

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Twenty-fifth (Extraordinary) Session, Geneva, Switzerland, 13-15 February 2003

REPORT OF THE FIFTY-FIRST (EXTRAORDINARY) SESSION OF THE EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION

WHO Headquarters, Geneva, Switzerland, 10-11 February 2003

OPENING

1. The Executive Committee of the Codex Alimentarius Commission held its Fifty-first (Extraordinary) Session at WHO Headquarters, Geneva, Switzerland, from 10 to 11 February 2003. The Session was chaired by the Chairperson of the Commission, Mr. Thomas Billy (USA) and attended by the Commission's three Vice-Chairpersons, 5 Members of the Commission elected on a regional basis together with their advisors and 5 of the Commission's Regional Coordinators. A full list of participants at the Session, including the Secretariat, is given in Appendix I to this report.

2. Dr David Nabarro, Executive Director, Sustainable Development and Healthy Environments, welcomed participants on behalf of WHO and stressed the importance of Codex and related scientific advice in order to meet the needs of member countries as regards food safety. WHO was committed to an increased participation of the health sector in food safety activities, and high priority was given to the strengthening of expert advice on risk assessment, in cooperation with FAO. The importance of these issues was reflected in their inclusion in the Agenda for the next meeting of the World Health Assembly. Dr Nabarro invited the Members of the Executive Committee to provide advice to the Commission in order to facilitate the implementation of the recommendations of the Evaluation.

ADOPTION OF THE AGENDA (Agenda Item 1)

3. The Executive Committee adopted the Agenda as presented in document CX/EXEC 03/51/1.

CONSIDERATION OF FOLLOW-UP TO THE CONCLUSIONS AND RECOMMENDATIONS OF THE JOINT FAO/WHO EVALUATION OF THE CODEX ALIMENTARIUS AND OTHER FAO AND WHO WORK ON FOOD STANDARDS (Agenda Item 2)¹

4. At the invitation of the Chair, Professor Bruce Traill, Leader of the Evaluation Team, presented the Evaluation Report and recalled that the evaluation process had involved extensive consultations with many member countries, the distribution of a detailed questionnaire and comments from the public. The recommendations in the Report reflected the consensus reached by the Evaluation Team and the Expert Panel after detailed consideration of all issues involved. Professor Traill highlighted the main recommendations that were intended to improve the efficiency of the Codex process; to strengthen scientific advice; to ensure the participation of developing countries in standard-setting and risk assessment; to achieve more effective capacity building; and generally to ensure that Codex standards met the requirements of member countries. He also recalled that these recommendations should be considered in their overall context rather than as isolated proposals.

5. The Representative of WHO informed the Executive Committee that the WHO Executive Board had considered a report on the Evaluation (ALINORM 03/25/3-Add.1), and in particular the following aspects: the emphasis on health related standards within Codex; the needs of developing countries and the establishment of the Trust Fund; and the scientific advice provided to Codex. The Executive Board had agreed that a draft resolution should be prepared for consideration by the World Health Assembly, on the basis of the views expressed by member countries in the Extraordinary Session of the Commission. The Representative stressed the importance of cooperation with FAO and indicated that both organizations shared a common approach to food safety issues.

6. The Representative of FAO recalled the continuing cooperation with WHO in order to provide scientific advice to Codex and to member countries, and noted that the process was under review in order to improve overall coordination and ensure the quality of expert advice. The Representative informed the Executive Committee that the recommendations of the Commission concerning the Evaluation would be submitted to the FAO Council and Conference that would also consider their budgetary implications for FAO. The Representative also proposed to consider the recommendations of the Evaluation according to their relevance to Codex, FAO and WHO as follows: specific Codex matters; scientific advice; and capacity building.

7. The Executive Committee expressed its appreciation to the Evaluation Team and Expert Panel for the excellent work achieved in a relatively short time and the comprehensive report that addressed major issues for Codex, FAO and WHO.

8. The Executive Committee strongly supported the overall thrust of the Evaluation report and agreed that it should be reviewed expeditiously. A number of issues were identified as requiring further debate, but the Executive Committee believed that this should not impede progress.

9. The Executive Committee recognized that the object of the 25th Session of the Commission was to provide the Commission's views on the Evaluation to FAO and WHO. The Executive Committee agreed that its current role would be to provide general views on the main aspects of the Evaluation in order to facilitate the discussion in the Commission. The Executive Committee agreed with the proposal of the Chair that the main questions to be addressed by the Commission related to the following issues: the mandate; the priorities; the establishment of an Executive Board and its functions, as related to the current functions of the Executive Committee; the establishment of a Standards Management Committee; the definition of consensus; the provision of expert scientific advice; and capacity building.

10. Several Members questioned the need for the establishment of a new mandate as proposed in Recommendation 4 and expressed the view that the current mandate, "protecting consumer health and ensuring

¹ ALINORM 03/25/3 Conclusions and Recommendations of the Joint FAO/WHO Evaluation of the Codex Alimentarius and Other FAO and WHO Work on Food Standards; ALINORM 03/25/3-Add.1 (FAO Management Response and Report by the Director-General (WHO) to the Executive Board); ALINORM 03/5/3-Add.2 (Note by the Secretariat); CAC25/LIM.1 (comments of India, Malaysia,49P, CI, IFAH); CAC25/LIM 2 (comments of Chile); CAC25/LIM 3 (comments of Argentina) .

fair practices in food trade”, should be retained as it adequately reflected the objectives of Codex. It was also pointed out that the mandate and the priorities were two different issues and that they should not be confused, as it was possible to retain the mandate and to discuss further the priorities. The Executive Committee agreed that the mandate should be retained at this stage but that it might be discussed in the future.

11. Several Members stated that Codex work should not be limited to food safety and stressed the importance of Codex commodity standards as a reference in international trade and as a basis for national regulations, especially for developing countries. Some Members pointed out that non-essential factors should be left to trading partners but that the development of standards covering essential quality provisions was justified.

12. After an exchange of views, the Executive Committee reasserted that within the terms of the Codex mandate the first priority was the development of standards having an impact on consumer health and safety. The Executive Committee recognized that it was not possible to discuss the other priorities in detail at this stage but that they would require further consideration at a future meeting of the Commission.

13. The Executive Committee was of the opinion that the issue of effective and efficient management of the standards development process was one that needed to be urgently addressed.

14. The Executive Committee had an extended discussion on an appropriate response to the recommendations concerning the establishment of an Executive Board and a Standards Management Committee. It noted that a number of questions needed to be resolved, such as the impact of annual meetings of the Commission which in turn was related to the operation of the FAO/WHO Trust Fund. Questions were also raised about the increased costs involved, the representativity of the new structures, and the transparency of the decision-making process. Several Members indicated that for the time being annual meetings of the Commission, supported by the Trust Fund, should be considered and that this would require a further analysis of the proposed Executive Board and a Standards Management Committee.

15. Some Members and coordinators expressed their concerns about the recommendations related to cooperation with other international organizations. Although some Members proposed to specify the organizations concerned (especially OIE and IPPC), other Members expressed some reservations on the reference to other organizations. One observer expressed concern about the recommendation concerning cooperation with international organizations and the use of the expression “collaboration with other international organizations” appearing in the proposed mandate and collaboration with OIE, which should be confined to issues that were directly related to food safety. The Executive Committee did not discuss this question in detail.

16. Some Members stated that the implementation of Recommendation 20 on the consultative process between meetings, required further clarification. Some concerns were also expressed as to the emphasis given to NGO involvement, as this was adequately covered by current procedures and practices.

17. One Member stated that the Committee on General Principles would be the appropriate body to consider the recommendations dealing with the revision of the Rules of Procedure and other internal working procedures.

18. The Executive Committee expressed the wish that the Commission make significant progress in its review of the Evaluation report at its 25th Session and noted nevertheless that there would be a need for substantial follow-up to the review of the Evaluation Report at the Commission’s 26th Session. Several Members proposed to request further comments from all member countries and to consider them in more detail at the 26th (Regular) Session of the Commission. Other Members pointed out that the current Agenda of the Regular Session was already very substantial and noted the practical difficulties involved. The Executive Committee noted that the possibility existed to extend the 26th Session in order to discuss follow-up to the Evaluation .

19. The Executive Committee recalled that the Medium Term Plan was currently under consideration and that it was scheduled for finalization by the 26th Session of the Commission. However, the Executive Committee noted that the recommendations of the Evaluation might significantly affect several elements of the Medium-Term Plan, and agreed that it would be premature to finalize it before the Commission had completed its review of the Evaluation. The Executive Committee therefore proposed that the Commission postpone its consideration of the Medium-Term Plan until its 27th Session.

20. The Executive Committee generally supported the recommendations to develop capacity building and strengthened coordination between the parent organizations and possibly other international organizations. Some

Members pointed out that the relative responsibilities of Codex and of FAO and WHO should be clear, as the Commission itself was not responsible for capacity building.

21. As a result of the above discussions, the Executive Committee agreed on the following Draft Statement for consideration by the Codex Alimentarius Commission.

Draft Statement of the Codex Alimentarius Commission on the Outcome of the Joint FAO/WHO Evaluation of the Codex Alimentarius and Other FAO and WHO Work on Food Standards

22. The Codex Alimentarius Commission, having considered the report and recommendations of the *Joint FAO/WHO Evaluation of the Codex Alimentarius and Other FAO and WHO Work on Food Standards*, expressed its appreciation to the parent Organizations for having initiated the Evaluation and ensuring that it was carried out in a consultative, efficient and effective manner. It also expressed its appreciation to the Evaluation Team and Expert Panel for their excellent report, the depth of the analysis and the comprehensive proposals and recommendations contained therein.

23. The Commission endorsed the findings of the Evaluation that its food standards had a very high importance to Members as a vital component of food control systems designed to protect consumer health and to ensure fair practices in the food trade which as a consequence facilitated international trade in foods. It also endorsed the view that standards were a fundamental prerequisite in consumer protection but had to be looked at in the context of the total system, especially the food safety system. It recognized the usefulness of international standards as a basis for smaller and lesser-developed countries' own standard setting.

24. Noting the Evaluation's recommendations concerning the Commission's mandate, the Commission was of the opinion that its existing mandate to protect consumer health and to ensure fair practices in the food trade continued to be appropriate but might be discussed in the future. Within this mandate, the Commission emphasized that its first priority would be the development of standards having an impact on consumer health and safety.

25. The Commission **agreed** that in their response to the Evaluation, the Commission and its parent Organizations should work towards:

- greater efficiency and effectiveness in the development of Codex standards, whilst maintaining transparency and inclusiveness and procedural consistency in the process of their development;
- increased participation of developing Member Nations in the Codex throughout the standards development process;
- greater usefulness of Codex standards to Member Nations in terms of relevance to their needs and timeliness;
- strengthening of the scientific base for risk analysis, including food safety risk assessment to improve the efficiency and effectiveness in providing expert scientific advice to the Commission and Member Nations; and
- more effective capacity building for the development of national food control systems.

26. The Commission agreed that it should have greater independence, within the overall structure of FAO and WHO, for proposing and executing its **work programme and budget**, once approved by the two parent organizations.

27. The Commission concurred with the views expressed in the Evaluation Report that the Codex **Secretariat** was hard working, efficient and member-oriented but overworked and with insufficient resources to support the present activities of Codex. It strongly supported the recommendation that the Secretariat be expanded and that there be greater seniority of its staff.

28. On the matter of **expert advice** to Codex, the Commission agreed fully with the view that this work needed to have greater identity, stronger links to Codex priorities, and coordination as well as significantly increased resources, and its independence from external influences and transparency need to be further reinforced within FAO/WHO. The Commission stated that there should also be greater distinction between the

function of risk assessment undertaken by experts and that of risk management undertaken by Codex committees, while noting the linkages that needed to exist between these functions. Whilst recognizing that the provision of expert advice was a joint responsibility of FAO and WHO, the Commission strongly recommended that WHO markedly increase its contribution for health risk-assessment and that FAO should strengthen its input on good manufacturing and handling practice. It called upon FAO and WHO to prepare for and convene as an immediate priority, the consultation requested by the Codex Alimentarius Commission at its 24th Session² on strengthening scientific support for Codex decision-making.

29. In the area of **capacity building**, the Commission welcomed the valuable initiatives described in the report including the Standards and Trade Development Facility (STDF) operated by the WTO in collaboration with the World Bank, FAO, WHO, OIE, and in particular the new FAO/WHO Trust Fund to enable effective participation in Codex. It called upon FAO and WHO to undertake a major effort to mobilize extra-budgetary funds and foster coordinated bilateral assistance in capacity building. It also called for a more coordinated approach for capacity building between FAO and WHO and requested the parent bodies to urgently analyse their existing means of providing capacity building and inform the Codex Alimentarius Commission on how they will improve coordination and distribution of work drawing on their mutual strengths and synergies.

30. The Commission called upon **FAO and WHO** to provide additional Regular Programme resources, supplemented with extra-budgetary resources where necessary, to strengthen Codex and Codex-related work throughout the two Organizations.

31. The Commission called upon **Member Governments** to support the follow-up to the Evaluation process including through their statements made and positions taken in the World Health Assembly and the Council and Conference of FAO.

32. The Commission reiterated its **commitment** to pursue with all speed full consideration of the recommendations addressed to it in the Evaluation report and in this regard:

- Invited **Member Nations** and interested international organizations to submit written comments to the Secretariat;
- Requested the Secretariat to analyze the comments dealing with the **Codex Committee structures and their mandates**, the impact of annual Commission meetings and the possible establishment of an Executive Board and Standards Management Committee, and to provide options for consideration by the Commission at its next Regular Session; and
- Requested the Secretariat to identify a strategy for consideration by the Commission at its next Regular Session on the implementation of the recommendations dealing with the revision of the **Rules of Procedure** and other internal procedures.

TRUST FUND FOR THE PARTICIPATION OF DEVELOPING COUNTRIES AND COUNTRIES IN TRANSITION IN THE WORK OF THE CODEX ALIMENTARIUS COMMISSION (Agenda Item 4)³

33. Dr Wim van Eck, Chairman of the FAO/WHO Consultative Group for the Trust Fund, introduced the agenda item. He recalled earlier discussions on the subject at the Twenty-fourth Session of the Commission in July 2001 and at the Fiftieth session of the Executive Committee in June 2002, which had led to FAO and WHO preparing a progress report for submission to the Extraordinary Session of the Commission in February 2003.

34. He briefly updated the Executive Committee on further developments, stating that no funds would be sought from the private sector until the relevant rulings had been made by both FAO and WHO, and highlighting other salient recommendations of the Consultative Group, including: the Trust Fund should focus on participation as its key specificity, rather than capacity building in general; any activities additional to participation in Codex meetings which might be funded should be directly related to improving the quality of

² ALINORM 01/41, para. 61.

³ ALINORM 03/25/4

participation, e.g. facilitating access to and provision of relevant information; continued funding would be given only on receipt of a standardized report submitted on a regular basis.

35. The Executive Committee welcomed the news that the Trust Fund was moving ahead, after many years of discussion. It was pointed out that the establishment of the Trust Fund was directly related to the process of change that was taking place as a result of the Evaluation. It would enable more developing countries to participate effectively in the work of Codex. It was recognized that the Trust Fund was not a substitute for the regular capacity building activities of FAO and WHO, or for cooperation by FAO and WHO in other capacity building activities such as the Standards and Trade Development Facility in which FAO, WHO, OIE, WTO and the World Bank were partners.

36. The Executive Committee felt strongly that there should be very close links between the FAO/WHO Consultative Group and Codex. It was suggested that the Executive Committee and the Commission should have an ongoing involvement, in order to provide the basis for effective participation and to provide feedback, particularly in the early stages of the functioning of the Trust Fund.

37. In response to the question about composition of the Consultative Group, it was explained that FAO and WHO had each appointed 3 representatives with comprehensive knowledge of food safety, food standards and capacity building issues at country level, and with fundraising and legal expertise. The Chairmanship of the Group is to rotate between FAO and WHO on an annual basis. It was further clarified that it would not be appropriate for a managerial group accountable to the Directors-General to comprise representatives of Member States.

38. The Executive Committee thanked Dr van Eck for providing it with up-to-date information, and invited the Consultative Group to report on progress at the Executive Committee and Commission sessions in June/July 2003.

APPENDIX I

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liste des participants
lista de participantes

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