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Agenda Item 2

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

Fifty-third Session, WHO Headquarters, Geneva, 4-6 February 2004

Implementation of the Joint FAO/WHO Evaluation of the Codex Alimentarius and other FAO and WHO Work on Food Standards

INTRODUCTION

1. Rule IV.2 of the Rules of Procedure of the Codex Alimentarius Commission stipulates that the Executive Committee shall, between sessions of the Commission, act on behalf of the Commission as its executive organ, and that in particular the Executive Committee may make proposals to the Commission regarding the general orientation and programme of work of the Commission, study special problems and help implement the programme as approved by the Commission.
2. While examining proposals to implement the recommendations of the Joint FAO/WHO Evaluation of the Codex Alimentarius and Other FAO and WHO Work on Food Standards, the Commission at its 26th Session decided to retain the Executive Committee as a Strategic and Standards Management body, with the emphasis on its strategic and managerial functions and budgetary, planning and programming functions¹. Subsequently, the Codex Committee on General Principles at its 19th (extraordinary) session agreed on the proposed amendments to the Rules of Procedure, including the structure and functions of the Executive Committee, for consideration by the 27th Session of the Commission².
3. In anticipation of the new as well as reaffirmed functions of the Executive Committee, this document is presented in such a way as to highlight the Committee's functions as mentioned above in two separate parts: Strategic and Managerial Matters (Part I) and Budgetary, Planning and Programming Matters (Part II).

¹ ALINORM 03/41, paras. 155-156.

² ALINORM 04/27/33, paras. 23-33 and Appendix II.

Part I: Strategic and Managerial Matters

Implementation Status of the Joint FAO/WHO Evaluation of the Codex Alimentarius and other FAO and WHO Work on Food Standard

4. The 26th Session of the Codex Alimentarius Commission examined specific proposals that had originated from the Joint FAO/WHO Evaluation of the Codex Alimentarius and other FAO and WHO Work on Food Standards. The implementation status of those proposals endorsed by the 26th Session of the Commission and other decisions by the Commission related to the Joint FAO/WHO Evaluation is summarised in Tables 1 and 2.

5. The Executive Committee is invited to take note of the progress being made and to provide any guidance deemed necessary to ensure the timely and continuous implementation of the proposals/decisions. In particular, specific guidance of the Executive Committee is being sought with regard to practical modalities to implement Proposals No.5 and No.13 (see paragraphs 6-7 and 9-20 below).

Review of the mandates of Codex Committees and Task Forces

6. In regard to Proposal No.5, it had originally been envisaged that the report of the review be made available to the next Regular Session of the Commission. However, in view of the significant implications this review would have for Codex reform and of the fact that the Commission at its 26th Session stressed the critical importance of transparency in the process, the timeframe for this exercise may need to be expanded to allow for sufficient time for an in-depth study to be carried out with due consideration given to the inputs being received. The terms of reference and timeframe for this review could therefore be adjusted along the following lines:

(a) Terms of reference of the review³

With the objective of reducing the number of Codex meetings while also keeping them short and focused, the review should concentrate on:

- adequacy of the current structure of general subject committees to meet member countries' needs in a flexible and timely manner;
- adequacy of the current structure of commodity committees to meet member countries' needs in a flexible and timely manner;
- areas of overlap and areas where coverage of the subject matter is inadequate, taking into consideration the needs that were not covered or new issues that may arise in the future; and
- relationship between all committees and task forces, particularly the relations between commodity and general subject committees (task forces);

Based on a detailed study of the points above and inputs received from Codex chairs, and taking full account of the Report of the Evaluation of the Codex Alimentarius and other FAO and WHO Food Standards Work as well as ongoing work on specific subjects at the committee level, recommendations should be formulated for consideration by the Commission. These may include proposals for revision of the existing committee mandates with a view to rationalisation, proposals for redistribution of tasks and responsibilities between committees, and proposals to split or merge committees.

(b) Timeframe

- Recruitment of consultants to undertake the review, in accordance with the rules of FAO and WHO, taking into account the criteria proposed by the 52nd Session of the Executive Committee⁴ (March/April 2004);
- Conduct of the study in accordance with the terms of reference above, with inputs from the Chairpersons of Codex Committees and Task Forces (May-September 2004);

³ Revised on the basis of ALINORM 03/26/11 Add.1 para.13, ALINORM 03/4 para.21 and ALINORM 03/41 para.154.

⁴ ALINORM 03/4 Para.23

- Consideration of a preliminary report by the 55th Session of the Executive Committee (November 2004);
- Circulation of the recommendations for government comments (early 2005);
- Consideration of the recommendations by the 28th Session of the Commission (June/July 2005).

7. The Executive Committee is invited to consider whether the proposed terms of reference and timeframe above are appropriate for the purpose of this review.

8. As regards the review of the Regional Coordinating Committees (Proposal No.6), it is anticipated that the Secretariat would submit proposals for the review of these committees to the next session of the Commission. These proposals would be discussed by the Regional Coordinating Committees and final proposals made to the following session of the Commission⁵.

Strategic Planning and Medium-term Plan

9. The Codex Alimentarius Commission at its 23rd Session (1999) initiated the process of developing the Medium-Term Plan for the subsequent five-year period, namely 2003-2007. Between 2000 and 2001, the Executive Committee developed a structured model consisting of a strategic vision statement, a strategic framework described by objectives, and a detailed medium-term plan described by specific activities. The 24th Session of the Commission (2001) adopted the Strategic Vision Statement and the Strategic Framework⁶. The “Strategic Framework 2003-2007” provided the basis for the elaboration of the Medium-Term Plan (MTP) for the period 2003-2007.

10. The Draft MTP was considered by the 50th Session of the Executive Committee (June 2002) in conjunction with the comments received in response to Circular Letter CL2001/26-EXEC. The Draft MTP was subsequently revised by the Secretariat for consideration of the Regional Coordinating Committees.

11. The Regional Coordinating Committees, at their sessions in winter 2002/2003, reviewed the revised Draft MTP and provided their comments and observations⁷.

12. The Executive Committee at its 51st Session (February 2003), while recalling that the MTP was for finalization by the 26th Session of the Commission, however noted that the recommendations of the Joint Evaluation might significantly affect several elements of the MTP. It agreed that it would be premature to finalize it before the Commission had completed its review of the Evaluation. The Executive Committee therefore proposed that the Commission postpone its consideration of the MTP until its 27th Session. The Commission at its 25th Session (February 2003) agreed that, due to the implications of implementing the outcome of the Evaluation in the medium-term, the development of the Draft MTP 2003-2007 should be suspended for one year.

13. The Commission at its 26th Session (June/July 2003), when reviewing the functions of the Executive Committee based on the Joint Evaluation, endorsed Proposal No.7 regarding the strategic and managerial functions of the Executive Committee. According to this proposal⁸, the Executive Committee should make recommendations to the Commission in the following areas:

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

14. The Commission also endorsed Proposal No.13 concerning strategic planning of standards development⁹. It was foreseen in the proposal that the Commission establish a strategic plan for the development of

⁵ ALINORM 03/26/11: Add. 1 para. 15

⁶ ALINORM 01/41 paras. 68-69, and Appendix II.

⁷ ALINORM 03/40 paras. 42-49; ALINORM 03/36 paras. 29-52; ALINORM 03/28 paras. 26-38; ALINORM 03/32 paras. 28-50; ALINORM 03/15 paras. 38-58; ALINORM 03/19 paras. 16-29.

⁸ ALINORM 03/26/11: Add.2 paras.10-12.

⁹ ALINORM 03/26/11: Add.3 paras.9-12.

standards over a six-year period, containing broadly stated priorities and criteria against which individual proposals for standards can be evaluated and that the strategic plan be renewed at two-yearly intervals on a rolling basis.

15. The Codex Committee on General Principles at its 19th (extraordinary) session agreed on the proposal to amend the Procedures for the Elaboration of Codex Standards and Related Texts and forwarded it for adoption by the Commission in June/July 2004¹⁰. The proposal does not include specific reference to MTPs but includes the following provision on the strategic plan:

STRATEGIC PLANNING PROCESS

1. Taking into account the “Criteria for the Establishment of Work Priorities”, the strategic plan shall state broad priorities against which individual proposals for standards (and revision of standards) can be evaluated during the critical review process.

2. The strategic plan shall cover a six-year period and shall be renewed every two years on a rolling basis.

16. It should be noted that while the current Strategic Framework 2003-2007 broadly states priorities of Codex and continues to be a valuable guide document for the Commission, it may not be specific and detailed enough to be used as criteria against which individual proposals for new work can be evaluated. For this purpose, it should either be revised to be more specific or be complemented by an annex so that it could serve the purpose of standards management. Also, modalities for its two-yearly renewal need to be agreed upon by the Commission.

17. The Draft MTP 2003-2007 as it currently stands will require careful consideration in determining the subsequent course of action. While several activities included the Draft MTP remain pertinent and relevant, others have been superseded by the Evaluation and some of its follow-up actions already implemented. These activities require either deletion or substantive adjustments, including the status of work and the time frame. In addition, proposals for new work/discontinuation of work agreed upon by the Commission since the suspension of development of the Draft MTP will need to be taken into account. The comments and observations made by the Regional Coordinating Committees to the Draft MTP should also be reflected. Given that the Draft MTP presently includes several activities/issues for which consensus of the Codex membership is yet to be reached, its revision require additional consultation processes within Codex.

18. The Executive Committee may wish to consider, in the light of the situation as described above, the following proposals/option(s) as a starting point for discussing how to proceed with this matter:

(a) Status of the current Strategic Framework

- The current Strategic Framework 2003-2007 shall continue to serve as Codex-wide guidance until a new Strategic Plan is adopted.

(b) Preparation of a new Strategic Plan

- The preparation of a new Strategic Plan covering a six-year period of 2006-2011 (or 2008-2013) should be started, subsequent to the adoption, by the next Session of the Commission, of the amendments to the relevant sections of the Procedural Manual;
- The Executive Committee, with the assistance from the Secretariat, should take the lead in the development of the draft Strategic Plan. The draft Strategic Plan, after consultation with relevant subsidiary bodies as required, should be submitted to the Commission for adoption in 2006 (or 2007);
- The Strategic Plan should state strategic objectives and priorities of the Commission and incorporate a list of programme areas/planned activities with a clearly defined timetable for each of the activities. This list should be revised every other year, while the revision, at the same time, of strategic objectives and priorities are optional; and
- The final format for the Plan should further be discussed by the Executive Committee.

¹⁰ ALINORM 04/27/33 Appendix III.

(c) Status of the Draft Medium-Term Plan 2003-2007

Option 1

- 1) The current Draft MTP 2003-2007 will form the basis for an interim MTP 2004-2005 (or 2004-2007), which will remain in place until a new, comprehensive Strategic Plan 2006-2011 (or 2008-2013) is adopted;
- 2) The Secretariat will be requested to undertake the revision of the current Draft MTP by taking into account the outcome of the Evaluation and other recent developments. The revision should be kept to a minimum and the format of the Plan be simplified to expedite the revision work. Some of potentially contentious activities may need to be deleted; and
- 3) The revised draft interim MTP will be presented at the 54th and 55th Sessions of the Executive Committee for consideration and at the 28th Session of the Commission (June 2005) for adoption.

Option 2

- 1) The elaboration of the MTP 2003-2007 will be discontinued;
- 2) Elements of the Draft MTP 2003-2007 will however be used as a basis for preparing a list of programme areas/activities to be incorporated in the Strategic Plan 2006-11 (or 2008-13); and
- 3) During the absence of an approved MTP (i.e. until the adoption of the new Strategic Plan) within Codex, the Executive Committee should carefully and thoroughly exercise its critical review function for proposals of new work, closely coordinate work between different Codex Committees and monitor the progress of standards development, in accordance with the current Strategic Framework 2003-2007 and the Criteria for the Establishment of Work Priorities¹¹.

19. The Option 1 would ensure continuity in the ongoing elaboration of the MTP 2003-2007, while the Option 2 would enable greater allocation of the time resources of the Executive Committee to the development of a new Strategic Plan. In the long run, both options imply that a stand-alone MTP will not be developed as such and its elements be incorporated into a Strategic Plan to cover a six-year rather than three-year period.

20. The Executive Committee is invited to provide practical guidance on future steps to be taken, with a view to seeking endorsement by the next session of the Commission. In so doing, it might be useful to note the linkage between the strategic planning and the Critical Review (see paragraphs 21-25 below), especially in conjunction with the examination of proposals for new work. Due consideration would also need to be given to the workload of the Executive Committee, which will assume a key role both in the strategic planning process and in carrying out the Critical Review within the framework of standards management.

Standards Management

21. The Executive Committee is expected to shortly start exercising the standards management function, in accordance with the proposed amendments to the Rules of Procedure and to the Procedures for the Elaboration of Codex Standards and Related Texts¹².

22. The first component of the Critical Review will be to examine proposals to undertake new work or to revise a standard, and advise the Commission accordingly. In particular, it is anticipated that the 54th Session of the Executive Committee will be invited to examine several proposals for new work in the form of project documents, where possible. At the subsequent sessions, project documents will be submitted in a systematic and uniform manner to enable the Committee to fully conduct the critical review of proposals to undertake new work or to revise a standard.

23. The second component of the Critical Review will be to examine proposed standards submitted to the Commission at Step 8 from the viewpoints of (i) consistency with the mandate of Codex, the decisions of the Commission, and existing Codex texts; (ii) fulfilment of the requirements of the endorsement procedure, (iii)

¹¹ Presently under revision by CCGP

¹² ALINORM 04/27/33 Appendices II and III

format and presentation, and (iv) linguistic consistency. The Executive Committee is expected to exercise this component of the Critical Review starting from its 56th Session (June 2005).

24. The third component of the Critical Review will be monitoring of progress in developing standards against the time frame agreed and advising what corrective action should be taken. In the future, all draft texts under elaboration will be accompanied by a predetermined time frame, which should normally not exceed five years. Their progress therefore will be able to be monitored on a regular basis. However, most of the draft texts currently under elaboration do not have a specific time frame assigned. The Executive Committee may wish to request the Secretariat to conduct a survey of draft texts under elaboration for the duration of their work with a view to examining a report on this matter at its 55th Session (November 2004).

25. Members of the Executive Committee are invited to provide any comments or observations in relation to the standards management function of the Committee as outlined above.

Action Plan for Codex-wide Development and Application of Risk Analysis Principles and Guidelines

26. As a follow-up to the Action Plan endorsed by the 22nd Session of the Commission¹³, the Commission at its 26th Session adopted the Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius and requested that relevant Codex Committees develop or complete specific guidelines on risk analysis in their respective area, for inclusion in the Procedural Manual, as recommended in the Action Plan. The Commission noted that these texts would be submitted to the Committee on General Principles in order to ensure coordination of work and consistency with the overarching Working Principles¹⁴.

27. The elaboration of area-specific guidance documents by relevant Codex Committees under the overarching Working Principles is expected to contribute to minimising differences in approaches used by Codex Committees to apply risk analysis principles in their work and streamlining and strengthening the risk analysis base of Codex.

28. To further the objective of the Action Plan, the Executive Committee may wish to:

- 1) request the relevant Codex Committees, when developing or completing specific guidelines on risk analysis, to review, where applicable, the criteria currently used by these Committees to identify proposals for new work, with a view to developing a mechanism to clearly indicate priorities between proposals particularly in the light of needs for and availability of scientific advice;
- 2) request the Committee on General Principle, when examining specific guidelines submitted by other Committees, to ensure as much consistency as possible between the guideline texts;
- 3) request the Committee on General Principles to continue the revision of the Criteria for the Establishment of Work Priorities, especially from the viewpoint of the need for clear prioritisation of requests for scientific advice; and
- 4) monitor the progress of all the work mentioned above and take into account its outcome in the development of the next strategic plan.

Part II: Budgetary, Planning and Programming Matters

29. Codex budget proposals for 2004/2005 had been presented at the 26th Session of the Commission. Subsequently, the FAO Conference at its 32nd Session (November –December 2003) considered the FAO Programme of Work and Budget proposals for the 2004-2005 biennium: a budget proposal of US\$845.1 million based on the real growth scenario and a second option of US\$800.3 million which would have maintained constant purchasing power at the 2002-2003 budget level of US\$651.8 million. The conference approved a two-year budget of US\$749 million, meaning a cut of \$51 million in real terms due to inflation and changes in currency exchange rates.

¹³ ALINORM 97/37, para. 164

¹⁴ ALINORM 03/41, para.147

30. The implications of the approved budget level for FAO to the Joint FAO/WHO Food Standards Programme is yet to be known. Further information on the budgetary situation of the joint FAO/WHO programme will be provided from FAO and WHO to the Executive Committee as and when it becomes available. At the moment, it is however clear that every effort should be made to keep the expense of the Codex Secretariat to the minimum necessary.

Proposals for Reduction of the Operational Costs of Codex

31. In view of the current financial situation and of the need for maintaining the Codex sessions already scheduled for the 2004-2005 biennium, including annual meetings of the Commission, the Secretariat is in the process of identifying areas where operational expenses could further be reduced.

32. In 2001, a Circular Letter was sent to Codex Contact Points (CCPs) to obtain updated information regarding the address of the CCPs as well as the number of copies of Codex documents requested by language. Following up on this exercise, and with a view to reducing printing and mailing costs as much as possible, it is proposed that the Secretariat prepares a new Circular Letter to request CCPs to indicate whether they could opt for receiving documents exclusively by Internet, or, where they wish to continue to receive documents in paper, for receiving a reduced number of copies of documents in a smaller number of languages. In any case, however, due consideration will have to be given to the expressed need of countries which are facing technical difficulties in maintaining reliable and efficient access to Internet.

33. The publication of the Procedural Manual is of utmost importance to ensuring the transparency and effectiveness of Codex work. However, in the context of the incremental implementation of the Joint Evaluation, the Procedural Manual will probably be revised almost every year, at least for several years to come. This would result in a situation where a given edition of the Procedural Manual cannot be reproduced in such a quantity of copies that would warrant the effective use of Codex financial resources. While every effort should be made to publish the Procedural Manual in a timely manner and to distribute it as widely as possible, consideration may need to be given to a combined use of publication in electronic format and publication on paper but in a simplified style.

34. The Executive Committee is invited to note the aforementioned actions being taken by the Secretariat, and to provide any guidance to further reduce operational costs of the Codex budget.

TABLE 1 : IMPLEMENTATION STATUS OF PROPOSALS ENDORSED BY THE 26TH SESSION OF THE CODEX ALIMENTARIUS COMMISSION

Proposal No.	Title	Follow-up Actions Required
1	Annual meetings of the Commission	Implemented.
2	Implementation of the Evaluation	On-going at CCEXEC.
3	Priorities for implementation	None
4	Acceptable levels of protection	None
5	Review of the mandates of Codex Committees and Task Forces	On-going at CCEXEC and CAC.
6	Review of the Regional Coordinating Committees	Codex Secretariat to submit proposals for the review; CAC27 to consider the proposals; Regional Coordinating Committees to discuss the proposals.
7	Strategic and Managerial Functions of the Executive Committee	CCGP19 proposed amendment to the Procedural Manual; CAC27 to consider the proposed amendment; CCEXEC to start exercising the functions.
8	Budgetary, Planning and Programming Functions of the Executive Committee	CCGP19 proposed amendment to the Procedural Manual; CAC27 to consider the proposed amendment; CCEXEC to start exercising the functions.
9	Retention of the Executive Committee as a Strategic and Standards Management body	CCGP19 proposed amendment to the Procedural Manual; CAC27 to consider the proposed amendment; CCEXEC to start exercising the functions.
10	Removal of additional functions of the Executive Committee	Implemented (no more involvement at Steps5/8); CCGP19 proposed amendment to the Procedural Manual; CAC27 to consider the proposed amendment.
11	Executive Committee Membership	CCGP19 proposed amendment to the Procedural Manual; CAC27 to consider the proposed amendment.
12	Participation of observers in the Executive Committee	On-going at CCGP
13	Strategic Planning	On-going at CCEXEC
14	Critical review of proposals to undertake work	CCGP19 proposed amendment to the Procedural Manual; CAC27 to consider the proposed amendment; CCEXEC to start exercising the functions.
15	Monitoring progress of standards development	CCGP19 proposed amendment to the Procedural Manual; CAC27 to consider the proposed amendment; CCEXEC to start exercising the functions.
16	Standards management responsibility	None.
17	Time-bound decision making	CCEXEC to start exercising the functions.
18	Simplified procedures for standards development	None.
19	Use of facilitators	Work to be undertaken by CCGP.
20	Establishment of electronic working groups	On-going at CCGP.

21	Establishment of physical working groups	On-going at CCGP.
22	Adoption of Standards	None.
23	Responsibility for the procedural review	None (CCGP was identified as the responsible body).
24	Amendment of the Codex Mandate	None.
25	Revision of the Rules and working procedures governing the Executive Committee	See Proposals Nos. 7, 8, 9, 10 and 11 above.
26	Subsequent revision of the Rules and working procedures governing the Executive Committee	On-going at CCGP.
27	Right to address the Chair	Work to be undertaken by CCGP.
28	Observer Organizations	On-going at CAC and CCGP.
29	Chairpersons of Codex Committees and Task Forces	CCGP19 proposed amendment to the Procedural Manual; CAC27 to consider the proposed amendment.
30	Revision of Rule XI.4	CCGP19 proposed amendment to the Procedural Manual; CAC27 to consider the proposed amendment.
31	Separation of advice to host governments and advice on the conduct of meetings	CCGP19 proposed amendment to the Procedural Manual; CAC27 to consider the proposed amendment.
32	Co-chairmanship	To be followed-up by CCGP.
33	Criteria for the selection of Chairpersons	CCGP19 proposed amendment to the Procedural Manual; CAC27 to consider the proposed amendment.
34	Determination of consensus	No immediate action required (the Commission agreed to maintain the <i>statu quo</i>); CCGP to develop guidance.
35	Conduct of Meetings: Reports	Work to be undertaken by CCGP.
36	Conduct of Meetings: Country groupings	Work to be undertaken by CCGP.
37	Relations with OIE	On-going at CCGP.
38	Criteria for the establishment of work priorities	On-going at CCGP.

TABLE 2 : OTHER DECISIONS OF THE 26TH SESSION OF THE COMMISSION (RELATED TO THE JOINT FAO/WHO EVALUATION) REGARDING THE CURRENT UNIFORM PROCEDURE FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS¹⁵

No.	Title	Follow-up Actions Required
1	Subsequent Procedure Concerning Publication and Acceptance of Codex Standards	Work to be undertaken by CCGP.
2	Guide to the Consideration of Standards at Step 8	Work to be undertaken by CCGP.
3	Guide to the Procedure for the Revision and Amendment of Codex Standards	Work to be undertaken by CCGP.
4	Arrangements for the Amendment of Codex Standards Elaborated by Codex Committees which have Adjourned <i>Sine Die</i> .	Work to be undertaken by CCGP.

¹⁵ ALINORM 03/26/11: Add.4 para. 31