



**JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEx COMMITTEE ON GENERAL PRINCIPLES**

Thirtieth Session

Paris, France, 11 - 15 April 2016

CODEx WORK MANAGEMENT AND FUNCTIONING OF THE EXECUTIVE COMMITTEE

TERM OF REFERENCE FOR SECRETARIAT-LED INTERNAL REVIEW (PHASE-1)

(Prepared by Codex Secretariat in collaboration with FAO and WHO)

Governments and interested international organizations are invited to submit comments on the Terms of Reference for the Codex Secretariat-led internal review of Codex Work Management and Functioning of the Executive Committee (see Annex) to: Ms Geneviève Raoux, Ministère de l'Economie, de l'Industrie et du Numérique, Direction générale de la concurrence, de la consommation et de la répression des fraudes, 59 Boulevard Vincent Auriol, Teledoc 223, 75703 Paris Cedex 13, France (E-mail: genevieve.raoux@dgccrf.finances.gouv.fr) with a copy to the Secretariat of the Codex Alimentarius Commission, Joint FAO/WHO Food Standards Programme (E-mail: Codex@fao.org) **by 15 February 2016.**

Background

1. CCGP28¹ (Paris, France, 7 – 11 April 2014) considered a working document² prepared by Japan, in which they proposed to discuss two issues:
 - (i) Whether there is need of reviewing the current Codex practice and provisions in the Procedural Manual to bring more clarity for example to the rules for the creation of new committees and task forces; and
 - (ii) Whether after over 10 years there is a need to review the implementation of the recommendations by the 2002 Joint FAO/WHO Evaluation of the Codex Alimentarius Commission.
2. With regard to the review of the implementation of the recommendations of the 2002 Codex Evaluation, after some discussion including an in-session working group which explored the various modalities for evaluating Codex and the management of Codex, CCGP28 agreed to propose to the Executive Committee (CCEXEC):
 - (i) To develop an inclusive and clearly scoped process to review the work management systems and practices of Codex according to Strategic Goal 4 of the [Codex Strategic Plan 2014-2019](#)³; and
 - (ii) To envisage a review, under the auspices of FAO and WHO, of the status of implementation of the recommendations and associated proposals arising from the 2002 Codex Evaluation.
3. With regard to the procedure of the creation of new committees and task forces, CCGP28 agreed that the concerns identified by Japan would be addressed in the context of a review of the structure and mandates of committees and task forces, whose conduct had already been recommended by the Commission.
4. CCEXEC69⁴ (Geneva, Switzerland, 8-11 July 2014) discussed the proposal of CCGP28 and noted that the key concerns needed to be identified and analysed first, before concrete decisions could be made on the way forward and that this could be best addressed through a discussion paper prepared by the Secretariat in cooperation with FAO and WHO.

¹ [REP14/GP](#) paras 103-125

² [CX/GP 14/28/10](#)

³ Strategic Goal 4 "Implement effective and efficient work management systems and practices"

⁴ [REP14/EXEC](#) paras 69-74

5. CCEXEC69:
- (i) Agreed that a two stage process, first internal and Secretariat-led and then external could be undertaken in order to evaluate the work management of Codex; and
 - (ii) Requested the Secretariat to prepare, in collaboration with FAO and WHO, a paper identifying scope and processes to evaluate the work management of Codex for consideration by CCGP in May 2015. The background to the paper should also include an analysis of the implementation of the 2002 Codex evaluation. Taking into account comments expressed at CCGP, the Secretariat-led internal review will be initiated in a form to be decided and approved by CAC38. The case and process for an external review will also be examined by the Commission.
6. CCEXEC69⁵ also considered the issue raised by the Delegation of Cameroon during CCGP28 regarding the effectiveness and representativeness of CCEXEC and noted that this matter was closely linked to the discussion on the Codex work management and that it could be dealt within the discussion paper agreed upon.
7. CAC37⁶ (Geneva, Switzerland, 14-18 July 2014) endorsed the recommendation of CCEXEC69 concerning the preparation of a paper identifying scope and process to evaluate the work management of Codex (i.e. that the Secretariat prepare, in collaboration with FAO and WHO, a paper identifying scope and processes to evaluate the work management of Codex) for consideration by CCGP in 2015. CAC37 noted that the paper would also address the issues related to the effectiveness and representativeness of CCEXEC and that the Codex Evaluation in 2002 ([ALINORM 03/25/3](#)) and its follow-up in 2005 were appropriate starting points for this work.
8. As requested by CAC37 and CCEXEC69, the Codex Secretariat, in collaboration with FAO and WHO, prepared for consideration by CCGP29 (Paris, France, 9-13 March 2015) documents [CX/GP 15/29/6](#) and [CX/GP 15/29/6 Add.1](#), which took the 42 recommendations of the 2002 Evaluation as its starting point and identified and made proposals for five areas of possible improvement, i.e. Mandate and Priorities; Management of the Codex Programme and links to FAO/WHO; Strategic Governance within Codex - "Executive Board"; Structure of Codex Subsidiary Bodies and Efficiency of Committee Work.
9. CCGP29⁷, due to the late distribution of the documents, agreed to have an open and free discussion on the subject but without taking any decisions nor making any recommendations nor referring any text to other committees or the Commission, and that the discussion would be reflected in the report of the session.
10. The Codex Secretariat circulated for comments the documents prepared for CCGP, under reference [CX/CAC 15/38/9](#) and [CX/CAC 15/38/9 Add.1](#) for consideration by CCEXEC70 and CAC38.
11. CCEXEC70⁸ (Geneva, Switzerland, 30 June-3 July 2015) had a preliminary discussion on the document. The preliminary discussion identified six "key areas" (i.e. Strategic governance; Responsiveness to emerging issues; Consensus; Cross collaboration amongst Codex committees; Effectiveness and representativeness of CCEXEC; and Efficiency of CCEXEC and CAC) and related elements which could be addressed in an internal (Phase 1) evaluation. CCEXEC70 did not attempt to prioritise the six "key areas" nor to link them to the 18 proposals contained in [CX/CAC 15/38/9](#) and noted that ample opportunity would be provided to Codex Members to inform the Secretariat-led internal review process.
12. CAC38⁹ (Geneva, Switzerland, 7-12 July 2015) noted the content of [CX/CAC 15/38/9](#), the informal discussion at CCGP29, the comments submitted by members and observers and the discussion of CCEXEC70, and agreed that the process to define the scope of Phase 1 should be transparent and inclusive with strong engagement of Codex members. CCEXEC70 also agreed to the following timeline and process for scoping Phase 1:
- (i) Send a circular letter ([CL 2015/20-CAC](#)) in July 2015 requesting comments on the outcome of CCEXEC70 (deadline for comments: 15th September 2015);
 - (ii) The Secretariat with FAO and WHO create a new document taking into account the working document and all comments and discussions in the process up to now (CCGP29, CCEXEC70, written comments, replies to the circular letter on the outcome of CCEXEC70).
 - (iii) Circulate the new document for comments by the end of October with a deadline of 15 February 2016.

⁵ [REP14/EXEC](#) paras 75-76

⁶ [REP14/CAC](#) para. 103

⁷ [REP15/GP](#) paras 9 and 51-109

⁸ [REP15/EXEC](#) paras 33-55

⁹ [REP15/CAC](#) paras 99-106

- (iv) Discuss the document and comments at CCGP30 (2016) and create a new consolidated version of the document.
- (v) Consider the document at CCEXEC71 and take a final decision on the scope of Phase 1 at CAC39.
- (vi) Start Phase 1 after CAC39.

Approach

13. In order to reach agreement by CAC39 and start the implementation of the Secretariat-led internal review (Phase 1) immediately after CAC39, this document presents the proposed Terms of Reference (ToR) of Phase 1 (see Annex) for review by CCGP30.
14. As instructed by CAC38 the proposed ToR are based on the analysis of the discussion, comments and process up to now and link to the Strategic Plan 2014 -2019.
15. The proposed ToR include:
 - (i) The macro objectives of the review, i.e. purpose
 - (ii) Key review questions and scope
16. The review will also consider a set of internationally accepted¹⁰ evaluation criteria which include: relevance, efficiency, effectiveness, sustainability, impact and equality.
17. The ToR also include the methodology and organisation of Phase 1, which have been developed taking into account the need to ensure maximum participation and inputs of membership, and the feasibility to complete and present the outcomes of the review at the 2017 Session of the Commission (CAC40). Substantive modifications to the proposed ToR will have implications on the feasibility of completing Phase 1 on schedule.

Analysis

18. The discussion up to now in CCGP and CCEXEC has been driven by the proposals of Japan at GGCP28 to verify the need to review the current Codex practice and provisions in the Procedural Manual and to review the implementation of the recommendations of the 2002 Evaluation of Codex.
19. CCGP28 and CCEXEC69 supported the notion of a timely review and CCEXEC69 framed the process for its implementation, i.e. a two stage process, first internal and Secretariat-led and then external.
20. The paper prepared by the Codex Secretariat for CCGP29 presented a set of proposals, which took the 2002 Evaluation of Codex as a starting point and identified five areas for improvements (see table below). The analysis, which was based on reflections by the Secretariat, FAO and WHO, stimulated further discussion (i.e. brainstorming) at CCGP29 and CCEXEC70.
21. The discussion at CCEXEC70 led to the identification of six key areas (see table below).

Five areas of possible improvement (CX/CAC 15/38/9)	"Key areas" identified by CCEXEC70
Mandate and Priorities	Strategic governance
Management of the Codex Programme and links to FAO/WHO	Responsiveness to emerging issues
Strategic Governance within Codex - "Executive Board"	Consensus
Structure of Codex Subsidiary Bodies	Cross collaboration amongst Codex committees
Efficiency of Committee Work	Effectiveness and representativeness of CCEXEC
	Efficiency of CCEXEC and CAC

¹⁰ UN Evaluations Group (UNEG) - <http://uneval.org/>

22. Comments and discussion on the five “areas of possible improvement” identified in CX/CAC 15/38/9 and the six “key areas” identified by CCEXEC70 show a convergence on the over-arching objective of the review, i.e. whether the present Codex strategic governance, work management and support provided by CCEXEC, are adequate to ensure that Codex is and remains the “pre-eminent international food standards-setting body to protect the health of consumers and ensure fair practices in the food trade” while respecting its core values, which include collaboration, inclusiveness, consensus building and transparency.
23. These discussions have raised several specific elements, i.e. areas, to be reviewed. Some of them appear to be overlapping or strictly related, e.g. management of Codex programme and strategic governance; structure of subsidiary bodies and cross collaboration amongst committees.
24. These discussions also highlighted that a number of identified areas were consistent with the [Codex Strategic Plan 2014-2019](#), i.e. Strategic Goal 4 “Implement effective and efficient work management systems and practices” and Objective 1.2 “Proactively identify emerging issues and Member needs and, where appropriate, develop relevant food standards”.
25. Replies to the CL 2015/20-CAC¹¹ have further underlined the necessity to align the review of Codex work management both with the core values of the Codex Alimentarius and the Strategic Plan 2014-19. It also appears that the strategic function of CCEXEC, such as: overview, the ability to identify and react to emerging issues, critical review, etc) should be central to a review of work management as should its relationship with the function of the Codex Alimentarius Commission.
26. The draft ToR presented define ‘strategic governance’ to include *leadership, authority, direction, accountability, transparency and stewardship* and the scope of the review focuses on this aspect.

Recommendations

27. The Committee is invited to review the ToR (Annex) and forward them to the CAC (through CCEXEC) for approval.

¹¹ Replies to the CL by Australia, Bolivia, Brazil, Canada, China, Costa Rica, European Union on behalf of the 28 EU Members States, Ghana, Guinea Bissau, India, Kazakhstan, Malaysia, Mexico, New Zealand, Philippines, Republic of Korea, Switzerland, United States of America and Uruguay are available, as submitted and in original language, at: ftp://ftp.fao.org/codex/meetings/CCGP/ccgp30/Responses_All.pdf. The file does not include incomplete replies.

TERMS OF REFERENCE FOR A CODEX SECRETARIAT-LED INTERNAL REVIEW OF CODEX WORK MANAGEMENT AND FUNCTIONING OF THE EXECUTIVE COMMITTEE

1 Introduction

1.1 Context for the review

In 2002, a joint FAO/WHO evaluation team and expert panel conducted an “Evaluation of the Codex Alimentarius and other FAO and WHO Work on Food Standards”¹. This was a wide reaching exercise that aimed to provide input into decision making on future policy, strategy and management at the level of FAO and WHO Governing Bodies and their respective Secretariats and to the Codex Alimentarius Commission. The evaluation report was distributed for comments and the Codex Secretariat subsequently produced a list of 38 proposals which it then reported on to the Commission over the period 2004-2009 at which point the exercise was considered completed.

In 2014, CCEXEC69 agreed that a two stage process, first internal and Secretariat-led and then external could be undertaken in order to evaluate the work management systems and practices of Codex according to Strategic Goal 4 of the Codex Strategic Plan 2014-2019. CCEXEC69 requested the Secretariat to prepare, in collaboration with FAO and WHO, a paper identifying scope and processes to evaluate the work management of Codex for consideration by CCGP29 in May 2015. It was agreed that the background to this paper would include an analysis of the implementation of the 2002 Codex evaluation and that the paper would also address the issues related to the effectiveness and representativeness of CCEXEC.

In 2015, CAC38 requested the Secretariat to create a new document with FAO and WHO taking into account the working document² and all comments and discussions in the process thus far (CCGP28-29, CCEXEC69-70, written comments and replies to the circular letter³ on the outcome of CCEXEC70).

2 Review Framework

2.1 Purpose

The main purposes of the Review of Codex Work Management and Functioning of the Executive Committee (the Review) are as follows:

- Assess the efficiency and effectiveness of current Codex strategic governance to understand how Codex is managed at the executive level;
- Formulate recommendations to enhance the Commission’s ability to be efficient, effective and forward looking in executing the mandate of the Codex Alimentarius.

2.2 Key questions and scope

Members and observers have identified a range of issues to be evaluated which have been summarised in four key review questions:

- (i) What should be the respective roles and responsibilities of the Codex Alimentarius Commission and CCEXEC?
- (ii) Is CCEXEC able to operate, to the extent required, in order to perform a strategic function for the Codex Alimentarius Commission?
- (iii) What are the necessary elements required to ensure CCEXEC performs an effective strategic function for the Codex Alimentarius Commission?
- (iv) What are the current practices that should be maintained and what changes or new initiatives could be considered?

In order to answer these questions the review will focus on the relationship between the Codex Alimentarius Commission and CCEXEC. It will also consider how the Commission, as a whole, functions with regard to:

- Its purpose and principles;

¹ [ALINORM 03/25/3](#)

² [CX/CAC 15/38/9](#)

³ [CL 2015/20-CAC](#)

- Alignment with policies of the parent organizations FAO and WHO;
- Visibility and relevance of the Codex Alimentarius Commission;
- Ability of the Codex Alimentarius Commission to meet the needs of all stakeholders;
- Roles and skills of Chairs, Vice-Chairs and of CCEXEC members; and
- Core functions of CCEXEC, including critical review.

The Review will focus on Codex work since 2009, when the implementation of the 2002 Evaluation was considered completed.

The Review will not assess the issues regarding the structure and function of the Codex subsidiary bodies and the Codex decision making process, which could form part of the scope of an external review.

2.3 *Review criteria and issues*

The review will be undertaken with reference to a set of internationally accepted⁴ evaluation criteria which include: relevance, efficiency, effectiveness, sustainability, impact and equality.

3 **Review Methodology**

3.1 *Approach and tools*

The Review will gather information and evidence in order to draw conclusions against the agreed criteria. Recommendations will therefore be based on any gaps identified or areas where the review team concludes there is need for action or remedy.

The review team will make use of the following methods and tools, as appropriate:

- Semi-structured group and individual interviews with key informants and stakeholders; these will include Codex Contact Points, Regional Coordinators and Chairpersons of subsidiary bodies, Regional Coordinating Committees;
- Questionnaires;
- A review matrix that will relate issues and criteria, with indicators, tools and source of information to guide the work of the review team.

3.2 *Consultation process*

The primary stakeholders for the Review are:

- The Codex Alimentarius Commission and CCEXEC as initiators and recipients of the review;
- The parent organizations FAO and WHO and the Codex Secretariat as those responsible for implementation.

The review team will interact with other stakeholders as required.

4 **Organization**

4.1 *Roles and Responsibilities*

The Codex Secretariat, and FAO and WHO will support the management consultant in carrying out this review.

The CCGP will be responsible for providing comments and suggestions on the report.

The Codex Alimentarius Commission, following further comments and recommendations from CCEXEC, will be responsible for a response to the findings, conclusions and recommendations of the review.

4.2 *Review team competencies and composition*

The team will be composed of:

- A management consultant
- A Senior Food Standards Officer from the Codex Secretariat
- A representative from FAO and from WHO

⁴ UN Evaluations Group (UNEG) - <http://uneval.org/>

4.3 *Timetable*

The table below outlines the phases and timetable for the review.

Activity	Responsibility	Deadline
Selection and recruitment of the management consultant	Codex Secretariat	31/7/2016
Preparation of review tools (e.g. questionnaire and survey) and schedule	Review team	30/09/2016
Implementation of review	Review team	28/02/2017
Report finalised and circulated for comments to all members	Codex Secretariat	31/03/2017
Discussion of the report by CCEXEC72 and CAC40		June/July 2017
Implementation of the agreed recommendations		Starting in August 2017

4.4 *Budget*

The estimated budget for the review (approx. 100,000 US\$) will cover the cost of the management consultant including honorarium, travel and per diem expenses and translation costs.

Staff costs borne by FAO and WHO and Codex Secretariat are not included.