



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS

Twenty-Sixth Session

Hobart, Tasmania, Australia

1 - 5 May 2023

MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND ITS SUBSIDIARY BODIES

MATTERS ARISING FROM THE 44th and 45th SESSION OF THE CODEX ALIMENTARIUS COMMISSION

MATTERS FOR INFORMATION

Standards and Related Texts adopted

1. CAC44¹ (2021) adopted the Principles and Guidelines for the Assessment and Use of Voluntary Third-Party Assurance (vTPA) programmes at Step 8 and; the Guidance on Paperless Use of Electronic Certificates (Revised *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CXG 38-2001) at Step 5/8.

Approval of new work

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

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

4. CAC45 (2022)²:

- i. approved the new work proposal on the development of principles and guidelines on the use of remote audit and verification in regulatory frameworks by CCFICS;
- ii. established an EWG, chaired by Australia and co-chaired by Canada and Singapore and working in English, French and Spanish, to prepare at Step 2 the Proposed draft principles and guidelines on the use of remote audit and verification in regulatory frameworks; and
- iii. requested that the report of the EWG including the proposed draft principles and guidelines be made available to the Codex Secretariat and circulated for comments at Step 3 at least three months before CCFICS26, which would discuss it at Step 4.

Codex and the pandemic³

5. 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

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.

7. CAC45 endorsed the proposal of CCEXEC83 to refer the draft Guidance for Codex Chairpersons and

¹ REP21/CAC Paragraphs 57-59

² REP22/CAC Paragraphs 173-177

³ REP21/CAC paragraph 12(iii)

⁴ REP21/CAC paragraphs 13-14, REP21/EXEC2 paragraphs 92-99, REP21/EXEC1, paragraphs 30-69

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 Codex 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

8. 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.

9. 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 to celebrate Codex@60 to the Codex Secretariat at Codex@fao.org.

New Food Sources and Production Systems (NFPS)⁶

10. 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

11. CAC45 considered the report of the subcommittee established by CCEXEC82, mandated to develop a blueprint for the future of Codex, based on the experience 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.

12. 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.

13. 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

MATTERS FOR INFORMATION

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

15. Codex and the Pandemic⁸

16. CCEXEC81 (2021) commended the huge efforts of the Codex family to deliver the 2021 work programme and in moving forward. CCEXEC81 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, and 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.

⁵ REP21/CAC paragraph 150, REP22/CAC paragraph 228

⁶ REP22/CAC paragraph 31

⁷ REP22/CAC, paragraph 41

⁸ REP21 EXEC1 paragraph 35, REP21/EXEC2 paragraph 84 (ii) and (iv)

A model for future Codex work⁹

17. CCEXEC81 (2021) 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.

18. 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.

19. CCEXEC83 (2022), considered an interim report of the CCEXEC sub-committee on the future of Codex, and recognized that virtual and hybrid meetings were essential tools for Codex; 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.

20. 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

21. CCEXEC81 (2021) 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.

22. CCEXEC82 (2022) recognised 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 the report of CCEXEC82.

23. CCEXEC83, (2022) while considering the report of its sub-committee on 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 Standards¹¹

24. CCEXEC81 (2021) noted that, in line with Goal 3 of the Codex Strategic Plan 2020-2025 (Increase recognition and use of Codex Standards), the Codex Secretariat in consultation with the FAO and WHO Evaluation Offices had initiated a project to identify, and in due course implement, an approach to monitor the use and impact of Codex standards.

25. CCEXEC82 (2022) 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.

26. CCEXEC83 (2022) noted the preliminary results of the 2022 pilot survey on the use and impact of Codex texts, 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.

RECOMMENDATIONS

27. CCFIC26 is invited to note the information provided in paragraphs 1 – 26.

⁹ REP21/EXEC2 paragraph 85, REP22/EXEC1 paragraph 86-101 and REP22/EXEC2 paragraph 177

¹⁰ REP22/EXEC1 paragraph 85 and REP22/EXEC2 paragraph 100

¹¹ REP22/EXEC1 paragraph 121 and REP22/EXEC2 paragraph 165