

codex alimentarius commission

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Agenda Item 2 (c)

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

Fifty-fifth Session, FAO Headquarters

Rome (Italy), 9 – 11 February 2005

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

1. The 26th Session of the Commission, as a follow-up to the Joint FAO/WHO Evaluation of the Codex Alimentarius and Other FAO and WHO Work on Food Standards, decided that that all the Committees and Task Forces would be reviewed together, based on the proposals set out in the working paper, bearing in mind the objective of reducing the number of meetings while also keeping them short and focused¹.
2. The 27th Session of the Commission agreed that the recruitment of a small team of consultants (three or four) would be initiated after the Commission session. It agreed to the Terms of reference of the Review as well as its time frame as below in order that recommendations could be submitted to the 28th Session of the Commission, with the understanding that during the process a Circular Letter would be sent to all Codex Members to ask for their views².

Terms of reference of the Review

- a) 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);

¹ ALINORM 03/41, para.154

² ALINORM 04/27/41, paras 132-134

b) Based on a detailed study of the points above and inputs received from Codex chairs and host governments, 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.

c) The recommendations to the Commission should also take into account the ability of all members of the Commission to participate in the standards development process, including the sustainability of the subsidiary body structures and their work programmes, especially in the light of the holding of annual sessions of the Commission and the operation of the FAO/WHO Trust Fund for Enhanced Participation in Codex.

Timeframe³

- Recruitment of a small team 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 (July/August 2004);
- Conduct of the study in accordance with the terms of reference above, with inputs from the Chairpersons of Codex Committees and Task Forces (September 2004 - May 2005);
- Presentation of a progress report to the 55th Session of the Executive Committee;
- Consideration of the recommendations by the 28th Session of the Commission (June/July 2005).

3. After the 27th Session of the Commission, a team of four consultants was recruited by the Codex Secretariat, in consultation with FAO and WHO, to conduct the review of the Codex committee structure and mandates of Codex Committees and Task Forces. The Codex Secretariat prepared a questionnaire on the Codex Committee structure and mandates, with input from the consultants, and sent it on 7 October 2004 to all host governments and chairs of Codex Committees and Task Forces, including those adjourned *sine die*. The replies to the questionnaire received by mid November 2004 were reviewed by the consultants.

4. On the basis of the replies to the questionnaire and the information provided by the officers of the Codex secretariat servicing various Committees and Task Forces, the consultants worked jointly and drew up a Preliminary Report, which is attached as Appendix.

5. The **Executive Committee** is hereby invited to provide its observations/comments on the Preliminary Report.

6. Taking into account the comments to be provided during the present session of the Executive Committee, a Final Report will be prepared and be sent to all Codex Members as a Circular Letter to ask for their views. The Final Report, together with the government comments received, will be considered by the 56th Session of the Executive Committee and by the 28th Session of the Commission.

7. Where specific guidance for modifying the current Terms of reference of the existing Committees and/or relations between Committees is provided by the 28th Session of the Commission, the 23rd Session of the Committee on General Principles (April 2006) will be invited to make concrete proposals to amend relevant sections in the Procedural Manual. Such proposals should be considered and adopted by the 29th Session of the Commission (2006). This will allow the Codex Secretariat to take a new committee structure and meeting schedule into account in the proposed Codex budget for 2008-2009 biennium, the preparation of which will start towards the end of 2006. Any other changes to the terms of reference of the subsidiary bodies and/or committee structure which have no budgetary implications can be implemented in the 2006-2007 biennium where possible, as and when adopted by the Commission.

³ ALINORM 04/27/10C, para.8

⁴ ALINORM 03/4, para.23

APPENDIX

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

PRELIMINARY REPORT OF CONSULTANTS

DECEMBER 2004

- 1. Background**
- 2. Methodology**
- 3. General Observations**
- 4. Options for Structural Change**
- 5. Recommendations for Structural Change**
- 6. Additional Long-Term recommendations**

Annexes

Review of Codex Committee Structure and Mandates of Codex Committees and Task Forces

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1. Background

1.1 The existing Codex Committee structure, which has been in existence for nearly forty years, was designed to meet the initial requirement of Codex, namely the development of a comprehensive set of world standards from scratch. This work has substantially been completed and the structure of Codex and its subsidiary bodies now needs to be reviewed to ensure that it corresponds more closely to the current and future work programme and member countries' needs. Recognizing this, the Food and Agricultural Organization (FAO) and the World Health Organization (WHO) completed in 2002 a comprehensive evaluation of the Codex programme. The evaluation was conducted by an evaluation team, comprised of a strong external component, and advised by an independent expert panel⁵. The Codex Alimentarius Commission (hereinafter referred to as the Commission) is already making changes in response to the FAO and WHO sponsored evaluation⁶.

1.2 Due to time constraints, the evaluation team and expert panel did not conduct an in depth study of the structure and work of the Codex committees. Rather, the report recommended that a review involving a detailed study by consultants of the work of general subject and commodity committees should be undertaken (Annex 1). It was recommended that this review focus on:

- the existing committee mandates with a view to rationalization;
- any need for redistribution of tasks and responsibilities between committees; and
- any need to split committees.

Additional areas that were put forth by either the evaluation team or the consultants for consideration included:

- the adequacy of the current structure of the committees;
- the relationship between all committees;
- the use of time bound task forces for commodity work;
- the deferment of the establishment of any new committee - vertical or horizontal - until the possibilities for progress and the need for continuing work have been determined through a task force;
- whether the treatment of health issues in commodity committees should be reduced to the essential minimum and wherever possible handled through a task force with the relevant horizontal committee.

⁵ Report of the Evaluation of the Codex Alimentarius and other FAO and WHO Food Standards Work (<http://www.fao.org/docrep/meeting/005/y7871e/y7871e00.htm>)

⁶ Document CX/EXEC 05/55/2 Part II provides a summary of the implementation status of the proposals endorsed by the Commission as follow up to the Joint Evaluation.

1.3 The authors of this Report were appointed by the Codex secretariat, as external consultants familiar with the Codex process, to carry out a further review of Codex committee structure and the mandates of Codex Committees and Task Forces. Additionally, a questionnaire (Annex 2) was sent out to committee chairs and host governments soliciting their input and we were provided with the responses.

1.4 In conducting the review, we were mindful of its terms of reference and gave primary consideration to the foreseeable needs of the member countries over the coming years, especially the need for international standards that relate to the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) of the World Trade Organization (WTO). At the same time, we recognized that resource constraints make it important to devise structures and procedures to improve the efficiency of the work done within Codex.

1.5 We also considered the recent Codex experience with time bound task forces, especially the Codex ad hoc Intergovernmental Task Force on Foods Derived from Biotechnology (CTFBT). The CTFBT was instructed by the Commission to complete its work in 4 years (2000-2003), and it did so. When it went out of existence after its fourth meeting in March 2003, the CTFBT submitted three documents that were adopted at Step 8 by the Commission in July 2003. We believe the success of the CTFBT illustrates the following:

- a strong mandate by the Commission is important
- task forces with limited agendas are effective
- time limits to complete work keep everyone focused
- work groups between regular meetings are helpful
- dedicated host government support is essential
- a good chair insists that comments be to the point

1.6 The CTFBT experience demonstrates that Codex can complete significant work in a reasonable time on a difficult subject if (1) the work is important, (2) the Commission gives it high priority, (3) a good process is followed and (4) the member governments send representatives who are knowledgeable and willing to work with others to find consensus. We believe that Codex could benefit further from following the CTFBT approach more widely.

2. Methodology

2.1 As mentioned in Section 1, in order to provide us with some background, a questionnaire (Annex 2) was developed by the Codex secretariat and sent to committee chairs and host governments in October 2004. 21 of the 45 bodies to whom the questionnaire was sent responded by 20 November 2004 and we have reviewed those responses. We also consulted other relevant documents.

2.2 We met in Rome for 3 days in November 2004 and had extensive discussions among ourselves and with members of the Codex secretariat before beginning to produce the present preliminary report.

2.3 Subsequently, we functioned as an electronic working group. This Report is the result of the combined physical meeting and electronic exchange effort.

3. General Observations

3.1 A review of the responses to the questionnaire revealed that many of the respondents felt there was a strong need for:

- Codex to focus its limited resources on food safety issues rather than on quality or standard of identity issues.
- more strategic management and tighter coordination of Codex standards development work
- better oversight of the total Codex work programme
- the development of a clearer mechanism for prioritizing work

- a formalised meeting of the committee chairs
- the establishment of a consistent approach to the development of food safety provisions for commodity standards
- rationalization of food hygiene provisions
- better time management by Codex committees
- an increased use of task forces
- a study of the benefits of work done by correspondence vs. work done face-to-face at international meetings
- a reduction in the number of Codex meetings
- a comprehensive review of the Terms of reference (TOR) for all Codex committees
- a comprehensive review of the role of Regional Coordinating Committees
- a review of the status of regional standards
- a review of the role of the Codex Committee on Methods of Analysis and Sampling (CCMAS)
- a restructuring of the Codex Committee on Food Additives and Contaminants (CCFAC) by splitting it into separate committees, one for food additives and one for contaminants as a means of addressing its extremely heavy workload
- a review of the status of all committees adjourned *sine die*
- the abolishment of “mission creep” among subsidiary bodies
- the elimination of overlap between the nutrition and labelling committees
- the avoidance of endless debates by Codex committees on the same issues

Additionally, the respondents expressed concern over the lack of:

- coordination between committees with overlapping Terms of reference
- consistency and coordination in the endorsement procedure process
- standard procedures for the conduct of subsidiary body meetings
- a formal consistent process for reviewing and revising old standards
- communication and coordination between Codex and other international bodies
- time limits for the development of standards

3.2 Furthermore, the concept, which was posed in the questionnaire, of combining all commodity committees into a single committee was considered by most respondents, for a variety of reasons, to be impractical.

3.3 It is worth noting that our talks with the Codex secretariat staff left us in no doubt that they are severely over-stretched in trying to service the current work demands under the existing structure.

3.4. Having very carefully considered the points made in response to the questionnaire and the suggestions made by the evaluation team, we have identified the following particularly important issues.

The need to separate safety issues from quality issues

3.5 A clear separation between safety and quality issues should help eliminate the confusion and conflict that can sometimes arise between them and help the Commission assign the desired level of priority to questions of safety. Because Codex standards are specifically referenced by the WTO for resolving trade disputes under its SPS provisions, the Commission has decided that, in cases of scarce resources, priority should be given to developing the SPS standards that are of greatest importance to members.

The number and frequency of meetings is placing a strain on resources

3.6 The frequency of meetings has increased over the years⁷. This not only puts a strain on the limited resources of the secretariat in trying to service these meetings, but has also been found to create economic and logistical problems for some member countries, especially developing countries, in trying to ensure representation at Codex meetings. This problem is further exacerbated by the short annual time window for the scheduling of meetings, due to: the need to finalise draft standards in time for the annual meetings of the Commission; the need to avoid the main holiday periods; the reduced availability of the Codex secretariat staff in the preparatory period before the annual Commission meetings, as well as for the time needed to perform follow up work after each Commission meeting. Clearly, the number of Codex subsidiary bodies, as well as their structure and their working methods will have a significant impact on the number of meetings required each year.

3.7 Therefore, in our view, Codex needs to examine very carefully alternative ways to conduct some of its business. A reduction in the number of meetings could be achieved in various ways. One way is to reduce the number of subsidiary bodies and change the way they are structured. The issues relating to restructuring are considered in more detail below. We also believe it should be possible to carry out more work by correspondence, while taking steps to ensure the full participation of developing countries, and to make more use of working groups (including electronic working groups) between regular meetings of Codex subsidiary bodies, or immediately prior to regularly scheduled meetings.

The Work of Subsidiary Bodies Needs Better Strategic Planning and Management Oversight

3.8 Several of the responses to the questionnaire stated that currently, Codex appears to lack a rigorous and consistent mechanism for setting priorities. Codex has general subject and commodity committees, task forces and regional coordinating committees engaged in the formulation of standards and related texts. Some committees have TOR that have remained unchanged for many years, and no longer cover all the work currently undertaken. In addition, some of the TOR may not meet fully the needs of member countries in this post-WTO era. As a consequence, and due to the historical lack of strong management oversight and coordination of the work of the various committees and task forces, the following has been noted:

- Overlaps and duplication occur too often.
- Time limits for accomplishment of the tasks in an expeditious manner are not set or observed, resulting in inefficiency and sub-optimal utilization of time and resources.
- The priority assigned to projects by particular subsidiary bodies may or may not be subject to critical scrutiny by the wider membership. It is extremely difficult for the Commission itself to exercise the level of detailed oversight required across all subject areas. As a result, a degree of "mission creep" appears to have occurred in some committees. Others have devoted considerable time and effort to projects that have limited relevance to the needs of the majority of member states.
- Cooperation and coordination between different committees tends to be informal and ad hoc and does not always produce agreed outputs on a timely basis.
- There appear to be no clear Codex guidelines on how to prioritise work projects, beyond the general criteria in the Procedural Manual⁸.

3.9 Management oversight is essential to provide guidance to the committees and task forces on priority setting for on-going and new work projects and to monitor the progress and completion of standards formulation projects. The Commission should therefore establish clearer and more detailed criteria for priority setting for Codex subsidiary bodies.

3.10 Committees need to review their current projects so that those of only limited interest to the wider membership, and those making excessively slow progress, do not continue to consume the scarce resources

⁷ The trends in the number of Codex sessions per biennium are shown in Annex 5. The number of meetings in the two recent biennia has doubled compared to the end of 1990s, due to the increase in the number of sessions of both general subject committees as well as commodity committees and ad hoc task forces.

⁸ Criteria for the Establishment of Work Priorities (Section II, Procedural Manual, 14th Edition)

of members and the secretariat. Postponement of such projects would reduce the heavy work load of some committees and ensure that the limited resources available for Codex work are expended on the Commission's top priorities. Reduction in work load would also ease the load on the secretariat staff.

3.11 The Executive Committee is presently in the process of assuming a strategic standards management role, which may address some of the above concerns, but the Commission will have to provide formal, objective and unambiguous guidelines for the Executive Committee to help it to execute these new duties in the management, monitoring and priority setting process. We regard this as a positive development but have some doubts about the Executive Committee being the right body to carry it out.

The inordinately heavy workload of CCFAC and the need for remedial action

3.12 Several of the responses to the questionnaire cited the heavy workload that was before the CCFAC. Some of the responses also noted that there were significant differences between food additives and food contaminants and suggested that CCFAC be split into two committees, one dealing with food additives and one dealing with contaminants.

3.13 We share the perception that CCFAC, as currently constituted, appears to be overloaded. (See tables prepared by the Codex Secretariat at Annex 3). We also recognize the differences in risk management possibilities between food additives such as preservatives that are intentionally added to food (thus able to be subject to tight control) and contaminants such as lead that in many situations are more difficult to control. We therefore believe that a structural change to CCFAC is needed.

3.14 Several of the responses indicated that a degree of confusion exists concerning the apparently overlapping roles of CCFAC and commodity committees in setting levels for food additives in commodity standards. There is also a related confusion (expressed by some respondents) about the proper use of the General Standard for Food Additives (GSFA). In addition, we note that both CCFAC and commodity committees were asking the Joint Expert Committee on Food Additives (JECFA) to evaluate the safety of food additives.

3.15 In our view, the relative roles of CCFAC and the commodity committees needs to be clarified. In order to assure consistency in the safe use of food additives, we believe that the CCFAC should be the only committee to set upper safe limits for food additives. We therefore believe that commodity committees should not attempt to set safe limits for food additives. This would allow CCFAC to focus on safety and risk management, leaving the commodity committees to focus on those non-safety issues that may be important to ensuring quality and fair practices in international trade.

3.16 Furthermore, to ensure clarity in such a key area of food safety, we believe there should be only one single Codex channel for requests to JECFA and that, given the heavy demands in this area, Codex should present to JECFA a single set of prioritized requests for food additive and contaminant assessments. At present, that role should fall to CCFAC as the lead committee on food additives.

3.17 In the interests of greater clarity, we also believe that Codex should state clearly that the food additive levels specified in the GSFA are to be regarded as the Codex safe limits for all commodity standards.

The need for a formal meeting of the committee chairs to assist the Executive Committee in its new oversight role

3.18 We welcome the moves made in recent years for regular meetings of the chairs of Codex subsidiary bodies and endorse the suggestion that such meetings should be formalized within the Codex structure and serviced by the secretariat. The pattern of the Chairs meeting in the margins of the Commission meetings seems to work well without imposing additional administrative burdens and, in our view these meetings could assist in coordinating Codex work, especially among committees that have overlapping business or interests in common.

3.19 As a further aid to better coordination, we also suggest that consideration be given to holding periodic coordination meetings by the food standard officers who work in the Codex secretariat. We believe that a more formalized exchange of information among those who attend the meetings of the Codex subsidiary bodies will facilitate better coordination by the secretariat. We recognize the problems of setting up such meetings within a small secretariat who are continuously traveling to meetings, but hope that some

way can be found to set aside one or two dates per year for this purpose. We were happy to learn that moves have recently been made in this direction, within the Secretariat.

Structure of Codex Committees and Task Forces

3.20 The existing structure of Codex committees and task forces is shown at Annex 4. A number of points struck us about this structure. Firstly, each of the committees is essentially autonomous and has no formal linkages or accountability to any other committee. Although the Commission sometimes indicates a time limit for tasks assigned to some committees, this is not always enforced in any meaningful or consistent way.

3.21 Secondly, many of the committees and the basic architecture of Codex subsidiary bodies date back nearly 40 years to the earliest days of Codex. They were designed for a historical mission that was, in many respects, significantly different from the task facing Codex today. Codex's original mission was to generate a comprehensive set of global food standards from nothing. Each committee had a huge programme of work that would take many years to complete and it could therefore be left to get on with this work with minimal oversight or interference from higher-level bodies - an essentially committee-oriented approach to the work to be done. It is a tribute to all concerned that this work has now substantially been accomplished, or at least taken to the point where there is limited pressure for a large volume of new standards.

3.22 Codex is currently engaged in a programme of converting existing standards to risk-based ones and the completion of this programme is likely to place heavy demands on many committees over the next few years. Beyond that however, the future task for Codex seems to us to comprise a smaller continuing programme for establishing new standards, a limited programme of work to complete those standards currently in course of preparation, and a programme of continuing revision and updating of existing Standards based on a prioritised assessment of need. We therefore believe that Codex should move away from its committee oriented approach and toward a more task-oriented approach to its future activities.

4. Options for Structural Change

Commodity Committees

4.1 Considerable concern has been expressed about the continuing need for commodity committees, the relationship between the commodity committees and the general subject committees, the status of committees adjourned *sine die*, the role of CCMAS, and the scope for duplication in the work of the Codex Committee on Food Labelling (CCFL) and the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU). Questions have also been raised about the workload of CCFAC and the Codex Committee on Food Hygiene (CCFH), and about the relationship between CCFH and the Codex Committee on Meat Hygiene (CCMH). These are considered elsewhere in this report. In this section we consider possible ways of dealing with the major concerns that have been expressed in relation to commodity work, and start by outlining a number of possible options for change.

4.2 One suggested approach would be to combine all the existing commodity committees into a single "super commodity committee". This could be done in a number of different ways, for example:

- a) Combine all existing and dissolved commodity committees into a single super commodity committee. The super commodity committee would be responsible for quality standards for all commodities, except where a Codex intergovernmental task force was specifically set up deal with a particular issue.
- b) Same as (a) except that the super commodity committee would have more limited TOR, with Codex task forces being established as the normal way of dealing with issues not specifically detailed in the super commodity committee's TOR.
- c) Alternatively, Codex could create two or three super commodity committees to replace all existing and adjourned commodity committees. It has been suggested that one could deal with products of animal origin and the other with all other products. Codex task forces would be established for any work that was not in the scope of the TOR for these two committees.
- d) Another proposal would combine all adjourned or dissolved commodity committees into a single commodity revision committee, responsible for reviewing and updating existing commodity

standards. Each time a currently active committee completes its present work, it would adjourn, and the TOR of the new commodity revision committee would be automatically enlarged to include the standards of the newly-adjourned committee. The commodity revision committee might use work groups to conduct its reviews and would undertake revision work based on priorities established by the Commission. Meanwhile, the active commodity committees would pursue completion of their existing work. New standards development work would be undertaken by Codex intergovernmental task forces that would be established or re-established by the Commission as needed.

4.3 It has been suggested that such a "super commodity committee" may need to hold meetings that last longer than one week. Work on different commodities could be scheduled for different days so that not everyone would need to attend the entire meeting. It might also have specialized co-chairs and rotating venues. In addition, the yearly agendas could alternate between even and odd years with one group of commodities being addressed one year and a different group of commodities being addressed in the alternate year.

4.4 We share the doubts expressed by a number of respondents to the questionnaire, about whether a change of this sort would be workable. We believe that any proposal for a single committee to undertake work in a broad range of specialist commodity subjects would be unduly complex, difficult to manage and lacking in transparency, given that its membership would, of necessity, be continually changing. We therefore favour a more radical approach to the structuring of commodity committee work that would be more consistent and at the same time address a number of the difficulties identified in Section 3 above.

4.5 Our proposal is for Codex to work toward adjourning all the existing commodity committees. Codex will, in any event need to decide whether, and to what extent, it wishes to undertake commodity standards work in the future. There are mixed views about this. In the course of our own discussions, we found some who believe Codex should be concerned exclusively with food-safety; while others see the food quality work as being of continuing importance in maintaining a high level of consumer protection and facilitating international trade. Whatever the outcome of this debate within Codex, we consider the existing array of permanent commodity committees with dated TOR and a disparate range of sectoral priorities is unlikely to be the best and most efficient way of meeting future needs.

4.6 Assuming Codex decides to continue a (perhaps smaller) programme of commodity work, we suggest future technical work in this area should be carried out exclusively by task forces established under very strict TOR that specify a very precise task and set realistic time limits for its completion. This would, we believe, hand a greater degree of control back to the Commission regarding the work to be done, how it was to be scheduled and prioritized against other demands on resources, and on the elimination of nugatory work on projects of limited international significance, or on which consensus cannot be achieved within a reasonable period of time.

Commodity Management Committee

4.7 We recognize that one difficulty with working through task forces in this way would be the possibility of burdening the Commission with a large number of detailed sector-specific decisions. We accordingly propose that Codex commodity work should in future be overseen by a new Commodity Management Committee (CMC). Although this would be a Codex Subsidiary Body, set up under Rule X 1(a) or X 1(b)(i), it would not be a committee of technical experts, but rather would be the forum to which all proposals for new work would be addressed in the first instance. Its function would be to prioritize such proposals, whether for new standards, or for the revision of existing standards, submit an annual programme of new work for the Commission's approval, and draw up TOR for time-limited task forces to undertake assigned tasks. The CMC should be charged with overseeing the rate of progress in the task forces and providing advice and assistance to any task force confronted by particularly intractable difficulties.

4.8 Such a high-level commodity management committee would therefore, for the first time, be able to exercise a degree of strategic management in the area of commodity standards. It would be responsible for:

- critically scrutinising and prioritizing all proposals for new work in the area of commodity (quality) standards;
- submitting a prioritized programme of work to the Commission for approval;

- assigning very tightly specified TOR and time limits for any task forces established to conduct this work;
- developing a programme for review and updating of existing commodity standards and (if agreed by the Commission) establishing task forces as necessary to undertake it;
- arranging the necessary liaison and consultation among the task forces and with other Codex subsidiary bodies (e.g., CCFL); and
- overseeing the progress of the work of the task forces and assisting overcoming major obstacles to progress.

4.9 Whatever new structural arrangements Codex may adopt, we should like to restate our view that the Codex commodity work would be more efficient if the provisions for food additives, contaminants and hygiene were deleted from the "Format for Codex Commodity Standards". This step would also reduce some of the confusion between the commodity committees and the general subject committees.

General Subject Committees

4.10 Several possibilities have also been identified for the restructuring of the general subject committees. As noted previously, a number of the responses to the questionnaire suggested that the CCFAC be split into a Food Additive Committee and a Food Contaminants Committee with separate agendas etc for each committee. This would allow the new Food Additives Committee to assume the exclusive role of setting safe limits for all food additives used in all foods traded internationally, regardless of whether they were the subject of a Codex commodity standard. A new Food Additive committee could also assume the exclusive role of recommending all Codex priorities for JECFA reviews of food additives.

4.11 Another option would be to convert (probably over time) the CCFAC into a management committee for food additives and contaminants that would have multiple functions, including establishing priorities. It would be ideally placed to serve as the sole Codex committee interacting with JECFA on all issues relating to the safety of food additives and contaminants. (See Section 3.16 above). This Food Additives and Contaminants Management Committee would act as an authoritative point of reference for commodity committees and task forces on all matters relating to food additives and contaminants in food. Finally, it would be able to draw up TOR and recommend appropriate task forces to undertake all future work on both food additives and contaminants. Under this option the CCFAC would complete the work that it has already undertaken and provide the needed endorsements, but it would not itself undertake any new work for either food additives or contaminants.

Methods of Analysis

4.12 Currently, the responsibilities for considering/endorsing methods of analysis and sampling are split between CCMAS and other committees. Assigning, explicitly, to CCFAC (as changed by one of the above alternatives) the role of endorsing methods of analysis for contaminants could streamline those endorsements and make them consistent with food additive endorsements. The TOR of CCFH refer to endorsement of hygiene provisions including microbiological methods of analysis but only in the footnote. The Commission should streamline all provisions concerning methods of analysis and sampling. The Commission could also consider the desirability and implications of assigning all work related to methods of analysis and sampling to a single body. The Commission could also consider whether Codex should rely more heavily on bodies outside of Codex when considering methods of analysis and sampling.

Nutrition

4.13 The responses to the questionnaire that related to the CCNFSDU ranged from giving that committee a larger role in Codex to combining it with the CCFL. One option is for the Commission to study the appropriate role of nutrition in the work of Codex and to then clarify the role of CCNFSDU in the future work of Codex. Another option would be to transfer all nutrition labelling issues to the CCFL and to rely on one or more task forces to establish standards for foods that have a special dietary use. Another possibility is for the Commission to recommend the creation of a joint expert body (similar to JECFA) that would provide scientific advice to Codex on nutritional issues that were of importance in establishing Codex standards.

Hygiene

4.14 Responses to the questionnaire noted the overlap between the CCFH and the CCMH. One option is to merge the two committees. Another would be to assign all future work on meat hygiene to a Codex task force.

4.15 Other responses about CCFH noted that hygiene provisions relating to different commodities were prepared in different ways, some by CCFH and some by commodity committees. An approach for the future might be to assign the development of hygiene provisions that relate to specific foods to task forces with specified tasks and time limits. There might also be merit in extending the mandate of CCFH to include microbiological risk analysis.

Regional Coordinating Committees

4.16 Questions have been raised about the role of the Regional Coordinating Committees and their role and status within Codex. Possible changes include suggestions to eliminate standards development from their TOR, given the questions that have been raised about how the WTO would view a regional standard in a trade dispute outside the region. One option is for Codex to clearly limit itself to developing global standards by global committees and task forces, and leave the development of regional standards to other regional bodies.

5. Recommendations for Structural Change

5.1 We recommend several steps that should be pursued in the near term. Although all of these options can be modified, and some of them can be combined, we give here our present tentative recommendations.

5.2 For the commodity committees we propose that Codex should review all the work currently being undertaken with a view to discontinuing any project for which there is not a strong consensus that its urgent completion is a matter of high priority. This especially applies to work which has made slow progress over an extended period of time. All the existing commodities committees should then be stood down and a new single Commodities Management Committee (CMC) be established. It would be the task of the CMC to draw up TOR for a number of task forces to complete the high priority tasks and to review and update existing commodity standards as necessary. Any requests for new commodity work should be made to the CMC in the first instance, along with strong supporting evidence of the need for such a standard. The CMC should then prioritize all such requests and submit its analysis to the Commission for a decision on whether or not a new task force should be convened. All task forces should have tightly drawn TOR and a limited lifetime. The task forces should make every effort to progress work by correspondence, drafting groups or other means that minimize the need for formal meetings, while taking into account the need to facilitate participation by developing countries.

5.3 We recommend, for food additives and contaminants that Codex begin the process of converting CCFAC to a management committee as in the option described in Section 4.11. With the appropriate TOR, this Food Additives and Contaminants Management Committee would continue to make needed endorsements and finish the current CCFAC work assignments, but would not itself undertake new work. By being designated as the only committee setting Codex priorities for JECFA on food additives and contaminants, it would help end the present confusion over the setting of Codex safety limits for food additives and contaminants. Such a Food Additives and Contaminants Management Committee would, however, set future work priorities and recommend to the Commission future task forces with appropriate TOR to undertake all necessary new work.

5.4 We recommend that the Commission reflect on how to improve the way responsibility for considering/endorsing methods of analysis and sampling is divided between CCMAS and other committees.

5.5 We recommend a clear separation between quality and safety issues. In particular, this would mean deleting additive, contaminant and hygiene provisions from commodity standards.

5.6 We recommend (see para 4.13) that the Commission study the appropriate role of nutrition in the work of Codex with a view to transferring responsibility to a new combined Nutrition and Labelling Committee.

5.7 We recommend that Codex examine the possibility of amalgamating the existing hygiene committees and that future hygiene provisions relating to specific commodities be developed by time-bound task forces.

5.8 The Regional Coordinating Committees have a valuable part to play in considering administrative matters and questions of the development of regional infrastructure. However, we recommend that Codex should make renewed attempts to clarify the status of Regional Standards, and in particular should ascertain from the WTO whether regional Codex standards would be considered by the WTO to resolve trade disputes outside the relevant region. If so, we recommend that Codex should not seek to create any more Regional Standards, but concentrate on its role as a global standard-setting body.

6. Additional Long Term Recommendations

6.1 As Codex moves into the future, we recommend that it consider an incremental approach to radical change, as follows.

- a) First, implement the recommendations described in Section 5.
- b) Secondly, as Codex has already expressed a preference for a horizontal rather than a vertical approach to standard setting, we suggest leaving most of the (horizontal) general subject committees unchanged for the present, to continue with their important and substantial work programmes. The most important exception is CCFAC and the issues surrounding the work of this committee have been addressed in more detail above.
- c) In the longer term, we think the Food Additives and Contaminants Management Committee recommended in Section 5.3 could be given an expanded role. Ideally this committee might eventually cover the work of the Codex Committees on Pesticide Residues and Residues of Veterinary Drugs (i.e. all non-microbiological food safety work), so that it would be able to serve as the sole Codex committee interacting with both JECFA and the Joint FAO/WHO Meeting on Pesticide Residues and would be better placed to prioritize and monitor progress of the assessments requested. We envisage it eventually undertaking a similar role to the proposed Commodity Management Committee, namely overseeing the work of limited lifetime task forces, set up as necessary to take the work forward at a technical level. We believe that this would provide a more strategic management of non-microbiological food safety work while eliminating some of the present difficulties encountered by CCFAC.

6.2 We believe that models similar to those recommended for commodity committees and for the CCFAC could, as Codex gains experience, be adapted to other general subject committees. The Commission would, therefore, be able to monitor the experience gained in implementing the above recommendations and, in the light of that experience decide how far it wished to go in making future changes along the same lines.

Annex 1

Excerpt from the “Report of the Evaluation of the Codex Alimentarius and other FAO and WHO Food Standards Work”⁹**4.4.3.3 GENERAL SUBJECT AND COMMODITY COMMITTEES**

108. The role of committees has changed over the past 40 years. General subject (horizontal) committees have become more important and some committees have been dismantled or become task forces. This evaluation has not looked in depth at the structure and work of individual committees, though there are recognized cases of lack of clarity and overlapping of work (e.g. traceability and equivalence).

109. In line with the priorities proposed for Codex standard setting (first health, second developing country commodity, third developed country commodity, fourth non-health related labelling), only horizontal (general subject) committees and those commodity (vertical) committees with some horizontal functions, such as fish, should have a continuing life. Other commodity work, deemed sufficiently important, should be handled through time-bound task forces established to address clearly-defined issues. With issues that involve several committees, an *ad hoc* cross-committee task force could reduce overlap and increase efficiency in work on a standard.

110. Both committees and the agendas for individual meetings should become more specialized, avoiding the need for countries to field delegations which can address at one meeting issues of commodity description, labelling and various aspects of health risk analysis. This can also lead to greater efficiency in that delegates will not become involved in subjects where they are unqualified and health-related standards will not be held up by discussion of non-health issues. Finally, it will reduce, if not eliminate, the potential for contradiction in standards between horizontal and vertical committees. Eighty percent of government respondents indicated that eliminating such inconsistencies should be accorded very high priority in the future work of Codex.

Recommendation 16: *Codex should undertake a review, including a detailed study by consultants of the work of general subject and commodity committees as soon as possible, and thereafter on a fixed schedule, with a view to rationalization where appropriate. The review should in particular examine:*

- *the existing committee mandates with a view to rationalization;*
- *any need for redistribution of tasks and responsibilities between committees; and*
- *any need to split committees.*

Also:

- a) commodity work should be handled through time bound task-forces;*
- b) no new committee should be established even in a horizontal area of work until the possibilities for progress and the need for continuing work have been established through a task force;*
- c) the treatment of health issues in commodity committees should be reduced to the essential minimum and wherever possible handled through a task force with the relevant horizontal committee.*

⁹ <http://www.fao.org/docrep/meeting/005/y7871e/y7871e00.htm>

Annex 2QUESTIONNAIRE ON THE CODEX COMMITTEE STRUCTURE AND MANDATES

Chair of Codex Subsidiary Body
(Committee/Task Force on)

Host Government Secretariat of Codex Subsidiary Body
(Committee/Task Force on)

Date:

Contact Address of Respondent

Name:

Title/Organization:

Mailing address:

Phone number:

Fax number:

Email: @

Section A: General Questions on Codex Committee Structure

A1. The current structure of Codex subsidiary bodies dates back to early days of the Joint FAO/WHO Food Standards Programme, where the focus was to develop a set of standards covering a number of areas from scratch. Is the overall structure of Codex subsidiary bodies (e.g. division of responsibilities and distribution of work between general subject committees, commodity committees and task forces) still considered as appropriate, in the light of evolving working programme of Codex? Identify actual and potential problems if any and state any proposals for improvement.

A2. Is the way different subject matters are covered by the existing Codex General Subject Committees, Commodity Committees and Task Forces considered as appropriate? Identify actual or potential overlap or gaps between subsidiary bodies if any and state any proposals for improvement.

A3. Is the manner in which Codex Committees and Task Forces interact and coordinate with each other considered as appropriate? Particular reference is made to (i) the interaction between general subject committees and commodity committees regarding endorsement procedures of specific provisions, (ii) between world-wide committees and coordinating committees regarding the elaboration procedure before and after Step5, (iii) between committees involved in the elaboration of a standard addressing a broad area covered by these and iv) to the potential for contradictions or inconsistencies in standards between general subject committees and commodity committees.

A4. Is the way Codex standards reviewed and revised considered as appropriate? Is the way work is done by correspondence (especially within those Committees adjourned *sine die*) considered appropriate? Identify actual and potential problems if any and state any proposals for improvement.

A5. Is the establishment of a single commodity committee considered as an option for streamlining the work of Codex? Are there other options to be explored to achieve the objective of reducing the number of Codex meetings per year?

A6. State any other relevant observation.

Section B: Specific Questions on the Committee/Task Force on

(This Section can be copy-and-pasted as many times as necessary to state your observation on more than one Committee/Task Force.)

B1. Are the terms of reference of the Committee as set out in the Procedural Manual considered as appropriate? Provide your observation.

B2. Are the frequency of meetings of the Committee considered as appropriate in the light of current and future workload? Provide your observation.

B3. Can the work of the Committee be streamlined or be made more efficient by merging the Committee with other Committees (if so please identify them) or splitting the Committee into two or more Committees? Indicate foreseen advantages or disadvantages for such proposals.

B4. Is the way the Committee interacts with other Committees considered appropriate? Identify actual and potential problems if any and state any proposals for improvement.

B5. State any other relevant observation on the operation of the Committee.

Thank you.

Annex 3A

NUMBER OF STANDARDS ADVANCED TO STEP 5 AND STEP 8 BY COMMITTEE¹⁰

COMMITTEE	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	TOTAL
<u>GENERAL PRINCIPLES</u>																			
Step 5																			0
Step 8																	1		1
<u>FOOD ADDITIVES & CONTAMINANTS</u>																			
Step 5			2				2	1	2	2	2	2	4	5	4	3	6	8	43
Step 8			1	2	3		2	3	2	3	5	5	5	5	11	7	6	15	75
<u>FOOD HYGIENE</u>																			
Step 5		2	2				1	1	3		2	1		1	1		1		15
Step 8		3	3		3		2	1	1	3	3	2	2		1		1	1	26
<u>FOOD LABELLING</u>																			
Step 5					1		1	2			1	1	2			3	1		12
Step 8			1		3		1			2	1	3	2	2	3		4		22
<u>METHODS OF ANAL AND SAMPLING</u>																			
Step 5							1									2		1	4
Step 8	1				1	2	4	3	1		2							2	16
<u>PESTICIDE RESIDUES</u>																			
STEP 5		1		1	1		2	1	1	1	1	1	1	1	1	1	1	1	16
STEP 8		1		2	3	1	2	1	2	2	2	3	3	2	3	2	3	2	34
<u>RESIDUES OF VET DRUGS IN FOODS</u>																			
Step 5				4			1	1	1	1		1		1	2		1		13
Step 8		1	1	1	3		5	1	1	3		2		2	2		2		24
<u>FOOD IMP AND EXP INSP CERT SYS</u>																			
Step 5							2		1	1		1		2		1			8
Step 8									2	1	2		1	2		2		1	11
<u>NUT FOODS FOR SPEC DIET USES</u>																			
Step 5	1	2				1			1	3		1						3	12
Step 8	3	2			5				1	2		1			1				15

¹⁰ Indicative data; figures yet to be confirmed.

COMMITTEE	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	TOTAL
<u>MILK and MILK PRODUCTS</u>																			
Step 5								7		1				3		4		3	18
Step 8								2		8		1		4		4		1	20
<u>COCOA PROD AND CHOCOLATE</u>																			
Step 5												3		1					4
Step 8														5	4				9
<u>PROCESSED FRUITS & VEGETABLES</u>																			
Step 5											2			2					4
Step 8					1									3		4			8
<u>MEAT HYGIENE</u>																			
Step 5																1	1		2
Step 8					3													1	4
<u>FISH AND FISHERY PRODUCTS</u>																			
Step 5		1		1		12				1		1		2		2	4		24
Step 8		4				1		14				1		2		2	1		25
<u>FRESH FRUITS AND VEGETABLES</u>																			
Step 5				3				1		5	3		3		1	1	1		18
Step 8								3		2	6		6		5	5	1		28
<u>FATS and OILS</u>																			
Step 5						8									1				9
Step 8		6				2				3			4		2		2		19
<u>SUGARS</u>																			
Step 5																			0
Step 8														2					2
<u>CEREALS, PULSES & LEGUMES</u>																			
Step 5		2		1		6													9
Step 8		2		2				17											21
<u>VEGETABLE PROTEINS</u>																			
Step 5	4																		4
Step 8			3												1				4
<u>NATURAL MINERAL WATERS</u>																			
Step 5																			0
Step 8										1					2				3
TOTAL																			
Step 5	5	8	4	10	2	27	10	14	9	15	11	12	10	18	10	18	16	16	215
Step 8	10	13	9	7	25	6	16	45	10	30	21	18	23	29	35	26	22	22	367

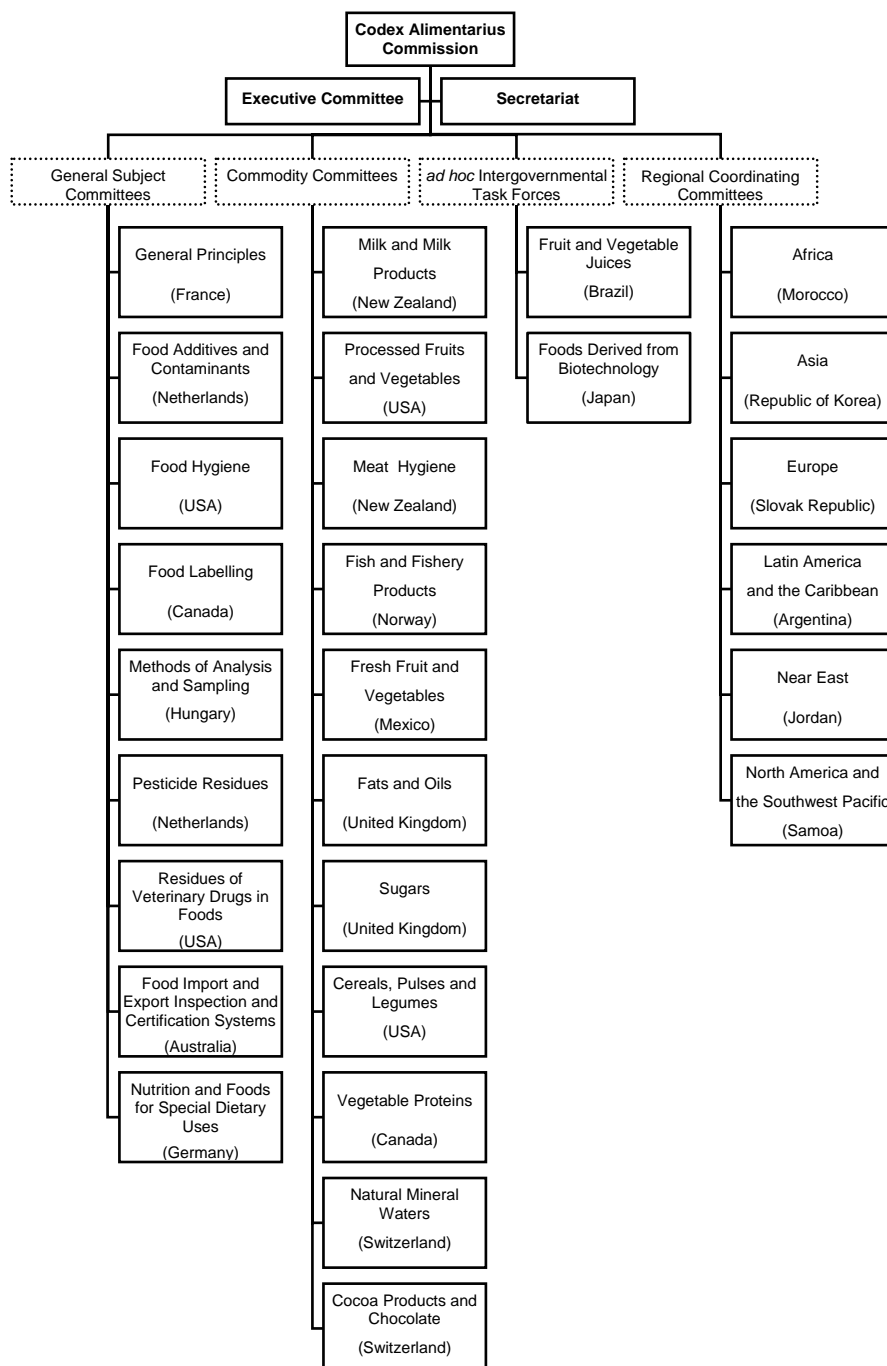
Annex 3B

NUMBER OF DOCUMENTS BEING WORKED ON SIMULTANEOUSLY BY COMMITTEE BY YEAR¹¹

COMMITTEE	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	TOTAL
<u>GENERAL PRINCIPLES</u>			17			12				10		13	11	8	8	14	11		104
<u>FOOD ADDITIVES & CONTAMINANTS</u>	38	21	22	20	21	18	23	20	21	24	28	31	30	41	38	38	36	44	514
<u>FOOD HYGIENE</u>	9	25	15		11		9	11	12	16	20	16	13	11	14		14	10	206
<u>FOOD LABELLING</u>	9			10	11		6	7		7	9	12	9	12	9	10	11		122
<u>METHODS OF ANALY & SAMP</u>		8			10	10		12	10		11	9			10	12		12	104
<u>PESTICIDE RESIDUES</u>		19		20	21	17	14	15	12	11	11	13	16	20	13	17	17	16	252
<u>RESIDUES OF VET. DRUGS IN FOODS</u>	12	18	18	20	15	14		12	13	14		15		13	13		12		189
<u>FOOD IM & EXP CERT SYSTEMS</u>						4	13		9	8	9	6	6	14		11		8	88
<u>NUT & FDS SPC DIETARY USES</u>	13	23			10	8			12	11		15		13	7	7	9		128
<u>MILK and MILK PRODUCTS</u>								23		24		23		21		17	31		139
<u>COCOA PRODUCTS AND CHOCOLATE</u>										4		4		6	4				18
<u>PROCESSED FRUITS & VEGETABLES</u>									2			33		18		14			67
<u>MEAT HYGIENE</u>					7		4									6	5		22
<u>FISH AND FISHERY PRODUCTS</u>		45		21		25		25		19		9		11		14	13		182
<u>FRESH FRUITS AND VEGETABLES</u>		8		15	16		20	15		18	20		21	15		11	9		168
<u>FATS and OILS</u>	9						9			8			8		6		7		47
<u>SUGARS</u>															7				7
<u>CEREALS, PULSES & LEGUMES</u>		17		12		11		19											59
<u>VEGETABLE PROTEINS</u>	12		4												1				17
<u>NATURAL MINERAL WATERS</u>										2		3		2					7
TOTAL	102	184	76	118	122	119	98	159	91	176	108	202	114	205	130	171	175	90	2440

¹¹ Indicative data; figures yet to be confirmed.

Joint FAO/WHO Food Standards Programme



Annex 5

NUMBER OF CODEX MEETINGS BY BIENNIUM

	1968-69	1974-75	1980-81	1986-87	1992-93	1998-99	2002-03	2004-05
Commission	2	1	1	1	1	1	2	2
Executive Committee	4	2	2	2	2	2	3	5
General Subject Committees	12	11	8	10	12	5	17	18
Commodity Committees	19	17	11	7	5	7	9	7
Task Forces	0	0	0	0	0	0	6	2
Regional Coordinating Committees	2	2	3	3	4	5	6	6
TOTAL	39	33	25	23	24	20	43	40

