

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization



Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: codex@fao.org - www.codexalimentarius.org

Agenda Item 3

CX/PR 23/54/2(Rev)*

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON PESTICIDE RESIDUES

54th Session

Beijing, P.R. China

26 June - 1 July 2023

MATTERS REFERRED TO CCPR BY CAC AND/OR OTHER SUBSIDIARY BODIES

MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND ITS EXECUTIVE COMMITTEE

MATTERS FOR INFORMATION

Specific matters

Standards and related texts adopted at Steps 8 and 5/8 of the Procedure including consequential amendments¹

1. CAC45 (2022) adopted the following:
 - Guidelines for the recognition of active substances or authorized uses of active substances of low public health concern that are considered exempted from the establishment of maximum residue limits or do not give rise to residues at Step 8;
 - Maximum Residue Limits (MRLs) for different combinations of pesticide/commodity(ies) at Step 5/8;
 - Definitions for edible offal, fat, and meat/muscle, including the definitions for the portion of the commodity to which MRLs apply and which is analyzed for fat and muscle for inclusion in the *Classification of Food and Feed* (CXA 4-1989); and
 - Revision of Class D, Processed Food of Plant Origin. Inclusion of additional commodities for citrus fruits pulps (dried) and oils (edible) and soya flour as a consequential amendment to the *Classification of Food and Feed* (CXA 4-1989).

Discontinuation of work²

2. CAC45 endorsed discontinuation of work on MRLs for different combinations of pesticides/commodity(ies) in the Step Procedure as proposed by CCPR53 (2022).

Revocation³

3. CAC45 endorsed revocation of standards and related texts as follows:
 - Adopted MRLs (CXLs) for different combinations of pesticide/commodity(ies) as proposed by CCPR53; and
 - *Guidelines on the use of mass spectrometry for the identification, confirmation, and quantitative determination of residues* (CXG 56- 2005).

Other issues⁴

4. CAC45:
 - *Coordination of work between the Codex Committee on Pesticide Residues and the Codex Committee on Residues of Veterinary Drugs in Foods*
 - welcomed harmonization of definitions for edible tissues of animal origin between CCPR and CCRVDF, which will facilitate the establishment of single MRLs for compounds with dual use and their subsequent uptake by Codex Member countries.
 - commended the improved work management approaches in CCRVDF and CCPR to enhance coordination of work on matters of mutual interest such as the establishment of joint and parallel WGs between the committees to address compounds with dual use.

(*) An outdated version of this document had been posted on the website.

1 REP22/CAC45, paras 77 & Appendix II

2 REP22/CAC45, paras 85 and 86, Appendix VI

3 REP22/CAC45, para. 89, Appendix IV

4 REP22/CAC45, paras. 90 - 93

Improvement of work management to increase availability of MRLs for pesticides for new compounds

- commended CCPR for the procedures for parallel review of new compounds and encouraged sponsors and Codex members to submit proposals for the evaluation of new compounds through the parallel review.

Consideration of environmental inhibitors when used in agriculture

- noted that environmental inhibitors could be addressed on a case-by-case basis within the current mandate of CCPR and established procedures as described in the *Risk Analysis Principles applied by CCPR*.

General mattersApplication 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

5. CCEXEC83 (2022) noted that the Subcommittee on the SoP had completed its work on guidance for the application of the SoP and therefore agreed to close the discussion on this topic while forwarding the draft guidance to CAC45 for further consideration.
6. CAC45 agreed 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. CAC further 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.
7. The draft guidance is available as an appendix to the report of CCEXEC83.⁶

Codex and the pandemic⁷

8. CAC43 (2020) 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 CLs and to plan their virtual committee meetings in such a manner as to optimize the possibility to complete their agendas.
9. CAC44 (2021) 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 criteria⁸ outlined by CCEXEC80 (2021).

60th Anniversary of Codex⁹

10. 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. CAC 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.
11. 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)¹⁰

12. CCEXEC81 (2021) discussed a means to investigate potential mechanisms to address cross-cutting, overarching, and emerging issues in Codex, such as edible insects and seaweed. There was consensus that, at the current stage, emerging issues should be addressed through existing mechanisms and committees, with the support of FAO and WHO for scientific advice as appropriate. FAO recalled that the challenge was how these issues could initially be introduced for consideration by Codex noting that these items did not naturally fall within the terms of reference (ToR) of existing committees. CCEXEC agreed to establish a subcommittee to investigate potential mechanisms to address cross-cutting, overarching, and emerging issues in Codex.

⁵ REP21/CAC44, paras. 13-14; REP22/EXEC83, paras. 81-84; REP22/CAC45, para. 22

⁶ REP22/EXEC83, Appendix II

⁷ REP20/CAC43, para. 31 (ii); REP21/CAC44, para. 12(iii)

⁸ REP21/EXEC80, para. 35

⁹ REP21/CAC44 para. 150; REP22/EXEC82, para. 129; REP22/EXEC83, para. 177; REP22/CAC45, para. 220

¹⁰ REP21/81, paras. 105, 106, 110; REP22/EXEC82, para. 85; REP22/EXEC83, para. 100; REP22/CAC45, para. 31

13. 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 subcommittee should continue its stepwise consideration of the issue informed by an analysis of the information collected so far and the report of its session.
14. CCEXEC83 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. CCEXEC also 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.
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. CAC 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 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.
16. CAC45 further acknowledged the role of CCEXEC in ensuring cross-committee coordination, as part of the critical review, noting that this could be of particular relevance for any work on NFPS and strongly encouraged FAO and WHO to continue sharing information on NFPS with CAC and its subsidiary bodies through the agenda item on “Matters arising from FAO and WHO”, to ensure Codex Members were fully aware of upcoming issues in this area and could consider them as appropriate.

Future of Codex¹¹

17. CCEXEC82 agreed to establish a subcommittee to develop, in collaboration with the Codex Secretariat, a report including a proposed blueprint for the future of Codex for consideration by CCEXEC84, taking into consideration the views of Members and Observers, FAO and WHO, Chairpersons of Codex Committees, Regional Coordinators and Host Country Secretariats.
18. CCEXEC83 considered procedural issues related to nature of meetings (hybrid/virtual), development of new work and work of electronic working groups. CCEXEC 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. CCEXEC further agreed on a timeline for the way forward up to the publication of the blueprint by mid-May 2023.
19. CAC45 noted that 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. CAC further 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.
20. 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 the 33rd Session of the Codex Committee on General Principles (CCGP33, 2023) which in turn should advise CAC46.

Monitoring the use and impact of Codex Standards¹²

21. CCEXEC82 discussed a 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.

¹¹ REP22/EXEC82, paras. 99-100; REP22/EXEC83, paras. 114, 118, 121-122; REP22/CAC45, para. 41

¹² REP22/EXEC82, para. 121; REP22/EXEC83, paras. 17-19 and 165; REP22/CAC45, para. 179

22. 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.

MATTERS ARISING FROM OTHER SUBSIDIARY BODIES

MATTERS FOR INFORMATION

Codex Committee on Food Additives (CCFA)

Information on commercial use of ortho-phenylphenol (INS 231) and sodium orthophenylphenol (INS 232) in food¹³

23. CCFA53 (2023) was informed that, based on the decision made by CCFA52 (2021), a CL 2021/83-FA had been distributed to collect information on the commercial use of ortho-phenylphenol (INS 231) and sodium ortho-phenylphenol (INS 232) in food as preservatives, for consideration by CCFA53 in order to make further decisions e.g. whether to include them in the priority list for JECFA's re-evaluation or delete them from the *General Standard for Food Additives* (GSFA) (CXS 192-1995). Based on the comments received, ortho-phenylphenol (INS 231) and sodium ortho-phenylphenol (INS 232) are not in use as food additives.
24. CCFA53 noted a suggestion to inform CCPR about this matter, as MRLs had been established for use of these substances as fungicides.
25. CCFA53 (2022) therefore agreed to remove ORTHO-PHENYLPHENOLS from the GSFA and inform CCPR of this decision.

MATTERS FOR ACTION

FAO/WHO Coordinating Committee for Latin America and the Caribbean (CCLAC)

Amendment of the portion of commodities to which maximum residue limits apply and which is analyzed, Classification of Food and Feed (CXA 4-1989)¹⁴

26. In considering Codex matters of interest to the region, CCLAC22 (2022):
- recognized that the latest version of CCPR standards were available on the Codex website. However, the version of CXA 4-1989 Classification of Foods and Animal Feeds available on the website was still that amended in 1993 and did not include the latest update adopted at CAC42 Revision of the Classification of Food and Feed (CXA 4-1989): Miscellaneous commodities not meeting the criteria for crop grouping;
 - taking into account that an EWG was working on the issue, considered that it was important that the updated version of CXA 4-1989 Classification of Food and Feed was available online and requested the Codex Secretariat to prioritize this update and ensure that the latest versions of standards were made available on the Codex website in a timely manner.
27. CCLAC22 noted the request of a Member for CCPR to clarify provisions for the portion of commodities to which MRLs apply and which is analyzed with regard to Group 014 (Assorted fruits – Inedible peel) and Group 006 (Assorted tropical and subtropical fruits – Inedible peel) to ensure that commodity classifications in the *Guidelines on the portion of commodities to which MRLs apply and which is analyzed* (CXG 41-1993) and the *Classification of Food and Feed* (CXA 4-1989) are harmonized, in order to safeguard the health of consumers and avoid adverse effects on trade.
28. It is noted that the issue raised in paragraph 27 was considered by CCPR53. The Committee agreed to task the EWG on the revision of the Classification to provide advice to CCPR54 on how to proceed with this matter.¹⁵ A CL 2023/35-PR had been circulated requesting comments on the recommendations put forward by the EWG in working document CX/PR 23/54/9 for consideration by CCPR54 under Agenda Item 7(d).

Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF)

Coordination of Work between CCPR and CCRVDF¹⁶

29. CCRVDF26 (2023) considered the 5 recommendations put forward by the Joint CCPR/CCRVDF Working Group and make the following decisions while noting that Recommendations 1-5 were still for consideration by CCPR54.

¹³ REP21/FA52, Appendix XI-Point 16; REP23/FA533 paras. 114 – 116, Appendix VII-Part F

¹⁴ REP23/LAC22, paras. 68 - 72

¹⁵ REP22/PR53, paras. 171-173, 178, 252

¹⁶ REP23/RVDF26 paras. 123 - 124

30. CCRVDF26 endorsed:
- Recommendations 1 and 2 as proposed by the Joint WG with the understanding of the limitations for the JECFA Secretariat to negotiate data sharing.
 - Recommendation 3 as proposed by the Joint WG.
 - Recommendations 4 and 5 with revisions to improve accuracy and clarity and further agreed that they would be additional tasks for the Joint WG.
31. CCRVDF26 also recommended that, when a call for compounds for the priority list is issued, to ask whether the compound is a dual use compound and whether the data could be shared with JMPR and to request CCPR to consider doing the same.
32. Further information on the recommendations put forward by the Joint WG and the discussion and agreements made by CCRVDF26 can be found in the report of the Session and in working document CX/PR 23/54/10 for consideration under Agenda Item 8.

Work in parallel on issues pertaining to harmonization of edible offal¹⁷

33. CCRVDF26 agreed:
- that work on extrapolation in CCRVDF and CCPR should continue separately until such a time there is sufficient experience and data to explore the possibility of developing a common mechanism for consolidation of an edible offal hierarchical classification;
 - to task the Joint WG to consider the matter related to harmonized food descriptors to be used by JECFA/JMPR (see CX/PR 23/54/10, Agenda Item 8); and
 - to terminate the EWG on edible offal having concluded its primary task of developing a harmonized definition of edible offal.

Codex Committee on Contaminants in Food (CCCF)

Ethylene Oxide¹⁸

34. CCCF16 (2023) considered a proposal from Indonesia to add ethylene oxide (EtO) and 2-chloroethanol (2-CE) to the priority list of contaminants for evaluation by JECFA. EtO and 2-CE could result from use as a fumigant pesticide, from use of food additives where EtO and 2-CE are impurities, or potentially from environmental releases. Also, EtO and 2-CE have become a trade issue with varying national regulatory frameworks. There were questions about whether EtO and 2-CE should be viewed as a contaminant, pesticide, or impurity in a food additive and how to proceed and therefore, consultation would be helpful.
35. CCCF16 agreed to defer the addition of EtO and 2-CE to the priority list until 2024 and to request clarification from CCPR on whether EtO meets the Codex definition of pesticide and whether coordination of risk assessment between JECFA and JMPR would be required to evaluate EtO as a contaminant and to inform CCFA of this decision as EtO can potentially be found as an impurity in certain food additives.
36. It is advised that this issue be considered under Agenda Item 11 in the framework of the discussion on schedules and priority lists of pesticides for evaluation/re-evaluation by JMPR.

Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS)¹⁹

Review and update of the Principles for Traceability/Product tracing as a tool within a food inspection and certification system (CXG 60-2006)

37. CCFICS26 (2022) agreed to inform Codex committees on the proposed review and update of the “Principles for Traceability/Product tracing as a tool within a food inspection and certification system (CXG 60-2006)”

¹⁷ REP23/RVDF26 para. 130

¹⁸ REP23/CF16 paras. 121, 122, 133 (vi)

¹⁹ REP23/FICS para. 117 (c)

RECOMMENDATIONS FOR ENDORSEMENT BY CCPR

38. CCPR is invited to:
- (i) note the matters for information referred by CAC, CCEXEC and CCFA;
 - (ii) encourage Members and Observers, on the occasion 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 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 and CAC (i.e., the operationalization of the SoP; the future of Codex; new food sources and production systems, and monitoring the use of Codex standards) by providing replies to relevant CLs; and
 - (iv) note that the matters listed below would be considered under Agenda Items 7(d), 8 and 12 respectively.
 - a. the portion of commodities to which MRLs apply and which is analyzed with regard to Group 014 (Assorted fruits – Inedible peel) and Group 006 (Assorted tropical and subtropical fruits – Inedible peel)
 - b. coordination of work between CCPR and CCRVDF; and
 - c. whether EtO meets the Codex definition for pesticides and whether coordination of work would be required between JECFA/JMPR if this compound is assessed as a contaminant by CCCF.