

CODEx ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 3

CX/CAC 20/43/2

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEx ALIMENTARIUS COMMISSION

Forty-third Session

INTERMEDIATE REPORT OF THE SUB-COMMITTEE OF THE EXECUTIVE COMMITTEE OF THE CODEx ALIMENTARIUS COMMISSION - "CODEx AND THE PANDEMIC - STRATEGIC CHALLENGES AND OPPORTUNITIES"

1. Background

1.1 The COVID-19 pandemic has severely impacted the organization of Codex sessions for 2020. All technical committee sessions were canceled, the Executive Committee of the Codex Alimentarius Commission (CCEXEC) met once physically in February 2020 and once virtually in July 2020. The physical meeting of the 43rd session of the Codex Alimentarius Commission (CAC43) was cancelled and a virtual session with a reduced agenda will be held in September/October 2020 following endorsement of a proposal to hold CAC43 virtually and suspension of some rules of procedure by over two-thirds of Member countries. This virtual session will allow CAC to consider the work of committees that met in the second half of 2019, including adoption of standards and approval of new work.

1.2 The pandemic has highlighted the importance of food safety including the use of international standards to ensure food safety and facilitate fair practices in food trade. Furthermore, the pandemic has highlighted a need to develop additional Codex standards that maintain food safety and fair trade practices in such situations. In this context, Australia as host of the Codex Committee on Food Import and Export Inspection and Certification systems (CCFICS) is considering the potential for bringing forward new work proposals on relevant matters within its remit, for example remote and virtual audit and verification activity.

1.3 If Codex aims to remain the pre-eminent international food standards setting body, we cannot let the interruptions caused by the pandemic stop us from progressing our work in a timely and effective manner.

1.4 The CCEXEC plays an important role in Codex in providing strategic advice and support to the Commission and addressing special problems such as the ones caused by the ongoing pandemic. During the current period of uncertainty, CCEXEC, which brings together representatives from all the regions of Codex, is well placed to promote strategic discussions and advise the Commission on actions/initiatives needed to maintain the momentum of Codex work and addressing longer-term issues affecting both Codex and its membership.

1.5 Given the above, CCEXEC79 agreed to create a sub-committee to work quickly and collaboratively to frame the issues, collate reflections from Members, and identify approaches CCEXEC may recommend to the Codex Alimentarius Commission.

1.6 The sub-committee of the CCEXEC, in line with Strategic goals 1, 4 and 5 of the Commission's Strategic Plan 2020-2025, has been tasked to:

- a. examine the impact of the pandemic on Codex work management;
- b. advise the Commission and its subsidiary bodies on actions/initiatives to advance its work programme of 2020/21 and build resilience using modern tools and approaches consistent with Codex values; and
- c. ensure that it is well placed to deal with similar events in the future considering the elements presented in the Annex to CRD1 - Codex and the Pandemic—Strategic Challenges and Opportunities¹.

¹ EXEC/79 CRD/01

1.7 The Sub-committee is open to all members of the CCEXEC, is working in English only, is giving this intermediary report to CAC43, and a final report to CCEXEC80.

2. Approach

2.1 Within the sub-committee, a first call for comments sent on 1 August 2020 contained questions to seek inputs from/exchange of views among sub-committee members on: (i) their proposals for new alternative options for Codex meetings to consider how best to ensure work continuation in the short-term and build resilience for the future; (ii) their experience in using virtual tools, particularly the barriers and constraints we should be aware of and aim to mitigate and (iii) the principles we would want to follow when considering other ways of working, including observance of Codex core values, several of which were raised in the discussions at CCEXEC79.

2.2 During August 2020, the chairperson of the sub-committee reached out to Codex Members through the Coordinators to also get their input.

2.3 Feedback was received from nine CCEXEC members and six Codex member countries (from EURO and ASIA) following the efforts of the Coordinators, and from a CCLAC informal meeting. All replies received were compiled and posted on the electronic forum established for the sub-committee for review of the sub-committee². A summary of the replies received is provided in section 3 of this report.

2.4 A survey was also sent to CCEXEC Members to get their feedback on the virtual session of CCEXEC79. A further survey was sent to Codex Observers to gain insight on their experiences with virtual meetings and the potential they held for Codex work.

2.5 In line with its terms of reference, and based on the input received to date, the Chairperson of the sub-committee, in collaboration with the Chairperson and Vice Chairpersons of the Codex Alimentarius Commission and with the support of the Codex Secretariat, has developed this intermediate report to CAC43. Further work by the sub-committee (phase 2) will lead to a final report for consideration by CCEXEC80.

3. Summary of the input received to date

3.1 The impact of the pandemic on Codex work management.

3.1.1 The COVID-19 pandemic has severely impacted the schedule of Codex sessions and no physical Codex meetings have been held since CCEXEC78 in February 2020. Concerns are growing that even though physical meetings are scheduled to recommence from January 2021, it may still not be possible to meet physically during the first half of 2021.

3.1.2 The Codex Secretariat during the last months has organized many informal meetings with CCEXEC, the six Codex regions, host governments and committee chairpersons to update on the current status and exchange views on the way forward, and has held weekly calls with the Chairperson and Vice-Chairpersons of the Commission to discuss the way forward. In addition, the Codex Secretariat has worked closely with committee chairpersons, host country secretariats and chairpersons of Electronic Working Groups (EWGs) to find means of progressing work where possible in the absence of committee meetings.

3.1.3 The Codex Secretariat's original plan of induction and handover activities to manage the transition from outgoing to incoming Regional Coordinators in most Codex regions this year has been disrupted and is now in the process of being redesigned as a virtual programme.

3.1.4 On the advice of the legal offices in FAO and WHO, the elections of Chairperson and Vice-Chairpersons of the Codex Alimentarius Commission, which were due to be held in 2020, will not be included in CAC43 since it will be held virtually, and have thus been delayed until the following session of CAC, scheduled for 2021.

3.1.5 In response to these significant impacts on and disruptions to Codex work management, CCEXEC members and Member countries in different regions have confirmed their commitment to continue Codex work under the challenging circumstances and to make optimal use of the existing Codex tools as well as new tools

² <https://forum.codexalimentarius.net>

that facilitate the conduct of virtual or hybrid³ meetings to progress the work of Codex, whenever physical meetings are not feasible.

3.1.6 While the purpose of this document is to identify actions and initiatives to advance the work of Codex it should nevertheless be noted that there remains a range of views between those who would wish to see a return to physical meetings held under existing procedural rules as soon as possible, and those who foresee a continuing need for remote participation in virtual or hybrid meetings into 2021 and possibly beyond, noting in particular, the enduring impact of the pandemic on economies worldwide. Those who favor maintaining the option of remote participation in virtual or hybrid meetings point to the benefits of reductions in travel for participants.

3.2 Responsibilities and practical actions to advance the Codex work programme for 2020/21 and build resilience using modern tools and approaches in ways consistent with Codex values

3.2.1 Whether virtual or hybrid meetings might be used for sessions of subsidiary bodies in 2021 is a matter for discussion and agreement of the Codex membership together with the parent organizations FAO and WHO. Their application to specific meetings and resolution of practical issues that arise will be a matter for continued discussion between the Codex secretariat and respective host countries. The following practical issues have been identified as important in ensuring the success of future virtual or hybrid meetings:

- A recognition that “No one size fits all”; each committee is unique and the approach taken will need to be adjusted according to the characteristics of the committee, the host country capacity and resources and the issues under consideration.
- It is important to identify the most appropriate platform/tool for each proposed virtual or hybrid meeting, informed by factors such as the number and range of expected participants, the ability to raise delegation flags and for interventions to be taken in order, facilitation of discussion and consensus-building including on less straightforward issues and the ability to convene in-session working groups.
- Consideration must be given to factors that may influence the ability of members to participate effectively in virtual or hybrid meetings, such as: availability of interpretation into an appropriate range of languages; the local times for participants at which meetings are held; availability or accessibility of technical applications and equipment; opportunity for interaction outside of the meeting to facilitate consensus-building; familiarity and experience with participating in virtual meetings; and human factors such as maintaining focus throughout long and potentially complex virtual or hybrid meeting sessions.
- Meetings might also need to consider a combination of tools within a virtual setting, such as a series of virtual meetings interspersed with short periods for written submissions/exchange.
- EWGs and Circular Letters (CLs) should be continued and used wherever possible to frame issues, generate initial member/observer comments and draft text for consideration, undertaking as much work as possible in advance of discussion by virtual or hybrid meetings of the CAC or its subsidiary bodies, provided this is consistent with Codex core values. It might also be an opportune time to enhance the way in which EWGs work and further strengthen their outputs. Virtual and/or hybrid meetings are also tools that may be used in these smaller group consultations.
- Good planning and preparation will be key. Training sessions should be designed and deployed to enhance the preparation of Codex members, and ensure awareness of how delegations may seek to intervene, etc. We will also need to ensure that chairpersons are supported, recognising the challenges that chairing virtual or hybrid meetings may present.
- There is widespread agreement that virtual or hybrid meetings, and the ways in which they are deployed and organised, must adhere to the Codex core values of inclusivity, collaboration, transparency and consensus-building. In this regard, we will need to be clear about how the chairpersons determine consensus in virtual and hybrid meetings.
- Where virtual or hybrid meetings raise procedural issues or require temporary suspensions to rules of procedure, these must be communicated clearly and openly to Codex members and observers and, where necessary, the agreement of Codex members must be sought.

³ Where Members/Observers have the choice to participate in the meeting by being physically present in the meeting room or linking virtually to the meeting room, with both types of participation having equal opportunity to intervene

- For hybrid meetings in particular, comments received indicated that we will need to:
 - develop and apply approaches and protocols that ensure equity between members participating in person and those participating remotely; and
 - recognise that holding hybrid meetings or moving back to holding physical meetings while some pandemic-related restrictions are in place in host countries and/or Codex members countries, may increase participation by diplomatic representation and reduce participation by delegates from capitals.

3.2.2 Many of the aforementioned challenges raised by Members were also highlighted by observers who have through their experiences highlighted the challenges of meeting across different time zones, finding the optimal platform and addressing issues of access and internet connectivity. In addition, the challenges of overcoming the lack of direct personal interaction and finding the balance between meeting length and effective and adequate debate were highlighted. Despite those challenges the replies received were generally positive regarding working by virtual means and the ability to continue work. While there may be a need for new protocols or procedures, positive aspects included greater meeting participation, meetings that were more focussed and outcome oriented and cost savings due to reduced travel.

3.2.3 Considering that to date Codex has only implemented one fully virtual meeting, CCEXEC79, the sub-committee also considered the feedback on that experience. While missing the direct face-to-face interaction and the ease at which that allowed discussions to proceed, there was general recognition of the positive value of being able to use a virtual meeting to progress work and the savings it presented in terms of time and financial resources. A small number of participants indicated technical issues that needed to be addressed.

4. Next Steps

4.1 Considering the information received and reviewed to date the sub-committee has made some initial proposals for consideration by the CAC43 (section 5) to support the progression of the work. The sub-committee work will continue after the Commission with the aim of developing a proposal and related recommendations on a suite of tools/actions that Codex could use to progress work during the ongoing pandemic or a similar situation in the future.

4.2 In this regard Members and Observers are invited to review the information considered to date and provide comments of further suggestions as a Conference Room Document to CAC43 within 9 October 2020.

5. Conclusions

5.1 The feedback to date suggests that there is a commitment from Members to adapt to new ways of working to ensure the standard setting work of Codex can continue. The need for clarity on the procedures/protocols on these new work mechanisms is paramount, while recognizing that different working mechanisms might be required for different committees. While challenges do exist with access to internet, meeting platforms etc., the benefit of virtual meetings, from increased participation to reduced costs are also apparent. From a procedural perspective it was noted that for CAC43 to meet virtually, approval was required from two-thirds of the membership. Looking towards the potential need to have virtual meetings of subsidiary bodies there is a need to simplify this process. Based on this, and in order to continue its work, the sub-committee requests CAC43:

- to recognize:
 - the challenges facing the Codex Alimentarius Commission in fulfilling its duties as the pre-eminent international food standards setting body due to the COVID-19 pandemic;
 - that while many Codex Committee meetings had to be postponed in 2020 this cannot continue in 2021; and
 - to support the use of modern tools and approaches that might be used by Codex subsidiary bodies in line with the Codex core values to ensure Codex work progresses in a timely and effective manner; and
- to encourage:

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- the Codex Secretariat in cooperation with FAO and WHO to develop easy to apply procedural mechanisms to allow Committees to meet and the work of the Commission to proceed in 2021, should physical meetings continue to be a challenge; and
 - Members and Observers to support the work by responding to the survey on the virtual session of CAC43 and highlighting any other issues they think need to be considered by the sub-committee through the Coordinators who are members of the sub-committee.