



**JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON GENERAL PRINCIPLES**

Thirty-second Session

Virtual meeting, 8-17 February 2021

MATTERS REFERRED TO THE COMMITTEE

A. MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION

Matters for information

42nd Session of the Codex Alimentarius Commission (CAC42)

1. CAC42 endorsed the recommendations of 77th Session of the Executive Committee of the Codex Alimentarius Commission (CCEXEC77) to establish a sub-committee of the CCEXEC on the application of the Statements of Principle Concerning the Role of Science, while not reopening them¹. CAC42 also endorsed the Proposed Terms of Reference for the sub-committee².

2. CAC42 stressed that while the lead for this work would be with the CCEXEC and its sub-committee, it was desirable to reinforce transparency and the possibility for all members to give input to this work by:

- i. Making the online exchanges and documents distributed by the sub-committee via the forum for Electronic Working Groups (EWGs) accessible to all members;
- ii. Holding informal discussions on the issue in the margins of appropriate meetings, e.g. FAO/WHO Coordinating Committees and the Codex Committee on General Principles (CCGP);
- iii. Issuing Circular Letters to request comments from all members in advance of both CCEXEC78 and CCEXEC79; and
- iv. Ensuring the timely distribution of documents and in all languages where relevant.

43rd Session of the Codex Alimentarius Commission (CAC43)

3. CAC43 noted that work in the two CCEXEC sub-committees on the implementation of the Strategic Plan 2020-2025 and on the Application of the Statements of Principle Concerning the Role of Science was continuing although there were some delays due to the COVID-19 pandemic and the need for the Codex Secretariat and Chairpersons of the sub-committees to prioritize efforts to ensure continuity of Codex standard setting work.³

4. The Coordinator for Europe, with reference to CRD29, which had been prepared by the Members from the European region, requested that the final report of the sub-committee [on Codex and the Pandemic – Strategic challenges and opportunities] be referred to CCGP32 for an open discussion especially for those issues that fall within the mandate of CCGP and called for support from the Commission on this matter. Other delegations noted that no issues had been identified that required further procedural guidance or consideration by CCGP. The Codex Secretary said, in response to a request for clarification on the process for subsidiary bodies to consider the report from the CCEXEC subcommittee, that typically the report of CCEXEC80 would be referred to all Codex committees for information and further consideration as appropriate under Matters Referred. He further clarified that CCGP as one of the subsidiary bodies would be included in that referral

¹ REP19/CAC

² REP19/EXEC2, Appendix IV

³ REP20/CAC, para 6 ii)

process and would also, in line with its mandate, discuss the issue of virtual meetings. CAC44 would subsequently decide any further way forward. The Chairperson of CCGP welcomed the work of the CCEXEC sub-committee and recalled the availability of CCGP to undertake any assessment and further evaluation that would be deemed necessary by CAC, consistent with the Committee's mandate.⁴

5. CAC43 recommended to all subsidiary bodies and Members and Observers to make full use of existing remote working mechanisms such as EWGs and CLs and to plan their virtual committee meetings in such a manner as to optimize the possibility to complete their agendas.⁵

6. CAC43 further recommended that CCEXEC80 share its recommendations based on the report of the sub-committee [on Codex and the Pandemic – Strategic challenges and opportunities] with all subsidiary bodies for their information and further consideration as appropriate.⁶

B. MATTERS ARISING FROM SUBSIDIARY BODIES

Matters for information

77th Session of the Executive Committee of the Codex Alimentarius Commission (CCEXEC77)

7. CCEXEC77 welcomed the resumption of CCGP and noted the ongoing important work on the guidance for committees working by correspondence⁷.

8. CCEXEC77 noted cross-cutting issues that arose from the Critical Review discussions, including a possible proposal for an amendment to the format for commodity standards to include a section on traceability. This is relevant to the CCFICS work on food fraud.⁸

78th Session of the Executive Committee of the Codex Alimentarius Commission (CCEXEC78)

*The Role of the Executive Committee of the Codex Alimentarius Commission*⁹

9. CCEXEC78 agreed that it was not necessary to develop procedural guidance on the division of work between CCEXEC and CCGP since the current mandate and procedures were sufficient.

*Implementation of CAC42: Feedback on Changes and Proposals for further Improvements*¹⁰

10. CCEXEC78 requested that Chairpersons of subsidiary bodies and CAC together with the Secretariat :
- i. 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
 - ii. ensure that, at meetings of CAC, written comments received were given due consideration and the technical basis of reservations were included in meeting reports.

*Regular Review of Codex Work Management 2018-2019: Critical Review Process*¹¹

11. CCEXEC78 noted that visibility and accessibility of "Criteria to facilitate the conduct of monitoring progress of standards development" would be further discussed when considering the format and structure of the Procedural Manual at CCGP32.

12. CCEXEC78 recognized that CCEXEC could provide guidance and advice to subsidiary bodies and that subsidiary bodies could also seek advice from CCEXEC and that such exchange could take place outside of the Critical Review process.

*Follow-Up to Regular Review of Codex Work Management 2017-2018: Periodic Review of Codex Standards*¹²

13. CCEXEC78 noted that CCGP32 would consider a paper relating to revisions and amendments of Codex standards covering aspects such as clearer version control and differentiation between revisions and amendments.

⁴ REP20/CAC, para 28-30

⁵ REP20/CAC, para 31 ii)

⁶ REP20/CAC, para 32 i)

⁷ REP19/EXEC2, para 14

⁸ REP19/EXEC2, para 33 iv)

⁹ REP20/EXEC1, para 24

¹⁰ REP20/EXEC1, para 30ii

¹¹ REP20/EXEC1, para 42, 46

¹² REP20/EXEC1, para 55, 57ii

14. CCEXEC78 requested the Secretariat to increase awareness and visibility of the procedures for revision of standards that were developed by Committees that have since been adjourned and provide additional guidance to facilitate application.

*Follow-up to Regular Review of Codex Work Management 2017-2018: Use of References in Codex Texts*¹³

15. CCEXEC78 emphasized that while there may on occasion be merit in including references to standards of another standard setting organization, these should be kept to a minimum since they become an integral part of a Codex text and require life-long monitoring.

*Work Plan for the Implementation of the Strategic-Plan 2020-2025: Interim Report of the Third Strategic Planning Sub-Committee*¹⁴

16. Consideration was given on whether specific inputs should be sought from other Codex actors (Members and Observers, parent organizations and chairpersons of subsidiary bodies) to the work plan. In this regard, CCEXEC78 agreed that the Chairperson of the sub-committee should reach out to the chairpersons of subsidiary bodies for their input.

17. With regard to strategic goal 3, CCEXEC78 agreed that it was important to provide Members with opportunities to discuss and consider appropriate means to measure the impact of Codex and therefore welcomed the plan to discuss monitoring the implementation of Codex standards at CCGP32.

18. With regard to strategic goal 5, CCEXEC78 supported the proposals to continue to hold workshops for host secretariats and chairpersons of subsidiary bodies, to facilitate the transition from outgoing to incoming regional coordinators in five of the six Codex regions, the completion of guidance for host country secretariats, revision as needed of the Codex Chairpersons' Handbook, and the development of a handbook for Codex delegates, noting these would support implementation of objective 5.2.

*The Application of the Statements of Principle Concerning the Role of Science: Interim Report of the CCEXEC Sub-Committee*¹⁵

19. CCEXEC78 noted the progress made at the physical meeting of the sub-committee as contained in CRD3 and requested that:

- i. the Codex Secretariat in collaboration with FAO and WHO develop a first draft of the practical guidance in accordance with the ToR of the sub-committee, having consulted the chairpersons of the Codex subsidiary bodies to obtain feedback on their understanding and application of the SoP;
- ii. the Codex Secretariat make available the draft guidance on the electronic discussion forum of the sub-committee in advance of the second physical meeting planned to take place immediately prior to CCEXEC79;
- iii. the CCEXEC sub-committee consider the draft guidance at its second physical meeting (immediately prior to CCEXEC79) and advise CCEXEC79 on the next steps required to complete the work including steps to ensure the transparency of the process.

*Timeliness of Codex working documents*¹⁶

20. CCEXEC78 requested that the Codex Secretariat bring the information on the timeliness of Codex working documents, reports and the availability of adopted standards contained in CX/EXEC 20/78/8 to the attention of subsidiary bodies for their review and suggestions.

*Including Delegate Contact Information in Codex Reports*¹⁷

21. The Codex Secretariat, in response to support for the position presented by the CCLAC Coordinator, confirmed that the change removing such data had been introduced initially at CAC42 in Geneva in line with current WHO practice. The Secretariat agreed to seek a solution to make personal information available. Possible options to be explored included an opt-in preference for sharing contact details to be expressed by individual delegates during meeting registration or a solution where such data would be available behind a login.

¹³ REP20/EXEC1, para 64

¹⁴ REP20/EXEC1, para 81, 82, 83

¹⁵ REP20/EXEC1, para 101; CX/EXEC CRD 3

¹⁶ REP20/EXEC1, para 111, CX/EXEC 20/78/8

¹⁷ REP20/EXEC1, para 125

79th Session of the Executive Committee of the Codex Alimentarius Commission (CCEXEC79)22. CCEXEC79¹⁸:

- i. agreed to create a sub-committee of the CCEXEC chaired by Vice-chairperson Mariam Eid and working in English only, in line with Strategic goals 1, 4 and 5 of the Commission's Strategic Plan 2020-2025:
 - a. to examine the impact of the pandemic on Codex work management;
 - b. to advise the Commission and its subsidiary bodies on actions/initiatives to advance its work programme of 2020/2021 and build resilience using modern tools and approaches consistent with Codex values
 - c. to ensure that it was well placed to deal with similar events in the future considering the elements presented in the Annex to CRD1 - Codex and the Pandemic—Strategic Challenges and Opportunities.
- ii. agreed the sub-committee would be open to all members of the CCEXEC, give an intermediary report to CAC43 and report to CCEXEC80
- iii. requested the Codex Secretariat to monitor how other organizations deal with the issue and solicit broad input from the wider Codex membership, including through possible virtual regional meetings and the CCP webinar planned for 28 July 2020; to maintain close contact with the legal offices on possible options, and to inform the sub-committee as relevant.

13th Session of the Codex Committee on Contaminants in Food (CCCF13)

23. In regard to the proposal on developing a pilot project through organizations providing technical assistance to evaluate the implementation of the Code of Practices, the view that the ongoing work on the monitoring of the use of Codex standards conducted at CCGP should be duly considered, was observed¹⁹.

51st Session of the Codex Committee on Food Additives (CCFA51)

24. The Codex Secretary informed the Committee that considering the aspects or possibility of misleading consumers with the use of food additives, general concerns regarding transparency, consumer misleading and labelling could be raised in CAC, Codex Committee on Food Labelling (CCFL) or CCGP²⁰.

23rd Session of the FAO/WHO Coordinating Committee for Africa (CAFRICA23)

25. CAFRICA23 agreed to inform CAC43 and its subsidiary bodies of the issues identified in the survey on current and emerging issues, namely antimicrobial resistance (AMR), pesticide residues, capacity of food control systems, food fraud, water contamination, consumer awareness, aflatoxins, and climate change²¹.

21st Session of the FAO/WHO Coordinating Committee for Asia (CCASIA21)

26. CCASIA21 noted the results of the survey on the use of Codex standards in the region and the recent discussions at CCGP relating to monitoring the use of Codex standards²².

31st Session of the FAO/WHO Coordinating Committee for Europe (CCEURO31)

27. CCEURO31 agreed to inform CAC and its subsidiary bodies on the usefulness of the survey current and emerging issues and the issues identified within the region, namely: food fraud, AMR, contaminants and food additives, and climate changes.²³

¹⁸ REP20/EXEC2, para 79

¹⁹ REP19/CF para 179-180

²⁰ REP19/FA para 126

²¹ REP20/AFRICA para 11 and 15

²² REP20/ASIA para 36

²³ REP20/EURO para 20 ii)

28. CCEURO31 recognised that while food fraud is not a new topic, due to the changing context and evolving food supply chains, it does require new ways of working to address this complex issue and acknowledged that Codex can play an important role and facilitate global discussions to support country efforts to address food fraud.²⁴ The Committee acknowledged that Codex can support new work on developing definitions and common terminology, and encouraged the Codex Committee on Food Import and Export Certification and Inspection Systems (CCFICS) to complete its work, and noted the possibility for CCGP to consider the outcome of this work²⁵.

29. Members noted the results of the survey on the use of Codex standards in the region and that a discussion paper by France relating to monitoring the use of Codex standards was under preparation and would be presented at CCGP32²⁶. Members saw a need to complement the survey on use of Codex Standards in the region with a monitoring mechanism that would provide insights into the overall application of Codex standards at the global level. One step for setting up such a mechanism was seen in the discussions to be held at CCGP32²⁷.

30. CCEURO31 noted that in addition to the ongoing Codex work listed in Table 1 in document CX/EURO 19/31/8, the work of CCGP, in particular on monitoring the use of Codex standards, was of interest to CCEURO²⁸.

10th Session of the FAO/WHO Coordinating Committee for the Near East (CCNE10)

31. CCNE10 agreed to inform CAC43 and its subsidiary bodies of the usefulness of the survey on current and emerging issues, the emerging issues identified within the region namely chemical contamination of food; weak food control systems/legal frameworks; antimicrobial resistance (AMR); innovation and novel foods; and food fraud.²⁹

²⁴ REP20/EURO para 14 (iii-iv)

²⁵ REP20/EURO para 11

²⁶ REP20/EURO para 40

²⁷ REP20/EURO para 46

²⁸ REP20/EURO para 72

²⁹ REP20/NE para 11 and 14