

REPORT OF THE UNITED STATES DELEGATE TO THE 46TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION (CAC46)

November 27-December 2, 2023

The 46th Session of the Codex Alimentarius Commission (CAC46) convened at the United Nations Food and Agriculture Organization (FAO) Headquarters in Rome, Italy, with optional remote participation via Zoom. The Commission is the governing body of the joint World Health Organization (WHO) and FAO international food standards program and is recognized in international trade agreements as the international standards-setting organization for food safety. Attendees from 158 Member Countries and one Member Organization (the European Union/EU) registered for the meeting, as well as 40 Observers from international intergovernmental and nongovernmental organizations. Of these, six Member Countries and eight Observers participated remotely.

CAC Chair Steve Wearne (United Kingdom) chaired the session, assisted by CAC Vice-chairs Allan Azegele (Kenya), Raj Rajasekar (New Zealand), and Diego Varela (Chile). The United States was represented by J. Emilio Esteban, USDA Under Secretary for Food Safety, Jason Hafemeister, USDA Acting Deputy Under Secretary for Trade and Foreign Agricultural Affairs, and Mary Frances Lowe, U.S. Manager for Codex Alimentarius, along with 15 additional governmental and 7 non-governmental advisors.

The primary work of the Commission was to consider the recommendations developed by its subsidiary bodies since its last session (CAC45, 2022). The official report of the session as well as other CAC46 documents may be accessed at the following link: <https://www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CAC&session=46>.

CAC 46 HIGHLIGHTS

CAC46 opened with a commemoration of the 60th anniversary of Codex Alimentarius, including a series of panel discussions, presentations, and videos. Under Secretary Esteban, former Chairperson of the Codex Committee on Food Hygiene (CCFH), reflected on his tenure during the module entitled “60 years of chairing and organizing Codex meetings.” 60th anniversary celebrations for Codex Alimentarius have taken place throughout 2023 around the world in many Member Countries, and also at WHO headquarters in Geneva on World Food Safety Day (June 6).

CAC46 was a highly successful and very productive session, significantly advancing international food standards to protect consumer health and ensure fair trade practices, to the benefit of the United States and the world community. The United States achieved all of its key goals. Notably, CAC46 adopted Maximum Residue Limits (MRLs) for the veterinary drug zilpaterol hydrochloride, voting by a wide majority to respect and defend the scientific basis of Codex decision-making, relying on the scientific advice and recommendations of the FAO/WHO Joint Expert Committee on Food Additives (JECFA), the international, independent expert body responsible for performing risk assessments and recommending safe limits for residues of veterinary drugs in foods.

Other major achievements at CAC46 that will promote food safety for consumers and open markets to fair trade in safe food included adoption of over 400 new and revised food additive

provisions (including resolving long standing issues leading to the final adoption of additive provisions for wine), over 400 pesticide residue limits, and maximum limits for lead in foods for infants and young children. CAC46 also adopted new guidelines to prevent and control Shiga toxin-producing E. coli in foods, to ensure safe use and re-use of water in food production, to assess equivalence of food control systems, and to promote appropriate use of remote audit and inspection procedures. Additional adopted texts included completion of a multi-year update of the *Codex Classification of Foods and Animal Feeds* (CXA 4-1989), which should benefit specialty crop producers, and a significantly revised and updated *Standard for Follow-up Formula for Older Infants and Product for Young Children* (CXS 156-1987).

The Commission approved new work led by the United States to prevent ciguatera poisoning, to update Codex principles and guidelines on traceability, and to assess the need for guidance on food safety considerations related to use of recycled food packaging material.

Finally, CAC46 concluded its discussion of draft guidance on the *Statements of Principle concerning the Role of Science in the Codex Decision-Making Process* and agreed that Members should continue to pursue work related to New Foods Sources and Production Systems (NFPS) using existing Codex procedures.

NEXT SESSION OF CAC

The next session of the Commission (CAC47) is planned for November 2024 in Geneva, Switzerland.

MEETING SUMMARY

AGENDA ITEM 2 REPORT BY THE CHAIRPERSON ON THE 84TH AND 85TH SESSIONS OF THE EXECUTIVE COMMITTEE (INCLUDING MATTERS REFERRED)
<p>Have the United States’ Objectives Been Met? Yes</p>
<p>United States Objective The primary U.S. objective was for CAC to endorse the recommendations of CCEXEC with respect to the outcomes of Codex committees and to approve the CCEXEC conclusions on issues considered only at CCEXEC, including the recommendation to issue a Circular Letter to assess interest in developing Codex guidance on food safety considerations related to the use of recycled food packaging materials, based on a Conference Room Document (CRD) prepared by the United States (CRD01).</p>
<p>Discussion in Relation to United States’ Objectives CAC46 considered the conclusions and recommendations of the 84th Session of the Executive Committee of the Codex Alimentarius Commission (CCEXEC84) (July 2023) and CCEXEC85 (November 2023). Most topics related to the outcomes of Codex committees and were considered under other agenda items, in particular Agenda Item 4. Below is a summary of Issues considered under this agenda item.</p>
<p><u>Blueprint on the Future of Codex</u> CAC45 (2022) noted the interim report of the subcommittee, which grew out of experiences in adapting Codex procedures during the COVID-19 pandemic. At CAC46, the Chairperson indicated that the blueprint for the future of Codex had branched into two separate pathways, with one section of the document now being considered in the context of development of the Codex</p>

Strategic Plan 2026-2031, while the other key element, the Model for Future Codex Work, would remain a living document which could continue to capture experiences and developments related to working modalities and meeting formats.

The Codex Secretariat will present to CCEXEC86 (2024) data and information on participation, working practices and costs linked to the various meeting formats. CCEXEC86 should then update the Model for Future Codex work (CX/EXEC 23/85/3, Appendix II) accordingly and discuss possible development of further guidance on the use of digital tools.

Codex Strategic Plan 2026-2031

CAC46 expressed appreciation for the work to develop the new Codex Strategic Plan 2026-2031 and looked forward to upcoming consultations on the draft text and formulation of goals and outcomes.

Regional standards

Regarding challenges with application of the criteria for new work, Members affirmed their continued interest in developing regional standards and indicated that the practical guidance on new work proposals being developed by the Codex Secretariat would be welcome. They underlined the importance of well-researched discussion papers and project documents to provide a clear rationale for any new work and the need for hands-on support in developing new work proposals, which might also include support from FAO and WHO.

Proposal for the investigation of the interest and need for development of Codex guidance on food safety considerations related to use of recycled materials in food packaging

Following approval by CCEXEC85, the United States introduced an updated discussion paper for consideration by CAC46 (CRD36). The United States underlined that this matter was a good example of how Codex could address and support sustainability-related initiatives within its scope.

CAC46 supported the CCEXEC85 recommendation to request the Codex Secretariat to issue a Circular Letter (CL) to gauge whether there was interest, value and need for new work that might lead to Codex guidance on food safety considerations related to the use of recycled materials in food packaging, and to consider next steps based on the responses to the CL.

Some Members suggested adding other related issues to the proposed CL, including expanding the scope to include development of a general food safety standard on food packaging, beyond use of recycled materials; to address outer packaging materials not in contact with food; and to provide information on Members' regulations on use of recycled materials for packaging.

Several Members emphasized that the proposal sparked other questions, such as the availability of risk assessment data and identification of the appropriate Codex body to undertake this work. The FAO Representative noted that a substantial amount of scientific data was available on this issue and that risk assessment could be undertaken. The Codex Secretariat clarified that it was premature to decide where the potential work would go and that decisions on the relevant approach would be taken by CAC, upon recommendation from CCEXEC.

Outcome/Conclusion

CAC46 noted the discussions of CCEXEC84 and CCEXEC85 and endorsed the conclusions and

recommendations contained in the respective reports. In particular, CAC46 requested the Codex Secretariat to issue a CL to gauge the interest, value and need for new work to develop Codex guidance on food safety considerations related to the use of recycled materials in food packaging, as proposed by the United States.

**AGENDA ITEM 3
AMENDMENTS TO THE PROCEDURAL MANUAL (PM)**

Have the United States' Objectives Been Met? Yes

United States Objective

The U.S. objective was approval of the proposed amendments, which reflect updating for editorial consistency and alignment with current practices and use of modern technological tools. The proposed amendments did not involve substantive changes to the PM.

Discussion in Relation to United States' Objectives

The Codex Secretariat introduced the item at CAC46, noting the proposed amendments to the PM recommended by the Codex Committee on General Principles (CCGP33, 2023) which included moving the section on Membership from the PM to the Codex website and editorial changes in Sections 2, 3 and 7. CAC46 adopted the amendments as recommended by CCGP.

CAC46 also considered and adopted a consequential/conforming amendment to formalize the submission of labeling provisions for non-retail containers to the Codex Committee on Food Labelling (CCFL), consistent with adoption of the *General Standard for the Labelling of Non-retail Containers of Foods* (CXS 346-2021) by CAC44 (2021), and to allow for additions or exemptions to requirements of the standard, provided they are fully justified.

Ecuador, speaking as Regional Coordinator for the FAO/WHO Regional Coordinating Committee for Latin America and the Caribbean (CCLAC), recalled the discussion at CCGP33 regarding the translation of the PM into other languages, highlighting the potential negative effects of inaccurate translations on the use and understanding of the text. The Coordinator requested the Codex Secretariat to ensure linguistic consistency across all languages. CAC agreed on the need to ensure consistency in future editions of the PM.

Outcome/Conclusion

CAC46 adopted the proposed amendments, consistent with the U.S. position.

**AGENDA ITEM 4
WORK OF CODEX COMMITTEES (ADOPTION, NEW WORK APPROVAL, REVOCATION,
DISCONTINUATION, AND AMENDMENTS TO CODEX TEXTS PROPOSED BY COMMITTEES)**

Have the United States' Objectives Been Met? Yes

United States Objective

The United States objective was approval of the recommendations made by the committees to CAC46, with one reservation, and final adoption of the maximum residue limits (MRLs) for the veterinary drug zilpaterol hydrochloride.

Discussion in Relation to United States' Objectives

CAC46 considered standard setting work on a committee-by-committee basis (Agenda Items 4.1 – 4.15). Following is a compilation of the decisions reached by CAC46. With the exception of adoption of the MRLs for the veterinary drug zilpaterol hydrochloride, all actions were taken by consensus, with reservations as noted below.

➤ **FINAL ADOPTION OF CODEX TEXTS (at Step 8 and/or Step 5/8)**

CODEX COMMITTEE ON RESIDUES OF VETERINARY DRUGS IN FOODS (CCRVDF)

- MRLs for ivermectin (sheep, pigs and goats – fat, kidney, liver and muscle)
- MRLs for nicarbazin (chicken)
- MRLs extrapolated to ruminants and finfish
- MRLs for zilpaterol hydrochloride in cattle liver, kidney, and muscle

CAC46 adopted the MRLs for ivermectin and nicarbazin, as well as the extrapolated MRLs, as recommended by CCRVDF26 (2023). Members expressed reservations to some of the MRLs, consistent with the positions they took in CCRVDF. By vote, CAC46 also adopted the MRLs for zilpaterol hydrochloride after extensive discussion, as described below.

Consideration of draft MRLs for zilpaterol hydrochloride

The CAC Chairperson recalled the working methods for the discussion of the draft MRLs for zilpaterol hydrochloride, as set out in his [Note From The Chairperson of the Codex Alimentarius Commission to Members and Observers – Discussion of Draft MRLs for Zilpaterol Hydrochloride at CAC46 \(November 17, 2023\)](#) and confirmed the shared understanding established at CAC45 that discussion of these draft MRLs would be retained in the Commission and that issues would not be referred to CCRVDF for further consideration.

Risk assessment considerations

The Chairperson further recalled the conclusion of CAC45 that “the JECFA risk assessment provided a robust basis for the elaboration for MRLs for zilpaterol hydrochloride in cattle, liver, kidney and muscle,” noting the reservations from three Members for reasons set out in the report of that session. The Chairperson reported on informal regional consultations in 2023 with approximately 90 Members and further outreach undertaken in October 2023 through Regional Coordinators seeking details of any concerns in relation to the risk assessment and the underlying science. These consultations had not identified any further concerns with the scientific basis for establishing the MRLs as recommended by the FAO/WHO Joint Expert Committee on Food Additives (JECFA).

The Chairperson proposed that CAC46 reconfirm that the JECFA risk assessment continued to provide a robust basis for the elaboration of MRLs for zilpaterol hydrochloride in cattle liver, kidney and muscle. Reiterating the concern they expressed at CAC45, Thailand stated that even though they did not have an objection to the JECFA risk assessment to establish MRLs for zilpaterol for the three tissues, they had concerns for consumers who consume various amounts of other edible offal. The CAC Chairperson responded that Members could submit new work proposals to establish MRLs for other tissues.

Following further discussion, CAC46 reconfirmed the decision of CAC45 that the JECFA risk assessments continued to provide a robust basis for the elaboration of MRLs for zilpaterol hydrochloride in cattle liver, kidney, and muscle.

Risk management considerations

The Chairperson recalled the extensive discussion at CAC45 and the comprehensive report of expressed positions, which were reiterated in the 2023 informal consultations with Members and Regional Coordinators. Based on this, the Chairperson proposed advancing the MRLs to Step 8, which led to alternative proposals from two Members:

- i) use of a footnote in the standard as a means of finding a consensual way forward, proposed by the United Kingdom (UK); and
- ii) advancement conditional on holding the standard at Step 8, short of final adoption, proposed by the EU.

- ***Proposal to include a footnote***

The UK proposed the inclusion of a footnote to the MRLs, arguing that this might allow Members to make a reservation or invoke the *Statements of Principle Concerning the Role of Science in the Codex Decision-making Process and the extent to which Other Factors are taken into account* (SoP) to abstain from acceptance. The UK stated that there were many footnotes that had been adopted by CAC on a case-by-case basis to be applied at the discretion of the Members.

Views among the Members on this proposal were mixed. Some Members, including China and Thailand, noted the proposal with interest as a possible means to consensus.

The United States, along with many other Members, opposed such a footnote, which would represent a new type of note not previously used in Codex, arguing that it would devalue an adopted standard and undermine Codex principles. The United States further recalled that trade between Members was based on mutual agreement of the parties, and that the PM recognized the voluntary nature of Codex standards and the need to comply with the legislation of importing countries, which obviated the need for any footnote. Canada supported the U.S. intervention, along with Uruguay and Brazil who also intervened to express that they did not support the footnote option. Senegal also disagreed with the footnote proposal, stating that there should not be a double standard and imploring those who did not wish to adopt the MRLs to file reservations, following the usual practice in Codex when members wish to express their opposition to adoption of some or all elements of a proposed standard.

The Chairperson concluded that there was no consensus on inclusion of a proposed footnote and proceeded to discuss the second proposal.

- ***Proposal to hold the draft MRLs at Step 8***

The EU proposed a second option and prefaced it by stating that it could only support advancement to Step 8 if it was thereafter agreed to hold the draft MRLs at Step 8. This proposal was also met with mixed views.

Those supporting the EU's intervention, including China and Thailand, noted that it would allow more time to achieve consensus and reiterated their concerns regarding adoption of the draft MRLs.

Members opposing the EU proposal included the United States, Ecuador, New Zealand, and Canada. They stated that the proposal was inconsistent with the conclusion on the robustness of

the JECFA risk assessment and the principle that Codex decisions should be based on science. They further noted that Codex members clearly wished to complete consideration of the MRLs at this session, and that holding the draft standard at Step 8 meant that the issue would not be concluded at CAC46.

The Chairperson concluded that there was no consensus on the proposal to advance the MRLs to Step 8 but not proceed to final adoption, and therefore this option was not further considered by CAC46.

Advancement to Step 8 and Final Adoption: Voting Results

The Chairperson recalled that a number of Members had expressed support for advancing the draft MRLs to Step 8, while others had expressed reservations, including Iraq, Kazakhstan, and Saudi Arabia.

The Chairperson asked whether there were any objections to advancing the draft MRLs to Step 8, at which point the following Members expressed their reservations: Algeria, Botswana, Iraq, the Islamic Republic of Iran, Qatar, Syrian Arab Republic, Thailand, and Tunisia.

The UK noted its intention to abstain from acceptance.

The following Members stated their sustained opposition to advancing the draft MRLs: Belarus, China, the EU, North Macedonia, Norway, the Russian Federation, Switzerland, Türkiye, and the United Arab Emirates.

Despite extensive efforts to reach consensus and the consultations convened between sessions by the CAC Chairperson and Vice-Chairpersons, no clear path forward to consensus was available. Opponents of the MRLs continued to decline to follow the usual practice of recording reservations in the report. The Chairperson, who had generally followed the draft SoP guidance in structuring the lengthy debate on the issue, concluded that there was no consensus and proceeded to call for voting on advancing the MRLs to Step 8 and, if that vote should be successful, on final adoption. CAC46 proceeded with two votes, both of which were decided based on a simple majority of votes cast. (Abstentions do not factor into the results; they do not count as “votes cast.”) Only in-person voting was possible, according to Codex procedures.

The first vote was to consider advancement to Step 8. The total number of votes cast was 137. The vote totals were 86 to 51, with 11 abstentions, meaning that the majority required was 69. Based on this vote, CAC46 advanced the MRLs to Step 8.

The Chairperson then proposed final adoption of the draft MRLs. The following Members objected to this proposal and stated their sustained opposition: Belarus, China, EU, Iraq, the Islamic Republic of Iran, Kazakhstan, Kyrgyzstan, North Macedonia, Norway, Republic of Moldova, Russian Federation, Switzerland, Syrian Arab Republic, Thailand, Türkiye, United Arab Emirates, and Uzbekistan.

The Chairperson concluded that there was no consensus and therefore proposed that the Commission should vote on final adoption of the draft MRLs for zilpaterol hydrochloride in cattle liver, kidney and muscle at Step 8.

The results of the second vote, for final adoption, were 88 in favor and 49 opposed, with 11 abstentions (137 votes cast, meaning that the majority required was 69). The draft MRLs for zilpaterol hydrochloride for cattle muscle, liver and kidney were therefore adopted. The official results of both votes are contained in Appendix VIII Parts A and B of the official CAC46 report ([REP23/CAC](#)).

Following the conclusion of this agenda item, the Chairperson invited Members to make [final statements](#), which are included in Appendix IX of the CAC report ([REP23/CAC](#)).

CODEX COMMITTEE ON PESTICIDE RESIDUES (CCPR)

- 426 MRLs for different combinations of pesticides/commodity(ies)
- Revised *Classification of Foods and Animal Feeds* (CXA 4-1989)

The EU recorded reservations to the final adoption of certain MRLs, consistent with reservations expressed at CCPR, and was joined by Norway, North Macedonia, and Switzerland. Egypt and the United Arab Emirates recorded reservations to the MRLs for Broflanilide due to the lack of available toxicological data on this pesticide at national level.

CODEX COMMITTEE ON NUTRITION AND FOODS FOR SPECIAL DIETARY USES (CCNFSDU)

- Revised *Standard for Follow-up Formula* (CXS 156-1987) (renamed as *the Standard for Follow-up Formula for Older Infants and Product for Young Children*)

The United States reiterated its reservation to the second paragraph of the preamble to the revised Standard and to the provisions in Section B related to carbohydrate sources in non-milk-based products on the basis that they do not treat milk and non-milk-based products equally and lack scientific basis and objective methods. Costa Rica and Panama also noted their reservations to the preamble of the revised Standard.

CODEX COMMITTEE ON FOOD HYGIENE

- Guidelines for the Control of Shiga Toxin-Producing *Escherichia coli* (STEC) in Raw Beef, Fresh Leafy Vegetables, Raw Milk and Raw Milk Cheeses, and Sprouts (General Section, Annex I on raw beef, and Annex III on raw milk and raw milk cheeses)
- Guidelines for the Safe Use and Reuse of Water in Food Production and Processing (General Section and Annex I on Fresh Produce)

The United States fully supported final adoption of the general sections and specified annexes and anticipates that the outstanding annexes will be finalized in time for adoption by CAC47. This will allow the CCFH to consider new work proposals at its next session (CCFH54, 2024).

CODEX COMMITTEE ON CONTAMINANTS IN FOODS (CCCF)

- Maximum level (ML) for lead in ready-to-eat meals for infants and young children
- ML for lead in soft brown, raw and non-centrifugal sugars
- MLs for total aflatoxins in dried chilli and nutmeg, and MLs for ochratoxin A in dried chilli, paprika, and nutmeg
- Code of practice for prevention and reduction of mycotoxin contamination in cassava and cassava-based products

The EU, Norway, Switzerland and Egypt expressed reservations to the MLs for total aflatoxins in dried chilli and nutmeg, stating there were public health issues and that therefore levels should be set as low as reasonably achievable.

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS (CCFICS)

- Guidelines on Recognition and Maintenance of Equivalence of National Food Control Systems (NFCS)
- Principles and Guidelines on the Use of Remote Audit and Inspection in Regulatory Frameworks

CODEX COMMITTEE ON METHODS OF ANALYSIS AND SAMPLING (CCMAS)

- Revised *General Guidelines on Sampling* (CXG 50-2004)
- Revised *Recommended Methods of Analysis and Sampling* (CXS 234-1999)

CODEX COMMITTEE ON FOOD ADDITIVES (CCFA)

- Revised *Class Names and the International Numbering System for Food Additives* (CXG 36-1989)
- Revised *General Standard for Food Additives* (GSFA, CXS 192-1995)

Regarding final adoption for food additive provisions for wine additives in the GSFA, Canada and the United States requested that the CAC report state that the footnote applied to wine additives was an exceptional case that reflected unique circumstances and should not be considered a precedent in any other circumstances, consistent with the language recommended by CCFA and CCEXEC in proposing approval of these provisions by CAC46. The Commission agreed to include the language in the report. Tanzania expressed a reservation to the provision, noting that many Codex countries are not part of International Organization of Vine and Wine (OIV) which is referred in the footnote. Observers pointed out that the footnote refers to use of the additives according to Good Manufacturing Practices (GMP) and does not require use of OIV limits.

Regarding the food additive provision for trisodium citrate, (INS 331(iii)) in Food Category (FC) 01.1.1 “fluid milk (plain)” in the GSFA, a number of Members, primarily from the African region, recorded reservations, reiterating their past concerns that there was insufficient justification presented for the additive’s use in sterilized and ultra-high temperature processing (UHT) milk and that it had a potential to mislead consumers as to the true nature of the product.

FAO/WHO COORDINATING COMMITTEE FOR ASIA (CCASIA)

- Regional standard for Soybean Products Fermented with *Bacillus* species
- Regional standard for Cooked Rice Wrapped in Plant Leaves

FAO/WHO COORDINATING COMMITTEE FOR NORTH AMERICA AND SOUTHWEST PACIFIC (CCNASWP)

- Regional Standard for Fermented Noni Fruit Juice

➤ **INTERIM ADOPTION OF CODEX TEXTS (Step 5)¹**

CCASIA

- Regional standard for Quick Frozen Dumpling (Asia)

FAO/WHO Coordinating Committee for Near East (CCNE)

- Regional standard for Maamoul (Near East)

CCFL

- Revision to the *General Standard for the Labelling of Pre-packaged Foods* (CXS 1- 1985): Provisions relevant to allergen labelling
- General Principles for the Establishing Nutrient Reference Values (NRVs-R) for Persons Aged 6 – 36 Months
- Guidelines on the Provision of Food Information for Pre-packaged Foods to be offered via E-Commerce
- Guidelines on the Use of Technology to Provide Food Information

➤ **REVOCATIONS OF CODEX TEXTS AND DISCONTINUATION OF WORK**

CCRVDF

- MRLs for nicarbazin (chicken) in view of the adoption of the new MRLs

CCFA

- Certain food additive provisions of the GSFA.
- Work on certain draft and proposed draft food additive provisions of the GSFA.

CCMAS

- Methods of analysis for provisions in relevant Codex standards and *Recommended Methods of Analysis and Sampling* (CXS 234–1999)
- *General Methods of Analysis for Contaminants* (CXS 228-2001).

CCPR

- MRLs for different combinations of pesticides/commodities in the Step Procedure recommended for withdrawal from further consideration (discontinuation)
- CXLs for different combinations of pesticides/commodities proposed for revocation
- *Guidelines on Portion of Commodities to which MRLs Apply and which is Analysed* (CXG 41-1993) as the *Classification of Foods and Animal Feeds* (CXA 4-1989) should be the single, authoritative reference for the establishment of MRLs for pesticides in/on food and feed

➤ **PROPOSALS FOR NEW WORK**

CCFL

- Amendments to the *General Standard for the Labelling of Pre-packaged Foods* (CXS 1-

¹ Step 5 is an intermediary step in the Codex Step process which allows for an additional round of consideration and comments by Codex Committees and Task Forces.

1985) - Labelling of pre-packaged foods in joint presentation and multipack formats
CCCF
<ul style="list-style-type: none"> • Code of Practice /Guidelines for the prevention or reduction of ciguatera poisoning
CCFH
<ul style="list-style-type: none"> • Guidelines for food hygiene control measures in traditional markets for food • Revision of the <i>Guidelines on the Application of the General Principles of Food Hygiene to the Control of Pathogenic Vibrio Species in Seafood</i> (CXG 73-2010)
CCPR
<ul style="list-style-type: none"> • Guidance for monitoring the stability and purity of reference materials and related stock solutions of pesticides during prolonged storage
CCFICS
<ul style="list-style-type: none"> • Review and update of the <i>Principles for Traceability/Product Tracing as a Tool within a Food Inspection and Certification System</i> (CXG 60-2006)
Outcome/Conclusion
<ul style="list-style-type: none"> • The United States supported all of the actions taken by CAC46 regarding the above.

AGENDA ITEM 5
EDITORIAL AMENDMENTS TO CODEX TEXTS PROPOSED BY THE CODEX SECRETARIAT
Have the United States' Objectives Been Met? Yes
United States Objective
The U.S. objective was approval of the proposed editorial amendments.
Discussion in Relation to United States' Objectives
The Codex Secretariat presented changes to the layout of Codex texts, two corrections to the <i>Standard for Named Vegetable Oils</i> (CXS 210-1999), and an editorial change to address an ambiguity in French translation of the titles of Codex standards.
The changes to the layout have been applied since CAC45 and are intended to improve consistency and transparency in Codex texts. They include: a table to outline any amendments or corrections on the cover page of the Codex text in question, the application of the FAO style guidelines across all texts, inclusion of endnotes for all Codex references, and a new numerical format to be applied to footnotes and endnotes.
The changes to the <i>Standard for Named Vegetable Oils</i> (CXS 210-1999) corrected two mistakes, to revise the value for fatty acid C16:1 for pistachio oil from ND-0.2 to ND-2.0, and to add a sentence on food additives that had been mistakenly omitted.
Outcome/Conclusion
CAC46 noted the information provided and adopted the proposed editorial amendments.

AGENDA ITEM 6
OTHER MATTERS RELATED TO CODEX SUBSIDIARY BODIES
Have the United States' Objectives Been Met? Yes
United States Objective

<p>The U.S. objective was to resolve the issue raised by Brazil in terms of grape juice, ideally without the need to reactivate the Codex Committee on Processed Fruits and Vegetables (CCPFV) or the Codex Intergovernmental Task Force on Fruit and Vegetable Juices (TFFJ).</p>
<p>Discussion in Relation to United States' Objectives</p> <p><u>Proposal for an amendment of the <i>General Standard for Fruit Juices and Nectars</i> (CXS 247-2005)</u></p> <p>At CAC45, Brazil proposed an amendment to the <i>General Standard for Fruit Juices and Nectars</i> (CXS 247-2005). The Standard was originally developed by the TFFJ, which was dissolved in 2005. The Standard was subsequently transferred to the CCPFV, which adjourned <i>sine die</i> in 2020. Following CAC45, the Codex Secretariat issued a CL requesting views on Brazil's proposed amendment.</p> <p>At CAC46, Brazil presented a revised proposal in CRD51 to amend the Brix level for <i>Vitis labrusca</i> and hybrids thereof.</p> <p>Given the technical nature of the proposed amendment, CAC46 agreed to continue technical discussions in an appropriate forum before returning to the Commission for a decision.</p>
<p>Outcome/Conclusion</p> <p>CAC46 agreed to establish an EWG under CAC, chaired by Brazil and working in English, French, and Spanish, with the following Terms of Reference:</p> <ul style="list-style-type: none"> To consider the proposal to amend the <i>General Standard for Fruit Juices and Nectars</i> (CXS 247-2005) as set out in CRD51 regarding the Brix levels for <i>Vitis labrusca</i> and hybrids thereof, and submit a report to the Codex Secretariat for consideration by CCEXEC's critical review for further recommendations to the Commission.

AGENDA ITEM 7 REPORTS FROM FAO/WHO COORDINATING COMMITTEES
<p>Have the United States' Objectives Been Met? N/A</p>
<p>United States Objective This item was for information only.</p>
<p>Discussion in Relation to United States' Objectives Following is a summary of key points from the reports.</p> <p>The CCAFRICA Coordinator recalled the adoption of the <i>Guidelines for Developing Harmonized Food Safety Legislation for the CCAFRICA Region</i> (CXG 98-2022), noting their timeliness and importance for the effective implementation of the African Continental Free Trade Area (AfCFTA) and meeting the objectives set out in the food safety strategy for Africa. The Coordinator stressed that Members in the CCAFRICA region would benefit from further support in the implementation of these guidelines within their national systems, through ongoing programs of FAO/WHO and/or <i>ad hoc</i> donor support. The Coordinator also highlighted the importance for the region of having guidance on the application of the criteria for the establishment of work priorities, including the preparation of discussion papers and project documents, and hands-on practical support to assist Members in generating robust work proposals for the development of new regional standards.</p>

The CCEURO Coordinator highlighted that CCEURO32 (2022) had requested the Codex Secretariat to further explore the possibility of webcasting Codex meetings, including CCEXEC. The Coordinator recalled the legal advice given to CCEXEC80 (2021) that CCEXEC sessions should be held in private unless the Commission decided otherwise. The Coordinator noted that CCEXEC had in the past agreed to publish audio recordings of its sessions. In order to promote confidence in the integrity of meeting practices and the conduct of CCEXEC, and to allow potential future CCEXEC Members to learn about CCEXEC’s ways of working, the Coordinator suggested that webcasting of CCEXEC could be started on a pilot basis in 2024.

Some Members supported webcasting of CCEXEC as in their view it would improve transparency, while the United States and other Members noted that more information was needed to fully consider the idea of webcasting, including on how similar committees operated in FAO. The United States recalled that CCEXEC Members represented the interests of the entire Commission, that CCEXEC discussions were captured in the meeting report, and that some aspects of their discussions, such as the critical review, were sensitive in nature and that webcasting might not be necessary or appropriate.

The CCNASWP Coordinator announced that countries in the region were engaging with the Codex Trust Fund (CTF) to submit a proposal on improving Codex engagement in the region.

Outcome/Conclusion

With regard to the CCEURO request on webcasting, the Codex Secretariat indicated that it could prepare a paper to explore the issue, including the legal implications of webcasting CCEXEC. CAC46 agreed to request a paper for CAC47.

**AGENDA ITEM 8
APPLICATION OF THE STATEMENTS OF PRINCIPLE CONCERNING
THE ROLE OF SCIENCE IN THE CODEX DECISION-MAKING PROCESS AND THE EXTENT TO WHICH
OTHER FACTORS ARE TAKEN INTO ACCOUNT (SoP)**

Have the United States’ Objectives Been Met? Yes

United States Objective

The U.S. objective was to close debate on this agenda item, to allow for further experience to be gained and gather input from committee chairpersons on its use.

Discussion in Relation to United States’ Objectives

Following CAC45, a CL was issued inviting Members and Observers to provide specific suggestions to improve the draft guidance, its finalization and its possible incorporation into guidance documents for Chairpersons and Members to be considered at CAC46.

The United States responded to the CL, noting that the points made at CAC45 and CCEXEC83 that the guidance document, and in particular the flowchart, is a useful tool that can guide discussion of issues and assist chairpersons in those infrequent circumstances when there is broad consensus on the risk assessment/level of health protection afforded by a proposed Codex text, but Codex members hold differing views about other considerations. The United States continued to support the decision to close debate on the issue, and CAC45’s conclusion to commend the progress made and share the guidance with members and committee chairpersons for their use in situations where the Statements of Principle (SoP) come into play.

Outcome/Conclusion

CAC46 reiterated the conclusions of CAC45 that the draft guidance is serviceable and should be available as practical guidance for Chairs and for Members in situations when there is agreement on science but differing views on other factors/considerations. CAC also noted ongoing differences among Members regarding the use of footnotes in the context of operationalization of the SoP. The Commission confirmed that the scope of developing the draft guidance excluded revision of the SoP in the PM. CAC46 agreed on the need to gain more experience on application of the draft guidance and to revisit it as appropriate in the future in light of the experience gained.

AGENDA ITEM 9**NEW FOOD SOURCES AND PRODUCTION SYSTEMS (NFPS)****Have the United States' Objectives Been Met? Yes****United States Objective**

The U.S. objective was to conclude discussion of this agenda item and reaffirm that existing Codex structures and mechanisms were sufficient to take on new work on New Food Sources and Production Systems (NFPS). The issue could be revisited if specific work proposals were identified that could not be addressed using existing mechanisms.

Discussion in Relation to United States' Objectives

CAC45 (2022) had supported the basic conclusions of CCEXEC83 (2022) with respect to encouraging potential new work proposals on NFPS using existing structures and agreed to request the Codex Secretariat to send a new CL to identify possible issues that current structures and procedures could not address for consideration by CAC46.

There was a general recognition at CAC46 of the importance and relevance of NFPS among Members and Observers and the key role that Codex could play in this area. The importance of scientific data and risk assessment as a basis for Codex work, and appreciation of the valuable work of FAO and WHO was also noted.

In terms of the types of work Codex might undertake, ideas included:

- Developing a definition of NFPS since the term was very broad and there was a need for Codex to define the areas in which it could add value
- Focusing on cell-based meat and seafood and precision fermentation to promote consistent regulatory approaches and risk management measures to these new foods across countries and regions
- Developing general principles on risk analysis of NFPS to support national authorities in the management of NFPS
- Developing food hygiene guidelines and a code of practice on the production of new foods

Singapore highlighted the challenges arising due to cell-based technology leading to alternative production methods of traditional products or derivatives thereof, noting that the concerns went beyond food safety and also related to food trade.

Spain, speaking on behalf of the EU Member States, noted the role of NFPS in the transition to sustainable agrifood systems and the related need for standards.

Several Members, including the United States Canada, Australia, Japan and Norway were of the view that a horizontal approach to NFPS would be more appropriate.

The United States intervened to compliment the forward-looking discussion on this subject in Codex and noted the challenges of designing a single approach to new technologies, many of which are still in the research and development stage. Many of the issues that may be raised by NFPS may be addressed by the standing general subject committees consistent with their terms of reference. The United States reminded CAC46 that new work should proceed when it is supported by sufficient science and there is significant international trade, consistent with the *Codex Working Principles for Risk Analysis* and an evaluation according to the *Codex Criteria for the Establishment of Work Priorities*. In this instance, the United States was unaware of current proposals that could not be progressed using existing Codex mechanisms.

Outcome/Conclusion

CAC46 highlighted the importance of addressing challenges posed by NFPS and the important role Codex could play, noting that for the present, the current working mechanisms appeared adequate to address new work on NFPS.

CAC46 encouraged Members to submit discussion papers or new work proposals, either to active Codex committees or to the Executive Committee through the Codex Secretariat.

**AGENDA ITEM 10
CODEX BUDGETARY AND FINANCIAL MATTERS**

Have the United States' Objectives Been Met? Yes

United States Objective

This agenda item is primarily presented for information; however, the United States looks forward to getting more detailed information in the future on the Codex Secretariat budget and how it is allocated.

Discussion in Relation to United States' Objectives

The Codex Secretariat indicated that the proposed budget for the 2024-2025 biennium was in line with the set objectives of the Codex Strategic Plan 2020-2025. The Codex Secretariat would continue to try to identify efficiencies, while noting that a deficit was still expected in the next biennium. The Codex Secretariat urged Members to advocate with their government representatives to FAO and WHO for adequate funding for the Codex program.

CAC46 noted the Codex Secretariat's report, including the difficulty of delivering the Codex work plan in a zero-growth environment and that Codex was seeking extra-budgetary resources for the next biennium. CAC46 requested more detailed information on current expenditures and future needs and priorities, specifically requesting that an interim report containing this information be presented at CCEXEC86 (2024).

Outcome/Conclusion

CAC46 endorsed the conclusions of CCEXEC83 and CCEXEC85 on Codex budgetary and financial matters.

**AGENDA ITEM 11
MATTERS ARISING FROM FAO AND WHO**

Have the United States' Objectives Been Met? Yes

United States Objective

While this is primarily an information item on the CAC agenda, the U.S. objective was to seek CAC46 reaffirmation of (1) the primary role of the joint WHO/FAO scientific advice program in reviewing food use chemicals, and (2) the need for sustainable funding to support science-based Codex standards-setting work.

Discussion in Relation to United States' Objectives

A number of Members expressed their appreciation for the work of FAO and WHO and their contributions to the work of Codex. The United States intervened to invite all members to support sustainable funding for the scientific advice program, and to include broad representation on the joint WHO/FAO expert bodies. The United States and others, including Norway and Japan, noted the need to avoid duplicative WHO reviews of food use chemicals in the future. Australia highlighted the importance of having budget discussions at the relevant governance meetings of FAO and WHO. Other Members noted the contributions of Members and national experts to the scientific advice program and the importance of scientific advice as a basis for Codex texts and to avoid unnecessary barriers in food trade.

Outcome/Conclusion

CAC46 encouraged Codex Members to consider supporting enhanced funding for the scientific advice program, including provision of additional extrabudgetary resources.

AGENDA ITEM 12

ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSONS AND MEMBERS ELECTED ON A GEOGRAPHICAL BASIS AND APPOINTMENT OF COORDINATORS

Have the United States' Objectives Been Met? N/A

United States Objective

N/A. As a matter of policy, the United States does not disclose its position on elections held by secret ballot in international organizations.

Outcome/Conclusion

CAC46 re-elected by general consent the Commission Chairperson, Mr. Steve Wearne (United Kingdom) as well as the following Vice-Chairpersons: Mr. Allan Azegele (Kenya), Mr. Raj Rajasekar (New Zealand) and Mr. Diego Varela (Chile).

CAC46 re-appointed Saudi Arabia as the Regional Coordinator for the FAO/WHO Coordinating Committee for Near East (CCNE) and Fiji as the Regional Coordinator for the FAO/WHO Coordinating Committee for North America and South-West Pacific (CCNASWP).

The Commission also elected as Member of the Executive Committee elected on a geographic basis: Costa-Rica (Latin America and the Caribbean), India (Asia), and Morocco (Africa). It also re-elected as Member of the Executive Committee elected on a geographic basis: Canada (North America), Finland (Europe), Iran (Near East), and Vanuatu (South-West Pacific).

AGENDA ITEM 13

**DESIGNATION OF COUNTRIES RESPONSIBLE FOR APPOINTING
THE CHAIRPERSONS OF CODEX SUBSIDIARY BODIES**

Have the United States' Objectives Been Met? Yes

United States Objective

The United States had no objections to the current designations of host countries.

Discussion in Relation to United States' Objectives

There were no changes to the list of host countries responsible for appointing chairpersons of Codex subsidiary bodies.