

INTRODUCTION

1. The Codex Alimentarius Commission convened its forty-fifth session (CAC45) at the Headquarters of the Food and Agriculture Organization of the United Nations (FAO), Rome, Italy, from 21 to 25 November 2022, with the option of remote participation. With the endorsement of the Members, report adoption was convened virtually on 12-13 December 2022.
2. CAC45 was chaired by Mr Steve Wearne (United Kingdom), Chairperson of the Commission assisted by the Vice-Chairpersons Mr Allan Azegele (Kenya), Mr Raj Rajasekar (New Zealand), and Mr Diego Varela (Chile). The session was attended by delegates from 163 Member countries, one Member Organization, and Observers of eight international governmental (IGOs), 37 non-governmental organizations (NGOs) and two United Nations agencies. The list of participants is contained in Appendix I.

OPENING

Welcome addresses by FAO and WHO

3. The Director-General of the Food and Agriculture Organization of the United Nations (FAO), Dr QU Dongyu¹ and the Director-General of the World Health Organization (WHO), Dr Tedros Ghebreyesus Adhanom² welcomed participants and addressed the Commission. The Directors-General highlighted the importance of science and data in the work of the Codex standard-setting body, and of the role the Commission can play in guiding country regulations that promote health, while facilitating fair trade.

Division of competence³

4. CAC44 noted the division of competence between the European Union (EU) and its Member States in accordance with Rule II, paragraph 5, of the CAC Rules of Procedure.

ADOPTION OF THE AGENDA (Agenda item 1)⁴

5. CAC45 adopted the provisional agenda as its agenda for the Session and agreed to discuss *Participation of the European Union as Adviser to the Member for Europe in the Executive Committee of the Codex Alimentarius Commission*, on the basis of a document prepared by the FAO and WHO Legal Offices (CX/CAC 22/45/21), under Agenda Item 14 Other Business.

REPORT BY THE CHAIRPERSON ON THE 82ND AND 83RD SESSIONS OF THE EXECUTIVE COMMITTEE (ITEM 2)⁵

6. The Chairperson in introducing the item noted that the Vice-Chairpersons would give reports on each of the subcommittees that they chaired and that the report of CCEXEC on items that had their own agenda item for CAC45 would be reported on directly under those agenda items.
7. Regarding the regular review of non-governmental organisations (NGO) with observer status in the work of Codex, the Chairperson recalled the recognition of CCEXEC of the ongoing interest from the wider NGO community to engage with Codex, especially as it embarked on new areas of work and expressed his appreciation for their continuing interest and contributions. He noted that CCEXEC82 had also recommended that the Directors-General of FAO and WHO revoke the Observer status of a number of organisations that no longer met the criteria necessary for retention of Observer status.
8. The Chairperson highlighted two further issues that had arisen from the Observer review:
 - Regarding the modalities by which NGOs with observer status contribute to Codex work he noted that CCEXEC83 had recognised the contributions that Observers may make to advancing the objectives of Codex other than through their participation in Codex standard setting activities, and had recommended that the Codex Secretariat and the Legal offices of FAO and WHO evaluate

¹ <https://www.fao.org/director-general/speeches/detail/en/c/1619429/>

² Insert WHO link to DG speech

³ Division of Competence between the European Union and its Member States (CRD1)

⁴ CX/CAC 22/45/1 Rev. 1

⁵ REP22/EXEC1: REP@/EXEC2; CRD4 (FAO); CRD (Panama); CRD 18 (Mali); CRD31 (Dominican Republic); CRD33 (Good Food Institute); CRD34 (Singapore); CRD38 (Republic of Korea); CRD39 (Liberia)

potential amendments to the Procedural Manual (PM) which might recognise these contributions, and present any proposals for consideration by CCGP33.

- Regarding the double representation clause currently applied to Observers that are members of larger Observer organizations, CCEXEC83 had requested a further analysis by the Codex Secretariat and the Legal offices of FAO and WHO for consideration by CCEXEC84.
9. The Chairperson also highlighted that the review of new applications for Observer status in Codex had been on hold for some months following the adoption of the FAO strategy for private sector engagement 2021-2025, in order to consider whether it had any implications for the review of applications for Observer status in Codex. He noted that FAO had recently advised the Codex Secretariat to continue applying the procedures established in the PM and the relevant texts of FAO and WHO, and that it was therefore expected that new applications for Observer status in Codex would be presented at CCEXEC84.
 10. The Chairperson of the Codex Committee on General Principles (CCGP) indicated that CCGP was ready and willing to take on the work as recommended by CCEXEC and reminded all Members that CCGP33 would take place in October 2023 in Bordeaux, France which would provide an inclusive and transparent forum to discuss any amendments to the PM.

Conclusion

11. CAC45 noted:
 - i. the discussions of CCEXEC82 and CCEXEC83 and endorsed the conclusions and recommendations contained in the reports, and in particular with regard to the modalities by which NGOs with Observer Status contribute to Codex work;
 - ii. the resumption of the review of applications for Observer status in Codex; and
 - iii. that the recommendations on the Critical Review of CCEXEC82 and CCEXEC83 would be addressed in conjunction with Agenda Items 4-6, and recommendations on the Codex Strategic Plan 2020-2025, Codex Budgetary and Financial Matters, Matters from FAO and WHO including the CTF, and the 60th Anniversary of Codex, would be addressed in conjunction with Agenda Items 7, 8, 9 and 13 respectively.

Subcommittee on the application of the Statements of Principle concerning the role of Science⁶

12. The Chairperson of the subcommittee recalled that CCEXEC83 had reviewed the outcome of the 3rd subcommittee on the Statements of Principle concerning the role of Science (SoP) that was established by CCEXEC82 and that CCEXEC83 had agreed to retain the text as presented apart from shortening the title and paragraph 23 and to forward it to CAC45 for further consideration. He also recalled that CCEXEC83 agreed that the sub-committee had completed its work and agreed to close the discussion on this topic.
13. It was noted that although the text as annexed to the CCEXEC83 report was not final with square brackets remaining, CCEXEC83 had considered it a serviceable document that fairly reflected the comments made and considered by the subcommittee.
14. Members of CAC were invited to determine whether and how to take this work forward.

Discussion

15. Members commended the subcommittee on its substantive work and recognized that the draft guidance was useful, and had already been applied to varying degrees during CAC45.
16. Members expressed that the draft guidance:
 - a. was serviceable and useful, in particular the flowchart;
 - b. was practical and helpful and there was no need for any prescriptive guidance;
 - c. should not be reopened (including the flowchart) as it could unravel the good work done;

⁶ REP22/EXEC2, Appendix II

- d. should be shared with Chairpersons of subsidiary committees and be piloted so that experience could be gained for possible future refinement and inclusion in the Chair's handbook
 - e. could be the basis for Chairpersons when briefing members and have future use in a members guidance document;
 - f. should continue being developed to provide Members and the Chairpersons with all the help and support that they need when they are involved in difficult discussions;
 - g. was still in a preliminary stage and therefore it would be premature to implement it
 - h. should continue being developed as their finalization was needed for consensus building in work of Codex and practical application of the SoP;
17. The option of the use of a footnote in a standard (paragraph 20 of Appendix II, REP22/EXEC2) in square brackets remained an outstanding issue, with some arguing the option should be deleted and others supporting its retention.
18. It was noted that more guidance was needed on the difference between abstention from acceptance and reservation.
19. One delegation noted that it was important not just to focus on the risks of different foods, but to also consider their potential benefits to health noting that WHO had defined health as a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity.
20. It was suggested that the Chair and the Vice-Chairs organize informal consultations with the Codex membership to support understanding and application of the draft guidance.
21. The Chairperson of CCRVDF highlighted that while the draft guidance was not complete, it provided a structured yet flexible approach that could be tested on the very few occasions when consensus was difficult to achieve.
22. It was proposed that the Codex Secretariat issue a CL requesting comments to Codex Members and Observers for further consideration by CAC46.

Conclusions

23. CAC45:
- i. Commended the progress made with the development of Guidance for Codex Chairpersons and members on the application of the SoP;
 - ii. Acknowledged that the draft guidance attached to the report of CCEXEC83 was neither final nor agreed;
 - iii. Noted that through the process of developing the draft guidance, Members had been sensitized to the practical application of the SoP;
 - iv. Endorsed the proposal to refer the draft guidance to the Chairpersons of Codex subsidiary bodies to facilitate deliberations on matters that fell within the scope of the SoP;
 - v. Urged members to take account of the draft guidance as appropriate during the process of standards development and advancement;
 - vi. Requested the Secretariat to issue a CL following CAC45 drawing on the discussions at this session 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; and
 - vii. Agreed to review comments received on the CL and from Chairpersons of committees on the draft guidance and consider its next steps at CAC46.

CCEXEC subcommittee on new food sources and production systems – Report

24. The Chairperson of the subcommittee acknowledged with appreciation the engagement of Coordinators, Members and Observers, FAO and WHO as well as the members of CCEXEC in the efforts of the past

year to collect and collate information on new food sources and production systems (NFPS). This had allowed the compilation of information reflecting different perspectives from different sectors around the world and provided the basis for further deliberations. He drew the attention of CAC45 to the conclusions of CAC44, CCEXEC82 and CCEXEC83 on this topic.

Discussion

General reflections

25. The Chairperson of the subcommittee invited general reflections on the relationship between the Codex work and NFPS.
26. Delegations expressed their appreciation for the work of the subcommittee and its Chairperson, and had a range of general reflections on NFPS (order does not indicate ranking):
 - a. Setting international standards on NFPS was in line with Goal 1 in the Codex Strategic Plan 2020-2025 (SP) addressing current emerging and critical issues in a timely manner;
 - b. It was of utmost importance that Codex was capable to address NFPS issues in a timely and efficient manner;
 - c. NFPS were complex and required an inclusive interdisciplinary approach to effectively analyse matters before any new working proposals were put forward;
 - d. NFPS were of increasing importance and there was a lack of international guidance to assist countries in regulating them. Harmonization would be more difficult in the future if Codex did not take timely action;
 - e. Currently there was no clear definition of NFPS, which may be needed to facilitate further discussion and communication on the topic;
 - f. Areas NFPS might encompass included:
 - plant, animal, or microbial based foods that were part of the traditional diet in some countries but not yet widely consumed elsewhere;
 - new ways in which existing foods were processed; and
 - foods produced by various new technologies such as cell based protein.
 - g. Some of these areas could be addressed using existing approaches while for others which were still in the research and development stage, standard setting would be premature;
 - h. Innovation and NFPS would be key to adapting food systems capable of feeding a growing population and could significantly contribute to more sustainable and healthy diets and were also developing in response to consumer demands, hence international guidance was important;
 - i. Countries needed to look at NFPS positively to ensure food security and Codex texts were needed to minimize trade barriers in this area
 - j. There was a high interest in this diverse topic which may confront Codex in a range of areas and therefore further consultation with Members and experts in the area would be useful.
 - k. The development of risk analysis principles for new food may need to be further explored;
 - l. Codex as a standard setting body, should not deal with production systems at the global level as they were diverse and adapted to local contexts. Codex should rather focus on how to evaluate NFPS and guide Members on the related risk identification and options for prevention and control.
 - m. Expert groups and scientific advice provided by FAO and WHO were needed;
 - n. The focus should be on reducing loss and waste of existing food sources before investing in NFPS;
 - o. There have always been new foods which Codex has addressed, and it should not now address a specific group of new foods to the detriment of others
 - p. This work was important to ensure that Members were aware of NFPS, but this did not mean that it was necessary to immediately invest more time/ new approaches into the area. Existing Codex mechanisms could be used to consider new work proposals and/or any specific needs of NFPS could be considered in new or ongoing horizontal work and i Codex.

- q. This new work was important for countries to improve safety of traditional foods and have the potential to safely trade such foods more widely.

Way forward for Codex work on NFPS

- 27. The Chairperson of the subcommittee then invited reflections on the how Codex could work on this matter.
- 28. Two potential approaches were identified:
- 29. There was the view that given the complexity and diversity of NFPS and to be proactive in preparing for the future of Codex', it was important to continue discussions in an overarching manner, to further consider what it might entail for Codex and what existing or new approaches could be used within Codex. For example, how specific areas such as insects as food, on which CCFA had requested the advice of CCEXEC, could be addressed. For this purpose, the establishment of an electronic working group under the Commission open to all Codex Members and Observers to work on these matters was proposed.
- 30. The other view was that given the stage of development of NFPS, the existing mechanisms within Codex were sufficient to address any specific new work proposals on NFPS. Members of this view supported the recommendations of CCEXEC that Members were encouraged to submit new work proposals as this would provide Codex with concrete subjects on which working mechanisms could be further considered.
- 31. Following an extensive debate, the Chairperson noted that there was no agreement in the Commission on the best way forward and therefore proposed a step wise approach whereby CAC45 would not establish an EWG at this time, while such an EWG should not be precluded in the future. In the interest of moving forward he proposed that a Circular Letter would be sent to all Members and Observers to identify the specific topics for more discussion at the Commission level including identification of topics that the current structure and procedures could not address.

Conclusion

- 32. CAC45:
 - i. Agreed that the work done by the CCEXEC subcommittee and the information collected on NFPS had sensitized Codex to their challenges and opportunities;
 - ii. 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 public health and promoting fair practices in the food trade;
 - iii. 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;
 - iv. 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;
 - v. Encouraged Members to submit proposals related to NFPS using existing Codex mechanisms, and Codex subsidiary bodies to consider NFPS in their deliberations; and
 - vi. Could not find consensus on the need for a new cross-cutting coordination mechanism for NFPS, and requested the Codex Secretariat to send a circular letter (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.

CCEXEC subcommittee on the future of Codex – interim report

Introduction by the Chairperson of the subcommittee

- 33. The Chairperson introduced the item and recalled that the changes to Codex during the pandemic and the upcoming 60th anniversary presented timely opportunities to reflect on the future of Codex. The subcommittee was established by CCEXEC82 to take the lead on this issue with the aim of producing a blueprint on the future of Codex by CCEXEC84. He emphasised that the work was still in progress.

34. In summarising the work so far he noted that while the Future of Codex was potentially a broad issue, the focus to date had been 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.
35. He recalled that CCEXEC82 had requested specific feedback on any procedural issues that might need to be addressed. Highlighting that the interim report related to: *Virtual and hybrid meetings*; *Development of new work*; and *Electronic working groups* he shared the outcome of the CCEXEC discussions on these three areas, emphasising the timeline for the way forward and noting that consultation with Members and Observers was scheduled for March – April 2023.

Discussion

36. Delegations expressed appreciation for the work, noted its importance for Codex to remain the preeminent food standards body for next 60 years, and confirmed their willingness to contribute to the work.
37. The Coordinator for CCLAC expressed the views of their region that irrespective of future work modalities, Codex should guarantee transparency and the greatest possible participation of Codex Members.
38. Views were expressed on the necessity to eventually review the PM to ensure that it could guarantee the resilience and flexibility needed to facilitate a range of meeting modalities, however it was also noted that it may still be premature to review the PM as there was a need to gain further experience with different meeting modalities.
39. One Member proposed that work on the revision of the Codex Rules of Procedure to allow virtual sessions of the CAC without need for endorsement should be discussed at the next session of the CCGP.
40. The Codex Secretary clarified that the decision of CAC44, that “place of Session” could be interpreted as a virtual place only applied to Codex subsidiary bodies including the CCEXEC, and not the Commission. He further noted that it was still necessary to have the endorsement of the two thirds majority of Codex Members for any deviation from convening the CAC at either FAO or WHO headquarters. To avoid such an endorsement process in the future, a change would be needed to the PM, but such a revision needed to consider legal advice so as to ensure there would be no unintended consequences.
41. One Member while welcoming the request of CCEXEC to the Codex Secretariat to draft practical guidance for Codex Members on new work proposals for further consideration by CCEXEC, noted that such guidance must remain true to the PM and that CCGP presented the most logical opportunity to discuss the draft practical guidance with the wider Codex membership.

Conclusion

42. CAC45:
 - i. 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;
 - ii. noted the need, in due course, to review the PM to ensure that its provisions enabled and facilitated continued virtual and hybrid meetings; and
 - iii. 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 CCGP33, which in turn should advise CAC46.

Amendments to the Procedural Manual (Agenda Item 3)⁷

43. The Codex Secretariat introduced the item and explained the extensive process that had been undertaken to complete work on consistency in the Procedural Manual (PM) since the initiative had been proposed at the 32nd session of the Codex Committee on General Principles (CCGP32). He noted that this had delayed

⁷ CX/CAC 22/45/2

publication of the 28th edition of the PM, but confirmed that the forthcoming version would include all the latest changes to the PM as agreed by CAC.

44. The Codex Secretariat further explained that in all gradual moves to digitalization of the PM, the Secretariat would be guided by industry standards and the expertise of the publishing branches of FAO and WHO as well as resource and budget implications. Work on harmonizing all the texts that make up the Codex Alimentarius would also focus on ensuring that criteria for revisions, amendments and corrections would be clearly established; the user experience would be new and functional; and that each language would be considered equally. He noted that such changes would be guided by Members and proposed that this could be optimally achieved through discussions at CCGP, in line with their terms of reference.
45. CAC45:
 - i. noted the work on editorial consistency in the PM;
 - ii. requested the Codex Secretariat to prepare a document for CCGP33:
 - a) examining how amendments and revisions of Codex texts have been treated historically;
 - b) suggesting improvements to enhance consistency and alignment with FAO and industry publishing standards;
 - c) recommending clear criteria and options for current and future publications concerning amendments/revisions and new editions; and
 - d) indicating draft revised text for the PM's Guide to the Procedure for the Amendment and Revision of Codex Standards and Related Texts.

WORK OF CODEX COMMITTEES (ADOPTION, NEW WORK, REVOCATION, DISCONTINUATION AND EDITORIAL AMENDMENTS TO CODEX TEXTS PROPOSED BY THE COMMITTEE) (Agenda Item 4)

46. CAC45 considered the standards setting work for each Codex Committee under the following categories: Final adoption and Adoption of editorial amendments; Adoption at Step 5; Proposals for new work; Revocation; Discontinuation; and other issues, in each case taking into account the recommendations of CCEXEC82 and CCEXEC83, as relevant.

CODEX COMMITTEE ON FATS AND OILS (CCFO) (Agenda Item 4.1)⁸

Final adoption

47. CAC45 adopted the:
 - i. Revision to the *Standard for Named Vegetable Oils* (CXS 210-1999): Essential composition of Sunflower seed oils at Steps 5/8, noting the reservation by the Russian Federation that revising the ranges of fatty acid composition would lead to a reduction in quality of the known traditional sunflower seed oil and consequently lead to food fraud; and
 - ii. Editorial amendments/changes to the *Code of Practice for the Storage and Transport of Edible Fats and Oils in Bulk* (CXC 36-1987): Appendix 2.

Adoption at Step 5

Discussion

48. Chile reiterated their reservation on the definition for avocado oil as expressed at CCFO27 noting that the definition allows for oil to be obtained from either the mesocarp or the whole fruit, and that oil from the whole fruit will affect the quality of avocado oil on the international market.
49. The Chairperson of CCFO explained that all technical issues including the definition for avocado oil, had been thoroughly discussed at CCFO27. She encouraged all Codex Members and Observers that have an

⁸ CX/CAC 22/45/3; CX/CAC 22/45/3 Add. 1 (Brazil, Iran, Kenya, Peru, Philippines, Saudi Arabia, Tunisia, Venezuela, Bolivarian Republic of); CRD19 (Ghana, Mali, Philippines); CRD31 (Dominican Republic); CRD39 (Liberia); CRD44 (Ecuador)

interest in avocado oil to participate in the ongoing working group which is tasked with addressing outstanding issues on product characteristics, noting the outcome of the working group would be further deliberated upon at CCFO28.

Conclusion

50. CAC45 adopted at Step 5 the draft revision to the *Standard for Named Vegetable Oils* (CXS 210-1999): inclusion of avocado oil, noting that technical comments should be resubmitted at Step 6 and endorsed the extension of the deadline for completion of the work to CCFO28.

New work approval

51. CAC45 approved the following proposals for new work:
- i. Amendment/revision to the *Standard for Named Vegetable Oils* (CXS 210-1999) to include - Camellia seed oil; - Sacha inchi oil; - High oleic acid soya bean oil; and
 - ii. Amendment/revision to the *Standard for Fish Oils* (CXS 329-2017) - Inclusion of Calanus oil.

CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES (CCNFSDU) (Agenda Item 4.2)⁹

Final adoption

Discussion

52. In the discussion on the adoption of the Guidelines for Ready-to-Use Therapeutic Foods (RUTF) at Step 8, CAC45 noted concerns regarding:
- the level of carbohydrates, specifically sugar, which exceeded WHO recommendations. This issue was discussed extensively at CCNFSDU including current constraints and it was also highlighted that RUTF were meant for short term use,;
 - the need for the preamble to address the need for appropriately designed programmes to support continued breastfeeding and re-lactation and that the use of RUTF should not preclude the use of culturally appropriate home-based foods; and
 - the level of magnesium that was considered too low.

Conclusion

53. CAC45 adopted the Guidelines for Ready-to-Use Therapeutic Foods (RUTF) at Step 8 with the editorial amendments as proposed by WHO on the definition for Severe Acute Malnutrition and by EU in CX/CAC 22/45/4 Add. 1.

CODEX COMMITTEE ON FOOD HYGIENE (CCFH) (Agenda Item 4.3)¹⁰

Final adoption

54. CAC45 adopted the:
- i. Guidelines for the Management of Biological Foodborne Outbreaks) at Step 8; and
 - ii. Revision to the *General Principles of Food Hygiene* (CXC 1-1969).

⁹ CX/CAC 22/45/4; CX/CAC 22/45/4 Add. 1 (Australia, Botswana, Brazil, Canada, Colombia, Cuba, Egypt, European Union, Iran, Malaysia, New Zealand, Peru, Philippines, Republic of Korea, Saudi Arabia, Uganda, USA and ENCA, HKI, IBFAN, ICUMSA, UNICEF, WHO); CRD20 (Ghana, Mali, Philippines and Senegal); CRD31 (Dominican Republic); CRD35 (Niger); CRD37 (India); CRD39 (Liberia); CRD44 (Ecuador)

¹⁰ CX/CAC 22/45/5; CX/CAC 22/45/5 Add.1 (Canada, Colombia, Costa Rica, Cuba, Egypt, Honduras, India, Indonesia, Kenya, Saudi Arabia, Singapore, United Kingdom, Uruguay and ICUMSA); CRD21 (El Salvador, Ghana, Mali, Philippines, Republic of Peru and Senegal); CRD31 (Dominican Republic); CRD35 (Niger); CRD39 (Liberia); CRD44 (Ecuador)

55. The Chairperson noted that with the adoption of the decision-tree, Codex had now completed a major revision of the *General Principles of Food Hygiene* (CXG 1-1969). Recalling that this was the foundational text for many of the Codex food hygiene texts and was also extensively cross-referenced in other Codex texts, it was now necessary to ensure that, where relevant, Codex texts were fully aligned with the latest version of the *General Principles on Food Hygiene* (CXG 1-1969).
56. The Chairperson of CCFH further requested CAC45 to approve the immediate commencement of the work on alignment of other food hygiene related Codex texts with the *General Principles of Food Hygiene* (CXG 1-1969). Referring to the extensive amount of work involved, and the fact that CCFH would meet immediately following CAC45 and would not meet again until 2024, he noted that this approval would facilitate timely alignment with the *General Principles of Food Hygiene* (CXG 1-1969).
57. CAC45 requested that:
- i. CCFH undertake work on the alignment of all food hygiene texts with the *General Principles of Food Hygiene* (CXG 1-1969), in line with the CCFH work management approach;
 - ii. that other subsidiary bodies ensure that any necessary alignment with the *General Principles of Food Hygiene* (CXG 1-1969) was undertaken in other Codex texts; and
 - iii. where the relevant committees were adjourned that the Codex Secretariat undertake the alignment review directly.

CODEX COMMITTEE ON FRESH FRUITS AND VEGETABLES (CCFFV) (Agenda Item 4.4)¹¹

Final adoption

58. CAC45:
- i. Adopted the *Standard for onions and shallots* at Steps 5/8;
 - a. Noted the reservations of the EU, Norway and Switzerland regarding the tolerances for decay in “Extra class”;
 - ii. Adopted the *Standard for berry fruits* at Steps 5/8;
 - a. Noted the reservations of the EU, Norway and Switzerland “regarding the tolerances for decay in “Extra class” and the comment from one Member on the need for revising the standard in the future to include additional types of berries; and
 - iii. Adopted the Amendment to the *Standard for Bananas* (CXS 205-1997).

Adoption at Step 5

Discussion

59. Delegations representing date-producing countries objected to the adoption of the proposed draft standard for fresh dates at Steps 5/8 as proposed by CCFFV and considered more technical discussions were needed on the proposed minimum value for moisture content of 30% because:
- a. The definition of fresh fruits and vegetables did not make any reference to their moisture content and thus all types of fresh dates irrespective of their moisture content should be included in the standard;
 - b. Moisture content was not an appropriate parameter for distinguishing fresh dates from other categories of dates. Other quality parameters should be used for fresh dates e.g. indicating that they did not undergo treatment;

¹¹ CX/CAC 22/45/6; CX/CAC 22/45/6 Add. 1(Australia, Chile, Costa Rica, Cuba, Ecuador, Egypt, European Union, India, Iran, Kenya, Mauritius, Saudi Arabia, United Kingdom and ICUMSA); CRD17 (Algeria and Morocco); CRD22 (Ghana, Mali, Philippines and Senegal); CRD30 (Mauritius); CRD31 (Dominican Republic); CRD32 (Indonesia); CRD35 (Niger); CRD36 (Syrian Arab Republic); CRD39 (Liberia); CRD44 (Ecuador)

- c. Scientific classification of dates included soft, semi-soft and dry dates. Soft and semi-soft varieties were considered as fresh fruits and had a moisture content between 20% to 30%, which should be taken into account to avoid excluding such dates in the standard;
- d. The terminology for dates in date-producing countries was based on the stages of harvest;
- e. The quality of semi-soft dates could be compromised if they were considered as dry dates and therefore kept at room temperature: Thus, semi-soft dates should not be merged with dried and treated dates;
- f. The proposed minimum moisture level of 30% was not based on scientific data but had been chosen to avoid overlap with the existing *Standard for dates* (CXS 143-1985) developed by CCPFV with a maximum moisture content of 30%. This standard will be an annex of the *General Standard for Dried Fruits*, adopted by CAC43 once its food additive provisions have been endorsed by CCFA.
- g. Adopting the standard at Steps 5/8, would exclude some date cultivars and not reflect the reality in the marketplace with negative effects on local production; and
- h. The use of the term 'fresh dates' within the proposed draft standard needed to be reconsidered.

Conclusion

60. CAC45:

- i. Adopted the draft standard for fresh dates at Step 5;
 - a. Encouraged all Members to submit comments at Step 6 with proposals and relevant data that would allow CCFFV to consider solutions; and
 - b. Requested that CCFFV, take into account the comments made at CAC45.

Proposals for new work

- 61. CAC45 approved new work on developing a Standard for fresh curry leaves.
- 62. CAC45 did not approve the proposal for new work on developing a worldwide standard for *Castilla lulo* due to the limited volume of international trade, however CAC45 approved new work on developing a *regional standard* on *Castilla lulo* under CCLAC.
- 63. Colombia confirmed their willingness to lead an EWG to initiate development of the regional standard.

CODEX COMMITTEE ON CONTAMINANTS IN FOOD (CCCF) (Agenda Item 4.5)¹²

Final adoption

64. CAC45:

- i. Adopted the *Code of practice for the prevention and reduction of cadmium contamination in cocoa beans* at Step 8;
- ii. Adopted the Maximum level (ML) for cadmium in cocoa powder (100% cocoa solids on a dry matter basis) at Steps 5/8
 - a. Noted the reservations of the EU and Cameroon as had been expressed at CCCF15, and of Norway, Switzerland, and the Russian Federation for the same reasons as expressed by the EU;
- iii. Adopted 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;

¹² CX/CAC 22/45/7; CRD10 (LAC Region); CRD23 (Ghana, Mali, Philippines, Senegal, and Sudan); CRD31 (Dominican Republic); CRD32 (Indonesia); CRD35 (Niger); CRD36 (Syrian Arab Republic); CRD37 (India); CRD39 (Liberia); CRD41 (United Republic of Tanzania); CRD42 (Uganda); CRD43 (IFT); CRD44 (Ecuador)

- iv. Adopted 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 Steps 5/8;
- v. Adopted the MLs for methylmercury in orange roughy and pink cusk eel at Steps 5/8; and,
- vi. Adopted the consequential amendment to the ML for DON (deoxynivalenol) in cereal-based foods for infants and young children.

Maximum levels (MLs) for aflatoxins in several food categories at Steps 5/8

Discussion

- 65. The following views against adoption of the MLs were expressed leading to these Members entering reservations as reported in the conclusion under each category:
 - The MLs were not in line with the MLs in their national legislation and should be lowered to provide adequate protection to their consumers in view of their high consumption or dietary patterns; and
 - There should not be separate MLs for cereal-based foods for infants and young children (excluding foods for food aid programs) and for these products for food aid, as in their view MLs for aflatoxins should be set as low as reasonably achievable, in particular for foods destined for infants and young children, regardless of whether these foods were for normal consumption or for food aid.
- 66. The Representatives of World Food Programme (WFP) and Médecins Sans Frontiers (MSF) (Doctors without borders) supported the proposed MLs and explained that food aid was typically for a short period of time during crisis and that a lower level could negatively impact on the food supply, which was already severely challenged and constrain humanitarian responses.
- 67. Other Observers supported country reservations in order to give best possible protection, especially for those in vulnerable positions,
- 68. The FAO Representative underlined that the risk assessments had taken into account national diets as well as composition of food aid and different intake levels.
- 69. The Chairperson of CCCF highlighted that the Committee did not have any new data and hence no new MLs could be proposed within the next few years. Therefore, if the proposed MLs were not adopted, there would be no ML to restrict exposure to aflatoxin.

Conclusion

- 70. CAC45 adopted the MLs for aflatoxins for the following food categories at Steps 5/8:
 - i. Maize grain destined for further processing;
 - a. Noted the reservation of the following countries: Bahrain, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cabo Verde, Comoros, Cote d'Ivoire, Egypt, Ethiopia, Ghana, Jordan, Kazakhstan, Kenya, Lesotho, Malawi, Mali, Mauritania, Morocco, Mozambique, Namibia, Niger, Nigeria, North Macedonia, Russian Federation, Rwanda, Senegal, Seychelles, South Sudan, Sudan, Tanzania, The Gambia, The United Republic of Tanzania, Togo, Tunisia, Uganda, Zambia, and Zimbabwe.
 - ii. Flour meal, semolina and flakes derived from maize;
 - a. Noted the reservation of the following countries: Algeria, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Cote d'Ivoire, Egypt, European Union, Gambia, Georgia, Ghana, Jamaica, Jordan, Kazakhstan, Kenya, Lesotho, Malawi, Mali, Mauritania, Mauritius, Morocco, Namibia, Niger, North Macedonia, Norway, Russian Federation, Senegal, Seychelles, South Africa, South Sudan, Sudan, Switzerland, Tanzania, The Gambia, Togo, Tunisia, Uganda, Zambia, and Zimbabwe
 - iii. Husked rice,
 - a. Noted the reservation of the following countries: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Comoros, Cote d'Ivoire, Egypt, Ethiopia, European Union, Gambia, Ghana, Guinea-Bissau, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lesotho,

Libya, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, North Macedonia, Norway, Russian Federation, Rwanda, Senegal, Seychelles, Singapore, South Africa, Sudan, Switzerland, Syrian Arab Republic, Togo, Tunisia, United Republic of Tanzania, Zambia, and Zimbabwe.;

iv. Polished rice,

- a. Noted the reservation of the following countries: Algeria, Bahamas, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cabo Verde, Comoros, Cote d'Ivoire, Egypt, Ethiopia, Gambia, Ghana, Guinea Bissau, India, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Libya, Malawi, Mali, Mauritania, Mauritius, Niger, Russian Federation, Rwanda, Senegal, Seychelles, South Africa, South Sudan, Syrian Arab Republic, Tanzania, Togo, Tunisia, Zambia, and Zimbabwe.

v. Sorghum grain, destined for further processing;

- a. Noted the reservation of the following countries: Algeria, Benin, Botswana, Burundi, Cameroon, Cabo Verde, Egypt, Ethiopia, Gambia, Ghana, Guinea-Bissau, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Malawi, Mali, Mauritania, Mozambique, Namibia, Niger, Russian Federation, Senegal, Seychelles, South Africa, South Sudan, Sudan, Syrian Arab Republic, Tanzania, Togo, Tunisia, Zambia, and Zimbabwe;

vi. Cereal-based food for infants and young children (excluding foods for food aid programs);

- a. Noted the reservation of the following countries: Algeria, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Comoros, Cote d'Ivoire, Egypt, Ethiopia, European Union, Gambia, Ghana, Guinea-Bissau, Iraq, Jordan, Kazakhstan, Kyrgyzstan, Lesotho, Libya, Malawi, Mali, Mauritania, Morocco, Mozambique, Niger, North Macedonia, Norway, Russian Federation, Rwanda, Senegal, Seychelles, Singapore, South Sudan, Sudan, Switzerland, Syrian Arab Republic, Tanzania, Togo, Tunisia, Uganda, United Kingdom, Zambia, and Zimbabwe;

vii. Cereal-based food for infants and young children for food aid programs;

- a. Noted the reservation of the following countries: Algeria, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Comoros, Cote d'Ivoire, Egypt, Ethiopia, European Union, Gambia, Georgia, Ghana, Guinea-Bissau, Iraq, Jordan, Kenya, Kyrgyzstan, Lesotho, Libya, Malawi, Mali, Mauritania, Morocco, Mozambique, Namibia, Niger, North Macedonia, Norway, Oman, Russian Federation, Senegal, South Africa, South Sudan, Sudan, Switzerland, Syrian Arab Republic, Tanzania, Tunisia, Uganda, Zambia, and Zimbabwe.

- 71. CAC45 requested CCCF to undertake a review of all the MLs for total aflatoxins in three years' time, should sufficient data not have been submitted by Members through GEMS/Food, to undertake this review in no more than five years; and
- 72. 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.

Adoption at Step 5

73. CAC45 adopted at Step 5 the:

- i. ML for lead in ready-to-eat meals for infants and young children; and
- ii. Code of practice for prevention and reduction of mycotoxin contamination in cassava and cassava-based products.

Discontinuation

74. CAC45 endorsed the discontinuation of the work on MLs for lead in fresh eggs, dried garlic, and molasses for the reasons raised in CCCF15¹³.

CODEX COMMITTEE ON PESTICIDE RESIDUES (CCPR) (Agenda Item 4.6)¹⁴Final adoption

75. CAC45:
- i. Adopted the *Guidelines for the recognition of active substances or authorized uses of active substances of low public health concern that are considered exempted from the establishment of Codex MRLs or do not give rise to residues* at Step 8;
 - ii. Adopted maximum residue limits (MRLs) for different combinations of pesticide/commodity(ies) at Steps 5/8,
 - a. Noted the reservations by the EU, Kazakhstan, North Macedonia, Norway and Switzerland for: Quinoxifen (222) for the proposed MRL for cherries (subgroup) in light of the ongoing review of MRLs for non-approved substances due to environmental issues of a global nature, in this case, persistence, bioaccumulation and toxicity in the environment; Clothianidin (238) and Thiamethoxam (245) for all the proposed MRLs in light of environmental issues of a global nature, in these cases, pollinator decline. (see also discussion below);
 - iii. Adopted the *Revision of Classification of Food and Feed* (CXA 4-1989): definitions for edible offal, fat, meat/muscle, including the definitions for the portion of the commodity to which MRLs apply and which is analyzed for fat and muscle; and
 - iv. Adopted the *Revision of the Classification of Food and Feed* (CXA 4-1989): Consequential amendment to Class D, Processed Food of Plant Origin. Inclusion of additional commodities for citrus fruits pulps (dried) and oils (edible) and soya flour.

Discussion on proposed MRLs for Clothianidin, Quinoxifen and Thiamethoxam

76. The EU requested that MRLs for Clothianidin, Quinoxifen and Thiamethoxam be adopted at Step 5 for the reasons explained at CCPR53¹⁵ and in CRD24. This would allow countries to reflect more in-depth on how Codex could take into account global concerns related to major challenges to food systems and contribute to their sustainability and the application of the One Health approach. Globally accepted environmental concerns could be taken as a legitimate factor when setting MRLs for pesticides.
77. The EU noted that this proposal was in line with the second statement of principle in 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* and the *Criteria for the consideration of the other factors referred to in the Second Statement of Principle* related to other factors that could be accepted on a worldwide basis (fifth paragraph).
78. The EU further highlighted the importance of the ongoing reflection on the future of the Codex in regard of this particular issue.
79. Other Members supporting this position indicated that:
- a. The proposal was consistent with the One Health Approach linking the health of humans, animals, plants and the environment as well as with the participation of the parent organizations, FAO and WHO, together with World Organization for Animal Health (WOAH) and the United Nations Environment Programme (UNEP) in the Quadripartite.

¹³ REP22/CF15, paragraphs 72, 91, 94 and 95.

¹⁴ CX/CAC 22/45/8; CRD10 (LAC Region); CRD24 (EU, Ghana, India, Mali, Philippines, and Senegal); CRD31 (Dominican Republic); CRD32 (Indonesia); CRD35 (Niger); CRD37 (India); CRD39 (Liberia); CRD44 (Ecuador)

¹⁵ REP22/PR53, paragraphs 29, 88, 99 and 103

- b. Good agricultural practices in the use of pesticides include the safe use of pesticides authorized at national level considering public and occupational health and environmental safety considerations as stated in the PM.
 - c. Environmental considerations could strengthen the role of Codex in the implementation of sustainable food systems as noted by CCEURO32¹⁶.
 - d. The decline of pollinator populations was a huge environmental threat and, in the absence of an international body that could deal with such issues, Codex could assist in preventing the use of these compounds in agriculture even though such a risk management decision would not be at the center of the Codex's mandate.
 - e. While recognizing that the MRLs for these compounds were based on solid risk assessment provided by JMPR, there were other factors that could be taken into account in the risk management process. As there were open procedural questions which criteria could determine other legitimate factors it was important not to omit steps 6 and 7 to provide an opportunity to further reflect on issues raised in CRD24.
80. The above views were supported by two Observers. It was also noted that there is an increased exposure to pesticides and other chemicals so the total burden and their synergistic impact from diet, water, air and all sources should be taken into account when setting risk management measures and this was particularly important for vulnerable groups such as children. It was further noted that pollination was vital for the reproduction of plant species including crops which could impact the food supply/food security. It was also mentioned that pesticides used in agriculture which did not reach their target crops accumulated in the environment and could contribute to the sharp decline in pollinators worldwide. In addition, CCPR had already acknowledged environmental issues by agreeing to set MRLs for environmental inhibitors used in agriculture.
81. Countries in support of the final adoption of the MRLs at Steps 5/8, while acknowledging the importance of environmental issues, indicated the following:
- a. The fourth statement of the SoP was more relevant to apply in this situation;
 - b. Environmental issues were outside the mandate of Codex to protect consumer's health and ensure fair practices in trade and as such they did not qualify as a legitimate factor in the SoP nor in the related Criteria;
 - c. The mandate of CCPR, and the procedures for the establishment of MRLs for pesticides, as described in the *Risk Analysis Principles applied by CCPR*, did not consider environmental issues when setting MRLs for pesticides;
 - d. The MRLs were consistent with the risk management policies and procedures established in the *Risk Analysis Principles applied by CCPR* and risk assessment policies and methodologies provided by JMPR. They were discussed and agreed in CCPR, consequently the MRLs were safe/protective of human health and complied with the Codex mandate. Codex should respect the risk assessment outcomes provided by JMPR and the decisions taken by CCPR.
 - e. CCPR establishes MRLs for pesticides to ensure public health and fair practices in trade. Matters related to authorization/registration of pesticides were the responsibility of national competent authorities. Likewise, application of good agricultural practices was the responsibility of national authorities which, when determining authorized safe use, may consider environmental safety consideration as noted in the PM. Codex therefore had no mandate to assess GAPs. Furthermore, GAPs were dependent of a variety of factors including climatic conditions which may vary across countries/regions and may require different/ specific intervention measures as opposed to application of harmonized measures on a global basis.
 - f. Tailored national/regional solutions were needed to achieve durable and effective solutions for environmental challenges rather than a worldwide harmonization of requirements through Codex MRLs. There were multiple (geographic, climatic, social and economic) factors impacting the

¹⁶ REP22/EURO, paragraph 15 iii

environment which varied between regions/ countries as did the way chemicals were used in different regions.

- g. Codex could contribute to the One Health Approach within its own mandate as was the case of FAO, WHO, WOA and UNEP forming the Quadripartite.
 - h. Issues related to the environment, while important, should be addressed in other relevant multilateral fora mandated to deal with such issues outside the mandate of Codex and at the national level in terms of pesticides registration/GAPs.
 - i. There was no unified scientific opinion on the causes for the decline of pollinator populations. Codex neither had the mandate nor the expertise to evaluate evidence of environmental effects. The decline of pollinator populations in countries or regions could not be explained by a single factor as was confirmed by the IPBES (2016) assessment report on pollination, pollinators and food production footnoted in CRD24.
82. An Observer noted that it would not be possible to refer to “globally accepted environmental concerns” given the concerns expressed by countries at the WTO SPS and TBT Committees on the decision of the EU to apply this approach to the two neonicotinoid compounds associated with the decline of pollinator populations.

Discontinuation

83. CAC45 endorsed discontinuation of
- i. MRLs for different combinations of pesticides/commodity(ies) in the Step Procedure recommended for withdrawal (discontinuation); and
84. CAC further noted discontinuation of discussion on the review of the IESTI equations.

Revocation

85. India requested to retain the CXLs for Chlorpyrifos (17) until JMPR perform the periodic review of this compound in 2024 to provide new MRLs or EMRLs for consideration by CCPR for public health protection and trade facilitation. They referred to paragraph 90 of the Risk Analysis Principles applied by CCPR concerning the revocation of CXLs and the establishment of EMRLs by submitting monitoring data. They recognized that while there were safety concerns associated with the existing CXLs, this compound was still used in various crops marketed in international trade thus the revocation of the CXLs could negatively impact trade flow and food security. They further noted that there had been delays in the submission of data to the JMPR Secretariat due to the COVID-19 pandemic and that they were in the process of submitting relevant data to the JMPR Secretariat to enable JMPR to perform the periodic review.
86. The JMPR Secretariat indicated that revocation of CXLs did not preclude the evaluation of the compound by JMPR.
87. CAC45 endorsed revocation of
- i. CXLs for different combinations of pesticide/commodity(ies) proposed for revocation noting the reservation of India regarding the revocation of the MRL for Chlorpyrifos (17) for the reasons explained in paragraph XX and CRD37; and
 - ii. *Guidelines on the use of mass spectrometry for the identification, confirmation and quantitative determination of residues* (CXG 56- 2005).

Other issues

88. CAC welcomed harmonization of definitions for edible tissues of animal origin between CCPR and CCRVDF, which will facilitate the establishment of single MRLs for compounds with dual use and their subsequent uptake by Codex Member countries.
89. CAC commended the improved work management approaches in CCRVDF and CCPR to enhance coordination of work on matters of mutual interest such as the establishment of joint and parallel WGs between the committees to address compounds with dual use.
90. CAC also commended CCPR for the procedures for parallel review of new compounds and encouraged sponsors and Codex members to submit proposals for the evaluation of new compounds through the parallel review.
91. CAC45 further noted that environmental inhibitors could be addressed on a case-by-case basis within the current mandate of CCPR and established procedures as described in the Risk Analysis Principles applied by CCPR.

CODEX COMMITTEE ON SPICES AND CULINARY HERBS (Agenda Item 4.7)¹⁷Final Adoption

92. CAC45:
 - i. Adopted the *Standard for dried floral parts – Saffron*.
 - a. noted the reservations of Canada and the United States of America to the adoption of the standard at Step 8 due to: (1) the inclusion of a provision for “extra class” – that in their view was not aligned to international trade practices; and (2) the provision for the mandatory declaration of country of harvest as in their view the mandatory declaration of the country of harvest was contrary to the advice provided to CCSCH by CCFL that this provision be optional.
 - ii. Adopted the *Standard for dried seeds – Nutmeg* at Step 8,
 - a. noted the reservation of Saudi Arabia and Oman due to public health concerns regarding its safety.
 - iii. Adopted the *Standard for dried or dehydrated chilli pepper and paprika* at Steps 5/8,
 - a. noted the reservation of Morocco who expressed the view that the provisions in Annex I of the standard required more discussions before final adoption.

Amendments to the labelling provisions of non-retail containers in the eight existing spices and culinary herbs (SCH) standards.

93. CAC45 adopted the amendments to the labelling provisions of non-retail containers in the standards for 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)).

Status of endorsements

94. CAC45 noted that the publication of the *Standard for dried floral parts – Saffron* and the *Standard for dried or dehydrated chilli pepper and paprika* would be subject to the endorsement of their food additives and food labelling provisions by CCFA and CCFL respectively.

¹⁷ CX/CAC 22/45/9; CX/CAC 22/45/9 Add.1(Chile, Costa Rica, Egypt, India, Iraq, Kenya, Mauritius, Morocco, Panama, Saudi Arabia and ICUMSA); CRD25 (Ghana and Mali); CRD31 (Dominican Republic); CRD32 (Indonesia); CRD39 (Liberia)

Adoption at Step 5

95. CAC45:
- i. Adopted the Draft Standard for dried small cardamom at Step 5
 - ii. Adopted the Draft Standard for spices derived from dried fruits and berries (Part A - Allspice, Juniper berry, Star anise) at Step 5
96. CAC45 noted that technical comments should be resubmitted at Steps 6/7 for consideration by CCSCCH, taking into account the critical review of CCEXEC83 and that the provisions for food additives, food labelling, and methods would be forwarded to the relevant Committees for endorsement.
97. CAC45 reaffirmed the Commission's support for the development of group standards as an efficient way of completing the work of this committee on the Spices standard.

CODEX COMMITTEE ON VETERINARY DRUGS IN FOODS (CCRVDF) (Agenda Item 4.8)¹⁸**Introduction**

98. The Chairperson, referring to his letter to delegates of 19 November 2022, emphasized that his first objective was to facilitate and encourage the identification of compromises to established positions which may be acceptable to Members, and which may permit resolution by consensus.
99. Recognizing that consensus may remain elusive which would be consistent with the reluctant conclusions he and the Vice-Chairpersons (CVCs) had drawn from the informal consultations held with Members since CAC44, the Chairperson noted that CAC45 should be prepared for a potential vote on MRLs for zilpaterol hydrochloride in cattle fat, liver, kidney and muscle.
100. The Chairperson recalled that the proposed MRLs were currently at Step 4 and that the Commission must follow its rules of procedure in decision-making. However, it was noted that the Commission might decide to suspend any rule it had made and replace it with an alternative provision, for a specified time, by consensus or by an appropriate majority in the case of a vote. The majority required would depend on the nature of the decision. The Chairperson informed CAC45 that the procedures required that he gave 24 hours' notice of any proposal from the Chairperson to apply a change to Codex rules of procedure.
101. The Chairperson explained that after giving the opportunity to Members to express themselves on the risk assessment and risk management, should the will of the Commission not be clear, he would propose a series of questions as set out in the chart in the letter, that would allow the Commission to decide the way forward either by consensus or by vote.

Discussion on the JECFA risk assessment of human health risks associated with residues of zilpaterol hydrochloride

102. Members overall were of the view that the JECFA risk assessment was sound and robust.
103. Some Members expressed concern that edible offal tissues such as intestines and lungs had not been included in the exposure assessment, and that MRLs should not be set before such tissues had been addressed. It was pointed out that it was not about setting additional MRLs for these tissues but rather that these should be taken into account in a complete risk assessment. One Member referred to data showing that beta agonists can cause human dysfunction. Another Member argued that chronic exposure of zilpaterol and its impact on the nervous system had not been thoroughly addressed in the JECFA risk assessment.
104. One Observer stated the view that the risk assessments were carried out addressing zilpaterol in isolation disregarding synergetic effects with other drugs, endocrine disruptors, toxins and hormones.

¹⁸ (CX/CAC 22/45/10); CRD2 (JECFA Secretariat); CRD6 (LAC Region); CRD7 (Thailand); CRD8 (Mali); CRD9 (Philippines); CRD10 (LAC Region); CRD11 (BEUC); CRD12 (Egypt); CRD13 (El Salvador); CRD14 (Ghana); CRD15 (Senegal); CRD16 (NHF); CRD28 (Dominican Republic); CRD29 (Indonesia); CRD35 (Niger); CRD36 (Syrian Arab Republic); CRD39 (Liberia); CRD40 (African Union); CRD42 (Uganda); CRD44 (Ecuador)

105. Another Observer noted that in their view the risk assessment did not address the impact on food systems and ecology and possibly antimicrobial resistance (AMR) of the use of growth enhancing drugs for purely commercial reasons and that Codex should move to a one health approach.
106. The JECFA Secretariat explained that the Health-based guidance values for zilpaterol were based on the most sensitive toxicological endpoint, which in this specific case is found for acute effects. Furthermore, the acute reference dose was informed by results obtained from human volunteers, which constitutes very strong evidence of the highest confidence. In addition, they explained the approach that JECFA had taken with regard to possible chronic effects and the appropriate inclusion of national/regional and temporal variation of eating habits either on basis of data (where available) or by extrapolation. With regards to mixed exposures, they explained that for zilpaterol as for all other MRLs this was an area of science that continued to develop, yet as of today not such effects had been found to be relevant for zilpaterol. With regards to health effects that allegedly were not considered they appealed to Members to submit any indications or data that would demonstrate that a health effect was overlooked.
107. The Chairperson of the CCRVDF confirmed that especially for other edible offal there had been lack of data, but this would not preclude the committee requesting new advice when data became available, and she also noted the ongoing work on extrapolation for edible offal tissues.
108. CAC45 agreed the JECFA risk assessment provided a robust basis for the elaboration for MRLs for zilpaterol hydrochloride in cattle fat, liver, kidney and muscle, noting reservations from:
- China, because in their view, beta agonist drugs can cause human dysfunction and there was a lack of data on residues in edible offal such as intestines and lungs ;
 - The Russian Federation, because, in their view, the potential impact of chronic exposure especially on the nervous systems had not been taken into account; and
 - Thailand, because other edible offal tissues had not been taken into account in the exposure assessment..

Risk management preferences related to setting MRLs for zilpaterol hydrochloride

109. Members thanked the CVCs for their efforts in finding a consensual way forward on this complex issue.
110. Members reiterated positions that had been stated at CCRVDF25 and CAC44 and expressed a range of views on the way forward, including:
- Adopting the proposed MRLs at Steps 5/8
 - Adopting the proposed MRLs at Step 5
 - Holding the MRLs at Step 4
 - Discontinuing the work
111. Members and Observers intervening in favor of adoption the proposed MRLs at Steps 5 or 5/8 argued that:
- a. Codex should adopt food safety standards that were based on a robust international risk assessment and that had met all scientific and procedural requirements;
 - b. Departing from the core principles of basing decisions on science would set a dangerous precedent;
 - c. Setting the MRLs did not mean encouraging the use of zilpaterol;
 - d. No new data was available, the limits were safe and had been substantiated by use over time;
 - e. Food products containing residues were traded internationally and many members who did not use zilpaterol had stated a need for MRLs to protect consumers;
 - f. It was a longstanding Codex practice that members may express their disagreement by recording reservations and not accepting the MRLs into their national regulations;
 - g. A significant part of the cattle population had been treated with zilpaterol under veterinary surveillance and there were no reports on negative human health impact;

- h. Economically it had been shown that zilpaterol was useful, and therefore, MRLs were needed to protect consumers;
- i. There had been problems with exports because of the absence of MRLs for zilpaterol;
- j. Having MRLs for zilpaterol was better than having none;
- k. While animal welfare and sustainability were important, it was not Codex' task to debate whether zilpaterol should be used or not;
- l. Animal welfare was the mandate of WOAHA, which had established relevant standards and was updating them currently;
- m. By using zilpaterol more high nutritional animal food products could be produced that could be consumed safely; and
- n. Meat importing countries with limited resources depended on the unbiased scientific research and guidance of JECFA.

112. Members and Observers intervening in favour of not advancing the MRLs argued that:

- a. Animal health and welfare should be taken into account in the implementation of the One Health approach;
- b. Food systems and One Health were included in relevant FAO and WHO strategies and the work of the quadripartite alliance of FAO, WHO, WOAHA and UNEP;
- c. There was still a possibility for consensus if the application of SoP4 was clarified;
- d. The WHO DG had stressed the urgent need to transform the world's food systems based on a One Health approach protecting the health of humans, animals and the planet;
- e. The FAO DG had highlighted the important role of Codex standards for better nutrition and better environment;
- f. The UN Secretary General had highlighted the need for sustainable production methods and nature-based solutions and sustainable food systems;
- g. Codex needed to adequately respond to evolving consumer expectations regarding holistic approaches food systems and the use growth promoters would go against this.
- h. It was an open question whether consumer concerns should be considered along with other legitimate factors;
- i. The strength of Codex was to rely both on scientific assessment and consensus, and in the absence of one of these elements Codex work should not be advanced;
- j. The use of zilpaterol was limited and no real trade concerns had been expressed so holding the MRLs at Step 4 was a good compromise;
- k. Consumers rejected the consumption of meat produced using growth promoters because of animal health, welfare, and human health concerns.
- l. In the absence of appropriate labeling Consumers could not know the meat they bought was produced using zilpaterol and therefore consumer confidence could be shaken.
- m. Veterinary medicines should be used for treatment and use for growth promotion was difficult to understand from an ethical point of view.

113. One delegation noting the work of CCExEC on the SoP, in particular SoP4, expressed a strong preference for a negotiated outcome and explained that they were ready to record their sustained opposition to these MRLs through abstention from acceptance in accordance with SoP4. Ideally, to ensure transparency they

requested this to be noted in the standard. They urged other Members that wished to maintain their opposition to these MRLs to consider abstention from acceptance and avoid a vote.

114. The JECFA Secretariat stressed that JECFA was mandated by Codex to provide food safety risk assessment based on available scientific data and internationally proven methodology. Establishing safe limits did not mean advocating for the use of zilpaterol. During risk management many other factors might be considered at the national level e.g., animal welfare, animal health, AMR, occupational disease, environmental protection etc. and countries may in this case rely on evaluations by other UN organizations that were more competent to address part of those factors.

Decision-making

Adoption at Step 5

115. The Chairperson noted that there were different opinions between Members and proposed to conclude that the MRLs be adopted at Step 5.
116. This Chairpersons' proposal was objected to by the EU and it was thus decided that CAC45 should vote on adopting the MRLs at Step 5, which would be determined by a simple majority.
117. The FAO Election Officer recalled the framework for voting in Codex which was regulated by Rule 8 of the Rules of Procedure of the Codex Alimentarius Commission and complemented by Rule 12 of the General Rules of FAO. He clarified that the default vote was a vote by show of hands, which would be conducted through the electronic voting system and would mean a vote without recording names and the report of the session would therefore not record the votes of each Member.
118. Before proceeding with the vote, it was noted that there were 158 Members registered and the electronic voting system confirmed that 144 Members were present meaning that a quorum (minimum 80) was established. Furthermore, the number of EU Member States present was established (27) as the EU would vote on behalf of the EU Member States according to CRD1.

Conclusion

119. The vote had the following result:

Votes cast:	135
Majority required:	68
Votes in favour:	87
Votes against:	48
Abstaining:	7
Result:	Proposal adopted.

120. Therefore, the MRLs for zilpaterol hydrochloride for cattle muscle, fat, liver and kidney were adopted at Step 5.

Amendment of the Codex Procedure to allow for omission of Steps 6 and 7

121. The Chairperson recalled that with the adoption at Step 5, the draft MRLs for zilpaterol hydrochloride would be moved to Step 6. However, the Commission could also decide to omit Steps 6 and 7 and proceed to adopt it at Step 8 which in line with paragraph 6 of the *Procedures for the Elaboration of Codex standards and related texts* would require a recommendation by the relevant Codex committee in this case CCRVDF. CCRVDF did not make such a recommendation for the MRLs for zilpaterol, thus the Commission would need to agree on an exceptional process for CAC45, whereby the MRLs could be immediately advanced to Step 8 during this session. He recalled that he had given CAC45 the needed 24h notice on this possibility.
122. The Chairperson stated that in his view consideration of such an exceptional process was warranted. In case of a vote on this procedural proposal, a two-thirds majority would be needed to accept the proposal. The Chairperson underlined that if the outcome of the vote on the procedural proposal was negative, the MRLs would remain at Step 5 and be automatically advanced to Step 6. If the procedural proposal was

adopted, the Chairperson would then propose adoption of the proposed MRLs at Step 8. In the case of a vote on the latter, a simple majority would be needed.

123. The Chairperson then proposed to replace on an exceptional basis paragraph 6 of the procedures for the elaboration of Codex standards and related texts with an ad hoc process allowing the advancement of MRLs for zilpaterol hydrochloride at Step 8.
124. This proposal was objected to by the EU and it was thus decided that there should be a vote on whether to amend the procedures on this occasion, which would be determined by a two-thirds majority.
125. The FAO Election Officer recalled the rules. He clarified that the default for vote requiring a two-thirds majority was a roll-call vote, which would be conducted through the electronic voting system. The report would thus record how each Member had voted.
126. Before proceeding with the vote, it was noted that there were 158 Members registered and the electronic voting system confirmed that 136 Members were present meaning that quorum (minimum 80) was established. Furthermore, the number of EU Member States present was established (26) as the EU would vote on behalf of the EU Member States according to CRD1.

Conclusion

127. The vote had the following result:

Votes cast:	130
Majority required:	87
Votes in favour:	84
Votes against:	46
Abstaining:	9
Result:	Proposal rejected.

128. The proposal on whether to replace on an exceptional basis paragraph 6 of the procedures for the elaboration of Codex standards and related texts with an ad hoc process allowing the advancement of MRLs for zilpaterol hydrochloride at Step 8 was rejected.
129. The results of the roll-call vote are contained in Appendix VIII.

Next steps

130. The Chairperson of CCRVDF noted that the Commission had adopted the MRLs at Step 5 and that there was consensus during CAC45 that the scientific risk assessment was sound and robust and that the technical aspects of the models were complete. She underlined that CCRVDF, as a technical committee, did not have further work to do on these MRLs at this time and requested that the MRLs would remain with the Commission at Step 6. However, she added that CCRVDF would welcome any new work proposals for the priority list for CCRVDF26 and that the deadline was 10 January 2023.
131. While some expressed the view that the work on MRLs for zilpaterol hydrochloride should go back to CCRVDF, there was general consensus to leave the continuation of this work with the Commission. In this context CAC45 noted that Members could propose new work to CCRVDF such as on developing MRLs for zilpaterol hydrochloride for other edible offal tissues.
132. One Member emphasized that it was not a matter of having additional MRLs but rather to have a complete exposure assessment for the risk assessment on zilpaterol hydrochloride to ensure consumer safety. This should also consider withdrawal periods and residues in other tissues. This Member furthermore suggested that CAC46 should implement the guidance on the application of the SoP when reverting to the MRLs for zilpaterol hydrochloride.
133. The JECFA Secretariat reassured that the risk assessment had used all available data, including from all countries with food consumption data or food availability studies that are hosted by FAO. Thus, data from all countries were incorporated in the exposure analysis and subsequently reflected in the health-based

guidance values. This means that sufficiently inclusive and sufficiently diverse exposure data had been incorporated to reflect the dietary scenarios that can be found in certain countries, but not in other countries. The JECFA Secretariat also reminded that Members could use the concern form to express concerns they may have.

134. The Chairperson noted that with the adoption of the MRLs at Step 5, they would automatically be circulated for comments at Step 6. Any comments would be discussed at Step 7 by CAC46.
135. Members proposed that CAC45 should commit CAC46 to adopt the MRLs at Step 8 if there was no new data.
136. Other Members emphasized that CAC45 could not anticipate nor decide on the course of action at CAC46 but should strictly adhere to the rules of procedure.
137. The Codex Secretariat confirmed that while CAC45 could express a preference for how CAC46 should act, it was not possible to bind CAC46 to this.
138. The importance of further consultations by the CVCs with the Members in advance of CAC46 was highlighted.
139. It was noted that as not many Members used or allowed zilpaterol, the issue should not be a priority for CAC.
140. One Observer noted that while many countries did not use zilpaterol they supported the MRLs as a safeguard. She suggested that countries inform the public about zilpaterol and limit its promotion.

Conclusion

141. CAC45:
 - i. Adopted the MRLs for zilpaterol hydrochloride at Step 5 (by vote);
 - ii. Agreed to retain the further elaboration of MRLs for zilpaterol hydrochloride in fat, liver, kidney and muscle, in the Commission noting the reservation of China;
 - iii. Advised CAC46 to note the discussions at CAC 45; and
 - iv. Welcomed the prospect of further informal consultation by the CVCs prior to CAC46 to facilitate consensus.

Statements

142. Following the conclusion of the item, the Chairperson invited Members to make final statements.
143. The statements made are collated in Appendix IX.

FAO/WHO REGIONAL COORDINATING COMMITTEES (Agenda Item 4.9)¹⁹

FAO/WHO Codex Coordinating for Africa (CCAFRICA)

Adoption

144. CAC45 adopted the:
 - i. *Regional Standard for dried meat* at Step 8 noting that the standard would be published after endorsement of the of relevant provisions for additives and labelling by CCFA and CCFL, respectively;
 - ii. *Guidelines for developing harmonized food safety legislation for the CCAFRICA region* at Steps 5/8; and

¹⁹ CX/CAC 22/45/11; CX/CAC 22/45/11 Add.1 (Botswana, Egypt, Eritrea, Kenya, Mauritius Morocco and Iraq); CRD26 (Ghana, Mali and Senegal); CRD30 (Mauritius); CRD35 (Niger); CRD39 (Liberia); CRD42 (Uganda)

- iii. Revised 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);
- 145. A Member from outside the CCAFRICA region expressed support for the adoption of the *Regional standard for dried meat* and highlighted the need to convert the regional standard into a worldwide standard as previously highlighted at CAC43.
- 146. The Codex Secretariat explained that a possible conversion to a worldwide standard could be discussed after the adoption of the standard, and that any interested Member could prepare and submit a project document to CCEXEC.
- 147. The Coordinator for Africa observed that the under the African Continental Free Trade Area (AfCTA), Codex Standards had been identified as having a role in enhancing the common market and that the guidelines would be central in the development of potential tools for national policy development, advocacy and modernization of food control systems. The adopted standards and guidelines were therefore timely in marking the 50 years of CCAFRICA.

FAO/WHO Codex Coordinating Committee for Europe

Adoption

- 148. CAC45 adopted the amended text for section 8.2, labeling of non-retail containers, in the *Regional Standard for Chanterelles* (CXS 40R-1981).

EDITORIAL AMENDMENTS TO CODEX TEXTS PROPOSED BY THE CODEX SECRETARIAT (Agenda Item 5)²⁰

- 149. The Codex Secretariat introduced the item recalling that CAC44, when adopting the *General Standard for the Labelling of Non-retail Containers of Foods* (CXS 346-2021) and the consequential amendments to the section on Labelling in the *Format for Codex Commodity Standards* in the PM, had requested Commodity Committees, and in case of inactive committees the Codex Secretariat, to review the labelling provisions for non-retail containers in existing and draft standards in light of this.
- 150. The Codex Secretariat noted that it had in collaboration with relevant Host Secretariats had reviewed the labelling provisions for non-retails containers in existing and draft standards that were under the purview of inactive committees and that recommendations for amendments were contained in the working document. The Secretariat noted further that the standards under the adjourned sine die Codex Committee on Cereals, Pulses and Legumes (CCCPL) had not been included in the document as they were still under consideration.

Conclusion

- 151. CAC45 adopted the proposed editorial amendments to Codex texts under the purview of inactive committees noting that the CCCPL standards were still under consideration.

OTHER MATTERS RELATED TO CODEX SUBSIDIARY BODIES²¹

Proposal for revision of the *Standard for Kimchi*

- 152. The Codex Secretariat recalled that following a proposal to revise the *Standard for Kimchi* (CXS 223-2001) by the Republic of Korea, a CL had been distributed in all languages requesting the views of Members and Observers with two extensions of the deadline for comments.
- 153. CAC45 noted the recommendation from CCEXEC83 not to approve the new work proposal, but rather request the Republic of Korea to continue collecting data and engage with Members with the aim of revising the proposal addressing the concerns raised.
- 154. The Republic of Korea highlighted their view that the amendment was needed and confirmed their readiness to revise the proposal.

²⁰ CX/CAC 22/45/12 Rev.1; CRD31 (Dominican Republic)

²¹ CX/CAC 22/45/13

155. While there was some support for the proposal, there was also a request to expand the scope.
156. It was clarified that should the proposal be approved, it would be placed in a queue together with the previous proposals on developing a standard on cashew kernels and on dehydrated sweet potato, and CCEXEC would consider whether to propose to CAC a reactivation of CCPFV.

Conclusion

157. CAC45:
- i. Did not approve the proposal for revision of the *Standard for Kimchi* at this time; and
 - ii. Noted that CCPFV could be reactivated should there be sufficient workload.

Proposal for an amendment of the *Standard for fruit juices and nectars* (CXS 247-2005)

158. The Codex Secretariat informed CAC45 that Brazil had submitted a proposal for an amendment to the *General Standard for Fruit Juices and Nectars* (CXS 247-2005) which had been presented to CCEXEC83. CCEXEC83 had noted that the Codex Secretariat would issue a CL requesting the views of Members and Observers on the proposed amendment, which would feed into the critical review by CCEXEC84 and its recommendation to CAC46.
159. Several Members and one Observer expressed support for the proposal.
160. In response to question from a Member on the distinction between an amendment and a revision, the Codex Secretariat confirmed that the PM was not fully clear on this and that the issue would be further addressed by CCGP33 as indicated in CX/CAC 22/45/2.

Conclusion

161. CAC45 noted that the Codex Secretariat would issue a CL requesting comments from Members and Observers on the proposal for an amendment of the *General Standard for Fruit Juices and Nectars* (CXS 247-2005).

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

162. The Codex Secretariat recalled that at CCFO27, Iran had introduced a discussion paper on the need to align the MLs for copper and iron in ghee (butter oil) in the *Standard for Milkfat Products* (CXS 280-1973) with those in the *Standard for Named Vegetable Oils* (CXS 210-1999). CCFO27 had agreed to forward a request to CCEXEC for consideration and advice on which mechanisms could be used to consider the proposal.
163. As recommended by CCEXEC82, a CL had been issued seeking the views of Codex Members and Observers.
164. Considering the feedback to the CL, CCEXEC had recommended that CAC45 not approve the proposal noting that any Member could submit a revised new work proposal, taking into account the comments made in response to the CL.
165. Two Members supported the proposal noting that while copper and iron were not considered contaminants for milk, these MLs were used, in some countries, for purposes of export and import control of milk, and that their national data seemed to deviate from the Codex standard. It was further proposed that an EWG be established under the purview of CCFO to investigate the issue further.
166. Two other Members and one Observer supported the recommendation of CCEXEC83, not to approve the new work. They emphasised that these levels cited were not strict limits but had been included for guidance only. Therefore the proposal was not justified and changing the figures could lead to potential disharmony in the standard.

Conclusion

167. CAC45:
- i. Agreed not to approve the proposal for revision of the *Standard for Milkfat Products* (CXS 280-1973), and

- ii. Noted that it was open to Members to submit a revised new work proposal.

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

168. The Codex Secretariat recalled that CCFICS25 (2021) had agreed to establish an EWG to develop a discussion paper on “Use of remote audit and verification in regulatory frameworks” with the possibility of also developing a new project document. As CCFICS26 would not meet until 2023, a proactive process for submitting the proposal for new work in line with Codex procedures was pursued. The discussion paper and project document for the new work proposal was circulated via a CL for comments and a revised work proposal developed.
169. CAC45 noted that CCEXEC83 had recommended that CAC45 approve the new work proposal.
170. The proposer (Australia), in response to a question from a Member on the scope of work (whether remote inspection would be included) and use of terminologies (remote audit versus verification), informed CAC45 that the work would include a clarification of issues around nomenclature and that the final principles/guidelines would be outcome-based taking into account the lessons learnt during the COVID-19 pandemic.
171. One Member while supporting the proposal highlighted the importance of intergovernmental organizations providing support to countries to raise awareness and help build capacities in the technologies related to remote audit and verification in order to ensure that any Codex texts developed in this area were useful and implementable by all Members.

Conclusion

172. CAC45:
- i. Approved the new work proposal on the development of principles and guidelines on the use of remote audit and verification in regulatory frameworks by CCFICS.
 - ii. Established an EWG, chaired by Australia and co-chaired by Canada and Singapore and working in English, French and Spanish, to prepare at Step 2 the Proposed draft principles and guidelines on the use of remote audit and verification in regulatory frameworks.
 - iii. Requested that the report of the EWG including the proposed draft principles and guidelines be made available to the Codex Secretariat and circulated for comments at Step 3 at least three months before CCFICS26, which would discuss it at Step 4.

STRATEGIC PLAN 2020-2025: IMPLEMENTATION REPORT 2020-2021 (Agenda Item 7)²²

Introduction

173. 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 atypical 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 meeting formats and increased efforts on informal pre-meeting preparatory events;
 - 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 continued provision of FAO and WHO scientific advice, critical to Codex standard setting work, despite facing similar challenges as for Codex meetings. The Codex Secretariat reported on the ongoing challenges to monitoring the implementation of the SP including:

²² CX/CAC 22/45/14 & Add. 1

- data collection for some indicators that relied more on qualitative information, and the difficulties in comparing the results for this type of indicator across biennia;
 - the ongoing changes and uncertainties Codex was operating in that required constant adaptation; and
 - the number of indicators, some of which overlapped.
174. Within this context, it was proposed that CAC consider requesting the Secretariat to reduce the number of indicators to those where the most useful information could be collected.
175. The Secretariat also presented the preliminary report on the pilot survey on the use and impact of Codex texts, which were in general encouraging with Members indicating 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.
176. The Chairperson highlighted the conclusions of CCEXEC82 and CCEXEC83, and in particular the conclusion of CCEXEC83 that there would be benefit in undertaking the elaboration of the next SP with the Codex membership in parallel with the development of the monitoring framework led by the Codex Secretariat.

Discussion

177. Members expressed appreciation for the comprehensive report. There was agreement with the need to review the monitoring framework of the SP with the aim of providing accurate and complete information, and with the proposal of the Codex Secretariat to reduce the number of indicators, while ensuring that there be at least one indicator per result and that the one related to timely distribution of documents should remain. It was also suggested that the prioritization and work management mechanisms of the different committees be collated in one place for ease of access and understanding. The Codex Secretariat noted that this could be undertaken as part of guidance requested by CCEXEC on development of new work proposals.
178. Members particularly commended the Codex Secretariat for the efforts undertaken under objective 3.1 (raise the awareness of Codex standards) on sustained communication activities. Members also commended the Secretariat for providing the preliminary results of the pilot survey on the use and impact of Codex texts in a timely manner. They looked forward to a more in-depth analysis of the results and how this could inform the next Codex SP.
179. Several Members raised the issue of timely distribution of documents and the importance of publication of documents two months in advance of committee meetings to facilitate review and preparation by Member delegations.
180. The Codex Secretariat acknowledged the importance of improvements in this area and noted that, while reasons for delays were multifold and often outside the control of the Secretariat (e.g. late arrival of EWG reports), they were in many areas directly related to the workload of the Secretariat and it would be difficult to improve the situation without reducing the output requested by Members. The Codex Secretariat encouraged input on how to address the issue.

Conclusion

181. CAC45:
- i. Welcomed the comprehensive report on the implementation of the SP and noted the highlights presented by the Codex Secretariat;
 - ii. Commended the Codex Secretariat on its efforts to raise awareness of Codex standards through the continued communication activities and the resulting increased visibility, even in testing circumstances such as the COVID-19 pandemic;
 - iii. Commended the Codex Secretariat for the preliminary report and analysis of the survey on the use and impact of Codex texts, recognizing its potential as an important tool for Codex;

- iv. Requested that further attention be given to the timely distribution of working documents in all languages while recognizing the resource constraints on the Codex Secretariat;
- v. Noted the continuing evolution of the SP monitoring framework and requested the Codex 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, noting in this respect the undertaking that the Codex Secretariat propose a revised framework for review at CCEXEC84; and
- vi. 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 BUDGETARY AND FINANCIAL MATTERS (Agenda Item 8)²³

Introduction

- 182. 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.
- 183. 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.
- 184. 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 remote participation in meetings of CCEXEC and CAC.
- 185. Looking at the Codex budget from a more overarching perspective, the Codex Secretariat noted that Codex had 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 the 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.
- 186. The Chairperson highlighted the conclusions made by CCEXEC83 on this item, including the need for a flexible approach in delivering the Codex work plan and the request to advocate for additional funding to the Codex programme.

Discussion

- 187. The EU and its Member States welcomed the report and the efforts made by the Secretariat during the COVID-19 pandemic, and supported the recommendations made by CCEXEC83.

Conclusion

- 188. CAC45:
 - i. noted the final report for the biennium 2020-2021, progress in line with budgeted expenditure in the biennium 2022-2023; and the proposed budget for 2024-2025;
 - ii. noted the continued need for a flexible approach to the redistribution of resources, within the total financial limit, to best support 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; and

²³ CX/CAC 22/45/15

- iv. urged Members to advocate with their government representatives to FAO and WHO for additional funding for the Codex programme.

MATTERS ARISING FROM FAO AND WHO (Agenda Item 9)²⁴

- 189. The Representatives of FAO and WHO highlighted their joint work, including capacity building and scientific advice activities and budget matters. They also noted the update on the Codex Trust Fund (CTF) to CAC45 for consideration and possible action.
- 190. The Representative of WHO referred to the work of WHO on nutrition and healthy diets, highlighting four areas of work including the WHO guideline on RUTF, the WHO Action Plan to reduce the harmful use of alcohol which highlighted the importance of labelling requirements for alcoholic beverages, elimination of industrially produced *trans*-fatty acids (TFA) by 2023, and global efforts in accelerating actions to achieve the global target of reducing population sodium intake.
- 191. The Representative of WHO further highlighted that CCEXEC83²⁵ had requested Codex committees to give due regard to ongoing global efforts to reduce NCD risk factors such as sodium intake, when prioritising and undertaking work on new standards or reviewing existing standards and guidelines.

Discussion

- 192. CAC45 welcomed the reports from FAO and WHO, commended their work, supported the conclusions of CCEXEC83, and encouraged both organisations to sustain their efforts, particularly regarding the provision of scientific advice to support Codex work and their efforts to address new and emerging food safety and nutrition issues.
- 193. Members appreciated the collaboration of FAO and WHO in implementing both 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. Members further requested that this be done respecting the mandates of each organization.
- 194. Members recognised the benefits of capacity building and awareness raising events, including those delivered virtually. They supported continuing using virtual modalities as part of a blended approach to capacity development, tailored according to the context, and building engagement.
- 195. The Representatives of FAO and WHO appreciated the strong interest of Members in the work of FAO and WHO and highlighted that the work of the two organizations would not be possible without the active and continuing support of Members. For example, the provision of independent scientific advice provided by FAO and WHO that was central to the work of the CAC was only possible because Members were willing to fund the operational cost of the scientific committees and were willing to promote and facilitate the participation of their experts. The representatives of FAO and WHO further highlighted their appreciations that experts were willing to support and make themselves available to contribute to the scientific advice work of FAO and WHO.

Codex Trust Fund (CTF)

- 196. CAC45 welcomed the information and analysis provided by the CTF Secretariat.
- 197. Some Members pointed out that the COVID-19 pandemic had had a profound impact on how they carried out Codex related work at national and regional level, and requested that the CTF change the criteria for

²⁴ CX/CAC 22/45/16; CAC45/INF1; CAC45/INF2; CAC45/INF3; CRD4; CRD27 (Mali)

²⁵ REP22/EXEC2, paragraph 154

eligibility to further facilitate the application process and consequently extend the number of Member Countries that could benefit from CTF support.

198. CTF beneficiaries appreciated the support from CTF and requested the CTF Secretariat to clarify whether it was possible for a beneficiary to apply to CTF in future rounds and what the relevant follow up steps would be.
199. An Observer emphasized the value of CTF and stressed the importance for CTF to only accept public funds for reasons of transparency.
200. The Representative of WHO welcomed the positive feedback on the CTF2 projects and acknowledged the high expectations for capacity building through CTF and other food safety work streams such as the assessment of national food control systems. The WHO food safety strategy was an attempt to bring these work streams together.
201. The CTF Secretariat welcomed the high interest expressed by Members and noted the requests regarding the eligibility criteria, the need for possible extensions, and the questions on other forms of support. He pointed out that the operations and support of CTF remained bound to the CTF2 project document and that requests for changes would be taken into consideration in the CTF2 mid-term evaluation. He encouraged Members to contact the CTF Secretariat with any specific concerns and reassured them that the CTF Secretariat remained committed to continuously improving the programme. He informed about regional trainings planned for eligible countries in 2023. Finally, the CTF Secretariat encouraged donor countries to increase the contributions to the CTF to match the increasing requests for assistance.
202. The Representative of FAO pointed out that the focus of the CTF was to enable countries to better participate in Codex and encouraged Members to contact FAO and WHO directly for other capacity building requests, for instance on the food control systems assessment tool.

Conclusion

203. CAC45:
 - i. Supported the conclusions of CCEXEC83 and thanked FAO and WHO for their continued support to Codex Alimentarius, its committees, and Members, and in particular its continuing work on:
 - a. Mitigation of foodborne AMR;
 - b. Risk assessment related to foods including edible seaweed, noting the long history of its consumption in some countries;
 - c. Potential risks including those posed by microplastics;
 - d. Review and implementation of guidance on traditional food markets; and
 - e. Issues related to nutrition, including sodium reduction and elimination of *trans*-fatty acids
 - ii. Encouraged FAO and WHO to continue their collaboration in implementation of 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, which should respect the mandates of and draw on the expertise of each organization;
 - iii. Recognized the benefits to Codex Members of capacity building and awareness raising events, including those delivered virtually; Supported the continued use of virtual modalities as part of a blended approach to capacity development, tailored according to the specific context and objective; Welcomed the reports from CTF beneficiaries; Recognized the important role of CTF in strengthening developing countries' effective participation in Codex; and Encouraged all eligible countries to apply to the CTF to benefit from its support; Noted the need to develop approaches that sustain the benefits of CTF projects beyond their duration; and
 - iv. Noted the concerns of Members regarding the eligibility criteria for CTF projects.

APPOINTMENT OF COORDINATORS (Agenda Item 10)²⁶

²⁶ CX/CAC 22/45/17

204. The Codex Secretariat informed CAC45 that four FAO/WHO Coordinating Committees (RCCs) had met since CAC43, namely, the FAO/WHO Coordinating Committee for Europe (CCEURO) (May 2022), the FAO/WHO Coordinating Committee for Africa (CCAFRICA) (September 2022), the FAO/WHO Coordinating Committee for Asia (CCASIA) (October 2022) and the FAO/WHO Coordinating Committee for Latin America and the Caribbean (CCLAC) (October 2022). The Codex Secretariat further informed CAC45 that CCAFRICA, CCASIA and CCLAC had nominated the current Coordinators, namely Uganda, China and Ecuador, respectively, for re-appointment.
205. The Codex Secretariat also informed CAC45 that the next Sessions of the FAO/WHO Coordinating Committees for North America and South-West Pacific (CCNASWP) and the Near East (CCNE) had been scheduled for 2023.
206. With regards to Europe, the Codex Secretariat noted that CCEURO recommended the appointment of Germany as the next Coordinator recalling that since Germany was currently serving as Member for Europe elected on a geographic basis to CCEXEC, it could not also serve as Coordinator according to Rule V.1 of the PM.
207. The Delegation of Germany informed CAC45 that following the appointment as Coordinator, they would step down from the position of Member for Europe.
208. The Codex Secretariat noted that the appointment of Germany as Coordinator for Europe would leave a vacancy in CCEXEC for the position of Member for Europe elected on a geographic basis. The Commission would therefore need to be invited to nominate and elect a new Member for Europe to complete the current term as Germany had only served half of their second term.

Conclusion

209. In accordance with Rule IV.2 of the Commission's Rule of Procedure, and on the basis of the nominations made by the FAO/WHO Coordinating Committees, the following Members of the Commission were appointed/reappointed as Coordinators to hold office from the end of CAC45 until the end of the first regular session of the Commission following the next session of the relevant FAO/WHO Coordinating Committee (in accordance with current plans this would be until the end of CAC47 (2024)):
 - CCAFRICA: Uganda (re-appointed)
 - CCASIA: China (re-appointed)
 - CCEURO: Germany (appointed)
 - CCLAC: Ecuador (re-appointed)
210. The Chairperson thanked Uganda, China and Ecuador for their successful and productive work despite the challenges faced in taking on the Coordinator role during the COVID-19 pandemic and wished them success for their second term. He also welcomed Germany as new Coordinator for Europe and wished them success. The Chairperson also thanked Kazakhstan for all their work during their two terms as Coordinator for Europe and for ensuring the views of all countries in the region were brought to the attention of CCEXEC and CAC.

ELECTION OF MEMBERS ELECTED OF THE EXECUTIVE COMMITTEE ON A GEOGRAPHICAL BASIS

211. Following the appointment of Germany as Coordinator for Europe and consequently stepping down from its role as Member for Europe elected on a geographic basis, CAC 45 elected Finland as the Member for Europe to complete the current term (expected until the end of CAC46).

ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSONS (Agenda Item 11)²⁷

CAC45 elected the following persons to hold office from the end of its present Session to the end of the next regular Session of the Commission (CAC46):

Chairperson: Mr Steve Wearne (United Kingdom)

²⁷ CX/CAC 22/45/18; CRD 31 (Comments of Dominican Republic)

Vice-Chairpersons: Mr Allan Azegele (Kenya)
 Mr Raj Rajasekar (New Zealand)
 Mr Diego Varela (Chile)

DESIGNATION OF COUNTRIES RESPONSIBLE FOR APPOINTING THE CHAIRPERSONS OF CODEX SUBSIDIARY BODIES (Agenda Item 12)²⁸

212. The Chairperson expressed appreciation to the Member Countries responsible for appointing Chairpersons of Codex Subsidiary bodies recalling their relentless efforts to ensure the functioning of Codex and Codex meetings in the virtual environment.

Conclusion

213. CAC45 confirmed the designation of countries responsible for appointing the Chairpersons of Codex subsidiary bodies as outlined in CX/CAC 22/45/19.

60th Anniversary of the Codex Alimentarius Commission: 1963-2023 (Agenda item 13)²⁹

214. The Codex Secretariat presented the progress on preparations for the 60th anniversary of the Codex Alimentarius Commission (Codex@60) since CAC44, noting that FAO senior management had recommended a year of celebration rather than limiting it to a specific day. The Secretariat reiterated the need for Members and Observers to take a proactive approach to organizing events, including through the Codex regional groupings, and sought updates and inputs from them on their plans to mark the occasion.
215. The discussions highlighted the commitment and enthusiasm of Members to celebrate Codex@60 in multiple ways, at regional, national and international levels, using different modalities, ranging from formal to more informal events. Delegations outlined ideas involving all actors throughout the food chain and plans to connect with youth, academia, industry, agriculture, consumers, media and government including at ministerial level. With World Food Safety Day in 2023 dedicated to the theme of standards, opportunities to link events to this UN celebration were noted and encouraged.
216. Celebrating those Members and experts who had dedicated much of their time and careers to steering the work of Codex was another idea that received support.
217. Members and Observers gave several examples of topics that could be the focus for Codex@60 such as strengthening understanding of risk management; food safety control; health and food markets; compliance with food safety policies and regulations; a reflection on the success of Codex standards; and food safety for human health.
218. The Secretariat responded that countries were welcome and encouraged to place emphasis for Codex@60 on local realities and national food safety priorities.
219. Activities planned from the Secretariat, described in CX/CAC 22/45/20, were expanded on, including the desire to engage with Members to develop case studies on the implementation of Codex texts, and their adaptation to national scenarios, as well as ongoing work on the visual identity of Codex publications and the forthcoming website upgrades.

Conclusion

220. CAC45:
- i. noted the information provided by the Secretariat and the planned celebrations under development by the Secretariat and Members;
 - ii. 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
 - iii. 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.

²⁸ CX/CAC 22/45/19

²⁹ CX/CAC 22/45/20; CRD 31 (Comments of Dominican Republic), 32 (Comments of Indonesia).

PARTICIPATION OF THE EUROPEAN UNION AS ADVISER TO THE MEMBER FOR EUROPE IN THE EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION (Agenda Item 14.1)³⁰

Introduction

221. The Representative of the Legal Office of FAO speaking on behalf of the Legal Offices of FAO and WHO recalled that at CCEXEC78 and CCEXEC79 (in February and July 2020), the Member for North America had drawn the attention of CCEXEC to the presence of the EU as advisor to the Member for Europe and sought clarifications from the FAO and WHO Legal Offices as to whether this participation was in line with the PM and the 2003 voluntary declaration from the EU concerning its presence at CCEXEC. In response, at CCEXEC79, the FAO/WHO Legal Offices had indicated that any decision on the matter would lie with the Codex membership, bearing in mind that the rules of Codex are silent on the question of the right of the EU to participate in CCEXEC and that the EU had submitted a declaration on the subject.
222. As these concerns had been raised during the COVID-19 pandemic and required a review of the Organizations' archives, the FAO and WHO Legal Offices had committed to prepare a paper addressing the legal aspects of the issue, to assist Members in taking a decision on the matter at the next physical session of the Commission which was the present session.
223. The Representative explained that the first part of the document set out the historical background of the issue, including the practice that has developed over time regarding the participation of Member Organizations in meetings of FAO Governing Bodies and of Codex:
 - Paragraph 13 explained the apparent gap in the Codex Rules of Procedure concerning the right of Member Organizations to participate in sessions of CCEXEC as is it only referred to the right of a Member Organization to participate in matters within its competence in meetings of the Commission or its subsidiary bodies, but did not refer to CCEXEC specifically.
224. The Representative further recalled that:
 - The FAO Committee on Constitutional and Legal Matters (CCLM) had examined the question of the EU's entitlement to participate in CCEXEC at its 74th session in 2002 and considered that the matter required a review of the functions of CCEXEC to determine whether CCEXEC could be equated with the FAO Council, and noted that this had to be *"dealt by the [CCGP] and ultimately by the Commission"*.
 - After the CCLM's review, at CCGP18 in 2003, the Observer from the European Community had submitted the Declaration concerning the EU participation in the Executive Committee, which was reproduced in para. 18 of the document.
 - The records of the legal offices had revealed that the Commission did not express any view on the 2003 EU Declaration.
 - Since the 2003 EU Declaration, a practice had evolved whereby the EU had not participated as a Member in CCEXEC sessions; however, individuals employed at the European Commission had occasionally attended sessions of CCEXEC as advisers to the Member for Europe (in 2012, 2013 and 2014, and recently in 2020 and 2021).
225. The Representative explained that the second part of the document outlined the relevant rules providing that:
 - The composition of delegations was a matter of sovereignty, i.e.; it was the right of each Member to decide the composition of its delegation – and that advisers formed part of the delegation (Rule III.1 of GROs, Article V.I of the FAO Constitution and Rule VI (paragraphs 4 and 5) of the Codex rules).
 - In Codex, the CCGP had clarified that the sovereign right of a Member to choose its advisers was subject to two conditions: must be from the same geographic location as the Member, and no more than two.

³⁰ CX/CAC 22/45/21

- As concerns their role, the relevant rules (Codex Rule VI (paragraph 5) and Rule VIII (paragraph 1)) reveal that advisers were present at a session as part of the Member's delegation without any other status or rights.
226. The FAO and WHO Legal Offices had recognized that there might be a lack of clarity between the issue of the presence of the EU as adviser to the Member for Europe and the broader question of EU's entitlement to participate in CCEXEC sessions.
227. Following a thorough review of the background, and all relevant rules and practices in FAO and Codex, the FAO and WHO Legal Offices had concluded that both issues were ultimately for deliberation by the Commission.

Discussion

228. Members that intervened welcomed the document especially the clarification that advisors form part of the delegation of the Member, and that is the sovereign right of the Member to choose its advisers, subject only to the two conditions mentioned (that the adviser had to come from the same geographic location and a Member cannot bring more than two advisers). Thus, it was understood that the Members of the CCEXEC elected on a geographical basis for Europe who had previously been accompanied by an advisor from the European Commission had acted consistent with the rules of Codex. One member requested that CAC45 reconfirm these rules.

Conclusion

229. CAC45 noted the advice of the Legal Offices of FAO and WHO as in CX/CAC 22/45/21, paragraphs 27-30.