

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 2.2

CX/EXEC 23/85/2 Add.1
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JOINT FAO/WHO FOOD STANDARDS PROGRAMME EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

Eighty-fifth Session

FAO Headquarters, Rome, Italy

20 – 24 November 2023

CRITICAL REVIEW - PART II¹

Note: For general information about the critical review and the critical review for CCMAS42, and CCPR54, please see CX/EXEC 23/85/2.

1. Structure

1.1 The work of the different committees is addressed in separate appendices.

1.2 The structure of the appendices for each committee is as follows:

1. General information on the Committee and Session
2. Overall comments (Secretariat / Chairperson)
3. Status of work items (Overview)
4. Specific comments on individual work items (Secretariat / Chairperson)

2. List of appendices

Appendix 1: FAO/WHO Coordinating Committee for Near East (CCNE11)

Appendix 2: Codex Committee on General Principles (CCGP33)

¹ This document addresses the Codex committees that held sessions in September/October 2023

Appendix 1

1. General

Committee	FAO/WHO Coordinating Committee for Near East (CCNE)		
Host	The Kingdom of Saudi Arabia	Chairperson	Mr Khalid AlZahrani
Session reported on	CCNE11	27 - 31 September 2023	
Next Session	CCNE12	Approximately two years following CCNE11	
Report	REP23/NE		

2. Overall comments

<p>Secretariat's comments:</p> <p>CCNE11 was successfully convened as a physical session at FAO Headquarters in Rome, Italy with the possibility of remote participation via Zoom, which enabled all 17 Members of the region to take part in the discussions.</p> <p>CCNE11 agreed to forward one regional standard, maamoul, to CAC46 for adoption at Step 5.</p>
<p>Chairperson's comments:</p> <p>The meeting was held at headquarters of FAO in Rome led by the Kingdom of Saudi Arabia through the Saudi Food and Drug Authority (SFDA) in a hybrid mode, which allowed all Members to participate. As a result, a full participation of member states physically and virtually was witnessed which signifies the importance of Codex work to the region. In the lead-up to the meeting, the CCNE Secretariat in cooperation with the Codex secretariat, FAO, WHO, and Members made meticulous preparations resulting in exceptional outcomes.</p> <p>The proceedings began with a keynote speech by SFDA, addressing an issue of great importance to the region. The agenda items were thoroughly discussed among Members, showcasing remarkable contributions, cooperation, and consensus for the region's benefit. The day concluded with a celebration of the 60th anniversary of Codex.</p> <p>Notably, the CCNE Secretariat, the Codex Secretariat, FAO, and WHO collectively chose the side events, presented by the SFDA, FAO and WHO based on the region's specific needs. The side events aimed to enhance Members' capacities and increase their engagement in standard setting that ensure food safety and facilitate trade.</p> <p>CCNE11 agreed to establish several EWGs to progress the work on items that needed further discussion.</p>

3. Status of work items

Topic	Job No	Target year	Recommendation of the Committee
For decision by the Commission			
1. Regional standard for maamoul	N06-2020	2025	Adoption at Step 5
For monitoring			
2. Consequential amendment to the labelling provisions for non-retail containers in food in regional standards under the purview of CCNE	-	-	For consideration by CCNE12
For information			
3. Alignment of the food additive provisions in the regional standards with the <i>General Standard for Food Additives</i> (CXS 192-1995)	For consideration by CCFA54		
4. Discussion paper on the development of a standard for halal products	For information		
5. New work proposal for the development of other regional standards such as pasteurized camel milk, mejdool dates and black honey	For possible consideration by CCNE12		

4. Specific comments

1. Regional standard for maamoul, Paragraph 58, Appendix II
<p>Status:</p> <p>CCNE10 (2019) agreed to develop a regional standard for maamoul and that the project document be further revised agreed in line with the discussions at CCNE10 and submitted to CCEXEC79 for critical review and CAC43 for approval as new work. CAC43 (2020) approved the new work proposal of developing a regional standard for maamoul.</p> <p>Since CCNE10, the work in the electronic working group (EWG), chaired by Saudi Arabia and co-chaired by Lebanon, had made good progress and two rounds of consultations had been held. Prior to CCNE11, a Circular Letter was issued to solicit further comments, which provided a basis for a revised version that was discussed during CCNE11. CCNE11 following extensive discussions, made further progress and agreed to forward the regional standard for maamoul to CAC46 for adoption at Step 5. CCNE11 also agreed to re-establish the EWG, to further develop the regional standard for consideration by CCNE12.</p> <p>Secretariat's comments:</p> <p>In reviewing the proposed standard for maamoul, the challenge of including elements in the standard that would clearly identify this product as maamoul as opposed to any other baked product with a filling emerged. This was an area where it was agreed more time would be needed to identify specific quality criteria to be included in the standard. This is an important aspect of product standards in general which should be carefully considered in the development of new work proposals so as to ensure that such standards can truly meet the intended need.</p> <p>Chairperson's comments:</p> <p>CCNE11 was pleased to receive the draft standard and additional information offered in the updated draft standard, based on comments received in response to a circular letter. The Committee noted that based on the discussion that took place during CCNE11, there was a need for further information from Member countries. CCNE11 agreed to progress the draft standard to Step 5 and to re-establish the EWG, chaired by the Saudi Arabia, and co-chaired by Lebanon, working in Arabic and English, open to all Members and Observers, to further develop the standard, focusing on quality factors and related methods of analysis considering the discussions at this session.</p>

2. Consequential amendment to the labelling provisions for non-retail containers in food in regional standards under the purview of CCNE, Paragraph 25

Status:

CCNE11 agreed to establish an EWG to; 1) review the existing provisions, or the need for provisions, on labelling of non-retail containers in the regional commodity standards; 2) where a provision on labelling of non-retail containers was needed or was being reviewed, consider whether a cross-reference to CXS 346-2021 was sufficient or other provisions not included in CXS 346-2021 needed to be developed or retained; and 3) prepare a report including a proposal for each of the regional standards to be submitted to the Codex Secretariat three months before CCNE12 for circulation for comments.

Chairperson's comments:

Taking into account the need for further consideration of this, particularly since some regional standards did not currently include a provision for labelling of non-retail containers, CCNE11 agreed to establish an EWG chaired by Saudi Arabia and co-chaired by Oman, working in Arabic and English, open to all Members and Observers, to review the existing provisions, or the need for provisions, on labelling of non-retail containers in the regional commodity standards.

3. Alignment of the food additive provisions in the regional standards with the *General Standard for Food Additives* (CXS 192-1995)

Status:

CCNE11 provided a series of recommendations to the Codex Committee on Food Additives (CCFA) as developed by the EWG to facilitate alignment with the *General Standard for Food additives*. This included confirmation that all products addressed by regional standards were classified with the correct food category except of mixed zaatar where CCNE11 proposed that it was more appropriate to classify it under FC 12.2.1. "Herbs and spices," considering the product's composition and characteristics.

Chairperson's comments:

The Committee had a constructive and productive discussion, completed their work on alignment and agreed to forward their recommendations for consideration by CCFA54.

4. Discussion paper on the development of a standard for halal products, Paragraph 100

Status:

Discussions on a possible Codex standard for halal date back to 2011. Due to the lack of consensus on how to proceed based on the document presented to CCNE10, discussions had been extended to CCNE11. CCNE11 considered an updated discussion paper prepared by Egypt, which proposed the development of guidelines for general requirements for halal food.

CCNE11 noting the challenges and recognizing that this was not only a regional issue, requested the support of the Regional Coordinator to organize informal meetings with other regions to seek their views on, and interest in this topic.

CCNE11 noted that any new work proposal needed to carefully consider the criteria for new work proposals as outlined in the Codex Procedural Manual.

Secretariat's comments:

This continues to be a challenging topic for discussion due to the differing views among Members and the acknowledgment by Members that even at national level and within other standard setting bodies, standard setting in this area was not easy. Codex has already developed *General Guidelines for the use of the term 'halal'* (CXG 24-1997), which acknowledges the religious nature of halal and does not attempt in any way to address differences in religious interpretations as this was not within the scope of Codex. In light of this, further consideration of the value and feasibility on a Codex text on halal was needed, also with Members beyond the region. Continuing informal discussions can be important to tease out some of these issues before consideration of any new work proposal within Codex.

Chairperson's comments:

Concur with the Secretariat's comments.

5. New work proposals for the development of other regional standards such as pasteurized camel milk, mejdool dates, and black honey

Secretariat's comments:

There remains a strong interest in the region to develop regional commodity standards. An area of particular interest proposed at CCNE11 is a standard on camel milk, although to date Codex has not developed standards on milk from any species. In this context, it was considered very important to clearly identify the gaps in Codex texts that any future Codex work on camel milk might address. FAO and WHO will work with the United Arab Emirates, the proposer of the work, to analyse the potential options and define a way forward. Proposals for other standards such as mejdool dates and black honey are expected at CCNE12 and Members were reminded that in preparing discussion papers and new work proposals, particular attention should be given to existing related Codex standards and that proposals should address whether in fact a new standard was required or rather a revision to an existing standard might be sufficient.

Considering this ongoing interest in regional standards, providing practical guidance on the development of discussion papers and new work proposals might be valuable to avoid pitfalls and help ensure feasible and useful standards. CCEXEC also play an important role through the critical review in reviewing such proposals.

Chairperson's comments:

During the plenary session, three new work proposals were presented, and one of them was discussed. CCNE11 agreed that additional work including an analysis of the available options for possible work on camel milk and the determination of the best course of action would be undertaken. This effort will be led by three organizations: FAO, WHO, and the United Arab Emirates (UAE). They will collaborate with other interested Members of the region.

CCNE11 also acknowledged the Regional Coordinator's willingness to organize informal discussions as needed. These discussions will facilitate the progress of the analysis and proposal development. The outcome of this collective effort will be a report that includes the analysis of the situation and provides proposals for the way forward. The report, along with two other proposed discussion papers, will be presented and reviewed at CCNE12, where participants will consider them for further action.

Appendix 2

1. General

Committee	FAO/WHO Coordinating Committee for General Principals (CCGP)		
Host	France	Chairperson	Dr Jean-Luc Angot
Session reported on	CCGP33	2 - 6 October 2023	
Next Session	CCGP34	Within the next 18 months	
Report	REP23/GP		

2. Overall comments

<p>Secretariat's comments:</p> <p>CCGP33 was successfully conducted as a physical session with broadcast. The session had a very good participation with 51 Members and seven Observer organizations represented. The agenda items related to the Procedural Manual spurred engaged and constructive discussions.</p> <p>CCGP33 consensually agreed that CAC46 approve the move of Section 6 (Membership of the Codex Alimentarius Commission) of the PM to the Codex website, and listed changes to the PM to align with modern technologies and current practices. CCGP33 also agreed to recommend that CAC46 refer to CCGP the review of the procedures in section 3 of the PM, Guidelines for subsidiary bodies, to identify text to be updated, in line with current practices, and furthermore to ask for the approval of CAC46 to issue a Circular Letter soliciting proposals from Members on inconsistencies in language, and superseded content of the PM, apart from section 3, for consideration by a future session of CAC for possible referral to CCGP. Moreover, CCGP33 agreed to inform other Codex committees of the ongoing work to amend Section 2 part 7 of the PM on procedures for amendments and revisions of Codex texts to better align with current practices in Codex and international publishing standards.</p> <p>CCGP33 agreed to defer review of a possible amendment to the Codex Rules of Procedure allowing virtual sessions of the Commission. Furthermore, CCGP33 requested the Codex Secretariat to collect information and data on the participation of NGOs with Observer Status with Codex.</p>
<p>Chairperson's comments:</p> <p>CCGP33 was a productive session characterized by a collaborative and peaceful atmosphere. The main agenda items of the committee were dedicated to its core mandate: updating and improving the PM. Although some issues were quite challenging due to their technical nature far from our field of expertise – I am notably thinking about item 5 that largely dealt with publishing practices – thanks to the assistance of FAO, WHO and the Codex secretariat, Members were able to make good progresses and positively contributed to the evolution and modernization of Codex functioning.</p> <p>I believe CCGP33 helped raising awareness on the need to keep the content of the PM updated and in line with our current working practices. It was also an excellent opportunity for new delegates to discover and familiarize themselves with the PM.</p> <p>I also note the high level of engagement on transversal matters, as evidenced by the rich discussions on items 2 (matters referred) and 3 (FAO/WHO information) where a large range of views were expressed. Several Members of different regions notably stressed the challenges caused by the late distribution of working documents in all languages. While this did not hinder the work of the committee, it remains a point of high expectations for several Members.</p> <p>Finally, CCGP33 also highlighted the increased importance given to the flexibility in working modalities for Codex, especially through virtual meetings.</p>

3. Status of work items

Topic	Recommendation of the Committee
For decision by the Commission	
1. Move of Section 6 (Membership of the Codex Alimentarius Commission) of the Procedural Manual (PM) to the Codex website	Approval
2. Changes to the PM to align with modern technologies and current practices	Approval
3. Review of the procedures in section 3 of the PM, guidelines for subsidiary bodies	Approval
4. Issuing of a Circular Letter soliciting proposals from Members on inconsistencies in language, and superseded content of the PM, apart from section 3	Approval
For monitoring	
5. Update to the Guide to the Procedure for the Amendment and Revision of Codex Standards and Related Texts	For further work and consideration by CCGP34
For information	
6. Review and possible amendments to the Codex Rules of Procedure on sessions of the Commission	For considerations of a future CCGP
7. Review and possible amendment of the principles concerning the participation of international non-governmental organizations in the work of the Codex Alimentarius Commission	For consideration by future CCEXEC and CCGP sessions

4. Specific comments

1. Move of Section 6 (Membership of the Codex Alimentarius Commission) of the Procedural Manual (PM) to the Codex website, Paragraph 36 i. a)
<p>Status:</p> <p>CCGP33 agreed to recommend that CAC46 approve the move of Section 6 (Membership of the Codex Alimentarius Commission) of the PM to the Codex website with a link to the list provided in the PM, thereby ensuring that the list could be updated without issuing new editions of the PM.</p> <p>Secretariat's comments:</p> <p>As agreed by CCGP32, the Codex Secretariat is proceeding with the development of a digital version of the PM. When updating the PM with new content as adopted by CAC44 and introducing editorial amendments and corrections of formatting inconsistencies, other opportunities for improvement that went beyond editorial changes were identified and presented for review by CCGP.</p> <p>Chairperson's comments:</p> <p>The move of Section 6 of the PM to the Codex website is a good step forward that will facilitate the digitalization of the PM.</p>
2. Changes to the PM to align with modern technologies and current practices, Paragraph 36 i. b)
<p>Status:</p> <p>CCGP33 agreed to recommend that CAC46 approve the changes to the PM as listed in Appendix II of REP23/GP to align with modern technologies and current practices.</p>

<p>Secretariat's comments:</p> <p>In reviewing the changes proposed by the Codex Secretariat, CCGP33 made some additions and amendments and also noted that there were other parts of the PM, Section 3 in particular, that could benefit from careful review to ensure that it aligned with current practices.</p>
<p>Chairperson's comments:</p> <p>The Committee welcomed the proposed changes by the Codex Secretariat and was keen to provide additional updates. This first batch of changes also triggered interesting discussions related to the actual roles and responsibilities regarding the distribution of invitations and the availability of working documents. Members also reminded clearly that any additional changes of similar nature to the PM should be brought to the attention of CCGP in a future session.</p>
<p>3. Review of the procedures in section 3 of the PM, guidelines for subsidiary bodies, Paragraph 36 ii.</p>
<p>Status:</p> <p>CCGP33 agreed to ask the host secretariats to review the procedures in section 3 of the PM, Guidelines for subsidiary bodies, to identify text to be updated, in line with current practices.</p> <p>CCGP33 also agreed to request the Codex Secretariat to circulate any proposed changes for comments by the Members.</p> <p>CCGP33 recommended to CAC46 that this issue be referred to CCGP.</p> <p>Secretariat's comments:</p> <p>CCGP33 in reviewing areas of superseded content proposed by the Secretariat for being updated, also noted that other areas were not duly up to date with current practices, in particular those related to subsidiary bodies, and that a review by host secretariats followed by Members would be a way forward to determine if any changes were needed in this section. It will be for CAC46 to determine if this work should proceed.</p>
<p>Chairperson's comments:</p> <p>There was a shared understanding during CCGP33 that other changes might be needed to ensure that the PM remains in line with current working practices. It was striking to hear Members spontaneously pointing out parts of the PM that were not initially flagged for discussions and that may need further consideration. In that respect, the conclusion of CCGP33 constitutes a sensible way forward. The review of Section 3 by the host secretariats will make the most of their expertise and experience on the way Codex subsidiary bodies are run.</p>
<p>4. Issuing of a Circular Letter soliciting proposals from Members on inconsistencies in language, and superseded content of the PM, apart from section 3, Paragraph 36 iii.</p>
<p>Status:</p> <p>CCGP33 agreed to ask for the approval of CAC46 to issue a Circular Letter soliciting proposals from Members on inconsistencies in language, and superseded content of the PM, apart from section 3, for consideration by a future session of CAC for possible referral to CCGP.</p> <p>Secretariat's comments:</p> <p>This will help ensure identify in particular superseded content in the PM and ensure that it is clear and reflective of the current working tools and environment.</p>
<p>Chairperson's comments:</p> <p>This conclusion is complementary to the former one and will give an opportunity to all Members and Observers to provide deeper insights on what changes could be made to ensure that Codex procedures are adapted to modern uses and technologies. It is also a way of alleviating a part of the workload currently resting on the Codex secretariat in the preparation of a fully digitalized PM.</p>

5. Update to the Guide to the Procedure for the Amendment and Revision of Codex Standards and Related Texts, Paragraph 69

Status:

CCGP33 appreciated the detailed analysis and information provided with regard to the hierarchy of modification types proposed for publications, and in particular the version control and traceability aspects presented.

CCGP33 agreed that substantial progress had been made toward revising Part 7 of the PM for corrections, amendments and new editions, noted that other paragraphs of the PM may need to be reviewed for consistency, and agreed that additional time was needed to review the proposed revisions in depth.

CCGP33 requested the Codex Secretariat to prepare a Circular Letter for distribution to all Members and Observers to collect comments on the proposed amendments included in Appendix III of REP23/GP for consideration by CCGP34.

CCGP33 also agreed to inform other Codex committees of the ongoing work to amend Section 2 part 7 of the Codex PM to better align with current practices in Codex and international publishing standards.

Secretariat's comments:

The discussion on this item was insightful and highlighted the importance for both clarity and flexibility within the procedures when it comes to amendments and revisions of Codex standards. It provided an opportunity for Members to highlight both the opportunities and concerns the proposed update provided and also the need to take some time to carefully consider the proposed changes before agreeing to send them for adoption. The Codex Secretariat looks forward to the written views of Members which will be sought in due course by means of a Circular Letter and to making any further proposed revisions accordingly.

Chairperson's comments:

This item was certainly the most challenging for all participants of CCGP33 due to nature of the concepts discussed that were not in the core field of expertise of CCGP. It also demonstrated the importance of having clear-cut and precise procedures to ensure consistency and reproducibility in their application, while allowing for the needed level of flexibility.

Overall, delegates showed a true willingness to collectively appropriate the new approach proposed and work together on the procedural changes introduced by the Codex secretariat. I believe the Committee did some significant progresses and I am confident that the revised procedures can be formally adopted following the next session of CCGP.

6. Review and possible amendments to the Codex Rules of Procedure on sessions of the Commission, Paragraph 80

Status:

The temporary arrangements put in place during the COVID-19 pandemic, allowed work continuity, but also highlighted procedural issues with virtual meetings.

Not introducing permanent amendments to authorize virtual sessions of the Commission would not prevent holding virtual sessions of the Commission as the circumstances would require. Virtual sessions necessitated by unexpected and extraordinary circumstances would need to be authorized by the membership on a case-by-case basis.

CCGP33 agreed to defer review of a possible amendment to the Codex Rules of Procedure allowing virtual sessions of the Commission, noting that this should not be for an indefinite time period;

CCGP33 also requested FAO and WHO to inform CCGP34 on their possible plans to amend their rules of procedure to include virtual meetings of their Governing Bodies, including decision-making modalities such as voting; and

CCGP33 furthermore emphasized the importance of flexibility in working modalities for Codex meetings.

Secretariat's comments:

This is an issue which needs careful consideration in order to identify any unintended consequences a change of procedure in this regard could make. Members currently cannot avail of all potential decision-making tools when meetings are convened by virtual means only, so further consideration of this is likely to be linked to the development of secure virtual voting technology as well as how the parent organization

decide to reflect such meetings in their own rules. In the meantime, Codex still has the option to convene virtual meetings of the CAC on a case-by-case basis when endorsed by two thirds of the Members.

Chairperson's comments:

While the committee agreed with the recommendation of FAO and WHO legal offices on this agenda item, the discussions largely echoed those on the Future of Codex. They showed that a significant proportion of Members are eager to see the new working practices that emerged during COVID-19 be better implemented and managed in Codex, notably by giving them a clear and stable procedural basis.

7. Review and possible amendment of the principles concerning the participation of international non-governmental organizations in the work of the Codex Alimentarius Commission, Paragraph 86

Status:

CCGP33 requested the Codex Secretariat to collect information and data on the participation of NGOs with Observer Status with Codex, to identify and analyze barriers to participation of these NGOs including civil society, and to present the results at the relevant sessions of CCEXEC and CCGP following the next Review of NGOs with Observer Status, currently scheduled for 2026.

CCGP33 furthermore noted, based on the confirmation of the existing procedures by the FAO/WHO Legal Offices, that a representative from an NGO can only represent its own organization in Codex Committees, including working groups and when sending comments.

CCGP33 confirmed the importance for NGOs with Observer Status with Codex and Chairpersons of subsidiary bodies to be aware of these rules regarding this participation in Codex.

Secretariat's comments:

The Secretariat will include additional questions in its next Observer review, which is scheduled for 2026, in order to have more data on Observer engagement including barriers to such engagement.

Chairperson's comments:

This point did not raise any difficulty. The Committee endorsed the recommendations of the Codex secretariat and will have the opportunity to discuss the matter again following the next regular review of NGOs with Observer Status.