

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
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ORGANIZATION



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Agenda Item 10

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Twenty-sixth Session, FAO Headquarters, Rome (Italy), 30 June-7 July 2003

JOINT FAO/WHO EVALUATION OF THE CODEX ALIMENTARIUS AND OTHER FAO AND WHO WORK ON FOOD STANDARDS

Addendum 2: Review of the Functions of the Executive Committee

1. INTRODUCTION

Current Functions of the Executive Committee

1. The Report of the Evaluation Team and Expert Panel pays particular attention to the administrative structures of the Commission, with emphasis being placed on the functions that are, or could be, undertaken by the Executive Committee; see paragraphs 90 – 95 and Recommendations 9 and 10. The Executive Committee of the Codex Alimentarius Commission is an integral part of the Commission's structure and acts as the Executive organ of the Commission between Commission sessions. It cannot be abolished without deleting Article 6 of the Commission's Statutes, which would require the approval of the Governing Bodies of the FAO Conference and the World Health Assembly. Rule III.2 of the Rules of Procedure provide greater details as to the functions of the current Executive Committee. These include:

- making proposals regarding the general orientation and programme of work of the Commission;
- studying special problems;
- helping to implement the programme as approved by the Commission;
- establishing Codex Committees¹; and
- appointing host governments of Codex Committees¹.

¹ These functions are subject to confirmation by the next session of the Commission. In practical terms, however, the Executive Committee has never exercised either of these functions, and they may be considered as obsolete.

2. Since 1993 the Executive Committee has been delegated the responsibility of approving new work, advancing proposed draft standards from Step 5 to Step 6 of the Codex Procedure, and approving work under the accelerated procedure.

Functions proposed in the Evaluation Report and analysis of comments received

3. The Evaluation Report notes the difficulties associated with the present administrative structures of the Commission arrangements, in particular that the current Executive Committee is both too large to be an efficient management body and too small to be representative of the Commission in regard to decision-making. Questions concerning transparency also exist.

4. The solutions proposed in the Evaluation Report are:

- to re-establish the Executive Committee as a small Executive Board with strategic and managerial responsibility but without the authority to consider standards; and
- to establish a Standards Management Committee to oversee the standards development process.

5. It should be noted that under both proposals the current authority of the Executive Committee to consider standards at Step 5 would cease, however the Executive Board would be given the responsibility of monitoring and taking corrective action in relation to the delivery the programme of work, a responsibility that could also be attributed to the proposed Standards Management Committee.

6. Almost all of the comments received in response to Codex Circular Letter CL 2003/8-CAC tend to discuss whether or not the Executive Committee should be retained, what should be its composition, and how questions of transparency should be addressed. In these matters they reflect the same degree and types of concern that the Evaluation Team and Expert Panel have noted in their report, especially in paragraph 93. Also, these matters have been the subject of discussion over several years, without resolution² and several of the comments received in response to Codex Circular Letter CL 2003/8-CAC reflect these prior discussions.

7. A discussion of the functions of the Executive Committee is further complicated by the response to the proposal to establish a Standards Management Committee; this response being for the most part negative, with most countries supporting the Executive Committee as the responsible body for standards management. On the other hand, the FAO Management Response stated that there should be a body “charged with more strategic and managerial responsibilities” and a separate standards management body.

8. Some of the comments received recommended that attention should first address the functions required of an executive body, following which it should be possible to decide on the nature of the body to carry out these functions. This is the approach that will be followed in this paper.

2. FUNCTIONS OF AN EXECUTIVE BODY

Strategic planning and management

9. The Evaluation Report states that 57% of government respondents felt that the Commission should have a ‘much increased role’ in making proposals for priorities and proposing a programme of work. The Report sees a major role for the Executive Committee/Board in this regard and foresees a shift of responsibilities by the Executive Committee/Board from operational activities (consideration of standards) to strategic and managerial activities (strategic planning, work planning and budgeting). Responding to Codex Circular Letter CL 2003/8-CAC, only two countries commented on this issue, both positively, and this approach has the support of the FAO Management and WHO. In the absence of any contrary opinion, the Secretariat is able to present the following proposals for consideration by the Commission.

² See for example the report of the 16th Session of the Codex Committee on General Principles, ALINORM 01/33A, paras. 103-113.

Proposal No. 7: Strategic and Managerial Functions

10. The Executive Committee/Board should make recommendations to the Commission in the following areas:

- strategic planning over a period of 5-7 years;
- medium-term planning over a period of 3 years;
- monitoring the implementation of the strategic and medium-term plans.

11. As part of its function of monitoring and implementation, it should have the ability to make recommendations directly to Codex Committees concerning the organization of work.

12. The Executive Committee/Board should also be consulted by the Secretariat in the preparation of its annual work plans.

Budget, Planning and Programming

13. According to the Evaluation Report, 90% of government respondents favoured Codex having the final decision on management of its work programme within a budget agreed by FAO and WHO. The Evaluation Report states that the management of Codex would be facilitated by the requirement on the secretariat to produce more management-oriented documents in terms of plans, functionally organized budgets and monitoring and outcome assessment reports on all Codex activities including the individual committees (paragraph 102). These considerations allow the Secretariat to propose only one option under this proposal as follows:

Proposal No. 8: Budgetary, Planning and Programming Functions

14. The Executive Committee/Board should be consulted by the Secretariat during the formulation of the biennial programmes of work and budgets to be presented to the Governing Bodies of FAO and WHO. Programming and budget proposals should include the budget(s) available for the provision of expert scientific advice to the Commission.

15. The Executive Committee/Board, together with the Secretariat, should prepare annual work plans based on the biennial programme and the available budget, that will ensure the adequate delivery of the Commission's programme of work (including the need for scientific advice) and submit these to the Commission for approval.

Functions related to monitoring and standards management

16. These are addressed in ALINORM 03/26/11: Add. 4 where the options on which body should be responsible for standards management are discussed. Two of the options attribute this responsibility to the Executive Committee or Executive Board (Proposals No.25 and No.26 respectively).

Functions related to the study of special problems

17. These functions, which are explicitly mentioned in the Rules of Procedure, were not the subject of specific recommendations in the Evaluation Report. Such studies could be undertaken by an Executive Committee/Board, or by the Secretariat, consultants, or any other body identified by the Commission for the purpose. They are mentioned here only for completeness.

3. NEED FOR AN EXECUTIVE BODY

18. One country in its comments stated that it could not see the need for an Executive Committee/Board if there were to be annual meetings of the Commission. This view was not shared by any other country or observer organization that commented. On the contrary, almost all of the comments supported the concept of an executive body. It is the view of the Secretariat that the strategic, managerial, programming and budgetary functions (Proposals 2.1 – 2.2) described above cannot be undertaken by the plenary Commission session without an executive body to undertake the detailed work. Depending on the decision of the Commission in relation to the body responsible for Standards Management, the Executive Committee/Board may also be required to undertake this work. On the other hand, some of the current functions of the Executive Committee

are no longer needed or would no longer be necessary if the Commission were to meet on an annual basis. These considerations allow the Secretariat to present the following proposal and options for consideration by the Commission.

Proposal No. 9: Executive Committee

Option 9.1 – Retention of the Executive Committee as a Strategic Management Body

19. The Executive Committee should be retained as described in Article 6 of the Statutes of the Codex Alimentarius Commission. The Executive Committee should assist the Commission in implementing its programme of work by:

- making recommendations on strategic and medium-term planning;
- advising on budget and work plans;
- monitoring the implementation of the strategic and medium-term plans; and
- monitoring expenditures and the status of agreed work plans.

Option 9.2 – Retention of the Executive Committee as a Strategic and Standards Management Body

20. As above, together with the responsibility for critical review of proposals to undertake work, and monitoring progress of standards development.

Proposal No. 10: Additional functions of the Executive Committee

21. The Executive Committee should no longer have the power to establish Codex Committees and Task Forces under Rule IX.1.(b)(i) or to designate Host Governments for these Committees, as these functions have never been used. The Rules of Procedure should be amended accordingly.

22. Except for its role as a standards management body the Executive Committee should not have the authority to consider standards and the Uniform Procedures for the Elaboration of Codex Standards and Related Texts should be amended accordingly.

COMPOSITION AND WORKING PROCEDURES OF THE EXECUTIVE COMMITTEE

Membership and Participation

23. There are obvious tensions between the desire for efficiency in decision-making, especially in regard to the management functions of the Executive Committee, and the desire for openness, inclusiveness and transparency in regard to decisions concerning policy advice and standards development. The Evaluation Report recommends a small executive body (Executive Board) for the former and a larger body (Standards Management Committee) for the latter. As stated elsewhere, there is little support for the establishment of a Standards Management Committee³.

24. The comments received in response to Codex Circular Letter CL 2003/8-CAC provide little direction to the Secretariat in this matter, as they are for the most part similar or identical to statements and positions made at the 16th Session of the Codex Committee on General Principles where no consensus could be reached on the composition and working procedures of the Executive Committee. The Secretariat is of the view that the tensions referred to above cannot be reconciled easily and that a considerable degree of compromise must be made if consensus is to be attained. It does not seem that the basis for such compromise is currently present, and therefore the Secretariat wishes to provide options for future discussion.

Proposal No. 11: Executive Committee – Membership

25. The membership of, and participation in, the Executive Committee have both been the subject of frequent discussions in the Commission and the Codex Committee on General Principles, but only two major changes have been made concerning participation. At its 4th Session (1966), the Commission decided that Regional Coordinators should be invited to sessions of the Executive Committee as observers; and at its 18th

³ ALINORM 03/26/11: Part 4.

Session (1989) the Commission agreed that Members elected on a Regional Basis may be represented by a delegate and two advisors⁴. The composition of the Executive Committee has therefore remained unchanged, except that the number of Members elected on a Regional basis has been increased from 6 to 7, with the recognition of the Near East as a separate region.

26. The Secretariat sees merit in enlarging the membership of the Executive Committee by making the Regional Coordinators appointed by the Commission as *ex officio* members of the Committee. This would improve the inclusiveness of the Executive Committee and at the same time resolve the somewhat anomalous situation of the Regional Coordinators. This would be possible as Regional Coordinators are now appointed as Member countries, not as individuals. At the same time, the overall number of participants could be reduced by reversing the decision of the Commission at its 18th Session to admit advisors to the Members. The active participation in the Executive Committee would then be 17 (Chairperson, 3 Vice-Chairpersons, 7 Members elected on a regional basis and the 6 Regional Coordinators). Such a committee should be sufficiently representative to undertake the strategic management and advisory functions and standards management functions described above.

27. At the same time, the Secretariat also sees merit in a smaller group devoted to the programming, budgetary and planning functions described above. This could be achieved by the establishment of a Sub-Committee of the Executive Committee consisting of the Vice-Chairpersons and the 7 Members elected on a regional basis (10 members) for this purpose.

28. The question of transparency can be addressed by allowing the participation of observers, both Members of the Commission that are not Members of the Executive Committee and interested international organizations at meetings of the full Executive Committee. Meetings of the Sub-Committee on Programming, Budget and Planning would be held in private, as is the case with the parallel sub-committees of FAO Council and the WHO Executive Board. The Secretariat notes that comments on the status of observers at meetings of the Executive Committee range from very positive to very negative. Also, the recommendation of the Evaluation Team and Expert Panel that a selected number of producer and consumer organizations be allowed to attend meetings of the Executive Committee as observers raises significant problems regarding the process of selection and would probably result in a mechanism that would be unwieldy and impossible to manage to the satisfaction of all interested parties. Moreover, this recommendation would give greater rights to observer organizations than to Member Nations of the Commission that are not Members of the Executive Committee.

29. The Secretariat therefore proposes that the ability for all interested parties to attend meetings of the Executive Committee as observers should be offset by limitations on the nature of that participation. Therefore, observers at meetings of the Executive Committee should have the ability to submit papers on matters before the Executive Committee but would not have the right to speak unless invited by the Chairperson to do so.

30. In regard to the frequency of meetings, the Evaluation Report recommends that the Executive Committee/Board meet every 6 months to undertake the managerial functions assigned to it. The Secretariat supports this recommendation. On the other hand, the Sub-Committee on Programming, Budget and Planning may only need to meet as the need arises, especially during the budget preparation cycles of the parent Organizations. In view of the increased frequency of meetings, the Codex budget should make provisions for the funding of participation of members of the Executive Committee. This funding should be an integral part of the Codex budget and not be related to the FAO/WHO Trust Fund for Participation.

31. The compromise proposed by the Secretariat is therefore two-fold: increased participation by Members on policy and standards matters, offset by restricted participation on programme, budget and planning matters; and increased (indeed open) participation of observers offset by constraints on the nature of that participation.

Option 11.1 – Enlarged Executive Committee

32. The Executive Committee should be enlarged by appointing the Regional Coordinators as Members. Meetings would be open to observers.

⁴ Document CX/GP 89/3 provides a brief historical narrative on the composition of the Executive Committee.

Option 11.2 – Restricted participation in the Executive Committee

33. Participation in meetings of the Executive Committee should be limited to one delegate representing the Members.

Option 11.3 – Establishment of a Sub-Committee on Programming, Budget and Planning

34. A Sub-Committee on Programming, Budget and Planning of the Executive Committee consisting of the Vice-Chairpersons of the Commission and the seven Members elected on a Regional basis should be established. Meetings of the Sub-Committee should be held in private. The Sub-Committee should be chaired by the Vice-Chairpersons on a rotational basis. The Sub-Committee should report to the Executive Committee.

Option 11.4 – Funding the participation of members of the Executive Committee

35. The budget of the Codex Alimentarius Commission should make provisions for the funding of participation of members of the Executive Committee and its Sub-Committee on Programming, Budget and Planning at meetings of these bodies.

Proposal No. 12: Participation of observers in the Executive Committee

36. Members of the Commission that are not Members of the Executive Committee and interested international organizations should be invited to meetings of the Executive Committee. They should have the right to submit papers on matters before the Executive Committee but should not have the right to speak unless invited by the Chairperson to do so.

4. IMPLEMENTATION OF THESE PROPOSALS

37. Options 11.2, 11.3 and Proposal No.12 could be implemented immediately by the Commission, but in the long term it would be preferable to amend the Rules of Procedure to provide for consistency in future implementation.

38. The remaining options would require amendments to Rules II.4(c) and (d) and Rule III.1 and Rule III.2. See ALINORM 03/26/11: Add. 4 on Procedures concerning options for the implementation of these proposals.