

**Agenda Item 12****CX/CAC 12/35/15-Add.1**

JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX ALIMENTARIUS COMMISSION
35th Session, FAO Headquarters,
Rome, Italy, 2-7 July 2012

FINANCIAL AND BUDGETARY MATTERS

Availability of resources to FAO/WHO for risk assessments required for Codex work

(prepared by the CCEXEC member for Europe in cooperation with the member for North America)

Background

1. The Codex Executive Committee discussed at its 66th session the FAO/WHO Scientific Support to Codex*. In the discussion the member for Europe recalled that the critical funding situation for scientific advice had been discussed on several occasions and that although recommendations were regularly made this was still a serious concern of member countries, as the lack of scientific advice would negatively affect Codex work on food safety. The Executive Committee accepted an offer by the member for Europe to prepare in cooperation with the member for North America a discussion paper on the funding for scientific advice for consideration by the Commission.
2. The objective of this discussion paper is to call attention to the importance of adequate independent scientific advice to the work of Codex, and facilitate discussion of mechanisms that address the resource gaps in funding in order to assure more sustained generation of scientific advice required by Codex.

Codex' role in international food safety issues

3. During the past two decades the work undertaken by the Codex Alimentarius Commission changed significantly. The establishment of the Codex Alimentarius as the point of reference for the World Trade Organization (WTO) demands a robust approach that stands the test of conflict resolution under the SPS agreement.
4. In addition, most Codex members aligned their national/regional regulatory frameworks for food safety by reorganising them according to modern risk analysis principles as demanded by WTO and Codex.

Importance of independent scientific advice to Codex

5. FAO and WHO share the responsibility for providing the scientific advice that is required by the Codex Alimentarius Commission and its committees to develop food standards. FAO and WHO provide scientific advice related to food safety and nutrition in response to specific requests from Codex Committees through different mechanisms. These mechanisms range from formally established expert bodies with a scheduled programme of work (e.g. JECFA, JMPR), through a series of regularly

* REP12/EXEC, para 69-73

convened expert meetings on a given topic (e.g. JEMRA), to *ad hoc* expert consultations that address a particular topic e.g the Joint FAO/WHO Expert Meeting on the Benefits and Risks of the Use of Chlorine-containing Disinfectants in Food Production and Food Processing held in 2008[†]. FAO and WHO responded to the changes that were introduced at Codex by defining more clearly the roles of their expert bodies, which are described in an authoritative guidance document, the FAO/WHO Framework for the Provision of Scientific Advice on Food Safety and Nutrition[‡].

6. FAO and WHO have provided scientific advice on food safety for nearly sixty years. Their first formal and permanent expert bodies were the Joint FAO/WHO Expert Committee on Food Additives (JECFA, established 1956) and the Joint FAO/WHO Meetings on Pesticide Residues (JMPR, established 1963), which pre-dated the Codex Alimentarius Commission. Later, the Joint FAO/WHO Expert Meeting on Risk Assessment (JEMRA) was established in 2000 for microbiological hazards followed by the Joint FAO/WHO Expert Meetings on Nutrition (JEMNU) in 2010. From the beginning, scientific expert bodies were managed separately from Codex. FAO and WHO rules for such bodies assure that selection, work, and reports reflect the opinion of experts who are invited in their personal capacity and should in their deliberations be free from undue influence from third parties including their own country's government.
7. That independence was reinforced by the risk analysis paradigm that demanded a functional separation of risk assessment (the purview of expert committees) and risk management (the purview of Codex). The *Codex Procedural Manual* contains *Section IV Risk Analysis* where interaction and collaboration between scientific bodies managed by FAO and WHO and the corresponding Codex committees are described as risk analysis principles (for CCFA, CCCF, CCFH, and CCPR), which also cover the role of the expert committees and risk analysis principles with separate risk assessment policy for CCRVDF.

Funding by FAO and WHO

8. FAO and WHO are partially funding the joint provision of scientific advice to Codex according to each organization's budget rules within their budgeting cycles and program priorities. However, it has become apparent that the funding provided by FAO/WHO for scientific advice is not adequate to fully meet the requests put forward by the Commission and its committees.
9. From interventions made by FAO and WHO representatives at the 66th session of the Executive Committee, it may be concluded that the organizations differ in their budgeting approach with respect to the role of the regular program[§]. FAO stated that the work programme for scientific advice on food safety and nutrition was supported by the regular programme budget of the FAO Nutrition and Consumer Protection Division with the work of JMPR being supported by the FAO Plant Protection and Protection Department, and that for the current biennium approximately 25% of the projected budgetary need would have to be covered by extra-budgetary resources (e.g., voluntary contributions by countries) in order to respond to outstanding Codex requests. At WHO, approximately 80% of the budget for the provision of scientific advice comes from voluntary contributions from member countries rather than the regular programme. As of January 2012, gaps between the available funding and requests for scientific advice were expected to be 70 percent for activities and 45 percent for salaries.

Resource issues at Codex committees

10. These funding shortfalls are critical and require immediate action. During the past years, several Codex committees have encountered some difficulties (e.g. delays) in their work because of insufficient

[†] <http://www.fao.org/docrep/012/i1357e/i1357e.pdf>

[‡] <ftp://ftp.fao.org/docrep/fao/010/a1296e/a1296e00.pdf>

[§] REP12/EXEC, para 69-71

resources for scientific advice. This is particularly true of the horizontal committees that rely heavily on scientific advice from FAO and WHO: CCCF, CCFA, CCFH, CCPR, and CCRVDF; for three of them the current status is summarized in the following paragraphs.

11. **CCFA**: The first food additives were evaluated by JECFA in the late 1950's; since then, the work of the committee has tremendously developed. The work has rapidly gained international recognition, and today the development of a new food additive will often aim at first getting a clearance by JECFA/Codex. CCFA is also discussing the systematic re-evaluation of all additives, a programme that will increase further the committee's workload in the near future. In addition, CCFA continues to request JECFA to evaluate flavourings, a task that needs to be completed in a timely manner in order to assure that inventories of flavourings authorized by Codex members at the national level and those assessed by JECFA and recognized by Codex (as flavouring specifications) are, as far as possible, consistent and aligned.
12. **CCPR**: Demand for assessments by JMPR has increased in recent years, and resource constraints are limiting the number of reviews that can be completed each year. The review schedule for new chemicals is at capacity through 2014. Codex members and observers interested in the MRL setting process for residues of pesticides have discussed improvements to the procedures applied by CCPR and JMPR for almost 10 years and progress was made. However the list of new substances and pesticides up for re-evaluation continues to grow, and significant waiting times are normal.
13. **CCRVDF**: Residues of veterinary drugs were added comparatively late to the work programme of the Codex Alimentarius Commission; a special committee was established and work started in 1986. The number of drugs evaluated by JECFA has declined, but in recent years interest increased not only from industrial sponsors but also from developing countries where older veterinary drugs no longer supported by the pharmaceutical industry are still used.

Maintain and improve the current approach

14. The current setup where FAO and WHO provide advice in response to, but independent from, Codex and Codex members is a key contributor to the impartiality of the scientific advice obtained from the joint expert committees. It must be maintained.
15. To secure continuation of output of FAO/WHO expert bodies at required quality and quantity and to meet the needs of Codex with respect to timely available risk assessments, it is necessary to discuss within the Codex Alimentarius Commission and with FAO and WHO the issue of resources that are needed for a sustainable output. It is critical that the CAC make its members aware of this situation and strongly encourage them to take action to ensure the expert bodies can continue to provide the scientific advice needed for Codex to carry out its work now and in the future. The discussion needs to move from general acknowledgement of the importance of the FAO/WHO joint expert bodies to discussion of actions that will result in mobilization of sufficient financial and human resources to enable both organizations to provide sustained advice to Codex over longer planning periods.

Extra budgetary funding available?

16. The objectives of the Global Initiative for Food-related Scientific Advice (GIFSA)** which was launched at a side-event of the 30th session of the Codex Commission in 2007 are:
 - *To increase awareness of the FAO/WHO programme of work on the provision of scientific advice,*

** <http://www.who.int/foodsafety/codex/gifssa/en/index.html>

- *To mobilize technical, financial and human resources to support the provision of scientific advice in food safety and nutrition,*
- *To promote the timeliness of the provision of scientific advice by WHO and FAO, while ensuring the continuation of the highest level of integrity and quality.*

The main focus of GIFSA is to establish a mechanism to facilitate the provision of extra-budgetary resources for scientific advice activities. Contributions are accepted from governments, organizations, and foundations in accordance with WHO and FAO rules.

17. Whether GIFSA is successful in collecting significant funds for the provision of scientific advice according to its objectives is difficult to assess based on the available information. At the 32nd CAC, FAO and WHO representatives provided feedback that some funds had been received^{††}. Although the GIFSA leaflet^{‡‡} depicts JEFCEFA as suggesting that collected funds would be used for the work of joint FAO/WHO scientific bodies, the use of extra-budgetary resources to fund regular programme activities such as JECFA or JMPR meetings may be restricted by budgeting rules. It is also unclear what rules for contributions offered by “organizations” and “foundations” apply and whether contributions from industry organizations or foundations would be acceptable.

Conclusion and recommendations

18. Several Codex committees face limitations on the provision of scientific advice from FAO and WHO, and if these limitations are not addressed, the development of Codex standards and related texts is likely to be delayed. These limitations should be addressed and possible options explored to ensure sufficient resources for the provision of risk assessments.
19. Currently, the provision of this scientific advice relies to a significant extent on extra-budgetary or even voluntary funds. This situation is - considering the importance of such expert work for consumer safety - not acceptable and could have negative consequences for the health of consumers.
20. FAO and WHO are invited to clarify how the provision of scientific advice to Codex is funded, whether the funds provided from the regular budgets of FAO and WHO are sufficient to meet the needs, what role GIFSA originally was intended to play, and to what extent this initiative is now contributing to Codex-related work of both organizations.
21. Codex members are requested to reconsider their funding policy and to provide financial support to FAO and WHO expert bodies (directly or via GIFSA) to ensure the timely provision of scientific advice to Codex on food safety related matters that is crucial to the development of Codex standards.
22. It is strongly recommended that a discussion take place at the Codex Alimentarius Commission to: explore (1) ways to make members more aware of the essential role of the expert bodies in the development of Codex standards and the need to develop a systematic approach for Members to contribute to these organizations and thus ensure that contributions to FAO and WHO are sufficient and well targeted to allow both organizations to improve their essential work on scientific advice; and (2) whether it would be appropriate to accept financial support from private origin and how such support could be collected and distributed, taking into account the legal constraints and the imperative necessity to guarantee the independence and the impartiality of the risk assessment opinions supporting Codex standards and related texts.

^{††} ALINORM 09/32/REP: para 135-137.

^{‡‡} <http://www.who.int/entity/foodsafety/codex/Gifsa.pdf>