

# CODEX ALIMENTARIUS COMMISSION

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Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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**REP20/EXEC2**

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX ALIMENTARIUS COMMISSION

#### Forty-third Session

Virtual, 24-26 September 2020 and 19 October 2020 (planned<sup>1</sup>)

### REPORT OF THE SEVENTY-NINTH SESSION OF THE EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

Virtual, 13 - 20 July 2020<sup>2</sup>

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<sup>1</sup> To be endorsed by the Members of the Codex Alimentarius Commission

<sup>2</sup> Rescheduled from 29 June – 3 July 2020

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## INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission held its Seventy-Ninth Session (CCEXEC79) online, from 13 to 20 July 2020. The Chairperson of the Codex Alimentarius Commission (CAC), Guilherme da Costa Junior (Brazil), opened the meeting, noting that this was the first time that a full virtual meeting of a Codex Committee had been held. The Assistant Director-General of the Food and Agriculture Organization of the United Nations (FAO), Bukar Tijani and the Assistant Director-General of Universal Health Coverage/Healthier Populations of the World Health Organization (WHO), Naoko Yamamoto also welcomed participants on behalf of the parent organizations.

## ADOPTION OF THE AGENDA (Agenda item 1)<sup>3</sup>

2. The Chairperson noted that the discussion paper entitled '*Codex and the pandemic - strategic challenges and opportunities*' (EXEC/79 CRD/01) would be discussed under agenda item 5, Other business. With this addition, CCEXEC79 adopted the agenda.
3. The Member for North America requested clarification regarding the participation of the European Union (EU) as advisor to the Member for Europe in the Executive Committee of the Codex Alimentarius Commission, following on former discussions at CCEXEC78<sup>4</sup>. The Member also noted the lack of a document outlining the division of competence between the European Union and Member States, as required by the Codex Procedural Manual prior to any meeting in which a member organization may be entitled to participate (Rule II, Paragraph 4).
4. The Member for Europe stated that there was no issue of division of competence as he was participating as the geographical member with the mandate to act in the interests of the Commission as a whole. In support of this mandate the Member had selected his advisors on the basis of the information available, and in accordance with the rules applying to the selection of individuals as advisors, who were selected based on their expertise and not according to their country or employer.
5. The Legal Representative of FAO, speaking on behalf of the Legal Offices of FAO and WHO provided participants with an initial assessment of the issue.
6. The Legal Representative of FAO stated that further to a careful review of the Codex Procedural Manual, the FAO General Rules of the Organization and other background material, on a preliminary basis, the Legal Offices of FAO and WHO had concluded that the rules do not provide any clear legal position on the participation of the EU as advisor to the Member for Europe in the Executive Committee.
7. The Legal Representative of FAO also noted that alongside the European Community (EC) declaration of 2003<sup>5</sup>, a practice had evolved over the past years regarding the participation of advisors in meetings of the Executive Committee, which was acquiesced to by the Members. In particular, reference was made to the attendance of a member of staff of the European Commission as advisor to the elected Member for Europe (France) in three sessions of the Executive Committee in 2012, 2013 and 2014. It was noted that the records of the relevant CCEXEC meetings do not show any objection to this participation by other Members.
8. In this regard, the Legal Representative stated that the position of the FAO and WHO Legal Offices was that, considering the gap in the rules, the EC declaration of 2003 and the evolving practice, a decision regarding the participation of the EU as advisor to the Member for Europe in sessions of the CCEXEC lies with the Codex membership. They therefore recommended that:
  - (i) the issue relating to the participation of the EU as advisor to the Member for Europe in meetings of the Executive Committee be addressed at the next physical meeting of the Commission; and,
  - (ii) in view of the deliberations, the Legal Offices prepare a paper that will address the legal aspects of the issue, with a view to assisting the membership in taking a decision on the matter.

## CRITICAL REVIEW (Agenda item 2)<sup>6</sup>

9. CCEXEC79 discussed the proposals committee by committee<sup>7</sup>.

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<sup>3</sup> CX/EXEC 20/79/01 Rev.1

<sup>4</sup> REP20/EXEC1 (paras 4-9)

<sup>5</sup> ALINORM 03/33A, para 76

<sup>6</sup> CX/EXEC 20/79/2 and CX/EXEC 20/79/2 Add.1

<sup>7</sup> CX/CAC 20/43/4, CX/CAC 20/43/5-Rev.1, CX/CAC 20/43/6, CX/CAC 20/43/7-Rev.1, CX/CAC 20/43/9, CX/CAC 20/43/9 Add.1, CX/CAC 20/43/9 Add.2, CX/CAC 20/43/9 Add. 3, CX/CAC 20/43/10, CX/CAC 20/43/11

10. It should be noted that all standards recommended for adoption at Step 8 or Step 5/8 will only be published after receiving endorsement from the Codex Committee on Food Labelling (CCFL) and the Codex Committee on Food Additives (CCFA)

**FAO/WHO Coordinating Committee for Africa (CCAFRICA)**

Adoption at Step 8

*Regional standard for fermented cooked cassava-based products*

*Regional standard for fresh leaves of Gnetum spp.*

**Conclusion**

11. CCEXEC79 recommended that CAC43 adopt both regional standards at Step 8.

Adoption at Step 5

*Regional standard for dried meat*

**Conclusion**

12. CCEXEC79 recommended that CAC43 adopt the regional standard at Step 5 and extend the deadline for completion of the work to adoption by CAC in 2022.

New work proposal

*Guidelines for supporting the development of harmonised food laws for the CCAFRICA Region*

**Conclusion**

13. CCEXEC79 recommended that CAC43 approve the new work proposal.

Amendments to an existing standard

*Proposed amendments to sections 3.2.2 and 3.4 of the Regional Standard for Unrefined Shea Butter (CXS 325R-2017)*

**Conclusion**

14. CCEXEC79 recommended that CAC43 adopt the proposed amendments to the standard.

**FAO/WHO Coordinating Committee for North America and South West Pacific (CCNASWP)**

Adoption at Step 5

*Regional standard for fermented noni fruit juice*

15. In response to a question on to what extent the product was also traded in other parts of the world, the Codex Secretariat noted that, if needed, a proposal could be made by CCNASWP to convert the standard into a Worldwide Codex Standard once the regional standard had been adopted at Step 8. The Regional Coordinator confirmed that CCNASWP would look into this possibility.

**Conclusion**

16. CCEXEC79 recommended that CAC43 adopt the regional standard at Step 5 and extend the deadline for completion of the work to adoption by CAC in 2022.

Adoption at Step 5 and possible omission of Steps 6 and 7 and submission for adoption at Step 8

*Regional standard for kava products for use as a beverage when mixed with water*

17. The Coordinator informed the Committee that the outstanding issues had been resolved and proposed that CAC43 adopt the standard at Step 5/8.

**Conclusion**

18. CCEXEC79 recommended that CAC43 adopt the regional standard at Step 5/8.

**FAO/WHO Coordinating Committee for Asia (CCASIA)**

New work proposals

*Regional standard for soybean products fermented with Bacillus species*

**Conclusion**

19. CCEXEC79 recommended that CAC43 approve the new work proposal.

*Regional standard for quick frozen dumpling*

20. The following views were noted:
- a. Products with the same definition were produced and traded in countries outside the Asian region, specifically in Central Asia and the Caucasus, and that this had not been addressed in the project document.
  - b. CCEXEC could request CCASIA to amend the project document to better reflect the scope of the products to be covered and clarify that it focused on products predominantly made and traded in Asia and not those produced in other parts of the world.
21. The Member and Coordinator for Asia explained that these products were of importance to the region and the new work proposal had been extensively considered at CCASIA21. There was significant consumption of such products within the Asia region, and it was further explained, that the standard could first be developed as a regional one and then could, if needed, be converted into a worldwide Codex standard once it was adopted at Step 8.

**Conclusion**

22. CCEXEC79 recommended that CAC43 approve the new work proposal, and further recommended to CCASIA that products to be covered should be specific to and predominantly traded in the region.

*Regional standard for cooked rice wrapped in plant leaves***Conclusion**

23. CCEXEC79 recommended that CAC43 approve the new work proposal.

Revocation**Conclusion**

24. CCEXEC79 recommended that CAC43 revoke the provisions for monosodium tartrate (INS 335(i)), monopotassium tartrate (INS 336(i)) and dipotassium tartrate (INS 336(ii)) in the *Regional Standards for Soybean Paste* (CXS 298R-2009) and *Chilli Sauce* (CXS 306R-2011).

**Codex Committee on Fresh Fruits and Vegetables (CCFFV)**Adoption at Step 8*Standard for kiwifruit**Standard for garlic**Standard for ware potatoes*Adoption at Step 5/8*Standard for yam*

25. Some Members, while not opposing recommending adoption, highlighted that:
- Codex commodity standards should be consistent with trade practices and the nature of fresh produce; some produce shipments were transported for short distances while others were transported over long distances;
  - Certain requirements in the provision on tolerance for decay were too stringent and not related to food safety, which might lead to a huge amount of food being rejected and food loss; and
  - Some countries from different regions had raised concerns about the provision for tolerance for decay in “extra” class in the standards for kiwifruit, ware potatoes and yam, respectively and expressed that the granting of such tolerances in the “extra” class should be exceptional.
26. The Regional Coordinator for Europe recalled that CAC41 had concluded that in line with the standard layout used by CCFFV, provisions for decay in “extra” class were optional and depending on the nature of the produce, may not be applicable or necessary.
- Conclusion**
27. CCEXEC79 recommended that CAC43 adopt the standards for kiwifruit, fresh garlic and ware potatoes at Step 8, and the standard for yam at Step 5/8.

**Codex Committee on Food Hygiene (CCFH)**Adoption at Step 8

*Code of practice on food allergen management for food business operators*

**Conclusion**

28. CCEXEC79 recommended that CAC43 adopt the code of practice at Step 8.

Adoption at Step 5/8

*Revision of the General Principles of Food Hygiene (CXC 1-1969) and its HACCP annex*

29. Noting the comment from the Coordinator for Latin America and the Caribbean that several Codex members from this region had provided many comments related to Spanish translation, CCEXEC79 highlighted the importance of resolving translation matters to facilitate adoption by CAC43.

**Conclusion**

30. CCEXEC79 recommended that CAC43 adopt the revised text at Step 5/8.

Adoption at Step 5

*Guidance for the management of biological foodborne outbreaks*

**Conclusion**

31. CCEXEC79 recommended that CAC43 adopt the guidance at Step 5.

New work proposal

*Guidelines for the safe use and reuse of water in food production*

**Conclusion**

32. CCEXEC79 recommended that CAC43 approve the new work proposal.

**FAO/WHO Coordinating Committee for Near East (CCNE)**Adoption at Step 8

*Regional standard for mixed zaatar*

**Conclusion**

33. CCEXEC79 recommended that CAC43 adopt the standard at Step 8.

New work proposal

*Regional standard for maamoul*

**Conclusion**

34. CCEXEC79 recommended that CAC43 approve the new work proposal.

Discontinuation

*Work on a regional standard for labneh*

**Conclusion**

35. CCEXEC79 recommended that CAC43 discontinue the work.

**Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU)**Adoption**Conclusion**

36. CCEXEC79 recommended that CAC43 adopt the provisions for xanthan gum (INS 415) and pectins (INS 440) as thickeners in the *Standard for Infant Formula and Formulas for Special Medical Purposes Intended for Infants (CXS 72-1981)*.

Adoption at Step 5

*Review of the Standard for Follow-up Formula: Section B: Proposed draft scope, definition and labelling*

*Guidelines for ready-to-use therapeutic foods (RUTF)*

**Conclusion**

37. CCEXEC79 recommended that CAC43 approve both texts at Step 5.

Monitoring of progress

**Conclusion**

38. CCEXEC79 agreed to extend the deadline for completion of the review of the *Standard for Follow-up Formula* to adoption by CAC in 2022 and for completion of the NRVs-R (Nutrient reference values-requirements) for persons aged 6 to 36 months to 2025.

Discontinuation

*Condition for a claim for "free of" trans fatty acids (TFAs)*

39. CCEXEC79 noted the importance of addressing TFAs and that while this will not be further pursued in CCNFSDU, other committees such as CCFL and the Codex Committee on Fats and Oils (CCFO) could explore suitable risk management options.

**Conclusion**

40. CCEXEC79 recommended that CAC43 discontinue the work in CCNFSDU.

*Definition for biofortification*

**Conclusion**

41. CCEXEC79 recommended that CAC43 discontinue the work.

**Ad hoc Codex Intergovernmental Task Force on Antimicrobial Resistance (TFAMR)**

Adoption at Step 5

*Revision of the Code of Practice to Minimize and Contain Foodborne Antimicrobial Resistance (CXC 61-2005)*

42. CCEXEC79 noted that:

- a. there had been substantial progress made at TFAMR07, including agreement of key provisions of the code of practice and establishment of an EWG to address the remaining bracketed text;
- b. some delegations at TFAMR07 had asked for more time to consider specific provisions within the revised draft, which was reiterated by two regional coordinators reflecting views of some Codex members in their regions;
- c. countering AMR remained a global public health priority and it was therefore important to make every effort to bring this work to conclusion; and
- d. all efforts should continue to ensure sufficient coordination between the work of CAC and other international organizations on AMR.

**Conclusion**

43. CCEXEC79 recommended that:

- i. CAC43 adopt the revision of the code of practice at Step 5; and
- ii. TFAMR08 focus its discussion on the issues that had not been extensively discussed to date and avoid reopening provisions to the extent possible.

Monitoring of progress

*Guidelines on Integrated Monitoring and Surveillance of Foodborne Antimicrobial Resistance*

44. CCEXEC79 noted that:

- a. to date TFAMR has focused its plenary discussions on progression of the revision of the *Code of practice to minimise and contain foodborne AMR* (proposed for adoption at Step 5);
- b. this had reduced the time available for plenary discussion of the Guidelines on integrated monitoring and surveillance of foodborne AMR;
- c. the Chairperson and Co-chairpersons of the EWG on the guidelines had made tremendous efforts to continue the discussions and develop an agreed proposed text;
- d. participation in the EWG had decreased compared to other years;

- e. the ambition of the TFAMR Chairperson was to complete work on the guidelines at TFAMR08 (2021), the last scheduled meeting of the Task Force, and his commitment to extend the plenary session by one day for this purpose; and
  - f. the CCLAC Coordinator had raised the concern from the region regarding an extension of the plenary session, alluding to the difficulties countries faced in financing attendance at TFAMR meetings.
45. CCEXEC79 recalled:
- a. the core purpose of the guidelines as stated in the project document approved by CAC40 (2017);
  - b. the extensive scope and purpose of this work agreed by CAC40 in 2017, applauded its ambition but recognized that each element of the new work proposal could only be fulfilled if it was the continued will of the membership to do so and if consensus could be found;
  - c. that discussion to date has shown it may be difficult to achieve consensus on some of the issues of detail;
  - d. that if the mandate could not be completed within the life of TFAMR, it could be taken up by other Codex Committees as had been the case for other Task Forces such as the Task Force on Animal Feeding; and
  - e. the commitment that the Chairperson and Vice-chairpersons of CAC made at the beginning of their mandate to support the work of subsidiary bodies on critical issues and consensus-building and their remaining availability to provide such support to the EWG Chairperson.

### **Conclusion**

46. CCEXEC79:
- i. strongly encouraged all Members to participate actively in the work of the EWG;
  - ii. encouraged the EWG Chairperson to consider the range of available tools, including virtual meetings, to progress the work;
  - iii. reaffirmed the mandate of TFAMR and reiterated that the guidelines should focus on providing high level principles and guidance on the design and implementation of integrated monitoring and surveillance of foodborne AMR along the food chain, giving a framework under which every country could build their own specific monitoring and surveillance according to their capacity and needs;
  - iv. recommended that TFAMR does all in its power to complete its mandate at TFAMR08; and
  - v. recommended that the EWG and TFAMR08 do not reopen, to the extent possible, provisions common to both the code of practice and the guidelines, which have already been agreed by TFAMR during the consideration of the code of practice, recognizing that as the work progresses the guidelines may need to elaborate concepts not included in the code of practice text.

### **Codex Committee on Cereals, Pulses and Legumes (CCCPL)**

#### Section on grain size in the *Standard for Quinoa*

47. CCEXEC79 noted that despite consultations since CAC42, consensus on this issue had not been reached and that therefore CCCPL proposed the removal of the section in line with the conclusions at CAC42.
48. CCEXEC79 noted the continued concerns regarding the deletion of this section that some countries of the region had brought to the attention of the Coordinator for Latin America and the Caribbean.
49. The Codex Secretariat highlighted that all efforts to find a consensus had been made, including the provision of an additional year after the rest of the work on the standard had been completed.
50. The Codex Secretariat also mentioned that similar to provisions for “extra” class in the CCFFV, there seemed to be often issues with finding consensus on detailed provisions in commodity standards and that Codex could at some point benefit from discussing on how to focus commodity standards on essential qualities that are applicable worldwide.

### **Conclusion**

51. CCEXEC79 recommended that CAC43 remove the section on grain size from the *Standard for Quinoa* (CXS 333-2019).
52. CCEXEC79 noted that with the finalization of the work on the *Standard for Quinoa*, CCCPL had completed its work and recommended that it be adjourned *sine die*.



### **Codex Committee on Processed Fruits and Vegetables (CCPFV)**

53. It was noted that the final report from CCPFV29 had been slightly delayed and was expected to be published within July 2020, but that all the proposed texts were accessible on the Codex online forum.
54. It was further noted that the low participation in the work of CCPFV and its EWGs had been a challenge.

#### Adoption at Step 5/8

*Standard for Gochujang*

*Standard for Chilli Sauce*

#### **Conclusion**

55. CCEXEC79 recommended that CAC43 adopt the two standards at Step 5/8 superseding the existing regional standards, respectively.

*Revision to the Standard for Mango Chutney (CXS 160-1987)*

#### **Conclusion**

56. CCEXEC79 recommended that CAC43 adopt the revised text at Step 5/8.

*General Standard for Dried Fruits (including dried persimmons)*

*General Standard for Canned Mixed Fruits (Revision of the Standards for Canned Tropical Fruit Salad (CXS 99-1981) and Canned Fruit Cocktail (CXS 78-1981))*

#### **Conclusion**

57. CCEXEC79 noted that the remaining discussions on the two standards would be finalized by the Committee before the anticipated virtual session of CAC43 and that in case of a successful conclusion there would be no impediment to recommending CAC43 to adopt them at Step 5/8.

#### Revisions to standards

*Revision to the Standards for Pickled Cucumbers (CXS 115-1981), Canned Bamboo Shoots (CXS 241-2003), and Jams, Jellies and Marmalades (CXS 296-2009)*

58. Following the recommendations of CCFA50 and CCFA51, CCPFV29 agreed with the proposed revisions to the food additive provisions in various commodity standards.

#### **Conclusion**

59. CCEXEC79 recommended that CAC43 adopt the revisions to the *Standards for Pickled Cucumbers (CXS 115-1981), Canned Bamboo Shoots (CXS 241-2003), and Jams, Jellies and Marmalades (CXS 296-2009)*.

*Revision to the annex on French Fried Potatoes of the Standard for Quick Frozen Vegetables (CXS 320-2015)*

#### **Conclusion**

60. CCEXEC79 recommended that CAC43 adopt the proposed revision to the annex on French Fried Potatoes of the *Standard for Quick Frozen Vegetables (CXS 320-2015)*

#### Future work

61. The Coordinator for Asia highlighted the interest in commencing work on developing a standard for cashew kernels and on dehydrated sweet potato, both of which had been approved as new work in 2017 by CAC40<sup>8</sup>. The Coordinator also referred to CCEXEC77<sup>9</sup> that had noted the interest in the work on cashew kernels and that Codex members were encouraged to participate in the work of CCPFV. Interest in commencing work on cashew kernels had also been expressed at CCASIA21 and CCAFRICA23.
62. It was explained that work on cashew kernels and dehydrated sweet potato could be placed in a queue for consideration at a future time pending adequate interest and sufficient workload to re-activate the Committee since these were considered low priority during CCPFV's member survey in 2018, no members had made these proposals at this session, and the participation in the work of CCPFV had been low.
63. The Codex Secretariat noted that while interest in these standards had been expressed in different fora, this had not translated into active participation in CCPFV29, which had been held by correspondence and thus participation was not impeded by travel considerations.

<sup>8</sup> REP17/CAC, paragraph 95

<sup>9</sup> REP19/EXEC2, paragraph 31

### Conclusion

64. CCEXEC79 recommended that upon completion of its current session, CCPFV be adjourned *sine die* with the understanding that the Committee may be reactivated in the future based on needs identified by members and a sufficient workload.
65. CCEXEC79 commended the Chairperson of the CCPFV, the host Secretariat, Codex Secretariat and the participants for the excellent work of this committee working by correspondence and recommended that the lessons learned from this work should be brought to the attention of the CCGP and its EWG on Committees Working by Correspondence.

### Codex Committee on Fish and Fishery Products (CCFFP)

#### New work proposal

*Amendment of Standard for Canned Sardines and Sardine-Type Products (CXS 94-1981) to include the fish species Sardinella lemuru (Bali Sardinella) under Section 2.1*

### Conclusion

66. CCEXEC79 recommended that CAC43 approve the proposal that CCFFP be reactivated to work by correspondence in accordance with the Procedure for the Inclusion of Additional Species in Codex Standards for Fish and Fishery Products to evaluate if the *Standard for Canned Sardines and Sardine-Type Products (CXS 94-1981)* can be amended with a view to include *S. lemuru*.

### Codex Committee on Pesticide Residues (CCPR)

#### New work proposal

*Priority lists of pesticides for evaluation by the Joint FAO/WHO Meeting on Pesticide Residues (JMPR)*

67. CCEXEC79 noted that the approval of the priority lists would ensure work flow between CCPR and JMPR as to the core business of CCPR to establish maximum residue limits for pesticides in/on food and feed for trade facilitation and public health protection. The approval of the priority lists by CAC43 in 2020 would allow the timely organization of the JMPR meetings in 2021 for consideration by CCPR in 2022. It was clarified that awaiting the meeting of CCPR52 in April 2021 to consider the lists would be too late to start the organization of the extraordinary and regular meetings of JMPR in May and September 2021 and hence the need to have the lists approved by CAC43 in 2020.
68. FAO and WHO informed CCEXEC members that JMPR was using virtual means of communication as much as possible to advance work on provision of scientific advice to Codex. They further informed that a call for data would be issued shortly by the JMPR Secretariat following approval of the lists by CAC43 to allow for organization of the meetings scheduled for 2021.

### Conclusion

69. CCEXEC79 recommended that CAC43;
- i. approve the priority lists of pesticides for evaluation by JMPR in 2021; and
  - ii. encourage FAO and WHO to make use of virtual electronic means to advance its provision of scientific advice that underpins the work of Codex on food safety standards.

### Other matters

70. One Member stressed the need for a more careful assessment of project proposals against the criteria for the establishment of work priorities, for example international market potential, to ensure resources were used efficiently and avoid conversion of regional standards into worldwide Codex standards when it could be established at project proposal stage that a commodity is not exclusively or predominantly traded at regional level.

### APPLICATIONS FROM INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS (NGO) FOR OBSERVER STATUS IN CODEX (Agenda item 3)<sup>10</sup>

71. The Secretariat introduced the working document containing two applications for observer status both of which had been examined by the Legal Offices of FAO and WHO and found to be complete and receivable.

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<sup>10</sup> CX/EXEC 20/79/3

72. The Secretariat also informed CCEXEC79 that the Codex observer NGO Natural Products Association (NPA) had provided new information related to their relationship with the International Alliance of Dietary/Food Supplement Associations (IADSA), confirming that NPA was no longer a member of IADSA. After a careful review conducted by the Codex Secretariat and the Legal Offices of FAO and WHO, it was agreed that the conditions regarding double representation as decided at CCEXEC77<sup>11</sup> no longer applied.

### Conclusion

73. CCEXEC79 recommended that the Directors-General of FAO and WHO:
- i. grant observer status to the Good Food Institute (GFI); and
  - ii. grant observer status to the SGF International e.V. (SGF) pending their acceptance of the following conditions to avoid double representation:

At meetings where the International Fruit and Vegetable Juice Association (IFU) is represented, SGF can only participate as part of the delegation of IFU and cannot speak as SGF. SGF can submit written comments only on those issues for which IFU does not submit any comments. SGF would only participate as such in Codex meetings when IFU is not represented.

74. CCEXEC79 noted the recommendation of the Legal Offices of FAO and WHO for NPA.

### **CODEX BUDGETARY AND FINANCIAL MATTERS: REPORT 2018-2019 AND PROGRESS 2020-2021 (Agenda item 4)<sup>12</sup>**

75. The Secretariat introduced the item, noting that the budget proposal for 2022-23 would be presented to CAC43 and that the FAO Council<sup>13</sup> had very recently approved the restructuring of FAO, which also affected both the Codex Secretariat and the FAO Food Safety Unit, which was responsible for the provision of scientific advice to Codex and food safety related capacity development.

### Conclusion

76. CCEXEC79:
- i. noted the report of expenditures for the 2018-2019 biennium and the successful conclusion of the biennial work plan;
  - ii. recognized the challenges presented by the ongoing COVID-19 pandemic and welcomed the commitment of the Codex Secretariat to provide regular updates to the work plan for 2020-21 in order to adapt to the evolving situation and use the available resources to most effectively maintain the momentum of Codex work; and
  - iii. noted the re-organization of FAO including the relocation of the Codex Secretariat to a Joint FAO/WHO Centre with direct reporting lines to the FAO Deputy Director General and the Chief Scientist;
  - iv. welcomed the maintenance of the resources for and independence of the Codex Secretariat and the ongoing commitment of FAO to continue to provide scientific advice to Codex within its new structure; and
  - v. welcomed the ongoing discussions of the Secretariat with FAO and WHO to develop the budget proposal for 2022-2023.

### **OTHER BUSINESS (Agenda item 5)<sup>14</sup>**

#### **Codex and the pandemic - Strategic challenges and opportunities**

77. The Chairperson presented the item and expressed appreciation to the Vice-chairpersons, the Member for the South West Pacific and the informal meeting of the CCEXEC for their inputs to this document noting its timeliness in order to maintain the momentum of Codex work while still adhering to the core values of Codex. The CCEXEC had an extensive discussion on this item in which the following key points were raised:
- There were different levels to the impact of COVID-19 on the work of Codex and food safety work in general, as well as on food security. Challenges included both the implementation and use of food safety standards as well as the setting of standards.

<sup>11</sup> REP19/EXEC2, para 92 ii

<sup>12</sup> CX/EXEC 20/79/4

<sup>13</sup> Report of the Council of FAO – 164<sup>th</sup> session: Available at <http://www.fao.org/3/nd238en/nd238en.pdf>

<sup>14</sup> EXEC/79 CRD/01

- The challenges to standard setting were related to both the impossibility of, or uncertainty in holding physical Codex meetings as well as members' capacity to actively participate in the work of Codex, even virtually, because of the additional work burden for delegates due to the pandemic.
- The pandemic highlighted that there continues to be a need to develop Codex standards that maintain food safety and trade in such situations. In this context the member for the South West Pacific noted that Australia as chair of the Codex Committee on Food Import and Export Inspection and Certification systems (CCFICS) was considering the potential for bringing forward new work proposals on relevant matters within its remit, for example remote and virtual audit and verification activity.
- There was the opportunity to build on and benefit from ongoing work in CCGP, which would also ensure broad engagement of the Codex membership.
- CCEXEC should address the immediate needs of Codex to ensure that all committees whose sessions had been postponed can move on with their work in a timely manner.
- The present situation needed direct attention from the bodies responsible for and overlooking Codex work management (CCEXEC and CAC) and was distinct from the ongoing CCGP work on Committees working by correspondence, which was addressing work best suited to this format and not entire virtual committee sessions.
- While physical meetings remained an important mechanism for Codex work and were expected to restart in due course, uncertainties remained as to when this would be possible and therefore, it was essential for Codex to consider how best to ensure work continuation in the short term and build resilience for the future.
- All international organizations including the parent organizations of Codex were facing similar challenges and the relevant experiences of these organizations should be taken into consideration.
- The parent organizations in particular should assist Codex in providing a clear and predictable legal framework to allow Codex to continue its work under the current circumstances.
- Virtual meetings facilitated the progression of work, but also presented challenges for members for example, access to the meeting platforms, internet capacity etc., and these issues needed to be considered when planning such meetings and in providing support to countries to effectively participate in Codex work.
- Informal virtual meetings of the members provided a valuable forum for discussion and exchange of ideas and the provision of interpretation facilitated participation and enhanced their value.
- There was a need to reassess the Terms of reference for the Codex Trust Fund so that it could better support meeting participation.

78. The Codex Secretariat reiterated the need for flexibility and agility in the current situation and this was also in line with the FAO Director General's vision for an innovative and proactive FAO. He further noted the need for FAO and WHO to provide clarity on how to proceed and the role of the Membership in bringing this to the attention to the parent organizations.

### **Conclusion**

79. CCEXEC79:

- i. agreed to create a sub-committee of the CCEXEC chaired by Vice-chairperson Mariam Eid and working in English only, in line with Strategic goals 1, 4 and 5 of the Commission's Strategic Plan 2020-2025:
  - a. to examine the impact of the pandemic on Codex work management;
  - b. to advise the Commission and its subsidiary bodies on actions/initiatives to advance its work programme of 2020/21 and build resilience using modern tools and approaches consistent with Codex values; and
  - c. to ensure that it was well placed to deal with similar events in the future considering the elements presented in the Annex to CRD1 - Codex and the Pandemic—Strategic Challenges and Opportunities.
- ii. agreed the sub-committee would be open to all members of the CCEXEC, give an intermediary report to CAC43 and report to CCEXEC80;

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- iii. requested the Codex Secretariat to monitor how other organizations deal with the issue and solicit broad input from the wider Codex membership, including through possible virtual regional meetings and the CCP webinar planned for 28 July 2020; to maintain close contact with the legal offices on possible options, and to inform the sub-committee as relevant; and
  - iv. requested FAO, WHO, and the Codex Secretariat to look into options for addressing through the Codex Trust Fund or other ways, any short to medium term impediments to effective participation and attendance at Codex meetings and inform the sub-committee as relevant.

**APPENDIX I****LIST OF PARTICIPANTS**  
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