



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD LABELLING

Forty-seventh Session

Palais des Congrès, Gatineau, Canada

15 – 19 May 2023

MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER SUBSIDIARY BODIES

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

Matters for information

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

Standards and Related Texts adopted by the Commission¹

1. CAC44 adopted:
 - the General Standard for the Labelling of Non-Retail Containers (NRC) at Step 8 and the consequential amendments relating to NRC in the Procedural Manual;
 - the Guidelines on Front-of-Pack Nutrition Labelling at Step 5/8 for inclusion as Annex in the *Guidelines on Nutrition Labelling* (CXG 2-1985) and the consequential amendment to the *Guidelines on Nutrition Labelling*;
 - the amendment to the labelling provision 4.2.1 in annex C raisins, of the *General Standard for Dried Fruits* by including a reference to the *General Guidelines on Claims* (CXG 1-1979).
2. CAC44 approved new work on food labelling information provided through technology.
3. CAC45 adopted amendments to the labelling provisions for non-retail containers in several existing worldwide and regional standards.²

Codex and the pandemic³

4. CAC44 recommended that Rule XI (7) and (8) of the Procedural Manual continue to be interpreted in a manner that includes a virtual setting with respect to sessions of Codex Subsidiary Bodies including CCEXEC and that application of this should take into consideration of the criteria outlined by CCEXEC80.

Application of the Statements of Principle Concerning the Role of Science in the Codex Decision-Making Process and the extent to which other factors are taken into account (SoP)⁴

5. CAC44 welcomed the ongoing work by CCEXEC on the guidance for Chairpersons and Members on the operationalization and the consistent application of the SoP, and further encouraged CCEXEC to complete this work in an expeditious manner.
6. CAC45 endorsed the proposal of CCEXEC83 to refer the draft Guidance for Codex Chairpersons and Members on the application of the SoP to the Chairpersons of Codex subsidiary bodies to facilitate deliberations on matters that fell within the scope of the SoP and urged Members to take account of the draft guidance as appropriate during the process of standards development and advancement. CAC45 furthermore

¹ REP21/CAC, paras 83 - 88

² REP22/CAC, paras 95, 149, 153 and 156

³ REP21/CAC para 12(iii)

⁴ REP21/CAC paras 13-14, REP22/CAC, para 22

requested the Secretariat to issue a Circular Letter (CL) inviting Members and Observers to provide specific suggestions to improve the draft guidance, its finalization and its possible incorporation into guidance documents for Chairpersons and Members.

60th Anniversary of Codex⁵

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

8. CAC45 encouraged Members and Observers to fully engage in the celebrations and to share information on their plans and activities directly and through the Codex Secretariat; and urged Members to commit to advocacy at all levels to ensure both the widest possible participation in the celebrations and the widest possible promotion of the work of Codex. Members and Observers are encouraged to send details of any activities and to celebrate Codex @60 to the Codex Secretariat at Codex@fao.org.

New Food Sources and Production Systems (NFPS)⁶

9. CAC45 recognized the importance of Codex working in a flexible and timely manner to consider NFPS as an important topic in the development of international standards aimed at protecting consumer health and ensuring fair practices in the food trade; encouraged Members to submit proposals related to NFPS using existing Codex mechanisms, and Codex subsidiary bodies to consider NFPS in their deliberations, and requested the Codex Secretariat to send a Circular Letter (CL) to Members and Observers to identify possible issues related to NFPS that the current structure and procedures could not address and options to address them for discussion at CAC46.

Future of Codex⁷

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

11. CAC45 noted that the future of Codex was a work in progress and that there would be an opportunity in 2023 for all Members and Observers to engage on this topic; and noted the need, in due course, to review the Procedural Manual to ensure that its provisions enabled and facilitated continued virtual and hybrid meetings.

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

MATTERS ARISING FROM OTHER SUBSIDIARY BODIES

A. Matters for information

81st, 82nd and 83rd Sessions of the Executive Committee of the Codex Alimentarius Commission (CCEXEC81, CCEXEC82 AND CCEXEC83)

Critical Review⁸

13. CCEXEC81 recommended adoption by CAC44, the:

- General Standard for the Labelling of Non-Retail Containers (Step 8) and the consequential amendment to the Procedural Manual;
- Guidelines on Front-of-Pack Nutrition Labelling (Step 5/8) and the consequential amendments to the Guidelines on Nutrition Labelling (CXG 2-1985).
- amendment to Annex C raisins of the General Standard for Dried Fruits.

A model for future Codex work⁹

⁵ REP21/CAC para 150

⁶ REP22/CAC, para. 31

⁷ REP22/CAC, para. 41

⁸ REP22/EXEC1, para. 14

⁹ REP21/EXEC2 para 85, REP22/EXEC1 paras 86-101 and REP22/EXEC2, para. 177

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

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

New food sources and production systems (NFSP)¹⁰

16. CCEXEC82 recognized that ongoing work by CCEXEC on “new food sources” did not preclude committees from undertaking new work falling within their respective mandates and agreed that the sub-committee should continue its stepwise consideration of the issues, informed by an analysis of the information collected through the CL, CRDs and report of CCEXEC82.

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

Monitoring the use and impact of Codex texts¹¹

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

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

19. CCEXEC83 noted the preliminary results of the 2022 pilot survey on the use and impact of Codex texts¹², and requested Codex Secretariat: to further review and streamline the Codex Strategic Plan monitoring framework, and to consider the results of the survey when undertaking the elaboration of the next Strategic Plan with the membership.

42nd and 43rd Sessions of the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU42)

Standard for Follow-up Formula for Older Infants and Product for Young Children (revised *Standard for Follow-up Formula* (CXS 156-1987))^{13,14}

20. CCNFSDU42 agreed to amend section 9.1.2 of the Standard for Follow-up Formula for Older Infants and Product for Young Children (revised *Standard for Follow-Up Formula* – CXS 156-1987), Section B following the question from CCFL46¹⁵.

21. CCNFSDU43 agreed to forward the Standard for Follow-up Formula for Older Infants and Product for Young Children (revised Standard for Follow-Up Formula – CXS 156-1987) for adoption by CAC46 at Step 5/8 and Step 8.

¹⁰ REP22/EXEC1, para 85 and REP22/EXEC2, para 100

¹¹ REP22/EXEC1, paras 114 – 121; and REP22/EXEC2, paras 155 – 165

¹² CX/CAC 22/45/14 Add.1 (the *General Standard for the Labelling of Pre-packaged Foods* (CXS 1-1985) was one of the four texts selected for the first pilot survey)

¹³ REP22/NFSDU, paras 64 - 70

¹⁴ REP22/NFSDU, para 50, and App II

¹⁵ REP21/FL, para 31(ii)

Guidelines for Ready-to-Use Therapeutic Foods¹⁶

22. CCNFSDU42 agreed to inform CCFL of the proposed change to Section 12 Labelling in relation to the inclusion of a statement to indicate that nutrition and health claims shall not be permitted for RUTF following the recommendation from CCFL46¹⁷.

6th Session of the Committee on Spices and Culinary Herbs (CCSCH6)

Non-retail containers labelling provisions¹⁸

23. CCSCH6 agreed to forward for adoption by CAC45, the proposed amendments to the labelling provisions of non-retail containers in the eight existing spices and culinary herbs (SCH) standards (Appendix II Part A); and inform the Codex Committee on Food Labelling (CCFL) accordingly.

16th Session of the FAO/WHO Coordinating Committee for the North America and South West Pacific (CCNASWP16)

Regional Standard for Kava Products for Use as a Beverage When Mixed with Water (CXS 336R-2020)¹⁹

24. CCNASWP16 aligned the labelling section on non-retail containers with the standardized text from the Procedural Manual.

B. Matters for action

83rd Session of the Executive Committee (CCEXEC83)

New standards or review of standards and guidelines²⁰

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

RECOMMENDATIONS

26. The Committee is invited to:

- i. note the information provided in paragraphs 1 – 24;
- ii. encourage Members and Observers, on the occasions of the 60th anniversary of Codex, to plan and implement activities to build awareness of Codex and to engage high level political support for Codex work and to consider the implementation of regional events to mark the 60th anniversary; and
- iii. consider the request from CCEXEC83 in paragraph 25 when considering new standards or guidelines.

¹⁶ REP22/NFSDU, para 126

¹⁷ REP21/FL, para 36

¹⁸ REP22/SCH, para 11

¹⁹ REP22/NASWP, para 17

²⁰ REP22/EXEC2, para 154, v