

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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CL 2024/52-NFSDU

May 2024

TO: Codex Contact Points
Interested International Organizations

FROM: Secretary, Codex Alimentarius Commission
FAO, Viale delle Terme di Caracalla, 00153 Rome, Italy

SUBJECT: **REQUEST FOR PROPOSALS FOR NEW WORK AND EMERGING ISSUES**

DEADLINE: **31 July 2024**

COMMENTS: **To:**
CCNFSDU Host Secretariat
Email: CCNFSDU@bvl.bund.de

Copy to:
Codex Secretariat
Codex Alimentarius Commission
Joint FAO/WHO Food Standards
Programme
FAO
E-mail: codex@fao.org

Background

1. The 41st Session of the Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU41) agreed to the proposed prioritization mechanism (REP20/NFSDU, Appendix IX) and to start it on a pilot basis to assess its usefulness; and to request the Codex Secretariat to issue a Circular Letter requesting emerging issues and proposals for new work.¹
2. The PWG held prior to CCNFSDU43 applied the draft guideline for the preliminary assessment to identify and prioritize new work proposals on a trial basis.
3. CCNFSDU43 agreed that:
 - a. an EWG would prepare a revised guideline for the preliminary assessment and identification of work priorities for CCNFSDU, including prioritization and the decision tree; and
 - b. a CL should be issued requesting for proposals for new work using the revised guideline, which would be implemented on a trial basis.
4. The draft guideline is attached as Appendix I and the full report of the EWG is attached as Appendix II to this CL.
5. The PWG which will meet immediately prior to CCNFSDU44 will consider and assess the new work proposals submitted in reply to this CL using the guidelines and criteria as outlined in the "Process for compiling new work proposals" (paras 9 - 11) and the "Process for prioritizing new work proposals (paras 12 – 18) (Appendix I).

REQUEST FOR COMMENTS

6. Member Governments and observers are invited to provide proposals for new work relevant to CCNFSDU to the addresses indicated above by **31 July 2024**.
7. In identifying emerging issues and/or proposals for new work / emerging issues, Members and Observers should provide information in line with the proposed draft guideline (Appendix I).

APPENDIX I

DRAFT GUIDELINE FOR THE PRELIMINARY ASSESSMENT TO IDENTIFY AND PRIORITIZE NEW WORK FOR CCFNSDU

Purpose

1. The following guideline is intended to assist the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) to identify and prioritize new work.

Scope

2. Proposals for new work should fall within the terms of reference of CCFNSDU and typically address issues associated with nutritional aspects of all foods and/or issues concerning foods for special dietary uses. Proposals may regard the development of new Codex texts or the revision of existing Codex texts.

Process for Submitting Proposals for New Work

3. Proposals for new work (including revision of an existing text) should be submitted in a determined timeframe in response to a Codex Circular Letter (CL) before each session of CCFNSDU. This ensures that all proposals will be submitted within a deadline and all members have adequate time to consider them.
4. New work proposals must be submitted or supported by a Member and must contain three elements: (1) a discussion paper, (2) a project document (as per paragraph 5 of the guidelines), and (3) an assessment against the prioritization criteria, as defined in para. 6 and 7.
5. Proposals for new work should follow the process and provisions outlined in Section 2 Part 2, paragraph 12, of the *Procedural Manual* for proposals to undertake new work or revise a Standard.¹
6. Proposals need to be assessed using the criteria for the establishment of new work priorities outlined in Section 2 Part 7 (Criteria for the establishment of work priorities for general subjects) of the *Procedural Manual*, and their explanatory description below.
7. The explanatory descriptions in the table below have been developed to complement the new work criteria of the *Procedural Manual* for the specific purposes of CCFNSDU. They shall assist in classifying the scope of the work and the extent to which the proposed work impacts (positively and/or negatively), Codex Members in terms of public health, food safety, trade practices and global impact, and should be accompanied by a detailed rationale and supported by available scientific evidence and other validated data. In this framework, the criteria are also intended to assist the *ad hoc* Working Group in their reviewing process on a case-by-case basis (para. 13).
8. The submitter should provide an assessment based on the explanatory description of the prioritization criteria that contains all necessary information to support the *ad hoc* Working Group's rating process (para. 14). The submitter shall not perform a rating.

Prioritization Criterion	Explanatory Description	Rating ^(see para.14)
Impact on public health	Describe the target group(s) (e.g. infants, the elderly, patients, whole population) that would be affected by the proposed new work and describe the intended and unintended health impact on the target group(s), and on other groups, if applicable. For example, what is the potential of the proposed work to resolve, prevent, or significantly reduce a public health	High: (+/-) 6 points Medium: (+/-) 4 points Low: (+/-) 2 points Neutral: 0 points

¹ Codex Alimentarius Commission Procedural Manual, Section 2 (Elaboration of Codex standards and related texts), Part 2 (Critical Review, Proposals to undertake new work or to revise a standard). The current version of the Procedural Manual applies.

Prioritization Criterion	Explanatory Description	Rating (see para.14)
	risk? The impact should be justified and supported by examples and available data, when possible or helpful.	
Impact on food safety	Describe how the proposed new work would impact food safety (i.e. biological, chemical, or physical risks). The impact should be justified and supported by examples and available data, when possible or helpful.	High: (+/-) 6 points Medium: (+/-) 4 points Low: (+/-) 2 points Neutral: 0 points
Impact on trade practices	Describe how the proposed new work would impact global food trade and how this work might harmonize international standards and reduce barriers to fair trade. Potential impacts on product consumption should also be considered. The impact should be justified and supported by examples and available data, when possible or helpful.	High: (+/-) 3 points Medium: (+/-) 2 points Low: (+/-) 1 point Neutral: 0 points
Global Impact	Describe how the proposed new work would be suitable for addressing a worldwide nutrition problem, as per the Codex mandate. The impact should be justified and supported by examples and available data, when possible or helpful.	High: (+/-) 3 points Medium: (+/-) 2 points Low: (+/-) 1 point Neutral: 0 points

Process for Compiling New Work Proposals

9. Proposals for new work received in response to the CL will be transmitted to the CCNFSDU host country Secretariat which will undertake an administrative check on whether the proposals received meet the basic requirements (step one to four of the decision tree, see para.18).
10. The CCNFSDU host country Secretariat will prepare a summary document presenting the proposals for new work including all three elements as per para. 4. It will be distributed by the Codex Secretariat to Codex Members and Observers for their consideration.
11. The summary document will contain an "Inventory of CCNFSDU Proposals and Potential Future Areas of Work (all-time list)", comprising of two sections. Section "A. Proposals" will include: "Part 1: Amendments / Revisions", and "Part 2: New Work", while Section "B. Potential future areas of work" will include "Part 3: Review of existing standards" and "Part 4: Emerging issues". This document will include a comprehensive overview of all new topics that have been proposed to CCNFSDU and such topics that have been considered in the preceding years by the Committee including:
 - requests from CAC or other Committees,
 - identified needs for revision of existing texts under purview of the Committee,
 - topics that were considered as priorities but postponed for various reasons (medium/long-term planning),
 - topics that have not been supported.

Process for Prioritizing New Work Proposals

12. An *ad hoc* Working Group for the Establishment of CCNFSDU Work Priorities will meet prior to the first plenary session of CCNFSDU or in-between sessions, to develop recommendations for

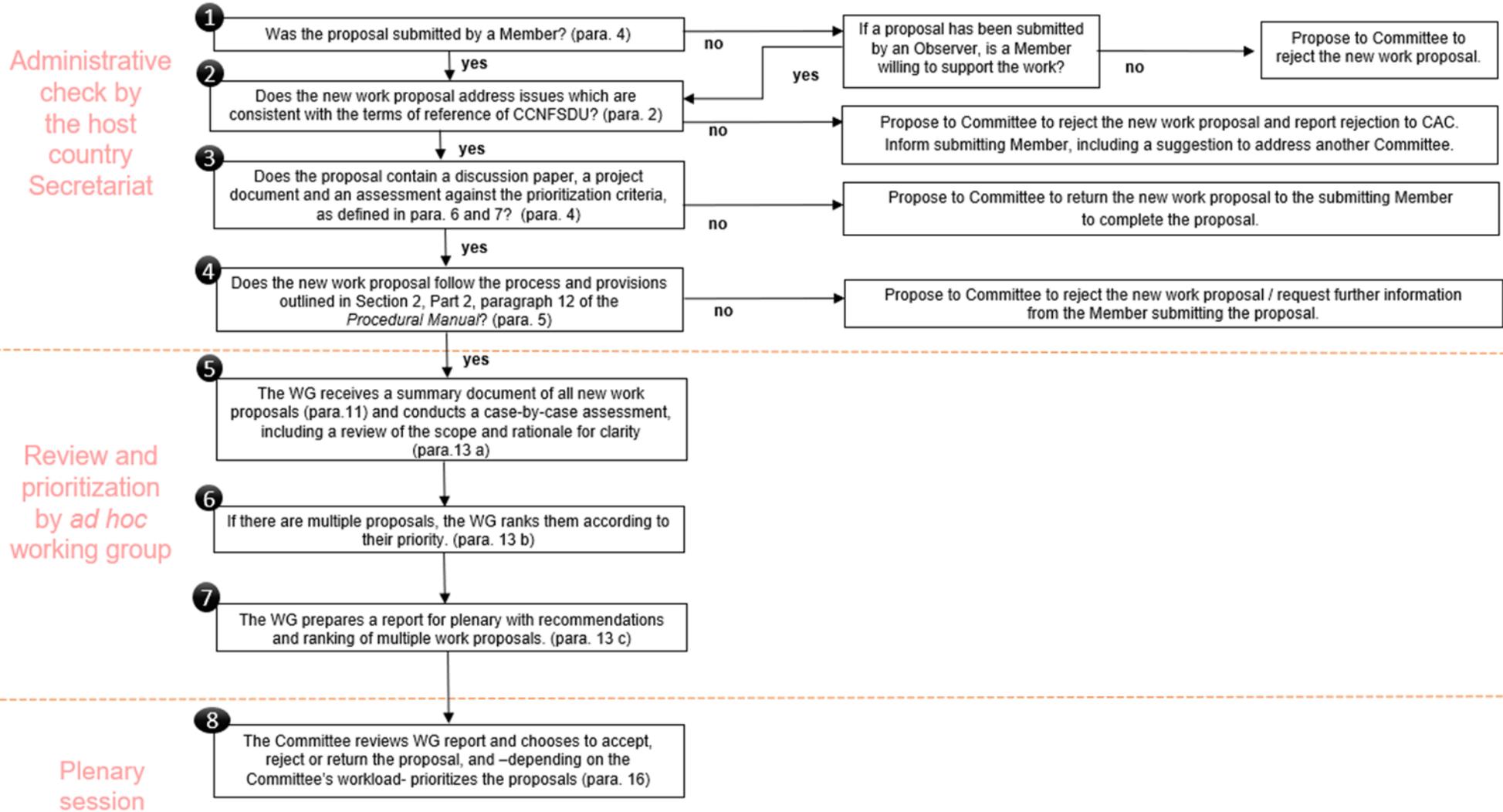
consideration by the Committee. The *ad hoc* Working Group will be co-chaired by the host country and another delegation.

13. The following Terms of Reference (ToR) of the *ad hoc* Working Group are proposed:
 - a. Conduct a case-by-case review of every proposal for new work, including a review of the scope and rationale for clarity and the assessments submitted by the petitioning Member(s)
 - b. Rank the new work proposals according to their priority when there are multiple new work proposals to consider.
 - c. Prepare a report containing the new work proposal(s) for presentation to the plenary to support CCNFSDU in evaluating and accepting of new work proposal(s).
14. In order to facilitate the ranking of the new work proposals, a rating system of high/medium/low/neutral shall be employed for each criterion, supported by the use of a (+/-) point system. Positive points shall be assigned for positive impacts, while negative points shall be assigned for negative impacts. A neutral rating (0 points) shall be assigned when a new work proposal is not expected to have any impact according to a particular criterion. The criteria related to health and food safety shall be assigned double the value to the criteria related to trade practices and global impact to reflect their higher degree of importance (see table para. 8).
15. For each of the four criteria, a net impact will be calculated once the respective negative and positive impacts have been considered. A final score shall be calculated from the points awarded across all four criteria and will be used by the *ad hoc* Working Group to rank the new work proposals (per para. 13).
16. During the CCNFSDU plenary session, the *ad hoc* Working Group Chair shall introduce the recommendations for consideration of new work proposals to the Committee. The Committee will then accept or reject a proposal for new work or return it to the proposing party for additional information. Depending on the workload of CCNFSDU, the Committee may decide not to accept any new work proposals at a session. At the same time, the Committee should retain the option to bypass the prioritization process for immediate action, where circumstances and/or exceptional global situations so require.
17. The recommendation of the *ad hoc* Working Group will be considered by the Committee for progression through the Codex process in the usual manner.

Decision Tree

The following decision tree serves as a tool for the *ad hoc* Working Group to classify new work proposals.

DECISION TREE FOR THE PRELIMINARY ASSESSMENT OF NEW WORK PROPOSALS FOR CCNFSDU



APPENDIX II

PRIORITIZATION MECHANISM TO BETTER MANAGE THE WORK OF CCFNSDU

(Prepared by the EWG chaired by Canada and co-chaired by Germany)

INTRODUCTION

1. The 43rd Session of the Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU43), agreed to re-establish an electronic working group (EWG) open to all Members and Observers, chaired by Canada and co-chaired by Germany to continue the development of a prioritization mechanism.

Terms of Reference

2. The following terms of reference were established for this EWG:

- a. To prepare a revised draft guideline for the preliminary assessment and identification of work priorities for CCFNSDU, including prioritization criteria and the decision tree, taking into account the comments made in the PWG held prior to CCFNSDU43 as well as the comments and decisions made at CCFNSDU43
- b. Request that the Codex Secretariat issue a circular letter (CL) requesting for proposals for new work using the revised draft guideline, which would be implemented on a trial basis

BACKGROUND

3. At the 70th Session of Executive Committee of the Codex Alimentarius Commission (CCEXEC70) in 2015, it was recommended that all Committees consider the need to develop an approach for the management of their work ([CX/EXEC 15/70/03](#)). Three years later, CCEXEC75 specifically requested that the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) consider a prioritization mechanism to better manage its work ([REP 18/EXEC2-Rev1](#)).
4. At the 41st session of the CCFNSDU (CCNFSDU41) in 2019, Germany, the Committee's host country Secretariat, introduced a discussion paper on a prioritization mechanism to better manage the work of CCFNSDU ([CX/NFSDU 19/41/10](#)). The Committee welcomed the discussion paper, which put forward a number of proposals for CCFNSDU to better manage its work, including: a uniform approach on submission of work proposals; additional prioritization criteria besides what is set out in the Procedural Manual; use of a circular letter to collect new work proposals; and establishing an *ad hoc* working group to review submitted work proposals. The Committee agreed to the draft prioritization mechanism and to start it on a pilot basis to assess its usefulness through a physical working group (PWG) to be held immediately prior to the next session ([REP20/NFSDU](#)).
5. CCFNSDU42 was held virtually due to the COVID-19 pandemic and as a result, the PWG did not meet. Recognizing the need to continue this work, the Committee agreed to establish an EWG chaired by Germany and co-chaired by Canada to continue developing a framework for the prioritization mechanism and its application to the proposals for new work ([REP22/NFSDU](#)). The Committee further agreed to request the Codex Secretariat to extend the deadline for the Circular Letter (CL 2020/30-NFSDU), requesting proposals for new work, noting that new work proposals already received would remain valid, and to hold the PWG prior to CCFNSDU43.
6. The PWG held prior to CCFNSDU43 applied the draft guideline for the preliminary assessment to identify and prioritize new work proposals while evaluating the six new work proposals received by the Committee between 2018 and 2022. While there was a brief discussion on the draft guideline, the focus of the PWG was to use it on a trial basis and to review the mechanism itself. The prioritization mechanism that was used during the PWG was included in Annex I of the EWG report ([CX/NFSDU 23/43/8](#)) and the proposed explanatory descriptions to the criteria for the prioritization mechanism were made available as a conference room document ([NFSDU43 CRD26](#)). The PWG report summarized the results from the test run of the draft guideline for the preliminary assessment and identification of work priorities ([NFSDU/43 CRD 6-rev](#)).

METHODOLOGY AND PARTICIPATION

7. The EWG initiated work in November 2023 with the release of the first consultation paper, while the second consultation paper was released in January 2024. The EWG report, including the draft guidelines with the decision tree will be submitted to the Codex Secretariat for issuance with a CL requesting proposals for new work using the revised draft guideline, for implementation on a trial basis. In total 45 participants (34

MC, 1 MO and 10 Codex Observers) took part in the EWG. The list of participants is attached in Annex II to this report.

8. The first consultation paper (CP1) summarized feedback from CCFSDU43 regarding changes to the draft guideline's criteria for prioritizing new work proposals. Seven questions were posed to EWG members seeking input on proposed edits to the draft guideline, with a focus on the assessment criteria. In total, eight responses were received, including those from seven Member Countries (MC) and one Member Organization (MO).
9. The second consultation paper (CP2) consolidated feedback from CP1 and introduced a revised draft of the guideline for consideration by the EWG, with the introduction of a numerical rating system for the assessment criteria. Additionally, it addressed input received during CCFSDU43 regarding the Decision Tree for the Preliminary Assessment of New Work Proposals for CCFSDU. Five questions related to the proposed amendments were posted to EWG members; eight responses were received, from seven Member Countries (MC) and one Member Organization (MO).

ANALYSIS AND DISCUSSION

First Consultation Paper

10. The first consultation paper provided a summary of feedback on the draft guidelines at CCFSDU43, including the PWG held prior to the plenary session. It primarily focused on the feedback relating to the explanatory descriptions for the prioritization criteria in the table of the guidelines. The Chair and Co-Chair proposed edits to the explanatory descriptions based on this feedback, for consideration by EWG members. Five of the seven questions posed to the EWG members were related to amendments to the prioritization criteria table and explanatory descriptions.
11. The first consultation paper discussed the addition of other criteria that were proposed during the PWG and plenary session, including the "One Health Approach" and "Consumer's interest." The Chairs indicated that they consulted with the Codex Secretariat and would provide an update in the second consultation paper.
12. The additional questions for the EWG members in the first consultation paper related to the process for considering and prioritizing proposal for new work, as outlined in the draft guideline. The paper provided a summary of comments received during the PWG and plenary session in order to further optimize the process, and improve the clarity, consistency and effectiveness of the guidelines. In response, amendments to the guidelines were proposed for the EWG's consideration, including additions and revisions to certain paragraphs to clarify the submission process, prioritization criteria, and the role of the *ad hoc* Working Group (WG).

Second Consultation Paper

General Feedback

13. The second consultation paper addressed general feedback provided in CP1 that were unrelated to the questions posed to EWG members. This feedback highlighted the importance of aligning the CCFSDU draft guideline with similar initiatives undertaken by other committees, emphasizing the need for centralized access to existing procedures and prioritization criteria. Respondents suggested a review of coherence among prioritization mechanisms by CCEXEC and advocated for a process for updating existing CCFSDU texts. Additionally, they proposed aligning CCFSDU's prioritization process with that of the Codex Committee on Food Labelling (CCFL), suggesting clarifications and flexible approaches. In response, the Chairs indicated that they would share the need for centralized access and coherence with the Codex Secretariat.

Table of Assessment Criteria

Proposed Numerical Rating System

14. To improve alignment with other prioritization mechanisms, the Chair and Co-Chair proposed the integration of a numerical rating system into the table of assessment criteria presented in the draft guideline. This proposal from feedback received from EWG members, in which respondents expressed reservations about the adequacy of the existing traffic light system in the Decision Tree for ranking new work proposals. This proposed addition aimed to provide clarity to the prioritization criteria and to enable the *ad hoc* WG to rank each new work proposal.
15. The first question posed to EWG Members in CP2 was, "*Do you agree with the introduction of a numerical rating system so that each work proposal can be ranked in order of priority to enable the ad hoc WG to*

make recommendations to the Committee? If not, please explain why and, if possible, suggest an alternative ranking or weighting system." In response, 4 MC somewhat or mostly supported the introduction of the numerical rating system, 2 MC strongly opposed the introduction due to its complexity, and one MC and one MO provided a neutral stance where they questioned the added value of a numerical rating system over a qualitative assessment. The following comments were provided to support their feedback:

- a. Two MC noted that the four criteria are only one aspect that needs to be considered among other factors for the proposal to be adequately assessed in its entirety.
 - b. One MC supported the introduction of the numerical rating system but noted that it should only assign positive point values to reduce the complexity of the proposed positive and negative values.
 - c. One MC noted that a numerical rating system enables each new work proposal to be ranked in order of priority to support the ad hoc WG's recommendations to the Committee.
 - d. Two MC and one MO questioned the value of the numerical rating system over a qualitative rating system (high/ medium/ low), with respondents noting that the proposal does not align with the prioritization work of other committees, as the most recent CCFL work prioritization CL 2024/29-FL) does not have any numerical ratings, nor does it have a positive and negative scoring system.
16. Additional feedback was provided regarding the consideration of both positive and negative impacts and how this can be clearly communicated and considered in the rating system:
- a. One MC noted their support for the concept that the applicant and Committee's assessment needs to consider both positive and negative impacts of any proposal and that the criteria and explanatory description must be inclusive of both negative and positive impacts. However, the assessment of the criteria must be based on the direction of the impact of the full assessment (i.e. net positive impact) for the Committee to come to agreement. They also noted that it would be beneficial if all impacts (both negative and positive) are considered, justified, and included in a work proposals assessment against each criterion, and a 'net positive impact' is assigned.
 - b. One MC noted that if a numerical rating system were retained, the guideline would benefit from additional clarification around whether values would be positive (e.g. +2 in the case of a positive impact) and negative (e.g. -2 in the case of a negative impact), and how they would be factored into the final rating.
 - c. One MC and one MO both noted that the meaning of the "neutral" rating is not clear, and it seems to be complicating the proposed rating systems. In response to this feedback, the Chairs added a clarification of the term "neutral" to the guideline to make it clear that the neutral rating is intended to reflect that a new work proposal does not impact a particular criterion.
 - d. One MC noted that it is essential to ensure the rating system and final scoring assessment is clear, transparent, and aligns with the mandate and goals of Codex; they requested a clear identification of the rating scale of the overall score when combining the results of all impacts for each work proposal.

In response to this feedback, the Chair and Co-Chair are proposing to retain the numerical rating system as it facilitates the ranking and accelerates the proceeding during the meeting. More information on how the rating system would be applied and interpreted was added to the guideline.

Proposed Weighted Rating System

17. As part of the proposed numerical rating system, it was proposed that the assessment criteria would be assigned different weight values. Specifically, the first two first criteria, "impact on public health" and "impact on food safety" would have double the values assigned to the additional two criteria, "impact on trade practices" and "global impact" to reflect their higher degree of importance.
18. The second question posed to EWG Members in CP2 was, "*Do you agree with the proposed weighting system (i.e. impact on health and food safety are weighted double the values assigned for impact on trade practices and global impact, if retained)?*" In response, 4 MC supported the proposed weighted values in the rating system, 1 MO supported the weighted values only if the numerical rating system was retained, and 3 MC did not support the proposed weighted values for the prioritization criteria. Specific feedback included:
 - a. One MC and one MO noted that higher values should be assigned in impacts on public health and food safety.

- b. Three MC noted that weighting 'impact on food safety' differently than 'impact on trade' is inconsistent with Codex's dual mandate and that it is not the role of CCNSDU to weight these two goals and undermine the purpose of Codex and that it is unfair to prioritize the health benefits of trade above trade.
 - c. One MC noted that the weighted ratings complicate the numerical rating process. For example, they questioned what would determine whether a proposal is given a 6 for impact on food safety versus a 4 and whether it would be possible to assign a 5 or a 2 and what those values would mean as far as impact and as compared with the other criteria.
19. In response to this feedback, the Chair and Co-Chair are proposing to retain the weighted rating system in which, "impact on public health" and "impact on food safety" would have double the values assigned to "impact on trade practices" and "global impact." Regarding the feedback that it is not the role of CCNFSDU to weight these two criteria higher, the Chair and Co-Chair note that this approach was taken at the Codex Committee on Food Hygiene (CCFH), wherein the criterion, "positive impact of new work on public health" is assigned double the weighted value of the criterion, "impact of trade due to the public health risk."

Amendments to the Assessment Criteria

20. During the PWG prior to CCNFSDU43, two additional criteria were proposed for addition to the table: "consumer's interest" and "the One Health Approach." In CP1, the Chairs indicated that they would seek clarity from the Codex Secretariat on whether these criteria fall within the Codex mandate, who later confirmed that they did not fall within the CCNFSDU and mandate and urged the committee maintain simplicity in the guidelines, underscoring the need to avoid overly prescriptive or excessively detailed criteria that might impede our ability to make decisions regarding work in CCNFSDU. As such, these additional criteria have not been added to the draft guideline. However, one MC and one MO expressed their disappointment in the exclusion of these criteria, noting that the sustainability aspect should be considered and further reviewed in light of the ongoing discussions in CCEXEC. The Chairs note that as this guideline is intended to be an evergreen document, there is potential for reconsideration of these criteria once the discussions at CCEXEC have been resolved with respect to the role of Codex to address these issues.
21. The second consultation paper put forward a number of amendments to the explanatory descriptions for the assessment criteria, in response to feedback received in CP1. It also addressed outstanding issues related to the assessment criteria. CP1 proposed the deletion of the assessment criterion, "global impact", noting that this is already addressed in the *Codex Procedural Manual*. In response to CP1, most respondents supported its removal, however, two respondents indicated their strong preference to retain this criterion. As a compromise, two options were proposed for feedback in CP2:
- a. Option 1 would retain the criterion, "global impact" with an amended explanatory description to reflect that global impact is considered within the context of the CCNFSDU mandate.
 - b. Option 2 would merge the "global impact" criterion, with the criterion, "impact on trade practices" by amending the explanatory description as follows, "Describe how the proposed new work impacts global **or regional** food trade and how this work might harmonize international standards and reduce barriers to fair trade."
22. Question 3 in CP2 asked EWG members which option they preferred, and the majority of respondents (5 MC and 1 MO) indicated that they preferred option 1, the retention of "global impact" as a separate criterion. The following comments were included the responses:
- a. One MC reiterated that this criterion was already captured by the *Procedural Manual* and is not needed in the prioritization criterion.
 - b. One MO proposed the addition of text to note that this criterion would take into account consumer's interest, as well as the removal of the text related to the CCNFSDU mandate, noting that while CCNFSDU should work within its mandate, when prioritizing new work, it could be relevant even if it falls outside of its strict mandate.
 - c. One MC requested that consideration be given to merging "global impact" with "impact on public health", with the rationale that global impact focuses on worldwide nutrition-related problems, similarly, the impact on public health focuses on the potential of the proposed work to resolve, prevent, or significantly reduce a public health risk.
23. Noting the majority of respondents requested to retain "global impact" as a separate criterion, the Chairs have retained this criterion in the latest draft of the guidelines. Regarding the requests to edit the

explanatory criteria, the Chair and Co-Chair proposed replacing the text, related to the CCNFSDU mandate with text.

Processes for Submitting and Considering Proposals for New Work

24. The fourth question posed to EWG Members in CP2 was, “Do you support the proposed amendments to paragraphs 3-16 of the draft guidelines in response to previous feedback? Why or why not?” In response, most respondents agreed with the Chairs’ proposed edits and provided feedback to further improve the clarity of the process.
25. One MC noted the lack of process for updating/ revising existing CCNFSDU texts, which must be considered when discussing all new work proposals. The Chair and Co-Chair note that this point was discussed in the previous EWG, in which it was indicated that new work proposals regarding the revision of existing CCNFSDU texts and requests from CAC or other committees would also need to undergo the prioritization process in the same way as proposals for new work. The Chairs note, however, that, in the EWG Report for CCNFSDU43 ([CX/NFSDU 23/43/8](#)), paragraph 14 notes that for reasons of efficiency, it may be justified to separate proposals suggesting amendments/ revisions of existing Codex Texts from proposals suggesting completely new work. However, the requirements for submitting such proposals would remain the same. To take this into account, the “Inventory of CCNFSDU Proposals and Potential Future Areas of Work (all-time list)” was restructured as outlined in paragraph 11 of the draft guideline.
26. In order to provide further clarity in the guideline regarding potential future work, paragraph 11 of the guideline has been modified to note that the summary document will contain a list of CCNFSDU new work proposals and potential future work, which will include requests from CAC or other committees, as well as the revision of existing texts under the purview of the CCNFSDU.
27. One MC noted that all new work proposals should be ranked against the prioritization criteria, regardless of whether there are multiple new proposals to consider, or just one, and that if this process is not followed, it may result in CCNFSDU commitment to a large work programme or piece of work without the strategic lens to decide or rank a standalone proposal against other CCNFSDU work priorities. In response, the Chair and Co-Chair note that the draft guidelines require every new work proposal to encompass three key elements as detailed in paragraph 4, which includes an assessment against the prioritization criteria. Furthermore, the terms of reference for the *ad hoc* WG stipulate that new work proposals will be ranked according to their priority when there are multiple proposals to consider. However, this stipulation does not mean that if there is only one new work proposal, it bypasses evaluation against the assessment criteria; rather, its comprehensive assessment does not involve a comparative rating against other new work proposals. This approach ensures consistency and thoroughness in the evaluation process, regardless of the number of proposals submitted.
28. Two MC noted that the draft guideline should not include excerpted text from the current version of the Procedural Manual, noting that it would result in misalignment with the updates made to the Procedural Manual in the future. In response, the Chairs have removed this excerpted text from the latest version of the draft guideline.
29. Two MC reiterated their opinions that the rating system is overly complicated and does not provide additional value compared to the qualitative approach taken by CCFL. In response, the Chairs note that the categorization in high/medium/low is retained and only underlaid with numbers to simplify the calculation of the impact of the full assessment (i.e. net impact). The rating and ranking of new work proposals is now clarified in the guideline para. 14.
30. A number of respondents addressed the role of the *ad hoc* WG in the prioritization process, indicating a need to clarify this section within the draft guidelines, by noting the following comments:
 - a. One MC indicated that further clarification would be needed to address administrative aspects related to the *ad hoc* WG, such as, if Member Countries that put forward a new work proposal would be permitted to participate in the *ad hoc* WG or if their involvement would be seen as a conflict of interest. In response, the Chair and Co-Chair note that the *ad hoc* WG will be open to all members and observers. One MC asked how this guideline will aid the *ad hoc* WG in reaching consensus and ensuring fairness in their decision making. They also requested more details related to the rating system that would be employed by the *ad hoc* WG and how proposals will be rated based on importance within the group, noting that an objective approach would avoid subjective divergence and avoid bias. In response to this feedback, the Chairs clarified in the guideline that the *ad hoc* WG applies the rating criteria outlined in the table of the guideline. The submitter shall provide all relevant information to the *ad hoc* WG to review the assessment in order

to validate the assessment, perform the rating (and ranking) and reach consensus within the WG to make recommendations to the Committee.

- b. Similarly, two MC indicated that the self-assessment would introduce bias to the prioritization process and that the rating should be conducted only by the *ad hoc* WG which is adequately representative of the Codex members and regions in the development of a recommendation to the committee. This would ensure that any rating system is applied in a standardized, systematic manner and mitigate against any influence that submitters' self-assessments would have on the *ad hoc* WG's recommendations. The respondent recommended that instead that submitters provide appropriate descriptions of how the work would impact the various assessment criteria to inform the *ad hoc* WG's rating and recommendation. In response to this comment, the Chair and Co-Chair note that this was discussed in the previous EWG, and it was agreed that a reasoned and scientifically supported assessment by the submitting Member in combination with the case-by-case review of the *ad hoc* WG was sufficient to address the risk of bias.
- c. One MC suggested that the *ad hoc* WG does not make the evaluation or rating. The ratings can be presented to the plenary and used as guide for deliberations by all delegates attending. A decision can be made by the plenary based on all the information provided. This process is an improvement from previous approach where information on the prioritization criteria is available for discussion, to facilitate committee making a decision. It is not as complicated as the numerical system proposed as a new approach. In response, the Chair and Co-Chair note that the role of the *ad hoc* WG is to develop recommendations for consideration by the Committee, but ultimately, it will be up to the entire Committee to find consensus during the plenary session.
- d. One MC and one MO made the same point that the four assessment criteria should not be the only factor that determines the recommendation from the WG. Rather, the score should be considered among other factors, including but not limited to the Committee's ongoing work and current priorities. The framework is a tool to inform a conversation with the end point being a discussion and consideration of the proposal in its totality. The Chair and Co-Chair agree with this feedback and note that the intention is that the *ad hoc* WG reviews all new work proposals, including a review of the scope and rationale, as well as a validation of the assessment criteria, as noted in the decision tree and that the Committee in its Plenary session takes into account further factors such as current workload.
- e. One MC noted that a more accurate approach, such as a checklist, could be added for greater clarity to help the *ad hoc* group with the decision-making process. The MC suggested that the rating points of every impact are reflected individually by a question/requirement, if applicable, then the proposer can calculate the overall score based on that. In response, the Chairs note that the *ad hoc* WG will carry out the rating and rate each criterion individually before calculating a final net score.

In response to this feedback, the Chair and Co-Chair have proposed amendments to the draft guidelines. To avoid bias and facilitate the rating of the proposals, submitters will no longer conduct the rating. Instead, submitters will provide all relevant information, as outlined in the explanatory description for each criterion. The *ad hoc* WG will then conduct the assessment and subsequent ranking of new work proposals to reach consensus and make their recommendations to the Committee.

Decision Tree

31. The final question posed to EWG members in CP2 related to the proposed amendments to the decision tree, and if they were supported. All respondents indicated they supported the amendments and put forward additional recommendations to further improve the decision tree by improving its alignment with paragraphs in the draft guideline. One MC also noted that it may also be beneficial to compare this decision tree to the way in which other Codex committees prioritise new work, where applicable, for consistency.

CONCLUSIONS

32. The latest version of draft guideline is presented in Annex I for consideration by the Committee. The collaborative efforts of the EWG have resulted in proposed amendments aimed at enhancing the clarity, consistency, and effectiveness of the prioritization mechanism for CCFSDU. These amendments seek to address concerns raised during the consultation process while ensuring alignment with Codex principles and mandates.

RECOMMENDATIONS

33. It is recommended that:

- a. The Physical Working Group, chaired by Canada and co-chaired by Germany meeting immediately prior to CCNFSDU44 is invited to consider the revised draft guideline on a trial basis and assess new work proposals that are received in response to the CL 2024/52-NFSDU.
- b. The Committee is invited to consider the proposed Draft Guideline based on the any further recommendations of the PWG (see point a) and whether to continue using it on a trial-basis.

LIST OF EWG PARTICIPANTS**Codex Members & Codex Member Organization**

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|-------------------|------------------------------|
| 1. Argentina | 19. |
| 2. Australia | 20. Malaysia |
| 3. Brazil | 21. Mexico |
| 4. Canada | 22. Morocco |
| 5. Chile | 23. New Zealand |
| 6. China | 24. Panama |
| 7. Costa Rica | 25. Paraguay |
| 8. Ecuador | 26. Republic of Korea |
| 9. European Union | 27. Saudi Arabia |
| 10. Finland | 28. Senegal |
| 11. France | 29. Singapore |
| 12. Germany | 30. South Africa |
| 13. Guatemala | 31. Sweden |
| 14. Guyana | 32. Switzerland |
| 15. Honduras | 33. Thailand |
| 16. Iran | 34. Uganda |
| 17. Italy | 35. United Kingdom |
| 18. Japan | 36. United States of America |

Codex Observers

1. Council for Responsible Nutrition (CRN)
 2. European Society for Paediatric Gastroenterology, Hepatology and Nutrition (ESPGHAN)
 3. Federation of European Specialty Food Ingredients Industries
 4. Food and Agriculture Organization (FAO)
 5. Global Organization for EPA and DHA Omega-3s (GOED)
 6. International Alliance of Dietary/Food Supplement Associations (IADSA)
 7. International Chewing Gum Association (ICGA)
 8. International Food Additives Council (IFAC)
 9. International Special Dietary Foods Industries (ISDI)
 10. Yoghurt and Live Fermented Milk Associate (YLFA)
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