

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

WORLD  
HEALTH  
ORGANIZATION



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Agenda Item 4

English Only

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

*Fiftieth Session, FAO Headquarters, Rome, 26-28 June 2002*

#### TRUST FUND FOR THE PARTICIPATION OF DEVELOPING COUNTRIES IN CODEX STANDARD-SETTING PROCEDURES

1. The Twenty-fourth Session of the Commission, in reaction to the Chairperson's recommendation to establish an FAO/WHO Trust Fund to support developing country participation in Codex Commission and subsidiary body meetings, **agreed in principle** that FAO and WHO should establish clear rules and procedures for the establishment and functioning of a trust fund for consideration in the first instance by the Executive Committee in 2002 and the 25<sup>th</sup> Session of the Commission in 2003 to ensure its complete transparency and avoidance of bias and influence, to report on its implementation and to indicate envisioned sources of funding. Such examination should include considerations of the links between the proposed trust fund and the "Food and Agricultural Safety Facility" announced by FAO and supported by WHO.<sup>1</sup>

2. The attached document is a "concept paper" outlining the proposed trust fund. It is submitted for the **consideration** of the Executive Committee.

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<sup>1</sup> Report of the 24<sup>th</sup> Session of the Codex Alimentarius Commission, ALINORM 01/41, paragraph 65.

# **CONCEPT PAPER**

## **WHO PROJECT AND FUND FOR ENHANCED PARTICIPATION IN CODEX**



**World Health Organization, Geneva  
13 June 2002**

This concept paper presents a proposal for the establishment of a Project to enhance the effective participation in all aspects of the work of the Codex Alimentarius Commission (CAC) of food experts, regulators and other specialists in government service from developing countries and countries with economies in transition, and to build a transparent funding mechanism to assure that participation. Enhanced participation in the work and discussions of the Commission and its committees and task forces would benefit consumers, food producers and processors in both developed and developing countries, as well as in economies in transition. Locating this Project and associated funding at WHO would highlight WHO's commitment to the development and effective operation of Codex.

A WHO/FAO Consultative Group would offer guidance on all aspects of the Project. Project staff located in WHO would work closely with FAO staff. All activities would be performed in a fully transparent manner, and the Project would maintain ongoing communication with all interested parties.

The paper sets out criteria for the creation of a Project and associated funding over a 12-year period congruent with major planned Codex work. It outlines the Project and its proposed activities, and also focuses specifically on the features of a funding structure that would provide an open and transparent mechanism utilizing the Financial Regulations, Rules, policies and procedures of the World Health Organization (WHO). It sets out criteria for prompt and transparent reporting to all interested parties through a variety of means of communication. The paper also outlines a proposed structure for identification, review, selection and participation of potential beneficiaries, and discusses transparency issues and contribution policies.

The proposal includes an overview of the steps that can be undertaken to enhance participation in Codex, in order to increase the understanding of beneficiaries with regard to the operations and procedures of Codex and to help them with the preparation of data and papers to be presented by their countries at Codex meetings.

The proposal reflects the basic principles and assumptions that have been called for by the Codex Alimentarius Commission, *inter alia* that any trust fund be fully transparent and operate without bias and influence. Input was obtained from a broad range of experts at the relevant United Nations specialized agencies and other food standards experts, as well as experts in project development and fund management, governance and related issues.

## SUMMARY

1. The purpose of the proposed Project and associated funding is to expand the number of food experts, regulators and other specialists in government service from developing (and especially least developed) countries and countries with economies in transition who are able to participate in all aspects of the work of the Codex Alimentarius Commission.
2. The Project and associated funding would receive guidance from a WHO/FAO Consultative Group, and be implemented by WHO through its Food Safety Programme. From time to time, advisory committees would serve to monitor, review and evaluate the project.
3. The Project would help identify appropriate new national delegates to Codex committees, task forces and governance meetings through an open, transparent process. Its objective would be to reinforce such participation over a 12-year period that is congruent with the major work planned by the Codex Alimentarius Commission. Furthermore, the Project would also strive to ensure that experts in all the countries of the world and at regional level understand the current goals and objectives of Codex, and can identify the country-specific information and data necessary to effectively participate in Codex activities. An additional objective of the Project would be to provide pilot funding to enable a certain number of countries to develop effective information for Codex consideration, and to prepare papers that can be tabled to bring important information from the developing countries to the food standards-setting process. The more extensive, substantive work of developing food safety and quality capacity within countries will depend on other capacity-building activities implemented on an interagency basis.
4. Funds will be held in trust by WHO for a limited period of time (12 years), and interest earned thereon will be credited to the fund. Unspecified funding would be sought from a variety of sources including governments, private foundations and trusts and, where appropriate, private corporations and individuals. It is suggested that countries provide a matching proportion of funding for beneficiaries after a set period, in order to increase the visibility and effectiveness of food standards-setting and/or food safety and quality activities within the governments of member states.
5. An examination of potential funding requirements for the Project was conducted by creating a “notional” budget. This examination indicated that a 12-year project would cost \$35- \$40 million. The proposed matching of funds would potentially change that figure and allow the inclusion of additional beneficiaries from the around 120 member countries that might be eligible.
6. Fundraising would take place in accordance with the WHO Guidelines on Interaction with Commercial Entities to Achieve Health Outcomes, and the WHO Committee on Private Sector Cooperation (CPSC) would be consulted whenever appropriate. Public reports and other means of communication would be used to enhance transparency.
7. This concept paper reviews the context for this proposed Project within the context of the United Nations specialized agencies, and the influence on Codex Alimentarius of various Agreements including the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement) of the World Trade Organization. It covers: (1) background on the

historical perspective and current Codex context; (2) goals and objectives of the Project; (3) governance; (4) underlying principles; (5) possible funding structures; (6) transparency and communications; (7) identification, review and selection of beneficiaries; (8) other considerations; (9) fundraising and donor considerations; (10) evaluation; and (11) management and staffing.

8. A proposed schedule for establishment of the Project is annexed.

## **I. BACKGROUND**

9. One of the fundamental roles of any government is the provision of a system to ensure for its population adequate nutrition through a safe food supply. Many countries also produce food for export to other nations – a process that requires agreement on food standards to ensure safety and quality. Foodborne combined with waterborne diseases are among the most highly infectious, and are estimated to cause 2.1 million deaths and over 2 billion cases of disease annually worldwide. Other hazards include chemical contamination, parasites and diseases transmitted by or affecting animals, all of which represent a potential risk for human populations and the global food supply. As the global movement of food increases and consumption patterns evolve, important questions arise about the ability of government authorities to set and enforce standards for food production and processing to benefit public health in every country and to achieve comparable protection for consumers worldwide.

10. “The Food and Agriculture Organization (FAO)/World Health Organization (WHO) Codex Alimentarius Commission (CAC) is the unique United Nations body responsible for establishing international food standards aimed at protecting the health of consumers and ensuring fair practices in the food trade. The food standards, codes of practice and other guidelines and recommendations adopted by the Commission form the “Codex Alimentarius” – the international food code. The CAC envisages a world afforded the highest attainable levels of consumer protection, including food safety and quality, and to this end, the CAC develops internationally agreed standards and related texts for use in domestic regulation and international trade that are based on scientific principles...” (Source: CAC Secretariat).

11. The need for greatly increased representation of developing and least developed countries in the CAC has been highlighted in various forums, and consensus on the way this need can be met is emerging.

### **(1) Historical perspective**

12. When the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement) was drawn up in 1995, it included two important commitments relevant to the Codex Alimentarius. The objective of this Agreement was to ensure that countries apply measures to protect human, animal and plant health based on the assessment of risk, thus incorporating food safety aspects in trade. Two specific and relevant objectives were outlined:

(1) As part of the SPS Agreement, the standards and related texts of the Codex Alimentarius Commission were to be recognized as international points of reference and the Commission

was designated as a relevant international organization; and

- (2) Article 9 of the SPS Agreement called for members to facilitate provision of technical assistance to other members, especially developing country members.

13. Since then, UN agencies have on several occasions endorsed policies and implementing plans to address some of these objectives.

14. In May 2000, the World Health Assembly adopted a resolution on food safety (WHA53.15) calling upon WHO “to support capacity building in Member States, especially those from the developing world, and facilitate their full participation in the work of the Codex Alimentarius Commission and its different committees, including activities in food safety risk analysis processes”.

15. In June 2000, the Chair of the Codex Alimentarius Commission outlined a Plan of Action to strengthen the effectiveness and efficiency of the work of the CAC. Among those proposals was the establishment of a trust fund to help developing countries participate more fully in Codex activities. In a meeting between the Director-General of WHO and the Chair of the Codex Alimentarius Commission, the Director-General of WHO agreed to facilitate a study for the creation and establishment of a Project which might include such a fund.

16. During the 24th Session of the Codex Alimentarius Commission in 2001, the creation by WHO and FAO of such a trust fund was discussed, to support the participation of developing countries in meetings of the CAC and subsidiary bodies. The Commission was especially concerned that the rules and procedures for such a Fund be completely transparent and avoid “bias and influence”. It called for more consideration in the first instance by the Executive Committee in 2002 and the 25th Session of the Commission in 2003.

17. The Project is also designed to contribute to the achievement of UN Millennium Development Goal 8 – *Develop a global partnership for development* and its Target 13 – *Address the special needs of the least developed countries* (particularly in the area of basic social services).

18. In addition, the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO), the *Office international des épizooties* (OIE), the World Bank (WB) and the World Trade Organization (WTO) are working concurrently to create a framework for global food safety capacity building in developing and least developed countries (including a proposed Global Food Safety and Quality Facility).

19. All these factors, together with rising concern about food safety worldwide, have increased the prominence of the issues of food safety, food quality and acceptable standards for food in the global environment.

## **(2) Current Codex context**

20. The increased prominence of the Codex Alimentarius has also focused attention on the ability of food authorities from the 167 member countries to participate effectively in the global

discussion through the committees, task forces and governance of the CAC. Commission authorities foresee significant and urgent work for Codex over the next 12 years. This time frame is useful in considering the effective life of any Project and its congruence with and contribution to the envisioned Codex work plans.

21. The organization and programmes of the Codex Alimentarius Commission are currently undergoing a thorough review and evaluation (March-November 2002). The results of this evaluation may lead to recommendations to reorganize some aspects of Codex. The principles outlined here for the operation of the Project would be applicable also in a new or modified Codex environment that may result from the review currently under way.

## **II. GOALS AND OBJECTIVES OF THE PROJECT**

22. It is suggested that the Project be called WHO PROJECT AND FUND FOR ENHANCED PARTICIPATION IN CODEX (WHO CODEX TRUST FUND). The following goal and objectives are proposed.

*The goal of the Project is to contribute to improvement of global public health through safer and more nutritious food and a reduction in foodborne disease, through the enhanced participation of regulators and food experts from all areas of the world by strengthening their capacity to help establish effective food safety and quality standards both in the framework of the Codex Alimentarius and in their own countries, and through fair practices in the food trade.*

*Objective 1 – Help developing countries and those with economies in transition to enhance their level of effective participation in the development of global food safety and quality standards by the Codex Alimentarius Commission.*

*Objective 2 – Strengthen the capacity of developing countries and countries with economies in transition to build strong and compatible food control systems through collegial exchanges, knowledge transfer and professional development through the Codex Alimentarius Commission and its committees and task forces.*

*Objective 3 – Help all Codex members benefit from the knowledge base and control systems that will emerge as a result of activities of the Project.*

*The Project will be a transparent and unbiased vehicle to enable food experts from the developing countries and countries with economies in transition to represent their governments in meetings, committees and task forces of the Codex Alimentarius Commission; to develop effective data and information to enhance Codex discussions in these bodies; and to enable countries to benefit from and contribute to Codex deliberations and standards development. Funding will be provided through a trust fund held by WHO.*

## **III. GOVERNANCE**

23. The WHO/FAO Consultative Group guiding the Project would consist of senior WHO and FAO staff. Daily administration and operation of the Project and Fund would follow normal WHO procedures, utilizing advisory committees from time to time to help monitor, review and

evaluate the Project.

24. The WHO/FAO Consultative Group would also offer guidance on programme development and the identification of applicants, and procedures for application and selection. Project staff would be located in WHO and there would be close coordination with FAO staff, particularly regarding workshops, and applicant review and identification. All activities would be performed in a fully transparent manner, and the Project would maintain close communication with all interested parties.

#### **IV. UNDERLYING PRINCIPLES**

##### **(1) Transparency and communications**

25. Because of the new visibility and focus on Codex Alimentarius, with special regard to its standing under the SPS Agreement, the Project and associated funding would be subject to scrutiny by governments, other regulators, consumers, industry and nongovernmental bodies worldwide. In order to have a funding mechanism which is publicly accountable and transparent, current financial transparency policies applicable to the United Nations specialized agencies would be followed, and in addition there would be open communication regarding all aspects of the Project's administration. This transparency would also apply to the recipient outreach, application and selection process, and to the communications policy of the Project.

##### **(2) No conflict of interest**

26. Because the beneficiaries are to be food regulators and standard setters, the Project should be created and run in a manner beyond public reproach. Food regulators are in a particularly vulnerable position, as no decline in consumer confidence in their impartial judgement should result from their receipt of financial support from the Project. Therefore the Project and associated funding would be administered in accordance with the Financial Regulations, Rules, policies and procedures of WHO, and all donations to the trust fund would be subject to WHO's rules on conflict of interest. Both the Project and associated funding will be structured so that no donor can influence the selection of participants in the programme and no donor have any perceived governance over the distribution of funds.

27. WHO's rules on conflict of interest are set forth in the WHO Guidelines on Interaction with Commercial Entities to Achieve Health Outcomes, which would be applicable to the Project and Fund.

28. It is expected that all donations to fund the Project would come on an unspecified basis from a diverse donor base, including from governments of developed countries and global, regional or national foundations, as well as from corporations or trade associations. However, WHO would review the list of prospective donors to ensure that the Guidelines on Interaction with Commercial Entities to Achieve Health Outcomes are adhered to. Potential donor countries would also be asked for unspecified donations, in order to avoid the perception of direct support from one country to another.

### **(3) Incentives for effective participation**

29. The Project should contribute to the prompt and effective operation of Codex Alimentarius, but should not be viewed as facilitating the work programme of Codex indefinitely. Its activities should also encourage countries to begin to develop support for their own food safety and standards regulatory capacity. The Project is not intended as a substitute for current national efforts and expenditures. Its goal should be to increase effective participation by food standards setters and regulators from Codex member countries.

30. Therefore, the proposal assumes that the Project will have a finite life and that there will not be a permanently endowed grant programme. In addition, it includes incentives that require recipient countries to begin certain budgetary matches for continued participation after several initial years of participation.

### **(4) Equity**

31. The Project should be managed in a manner such that participation is achieved equitably throughout the world and in every region. Some countries will need a longer lead time to take full advantage of the Project. Countries should identify the committees and Codex bodies that are most relevant for them, and apply accordingly for support from the Project. The selection process would need to reflect geographical diversity as well as income levels.

### **(5) Eligibility**

32. Several classifications may be used to identify potentially eligible applicants from the developing countries and countries with economies in transition. These include: those developed by the UN Conference on Trade and Development (UNCTAD); those created by the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD) – the DAC List of Aid Recipients; and the country classifications of the World Bank group. WHO utilizes a classification based on the classification made by the United Nations.

33. The Project would utilize the WHO classification and include all developing country members of the Codex Alimentarius Commission, and also identify countries with economies in transition where there might be suitable applicants. A “ballpark” figure of approximately 120 countries out of the 167 member countries of the CAC has been used here in order to estimate the number of potential applicants.

34. The outcome of the Project should be an increase in the ability of developing countries and countries with economies in transition to create and govern their food standards and food safety systems effectively. Therefore, beneficiaries should be identified among qualified food regulators and food scientists. They would be expected to present evidence of appropriate educational and training levels for consideration as part of their applications as potential beneficiaries, and the nature of their work should be related to the food systems in their countries.

## **V. POSSIBLE FUNDING STRUCTURES**

### **Option 1**

35. The creation of a time-limited endowment fund that would be held as a trust fund by WHO (or by an external organization) was considered. However, in view of the current low level of income that such a fund would generate, and the need to secure full funding up front for the 12-year period, this option would not enable a high enough level of disbursement to take place in the early years of the Project. In view of the need to have accelerated implementation and thus a higher profile of WHO's support for greater involvement of developing countries in food standards-setting, early disbursement will be critical and cannot be satisfied through an endowment fund structure.

### **Option 2**

36. The Project would be administered by an independent non-profit corporation formed under United States law to raise, manage, invest and disburse the monies for the Project to which donors would make tax-deductible donations. This arrangement would need to be structured so that WHO could enter into a collaboration agreement with this private charitable foundation. Under a collaborative agreement, WHO and FAO would need to advise on issues such as the identification of applicants, solicitation and review of applications, and final selection of beneficiaries. These proposed arrangements would probably require review and approval by the governing bodies of both WHO and FAO.

37. In order to ensure transparent governance, five eminent directors could be asked to form the corporation, and serve as its governing board. A strong executive director would be required to provide fundraising support for the directors and to manage the fund, including fiscal funds management and allocation and disbursement of funds for recipients and projects.

38. This is a very complex option. It would have the advantage of potentially involving significant leaders to help directly with fundraising, but the proposed governance structure would leave the Project potentially exposed to possible changes of direction as a result of changes in the goals and objectives of its private funding source, since the funding would not operate within the UN structure. Furthermore, the role and profile of WHO would be subsidiary to that of the charitable foundation. The advantage of such a structure in providing tax benefits for corporate donors can however be equally achieved by working with charitable foundations in the United States and elsewhere who would raise funds for the Project.

### **Option 3**

39. WHO would be fully responsible for the management and administration of the funding through its well-established, transparent trust fund mechanism, the Voluntary Fund for Health Promotion. This fund contains subfunds, of which the WHO Codex trust fund would be one, each with its own separate financial records and reporting. All contributions are recorded separately, with individual donor acknowledgement, and reported on in the Financial Report and audited financial statements of WHO. Expenditure is similarly reported. The WHO Codex trust fund would be subject to both internal and external audit procedures in accordance with WHO

## Financial Regulations and Rules.

40. This structure provides transparency and efficiency, and is an effective mechanism that can be quickly operationalized.

41. Although an endowment structure, in which only interest income would be used, might be considered as a mechanism that would protect against allegations of conflict of interest between donors and recipients, the amount of money needed to generate the income to support a programme of reasonable scope would be unacceptably large – in the \$80-\$100 million range. This size in itself could increase the perception of donor influence, and would raise ethical questions about tying up monies that could go to other valuable health programmes.

42. Since an endowment is not envisaged, this trust fund structure provides flexibility, such that if in future it becomes necessary to create a separate trust fund outside the framework of the Voluntary Fund for Health Promotion, this can be easily achieved. However, at this stage of the development of the Project the establishment of a separate trust fund will not add any transparency and will require additional managerial and administrative work that could detract from the speed and efficiency with which the Project can be up and running.

43. The WHO Codex trust fund would be funded from donor contributions generated in accordance with the Project plans to fully fund and implement over a 12-year period. In addition to the Financial Report and audited financial statements of WHO (available on the WHO web site), the Organization would provide regular reporting as agreed with the WHO/FAO Consultative Group.

## VI. TRANSPARENCY AND COMMUNICATIONS

44. As stated in section IV – *Underlying principles*, transparency is important for all concerned – the UN specialized agencies, the Codex Alimentarius Commission and all other interested parties, and most of all for the beneficiaries, who would be government regulators or be fully supported by governments in their expert capacities.

45. Transparency will be achieved through clear terms of reference for the WHO/FAO Consultative Group, detailed and clear criteria for disbursement, and regular financial and management reporting. Transparency will be apparent through several media:

- *Wide distribution* of public documents, including the WHO Financial Report and audited financial statements and other financial and technical reports, will provide information to member governments of Codex, FAO and WHO, donors and potential donors, to applicants for funding, and to the general public.
- *Web pages* accessible in the developing world could include similar information, in addition to serving as a vehicle to convey information to potential beneficiaries and to governments, and enhancing the development aspects of participation in the work of the Codex Alimentarius Commission.
- *Public accountability* at the Codex Alimentarius Commission is a key aspect of transparency,

and the meetings of the Commission would be a significant occasion for making the financial and managerial reports publicly available and included in the records of the Commission. At the CAC meeting, the administrators of the Project should be available to answer questions about these reports and other aspects of the Project from the participants at the meeting, including civil society representatives.

## **VII. IDENTIFICATION, REVIEW AND SELECTION OF BENEFICIARIES**

### **(1) Outreach to potential beneficiaries**

46. The Project would identify and attract potential applicants through a variety of mechanisms that should be used concurrently. Some suggested mechanisms:

- (a) *Written communication* to governments and institutions, as well as to official Codex contacts, and notices in journals commonly read in the developing world.
- (b) *Personal outreach* worldwide to every Codex member country, with a focus on the developing countries and countries with economies in transition.
- (c) *Involvement of WHO regional offices/FAO country offices.* Food safety focal points in WHO regional offices, together with WHO and/or FAO representatives in countries, can play an important role in communicating with governments and food authorities in their respective regions, including by helping to identify potential applicants. Their role would be solely outreach and aid to potential beneficiaries and to Project administrators, not selectors. They could enhance understanding of the Project and terms for applicants, and emphasize the need for budgetary commitment for food safety and quality standards programmes by governments as criteria for long-term support of country beneficiaries.
- (d) *Utilization of regional committees, regional or national workshops* organized in the framework of the Project, by FAO and/or WHO, by the Codex itself, or meetings/workshops organized by other groups to facilitate training or capacity building. Already-existing mechanisms could play an important role in helping to encourage potential applicants, and encourage first-time participation in Codex.
- (e) *Internet.* In addition to establishing web pages, information about Project activities and applications should be distributed through all available electronic means. The staff should also send direct e-mail messages to contacts in the food safety, food quality and general food standards community to publicize the programme and receive names of potential applicants.

47. Other mechanisms should be identified over time and Project staff should be ready to exploit any new communications tools as they emerge in this fast-moving environment.

### **(2) Roles and requirements of member governments**

48. *Country delegations.* Countries choose their delegations to Codex committees, and to the meetings of the Codex Alimentarius Commission. Their decisions would continue to be independent of the Project's identification or selection of beneficiaries, although the fund may

enable a country to send a larger delegation or participate in more meetings. The modalities of participation would depend on the selection process or coordination mode used by the country concerned. Since there would be application and selection criteria, no country should assume that its nomination of a candidate to participate in the Project necessarily means that the candidate would be among the limited number to be selected each year.

49. ***Government officials and government-supported experts only.*** The goal of the Project is to ensure that there is equitable participation in the Codex process from throughout the developing world and economies in transition. It seeks to encourage the development of a cadre of authoritative government regulators and food safety and quality experts worldwide, whose experience can continuously contribute to work in this important field.

50. However, some governments may be using experts from academic institutions – usually government-funded – for food standards support work. These experts may make an application for funding if a government department sponsors their work, and if they would systematically be identified to represent the country at Codex meetings and are government employees for these purposes. The Project would therefore increase the participation of government officials and individuals paid by governments as food regulators or in expert roles.

51. ***Sustaining current levels of participation.*** Countries that have been funding participation in a particular committee or Commission meeting should be required to sustain that effort. Therefore replacement by a country of a recent country delegate by a fund beneficiary for the same Codex committee would not be considered appropriate.

52. ***Government clearance.*** The Project should aim to enhance attendance by new experts and new regulators at Codex. However, it does need to obtain acknowledgement from countries of their support for the applicant and their understanding that after several years of participation, the country would be required to provide increasing budgetary support on a matching basis for participants. Each government may have a different mode of forming delegations for Codex meetings, depending on national arrangements and how Codex activities are coordinated.

53. There is a fine line between requiring too extensive an endorsement procedure and too little endorsement. The one may artificially limit the application by fully qualified candidates from a non-traditional background, and the other could result in false expectations being raised for an applicant lacking sufficient government support.

54. The minimum endorsement required from a government would be from the applicant's supervisor in his or her department. If the country maintains a Codex policy committee and coordinates Codex participation on a government-wide basis, it will identify the largest group of applicants/potential participants if the national process is transparent, and if the process for endorsement and selection is clearly understood. This would provide self-identified applicants with the opportunity to understand the national process and endorsement requirements.

55. ***Country match.*** It is desirable to build financial and administrative support for food standards within each Codex member government, and governments should be expected to plan for permanent budgetary support/match for participants at some level above their country's baseline participation. This would also enable more potential participation from the widest

possible group of countries over the Project period.

56. One element of funding would be to cover the costs of attendance at additional Codex-related meetings. This level of maintenance reflected in planning a notional budget would be continued for three years of participation by the country in the respective committees/task forces. In the fourth year, the country employing the food expert/regulator would be expected to pay for example 25% of the cost, with the proportion increasing gradually to 50%, 75% and finally 100% for participation in the work of the particular committee/task force in year 7.

57. The WHO/FAO Consultative Group may wish to develop criteria for countries identified as least developed which would permit such matching requirements to be waived. On the other hand, a small immediate match might be required from countries regarded as more economically viable under internationally-accepted criteria for developing countries and countries with economies in transition.

58. **Country need.** The focus of the Project should be on the countries that have the greatest need for financial assistance. However, it is recommended that a small emergency allocation be established to aid experienced participants in Codex whose governments are suffering a financial or budgetary emergency.

59. **Impact of substitutions on country participation.** If a country were to decide to substitute another representative for a current Project beneficiary, or a beneficiary who has been attending a committee meeting can no longer participate, the country would be required to choose either to fund the new applicant from country funds, or to follow procedures for the applicant to become a beneficiary of the Project, presenting similar eligibility qualifications. However, the same funding match schedules as those established for the original beneficiary would be maintained. Hence financial support would be built on a country basis rather than on the basis of an individual beneficiary.

### **(3) Applicant requirements and eligibility**

60. Selection procedures for Project beneficiaries would be recommended by the WHO/FAO Consultative Group, taking into account geographical diversity, educational background, regional needs, expertise and other appropriate factors. WHO would implement these procedures in accordance with the guidelines.

61. The experience of educational organizations and other entities that select applicants for scholarships or awards reveals the importance of having clear criteria and manageable processes. The role of the selection panel should not be underestimated. Each applicant should be required to file a short application and CV. The application should consist of the following main elements:

- (a) *Qualifications for participation.* Applicants would be expected to demonstrate that their educational, training, professional or occupational background is adequate, in the opinion of the reviewers, for them to participate effectively in the committee meeting(s) for which they are applying. The application should include documentation of educational records, professional or occupational experience.
- (b) *Written endorsement.* Applications would require the written endorsement of the appropriate government department – for example from an immediate supervisor. Each member state of Codex would need to determine other levels of approval depending on how official delegations to Codex meetings are constituted, and on requirements for future matching budgetary commitments. However, requiring an endorsement from the ministerial level in the government could cause delays and increase the complexity of the individual's application process. It is recognized that each country is the ultimate decision-maker with respect to the designation of its official delegations. However, in order to receive Project funding, the candidate identified or selected for application by a country must pass through the Project's normal application procedure and review.
- (c) *Commitment for matching funds.* Applicants would need to demonstrate a minimal commitment from their government to fund the country match. The application would have a section guiding the applicant in the procedures necessary to indicate future commitments regarding matching funds from the government.
- (d) *Additional participation in other Codex activities.* A country should be able to present more than one candidate for potential funding from the Project. Participants could be proposed for a committee or task force in which their country has not been previously involved, or a country could propose to add an expert, or person of different professional experience or responsibility, to a delegation. The same matching formula would apply. However, it should be recognized that administrators of the Project would need to allocate funds in an equitable manner among applicants from many nations during the candidate review process.
- (e) *Regional review.* A copy of the application would be forwarded to the appropriate technical unit in the relevant WHO regional office and/or the office of the WHO and/or FAO representative in the country concerned, who would provide review and comment to the selection panel. The purpose of this review would be to add value to the application, but it should not prevent its direct receipt by the Project.

#### **(4) Selection process**

62. WHO, with guidance from the WHO/FAO Consultative Group, would assemble a selection panel which would ensure that broader interests are met, in addition to applying the agreed criteria for participation, e.g.:

- (a) *Regional considerations.* Although the Project should not have a strict proportional basis in selecting applicants, it should make sure that beneficiaries are as representative of all parts of the world as possible.
- (b) *Needs basis.* The priority for funding should go to qualified persons from countries with a

demonstrated capacity to benefit, and with greater financial needs, based on definitions of need from an established international body.

- (c) *Gender*. The selection process should take into account equitable gender representation.
- (d) *Review by the appropriate officers in WHO and FAO* of each application from their regions for advisory purposes only.
- (e) *Country priorities*. It is acknowledged that each country has its own prioritization criteria for participation in Codex food standards activities and for applications for funding, and that prioritization is a matter of individual government decision. However, the Project should make its decisions concerning support to country participants on the basis of the overall objective of encouraging wide representation in the Project.

### **VIII. OTHER CONSIDERATIONS**

63. Effective participation in the governance, committees and task forces of the Codex Alimentarius Commission requires food regulators and food experts from developing countries and countries whose economies are in transition to attend more meetings than is currently the case. However, countries cannot effectively participate in Codex committees and governance if they do not have the capacity to utilize country data and risk assessment information and prepare pertinent country papers in full collaboration between relevant national bodies. These should moreover be effectively formulated according to the terms of reference and procedures of Codex Alimentarius, in order to constitute effective input at committee meetings.

64. The Project may also encourage specific project analysis and risk assessments at country level on a pilot basis, oriented towards the work of Codex, which would make available information reflecting the situation in developing countries and countries with economies in transition – input that has been lacking in the past.

65. These more limited Codex-specific capacities are dependent on broader capacity building projects which are under consideration by the appropriate international agencies. Therefore it is essential that Project administrators, countries conducting small pilot projects and Codex member states be able to look forward to the implementation of other more comprehensive capacity building activities in the areas of scientific analysis, risk assessment, data generation, etc.

66. The Project would support both the identification of and attendance by key food and other relevant experts and food regulators from eligible countries, and also conduct specific Codex-oriented programme sessions, in order to enhance peer-to-peer sharing in geographical regions, and familiarize participants with current Codex work and processes.

67. Whatever choices are made regarding any reorganization of Codex, the basic Codex principles of scientific analysis, risk assessment and country-specific papers commenting on potential Codex policies will still require the development of such Codex-specific capacities, and of much greater capacities and physical capabilities in the future.

68. Governments would benefit from increased support for CAC participation and could:

- increase their ability to examine the issues surrounding national and international food standards;
- build national research, surveillance and risk assessment mechanisms for use at Codex committees;
- participate in the setting of standards for the global food system reflecting national scientific issues and analyses on the basis of national data and experience;
- enhance their ability to set food standards acceptable in the global food trade through collaboration among various government authorities, including legislative bodies; and
- ensure collaboration among relevant government authorities to enhance the use of food standards and recommendations from Codex for the improvement of national and global food safety.

69. These activities should result in a global food system of benefit to consumers worldwide.

## **IX. FUNDRAISING AND DONOR CONSIDERATIONS**

### **(1) Sources of funding**

70. It is recommended that the Project solicit unspecified donations from a wide range of sources – including developed country governments, global, regional and national foundations and, where appropriate, corporate and trade associations. Solicitation of any commercial donation would need prior review under the WHO Guidelines on Interaction with Commercial Entities to Achieve Health Outcomes.

71. Donors would be actively identified and solicited by Project staff, professional fundraisers and other interested food standards advocates, utilizing the above-mentioned WHO fundraising guidelines. The receipt of funds would be clearly and publicly acknowledged in a timely manner, *inter alia* in financial and technical reports to donors. If the financial base is widely diversified, it would be less likely that one source would be perceived as primary in support of the WHO Codex trust fund. Anonymous donations will not be accepted.

### **(2) Caps and controls on donations**

72. Publicly communicated limitations on donations are protections against perceptions of undue influence and safeguard the credibility of the Project. Therefore, it is recommended that:

- (a) No donor can designate the country or any particular recipient of funding, or require a separate report to be made regarding said donation, except the normal certified financial statement of income and expenditure and technical report expected by any donor for unspecified funds, the Financial Report and audited financial statements of WHO.
- (b) WHO's Committee on Private Sector Collaboration (CPSC) shall decide on the acceptability of donations from private corporations or their foundations that are food producers, purveyors or primary suppliers to food companies or producers, and whether any such donations should be capped at a level deemed to be appropriate.

- (c) The CPSC may also decide that pooled funds, such as those from trade associations, should also have caps, although these may be higher than donations coming from individual corporations.
- (d) Countries may give according to normal international standards, but equity from developed countries in the amounts of their donations must be encouraged. Governments, like other donors, should make their donations on an unspecified basis and should not target their donations to any particular country.

### **(3) Timetable**

73. It is recommended that funds be raised as quickly as possible – preferably within three years – to ensure that donors have no perceived ongoing influence through continuing to contribute further funds. This would also assure recipients of the stability of funding over a 12-year period, and provide protection for them as food regulators from any charges of conflict of interest.

## **X. EVALUATION**

74. It is recommended that both short-term and long-term goals for evaluation be established by the WHO/FAO Consultative Group to ensure that the Project is meeting the set goals and objectives.

## **XI. MANAGEMENT AND STAFFING**

75. WHO would manage and staff the Project, including the WHO Codex trust fund. Cooperation and support would be sought from FAO whenever necessary. The WHO/FAO Consultative Group would guide the Project.

## **PROPOSED SCHEDULE FOR ESTABLISHMENT OF THE WHO PROJECT AND FUND FOR ENHANCED PARTICIPATION IN CODEX**

### June 2002

- Prepare a concept paper presenting the proposed Project and associated funding
- Clear the concept paper within WHO and FAO
- Discuss concept paper with other interested parties
- Prepare WHO Cabinet paper presenting the Project
- Provide concept paper to the Codex Secretariat for inclusion in the documentation of the Codex Executive Committee at their meeting 26-28 June

### July 2002

- Outcome of discussion in the Executive Committee of the Codex Alimentarius Commission assessed by EXD/WHO in consultation with the Chairman of CAC and ADG/FAO, and decision to proceed to the next, more detailed, preparatory phase
- High-level WHO and FAO discussions to constitute the WHO/FAO Consultative Group for the Project

### August 2002

- Outline job description and hiring schedule for post of fundraiser
- Consider other fundraising project staffing, contract development

### September 2002

- Fundraising position filled
- Begin preparation of information material for the WHO Executive Board meeting in January 2003

### October 2002

- Begin drafting communications material for fundraising
- Begin preparation of target lists for fundraising
- Initiate WHO clearance procedures necessary for prospects in private sector - CPSC

### November 2002

- Continue fundraising prospect preparation
- Submit documentation for WHO Executive Board

January 2003

- Inform the WHO Executive Board regarding the Project
- Release press statement from DG re presentation of Project
- Develop job descriptions for Project staff

*Provided Executive Board reaction to information is positive and status with CAC is appropriate*

February 2003

- Begin publication of fundraising materials
- Hold event to launch Project with WHO and FAO leadership
- Hold first formal meeting of WHO/FAO Consultative Group
- Utilize prepared and cleared fundraising lists to begin to solicit funds
- Announce job openings for Project staff

March – June 2003

- Secure significant fundraising commitments
- Hire staff to begin first proposed Project activities –WHO/FAO Consultative Group and staff in WHO's Food Safety Programme
- Consolidate first proposals for meetings, information sessions
- Present first report to Codex Alimentarius Commission in June/July 2003
- Obtain input from Commission on future plans

July - August 2003

- Prepare to launch first application procedures for Codex committee meetings
- Prepare to hold first regional or geographical neighbour meetings

September 2003

- Project and WHO Codex trust fund in operation