

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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REP22/EXEC1

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Forty-fifth Session

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

Virtual, 20-24 and 30 June 2022

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INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission held its Eighty-second Session (CCEXEC82) online, from 20 to 24 June with report adoption on 30 June 2022.
2. The Chairperson of the Codex Alimentarius Commission (CAC), Steve Wearne, opened the meeting. The Deputy Director-General of the Food and Agriculture Organization of the United Nations (FAO), Maria Helena Semedo and the Assistant Director-General, Universal Health Coverage/Healthier Populations of the World Health Organization (WHO), Naoko Yamamoto also welcomed participants on behalf of the parent organizations.
3. CCEXEC82 held a moment's silence in memory of the recently passed Mr Ahmed M Elhelw, former Codex Contact Point, Egypt.

ADOPTION OF THE AGENDA (Agenda item 1)¹

4. CCEXEC82 adopted the agenda with the following additions, under agenda item 9 (Other Business):
 - Update on arrangements for the 45th Session of CAC.
 - Codex Trust Fund (CTF) – update on CTF activities (CRD03).
 - Contact information of delegates in Codex meetings.
 - Proposed Codex side event focusing on food safety on the margins of the International Organization for Standardization (ISO) General Assembly (CRD05).

CRITICAL REVIEW (Agenda Item 2)²

Part 1

5. CCEXEC82 discussed the proposals committee by committee and made the following comments and recommendations.

Codex Committee on Fats and Oils (CCFO)

Final adoption:

6. CCEXEC82 recommended that CAC45 adopt at Step 5/8 the revision to the *Standard for Named Vegetable Oils* (CXS 210-1999): Essential composition of Sunflowerseed oil.

Adoption at Step 5:

7. CCEXEC82 recommended that CAC45 adopt at Step 5 the revision to the *Standard for Named Vegetable Oils* (CXS 210-1999): inclusion of avocado oil, and agreed to extend the deadline for completion of the work to CCFO28.

Approval of editorial amendments:

8. CCEXEC82 recommended that CAC45 approve the editorial amendments to the *Code of Practice for the Storage and Transport of Edible Fats and Oils in Bulk* (CXC 36-1987).

New work approvals

9. CCEXEC82 recommended that CAC45 approve the new work proposals to revise the *Standard for Named Vegetable Oils* (CXS 210-1999) to include camellia seed oil, sacha inchi oil, and high oleic acid soya bean oil; and to revise the *Standard for Fish Oils* (CXS 329-2017) to include calanus oil.

Monitoring

10. CCEXEC82 agreed to extend the deadline for completion of the work on the revision to the *Standard for Olive Oils and Olive Pomace Oils* (CXS 33- 1981) currently at Step 2/3 to CCFO28 (2024) and noted that the issue of whether to retain/remove the provision on ordinary virgin olive oil will be considered at CCFO30.

Mechanism for revising the *Standard for Milk Fat Products* (CXS 280-1973)³

11. CCFO forwarded a request for consideration and advice on which mechanism could be used to consider a proposal to align the maximum levels for copper and iron in ghee (butter oil) in the *Standard for Milk Fat Products* (CXS 280-1973) to the *Standard for Named Vegetable Oils* (CXS 210-1999) to CCEXEC for their consideration and advice. Noting that the standard in question was under the mandate of the Codex Committee

¹ CX/EXEC 22/82/1; CRD03 (Codex Trust Fund Secretariat), CRD05 (Regional Coordinator for Africa)

² CX/EXEC 22/82/2 & Add.1

³ CX/EXEC 22/82/2, Appendix 1

on Milk and Milk Products (CCMMP), which was adjourned *sine die*, the Codex Secretariat recommended that a project document be submitted by the interested Member to the Codex Secretariat on the new work proposal and thereafter a Circular Letter (CL) be issued seeking the Codex membership's views on the new work proposal. Based on the responses to the CL, the subsequent CCEXEC can then discuss options and make a recommendation to CAC on the way forward.

Conclusion:

12. CCEXEC82 recommended that a project document in accordance with the Codex Procedural Manual (PM) be submitted to the Codex Secretariat on the new work proposal to align the maximum levels for copper and iron in ghee (butter oil) in the *Standard for Milk Fat Products* (CXS-280-1973) to the *Standard for Named Vegetable Oils* (CXS 210-1999) and that a CL be issued thereafter seeking the Codex membership's views on the new work proposal. Based on the responses to the CL, CCEXEC will propose options to CAC on the way forward.

Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU)⁴

Adoption at Step 8

13. CCEXEC82 recommended that CAC45 adopt the draft guidelines for Ready-to-Use Therapeutic Foods (RUTF) at Step 8.

Monitoring

14. CCEXEC82 recommended extension of the deadline for completion of the review of the *Standard for Follow-up Formula* (CXS 156-1987) to 2023 and urged completion of the work by CCNFSDU43.

Codex Committee on Food Hygiene (CCFH)⁵

Final adoption:

15. CCEXEC82 recommended that CAC45 adopt the draft Guidelines for the Management of Biological Foodborne Outbreaks at Step 8 and the proposed draft revision to the *General Principles of Food Hygiene* at Step 5/8.

Monitoring:

16. The importance of having the relevant scientific advice from the Joint FAO/WHO Expert Meetings on Microbiological Risk Assessment (JEMRA) to support completion of the proposed draft Guidelines for the Control of Shiga Toxin Producing *Escherichia coli* (STEC) in Raw Beef, Raw Milk and Raw Milk Cheeses, Fresh Leafy Vegetables, and Sprouts was highlighted. It was noted that every effort would be made to ensure that the scientific advice was available together with the working documents for CCFH53 and that in the meantime the JEMRA secretariat was maintaining close contact with the chair and co-chairs of the electronic working group (EWG) to facilitate uptake of the scientific advice.
17. With regard to the development of the annex to the proposed draft Guidelines for the Safe Use and Reuse of Water in Food Production on the dairy sector, it was noted that the current chair and co-chairs of the EWG had taken on the task to elaborate this annex, but that it may not be at the same level of development by CCFH53, as the other two annexes to the draft guidelines.

Conclusion:

18. CCEXEC82 noted the ongoing efforts to facilitate completion of work on the proposed draft Guidelines for the Control of Shiga Toxin Producing *Escherichia coli* (STEC) in Raw Beef, Raw Milk and Raw Milk Cheeses, Fresh Leafy Vegetables, and Sprouts and on the proposed draft Guidelines for the Safe Use and Reuse of Water in Food Production within the agreed timeframes.

Part 2

Codex Committee for Residues of Veterinary Drugs in Foods (CCRVDF)⁶

Monitoring

Update on informal consultations on zilpaterol hydrochloride by the Chairperson and Vice-Chairpersons of the Codex Alimentarius Commission

19. The CAC Chairperson introduced the interim report, which provided the opportunity for CCEXEC Members to identify what they might expect to see covered in the further report to CCEXEC83 and CAC45 to inform the

⁴CX/EXEC 22/82/2, Appendix 2

⁵CX/EXEC 22/82/2, Appendix 3

⁶ CX/EXEC 22/82/2 Add.1

CCEXEC's further monitoring of the work on Maximum Residue Limits (MRLs) for zilpaterol hydrochloride under the critical review.

Discussion

Engagement in informal consultations

20. Members noted that only a limited number of countries had participated in the initial round of consultations and the importance of ensuring broader participation in any subsequent round of informal consultations. It was suggested that possibly many Members may not have been clear on the process or had hesitated to contact the CAC Chairperson and Vice-Chairpersons (CVCs) individually and that in the next round, participation could be increased by organizing informal regional meetings through the Regional Coordinators (RCs) while leaving it open to Members to also approach the CVCs directly for bilateral discussions if that were their preferred route.
21. Other suggestions were made as follows:
 - bring together not only the same regions but also Members who have different positions in a mediation effort (as foreseen in the Measures to Facilitate Consensus in the PM) which could clearly expose the different views and the different principles at stake (e.g. science, consensus) and show if and where common ground could be established;
 - make Codex Secretariat resources available to stimulate and guide discussions in sub-regions;
 - the Codex Secretariat should participate in the process; and
 - regional consultations should be carried out using a harmonized approach working in an aligned way.
22. It was noted that several participants in the informal consultation process had adduced the importance of key principles that underpin Codex work for example science, risk assessment and consensus.
23. The Chairperson stressed that the process of informal consultation was not meant to supersede the usual process of bilateral discussions between Members that occurs in advance of every Codex meeting, and urged that those bilateral discussions continue as they have significant value. He further noted that the CVCs' role was merely to explore all of the positions with the aim of identifying those that may have the potential to bring the Commission towards consensus. Because of the nature of this informal process, it had also been agreed that the Codex Secretariat would not participate in the process.

Report of informal consultations

24. Members provided some suggestions on the possible content of the final report including:
 - a broader explanation of the opportunities to reach consensus and not necessarily repeating existing positions;
 - the rationale underlying the different positions, as a means of promoting mutual understanding; and
 - providing appropriate context to any specified implications of having or not having an international standard including relevant experiences related to the impact on trade.

Timeline for the work

25. One Member suggested that there was no real time pressure in finalizing this work and that the necessary time needed for finding solutions should be allocated to avoid having to take a decision by vote and as the proposed draft MRLs were currently at Step 4, as confirmed by the Secretariat, it was suggested to hold them at that step pending a solution. In this context, it was also suggested that the discussions on the MRLs for zilpaterol could be delayed until CCEXEC had completed its work on the operationalization of the Statements of Principle concerning the Role of Science (SoP).
26. Another Member emphasized that there had been some urgency expressed by the Codex membership to complete the work on MRLs for zilpaterol and that it was important that CCEXEC adhere to the mandate given to it on this matter.
27. The Chairperson noted that procedural options to conclude discussions on zilpaterol were already available to Members, and that the work on the application of the SoP would not change those. Therefore, the discussions on zilpaterol, while they might be facilitated by the CCEXEC's work on the SoP, were not dependent on the outcome of that work.
28. The Chairperson further confirmed that indeed there had been significant interest within the Codex membership to resolve the issue at CAC45, as also demonstrated by CAC44's request to have all means for

decision taking at the disposal of CAC45. He emphasized that the CVCs were strongly and unanimously in support of staying within the timelines for this work given by CAC44.

Conclusion:

29. CCEXEC82:

- Noted the interim report from CVCs on their informal consultations.
- Supported further informal dialogue led by CVCs including, but not limited to, informal discussions on a regional basis, noting that these did not replace bilateral discussions between Members.
- Recalled the mandate given to CVCs by CAC44 that they should submit their final report two months in advance of CCEXEC83 and CAC45, and noted that the report should indicate the broad rationale for positions taken by Members in discussions, including in relation to trade and should identify opportunities to reach consensus where they may exist.

CCEXEC SUB-COMMITTEE ON THE APPLICATION OF THE STATEMENTS OF PRINCIPLE CONCERNING THE ROLE OF SCIENCE – REPORT FROM THE CHAIRPERSON (Agenda Item 3)⁷

Introduction

30. The Chairperson of the Commission noted the excellent progress made on this topic since CCEXEC81. He emphasized that discussions on MRLs for zilpaterol and the SoP were not dependent on each other, though they were linked as clarity about and application of the SoP could possibly help to resolve the zilpaterol issue in a consensual way.
31. The Chairperson of the sub-committee thanked the sub-committee Members for their active and constructive participation in the discussions so far. He described the inclusive and transparent process, including the circulation of two letters, the three-day virtual session and informal exchanges, and the issues for consideration emphasizing that the work related to operationalization of the SoP in those situations when there was agreement on the science but differing views on other considerations. He underlined that the mandate did not include reviewing the SoPs themselves.
32. The Chairperson explained that the four appendices to CX/EXEC 22/82/3 contained the areas for which practical guidance were sought: 1) an interpretive guidance on the use of SoP; 2) an illustrative flowchart on the use of the SoP; 3) options for the operationalization of Statement 4 of the SoP; and 4) use of reservations and abstention from acceptance and use of a standard in situations falling within the framework of the SoP. He also noted that there had not been much support in reviewing the measures to facilitate consensus contained in the PM, which were considered adequate.
33. Regarding Appendix 1, which contained the interpretive/explanatory guidance, the Chairperson explained that its purpose was to help ensure a common understanding of each of the statements in the SoP, which was an important precursor to its practical application by Chairpersons and Committee Members in situations when the SoP come into play. He emphasized that it was not about developing a legal interpretation of the SoP and noted that the text had evolved during the extensive discussions by sub-committee Members.
34. Regarding Appendix 2, which contained two proposals for a flowchart, he noted that further versions had been proposed in CRDs 6 and 7, and that it was the goal at the present session to consolidate the different versions into one that would serve as basis for further discussions.
35. Regarding Appendix 3 on the options for the operationalization of Statement 4 of the SoP, the Chairperson explained that the first proposal was to include a statement in the report, while the second was to include a footnote in the relevant standard. He noted that while there had been general support for recording Members' position in reports, opinion was clearly divided on the use of a footnote in Codex standards to record abstentions from acceptance. He referred to CRD01, which elaborated on concerns and contained an alternative option for the footnote for consideration of CCEXEC82.
36. Regarding Appendix 4, the Chairperson clarified that it had been developed in response to comments around the terminology and use of reservations and abstention from acceptance that arose in the discussions and was meant to provide more clarity on how reservations have been used, the procedures governing their use and how to differentiate them.

⁷ CX/EXEC 22/82/3; CRD01 (Chairperson of the sub-committee); CRD04 (Member for Europe); CRD06 (Ecuador, Costa Rica, Uruguay, Brazil, Trinidad and Tobago, and Panama); CRD07 (Member for North America); CRD08 (Chairperson and Vice-Chairpersons of the Commission); CRD09 (Chairperson of the sub-committee); CRD10 (Chairperson and Vice-Chairpersons of the Commission).

Discussion

37. Members complimented the Chairperson for all the efforts to date to help CCEXEC work through the task of developing guidance on the application of the SoP and had a robust discussion on the proposal.

*Appendix 1**General comments*

38. One Member pointed out that the appendix was more of an analysis document than the “practical guidance”, that the subcommittee had been asked to draft and that the title of the document, “interpretive” guidance could be misleading, suggesting that the appendix went beyond what it was mandated to achieve.
39. The Codex Secretary noted that the document could be recast as a commentary/practical guidance to the flowchart to enhance understanding of the SoP and application of the flowchart.
40. Members agreed to proceed with discussion on Appendix 1 to reflect on whether the analysis captured the main points, rather than to have a detailed discussion on the text, and that practical guidance would be developed at a later time based on the discussion.
41. Members proposed a short chapeau to explain the purpose of the document and the context, and that the SoP are an integral part of the structured approach set out in the Working Principles for Risk Analysis for Application in the Framework of Codex Alimentarius in order to ensure that all options available in the event of disagreement over the adoption or advancement of a standard were contained in the guidance.
42. One Member indicated the importance of amenability and critical review of new work and noted that the idea of guideline levels, as mentioned in CX/EXEC 21/81/6 (paragraph 7.1, point f.), on controversial subjects or compounds had not been discussed in the sub-committee. The Vice-Chairperson responded that the options listed in the final box were intended to be illustrative but not exhaustive.

Statement 2

43. One Member proposed that it be made clear that other legitimate factors could be adduced at any risk management stage in the step procedure.

Statement 3

44. It was noted that the reference to “WTO least trade restrictive criteria” was an interpretation that went beyond guidance and could be removed.

Statement 4

45. The Chairperson underlined that abstention from acceptance had a specific connotation within Statement 4. It had been the purpose of Appendix 4 to clarify any differences between a reservation and the conditions under which an abstention for acceptance might be invoked.
46. He noted that it was important to ensure a common understanding of when Statement 4 came into play and to highlight its relevance to dealing with those exceptional situations when there was agreement on science but differing views on other considerations.
47. One Member welcomed that Appendix 1 clarified that “other considerations” were not further defined in Statement 4 and there was agreement that this term was different from the term “other legitimate factors” in that “other considerations” may also include factors that are not generally applicable or relevant worldwide.
48. One Member requested that the guidance should also make clear that Codex subsidiary bodies as a part of their risk management discussions and CCEXEC ensured that, before and during the development of Codex standards, discussions on other legitimate factors (OLFs)/other considerations effectively take place in order to (a) determine the relevance and acceptability on a worldwide basis of the “OLFs” and how they are taken into account and (b) seek to reconcile differing views on “other considerations”. The Chairperson clarified that the substantive part of the proposed practical guidance related to discussions subsequent to risk assessment.
49. One Member noted its views that abstention from acceptance could be done in many ways including through placing a reservation, formally invoking Statement 4 in the report, or even remaining silent during the standard development.

Criteria

50. The Codex Secretary noted that there was a mistake in the English version of the PM regarding the SoP; the words “It should be” should be added in front of “recognized” in criterion (d) and this would be corrected in the next version of the PM.
51. Following comments that the explanatory text on the linkage to the WTO agreements was overly detailed, the Codex Secretary explained the connection to the footnote in criterion (d), which explicitly referred to the WTO

SPS and TBT agreements. He said that the Secretariat would check the appropriateness of the text with the WTO Secretariat.

Further action

52. An amended version of Appendix 1 was circulated as CRD08.

Flowchart (Appendix 2)

53. In introducing the flowchart, the Vice-Chairperson noted that the science/risk assessment was the starting point of the flowchart. Members had an extensive discussion on the structure, flow and content leading to a revised flowchart/decision guide circulated as CRD09 to aid the further discussion. The revised flowchart highlighted the distinction between risk assessment, and the point at which the other considerations came into play in the risk management phase.

54. One Member proposed to add in each diamond of the flowchart a reference to the respective section of the guidance text in Appendix 1.

55. In reviewing the flowchart available in CRD09, Members made the following comments:

- the flowchart should not suggest that Statement 4 could be invoked when there was no agreement on the risk assessment;
- were a Member not to invoke Statement 4, this should not be interpreted as a veto, and in such situations there should be options available to the Chairperson consistent with the PM, including Statement 4;
- the flowchart as stand-alone guidance without the explanatory text in Appendix I would be difficult to understand for some Members, particularly new Members;
- Members held different views on what options were available to Chairpersons and raised the following questions and proposals:
 - placing the options within the risk management part of the structure;
 - questioning the appropriateness of the word options when it was merely a matter of invoking a procedure;
 - removing the option of discontinuation of work as not a real option although others emphasized that this was an existing option in the PM;
 - adding an option referring to more extensive consultation with relevant subsidiary bodies;
 - adding 'reducing the scope of the of the draft standard' as an option to facilitate consensus;
 - deleting the option of bringing an issue to CCEXEC either because this option should only be used if the Chairperson finds himself/herself facing a unique problem, or because such an option was always available regardless;
 - referencing the measures to facilitate consensus in the flowchart as they provide means to Chairpersons to avoid deadlock situations;
 - deleting the action words at the beginning of each option; and
 - all options for Chairpersons as contained in CX/EXEC 19/77/10 should also be contained in the guidance.
- other factors can also come into play even at the stage of approval of new work.

56. The Codex Secretary clarified that the options related to there being no consensus in the relevant committee, hence it was appropriate to mention existing options available within the Codex procedures.

57. Based upon the discussions, a revised flowchart was developed and published as CRD10.

58. In discussing the revised flowchart as contained in CRD10, Members provided further comments and proposals for amendments, including:

- concerns about the options given to Chairpersons as alternatives to Statement 4, as in their view these options were rather proposals for when there was a lack of consensus;
- concern that the option of discontinuation of work could be proposed in the case where a Member brings up other considerations which were not shared or agreed on by everyone else and did not meet the criteria for consideration in the Codex decision-making process;

- deleting the third and sixth options and adding “such as Code of Practice” at the end of the fifth option;
- starting the flowchart from the diamond stating there was agreement to the risk assessment and that the first question should be whether there was agreement to progress the standard in the risk management process;
- starting the flowchart with a diamond including a question on whether there is consensus to initiate new work and amend the title to cover all Steps of the Codex procedure;
- a lack of clarity in terms of what it means to invoke Statement 4; and
- it would be useful to have further interpretation of the following phrase used in the proposed footnote: “The question of whether to consider other legitimate factors (OLF) may arise during risk management discussions at any stage in the Step process for standard development. The Statements of Principle limit consideration of OLFs to those within the scope and mandate of Codex”.

59. Considering that there was not yet consensus on the flowchart, it was agreed that the version as presented in CRD10 would be the draft flowchart used as the basis for further development (Appendix 2).

Options for the operationalization of Statement 4 of the SoP (Appendix 3)

60. The Chairperson recalled that the first option proposed was a statement in the report, whereby the report might capture situations where Members have agreed on the science, but other factors come into play. The report might be an appropriate vehicle to capture Member's positions and comments, and this system has worked in Codex across various Committees. He noted that there seemed to be broad agreement and consensus on the appropriateness and use of this option to record reservations. As regards the second option to use a footnote in the standard, the Chairperson noted that there were different views on this. He observed that a footnote option already existed within the Codex system, but the question remained as to the content of such a footnote. He referred to CRD01, which highlighted some of the concerns and also put forward an alternative formulation for a possible footnote for consideration.
61. Some Members expressed that they were not in favour of the inclusion of a footnote into a Codex standard to record an abstention of acceptance. The reasons for this included the practicality of maintaining and updating the standard; the possibility that Members could change their positions over time; the concern that it could set a precedent that may undermine or devalue the standard or the status of the standard; and the risk that once such a footnote was used, it could normalize such as process and perhaps even lead to a reduction in consensus building efforts amongst the Codex membership. These Members expressed that if this approach was not felt to be appropriate given the potential consequences, then it should not be promoted in the practical guidance. One Member asked those supporting this specific footnote to explain its benefit given the potentially negative outcomes.
62. Other Members highlighted that some Codex standards already contained footnotes or notes and thus a footnote was a viable option increasing transparency. They proposed that the standard itself contain specific text referring to certain issues that remain with national legislators to determine.
63. It was highlighted that this proposed footnote referring to abstention from acceptance represented a type of footnote not previously used in Codex standards and that it was important not to confuse the proposed use of footnotes for recording abstention of acceptance with footnotes of a technical nature that are sometimes included in a Codex standard after careful consideration and on a case-by-case basis.
64. Members also expressed the view that in case of further discussion of the footnote option, the potential text of the footnote should not be pre-determined.
65. Responding to a statement that use of footnotes would be tantamount to introducing a new procedure, the Codex Secretary explained that this would not be the case, rather it would make the application of an existing Codex procedure visible. Thus, in his view, it would be recognition of a special situation when Members who wished to abstain from the standard without blocking its progress had exercised the option to do so.

Appendix 4

66. In considering whether or not Appendix 4 should be retained, one Member noted their disagreement with some of the conclusions in Appendix 4 and in particular expressed the view that abstention from acceptance could be done in many ways (see paragraph 49). Another Member brought the attention of CCEXEC82 to CRD04, in particular regarding the need to clarify the distinction between reservations and the use of abstentions, which was relevant for any further consideration of Appendix 4.
67. CCEXEC82 noted that the Codex Secretariat may develop further guidance on the use of reservations.

Next steps

68. CCEXEC Members were in agreement that it was premature to consult with the wider Codex membership at this stage and that CCEXEC first needed to progress the work. There was overall support to re-establish the sub-committee on the SoP to further the work before embarking upon a wider consultation.

Conclusion:

69. CCEXEC82:
- Developed a draft flow chart for Chairpersons in discussions relating to the advancement or adoption of standards at Step 5, Step 8 and Step 5/8 (Appendix 2).
 - Agreed to re-establish the sub-committee with the following Terms of Reference (ToR):
 - To develop practical guidance to support operationalization of the SoP, including use of the draft decision guide/flow chart resulting from discussions in CCEXEC82.
 - To restart work immediately after CCEXEC82, and to deliver proposed practical guidance and, if appropriate, revisions to the draft flow chart, two months in advance of CCEXEC83.
 - The sub-committee will work in English only, using the Codex e-Forum platform, will be chaired by Vice-Chairperson Raj Rajasekar, and will be open to all Members of CCEXEC.
 - Agreed that the practical guidance to be developed by the sub-committee should draw, as appropriate, on:
 - Appendix 1 to CX/EXEC 22/82/3 as amended in CRD8 on use of the SoP.
 - Appendix 3 to CX/EXEC 22/82/3 and CRD1 on options for operationalization of Statement 4.
 - Discussions of these documents at CCEXEC82.
 - Noted that the Codex Secretariat may develop guidance on the use of reservations, drawing as appropriate on Appendix 4 to CX/EXEC 22/82/3 and discussions of this document at CCEXEC82.

CCEXEC SUB-COMMITTEE ON NEW FOOD SOURCES AND PRODUCTION SYSTEMS – INTERIM REPORT (Agenda Item 4)⁸

70. The Chairperson of the sub-committee introduced the item recalling the discussions at CCEXEC81 and CAC44 and noting that, in line with the ToR of the sub-committee, a CL had been issued to all Members and Observers to seek inputs on new food sources and production systems. In addition, the Chairperson and co-Chairpersons of the sub-committee had made themselves available for informal discussions with interested Members and Observers on this topic, and as a result had met with all RCs, three Members and two Observers. The Chairperson clarified that the work of the sub-committee was at an interim stage and the final recommendations should be presented to CCEXEC83.
71. While the replies to the CL represented only a sub-set of Codex Members and Observers, it was noted that the amount of information provided was extensive and would take considerable time to fully digest and understand the key issues that were being brought forward.

Discussion

72. CCEXEC Members noted the range of issues covered, with some foods identified being truly new foods while others were new to certain jurisdictions which meant that level of information available about these products varied and hence different pathways would need to be followed in addressing them.
73. Members highlighted that existing general Codex texts, for example those elaborated in CCFH and Codex Committee on Food Labelling (CCFL), would apply to all foods, both new and existing.
74. The need to consider how these new food sources might impact existing requirements, such as halal, was mentioned.
75. Members underlined the complexity of this area, and expressed different views about how that impacted the pathway forward, including the need for sufficient time to consider the issues, specific expertise, or other working mechanisms to engage with the wider Codex membership (e.g. the establishment of a EWG of the Commission).
76. There was a general sense that before drawing any conclusions, an in-depth analysis of the replies to the CL was required which should identify the:
- key issues raised;

⁸ CX/EXEC 22/82/4; CRD2 (Comments of Singapore)

- main challenges, concerns and proposals on how to address new food sources and production systems;
 - different classes of hazards/concerns, e.g. nutrient quality, macro/micro nutrient content, labelling approaches, microbiological concerns etc.; and
 - any cross-cutting issues.
77. This analysis would then assist the sub-committee in understanding the approach that Codex may need to take in relation to new food sources and production systems.
78. The Chairperson clarified that the issue of the state of the science relevant to new food sources and production systems had been included in one of the questions in the CL and that the considerations of the sub-committee on the science would be based on the information provided in response to the CL.
79. Members further highlighted the need to undertake a gap analysis, which could entail a mapping of the issues raised in the response to the CL against the existing Codex texts, committees and working mechanisms as appropriate.
80. The Codex Secretariat together with FAO and WHO expressed their willingness to support an analysis of the information received to facilitate the ongoing work of the sub-committee.
81. With regard to mechanisms to be used by Codex to address new food sources and productions systems, Members were of the view that it was premature to make any specific recommendations.
82. The Secretariat noted that there may be work proposals relating to new food sources or production systems sooner rather than later and that initiation and progression of their discussion in Codex was not dependent on the conclusions of the work of the sub-committee. Existing Codex mechanisms could be used, in which such proposals would be submitted for critical review to the CCEXEC, either through relevant active Codex subsidiary bodies or directly to the Codex secretariat in the absence of such a committee. CCEXEC would then recommend to the Commission how to proceed. The Secretariat further noted that the PM contained a guideline on the application of the criteria for the establishment of work priorities for commodities, but not for general subjects and that this might be one gap that the subcommittee would identify in its future work.
83. CCEXEC82 noted that ultimately decisions to work on specific new food sources and productions systems remained with the Members, through the endorsement or rejection of new work proposals by CAC.
84. Considering that the work of the sub-committee was due to continue until CCEXEC83, there was a general agreement that it was important to take a stepwise approach, ensure all the information received was carefully considered, and that with the availability of an analysis of the information received from the CL and a gap analysis supported by the Codex Secretariat, FAO and WHO, the sub-committee could work towards making recommendations for consideration by CCEXEC83 which would provide CCEXEC and CAC with relevant information on how to progress the work.

Conclusion:

85. CCEXEC82:
- Recognised that ongoing work did not preclude committees from undertaking new work falling within their respective mandates.
 - Noted the interim report provided and the comments put forth during the debate.
 - Agreed that the subcommittee should continue its stepwise consideration of the issues, informed by an analysis of the information collected through the CL, CRDs and report of CCEXEC82.
 - Noted that the Codex Secretariat in cooperation with FAO and WHO would work on providing an analysis of the information received through the CL to support the ongoing work of the sub-committee.
 - Noted the possibility of convening a virtual meeting of the subcommittee prior to CCEXEC83.

A MODEL FOR FUTURE CODEX WORK: INITIAL THOUGHTS (Agenda Item 5)⁹

86. The Chairperson recalled the pathway to this point, noting the role the pandemic played in highlighting the need for a flexible and efficient Codex, and the Codex 60th anniversary providing the opportunity to reflect and plan for the future.
87. The Codex Secretariat summarized the document outlining the outcome of the initial consultation process with Chairpersons of subsidiary bodies, Host Secretariats, RCs, and FAO and WHO. Noting that this was just the

⁹ CX/EXEC 22/82/5; CRD 11 (proposed Terms of Reference for the sub-committee)

starting point, it was for CCEXEC to consider the next steps which would lead to definitive conclusions and recommendations on the way forward.

88. There was appreciation for the work done to initiate this discussion. The rich debate in CCEXEC82 highlighted the following aspects to be considered in progressing this work.

Format of Codex meetings

89. Members highlighted the following points:

- the value of in-person meetings as a means of fostering relationships and facilitating consensus-building;
- the added value of virtual technology to Codex work in progressing work and promoting inclusivity, while noting it could not wholly replace the need for in-person meetings;
- the need for Codex core values, in particular inclusiveness, to remain central in determination of meeting format and implementation; and
- the importance of Chairpersons and Host Secretariats remaining central to discussions on meeting format.

90. A range of views were shared on hybrid meetings, which in the following are seen as meetings with both in-person and remote participation, with the possibility that any delegation may include both in-person and remote delegates, including:

- benefits such as enhanced inclusiveness as Members can attend without travel costs;
- challenges for remote participants in terms of equity of participation, time-zones, time commitment for longer sessions etc.;
- resources required to run hybrid meetings and the importance of working closely with Host Secretariats and Chairpersons in this regard;
- complexity of running hybrid meetings from a chairing (balancing in-person and remote participants) and logistical perspective;
- the need for pilot testing hybrid approaches before fully committing to them;
- basing decisions on the data on participation in the different meeting formats and the related costs; and
- the ongoing challenges for some countries to join meetings physically for different reasons, and the importance of ensuring that some format of participation was available to these countries even if it was sub-optimal.

Meeting Schedule:

- while medium term planning had benefits, it was also important that Codex Committees remained agile to respond to emerging issues;
- good planning of between-session work was critical to facilitate progress;
- predictability in meeting planning well enough in advance was highlighted as key to resource planning by Host Secretariats and Members; and
- Host Secretariats and Chairpersons should be central to the discussions on scheduling.

EWG and other virtual mechanisms:

- the importance of involving EWG Chairpersons in these discussions as their time, effort and commitment was critical; and
- virtual meetings in advance of Committee sessions were beneficial in progressing work.

Other issues

91. The key role of the RCs and how they could be supported in undertaking their work particularly in relation to CCEXEC, for example by having access to a limited number of advisors during meetings, was highlighted. The potential to give more visibility to the RCs was also mentioned, noting the important role they played in engagement in Codex, and how they could contribute further.
92. Different views were expressed on whether it was appropriate to revisit the mandate of Codex, ranging from confirmation that the Codex mandate did not need to be changed to the need for adaptation in view of the

global focus on food systems transformation for sustainable production. The CAC Chairperson recalled that decisions regarding the statutes of Codex including its mandate sat with the FAO and WHO governing bodies.

93. Further clarity of the findings on ToR of committees was requested. It was also proposed that co-hosting of meetings should be further explored in the context of virtual meetings as an opportunity to engage more countries in this aspect of Codex work in a cost-effective manner.
94. The Codex Secretary expressed appreciation for the extensive inputs, many of which merited further discussion. With regards to the meeting format, he stressed on the one hand the need for flexibility during the ongoing transition to consider the constraints under which host governments were operating but on the other his conviction that hybrid meetings were the way of the future. This was also demonstrated by both FAO and WHO, the parent organizations of Codex that had already started implementing hybrid meetings. He also recalled recent comments of the Director-General of FAO who, in supporting the return of in-person meetings, had at the same time emphasized the need to retain options for participation of those who could not join in-person.
95. With regards to the PM, the Codex Secretary stated that while it was necessary to build on the existing framework of Codex, in his view, the discussions on the future of Codex should not hesitate to look beyond that frame if necessary.
96. The CAC Chairperson highlighted that the discussion placed particular emphasis on the importance of format and scheduling of Codex meetings, noting that while many of the decisions on these issues remained bilateral, involving the Codex and Host Country Secretariats, CCEXEC could add value by ensuring that flexibility, coherence, and incorporation of Codex core values remained key to decisions on these aspects.

Next steps

97. The Chairperson sought feedback on options for progressing this work including through outreach to Coordinating Committees, ongoing engagement with key stakeholders (Chairpersons, Host Secretariats, RCs, FAO and WHO) and the establishment of a CCEXEC sub-committee.
98. Recognizing the importance of this work, CCEXEC82 supported the establishment of a CCEXEC sub-committee. In addition, the following views were shared:
 - the working document raised several issues relating to meeting format, nature, and capacities of EWGs, virtual pre-meeting mechanisms, and the role of RCs, which had procedural dimensions and it was time to take stock of these. In continuing this work, it was therefore important to see how other Codex bodies could support CCEXEC, for example the Codex Committee on General Principles (CCGP) on procedural aspects, or a working group of CAC on aspects which required the broader view of Members. In this context, there was a proposal that such procedural aspects should be identified before CAC45, which may decide to refer them to the next session of CCGP, scheduled for October 2023;
 - it was premature at this session to indicate that there were specific procedural dimensions to be addressed and that it would be more appropriate for now to continue this discussion in CCEXEC to further define key issues before engaging more broadly;
 - ways of engaging Members in the next steps needed to be considered, and a CL at this stage was considered premature; further consideration should be given to the timing and format of outreach to ensure optimal input;
 - CCEURO had already met this year, therefore support would be needed to facilitate outreach to this Codex region to ensure their voices were part of the ongoing discussions; and
 - the Chairpersons of EWGs should be involved in future discussions.

Conclusion:

99. CCEXEC82:
 - Noted the consultations that had been undertaken to date.
 - Complemented these with its own initial views, particularly in relation to meeting format and schedule.
 - Agreed to establish a sub-committee with the following ToR:

Scope of work

100. To develop in collaboration with the Codex Secretariat a report including a proposed blueprint for the future of Codex for CCEXEC84, with an interim report on progress to CCEXEC83, taking into consideration the views

of Members and Observers, FAO and WHO, Chairpersons of Codex Committees, RCs, and Host Secretariats.

Timetable and deliverables

101. The sub-committee will start work immediately after CCEXEC82. It will:
- a. Work closely with the Codex Secretariat to frame specific areas for input based on the consultations and information available to date.
 - b. Develop a zero draft for circulation for comments among Chairpersons of Codex Committees, RCs, and Host Secretariats.
 - c. Provide an interim report to CCEXEC83, noting that any procedural issues should be identified in the interim report so they may be referred to CAC45.
 - d. Ensure involvement of Members and Observers based on the draft blueprint developed by CCEXEC83.
 - e. Prepare a report with a draft blueprint on the Future of Codex for consideration by CCEXEC84.

Membership and ways of working

102. The sub-committee will be chaired by Vice-Chairperson Allan Azegele, with the other two Vice-Chairpersons as co-chairpersons and open to all Members of the CCEXEC. The sub-committee will work electronically in English only.

APPLICATIONS FROM INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS FOR OBSERVER STATUS IN CODEX (Agenda item 6.1)¹⁰

103. The Codex Secretariat introduced the item noting that in light of the recent adoption of the FAO Strategy for Private Sector Engagement (2021 – 2025) and the consequent need for interpretation of the Strategy in the context of Non-Governmental Organizations (NGOs) applying for Observer Status with Codex, no applications had been presented to CCEXEC82.
104. One Member stressing the important role played by Observers in Codex, requested further clarification on whether the existing rules could continue to be applied in the interim to the application review process.
105. The Codex Secretariat, recalling that due to its joint nature, Codex was also subject to the rules contained in the relevant texts of the two parent organizations, advised that FAO and the Codex Secretariat had started the necessary consultations to clarify the issue and hoped to have it resolved by CCEXEC83.

Conclusion:

106. CCEXEC82 noted that the information provided, highlighted the important role Observers play in Codex, and encouraged the Codex Secretary and FAO to clarify this issue as soon as possible.

REVIEW OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS WITH OBSERVER STATUS (Agenda item 6.2)¹¹

107. The Codex Secretariat introduced the item noting that the review analysed the participation of 167 NGOs with Observer status with Codex in the period September 2016 to December 2021.
108. The Secretariat noted that it had not been possible to monitor the contribution of NGOs subject to the double representation clause, as such contributions were only traceable through the internal processes and mechanisms of these NGOs.
109. The Secretariat further noted that the review highlighted new means by which NGOs contributed to Codex work, such as participation in social media activities, in line with Goal 3 of the Codex Strategic Plan 2020-2025. This suggested the need for a future review of the “Principles Concerning the Participation of International Non-Governmental Organizations in the Work of the Codex Alimentarius Commission” contained in the PM to reflect novel ways of contributing to and engaging in Codex work.
110. The Secretariat also mentioned that the data collected indicated consistent participation of NGOs in Codex meetings over the last six years, while the number of comments, CRDs and proposals for new work sent by NGOs, had increased during the same period.
111. The Secretariat clarified that a criterion on whether there had been issues on the Codex agenda during the review period that were relevant to the mandates of the NGOs had also been included in the review.

¹⁰ CX/EXEC 22/82/6

¹¹ CX/EXEC 22/82/7

112. One Member stressed that further guidance was needed on the implementation of the rules regulating double representation, especially at the early stages of Codex work, for example, on the participation of NGOs subject to the double representation clause in EWGs.

Conclusion:

113. CCEXEC82:

- Noted the consistent commitment of NGO with observer status in the work of Codex and the ongoing interest from the wider NGO community to engage with Codex, especially as it embarks on new areas of work.
- Recommended that the Directors-General of FAO and WHO maintain observer status for the NGOs indicated in table III and IV and revoke the Observer status of the organizations contained in table I and II of CX/EXEC 22/82/7.
- Requested the Codex Secretariat to present at CCEXEC83 a further review regarding the contribution of NGOs with observer status to the implementation of the Codex Strategic Plan 2020-2025, in particular Goal 3, and address whether there were any changes needed to the procedures regulating the participation of NGOs with Observer Status.
- Noted that the issue of double representation was being analysed by the Codex Secretariat and that it would revert to CCEXEC in this regard.

CODEX STRATEGIC PLAN 2020-25 – UPDATE¹² (Agenda item 7)

114. The Codex Secretariat introduced the document, recalling that the Secretariat was mandated with working on a mechanism to monitor the use and impact of Codex texts, through the Codex Strategic Plan 2020-25 under goal 3 “increase impact through the recognition and use of Codex Standards”.
115. Members discussed the approaches proposed to build the Monitoring and Evaluation (M&E) framework. Regarding the first phase of the work, Members requested additional information on the data analysis process. It was clarified that the monitoring systems of several UN Organizations, including FAO and WHO as well as those of international standard setting organizations such as the International Plant Protection Convention (IPPC) and the World Organisation for Animal Health (OIE) were analysed.
116. In selecting Codex texts to include in the survey, preference would be given to horizontal texts that encompass more generic issues, rather than commodity standards that would be more the object of case studies. It was further clarified that the survey would be piloted in 2022 with the aim of providing preliminary results to CCEXEC83 and CAC45. The results would be presented at aggregated level, reporting on general trends.
117. In the discussion, Members underscored the need for the opportunity for a regular review of the survey approach. The Secretariat noted that the biennial review of the Strategic Plan at CCEXEC and CAC would provide such an opportunity. Following a question, the Secretariat clarified that a full report on the implementation of the current Strategic Plan would be made available to CCEXEC83 and CAC45.
118. Members supported the proposed collaboration with the WTO Secretariat to explore a collaborative monitoring and reporting framework, to provide additional data on how Codex texts contributed to solving or preventing disputes. However, it was also mentioned that it was important to look at how Codex texts contributed to consumer health protection. The Codex Secretariat clarified that the proposed approach included aspects of the impact of Codex texts on consumer health, and that both FAO and WHO evaluation offices were part of the advisory group of this work.
119. Regarding case studies, Members recommended that these be selected according to a set of pre-defined criteria and be clear in terms of scope and context. The Codex Secretariat explained that the pilot survey results would contribute to defining the criteria to select case studies, as through the survey more quantitative data would be gathered while case studies would provide more qualitative data on the use and impact of Codex texts. The Secretariat confirmed that proposed criteria for the case studies would be brought to CCEXEC83 and CAC45 for further discussion, noting that this should not prevent the work already underway with Members.
120. Members raised concerns regarding the overall resources required to support the monitoring exercise, which should not negatively impact other Codex activities. The Secretariat explained that the surveys would follow a streamlined approach that would not require additional resources while the more costly case studies would be undertaken according to available resources. As had been mentioned in the document, additional resources might be needed for the exercise. Following the implementation of the pilot survey there would be further opportunities for Members to contribute to the approach.

¹² CX/EXEC 22/82/8

Conclusion:

121. CCEXEC82:

- Noted the additional information provided by the Codex Secretariat on the analysis of options and development of the proposed approach.
- Recognized the benefits and challenges in monitoring the use and impact of Codex texts, and the importance of engagement as the process evolved and of periodic review.
- Endorsed the proposed approach for building the Codex M&E framework, noting that 2022 would be a pilot year for the re-designed survey approach and that the preliminary results would be reported at CCEXEC83 and CAC45.
- Supported the proposal to engage with the WTO Secretariat to explore a collaborative monitoring and reporting framework.
- Encouraged Members and Observers to identify potential resources to support data gathering for this work, particularly through case studies which should be selected according to a set of pre-defined criteria and be clear in terms of scope and context.

60th Anniversary of the Codex Alimentarius Commission: 1963-2023 (Agenda Item 8)¹³

122. The Codex Secretariat introduced the item highlighting the key proposed themes for a yearlong celebration of the 60th Anniversary of the Codex Alimentarius Commission (Codex@60), noting the emphasis on the essential role Codex still played impacting consumer health and fair practices in the food trade, the people of Codex, and the future of Codex. The Secretariat also described proposals to underpin the celebration with global, regional and national events as well as a range of publications and communication products highlighting the achievements of Codex; case studies relating to engagement in Codex and use and impact of its standards, and a relaunching of the Codex Catalogue of standards. Highlighting the importance of engagement of the global Codex family in the implementation of a fitting celebration for Codex@60, CCEXEC Members were invited to present their ideas and confirm their commitment to making 2023 a year to remember.

123. The following highlights some of the key ideas, proposals and commitments for Codex@60 by CCEXEC Members:

- increasing the profile and showcasing the key benefits of Codex;
- raising awareness of the impact of Codex standards;
- promoting a climate for change;
- bringing the global Codex family together for an in-person celebration, including past Chairpersons of the Commission;
- highlighting Codex at regional level and the inter-linkages with different cultural aspects;
- looking at the future of Codex and how it can contribute to the transformation of food systems;
- setting a course for Codex that reflects the current global agenda; and
- showcasing the role of capacity development in Codex including CTF success stories.

124. Some proposed products and tools to celebrate Codex@60 included:

- an overview of the chronological history of Codex;
- milestone Codex standards from a global and/or regional perspective;
- a look at the past and present leaders in Codex;
- a “top 60” list, highlighting the best from the last 60 years, top 60 standards etc.;
- a musical tribute/celebration of Codex;
- promotion of the Codex brand on the internet (e.g. Google), high visibility activities in capital cities etc.;
- dedicating a single day in the year where all Members and Observers mark the diamond jubilee;
- short attractive video showcasing Codex and its story ranging from achievements and traditions to more modern approaches; and

¹³ CX/EXEC 22/82/9

- Codex@60 website to track the events and celebrations around the world.
125. The importance of high-level engagement was noted, and it was proposed that consideration be given to development and adoption of a high-level political declaration through FAO and WHO. Some of the key events identified, which could be used to engage high-level ministerial support for Codex included:
- Pacific Island Week of Agriculture, Fiji, September 2022 – The RC and Member aim to use this as a launch pad for high-level engagement in Codex@60 in the NASWP region.
 - Global Forum for Food and Agriculture, Germany, January 2023 – The Member for Europe was working to ensure Codex was part of the agenda of this Summit of Agriculture Ministers, which will have an overarching theme of transformation of global food systems, and encouraged Members to alert their Ministers of Agriculture to this event.
126. Members and advisors also highlighted some key initiatives they were already committed to undertaking or planning to implement in their countries and regions including: workshops to promote engagement and facilitate work progression; developing case studies on standards critical to their region (e.g. *Regional standard for kava products for use as a beverage when mixed with water*); showcasing work of the committees that they host (e.g. Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS)); relaunching national webpages; showcasing Codex through national expos; stocktaking from a regional perspective and defining future directions; and developing materials to promote and support engagement in Codex@60.
127. Several delegates also underlined their efforts to highlight the adoption of and the impact of Codex standards in their countries (e.g. India, Malaysia).
128. It was further proposed to make use of the Codex Committee meetings that will take place in the course of 2023 to celebrate Codex@60.

Conclusion:

129. CCEXEC82 noted the information provided by the Codex Secretariat and the wealth of ideas shared and
- Supported the main features of the planned celebrations.
 - Expressed commitment to advocacy at all levels to ensure the widest possible participation and promotion of the anniversary.
 - Encouraged Members and Observers to fully engage in early planning to identify their own contributions.

OTHER BUSINESS (Agenda Item 9)

130. The Secretariat provided an update on the arrangements for CAC45 and informed that, following consultation with FAO and WHO, the session would be held physically, also allowing for virtual participation. This will also ensure that all tools, including voting, were at the disposal of CAC45 as requested by CAC44. The Secretariat further noted that a formal communication to the Codex membership on this will be issued soon and that a virtual information event will be held thereafter as part of the preparations for CAC45.
131. Several Members expressed their concerns about the lateness of this decision, as this may prevent physical participation due to budgets not having been secured and significantly disadvantaging some Members who would be unable to travel to Europe, particularly from developing countries. The importance of issuing a formal communication regarding the arrangements for CAC45 as soon as possible was stressed. Other Members supported the proposal as it was a means to re-establish physical interaction following the pandemic and recommended a flexible approach.
132. Members also expressed their concern that Members joining the meeting virtually may not be able to interact on the same basis as those participating physically in CAC45.
133. The Codex Secretariat highlighted that in the case of voting by secret ballot at CAC45, in-person presence would be required for a Member to exercise its right to vote.
134. There was insufficient time to consider the other items listed under other business. The Chairperson pointed to the relevant CRDs¹⁴ and also noted the correction to CRD03 to include Comoros in the list of countries which had received conditional approval for CTF funding in the sixth rounds of applications, pending clarifications and/or revisions of their proposals

¹⁴ CX/EXEC 22/82/CRD3 Activities of the CTF and CX/EXEC 22/82/CRD5 on a Codex side event focusing on Food Safety on the margins of ISO General Assembly, 19th – 23rd September 2022, Abu Dhabi, United Arab Emirates.

135. Regarding the CTF, one Member requested a more detailed expenditure report. The Chairperson also proposed that CTF be included in the agenda for CCEXEC83.

Conclusion:

136. CCEXEC82 noted the update on the arrangements for CAC45 and urged the Secretariat to confirm these arrangements as soon as possible.

APPENDIX I

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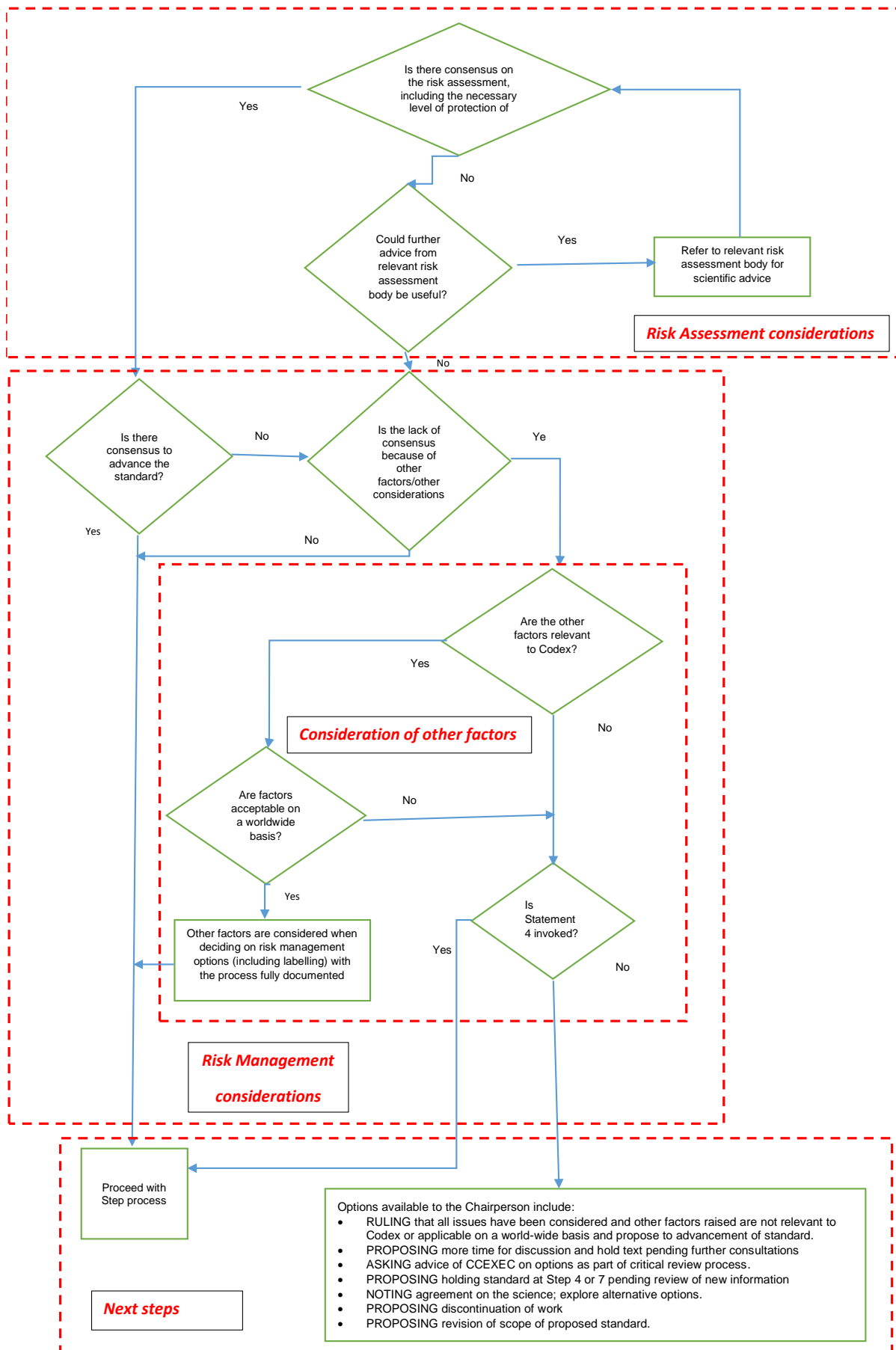
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APPENDIX II

Decision guide/Flowchart for Chairpersons in discussions relating to the advancement or adoption of standards at Step 5, Step 8 or Step 5/8 ¹



¹ The question of whether to consider other legitimate factors (OLF) may arise during risk management discussions at any stage in the Step process for standard development. The Statements of Principle limit consideration of OLFs to those within the scope and mandate of Codex.