

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 3

CX/NASWP 23/16/3

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

FAO/WHO COORDINATING COMMITTEE FOR NORTH AMERICA AND THE SOUTH WEST PACIFIC

Sixteenth Session

Nadi, Fiji

30 January - 3 February 2023

MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND ITS SUBSIDIARY BODIES

A. MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION (CAC43, CAC44 and CAC45¹)

MATTERS FOR INFORMATION

Adoption of standards²

1. CAC43 adopted
 - a) the *Regional Standard for Kava Products for Use as a Beverage When Mixed with Water* at Step 5/8 noting the reservation by the United States of America and that the standard would be published following endorsement of the provisions for labelling by CCFL.
 - b) the *Regional Standard for Fermented Noni Fruit Juice* at Step 5 and extended the deadline for the completion of the work to adoption by CAC in 2022.

Appointments³

2. CAC43 appointed Fiji as the Regional Coordinator for North America and the South West Pacific to hold office from the end of CAC43 until the end of the first regular session of the Commission following the next session of the relevant Coordinating Committee i.e. CCNASWP16 (in accordance with current plans this would be until the end of CAC46 (2023)).
3. CAC44 (2021) elected Canada and Vanuatu as Members of the Executive Committee from North America and South West Pacific respectively for the period from the end of its present Session to the end of the second succeeding regular Session of the Commission (CAC46).

Codex and the pandemic⁴

4. CAC43 recommended to all subsidiary bodies and Members and Observers to make full use of existing remote working mechanisms such as electronic working groups (EWGs) and circular letters (CLs) and to plan their virtual committee meetings in such a manner as to optimize the possibility to complete their agendas.
5. CAC44 recommended that Rule XI (7) and (8) continue to be interpreted in a manner that includes a virtual setting with respect to sessions of Codex Subsidiary Bodies including CCEXEC and that application of this should take into consideration the criteria outlined by CCEXEC80.

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)⁵

6. 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.

¹ The report of CAC45 had not yet been published when this document was issued as not all parts of the draft CAC45 report had been adopted as of December 2022.

² REP20/CAC, paragraphs 50-51

³ REP20/CAC, paragraph 164; REP21/CAC, paragraph 133

⁴ REP20/CAC, paragraph 31 (ii); REP21/CAC, paragraph 12(iii)

⁵ REP21/CAC, paragraphs 13-14; REP22/CAC, paragraph 22

7. CAC45 endorsed the proposal to refer the draft Guidance for Codex Chairpersons and Members on the application of the SoP to the Chairpersons of Codex subsidiary bodies to facilitate deliberations on matters that fell within the scope of the SoP; and urged members to take account of the draft guidance as appropriate during the process of standards development and advancement. CAC45 furthermore requested the 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.

Proposed draft MRLs on zilpaterol hydrochloride⁶

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

9. A report from the CVCs was presented to both CCEXEC83⁷ and CAC45⁸.

10. CAC45 adopted the MRLs for zilpaterol hydrochloride at Step 5 (by vote); agreed to retain the further elaboration of MRLs for zilpaterol hydrochloride in liver, kidney and muscle, in the Commission; advised CAC46 to note the discussions at CAC45; and welcomed the prospect of further informal consultation by the CVCs prior to CAC46 to facilitate consensus.

60th Anniversary of Codex⁹

11. 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. CAC44 noted that Codex already had a number of tools at its disposal to facilitate engagement and planning for the Anniversary, including the FAO/WHO Coordinating Committees.

12. 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.

Dissolution of TFAMR¹⁰

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

Codex Strategic Plan 2020-2025 (SP)¹¹

14. The Codex Strategic Plan 2020-2025 (SP) implementation report 2020-2021 was presented at CAC45. The preliminary results of the 2022 pilot survey on the use and impact of Codex texts were also presented. CAC45 noted the continuing evolution of the Codex SP monitoring framework and requested the Codex Secretariat to further review it with the intent to reduce the number of indicators to those where the most useful information was collected. CAC45 further noted that there would be benefit in undertaking the elaboration of the next Codex SP with the membership in parallel with the development of the monitoring framework led by the Codex Secretariat.

New food sources and production systems (NFPS)¹²

15. 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 Codex¹³

16. CAC45 considered the report of a subcommittee established by CCEXEC82 to develop a blueprint for

⁶ REP21/CAC, paragraph 29 (v and vi); REP22/CAC, paragraph 146

⁷ CX/EXEC 22/83/2 Add.2

⁸ CX/CAC 22/45/10

⁹ REP21/CAC, paragraphs 143 and 150; REP22/CAC, paragraph TBC

¹⁰ REP21/CAC, para 101

¹¹ REP22/CAC, paragraph TBC

¹² REP22/CAC, paragraph 31

¹³ REP21/CAC, paragraph 41

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 focussed 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.

17. 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 PM to ensure that its provisions enabled and facilitated continued virtual and hybrid meetings.

18. 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 FOR ACTION

Adoption of the General Standard for the Labelling of Non-Retail containers of Foods and consequential amendments to the Procedural Manual¹⁴

19. CAC44 adopted:

- the *General Standard for the Labelling of Non-retail Containers of Foods* (CXS 346-2021), at step 8¹⁵, and
- the consequential amendment to the Procedural Manual (i.e., the Format for Codex Commodity Standards, section on labelling) (Annex I, Part A).

20. CAC44 requested the Commodity Committees to review the labelling provisions for non-retail containers in existing and draft standards in light of the new standard for the labelling of non-retail containers (Annex I, Part B).

B MATTERS ARISING FROM CODEX SUBSIDIARY BODIES

MATTERS FOR INFORMATION

EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION (CCEXEC78, CCEXEC80, CCEXEC81, CCEXEC82 and CCEXEC83)

Implementation of CAC42 decisions: Feedback on Changes and Proposals for further improvements¹⁶

21. CCEXEC78 requested that Chairpersons of subsidiary bodies and CAC together with the Secretariat:

- develop strategies to prevent or mitigate technical discussions at CAC on topics for which there was no consensus and communicate these strategies to Members. Such strategies may include short adjournments of the session for informal discussions or suspension of discussions on items that overrun the planned time limit; and
- ensure that, at meetings of CAC, written comments received were given due consideration and the technical basis of reservations were included in meeting reports.

22. CCEXEC78 further encouraged all Members and Observers, especially through the recently adopted regional communications work plans, to continue to actively contribute to the promotion of Codex with all stakeholders, especially policy makers.

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)¹⁷

23. CCEXEC78 agreed the Codex Secretariat, in cooperation with FAO and WHO, will develop a first draft of the practical guidance on application of the SoP for presentation to the sub-committee on the SoP.

24. CCEXEC80 agreed to extend the mandate of the sub-committee to CCEXEC81 as mandated by CCEXEC78.

25. CCEXEC81 agreed to establish a new subcommittee on the application of the SoP and present a revision of the draft guidance to CCEXEC82.

¹⁴ REP21/CAC, paragraphs 83 and 86

¹⁵ REP21/FL, paragraph 60

¹⁶ REP20/EXEC1, paragraphs 30 (ii) and 78

¹⁷ REP20/EXEC1, paragraph 100; REP21/EXEC1, paragraph 43; REP21/EXEC2, paragraph 99; REP22/EXEC1 paragraph 69; REP22/EXEC2 paragraphs 81-82.

26. CCEXEC82 agreed to re-establish the subcommittee to develop practical guidance to support operationalization of the SoP, including use of the draft decision guide/flow chart.

27. CCEXEC83 being presented with the report of the subcommittee with the draft guidance including a flowchart, agreed to retain the text as was presented to them apart from the shortening of the title and paragraph 23 and forward this text to CAC45 for its further consideration noting that the text was not final as square brackets remained.

Codex and the Pandemic¹⁸

28. CCEXEC80 recommended that when planning the agenda of Codex sessions to be convened virtually, the Chairpersons together with the host and Codex secretariats were adequately prepared for the sessions and how to deal with agenda items in recognition of the challenges associated with conducting a virtual session.

29. CCEXEC81 commended the huge efforts of the Codex family to deliver the 2021 work programme and in moving forward, and recommended that Chairpersons and Host Secretariats collaborate closely with the Codex Secretariat in their efforts to establish a meeting schedule that is realistic to implement and ensures adequate time between meetings, and that the Codex Secretariat together with Chairpersons and the larger membership further consider how EWGs and/or other inclusive and transparent mechanisms can continue to be strengthened, playing an even more fundamental role in Codex as a flexible mechanism to prepare work and ensure that discussions in subsidiary bodies is only held when there is a need for guidance or the work it is ready for progression in the step process.

A model for future Codex work¹⁹

30. CCEXEC81 agreed to establish and lead a process to develop the blueprint for the future of Codex for consideration by CAC on its 60th anniversary in 2023. The process should include communication and outreach to Members and Observers to collect general views on what a future Codex should look like.

31. CCEXEC82 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.

32. CCEXEC83, being presented with the 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 practice in relation to these meeting modalities continued to develop; acknowledged the concerns expressed on the complexity of the process for developing new work; and noted the added value new tools provided to the deliberations of EWG.

33. Noting the importance to have time to consider the zero draft of the blueprint, to consult further with Chairpersons and Host Secretariats and to engage with Codex Members and Observers, CCEXEC83 agreed on a timeline for the way forward up to the publication of the blueprint by mid-May 2023.

60th Anniversary of the Codex Alimentarius Commission: 1963-2023²⁰

34. CCEXEC82 noted the initial plans provided by the Codex Secretariat to celebrate Codex@60 and provided further suggestions including for regional activities, expressed commitment to advocacy at all levels to ensure the widest possible participation and promotion of the anniversary.

35. CCEXEC83 noted the planned celebrations under development by the Codex Secretariat and Members, and encouraged Members and Observers to fully engage in the celebrations, to share information on their plans and activities directly and/or through the Codex Secretariat, and to commit to advocacy at all levels to ensure widest possible participation in and promotion of the anniversary.

Update on informal consultations on zilpaterol hydrochloride by the Chairperson and Vice-Chairpersons (CVCs) of the Codex Alimentarius Commission²¹

36. CCEXEC82 noted the interim report from the CVCs on their informal consultations and supported further informal dialogue led by the CVCs including, but not limited to, informal discussions on a regional basis, noting that these did not replace bilateral discussions between Members.

37. CCEXEC83 noted the report by the CVCs on their further informal consultations on zilpaterol hydrochloride, but CCEXEC83 did not make any recommendations to CAC45 on this topic.

¹⁸ REP21 EXEC1, paragraph 35; REP21/EXEC2, paragraphs 83 and 84 (ii) and (iv)

¹⁹ REP21/EXEC2, paragraph 85; REP22/EXEC1, paragraphs 86-101; REP22/EXEC2, paragraphs 114, 118, 121 and 122.

²⁰ CX/EXEC 22/82/8; REP22/EXEC1, paragraphs 122-129; REP22/EXEC2, paragraph 177

²¹ REP22/EXEC1, paragraph 29; REP22/EXEC2, paragraph 47.

New food sources and production systems²²

38. CCEXEC81 agreed to establish a sub-committee to investigate potential mechanisms to address crosscutting, overarching and emerging issues in Codex such as new food sources in the context of food safety, food quality and labelling and the state of related science, the needs and priorities of members as well as any other considerations identified.

39. CCEXEC82 recognised that ongoing work by CCEXEC on “new food sources” did not preclude committees from undertaking new work falling within their respective mandates.

40. CCEXEC82 agreed that the sub-committee should continue its stepwise consideration of the issues, informed by an analysis of the information collected through the CL, conference room documents (CRDs) and report of CCEXEC82.

41. CCEXEC83, being presented with the report from the CCEXEC sub-committee on new food sources and production systems, recognized that this work had sensitized Codex to the challenges and opportunities arising in relation to NFPS and the potential role Codex could play in addressing any related food safety issues and facilitating fair trade of such commodities; recommended that CAC45 encourage Members to submit proposals related to NFSP using existing Codex mechanisms, and Codex subsidiary bodies to consider NFPS 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 texts²³

42. CCEXEC81 noted that, in line with Goal 3 of the SP (Increase recognition and use of Codex Standards), the Codex Secretariat in consultation with the FAO and WHO Evaluation Offices had initiated a project to build a mechanism to monitor the use and impact of Codex standards.

43. CCEXEC82 discussed the draft mechanism to monitor the use and impact of Codex texts, 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 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.

44. CCEXEC83, noting the preliminary results of the 2022 pilot survey on the use and impact of Codex texts, and while requesting the Secretariat to further review and streamline the Codex SP monitoring framework, requested to consider the results of the survey in undertaking the elaboration of the next SP with the membership.

52ND SESSION OF THE CODEX COMMITTEE FOR FOOD ADDITIVES (CCFA52)²⁴Alignment of the food additive provisions of commodity standards and relevant provisions of the GSFA

45. CCFA52 agreed to:

- publish on the Codex website the document titled “Guideline on avoiding future divergence of food additive provisions in the GSFA with Commodity Standards” as an information document and inform the corresponding Commodity Committees of this document; and
- update the alignment future work plan contained in the Information Document titled Guidance to Commodity Committees on the Alignment of Food Additive Provisions.

Endorsement for food additives and processing aids in codex standards

46. CCFA52 agreed to endorse the food additive provisions in the draft regional standards for “fermented noni fruit juice” and “kava products for use as a beverage when mixed with water” respectively.

41ST SESSION OF THE CODEX COMMITTEE ON METHODS OF ANALYSIS AND SAMPLING (CCMAS41)²⁵

²² REP22/EXEC1, paragraph 85; REP22/EXEC2, paragraph 100

²³ REP22/EXEC1, paragraph 121; REP22/EXEC2, paragraph 165

²⁴ REP21/FA, paragraphs 85 (i) a), 107 (i) & (ii), Appendices XII & XIII

²⁵ REP21/MAS, paragraphs 6 and 110 (iv)

Review / update of methods of analysis in the General Standard for Methods of Analysis and Sampling

47. CCMAS41 confirmed its continued liaison with other Codex committees on the use of the *General Standard on Methods of Analysis and Sampling* (CXS 234-1999) as the single reference for methods of analysis and sampling.

Revision of the General Guidelines on Sampling (CXG 50-2004)

48. CCMAS41 agreed to inform other relevant Codex Committees of the ongoing work on the revision of the *General Guidelines on Sampling* (CXG 50-2004) and invite any comments as relevant.

46th SESSION OF THE CODEX COMMITTEE ON FOOD LABELLING (CCFL46)²⁶Consideration of labelling provisions in Codex standards

49. CCFL endorsed the labelling provisions in the Draft Regional Standard for Fermented Noni Fruit Juice and the *Regional Standard for Kava Products for Use as a Beverage When Mixed with Water* (CXS 336R-2020).

MATTERS FOR ACTION**14th SESSION OF THE CODEX COMMITTEE ON CONTAMINANTS IN FOODS (CCCF14)²⁷**Priority list of contaminants for evaluation by JECFA

50. CCCF14 agreed to keep scopoletin in the priority list awaiting feedback from CCNASWP16 on the provision of necessary data and studies to perform a safety evaluation of scopoletin and to encourage Codex members to generate and submit data to GEMS/Food.

41ST SESSION OF THE CODEX COMMITTEE ON METHODS OF ANALYSIS AND SAMPLING (CCMAS41)²⁸Methods of analysis for provisions in the Draft Regional Standard for Fermented Noni Fruit Juice

51. CCMAS41 did not endorse:

- the AOAC 983.17 / EN 12143 / IFUMA 8 / ISO 2173 as the appropriateness of extending the methods to noni juice needed further evaluation by CCMAS; and noted the offer of IFU to do a small single or inter-laboratory study to determine its fitness for purpose in noni juice;
- the methods for the identification of scopoletin and deacetylasperulosidic acid noting that changes needed to be made to the methods to give a clear indication of the solid phase extraction separation mode needed and agreed to request CCNASWP to provide clarification.

52. CCMAS41 agreed to inform CCNASWP accordingly.

Methods of analysis for provisions in the Regional Standard for Kava Products for Use as a Beverage When Mixed with Water (CXS 336R-2020).

53. CCMAS41 noted that the review of the references did not produce a clear procedure for determining kava lactone or flavokavins, and that it appeared there were different sections within each reference that needed to be followed and that the 2016 reference may not be required for flavokavins.

54. CCMAS41 agreed to request CCNASWP to consider producing a single stepwise method or SOP which would capture the necessary steps for each provision in one easy to follow document.

55. CCMAS41 encouraged delegates to work with the delegates to CCNASWP in this regard.

RECOMMENDATIONS

56. CCNASWP is invited to:

- i. **note the information** provided in relevant paragraphs;
- ii. **encourage** Members and Observers, on the occasion of the 60th anniversary, 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 a regional event to mark the 60th anniversary;
- iii. **encourage** Members and Observers to actively engage in opportunities to contribute to the discussions in CCEXEC (i.e. the operationalization of the SoP; the future of Codex; new food sources and production systems, and monitoring the use of Codex standards) through their Regional Coordinators, discussions at CCNASWP and/or by providing replies to relevant circular letters in this regard;

²⁶ REP21/FL, paragraph 16

²⁷ REP21/CF, paragraph 231 (ii), Appendix VIII

²⁸ REP21/MAS, paragraphs 13-17, Appendix II part 4.2

- iv. **consider** the request from CAC44 as outlined in paragraphs 19-20 and update the relevant section in the existing CCNASWP standard as listed in Annex I, Part B (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));
- v. **update** CCCF with the current situation and way forward regarding the generation of necessary data and studies to perform evaluation of scopoletin; and
- vi. **provide** CCMAS with clarification on the indication of the solid phase extraction separation mode in the methods for the identification of scopoletin and deacetylasperulosidic acid with regard to the *Draft Regional Standard for Fermented Noni Fruit Juice* as well as a single stepwise method or a standard operating procedure (SOP) for the methods of analysis in the *Regional Standard for Kava Products for Use as a Beverage When Mixed with Water*.

PART A - Amendment to the Procedural Manual**Section II - Elaboration of Codex Standards and Related Texts: Format for Codex Commodity Standards: Section on labelling**

Replace the following:

Where the scope of the Standard is not limited to pre-packaged goods, a provision for labelling of non-retail containers may be included:

In such cases the provision may specify that:

“Information on¹² shall be given either on the container or in accompanying documents, except that the name of product, lot identification, and the name and address of the manufacturer or packer shall appear on the container.¹³”

However, lot identification, and the name and address of the manufacturer or packer may be replaced by an identification mark provided that such a mark is clearly identifiable with the accompanying documents.”

¹² Codex Committees should decide which provisions are to be included

¹³ Codex Committees may decide that further information is required on the container. In this regard, special attention should be given to the need for storage instructions to be included on the container.

With:

Where the scope of the Standard is not limited to prepackaged foods, a provision for the labelling of non-retail containers may be included as follows:

“The labelling of non-retail containers should be in accordance with the General Standard for the Labelling of Non-Retail Containers of Foods.”

The section may also contain provisions which are exemptions from, additions to, or which are necessary for the interpretation of the General Standard in respect of the product concerned provided that these can be justified fully.

PART B - 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)*

New texts added are shown in **bold/underlined** font. Texts proposed for deletion are shown in ~~strike through~~.

Current text	Proposed revision
<p>7.4 Labelling of non-retail containers Information for non-retail containers shall be given either on the container or in accompanying documents, except that the name of the product, lot identification, and the name and address of the producer, packer, exporter or distributor shall appear on the container. However, lot identification, and the name and address of the producer, packer, exporter or distributor may be replaced by an identification mark, provided that such a mark is clearly identifiable with the accompanying documents.</p>	<p>7.4 Labelling of non-retail containers Information for non-retail containers shall be given either on the container or in accompanying documents, except that the name of the product, lot identification, and the name and address of the producer, packer, exporter or distributor shall appear on the container. However, lot identification, and the name and address of the producer, packer, exporter or distributor may be replaced by an identification mark, provided that such a mark is clearly identifiable with the accompanying documents.</p> <p><u>The labelling of non-retail containers should be in accordance with the <i>General Standard for the Labelling of Non-Retail Containers in Foods (CXS 346-2021)</i></u></p>