

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

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

1. The 29th Session of the Commission noted the replies to Circular Letter 2005/30-CAC presented in document ALINORM 06/29/9B Part II, as well as document ALINORM 06/29/9B Part II Add.1, prepared by the Secretariat taking into account the replies received to the Circular Letter, containing additional information and analysis of the issue.
2. The Commission decided that a Circular Letter be prepared to invite government comments on paragraphs 1 to 28 of the document ALINORM 06/29/9B Part II Add.1, including 11 proposals to give further opportunity to members and observers to study the analysis and proposals before a more detailed discussion would be held at the 59th Session of the Executive Committee and the 30th Session of the Commission. The Commission further decided to invite the FAO/WHO Coordinating Committees to discuss the proposals in their upcoming sessions and provide their comments to the Executive Committee and the Commission¹.
3. Comments received from Argentina, Australia, Canada, Costa Rica, Dominican Republic, European Community, Japan, New Zealand, Paraguay, Peru, United States, ICBA and WSRO in response to Circular Letter CL 2006/29-CAC are presented in Annex 1 to this document.
4. The views expressed by the FAO/WHO Coordinating Committees are reproduced in Annex 2 to this document.
5. The Commission is invited to review this document and provide such guidance and observation as may be appropriate.

¹ ALINORM 06/29/41 paras 158-160

ANNEX 1**ARGENTINA**

Argentina welcomes the opportunity to provide its comments which reflect the position adopted by the delegates at the 15th Session of the FAO/WHO Coordinating Committee for Latin America and the Caribbean, during which a working group examined this document in detail and presented its conclusions, which were adopted by consensus.

Argentina, however, reserves the right to expand on its comments in this document, at a subsequent stage.

Specific comments

In relation to **Proposal 1**, Argentina does not support placing an upper limit on the number of Codex sessions per biennium, as individual committees have their own operating dynamics and such a restriction could impact on their work.

Argentina considers that the number of sessions of each subsidiary body of the Commission should depend on the number of items and content of the agenda. Consideration should therefore be given to the possibility of postponing the sessions of subsidiary bodies whose agenda has few pending items.

With regard to **Proposal 2**, Argentina considers that the number of subsidiary bodies should be proportionate to the pending technical work approved by the Commission. Argentina does not therefore support an upper limit on the number of active subsidiary bodies that can co-exist in order to avoid an increase in Codex sessions, which could however serve as a reference.

Argentina also suggests that the scheduling of sessions could consider the possibility of holding concurrent sessions of Codex coordinating committees or commodity committees that are unrelated, for example the Committee on Fish and Fishery Products and the Committee on Milk and Milk Products.

With regard to **Proposal 3**, Argentina considers that the frequency of sessions of subsidiary bodies of the Commission should be determined by their agenda and the urgency of their work.

Argentina notes from experience that pre-session meetings of physical working groups can be useful for addressing issues that are not very controversial but that would take up much time in plenary. As regards controversial issues, it is difficult to reach compromises in working groups that are then adhered to by all Members in plenary. Such issues are therefore best addressed in plenary.

In relation to **Proposal 4**, Argentina notes that, depending on the agenda, there have been successful instances of changing the standard format of sessions (Committee on Milk and Milk Products, Committee on Processed Fruits and Vegetables, etc.) by extending their duration a little; for example seven working/real days could be a possible modification, depending on the agenda of each session.

With regard to **Proposals 5 and 6**, Argentina supports these proposals as presented.

In relation to **Proposal 7**, Argentina sees no drawbacks in examining the structure and mandates of the subsidiary bodies of the Commission to take decisions on a case-by-case basis. For the time being, potentially beneficial minor changes could be introduced although greater examination of the feasibility of major changes would be needed.

In relation to **Proposal 8**, Argentina notes the need to consider the international or regional nature of trade in commodities for decision-making. Decisions should be made on a case-by-case basis, with a thorough examination of the need for an international standard and the workload of the worldwide committees. Such examination should be carried out by the CCEXEC under the Critical Review for a proposal to extend the scope of a standard to the international level.

In relation to **Proposal 9**, Argentina supports this proposal.

In relation to **Proposal 10**, while Argentina acknowledges the importance of nutritional aspects it does not believe that the Codex should address all the proposed issues. More details on this matter will follow in due course. However, with reference to proposal 10, decisions should be based on the Commission's criteria for the establishment of work priorities, in other words the prioritization of food safety issues and commodity standards of interest to the developing countries.

Argentina also notes that there are still a number of basic food safety issues that have not been addressed and that need to be prioritized given the lack of resources for risk assessments.

In relation to **Proposal 11**, Argentina supports this proposal.

AUSTRALIA

General Comments

Australia strongly supports the need for Codex to reorganise committee work. Options should include combining committees with overlapping or similar mandates, disbanding committees in favour of focused task forces, and adjusting the frequency/interval of meetings. We consider that in selecting the most appropriate options, a detailed assessment of the work programs of each committee should be undertaken by the Secretariat.

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 no 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. In terms of further progress on implementing the Secretariat's proposals, Australia supports the referral to CCGP for further discussion and possible development of guidelines in relation to the operation of the schedule of meetings etc. In addition we support the US proposal for the Executive Committee to provide some sort of management of the Committees.

Specific Comments on the 11 Proposals

Proposal 1

Australia supports this proposal in principle. We agree that the schedule of the meetings of committees and task forces could be improved, however finding a balance between the current scheduling which allows for both northern and southern hemisphere summer vacations may not be easy. It is our view that exploring the possibility of holding annual Commission meetings at another time during the year could assist with improving the spread of committees more evenly over the year.

In considering the setting of an upper limit, it may mean that committees do not meet at the same time each year. If there were more flexibility in the scheduling of Codex sessions, some committees may consider meeting 15 - 18 months after the current session in order to allow for more work in between sessions through physical working group meetings (which are on the increase). The current schedule is planned for a biennium which leaves little flexibility in planning for the next session of a committee other than at the time predetermined scheduled dates.

Proposal 2

Australia supports this proposal but has reservations that it may affect Codex's ability to deal with emerging issues and changing priorities.

In our previous written comments Australia has strongly advocated a detailed study of all Codex committee's work programs to identify overlaps or linkages with both horizontal and vertical committees, identification of specific considerations (i.e. quality parameters) that may be covered either in other bilateral/multilateral or commercial arrangements, or could be better served through industry standards. This is particularly important with respect to the ongoing work of the commodity committees. Increasingly, members are required to divert resources to work in these committees which have no relevance to human health or food safety but are prescriptive quality parameters that are not globally representative of industry practices.

The Commission should carefully consider the implications of endorsing this proposal.

Proposal 3

Australia could support this proposal however, there needs to be more inbuilt flexibility in the meeting schedule to accommodate Committees' making a decision as to when their next meeting should be held. For example, if a Committee has planned to have a number of physical working group meetings between sessions to progress development of a standard(s) then it should be able to decide when its next meeting is to be held in order to accommodate physical working group meetings (i.e. a break of 15-18 months). This would assist the Secretariat and the Host Government in better utilising their financial resources. For example a host country may be able to divert some funds to the hosting of physical working group meetings if they are not required to host a full session of the Committee each year. This however, still needs careful consideration as to whether it will increase the effectiveness of committees or have the reverse affect and slow progress.

Proposal 4

Australia strongly supports this proposal. In addition we would propose that consideration be given to limiting the number of working group meetings held pre-session. For example, the last session of the Codex Committee on Processed Fruit and Vegetables held 4 meetings on the weekend immediately prior to the session. As a consequence reports of these meetings were distributed as Conference Room Documents providing little time for consideration by those unable to attend all of the working groups before the discussion in plenary. This can also be particularly arduous for smaller delegations.

Proposal 5

Australia supports this proposal; however comments under Proposal 2 are also relevant here. As a first step in implementing further discussion we would suggest that the host countries and current Chairs of the committees outlined in the proposal should be asked to hold discussions on the possible mergers. The outcomes of these discussions could then be reported to the Executive Committee and the Commission.

Australia also considers that the suggestion of establishing a committee on animal production food safety should be explored in more detail. In our view it would create a greater synergy/link with the OIE work in animal production food safety, thus promoting the whole of chain approach to food safety.

Proposal 6

Australia strongly supports further discussion of this issue. Australia recommends that the Codex Committee on General Principles be asked to have a detailed discussion on this issue with a view to making recommendations to the Executive and Commission on possible mergers or dissolution of specific committees. Our comments under Proposal 2 and 5 are also relevant here.

Proposal 7

Australia considers that this may be premature. We do not consider that the current review is complete and would question whether now is the time to be deciding on when to conduct the next review. An assessment of the Critical Review should perhaps be conducted after 3 years of use. With respect to commodity work of Codex, Australia considers that a comprehensive review has not been undertaken and is urgently needed to ensure that Codex and member countries resources are being directed to those activities that are in line with the priorities of the Commission.

Proposal 8

Australia considers that this Proposal should be considered as part of a broader review of the role of and work of commodity committees. We do not support this proposal at this time.

Proposal 9

Australia is not sure whether this proposal achieves anything that will help to improve the relationships between committees. Perhaps there should be further discussion by the Codex Committee on General Principles with a view to developing further concrete proposals to ensure better interaction between the horizontal and vertical committees.

Proposal 10

Australia considers that this Proposal should be considered within the context of the broader implications for Codex future work in the area of nutrition, as it relates to the implementation of the WHO Global Strategy for Diet, Physical Activity and Health. In particular Australia supports the efforts of FAO/WHO to establish a permanent joint expert body to provide nutritional scientific advice to Codex and member states.

Proposal 11

Australia strongly supports this proposal. In order for Codex to better assess its role in relation to the development of international standards that are not related to the protection of consumer's health, it is important for Codex Committees to be aware of the work of other international organisations.

The Secretariat might also note that there is ongoing discussion in the context of the WTO in respect of the increased use of private standards as a condition of trade.

CANADA**Proposal 1**

We believe the intent of this proposal is to ensure that the number of meetings in a biennium does not exceed that which the Codex Secretariat can effectively service, given its limited financial and personnel resources. While we support this intent, it is important that the number of meetings established does not impede the ability to progress work. The current number of meetings may be significant in terms of previous years, but it must be recognized that work expectations for Codex have increased. We note Proposal 3 could also result in fewer meetings in a biennium; however, a key element of that proposal is more efficient work methods.

Proposal 2

Similar to our views in Proposal 1, the number of active committees/task forces should be a number that can be managed effectively while recognizing the need to initiate and/or progress work. We believe that effective work management, particularly rigid application of the critical review process, should contribute to better prioritization of work. This, in conjunction with other measures (e.g. Proposal 3), could result in a decrease in the number of subsidiary bodies meeting without negatively affecting the efficiency of the standard-setting process.

Proposal 3

Canada agrees that consideration could be given to longer intervals between meetings of some Codex subsidiary bodies where, as this recommendation recognizes, an effective mechanism exists to ensure that work is undertaken between sessions. One of the key issues raised during the Joint FAO/WHO Evaluation of Codex was the requirement for timely standards. Longer intervals between sessions would not necessarily result in an increase in the length of time required to develop a standard as long as there is a mechanism to enable work to be effectively conducted between sessions. Any decision to extend the interval would need to be taken on a committee by committee basis with the recognition that a committee may extend the interval for one session, and shorten it for another.

Proposal 4

We would agree with this proposal. If meetings are well planned and members exercise discipline during the conduct of the meeting, there should be no difficulty in keeping the duration of the session to under seven days. If one considers the amount of time devoted to report writing, report adoption, procedural formalities, etc, the amount of time available for delegations to discuss issues is limited. We would suggest that not only is the duration of a Codex session worthy of review, but Committee working procedures should also be examined with a view to enhancing efficiency. For example, Committee sessions could start at 9:00 a.m. on Monday and continue until Thursday noon, with the review of the draft report starting at noon on Friday.

Proposal 5

We concur with this proposal. Furthermore, we would emphasize that any new work should only be undertaken when the need for the new standard, or the revision of an existing standard, is substantiated by an adequate project document and validated through a critical review. In order to facilitate the prioritization process, there may be value in the Commodity Committees developing/using more specific criteria to better evaluate the relevance of ongoing/proposed work (e.g. similar to the type developed by CCMMP), provided that such criteria is consistent with the *Criteria for the Establishment of Work Priorities* specified in the Codex Procedural Manual.

Proposal 6

Canada concurs with this proposal. We would also suggest that Commodity Committees might wish to examine their current workload and consider ceasing work on those standards (including any provisions therein) which are considered to be non-essential, i.e. not contributing to protecting the health of consumers or ensuring fair practices in food trade and identifying time-lines for completing each of the remaining standards.

Proposal 7

We would agree with this proposal. We believe there is value in revisiting the proposals stemming from the FAO/WHO Evaluation of Codex after they have been implemented for an appropriate length of time, to verify that they have achieved or contributed to the desired outcome and to determine if additional action is required.

Proposal 8

Canada supports the development of regional standards by the Coordinating Committees where there is evidence indicating that trade in products covered by the regional standard is primarily limited to countries of that region. It is our view that the matter of conversion of regional standards to global standards needs to be further discussed. (e.g. at what Step in the procedure would an adopted regional standard start the elaboration process as a global standard?)

Proposal 9

We agree with this proposal. In particular, we believe there is a need for greater clarity with regards to the endorsement procedures; e.g. role of the endorsing committee, at what stage in the step process should provisions requiring endorsement be submitted to the relevant committee, etc.

Proposal 10

We take note of the Secretariat's observation that CCNFSDU has two characters: the one as a commodity committee in so far as it elaborates standards for foods for special dietary uses, and the one as a general subject committee when it deals with general questions on nutrition. We would further note the difficulty the Committee has encountered in trying to reach consensus with respect to commodity standards (e.g. Codex Draft Revised Standard for Processed Cereal-Based Foods for Infants and Young Children).

While we would agree that the current structure and mandate of CCNFSDU should be re-examined, it is our view that this be undertaken after the Commission takes a decision on how it will address any new work resulting from the FAO/WHO paper relating to the role of Codex with respect to the Global Strategy on Diet, Physical Activity and Health.

Proposal 11

It is our view that such an undertaking would be resource intensive, and considering the fact that the Codex Secretariat has limited resources, we are not clear as to the purpose of this initiative. We note that the WTO SPS Secretariat distributed a document on January 24, 2007 on the subject of Private Standards and the SPS Agreement (G/SPS/GEN/746). This document notes the existence of 400 plus private standards schemes. Before we would support initiating such a review, we would suggest that a clear articulation of the outcomes and how the information would be used is necessary. The most effective method for Codex to reaffirm its role as the pre-eminent international food standard-setting body is through the development of timely standards.

COSTA RICA

Proposal 1

Costa Rica supports the proposal of the Codex Secretariat to consider placing an upper limit on the number of Codex sessions planned for each year and biennium, using the experience of previous years to benchmark 40 sessions per biennium or 20 per year so that each country has a clear idea of the number of sessions and is thus able to budget for its participation.

Proposal 2

Costa Rica supports the second proposal to consider placing an upper limit on the number of active subsidiary bodies that can coexist at any time (excluding the coordinating committees), as it is clear that there could be a high increase in cost for countries to participate in international sessions should there be many more such bodies. This would impact mainly on the developing countries which would find it even more difficult to attend the sessions. Costa Rica also suggests that the scheduling of meetings could look into the possibility of holding concurrent sessions of Codex coordinating committees only and that sessions of commodity or general subject committees should never overlap, as the secretariats of countries that examine all the issues of all the sessions would find themselves with a heavy additional workload and would be unable to address all the issues, were such sessions to be held at the same time.

Proposal 3

Costa Rica supports the proposal that the Commission should invite committees to consider having longer intersessional intervals and that the Commission should propose a session schedule to committees whereby half hold their sessions in even years and the other half in odd years, so that each country is better able to address the issues addressed at the international sessions while the host countries have sufficient time to organize all the work associated with the sessions. All this should all be examined by committees in the light of the quantity and urgency of their work.

Proposal 4

Costa Rica does not support the suggestion of the Codex Secretariat of the Commission that there should be a maximum duration of Codex sessions, including pre-session meetings of working groups, as Costa Rica considers that the number of days for each session should be based on the need of subsidiary bodies to hold pre-session meetings, according to respective workloads.

Proposal 5

Costa Rica agrees that the Commission should consider on a case-by-case basis the advantages and disadvantages of using an *ad hoc* task force or a commodity committee in developing or revising commodity standards.

Proposal 6

Costa Rica agrees with keeping under review the mandates and the present and future workload of subsidiary bodies, recognizing that coordinating committees could play a key role for countries unable to attend all Codex sessions, while the Commission examines the possibility of coordinating committees presenting regional positions on standards and related issues at both regional and global level (in different committee sessions) and reflecting the support of a whole region, represented by the coordinator.

Proposal 7

Costa Rica agrees that the Commission should conduct a further comprehensive review of the committee structure and mandates of subsidiary bodies of the Commission after 2011.

Proposal 8

Costa Rica supports the proposal that coordinating committees that develop regional standards should carry these to completion in accordance with their terms of reference and that such standards should only be submitted to the Commission as draft worldwide standards once they have been adopted as regional standards.

Proposal 9

Costa Rica agrees that the Commission should encourage the Committee on General Principles, the Committee on Food Additives and Contaminants and other committees, as appropriate, to continue discussing relations between general subject committees and commodity committees in order to determine a uniform procedure for reciprocal consultation.

Proposal 10

Costa Rica does not support the suggestion to consider whether current arrangements are appropriate for the Codex to carry out immediate or future tasks relating to nutrition, as it considers that the work of both the CCNFSU and the CCFL has been very important in advancing nutritional issues. In addition, the Commission's work decisions should be based on the criteria for establishing work priorities relating to food safety and commodity standards of interest to the developing countries.

Proposal 11

Costa Rica supports the suggestion that the Codex Secretariat should obtain information on private standards other than those of the ISO in order to reaffirm the role of Codex standards and to focus the Commission's work on sectors in which the Codex should maintain an exclusive function.

DOMINICAN REPUBLIC**Proposal 1**

The Dominican Republic does not support an upper limit on Codex sessions for each biennium; if at all, as an indicator of the evolution of work.

It supports the position of the CCLAC that the number of sessions of each subsidiary body of the Commission should be determined by the number of items and content of its agenda.

Thus, consideration should be given to the possibility of postponing the sessions of subsidiary bodies that have few pending items on their agenda.

Proposal 2

The Dominican Republic does not support the establishment of an upper limit on the number of active subsidiary bodies that can coexist at any time to avoid an increase in Codex sessions, which could however serve as a reference. It supports the CCLAC position that the scheduling of sessions could consider the possibility of holding concurrent sessions of Codex coordinating committees or commodity committees that are unrelated.

Proposal 3

The Dominican Republic does not support adopting longer intersessional periods, but considers that the frequency of sessions of subsidiary bodies of the Commission should depend on their agenda and the urgency of their work.

It also agrees with the CCLAC position on physical working groups meeting immediately before sessions to deal with issues that are not controversial but that take up much time in plenary.

Proposal 4

The Dominican Republic supports keeping the duration of Codex sessions within a maximum of seven working days, including pre-session working group meetings.

Proposal 5

The Dominican Republic agrees with Proposal 5.

Proposal 6

The Dominican Republic agrees with Proposal 6.

Proposal 7

The Dominican Republic agrees with Proposal 7, but on condition that the Commission decides on a case-by-case basis.

Proposal 8

The Dominican Republic does not support restricting the work of coordinating committees in developing international standards as the international or regional food trade will determine the need to formulate an international standard.

It supports the position of the CCLAC that the CCEXEC should be responsible for extending the scope of a standard to the international level.

Proposal 9

The Dominican Republic agrees with Proposal 9.

Proposal 10

The Dominican Republic considers that nutrition issues are important and should be given the same importance as food safety. It therefore agrees that the Commission should examine current arrangements for Codex to carry out immediate and future tasks relating to nutrition and that these should be integrated into the new strategic plan.

Proposal 11

The Dominican Republic agrees with Proposal 11.

EUROPEAN COMMUNITY

The European Community and its 27 Member States (ECMS) are pleased to provide comments on the Review of Codex Committee Structure and Mandates of Codex Committees and Task Forces in response to Codex Circular Letter 2006/29-CAC.

Proposal 1

The ECMS support proposal 1.

Proposal 2

The ECMS would not favour a rigid adoption of proposal 2. A purely arithmetical approach to the number of active subsidiary bodies is not appropriate for the work of an international organisation whose work is based on Science. Should there be a justified need, Codex should have the possibility to establish a subsidiary body without dissolving or adjourning another whilst still keeping the number of bodies within manageable levels.

Proposal 3

The ECMS support proposal 3. Recent experiences (e.g. CCFICS, TTFBT, CCGP working groups) have demonstrated that much progress can be achieved during the inter-session with appropriate mechanisms. The ECMS would however express some concerns regarding the multiplication of physical working group meetings (e.g. last session of CCFH established 5 inter-session physical working groups to be held in English only), especially the resource implications.

Proposal 4

The ECMS support proposal 4, which allows for sufficient time to organise physical working group sessions prior to a 5 day-plenary session.

Proposal 5

The ECMS support proposal 5. Taskforces have more focused terms of reference and are dissolved once the task is completed. Good results were achieved by taskforces in the recent past (e.g. TTFBT, TFFJ, TFAF).

Proposal 6

The ECMS support the regular review of the mandates of subsidiary bodies. Merging committees can be appropriate in certain cases but should be done carefully as it could lead to committees with a too broad scope, such as the example of the Committee on Animal Production Food Safety which would cover very different fields from veterinary drugs issues to animal feeding and hygiene.

Proposal 7

The ECMS support proposal 7. Several years experience are indeed needed to evaluate the new mechanisms recently put in place, such as the critical review carried out by CCEXEC.

Proposal 8

The ECMS agree with the proposal that Regional Standards should not always be converted to worldwide standards and that this should be considered on a case by case basis after their adoption at step 8.

Proposal 9

The ECMS support the streamlining of endorsement procedures and, to this end, encourages CCGP to engage actively in and coordinate discussions with all other committees and task forces.

Proposal 10

The ECMS consider that CCNFSU and CCFL should have a leading role in Codex for the consideration of nutrition issues.

On several occasions in the recent past, CCNFSU has been invited by other Committees to provide scientific advice to them on issues related to nutrition. The scientific basis of its response has not been sufficiently clear and have raised concern from some members and observers. Future work on nutrition, which obviously requires extensive scientific support, should be undertaken in such a way as to be consistent vis-à-vis the functional separation between risk assessors and risk managers: Codex members always act as risk managers, when they attend the CAC or relevant subsidiary bodies. On the other hand, Codex members should give further consideration to the possibility that CCNFSU makes use of publicly available scientific assessments to expedite its work on nutritional risk assessment.

In addition, regional coordinating committees could have a valuable input on these issues. On-going work at CCFL and CCNFSU on the WHO Global Strategy on Diet, Physical Activity and Health may require a more active agenda to address nutritional issues.

Proposal 11

The ECMS support a wider openness of Codex to the development of private standards and are of the opinion that better results could be achieved in less time. However a clear distinction should be kept between on one hand Codex Standards and related texts which pursue two objectives : protection of consumer health and promotion of fair practices in the food trade in addition to being a reference point for WTO, and on the other hand private standards which might aim at meeting certain specific consumer demands and which are mostly market driven.

JAPAN**Proposal 1**

It will be useful to set an upper limit on the number of Codex sessions in one biennium, in order to give the members sufficient time to formulate their official comments in reply to Circular Letters, and for Codex sessions to fully discuss the outcome of other Codex sessions. "Forty" is a realistic number, but the flexibility should be given in order to respond to new or urgent issues. Also, "twenty" is an appropriate number for the number of sessions planned in one calendar year, but it should only be an indicative upper limit.

According to the recommendation of the Codex Evaluation, more emphasis is put on work between sessions through working groups than before. A number of working groups, in particular physical working groups, have since been established. Even when the number of Codex sessions is controlled, if the number of physical working groups increases considerably, the burden to members will not be reduced. Therefore, not only the upper limit on the number of Codex sessions, but an upper limit on the total number of meetings including physical working groups should also be established.

In addition, when sessions are scheduled, the geographical distribution of meeting places should be managed so that those meetings whose participants are of similar expertise can be convened back-to-back in near-by countries.

Proposal 2

Disagree. If the spacing of the meetings is appropriately arranged, slightly more than 18 subsidiary bodies are manageable. Whether to dissolve or adjourn a subsidiary body when establishing a new one depends upon the manageability of the number of sessions and satisfaction of the Criteria for the Establishment of Subsidiary Bodies.

Proposal 3

In general, it is preferable that sessions are held as frequently as possible, for many committees once a year, in order to facilitate the advancement of work. However, there might be cases where a longer interval is desirable, for example, when the number of sessions planned for in one biennium is likely to exceed forty or it is necessary to wait for the provision of scientific advice. In such cases, the Commission may need to invite committees to consider a longer inter-session interval while giving consideration to the pros and cons of a shorter inter-session interval.

Proposal 4

Setting the upper limit of the duration of a session may enhance efficient conduct of the meeting. However, seven-day duration should be considered as an indicative target but not as an upper limit. There is a possibility that, if a subsidiary body reduces the number of sessions by adopting a longer inter-session interval, it may need to hold a session longer than seven days.

Proposal 5

We consider that in most of cases the development of new commodity standards or revision of existing standards can be undertaken by the existing Commodity Committees. When a proposed new standard can be covered by no existing Commodity Committee, the priority should be given to establishing a task force rather than a Commodity Committee.

Proposal 6

The mandates of subsidiary bodies can be reviewed utilizing the current critical review conducted by the Executive Committee, which provides advice on establishment and dissolution of committees and task forces. At the next comprehensive review (Proposal 7), this issue should be considered thoroughly in the light of an assessment of the critical review.

Proposal 7

We agree with the idea of conducting a next comprehensive review after 2011. Considering the heavy work load of the General Subject Committees, the review should also assess carefully the effectiveness of the critical review in facilitating the work of those committees.

Proposal 8

If a draft standard is transferred to a commodity committee from a coordinating committee after Step 5, additional work may be charged unexpectedly to the commodity committee as described in paragraph 20 of the Circular Letter. In addition, issues which have been dealt with by the coordinating committee may be raised again at the commodity committee and the same discussion may be repeated. This is not an efficient way of developing standards. We, therefore, agree that the commodity work of coordinating committees concentrates on the development of regional standards. Conversion of a regional standard into an international standard should be considered only after its adoption at Step 8. This conversion process should be pursued along with the Procedure for the Elaboration of Codex standards and Related Texts: a relevant commodity committee submits a new work proposal to the Commission and after the approval of the proposal the commodity committee starts to elaborate an international standard utilizing the adopted regional standard as a proposed draft.

Proposal 9

We agree to encourage further discussions among relevant committees. When a draft standard or text is submitted from one committee to another committee for endorsement prior to the adoption at the Commission, the review by the committee with endorsement function should be limited to matters within its terms of reference. The committee entrusted with endorsement should fully take into account the technical expertise of the committee which has developed a draft and should not amend the matter which does not fall under its terms of reference.

Proposal 10

The current terms of reference for the CCNFSDU are sufficient to carry out immediate and future tasks relating to nutrition.

Proposal 11

We agree with the proposal. However, information should be collected only on private standards which are relevant to Codex and applied at international level. Such standards should be carefully selected in order to avoid creating the unnecessary work of the Secretariat.

NEW ZEALAND**General Comments**

New Zealand welcomes and supports the current review of committee structure and mandates to improve the overall efficiency of Codex. All members are struggling with the sheer volume of meetings and the pressures arising from intensification of work. The increasing proliferation of working groups (both physical and electronic) is adding to these pressures.

Regarding commodity work, New Zealand believes that all existing commodity committees should be urged to complete their work programme as expeditiously as possible and be adjourned, no new work should be taken on by existing committees but for this to be handled in future using the task force mechanism. This may be aided by not accepting any new work for existing committees but rather undertaking to group this work within a set period of time to be addressed by yet to be identified Task Forces.

In terms of future reforms New Zealand continues to take the view that the fundamental challenge facing Codex is not only one of structure but more one of prioritisation and improved strategic oversight and standards management. In this context the Commission has already taken a number of tangible steps such as the:

- Establishment of revised criteria for new work
- Establishment of procedures for critical review and monitoring of progress with work; and
- Giving the Executive Committee a new role in strategic and standards management areas with a view to improving oversight and progress of work.

The immediate priority and challenge is to ensure effective implementation of these initiatives.

As regards the specific recommendations contained in the Secretariat paper (CL 2006/29-CAC) New Zealand offers the following comments:

Proposals 1 and 2: These proposals call for setting an upper limit on the number of meetings and committees in existence. New Zealand is however not in favour of setting any arbitrary limits on the number of meetings or committees that can exist at any one time. We believe that the Commission may have reached a peak in terms of the number of meetings. We believe that these meetings while significant in number were necessary to carry out the work programme of the Commission and its subsidiary bodies. The Commission must address the underlying problems through other means. The current problems have arisen through a combination of factors including the establishment of new task forces, increased frequency of Commission and Executive Committee meetings and increased frequency of meetings of some general subject committees.

Proposal 3: New Zealand supports the intent of this recommendation and would like to see Committees that meet annually - which are generally the horizontal committees - to consider the frequency of meetings. To the extent that this is practical, Committees should be urged to consider the feasibility of spreading sessions provided this does not unduly prejudice progress of work. New Zealand believes that there may be scope for some committees to move to an 18 month cycle of meetings without any significant impact on progress of work but this is predicated on the Commission and the Executive Committee meetings not changing.

Proposal 4: duration of Codex meetings: In principle New Zealand sees merit in the recommendation that the duration of Codex meetings be limited to a maximum of 7 days. It is important that Committees make every effort to conduct their business as efficiently and expeditiously as possible. New Zealand supports this proposal. One comment that New Zealand would like to offer in this context is the opportunity to make better use of the time particularly with regard to the time spent in adopting reports. The CAC should continue to strive towards outcomes-focused reports.

Proposal 5: New Zealand is a firm supporter of the Task Force model for the conduct of Codex work. We continue to support the recommendation of the Evaluation team that all commodity committees should be urged to complete their work as soon as possible and adjourned. Future work should be handled through the Task Force mechanism.

Proposal 6: The current structure of Codex and the division of work on a commodity/general subject basis has remained broadly unchanged since the establishment of Codex. New Zealand agrees that there may be scope for some rationalisation/regrouping of commodity committees according to generic groups but any changes in this area may have potential implications for members in terms of representation. We believe that the most appropriate strategy for reform is to complete existing commodity work as expeditiously as possible and consider possible regroupings in the context of new work.

Proposal 7: New Zealand agrees that it may be appropriate to delay any consideration of structural reform issues (particularly with regard to commodity committees) till more is known about the efficacy of the critical review and standards management functions of the Executive Committee.

Proposal 8: New Zealand is not in favour of regional standards given their limited value and status under the WTO. Codex is about developing international standards for widest application and the development of regional standards runs contrary to this objective.

Proposal 9: New Zealand supports a review of the relationship between commodity and general subject committees to clarify endorsement procedures and expedite standards adoption. Some of the current problems can be avoided through stricter adherence to horizontal provisions and avoidance of deviations on which there is little or no consensus.

Proposal 10: New Zealand believes that Codex has an ongoing role in the area of nutrition and supports the work of the CCNFSDU. Codex work in this area is only likely to increase with the emergence of new products with enhanced nutritional characteristics. In addition to addressing important health and safety issues there is also a need to address relevant labelling issues.

Proposal 11: New Zealand supports this proposal. Codex needs to get a better handle on private standards particularly those that cut across Codex work. Such monitoring is needed to improve awareness of potential conflict and contradictory provisions in private standards and to assert its role as the pre-eminent international body for food safety standards.

PARAGUAY

Proposal 1

Paraguay does not support placing an upper limit on the number of Codex sessions for each biennium; if at all, as an indicator of the evolution of work.

The number of sessions of each Commission subsidiary body should depend on the number of items and content of its agenda. Consideration should thus be given to the possibility of postponing the sessions of subsidiary bodies whose agenda has few pending items.

Proposal 2

Paraguay considers that the number of subsidiary bodies should reflect the pending technical work approved by the Commission. It does not therefore support placing an upper limit on the number of subsidiary bodies that can coexist at any time in order to avoid an increase in Codex sessions, which could however serve as a reference.

It suggests that the scheduling of sessions should look into the possibility of holding concurrent meetings of Codex coordinating committees or commodity committees that are unrelated, for example, the Committee on Fish and Fishery Products and the Committee on Milk and Milk Products.

Proposal 3

Paraguay considers that the frequency of sessions of subsidiary bodies of the Commission should depend on their agenda and the urgency of their work.

Convening physical working groups immediately before a session can be useful for addressing issues that are not very controversial but that take up considerable time in plenary. With regard to controversial items, it is difficult to reach compromises in the working groups that are then respected by all Members in plenary.

Proposal 4

Depending on the agenda, there have been successful instances of changing the standard format of meetings (Committee on Milk and Milk Products, Committee on Processed Fruits and Vegetables, etc) by extending them a little, for example to seven working/real days.

Proposal 5

Paraguay supports this proposal.

Proposal 6

Paraguay supports this proposal.

Proposal 7

Paraguay sees no drawbacks in examining the structure and mandate of the subsidiary bodies of the Commission to take decisions on a case-by-case basis. For the time being, minor changes could be introduced which would help determine whether major changes were needed.

Proposal 8

There is a need to consider the international or regional nature of trade in commodities for decision-making. Decisions should be made on a case-by-case basis, with thorough examination of the need for an international standard and the workload of the worldwide committees. Such examination should be carried out by the CCEXEC under the Critical Review for a proposal to extend the scope of a standard to the international level.

Proposal 9

Paraguay supports this proposal.

Proposal 10

While Paraguay acknowledges the importance of nutritional issues, decisions should be based on the Commission's criteria for the establishment of work priorities, in other words the prioritization of food safety issues and commodity standards of interest to the developing countries.

There are still outstanding basic food safety issues that need to be prioritized given the lack of resources for risk assessments.

Proposal 11

Paraguay supports this proposal.

PERU**Proposal 1**

Peru does not support placing an upper limit on the number of Codex sessions per biennium; if at all, as an indicator of the evolution of works.

Peru considers that the number of sessions of each subsidiary body of the Commission should be determined by the number of items and content of its agenda. Consideration should thus be given to the possibility of postponing the sessions of subsidiary bodies whose agenda has few pending items.

Proposal 2

Peru considers that the number of subsidiary bodies should reflect the pending technical work approved by the Commission. It does not therefore support an upper limit on the number of active subsidiary bodies that can coexist at any time to avoid increasing the number of Codex sessions, which could however serve as a reference.

Peru suggests that the scheduling of sessions could look into the possibility of holding concurrent meetings of Codex coordinating committees or commodity committees that are not related, for example the Committee on Fish and Fishery Products and the Committee on Milk and Milk Products.

Proposal 3

Peru considers that the frequency of sessions of Commission subsidiary bodies should depend on their agenda and the urgency of their work.

Peru notes from experience that convening physical working groups immediately before a session can be useful for addressing issues that are not very controversial but take up considerable time in plenary. As regards controversial issues, it is difficult to reach compromises in working groups that are then respected by all Members in plenary.

Proposal 4

Peru notes that, depending on the agenda, there had been successful instances of changing the standard format of meetings (Committee on Milk and Milk Products, Committee on Processed Fruits and Vegetables, etc.) by extending them a little, for example to seven working/real days.

Proposal 5

Peru supports this proposal.

Proposal 6

Peru supports this proposal.

Proposal 7

Peru sees no drawbacks in examining the structure and mandate of the subsidiary bodies of the Commission to take decisions on a case-by-case basis. For the time being, minor changes could be introduced which would help determine whether major changes were needed.

Proposal 8

Peru notes the need to consider the international or regional nature of trade in commodities for decision-making. Decisions should be made on a case-by-case basis, with a thorough examination of the need for an international standard and the workload of the worldwide committees. Such examination should be carried out by the CCEXEC under the Critical Review for a proposal to extend the scope of a standard to the international level.

Proposal 9

Peru supports this proposal.

Proposal 10

While Peru acknowledges the importance of nutrition issues, decisions should be based on the Commission's criteria for establishing work priorities, in other words the prioritization of food safety issues and commodity standards of interest to the developing countries.

Peru notes that there are still outstanding basic food safety issues that need to be prioritized given the lack of resources for risk assessments.

Proposal 11

Peru supports this proposal.

UNITED STATES

General Comments

The United States supports strengthening the standards management function of the Executive Committee including better accountability from the Codex Committees and a more critical review of project documents for new work. In general, the U.S. supports the objective of reducing the number of Codex meetings while also keeping them short and focused. The U.S. supports better prioritization of work within Codex and more focused strategic planning. Food Safety must be the first priority of Codex.

The U.S. also believes that the Executive Committee should have a committee management function, as well as a standards management function. The first seven proposals deal with overall committee management and taken together could be adopted by the Commission as committee management guidelines, for inclusion in the Codex Procedural Manual. Based on the comments obtained in response to this Circular Letter, the Commission could request that the Codex Secretariat develop a discussion paper for consideration by the Codex Committee on General Principles.

Comments on the Specific Proposals

Proposal 1

The U.S. supports establishing an upper limit on the number of Codex meetings in a biennium or in a year, with an understanding that this is an indicative number, subject to minor modification with justification if there are urgent needs that Codex must address and if resources are available to countries and the Codex Secretariat to implement additional work.

The U.S. suggests that there also be some discussion of managing the numbers of intersession working groups. Working groups are often very effective in drafting texts, but attendance at intersession working group meetings places further strain on members' resources and on the resources of host governments.

Paragraph 8 of CL 2006/29-CAC discusses the implications of increasing numbers of meetings on the resources of the Codex Secretariat. As the Commission considers conserving resources, the Secretariat might want to reflect on its own resource expenditure. For example, with increasing use of recording devices and computer generated reports, is it necessary to send the same numbers of Secretariat staff to committee meetings as has been done in the past?

Proposal 2

The U.S. supports setting an upper limit on the number of active subsidiary bodies, with the same understanding expressed in response to Proposal 1, that this is an indicative number. In regard to limiting the number of active committees, the program of work within commodity committees should be reviewed with a view of creating time-limited task forces to complete specific projects. These new projects should be prioritized by a critical review process and in consultation with the Executive Committee. In their standards management role, the Executive Committee should demand greater accountability from the Committees, following the general recommendation made by the 55th session.²

The U.S. notes that, at the most recent Commission session (29th), two new Task Forces were agreed to. An implication of adopting a firm upper limit on the number of subsidiary bodies would be that if a new Task Force or Committee is agreed to, an existing active subsidiary body would necessarily have to be deactivated.

The U.S. would also raise an additional issue in terms of the timing of meetings. The current situation is that several meetings are scheduled within a very short period of time. For example, this year there are six extremely important meetings in March, April and the first week of May. Codex could be a more efficient organization with better spacing of meetings, including meetings in periods which are now considered off-limits (e.g. July, August, and early September).

² 55th Session of the Codex Executive Committee: "if progress was slow or consensus was unlikely to be reached, to consider the following options: redefining or narrowing the scope of the text, concentrating on the areas where consensus could be reached; suspending consideration of the issue for a period of time: or discontinuing the work."

Proposal 3

The U.S. believes that this proposal must be considered on a committee by committee basis. Whereas for some committees a longer inter-session interval might have little or no impact on the work program, for other committees the result would be extending the time necessary to develop standards, further weakening Codex's ability to respond to changing food safety and trade demands of members and stakeholders. The U.S. notes that a committee itself might not be a completely unbiased judge of how often meetings should occur. Generally, when asked, committees request to meet more often and for longer sessions. Recommendations on the appropriate inter-session intervals for committees could be considered as a part of the Executive Committee's committee management role. However, in summary, the U.S. believes that a combination of better prioritization of work; better accountability from committee chairs; and strengthening the standards management role of the Executive Committee will contribute more to the efficiency of Codex.

Proposal 4

The U.S. believes that host governments should strive to keep the duration of Codex sessions within seven days. However, recognizing that important work is often achieved in focused technical working groups prior to plenary sessions that result in expediting the work of the committee, the U.S. supports some flexibility for host governments in this regard.

The U.S. is concerned about a recent trend of rushed report adoptions. Because the report is so extremely important, there must be adequate time planned for a thorough and fair adoption of the report, even if this involves engaging the interpreters for a full day on the final day of the meeting. Codex might consider the following suggestions that could create more time for discussion. (1) Codex meetings traditionally start at 10:00 on the first day. Committees could consider a 9:00 start time, encouraging participants to pre-register. (2) Meetings generally start with a welcoming address by one or more officials. Codex could consider guidelines that would limit all welcoming addresses (host country officials, FAO and WHO officials, etc.) to a total of 10 minutes, with Agenda Item 1 starting immediately thereafter. (3) Codex committee sessions traditionally have a full day for report preparation. With reports being developed on computers as the meeting progresses, a half day may be sufficient for preparation of the report, giving the committees another half day for discussion.

Proposal 5

The U.S. supports streamlining the work of the Commodity Committees. New work should be undertaken only when a clear and significant long term need has been established and when adequate resources are expected to be available. The U.S. does not support creating a standards management committee; this role rests appropriately with the Executive Committee. The U.S. recommends a full discussion at each session of a commodity committee on the status of the priority list; including the submission and review of project documents under current Codex requirements. Work that was approved prior to the changes in procedure for new work, but that has not yet been initiated or completed, should be reviewed by the committee under a new project document and current Critical Review procedures. The U.S. believes that a decision to revise a standard should be initiated only when a critical review demonstrates the need for such revision. When a specific need for a revision has been identified, Codex work could be facilitated if the scope of work was limited to the deficiencies in the existing standard, as identified by the Secretariat and in a project document.

Proposal 6

The U.S. supports reviewing the mandate and work projects of each commodity committee; making consolidations as suggested in the circular letter; reviewing priorities for ongoing work and transitioning commodity committees toward time limited task forces or to adjournment *sine die*.

Proposal 7

The U.S. would support another comprehensive review of the committee structures and mandates after 2011 to consider whether further changes are needed. Such review should include an inventory of changes made since 2002 and an evaluation of their effectiveness.

Proposal 8

The U.S. supports commodity work in coordinating committees focused on the development of standards that are regional in nature. Such standards should be forwarded to the Commission for adoption as an international Codex standard only after they have been considered under the critical review process, including evaluation of a project document that includes the volume and significance of global trade in the commodity.

Proposal 9

The U.S. supports continued discussion on relations between commodity committees and general subject committees. With respect to the Codex Committees on Food Additives (CCFA) and the Codex Committee on Contaminants in Foods (CCCF), the U.S. believes that:

1. The Commission should instruct CCFA and CCCF to continue to develop a process for integrating all food additive and contaminant provisions into the Codex General Standard for Food Additives (GSFA) and the Codex General Standard for Contaminants and Toxins in Foods (GSCTF), respectively.
2. The CCFA and the CCCF should also be instructed to develop proposed revisions to the Procedural Manual that address the procedures and responsibilities for CCFA, CCCF and Codex commodity committees, in the elaboration of Codex acceptable maximum use levels for food additives and maximum and guideline levels for contaminants and naturally occurring toxicants in Codex standards, to have the GSFA and the GSCTF be the single Codex references for food additive and contaminants, respectively.

There is a need for increased cross-committee interaction between Codex subsidiary bodies beyond that currently done through the "Matters Referred" documents. This may be done through discussions between the Chairs of two committees, through joint working groups or through other mechanisms. The U.S. also recommends more formally establishing the meeting of the Chairs.

Proposal 10

The U.S. believes that the current arrangement for CCNFSDU to coordinate nutrition work in Codex within its terms of reference is appropriate, and agrees that the two characters of CCNFSDU should be preserved (i.e., both as a "commodity committee" focusing on foods for special dietary uses and as a "general subject committee" focusing on nutrition issues more generally). The U.S. also supports efforts to prioritize this Committee's future work according to the two objectives of Codex, including work to address risk analysis principles as it relates to the Codex objective of protecting consumers' health. Specifically, the U.S. notes CCNFSDU's role in managing risk from excessive intakes of nutrients and related food components (not unlike food safety considerations with other food substances that are a major focus of Codex work), as well as risk from inadequate intakes (an aspect of risk management specific to nutrients). Examples of past and current work aimed at managing nutrient risk include the establishment of minimum and maximum levels of nutrients and related food components in infant formula, the identification of safe and biologically available nutrient compounds for use in foods for infants and young children, criteria for the establishment of maximum levels in vitamin-mineral food supplements and consideration of the safety and bioavailability of the nutrient sources, food fortification principles, and food safety considerations for nutrients and other substances that are the subject of health claims. The U.S. also supports efforts to enhance coordination between the WHO/FAO and Codex in the identification of scientific advice needs and priorities related to nutrients and related substances via WHO/FAO expert consultations and other means. The U.S. further notes that "protection of consumers' health" is an area of overlap between the goals of Codex and the Global Strategy on Diet, Physical Activity and Health, and thus supports consideration of future work in CCNFSDU and CCFL compatible with this shared goal.

Proposal 11

Recognizing the status of Codex within the WTO, the U.S. has concerns about this proposal in that it may serve to undermine the Codex Alimentarius. On the other hand, the trend toward the development of private standards that respond to new technologies and emerging food safety concerns underscores the need for Codex to develop a more efficient process. The U.S. believes that a fuller discussion of the objective and intent of this recommendation would be important before initiating the suggested review.

ICBA

Number of Codex meetings

Proposal 1

ICBA supports the proposal that is important for determining budgetary and secretarial resources. We also would support a better spacing of committee sessions since many of the horizontal committees (CCGP, CCCF, CCFA, CCFL and CCPR), that have heavy agendas, are meeting in April-May almost back to back requiring a lot of resources.

Proposal 2

ICBA supports this proposal. We support focusing Codex resources on horizontal committees and would suggest a review of all commodity committees to decide if they could be managed using time limited task forces.

Interval of meetings

Proposal 3

ICBA considers that this option should only be used when it is clear that no consensus can be reached to forward a standard. Otherwise, the effectiveness of Codex will suffer. Generally, there are one or more agenda items that may be difficult to resolve. Those committees should consider the proposed mechanism and use longer inter-session intervals for these specific topics and also explore the use of working groups.

Duration of meetings

Proposal 4

ICBA notes that some committees, such as CCFAC in the past, have had several working group meetings prior to plenary sessions. These physical working group sessions have been important in speeding up discussions at the plenary. Therefore, there should be some flexibility given for committees and host countries to decide on the length of the meetings. We agree that the goal should be to hold sessions within seven days.

Management of commodity work

Proposal 5

ICBA strongly supports this proposal and moving towards time-limited task forces to manage commodity issues.

Proposal 6

ICBA supports the proposal and suggests starting the review with the commodity committees.

Proposal 7

ICBA supports this proposal.

Proposal 8

ICBA supports the proposal but considers that each work initiative should undergo a critical review process including the evaluation of a project document. We note that many regional foods are traded internationally due to migrating populations from their original countries to other regions.

Relations between committees

Proposal 9

ICBA strongly supports reviewing relations between commodity committees and general subject matter committees. We believe that the priority should be given to the horizontal committees.

History of nutrition related work in Codex

Proposal 10

ICBA considers that the current structure is sufficient for Codex to carry out tasks relating to nutrition. We note that the work of CCNFSU has focused on certain standards on foods for special dietary uses and a lot of effort has spent on infant foods and foods for young children while other issues have received less attention due to time limitations. We would support addressing special food issues using time-limited task forces so that the committee can better focus on nutrition issues, such as establishing scientific criteria for health claims.

Role of Codex standards versus role of private standards

Proposal 11

ICBA does not oppose using private standards as a starting point of discussions but notes that some standards, such as those of ISO, are quality standards and not necessarily based on considerations of international trade and consumer safety that are the focus of Codex.

WSRO

In reference to **Proposal 10**, WSRO consider the current arrangements involving the work of the CCNFSDU and the CCFL to be appropriate for the immediate and future work relating to nutrition within Codex.

CCNFSDU and CCFL should continue to lead regarding nutrition issues within Codex and remain the relevant Committees for this work within their terms of reference. This will avoid the need for creation of any further committees and the resulting unnecessary incurred costs to cover important work that CCNFSDU and CCFL could well undertake. CCNFSDU and CCFL have consistently handled nutrition issues within Codex and future work may be identified within their mandates to address further issues.

ANNEX 2***FAO/WHO Coordinating Committee for Africa (ALINORM07/30/28 paras 14-16)***

14. The Coordinating Committee discussed the proposals contained in paragraphs 1 to 28 of document ALINORM 06/29/9B Part II Add.1 "Review of the Codex Committees Structure and Mandates of Codex Committees and Task Forces", prepared by the Codex Secretariat for the 29th Session of the Codex Alimentarius Commission.

15. The Committee had no specific comments on the proposals presented, but it was recalled that at the present moment the deadline for the submission of comments to CL 2006/29-CAC requesting governments and observers' comments on the same subject was 31 January 2007 at the latest. Countries were invited to submit their comments by the deadline.

16. In relation to a concern of the Delegation of Nigeria with regard to the busy timetable of meetings of Codex concentrated in certain periods of the year, it was noted that the session planning was constrained by several factors including annual sessions of the Commission and that proposals 1 and 2 were meant to address this matter.

FAO/WHO Coordinating Committee for Asia (ALINORM07/30/15 paras 16-23)***Proposal 1 and 2***

16. The Committee did not support Proposal 1 to limit the number of Codex sessions planned for a biennium and Proposal 2 to limit the number of active subsidiary bodies as the justification for such limitation was not clear and it would be difficult to implement in practice.

Proposal 7

17. The Committee stressed that the comprehensive review of the Committee structure should include all subsidiary bodies and should not be limited to commodity committees as there may also be a need to streamline the structure and mandate of horizontal committees.

Proposal 8

18. The Committee did not support the proposal to initiate the conversion of regional standards into world-wide standards only after their final adoption by the Commission, as it would result in considerable delays and would be contrary to the general objective of increasing the efficiency and relevance of Codex work. Several delegations pointed out that most commodities of regional interest were also traded internationally and stressed the need for international standards, especially in the framework of the WTO SPS and TBT Agreements. They proposed to initiate the elaboration of standards of regional interest in the Coordinating Committees, in view of their specific expertise, and to finalise them as international standards in the relevant commodity committee after Step 5, which would be consistent with current practice and with the Elaboration Procedure. The Committee therefore agreed on the following amendment to Proposal 8:

19. "Coordinating Committees may be entrusted with initiating work on commodity standards that need expertise from the region up to Step 5. The Draft Standard would then be subject to further consideration by the Commodity Committee concerned, and would be submitted to the Commission for adoption as a world-wide standard"

Proposal 10

20. The Committee agreed that the Committee on Nutrition and Foods for Special Dietary Uses should continue its work according to its current terms of reference, in order to cover the following areas of work: standard setting, advice on nutrition issues, and the implementation of the WHO Global Strategy on Diet Physical Activity and Health, in cooperation with the Committee on Food Labelling as required.

Proposal 11

21. The Committee expressed its concern with the reference to private standards as this term was subject to various interpretations and some delegations questioned the relationship between private standards and “focusing the work of the Commission on areas where Codex should have its exclusive work”, while pointing out that Codex should work according to its mandate and address the needs of its members. The Secretariat noted that the term “private standards” could be subject to interpretation but as the background of the proposal referred to ISO and to standardization bodies, its intention was to generalize the practice followed with ISO. It was proposed to obtain relevant information on the work of international non-governmental standardization bodies with observer status in Codex, which would be consistent with the coordination role of Codex.

22. After some discussion, the Committee agreed with the proposal of the Delegation of China to replace the reference to “private standards” with “standards from international NGOs” in Proposal 11.

23. The Delegation of India proposed to refer to international intergovernmental organisations (IGOs), especially to similar principles of membership for cooperation. However, the Committee noted that this proposal was specifically intended to cover non-governmental standardization bodies, and that specific guidelines existed on coordination with IGOs.

FAO/WHO Coordinating Committee for Europe (ALINORM07/30/19 paras 23-29)

23. The Coordinating Committee discussed the proposals contained in paragraphs 1 to 28 of document ALINORM 06/29/9B Part II Add.1 “Review of the Codex Committees Structure and Mandates of Codex Committees and Task Forces”, prepared by the Codex Secretariat for the 29th Session of the Codex Alimentarius Commission.

24. In noting that the deadline for the submission of comments to CL 2006/29-CAC requesting governments and observers’ comments on the same subject was 31 January 2007, the Coordinating Committee agreed that its comments on this matter would not pre-empt the views of individual countries on the proposals.

25. The Coordinating Committee supported *Proposals 1, 3, 4, 5, 6, 7, 8, 9, 10 and 11* and noted specific comments made, as follows.

Proposal 1

26. The Delegation of the United Kingdom, while supporting the proposal, requested clarification on actual mechanisms that could be used to implement the proposal in practice. The Codex Secretariat informed the Committee that oversight should be exercised using several managerial tools in order to keep the total number of Codex sessions per biennium under an upper limit and ensure balanced session planning throughout each calendar year. First, the Commission should be cautious in establishing new subsidiary bodies or reactivating committees which have been adjourned sine die so as to keep the number of active committees manageable. Second, the Commission, on the advice of the Executive Committee, should carefully review the Codex pluriannual session planning, developed by the Codex Secretariat and presented to the Commission on a regular basis. Third, dialogue between the host governments of subsidiary bodies and the Codex Secretariat was essential in ensuring an appropriate session interval for each subsidiary body and an optimal sequence between their sessions.

Proposal 6

27. The Coordinating Committee, while supporting the proposal in principle, did not express opinions, at this stage, on the specific examples presented in the document as to the way some of existing subsidiary bodies could be merged. The Delegation of the United Kingdom referred to the written comments made on behalf of the Member States of the European Union which stated that care should be taken in order not to create a committee of such broad mandate that its work would become inefficient and that a case-by-case approach was recommended in this regard.

Proposal 10

28. The Coordinating Committee recalled that it had recommended to include a specific reference to the WHO Global Strategy on Diet, Physical Activity and Health in the Codex Strategic Plan 2008-2013 (see paragraph 19 above) and reaffirmed the leading role of the Committees on Nutrition and Foods for Special Dietary Uses and on Food Labelling in dealing with nutrition-related issues within Codex.

29. The Coordinating Committee did not support *Proposal 2*, holding a view that a purely arithmetic approach to limit the number of active subsidiary bodies was not appropriate and that the Commission should retain the possibility of establishing a subsidiary body without dissolving or adjourning another.

FAO/WHO Coordinating Committee for Latin America and the Caribbean (ALINORM07/30/36 paras 21-35)

21. **Proposal 1:** The Committee did not support placing an upper limit on the number of Codex meetings per biennium; if at all, as an indicator of the evolution of the work.
22. The Committee considered that the number of meetings of each Commission subsidiary body should depend on the number of issues to be discussed and the content of the agenda. Thus, consideration should be given to the possibility of postponing the sessions of subsidiary bodies whose agenda had few pending items.
23. **Proposal 2:** The Committee considered that the number of subsidiary bodies should be proportionate to the pending technical work approved by the Commission. The Committee did not therefore support an upper limit to the number of active subsidiary bodies that could co-exist at any one time to prevent an increase in Codex sessions, which in any case could be taken as a reference.
24. The Committee suggested that the scheduling of sessions could consider the possibility of holding concurrent meetings of Codex coordinating committees or commodity committees that were unrelated; for example Committees on Fish and Fish Products and on Milk and Milk Products. One member country expressed its concern about the overlapping of commodity committee meetings.
25. **Proposal 3:** The Committee considered that the frequency of meetings of Commission subsidiary bodies should depend on the respective agenda and urgency of work.
26. The Committee noted from experience that convening working groups physically immediately before a session could be useful for addressing issues that would take a lot of time in plenary and that were not very controversial. As regards controversial issues, it was difficult to reach compromises in working groups that would then be respected by all Members in plenary.
27. **Proposal 4:** The Committee noted that, depending on the agenda, there had been successful instances of changing the standard format of meetings (Committees on Milk and Milk Products, Processed Fruits and Vegetables, etc.), whereby these had been extended a little, for example to seven working/real days.
28. **Proposal 5:** The Committee supported this proposal.
29. **Proposal 6:** The Committee supported this proposal.
30. **Proposal 7:** The Committee saw no drawbacks in analyzing the structure and mandate of the Commission subsidiary bodies to take decisions on a case-by-case basis. For the time being, minor changes could be introduced which would help determine whether major changes were needed.
31. **Proposal 8:** The Committee noted the need to consider the international or regional trade of commodities for decision-making. Decisions should be made on a case-by-case basis, with thorough examination of the need for an international standard and the workload of the worldwide committees. Such examination should be carried out by the CCEXEC under the Critical Review for a proposal to extend the scope of a standard to international level.
32. **Proposal 9:** The Committee supported this proposal.
33. **Proposal 10:** While the Committee acknowledged the importance of nutritional issues, decisions should be based on the Commission's criteria for establishing work priorities, in other words, the prioritization of food safety issues and commodity standards of interest to the developing countries.
34. The Committee noted that there were still outstanding basic food safety issues that needed to be prioritized given the lack of resources for risk assessments.
35. **Proposal 11:** The Committee supported this proposal.

FAO/WHO Coordinating Committee for Near East (ALINORM07/30/40 paras 13-16)

13. The Coordinating Committee discussed the proposals contained in paragraphs 1 to 28 of document ALINORM 06/29/9B Part II Add.1 "Review of the Codex Committees Structure and Mandates of Codex Committees and Task Forces". The Committee noted that government comments had been requested by the Circular Letter and that the comments submitted would be discussed by the forthcoming session of the Commission.

14. The Coordinating Committee was generally supportive of the proposals presented in the document, and noted the following comments made.

Proposals 1, 2 and 3

15. A delegation noted that the split of the Committee on Food Additives and Contaminants into two committees had resulted in an increased number of Codex subsidiary bodies and this posed a new challenge for the participation of developing countries in the standards setting process of Codex. It was important for working groups to consider the use of more than one working language in order to ensure good participation of non-English speaking member countries.

Proposal 10

16. A delegation stressed the importance of Codex work in the area of nutrition. The same delegation however indicated that Codex should not proceed with setting standards for products that were foods for special medical uses and were regulated as medicines in certain countries.

FAO/WHO Coordinating Committee for North American and South West Pacific (ALINORM07/30/32 paras 15-25)

15. The Coordinating Committee discussed the proposals contained in paragraphs 1 to 28 of document ALINORM 06/29/9B Part II Add.1 "Review of the Codex Committees Structure and Mandates of Codex Committees and Task Forces", prepared by the Codex Secretariat for the 29th Session of the Codex Alimentarius Commission.

16. In noting that the deadline for the submission of comments to CL 2006/29-CAC, requesting governments and observers' comments on the same subject was 31 January 2007, the Coordinating Committee agreed that its comments on this matter would not pre-empt the views of individual countries on the proposals.

17. The Coordinating Committee supported *Proposals 4, 5 and 7* and made the following comments on the other proposals:

Proposal 1

18. The Coordinating Committee appreciated the intent of the proposal aimed at reducing the number of Codex sessions; however it expressed some reservation as to the setting of an upper limit on the number of Codex sessions planned for in one biennium and in one calendar year, as it would not allow for flexibility. It expressed the view that better prioritization of Codex work, timely development of Codex standards and longer inter-session interval (*Proposal 3*) could be a way to deal with the increased number of Codex meetings.

Proposal 2

19. The Coordinating Committee expressed some reservation as to the setting of an upper-limit on the number of active subsidiary bodies that can co-exist at the same time as such a decision might adversely impact on current and new Codex work on important safety issues.

Proposal 3

20. The Coordinating Committee expressed general consensus to consider longer inter-session interval and noted that this option was already used in Codex. It expressed the view that the length of the interval should be considered in the light of the frequency of the Commission's meetings in order not to delay the adoption of Codex standards.

Proposal 6

21. The Coordinating Committee did not express its view on this proposal as it was of the opinion that it needed further discussion and elaboration in the Codex Committee on General Principles.

Proposal 8

22. The Coordinating Committee did not support the proposal as it was of the opinion that it should be considered as part of the broader review of Codex commodity committees. The Delegation of Tonga expressed its reservation to this decision.

Proposal 9

23. The Coordinating Committee supported the proposal as it would contribute to expediting the work of Codex. It recommended that the proposal make specific reference to other general subject committees, e.g. Codex Committee on Food Labelling.

Proposal 10

24. The Coordinating Committee considered the proposal very important for Codex and expressed the view that the mandate of the Codex Committees on Food Labelling and on Nutrition and Food for Special Dietary Use be considered in the light of this proposal.

Proposal 11

25. The Coordinating Committee supported the broad thrust of the proposal and requested to clarify the words “especially other than ISO standards” in order to ensure that information on the use and development of ISO standards are also provided to the Executive Committee and the Commission in 2007.