

CODEX ALIMENTARIUS COMMISSION **E**



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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REP16/GP

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Thirty-ninth Session

Rome, Italy, 27 June - 1 July 2016

REPORT OF THE THIRTIETH SESSION OF THE CODEX COMMITTEE ON GENERAL PRINCIPLES

Paris, France, 11 – 15 April 2016

NOTE: This report contains Codex Circular Letter CL 2016/11-GP

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CL 2016/11-GP
April 2016

To: Codex Contact Points
Interested International Organizations

From: Secretariat,
Codex Alimentarius Commission,
Joint FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla
00153 Rome, Italy

Subject: Distribution of the Report of the Thirtieth Session of the Codex Committee on General Principles (REP16/GP)

The report of the Thirtieth Session of the Codex Committee on General Principles will be considered by the 39th Session of the Codex Alimentarius Commission (Rome, Italy, 27 June - 1 July 2016).

MATTERS FOR CONSIDERATION BY THE 39TH SESSION OF THE CODEx ALIMENTARIUS COMMISSION

Terms of Reference of the Secretariat-led Internal review of Codex work management (para. 39 and App. II)

Governments and international organizations wishing to submit comments on the above text should do so in writing to the Secretariat, Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme, FAO, Viale delle Terme di Caracalla, 00153 Rome, Italy (e-mail: codex@fao.org) **before 31 May 2016**.

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SUMMARY AND CONCLUSIONS

Matters for adoption by the 39th Session of the Commission:

The Committee forwarded for adoption amendments to the following sub-sections of Section II of the Procedural Manual as proposed by CCMAS:

- Section "Principles for the Establishment of Codex Methods of Analysis", sub-section "Working Instructions for the Implementation of the Criteria Approach in Codex" (para 7); and
- Section "Format for Codex Commodity Standards", sub-section "Methods of Analysis and Sampling". (para 7)

Matters of interest to the Executive Committee and the Commission:

The Committee:

- Forwarded the revised Terms of Reference of the Secretariat-led Internal review of Codex work management to CCEXEC71 and CAC39 (para. 39 and Appendix II);
- Recommended to the Commission that with regard to the Consistency of the Risk Analysis Texts across the Relevant Committees:
 - o CCNFSDU should revise the text on nutritional risk analysis and consider how to include JEMNU as a primary source of scientific advice (para. 55); and
 - o The Secretariat should address minor numbering issues in the texts for CCCF, CCRVDF and CCPR with the relevant Committees (para. 55).

Other matters of interest:

The following issues were presented:

- (i) Discussion Paper on work carried out by Committees working by correspondence only (paras 59-60);
- (ii) Information Paper on Emerging Issues: A proposed Risk Management Approach to Address Detection in Food of Chemicals of Very Low Public Health Concern (para. 61); and
- (iii) concerns on the migration of the Codex website to a new domain within the FAO domain (paras 62-67).

INTRODUCTION

1. The Codex Committee on General Principles (CCGP) held its Thirtieth Session in Paris, France, from 11 to 15 April 2016 at the kind invitation of the Government of the French Republic. Professor Michel Thibier (France) chaired the session. The session was attended by delegates representing 72 member countries, one member organization, one observer country, and 9 international organizations. A full list of participants, including FAO, WHO and French and Codex Secretariats, is attached as Appendix I.

OPENING

2. Mr Jean-Louis Gérard, Assistant Director for Food and Agricultural Markets, Ministry for the Economy, Industrial Renewal and the Digital Sector, opened the Session and welcomed the participants on behalf of the French Government. In his opening remarks, Mr Gérard reminded the Committee that although short, the agenda of the meeting contained some significant tasks such as determining the Terms of Reference for the internal review of Codex work management, as well as assessing the consistency of the Codex texts on risk analysis. He further added that a special session to address the funding of the Codex Trust Fund, open to delegates from both donor and recipient countries, would be held on Tuesday afternoon after the plenary.
3. The representatives of FAO and WHO also welcomed the participants and noted their appreciation to the Government of France for the flexibility that they have shown in having accommodated the needs of the Committee to meet annually for the last three years. They wished the participants a productive session.

Division of Competence

4. The Committee noted the division of competence between the European Union and its Member States, according to paragraph 5, Rule II of the Procedure of the Codex Alimentarius Commission, as presented in [CRD1](#).

ADOPTION OF THE AGENDA (Agenda Item 1)¹

5. The Committee adopted the Provisional Agenda as its Agenda for the Session and agreed to include the following matters under Agenda Item 5 "Other Business":
 - Work carried out by Committees working by correspondence only - prepared by France and Germany ([CRD2](#));
 - Emerging Issues: A proposed Risk Management Approach to Address Detection in Food of Chemicals of very low public health concern - prepared by New Zealand ([CRD7](#));
 - Migration of the Codex website domain to the FAO domain - proposed by Chile.

MATTERS REFERRED TO THE COMMITTEE (Agenda Item 2)²

6. The Committee noted that several matters arising from CAC38 were for information while others would be discussed under relevant agenda items.

Committee on Methods of Analysis and Sampling, 37th Session (CCMAS37)

Section "Principles for the Establishment of Codex Methods of Analysis", sub-section "Working Instructions for the Implementation of the Criteria Approach in Codex"; and

Section "Format for Codex Commodity Standards", sub-section "Methods of Analysis and Sampling".

7. The Committee endorsed the amendments to the Procedural Manual, as proposed by CCMAS37.

¹ [CX/GP 16/30/1](#).

² [CX/GP 16/30/2](#); [CX/GP 16/30/2-Add.1](#) Matters Arising from the 37th Session of the Committee on Methods of Analysis and Sampling (CCMAS37); Comments by Senegal ([CRD3](#)); Nigeria ([CRD6](#)); India ([CRD16](#)); Guinea ([CRD17](#)).

CODEX WORK MANAGEMENT AND FUNCTIONING OF THE EXECUTIVE COMMITTEE - TERMS OF REFERENCE OF SECRETARIAT-LED INTERNAL REVIEW (Agenda Item 3)³

8. The Codex Secretariat provided an overview and timeline of the issue under consideration and explained the approach followed in producing the Terms of Reference (ToR) of the Secretariat-led internal review and the expected output of the Committee discussion, i.e. a revised set of ToR for consideration by the Commission.

General discussion

9. The discussion reflected different positions regarding the review of Codex work management and functioning of the Executive Committee, namely: not supporting the review; supporting an internal (Secretariat-led) and external review conducted in parallel; supporting in principle the internal review.
10. More specifically, delegations who intervened expressed the following views:
- (i) While the review could be useful to improve the Codex management process, the review is not timely and may not lead to a judicious use of resources, because only seven years have passed since 2009, when the implementation of the recommendations of the 2002 Independent Evaluation of Codex ("2002 Evaluation") was considered completed;
 - (ii) No gaps have been identified in the work of CCEXEC; there should be a clear justification for carrying out the review, and its purpose should be further clarified and be more specific;
 - (iii) The proposed review focuses on CCEXEC efficiency and there is currently no compelling evidence that inefficiencies in work management are leading to public health and international food trade being compromised;
 - (iv) The internal review should provide in-depth considerations on the performance of CCEXEC; the scope of the review should not be over-ambitious and concentrate on the key issues related to the enhancement of Codex efficiency and effectiveness;
 - (v) The review should be limited to the CCEXEC
 - (vi) Limiting the review to the CCEXEC would be unfortunate and not give the information relevant to considering the efficiency of Codex
 - (vii) More examination and analysis of the situation are necessary before carrying out the review, e.g. information on obstacles preventing the smooth running of Codex; information on meetings of Codex subsidiary bodies and working groups; interval between meetings; translation of documents;
 - (viii) The proposed review duplicates the work of monitoring the implementation of the Codex Strategic Plan 2014-2019 ("Strategic Plan"), which also addresses the scope of the proposed review; the Strategic Plan has measurable indicators and outputs and it might be better to focus now on the implementation of the Strategic Plan and take more time to develop and start an evidence-based and member-driven review process;
 - (ix) The need for a review should result from monitoring the Strategic Plan; if the review goes ahead it should be in line with Strategic Goal 4 "*Implement effective and efficient work management systems and practices*" of the Strategic Plan and should be based on clear evidence;
 - (x) The review is a costly exercise and it would be important to use existing mechanisms to monitor Codex work management; Strategic Goal 4 sets a useful framework for continuous review of Codex work and for ensuring effective implementation of the Codex programme; the Review should rather be conducted after the completion of the Strategic Plan; current efforts should focus on the implementation of the Strategic Plan, and in particular of Strategic Goal 4;
 - (xi) The Strategic Plan should form the basis for the review and the review should not be limited only to Strategic Goal 4;
 - (xii) The resources necessary for carrying out the review could be better used for other purposes, e.g. to support the implementation of Codex Trust Fund 2 (CTF2); to improve timely availability and translation of Codex working documents; to speed up the Codex standard development process;

³ [CX/GP 16/30/3](#); Comments by Australia, Canada, Colombia, Costa Rica, Cuba, Dominican Republic, European Union, Islamic Republic of Iran, Japan, Nicaragua, Norway, Switzerland and United States of America ([CX/GP 16/30/3-Add.1](#)); Brazil, Ghana, Kenya, New Zealand, the Philippines, Thailand and African Union ([CX/GP 16/30/3-Add.2](#)); Senegal ([CRD3](#)); Costa Rica, Dominican Republic, Ecuador, Paraguay ([CRD5](#)); Nigeria ([CRD6](#)); Republic of Korea ([CRD8](#)); Malaysia ([CRD10](#)); Ecuador ([CRD11](#)); El Salvador ([CRD12](#)); Argentina ([CRD13](#)); Mali ([CRD14](#)); Uruguay ([CRD15](#)); India ([CRD16](#)); Guinea ([CRD17](#)).

- (xiii) The resources required by the review are minimal compared to the costs already invested in the two year discussion on this issue; the resources invested in the review would result in improved efficiency and effectiveness and thus savings in the future;
 - (xiv) The review should focus on the six key areas identified by CCEXEC70 and noted by CAC38 in its conclusion;
 - (xv) The scope of the review should also consider matters related to emerging issues and cross collaboration between committees.; these are urgent operational matters that Codex is currently confronted with;
 - (xvi) The autonomy of Codex Alimentarius in relation to the parent organizations should be preserved. The involvement of FAO/WHO Coordinating Committees (RCCs) in this discussion would allow for broad participation and inclusiveness;
 - (xvii) The document only offers a partial view of the evaluation (i.e. the internal review). Before taking a decision on how to proceed, it would be important to have the whole picture of both the internal and external reviews;
 - (xviii) It is important to distinguish between the scope of the internal and external reviews. The internal review should focus on operational areas of Codex and lead to an evolution, not revolution, of Codex management practices through incremental change. The external review should examine strategic aspects of Codex. The two reviews could be conducted in parallel;
 - (xix) There has been no decision yet on the need for an external review and this Committee should not refer to this issue as it is beyond the purview of the mandate given to it. It is important to examine the results of the internal Secretariat-led review (Phase 1) before considering whether to hold an external review (Phase 2);
 - (xx) There is no clear mechanism to ensure monitoring of Strategic Goal 4 and continuous improvements; the revision of the ToR of the internal review is an opportunity to achieve these goals; the timeframe proposed for the review (i.e. 8 months) is too short and mechanisms for a continuous review with full involvement of Codex membership should be considered;
 - (xxi) The Strategic Plan contains objectives and goals for the period 2014-19 that would need to be actively addressed. The review would be an obvious means of implementing these goals.
11. The Representative of FAO, in response to requests to clarify and provide an opinion on the review as well as on the use of resources, noted that the idea of a review process relating to Codex work management had been discussed since 2014 in CCGP, CCEXEC and at the Commission and supported at each of the sessions of these Committees. She added that improving the working of the Codex system was an issue of great importance to FAO. Furthermore, the task that was given by CAC38 to this session of CCGP was to develop the ToR and the Committee should implement this task. If the Commission were then to decide to discontinue the work on the Codex work management review, this was its prerogative.
12. The Representative underlined the fact that this Session of CCGP had full freedom in revising the draft ToR that had been prepared by the Secretariat. The indicated timeframe and cost would depend on the conclusions of the Committee discussions on the content of the ToR. The Representative further noted that discussions since 2014 envisaged a two-phase process with the need and scope of the external evaluation being informed by the internal review. If this Committee wished to consider proceeding with both Phase 1 and 2 in parallel, this could be discussed.
13. The Representative further noted that funding that had been allocated for the running of Codex for this biennium could not be transferred to capacity development activities. She concluded that any discussion on a possible external evaluation needed to consider the issue of funding.
14. The Representative of WHO reminded the Committee that in general terms it was the prerogative of the Directors-General of FAO and WHO to conduct an evaluation of any given technical programme when they consider it necessary or appropriate. If an evaluation were to take place, it was in the interest of the WHO and FAO Secretariats to listen to the views of Member States to ensure that such evaluation was useful and pertinent. In this sense, the present discussion at CCGP and the guidance from the Commission was welcome. In his view, investing approximately 1% of the Codex budget and staff time of the FAO and WHO Secretariats in conducting a focused review of Codex activities appeared to be a good value for money in the attempt to increase the efficiency of the Codex Programme, while a larger review or evaluation would require prior planning including identification of resources within WHO and FAO. In conclusion the Representative recalled that the Codex Evaluation in 2001-02 had been conducted over a 18-month period and suggested that the review under preparation, even if its scope was limited, should not sacrifice quality in exchange for speed.

15. The Codex Secretariat clarified that CAC38 had agreed on the timeline and process for scoping Phase 1 (Secretarial-led internal review) and had tasked CCGP30 to discuss the document and comments submitted to create a new consolidated version of the document.⁴ He noted that it was not in the remit of CCGP to decide on the discontinuation of the review on Codex work management and functioning of the Executive Committee.
16. The Secretariat further noted that CCEXEC69 had agreed that “a two-stage process, first internal and Secretarial-led and then external, could be undertaken in order to evaluate the work management of Codex” and that “the Secretariat-led internal review will be initiated in a form to be decided and approved by the Commission at its 38th Session. The case and process for an external review will also be examined by the Commission”.⁵
17. The Committee took note of the possible external review (Phase 2) under discussion in the Commission and that CCGP30 had not been mandated to deal with this matter.
18. The Committee also noted that the Commission had requested CCGP to prepare a revised document on the internal review (Phase 1) and not to discuss its discontinuation which is in the purview of CAC39.

Specific consideration of the proposed Terms of Reference (ToR) of the internal Secretarial-led Review

19. The Codex Secretariat explained that the structure of the Terms of Reference (ToR) followed the model developed by the FAO Office of Evaluation and included the following sections: introduction; review framework with sub-sections on purpose, key questions and scope; review criteria and issues; review methodology; organization (including subsections on roles and responsibilities, review team competencies and compositions, timetable, and budget).
20. The Chairperson proposed to establish an in-session PWG to discuss the ToR of the internal Secretariat-led review and report back to the plenary on Wednesday 13th April. However as there was no consensus on the ToR of this PWG, the Committee decided to discuss the ToR (Annex of CX/GP 16/30/3) of the internal Secretariat-led review in plenary.

2. Review Framework

2.1 Purpose

21. The Committee had an extensive debate on the purpose of the review. Delegations expressed different opinions on whether the review should focus on the implementation of the entire Strategic Plan or only on Strategic Goal 4.
22. One Delegation noted the review could address, in the Procedural Manual, the timing of the election of regional coordinators and members elected on a geographical basis which currently happens in the same year (with the exception of CCEURO) and thus does not facilitate continuity in the CCEXEC because new CCEXEC members cannot benefit from the experience of existing members.
23. The Committee noted that the Introduction section provided a clear explanation of the relationship between the review and the Strategic Plan and Strategic Goal 4. The Committee further noted the need to have clear and simple ToR and a logic flow between the introductory sentence and the related bullet points.
24. As it was not possible to find an agreement on whether the purpose of the internal review on Codex work management should be “according to Strategic Goal 4” only or “with particular focus on Strategic Goal 4” and the Strategic Plan (2014-2019), the Committee agreed to keep the two options in square brackets for further consideration by CCEXEC and the Commission.

2.2 Key questions and scope

25. The Committee agreed to delete the four draft key questions amending the title of the sub-section and the introductory paragraph of the “scope”, accordingly.
26. The Committee revised the introductory paragraph to indicate that the review would focus on Codex work management practices and the relationship between the Codex Alimentarius Commission and CCEXEC.
27. The Committee agreed to delete those elements that were not directly related to the operational aspects of the Commission and CCEXEC, i.e. purpose and principles; alignment with policies of the parent organisations FAO and WHO; visibility and relevance of Codex; and the ability of the Commission to meet the needs of all stakeholders.

⁴ [REP15/CAC](#) para. 106, d

⁵ [REP14/EXEC](#) para.74

28. It was suggested to include two elements, i.e. *cross-collaboration between Codex committees and responsiveness to emerging issues*. However, as there was no consensus that the review should focus exclusively on the Strategic Goal 4, or whether these additions had an operational element, they were included in square brackets.
29. The two bullets regarding *Roles and competencies of Chairs, Vice-Chairs and of CCEXEC members; Core functions and responsibilities of CCEXEC, including critical review* were also included in square brackets.
- Several delegations noted that issues related to *Strategic Governance, the Codex decision making process and the representativeness of CCEXEC* could form part of a possible external review process
30. Several other delegations indicated that they were not in agreement to include these issues (indicated in the previous paragraph). They stated there was no mechanism for taking forward a process such as this and that it was inconsistent with the mandate handed down to this Committee for this review.

2.3 Review criteria and issues

31. The Committee noted that the review criteria were based on UN evaluation criteria but that not all of these criteria were relevant to the proposed Secretariat-led review on Codex work management practices. Therefore, the Committee deleted the last two criteria (*impact and equality*).

3 Review methodology

3.1 Approach and tools

32. The Committee agreed that:
- i. The methodology used in the review should be in line with UN evaluation methodology;
 - ii. The Codex membership should have an opportunity to be informed and provide comments on the methodology and tools used in the review;
 - iii. The review should include both Codex Members and Observers;
 - iv. It was in the remit of the Codex Secretariat to decide whether there was need for an external assistance.
33. The Committee noted the concerns of a number of delegations that the tools to be used in the review, such as questionnaires, should be clear, simple and not subject to different interpretation. The questions should be validated. In this regard, the Committee noted that the Codex Secretariat would develop the review with the assistance of evaluation experts from FAO and WHO. The Codex Secretariat also noted that they did not possess the required technical competency to conduct the review and therefore the recruitment of a management consultant would be necessary to ensure a high quality review.
34. With regard to the involvement of FAO/WHO Coordinating Committees (RCCs) in the early phase of the internal review, the Committee noted that:
- Comments on the proposed ToR of Phase-1 had been sought from all Codex Members and Observers; and
 - The schedule of the 2016-2017 round of RCC sessions (between September 2016 and February 2017) would allow only a limited number of RCCs (i.e. those meeting after October 2016) to provide inputs to the design of the Phase 1 review.
35. In order to ensure full involvement and transparency of the process, the Committee agreed that an inception report for the review (to be included in the timetable), detailing the design and tools used, would be circulated to Members and Observers for inputs.
36. The Committee did not examine items 3.2 Consultation Process; 4.1 Roles and Responsibilities; 4.2 Review team competencies and composition and 4.4 Budget due to time constraints.

4.3 Timetable

37. The Committee noted that the review was a complex process, required the involvement of the full Codex membership and should not be constrained by a limited timeframe (i.e. eight months as proposed in order to finalise the review for CAC40 (2017)).

38. In order to prevent the proposed schedule from impacting negatively on the quality of the review, the Committee supported extending the timeline to a maximum of two years from CAC39. The advantages would be: more time for the preparation and distribution of the inception report for comments to Codex Members and Observers; consideration of the draft report by CCGP; consideration of the final report by the Commission, and involvement of the 2018/19-round of the RCCs in the implementation process. The Committee further agreed to keep the upcoming 2016/17-round of RCCs informed on the work on the review.

Conclusion

39. The Committee forwarded the revised ToR of the Secretariat-led Internal review of Codex work management to CCEXEC71 and CAC39 (Appendix II).

CONSISTENCY OF THE RISK ANALYSIS TEXTS ACROSS THE RELEVANT COMMITTEES (Agenda Item 4)⁶

40. The Secretariat introduced the paper.

General Discussion

41. Referring to CRD4 and CRD13, Delegations from the Latin American and Caribbean region stated that in their opinion the paper did not fulfil the task given to the Secretariat by CAC37 i.e. to address their concerns with the periodic review process as applied by the CCPR (REP14/CAC, para 46). They asked for the issue to remain on the CCGP agenda until it was solved.
42. These Delegations noted that CX/GP 16/30/4 did not provide an in-depth analysis of the consistency across committees and with the *Working Principles for Risk Analysis*.
43. In their view there were inconsistencies between the risk analysis principles applied by the committees on residues of veterinary drugs in food, food additives and pesticide residues, noting that these committees were all responsible for assessing risks related to chemicals. They also stated that, in some instances, CCPR and CCRVDF applied different risk analysis principles to the same substance. In particular they noted that the only risk analysis document that established the obligation for a periodic review of maximum residue limits, and their withdrawal due to the mere passing of time, was the *Risk Analysis Principles Applied by CCPR*. They highlighted the inconsistency of the risk analysis principles of CCPR with the *Working Principles for Risk Analysis* of Codex Alimentarius.
44. These Delegations also noted the urgency of the matter. They stated that Codex was not just a technical body, but the international reference organization for the World Trade Organization. Codex rules should ensure consistency across provisions, particularly in the field of risk analysis, in accordance with the scientific basis of its work.
45. The Secretariat clarified that in the review, they had not entered into the technical specificities of the different committee texts but had looked at the overall risk analysis concepts which had been found to be consistent. The Secretariat further noted that the concern raised with regards to the periodic review had been discussed on several occasions in the CCPR, which was the competent body for this topic. The Secretariat stated that to give further advice on this matter went beyond the competency of the Secretariat.
46. The Representative of WHO clarified that the concept of periodic review had been accepted by and practiced in CCPR for a long time and even before the risk analysis document existed. The explicit inclusion of periodic review in the CCPR added clarity and predictability to the review process. He noted that from the public health point of view, different classes of chemicals (food additives, pesticide residues, residues of veterinary drugs, contaminants) had different profiles as hazards in food and the application of different approaches in risk analysis was justified. Consistency amongst the approaches followed by different Codex committees should be judged by the extent to which they effectively serve the purpose of the protection of consumer health and not in terms of the similitude in language. The Representative recognized that the core issue at hand was how to make sure that relevant data are produced and submitted to enable JMPR to conduct re-evaluations as required and that CCPR was working to address this important question.

⁶ [CX/GP 16/30/4](#); Comments by Costa Rica, the European Union, Ghana, the Republic of Korea, Philippines and the African Union ([CX/GP 16/30/4-Add. 1](#)); Senegal ([CRD3](#)); Nigeria ([CRD6](#)); Brazil, Costa Rica ([CRD9](#)); Ecuador ([CRD11](#)); El Salvador ([CRD12](#)); Argentina ([CRD13](#)); India ([CRD16](#)); Guinea ([CRD17](#))

47. The Representative of FAO recognized the major consumer protection and trade implications of the issue being raised and expressed agreement with the explanations provided by WHO. She also referred to a further explanation, provided by the JMPR Secretary, namely that after 15-20 years it was common for Good Agricultural Practice to have changed with different application rates and dosages being applied. This was one of the considerations of CCPR in deciding that there was a need for periodic re-evaluation. She agreed with the observation of Argentina that this was not a legal or linguistic question but a technical one.
48. The Delegation of Argentina recalled its statement at this Committee (CRD13) and disagreed with the responses provided by the Secretariats of Codex Alimentarius, of WHO and FAO, because they did not address the inconsistency of the *Risk Analysis Principles* of CCPR with the other Codex committees and the *Working Principles of Risk Analysis for Application of Codex Alimentarius*, which is the core of the problem, namely the CCPR not acting in accordance to scientific principles that are the backbone of the work of Codex Alimentarius.
49. Other delegations noted that the periodic review applied by CCPR was not an issue of consistency, and that CCGP did not have the technical competency to discuss this matter nor to make any further recommendations or requests to the Commission or to CCPR where the issue had been discussed at length. They considered the mandate to be completed and that the item should no longer be included on the agenda of CCGP.

Discussion of the Recommendations

Short term recommendations (paras 16 and 17)

50. The Representative of WHO reminded the Committee of the WHO Nutrition Guidance Expert Advisory Group (NUGAG), formed in 2010 by the World Health Assembly and the United Nations General Assembly, which had at times provided scientific advice on nutritional issues to Codex. He felt that referring to JEMNU as “the primary” source of scientific advice for CCNFSDU would imply a departure from the current practice and the exclusion of NUGAG, which was contributing to the Codex Standard setting.
51. The Representative of FAO highlighted the benefit of Joint FAO/WHO Scientific Advice to Codex as is the case with JECFA, JEMRA, JMPR and other *ad hoc* expert meetings. She noted that the Joint FAO/WHO Expert Meetings on Nutrition (JEMNU) had been in existence for several years and had so far received no request for advice from Codex. She further noted that this issue was of major concern to FAO and needed to be addressed urgently with JEMNU being considered a primary source of advice. She noted, that this did not exclude the possibility of using advice from other sources as appropriate.
52. Several delegations noted that it would be advisable to use language consistent with that used by other committees, and that the final decision on how to include JEMNU should be left to the CCNFSDU.
53. The Committee supported the recommendation concerning editorial corrections (para 17).

Medium term recommendations (paras 18 and 19)

54. There was no support in the Committee for the medium term recommendations.

Conclusion

55. The Committee agreed to recommend to the Commission that:
- CCNFSDU should revise the text on nutritional risk analysis and consider how to include JEMNU as a primary source of scientific advice.
 - The Secretariat should address minor numbering issues in the texts for CCCF, CCRVDF and CCPR with the relevant Committees.
56. The Chairperson stated that the Committee had noted the concerns that Delegations had expressed on the Periodic Review and that he did not doubt that the the Commission would take note of that.
57. Several Delegations were of the opinion that the task requested of CCGP had been completed and that the item should not be maintained on the agenda of this Committee.
58. Argentina, Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Jamaica, Paraguay, Peru and Uruguay expressed their reservation, as they felt the paper did not fulfil the mandate given to the Secretariat by the Commission and that the item should be maintained on the agenda of the Committee.

OTHER BUSINESS (Agenda Item 5)**Discussion Paper on Work carried out by Committees working by correspondence only⁷**

59. Germany introduced CRD2, prepared with France, to draw the attention of CCGP to the issue of the committees working by correspondence. Germany noted that the same issue was on the agenda of CCEXEC71, and hoped that it could also be addressed by the Commission.
60. Delegations acknowledged the importance of considering this matter and the need to provide guidance which might assist Codex to work more effectively and efficiently.

Information Paper on Emerging Issues: A proposed Risk Management Approach to Address Detection in Food of Chemicals of Very Low Public Health Concern⁸

61. New Zealand introduced CRD7, noting that the matter of detection of chemicals of very low public health concern was a significant emerging issue, for reasons highlighted in the paper, and had potential to impact on international trade. New Zealand announced its intention to submit a more detailed proposal and bring this matter to the attention of the Commission.

Migration of Codex website

62. Chile expressed concern for the migration of the Codex website from the current domain (www.codexalimentarius.org) to the new domain within the FAO domain (www.fao.org/fao-who-codexalimentarius). Chile was of the view that Members should have been consulted before the website was migrated, in line with the Procedural Manual, which states that these types of changes should only be made in consultation with the Commission. From Chile's point of view the migration of the website would be detrimental to the visibility of Codex as a standard setting organization, would make it more difficult for individuals and other organizations to access information and would threaten the independence and the joint nature of the Codex programme.
63. The Secretariat explained that the move of the Codex website was part of a larger consolidation of various independent websites within FAO in order to present a "One-FAO" look on the FAO website. Because Codex is a joint programme of FAO and WHO, the Secretariat had first negotiated with the relevant FAO department and subsequently brought the matter to the attention of the Assistant Directors General of FAO and WHO, who had agreed to ask for an exemption of Codex from this move. However this exemption was not granted by the FAO Office of Corporate Communication and the move was executed in January 2016.
64. The Representative of WHO confirmed that the migration of the Codex website under the FAO domain was made without the agreement of WHO.
65. The Representative of FAO stated that FAO was in no way trying to undermine the joint nature of the programme. She stated that the Codex Secretariat was housed in FAO and was therefore subject to FAO administrative rules such as those pertaining to the management of the website.
66. The Representative of WHO informed the Committee that this matter was subject to discussion between FAO and WHO with a view to finding a solution including a possible return to the previous domain name.
67. The Committee noted that www.codexalimentarius.org would continue to function with an automatic redirect to www.fao.org/fao-who-codexalimentarius until January 2017. Members and others concerned could seek further clarification from FAO.

DATE AND PLACE OF NEXT SESSION (Agenda Item 6)

68. The Committee noted that its 31st Session was scheduled to be held in Paris in the Spring of 2018, depending on the decision of the Commission.

⁷ Discussion Paper on Work carried out by Committees working by correspondence only - prepared by France and Germany ([CRD2](#)).

⁸ Information Paper on Emerging Issues: A proposed Risk Management Approach to Address Detection in Food of Chemicals of Very Low Public Health Concern - prepared by New Zealand ([CRD7](#)).

SUMMARY STATUS OF WORK

SUBJECT MATTER	ACTION BY	DOCUMENT REFERENCE (REP16/GP)
Amendments to the Procedural Manual		
Amendments to Section II of the Procedural Manual (proposals of CCMAS37)	CAC39	Para.7
Other topics		
Codex Work Management and Functioning of the Executive Committee – Terms of Reference of Secretariat-led internal review	CCEXEC71 CAC39	Para.39 and App. 2
Consistency of risk analysis texts across the relevant committees	CCNFSDU/ Codex Secretariat	Para.55

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TERMS OF REFERENCE FOR A CODEX SECRETARIAT-LED INTERNAL REVIEW OF CODEX WORK MANAGEMENT AND FUNCTIONING OF THE EXECUTIVE COMMITTEE

N.B.: Grey shaded sections in this document mark those that were included in the working document (CX/GP 16/30/3) but that were not examined by CCGP30 due to time constraints.

1 Introduction

1.1 Context for the review

In 2002, a joint FAO/WHO evaluation team and expert panel conducted an “Evaluation of the Codex Alimentarius and other FAO and WHO Work on Food Standards”.¹ This was a wide reaching exercise that aimed to provide input into decision making on future policy, strategy and management at the level of FAO and WHO Governing Bodies and their respective Secretariats and to the Codex Alimentarius Commission. The evaluation report was distributed for comments and the Codex Secretariat subsequently produced a list of 38 proposals which it then reported on to the Commission over the period 2004-2009 at which point the exercise was considered completed.

In 2014, CCEXEC69 agreed that a two stage process, first internal and Secretariat-led and then external could be undertaken in order to evaluate the work management systems and practices of Codex according to Strategic Goal 4 of the Codex Strategic Plan 2014-2019. CCEXEC69 requested the Secretariat to prepare, in collaboration with FAO and WHO, a paper identifying scope and processes to evaluate the work management of Codex for consideration by CCGP29 in May 2015. It was agreed that the background to this paper would include an analysis of the implementation of the 2002 Codex evaluation and that the paper would also address the issues related to the effectiveness and representativeness of CCEXEC.

In 2015, CAC38 requested the Secretariat to create a new document with FAO and WHO taking into account the working document² and all comments and discussions in the process thus far (CCGP28-29, CCEXEC69-70, written comments and replies to the circular letter³ on the outcome of CCEXEC70).

2 Review Framework

2.1 Purpose

The main purposes of the Review of Codex Work Management and Functioning of the Executive Committee (the Review) are as follows:

- [Assess the efficiency and effectiveness of Codex work management practices in light of the implementation of the current Strategic Plan, with particular focus on SG4;

OR

- Assess the efficiency and effectiveness of Codex work management practices according to SG4 of the Codex Strategic Plan (2014-2019);]
- Formulate recommendations to address any findings or observations identified by the assessment.

2.2 Scope

The review will focus on Codex work management practices and the relationship between the Codex Alimentarius Commission and CCEXEC including:

- The objectives, outcomes and activities of SG4;
- [Roles and competencies of Chairs, Vice-Chairs and of CCEXEC members;
- Core functions and responsibilities of CCEXEC, including critical review;
- Responsiveness to emerging issues; and
- Cross-collaboration between Codex Committees.]

The Review will focus on Codex work since 2009, when the implementation of the 2002 Evaluation was considered completed.

The Review will not assess the issues regarding the structure and function of the Codex subsidiary bodies and the Codex decision-making process.

¹ [ALINORM 03/25/3](#)

² [CX/CAC 15/38/9](#)

³ [CL 2015/20-CAC](#)

2.3 Review criteria and issues

The review will be undertaken with reference to a set of internationally accepted evaluation criteria⁴ which include: relevance, efficiency, effectiveness, and sustainability.

3 Review Methodology

3.1 Approach and tools

The Review will gather information and evidence in order to draw conclusions against the agreed criteria, conduct detailed analysis and formulate detailed recommendations in line with these Terms of Reference.

The Review will be carried out in line with standard UN methodology.

Before beginning its work the Secretariat will provide Members with an opportunity to review [and validate] the materials to be used.

3.2 Consultation process

The primary stakeholders for the Review are:

- The Codex Alimentarius Commission and CCEXEC as initiators and recipients of the review;
- The parent organizations FAO and WHO and the Codex Secretariat as those responsible for implementation.

The review team will interact with other stakeholders as required..

4 Organization

4.1 Roles and Responsibilities

The Codex Secretariat, and FAO and WHO will support the management consultant in carrying out this review.

The CCGP will be responsible for providing comments and suggestions on the report.

The Codex Alimentarius Commission, following further comments and recommendations from CCEXEC, will be responsible for a response to the findings, conclusions and recommendations of the review.

4.2 Review team competencies and composition

The team will be composed of:

- A management consultant
- A Senior Food Standards Officer from the Codex Secretariat
- A representative from FAO and from WHO

4.3 Timetable

The table below outlines the phases and timetable for the review.

Activity	Responsibility	Deadline
Preparation of review tools (e.g. questionnaire and survey) and schedule	Review team	[insert date]
Circulation of Inception Report for comments to all Members/Observers	Review team	[insert date]
Review team addresses all comments on Inception report where possible	Review team	[insert date]
Information about the Review provided to the RCCs	Codex Secretariat	[insert date]
Implementation of review	Review team	[insert date]
Finalisation of Report and circulation for comments to all Members	Codex Secretariat	[insert date]
Discussion of the report by CCGP	-	[insert date]
Discussion of the report by CCEXEC and CAC	-	2018

4.4 Budget

The estimated budget for the review (approx. 100,000 US\$) will cover the cost of the management consultant including honorarium, travel and per diem expenses and translation costs.

Staff costs borne by FAO and WHO and Codex Secretariat are not included.

⁴ UN Evaluations Group (UNEG) - <http://uneval.org/>