

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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Agenda Item 10

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Twenty-sixth Session, FAO Headquarters, Rome (Italy), 30 June-7 July 2003

JOINT FAO/WHO EVALUATION OF THE CODEX ALIMENTARIUS AND OTHER FAO AND WHO WORK ON FOOD STANDARDS

General aspects

1. INTRODUCTION

1. The conclusions and recommendations of the *Joint FAO/WHO Evaluation of the Codex Alimentarius and Other FAO and WHO Work on Food Standards* were circulated to Members of the Commission as ALINORM 03/25/3; the responses of FAO Management and the Report of the Director-General of WHO to the WHO Executive Board were circulated as ALINORM 03/25/3 - Add.1. As agreed by FAO and WHO in establishing the terms of reference of the Evaluation, the views of the Commission on the Evaluation Report as summarized in the Annex to the Report of the 25th (Extraordinary) Session of the Codex Alimentarius Commission (ALINORM 03/25/5) have been submitted to the World Health Assembly in May 2003 and will be submitted to the FAO Conference in November 2003.

2. The Evaluation report contains 42 recommendations; the prime responsibility for the implementation of 24 of these recommendations lies with the Codex Alimentarius Commission itself, or jointly with the parent organizations. The prime responsibility for the remaining recommendations is with the parent organizations.

3. The Evaluation identified four main areas for improvement to enhance impact, to which the recommendations were designed to contribute:

- greater speed in Codex and expert scientific advice,
- increased inclusiveness of developing member countries in the Codex standard development process, including risk assessment;
- the development of Codex standards which are of greater usefulness to Member countries in terms of relevance to their needs and timeliness; and
- more effective capacity building for development of national food control systems.

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4. In concluding their remarks, the Evaluation Team and Expert Panel recommended early and continued action for implementation of agreed recommendations with:

- early decision on funding requirements and new managerial arrangements by the FAO and WHO Governing Bodies;
- early action by the Codex Alimentarius Commission itself to act on recommendations without loss of momentum by reference to Codex general committees; and
- establishment of a task force between FAO, WHO and Codex chair and vice-chairs to follow up and monitor implementation of the evaluation recommendations.

5. At its 25th (Extraordinary) Session, held in Geneva on 13-15 February 2003, the Commission requested the Secretariat to obtain comments from governments and interested international organizations on the report of the Evaluation, and to prepare options and strategies for consideration by the 26th Session of the Commission. Governments and interested international organizations were invited to submit comments to the Secretary of the Commission by 31 March 2003 (CL 2003/8-CAC). Addenda 1-5 of this document which follow present a summary of the views expressed and suggested options/strategies for each of the following areas:

- Add. 1 Review of the Codex committee structure and mandates of Codex committees and task forces, including regional committees (Recommendations 16, 17);
- Add. 2 Review of the functions of the Executive Committee (Recommendations 9, 10);
- Add. 3 Improved processes for standards management (Recommendations 18, 20, 23, 24);
- Add. 4 Review of the Rules of Procedure and other procedural matters (Recommendations 8, 22, 23, 24, 26, 27, 28); and
- Add. 5 Implementation of other Recommendations.

6. The comments received in response to Codex Circular Letter CL 2003/8-CAC represent a cross-section of opinion of Codex Member countries and participating observer organizations. Fifteen Member countries plus the European Commission on behalf of the 15 Member States of the European Union have commented; comments were received from 8 international organizations.¹ This contrasts dramatically with the 103 responses from Member Governments and the 40 responses by international organizations to the questionnaires issued by the Evaluation Team and Expert Panel. In formulating strategies and options for the Commission, the Secretariat has borne this in mind.

7. Throughout this document and its addenda, “standards” means all Codex standards, codes of practice, guidelines, maximum residue limits, and other recommendations directed to governments. “Committees” means all Codex Committees and Task Forces entrusted with the elaboration of draft standards.

2. RECOMMENDATIONS CONSIDERED AT THE 25th (EXTRAORDINARY) SESSION

8. Several key issues were discussed at some length by the Commission at its 25th (Extraordinary) Session, and views were clearly expressed concerning: the proposed new mandate for Codex (Recommendation 4); the proposed establishment of a standards management committee (Recommendation 11); and the proposal to hold annual meetings of the Commission (Recommendation 12). The majority of views expressed by respondents to CL 2003/8-CAC confirmed the options favoured by the Commission (reflected in its report ALINORM 03/25/5), namely:

- the current mandate should be retained, but it might be discussed in the future;
- a standards management committee would not be likely to increase the transparency, efficiency or inclusiveness of the process, and would entail significant additional costs;
- holding annual meetings would be a more effective means to expedite the standard-setting process.

¹ Argentina, Australia, Brazil, Canada, Chile, China, Cuba, European Community, Hungary, India, Japan, Malaysia, New Zealand, Norway, Republic of Korea, United States; OIE; Consumers International, European Food Law Association, International Co-operative Alliance, International Dairy Federation, International Federation of Fruit Juice Producers, International Soft Drinks Council, International Union of Microbiological Societies.

9. In view of the above, Recommendation 4 is not considered further in the present document. ALINORM 03/26/11: Add.3 provides alternative options to achieve the objective intended by Recommendation 11.

Proposal No.1: Annual Meetings of the Commission

10. With respect to Recommendation 12, it is proposed that the Commission meet on an annual basis and the Executive Committee biannually. Commission sessions would alternate between sessions devoted to standards development (almost exclusively) and mixed sessions dealing with both standards issues, general direction of work and policy matters. These meetings could be 4 days and 5-6 days in length respectively. Regional Committees would continue to meet biennially and would report to the mixed standards/policy meeting.

3. SUMMARY OF GENERAL COMMENTS

11. Respondents endorsed the four main areas for improvement identified in the Evaluation report (see paragraph 3 Above). The recommended primary focus on human health issues and on general issues was also unanimously supported, without excluding the need for work to continue on standards related to fair practices in food trade (see Section 5 below).

12. Respondents generally commented on recommendations as a whole or in broad subgroups. The present document reflects this more analytical approach. Issues identified as key to successful follow-up to the Evaluation report are considered in detail below, namely:

- priorities for follow-up action;
- prioritization of Codex work;
- rationalization of work processes.

Proposal No.2: Implementation of the Evaluation

13. In paragraph 258 of the Evaluation report, and in the Executive Summary, the Evaluation Team and Expert Panel stressed the need for urgent action and recommended establishment of a task force composed of FAO, WHO and Codex chair and vice-chairs to follow up and monitor implementation of the evaluation recommendations. Such a task could also be undertaken by the Executive Committee/Executive Board (or by the Sub-Committee of the Executive Committee proposed in Addendum 2 of this paper.) The following options are therefore available:

Option 2.1 – Task Force

14. The follow up and monitoring of the implementation of the Evaluation recommendations should be entrusted to a Task Force composed of FAO, WHO representatives and the chairperson and vice-chairpersons of the Commission.

Option 2.2 – Executive Committee/Board

15. The follow up and monitoring of the implementation of the Evaluation recommendations should be entrusted to the Executive Committee/Board.

4. PRIORITIES FOR FOLLOW-UP ACTION

Codex Alimentarius Commission

16. In recognition of the fact that the current expanding workload has led to an unsustainable situation for the Codex system as a whole, respondents have emphasized the urgent need to prioritize activities in response to the recommendations of the Evaluation.

Proposal No.3: Priorities for Implementation

17. Taking this into account, the Secretariat proposes the following order of priorities:

- Processes for standards management;

- Functions and composition of the Executive Committee, including the participation of observers in the Executive Committee and Executive Committee procedures;
- Review of Rules and Procedures including guidelines for Codex Committees;
- Review of the Committee structures and mandates (including Regional Committees).

FAO and WHO

18. The areas for which the parent organizations are responsible are categorized as follows

- a) The Codex Secretariat (management and resources).
- b) Risk assessment and scientific advice.
- c) Capacity building.

19. Addendum 5 of this document reviews the opinions expressed by respondents for the guidance of the parent organizations. FAO and WHO have already expressed their views concerning a number of recommendations (please refer to ALINORM 03/25/3-Add.1).

20. While action needs to be taken in parallel on all three of the above areas, it is suggested that the issues related to the management and resources of the Codex Secretariat be addressed by FAO/WHO immediately, as they will have a direct impact on the Commission's ability to respond to the recommendations for which it is able to take action directly.

21. Meanwhile, work is already under way in FAO/WHO in the area of risk assessment and scientific advice, and the Commission will be informed of progress and plans at its 26th Session. This is considered by the parent organizations to be an area of major importance to ensure the quality, timeliness and relevance of Codex standards, and every effort is being made to redirect scarce resources to this end.

22. FAO/WHO have recognized the importance of capacity building to enhance the participation of developing countries in Codex work, and confirmed their willingness to explore means for increasing staff resources allocated to this area. It should be recognized however that, in view of the scope and global nature of the work involved, it would not be realistic to expect major progress to be made in the short term. The parent organizations are concentrating their efforts on mobilizing donor funding, and are committed to promoting complementarity and consistency between existing and planned projects.

5. PRIORITIZATION OF CODEX WORK

23. There was unanimous agreement that health-related aspects of food standards should be the main priority; i.e., issues related to food legislation (labelling, health claims, safety, guidelines on regulation). However, several respondents expressed reservations concerning the feasibility of strengthening work on foods for special dietary uses, health claims and nutrient additions, and this was generally thought to have lower priority. With regard to the suggestion to undertake new work on packaging materials and on industrial processing agents and bioagents, several respondents either did not consider such work to be a priority for Codex (other bodies can undertake such work), or simply rejected it. Some, while appreciating the importance of such work, expressed reservations concerning the additional burden which would be placed on FAO/WHO in terms of expert advice in these areas. Furthermore, most respondents stressed the need to continue work on standards related to fair practices and to quality. The need for a definition of "fair practices in the food trade" was also mentioned.

24. Both FAO and WHO have indicated however that there is a need to gradually increase work on the role of diet and nutrition in the prevention of chronic, non-communicable diseases. Also, both parent organizations have noted that certain aspects of Codex work on product descriptors and informational labelling would need to continue, and have recommended that those aspects of trade that require international regulation but cannot be established by the trading partners alone should be addressed by Codex.

25. Strategic planning of priorities should be within the framework of resources provided to Codex by FAO and WHO, taking also into account the resources available to FAO and WHO for providing scientific advice to Codex and Member States.

26. Several respondents strongly opposed the recommendation that no additional work should be undertaken in non-health areas, mainly on the grounds that developing countries need these standards for trade-related reasons, but also because of the importance of aspects of Codex work linked to consumer information and fair practices in food trade. The need to clarify which areas were “health” and “non-health” was also mentioned in this regard, as the borderline is not necessarily clear-cut and hence subject to interpretation.

27. Some respondents pointed out an apparent contradiction between Recommendations 2 and 3. There was general agreement to the priorities as outlined in Recommendation 3, with about half of respondent countries either stating that priority 4 should be left aside completely or be a “distant priority”. This view was not shared by several respondent INGOs, who consider labelling to be important in the context of prevention of deceptive practices and in allowing consumers to make informed choices when purchasing foods.

28. In this connection, Addenda 3 and 4 of this document discusses strategic planning of standards development, and the need to review the “Criteria for the Establishment of Work Priorities”.

6. RATIONALIZATION OF WORK PROCESSES

29. Respondents, while wishing to speed up and improve the Codex process, were generally satisfied with the current approach to standard setting, especially with regard to its transparency, thoroughness and flexibility, and were hence not favourable to any recommendations which might risk jeopardizing methods which have proved their value over time.

30. Those who expressed specific views concerning options for improved process focused attention on the work of the Committees (rationalization of agendas, further refinement of reporting, a common understanding among Committee chairs of how to obtain consensus). It was generally felt that the procedural basis already exists, as does the desire to prioritize. The issue was rather adherence/application of criteria by the committees, the need for more strategic direction from the Executive Committee, and better oversight on the part of a reinforced Secretariat. These issues are addressed in Addendum 2 of this document.

7. ACCEPTABLE LEVELS OF PROTECTION

31. Of those respondents who commented on Recommendation 6, an overwhelming majority was not in favour of Codex developing guidelines on acceptable levels of protection, as this is the prerogative of governments. Those who were not against it specified that this should be only for use within the Codex context, and that Codex should promote a consistent framework for risk management decisions in committees. It was also suggested by a few respondents that the working principles for risk analysis currently under development should be sufficient to meet Codex-related needs.

32. The Commission’s attention is also drawn to document ALINORM 03/26/6, Risk Analysis Policies of the Codex Alimentarius Commission, especially paragraph 4 (c) of the Draft Working Principles for Risk Analysis for Application in the Framework of the Codex Alimentarius.

Proposal No.4: Acceptable Level(s) of Protection

33. In view of the comments received, the Secretariat proposes that no action be taken at this time.