



JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON CONTAMINANTS IN FOODS

16th Session

18-21 April 2023 (physical plenary meeting)

26 April 2023 (virtual report adoption)

**MATTERS REFERRED TO THE COMMITTEE BY THE CODEX ALIMENTARIUS COMMISSION
AND/OR ITS SUBSIDIARY BODIES**

MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION AND ITS EXECUTIVE COMMITTEE

MATTERS FOR INFORMATION

Specific matters

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

1. CAC45 (2022) adopted the following texts/maximum levels (ML)s:
 - the Code of Practice for the Prevention and Reduction of Cadmium Contamination in Cocoa Beans at Step 8;
 - the maximum level for cadmium in cocoa powder (100% cocoa solids on a dry matter basis) at Step 5/8;
 - the 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;
 - the 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 at Step 5/8;
 - the MLs for methylmercury in orange roughy and pink cusk eel at Steps 5/8;
 - the MLs for aflatoxins for 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 food for infants and young children (excluding foods for food aid programs) and cereal-based food for infants and young children for food aid programs; and
 - the consequential amendment to the ML for DON (deoxynivalenol) in cereal-based foods for infants and young children.

Maximum levels for aflatoxins in several food categories²

2. CAC45 requested CCCF to undertake a review of all the MLs for total aflatoxins in three years' time, if sufficient data were submitted by Members through GEMS/Food, but in any event to undertake this review in no more than five years' time.
3. CAC45 further requested FAO, WHO, other relevant intergovernmental organizations and the donor community to support capacity development in respect of implementation of codes of practice to reduce aflatoxin contamination and in respect of data generation

Standards and related texts adopted at Step 5 of the Procedure³

4. CAC45 adopted at Step 5:
 - the ML for lead in ready-to-eat meals for infants and young children; and
 - the Code of practice for prevention and reduction of mycotoxin contamination in cassava and cassava-based products.

¹ REP22/CAC45, paras 65, 71-73 & App II

² REP22/CAC45, paras 72-73

³ REP22/CAC45, para 75 & App III

Discontinuation of work⁴

5. CAC45 endorsed the discontinuation of the work on MLs for lead in fresh eggs, dried garlic, and molasses for the reasons raised in CCCF15.⁵

General mattersApplication of the Statements of Principle Concerning the Role of Science in the Codex Decision-Making Process and the extent to which other factors are taken into account (SoP)⁶

6. CCEXEC83 (2022) noted that the Subcommittee on the SoP had completed its work on guidance for the application of the SoP and therefore agreed to close the discussion on this topic while forwarding the draft guidance to CAC45 for further consideration.
7. CAC45 agreed to refer the draft Guidance for Codex Chairpersons and Members on the Application of the SoP to the chairpersons of Codex subsidiary bodies to facilitate deliberations on matters that fell within the scope of the SoP and urged members to take account of the draft guidance as appropriate during the process of standards development and advancement. CAC further requested the Codex Secretariat to issue a circular letter (CL) inviting Members and Observers to provide specific suggestions to improve the draft guidance, its finalization and its possible incorporation into guidance documents for Chairpersons and Members.
8. The draft guidance is available as an appendix to the report of CCEXEC83.⁷

Codex and the pandemic⁸

9. CAC43 (2020) recommended to all subsidiary bodies and Members and Observers to make full use of existing remote working mechanisms such as Electronic Working Groups (EWGs) and CLs and to plan their virtual committee meetings in such a manner as to optimize the possibility to complete their agendas.
10. CAC44 recommended that Rule XI (7) and (8) continue to be interpreted in a manner that includes a virtual setting with respect to sessions of Codex subsidiary bodies, including CCEXEC, and that application of this should take into consideration the criteria⁹ outlined by CCEXEC80 (2021).

60th Anniversary of Codex¹⁰

11. CAC44 agreed that the celebration of the Codex 60th Anniversary (2023) would be a wonderful occasion to raise awareness about food safety and quality and encouraged all Members and Observers to use the opportunity of the Codex 60th Anniversary to plan and implement activities to build awareness of Codex and to engage high-level political support for Codex work. CAC noted that Codex already had a number of tools at its disposal to facilitate engagement and planning for the Anniversary, including the FAO/WHO Coordinating Committees.
12. CAC45 encouraged Members and Observers to fully engage in the celebrations and to share information on their plans and activities directly and through the Codex Secretariat; and urged Members to commit to advocacy at all levels to ensure both the widest possible participation in the celebrations and the widest possible promotion of the work of Codex. Members and Observers are encouraged to send details of any activities and to celebrate Codex@60 to the Codex Secretariat at Codex@fao.org.

New food sources and production systems (NFPS)¹¹

13. CCEXEC81 (2021) discussed a means to investigate potential mechanisms to address cross-cutting, overarching and emerging issues in Codex, such as edible insects and seaweed. There was consensus that, at the current stage, emerging issues should be addressed through existing mechanisms and committees, with the support of FAO and WHO for scientific advice as appropriate. FAO recalled that the challenge was how these issues could initially be introduced for consideration by Codex noting that these items did not naturally fall within the terms of reference (ToR) of existing committees. CCEXEC agreed to establish a subcommittee to investigate potential mechanisms to address cross-cutting, overarching and emerging issues in Codex.
14. CCEXEC82 recognized that ongoing work by CCEXEC on “new food sources” did not preclude committees from undertaking new work falling within their respective mandates and agreed that the subcommittee should continue its stepwise consideration of the issue informed by an analysis of the information collected so far and the report of its session.

⁴ REP22/CAC45, para 76 and App VI

⁵ REP22/CF15, paragraphs 72, 91, 94 and 95.

⁶ REP21/CAC44, paras 13-14; REP22/EXEC83, paras 81-84; REP22/CAC45, para 22

⁷ REP22/EXEC83, Appendix II

⁸ REP20/CAC43, para 31 (ii); REP21/CAC44, para 12(iii)

⁹ REP21/EXEC80, para 35

¹⁰ REP21/CAC44 para 150; REP22/EXEC82, para 129; REP22/EXEC83, para 177; REP22/CAC45, para 220

¹¹ REP21/81, paras 105, 106, 110; REP22/EXEC82, para 85; REP22/EXEC83, para 100; REP22/CAC45, para 31

15. CCEXEC83 recognized that this work had sensitized Codex to the challenges and opportunities arising in relation to NFPS and the potential role Codex could play in addressing any related food safety issues and facilitating fair trade of such commodities. CCEXEC also recognized the need to prepare guidance on how to apply existing procedures to ensure that Members do not perceive procedural obstacles to submitting new proposals for work in this and other areas of Codex.
16. CAC45 recognized the importance of Codex working in a flexible and timely manner to consider NFPS as an important topic in the development of international standards aimed at protecting consumer health and ensuring fair practices in the food trade. CAC encouraged Members to submit proposals related to NFPS using existing Codex mechanisms, and Codex subsidiary bodies to consider NFPS in their deliberations, and requested the Codex Secretariat to send a CL to Members and Observers to identify possible issues related to NFPS that the current structure and procedures could not address and options to address them for discussion at CAC46.
17. CAC45 further acknowledged the role of CCEXEC in ensuring cross-committee coordination, as part of the critical review, noting that this could be of particular relevance for any work on NFPS and strongly encouraged FAO and WHO to continue sharing information on NFPS with CAC and its subsidiary bodies through the agenda item on “Matters arising from FAO and WHO”, to ensure Codex Members were fully aware of upcoming issues in this area and could consider them as appropriate.

Future of Codex¹²

18. CCEXEC82 agreed to establish a subcommittee to develop, in collaboration with the Codex Secretariat, a report including a proposed blueprint for the future of Codex for consideration by CCEXEC84, taking into consideration the views of Members and Observers, FAO and WHO, Chairpersons of Codex Committees, Regional Coordinators and Host Country Secretariats.
19. CCEXEC83 considered procedural issues related to nature of meetings (hybrid/virtual), development of new work and work of electronic working groups. CCEXEC recognized that virtual and hybrid meetings were essential tools for Codex and that practice in relation to these meeting modalities continued to develop; acknowledged the concerns expressed on the complexity of the process for developing new work; and noted the added value new tools provided to the deliberations of EWG. CCEXEC further agreed on a timeline for the way forward up to the publication of the blueprint by mid-May 2023.
20. CAC45 noted that work to date had focused on preparedness in terms of working modalities and the evolution of working practices within Codex related to meeting formats, meeting schedules and working groups, and other virtual informal working mechanisms. CAC further noted that the future of Codex was a work in progress and that there would be an opportunity in 2023 for all Members and Observers to engage on this topic; and noted the need, in due course, to review the PM to ensure that its provisions enabled and facilitated continued virtual and hybrid meetings.
21. CAC45 requested the Codex Secretariat to consult with the FAO and WHO Legal Offices on a possible amendment to the rules of procedure allowing the Commission to take place virtually if needed and to prepare a paper on this specific issue for consideration by the 33rd Session of the Codex Committee on General Principles (CCGP33, 2023) which in turn should advise CAC46.

Monitoring the use and impact of Codex Standards¹³

22. CCEXEC82 discussed a draft mechanism to monitor the use and impact of Codex texts (Goal 3 “increase impact through the recognition and use of Codex Standards”) and
 - recognized the benefits and challenges in monitoring the use and impact of Codex texts, and the importance of engagement as the process evolved and of periodic review;
 - endorsed the proposed approach for building the Codex Monitoring and Evaluation (M&E) framework, noting that 2022 would be a pilot year for the re-designed survey approach and that the preliminary results would be reported at CCEXEC83 and CAC45;
 - encouraged Members and Observers to identify potential resources to support data gathering for this work, particularly through case studies which should be selected according to a set of pre-defined criteria and be clear in terms of scope and context.
23. CCEXEC83, noting the preliminary results of the 2022 pilot survey on the use and impact of Codex texts, and while requesting the Secretariat to further review and streamline the Codex SP monitoring framework, requested to consider the results of the survey in undertaking the elaboration of the next SP with the membership.

¹² REP22/EXEC82, paras 99-100; REP22/EXEC83, paras 114, 118, 121-122; REP22/CAC45, para 41

¹³ REP22/EXEC82, para 121; REP22/EXEC83, paras 17-19 and 165; REP22/CAC45, para 179

24. 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 chili 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.
25. 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.

MATTERS ARISING FROM OTHER SUBSIDIARY BODIES

MATTERS FOR INFORMATION

FAO/WHO Coordinating Committee for Latin America and the Caribbean (CCLAC22)¹⁴

Proposal for the establishment of Maximum Levels (MLs) for Inorganic Arsenic in shellfish and fish

26. CCLAC22 supported the proposal for the establishment of MLs for inorganic arsenic in shellfish and fish.

MATTERS FOR ACTION

FAO/WHO Coordinating Committee for North America and the South West Pacific (CCNASWP16)

Draft regional standard for fermented noni fruit juice¹⁵

27. The Codex Secretariat drew attention of CCNASWP16 (2023) to the discussion that had taken place at CCCF14 (2021) and the identified data gap for conducting a safety evaluation of scopoletin. The Codex Secretariat highlighted the challenges in conducting toxicological trials in terms of cost and time, and encouraged Members in the NASWP region to consider how data needed for a safety evaluation of scopoletin could be provided.
28. CCNASWP16:
- Agreed to forward the Draft Regional Standard for Fermented Noni Fruit Juice to CAC46 for adoption at Step 8 (Appendix VII Part A);
 - Agreed to task the Regional Coordinator to work with the Members in the NASWP region to resolve outstanding issues in section 10: methods of analysis and sampling (specifically specification of the solid-phase extraction cartridge and the HPLC method to identify scopoletin and deacetylasperulosidic acid) by 1st May 2023 in order to forward section 10 and Annex A and B to CCMAS42 for endorsement (Appendix VII Part B); REP23/NASWP 8
 - Agreed to request CCCF to keep scopoletin in the priority list for evaluation by JECFA and to provide further data as it becomes available; and
 - Encouraged Members of the region to generate and submit data to GEMS/Food.

RECOMMENDATIONS FOR ENDORSEMENT BY CCCF

29. CCCF is invited to:
- (i) note the matters for information referred by CAC and CCEXEC;
 - (ii) encourage Members and Observers, on the occasion of the 60th anniversary of Codex, to plan and implement activities to build awareness of Codex and to engage high level political support for Codex work and to consider the implementation of a regional event to mark the 60th anniversary;
 - (iii) encourage Members and Observers to actively engage in opportunities to contribute to the discussions in CCEXEC and CAC (i.e. the operationalization of the SoP; the future of Codex; new food sources and production systems, and monitoring the use of Codex standards) by providing replies to relevant CLs; and
 - (iv) note that matters concerning the evaluation of arsenic and scopoletin would be considered under Agenda Item 16 (priority list).

¹⁴ REP23/LAC22, para 77

¹⁵ REP23/NASWP16, paras 71-73