

codex alimentarius commission



FOOD AND AGRICULTURE
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Agenda Item 10 (b)

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Twenty-ninth Session

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

REVIEW OF THE CODEX COMMITTEE STRUCTURE AND MANDATES OF CODEX COMMITTEES AND TASK FORCES

Comments from Australia, Brazil, Canada, Egypt, European Community, India, Japan, New Zealand, Singapore, the United States of America and Venezuela

Background

1. The 28th Session of the Codex Alimentarius Commission (CAC) considered a Consultants' Final Report on the review of the Codex Committee Structure and Mandates of Codex Committees and Task Forces, containing 20 recommendations, and agreed that four of the recommendations required further study. The CAC further agreed that a Circular Letter be sent to Members and Observers to solicit comments, particularly in the context of possible reorganization of Codex commodity work, including combining committees and adjusting the frequency/interval of meetings, while further analyzing the workload of commodity committees as well as the relationship between vertical committees and horizontal committees (ALINORM 05/28/41 para. 158).

Action Required

2. The Commission is invited to provide guidance on how to proceed in this matter, in the light of the comments received from governments and observers in reply to Circular Letter 2005/30-CAC as reproduced below.

Comments received in reply to CL 2005/30-CAC

Australia

General

Australia strongly supports the need for Codex to further study and develop options to re-organize Codex committee work. Options should include combining committees with overlapping or similar mandates, disbanding committees in favour of focussed task forces, and adjusting the frequency/interval of meetings. We consider that in developing options, a detailed assessment of the work programs of each committee should be undertaken.

Many, mainly commodity, committees continue to pursue development of standards that were initiated many years ago and have little or no bearing on food safety or have significance to international trade. Moreover, many of these standards focus on quality parameters that can act as technical barriers to trade and are better served through industry standards. The study of the work programs should include identifying overlaps or linkages with both horizontal and vertical committees, identification of specific considerations (i.e. quality parameters) that maybe covered either in other bilateral or multilateral arrangements, or that are currently and/or better served through industry standards.

Implementation of recommendations from such a study would result in a focus on standards development of major international significance, and considerably accelerate the pace of standards adoption and implementation.

We also note that during discussion of these specific recommendations, the Commission noted that consideration could be given to convening a workshop in conjunction with the next session of the Committee on General Principles (CCGP), in order to allow countries to exchange their views on the recommendations in a broader context. Australia would support the convening of such a workshop in conjunction with CCGP.

In response to the request for further comments on Recommendations 4, 6, 11 and 18 Australia wishes to submit the following observations.

Recommendation 4: Wherever possible, committees should be given enabling TOR only. They should be reactivated as necessary to undertake defined tasks and adjourned *sine die* once the task is completed.

Australia is of the view that as the roles of a number of the committees have evolved since their inception, a review of their Terms of Reference is now warranted. These reviews could be done by the Committee itself, with reports submitted to the Commission through the Executive Committee. The reviews should take into consideration current and future work, and focus firstly on those issues related to health and safety. It should also consider the degree to which quality standards should be progressed by Codex in view of the work of other relevant standards setting bodies (OIE, ISO, IDF).

The idea proposed by the consultants to restructure the committees so they function like taskforces (with limited time and tasks) should be considered very carefully. In our view, this option may be suitable for some, but not all, issues or committees. For example, it is difficult to imagine there will not be a continued need in the foreseeable future for dedicated committees (including forward looking programs and regular meetings) to deal with food contaminants and with food hygiene. Perhaps one way of achieving this is to determine the life span of each taskforce to the nature of its work; for example 10 years each for hygiene and contaminants and 5 years for other committees with a mandatory review of the work program half way through that period.

Recommendation 6: The relevance of the work of other international standards setting bodies should be determined, and a clear statement of demarcation lines made clear to all participants.

Australia considers that Codex and the parent bodies are actively working towards more cohesive relations on priority food safety issues with the other pertinent standards setting bodies (OIE, ISO etc). The development of an MOU between OIE and the FAO and WHO is a positive step in this regard. Another positive step will be the implementation of the *Guidelines on Cooperation between the Codex Alimentarius Commission and International Intergovernmental Organizations in the Elaboration of Standards and Related Texts* adopted in July 2005. The Director General of the OIE has established a permanent Working Group, with membership from the Codex Commission and Codex Committees to coordinate the food safety activities of the OIE which may overlap or have an impact on the work of Codex.

In line with the Memoranda established with the OIE, Australia believes there is a need also to review the

relationship of commodity committees with relevant international commodity standards organisations to identify and better clarify respective responsibilities. Many international food commodity bodies (for example, the International Dairy Federation) have standards setting programs applicable to international trade. MOUs should be established with such bodies in order for terms of reference of Codex commodity committees to give reference to the standards established by such bodies. A precedent exists in the terms of reference of the Codex Committee for Fresh Fruit and Vegetables (CCFFV) which requires that “*consultation occurs with the UN/ECE Working Party on Standardization of Perishable Produce in the elaboration of world wide standards and codes of practice with particular regard to ensure there is no duplication of standards or codes of practice*”. Other commodity committees could establish similar terms of reference. This would better align international industry and Codex standards, reduce committee work programs, and better link industry and regulatory expertise in particular commodity areas. One needs to ensure, though, that such terms of reference are enforced - CCFFV for example is in the process of developing standards that already exist within the UN/ECE. Such terms of reference therefore need to be linked to clear criteria for work prioritisation within each commodity committee.

Recommendation 11: All commodity committees and task forces should be given simple terms of reference which should be revised for a limited period only, to assign specific tasks to the committees.

Australia considers that while simple enabling and time-limited terms of reference could provide greater flexibility in the assigning and progressing standards development by commodity committees, this will not necessarily accelerate the work program of such committees. Australia believes that the workloads of the commodity committees would better be managed by making it a requirement for commodity committees to establish quantitative criteria to support requests for new work.

Australia is therefore of the view that there is a need to review the work of the commodity committees as well as the mechanisms by which the work is proposed and carried out. In fact, the initial Evaluation of Codex in recommendation 16 clearly states that “*no new committee should be established even in a horizontal area of work until the possibilities for progress and the need for continuing work have been established through a task force*’ which supports the need for reviewing current work plans of committees.

Increasingly, the work of commodity committees relates to prescriptive quality parameters which have the potential to become technical barriers to trade. In considering the need to develop commodity standards, priority must be given to the development of standards relating to health and safety whilst ensuring that standards are not developed that have the potential to restrict legitimate trade, whether this be through the horizontal committees or through time bound task forces.

Australia considers that the quantitative criteria to support requests for new work established by the Codex Committee for Milk and Milk Products Committee in respect to cheeses (*Criteria for the elaboration or revocation of individual standards for cheese*) is a model that could be used by other commodity committees or committees in general. The use of these criteria puts the onus on the proposing country to substantiate the need for a standard – particularly where there is not a health or safety issue. The criteria includes provision to list manufacturing countries, countries where the product is consumed, countries regulating the product by a legal standard, production volume, export volume. Subsequently, there is an assessment of justification based on the following criteria

(The information provided below is an example only)

	Criteria	Comments:	Conclusion:
Q1	Minimum 6 countries manufacture the cheese	Cheese in question is manufactured in at least 11 countries	Proceed to Q2
Q2	The global production volume is at least 10,000 tonnes	The volume of production of the 11 countries manufacturing cheese is estimated to total at least 64,000 tonnes	Proceed to Q3
Q3	The volume moving in international trade is at least 7 tonnes	The exports of the 11 countries manufacturing the cheese are estimated to total at least 11,000 tonnes	The establishment of a Codex standard is justified.

There needs to be a mechanism for evaluating the existing work programs of all commodity committees before transition to a new structure. Australia would propose that the following steps could be undertaken with a view

to rationalising the work in the area of commodity standards setting.

1. As a first step, no new work on commodity standards should be approved for commencement by commodity committees unless of an urgent nature.
2. The Commission establish a Working Group (with geographic regional representation) to develop quantitative criteria, along similar lines to that developed by the CCMMP, applicable to all commodity committees. This Working Group should be given 12 months to complete this task either through electronic means or physical meetings. The criteria would be presented (through the Codex Committee on General Principles April 2006) for adoption by the Commission in 2006.
3. Once the criteria have been endorsed, they be applied to each of the committee's existing work plans either by the Committee itself or by a Working Group (this would, of course, require substantial data collection on volumes of production etc). When the criteria are applied to the existing work, a decision would then need to be made to either continue the work or discontinue the work.
4. The committee to forward the proposed forward work plan and justification to the Commission which would then endorse, as appropriate, and determine the mechanism to progress the work (i.e. through the committee itself or a time bound task force).

This process could take up to 2 years. However, it has the potential to eliminate a large amount of potentially unnecessary work listed for development within committees, and would better focus committee work on issues of major international trade and trade practice significance. Such an approach would provide substantial efficiencies in the current standards management and approval of new work processes. A review of the current work programs of this kind, and the implementation of a system for proponent committees to justify proposals for new work, would inform whether there is a longer term need to establish the Standards Management Committee system proposed by the consultants.

Recommendation 18: The Commission should consider carefully whether nutrition should play a role in Codex, and if so, what that role should be.

The WHO *Global Strategy on Diet, Physical Activity and Health*¹ identifies a role for the Codex Alimentarius in its implementation through the strengthening of international norms in the areas of; labelling to allow consumers to be better informed about the benefit and content of foods; measures to minimise the impact of marketing on unhealthy consumption patterns; fuller information about healthy consumption patterns. Whilst Codex has not considered these recommendations in full, it would appear that there may be a role for the technical experts involved in the Codex Committee for Nutrition and Food for Special Dietary Uses (CCNFSDU) in this regard.

Australia notes that the Commission agreed with the recommendation of 56th Session of the Executive Committee, to ask the WHO, in cooperation with FAO, to produce a more focussed document for consideration by CCNFSDU and CCFL, including specific proposals for new work. The Commission further agreed that it would consider at its next session the implementation of the *Global Strategy on Diet, Physical Activity and Health*. As the discussion of the paper referred to above may, in part, influence the response to this recommendation, Australia would suggest that further discussion on this specific issue should be deferred until such time as the paper² from WHO and FAO has been considered in the relevant Committees (CCNFSDU and CCFL).

Australia welcomes the opportunity to provide further comment on this important aspect of the review of Codex.

¹ In May 2004, the World Health Assembly (WHA) endorse the World Health Organization (WHO) Global Strategy on Diet, Physical Activity and Health (WHA57.17)

² CX/NFSDU 05/27/2 – Add-1 WHO FAO Development of Actions Document for Codex.

Brazil

We would like to take the opportunity to comment on the recommendations 4, 6, 11 and 18 as invited by the Circular Letter.

Recommendation 4: Wherever possible, committees should be given enabling TOR only. They should be reactivated as necessary to undertake defined tasks and adjourned *sine die* once the task is completed.

We believe the proposal to better assign a task to a committee as stated could lead to a improved way of working. The committees when completing a task would then adjourn until a new task is assigned to it. The TOR could be changed to better reflect this model.

Recommendation 6: The relevance of the work of other international standards setting bodies should be determined, and a clear statement of demarcation lines made clear to all participants.

We believe it would be very important to have a clear statement on the type of work being developed in other international bodies. At the same time it is also important to have in mind the status of Codex Standards and Guidelines with reference to WTO. Standards and Guidelines from other bodies would not have the same status. This question is already dealt with in the Guidelines of Cooperation with international organizations.

Recommendation 11: All commodity committees and task forces should be given simple terms of reference which should be revised for a limited period only, to assign specific tasks to the committees.

We agree with the recommendation. We believe the proposal to better assign a task to a committee as stated could lead to a improved way of working. The committees when completing a task would then adjourn until a new task is assigned to it. The TOR could be changed to better reflect this model.

Recommendation 18: The Commission should consider carefully whether nutrition should play a role in Codex, and if so, what that role should be.

We are of the opinion that the CCNFSDU plays a very important role in Codex today.

We agree that the work on nutrition for a Codex committee should not refer to “purely educational and exhortatory nutritional activities”. We agree that having an expert committee similar to JECFA for Nutrition is a very good recommendation and a important step to bring more harmonization and understanding on Nutrition issues around the world.

We also see a need to undertake work on “risk assessment of novel food and food ingredients” which is an area not covered by other committee and of great importance in food and the CCNFSDU could undertake this work.

Brazil also agrees with the Commission’s conclusion that the role of Codex in nutrition should be considered in light of the role Codex could play in the implementation of WHO’s Global Strategy on Diet, Physical Activity and Health.

Canada

Canada is pleased to offer the following comments on Recommendations 4, 6, and 11 in response to the continuing review of Codex committees and taskforces:

Recommendation 4: Wherever possible, committees should be given enabling TOR only. They should be reactivated as necessary to undertake defined tasks and adjourned *sine die* once that task is completed.

Recommendation 11: All commodity committees and task forces should be given simple terms of reference which should be revised for a limited period only, to assign specific tasks to the committees.

Canada notes that the primary focus of CL 2005/30 CAC is on the Commodity Committees. Currently, five (5) “Commodity Committees” remain active. With the decision at the last CAC to adjourn the Meat Hygiene Committee, there are now six (6) Commodity Committees that are adjourned. Canada would support Recommendation # 4 as it would apply to adjourned Committees. If there should be a need to reactivate an adjourned Commodity Committee, it would be given specific tasks to be completed in a given timeline and be adjourned *sine die* once the task is completed.

We have a number of reservations on Recommendation # 4 and # 11 as they would apply to active Commodity Committees. We note that for many of them, their current workload is quite heavy and has been increasing. There are a number of factors contributing to this fact, including the need to update old standards, to consolidate standards using more generic approaches and to address the needs/interest from an increased participation in Codex Commodity Committees work, through the Trust fund principally. A priority list has now been established for two of these committees, with items on a “waiting list” for further consideration to be included on the work program. We do not believe that turning “Commodity Committees” into “Task Forces” would resolve the reality of a heavy workload and competing demands.

The CAC has made important progress towards more efficient standard management procedures (e.g., Role of CCEXEC, annual CAC meeting, maximum use of WGs between sessions, time line for new work, and use of project documents). We believe that additional steps could be taken to further address prioritization of work and completion within specified time frames for commodity committees.

The following issues are critical to ensure that Commodity Committees will indeed develop “relevant” international standards that will be adopted in a timely and responsive manner:

1) Management Process

As noted earlier, the CAC has made important progress towards enhancing standard management procedures. In that regard, the CCEXEC role in the critical review of new work and monitoring progress of standards can contribute significantly to ensure relevance and timeliness of standard development.

At the last CAC, the following recommendation was adopted regarding timelines: “A time limit should be set for the completion of each new project”. We suggest that this could be extended to all ongoing work currently on Commodity Committees’ agendas. The establishment of timelines for completion of standards already in the system would provide a target for Commodity Committee’s completion of work, and be useful for CCEXEC in its critical review of monitoring progress of standard development.

We would also encourage, at the individual commodity Committee’s level, the development/use of more specific criteria to better judge the relevance of new work proposals. CCMMP has used such criteria, and a similar approach should be encouraged in other Commodity Committees. We feel that such criteria should address the considerations noted in our comments regarding the Commodity standards (see below)

The current frequency of meeting is generally appropriate for Commodity Committees. We note, however, that activities to advance work between sessions is critical. In that regard, we are encouraged by the adoption at the last CAC of a recommendation which encourages maximum use of Working Groups, bilateral or other low-level contacts between sessions to reduce the time needed to reach consensus in plenary sessions. Further use of Working Groups needs, of course, to be done with a view to maintaining inclusiveness and transparency.

2) Commodity Standards

One of the challenges faced by Commodity Committees is the differing views about the nature of commodity standards. The CAC has an important role in developing international standards on essential composition and quality requirements. We would welcome a reaffirmation by the CAC that commodity standards reflect global variations, be not overly prescriptive, focus on essential characteristics of products, be as generic as possible to facilitate inclusion of individual standards and should not be more trade restrictive than necessary. Standards should also be flexible enough to address the need for product/process innovation.

Recommendation 6: The relevance of the work of other international standards setting bodies should be determined, and a clear statement of demarcation lines made clear to all participants.

Canada’s view is that Codex should be more flexible in considering work and output from other international organizations, when such work is developed following a specific request from Codex. We recognize the concerns of some countries, but we believe there is full opportunity to discuss proposals in an early stage (step 3) within Codex in an inclusive and transparent matter. There are international organizations (intergovernmental or not) that have scientific expertise and resources to progress work that otherwise could not be done by Codex. Positive examples include the work of the International Dairy Federation (IDF), which is relied on by CCMMP. CCMAS also uses the technical expertise and work of AOAC and IUPAC, while CCFO has used input from the International Olive Oil Council (IOOC). The adoption at the last CAC of the Guidelines for Cooperation with Intergovernmental Organizations should facilitate the procedures for relationship and acceptance of work of other organizations.

Egypt

Recommendation 6: The relevance of the work of other international standards setting bodies should be determined, and a clear statement of demarcation lines made clear to all participants.

Add the following to this recommendation: “given regard to the existence of an active and efficient coordination.”

Recommendation 11: All commodity committees and task forces should be given simple terms of reference which should be revised for a limited period only, to assign specific tasks to the committees.

All commodity committees and task forces should be given well defined terms of reference which to be assigned as specific tasks to the Committees.

Recommendation 18: The Commission should consider carefully whether nutrition should play a role in Codex, and if so, what that role should be.

Nutrition plays a role in Codex by indicating levels of fortificants (vitamins, minerals) in certain foods in addition Recommended Dietary Allowances (RDAs) could be suggested through the nutrition activity.

European Community

The European Community and its 25 Member States (ECMS) appreciate the opportunity to address the Codex Alimentarius Commission's request for comments on the Further Study of Certain Recommendations Contained in the Consultants' Report on the Review of the Codex Committee Structure and Mandates of Codex Committees and Task Forces (CL 2005/30-CAC).

Recommendation 4: Wherever possible, committees should be given enabling TOR only. They should be reactivated as necessary to undertake defined tasks and adjourned *sine die* once the task is completed.

As indicated at the 28th session of the CAC the ECMS are supportive of reinforcing the overall management of the committees. Enabling TOR could be part of this strategy. The ECMS indeed consider that giving committees clear enabling TOR would encourage committees to focus on the core subjects of their remit; such a requirement would strengthen the governance arrangements of the Codex Commission and would ensure that resources are focused on work of the highest priority to Codex members. Committees should be reactivated as necessary to undertake defined tasks and adjourned *sine die* once that task is completed.

Recommendation 6: The relevance of the work of other international standards setting bodies should be determined, and a clear statement of demarcation lines made clear to all participants.

The ECMS support close cooperation with other relevant international organisations dealing with food standardisation, especially OIE and IPPC as their output is also used as reference by WTO. In this context, the ECMS wish to recall the recent adoption, which they strongly supported, of the *Guidelines on Cooperation between the Codex Alimentarius Commission and International Intergovernmental Organizations in the Elaboration of Standards and Related Texts*; this text puts in place procedures of close cooperation between Codex and other international intergovernmental organisations.

It is indeed essential to avoid co-existence of conflicting standards on the same issues and duplication of work in view of the limited resources available to Codex and also to confirm clear lines of demarcation between the officially recognised organisations.

It should also be identified in what relevant areas there is no ongoing work neither in Codex nor in other international organisations in order to ensure that the whole food chain is covered and avoid the existence of major gaps.

As regards other international organisations, attention should be paid to the inclusiveness of the concerned bodies.

Recommendation 11: All commodity committees and task forces should be given simple terms of reference which should be revised for a limited period only, to assign specific tasks to the committees.

The ECMS note that this recommendation was associated with the establishment of a Commodities Management Committee. We also note that there was no support for the establishment of such a committee at the 28th Session of the Codex Alimentarius Commission, although, as already stated in its comments to Recommendation 10 in

CL 2005/12-CAC, the view of the ECMS is that standards setting work should certainly be subject to a greater degree of management oversight.

The ECMS also recall that the 28th Session of the Commission concluded that further consideration should be given to possible ways to reorganise the commodity work of the Commission.

Accordingly, the ECMS offer the following suggestion: All committees should assess their current work against the new criteria for proposals for new work. Each committee should then report to the next Commission meeting on whether they are able to lighten their workload as a result. The Commission should subsequently look at all Codex work to ensure that it fits within strategic priorities. The ECMS wish in this context to underline that they do not favour the development of specific procedures/criteria by each Committee to prioritise their work. Each proposal for new work accompanied by a project document should continue to be examined by the Commission according to the Critical Review procedure in force³.

As regards the organisation of Codex work, the ECMS are of the opinion that the schedule of the meetings of Codex Committees and Taskforces could be improved. Codex Plenary Sessions are currently mainly concentrated in a short period of 2-3 months in the spring time, where from March to May there are usually meetings going on every week. The ECMS would like to question whether an effort could be made to spread these meetings more evenly over the year. This would certainly allow an increased participation from countries and a better preparation of delegates. In this context, some reflection could also take place to explore whether the move of the annual Commission meeting to another period of the year could contribute to the improvement of the organisation of Codex work.

In addition, the ECMS, in line with paragraph 129 of ALINORM 05/28/41⁴, wish to reiterate the crucial role of Coordinating Committees and think that they could even play a greater role in the improvement of Codex work.

Recommendation 18: The Commission should consider carefully whether nutrition should play a role in Codex, and if so, what that role should be.

Nutrition is already currently covered in the Terms of Reference of the Committee on Nutrition and Foods for Special Dietary Uses and the Committee on Food Labelling. However some reflection is probably needed as regards the global involvement of Codex in the field of nutrition. The ECMS support the view that general consideration should be given to how nutrition issues should be integrated into Codex work, while retaining the current mandate of Codex.

The ECMS also recall that at the 27th Session of the Committee on Nutrition and Foods for Special Dietary Uses, WHO and FAO suggested a way to address the request of the Commission and invited Members and Observers of the Committee to participate in an electronic forum established by WHO and FAO. The Committee recognised that it was very important to cooperate with WHO/FAO in the course of their work to draft a more focused document for implementing the Global Strategy on Diet, Physical Activity and Health within Codex. The delegations of Canada and of The Netherlands offered their assistance to FAO and WHO to help to develop the electronic forum and to define the nature of questions or scope to be addressed.

The ECMS underlined the importance of the Global Strategy and explained that the EC was taking forward a platform for action with the same title. It suggested that the CCNFSDU could make a more positive contribution by setting up an electronic working group. Other delegations who spoke were positive about taking forward the Global Strategy within Codex. The ECMS suggested that the Regional Coordination Committees of Codex should also discuss the Global Strategy on Diet, Physical Activity and Health and its implications for codex work within their regions.

³ Procedural Manual, 14th edition, page 20 of the EN version.

⁴ “The Commission agreed to reassert the important role the Coordinating Committees play in furthering the objectives of the Commission and encourage countries to participate more actively and effectively in the work of Coordinating Committees.”

India

Introduction

The view points presented here in response to circular CL 2005/30-CAC have been generated after giving due consideration to the following.

- (i) Final report of the consultants on Review of Codex Committee structure and Mandates of Codex Committees and Task Forces (CL-2005/12-CAC, March 2005) that included the following :
 - a) Responses of the member countries/interested organizations to the questionnaire referred by the expert group
 - b) Recommendation of the expert group
- (ii) Views of 28th session of CAC on recommendations of the expert group (CL 2005/30-CAC)

General Comments

After careful consideration of above, it was evident that main thrust area of concern pointed out by the expert group focused on (i) resource constraints (ii) Weak and traditional management of Codex functions and (iii) encroachment of parallel standard setting bodies for setting standards for same and quality food.

While we accept the view that ever since its inception in 1961/1962 although there has been a gradual reduction in need to develop large number of new standards, the overall responsibilities of Codex have magnified in response to newly emerging food safety issues as well as the role of Codex evolved in relation to WTO and SPS agreement measures.

In our opinion the recommendation at serial number 4 and 11 have considerable overlap specifically, provision for enabling and achievable terms of reference, well defined tasks and completion within specified time. Hence our views have been expressed taking recommendation number 4 and 11 together.

Specific comments (Regarding recommendation numbers 4, 6 and 11)

Recommendation 4. Wherever possible, committees should be given enabling TOR only. They should be reactivated as necessary to undertake defined tasks and adjourned *sine die* once the task is completed.

Recommendation 11: All commodity committees and task forces should be given simple terms of reference which should be revised for a limited period only, to assign specific tasks to the committees.

Reorganization of Codex Commodity Committees.

It is felt that there is hardly much room for reduction in overall number of committees. Firstly, as evident from the present organization of the Codex Committees, out of 11 Commodity Committee 5 have already been adjourned. Secondly, the remaining 6 Commodity Committees have their distinct areas of concern without much scope of combining. Thirdly, as envisaged by the expert groups as well as by us, there would be a growing need for establishment of more and more task forces in coming years. Thus, we do not foresee any scope of perceptible reduction in overall workload or resource constraints by merging the Commodity Committees.

However we do feel that many of the areas are covered by more than one committee leading to unnecessary duplication of work. For instance, the issue of labeling of GM food is being addressed by the Codex Committee on Food Labeling (CCFL) as well as by the intergovernmental task force on GM food. Similarly, many of the areas being worked on Codex Committee on Methods of Analysis and Sampling (CCMAS) are being addressed by individual Commodity Committees as well as by the Intergovernmental Task Force on GM Food. We also agree with the views of the expert group against having a separate Codex Committee on Meat Hygiene (CCMH) when there is an existing broader Codex Committee on Food Hygiene.

Moreover, we endorse the two recommendation of the expert group viz. (i) Prioritizing the tasks to be undertaken within the existing committees i.e. adopting a task oriented approach with defined and achievable, simple terms of references and (ii) laying down mandate for completion of the task within a specific time limit.

Out of the various options offered by the expert group, we feel that the responsibility of prioritization of tasks may be undertaken within each commodity community (i.e. a 'Super commodity approach' as defined in expert recommendation). This vertical approach will however not fit into the concept of placing all the commodity committees under one umbrella of single management committee as this would clearly overload the responsibility of the latter committee.

In our opinion setting up of an electronic working group may be complementary rather a replacement for physical meetings of the committees. It may be recalled that when the questionnaire regarding reviewing of Codex Committee Standards and Mandates of Codex Committees/task force were sent to 45 countries, only 22 responded (reference document CL 2005/12-CAC, March 2005). However, help of the electronic working group may be readily sought for many issues unresolved in physical meetings to save time.

We feel that, keeping in mind many of the priority areas in the pipeline, further time should not be consumed for some of the studies initiated long back (e.g. studies reported to have initiated in 1993) 57th Session of Executive Committee of CAC, 6-9 December, 2005, Geneva) and these studies may either be discontinued or held in abeyance.

Recommendation 6: The relevance of the work of other international standards setting bodies should be determined, and a clear statement of demarcation lines made clear to all participants.

There are organizations other than Codex that do contribute in the standard setting process i.e. the International Organization for Standardization (ISO), the Organization for animal health (OIE), the International Plant Protection Convention (IPCC), International Dairy Federation (IDF) etc. While Codex does take into consideration the recommendations of these non Codex standards setting bodies, it is desirable that these organizations do not create confusion in the mind of consumers regarding the acceptable standard. Moreover, the recommendation of these organizations should not form the basis for laying down standards due to the following reasons: (i) Due to difference in composition they are not always representative in character; (ii) Due to limited membership of countries their standards may not be always acceptable from global point of view. In addition, there is a need to avoid duplication of work, specifically when resources are limited.

Japan

In reply to CL2005/30-CAC, we would like to submit the following comments.

Recommendation [4] & [11]

Recommendation 4: Wherever possible, committees should be given enabling TOR only. They should be reactivated as necessary to undertake defined tasks and adjourned *sine die* once the task is completed.

Recommendation 11: All commodity committees and task forces should be given simple terms of reference which should be revised for a limited period only, to assign specific tasks to the committees.

The work of Codex should proceed expeditiously and the burden of the members should be reduced. In this regard, the Executive Committee started the Critical Review process in February 2005 to examine new work proposals and monitor the progress of standard development. Some results (e.g. the discontinuation of work) have already been obtained. Once all the approved work of a committee or task force has been completed, unless the clear necessity of new work is demonstrated, the committee is to be abolished or adjourned *sine die* and the task force dissolved. Therefore, we think that the process of the “Codex review” is already in practice if not fully. Further revision of terms of reference could be considered as necessary in the future, should the present system does not produce expected outcomes.

In order to further improve the process of their work, the subsidiary committees should actively use electronic working groups to draft or revise documents between committee sessions. It will be more efficient to work on the details of documents through iterative communication among the members using correspondence such as e-mails between physical sessions of committees.

For issues relevant to the multiple committees, if no conclusions are reached after consideration at the multiple committees, a joint working group of these committees may be an option to accelerate the process toward completing a standard.

New Zealand

New Zealand has carefully further considered the consultants' report in relation to recommendations 4, 6, 11 and 18 and is pleased to offer the following comments in response to the continuing review of Codex committees and taskforces. We reiterate our previous support for the reform of Codex structures to address members' concerns.

Recommendation 4. Wherever possible, committees should be given enabling TOR only. They should be reactivated as necessary to undertake defined tasks and adjourned *sine die* once the task is completed.

While New Zealand agrees generally with the idea of terms of reference for Codex committees, we would suggest that the real and more pressing challenges in Codex are more about prioritisation and timely advancement of work.

As regards Terms of reference we do see some merit in a review of terms of reference of various committees to define their mandates and responsibilities and delete unnecessary detail. For instance we believe that the Terms of Reference of the General Principles Committee could be substantially abbreviated by simply retaining the first sentence and deleting the remaining sentences that are either no longer relevant or unnecessary to be included in a terms of reference.

New Zealand would support a broadbased review of the Terms of reference to achieve greater consistency across committees and to reflect current thinking and strategic directions (such as the emphasis on food safety).

Recommendation 6: The relevance of the work of other international standards setting bodies should be determined, and a clear statement of demarcation lines made clear to all participants.

Given increasing globalisation and the continuing development of a rules-based international trading system, New Zealand believes that Codex has need to be aware of, and develop relationships with, other international rules-based standards setting bodies. This is to understand the work and relevance of those bodies, and to ensure there is no duplication of effort or conflicting work developed. We support the various initiatives that the Commission has taken in recent years to promote closer linkages and interaction with relevant international standards bodies. We attach particular importance to promoting closer collaboration between Codex and the World Organization for Animal Health (OIE) given the strong links between animal health and food safety and the need to address food safety issues across the food chain. New Zealand believes that there is merit in the idea of formalising collaborative relationships between relevant international standards bodies through agreements or exchange of letters if these would help to assure a productive relationship.

Recommendation 11: All commodity committees and task forces should be given simple terms of reference which should be revised for a limited period only, to assign specific tasks to the committees.

As explained with reference to recommendation 4, the critical challenges for Codex revolve around prioritisation and timely completion of work.

As for reviewing terms of reference of commodity committees, we see merit in reviewing existing terms of reference to simplify language and to incorporate the strategic objectives of the Commission in respect of commodity standards. Consistent with the Commission's strategic objectives to give high priority to food safety aspects, the terms of reference of commodity committees should emphasise the focus on food safety related provisions and the need to address non-safety related provisions in a non prescriptive manner.

As regards task forces, New Zealand is satisfied with the Commission's current approach. The Ad Hoc Task Force on Foods Derived from Biotechnology is a very good example of this approach working well. The Task Force was given a specific timeframe to produce Guidelines and, having completed its assigned task, was adjourned *sine die*. It has since been reactivated to complete another task within a specific time frame and this has helped to greatly focus its work and outputs, with a successful fifth session held recently in Chiba, Japan achieving concrete progression of the task at hand. The Terms of Reference could include a statement about the need to complete activities in a timely and expeditious manner.

Recommendation 18: The Commission should consider carefully whether nutrition should play a role in Codex, and if so, what that role should be.

New Zealand believes that there is a definite role for nutrition within the ambit of the work Codex undertakes, and that the Codex Committee on Nutrition and Foods for Special Dietary Uses is the appropriate forum for this work. There is growing public interest and awareness of nutrition issues. Governments around the world are having to deal with significant policy challenges around diet, nutritional excesses and/or deficiencies. With the

growing trend towards novel and functional foods as well as new foods derived through biotechnology, nutritional standards and guidelines are becoming even more important to provide guidance to consumers and producers in terms of health protection and consumer information. The challenge for Codex is to see how it might help address some these issues consistent with its mandate.

Singapore

Recommendation 18: The Commission should consider carefully whether nutrition should play a role in Codex, and if so, what that role should be.

Singapore is of the view that it is important for the Codex Alimentarius Commission to remain as the international reference body for nutrition, to develop standards and guidelines on the nutritional aspects of various foods, and on the use of nutrition and health claims. This is to ensure that there is consistency in international regulation in these areas, which is essential for protecting consumers' health.

United States of America

Recommendation 4: Whenever possible, committees should be given enabling terms of reference only. They should be reactivated as necessary to undertake defined tasks and adjourned *sine die* once the task is completed.

Recommendation 11: All commodity committees and task forces should be given simple terms of reference which should be revised for a limited period only, to assign specific tasks to the committees.

These two recommendations are related in that they both would first involve a critical review of committee mandates. The U.S. endorses a review of mandates for all committees should be reviewed to ensure that they are consistent with the overall mandate and strategic plan of Codex. Overlaps between committees must be eliminated. The U.S. believes that it may be possible to assign simple, enabling terms of reference to commodity committees to include specific tasks with time limits. Commodity committees should be adjourned *sine die* when those tasks are accomplished. However, assigning similar terms of reference to general subject committees may not be possible. For example, it can be envisioned that the work of the Food Hygiene or Contaminants Committees may be extremely long-term and constantly evolving as science evolves.

Recommendation 6: The relevance of the work of other international standard setting bodies should be determined, and a clear statement of demarcation lines made clear to all participants.

The U.S. supports this recommendation, but believes that distinctions must be made between those standards setting bodies explicitly referenced in the SPS Agreements (Codex, IPPC, and OIE) and other international standards setting organizations. The U.S. supports closer, formal cooperation of Codex with IPPC and OIE, including formal agreements between the organizations. Cooperation with OIE is crucial if food safety issues are to be appropriately addressed "from farm to table". (At the same time, the U.S. would urge OIE to be more inclusive of Codex in its work.) However, regarding other standards setting bodies that are not explicitly referenced in the WTO agreements, the U.S. supports closer cooperation and working relationships, but would caution against formal agreements with such organizations. Codex must maintain preeminence in elaborating international food standard. Accordingly, Codex must guard against entering into agreements that could have the effect of implying a similar status for other organizations, especially those organizations which do not have similar membership and transparency principles as Codex.

Regarding the International Standards Organization (ISO), the U.S. notes, with some concern, the recent food safety activity of ISO and the possibility of duplicative (or even contradictory) standards. The U.S. believes that this situation should be addressed by Codex and ISO as soon as possible. The Secretaries of Codex and ISO have been maintaining contact, yet neither Secretariat has the resources to fully monitor the activities of the other. The work of ISO Technical Committee 34 (food products) seems most related to work in various Codex Committees (e.g., traceability, genetically modified organisms and derived products, and specific food products (seeds and fruits and oilseed meals, fruit and vegetable products)).

To assist the Secretariat, it may be possible that Codex Committees could agree to monitor on a regular basis work being undertaken in ISO to ensure that this work does not overlap or conflict with Codex work within that committee. Under the proposal, each Codex Committee would assign a representative to monitor and review ISO work in its area of interest and report back to the Committee at its regular meetings on what action needs to

be taken – including challenging whether ISO should undertake new work in a particular area. This activity could either be an additional responsibility of the country chairing a particular Codex Committee or the Committee Chair could assign this responsibility to another Codex member that is active in the subject area. The Codex Committee responsible for specific ISO work would also be responsible for reporting on its ISO liaison work directly to the CAC to ensure that oversight of Codex involvement in ISO is properly coordinated. In this way, Codex will be able to carry out its liaison responsibilities more effectively and efficiently. And because the Codex representatives assigned to specific ISO activities already are involved in the subject matter area through their work in Codex, the added responsibility for monitoring ISO work should not require substantial new work.

The U.S. recognizes that ISO has an important role in establishing international standards, but that role should be limited to areas in which Codex has specifically determined not to do work or has specifically requested ISO engagement, or areas in which voluntary guidance may be useful to the food industry but in which such guidance could not be developed by national governments.

Venezuela

Recommendation 4: Wherever possible, committees should be given enabling TOR only. They should be reactivated as necessary to undertake defined tasks and adjourned *sine die* once the task is completed.

Agree with this recommendation.

Recommendation 6: The relevance of the work of other international standards setting bodies should be determined, and a clear statement of demarcation lines made clear to all participants.

Add the following to this recommendation: “and the communication between these international bodies should be improved.”

Recommendation 11: All commodity committees and task forces should be given simple terms of reference which should be revised for a limited period only, to assign specific tasks to the committees.

Agree with this recommendation.

Recommendation 18: The Commission should consider carefully whether nutrition should play a role in Codex, and if so, what that role should be.

It is fundamental that the Commission considers this recommendation strengthening it with a group of experts in nutrition and global strategies for food, physical activities and health.