**为“**中国**” | **China** |
| ***Comments on Paragraph 15:*** **CAC44 recalled the recent passing of Dr Mosha and reflected on his life and service to Codex. The Chairperson reminded CAC44 of his unwavering commitment and deep passion for Codex and food safety, and that he would be remembered for his hard work, dedication, astute leadership, and positivity, and for his mentoring of the next generation of Codex supporters in Africa.** | |
| The United States would like to propose replacing the word "supporters" with "leaders" at the end of this paragraph. | **USA** |
| ***Comments on Paragraph 16:*** **CAC44 expressed deep appreciation to the outgoing Chairperson and Vice-Chairperson of the Commission for their dedication and excellent contribution to the work of Codex, including through the very special and challenging time of the COVID-19 pandemic.** | |
| The United States would suggest that "Vice-Chairperson" and "contribution" be changed to "Vice-Chairpersons" and "contributions" (plural). | **USA** |

**APPENDIX 1:**

Proposed draft MRLs for zilpaterol

1. CCEXEC81 in its critical review on items from CCRVDF also monitored the work on the development of the draft MRLs for zilpaterol hydrochloride (cattle fat, kidney, liver, muscle). 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).

2. The Chairperson recalled that CCEXEC81, with reservations from the Member for Europe, the Regional Coordinator for Europe, the Member for the Near East, and the Regional Coordinator for the Near East, had 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 required 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

3. Following an initial round of comments at CAC44, it became clear that there were very different opinions in the Commission on the way forward:

- Delegations supporting the CCEXEC81 recommendation
- Delegations requesting advancement of the draft MRLs in the step process without further delay
- Delegations supporting postponing further discussion 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).
- Delegations requesting further scientific data and risk assessment regarding other edible tissues than those already addressed.

4. The Chairperson proposed a conclusion to CAC44 closely based on the recommendation of CCEXEC81 as follows:

> ‘In response to the request of the Chairperson of CCRVDF, CAC44 endorsed the recommendation of CCEXEC81 that the Codex Secretariat circulate the proposed draft MRLs for zilpaterol for comments at Step 5, noting that:
>
> - the proposed draft MRLs for zilpaterol had met all the procedural and scientific requirements for advancement
> - advancement for comments at Step 5 was a compromise that would still allow for Members to submit any new scientific information.
>
> The proposed draft MRLs will be considered in the next critical review of CCEXEC, together with the output from the discussion on operationalization of the Statements of Principle at CCEXEC82, and will be discussed subsequently by CAC.’

5. After discussion, the Chairperson noted that, while there had been significant support for his proposed conclusion, there had also been objections to it.

6. The Chairperson thus proposed an amended conclusion, which sought to reflect the concerns expressed by Members:

> ‘In response to the request of the Chairperson of CCRVDF, CAC44 endorsed the recommendation of CCEXEC81 that the Codex Secretariat circulate the proposed draft MRLs for zilpaterol for comments at Step 5, noting that:
>
> - the proposed draft MRLs for zilpaterol had met all the procedural and scientific requirements for advancement
> - advancement for comments at Step 5 was a compromise that would still allow Members to submit any new scientific information/data.

The Circular Letter should also include the output of the discussion on the operationalization of the SoP in CCEXEC and invite Members to provide their views on the different options that could facilitate consensus on a decision regarding MRLs for zilpaterol.

The proposed draft MRLs will be considered in the next critical review of CCEXEC, together with the responses to the CL, and will be discussed subsequently by CAC.'

7. The Chairperson noted that there was less support and continued opposition to his amended conclusion and invited Members to submit further comments via CRDs suggesting possible ways forward to reach consensus.

8. Based on these comments, the Chairperson proposed a third conclusion:

*'*In response to the request of the Chairperson of CCRVDF, CAC44 endorsed the recommendation of CCEXEC81 that the Codex Secretariat circulate the proposed draft MRLs for zilpaterol for comments at Step 5, noting that the proposed draft MRLs for zilpaterol had met all the procedural and scientific requirements for advancement.

The proposed draft MRLs will be considered in the next critical review of CCEXEC, together with the output from the discussion on operationalization of the Statements of Principle at CCEXEC82, and comments received from Members, and will be discussed subsequently by CAC.

Possible adoption at Step 5 at a subsequent Session of CAC would be a compromise that would still allow Members to submit any new scientific information.'

9. The Chairperson noted that while again there was significant support for his conclusion, there continued to be opposition to it despite several attempts to adjust it further to help consensus-building.

10. The Legal Office of WHO speaking on behalf of the Legal Offices of FAO and WHO, confirmed that the Commission did not have all tools at its disposition to resolve the issue in the context of the current Session due to the suspension of the rule relating to voting on any matter other than elections.

11. On behalf of the joint JECFA secretariat, the FAO JECFA secretariat expressed his gratitude to all delegates that expressed their strong support to the FAO/WHO scientific advice programme in general and JECFA in particular. He emphasized that all safety evaluations, and thus also JECFA, included the consideration of a very broad array of applicable health end-points that were applicable to the substance in question. He stressed further that the FAO/WHO risk assessments were evidence driven and routinely included topics such as the potential to be of concern with regard to their potential to promote antimicrobial resistance, or any specific risk to a wide range of potentially vulnerable sub-populations and possible interactions with other substances present in food.

12. In response to the question of a Member, the FAO JECFA Secretariat detailed that the FAO/WHO scientific advice programme took data from all applicable sources into consideration, including data received in response to call for data, data sponsors as identified by members and scientific publications from a variety of databases.

***Conclusion***

i. CAC44 discussed extensively several proposed conclusions from the Chairperson that were based on the CCEXEC81 recommendation.

ii. CAC44 could not agree on any of these proposed conclusions.

iii. CAC44 noted that as per the advice of the Legal Office of WHO speaking on behalf of the Legal Offices of FAO and WHO, the Commission did not have all tools at its disposition to resolve this issue in the context of the current Session due to the suspension of the rule relating to voting on any matter other than elections.

iv. Expressing his regret for not finding an agreement on any of the conclusions, the Chairperson noted there was no dispute on the risk assessment provided by JECFA, which, in his view, was the key requirement for advancement and adoption of the proposed draft standard.

v. CAC44 requested the Chairperson and Vice-Chairpersons of the Commission to undertake informal consultations with all relevant parties to encourage and enable sustained effort to build consensus in advance of CAC45.

vi. CAC44 directed the Chairperson and Vice-Chairpersons of the Commission to submit a report two months in advance of CCEXEC83 to inform its further monitoring and critical review, and then to inform further discussion at CAC45.

vii. CAC44 acknowledging that, even with informal consultation mechanisms, consensus might not be forthcoming and that, having exhausted all the opportunities that successive Chairpersons would then have explored all options/avenues to find consensus, requested the Codex Secretariat to ensure that all tools are at the disposal of CAC45 to allow resolution of this issue.

**OTHER BUSINESS (Agenda Item 11)[1]**

*60th Anniversary of the Codex Alimentarius Commission; 1963-2023*

1. The Delegation of Switzerland introduced the discussion paper, emphasizing the opportunity that the 60th Anniversary of Codex presented to 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. She also highlighted the importance of using this opportunity to reflect on the successes of 60 years of Codex, to highlight key issues such as the role of water in food safety and to build partnerships and promote youth engagement to secure the future of Codex. The Delegation proposed the establishment of a 60th Anniversary Organizing Committee, which would be co-chaired by one of the Vice-Chairpersons and Switzerland and include as members the Regional Coordinators, the Codex Secretariat, FAO and WHO, to work between CAC44 and CAC46 to collect ideas, support organization and progress and final reports on the 60th Anniversary.

2. The Codex Secretariat welcomed the initiative to use the occasion of the 60th Anniversary to build awareness of and engagement in Codex and outlined plans already underway to celebrate the event. The Secretariat noted that the 7 June date of the annual World Food Safety Day (WFSD), which coincided with the period of the 60th Anniversary, was an excellent opportunity to raise the level of awareness of Codex work and food safety in general and that Members and observers could use this as a natural launch pad for their own initiatives to promote Codex.

3. The Codex Secretariat described some of the activities planned including 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 Strategic Plan 2020-2025.

4. The Codex Secretariat confirmed that all Codex Members and observers would be updated on its plans for the celebration, which would hopefully have a strong in-person component supported by virtual events using the experience gained over the last 18 months.

5. In terms of a mechanism to facilitate preparations for the 60th Anniversary, it was noted that Codex already had a number of tools at its disposal to facilitate engagement and planning for the Anniversary including the RCCs, and the CCEXEC, which would also be leading the preparation of the blueprint for the future of Codex to be considered on the occasion of the 60th Anniversary.

6. The Codex Secretariat further explained that over the course of the past 18 months in developing a series of interactive and engaging events related to Codex meetings, the values of flexibility, agility and pragmatism in planning with finite resources had been fully recognized and Codex now had at its disposal numerous communication tools to facilitate an inclusive celebration.

7. The Representatives of FAO and WHO noted their strong support for the celebration of the 60th Anniversary of Codex and the importance of Member engagement in that celebration, the opportunity to use WFSD to raise awareness and engage with Members, and to maintain an agile organization mechanism as proposed by the Codex Secretariat.

8. There was strong support for preparing an appropriate celebration of the 60th anniversary of Codex with suggestions to include national level events and activities, and engage all stakeholders along the food chain from primary producers through to consumers.

9. The important role of Members to assure high-level governmental support to the celebrations was emphasized.

10. The possibility to use the event as an opportunity for reflection on Codex and where it sees itself in the context of its core values and principles as well as the broader context of global trade was also highlighted e.g.issues of inclusiveness in terms of the language coverage of EWGs.

11. With regards to the mechanisms to organize the celebrations, both the proposal to use an organizing committee or a lighter structure of existing mechanisms, found support. There was an overall agreement on the need to ensure inclusivity and the important role the RCCs could play to assure this.

12. Following some discussion, CAC44:

- thanked Switzerland for raising this issue and enabling the Commission to have a timely discussion on the 60th Anniversary;
- agreed that the celebration of the 60th Anniversary of Codex would be a wonderful occasion to raise awareness about food safety and quality also in connection with the 5th celebration of World Food Safety Day
- encouraged all Members and observers to use the opportunity of the 60th Anniversary to plan and implement activities to build awareness of Codex and to engage high level political support for Codex work;

[1] CRD03 (Switzerland); CRD05 (China)

- requested the Codex Secretariat in cooperation with FAO, WHO, the Chairperson and Vice-Chairpersons of the Commission and CCEXEC (including the Regional Coordinators) to reach out to all Members and observers in their preparations for the 60th anniversary and provide regular reports; and
- to include the 60th Anniversary on the agenda of the next sessions of the CCEXEC and CAC45 which would be the final session before the 60th anniversary session.

*Proposal for the development of a Codex standard for yeast*

13. 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 of the ToR of existing Committees. It was clarified that although yeast may be used to produce alcoholic beverages, this was excluded from the scope of the new work proposal. It was also suggested that the work proposal consider the revision of the GFSA Category 12.8 on yeast and yeast products to include yeast containing cultures for kefir in the *Standard for Fermented milks* (CXS 243-2003) and to note that ISO was beginning work on microbial food cultures including yeast and that such work be considered by Codex moving forward.

14. The Chairperson recalled the recommendation of the Codex Secretariat at CCEXEC81 that a discussion paper on the development of a standard for yeast be presented at the next session of CCFA, which could then take a decision accordingly.

CAC44 endorsed this approach.

*Dr Claude Mosha, 15th Chairperson of the Codex Alimentarius Commission*

15. CAC44 recalled the recent passing of Dr Mosha and reflected on his life and service to Codex. The Chairperson reminded CAC44 of his unwavering commitment and deep passion for Codex and food safety, and that he would be remembered for his hard work, dedication, astute leadership, and positivity, and for his mentoring of the next generation of Codex supporters in Africa.

*Thanking the outgoing Chairperson and Vice-Chairpersons*

16. CAC44 expressed deep appreciation to the outgoing Chairperson and Vice-Chairperson of the Commission for their dedication and excellent contribution to the work of Codex, including through the very special and challenging time of the COVID-19 pandemic.