



TO: Codex Contact Points
Interested International Organizations

FROM: Secretariat, Codex Alimentarius Commission

SUBJECT: **Request for comments on matters referred from the 64th session of the Executive Committee and the 33rd Session of the Commission**

- i) **Strategic Plan 2008-2013;**
- ii) **Private standards;**
- iii) **Trust Fund;**
- iv) **Processed Cheese**

DEADLINE: **15 September 2010**

COMMENTS:

To:

Secretariat
Codex Alimentarius Commission
FAO/WHO Food Standards Programme
Viale delle Terme di Caracalla
00153Rome, Italy
Fax: +39 06 5705 4593
E-mail: codex@fao.org (*preferably*)

With a copy to:

Dr Viliami T Manu
Research and Extension Division
Ministry of Agriculture, Food, Forests
and Fisheries
PO Box 14, Nuku’Alofa, Tonga
Fax: +676 24271
Email: mafsoils@kalianet.to
(*preferably*)

(i) STRATEGIC PLAN 2008-2013¹

Goal 4: Promoting Cooperation between Codex and other relevant international organizations and Goal 5 (Promoting Maximum and Effective Participation of Members)

Activity 4.5 “Promote interdisciplinary coordination at the national and regional level”

Description: Encourage Codex member countries to establish effective mechanisms within their own countries so that horizontal coordination and communication occurs among national delegates to various food-standards-related international organizations. Invite members to develop evaluation criteria to assess the success of the mechanisms that they have established and report progress in this activity through their respective Codex Regional Coordinating Committees to the CAC.

The 64th Session of the Executive Committee, while noting that Activity 4.5 was completed in 2009, recommended that it should be continued and that the questionnaire sent in 2008 on interdisciplinary coordination at the national and regional level should be circulated again for consideration by the forthcoming sessions of Coordinating Committees.

Goal 5: Promoting maximum and effective participation of members

Activity 5.5 Enhance participation of non-governmental organizations at international, regional and national levels

Description: Encourage non-governmental organizations to participate in Codex work at national, regional and international levels. Encourage members to establish sound structures and processes for consultation on Codex matters to ensure effective involvement and participation of all interested parties.

¹ ALINORM 10/33/3A paras 44-56

This is an ongoing activity and should be considered by all Coordinating Committees.

Request for comments and information

Comments and information are requested on Activities 4.5 and 5.5 of the Strategic Plan 2008-2013.

(ii) PRIVATE STANDARDS²

The 33rd Session of the Commission considered a paper (CX/CAC 10/33/13) prepared by FAO/WHO on private food safety standards (PFS), which addressed the following issues: the extent to which PFS are consistent with Codex and the impact of these standards on market access and public health, particularly in developing countries. The paper did not cover the issue of whether the SPS Agreement should apply to PFS, which was a question that would continue to be discussed within the WTO SPS Committee.

The main conclusions of the paper were that there was a tendency for individual firm standards to be more stringent than relevant Codex standards without scientific basis whereas collective food safety standards were largely consistent with Codex. A general exception to this, however, related to traceability requirements. PFS were however more prescriptive than Codex in stating how food hygiene requirements should be met. Since the standards in most cases were prepared with extremely limited opportunity for developing country input, the prescription contained within the standards were often inappropriate in developing country contexts and difficult or impossible to apply in small-scale food businesses in developing countries. Especially costs of certification disproportionately penalized small-scale producers and multiple certification requirements were a major problem that should be avoidable given that there are minimal differences among many of the existing standards. The Representative of FAO highlighted that there was a need for transparency not only in the setting of private standards but also in their implementation and further emphasized that the key question was whether private food standards support or undermine public policy.

After extensive discussion, the Chairperson concluded that legal trade implications of private standards were best dealt with in WTO. Codex, FAO and WHO should engage with global private standard-setting bodies and others, and encourage their participation in Codex as observers. The Chairperson noted the willingness of FAO to make closer contact with private standards organizations. The Commission agreed to refer the matter to coordinating committees to conduct further analysis of the problems encountered with private standards and to make recommendations for follow up by the next session of the Commission. The analysis should include the financial burden especially to SMEs due to proliferation of private standards. Private standards setting bodies should be encouraged to limit number of audits and to work more cooperatively among themselves.

Request for comments and information

Comments and information are requested on the following questions:

Question 1: Have food producers/processors in your country experienced any problems in meeting private standards

Please provide a description of the problems encountered (where these problems are encountered, which industries are mainly affected) and give specific examples.

Question 2: What are the financial implications of meeting private standards, especially implications for SMEs

Please provide specific examples and data to support your response.

Question 3: What measures have been taken to overcome/ease the problems in implementing private standards

Please provide a description of measures taken and how it has helped to limit the problems associated with private standards, if relevant.

² ALINORM 10/33/REP paras 218-243

Question 4: What should the CAC/ FAO/WHO do in the context of private standards

Please make recommendations for follow up action by CAC (or FAO/WHO) bearing in mind that legal trade implications of private standards are dealt with in WTO.

(iii) TRUST FUND³

The Commission agreed that coordinating committees would further consider the Trust Fund Midterm Review based on comments to a circular letter on the 5 questions:

- Should there be a shift in emphasis from Objective 1 to Objectives 2 and 3?
- If yes, what is the "niche" for the CTF?
- Should there be a mechanism to continue support for physical participation for those who need it most (including graduates who cannot sustain participation)?
- Should there be re-consideration of the criteria for allocation of support?
- Should the lifespan of the CTF be extended?

The background to the questions put forward is presented in the attached Annex, prepared by FAO and WHO to facilitate the discussion.

Request for comments and information

Comments and information are requested on the five questions above.

(iv) PROCESSED CHEESE⁴

The Commission agreed to defer decision on the discontinuation on work on a standard for processed cheese until its 34th Session. The Commission further agreed to request the interested Coordinating Committees to discuss the necessity and the scope of regional standards for processed cheese and report their findings to the 34th Session of the Commission. The Commission would then base its decision on the discontinuation of work on the basis of the findings and recommendations of the coordinating committees.

Request for comments and information

Comments are requested on the (i) the need for a standard on processed cheese and the rationale for such a standard i.e. whether there is a problem or potential problem in the trade of these products; and (ii) the scope of such a standard i.e. compositional aspects of the products to be covered by the standards.

³ ALINORM 10/33/REP paras 245-252

⁴ ALINORM 10/33/REP paras 89-93

Annex**Codex Trust Fund**

The present document is meant to serve as background for member states on the process, outcomes and next steps envisaged with regard to the Mid-term Review of the Codex Trust Fund. Information contained here, and in documents referred to, will assist member states in responding to the questions on the Mid-term review that are contained in the present Circular Letter.

As specified in the Codex Alimentarius Commission Strategic Plan 2008-2013, a mid-term review (MTR) to assess the progress and sustainability of the Fund was carried out between November 2009 and March 2010 by an independent external evaluation team consisting of three persons. Selection criteria for the evaluation team, process and timeline were reported on in and the Terms of Reference appear in CX/CAC 10/33 14-Part 1-Annex D.

In addition to written documentation on the Codex Trust Fund, the review was built using three sources of evidence:

- 1) Country studies in a total of 12 countries, selected to represent different regions, country categories and levels of participation in Codex work.
- 2) Interviews with Codex Trust Fund stakeholders including: staff and management of the Trust Fund Secretariat; staff and management of the FAO Codex Alimentarius Secretariat; food safety staff in FAO's Nutrition and Consumer Protection Division; chairs of a select number of Codex Alimentarius Committees; representatives of current and potential donors to the Trust Fund as well as a number of other stakeholders (almost 150 interviews carried out in total).
- 3) Surveys administered to Codex Contact Points and a randomly selected number of Codex Trust Fund beneficiaries.

The major findings of the mid-term review were the following:

- Impact - There have been significant changes in Codex work at country and regional levels.
- Regional coordination - One of the important changes concerns the level of regional coordination.
- Sustainability - Changes in the institutional framework around food safety and health were in most parts found to be sustainable.
- Reaching objectives - The Trust Fund has achieved its first objective.
- Efficiency - The efficiency of the operation has been high and the results in terms of reaching the first objective were accomplished with very few staff resources.

Based on these findings, the key recommendations emanating from the report are as follows:

- 1) Focus on the second and third objectives (Expected Output 2 - strengthening overall participation and Expected Output 3 - enhancing scientific/technical participation in Codex. For more information on objectives and expected outputs please see the project document establishing the Codex Trust Fund in 2003).
- 2) Focus on countries most in need.
- 3) Find ways of engaging other countries.
- 4) Continue to apply and develop further stringent application procedures.
- 5) Stay focused on participation in Codex as the niche and role of the Trust Fund.
- 6) Increase collaboration with other actors.
- 7) Further develop monitoring and evaluation systems for the Trust Fund.

The executive summary and full report of the mid-term review can be found in CX/CAC 10/33/14 Add. 1.

The report of the mid-term review was tabled for discussion at the 64th Session of the Executive Committee of the Codex Alimentarius Commission and the 33rd Session of the Codex Alimentarius Commission.

The Executive Committee considered the following five strategic questions:

- Should there be a shift in emphasis from Objective 1 to Objectives 2 and 3?
- If yes, what is the "niche" for the Codex Trust Fund?
- Should there be a mechanism to continue support for physical participation for those who need it most (including graduates who cannot sustain participation)?
- Should there be re-consideration of the criteria for allocation of support?
- Should the lifespan of the Codex Trust Fund be extended?

With regard to these questions, the Executive Committee concluded the following:

- There was general agreement on a shift from Objective 1 to 2 and 3.
- The Codex Trust Fund should remain focused on providing support that is directly related to participation in Codex work.
- Additional criteria to evaluate if countries needed support even if they had graduated should be applied in a flexible manner in the perspective of achieving Objective 2.
- The current UN criteria to classify groups of countries should not be changed but that additional criteria should be developed to take into account the needs of countries.
- There was most likely going to be a need for Trust Fund support in the future but more consideration should be given to the evaluation of participation of countries before making specific recommendations on the extension of the lifespan of the Trust Fund.

Full text of deliberations and conclusions can be found in ALINORM 10/33/3A.

The 33rd Codex Alimentarius Commission meeting agreed with the conclusions of the Executive Committee. The meeting further agreed that the coordinating committees would further consider the mid-term review based on comments to a circular letter on the five strategic questions that appear above.

Based on the deliberations and conclusions of the CCEXEC and CAC, and further feedback from coordinating committees, FAO and WHO will make strategic and operational decisions on the next six years of the Codex Trust Fund. These will be made available at the 34th Session of the Codex Alimentarius Commission.