

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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REP22/EXEC2

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Forty-fifth Session

Rome, 21-25 November and 12-13 December 2022

**REPORT OF THE EIGHTY THIRD SESSION OF THE
EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION**

Rome, 14-18 November 2022

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INTRODUCTION¹

1. The Executive Committee of the Codex Alimentarius Commission held its Eighty-third Session (CCEXEC83) at the Headquarters of the Food and Agriculture Organization of the United Nations (FAO), Rome, Italy, from 14 to 18 November 2022, with the option of remote participation.
2. The Chairperson of the Codex Alimentarius Commission (CAC), Steve Wearne (United Kingdom), opened the meeting. The Chief Economist of FAO, Maximo Torero Cullen and the Assistant Director-General, Universal Health Coverage/Healthier Populations of the World Health Organization (WHO), Naoko Yamamoto welcomed participants on behalf of the parent organizations.

ADOPTION OF THE AGENDA (Agenda Item 1)²

3. CCEXEC83 adopted the agenda with the following additions, under Agenda Item 12 (Other Business):
 - Date and format of CCEXEC84; and
 - Update on the preparation of a digital version of the Codex Procedural Manual (PM).
4. CCEXEC83 further agreed to move the discussion of Agenda Item 2 Part III to the end of that agenda item and to move discussion of Agenda Item 5 to Day 3.

CRITICAL REVIEW (Agenda Item 2)³

5. CCEXEC83 discussed the proposals committee by committee and made the following comments and recommendations.

Codex Committee on Fresh Fruits and Vegetables (CCFFV)

Final adoption

6. CCEXEC83 recommended that CAC45 adopt at Step 5/8 the:
 - proposed draft standard for onions and shallots;
 - proposed draft standard for berry fruits; and
 - proposed draft standard for fresh dates.

Adoption of amendment

7. CCEXEC83 recommended that CAC45 adopt the proposed editorial amendment to the *Standard for Bananas* (CXS 205-1997).

New work approvals

8. While noting that there had been consensus in CCFFV to submit the two new work proposals, some Members questioned whether there was sufficient trade volume to support such work.
9. CCEXEC83 recommended that CAC45 approve the:
 - proposal for new work on development of a standard for castilla lulo; and
 - proposal for new work on development of a standard for fresh curry leaves.
10. CCEXEC83, while recognizing the need to consider the standard development needs of developing countries and the challenges they may face in data collection, underlined the importance of a critical assessment by subsidiary bodies on new work proposals against the criteria in the PM to ensure they were substantively complete before such proposals were forwarded to CCEXEC for critical review.

Codex Committee on Contaminants in Foods (CCCF)

Final adoption

11. CCEXEC83 recommended that CAC45 adopt the:
 - draft code of practice for the prevention and reduction of cadmium contamination in cocoa beans at Step 8;

¹ CRD8 (Opening Remarks)

² CX/EXEC 22/83/1

³ CX/EXEC 22/83/2 Rev.1; CX/EXEC 22/83/1 Add 1, 2, 3

- proposed draft maximum level (ML) for cadmium in cocoa powder (100% cocoa solids on a dry matter basis) (CXS 193-1995) at Step 5/8;
- proposed draft MLs for lead in cereal-based foods for infants and young children, white and refined sugar, corn and maple syrups, honey and sugar-based candies (CXS 193-1995) at Step 5/8;
- proposed draft MLs for methylmercury in orange roughy and pink cusk eel (CXS 193-1995) at Step 5/8; and
- proposed draft MLs for total aflatoxins in maize grain, destined for further processing; flour meal, semolina and flakes derived from maize; husked rice; polished rice; sorghum grain, destined for further processing; cereal-based foods for infants and young children (excluding foods for food aid programs), and cereal-based foods for infants and young children for food aid programs (CXS 193-1995) at Step 5/8.

Adoption of amendments

12. CCEXEC83 recommended that CAC45 adopt:

- the proposed editorial amendment to the MLs for cadmium in chocolates containing or declaring <30% total cocoa solids on a dry matter basis and chocolates containing or declaring ≥30% to <50% total cocoa solids on a dry matter basis (CXS 193-1995); and
- the proposed consequential amendment to the MLs for DON (deoxynivalenol) in cereal-based foods for infants and young children (CXS 193-1995).

13. The Coordinator for Africa informed CCEXEC83 that Members from the region had expressed reservations in the CCCF regarding the proposed draft MLs for total aflatoxins in maize grain destined for further processing and in cereal-based foods for infants and young children for food aid programs and that these reservations were maintained.

Adoption at Step 5

14. CCEXEC83 recommended that CAC45 adopt at Step 5 the:

- proposed draft ML for lead in ready-to-eat meals for infants and young children (CXS 193-1995); and
- proposed draft Code of practice for prevention and reduction of mycotoxin contamination in cassava and cassava-based products.

15. It was clarified that following adoption at Step 5 there would still be an opportunity for submitting additional data and discussion in CCCF on outstanding issues concerning the work on establishing a ML for lead in ready-to-eat meals for infants and young children (CXS 193-1995).

Discontinuation

16. CCEXEC83 recommended that CAC45 endorse discontinuation of work on:

- the proposed draft MLs for lead in fresh eggs, dried garlic and molasses; and
- consideration on the feasibility to establish an ML for Patagonian toothfish and on the development of a separate guidance paper for the management of methylmercury in fish.

Monitoring

17. CCEXEC83 recommended extension of the deadline to 2024 for the completion of the work on the proposed draft MLs for total aflatoxins and ochratoxin A in nutmeg, dried chilli and paprika, ginger, pepper, and turmeric and associated sampling plans. As regards the work on MLs for total aflatoxins in ready-to-eat peanuts and the associated sampling plan, it was recalled that an extension of the timeframe for completion of work to 2023 had already been granted by CCEXEC81.

18. CCEXEC83 further recommended that implementation of Codes of Practice (CoPs) related to contaminants be included, when resources allow, as a case-study within the overall framework on monitoring of the use and impact of Codex standards.

19. CCEXEC83 welcomed innovative approaches to effective work management.

Codex Committee on Pesticide Residues (CCPR)

Final adoption

20. CCEXEC83 recommended that CAC45 adopt the:

- draft Guidelines for the recognition of active substances or authorized use of substances of low public health concerns that are considered exempted from the establishment of Codex Maximum Residue Limits (MRLs) or do not give rise to residues at Step 8; and
- proposed draft MRLs for different combinations of pesticide/commodity(ies) at Step 5/8.

Adoption of revisions

21. CCEXEC83 recommended that CAC45 adopt the:

- the proposed Revision of the *Classification of Food and Feed* (CXA 4-1989):
 - the harmonized definitions for edible tissues of animal origin including portion of commodities to which MRLs applied and which is analyzed (edible offal, fat, meat and muscle); and
 - the consequential amendment to *Classification of Food and Feed - Inclusion of additional commodities for citrus fruits pulps (dried) and oils (edible) and soya flour in Class D, Processed Food of Plant Origin*.

Revocation

22. CCEXEC83 recommended that CAC45 endorse the revocation of the:

- CXLs for different combinations of pesticide/commodity(ies); and
- *Guidelines on the use of mass spectrometry for the identification, confirmation and quantitative determination of residues* (CXG 56- 2005).

23. One Member expressed concern about the revocation of the MRLs for chlorpyrifos and proposed that the revocation be deferred until completion of the Joint FAO/WHO Meeting on Pesticide Residues (JMPR) periodic review in 2024 and for no longer than four years.

24. The JMPR Secretariat and Codex Secretariat clarified that the proposed revocation was according to the CCPR risk analysis principles in particular relating to the periodic review, that CCPR had considered the public health concerns that had been raised, and that this issue had been exhaustively discussed in CCPR which had reached a consensus. There would be an opportunity to re-evaluate the compound under the 2024 JMPR periodic review pending availability of a full data package.

Discontinuation

25. CCEXEC83 recommended that CAC45 endorse the discontinuation of the:

- MRLs for different combinations of pesticides/commodity(ies) proposed by CCPR; and
- review of the international estimate of short-term intake (IESTI) equations.

Other issues

26. CCEXEC83 recommended that CAC45 commend the innovative approach and guidance developed for JMPR to engage in parallel reviews of new compounds which has the potential to help tackle the backlog of JMPR and that CAC45 encourage Codex Members and Observers to nominate compounds to pilot the parallel review.

27. CCEXEC83 further recommended that CAC45 note that environmental inhibitors could be addressed on a case-by-case basis within its established procedures as described in the Risk Analysis Principles applied by CCPR.

Codex Committee on Spices and Culinary Herbs (CCSCH)

Final Adoption

28. CCEXEC83 recommended that CAC45 adopt the:

- draft standard for dried floral parts – saffron at Step 8;
- draft standard for dried seeds – nutmeg at Step 8; and

- proposed draft standard for dried or dehydrated chilli peppers and paprika at Step 5/8.
29. One Member noted that regarding the labelling provisions, CCSCCH had previously agreed that country of origin would be mandatory and country of harvest optional, and that this was recently supported and endorsed by the Codex Committee on food Labelling (CCFL). However, in the draft standard for dried floral parts – saffron, the country of harvest was proposed to be mandatory contrary to the previous CCSCCH decision and advice from CCFL. To avoid a potential back-and-forth discussion between CCSCCH and CCFL, it was proposed that the adoption of the standard should be delayed until the labelling provisions had been endorsed by CCFL.
30. The Codex Secretariat explained that following adoption of the standards by the Commission, the relevant labelling provisions would be forwarded to CCFL for endorsement and the standards published only after endorsement of the labelling provisions by the CCFL. Should CCFL not endorse the labelling provisions, the standard(s) would then to be returned to CCSCCH for further consideration.
31. Another Member clarified that while CCSCCH had agreed to split “Country of Origin/Country of Harvest” into two independent and clear provisions, with the provision on “Country of Origin” being mandatory and the provision on “Country of Harvest” optional, CCSCCH had also pointed out that these provisions would be reconsidered in individual standards should the need arise. The Member indicated in his view there was flexibility in considering the country of harvest as mandatory.
32. CCEXEC83 noted the support for the above recommendation to CAC45 and that the standard would only be published after the endorsement of the labelling provisions.

Adoption of amendments

33. CCEXEC83 recommended that CAC45 adopt the proposed amendments to the labelling provisions for non-retail containers in the eight existing spices and culinary herbs (SCH) standards (*Standards for black, white and green peppers* (CXS 326-2017), *cumin* (CXS 327-2017), *dried thyme* (CXS 328-2017), *dried oregano* (CXS 342-2021), *dried roots, rhizomes and bulbs: dried or dehydrated ginger* (CXS 343-2021), *dried floral parts: cloves* (CXS 344-2021), *dried basil* (CXS 345-2021), and *dried or dehydrated garlic* (CXS 347-2019)).

Adoption at Step 5

34. CCEXEC83 recommended that CAC45 adopt at Step 5 the:
- proposed draft standard for small cardamom; and
 - proposed draft standard for spices derived from dried fruits and berries (Part A - Allspice, Juniper berry, Star anise).
35. CCEXEC83 noted that CCSCCH had inadvertently omitted to forward the food additives provisions in three draft standards to CCFA for endorsement (i.e. the draft standard for dried or dehydrated chilli peppers and paprika; the proposed draft standard for small cardamom; and the proposed draft standard for spices derived from dried fruits and berries (Part A - Allspice, Juniper berry, Star anise)), agreed that this omission be rectified, and that these food additives provisions be forwarded to CCFA for endorsement as required by the PM.
36. CCEXEC83 further expressed the continuing support for the elaboration of group standards by CCSCCH as previously endorsed by CCEXEC and CAC as an efficient approach to effectively advance SCH standards.

FAO/WHO Coordinating Committee for Europe (CCEURO)

Adoption of amendment:

37. CCEXEC83 recommended that CAC45 adopt the proposed amendment to Section 8.2, labelling of non-retail containers, in the *Regional Standard for Chanterelles* (CXS 40R-1981) to align with the *General Standard for the Labelling of Non-Retail Containers of Foods* (CXS 346-2021).

FAO/WHO Coordinating Committee for Africa (CCAFRICA)

Final Adoption

38. CCEXEC83 recommended that CAC45 adopt the:
- draft Regional Standard for dried meat at Step 8; and

- proposed draft Guidelines for developing harmonized food safety legislation for the CCAFRICA region at Step 5/8.

39. The Coordinator for Africa reported that CCAFRICA24 had been productive with support of all Members and underlined that the Guidelines for developing harmonized food safety legislation would be instrumental in the harmonization of the different food safety legislation in countries in the region. They would be key to enhancing intra-Africa trade in the context of the Africa Continental Free Trade Area (AfCFTA).
40. The Chairperson noted that the discussions in CCAFRICA on new work had pointed to the challenge of ensuring that the scope of the proposals for new work were inclusive of similar products in different parts of the region. He also noted that such new work should not duplicate existing standards of a more general nature. He therefore sought clarification from the Codex Secretariat which would assist countries in this respect.
41. The Codex Secretariat noted that defining the scope of regional standards was not just an issue for CCAFRICA, that there may be a need for guidance on the application of existing standards in a regional context to better understand the real gaps in terms of standards as well as the need to provide more guidance on the preparation of new work proposals, and that given the breadth of the issue it would be more extensively considered at CCEXEC84.
42. CCEXEC83 noted that the food additive provision in the draft Regional Standard for dried meat should be forwarded to CCFA for endorsement as required by the PM.

Adoption of amendment

43. CCEXEC83 recommended that CAC45 adopt the proposed amended labelling provisions for non-retail containers in the *Regional standard for unrefined shea butter* (CXS 325R-2017), the *Regional standard for fermented cooked cassava based products* (CXS 334R-2020), and the *Regional standard for fresh leaves of Gnetum spp.* (CXS 335R-2020).

Report on further Informal Consultations on Zilpaterol Hydrochloride by the Chairperson and Vice-Chairpersons of the Codex Alimentarius Commission⁴

44. The Chairperson introduced the item with reference to the report on further informal consultations he and the Vice-Chairpersons of the Commission (CVCs) had held with Members. He noted that the Coordinator for Europe had requested a separate discussion with seven Russian-speaking Members of CCEURO whose position had been presented in Conference Room document (CRD) 1. Given their views, the Chairperson had invited these Members and the the Joint FAO/WHO Expert Committee on Food Additives (JECFA) Secretariat to a virtual informal meeting. The Chairperson expressed appreciation to the Coordinator for Europe for facilitating the meeting. The Chairperson noted that these countries presently had no new data, and their position was informed by an as yet unpublished critique of the JECFA assessment by a scientist from the Russian Scientific Centre for Risk Assessment. At the meeting the said scientist had presented his critique, and in response the JECFA Secretariat addressed the assumptions underlying the critique. The Chairperson indicated that he had invited these Members to reconsider their position and reminded them that JECFA was the risk assessor for Codex and should a Member have a different national risk assessment, they could reserve their position which was a situation for which there were precedents.
45. The Chairperson invited Members to consider the report of the informal consultations and any recommendations that CCEXEC83 might make to CAC45 as part of its continuing critical review of this topic.

Discussion

46. Members expressed their appreciation to the efforts of the CVCs in trying to build bridges and find areas of compromise on this issue. Coordinators intervened making reference to views of Members in their regions, some of which had also been outlined in CRDs to CCEXEC83.

Conclusion

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

⁴ CRD1 (Coordinator for Europe); CRD3 (Coordinator for Latin America and the Caribbean)

Proposal for revision of the *Standard for Kimchi* (CXS 223-2001)

48. The Codex Secretariat introduced the item recalling the decision by CCEXEC81 that a Circular Letter (CL) requesting the views of Members and Observers be distributed to feed into the critical review by CCEXEC83 and its recommendations to CAC45.
49. CCEXEC83 noted that only a limited number of countries (5) had expressed their views, and that no consumer health or safety issues had been identified. The following concerns were expressed:
- i. the lack of sufficient data and information, especially regarding the sections indicated for revision; and
 - ii. as an international standard, information from other kimchi-producing and kimchi-consuming countries and whether they had similar or additional food safety or quality issues were important inputs for any proposed revision.
50. The Coordinator for Asia informed CCEXEC83 that support had been received from some Members within the region regarding this new work proposal. It was suggested that the proposed revision could consider expansion of the scope to cover other similar products if the proposal was approved.

Conclusion

51. CCEXEC83 recommended that CAC45 not approve the new work proposal for the revision of the *Standard for Kimchi* (CXS 223-2001), but rather request the Republic of Korea to consider collecting data and engage with Members with the aim of revising the proposal and addressing the concerns raised.

Proposal for the Amendment of the *General Standard for Fruit Juices and Nectars* (CXS 247-2005)⁵

52. The Codex Secretariat informed CCEXEC83 that a proposed amendment to the *General Standard for Fruit Juices and Nectars* (CXS 247-2005), a standard that was under the purview of the Codex Committee on Processed Fruits and Vegetables (CCPFV), currently adjourned *sine die*, had been submitted to the Codex Secretariat by Brazil.
53. One Member welcomed the proposal, highlighting that the stratification of the Minimum Brix Level for grape juice into two groups would improve the coverage of the standard and facilitate international trade.
54. The Coordinator for Latin America and the Caribbean confirmed that the 22nd Session of the FAO/WHO Coordinating Committee for Latin America and the Caribbean (CCLAC22) had supported the proposal which had the purpose to harmonize the standard with what had already been discussed and agreed by the International Organization of Vine and Wine (OIV). He also clarified that the proposal did not intend to create distinctions for labelling and/or for market operations.

Conclusion

55. CCEXEC83 noted that the Codex Secretariat would issue a CL requesting the views of Members and Observers on the proposed amendment to the *General Standard for Fruit Juices and Nectars* (CXS 247-2005), which would feed into the critical review by CCEXEC84 and its recommendation to CAC46.

Proposal for revision of the *Standard for Milkfat Products* (CXS 280-1973)

56. The Codex Secretariat introduced the item recalling that CCEXEC82 had recommended that a project document be submitted to the Codex Secretariat on the new work proposal and that a CL be issued thereafter seeking the Codex membership's views.
57. The Chairperson while seeking the views of CCEXEC83 on the issue, noted that according to the replies to the CL, the overwhelming balance of opinion indicated a lack of support for the proposal.
58. One Member, not supporting the proposed revision, expressed the view that the values for copper and iron set out in the *Standard for Milkfat Products* (CXS 230-1973) were for assuring the quality of the products (especially flavour which was a valuable attribute to milk products). These two metals catalyze the oxidation of fats leading to rapid deterioration of the products. Setting an ML for copper and iron would lead to rapid oxidation and deterioration of the quality of the milkfat products. In milkfat products,

⁵ CRD4 (Regional Positions by the FAO/WHO Coordinating Committee for Latin America and the Caribbean on Agenda Items 2, 3, 4 and 5)

antioxidants were not permitted for use, and it was thus important to control the levels of these two elements to avoid rapid quality deterioration.

59. Another Member, supporting the new work proposal, acknowledged that copper and iron were not contaminants in these products, and their presence was important from the point of view of quality. They noted that the proposed new work would need to consider available published scientific studies and national data.

Conclusion

60. CCEXEC83 recommended that CAC45 not approve the proposal for revision of the *Standard for Milkfat Products* (CXS 280-1973), adding that any Member could propose a revised new work proposal at any stage, taking into account the comments made in response to the CL.

New work proposal for the development of principles and guidelines on the use of remote audit and verification in regulatory frameworks

61. The Codex Secretariat introduced the issue and noted that responses to a CL had been received from 19 Members and 1 Observer organization, all supporting the new work proposal. Specific comments had been addressed, and a revised work proposal was contained in CX/CAC 22/45/13.
62. CCEXEC83 supported the new work proposal highlighting that:
- i. it would add value considering the dynamic changes in food quality and safety auditing;
 - ii. it would reflect the lessons learnt by Codex Members and Observers on how to respond to the challenges faced during the COVID-19 pandemic, and that the proposed approaches were already in use in regulatory frameworks, and
 - iii. the approach taken to consider and approve the proposal for new work without going through the relevant and active subsidiary body, should be considered an approach for exceptional circumstances and not a general approach to new work approval.

63. The Codex Secretary explained that the approach taken to have the proposal for new work approved, was consistent with the PM and that any Member could submit new work proposals to the CCEXEC for critical review. It was further noted that the project document had been prepared in a participatory and timely manner by an electronic working group (EWG), and further circulated for comments through a CL, and it contained all the elements expected of a document submitted by a committee to CAC.

Conclusion

64. CCEXEC83:
- i. recommended that CAC45 approve the new work proposal on development of principles and guidelines on the use of remote audit and verification in regulatory frameworks; and
 - ii. noted that while the process by which any Member may submit a new work proposal directly to CCEXEC for critical review was in line with Codex procedures, such a process should be used only in exceptional circumstances since development of such proposals often were improved through discussion among Members in the relevant Subsidiary body.

CCEXEC SUBCOMMITTEE ON THE APPLICATION OF THE STATEMENT OF PRINCIPLES (SoP) CONCERNING THE ROLE OF SCIENCE – REPORT (Agenda item 3)⁶

Introduction

65. The Chairperson of the subcommittee introduced the item recalling that CCEXEC82 had 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 resulting from discussions at CCEXEC82.
66. The Chairperson of the subcommittee clarified that the report as published was a revised draft guidance that had considered the discussions at CCEXEC82 and the subsequent feedback from subcommittee

⁶ CX/EXEC 22/83/3; CRD2 (FAO/WHO); CRD4 (Regional Positions by the FAO/WHO Coordinating Committee for Latin America and the Caribbean on Agenda Items 2, 3, 4 and 5); CRD5 (Proposals from Chair of CCEXEC Subcommittee on the Statements of Principle); CRD6 (CCEXEC subcommittee on the application of the Statements of Principle concerning the role of Science – Report (Comments from Latin America and Caribbean Region)); CRD7 (CCEXEC subcommittee on the application of the Statements of Principle concerning the role of Science – Report (prepared by MEM EURO (Germany))

Members both at the virtual meeting held on 10 August 2022 as well as the written comments posted on the Codex e-forum platform. He also referred to CRD5, in which he had proposed revised text for paragraphs 20 (Option 2 – Recording in the standard) and 23 (on other options).

Discussion

67. CCEXEC83 agreed to revise and shorten the title of the draft guidance to “Guidance for Codex Chairpersons and Members on the 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”.
68. CCEXEC83 also agreed to shorten paragraph 23 to read “In the event that the CAC (or its subsidiary bodies), despite all efforts, is unable to advance/adopt a standard, the Chairperson may propose other options taking into account the provisions of the Procedural Manual including the Measures to facilitate Consensus”
69. CCEXEC83 had a substantive discussion on the section relating to Options for acknowledging the use of Statement 4 of the SoP (paragraphs 18-20). The Chairperson of the subcommittee explained the rationale for its inclusion and its relevance to operationalization of SoP 4. While there was a broad agreement and support for Option 1 - Recording in the report of the meeting, CCEXEC83 noted that Members remained divided on Option 2 - Use of footnotes in standards, with some Members supporting retention of the text and others supporting its deletion.
70. Members in favour of retaining Option 2 noted that many Codex standards had been successfully advanced over the years with the inclusion of footnotes or text in the body of the standard to reflect issues relevant in the risk management phase of standards development. One Member referred to the Risk Management section, paragraph 31, of the Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius in the PM and suggested that inclusion of references to factors related to application of standards at the national level through a footnote or appropriate text in the body of the standard were consistent with these principles. Members in favour of retaining Option 2 considered its inclusion as no more than a recognition of current practice, illustrating their views with reference to specific standards that had been advanced over the years as listed in CRD7.
71. Members supporting deletion of Option 2 stated that while examples in Codex standards exist, these were not examples of best practices and should not be included in a guidance document, and that customary best practice was to document issues and concerns in the report. They were concerned that inclusion of Option 2 would diminish the value of Codex texts and expressed their concern at the prospect of promoting its widespread and unjustified use to reflect national concerns that may not belong within the mandate of Codex, nor be acceptable on a worldwide basis and could undermine consensus building and the Codex goal of promoting harmonization. Further, in their view, the benefits of Option 2 remained unclear, while concerns of unintended consequences had not been adequately addressed.
72. The Chairperson, acknowledging the divergence of views relating to Options for acknowledging the use of Statement 4 of the SoP, which were consistent with the positions taken by Members throughout the various stages of development of the draft guidance, reluctantly concluded that there was no realistic prospect of reaching a consensus on this section.
73. The Chairperson acknowledged that Option 1 had widespread support, and proposed to delete Option 2, or alternatively, delete paragraphs 18, 19 and 20 and associated headings. While there was some support for these proposals to progress and conclude the work, divergent views remained. The Chairperson thus proposed to retain the text of paragraphs 18, 19 and 20 with the square brackets around paragraph 20 and the last phrase of paragraph 18. CCEXEC83 accepted this proposal.
74. Members expressed support for the work of the subcommittee and the progress made and urged against substantive revisions at this stage.
75. The Chairperson of the subcommittee clarified that the definitions included in the current version were for the purposes of the guidance only and were not intended for broader use or adoption
76. One Member, referring to their CRD (CRD7), proposed amendments to the Scope (paragraphs 4 and 5) including elaborated text for the working definitions for “Other legitimate factors (OLFs)” and “Abstain from acceptance” as there continued to be confusion as to what these terms meant in practice and that clarity on these would help the operationalization of the SoP, in particular SoP 4.
77. The Member also proposed to insert a new paragraph 4bis “The development of proposals for new work

and the critical review are the primary stages of the process and should allow to identify “other considerations” and “other legitimate factors” (OLFs).” Furthermore, this Member proposed to change the title of Scenario B from “Standards advance with reservations” to “Standards advance with abstention from acceptance”, under Stage 2 Risk management considerations, as it was for the latter that guidance was needed.

78. Another Member noted that these issues had previously been discussed and expressed concern about reopening the discussion.
79. The Chairperson noted that there was neither time nor support to enter a discussion at this late stage on amending these paragraphs.
80. One Member, referring to CRD6, expressed his concern regarding different situations that countries may present in the application of the proposed notes, such as deficiencies in the level of development of analytical capacities that may cause different interpretations and that affect good standardization practices.

Conclusion

Status of the Guidance

81. The Chairperson of the Commission noted that the text of the guidance was not final, as square brackets remained, but nevertheless was a serviceable document that fairly reflected the comments made and considered by the subcommittee. He acknowledged the request for consideration of further amendments, not only among Members of CCEXEC but also of the CAC. He cautioned however that further attempts to elaborate the text might cause the current consensus text to unravel.
82. In this context, CCEXEC83 agreed to retain the text as was presented to them apart from the shortening of the title and paragraph 23 and forward this text (Appendix 2) to CAC45 for its further consideration.

Status of the subcommittee

83. The Chairperson of the Commission remarked that he sensed no support to re-establish the subcommittee once its term expired at the end of this session. He thanked the Chairperson of the subcommittee for his stewardship of this work and for his patience and collegiality and recognized the high level of engagement of Members of CCEXEC. In facilitating discussion at CAC45, he noted that he would invite Members to determine whether and how to take this work forward, before reopening the content of the guidance.
84. CCEXEC83 agreed that the subcommittee had completed its work and agreed to close the discussion on this topic.

CCEXEC SUBCOMMITTEE ON NEW FOOD SOURCES AND PRODUCTION SYSTEMS – REPORT (Agenda Item 4)⁷

85. The Chairperson of the subcommittee highlighted the activities implemented since CCEXEC81 in line with the TORs and noted that this was the final report of the subcommittee. Therefore, he focussed on the way forward and proposed that CCEXEC83 review each of the three areas identified under the way forward in the report of the subcommittee and make relevant recommendations to CAC45.

Discussion

86. CCEXEC expressed appreciation for the work undertaken, the information collected, and the collated summary thereof, noting that it provided a good basis for consideration of this topic.
87. Delegations made the following points on the work on New Food sources and Production Systems (NFPS) and the potential role of Codex in this area:
 - i. The scope was broad and in addition to new food sources also included existing food sources which were expanding to more geographic areas;
 - ii. The focus of Codex should be on product safety and not on production systems as many of these were adapted to local contexts which could not be addressed globally;

⁷ CX/EXEC 22/83/4; CRD4 (Food safety aspects of cell-based food prepared by FAO and WHO); CRD4 (Regional Positions by the FAO/WHO Coordinating Committee for Latin America and the Caribbean on Agenda Items 2, 3, 4 and 5)

- iii. The potential need for scientific advice from FAO and WHO to support new work proposals;
- iv. The need for any expert groups to have good global representation;
- v. The potential to reactivate committees adjourned *sine die* or to modify the terms of reference of active committees;
- vi. The alignment of this topic with Goal 1 of the Codex Strategic Plan 2020-2025 (SP);
- vii. Addressing NFPS could be an important means to support Members in their efforts to achieve the SDGs (to the extent of the Codex mandate); and
- viii. A case by case approach to consider potential issues relating to new foods and production systems might need to be explored to identify any possible role for Codex in this area.

88. In response to a comment on the distinction between “new foods” and “new production systems”, the Chairperson noted the need for a common understanding for NFPS, and recalled the description provided in CX/CAC 21/44/15 Add.1 (para 3).

Advice on the mechanisms through which FAO/WHO can share these topics of interest with relevant Committees

89. Members agreed with the proposed recommendations (para 6 (i) of CX/EXEC 22/83/4) in the subcommittee report, supported the FAO and WHO work related to NFPS; and strongly encouraged FAO and WHO to share relevant information with Codex as and when it became available.

Modalities to consider how further work could be initiated and taken up by Codex on these cross-cutting issues

90. While there was general agreement on the report and appreciation for the information provided in the appendix there were different views on the modalities by which work on NFPS could proceed.

91. Some Members were of the view that the existing procedures and working mechanism in Codex were sufficient to undertake any work that may be proposed on NFPS, and that currently no problem had been defined on which to seek further advice. Others felt that this assessment was premature and that broader consultations including more experts on the subject were needed in order to get a better understanding of how to address standards requirements for NFPS.

92. It was noted that Codex Members often required guidance on how to bring new work to the Commission. While noting that procedural guidance existed (as presented in Annex 1 of the working document), more awareness of the procedures and guidance on how to implement them could be useful.

Processes that would allow Codex to holistically evaluate and prioritize potential need for actions on these cross-cutting issues

93. Members expressed different views in particular on the proposal to establish an EWG of CAC to consider issues related to NFPS.

94. Members who favoured such an EWG noted that there was a need for a holistic evaluation of issues related to NFPS, and to prioritize potential new work in this area. Such a group would be open to all Codex Members and observers and could consider the criteria to begin new work on NFPS which could facilitate a future critical review.

95. The need to provide advice to subsidiary bodies e.g. CCCF on how to address food safety aspects of edible insects and to consider how Codex might address other upcoming NFPS identified by FAO and WHO such as seaweed and cell based foods, was highlighted by one Member as an example of areas for further reflection on how Codex could address these issues in a more holistic way.

96. The Chairperson of the Commission recalled the importance of being proactive, flexible and timely in this fast-moving area and noted that Goal 1 of the SP prioritises the need to address current and emerging issues.

97. Members not supporting such an EWG presently, noted that Codex already had structures where any needed discussions could be held. CCEXEC could facilitate such work through the critical review and in its oversight role indicate where cross-committee collaboration could also support progression to new work on NFPS. There was also concern with establishing an EWG without a clear direction.

98. The Members also highlighted that subject matter experts usually attended Codex technical committees which provided an initial route for discussion on possible Codex work in this area. It was further noted

that Codex work was Member driven and demand based. The work of the subcommittee had resulted in the compilation of extensive information and had sensitized Members to the possibility of work in this area which meant they were now more prepared to consider potential proposals compared to a year ago.

99. The Representative of FAO clarified that FAO and WHO had brought this issue to CCEXEC81 to initiate the discussion on how Codex might address these new products which were expected to become more widely available before too long. Hence the aim was to provide advance notice so that Codex could be prepared if it needed to take action to provide regulators with guidance and recommendations on how they can appropriately undertake risk management of these products.

Conclusion

100. CCEXEC83:

- i. Expressed appreciation for the work of the subcommittee and the extensive input from Members, Observers and FAO and WHO, noting that this provided a valuable resource for further consideration of NFPS within Codex;
- ii. 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;
- iii. Strongly encouraged FAO and WHO to continue to share information on NFPS with the 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 discuss and consider them in the relevant Codex subsidiary bodies as appropriate;
- iv. Acknowledged the value of the information shared via the Codex-L and Codex webpage as a way to update Members on relevant reports and publications that FAO and WHO were doing regarding NFPS;
- v. 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;
- vi. 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; and
- vii. While noting the completion of the work of the subcommittee, highlighted the ongoing 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.

CCEXEC SUBCOMMITTEE ON THE FUTURE OF CODEX – INTERIM REPORT (Agenda Item 5)⁸

101. The Chairperson of the subcommittee provided the background to the establishment of the subcommittee and an overview of the approach that had been taken in the development of the work to date. Noting that this was an interim report and the short time available for the CCEXEC to review it, he proposed that the discussion focused on general comments on the work, procedural issues which had been identified in the document in line with the request of CCEXEC82, and finally consideration of the way forward. He expressed appreciation to the CCEXEC Members, Chairpersons of committees and EWGs and host secretariats, for their engagement.

Discussion

General issues

102. It was noted that the topic had captured the attention of all Codex Members due to its importance and the challenges it posed. It would be important to engage Chairpersons of committees, Host Secretariats and Regional Coordinators as well as the broader membership
103. One Member highlighted that each of the modalities to be adopted must ensure transparency and the highest possible participation of Members.

⁸ CX/EXEC 22/83/5; CRD4 (Regional Positions by the FAO/WHO Coordinating Committee for Latin America and the Caribbean on Agenda Items 2, 3, 4 and 5)

104. One Member expressed their view that the underlining premises of the document had not been agreed upon by CCEXEC Members.
105. It was clarified that the zero draft of the blueprint for the future of Codex attached to the interim report was a work in progress based on the input received via surveys and informal consultations to date, and that it was intended to spur the next round of discussions within the subcommittee.

Procedural issues

106. These issues were included in the interim report to allow CCEXEC83 to determine whether at this stage of the work it might be possible to flag any procedural issues that could then be referred to other Codex subsidiary bodies e.g., Codex Committee on General Principles (CCGP) in a timely manner.
1. *Virtual and hybrid meetings*
107. A range of views was expressed including the valuable contribution of virtual meetings to increasing participation in Codex, something that should not be lost moving forward.
108. One Member emphasized the efficiency and effectiveness of virtual meetings, noting that such success was dependent on adapting working mechanisms around virtual meetings, and not viewing them as a simple replacement for physical meetings.
109. Members participating remotely in this session highlighted the value of remote participation when in-person participation was not possible.
110. The Codex Secretary, while noting his goal of virtual participation always being an option, indicated that a number of factors, including costs, needed to be addressed before this could be achieved.
111. Challenges posed by connectivity issues, time zones which tended to disproportionately impact certain regions and equity of participation of remote and in person participants in hybrid meetings were reiterated.
112. It was noted that this was a dynamic period with rapid changes, where different meeting formats needed to be explored and flexibility exercised to gain more experience to ensure equitable participation. While this was necessary to maintain progress in the short term, in the medium to long term more clarification in terms of working modalities and predictability on scheduling were needed to facilitate work planning of Members.
113. The need to enshrine the capacity for flexibility in Codex so that when future pandemics or crises arose the tools to respond to ensure work continuity are already at the disposal of Codex was also indicated, for example avoiding the need to seek endorsement of two thirds of members if CAC needs to be convened virtually in the future.

Conclusion

114. CCEXEC83:
- i. recognized that virtual and hybrid meetings were essential tools for Codex and that practice in relation to these meeting modalities continued to develop;
 - ii. noted that making changes to procedures at this stage might be premature whilst still gaining experience with virtual and hybrid meetings; and
 - iii. noted the administrative burden created by the need to seek approval from Members should it be necessary or desirable to hold the Commission virtually in the future.
115. CCEXEC83 recommended that CAC45 consider:
- i. the need, in due course, to review the PM to ensure that its provisions enable and facilitate continued virtual and hybrid meetings; and
 - ii. amending the PM to permit meetings of the Commission to be held at the headquarters of FAO, of WHO, or virtually.
2. *Development of new work*
116. The discussion clarified that the focus of potential immediate work for CCGP would not be on the revision of any procedures but rather on the use of existing procedures. There was general agreement that this was an area that would benefit from tools and guidance to facilitate the development and review of more robust and complete work proposals. There were different views on the modalities by which

such guidance could be developed, ranging from a Member-driven approach, including in CCGP, to a Secretariat-led approach with an opportunity for Member consultation.

117. It was also clarified that questions raised by Coordinating Committees regarding new work proposals, in particular for regional standards would be considered more in-depth at CCEXEC84.

Conclusion

118. CCEXEC83:

- i. acknowledged the concerns expressed in consultations to date on the complexity of the process for developing new work;
- ii. recalled that this committee, in its discussion of new food sources and production systems, had recognized the need to prepare guidance on how to apply existing procedures to ensure Members do not perceive structural obstacles to submitting proposals for new work; and
- iii. requested the Codex Secretariat to draft practical guidance for Codex Members, for further consideration by CCEXEC, noting that CCGP33 presents an opportunity to discuss the draft practical guidance with the wider Codex membership.

3. *Electronic working groups*

119. CCEXEC83 noted the ongoing work in the Codex Secretariat to develop a handbook for EWGs and that it would be important not to duplicate that work. Some Members indicated ongoing interest in the development of a handbook for delegates.

120. With regard to virtual working groups and the potential need for guidance, it was noted that these were yet another tool, were to some extent a replacement for physical working groups and could also be used to the benefit of EWGs. With regard to procedural guidance, it was suggested that a gap analysis of the existing guidance in the PM on EWGs would be needed to enable further consideration or any revisions.

Conclusion

121. CCEXEC83:

- i. noted the added value new tools provided to the deliberations of EWG and the ongoing work on the EWG handbook that was also taking into consideration the availability of new tools; and
- ii. recommended that the handbook on EWGs be shared for information with all subsidiary bodies once available.

Way forward for the work of the subcommittee

122. Noting the importance to have time to consider the zero draft of the blueprint, to adhere to the ToRs of the subcommittee in terms of consulting further with Chairpersons and Host Secretariats and the need to engage with Codex Members and Observers, CCEXEC83 agreed to the following way forward:

Step	Timeframe	Output
Review and potential meeting of subcommittee on Draft 0 by subcommittee	Mid-January 2023	Draft 0.1
Review of Draft 0.1 by committee and EWG chairs and host country secretariats	Mid-February 2023	Draft 0.2
Preparation of revised draft and review by subcommittee	End February 2023	Draft 0.3
Consultation with Members and Observers on Draft 0.3	March-April 2023	
Revision based on Member and Observer comments	End April – mid-May 2023	Draft 0.4
Published for CCEXEC84	Mid-May 2023	Draft 1.0

REVIEW OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS WITH OBSERVER STATUS IN CODEX (Agenda Item 6.1)⁹

123. The Codex Secretariat introduced the item noting that the document had been prepared based on the request of CCEXEC82 to have an analysis on i) modalities by which non-governmental organizations (NGOs) with Observer Status contribute to Codex work; and ii) the double representation clause.

Modalities by which NGOs with Observer Status contribute to Codex work

124. The Codex Secretariat recalled that the results from the *Review of International Non-Governmental Organizations with Observer Status* (the Review) showed that NGOs with Observer Status with Codex were promoting Codex work using social media, publications and webinars among others, which were means not included in the *Principles Concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission* (Principles).
125. The Codex Secretariat further recalled that these modalities of participation contributed to the promotion of the mandate and goals of Codex, in line with the Principles and Goal 3 of the SP, *Increase impact through the recognition and use of Codex standards*, Goal 3.1, *Raise the awareness of Codex standards*. Consequently, the Codex Secretariat was of the opinion that it might be useful to acknowledge these different modalities in the Principles through an amendment which could be discussed in the CCGP.

Discussion

126. A Member suggested that while considering the promotion of Codex work was important, the main purpose of having NGOs with Observer Status with Codex was for such NGOs to contribute to the drafting of Codex texts. The Member requested the Codex Secretariat and the Legal Offices of FAO and WHO to carefully consider this matter when presenting a proposal to the CCGP.
127. The Codex Secretariat clarified that a potential change to the Principles would only be used as an additional tool for evaluating the status of Observer organizations who had neither participated in meetings nor submitted comments in a review period and offer them the opportunity to indicate that they had shown their continued interest and commitment to Codex work by other means even though in the review period there may not have been any ongoing work in Codex relevant to the NGO.

Conclusion

128. CCEXEC83 recommended that the Codex Secretariat and the Legal Offices of FAO and WHO present a further review regarding the criteria included in the Principles at the forthcoming session of CCGP (CCGP33), to evaluate amendments to the Principles, which might recognize as part of the regular review the contributions Observers may make to advancing the objectives of Codex other than through their participation in Codex standard setting activities.

The double representation clause

129. The Codex Secretariat recalled that during the discussion on the review at CCEXEC82, a case was brought up where in an EWG two NGOs, both Codex Observers (and one a member of the other) had submitted conflicting comments. It was therefore suggested that further guidance was needed to facilitate the work of EWG chairpersons.
130. The Codex Secretariat stated its view that the current interpretation of the paragraphs regulating how to deal with NGOs (that were members of other NGOs) was much stricter than required by the text in the Principles. It requires that these NGOs do not participate nor submit comments to a meeting when the larger organization was participating or submitting comments.
131. As written, the Principles did not imply nor constitute a limitation for the participation of NGOs in meetings where the organization of which they are a member would be present. Rather it states that "Observer Status at specific meetings will not normally be granted to individual organizations that are members of a larger organization authorized and that intends to represent them at these meetings."
132. The Codex Secretariat noted that the current strict interpretation of the rules had led to different confusing impacts e.g. in the case of i) organizations applying for observer status while some of its members were already Codex Observers; ii) the (above mentioned) monitoring of the participation of

⁹ CX/EXEC 22/83/6

NGOs subject to the double representation clause in EWGs and iii) a relatively large organization with over 20 members that could be subject to the double representation clause if it was member of another organization while a small organization with only three members could act independently in Codex.

Discussion

133. In reply to a question from a member regarding the origins of the interpretation of the double representation clause and its implementation, the Codex Secretariat explained that the intention of the strict interpretation had been to prevent multiple interventions from NGOs and the NGOs of which they were a member.
134. The Secretariat was of the opinion that after having extensive experience with the current strict interpretation and noting the limits of secretariat and host governments abilities to enforce it, it might be useful to review whether there was benefit (and little risk) in simplifying the approach by applying the Principles in the way they were written.

Conclusion

135. CCEXEC83 agreed that the Codex Secretariat and the Legal Offices of FAO and WHO present a further review at CCEXEC84 regarding the implications of the interpretation of the provisions of the Principles with regards to NGOs that are members of other NGOs taking into account the points raised during the debate.

APPLICATIONS FROM INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS FOR OBSERVER STATUS IN CODEX (Agenda Item 6.2)¹⁰

136. The Codex Secretariat introduced the item recalling that due to the adoption of the *FAO Strategy for Private Sector Engagement (2021 – 2025)* and the consequent need for interpretation of this Strategy in the context of the process applied for review of NGOs applying for Observer Status with Codex, no applications had been presented to CCEXEC82.
137. The Codex Secretariat informed CCEXEC83 that following extensive discussions, FAO had advised the Codex Secretariat to continue applying the procedures established in the PM and in the relevant texts of FAO and WHO when considering applications of international NGOs for Observer Status with Codex. It was therefore expected that new applications for observer status in Codex would be presented at CCEXEC84.
138. The Codex Secretariat noted that discussions between FAO and its Members regarding the FAO Strategy continued, and it could not be ruled out that there would be updated advice/recommendations from FAO on this issue in the future.

Conclusion

139. CCEXEC83 noted the information provided, welcomed the re-opening of considerations of applications for observer status and requested FAO and the Codex Secretariat to inform CCEXEC of any future developments.

CODEX BUDGETARY AND FINANCIAL MATTERS (Agenda Item 7)¹¹

Introduction

140. The Codex Secretariat introduced the item highlighting that the COVID-19 pandemic had resulted in dramatic changes in how Codex work was implemented which had affected most of the 2020-21 biennium. The Secretariat had thus adopted a flexible approach and had managed to deliver the Codex work plan with a 98 percent delivery.
141. For the 2022-23 biennium, as of September 2022, 44 percent of the budget had been spent. Expenditures in 2022 were progressing according to the Codex work plan. Estimated expenditures for 2023 were planned according to the Codex work plan and full delivery was expected by the end of the biennium.
142. The proposed budget for 2024-25 biennium would be in line with the objectives of the SP. Highlighting some of the underlying assumptions to the proposal, it was noted that uncertainties remained in terms of the format of Codex meetings, but it was assumed that physical meetings will have resumed and that it will remain necessary to make provisions for hybrid participation in meetings of CCEXEC and the

¹⁰ CX/EXEC 22/83/7

¹¹ CX/CAC 22/4/15

Commission.

143. Looking at the Codex budget from a more overarching perspective the Codex Secretariat noted that Codex has operated in a zero-growth budget environment for several biennia. Considering that overall costs were increasing for salaries, contracts, services, etc. and the impact this had on the costs for organizing committees, in particular hybrid sessions of the Commission and potentially supporting hybrid sessions of committees, it was becoming increasingly difficult to run Codex in line with Members' expectations with the available resources. Members were asked to consider requesting FAO and WHO to increase Codex budget. It was noted that Codex was also seeking extra-budgetary contributions to support its work under Goal 3 and 5 of the SP.

Discussion

144. Following requests to provide information on the additional costs incurred by the Secretariat to run virtual or hybrid meetings compared to physical meetings, the Secretariat mentioned that it was too early to quantify the differences in cost as more experience was needed with these meeting modalities. A comparative analysis of costs and benefits of the different modalities would be undertaken to inform future choices though in the opinion of the secretariat it would be difficult to have purely physical meetings in the future.
145. Responding to a query on the progress of the Codex Information Technology (IT) Renewal project under Goal 5, it was confirmed that this was on track to end in the first quarter of 2023.

Conclusion

146. CCEXEC83:
- i. noted the Final report 2020-21; Progress 2022–2023, and Proposal 2024-25;
 - ii. noted the need for a continued flexible approach in the redistribution of resources to support the delivery of the Codex work plan;
 - iii. noted the increasing difficulty in delivering the Codex work plan in a zero-growth budget environment, and that accordingly Codex was seeking extra-budgetary resources;
 - iv. urged Members to advocate with their government representatives to FAO and WHO for additional funding for the Codex programme ;
 - v. noted that the Codex IT renewal project was on track; and
 - vi. requested that the Secretariat provide Members in due course with a comparative analysis of the costs and benefits of different meeting formats.

MATTERS ARISING FROM FAO AND WHO (Agenda Item 8)¹²

147. The Representatives of FAO and WHO summarized the information contained in the working document and the three related information documents.
148. The WHO Representative when referring to WHO activities to reduce sodium/salt intake, highlighted various work being carried out to support accelerated efforts and scaling up actions been implemented by Member Countries to achieve the global target of reducing population sodium intake. She informed CCEXEC83 that a rapid review undertaken by the Codex Secretariat to assess how salt or sodium provisions are included in existing Codex standards and guidelines indicated that most of the standards did not specify any thresholds except in a few standards. This highlighted the need for Codex committees to be advised about the importance of considering ongoing efforts in reducing sodium intake.
149. She further highlighted the clear contribution to total sodium content of food commodities of salt (sodium chloride) as an ingredient, but also through the addition of some sodium containing food additives, which in some food commodities contribute up to 30 or even 40 percent of total sodium content of these foods. She suggested that CCEXEC could recommend to Codex committees to have due regard to ongoing global efforts to reducing risk factors for NCDs, such as sodium intake when prioritizing and undertaking their work.

Discussion

150. Members expressed appreciation to FAO and WHO for the important work they were doing in

¹² CX/CAC 22/45/16; CAC45 INF/1; CAC45 INF/2 ; CAC45 INF/3

supporting Codex work and the useful information that had been provided on the impressive work undertaken. The important work on antimicrobial resistance (AMR), One Health, *trans*-fatty acids elimination, horizon scanning and food safety foresight, microplastics, seaweed safety and risks and benefits of fish consumption was highlighted together with the efforts and work on the organizations' respective food safety strategies and World Food Safety Day.

151. Both organisations were encouraged to sustain their efforts, especially with respect to the provision of scientific advice to Codex which is essential to support Codex standard-setting work. The gratitude to experts for their contribution was noted.
152. CCEXEC83 recognized the benefits to Codex Members of FAO and WHO capacity building and awareness raising events including those delivered by virtual means.
153. As regards the request from WHO that CCEXEC give a recommendation to Codex committees on sodium intake, while there was no objection to the request, it was mentioned that it would have been preferred to receive a written proposal prior to the meeting to allow them to consider and support it. After some discussion a compromise formulation was found that allowed the request to be included in the conclusion.

Conclusion

154. CCEXEC83:

- i. Noted the information provided and thanked FAO and WHO for their continued support to Codex Alimentarius and, in particular, the continuation of their work on:
 - o elimination of *trans*-fatty acids and mitigation of foodborne AMR;
 - o risk assessment related to new foods including edible seaweed;
 - o potential risks including those that may be posed by microplastics;
 - o horizon scanning and food safety foresight;
- ii. Encouraged FAO and WHO to continue their fruitful collaboration when implementing the FAO Food Safety Priorities and WHO Global Strategy for Food Safety, including through the food safety element of the Quadripartite One Health Joint Plan of Action;
- iii. Recognised the benefits to Codex Members of capacity building and awareness raising events delivered virtually, and supported their continuation as part of an appropriately blended approach that continues to build engagement;
- iv. Encouraged Codex Members to consider:
 - o supporting the safeguarding of enhanced funding for the scientific advisory programmes in budget discussions at the relevant governance meetings of FAO and WHO;
 - o providing extra-budgetary resources to further enhance the capacity of the scientific advisory programmes; and
- v. At the request of the WHO representative, agreed to request that Codex committees, when prioritising and undertaking work on new standards or the review of standards and guidelines relating to composition of foods, to have due regard to on-going global efforts to achieve health and nutrition related goals through reducing noncommunicable diseases (NCD) risk factors such as sodium intake.

CODEX STRATEGIC PLAN 2020-2025 – IMPLEMENTATION REPORT 2020-2021 (Agenda Item 9)¹³

Introduction

155. The Codex Secretariat presented the report on the implementation of the SP according to its revised monitoring framework, as approved by CCEXEC81. The report focused on achievements in the 2020-21 biennium, which was an atypical biennium because of the COVID-19 pandemic. Despite this, the implementation of the SP progressed satisfactorily and performance under most indicators scored well. Highlights from this monitoring exercise included:

- the increased participation of developing countries thanks to virtual formal meetings and

¹³ CX/CAC 22/45/14 & Add. 1

preparatory informal meetings.

- the flexibility and actions of the Codex Secretariat together with the CVCs and Codex Membership to adapt quickly to the new environment, finding innovative, creative and agile ways to progress and minimize disruption to Codex work. This was recognized by Members who overall expressed satisfaction for the organization and implementation of Codex meetings during the biennium.
- the provision of FAO and WHO scientific advice, which is critical to Codex standard setting work, continued to be provided despite similar challenges as for Codex meetings, thereby allowing Codex committees to progress in their work.

156. The Secretariat reported on the ongoing challenges to monitoring the implementation of the SP including:

- data collection for some indicators that relied more on qualitative information, and the difficulties in comparing the results for this type of indicators across biennia;
- the ongoing changes and uncertainties Codex was operating in that required constant adaptation; and
- the number of indicators, some of which overlapped.

157. Within this context it was proposed that CCEXEC give consideration to requesting the Secretariat to reduce the number of indicators to those where the most useful information can be collected.

158. The Secretariat also presented the preliminary report on the pilot survey on the use and impact of Codex texts. The preliminary results were in general encouraging with Members found to have good familiarity with the selected Codex texts and considering them as extremely or mostly useful. Primary barriers to the use of Codex texts included lack of basic national food safety laws, challenges to catch up with changes in Codex texts, and language issues.

Discussion

159. Members expressed appreciation for the comprehensive report. Several Members reported on the regional efforts made to advance in the implementation of the regional work plans and suggested that the regional coordinators could be engaged in the future development of the monitoring report which also sought to capture the regional efforts to support the SP implementation.

160. In their interventions Members mentioned the following points:

- the need to provide additional information and analysis on the number of Codex standards that were adopted within five years, noting the cycle of Codex committees;
- the importance of having good indicators to measure achievement under Goal 1 of the SP (Address current, emerging and critical issues in a timely manner);
- the importance of monitoring the implementation of objective 2.2 (Promote the submission and use of globally representative data in developing and reviewing Codex standards), and encouraged FAO and WHO to continue their important efforts in this area;
- the need for an overview of existing procedures in committees engaging in prioritization exercises; and
- appreciation for the communication work done by the Secretariat under Goal 3.

161. Regarding the proposal to reduce the number of indicators, Members requested that the Secretariat present a proposal to CCEXEC84, with at least one indicator per outcome and that justification be provided for the deletion of the other indicators.

162. With reference to table 2 in the report, Members also requested that additional efforts be made, and reiterated the importance of delivering working documents in time and in all languages. The Codex Secretariat acknowledged the importance of improvements in this area and noted that, while reasons for delays were multifold (e.g. late reception of EWG reports), in some areas they were directly related to the current workload of the Secretariat, and it would be difficult to improve the situation without reducing the output requested by members. The Secretariat encouraged input on how to address the issue.

163. Members noted how the information in the monitoring report could assist in the elaboration of the next

SP. In addition, the lessons learned from the implementation of the monitoring framework highlighted the potential areas for improvement which could be reviewed by the Codex Secretariat with input from monitoring and evaluation experts, in parallel to the development of the next SP.

164. Regarding the survey, the preliminary report was appreciated. Members acknowledged that this was a pilot year to draw lessons from. It was suggested to provide a longer timeframe for replying to the survey and it was noted that the EU had replied on behalf of its Member States and that this should be reflected in the report accordingly.

Conclusion

165. CCEXEC83:

- i. welcomed the comprehensive report on the implementation of the SP, and the preliminary report and analysis of the survey on the use and impact of Codex texts;
- ii. requested that further attention be given to the timely distribution of working documents in all languages;
- iii. noted the continuing evolution of the SP monitoring framework to support the biennial review of the strategic plan by CAC as envisioned in the PM, and to that end, requested the Secretariat to further review the SP monitoring framework with the intent to reduce the number of indicators to those where the most useful information was collected, also considering other data collection exercises such as the results of the survey on the use and impact of Codex texts, and that the Secretariat propose a revised framework for review at CCEXEC84; and
- iv. noted that there would be benefit in undertaking the elaboration of the next SP with the membership in parallel with the development of the monitoring framework led by the Codex Secretariat.

CODEX TRUST FUND – UPDATE (Agenda Item 10)¹⁴

166. The Programme Administrator of the Joint FAO/WHO Codex Trust Fund (CTF) Secretariat introduced the item providing a summary of the status of operations and activities of the Trust Fund at CTF Secretariat and country project level as of August 2022. He also gave an update of the CTF2 midterm evaluation; informed CCEXEC83 about the successful piloting of a CTF2 training that had been held in the Republic of Korea in September 2022; and clarified that the deadline for submitting applications to CTF2 under Round 7 was 20 December 2022 at 23:59 CET¹⁵.
167. Members expressed appreciation to the CTF for providing invaluable support to the countries with CTF2 projects. It was noted that, despite the challenges of the COVID-19 pandemic, many projects had progressed well.
168. The Coordinator for Africa expressed concern regarding the ability of the 18 eligible countries in the region to apply to CTF Round 7 and the need to provide additional support to Members to assist them in making robust applications.
169. In response to concerns raised by Members, the CTF Secretariat acknowledged that many eligible countries faced challenges to develop CTF2 applications that could be accepted and that the ongoing CTF2 midterm evaluation was addressing this by considering a more tailored approach for future application rounds. The willingness of India, a CTF2 beneficiary country with experience of successful implementation of a group project, to support other eligible countries with development of applications to CTF2 under the current system was welcomed in this context.
170. The CTF Secretariat clarified that eligibility was based on pre-defined criteria and that the annually updated list of eligible countries could be found on the CTF website¹⁶. He noted that the ongoing midterm evaluation would investigate a possible revision of the CTF2 eligibility criteria and scope of support to better align to expressed needs.
171. The Coordinator for Latin America and the Caribbean requested a revision of the current eligibility criteria taking into account that the COVID-19 pandemic had disrupted the reality for countries in the region.

¹⁴ CX/EXEC 22/83/11

¹⁵ <https://www.who.int/initiatives/codex-trust-fund/support/apply>

¹⁶ https://cdn.who.int/media/docs/default-source/food-safety/codex-trust-fund/ctf-eligiblecountries-2022.pdf?sfvrsn=53771569_3

Conclusion

172. CCEXEC83:

- i. noted the information provided and the requests made;
- ii. recognized the important role CTF had to play in supporting developing countries in strengthening their effective participation in Codex;
- iii. acknowledged the positive engagement of the CTF Secretariat with eligible countries; and
- iv. encouraged eligible countries to apply for support, noting the closing date of 20 December 2022 for applications under Round 7.

60TH ANNIVERSARY OF THE CODEX ALIMENTARIUS COMMISSION: 1963-2023 (Agenda Item 11)¹⁷

173. The Codex Secretariat presented the progress on preparations for the 60th anniversary of the Codex Alimentarius Commission (Codex@60) since CCEXEC82, noting that FAO senior management had recommended a year of celebration rather than limiting it to a specific day. The Secretariat sought updates and inputs from Members on their initiatives and ideas to mark the occasion which was a shared responsibility and a successful celebration depended on the engagement of all Members.

174. The discussions highlighted the energy and enthusiasm of Members to celebrate Codex@60 in multiple ways, using different modalities, ranging from formal to more light-hearted events. The importance of Members coming together physically at CAC46 to celebrate Codex@60 was emphasized.

175. Proposals included:

- creating music to celebrate the work of Codex;
- making Codex visible to all by lighting up monuments and landmarks in the Codex color orange. Members were encouraged to join this initiative;
- holding high level events such as ministerial fora of economic communities to raise the profile of Codex in the political realm;
- engaging with youth to build their awareness on the value of Codex through social media;
- creating awareness using all available tools e.g. a “60 years in 60 days” media campaign; and
- underlining the importance of having a single day to mark the anniversary and it was suggested that World Food Safety Day could be used given its theme for 2023 was standards.

176. The Codex Secretariat noted the limited resources for the celebration and encouraged Members to reach out to the secretariat if they might be able to contribute to the global celebration or were planning an event in association with CAC46. The Chairperson noted the great opportunities to make 2023 a Codex year to remember and encouraged everyone involved to not let a week go without taking the opportunity to mark the occasion.

Conclusion

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

OTHER BUSINESS (Agenda Item 12)

Date and format of CCEXEC84

178. The Codex Secretariat noted that CCEXEC84 was planned to be held physically (with the possibility for remote participation) in Geneva, Switzerland, from 10 -14 July 2023 and that report adoption would be held virtually on 19 July 2023. As this was the main Codex meeting taking place in Geneva in 2023, plans were underway with WHO for a celebration of Codex@60 in conjunction with the meeting.

¹⁷ CX/CAC 22/45/20

Update on the preparation of a digital version of the Codex Procedural Manual

179. The Codex Secretariat informed CCEXEC83 that a document on amendments to the PM had been published for CAC45 (CX/CAC 22/45/2) addressing both the Secretariat's undertaking to ensure editorial consistency in the PM and the proposed amendments to the *Guide to the Procedure for the Amendment and Revision of Codex Standards and Related Texts* in the PM.
180. It was clarified that the current work on the PM incorporated the latest revisions, that this current work would be published as the 28th edition of the PM with features including a new layout that would make it more user friendly, and that this was a first step in moving towards a digital PM. Members were reassured that as work on the digital PM progressed there would be an opportunity to test it prior to its launch.

APPENDIX I

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APPENDIX II**GUIDANCE FOR CODEX CHAIRPERSONS AND MEMBERS ON THE 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****Introduction and overarching considerations**

1. The objective of this guidance is to support Chairpersons of Codex (the Commission and its subsidiary bodies) and its Members in resolving the situations that arise infrequently during the process of advancing or adopting standards when Members agree on the science and necessary level of public health protection but hold differing views about other considerations. In such specific situations, 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) may be applied. The flowchart complementing this guidance provides a visual decision-guide facilitating the operationalisation of the SoP.
2. This guidance takes account of the:
 - I. *Risk Analysis Principles for application within the framework of the Codex Alimentarius*;
 - II. SoP including the *Criteria for consideration of the other factors referred to in the Second Statement of Principle*;
 - III. *Guidelines on the conduct of meetings of Codex Committees and ad hoc Intergovernmental task forces*; and
 - IV. *Measures to Facilitate Consensus*.
3. This guidance is consistent with the core values of Codex which are inclusiveness, collaboration, consensus building and transparency.

Scope

4. The question of whether 'other considerations' may be accepted/interpreted as 'other legitimate factors' (OLFs) within the Codex context may be raised by Members during risk management discussions at any stage in the step process for standard development. Statement 2 enables the consideration, where appropriate of OLFs that are within the scope and mandate of Codex and are also accepted on a worldwide basis (or on a regional basis in the case of regional standards).
5. Considerations which are outside the scope and mandate of Codex, and/or not accepted on a worldwide basis, cannot be considered as OLFs during standard development. In such cases Statement 4 may be used by Members whose positions are informed by those other considerations. This guidance including the flowchart concentrates on the advancement or adoption of standards at Step 5, Step 8 or Step 5/8. It excludes consideration of issues that are pertinent to the critical review of new work proposals.
6. In the absence of any formal definitions of specific terms (such as "OLFs", "other considerations", "abstain from acceptance") used in the SoP, this document proposes the following to support common understanding and to facilitate the operationalisation and practical application of the SoP:

"Other legitimate factors" (OLFs): Factors that are within the scope and mandate of Codex and which are acceptable on a worldwide basis. These should not be confused with the "legitimate concerns" mentioned in the Criteria that governments may have when establishing their national legislation that are not generally applicable or relevant worldwide. Consideration of OLFs forms part of the risk management process and does not affect the scientific basis of risk analysis, i.e the risk assessment.

"Other considerations" may refer to any other factors whether in line with the Codex mandate or not, and whether acceptable as other factors in line with Statement 2 and the Criteria or not;

"Abstain from acceptance" refers to a Member's choice to not use the Codex standard/text at the national level. A Member may choose to express the intention not to accept a text by recording a reservation in the report of the meeting at which the text is adopted. The term is not related to the abolished Codex acceptance procedures

Consideration of Codex texts for possible adoption at Step 5, Step 8, or Step 5/8**Stage 1: Risk assessment considerations**

7. Science and risk assessment are the essential foundation of all Codex standards. When a standard is presented for advancement to or adoption at Step 5, Step 8 or Step 5/8 and a Member(s) is raising concerns with advancing the work, Chairpersons should seek to confirm if there is consensus on the related risk assessment and scientific advice, which is generally provided by the Joint FAO/WHO expert bodies or expert consultations.
8. In the event that there is lack of consensus on the science and risk assessment, additional scientific advice from the relevant expert body may be sought using any processes established by the committee to resolve scientific questions (e.g., concern forms¹⁸). If further scientific advice by the relevant expert body is not forthcoming/feasible (e.g. due to lack of data), Members who have concerns that prevent them from joining the consensus on science and risk assessment may register a reservation to some or all of the proposed text.

Stage 2: Risk management considerations

9. When the Chairperson determines that there is consensus on risk assessment including the necessary level of public health protection, or if there are no issues identified for further risk assessment advice, the Chairperson should seek to identify whether there is a consensus in favour of advancing the standard in the step process.

Scenario A: Consensus on advancing the standard

10. If, at this stage, Members do not raise any concerns or objections, the Chairperson should determine that there is consensus to advance the standard in the step process.

Scenario B: Standards advance with reservations

11. If one or more Members have concerns that prevent them from joining the consensus in favour of advancing the standard in the step process, they may express a reservation to some or all of the proposed text. Reservations will be recorded in the report of the session. The Chairperson should determine that there is consensus to advance the standard in the step process with reservations from Members as recorded.

Scenario C: Standards advancement and consideration of other factors

12. If one or more Members continue to have concerns or objections which, in their view, are not adequately addressed by making a reservation, the Chairperson should invite the Member or Members with concerns or objections to set out their positions and to identify the other considerations that underpin their concerns or objections.

Scenario C (i): Consensus on other factors based on the SoP and Codex criteria for consideration other factors

13. The Chairperson should then proceed to determine if the other considerations identified by the relevant Member(s) are relevant to the health protection of consumers and/or the promotion of fair practices in the food trade, and whether they can be accepted on a worldwide basis, taking into account the '*Criteria for the consideration of the other factors referred to in the Second Statement of Principle*' and Para 35 of '*Working Principles for Risk Analysis for application in the framework of the Codex Alimentarius*'.
14. If the Chairperson, based on Committee deliberations, determines that the other considerations are relevant to the health protection of consumers and/or the promotion of fair practices in the food trade, and can be accepted on a worldwide basis, the Chairperson should conclude that these are "OLFs" within the meaning of Statement 2 of the SoP. Such factors can be taken into account in the further development of the standard and selection of risk management options. The Chairperson should ensure that there is a clear record of when and how "OLFs" are used.
15. When the process of standard development and selection of risk management options is completed, the Chairperson should seek to identify whether there is a consensus in favour of advancing the standard in the step process.

¹⁸ Currently in use in CCRVDF and CCPR

Scenario C (ii): Other factors not applicable in Codex taking into account the SoP and criteria for consideration of other factors and option to abstain from acceptance in line with SoP 4

16. If, on the other hand, the Chairperson determines that the other considerations identified by the relevant Member(s) are neither relevant to the health protection of consumers nor to the promotion of fair practices in the food trade, and/or that they cannot be accepted on a worldwide basis, the Chairperson should rule accordingly. The Chairperson may then invite the Member(s) concerned to consider the option of using Statement 4 of the SoP and abstain from acceptance of the relevant standard without necessarily preventing a decision by Codex.
17. The decision to abstain from acceptance of a standard is entirely the prerogative of the Member(s) opposing a standard on the basis of other considerations which do not fall in the scope of Statement 2 of the SoP. If those Member(s) decide to abstain from acceptance, the Chairperson should determine that the relevant standard should be advanced in the Step process, while acknowledging the position of those Member(s) abstaining from acceptance.

Options for acknowledging the use of Statement 4 of the SoP

18. Where one or more Member(s) use Statement 4 of the SoP and abstain from acceptance of the relevant standard while not preventing its advancement, existing procedures allow for the use of Statement 4 to be recorded [in more than one way]

Option 1- Recording in the report of the meeting

19. The Member(s) may ask for their position(s) to be recorded in the report of the meeting.

[Option 2- Use of footnotes in standard

20. The Commission or subsidiary bodies may determine, if appropriate and in the interests of greater transparency with regard to the application of Statement 4, that a footnote might be included in the relevant standard. Where this option is proposed and agreed, the content and placement of the footnote should be in line with Codex conventions and practices related to the use of footnotes in Codex texts.]

Options for Chairpersons in situations when objecting Members do not invoke Statement of Principle 4

Propose advancement of Standard

21. When it becomes clear to a Chairperson that one or more Members are opposed to the advancement of a standard on the basis of other considerations that fall outside the scope of Statement 2 of the SoP, and those Members choose not to apply the provisions of Statement 4 of the SoP, the Chairperson may determine that all issues within the remit of Codex have been considered and the Chairperson may propose advancement/adoption of the standard to the CAC.
22. If this proposal is supported by the Committee/Commission, it may proceed to advance the standard in line with the Commission's rules and procedures for standards advancement. If this results in the Standard being advanced/adopted, the deliberations on the standard are concluded.

Other options in situations when the CAC is unable to advance/adopt a standard in line with the SoP and Criteria for consideration of other factors

23. In the event that the CAC (or its subsidiary bodies), despite all efforts, is unable to advance/adopt a standard, the Chairperson may propose other options taking into account the provisions of the Procedural Manual including the *Measures to facilitate Consensus*.

Flowchart

