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REP23/EXEC1

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME **CODEX ALIMENTARIUS COMMISSION**

Forty-sixth Session

FAO headquarters, Rome, Italy, 27 November - 2 December 2023

## REPORT OF THE EIGHTY-FOURTH SESSION OF THE **EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION**

CICG, Geneva, Switzerland, 10-14 July 2023

REP23/EXEC1 ii

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#### INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission held its Eighty-fourth Session (CCEXEC84) at the Centre International de Conférences Genève (CICG), Geneva, Switzerland, from 10 to 14 July 2023.

2. The Chairperson of the Codex Alimentarius Commission (CAC), Steve Wearne (United Kingdom), opened the meeting. The Assistant Director-General, Universal Health Coverage/Healthier Populations of the World Health Organization (WHO), Ailan Li, and the Senior Food Safety and Quality Officer, Food Systems and Food Safety Division of the Food and Agriculture Organization of the United Nations (FAO), Markus Lipp, welcomed the participants on behalf of the parent organizations.

## ADOPTION OF THE AGENDA (Agenda item 1)1

- CCEXEC84 adopted the agenda with the following additions, under agenda item 7 (Other business):
  - Present and future challenges of the institutionality of the Codex Alimentarius (CRD01); and
  - Procedures for review of chemicals in foods by the joint FAO/WHO scientific expert advice programme and the International Agency for Research on Cancer (IARC) (CRD05).
- 4. CCEXEC84 noted that due to the need for extended discussions between the Codex Secretariat, FAO and WHO, agenda item 5.2 "Review of International Non-Governmental Organizations with Observer Status in Codex double representation clause" would be discussed at its next session (CCEXEC85).

#### CRITICAL REVIEW (Agenda item 2)2

CCEXEC84 discussed the proposals committee by committee and made the following comments and recommendations.

#### FAO/WHO Coordinating Committee for Asia (CCASIA)<sup>3</sup>

### Final adoption

- 6. CCEXEC84 recommended that CAC46 adopt at Step 5/8 the Regional Standard for:
  - Soybean Products Fermented with Bacillus species (Asia); and
  - Cooked Rice Wrapped in Plant Leaves (Asia), noting that the food additive provisions would be those as revised and endorsed by the 53rd Session of the Codex Committee on Food Additives (CCFA53).

## Adoption at Step 5

- 7. One Member noted that dumpling-like products were also produced and traded in other regions and requested confirmation from the Codex Secretariat, that the regional standard once adopted at Step 8 was only applicable to those traded within the CCASIA region.
- 8. The Codex Secretary confirmed that regional Codex standards were only developed for and applied to products produced, traded and consumed within the relevant region as only Members of that region could participate in the decision process.
- 9. CCEXEC84 recommended that CAC46 adopt at Step 5 the:
  - Regional Standard for Quick Frozen Dumpling (Asia).

#### Adoption of amendments

- 10. CCEXEC84 recommended that CAC46 adopt the:
  - amendment of the provisions for labelling of non-retail containers in CXS 294R-2009, CXS 298R-2009, CXS 301R-2011, CXS 306R-2011, and CXS 323R-2017.

#### Conversion of two regional standards to international standards

11. CCEXEC84 recalled that CAC43 had adopted the revised *Regional Standard for Gochujang* (CXS 294R-2009) and *Regional Standard for Chilli Sauce* (CXS 306R-2011) as international standards (i.e. CXS 294-2009 and CXS 306-2011) and that the food additive and food labelling provisions had now been endorsed. CCEXEC84 noted that the amended provisions for labelling of non-retail containers in the two regional standards would be

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<sup>&</sup>lt;sup>1</sup> CX/EXEC 23/84/1; CRD02 (Brazil, Costa Rica, Ecuador, Paraguay and Uruguay.); CRD04 (Regional Coordinator of CCLAC, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Panama, Paraguay, Peru and Uruguay)

<sup>&</sup>lt;sup>2</sup> CX/EXEC 23/84/2 & Add.1, 2 and 3

<sup>&</sup>lt;sup>3</sup> CX/EXEC 23/84/2, Appendix 1

transferred to the international standards, which would be published after CAC46 had adopted the amended food additive provisions.

#### Request for guidance from CCEXEC

- 12. CCEXEC84 noted that CCASIA22 had requested guidance on the following:
  - how to address new work proposals, which cover processed (and often ready-to-eat) products mainly
    produced in the region and traded globally and for which no appropriate commodity committee existed
    or was currently active; and
  - whether there was a need to develop standards for such processed products individually or take a
    more horizontal or group approach in light of the rapid developments in food processing technologies.
- 13. CCEXEC84 agreed to discuss these issues under agenda item 6.

## FAO/WHO Coordinating Committee for Latin America and the Caribbean (CCLAC)<sup>4</sup>

#### Adoption

- 14. CCEXEC84 recommended that CAC46 adopt the:
  - amendment of the provisions for labelling of non-retail containers in the Regional Standards for Culantro Coyote (CXS 304R-2011), Lucuma (CXS 305R-2011), and Yakon (CXS 324R-2017); and
  - food additive provisions in CXS 304R-2011 and CXS 305R-2011, noting that the proposed food additive provisions ("No food additives are permitted in foods conforming to this standard") had been endorsed by CCFA53.

#### Other issues

15. CCEXEC84 noted the comments of the Regional Coordinator on the success of the virtual meeting format for CCLAC, and how it had allowed CCLAC to progress on standards and the development of regional positions on a range of issues.

## Codex Committee on Food Hygiene (CCFH)5

## Final adoption

- 16. CCEXEC84 recommended that CAC46 adopt at Step 5/8 the Guidelines for the:
  - Control of Shiga Toxin-Producing Escherichia coli (STEC) in Raw Beef, Fresh Leafy Vegetables, Raw Milk and Raw Milk Cheeses, and Sprouts (General Section, Annex I on raw beef and Annex III on raw milk and raw milk cheeses) (Step 5/8); and
  - Safe Use and Reuse of Water in Food Production and Processing (General Section and Annex I on Fresh Produce) (Step 5/8).

#### Approval

- 17. CCEXEC84 recommended that CAC46 approve the:
  - new work proposal on the development of Guidelines for food hygiene control measures in traditional markets for food, and to request CCFH to carefully consider the relationship between the *General Principles of Food Hygiene* (CXC 1-1969), the regional texts on street vended foods, and this proposed guideline; and
  - revision of the Guidelines on the Application of the General Principles of Food Hygiene to the Control of Pathogenic Vibrio Species in Seafood (CXG 73-2010).

## Monitoring

- 18. CCEXEC84 noted that the two sets of guidelines submitted for adoption at Step 5/8 were ahead of schedule and that CCFH was on track to complete the outstanding annexes within the planned timeframe.
- 19. CCEXEC84 noted that CCFH51 had acknowledged the importance of chemicals in the context of safe use and reuse of water in food production but that chemicals were outside of its scope, and that CCFH had informed the Codex Committee on Contaminants in Foods (CCCF) when it had started the new work on this topic.
- 20. CCEXEC84 considered if it was timely to provide CCCF with an update on progress of that work and encourage it to consider the need for guidance on chemical contaminants in the context of water use and re-use.

<sup>&</sup>lt;sup>4</sup> CX/EXEC 23/84/2, Appendix 2

<sup>&</sup>lt;sup>5</sup> CX/EXEC 23/84/2 Appendix 3

21. Concerns were expressed with regards to the suggestion that CCCF take up work in this area with the following views shared: CCCF already had a very heavy agenda; the issue was also relevant to other committees as it may concern for example accumulation of residues of pesticides or antimicrobials in reused water; work was still ongoing in CCFH on commodity specific annexes which may identify other issues; any relevant committees could consider further work based on the available scientific information; and some innovative approaches may need to be considered to address accumulation of chemicals in water reuse holistically.

22. CCEXEC84, acknowledged the potential for accumulation of chemicals in water reuse, and agreed to inform other relevant committees on the status of this work.

#### Other issues

23. CCEXEC84 thanked the outgoing Chairperson of CCFH, Dr Emilio Esteban, for his long years of service in chairing CCFH and wished him well in his new role as the Under Secretary for Food Safety in the United States Department of Agriculture (USDA).

## FAO/WHO Coordinating Committee for North America and the South-West Pacific (CCNASWP)<sup>6</sup>

#### Final adoption

- 24. CCEXEC84 recommended that CAC46 adopt at Step 8 the:
  - Regional Standard for Fermented Noni Fruit Juice (North America and South-West Pacific)
- 25. A concern was raised regarding the lack of a safety evaluation of scopoletin, a natural toxicant known to occur in noni juice. The representative of FAO highlighted that noni juice itself had a history of safe use in the NASWP region. Scopoletin was somewhat unique as it was being used as a characterizing constituent in the regional standard while at the same time was associated with certain undesirable toxicological properties, which in turn had triggered a request for a safety evaluation. Scopoletin remains on the JECFA priority list for evaluation. However, currently data was lacking for JECFA to perform a safety evaluation.
- 26. One Member was of the view that should there be a request in the future to convert the regional standard to a worldwide standard, a safety evaluation of scopoletin by JECFA would be needed.
- 27. CCEXEC84 considered the above and confirmed its recommendation to CAC46 to adopt the regional standard.

#### Adoption

- 28. CCEXEC84 recommended that CAC46 adopt the:
  - amendment to the labelling provisions for non-retail containers in the *Regional Standard for Kava Products for Use as a Beverage When Mixed with Water* (CXS 336R-2020).

## Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF26)7

#### Final adoption

- 29. CCEXEC84 recommended that CAC46 adopt at Step 5/8 the:
  - Maximum residues levels (MRLs) for Ivermectin (sheep, pigs, and goats fat, kidney, liver, and muscle)
  - MRLs for Nicarbazin (chicken)
  - MRLs extrapolated to ruminants and finfish i.e.:

## All other ruminants

Amoxicillin (muscle, fat, liver, kidney, milk)

Benzylpenicillin (muscle, liver, kidney, milk)

Tetracyclines (muscle, liver, kidney, milk)

Cyhalothrin (muscle, fat, liver, kidney, milk)

Cypermethrin (muscle, fat, liver, kidney)

Deltamethrin (muscle, fat, liver, kidney)

Moxidectin (muscle, fat, liver, kidney)

<sup>&</sup>lt;sup>6</sup> CX/EXEC 23/84/2 Appendix 4

<sup>&</sup>lt;sup>7</sup> CX/EXEC 23/84/2 Appendix 5

Spectinomycin (muscle, fat, liver, kidney, milk)

Levamisole (muscle, fat, liver, kidney)

Tilmicosin (muscle, fat, liver, kidney)

#### All other finfish

Deltamethrin (muscle)

Flumequine (muscle)

#### **Approval**

- 30. CCEXEC84 recommended that CAC46 approve the:
  - Priority list of veterinary drugs for evaluation or re-evaluation by JECFA (Parts I and V)

#### Discontinuation

- 31. CCEXEC84 recommended that CAC46 endorse the discontinuation of:
  - MRLs for Ivermectin (sheep, pigs, and goats fat, kidney, liver, and muscle)

## Other issues

32. CCEXEC84 commended the continuing excellent collaboration between CCRVDF and Codex Committee on Pesticides Residues (CCPR), through the Joint CCPR/CCRVDF Working Group, as a cost-efficient and effective approach for facilitating coordination of work on matters of common interest to both committees, including those related to compounds with dual use.

## Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU43)8

## Final adoption

- 33. CCEXEC84 recommended that CAC46 adopt at Steps 5/8 and 8 the:
  - revised Standard for Follow-up Formula (CXS 156-1987) (renamed as the Standard for Follow-up Formula for Older Infants and Product for Young Children)

## Adoption of amendments

- 34. CCEXEC84 recommended that CAC46 adopt the amendments to the:
  - Standard for Canned Baby Foods (CXS 73-1981); and
  - Advisory list of nutrient compounds for use in foods for special dietary uses intended for infants and young children (CXG 10-1979)

## Adoption at Step 5

- 35. CCEXEC84 recommended that CAC46 adopt at Step 5 the:
  - General Principles for Establishing Nutrient Reference Values for Persons Aged 6 36 Months

## Other issues

- 36. Some Members expressed their disappointment that the new work proposal to develop general guidelines to establish nutrient profiles for front-of-pack nutrition labelling was not agreed by CCNFSDU43.
- 37. The Representative of WHO clarified that CCNFSDU43 had agreed that past and ongoing work in this area by WHO may be sufficient to meet CCNFSDU's needs, and that CCNFSDU43 had agreed that due to the lack of support, the proposal should not be pursued at this time.
- 38. The Codex Secretary noted that Members could resubmit a proposal as appropriate and that the existence of WHO guidance did not preclude Codex work.
- 39. Another Member highlighted the need for comprehensive guidance on new work and the various criteria and mechanisms for prioritization now established in Codex or under discussion, as in the case of CCNFSDU, and proposed a stocktaking of existing procedures to further consider the procedures and criteria in place and reflect on whether there were any gaps.

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<sup>8</sup> CX/EXEC 23/84/2 Appendix 6

40. Recalling the recommendation from CCEXEC729 to all Codex committees to consider the need to develop an approach for the management of their work, CCEXEC84 asked the Codex Secretariat to provide a document for a future meeting of CCEXEC that reviewed the approaches that had been developed.

## Codex Committee on Food Additives (CCFA)<sup>10</sup>

#### Final adoption

#### 41. Members:

- recognized that, despite facing an increased workload, CCFA had efficiently managed its work;
- applauded the constructive negotiations that had led to a consensus on the provision for trisodium citrate (INS 331(iii)) in Food Category (FC) 01.1.1; and
- welcomed progress made on the provisions for sweeteners and colours as well as food additives in FC 14.2.3 "Grape wines".

#### Other issues

- 42. A Member expected that the upcoming discussion on improving the management of the alignment work would be helpful for CCFA's more efficient work management.
- 43. Another Member noted the development of a proposal for new work on a standard for yeast and recommended ensuring that the appropriate expertise would be available before starting this new work.

#### Conclusion

- 44. CCEXEC84 recommended that CAC46 adopt the:
  - inclusion of the provision for trisodium citrate (INS 331(iii)) in FC 01.1.1 in the General Standard for Food Additives (GSFA, CXS 192-1995) at Step 8;
  - inclusion of the provisions for food additives in FC 14.2.3 (CXS 192-1995) at Steps 8 and 5/8;
  - inclusion of the provisions for riboflavin, synthetic (INS 101(i)), riboflavin 5'-phosphate sodium (INS 101(ii)), riboflavin from *Bacillus subtilis* (INS 101(iii), riboflavin from *Ashbya gossypii* (INS 101(iv)) and spirulina extract (INS 134) in Table 3 (CXS 192-1995) at Step 5/8;
  - revision of the Class Names and the International Numbering System for Food Additives (CXG 36-1989) at Step 5/8;
  - specifications for the Identity and Purity of Food Additives for inclusion in the List of Codex Specifications for Food Additives (CXA 6-2021) at Step 5/8, noting the specifications for Phospholipase A2 from Streptomyces violaceoruber expressed in S. violaceoruber should be changed from revised specifications (R) to new specifications (N);
  - food additive provisions of the GSFA and revisions to adopted provisions (CXS 192-1995) at Steps 8 and 5/8;
  - inclusion of mono- and diglycerides of fatty acids (INS 471) in FC 02.1.2 (CXS 192-1995) at Step 5/8;
  - inclusion of the provisions for polyglycerol esters of fatty acids (INS 475), sorbitan esters of fatty acids (INS 491-495), and stearoyl lactylates (INS 481(i), 482(i)) in FC 02.1.2 (CXS 192-1995) at Step 8;
  - revision to Notes 488 and 502 (CXS 192-1995);
  - deletion of Note 301 from the provision for BENZOATES in FC 14.1.4 (CXS 192-1995);
  - inclusion of riboflavin from Ashbya gossypii (INS 101(iv)) in the group header RIBOFLAVINS in Tables 1 and 2 of the GSFA (CXS 192-1995);
  - revised food additive provisions of the GSFA in relation to the alignment of seven standards under the Codex Committee on Milk and Milk Products (CCMMP), three standards under the Codex Committee on Processed Fruits and Vegetables (CCPFV), six standards under CCNFSDU, one standard under CCAFRICA, one standard under the FAO/WHO Coordinating Committee for Europe (CCEURO), and one set of guidelines under CCNFSDU (CXS 192-1995);
  - revisions to the adopted provisions for sweeteners in different FCs (CXS 192-1995); and

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<sup>&</sup>lt;sup>9</sup> REP15/EXEC, paragraph 22

<sup>10</sup> CX/EXEC 23/84/2 Add.1

 revised food additive sections of seven standards for CCMMP, three standards for CCPFV, six standards for CCNFSDU, one standard for CCAFRICA, one standard for CCEURO, and one set of quidelines for CCNFSDU.

#### Approval of new work

- 45. CCEXEC84 recommended that CAC46 approve the:
  - proposals for new food additive provisions of the GSFA; and
  - Priority List of substances proposed for evaluation by JECFA.

#### Revocation

46. CCEXEC84 recommended that CAC46 agree to the revocation of certain food additive provisions of the GSFA.

Discontinuation

CCEXEC84 recommended that CAC46 endorse the discontinuation of certain draft and proposed draft food additive provisions of the GSFA.

## Other Issues

47.

- 48. A Member asked whether it was appropriate to refer to the Organisation Internationale de la Vigne et du Vin (OIV) in the compromise Note associated with the food additive provisions in FC 14.2.3, given the difference in membership between OIV and Codex.
- 49. CCEXEC84 noted that CCFA53 had acknowledged the advice of CCEXEC that references to external organizations in Codex texts should be kept to a minimum and had reached the compromise on the Note associated with the food additive provisions in FC 14.2.3 after extensive discussion.
- 50. CCEXEC84 further noted that the Note was an exceptional approach, specific to the unique situation involving the use of these additives in grape wine; it should not be considered a precedent in any other circumstances; and a similar situation was not likely to occur in the future.

## Codex Committee on Contaminants in Foods (CCCF16)<sup>11</sup>

#### Final adoption

- 51. CCEXEC84 recommended that CAC46 adopt at Step 8 the:
  - Code of Practice for Prevention and Reduction of Mycotoxin Contamination in Cassava and Cassava-Based Products; and
  - Maximum level (ML) for lead in ready-to-eat meals for infants and young children.
- 52. CCEXEC84 recommended that CAC46 adopt at Step 5/8 the:
  - ML for lead in soft brown, raw and non-centrifugal sugars;
  - ML for total aflatoxins in dried chilli and nutmeg, and ML for ochratoxin A in dried chilli, paprika, and nutmeg; and
  - sampling plans for total aflatoxins in certain cereals and cereal-based products including foods for infants and young children, noting that the revised sampling plan as endorsed by CCMAS42 will be the one to be considered by CAC46 for adoption.
- 53. CCEXEC84 noted that the ML for total aflatoxins in dried chilli and nutmeg and the ML for ochratoxin A in dried chilli, paprika, and nutmeg will be reviewed in three years' time subject to availability of data.
- 54. The Coordinator for Africa informed CCEXEC84 that at the current time the Region would support progression of the MLs, he appreciated the approach of returning to review this issue, and noted the intention to provide new data from the African region through GEMS/Food to support the review.

#### **Discontinuation**

55. CCEXEC84 recommended that CAC46 endorse the discontinuation of the work on the:

 MLs for total aflatoxin in paprika, ginger, black and white pepper, and turmeric and MLs for ochratoxin A in ginger, black and white pepper, and turmeric.

<sup>11</sup> CX/EXEC 23/8482 Add.2 Appendix 1

## Approval of new work

- 56. CCEXEC84 recommended that CAC46 approve new work on a:
  - Code of Practice/Guidelines for the prevention or reduction of ciguatera poisoning.

## Monitoring

57. CCEXEC84 agreed to extend the timelines to 2025 for completion of work on an ML for total aflatoxins in ready-to-eat peanuts and associated sampling plan, and MLs for lead in culinary herbs (fresh/dried) and spices (dried).

58. CCEXEC84 noted that CCCF progressed work on MLs for culinary herbs (fresh/dried) and spices (dried) using a staggered risk management approach. This would allow sufficient time for electronic working groups (EWGs), especially those dealing with the establishment of MLs and data assessment, to fulfill their mandates, and CCCF to thoroughly consider issues of concern to facilitate consensus building.

## Codex Committee on Food Import and Export Inspection and Certification (CCFICS26)12

#### Final adoption

- 59. CCEXEC84 recommended that CAC46 adopt at Step 5/8 the:
  - Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (NFCS); and
  - Principles and Guidelines on the Use of Remote Audit and Inspection in Regulatory Frameworks.

## New work approval

- 60. CCEXEC84 recommended that CAC46 approve the review and update of the:
  - Principles for Traceability/Product Tracing as a Tool within a Food Inspection and Certification System (CXG 60-2006)

## Monitoring

61. CCEXEC84 applauded the pace and responsiveness CCFICS had demonstrated regarding the work on Principles and Guidelines on the Use of Remote Audit and Inspection in Regulatory Frameworks, and welcomed the further work on the proposed draft guidelines on the prevention and control of food fraud.

## Codex Committee on Food Labelling (CCFL47)<sup>13</sup>

## Adoption at Step 5

- 62. CCEXEC84 recommended that CAC46 adopt at Step 5 the:
  - revision to the General Standard for the Labelling of Pre-packaged Foods (CXS 1-1985) (GSLPF): Provisions relevant to allergen labelling;
  - Guidelines on the Provision of Food Information for Pre-packaged Foods to be Offered via E-Commerce; and
  - Guidelines on the Use of Technology to Provide Food Information.

## Approval of new work

- 63. CCEXEC84 recommended that CAC46 approve new work on:
  - amendment to the General Standard for the Labelling of Pre-packaged Foods (CXS 1-1985): Labelling
    of pre-packaged foods in joint presentation and multipack formats.

## Monitoring

- 64. CCEXEC84 noted that an extension of the timeline for the revision of the *General Standard for the Labelling of Pre-packaged Foods* (CXS 1-1985): "Guidelines on precautionary allergen labelling" would be requested after CCFL48 when there would be better clarity on the time needed to finalize this groundbreaking work.
- 65. One Member encouraged participation of interested CCFL delegates in the work under CCMAS to recommend suitable analytical methods and guidance on their validation and application for determining allergenic protein in foods, so that future sessions of CCFL could have productive discussions on the Guidelines on precautionary allergen labelling.

<sup>12</sup> CX/EXEC 23/84/2 Add.2 Appendix 2

<sup>13</sup> CX/EXEC 23/84/2 Add.2 Appendix 3

#### Other issues

66. A Member asked how Codex could avoid further delays in the publication of the Standard for Dried Floral Parts – Saffron, which had been adopted by CAC45 at Step 8, subject to endorsement by CCFA and CCFL, noting that the issue of food labelling provisions had been returned to CCSCH for further discussion. CCFL47 had not endorsed the food labelling provisions concerning country of origin and country of harvest and had referred them back to Codex Committee on Spices and Culinary Herbs (CCSCH) for reconsideration and requested CCSCH to clarify the distinction between country of origin and country of harvest and to provide a clear rationale for why the provision for the country of harvest should be mandatory and how such a declaration would be beneficial for fraud prevention. The Member was concerned about the significant delay that the referral back to the CCSCH would cause in the publication of the standard already adopted by CAC45.

- 67. Some Members highlighted the importance for saffron producing countries of having the Codex standard published.
- 68. While it was suggested that the Chairpersons of CCFL and CCSCH should strive to find a solution, it was emphasized that the issue was for the Members to resolve.
- 69. A Member stated that the approach proposed by the CCSCH deviated from previous CCFL advice and from other similar provisions in CCSCH standards.
- 70. The Chairperson noted that CCSCH needed to justify the deviation from previous CCFL advice and recognized that for producer countries this was a significant economic issue and that this, together with the potential for fraud, was driving the urgency to have the standard published and usable.

#### Conclusion

71. CCEXEC84 encouraged CCSCH, scheduled to meet early 2024, to provide, as requested by CCFL, a clear rationale and robust justification for why the provision for country of harvest should be mandatory as this clarification was important in relation to the application of the *General Standard for the Labelling of Prepackaged Foods* (CXS 1-1985) and should then be discussed at CCFL48.

## Proposal for an amendment of the General Standard for Fruit Juices and Nectars (CXS 247-2005)14

- 72. CCEXEC84 recalled that an amendment to CXS 247-2005 had been proposed by Brazil and in line with discussions at CCEXEC83 and CAC45, the Codex Secretariat had issued a Circular Letter (CL) requesting the views of Members and Observers on the proposed amendment as CXS 247-2005 was under the purview of CCPFV, which had been adjourned sine die since CAC43 (2020).
- 73. Comments received from seven Members and three Observers showed divergent views.
- 74. It was recalled that the Guide to the Procedure for the Amendment and Revision of Codex Standards and Related Texts in the Codex Procedural Manual in particular paragraph 6 applied, which stated in its final sentence: "In cases where replies do not appear to offer an uncontroversial solution then the Commission should be informed accordingly and it would be for the Commission to determine how best to proceed."
- 75. One Member highlighted the importance of clarifying what constitutes an amendment or a revision and expressed the hope that the Codex Committee on General Principles (CCGP) would provide more guidance on this question.
- 76. The Regional Coordinator for CCLAC informed CCEXEC84 that CCLAC22 had agreed a regional position on this matter (CRD02).

## Conclusion

77. CCEXEC84 recommended that the Codex Secretariat request Brazil to respond to comments received in response to the CL and thereafter prepare a document for CAC46 for decision on how to proceed, which would include the original proposal for amendment by Brazil, the responses to the CL, any further observations that Brazil might want to make on the responses to the CL, and any procedural guidance that would be helpful to the Commission in deciding how to proceed.

# Draft MRLs for Zilpaterol Hydrochloride in cattle liver, kidney and muscle – Updates<sup>15</sup> Introduction

78. CAC45 adopted the draft MRLs for zilpaterol hydrochloride in cattle liver, kidney and muscle at Step 5 (by vote) and agreed to retain the further elaboration of these draft MRLs in the Commission, noting the reservation

<sup>14</sup> CX/EXEC 23/84/2 Add.2 Appendix 4; CRD02 (Brazil, Costa Rica, Ecuador, Paraguay and Uruguay)

<sup>&</sup>lt;sup>15</sup> CX/EXEC 23/84/2 Add.3; CRD04 (Regional Coordinator of CCLAC, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Panama, Paraguay, Peru and Uruguay)

of China. Accordingly, the Codex Secretariat distributed a CL to Members and Observers requesting comments at Step 6 on the draft MRLs by 15 September 2023 to inform further discussion by CAC46.

- 79. As a complement to the formal process, CAC45 welcomed the prospect of further informal consultation by the Chairperson and Vice-Chairpersons of the Codex Alimentarius Commission (CVCs) prior to CAC46 to facilitate consensus. Accordingly, and following consultation with Regional Coordinators, the CVCs proposed in a letter to Members and Observers on 30 March 2023 a process for the informal consultation.
- 80. So far, Regional Coordinators had not reported any new proposals for approaches to discussion of the draft MRLs that might result in a consensus at CAC46.
- 81. Virtual informal consultations between CVCs and Regional Coordinators have been scheduled for July and August 2023. The CVCs will submit a report on these consultations to CCEXEC85 and CAC46.
- 82. While the CVCs hope that these informal consultations will be successful in bridging the gap between the divergent positions expressed by Members to date, the CVCs will, as in 2022, work closely with the Codex Secretariat and with the Legal Offices of FAO and WHO to prepare for a potential vote on zilpaterol at CAC46.

#### **Discussion**

- 83. Appreciation was expressed for the constructive and transparent approach implemented by the CVCs.
- 84. Positions for or against adoption of the MRLs at Step 8 were reiterated by different Regional Coordinators.
- 85. A Regional Coordinator stated that finding consensus would be preferable to taking a decision by vote, and indicated that some of the Members in that region suggested that holding the MRLs at Step 8 could be an option, while others expressed interest in exploring how the use of abstention of acceptance could be recorded in a standard.
- 86. A Regional Coordinator expressed the position of its region regarding the conclusion of JECFA and the lack of justification for non-adoption, and recommended the adoption of the standard at CAC46 (CRD04).

#### Conclusion

87. CCEXEC84 noted the update from the CVCs.

PROPOSED BLUEPRINT ON THE FUTURE OF CODEX - FINAL REPORT FROM CCEXEC SUBCOMMITTEE (Agenda item 3.1)<sup>16</sup> and OVERVIEW OF INFORMAL DISCUSSION AND RECOMMENDATIONS ON THE FUTURE OF CODEX IN THE CONTEXT OF CODEX@60 CELEBRATIONS - SECRETARIAT REPORT (Agenda item 3.2)<sup>17</sup>

## Introduction

- 88. The Chairperson of the Subcommittee on the Blueprint on the Future of Codex introduced the item, recalling that CCEXEC82 had had extensive discussions on the issues related to the future of Codex and had established a CCEXEC subcommittee to develop, in collaboration with the Codex Secretariat, a report including a proposed Blueprint on the Future of Codex for consideration by CCEXEC84. An interim report had been submitted to CCEXEC83. Remarking on the time challenges in achieving widespread consultation, the Chairperson of the subcommittee noted that the proposed blueprint had been developed taking into consideration the views of Chairpersons of Codex committees, Regional Coordinators, Host Government Secretariats, and Chairpersons of working groups, but not yet the broader Codex membership nor Observers.
- 89. The Codex Secretariat introduced agenda item 3.2, highlighting that the document aimed to give an overview of how the future of Codex had been discussed formally and informally both inside and outside of Codex meetings. Noting that the views presented in the document had no formal status, the Codex Secretariat highlighted that the information confirmed the strong support for Codex moving forward as well as recognizing it had a role to play in protecting consumer health and ensuring fair practices in food trade in a changing global environment and having the flexibility to adapt to such changes. The Chairperson of the Subcommittee explained that the document of this agenda item was for information purposes and would not be incorporated into the document on the Blueprint on the Future of Codex.

#### **Discussion**

CCEXEC84 noted the information provided in agenda item 3.2 and proceeded to discuss agenda item 3.1.

<sup>&</sup>lt;sup>16</sup> CX/EXEC 23/84/3; CRD03 (Uruguay, Brazil, Costa Rica, Ecuador, El Salvador, Guatemala, Paraguay, Dominican Republic)

<sup>17</sup> CX/EXEC 23/84/3 Add.1

91. The Chairperson of the subcommittee noted that as the subcommittee had now completed its mandate, progress was in the hands of CCEXEC84.

- 92. Members expressed their appreciation for the progress made on this document and shared the following general views:
  - The development of the blueprint was a natural progression following the experience of the COVID-19 period and the adaptive approaches implemented, and it was useful to highlight that background.
  - It was a good example of CCEXEC coming together sharing ideas and reflections on finding a way forward on pertinent issues.
  - It was a good starting point in looking to the future and the development of the Codex Strategic Plan 2026-2031.
  - The general structure of the document and content was in good shape.
  - There was a need to bear in mind the mandate (statutory purpose) of Codex throughout the discussions.
  - The addition of information related to the strategies of the parent organizations in Section 2 was appreciated.
  - All meeting modalities have different advantages and disadvantages according to the nature and complexity of the agenda, and it was useful to have a compilation of all this information in a neutral manner to facilitate further assessment.
  - It will be important to take some decisions on meeting modalities, but Codex may not be ready to do
    that yet.
  - As information technology develops, it will facilitate improved application of different meeting modalities and may allow adoption of uniform approaches across all meetings.
  - The document also had a role in improving work efficiency. One way of moving in that direction could be to facilitate exchanges between CCEXEC and Chairpersons of subsidiary bodies.
  - This was still a draft as the wider membership had not yet been consulted and given the relatively late circulation of this document, some Members indicated that their comments were preliminary.

### Section 1 - Background

- 93. While there was general agreement with this text, a proposal to remove reference to the mandate of Codex at the end of the section, noting that at this stage the discussion should not be hindered by making specific reference to the mandate, led to an extensive discussion on its relevance to this sentence and how the mandate was understood.
- 94. Some Members expressed the view that it was useful to state that considerations of the future should be within the context of the mandate.
- 95. The Codex Secretary clarified that while there was no explicit "mandate" in the Codex Procedural Manual, the term was generally used to mean Article 1 of the Statutes of the Codex Alimentarius Commission which gives the statutory purpose, in particular item (a) while the other items (b)-(e) were also important and could be considered to inform how work on item (a) was undertaken. The Statutes could be changed, if needed, however, this was a complex process which in addition to a two-thirds majority in the Commission, required approval by the governing bodies of FAO and WHO. Currently there was no proposal to amend the Statutory purpose (mandate).
- 96. Noting that the mandate, or statutory purpose of Codex was paraphrased using different language throughout the document it was agreed to maintain the reference in this section and to edit the text for consistency with the Codex Procedural Manual.

#### Section 2 - Codex standards of the future - context and drivers

- 97. In addition to editorial amendments, the following changes were agreed:
  - Paragraph 2: Included One Health as one of the broader global goals that Codex could support in the future.
  - Paragraph 3, Points iv, and v: Revised to enhance specificity and focus.
  - Section 2.2.1, paragraph 2: Revised to avoid contradictions and ensure consistency with the Codex Procedural Manual.

 Section 2.2.1, paragraph 5: Included a reference to the joint action plan of the FAO-WHO-WOAH-UNEP quadripartite.

- Section 2.2.1, last paragraph: Revised to ensure it accurately reflected the way Codex was recognized within the initiatives listed in this Section.
- Section 2.2.2, paragraph 2: Revised to clarify it referred to the national or regional level, not the international level.

#### Section 3 - Model for future Codex work

- 98. In addition to editorial amendments, it was agreed to make the following changes:
  - Title of Section 3.2.1: Change from "assessment" to "experience" of different meeting formats to better
    reflect the aim of this section, noting that this was to gather different experiences through the various
    informal consultations during the lifespan of the subcommittee, from CCEXEC Members during this
    meeting and subsequently from Members and Observers.
  - Revise the text of Section 3.2.1 to reflect experiences shared by some of the Members in relation to virtual meetings, for example the success of virtual meetings in allowing the (now dissolved) Ad hoc Codex Intergovernmental Task Force on Antimicrobial Resistance to deal with complex topics.
  - Reflect the need for a better definition of the costs of different meeting formats, considering both the costs of meeting hosts and the costs incurred by meeting delegates, which was useful while also acknowledging that various caveats/assumptions (agenda, duration, pre-meetings, format of report adoption etc.) would be associated with any defined costs.
  - Reflect the need for an assessment of Secretariat guidance for virtual or hybrid meetings against the
    existing procedures outlined in the Codex Procedural Manual.
  - Table 1: Reflect under the weaknesses of virtual meetings the challenges for delegates to join and participate virtually while also fulfilling expectations to undertake their daily work role/tasks and under the weaknesses for hybrid meetings, the fact that delegations who would wish to participate physically might not receive funding for travel if the meeting modality offered hybrid participation.
  - Table 2: Split the table so that assessment against the core values and the resource considerations
    are addressed separately, and to capture resources from the perspective of the host secretariat, the
    Codex secretariat, and delegates. Provide a description of the use of table 2 in the text, noting that it
    was useful as a tool but how it was completed would vary according to the role, Member or Observer.
  - Reflect the importance of basing assessments on objective rather than subjective data.

## **Next steps**

- 99. CCEXEC84 agreed that:
  - Sections 1-3 of the document should serve as the basis for consulting Members and Observers; and
  - as the draft recommendations had not been discussed, they could be considered at CCEXEC85.
- 100. The following proposals were made:
  - Sections 2 and 3: discuss separately as there was general agreement that they should follow separate
    paths.
    - Section 2: use as a starting point for the discussions on drivers and context in the drafting of the Strategic Plan 2026-31, noting that Members would be consulted on this as part of the strategic planning process.
    - Section 3: request the Codex Secretariat to update this section based on the discussions so that it could be shared for comments with the wider membership to support CCEXEC85 in assessing meeting modalities and moving towards recommendations.
  - Questions asked to the wider membership should address the strengths and weaknesses of different
    meeting formats depending on the complexity of the issues to be discussed; how the meeting formats
    compared in terms of resource and time costs; and whether any of the meeting formats were better or
    worse from Member/Observer perspectives in demonstrating the Codex core values of inclusivity,
    collaboration, consensus-building, and transparency.
    - Consider whether questions should be asked at the country level or meeting participant level given that Members may have different experiences from different meeting formats.

Refine the questions and use a mixed approach of multiple choice and open-ended questions to help ensure information on key aspects was received taking care that the consultations were framed so as not to set expectations the Host Secretariats may not be able to meet. The Codex Secretariat should work with the Regional Coordinators in defining the question format.

#### Conclusion

- 101. CCEXEC84 applauded the sub-committee and its Chairperson on the completion of its mandate and agreed that:
  - Section 2 of the revised draft blueprint Codex Standards for the future context and drivers (Appendix II) would serve as an input to the next strategic planning process. Input would be sought from Members and Observers in the context of that process;
  - The Codex Secretariat would circulate Section 3 *Model for future Codex work* (Appendix II) for comments among Members and Observers with a small set of questions to guide the nature of input sought; and
  - CCEXEC85 would review Section 4 and the recommendations in Sections 5.1.1 and 5.2 in the light of comments from Members on Section 3 - Model for future Codex work and make relevant recommendations for consideration by CAC46.

## CODEX STRATEGIC PLAN 2020-2025 – REVISED MONITORING FRAMEWORK (Agenda item 4.1)<sup>18</sup>

#### Introduction

- 102. The Codex Secretariat recalled that CCEXEC83 had noted the continuing evolution of the monitoring framework for the Strategic Plan 2020-2025, had acknowledged some of the challenges therein, and had requested the Codex Secretariat to further review the monitoring framework with the intent to reduce the number of indicators to those where the most useful information was collected and propose a revised framework for review at CCEXEC84.
- 103. The Codex Secretariat informed CCEXEC84 that a detailed report of the pilot survey on the use and impact of Codex texts, that had been undertaken in 2022 in line with Strategic Goal 3, was now available. <sup>19</sup> This pilot survey provided greater insight into the types of information that could be sought directly from Members that was also relevant to the Strategic Plan 2020-2025 monitoring framework. The Codex Secretariat noted that several indicators contained in the survey provided relevant data to progress towards implementation of the Strategic Plan 2020-2025.
- 104. CCEXEC83 had requested the Codex Secretariat to present a proposal to CCEXEC84, with at least one indicator per outcome and justification in cases where deletion of indicators was proposed.
- 105. In response to the request from CCEXEC83 and considering the experience of implementing the pilot survey on use and impact of Codex texts, the Codex Secretariat presented a proposed revision of the monitoring framework, highlighting:
  - those indicators that were difficult to measure and the proposal to replace them with others that were being measured through the survey; and
  - a proposal for a narrative report under each goal, including more qualitative information on activities implemented and achievements, as they relate to the different outcomes, in addition to the indicators included in the monitoring framework<sup>20</sup>.
- 106. The Codex Secretariat also noted that initial discussions were underway to align the Codex Trust Fund monitoring framework to that of the Strategic Plan 2020-2025 and that further information on this would be provided to CCEXEC85.

#### **Discussion**

- 107. Members expressed appreciation for the good work that had been done in revising the monitoring framework for the Strategic Plan 2020-2025.
- 108. Regarding the proposed changes, Members were of the view that indicator 2.3.1 on FAO and WHO core funding for scientific advice be retained as it reflected an area of work that was critical to the development of Codex texts. Also, there was a desire to ensure that pertinent information from the regional implementation reports were captured in the overarching implementation report.

<sup>&</sup>lt;sup>18</sup> CX/EXEC 23/84/4

<sup>&</sup>lt;sup>19</sup> EXEC84/INF1

<sup>&</sup>lt;sup>20</sup> CX/EXEC 23/84/4 Annex 1

109. Members commended the Secretariat for the good work in finalizing the survey report, particularly on the analysis of the differences between High-Income Countries and Low and Middle-Income Countries.

- 110. In response to questions and suggestions raised, the Secretariat clarified that:
  - the next survey would cease to be a pilot;
  - the criteria for selection of Codex texts had been documented and agreed;<sup>21</sup>
  - the aim was to implement the survey annually;
  - in 2023, the four Codex texts to be assessed would be the: General Standard for Food Additives (CXS 192-1995); Guidelines on Nutrition Labelling (CXG 2-1985); Recommended Methods of Analysis and Sampling (CXS 234-1999); and Guidelines on Performance Criteria for Methods of Analysis for the Determination of Pesticide Residues in Food and Feed (CXG 90-2017);
  - although the survey had some questions focused on selected Codex texts, almost half the questions
    in the survey intended to reflect Members experience with all Codex texts;
  - the four texts included in each survey would be included again 3 years later to determine any trends;
  - efforts were underway to ensure clarity of questions and a common understanding of terminology in the next survey; and
  - the use of the replies to the survey to inform indicators in the monitoring framework would not be related to the four Codex texts surveyed, but to the replies to the generic questions included in the survey that refer to the experience with all Codex texts.
- 111. Members highlighted the fact that the survey was not the only way to measure the use and impact of Codex texts, and that collaboration with the World Trade Organization (WTO) on their notification system could also be sought, or case studies such as the one undertaken by FAO on use of MRLs for pesticide residues in rice be undertaken. While in agreement with this, the Codex Secretariat noted that resources were a limiting factor and that the survey work was undertaken using extra budgetary resources. However, regular quarterly consultations were being held with WOAH and IPPC on their monitoring efforts.
- 112. A Member expressed concerns regarding the proposal to use the survey to inform several indicators (specifically for the outcome objectives 1.1.1, 3.1, 4.3.1) of the monitoring framework, as the causal relationship was not apparent. The Secretariat considered that the proposed replacements provided relevant information on progress achieved against the outcome they referred to and were the most efficient and cost-effective way of measuring those dimensions given the resources available. The Secretariat further confirmed that the relevant information would be extracted from the survey and other documents and included in the monitoring report.
- 113. Another Member raised concerns regarding the cost benefit analysis when it came to allocating resources.
- 114. In response to a request that the Code of Practice to Minimize and Contain Foodborne Antimicrobial Resistance (CXC 61-2005) be included in the next survey, the Secretariat clarified that this text was one of the four texts foreseen for year 3 (2024) of the survey.

#### Conclusion

## 115. CCEXEC84:

- invited CCEXEC Members to provide any further detailed comments on the revised monitoring framework for the implementation of the Strategic Plan 2020-2025 directly to the Secretariat as soon as possible so that they could be taken into account for the preparation of the next report on the Strategic Plan 2020-2025;
- agreed to maintain the indicator 2.3.1 on the financing of scientific advice by the core budgets of FAO and WHO;
- recommended to take into account the lessons learnt from the development and implementation of the monitoring framework for the Strategic Plan 2020-2025 when developing of the monitoring framework for the Strategic Plan 2026-2031;
- noted the report of the pilot survey on the use and impact of Codex texts and its recommendations to the Codex Secretariat; Codex Members; and FAO and WHO; and

<sup>&</sup>lt;sup>21</sup> REP22/EXEC1, paragraph 116

 confirmed that the survey approach, piloted in 2022, should be used as part of the mechanism to monitor the use and impact of Codex texts, considering the lessons learnt to date.

# CODEX STRATEGIC PLAN 2026-2031 - TIMETABLE AND PROCESS; ESTABLISHING A FRAMEWORK (Agenda item 4.2)<sup>22</sup>

## Introduction

116. The Chairperson introduced the item, recalling the proposed structure for the Strategic Plan 2026-2031, and the timetable and process for its elaboration. With the goal of delivering a new strategic plan, a monitoring framework, and implementation work plans before 1 January 2026 (the date the Strategic Plan 2026-2031 will come into effect), a process that engaged Members at an early stage; facilitated value-adding discussions at the Commission; and ensured appropriate ownership of each element of the plan and governance of the process was proposed.

#### Discussion

117. Members expressed their appreciation for the document. Its structure was seen as appropriate to guide the process for preparing the Strategic Plan 2026-2031. Members requested additional consideration of the role of CCEXEC in developing the Strategic Plan 2026-2031 and that this be reflected in the timetable.

Section 2 - Structure of the Codex Strategic Plan 2026-2031

- 118. Subsection 2.1 The Strategic Plan
  - a. Vision, mission, core values.
- 119. Members were supportive of the proposed approach.
  - b. A narrative on drivers for change.
- 120. One Member suggested adding reference to the United Nations Food Systems Summit.
- 121. In response to the question regarding which sections of the draft blueprint on the future of Codex should be included under (ii), the Vice-Chairperson clarified that it would be Section 2 of the draft blueprint Codex standards for the future context and drivers, as modified by CCEXEC84 (Appendix II).
  - c. A statement on the role of Codex addressing the challenges and opportunities posed by these drivers.
- 122. It was recognized that this was a new section in the structure of the Strategic Plan 2026-2031 compared to previous plans, and as a result it was important to ensure clarity as to its purpose. While acknowledging that this section provided an opportunity to identify how Codex work could contribute to addressing challenges in the evolving global operational environment, it was also suggested to use this section to identify how others operating in that global environment could contribute to the achievement of the Codex goals, also considering the limited resources available.
- 123. In response to a request as to the identity of the external stakeholders that had been asked to provide their inputs and how this would be considered, the Chairperson indicated that replies were expected from two multilateral organizations and one academic institution and that this simply served to give insight on how Codex was perceived by external parties.
- 124. In response to concerns expressed regarding the examples provided in the text that were potentially confusing and could mislead Members, it was agreed that they should be deleted from future descriptions of this section.
- 125. In response to the concerns expressed regarding how the Codex Membership would be consulted on this section and the development of the Strategic Plan 2026-2031 in general, and how open or directive these consultations should be, the Chairperson clarified that firstly there was a need to re-frame this section in light of the discussions and then while trying to be open, a few starting points to guide the consultation with Members should be developed. These could include a set of questions focusing more on the functioning of Codex as part of a multilateral system that would be further built upon through the preparation of the Strategic Plan 2026-2031.
  - d. A high-level description of Codex ways of working.
- 126. Clarification was sought on the intent of this new section, and whether it related to the strategic goals or a more general description of Codex work. The Chairperson noted that the goals in the Strategic Plan 2020-2025 could be better described as areas of work. However, CCEXEC supported retaining the goals from the previous plan as means of describing the way in which Codex works. A high-level description of Codex ways

<sup>&</sup>lt;sup>22</sup> CX/EXEC 23/84/5; EXEC84/INF1

of working may not need a separate section, and one option could be to address that in the introduction section of the Strategic Plan 2026-2031.

- 127. Different views were expressed about number and focus of the strategic goals for the Strategic Plan 2026-2031 and the decision would be informed by consultation with Codex Members and Observers.
  - e. A results chain reflecting best practices following a Goal-Outcome-Output format; and
  - f. The strategic outcomes that Codex should aim to achieve.
- 128. It was noted that these two intertwined sections could be combined as the work progressed. There was general agreement that the structure could be simplified, and it was noted that in line with international best practice, the "objective" layer would be removed, and the structure would have two results levels, Goal and Outcome.
- 129. Following concerns that some of the examples in point (f) being used to describe the type of outcomes that could be tackled were not related to the Codex mission or vision, it was agreed to remove these from any material circulated to Codex Members and Observers.
  - Subsection 2.2 A monitoring Framework
- 130. Members expressed their desire to review the current monitoring framework and modify it as necessary to align with the Goals and Outcomes of the Strategic Plan 2026-2031 while taking advantage of the lessons learned in the implementation of the current one. A Member suggested that indicators would only be useful when they informed monitoring or decision making.
  - Subsection 2.3 Implementation work plans
- 131. The Vice-Chairperson clarified that the current practice would be kept, where FAO/WHO Regional Coordinating Committees take the lead in implementation work planning. The Chairperson added that Members, Observers, and other stakeholders will be free to decide to contribute to the implementation of the Strategic Plan 2026-2031, recalling that this option had also been proposed for the implementation of the Strategic Plan 2020-2025 although there had been no uptake to that request.

## Section 3 - Process and governance

- 132. The Chairperson noted that while the process to prepare the Strategic Plan 2020-2025 had been praised for being inclusive, some Members had felt that they did not have the opportunity to provide substantive input. This may be related to the fact that broader engagement only began when an advanced version was already drafted. It was therefore proposed that for the Strategic Plan 2026-2031, Codex Members and Observers would be involved from the initial drafting stages to inform discussions at the next three CCEXEC meetings.
- 133. Members stressed the importance of integrating lessons learned from the implementation of the Strategic Plan 2020-2025 and assessing the achievement of its goals.
- 134. Members expressed concern on the proposed level of engagement of CCEXEC in the formulation of the draft timetable for the Strategic Plan 2026-2031. It would be preferable to discuss the outcomes of the first round of consultations with Members and Observers at CCEXEC85 and circulate a first draft of sections of the Strategic Plan 2026-2031 to Members and Observers after CAC46. The Vice-Chairperson confirmed that the proposed consultations with Members and Observers could use a range of modalities.

#### Section 4 – A detailed timetable

135. Based on the discussion on process and governance and concerns that the proposed timetable was too ambitious, the schedule was revised as attached in Appendix III.

## Conclusion

## 136. CCEXEC84:

- welcomed the proposal from the Chairperson, Vice-Chairpersons and the Codex Secretariat and recognized the value of immediate and ongoing engagement with the Codex membership on the process of drafting the Codex Strategic Plan 2026-2031 using a range of modalities and with the support of the Regional Coordinators;
- recognized the key role of CCEXEC on providing strategic direction to the Commission, and the importance of its involvement throughout the drafting of the Strategic Plan 2026-2031;
- agreed on the development of a Strategic Plan 2026-2031, including a monitoring framework and implementation work plans;
- · regarding the structure, agreed:
  - o To keep the mission, vision and core values as in the Strategic Plan 2020-2025.

 To include section 2 (Codex standards of the future – context and drivers) of the blueprint on the Future of Codex (Appendix II) as agreed by CCEXEC84 as the basis for the discussion on the narrative on drivers for change and the role of Codex in addressing the challenges and opportunities posed by these drivers.

- To include a high-level description of Codex ways of working taking into consideration the Strategic Plan 2020-2025.
- That contributions to goals should be measurable, linked to the mission and vision, and that their monitoring should take into consideration the experience gained from assessing the Strategic Plan 2020-2025.
- o That the Strategic Plan 2026-2031 will include two results levels: goal and outcome; and
- agreed to undertake the work in line with the schedule presented in Appendix III.

# APPLICATIONS FROM INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS FOR OBSERVER STATUS IN CODEX (Agenda item 5.1)<sup>23</sup>

137. The Codex Secretariat introduced the item noting that the Legal Offices of WHO and FAO had checked the five applications contained in the working document and its relative addendum and found that they were complete and receivable.

### International Cellulosics Association (ICA)

138. In presenting the application from ICA, the Codex Secretariat highlighted that the *Principles concerning the participation of international non-governmental organizations in the work of the Codex Alimentarius Commission* (Principles) provided that, to be eligible for Observer Status, a non-governmental organization (NGO) had, inter alia, to be established at least three years before it applied for such status. He further added that ICA was a new legal entity that was formally established on 10 August 2020 as a successor of Organisation des Fabricants de produits Cellulosiques Alimentaires (OFCA), a former NGO with Observer Status with Codex. While ICA did not formally meet the three-year criterion mentioned above, it had demonstrated continuity with the activities and operations of OFCA and was only one month short. Therefore, the application could be considered by CCEXEC84 based on a flexible application of the three-year criterion.

#### **COFALEC**

139. During the analysis of this application, it was noted that the entity was a member of FoodDrinkEurope, a Codex Observer, and that, if CCEXEC84 decided to recommend granting observer Status, COFALEC would be subject to the conditions regulating the double representation as decided by CCEXEC77.<sup>24</sup>

#### Discussion

#### Interpretation of the Principles

- 140. In reply to a question concerning the three-year criterion and its exact date of application, the Representative of the Legal Office of WHO clarified that under the Principles, such criterion should be met at the time of the submission of the application.
- 141. CCEXEC84 noted that the flexible interpretation of the Principles in considering the application of ICA should not constitute a precedent and that future applications would be reviewed by carefully considering the criteria set forth in the Principles.

#### Double representation issue

- 142. CCEXEC84 noted that the Codex Secretariat and the Legal Offices of FAO and WHO were holding extended discussions related to the double representation issue and that a working document would be presented at CCEXEC85 (2023).
- 143. Regarding the guidance needed on the implementation of the rules regulating the double representation at all stages of Codex work, the Codex Secretariat indicated that based on the outcome of the discussion with the Legal Offices of FAO and WHO, Codex Chairpersons would be provided with guidance on how to address this issue in an efficient manner.
- 144. One Member requested that the information regarding NGOs subject to the double representation clause be accessible on the Codex website. The Codex Secretariat clarified that while this information was available online, with the launch of the new Codex website it would become clearly visible and better structured, noting that, as of July 2023 there were only 12 Observers subject to the double representation clause.

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<sup>&</sup>lt;sup>23</sup> CX/EXEC 23/84/6; CX/EXEC 23/84/6 Add.1

<sup>&</sup>lt;sup>24</sup> REP19/EXEC2, para 92 ii

#### Conclusion

- 145. CCEXEC84 recommended that the Directors-General of FAO and WHO:
  - grant Observer Status to AIM INC., ICA, IPIFF and UILI;
  - grant Observer Status to COFALEC pending their acceptance of the following conditions to avoid double representation:
    - At meetings where FoodDrinkEurope is represented, COFALEC can only participate as part of the delegation of FoodDrinkEurope and cannot speak as COFALEC.
    - COFALEC can submit written comments only on those issues for which FoodDrinkEurope did not submit any comments.
    - COFALEC would only participate as such in Codex meetings when FoodDrinkEurope was not represented.
- 146. CCEXEC84 also requested the Codex Secretariat to ensure that the new version of the Codex website would provide clear and accessible information regarding the NGOs subject to the double representation clause.

# REVIEW OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS WITH OBSERVER STATUS IN CODEX – DOUBLE REPRESENTATION CLAUSE (Agenda item 5.2)<sup>25</sup>

147. CCEXEC84 noted that due to the complexity of the subject and the ongoing discussions between the Codex Secretariat, FAO and WHO, the working document could not be issued for CCEXEC84. This item would rather be considered by CCEXEC85.

# REGIONAL STANDARDS – CHALLENGES WITH APPLICATION OF THE CRITERIA FOR REGIONAL STANDARDS IN THE CONTEXT OF CURRENT REGIONAL NEEDS (Agenda item 6)<sup>26</sup>

- 148. The Codex Secretariat introduced the document explaining that its objective was to initiate a thinking process on how to address the issue of work proposals for standards for commodities of interest to one region but traded internationally. Recalling this was not a new issue, the Codex Secretariat noted that it had often arisen in the context of the critical review, including at CCEXEC84; that regional standards had been considered in the context of the revitalisation of the coordinating committees about a decade ago; and that some regions were no longer developing regional standards while they remained important in other regions.
- 149. Highlighting some of the key points in the document, including that: the global nature of food trade meant there were few situations in which product was traded almost exclusively intraregionally; the Codex Procedural Manual already provided a number of tools for consideration of new work; the CCEXEC played a key role in their implementation; and standard setting needs may not necessarily require a commodity standard, the Codex Secretariat encouraged Members to share their views and experiences and suggestions for other data that could be useful in facilitating further discussion.

## Discussion

- 150. Members expressed appreciation for the preliminary analysis and Regional Coordinators provided some additional perspectives from their regions.
- 151. The Regional Coordinator for Asia noted that the way food ingredients and indeed food was prepared and used differed around the world and some of these practices were regionally unique, even if the products may be traded beyond the region. The Regional Coordinator highlighted the need to respond to issues raised by Codex Members, as well as difficulties in finding appropriate committees to deal with certain commodities. The Regional Coordinator also acknowledged the need to balance the development of new food product standards with the need to manage the Codex work in a more efficient and reasonable way.
- 152. The Regional Coordinator for Africa noted the desire to develop more standards for products traded intraregionally, while recognizing that there were challenges in developing new and well-informed work proposals. The lack of awareness among Members of the processes and criteria for assessment of new work, highlighted a need to share information in this regard. The development of tools to support preparation of well-informed work proposals could be useful, and looking at the processes of other international standard setting organization could be valuable in this regard. The Regional Coordinator further noted the need for clarity in interpretation of the procedures, for example the meaning of "significant trade between or within other regions" in the Codex Procedural Manual. Greater clarity and tools to support preparation of work proposals could help resolve the challenges identified.

<sup>&</sup>lt;sup>25</sup> CX/EXEC 23/84/7

<sup>&</sup>lt;sup>26</sup> CX/EXEC 23/84/8

153. The Regional Coordinator for Europe noted that regional standards were no longer developed in that region where the focus was on participation in and contribution to international standards development, highlighting that there were other ways to address regional needs than through regional standards. The Regional Coordinator highlighted the need for clear and concise guidance for new work proposals and how such proposals were assessed and prioritized by committees, suggesting that a first step could be the preparation of a comprehensive list of all existing guidance related to new work (as also requested by CCEXEC83<sup>27</sup>) and prioritization mechanisms.

154. Other interventions highlighted the importance of applying the existing procedures, including criteria for the establishment of work priorities e.g. impediment to trade and amenability to standardization; the possibility to submit new work directly to CCEXEC and CAC, the need to avoid recipe-like standards; recognition that due to their nature it may be difficult or impossible to develop standards for some products e.g., processed foods, and that regional standards may create an additional burden especially if a country is trading both intra- and inter-regionally.

### Conclusion

#### 155. CCEXEC84:

- noted the additional information provided by Members;
- · requested the Codex Secretariat to update the working document in line with the discussions; and
- agreed to include the item on the agenda of CCEXEC85 for discussion and advice back to CCASIA and other FAO/WHO Coordinating Committees as appropriate.

#### ANY OTHER BUSINESS (Agenda item 7)

Present and future challenges of the institutionality of the Codex Alimentarius (CRD01)

156. The Coordinator for Latin America and the Caribbean (CCLAC) introduced the topic as presented in CRD01. He underlined the central role the Codex Alimentarius plays in developing standards based on science and their function in ensuring that food regulations do not become barriers to trade. He further noted, supported by the Member for LAC, that the introduction of food regulations in some countries, that were not based on the same robust elements that form the foundation of Codex texts, was causing considerable concern in the region especially the impact due to a lack of harmonization that developing countries had to deal with and urged Codex to take note of this matter.

#### Conclusion

#### 157. CCEXEC84 noted:

- i. the matters raised in CRD01;
- ii. the need to continue to pursue "promoting coordination of all food standards work undertaken by international governmental and non-governmental organizations" as set out in Article 1b of the Statues of the Codex Alimentarius Commission: and
- iii. the commitment made at the current session by the Secretariat to compare prioritization mechanisms between Codex committees as one of the possible means of addressing the concerns raised.

Procedures for review of chemicals in foods by the Joint FAO/WHO scientific advice programme and IARC<sup>28</sup>

- 158. The Member for North America raised concerns about the potential undermining of the Codex scientific advice programme by the recent duplicative reviews of the sweetener aspartame that had been undertaken by two WHO bodies, the International Agency for Research on Cancer (IARC) and the Joint FAO/WHO Expert Committee on Food Additives (JECFA). The Member further noted that this issue could raise issues of financial accountability as some Members contributed to both IARC and WHO and sought the views of other Members.
- 159. The Member suggested that CCEXEC re-iterate its support for the Joint FAO/WHO scientific advice program and recognize its role as the exclusive risk assessment bodies for food use chemicals, and that CCEXEC request that WHO and IARC update their standard operating procedure to avoid further duplication of evaluations of food use chemicals in the future.
- 160. In response, the Representative of WHO emphasized the different roles the two bodies play in the assessment of chemical substances, which WHO views as complementary. IARC focused on cancer as an outcome and undertook hazard identification which is the first step to understanding carcinogenicity. JECFA considered all possible health impacts and undertook a risk assessment, including hazard identification, which determines

<sup>&</sup>lt;sup>27</sup> REP22/EXEC2, paragraph 118(iii)

<sup>&</sup>lt;sup>28</sup> CRD05 (Member from North America)

the probability that a specific type of harm will occur under certain conditions and level of exposure. The Representative noted that the WHO secretariats of the two bodies had been collaborating in order to coordinate evaluations.

- 161. In response to the request for IARC to reexamine its standard operating procedures, the Representative of WHO noted that Members would need to bring such matters to the World Health Assembly.
- 162. Due to time constraints, CCEXEC84 was unable to have further discussion on this issue.

## Conclusion

163. CCEXEC84 noted the statement presented and the response from the Representative of WHO.

## **APPENDIX I**

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Appendix II

#### DRAFT BLUEPRINT ON THE FUTURE OF CODEX

#### 1. Background

The COVID-19 pandemic had a huge impact on the conduct of Codex work affecting scheduled meetings, which had to be postponed for a significant period of time and then convened in non-traditional formats. This situation albeit overwhelming presented an opportunity for Codex to undertake a strategic reassessment of meeting structures and processes against the background of significant technological advances particularly regarding remote working and audio/video conferencing.

In response to the disruptions caused by the pandemic, the 79th Session of the Executive Committee of the Codex Alimentarius Commission (CCEXEC79) agreed to create a subcommittee to work quickly and collaboratively examine the impact of the pandemic on Codex work management and identify approaches CCEXEC may recommend to the Commission to ensure that Codex was well placed to deal with similar events in the future considering the elements presented in the paper on *Codex and the Pandemic - Strategic Challenges and Opportunities*<sup>i</sup>.

CCEXEC80<sup>ii</sup> considered the report on Codex and the pandemic prepared by a subcommittee of the CCEXEC<sup>iii</sup>. In doing so, it confirmed its support for the content of the report, appreciated the approaches taken in Codex in response to the challenges posed by the pandemic, noting that virtual meetings and participation therein were critical to the success of Codex in 2021. CCEXEC80 made a number of recommendations with the aim of ensuring that despite the pandemic, with pragmatism and engagement, the work of Codex could continue in 2021.

CCEXEC81<sup>iv</sup> in its considerations of the Codex response to the COVID-19 pandemic<sup>v</sup> recognized both the opportunities and challenges the global crisis presented. Considering both recent and past experience and the broader global food context, CCEXEC81 agreed to lead the development of a blueprint for the future of Codex for consideration by CAC on its 60th anniversary in 2023<sup>vi</sup>.

CCEXEC82<sup>vii</sup> reviewed the issues related to the future of Codex based on a working paper on initial thoughts for a model for future Codex work<sup>viii</sup> and the report of the subcommittee on Codex and the Pandemic to CCEXEC81<sup>ix</sup> and CCEXEC82 recognized the importance of this work and supported the establishment of a CCEXEC subcommittee to develop in collaboration with the Codex Secretariat a report including a proposed blueprint for the future of Codex for CCEXEC84.

In its 60-year history, Codex has proven to be adaptable to advances in food production technology and food safety, and its mandate has proven to be fit for purpose to address issues that arose from these changes. The disruption to the usual working practices brought about by the COVID-19 pandemic, provided an opportunity to reconsider how Codex works. It is timely and appropriate to carefully consider the environment within which Codex is currently operating and analyse the relevance and impact on the work of Codex. The underlying question is how Codex can support the broader global goals around sustainability in the context of climate change, food systems changes and environmental challenges. It is important to promote a common understanding on the role of Codex in addressing these challenges, consistent with its mandate as defined as Article 1 of the Statutes of the Codex Alimentarius Commission\*.

#### 2. Codex standards of the future – context and drivers

The system for Codex standards elaboration has served well in the 60 years that Codex has been in existence. The system is anchored in the process described in the Procedural Manual (PM)<sup>xi</sup> with the product being Codex standards, guidelines and codes of practice, commonly referred to as Codex texts. They contain requirements for food aimed at ensuring for the consumer a safe, wholesome food product free from adulteration, correctly labelled and presented. The scientific basis that underpins Codex texts is fundamental to ensuring that Codex maintains its pre-eminence as the international reference for food safety and fair practices in food trade, as well as the primary source of science-based food standards for many countries and recognized by the WTO.

As we move into the future, Codex can support the broader global goals around sustainability, one health, food security and environmental protection through the development of international food standards that address any potential issues for consumer health protection or fair trade practices arising from implementation of initiatives to advance sustainability interests.

Against this background, Codex standards need to be:

- relevant, fit for purpose and useful for Members;
- ii) clear in their objectives;
- iii) responsive to the need for protecting the health of consumers and ensuring fair practices in food trade;

- iv) responsive to relevant evolving global challenges; and
- v) founded on scientific evidence.

This section considers the current global context and challenges and how this could affect the type of Codex standards that may be needed in the future to protect the health of consumers and ensure fair practices in the food trade.

#### 2.1 Emerging issues in food and feed safety

FAO and WHO have asked how Codex will approach issues related to new food sources and production systems (NFPS).xii

The Commission mandated work to CCEXEC, which was addressed by a subcommittee of CCEXEC and considered by CAC45.xiii Codex Members were encouraged to submit new work proposals related to NFPS using existing mechanisms, and to identify possible issues that the current structure and procedures could not address and options to address them, which may require us to think afresh about the way in which Codex work is structured and operationalized. CCEXEC83 also recognized the need for guidance to be prepared on how to apply existing procedures to ensure that Members do not perceive procedural obstacles to submitting new proposals for work in this and other areas of Codex. The Codex Secretariat has been requested to draft practical guidance on how to apply existing procedures when developing new work proposals.xiv

In the meantime, discussions have begun in some committees on potential new areas of work. For example a side event in the margins of CCCF16 on "Foresight: Looking into emerging issues in food and feed safety" provided a valuable opportunity for forward looking discussion and prompted the committee to establish an agenda item which would allow them to regularly consider emerging issues. The importance of having a space within Codex meetings to discuss these new and emerging issues before committing to the development of new standards was identified as an important step in contributing to the vision that Codex can be a place where the world comes together to discuss food safety and quality standards to protect everyone, everywhere.

## 2.2 Global political, environmental, economic and health issues

Pandemics, social unrest, environmental (e.g. changes in climate, availability of clean water, natural disasters) and economic issues present global challenges. These impact both the nature of the work of Codex and the working modalities.

The COVID-19 pandemic has taught us that Codex needs to adapt its working model to be flexible and adaptive to remain resilient and ready to take on the global challenges in an effective way. Even before the pandemic, situations of social unrest had impacted the implementation of Codex meetings and started to bring attention to the need for investigation of different working modalities.

## 2.2.1 High level global initiatives

The UN Food Systems Summit (UNFSS) articulated the need to urgently deliver progress on all the 17 Sustainable Development Goals (SDGs), each of which relied on healthier, more sustainable and more equitable food systems, and further recognized the need to work together to transform the way the world produces, consumes and thinks about food. Codex standards related to consumer health protection and ensuring fair practices in the food trade can facilitate the advancement of SDGs that are directly relevant to the work of Codex, in particular SDGs 2,3,12 and 17.xv

It should be noted that while developing and or reviewing standards, there are issues other than food safety, quality, that may also be taken into account. Nevertheless, when developing or revising standards the current procedures enable consideration of Other Legitimate Factors (OLFs) proposed by Members on a case by case basis where these are relevant to the protection of consumer health and ensuring fair practices in the food trade

FAO Council recently (December 2022) endorsed a set of Strategic Priorities for its work on food safety, which aims to maintain its vision to provide "Safe food for all people at all times" in the context of its mission "To support Members in continuing to improve food safety at all levels by providing scientific advice and strengthening their food safety capacities for efficient, inclusive, resilient and sustainable agri-food systems." These Strategic Priorities encourage a more consistent integration of food safety in the development of sustainable and inclusive agri-food systems, food security and nutrition policies, and agriculture development strategies.

The seventy-fifth World Health Assembly (WHA) (May 2022) adopted a WHO Global strategy for food safety to serve as a blueprint and guidance for Member States in their efforts to strengthen their national food safety systems and promote regional and global cooperation. With five interlinked and mutually supportive strategic priorities, the strategy aims to build forward-looking, evidence-based, people-centred, and cost-effective food safety systems with coordinated governance and adequate infrastructures. Implementation of the strategy relies on the commitment and efforts of Member States, WHO, and the international community.

Both the FAO and WHO strategic directions on food safety acknowledge the importance of food safety systems, based on evidence and scientific advice, in achieving the SDGs. They also recognize its importance in responding to major global drivers ranging from environmental changes and digital advances to emerging hazards in the food chain and the approaches to mitigating these challenges, such as food system transformation and promotion of the One Health approach. The One Health joint plan of action (2022-2026)<sup>xvi</sup> of the Food and Agriculture Organization of the United Nations (FAO), the UN Environment Programme (UNEP), the World Health Organization (WHO) and the World Organisation for Animal Health (WOAH, founded as OIE) quadripartite also highlights the importance of a One Health approach to food safety.

The WTO, at the 12th Ministerial Conference, also acknowledged the centrality of Codex standard setting in the multilateral system in the context of emerging global challenges. The SPS declaration in paragraph 8 sets out an exploratory work programme to identify challenges in the implementation of the SPS Agreement and the mechanisms available to address them; and the impacts of emerging challenges on the application of the SPS Agreement. One theme for exploration is "how to facilitate global food security and more sustainable food systems, including through sustainable growth and innovation in agricultural production and international trade, and through the use of international standards, guidelines, and recommendations developed by the Codex Alimentarius Commission, the World Organisation for Animal Health and the International Plant Protection Convention as the basis of harmonized SPS measures to protect human, animal or plant life or health."

The commitment to finding global or regional approaches and solutions to global challenges have been reiterated on several levels. For example, the Global Forum for Food and Agriculture Ministerial Conference on Food Systems Transformation; A Worldwide Response to Multiple Crises, in its final communique from the agriculture Ministers of 64 countries reiterated the importance of the multilateral tools in addressing global challenges. The Ministers committed "to strengthen cross-sectoral collaboration in the transformation of food systems in line with the One Health approach. In this regard, we highlight the critical role of science-based international standard-setting organisations, such as the Codex Alimentarius Commission, the International Plant Protection Convention (IPPC) and the World Organisation for Animal Health (WOAH)." Regional initiatives have also reiterated the role and value of Codex. For example, the establishment of the African Continental Free Trade Area referenced the Codex standards as the basis of harmonization across the region.

All these initiatives point to the importance of food safety for public health, food security and trade and the need to integrate foresight and preparedness to be prepared for the emerging issues to come. They further highlight that food safety has a critical role in the successful transformation of the agrifood system in order to meet the needs of the world. Codex is uniquely positioned as an enabler for all these initiatives by answering to the global needs to protect the health of consumers and the enabling of fair practices in trade, directly contributing to SDG goals 2 and 3.

## 2.2.2 Health, Fairness, and Sustainability

Recent discussions in CAC and elsewhere have drawn attention to the broad meaning of terms such as 'health' and 'fairness'. The meaning of these is well understood as related to food safety and quality in the context of Codex standard setting to 'protect the health of consumers and ensure fair practices in the food trade'. In broader contexts the terms 'health' and 'fairness' will naturally incorporate different aspects depending on the nature of the global initiative or the focus of the multilateral institution, for example, Codex standards, guidelines and codes of practice, should be implemented together with standards for other areas so as to have a holistic approach and address the synergistic impact of hazards from the diet, water, air and all sources when setting risk management measures.

In the context of sustainability, at the national or regional level risk management allows for informed decisions to be made to ensure that food is safe for consumption, nutritional requirements are met, food loss and waste is reduced and food is available for all. Different risk management approaches may be justified depending on how food is used and the extent and period of time for which it makes up part of the diet. It is recognized that Members may employ different approaches to achieve more sustainable food systems, each appropriately based for example on local or regional agricultural practices, climate, and culture, and that a singular methodology to achieving more sustainable food systems would not be applicable to all Members. Codex standards, guidelines and codes of practice can provide an enabling environment which facilitates the uptake and implementation of policies and programs to address the broader imperatives around climate change, environment and sustainability.

Codex standards, while put in place for food safety, quality, and nutrition, may contribute to other areas. For example:

Codex has set higher mycotoxin MLs for foods for short term use to help ensure food availability in
emergency situations and while practices to reduce mycotoxin contamination are still
being implemented. Such approaches, with the commitment to review these after a clearly defined
period, in addition to ensuring food delivery in emergency situations, also help reduce food waste.

- The Codex General Standard for the Labelling of Pre-packaged Foods (CXS 1-1985) includes provisions for date marking. The clear distinction between "Use-by-date" (expiration date) and "Bestbefore-date" (Best Quality Before Date) may contribute to reduction of food waste.
- Codex has developed guidance to facilitate the use of electronic or paperless certification for food trade and guidance on the use of remote audit and verification in regulatory frameworks, which exemplifies how Codex is responding to new challenges in a rapidly evolving world.
- Adoption of the landmark texts on countering antimicrobial resistance and the guidelines that the Codex Committee on Food Hygiene has developed on safe use and reuse of water in food production and processing to help counter the impacts of water scarcity are other examples of how Codex is addressing emerging issues.

#### 3. Model for future Codex work

The disruption of in-person meetings in recent years, while initially overwhelming, presented an opportunity for Codex to undertake a strategic examination on how meetings could be conducted against the background of rapid development and increasing accessibility of technological capabilities particularly regarding remote working and audio/video conferencing. Consequently, 2021 saw the emergence of a truly virtual Codex with sixteen virtual Codex sessions being held with good results.

The continued evolution in technology impacts the modalities that can be used to bring people together to develop Codex texts as well as improve the accessibility of those texts together with tools to improve understanding and application. For example, these advances, which will no doubt continue, are allowing Codex to:

- access a range of technologies, tools and approaches to support meeting preparations and conduct
- · effectively progress work in the absence of physical meetings;
- apply mixed working models with physical and virtual meeting elements, including pre-session virtual
  events, remote intervention in physical meetings, informative webinars, virtual working groups, virtual
  report adoption etc.;
- webcast (live or on-demand) the majority of Codex meetings, allowing greater access to observe such meetings;
- improve accessibility of Codex texts;
- improve tracking of use of Codex texts through the use of a digital object identifier; and
- facilitate sharing of companion material, for example tools to support implementation of a revised Codex guideline, together with Codex texts while still keeping them separate

However, one size does not fit all and flexibility will be important to remain resilient. It is also important to ensure that the Codex Procedural Manual reflects the full range of meeting modalities for Codex sessions and that Members and Observers can rely on guidance that is clear and assures consistency when applying different approaches.

### 3.1 A new working model for a new era

Any model adopted for Codex work should encompass high level governance principles that ensure the Codex core values of inclusiveness; collaboration, consensus-building and transparency are respected. When evaluating the extent to which the core values are achieved, it is important to take into account: the application of the statutes, rules and principles in the Procedural Manual; a framework that embeds flexibility in decision making; the scientific basis that underpins Codex standards; and adoption of new technologies in the digital space.

Based on consultations undertaken, three highly inter-related areas have emerged as being key to any model for Codex work. These are:

- Meeting models (format (physical, virtual and mixed formats within and across committees), reporting);
- Schedule of Codex meetings; and
- Inter session working mechanisms e.g. electronic working groups (EWGs) and other virtual informal working mechanisms.

The experience of moving to virtual working mechanisms has already been captured elsewhere<sup>xvii</sup> and the focus here was to continue consultation and extract the lessons learned from that experience as well as the ongoing experience of returning to in person meeting formats with different virtual dimensions.

## 3.2 Meeting models

## 3.2.1 Experience of different meeting formats

Over the past four years Codex went from physical only meetings to virtual only meetings to a mixture of physical and virtual formats. The first big leap from physical to virtual was eye-opening, leading to unprecedented registrations for Codex meetings. When reviewed against the Codex core values it was observed that virtual working modalities provided an opportunity for more Members and observers and larger delegations to join meetings hence contributing greatly to achievement of the Codex core values of inclusivity and by gaining participants transparency also increased.

However, more work was needed to ensure virtual meetings were also in line with the other core values of consensus-building and collaboration. It became clear that the requirements of virtual meetings for reaching consensus on complex issues were different from those of face-to-face meetings. In the case of face-to-face meetings "informal meetings" (e.g. ad hoc working groups, inter-session working groups to address specific issues or coffee break discussions) play an important role. In virtual meetings it is possible to recreate somewhat equivalent mechanisms but the experience in Codex to date has been mixed.

Where physical meetings are held without the capacity for virtual participation (without possibility to make interventions remotely), the now general practice that such meetings are webcast can help broaden access to Members, and support transparency on Committee meetings and resulting decisions. Webcasting of physical meetings has supported the development of "hybrid delegations", where one or a small number of delegates of a Member or Observer are present at the physical meeting location and a larger number of technical or policy experts from that delegation are able to follow proceedings in real time and contribute to the interventions made by delegates in the physical meeting. However, for those who are not able to have anyone attend in person, they are not able to participate in the discussion. There have been suggestions that continuation of such an approach should come with the possibility of providing those following from a distance with other means to share their views. Another issue is that there is no recognition for those following a Codex meeting via webcast as such individuals are not recorded in the list of participants since they cannot actively engage in the meeting and there are no means by which to monitor whether or not they actually follow the discussions. While logical from the perspective of recognizing participation as having the ability to contribute as well as listen, it does present challenges in terms of monitoring the value of webcasting with perhaps the only data being total view numbers.

As with all meeting formats, there are resource implications related to virtual meetings, with many host secretariats indicating that the costs of such meetings, while not exceeding in person meetings, were still high due to the need to incorporate a whole different level of technology. This has presented challenges when it comes to combining in person and virtual formats (hybrid meetings). Webcasting being a one way system, that does not allow remote intervention, has been reported as less expensive and therefore more feasible for host secretariats who are financially responsible for the Codex meetings they host. While used for many recent meetings, the approach to webcasting is not yet systematic, with different webcasting tools being applied as this approach is extended to subsidiary bodies and a lack of consistency in terms of providing live, on-demand or both formats.

There have been a couple of experiences with hybrid meetings, (defined as an in-person meeting with the possibility of making verbal interventions virtually, though not all decision-making processes e.g. voting are available to virtual delegates), such as CCEXEC83, CAC45, CCNASWP16 and CCFICS26. From the experience to date we have learned that:

- It is difficult to define the additional cost associated with hybrid meetings as these are dependent on many factors such as whether or not meeting facilities are already equipped with the technology for hybrid.
- There are concerns with regard to equity of participation of in-person and virtual delegates though a
  number of those who participated virtually in hybrid meetings considered it a positive experience and
  better than no participation at all. For Members for whom in-person participation is never or rarely an
  option, the option to participate as a virtual delegate remains a high priority.
- There is a need for clear guidance on hybrid meetings so there is uniform understanding of how such meetings work, including the differences between virtual and in-person participation for delegates. Guidance similar to that on virtual meetings provided by the Codex Secretariat and an assessment against the existing procedures outlined in the PM would be useful.
- There is somewhat of a divide in terms of support for hybrid meetings with some applauding while
  others noted that hybrid meetings limited their opportunity to participate in person as the option to
  participate virtually was often seen a means of saving resources and so travel may not be approved.

## 3.2.2 Selection of meeting format

There is need for flexibility when considering the meeting format with the opportunity to combine the benefits of both physical and virtual meetings depending on the committee and/or agenda. However, having many different meeting formats can create confusion and even logistical challenges for host secretariats, for example when it is not clear if all registered delegates are planning to attend in person or not. Hence, clarity on the format and procedural guidance where appropriate as well as a certain amount of consistency in format across committees is important.

Table 1: Overview of strengths and weaknesses of different meeting formats

Format	Strengths	Weaknesses
In-person only	Face to face interaction facilitates collaboration, informal interactions, network development, relationship building, ad hoc meetings and consensus building	Accessibility is resource dependent, limited to those who have the resources to travel and are able to secure necessary travel documentation in a timely manner
	Faster work pace – more can be achieved	Limited transparency for those not present (meeting report)
	All in same time zone so can work full days	
Virtual only	Increased inclusivity as accessible to more members and observers	Time zone challenges Limited work time per day
	Increased transparency as more accessible to all members	No opportunity for informal interaction
	Can proceed even when outside factors prevent physical meetings	Takes longer to make progress and may need to be spread over more days
	Decreased carbon footprint	Little flexibility for the organization of in session working groups
	Cost effectiveness / less financially demanding for delegates	Challenges for delegates to join and participate virtually while also fulfilling expectations to undertake their daily work role/tasks
In-person with webcast	As for in-person with some increase in transparency and some increase in inclusivity (by allowing hybrid delegations)	
	Increased transparency as all members/observers can access	
	discussions	Still some transparency limitations as cannot follow informal discussions
		No record in the list of participants for those who follow webcast
In-person with	Increased inclusivity as more accessible to all members	Integration of participation of both in person and virtual participants is challenging.
possibility of virtual interventio ns	accessible to all members. Facilitates progress, networking and consensus	Challenging to match quality of online experience with the in-person experience (e.g. time zone issues).
	building  Delegates can still participate	No opportunity for virtual participants to take part in informal discussions.
	even if last minute issues (flight cancellations, weather etc.) prevent their travel	Delegations who would wish to participate physically might not receive funding for travel if the meeting modality offers hybrid participation.

When selecting a meeting format consideration needs to be given to a number of factors which range
from accessibility and cost to the nature and priority of the work. Essentially the host country, the
Codex Secretariat, FAO and WHO when considering the modality of Codex meeting need to
undertake a multifaceted assessment which may need to consider in particular the following aspects:

## The meeting agenda and status of work, e.g.

- Extent of agenda
- · Priority or urgency or work items
- State of advancement of work and expectations for progress, (including input form EWG chairs)
- Nature of work are there difficult or controversial items to be addressed
- Flexibility of agenda to different meeting formats do all items need to be addressed

## Accessibility e.g.

- information from Codex Members concerning their inability to participate in physical meetings;
- security concerns (global, regional or local as appropriate to the meeting of interest);
- any UN declared emergency situation; the extent of travel restrictions or changes/expected changes in travel restrictions;
- access to virtual meetings While the benefits of in-person meetings have been highlighted, for some Members, this is not or rarely an option and the option to participate as a virtual delegate remains a high priority for such Members;
- time-zone issues for virtual delegates =- ensuring equity of participation

#### **Technology** e.g.

- Availability of technology for different meeting formats
- Costs associated with different options and related risks and benefits
- Provision of technical support for delegates
- Member and observer feedback on the different meeting formalities

## Meeting management e.g.

- · Time management for virtual meeting
- Integration of both virtual and physical participants in hybrid format
- · Need for informal discussions, in session working groups

All of these considerations are related one way or another to the core values of Codex. The experience with virtual meetings and to a more limited extent hybrid meetings has given us some insight into how different meeting formats might impact adherence to the core values. Table 2 was developed as a means of providing a quick overview on how one meeting format compares to another in terms of achieving the core values of Codex. The intent is that it provides a qualitative relative comparison as opposed to an absolute comparison between different meeting formats. The assessment provided here is based on the combined feedback received through post meeting surveys and the consultations with committee chairs, hosts and EWG chairs and CCEXEC sub-committee. However, if this assessment was undertaken from the perspective of one country or group of countries, an individual delegate or one host country secretariat a different picture may emerge as more definitive data could be used when applying the assessment to a limited population. This may serve a starting point for decision making on Codex meeting formats and could potentially be as tool to aid decision making with regard to individual Codex sessions while also taking other aspects into account such as agenda, urgency of work, complexity of issues etc.

Table 2: Meeting formats and the core values of Codex

Format	Inclusive ness	Collaboration	Consensus building	Transparency	
In-person only	-	+	+	-	

Virtual only	+	-	-/+	+	
In-person with webcast	-	+/-	+	+	
In-person with possibility of virtual interventions	+	+/-	+	+	

- The meeting format negatively impacts adherence to the core value compared to other meeting formats
- + The meeting format positively impacts adherence to the core value, compared to other meeting formats
- +/- The meeting format can have either a positive, negative or no impact on adherence to the core value compared to other formats.

Resources and feasibility are also a critical part of the equation when taking decisions on meeting formats. In this case it is absolutely clear that the assessment will vary depending on the role in the meeting. Completing this from a global perspective would be very challenging but it could facilitate evaluations for individual committees.

Table 3: Resource implications of different meeting formats

Format	Resource implications for host secretariats	Resource implications for delegates	Resource implications for Codex secretariat
In-person only			
Virtual only			
In-person with webcast			
In-person with possibility of virtual interventions			

## 3.2.3 Report format and adoption

## 3.2.3.1 Report format

With virtual meetings came the possibility to record meetings and have an audio recording or an almost verbatim transcript of the session. To date the primary use of recordings has been to aid in drafting the report and such recordings or transcripts have not been shared widely. A question raised in the development of this paper was whether the current report structure was useful or whether a verbatim report with a short decision-based report might be an option. The general view was to uphold the current structure with particular emphasis on having a list of decisions supported by a clear summary of what led to those decisions. Therefore, the main use of new tools at this point is to facilitate the preparation of the report while the current approach can be maintained with efforts for continuous improvement within that structure.

## 3.2.3.2 Report adoption

Adopting the report in person has been the practice for physical meetings ever since the founding of Codex. It allows participants to depart with an agreed upon report of the results of the session which gives a sense of completion and delegates can move on to other activities. However, it is also stressful to the Codex and host secretariats and translators as well as delegates as it limits the time for Members to review the report.

The virtual tools actively used during the COVID-19 pandemic highlighted other ways to consider report adoption, with one option being virtual report adoption after an in-person or hybrid meeting. Virtual report adoption more than 2 days after the plenary session was dominant in virtual Codex meeting and has been used by some Committees that held in-person sessions. In this case, the Codex Secretariat has more time to draft the report and translators have more time to translate it, potentially reducing translation costs. Scheduling report adoption by virtual means some days after the conclusion of a session could reduce travel expenses and allows more time for delegations to review and consider the report. It may also mean less days for renting venues and thereby potential savings for host secretariats. Other benefits of virtual report adoption, include on screen text changes that are easy to follow, and delegates being able to write their suggestions in the chat.

Some negative aspects have also been voiced. These include the challenge of joining virtual report adoption effectively from different time zones, a prolonging of the session which can be challenging in terms of time commitment and a sense of incompleteness when leaving the in person session, loss of participation and the possibility that it may be more difficult to obtain consensus on the report at a later date, leading to an extended adoption period and there has been a general feedback that the format of report adoption should be the same as the meeting format. Some host secretariats have noted that this can also lead to increased costs at their side as they still need a venue with the appropriate technical set up to run the session.

Consultations to date suggest that report adoption in the same format as the plenary discussions was generally preferred. However, this is another tool that can be considered when planning meetings which might allow more time to be dedicated to valuable in-person discussions and has been successfully used for several recent meetings e.g. CCFH53, CCCF16 and CCMAS42.

#### 3.3 Assessing the delivery of meetings

To enable continuous improvement on the meeting model, the efficient and effective delivery of a Codex meeting needs to be regularly assessed.

Presently the most used tools are post session satisfaction surveys. These are being adapted, as working modalities evolve (e.g. use of hybrid modalities) to get feedback on a series of dimensions related to the implementation of a Codex meeting. Attendance at Codex meetings is another dimension that needs to be considered when assessing the delivery of meetings. Previous assessments, including through the Strategic Plan monitoring framework, have looked at meeting attendance before and during the pandemic. Continued efforts to monitor this aspect will need to be maintained, through the post session satisfaction surveys and the monitoring framework of the Strategic Plan. Dimensions that will need to be monitored include:

- Number of participants (registrations) physically and virtually in the meeting:
  - Number of Members and Observers participating in Codex Committees (physical and virtual);
  - Number of Member countries that replied to CLs in the biennium (a Member will be counted
    if they replied to at least two CLs during the biennium);
  - Number of Member countries who participated in EWGs during the biennium (participation is defined as registration to at least in one EWG during the biennium);
  - Proportion of formal invitations and meeting documents distributed in a timely manner consistent with the Codex Procedural Manual or timeframes established by committees;
  - Satisfaction ratings on meeting efficiency, role of chairs and host and Codex secretariats.

Much of this information is already collected as part of the monitoring of the implementation of the Codex Strategic Plan hence the outputs of that monitoring process can be used to inform continuous improvement efforts.

#### 3.4 The schedule of meetings

## 3.4.1 Scheduling of meetings in advance

Advance scheduling of meetings provides predictability to support timely resource allocation by Host country secretariats and planning by participating Members and Observers. This was reiterated in all consultation rounds. Appropriate scheduling of meetings enables proper development of work plans by host governments and EWG chairs/leads. Committee work is normally planned according to the CAC schedule, and all EWG work is planned around the next Committee meeting. This provides an indication of timelines or "deadlines" which facilitates effective progress of Codex work.

The pandemic disrupted the schedule of Codex meetings, including CAC, and re-establishing a stable schedule as committees still work to return to full agendas is challenging.

The Codex Secretariat has convened meetings with all Host Country Secretariats and Chairpersons with the task of setting meeting schedules for Codex Subsidiary body meetings for 1-2 biennia. Discussions have also addressed whether there should be a move to a more needs based approach, to convene the plenary session according to work progress, or if it is more important to ensure all committees have clarity on their schedule and then according to the agenda, the length and format of the meeting could be adjusted accordingly.

#### 3.4.2 Needs-based approach to meeting schedules

An approach to needs-based scheduling of meetings that allows best use of time in the Codex calendar, while still allowing host countries to budget and plan effectively has been considered. "Needs-based" is taken to mean that meetings are scheduled when there is a sufficient volume of business to be undertaken.

The criteria to be used when applying the needs-based approach to meeting schedules should be well defined

recognizing the quantitative and qualitative factors that influence meeting dynamics. Some of the items that influence meeting dynamics include; volume of work; level of priority and complexity of the work; anticipated challenges in reaching consensus; whether the work can be completed within a traditional 5 day meeting; whether a meeting should be extended, (e.g. to 7 days), or reduced, (e.g. to 3 days by providing for virtual report adoption after conclusion of an in-person plenary session) and loss of predictability on the date of the next meeting, which would therefore affect planning and budgeting.

The needs-based approach to meeting scheduling may benefit the delivery of work by committees that are heavily loaded and could make use of extraordinary sessions planned according to their needs, with such sessions potentially being held virtually. These extraordinary sessions could focus on a specific agenda item that could not be adequately covered during the ordinary session or that needs to be progressed at a faster pace due to its high priority or urgency.

However, the needs-based approach risks causing loss of momentum when applied to committees with few work items because the passage of too much time between committee sessions can disrupt the work dynamics of the committee. This may prevent in the long term the emergence of new ideas and the launch of new works that could have been beneficial, although this may be somewhat mitigated by the use of virtual meeting approaches.

Consideration for scheduling Codex meetings when there is a sufficient volume of business could apply to those committees where there is limited work underway or few proposals for new work, or that appears to be of lower priority for Members, as evidenced by participation in working groups and past sessions. However, options of shortening or extending the duration of Codex Committee meetings should be explored in conjunction with a meeting mode that is less burdensome for participants. Also alternating between virtual and physical meetings could be resource-saving for all.

In relation to notice of Codex meetings, regardless of the meeting format, ideally there should be no difference in the timing of advance notice of Codex meetings. A minimum of twelve months advance notice would be preferable to allow for Members to include necessary travel within their budgets. Current rules of the PM should be kept as they are regarding formal invitations to any Committee meeting, irrespective of its format, and submission of working documents well in advance of Committee sessions.

3.5 Inter session working mechanisms e.g. electronic working groups (EWGs) and other virtual informal and pre-meeting working mechanisms

#### 3.5.1 The important role of working groups in Codex

EWGs and other pre-meeting working mechanisms have gained prominence as significant drivers of standards development work of Codex. They were very instrumental in progressing work when Codex sessions could not be convened in the early days of the pandemic, thus minimizing the impact of the crisis on standards development.

Codex WGs have specific Terms of Reference (TORs) aimed at delivering text suitable for decision-making by Committees and the CAC, consistent with working group guidelines in the PM. Underpinning this expectation is the importance of clarity when scoping the work, outlining the format and defining the main issues that need to be addressed. During the COVID-19 pandemic, working groups also convened deliberations by virtual means, a practice which is expected to continue, as deemed appropriate by working group chairs, the Secretariat and pending available resources.

WGs have provided a conducive arena for advancing work and consensus building, where WG members actively debate the issues and often reach agreement on recommendations, informing and forwarding issues identified for further discussion to the full committee. Consensus building through the WGs can be greatly facilitated by having a predictable schedule of the committee meetings; holding virtual working group (vWG) meetings in between committee sessions and physical working group meetings prior to committee meetings.

Regular in-person committee meetings may serve as good anchors for the WGs since they provide an opportunity for Members to build new networks and renew previous ones therefore fostering engagement and enthusiasm for working virtually in the WGs. Some EWG chairs have noted the challenge in maintaining active engagement in EWGs as the time between face to face meetings was prolonged.

To further enhance efficiency of WGs, logistical/administrative support is required, and facilitating the WGs to work in multiple languages.

Due to the large number of working groups (47 at the close of CCEXEC84), it is difficult for many Codex Members to participate in the each one. As a result, proposals may be advanced in a working group without full consideration of their global impact, and issues may be raised at the Committee or Commission level that could have been addressed in a WG had Members had the resources to participate in it. An approach that makes participation in WGs by Codex Members a more realistic prospect for them could improve results while remaining consistent with the Codex core values.

#### 3.5.2 Issues/ideas for improvements

Beyond the ability for members to participate in each WG, feedback has suggested that the three most significant variables to consider when facilitating the WGs are the platform, time differences and language. Language is becoming less of an issue with captioning available, but there is no solution for multilingual WGs in the short term. In the long term, suggestions have been made to have a cost sharing arrangement between the host of the WG, host of the Committee and Codex Secretariat in Rome, though an increase in costs for the host secretariats or WG chairs would likely diminish the ability of member countries to chair or co-chair working groups in the future.

Consistent with the core values and the Codex Strategic Plan, CCEXEC should explore ways to engage more Members in WG leadership as currently the workload associated with leading WGs falls disproportionately on a limited number of countries. This could be complemented by each committee agreeing to a recommended number of WGs to be active at any one point in time with well-aligned work plans that would allow for more Codex members to engage in the work.

Recognizing that WG chairs may not have experience in this role, further guidance on best practices of chairing, including on how to document, how comments are considered, could be beneficial. A practical handbook for WG Chairs, similar to the Chair's handbook, is already under development by the Codex Secretariat and could meet this need and be useful towards encouraging delegates take up leadership roles. A delegate's handbook will be an important tool for use by all participants in Codex.

When EWGs complete their work, the draft proposed text is circulated for comment using the Codex Online Commenting System. This step has potential to be further developed in terms of openness and transparency and build upon the efforts of the EWGs. Codex could consider changes to existing online systems, for example, by allowing members to view each other's comments in OCS during the commenting period, to further promote and support transparency and consensus-building.

<sup>&</sup>lt;sup>i</sup> EXEC/79 CRD/01

<sup>&</sup>quot;REP21/EXEC1

iii CX/EXEC 21/80/3

iv REP21/EXEC2

v CX/EXEC 21/81/4

vi REP21/EXEC2, paragraph 85

vii CX/EXEC 22/83/5

viii CX/EXEC 22/82/5

ix CX/EXEC 21/81/4

x Procedural Manual, 28th edition

xi Procedural Manual, 28th edition

xii CX/CAC 21/44/15 Add.1

xiii REP22/CAC, paras 23-31

xiv REP22/EXEC2 para 118iii

xv Codex and the SDGs and Codex Strategic Plan 2020-2025

xvi Available at https://www.who.int/publications/i/item/9789240059139

xvii CX/EXEC 21/80/3

## Appendix III

## SCHEDULE FOR THE DEVELOPMENT OF THE CODEX STRATEGIC PLAN 2026-2031

WHEN	WHAT	WHO
07/2023	Agree the timetable, process, governance and framework for the Codex Strategic Plan 2026-2031.	CCEXEC84
07/2023 – 11/2023	(i) Discuss informally and agree with CCEXEC Members questions and their framing to be used as a basis for initial engagement with Members and Observers.	CVCs, CCEXEC, Codex Secretariat, Regional
	(ii) CVCs lead engagement and discussion with Members and Observers on a clear statement on the role of Codex in addressing the challenges and opportunities posed by drivers of change.	Coordinators
11/2023	Review the intersessional work undertaken by CVCs and the Codex Secretariat.	CCEXEC85
	Develop a first draft of the following elements of the strategic plan: vision; mission; core values; drivers for change; the role of Codex; ways of working.	
	Discuss and agree questions to be used as a basis for engagement with members and observers on goals and outcomes.	
	Adjust the schedule for the development of the Strategic Plan 2026-2031 as needed.	
1/2024	Circulate a draft of the following elements of the strategic plan to Members and Observers for comment, following discussion and agreement by CCEXEC85: vision; mission; core values; drivers for change; the role of Codex; ways of working.	Codex Secretariat
01/2024 – 06/2024	Lead a round of engagement and discussion with Members and Observers on goals and outcomes that Codex should aim to achieve by 2031, in parallel with which the Codex Secretariat initiates work on a monitoring framework.	CVCs, Codex Secretariat
07/2024	Review the intersessional work undertaken by CVCs and the Codex Secretariat and adjusts the work plan as needed.	CCEXEC86
	Review the responses from Members and Observers on the first draft of the following elements of the strategic plan: vision; mission; core values; drivers for change; the role of Codex; ways of working.	
07/2024 – 11/2024	Lead a second round of engagement and discussion with Members and Observers on outcomes that Codex should aim to achieve by 2031, in parallel with which the Codex Secretariat completes work on a monitoring framework.	CVCs, Codex Secretariat
11/2024 11/2024	Review the intersessional work undertaken by CVCs and the Codex Secretariat and makes recommendations to CAC47.	CCEXEC87
	Discuss and adopt the strategic plan with its monitoring framework.	CAC47
Through 2025 and into 2026	Development of implementation work plans.	FAO/WHO Coordinating Committees,
		other actors
01/2026	Codex Strategic Plan 2026-2031 comes into operation.	