INTRODUCTION

1. The Codex Alimentarius Commission convened its forty-fourth Session (CAC44), as a virtual session, with in-person voting for Agenda Item 9 - Elections in Geneva, Switzerland, on 8-13, 15 and 17-18 November 2021, chaired by Mr Guilherme Antonio da Costa Jr. (Brazil), Chairperson of the Commission and assisted by the Vice-Chairpersons Mr Purwiyatno Hariyadi (Indonesia), Ms Mariam Eid (Lebanon), and Mr Steve Wearne (United Kingdom). The Session was attended by delegates from xx Member Countries, one Member Organization, and Observers of yy international governmental (IGOs) and non-governmental organizations (NGOs) and United Nations agencies. The list of participants is contained in Appendix I.

OPENING

Welcome addresses by FAO and WHO

2. The Director-General of the World Health Organization (WHO), Dr Tedros Ghebreyesus Adhanom1 and the Director-General of the Food and Agriculture Organization of the United Nations (FAO), Dr QU Dongyu2 welcomed participants and addressed the Commission. The Directors-General highlighted the importance of food system transformation and the contribution of Codex standards in ensuring food safety and improving food quality as well as the importance of ongoing collaboration and application of a One Health approach to address ongoing and new challenges in a holistic manner. The Chairperson of the Commission, Mr Guilherme Antonio da Costa Jr., also gave an opening address. Recalling that this was his last session of the Commission as Chairperson, he reflected on the strength, perseverance, wisdom, determination and cooperation of the Codex family, which had enabled Codex to overcome challenges and emerge stronger to protect consumers and facilitate fairer food trade.

Division of competence3

3. CAC44 noted the division of competence between the European Union (EU) and its Member States in accordance with Rule II, paragraph 5, of the CAC Rules of Procedure.

ADOPTION OF THE AGENDA (Agenda Item 1)4

4. CAC44 adopted the provisional agenda as its agenda for the Session and agreed to address the following items under Agenda Item 11 - Other Business:

- 60th Anniversary of the Codex Alimentarius Commission; 1963-2023 (Switzerland)5
- Proposal for the development of a Codex Standard for yeast (China)6

REPORT OF THE CHAIRPERSON ON THE 80TH AND 81ST SESSIONS OF THE EXECUTIVE COMMITTEE (Agenda Item 2)7

5. Pursuant to Rule V, paragraph 7, of the CAC Rules of Procedure, the Chairperson drew the attention of the Commission to the reports of the eightieth and eight-first sessions of the Executive Committee of the Codex Alimentarius Commission (CCEXEC), observing that the Commission would consider their recommendations under the relevant agenda items.

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3 Division of Competence between the European Union and its Member States (CRD01)
4 CX/CAC 21/44/1 Rev.1
5 CRD03
6 CRD05
7 REP21/EXEC1; REP21/EXEC2; CRD04 (Thailand); CRD06 (Panama); CRD07 (Ecuador and Costa Rica); CRD21 (HealthforAnimals); CRD22 (Dominican Republic); CRD25 (African Union); CRD29 (Republic of Korea); CRD32 (Indonesia); CRD41 (Ecuador, Costa Rica, Uruguay, Argentina, Australia, Belize, Brazil, Chile, Colombia, Cuba, Dominican Republic, Guatemala, Honduras, Mexico, Saint Lucia, Paraguay and Trinidad And Tobago) CRD42 (Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Canada, China, European Union, Georgia, Iran, Kazakhstan, Kyrgyzstan, North Macedonia, Norway, Panama, Russian Federation, Singapore, Switzerland, Tunisia, Turkey, Turkmenistan, United Kingdom, Uzbekistan); CRD43 (NHF); CRD44 (Saudi Arabia).
6. CAC44 noted:
   i. the discussions and conclusions contained in the reports of CCEXEC80 and CCEXEC81;
   ii. that the recommendations of the Critical Review of CCEXEC81, would be addressed under Agenda Items 3 to 6 on a committee-by-committee basis;
   iii. that the conclusions and/or recommendations on Codex Budgetary and Financial Matters would be considered under Agenda Item 7;
   iv. that the conclusions and/or recommendations on "Matters arising from FAO and WHO", in particular on "New food sources and production systems: need for Codex attention and guidance?", would be further considered under Agenda Item 8; and
   v. that any discussion on the CCEXEC81 recommendations regarding the further consideration of the proposed draft Maximum Residue Limits (MRLs) on zilpaterol hydrochloride would be considered after Agenda Item 6.

7. In the context of point iv., while the important strategic and advisory role of CCEXEC was acknowledged, it was also highlighted that on certain issues such as how Codex might deal with new food sources and new production systems, a broader discussion among all Members of the Commission was required and should be facilitated.

8. Other items of the report were considered as follows:
   Codex Strategic Plan 2014-2019: Final Report (CCEXEC80) and Implementation of the Strategic Plan 2020-2025 (CCEXEC80 and 81)

9. CAC44 considered the conclusions and recommendations of both CCEXEC80 and CCEXEC81.

10. In response to a question, the Codex Secretariat confirmed that the documents from the Codex Committee on General Principles (CCGP) on the topics of "Monitoring the use of Codex standards" and "Monitoring of Codex results in the context of the Sustainable Development Goals (SDGs)", had been forwarded to the Sub-committee on the implementation of the Codex Strategic Plan 2020-2025.

11. CAC44:
   i. noted the report of the Codex Strategic Plan 2014-2019;
   ii. noted the progress on the implementation of the Codex Strategic Plan 2020-2025;
   iii. welcomed the preparation of a review of the first biennium of implementation of the Codex Strategic Plan 2020-2025 for discussion at the next session of CAC and endorsed the monitoring framework for the Strategic Plan, with the modifications as proposed by CCEXEC81; and
   iv. requested FAO and WHO Members to maintain and maximise co-ordination in the development and subsequent implementation of their respective food safety strategies.

Codex and the pandemic - Strategic challenges and opportunities (CCEXEC80 and 81)

12. CAC44:
   i. commended the ongoing work of CCEXEC on Codex and the pandemic and generally endorsed the conclusions and recommendations in this regard;
   ii. appreciated the huge efforts of the Codex family to deliver the 2021 work programme in a pragmatic and effective manner;
   iii. 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;
iv. mandated the Codex Secretariat to prepare a proposal for a less work intensive method for standards adoption in 2022 than a full CAC for consideration by CCEXEC82, with a view to lighten the workload in 2022, and that the proposed approach be subject to subsequent endorsement by Codex Members; and

v. supported the CCEXEC leading a process to develop the blueprint for the future of Codex for consideration by CAC on its 60th anniversary in 2023, highlighting the importance of ensuring there were opportunities for all Members and observers to contribute to the process.

CCEXEC sub-committee on the application of the Statements of Principle concerning the Role of Science (CCEXEC80 and 81)

13. The importance of this work was highlighted by several Members who with reference to their written comments emphasized the value of completing it to ensure the scientific basis of Codex standards and to facilitate consensus in standards setting.

14. CAC44 welcomed the ongoing work on the consistent 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* and encouraged CCEXEC to complete this work in an expeditious manner.  

CCEXEC recommendation on the proposed draft MRLs on zilpaterol hydrochloride

To be added

**AMENDMENTS TO THE PROCEDURAL MANUAL (Agenda Item 3)**

15. CAC44 considered the following items for adoption in each case taking into account the recommendation of CCEXEC81:

**Amendment to the Codex Procedural Manual: draft Criteria and Procedural Guidelines for Codex Committees and ad hoc Intergovernmental Task Forces Working by Correspondence (CX/CAC 21/44/2 & Add.1) (CCGP32)**

16. The Codex Secretariat explained that following a review of the comments received in response to the Circular Letter (CL) CL 2021/66/OCS-GP, the Chairperson and Vice-Chairpersons of the electronic working group (EWG) on the topic, in collaboration with the Codex Secretariat, had prepared a proposed revised version of the Draft Criteria and Procedural Guidelines for Codex Committees and ad hoc Intergovernmental Task Forces Working by Correspondence as contained in CRD02 to CAC44.

17. The Codex Secretariat recalled that CCEXEC81 had recommended that CAC44 adopt the Draft Criteria and Procedural Guidelines for Codex Committees and ad hoc Intergovernmental Task Forces Working by Correspondence as contained in CRD02 to be included in the Codex Procedural Manual (PM), Section III.

18. There was general support for this amendment to the PM with the proposed revisions as presented in CRD02. The Chairperson of CCGP underlined the efficient work of CCGP in developing the guidelines and noted the importance of taking into account the evolving technological environment in developing Codex procedures.

19. The Chairperson of the Codex Committee of Fish and Fishery Products (CCFFP) highlighted the experience gained in conducting CCFFP35 by correspondence, noting that this was well reflected in CRD02.

**Amendment to the Procedural Manual, Risk Analysis principles applied by CCRVDF: Approach for the extrapolation of MRLs for veterinary drugs to one or more species ((CX/CAC 21/44/2 Add.2) – from the 25th Session of the Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF25))**

20. There was general support for this amendment.

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8 CX/CAC 21/44/2; CX/CAC 21/44/2 Add.1 (Chile, Colombia, Costa Rica, Cuba, Egypt, France, Indonesia, Iraq, Japan, Kenya, Malaysia, Morocco, Norway, Uruguay, USA); CX/CAC 21/44/2 Add.2; CRD02 (New Zealand, Germany, Japan, United States of America); CRD10 (El Salvador); CRD22 (Dominican Republic); CRD24 (Guatemala); CRD25 (African Union); CRD30 (India).
Conclusion

21. CAC44 adopted:
   i. the Criteria and Procedural Guidelines for Codex Committees and ad hoc Intergovernmental Task Forces Working by Correspondence as contained in CRD02 to CAC44 to be included in the PM, Section III; and
   ii. the Amendment to the PM, Risk Analysis principles applied by CCRVDF: Approach for the extrapolation of MRLs for veterinary drugs to one or more species.

CODEX COMMITTEE ON SPICES AND CULINARY HERBS (CCSCH) (AGENDA ITEM 4.1)\(^9\)

22. CAC44 considered the following items falling under the categories: Final adoption; Adoption at Step 5; Proposals for new work; and Extension of timelines, in each case taking into account the recommendations of CCEXEC81.

Final adoption

23. CAC44 adopted at Step 8:
   - Standard for dried oregano
   - Standard for dried roots, rhizomes and bulbs-dried or dehydrated ginger with the food additive provisions as amended and endorsed by the CCFA
   - Standard for dried floral parts – dried cloves
   - Standard for dried leaves – dried basil

Adoption of Codex texts at Step 5

24. CAC44 adopted the Standard for dried seeds - Nutmeg at Step 5 and extended the timeline for completion of work to CCSCH06.

25. CAC44 noted that the standard would be circulated for comments at step 6 and encouraged interested parties to resubmit technical comments and join the ongoing EWG co-chaired by Indonesia and India.

Proposals for new work

26. CAC44 approved proposals for new work as follows:
   - development of a standard for small cardamom
   - development of a standard for turmeric
   - development of a group standard for spices in the form of dried fruits and berries (all spice, juniper berry, star anise and vanilla)

Extension of timeline for completion of work

27. CAC44 endorsed the recommendation of CCEXEC81 to extend the timeline for completion of work on the standard for saffron (at Step 7) and the standard for dried chili peppers and paprika (at step 2/3) to CCSCH06.

\(^9\) CX/CAC 21/44/3; CX/CAC 21/44/3 Add.1 (Algeria, Argentina, Australia, Cuba, Egypt, Grenada, India, Indonesia, Kenya, Panama, Peru, Philippines, Saudi Arabia, Syrian Arab Republic, and Venezuela (Bolivarian Republic of); CRD11 (Philippines); CRD22 (Dominican Republic); CRD25 (African Union); CRD26 (Nigeria); CRD30 (India); CRD31 (Saudi Arabia); CRD32 (Indonesia)
28. CAC44 considered the following items falling under the categories: Final adoption; Adoption at Step 5; Proposals for new work, in each case taking into account the recommendations of CCEXEC81.

Final adoption

29. CAC44 adopted:

- the Maximum Level (ML) for cadmium in chocolates containing or declaring <30% total cocoa solid on a dry matter basis at Step 8;
- the ML for cadmium in chocolates containing or declaring ≥30% to <50% total cocoa solid on a dry matter basis at Step 5/8;
- the revision of the Code of Practice for the Prevention and Reduction of Lead Contamination in Foods (CXS 56-2004) at Step 5/8; and
- the amendment to extend the MLs for lead in fruit juices and grape juice in the General Standard for Contaminants in Food and Feed (CXS 193-1995) to cover infants and young children.

30. CAC44 noted:

- the reservations of the European Union, on the MLs for cadmium for the two categories of chocolates, for the reasons expressed at CCCF14 and reiterated in their written comments to CAC44 on the proposed MLs for cadmium for the two categories of chocolates. This reservation was shared by Egypt, Norway, Switzerland and Ukraine.
- the reservations of the European Union on the amendment to the MLs for lead in fruit juices and grape juice for the reasons expressed at CCCF14 and reiterated in their written comments to CAC44. This reservation was shared by Norway, Switzerland and Ukraine.

Adoption of Codex texts at Step 5

31. CAC44 adopted the Code of practice for the prevention and reduction of cadmium contamination in cocoa beans at Step 5 and endorsed the extension of the timeline for completion of the work to CCCF16.

Proposals for new work

32. CAC44 approved proposals for new work as follows:

- MLs for methylmercury in orange roughy and pink cusk eel
- the development of a code of practice for the prevention and reduction of mycotoxin contamination in cassava and cassava-based products

33. Since cassava was also used as feed for food-producing animals, one Member stated that it was important to clarify that the scope of the new work was limited to cassava as food.

CODEX COMMITTEE ON METHODS OF ANALYSIS AND SAMPLING (CCMAS) (Agenda Item 4.3)\(^\text{13}\)

34. CAC44 considered the following items falling under the categories: Final adoption; Adoption at Step 5; Revocation, in each case taking into account the recommendations of CCEXEC81.

\(^{10}\) CX/CAC 21/44/4; CX/CAC 21/44/4 Add.1 (Canada, Colombia, Costa Rica, Cuba, Egypt, Ecuador, European Union, India, Kenya, Switzerland, United Kingdom); CRD12 (El Salvador, Ghana, Philippines and Thailand); CRD22 (Dominican Republic); CRD25 (African Union); CRD26 (Nigeria); CRD32 (Indonesia); CRD36 (Ecuador); CRD38 (Senegal)

\(^{11}\) REP21/CF14, paras. 23-26.

\(^{12}\) REP21/CF14, paras. 96, 98 and 101

\(^{13}\) CX/CAC 21/44/5; CX/CAC 21/44/5 Add.1 (Australia, Brazil, Canada, Colombia, Costa Rica, Cuba, Egypt, Iran, Iraq, Morocco, Norway, Peru, Philippines, United Kingdom, Uruguay, EURACHEM, GOED, IDF/FIL Australia, Brazil, Canada, Colombia, Costa Rica, Cuba, Egypt, Iran, Iraq, Morocco, Norway, Peru, Philippines, United Kingdom,
Final adoption

35. CAC44 adopted the:

- revised *Guidelines on Measurement Uncertainty* (CXG 54-2004) at Step 8;
- methods of analysis and performance criteria for provisions in *Recommended Methods of Analysis and Sampling* (CXS 234-1999), noting the corrections to the method for determination of potassium, sodium and zinc in infant formula (AOAC 2011.14/ ISO 15151 | IDF 229) and the footnote to the provision “Water (moisture)” for blend of skimmed milk and vegetable fat in powdered form and reduced fat blend of skimmed milk powder and vegetable fat in powdered form; and the method for determination of acid-insoluble ash in mixed zaatar (ISO 939 and ISO 930);
- editorial amendment to the provision in Section 3.3 of the *Standard for Edible Casein Products* (CXS 290-1995); and
- methods of analysis for provisions for fats and oils (part 4.3 of REP21/MAS), which had been considered and agreed by CCFO27.

Adoption at Step 5

36. CAC44 adopted the revised *General Guidelines on Sampling* (CXG 50-2004) at Step 5.

37. A Member, while supporting the adoption at Step 5, expressed concern regarding the user-friendliness of the revised guideline. They welcomed that apps and an e-book would be developed which were crucial tools for Members and committees applying sampling plans and expressed the hope that these tools would not require statistical knowledge. While understanding that the tools would only be made available following the final version of the guideline, they requested information from the Codex Secretariat on their development.

38. The Codex Secretariat clarified that the e-book as well an information document containing a step-by-step procedure for the design of sampling plans were still under development by the CCMAS EWG on sampling plans. Once finalised by CCMAS, the Codex Secretariat would make the e-book / apps and the information document available online.

Revocation


CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS (CCFICS) (Agenda Item 4.4) 14

40. CAC44 considered the following items falling under the categories: Final adoption; Proposal for new work; Extension of timeline, in each case taking into account the recommendations of CCEEXEC81.

Final adoption

- Principles and Guidelines for the Assessment and Use of Voluntary Third-Party Assurance (vTPA) programmes at Step 8

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Uruguay, EURACHEM, GOED, IDF/FIL; CRD13 (El Salvador and Ghana); CRD22 (Dominican Republic); CRD25 (African Union); CRD30 (India); CRD38 (Senegal)

14 CX/CAC 21/44/6; CX/CAC 21/44/6 Add.1(Africa, Colombia, Costa Rica, Cuba, Ecuador, Egypt, European Union, India, Indonesia, Iraq, Kenya, New Zealand, Paraguay, Peru, Philippines, Saudi Arabia, Thailand, USA, Fédération internationale des vins et spiritueux (FIVS), and The European Federation of the Associations of Dietitians (EFAD), OIE); CRD14 (El Salvador, Ghana and Philippines); CRD22 (Dominican Republic); CRD24 (Guatemala); CRD25 (African Union); CRD26 (Nigeria); CRD30 (India); CRD32 (Indonesia); CRD38 (Senegal)
41. A Member proposed to replace the words “existing mechanisms” with “examples of mechanisms” in the title of Section 5 of the new Annex II of the revised *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CXG 38-2001) noting that the word “existing” was inappropriate and it could lead to misinterpretation that the stated three systems in paragraph 10 were the only ones available to-date. In response to the proposal, the Chairperson of CCFICS, referring to paragraph 11 of the same section, clarified that the three stated mechanisms were the ways electronic certificates were currently being exchanged by all active countries. These mechanisms did not exclude exchanges of electronic representations of certificates (e.g., secured PDF format) and future evolved electronic certification mechanisms and therefore the concerns of a Member were fully addressed by the guidance.

42. One Member and one observer emphasized that implementation of the guidance on paperless use of electronic certificates would depend on the developmental status of the country; the speed of implementation would therefore vary from country to country, and that the implementation would require a transition period. Therefore, both paper and electronic certificates should continue to operate side by side. It was underlined that the use of electronic certificates was on a voluntary basis and that developing countries would need technical assistance on how best to implement the guidance.

**Conclusion**

43. CAC44 adopted:
- the Principles and Guidelines for the Assessment and Use of Voluntary Third-Party Assurance (vTPA) Programmes at Step 8
- the Guidance on Paperless Use of Electronic Certificates (revised *Guidelines for Design, Production, Issuance and Use of* Generic Official Certificates (CXG 38-2001)) at Step 5/8

**Proposal for new work**

44. CAC44 approved the new work proposal on the development of guidance on the prevention and control of food fraud.

**Extension of timeline for completion of work**

45. CAC44 endorsed the extension of the timeline for completion of the work on the proposed draft guidelines on recognition and maintenance of equivalence of National Food Control Systems (NFCS) to CCFICS26.

**CODEX COMMITTEE ON VETERINARY DRUGS IN FOODS (CCRVDF) (Agenda Item 4.5)\(^\text{15}\)**

46. CAC44 considered the following items falling under the categories: Final adoption; Adoption at Step 5; and Proposals for new work, in each case taking into account the recommendations of CCEXEC81.

**Final adoption**

CAC44 adopted the following MRLs/texts noting reservations under the relevant bullet:
- MRL for flumethrin in honey at Step 8
- MRLs for diflubenzuron (salmon - muscle plus skin in natural proportion) at Step 5/8
- MRLs for halquinol (swine - muscle, skin plus fat, liver and kidney) at Step 5/8, noting the reservations of Egypt, the European Union, Kazakhstan, Norway, Russian Federation, Switzerland, Tunisia and Ukraine regarding the MRLs for halquinol due the use of this antimicrobial agent as growth promoter
- amendment to the Glossary of Terms and Definitions (Residues of Veterinary Drugs in Foods) (CXA 5-1993): Definition of edible offal

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\(^{15}\) CX/CAC 21/44/7; CX/CAC 21/44/7 Add.1 (Chile, Costa Rica, Cuba, Egypt, European Union, India, Indonesia, Kenya, Panama, Uganda, HealthforAnimals); CRD15 (El Salvador, Ghana, Philippines); CRD22 (Dominican Republic); CRD24 (Guatemala); CRD25 (African Union); CRD26 (Nigeria); CRD34 (United States of America); CRD36 (Ecuador); CRD38 (Senegal); CRD39 (European Union and its Member States)
Adoption at Step 5

47. CAC44 adopted the MRLs for ivermectin (sheep, pigs, and goats - fat, kidney, liver and muscle) at Step 5 and endorsed extension of the timeline until CCRVDF26.

Approval

48. CAC44 approved the priority list of veterinary drugs for evaluation or re-evaluation by the Joint FAO/WHO Expert Committee on Food Additives (JECFA).

Joint EWG between CCRVDF and CCPR

49. Following the recommendation of CCEXEC81, CAC44 agreed to establish the Joint CCRVDF/CCPR EWG chaired by the United States, working in English only and open to all Members and observers working with the support of JECFA, the Joint FAO/WHO Meeting on Pesticide Residues (JMPR) and the Codex Secretariat, with the following Terms of Reference (ToRs):

- The Joint EWG will review work already done cooperatively between CCRVDF and CCPR so far and will identify, and if possible, prioritize areas of possible further collaboration between CCRVDF and CCPR and how this could be carried out (e.g., jointly, in parallel, etc.) that could facilitate the consideration of compounds with dual uses by both committees and the possible harmonization of MRLs
- This may include reflections on improved synchronization of work between CCPR and CCRVDF as well as collaboration between CCPR/CCRVDF and JMPR/JECFA
- The Joint EWG will provide an update on their preliminary findings to CCRVDF26 and CCPR53

50. Regarding the timeframe, the Joint EWG will continue its work as long as both CCRVDF and CCPR consider it useful.

51. The Joint EWG will not replace the ongoing parallel cooperation between the established EWGs under CCRVDF (edible offal) and CCPR (revision of the Classification) within their respective ToRs.

CODEX COMMITTEE ON PESTICIDE RESIDUES (CCPR) (Agenda Item 4.6)\(^{16}\)

52. CAC44 considered the following items falling under the categories: Final adoption; Adoption at Step 5; Approval; Revocation and Discontinuation, in each case taking into account the recommendations of CCEXEC81.

Final adoption

53. CAC44 adopted the following MRLs/texts noting specific comments and reservations under the relevant bullet:

- MRLs for different combinations of pesticide/commodity(ies) for food and feed at Step 5/8 with the revisions to the MRLs for metaflumizone for mammalian fats (excluding milk fats) at 0.15 mg/kg and milk fats at 0.6 mg/kg, noting the reservations of the European Union, Norway and Switzerland as submitted at CCPR52\(^{17}\) and in their written comments to this session
- Revised *Classification of Food and Feed* (CXA 4-1989), Class C - Primary feed commodities, Type 11 - Primary feed commodities of plant origin; and revised *Principles and Guidelines for the Selection of Representative Commodities for the extrapolation of MRLs for Pesticides to Commodity Group* (CXG 84-2012) Table 7 - Representative commodities for Class C, at Step 5/8

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\(^{16}\) CX/CAC 21/44/8; CX/CAC 21/44/8 Add.1 (Australia, Canada, Chile, Costa Rica, Cuba, Ecuador, Egypt, European Union, Indonesia, Kenya, Uganda, THIE – Tea & Herbal Infusions Europe); CRD16 (El Salvador, Ghana, Morocco, Philippines); CRD22 (Dominican Republic); CRD25 (African Union); CRD33 and 40 (CropLife International); CRD34 (United States of America); CRD36 (Ecuador); CRD37 (NHF); CRD38 (Senegal)

\(^{17}\) REP21/PR paragraph 99
• revised Classification of Food and Feed (CXA 4-1989) Class D - Processed foods of plant origin;
  and revised Principles and Guidelines for the Selection of Representative Commodities for the
  extrapolation of MRLs for Pesticides to Commodity Group (CXG 84-2012) Table 8 - Representative
  commodities for Class D at Step 5/8

Adoption at Step 5

54. CAC44 adopted the Guidelines for compounds of low public health concerns that may be exempted from
the establishment of Maximum Residue Limits for Pesticides (CXLs) or do not give rise to residues at Step
5 and endorsed extension of the timeline until CCPR53.

55. One Member requested CCPR53 to take into account comments already submitted.

56. The Codex Secretariat noted that the mandate\textsuperscript{18} of the EWG established by CCPR52 to continue the
development of these guidelines included the consideration of the written comments submitted at CCPR52,
as well as those received during the pre-meetings and plenary session. The Codex Secretariat encouraged
all delegations to submit additional comments at Step 6 as appropriate.

Approval

57. CAC44 approved the proposed priority lists of pesticides for evaluation by JMPR.

Revocation

58. CAC44 revoked the MRLs for different combinations of pesticide/commodity(ies) for food and feed as listed
in REP21/PR Appendix III apart for the CXL on acetamiprid for cardamom that will be retained for one year
awaiting clarifications by JMPR at CCPR53.

Discontinuation

59. CAC44 noted discontinuation of work on MRLs in the step procedure for different combinations of
pesticide/commodity(ies) for food and feed as listed in REP21/PR Appendix VI.

CODEX COMMITTEE ON FOOD ADDITIVES (CCFA) (Agenda Item 4.7)\textsuperscript{19}

60. CAC44 considered the following items falling under the categories: Final adoption; Approval; Revocation;
Discontinuation, in each case taking into account the recommendations of CCEXEC81.

Final adoption

61. CAC44 adopted the following provisions while noting specific reservations and comments under the
relevant bullets:

• specifications for the Identity and Purity of Food Additives
• revisions to adopted provisions of the General Standard for Food Additives (GSFA) (CXS 192-
1995)
• revision of the Class Names and the International Numbering System for Food Additives (CXG 36-
1989)
• changes related to the group header STEVIOL GLYCOSIDES in the GSFA (CXS 192-1995)
• revised provisions of the GSFA in relation to the amendments to title and food category number for
CXS 283-1978 in Annex C of the GSFA (CXS 192-1995)

\textsuperscript{18} REP21/PR52, paragraph 194(ii)
\textsuperscript{19} CX/CAC 21/44/9; CX/CAC 21/44/9 Add.1 (Costa Rica, Egypt, Iraq, Kenya, Paraguay, Peru, Philippines, United
Kingdom, the International Special Dietary Food Industries and the International Stevia Council); CRD17 (Ghana and
Ecuador); CRD22 (Dominican Republic); CRD25 (African Union); CRD26 (Nigeria); CRD30 (India); CRD31 (Saudi
Arabia); CRD38 (Senegal)
• revised food-additive provisions of the GSFA in relation to the alignment of nine standards for Codex Committee on Milk and Milk Products (CCMMP), six standards for CCFO (Codex Committee on Fats and Oils), and three standards for CCSCH.

• revised food-additive provisions of the GSFA in relation to the partial alignment of CXS 249-2006, CXS 273-1968, CXS 275-1973 and CXS 288-1978 to include tamarind seed polysaccharide (INS 437)

• revised food-additive provisions of the GSFA in relation to the linked entry for food category 12.5 in the References to Commodity Standards for GSFA Table 3 Additives in the Annex to Table 3

• revised provisions for sweeteners in different food categories (CXS 192-1995)

• revised food-additive sections of the nine standards for milk and milk products, i.e. Group Standards for Cheeses in Brine (CXS 208-1999); Unripened Cheese including Fresh Cheese (CXS 221-2001); Standards for a Blend of Evaporated Skimmed Milk and Vegetable Fat (CXS 250-2006); a Blend of Skimmed Milk and Vegetable Fat in Powdered Form (CXS 251-2006); a Blend of Sweetened Condensed Skimmed Milk and Vegetable Fat (CXS 252-2006); Standards for Cottage Cheese (CXS 273-1968); Cream Cheese (CXS 275-1973); Extra Hard Grating Cheese (CXS 278-1978); and General Standard for Cheese (CXS 283-1978)

• revised food-additive sections of the six standards for fats and oils, i.e. Standards for Edible Fats and Oils not covered by Individual Standards (CXS 19-1981); Olive oils and olive pomace oils (CXS 33-1981); Named vegetable oils (CXS 210-1999); Named animal fats (CXS 211-1999); Fat spreads and blended spreads (CXS 256-2007); and Fish oils (CXS 329-2017)

• revised food-additive sections of the three standards for spices and culinary herbs, i.e. Standards for Black, White and Green Peppers (CXS 326-2017); Cumin (CXS 327-2017); and Dried Thyme (CXS 328-2017)

• amendments to Standards for Bouillons and Consommés (CXS 117-1981) and Wheat Flour (CXS 152-1985) due to alignment of methylate copolymer, basic (INS 1205)


62. One Member expressed the view that the proposed maximum use levels for several colours were too high and cited the case of Caramel II - sulfite caramel with a maximum use level of 50,000 mg/kg that should be reduced to 10,000 mg/kg.

• inclusion of xanthan gum (INS 415) and pectins (INS 440) in FC 13.1.3 “Formulæ for special medical purposes for infants” of the GSFA (CXS 192-1995)

63. The Russian Federation expressed their reservation on the conclusions of the safety assessment for the use of xanthan gum (INS 415) and pectins (INS 440) in FC 13.1.3 “Formulæ for special medical purposes for infants” of the GSFA. In their view, sulfur dioxide, when used as an additive in pectins (INS 440), had not been explicitly reviewed. Similarly, in their view, the safety assessment for xanthan gum (INS 415) carried out by JECFA in 2016 was insufficient and an additional assessment relating to Xantomonas campestris should be conducted.

64. Three observers also expressed concerns on these two provisions due to the special considerations needed for infants.

65. The JECFA Secretariat clarified that xanthan gum (INS 415) and pectins (INS 440) had been thoroughly and comprehensively evaluated with regard to their safety for all consumers, including infants and young children, as applicable. The Representative further elaborated that all JECFA evaluation focus on the additive itself. Other food additives that may have been added to any other specific food additive for technological reasons (i.e. secondary food additives) fall under the same provisions with regard to food safety for all intended consumers.

66. The Codex Secretariat further explained that based on JECFA’s evaluation, the two provisions had been adopted by CAC43 and included in the Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants (CXS 72-1981).
Approval

67. CAC44 approved the priority list of substances proposed for evaluation by JECFA.

68. One Member requested that the evaluations for nisin (INS 234) and natamycin (INS 235) should not be further postponed, noting that they had proposed to include these two substances in the priority list and that it was unclear which additional information was needed for the evaluation to proceed.

69. The JECFA Secretariat clarified that a sponsor had informed them that additional toxicological data would be submitted and JECFA would review all these data at the forthcoming re-evaluation of nisin (INS 234) and natamycin (INS 235).

Revocation

70. CAC44 revoked the food additive provisions of the GSFA as listed in REP21/FA, para. 182(ii), Appendix VII.

Discontinuation

71. CAC44 discontinued the work on draft and proposed draft food additive provisions of the GSFA as listed in REP21/FA, para. 182(iii), Appendix VIII.

CODEX COMMITTEE ON FOOD LABELLING (CCFL) (Agenda Item 4.8)\(^{20}\)

72. CAC44 considered the following items falling under the categories: Final adoption; Proposals for new work, in each case taking into account the recommendations of CCEXEC81.

Final adoption

73. CAC44 adopted the following texts noting reservations under the relevant bullet:

- the General Standard for the Labelling of Non-retail Containers of Foods at Step 8, noting the reservation from the Russian Federation;
- the consequential amendment to the PM (Format for Codex Commodity Standards, section on labelling);
- the Guidelines on Front-of-Pack Nutrition Labelling (FOPNL) and inclusion as an Annex to the Guidelines on Nutrition Labelling (CXG2-1985) at Step 5/8 noting the reservation of the Russian Federation in particular due to their concerns with the list of exclusions in section 2.2 as also expressed at CCFL46; and
- the consequential amendment to Section 5 of the Guidelines on Nutrition Labelling (CXG2-1985)

74. Some observers expressed their concern with the lack of explicit exclusion of baby foods and other complementary foods in the Guidelines as FOPNL could be used to inappropriately promote these foods. These observers further expressed concern with conflict of interest, which in their view was not sufficiently addressed in these guidelines emphasized that FOPNL should be mandatory, government-led and free from conflict of interest.

75. In response to the interventions made, the Chairperson of CCFL noted that the Guidelines were a result of good discussion in the EWG, the virtual working group held immediately prior to CCFL, and in CCFL. She further clarified that it was important to note that the Guidelines could be used by national authorities to establish FOPNL based on national authorities’ dietary guidelines and the concerns raised could be taken into account as FOPNL is developed in respective countries. She further noted that adoption of the Guidelines would provide timely guidance to governments considering FOPNL.

\(^{20}\) CX/CAC 21/44/10; CX/CAC 21/44/10 Add.1 (Costa Rica, Colombia, Cuba, Ecuador, Egypt, India, Kenya, New Zealand, Paraguay, Uganda, USA, International Baby Food Action Network, ICBA, IDF/FIL, International Special Dietary Food Industries, The European Federation of the Associations of Dietitians (EFAD)); CRD18 (Ghana); CRD22 (Dominican Republic); CRD25 (African Union); CRD26 (Nigeria); CRD27 (Peru)
76. CAC44 requested Commodity Committees and the Codex Secretariat 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.

77. CAC44 also adopted the proposed amendment to the labelling provision 4.2.1 in annex C raisins, of the General Standard for Dried Fruits by including a reference to the General Guidelines on Claims (CXG 1-1979). Since the Codex Committee on Processed Fruits and Vegetables (CCPFV) was adjourned sine die, this amendment had been forwarded to CAC44 for adoption.

Proposals for new work

78. CAC44 approved the proposal for new work on:
   - Food Labelling Information Provided through Technology

**AD HOC CODEX INTERGOVERNMENTAL TASK FORCE ON ANTIMICROBIAL RESISTANCE (TFAMR) (Agenda Item 4.9)**

79. CAC44 considered the following items falling under the category: Final adoption, in each case taking into account the recommendations of CCEXEC81.

Final adoption

80. CAC44 adopted:
   - the revised Code of Practice to Minimize and Contain Foodborne Antimicrobial Resistance (CXC 61-2005) at Step 8 with the reservations noted as below
   - the Guidelines on Integrated Monitoring and Surveillance of Foodborne Antimicrobial Resistance at Step 5/8

Reservations on the revised Code of Practice

**Principle 12**

81. The European Union and its Member States, Kazakhstan, Norway, Thailand and the Russian Federation reiterated their reservations expressed at TFAMR08, stating that in their view no antimicrobial agents should be used for growth promotion or yield increase and that such use should be phased out for all antimicrobial agents starting immediately with the medically important antimicrobial agents for the reasons expressed at previous sessions of TFAMR and CAC.

Inclusion of a footnote on “therapeutic use” to the definition of “veterinary medical use”

82. The European Union and its Member States, Colombia, Canada, Kazakhstan, Morocco and Norway reiterated their reservations made at TFAMR08 on the inclusion of a footnote on “therapeutic use” associated with the definition of “veterinary medical use”.

83. These Members recalled that in their view the inclusion of this footnote to the definition of “veterinary medical use” allowed the term “therapeutic use” to be interpreted as a synonym for “veterinary medical use”, which encompassed treatment, control and prevention. They considered that such an interpretation was not consistent with the approach taken by the World Organization for Animal Health (OIE) and recalled that the definition of “therapeutic use” in the current Code of Practice reserved this term for “treatment” only and continued to be interpreted in that way in some jurisdictions. Consequently, the inclusion of the footnote could favour the continued non-responsible use of medically important antimicrobial agents in animals.

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21 CX/CAC 21/44/11; CX/CAC 21/44/11 Add.1 (Canada, Chile, China, Colombia, Costa Rica, Cuba, Egypt, India, Indonesia, Kenya, Norway, Thailand, Uruguay, USA); CRD19 (Morocco); CRD22 (Dominican Republic); CRD24 (Guatemala); CRD25 (African Union); CRD26 (Nigeria); CRD28 (Philippines); CRD31 (Saudi Arabia); CRD36 (Ecuador); CRD37 (NHF)

22 TFAMR07 (REP20/AMR); TFAMR08 (REP21/AMR)

23 CAC43 (REP 20/CAC paragraphs 96-113)

24 TFAMR08 (REP21/AMR paragraphs 71-75)
84. Norway reiterated their position that the definition for “veterinary medical use” was redundant and definitions for related terms of control, prevention and treatment of disease were already included in the Code of Practice. Definitions in Codex texts should only be used when the defined term was not understood by reading the text in context which in their view was not the case for the term “veterinary medical use”.

Other provisions

85. Norway indicated their reservation on Principles 8, 13, 14 and 15 as all antimicrobial agents as opposed to only medically important antimicrobial agents contributed to increased antimicrobial resistance.

86. The Russian Federation reiterated their reservation on Principles 13 and 15 since these allowed critically important antimicrobial agents to be used routinely for control and prevention of diseases and therefore could lead to misuse of such agents for purposes other than treatment.

Other comments

87. One observer supported the concerns as expressed by European Union and its Member States, Norway and the Russian Federation.

Implementation of the two texts

88. Several Members highlighted the importance of the Codex Secretariat, FAO and WHO working together to develop practical tools and support countries in their efforts to implement these new Codex texts.

Other Matters

89. Acknowledging the importance of a One Health approach to addressing AMR, and the role of Codex, OIE and the International Plant Protection Convention (IPPC) in developing coherent texts to support efforts to address antimicrobial resistance, and in line with the conclusion of CCEXEC81, CAC44 encouraged Members to advocate that IPPC prioritize the development of guidance on the use of antimicrobial agents for phytosanitary purposes.

Dissolution of TFAMR

90. Members congratulated TFAMR on completing their mandate despite the challenges posed by both the topic and the COVID-19 pandemic and extended thanks to the government of the Republic of Korea for hosting the task force, acknowledged the expert leadership of the Chairperson, Dr Yong Ho Park, and the assistance of the Chairpersons of the EWGs, Dr Donald Prater and Dr Rosa Peran, their Co-chairpersons and the host country and Codex Secretariats in bringing this second round of TFAMR to a successful completion.

91. CAC44, noting that TFAMR had completed its mandate, agreed to dissolve the task force.

EDITORIAL AMENDMENTS TO CODEX TEXTS PROPOSED BY THE CODEX SECRETARIAT (Agenda Item 5)\textsuperscript{25}

92. CAC44 adopted editorial corrections to the following:

- most of the species names in Section 2.1, product definition of the English version of the Standard for Canned Sardines and Sardine-Type Products (CXS 94-1981)

93. One Member stated that two species, Sardinella fimbriata and Sardinella sirm had not been introduced in the Standard for Canned Sardines and Sardine-Type Products (CXS 94-1981) despite the decision of CCFFP22 (1996) to include them.

\textsuperscript{25} CX/CAC 21/44/12; CRD08 (Thailand); CRD22 (Dominican Republic); CRD30 (India)
94. Following a suggestion from the Codex Secretariat in light of theProcedure for inclusion of additional species in the Codex standards for fish and fishery products (Codex Procedural Manual, 2013), CAC44 agreed to refer this question for further consideration to CCFFP36, scheduled to meet early 2023.

MATTERS RELATED TO OTHER CODEX SUBSIDIARY BODIES (Agenda Item 6)\(^\text{26}\)

Codex Committee on General Principles

95. CAC44 noted that CCGP32 had forwarded to CAC44 its considerations on monitoring the use of Codex standards and monitoring Codex results in the context of the Sustainable Development Goals (SDGs).

Codex Committee on Fats and Oils

96. CAC44 noted the information provided and agreed to extend to CCFO28 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).

CODEX BUDGETARY AND FINANCIAL MATTERS (Agenda Item 7)\(^\text{27}\)

97. The Codex Secretariat presented an overview of expenditures during the 2020-21 biennium as well as a budget proposal for the 2022-23 biennium. Efforts continued to direct available budget to support the inclusiveness and transparency of Codex work during the COVID-19 pandemic. Where savings had been identified, these had been directed to key work areas in line with the Codex Strategic Plan 2020-25 such as preliminary work on a mechanism to monitor the use and impact of Codex standards (Goal 3) and renewal of the Codex IT systems (Goal 5). The Codex Secretariat further noted that flexibility would continue to be important in the next biennium as uncertainties remain, and expenditure will continue to be guided by the Strategic Plan.

Conclusion

98. CAC44 noted:
   - the progress report for 2020-21, the adjustments made in response to the pandemic, and the ongoing efforts to anticipate work under the Codex Strategic Plan to ensure optimal use of savings;
   - the assessment of the impact of the COVID-19 pandemic on the work plan and budget; and
   - welcomed the proposals for the 2022-23 biennium, including the assumptions therein and the ongoing flexibility in the budget lines to ensure Codex continued to be able to adapt to evolving situations.

MATTERS ARISING FROM FAO AND WHO (Agenda Item 8)\(^\text{28}\)

99. The Representatives of FAO and WHO introduced this item.

   General

100. CAC44 welcomed the reports from FAO and WHO, commended their work during the COVID-19 pandemic, and encouraged both organisations to sustain their efforts, in particular regarding the provision of scientific advice to support Codex work.

101. CAC44 extended special appreciation to the experts contributing to the FAO/WHO scientific programme under the difficult conditions of the pandemic and highlighted the importance of national governments providing the experts with the time needed to fully participate in the various expert committees.

\(^{26}\) CX/CAC 21/44/13; CRD30 (India)

\(^{27}\) CX/CAC 21/44/14

\(^{28}\) CX/CAC 21/44/15; CX/CAC 21/44/15 Add.1; CX/CAC 21/44/15 Add.2 Rev.1; CX/CAC 21/44/15 Add.3; CX/CAC 21/44/15 Add.4; CAC/44 INF/1; CAC/44 INF/2; CAC/44 INF/3; CRD09 (Good Food Institute); CRD20 (Thailand); CRD22 (Dominican Republic); CRD23 (Singapore); CRD29 (Republic of Korea); CRD32 (Indonesia); CRD35 (European Union); CRD38 (Senegal)
102. CAC44 further recalled the importance of the scientific advice in achieving Goal 2 of the Codex Strategic Plan 2020-25.

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

103. CAC44 welcomed the document presented by FAO and WHO and generally supported the need for Codex to be prepared to address cross-cutting, overarching and emerging issues.

104. Different options were considered on how Codex could progress this issue, such as a working group of the Commission, a subcommittee of CCEXEC as recommended by CCEXEC81, use of CLs, discussion at the FAO/WHO Regional Coordinating Committees (RCCs), or a combination of these options.

105. The importance of having a mechanism that enabled wider participation from Member States and observers was highlighted by some Delegations while others noted that Codex already had all the tools and mechanisms necessary to address any new issues that may arise.

106. The Representative of FAO recalled that the challenge was how these issues could initially be introduced for consideration by Codex noting that these items did not naturally fall within the Terms of Reference of existing committees.

107. One observer with reference to their written comments, stated their willingness to develop a discussion paper in collaboration with FAO and WHO and for comment by Members exploring potential pathways for future new work relating to the recognition of a new generation of plant-based and other types of alternative proteins.

108. Other observers highlighted the importance of standards being available to facilitate regulation of new food products and production systems in order to ensure consumer protection and indicated their willingness to contribute to the discussion.

109. Following discussion, CAC44 agreed to follow a series of options in a sequential approach.

Conclusion

110. CAC44 requested that the:

- Codex Secretariat issue a CL to collect information from Members and observers on ongoing developments related to new food sources and production systems (e.g. regulatory initiatives to address safety and fair trade practices);

- CCEXEC subcommittee consider the information received through the CL and provide an assessment of the range and suitability of Codex tools that could be used to progress work on safety, quality, labelling, nutrition and/or fair trade practices related to new food sources and production systems;

- CCEXEC sub-committee work in an inclusive manner, ensuring an approach that engages with all Members and observers that wish to contribute, possibly through the regional coordinators, and prepare a report for consideration by CCEXEC83 recommending a way forward to CAC45.

111. CAC44 noted that CAC45 would further discuss the issue based on the information collected through the CL, the work of the CCEXEC sub-committee, and the recommendations of CCEXEC83, and determine the next steps.

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

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

112. CAC44 noted the updates provided by FAO and WHO on progress on their respective food safety strategies and welcomed the close collaboration in this process.

113. CAC44 recommended that FAO and WHO maintain and maximise coordination during the implementation of their respective food safety strategies.
Item 8.4 Codex Trust Fund: lessons learned from the COVID-19 pandemic

114. CAC44 welcomed the information and analysis provided by the Codex Trust Fund (CTF) Secretariat and supported the request of the CTF for flexibility to better address the needs of participating countries in engaging in Codex work during the COVID-19 pandemic to ensure the effective and equitable participation of Members in a virtual Codex environment.

115. CAC44 noted that while flexibility was important under the current circumstances, the transparency of the adaptations made should also be ensured.

ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSONS AND MEMBERS OF THE EXECUTIVE COMMITTEE ELECTED ON A GEOGRAPHICAL BASIS (Agenda Item 9)\(^{29}\)

116. The Representative of the FAO Legal Office, speaking at the request of a Member, and on behalf of the Legal Offices of FAO and WHO, recalled that due to the exceptional circumstances created by the COVID-19 pandemic and considering the positive conduct of the in-person secret ballot during the 42nd Session of the FAO Conference held in June 2021, it was proposed that elections at CAC44 be conducted using the same modality as that approved by the FAO Conference, i.e. in-person voting through secret ballot by appointment.

117. The Representative further indicated that this approach was endorsed by more than two thirds of the membership of the CAC in September 2021, in response to a letter from the Deputy Directors-General of FAO and WHO requesting the endorsement of the membership, inter alia, on this matter.

Chairperson and Vice-Chairpersons

118. CAC44 elected the following persons to hold office from the end of its present Session to the end of the next Session of the Commission (CAC45):

- **Chairperson:** Mr Steve Wearne (United Kingdom)
- **Vice-Chairpersons:**
  - Mr Diego Varela (Chile)
  - Mr Allan Azegele (Kenya)
  - Mr Raj Rajasekar (New Zealand)

Members of the Executive Committee Elected on a geographical basis

119. CAC44 elected/re-elected the following Members of the Executive Committee on a geographic basis for the period from the end of its present Session to the end of the second succeeding session of the Commission (CAC46):

- **Africa:** United Republic of Tanzania (re-elected)
- **Asia:** Japan (re-elected)
- **Europe:** Germany (re-elected)
- **Latin America and the Caribbean:** Uruguay (re-elected)
- **Near East:** Iran (Islamic Republic of)
- **North America:** Canada
- **South-West Pacific:** Vanuatu

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\(^{29}\) CX/CAC 21/44/16 Rev1
DESIGNATION OF COUNTRIES RESPONSIBLE FOR APPOINTING THE CHAIRPERSONS OF CODEX SUBSIDIARY BODIES (Agenda Item 10)\textsuperscript{30}

120. Ms Mariam Eid, speaking on behalf of the Chairperson and Vice-Chairpersons of the Commission expressed appreciation to the Member Countries responsible for appointing Chairpersons of Codex Subsidiary bodies recalling their relentless efforts to ensure the functioning of Codex and Codex meetings in the virtual environment.

Conclusion

121. CAC44:

- dissolved TFAMR, thanking the host country the Republic of Korea for its tremendous support and for enabling the Task Force to complete its work within four sessions as mandated; and
- confirmed the designation of the Host Governments as contained in CX/CAC 21/44/17.

\textsuperscript{30} CX/CAC 21/44/17; CRD22 (Dominican Republic)