

codex alimentarius commission

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FOOD AND AGRICULTURE
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ALINORM 10/33/3

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

Thirty-Third Session

Geneva, Switzerland, 5 - 9 July 2010

**REPORT OF THE SIXTY-THIRD SESSION OF THE
EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION**

Geneva, Switzerland, 8 - 11 December 2009

TABLE OF CONTENTS

	Paragraphs
Introduction	1-2
Adoption of the Agenda	3-4
Guidance on the application of the <i>Criteria for the Establishment of Work Priorities</i>	5-9
Critical Review for the Elaboration of Codex Standards and Related Texts - Monitoring of Standards Development	10-25
Financial and Budgetary Matters	
(a) Codex Budget for 2010-11	26-29
(b) Implications of amendments to Article 9 of the Statutes of the Codex Alimentarius Commission	30
(c) Development of a business plan for Codex	31-37
Implementation of the Codex Strategic Plan 2008-2013	
(a) General Implementation Status	38-62
(b) Evaluation of the Capacity of the Codex Secretariat	63-97
Study on the speed of the Codex standard-setting process	98-111
Relations between the Codex Alimentarius Commission and other International Organizations : Applications from International Non-governmental Organizations for Observer Status in Codex	112-115
Matters arising from FAO and WHO	
(a) FAO/WHO Project and Trust Fund for Enhanced Participation in Codex	116-123
(b) Matters arising from FAO and WHO	124-129
Draft Provisional Agenda of the 33 rd Session of the Codex Alimentarius Commission	130-132
Other Business and Future Work	133-146

APPENDICES

	Page
Appendix I List of Participants	19
Appendix II Proposed Amendments to the Procedural Manual	26

INTRODUCTION

1. The Executive Committee of the Codex Alimentarius Commission held its Sixty-third Session at WHO Headquarters, Geneva, from 8 to 11 December 2009. Ms Karen Hulebak (United States of America), Chairperson of the Codex Alimentarius Commission, presided over the session with assistance from the three Vice-chairpersons of the Commission, Mr Knud Østergaard (Denmark), Mr Sanjay Dave (India) and Mr Ben Manyindo (Uganda). A complete list of participants is attached as Appendix I to this report.

2. The Session was opened by Dr Jørgen Schlundt, Director, Department of Food Safety and Zoonoses and Foodborne Diseases, WHO, who welcomed the delegates on behalf of WHO and FAO. He confirmed the continued strong support of FAO and WHO to the work of the Commission and said that the achievements of Codex in the area of food safety had been commended by the last session of the World Health Assembly (WHA). He informed the Committee that food safety was on the agenda of the next session of the WHA offering a good opportunity to give more visibility to the work of Codex. He said that WHO was committed to work together with FAO to continue to strengthen Codex management and improve its work.

ADOPTION OF THE AGENDA (Agenda Item 1)¹

3. The Executive Committee adopted the Provisional Agenda as the Agenda for the session and agreed to postpone item 4(b) (Implications of amendments to Article 9 of the Statutes of the Codex Alimentarius Commission) to the next session, as there was no new information available from the legal services at present.

4. The Executive Committee agreed to add the following topics under item 10 (Other business and future work): (a) Format for a template for submitting comments; (b) Mechanism for transmitting comments on non discussed items from one session of a committee to the next (c) Proposed change of name of UNECE standards² and (d) Retreat for chairpersons of Codex committees.

GUIDANCE ON THE APPLICATION OF THE CRITERIA FOR THE ESTABLISHMENT OF WORK PRIORITIES (Agenda Item 2)³

5. The Executive Committee recalled that at its last session it had created an electronic working group led by the Chair and the Vice-Chairs (the Bureau) to develop guidance on the application of the *Criteria for the Establishment of Work Priorities*. The Bureau had met in Rome with the Codex Secretariat and developed a draft document that had been sent to all members of the Executive Committee for comments. Only two comments had been received which had been included in the working document.

6. The Executive Committee thanked the Bureau for the preparation of the working document. There was general agreement on the proposals in the document: the draft guidelines, the additional recommendations to the Executive Committee and the proposed amendments to the *Criteria for the Establishment of Work Priorities*.

7. The following comments or suggestions were made in the discussion:

- The trade volume for a commodity may differ significantly between countries because of the different use made of a produce e.g. culantro coyote which can be used as a spice or a salad leading to differences in volume and importance of the commodity.
- There could be difficulties in obtaining intra-regional data because it might be considered a sensitive issue by some developing countries.
- The present criteria and new guidance should be applied efficiently also to avoid the proliferation of private standards.
- In some cases standards could be needed even for commodities with a small trade volume to protect consumers, especially for developing countries.

¹ CX/EXEC 09/63/1

² CRD 2

³ CX/EXEC 09/63/2

- Advice from independent parties could be sought to evaluate new work proposals objectively to avoid any biased opinions because of national trade interests.
- It is important to ensure discipline at the beginning of work not only for commodity work but also for general work to prevent it from getting delayed later.

8. The Executive Committee recommended to the Commission to include the *Guidelines on the Application of the Criteria for the Establishment of Work Priorities Applicable to Commodities* as proposed in the working document, with a small editorial change, in the Procedural Manual after the *Criteria for the Establishment of Work Priorities*. The Committee also agreed to propose to the Commission to amend the Criteria as proposed in the working document (see Appendix II to this report)

9. The Executive Committee additionally agreed:

(1) That when evaluating new work proposals from Regional Committees, it would take careful consideration of the Note under paragraph 2(a) of the “Guidelines on the Application of the *Criteria for the Establishment of Work Priorities Applicable to Commodities*.” This Note states that “...the coordinating committee concerned should provide well-documented and objective evidence that there is significant intra-regional trade, and that there is no significant trade, between or within other regions.”

(2) To advise CCPFV and CCFFV to reconsider developing committee-specific decision making and priority setting criteria, as specified in the Codex Strategic Plan Goal 3 (Activity 3.3), including the need for revision or amendment of existing standards.

CRITICAL REVIEW FOR THE ELABORATION OF CODEX STANDARDS AND RELATED TEXTS - MONITORING OF STANDARDS DEVELOPMENT (Agenda Item 3)⁴

10. The Committee considered the status of all proposed draft or draft standards and related texts under development. Specific committees are mentioned only when specific comments or recommendations were made.

Committee on Food Additives

11. One Member, supporting the written comments of the Chair of the Committee on Food Additives to the effect that the General Standard for Food Additives was the priority of that Committee, expressed the view that there were inconsistencies among commodity committees in the development of the food additives section, which did not always follow the provisions of Section III of the Procedural Manual - Elaboration of Codex Standards and Related Texts. The Committee encouraged all committees to comply with the above provisions and agreed that the Secretariat should provide guidance to committees in this respect. The Secretariat informed the Committee of the work in progress in several committees to update the provisions on additives and ensure consistency between the General Standard and provisions in individual standards.

Committee on Fats and Oils

12. One Member expressed the view that the standard for olive oils should take into account the parameters developed by the International Olive Council (IOC) as regards linolenic acid. Another Member indicated that the existence of a parameter developed by the IOC did not solve the issue and that it should be addressed by the CCFO. The Committee confirmed its earlier recommendation, encouraging the Committee on Fats and oils to finalise the Proposed Draft Amendment to the Standard for Olive Oils and Olive Pomace Oils at its next session and endorsing the recommendation of the Chairperson of the CCFO regarding the future of this work.

Committee on Food Inspection and Certification Systems

13. One Member expressed the view that due to the timing of the next sessions of the Committee on Food Inspection and Certification Systems (March 2010 and November 2011), it might be difficult for that Committee to comply with the target dates for both items of work. The Committee noted that work had been recently initiated and would be monitored as it progressed.

Committee on Food Labelling

14. The Committee recalled that its last session had noted that the deadline set by the CCFL finalise the Proposed Draft Guidelines for the Labelling of Foods Obtained through Certain Techniques of Genetic

⁴ CX/EXEC 09/63/3, CRD 3 (additional information on the Committee on Processed Fruits and Vegetables)

Modification/Genetic Engineering and fully expected that it would complete its work by the 2011 deadline; if it did not, the Executive Committee would recommend corrective action. The Committee agreed to make the same recommendation as regards the Draft Amendment to the General Standard for the Labelling of Prepackaged Foods: Definitions.

Committee on Residue of Veterinary Drugs in Foods

15. The Representative of FAO informed the Committee that JECFA had issued a call for data on depletion of residues of ractopamine and that preparations were ongoing to convene a group of JECFA experts in order to evaluate the data to be provided by China.

16. The Committee noted the comment from one Member that several items of work were currently retained at Step 8 at the Commission and that guidance should be developed in the Procedural Manual in order to address this situation. The Chairperson recalled that, although this issue had been raised in the Commission, no agreement had been reached on further action, and noted that issues related to procedure could always be raised in the Committee on General Principles.

17. In reply to a request for clarification on the veterinary drugs listed as Step 1/2, it was noted that these substances had been placed on the priority list for evaluation by JECFA and approved as new work by the Commission in order to ensure that they could be sent for comments at Step 3 once they were evaluated, although it was not yet decided whether a meeting of JECFA would be convened and whether work would be actually initiated. The Representative of FAO informed the Committee that it would be difficult to schedule a JECFA meeting on veterinary drugs when only a few substances were proposed for evaluation. The Committee noted some comments on the difficulties related to the work of the CCRVDF but agreed that this was not for discussion at this stage.

Coordinating Committee for Asia

18. The Committee recalled that its last session had recognised that, due to the wide range of non fermented soybean products in the Asian region, the Coordinating Committee for Asia (CCASIA) might not complete its work on the Proposed Draft Standard for Non Fermented Soybean Products at its next session in 2010, and therefore recommended that the CCASIA consider a target date of 2012.

Coordinating Committee for the Near East

19. The Coordinator for the Near East confirmed that, as mentioned at the last session of the Executive Committee, it was expected that the Proposed Draft Code for Street-Vended Foods would be finalised for adoption by the Commission in 2011.

Committee on Fish and Fishery Products

20. The Committee noted the progress achieved in the Committee on Fish and Fishery Products on several items and recognised that, in view of previous delays, the Proposed Draft Code of Practice for Quick Frozen Scallop Adductor Muscle Meat was not likely to be finalised by the next session and therefore recommended that the CCFP should set its target date at 2012.

Committee on Food Hygiene

21. The Committee noted the clarification from the Member and the Coordinator for Europe to the effect that in the Committee on Food Hygiene, the Proposed Draft Guideline for Control of *Campylobacter* and *Salmonella* spp. in Chicken Meat had been returned for redrafting as "several delegations" could not support the inclusion of references to antimicrobial treatments, as this view was not only put forward by the European Community. The Executive Committee noted the excellent progress on several other items that were completed ahead of schedule.

22. The Committee did not make any specific comment on the work of other Committees.

General discussion

23. The Committee discussed whether the items of work that had only been approved by the Commission as new work but had not yet been discussed by the Committee should be included in the monitoring. Several delegations pointed out that this would be useful in order to have a better idea of the overall workload of the committees, and it was agreed that these items would be included for the purpose of monitoring standard development.

24. The Committee also discussed a proposal to include discussion papers in the critical review. The Secretariat recalled that according to the Procedural Manual and the Strategic Plan, the purpose of the monitoring was to consider the progress of work items in the Procedure and not to consider the progress of discussion papers, and that any new recommendations concerning discussion papers should be put forward and discussed in the Committee before amending the provisions of the Strategic Plan or the Procedure. Some members pointed out that, as Codex committees might spend several sessions on discussion papers before deciding to undertake new work, it would be useful to examine that process as well in the Executive Committee. After some debate the Committee agreed that a list of discussion papers should be included in the document on monitoring for information purposes only, in order to present a complete view of the workload of each Committee, but would not be discussed as such.

25. As regards presentation, several delegations noted the need to improve the clarity and consistency of the document. In this regard it was noted that a more detailed description of ALINORM references and more complete information from the Committee chairs and the Secretariat would be helpful. It was agreed to specify the date of the last session and the next session for each Committee, the year corresponding to the session when a session of a Committee was mentioned, and to include the target date in the third column, whether it came from a project document or had been put forward by the Committee concerned.

FINANCIAL AND BUDGETARY MATTERS (Agenda Item 4)

CODEX PROGRAMME AND BUDGET 2010-2011 (Agenda item 4(a))

26. The Chair recalled that WHO had already provided information on their contribution to the Codex budget for 2010-2011 at the 62nd Session of the Executive Committee, indicating that following WHA decisions the contribution would remain as in the present biennium at US\$ 1.22 million.

27. The Representative of FAO informed the Committee that the FAO Conference, recently concluded, had approved the new results-based budget for the biennium 2010 - 2011, including allocations for *Strategic Objective D - Improved quality and safety of foods at all stages of the food chain* to which the Codex Secretariat contributes with the organizational result, *New and revised internationally agreed standards and recommendations for food safety and quality that serve as the reference for international harmonization*. The FAO management has decided to maintain a high priority level for Codex and Codex related activities and confirmed that the contribution from the regular programme would remain at the same magnitude as for the last biennium (\$US 6.989 million, representing approximately 85% of the total Codex budget). The Representative also indicated that the intention was to maintain the same purchasing power as in the current biennium and that the exact allocation would be known at the beginning of 2010.

28. The Representative also informed the Committee that the new P-4 post allocated to the Codex Secretariat had recently been advertised and would be filled next year.

29. The Representative further informed the Committee that future sessions of the FAO Conference would be held in June, which would hopefully allow the budget allocations from both FAO and WHO to be known for information of the Executive Committee and the Commission meetings in June/July.

IMPLICATIONS OF AMENDMENTS TO ARTICLE 9 OF THE STATUTES OF THE CODEX ALIMENTARIUS COMMISSION (Agenda item 4(b))

30. Discussion on this item was postponed to the next session of the Committee, as no new information was available at present.

DEVELOPMENT OF A BUSINESS PLAN FOR CODEX (Agenda item 4(c))⁵

31. The Committee recalled that following a request from the 31st Session of the Commission, the 62nd Session of the Executive Committee had discussed a first draft for a business plan for Codex prepared by the Delegations of Australia and New Zealand with the intention that this could present a compelling business case to the parent organizations in order to secure funds necessary for the sustainable operation of the Codex Alimentarius Commission.

32. The Member from the South West Pacific (Australia) introduced the working document, which had been revised with the assistance of New Zealand and FAO and WHO, taking into account comments made at

⁵ CX/EXEC 09/63/5

the 62nd Session. The document had been simplified and aligned with the terminology in the new FAO budgeting process. The member explained that the objectives of the document were to provide a rigorous and systematic framework for estimating the resource requirements for the activities and programmes of the CAC; to set out clearly the linkages between the high level goals of the parent bodies and the Commissions' own strategic plan; to provide greater clarity on resource allocation e.g. between food safety and food quality related activities; to recognize the contribution of host countries to the Codex programme; and to provide information needed to Codex members to enable them to contribute to discussions on funding in the governing bodies of FAO and WHO, i.e. justifying any needs for additional funds. The member acknowledged that more discussion might be needed on performance indicators.

33. The Representative of FAO said that FAO saw the proposal with interest but that to finalise it, more information was needed as to how FAO would move forward in implementing the results-based budgeting process. The Representative said that the FAO Conference had cited Codex as one of the Joint Programmes of FAO that worked efficiently. The Representative said further that as the budget of Codex was managed as one budget with contributions from both FAO and WHO, it was not possible to separate the contributions of FAO and WHO for individual activities as suggested in the working document. The Representative also said that more discussion was needed on how to measure the success of scientific advice to Codex, when finalised and given or when used by Codex.

34. Several Members, while welcoming the document and the increased transparency and rigour it would provide concerning Codex expenditure, were of the opinion that it should be further clarified how the business plan would be used and what was its primary purpose and audience. It was not yet clear to some members how the plan could make a compelling business case to ask for more resources. Some members suggested that the plan should focus on increasing efficiency to use the budget and that additionally to asking for more resources the plan could also serve to make savings.

35. Some Members suggested that the burden of preparing the plan could be evaluated and it should be assessed if it was necessary to prepare the plan at the activity level or if it could remain at the goal level. It was also suggested that it might be useful to prepare the plan on the basis of the Codex Strategic Plan which was as such linked to the strategic objectives of FAO and WHO and not to link back each activity to the objectives of the parent organizations.

36. The Committee agreed that the information on the costs of hosting or co-hosting Codex committees should be included in the plan. One member was of the opinion that this information could help to know how much the cost depends on the location and give a better basis to discussions such as the proposal from Brazil to concentrate all Codex meetings in Rome or Geneva.

37. The Executive Committee decided to invite Australia, New Zealand and the Codex Secretariat with the assistance of FAO and WHO to prepare a further developed business plan concentrating on activities 1.1 to 1.4 of the Codex Strategic Plan, including actual figures, defining performance indicators and including also the contributions from host countries. In preparing the document the authors should take into account comments made at the session and further developments in the introduction of the new FAO budgeting process. The document would be presented to the next session of the Executive Committee and the Commission

IMPLEMENTATION OF THE CODEX STRATEGIC PLAN 2008-2013 (Agenda Item 5)⁶

GENERAL IMPLEMENTATION STATUS (Agenda Item 5a)

38. The Committee reviewed the checklist presented in CX/EXEC 09/63/6 on the implementation of the Strategic Plan 2008-2013 and noted that many activities were ongoing or covered under specific agenda items. The comments and recommendations made on specific activities are presented below.

Goal 1: Promoting Sound Regulatory Frameworks

39. Under Activity 1.8 *Publish and Disseminate the Codex Alimentarius*, the Secretariat informed the Committee that Codex standards and related texts had been updated following the last session of the Commission and uploaded on the Codex website, and that some publications had been recently issued, especially on food hygiene, food inspection and certification, and animal food production

⁶ CX/EXEC 09/63/6

Goal 2: Promoting Wider and Consistent Application of Scientific Principles and Risk Analysis

40. One member questioned the timetable for the completion of Activity 2.1 *Review the consistency of risk analysis principles elaborated by the relevant Codex Committees*, as the revision of the risk analysis principles applied by the Committee on Pesticide Residues would not be completed and adopted by the Commission in time for consideration by the Committee on General Principles. The Secretariat noted that the Committee on General Principles was aware that some of the relevant texts were under revision or development and had agreed to proceed with the consideration of existing risk analysis policy documents and to maintain the current deadline, as mentioned in the "current status". The Committee was also informed that the Committee on Food Hygiene had finalised its Risk Analysis Principles and Procedures for adoption by the Commission.

41. The Representative of FAO updated the status of Activity 2.5 *Encourage countries to channel their requests for scientific advice to FAO/WHO through the CAC*, indicating that two requests for scientific advice originated from member countries: the Expert Meeting on the Application of Nanotechnologies in the Food and Agriculture Sector (May 2009) and the scheduled expert meeting on Bisphenol A.

42. In reply to a question about the measures taken to implement Goal 2 as regards the dissemination and application of risk analysis principles in developing countries, the Representative of FAO indicated that a capacity building package was under preparation, as a joint effort of FAO, WHO, OIE and the Industry Council for Development (ICD) in order to develop practical training material on risk analysis for food safety practitioners.

Goal 3: Strengthening Codex Work-Management Capabilities

43. The Committee noted that so far Activity 3.4 *Analyse work management approaches that facilitate advancement of texts in the Codex step process* had not been initiated in view of the need to address other substantial issues and discussed how to proceed.

44. Several members supported this activity in order to take into account the experience gained with the monitoring of standards, the improvements proposed to facilitate consideration of new work and the critical review as a whole, as well as the guidance provided in the Procedural Manual on the conduct of meetings and the facilitation of consensus, as all these elements could be used to analyse work management approaches.

45. The Committee agreed with the proposal of the Secretariat to undertake the analysis of work management approaches as specified in Activity 3.4 *Analyse work-management approaches that facilitate the advancement of texts in the Codex step process* for consideration by the next session, taking also into account the data gathered in the study on the speed of Codex standards (see Agenda Item 6).

Goal 4: Promoting Cooperation between Codex and other relevant international organizations

46. The Secretariat informed the Committee that comprehensive information on cooperation with relevant international organisations was submitted annually to the Commission and that a document on cooperation and joint standards was under preparation with OIE for consideration by the Committee on General Principles, in the framework of Activity 4.4. *Consider cooperation with other relevant international IGOs*.

47. Some members expressed the view that the report presented to the Commission was not sufficient to allow the monitoring of activities under Goal 4 and that future reports should identify areas of potential complementarities, gaps, duplication, or conflict, as mentioned in the "output/measurable indicators" in Activity 4.1 *Track the activities of other international standard-setting bodies*; that Codex contribution to the work of other bodies should be specified in more detail (Activity 4.2 *Encourage Codex contributions to the work of other international bodies*); and that the contribution of other organizations to the work of Codex should be identified more precisely (Activity 4.3 *Encourage contribution from other international bodies in Codex work*), in order to provide a clear overview of the results of the cooperation with other international organizations, especially the impact of Codex standards on other international standards.

48. The Secretariat indicated that the above mentioned elements would be included in the report to the next session of the Commission, and that, as substantial information was available on the input of other organisations to Codex work as well as Codex contribution to the work of other organisations in many areas of work, it would be presented according to the indicators mentioned in the Strategic Plan for Activities 4.1 to 4.3. It was further agreed that the Secretariat would draw together a synthesis of how Codex worked with IGOs and that it would also look at how Codex works to influence any standards that might be developed by other NGOs and what these might be.

49. The Representative of FAO pointed out that the input from OIE had been considered in the preparation of the draft guidelines for the control of *Campylobacter* and *Salmonella* spp. in chicken meat, and that ISO had taken into account Codex work on HACCP.

50. The Committee noted the information from one Member that the UNECE had revised the standard for fresh "Chanterelle" and therefore a proposal to revise the Codex Regional Standard for Fresh Fungus Chanterelle would be presented to the next session of the Coordinating Committee for Europe.

51. The Committee noted that the above examples could be mentioned in the future reports on cooperation with other organisations.

52. One member pointed out that while guidelines existed for cooperation with international intergovernmental organisations (IGOs), there was no such guidance as regards international non governmental organisations (NGOs). The Secretariat noted that this question could be raised in the Committee on General Principles if members so wished, and that earlier discussion in that Committee had resulted in the development of guidelines applying only to IGOs. Another member expressed the view that there was no need for guidelines but for clarification on cooperation between Codex and international NGOs. The Representative of FAO informed the Committee that FAO had established guidelines for its relationship with NGOs. The Committee agreed that there was no need for specific guidelines for cooperation with NGOs.

53. Following a question as to the organisations considered in the report to the Commission, the Committee noted that it included the organisations that had contributed to Codex work or with which cooperation activities had taken place during the year. The Secretariat recalled that all these organisations had observer status, otherwise they would not participate in Codex work, and that entities that developed "private standards", understood as commercial standards from private businesses, were not involved in Codex work.

54. Some members expressed the view that Goal 4 should be linked to the consideration of private standards and proposed that the Secretariat should carry out a comparison between private standards and Codex standards, especially their scientific basis in the light of the requirements of the WTO Agreements. The Representative of FAO and the Secretariat pointed out that it was not their role to determine whether any standard complied with the requirements of WTO, or to provide any judgement on standards from other organisations or private standards, and that the purpose of the Codex programme was to set international standards and to promote coordination of standardisation work.

55. Some members expressed the view that the term "private standards" was not clear and could be interpreted in various ways, but that it was not the role of Codex to provide a definition in this respect.

56. The Representative of FAO indicated that FAO and WHO were working on the preparation of a paper on "economic impact of private standards on small producers, in particular in developing countries", following the last session of the Commission, and would also organize a seminar on that subject during the Commission.

57. Some members pointed out that, although the question of private standards was very important and was scheduled for a separate discussion at the Commission, it was not the subject of the present agenda item and the Committee should therefore focus on the implementation of Goal 4 of the Strategic Plan and consider cooperation with international organisations, especially OIE, IPPC, WTO and ISO, which were most relevant to Codex work. The Committee agreed that it would proceed with the consideration of Goal 4 at its next session on the basis of the updated report mentioned above.

58. As regards Activity 4.5 *Promote interdisciplinary coordination at the national and regional level*, the Secretariat recalled that the information requested from Coordinating Committees had been provided to the last session of the CCEXEC and that the activity was completed according to its schedule (2009). The Committee agreed that the information from Coordinating Committees should be considered again at its next session as part of the report on Goal 4 Activities with an analysis of the results or proposals on further follow-up. The Committee noted that this activity was also related to capacity building activities in some regions.

Goal 5: Promoting Maximum and Effective participation of Members

59. Under Activity 5.6 *Enhance communication about Codex work at international and national levels*, the Secretariat provided an update of the ongoing website redesign and in particular the new interactive

functions that would allow member countries to access the site and modify such data as the details of the Codex Contact Points.

60. The Committee noted that *Activity 5.3 Evaluating effectiveness of Codex sessions held in developing countries* was completed as the evaluation of the effectiveness of Codex Committee sessions held in developing countries had been considered at the Commission, where several positive aspects, especially capacity building, raising of awareness or exchange of experience between countries had been highlighted. Further consideration would be given to procedural matters in the Committee on General Principles with a view to facilitating the process, especially as regards letters of agreement. One member expressed the view that increased participation should take into account not only the number of participants, but the nature of the participation, especially the involvement of policy makers.

61. One member recalled the proposal from Brazil discussed at the Commission concerning the possibility of holding all Codex sessions in Rome or Geneva. The Chairperson recalled the conclusions of the Commission that the main solutions to the problems of developing country participation were the strengthening of the Trust Fund and emphasis on FAO/WHO capacity building, together with several other measures such as co-hosting, and that when more experience was gained with these measures, further consideration could be given to the proposal for the gradual concentration of sessions in Rome or Geneva.

62. The Committee agreed that the information provided on co-hosting was useful and that the Secretariat would forward the questionnaire used in *Activity 5.3* to host and co-host countries following the sessions of co-hosted committees and make the information available on an ongoing basis so that the Committee could monitor this activity.

EVALUATION OF THE CAPACITY OF THE CODEX SECRETARIAT (Agenda item 5(b))⁷

63. The Committee recalled that an independent evaluation⁸ had been prepared by a consultant in accordance with *Activity 3.7 Evaluate the capacity of the Codex Secretariat to perform its function effectively* of the Strategic Plan 2008-2013. The 32nd Session of the Commission had briefly discussed the evaluation noting that the 62nd CCEXEC had generally supported the recommendations. The Commission had not taken a decision on the recommendations and referred Recommendations 1 to 10 for further consideration to the 63rd CCEXEC and the 33rd Commission.

64. The Executive Committee discussed whether it could change the wording of the recommendations but after some discussion decided to leave the recommendations as proposed by the consultant and make comments as appropriate. The Executive Committee also was of the opinion that the recommendations could not be seen strictly individual but were linked, e.g. Recommendation 2 and all recommendations directed to the Codex Secretariat.

Recommendation 1: FAO and WHO should agree as a matter of urgency on the desirable balance in their contribution to the Codex budget.

65. No specific comment was made on this recommendation.

Recommendation 2: FAO and WHO should allocate sufficient resources (staff and non-staff) to the Joint Codex budget to create a sustainable Secretariat, able to support current activities of Codex, to implement the necessary improvements in their daily operations and to enhance their role in the standard-setting process, the strategic orientation of the CAC, communication with member states and the public at large, including well defined capacity-building initiatives targeting CCPs and exploring new means of conducting international negotiation on setting standards.

66. The Executive Committee agreed with Recommendation 2 but noted the need for an effective and efficient Codex Secretariat to meet the work of Codex which needed to be achieved through a combination of the recommendations directed to the Codex Secretariat (6 to 10) as well as sufficient and continued resources provided by FAO and WHO as identified by the Commission.

67. In arriving at this conclusion the Executive Committee had an extensive discussion about the terms “sustainable” and “sufficient”. The Executive Committee welcomed the information given by the FAO that the vacant positions in the Codex Secretariat would be filled in the shortest possible time but also agreed that

⁷ CX/EXEC 09/63/7

⁸ ALINORM 09/32/9B Part II

while a sufficient staffing of the secretariat was necessary, not all issues could be addressed by hiring more staff.

68. Several members mentioned that the possibility to implement the proposal of the consultant of delegating more administrative work to general service staff and leaving more time to food standards officers to work on standards should be evaluated.

69. One member mentioned that in recent years the Codex Secretariat had also participated in capacity building activities which in their opinion was not part of its tasks and it could thus be a better solution if the secretariat confined itself to the core secretariat work.

70. One member noted that the Secretariat was working in a changing environment and new demands were put on it frequently thus the Secretariat needed to be flexible. Additional resources were not always the way to solve the problems and some things could possibly be done in a more efficient way. To gain more time, the arrangements with host countries could be reviewed to see if all host governments could give consistent support to Codex committees.

71. The Secretariat said that in general the resources of the Secretariat seemed sufficient. There had been an increase after the evaluation especially to assist with communication and publication activities and also consistent help from staff members seconded from member governments as well as assistance from host governments.

72. The Representative of FAO said that the efficient operation of Codex did not only depend on the Secretariat but on all its members e.g. through providing comments on time.

Recommendation 3: FAO and WHO should agree in a timely manner on the Codex budget for a biennium and should allow the Codex Secretariat to use a saving account in order to have the possibility to transfer money from one biennium to the next when the balance is positive at the end of a biennium.

73. The change of date for the FAO Conference was seen as an opportunity for a better coordination of FAO and WHO in the preparation of the budget for Codex.

74. According to the information given by FAO, a transfer of funds from one biennium to the next is not possible at present.

75. The Representative of WHO said that the provision of the budget needed to be linked to the planning process related to the work plan defined out of the strategic plan. This would give the Commission a tool to justify requesting more funds from the parent bodies if necessary.

76. The Representative of FAO informed the Committee that FAO, as part of the new results-based budgeting process, had defined impact focus areas to mobilize extra-budgetary resources and that one of these areas dealt with the development of standards.

Recommendation 4: FAO and WHO should improve their communication about the Codex Trust Fund, particularly regarding the responsibilities for the management of the Codex Trust Fund.

77. The Executive Committee noted that regular meetings and teleconferences on the administration of the Trust Fund were held including representatives from FAO, WHO and the Codex Secretariat.

Recommendation 5: FAO and WHO should initiate a joint evaluation of the relationship of FAO and WHO to each other as they support Codex and of each organization's separate interaction with Codex with a view to improving the efficiency of the Codex Secretariat and strengthening its relative autonomy where possible

78. The Representative of FAO said that both organizations regularly participated in relevant meetings of the other organization.

79. The Representative of WHO said that for this reason WHO had initiated the establishment of a high level management group for Codex and related activities which included the responsible managers at the level of Assistant Director General of both organizations.

80. The Executive Committee did not recommend any further action on this recommendation as FAO and WHO already had initiated steps to hold regular management meetings.

Recommendation 6: The Codex Secretariat should improve the daily operations of the Codex work, more specifically through:

- a more rigid management of workflow
- the timely availability of working documents
- the timely finalization of adopted texts including the uploading to the website
- the proper planning of publications
- the timely conclusion of Letters of Agreement
- further enhancement of language skills

81. Several members stressed that it was of utmost importance to improve the situation of availability of working documents. They should be available at the earliest possible time in all official languages to allow members and especially developing countries to study them and develop their positions. One Member stressed that the official language in many member countries was not one of the official languages of Codex and these countries needed timely distribution of documents to allow sufficient time to review them.

82. One member requested that in the same way as information on Codex committees, all information on working groups should be provided by the Secretariat and that information technology should be used to create discussion fora that could allow a first dialogue between members, which could facilitate discussions in committees.

83. The Secretariat said that a calendar of physical working groups was already prepared for the Codex trust fund and could be put on the Codex website but that the dates were not always known far in advance.

84. The Secretariat recalled that in accordance with the guidelines in the Procedural Manual the host countries administered electronic working groups and created the outcome document for the relevant committees. For physical working groups the Secretariat distributed invitations and documents. Some positive experience had been made with the use of electronic discussion fora and could be repeated in the framework of the procedures applicable to working groups. Several regional discussion fora had been created by coordinators with the support of the Secretariat.

85. The Secretariat suggested to base the discussion concerning distribution of working documents on concrete data, i.e. to provide a list of documents with the date when a document was received and when it was distributed.

Recommendation 7: The Codex Secretariat should play a more proactive role in the standard-setting process and the strategic orientation of the Codex Alimentarius Commission and should explore new means of conducting international negotiation on food standards.

86. Several members stated that what was meant by “proactive” needed to be clarified. Some members felt that the term might be in conflict with the impartiality of the secretariat.

87. One Member pointed out that the consultant’s report (ALINORM 09/32/9B Part II) described this recommendation in more detail in pages 16 and 17.

88. The Secretariat said that the term was not clear and that for some Committees such as the Committee on General Principles the Secretariat writes the documents and sometimes initiates work, which may then be taken over by members and that the overall role of the secretariat was to facilitate the discussions and serve the needs of Codex members.

Recommendation 8: The Codex Secretariat should improve communication with host governments member states, through the national Codex Contacts Points, and the public at large, and should explore new ways of communicating.

89. There were some questions from members as to what was meant by “communication to the public at large”. While disseminating information to the public at large was seen as important, it should have a different weight than the communication with host governments, member states, observers and CCPs.

90. The Representative of WHO stressed the need to improve the dissemination of information on Codex achievements to the public at large who was the main beneficiary of Codex work but largely unaware of this.

Recommendation 9: The Codex Secretariat should fundamentally rethink and redesign the Codex Website as a function of more proactive communication with the membership, observer organizations and the public at large

91. The Secretariat informed the Committee that steps had already been taken to fundamentally redesign the website with the goal of making it more user-friendly for Codex members and observers by including interactive components but also making it more attractive to the public at large.

Recommendation 10: The Codex Secretariat should further integrate IT into the daily work of the Secretariat.

92. No specific comments were made on this recommendation.

Conclusions on Recommendations 6-10

93. The Executive Committee generally agreed with Recommendations 6-10 and noted that work on some of these had already been initiated by FAO, WHO and the Codex Secretariat. The Executive Committee requested the Secretariat to provide updated information and work plans for these activities to be available for the 64th CCEXEC and the 33rd CAC to allow monitoring.

94. The Secretariat clarified that the Commission would take the ultimate decision on recommendations from the consultants report. For those items for which work had already started independently (Recommendations 8, 9 and 10) work plans could possibly be provided but not on the others.

Role of the secretariat

95. One member said that the Procedural Manual was rather silent about the specific functions of the Codex Secretariat and only included a general statement. The Secretariat clarified that many elements of the functions of the Secretariat were included in different guidelines in the Procedural Manual. The Chairperson suggested that the Executive Committee could be interested in a consolidated text on the role and function of the Codex Secretariat.

96. The Representative of WHO said that putting a too rigid description of the secretariats' functions in the Procedural Manual could be in conflict with the need for flexibility in a rapidly changing environment. The Representative of the FAO said that the functions of each post were described in the consultants report.

97. The representative of the WHO Legal counsel, intervening upon request of Chairperson, expressed the view that the general function of the secretariat of international bodies, such as intergovernmental organizations and programmes, is to support the relevant entity in performing all duties that the work to be carried out may require. The Representative, while recognizing the absence of a consolidated list of tasks assigned to the Codex Secretariat, confirmed the statement previously made according to which a number of functions to be performed by the Codex Secretariat are provided throughout the Procedural Manual.

STUDY ON THE SPEED OF THE CODEX STANDARD-SETTING PROCESS (Agenda Item 6)⁹

98. The Committee recalled that, while discussing the role of private standards at the 32nd Session of the Commission, the issue of the speed of the Codex standard-setting process was brought up as one of the factors leading the private sector to create their own standards. To bring more objectivity into the discussion of this question the Commission had requested the Secretariat to prepare an analysis of the speed of the Codex standard-setting process for consideration by the Executive Committee.

99. The Secretariat introduced the working document in which new work approved by the Commission or the Executive Committee between 1994 and 2008 had been considered and its course through the procedure mapped in a table and then analysed. The table had not been included in the document because of its size but would be made available on the Codex website.

100. The Secretariat explained that, as this was a first attempt to measure the speed of Codex, a number of decisions had been taken to keep the volume of the study manageable in order to be able to present a document to the present session. Numerical standards (pesticide residues, residues of veterinary drugs, GSFA and contaminants) had not been included in the study unless explicitly mentioned. The different complexity of work had not been taken into account, neither the fact that work sometimes starts in discussion papers before it is approved officially or is delayed after it has been agreed because of the workload of the relevant committee.

⁹ CX/EXEC 09/63/8

101. The Secretariat reported that the main findings of the study were that for all work started and completed during the review period it took an average of 4.2 years to finalize a text and specifically for food safety standards 3.5 years. Compared to other standard setting organizations (OIE 2 to 4 years, IPPC 6 to 7 years) this showed that the speed of the Codex standard setting process was higher than was generally assumed. The study had also shown that the possibility to omit steps 6 and 7 was used increasingly and the overall speed had increased since the year 2000. The accelerated procedure was only rarely used in the review period and the decision to use this procedure at the beginning of work on a standard had not served in predicting the time needed to complete it.

102. The Executive Committee thanked the Secretariat for the preparation of the study and welcomed its results.

103. Several members stated that it would be interesting to analyse the reasons for delays when standards took more than the average number of years to develop. As possible reasons for delays were mentioned: diversity of national legislation, economic impact or delayed scientific advice or lack of scientific data. The members were of the opinion that such an analysis could also help to advise the CCEXEC in its standards management function.

104. Several members, while acknowledging that the study had shown that the speed of the Codex standard setting process was satisfactory, especially taking into account the transparency and inclusiveness of the process and that decisions were taken by consensus, stressed the need for trying to do even better because Codex was operating in a very competitive world. Encouraging the increased use of the omission of steps 6 and 7 as well as the strict application of the critical review when starting new work and collecting all relevant data at the beginning of the process were mentioned as possible ways to increase the speed.

105. Some members said that the study showed differences in the speed between different committees and could be used by the Codex chairs when exchanging views on best practices and discussing problematic cases and discussing how to improve their facilitation of the standards-setting process.

106. Some members were concerned with the speed of Codex in reacting to emergency situations such as the melamine food safety event.

107. The Representative of WHO agreed that it was important to analyze the situation before deciding to start work on a Codex standard but warned that it was dangerous to assume that when there was no visible consensus at the outset, no new work should start. In some cases lack of consensus could be motivated by trade issues even though the primary concern was a health issue for which the Codex system offered a process based on science to achieve consensus. The Representative acknowledged the need to address urgent issues but felt that the Codex system was not intended for this, which is why WHO and FAO had worked on linking INFOSAN and EMPRES food safety to exchange information on events, emergencies and scientific data between food safety authorities. In the case of melamine this had shown quick results and at the end of the crisis a good agreement had been found on what could be reasonable standards.

108. The Secretariat mentioned that the speed often depended on the work management between Codex committees and the bodies providing scientific advice. In the case of contaminants some work items had been delayed for this reason but once the scientific advice was available, work had been concluded rapidly.

109. The Representative of the FAO said that information could be included in the study on the time required to provide scientific advice and the time required by the relevant Committee to make use of the advice provided.

110. The Executive Committee agreed that the study should be an ongoing process, which could serve as a monitoring tool to the Executive Committee and as information for Codex chairs.

111. The Executive Committee invited the Secretariat to prepare a revised study for its next session and the Commission, taking into account that Committees meet at different intervals and that standards have different complexity, and including an analysis on the reasons for standard development taking more than the average time and of the speed of setting numerical standards in combination with the time needed for the provision of scientific advice.

APPLICATIONS FROM INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS FOR OBSERVER STATUS IN CODEX (Agenda Item 7)¹⁰

112. The Executive Committee was invited, in accordance with Rule IX.6 of the Rules of Procedure, to provide advice regarding the applications for observer status of two international non-governmental organizations having neither status with FAO nor official relations with WHO. Information from the applicant organizations was included in Annexes 1 and 2 of document CX/EXEC 09/63/9 and CRD 1.

EUROGLACES

113. The Secretariat introduced the re-application, which had been discussed at the 62nd Session of the Committee where the question of double representation had arisen, as EUROGLACES was an active member of a larger organization (CIAA) that was also a Codex observer. The Committee had agreed that EUROGLACES and CIAA should be requested to clarify how they would organize their participation in Codex.

114. Given that EUROGLACES and CIAA had provided the necessary information, the Executive Committee decided to recommend to the Directors General of FAO and WHO to grant observer status to EUROGLACES on the understanding that:

- (1) EUROGLACES would only participate as such in Codex meetings when CIAA was not represented;
- (2) At meetings where CIAA was represented, EUROGLACES could only participate as part of the CIAA delegation and not speak as EUROGLACES; and
- (3) EUROGLACES could submit written comments only on those issues for which CIAA did not submit any comments. (These conditions will be included on the Codex website under the entry for EUROGLACES)

Public Research and Regulation Initiative (PRRI)

115. As the application had been found complete and no further comments were made, the Executive Committee agreed to recommend granting observer status to the Public Research and Regulation Initiative (PRRI).

FAO/WHO PROJECT AND TRUST FUND FOR ENHANCED PARTICIPATION IN CODEX (Agenda Item 8a)¹¹

116. The Representative of WHO, speaking on behalf of FAO and WHO, introduced the 12th Progress Report of the Trust Fund and the terms of reference and timetable of the Independent Mid-Term Review that had been recently initiated and would be presented to the 33rd Session of the Commission.

117. The Committee noted some requests for clarification as regards the balance between continuity in participation and the involvement of more persons in Codex work in each country concerned, as lack of continuity could become an obstacle to effective participation; the time frame for the implementation of the recommendations after the 33rd Session of the Commission; and how to address the difficulties of countries that could not ensure continuing participation when no longer supported by the Trust Fund. It was also noted that the Trust Fund should not be considered in isolation but was complementary to other efforts to improve capacity, all of which could contribute to effective participation.

118. The Representative of WHO indicated that it was originally intended that countries would graduate from the Trust Fund after 6-7 years and would then be able to ensure continuity in participation, however it appeared that due to economic difficulties or the necessary time to become familiar with Codex work this might not be possible in practice. Such issues and the general question of continuity would be further considered in the mid-term review. The implementation of the recommendations would be considered after the 33rd Session of the Commission.

119. The Representative also recalled that there were three expected outputs of the Codex Trust Fund: 1) widening participation in Codex, which had been largely achieved; 2) strengthening overall participation in

¹⁰ CX/EXEC 09/63/9

¹¹ CX/EXEC 09/63/10

Codex, which was in progress, and 3) enhancing scientific/technical participation in Codex, which was a complex issue to be addressed in the next phase of Trust Fund activities.

120. Some Members expressed the following concerns: 70% of the countries that had graduated from the Trust Fund in 2007 were from Latin America and the Caribbean, although many countries in that region faced difficult economic conditions; the Region was more affected than others by the reduction of Trust Fund support, for which reason national Codex committees were weakened; as a consequence of this lack of support, other regional organisations carried out capacity building activities directed to these countries. These members proposed that Trust Fund allocation should not be based on economic indicators but on the status of food safety infrastructure in the countries, participation in Codex meetings was more useful for countries that already had established food safety infrastructure, while assistance to countries without such infrastructure could take other forms.

121. The Representative of WHO pointed out that the Trust Fund did not decide on funding for countries on the basis of regional distribution but considered the economic and human development situation of each individual country on the basis of objective indicators, and that this approach had been approved by member countries. He noted that there would be practical difficulties to use the state of food safety infrastructure as an indicator and stressed the general policy of WHO to provide more assistance to those countries that had the lowest income and therefore faced more difficulties to establish a food safety system.

122. The Committee was informed about a report that FAO was preparing on results and lessons learnt from capacity building activities carried out by the organisation in support of Codex national committees and focal points. The report is relevant for the discussions on sustainability of Codex work.

123. The Committee noted that the next progress report and the recommendations of the mid-term review would be considered by the 64th Session of the Executive Committee and 33rd Session of the Commission.

MATTERS ARISING FROM FAO AND WHO (Agenda item 8b)¹²

124. The Representative of FAO, on behalf of both organizations, updated the information provided in document CX/EXEC 09/63/10-Add1 and called the attention of the Committee to the positive impact that provision of extra-budgetary resources to FAO (GIFSA) and to WHO is having in the delivering of sound and timely advice to Codex.

125. The Representative informed the Committee about new events that will be organised in 2010: a) Joint FAO/WHO Expert meeting to review toxicological and health aspects of Bisphenol A to be held in October 2010 in Canada and b) FAO/CAPES/EMBRAPA Conference on Nanotechnology in the Food and Agriculture Sectors to be held in San Carlos, Brazil in June 2010 with the collaboration of WHO and other partners.

126. The Committee were also informed that the report of the FAO/WHO Expert Meeting on the Application of Nanotechnologies in the Food and Agriculture Sectors: Potential Food Safety Implications was now available on the FAO and WHO websites as well as the call for experts and data for the FAO/WHO expert meeting to develop and validate risk assessments tools on *Vibrio* spp in seafood, this last meeting as requested by the 33rd Session of the Committee on Food Hygiene held in November 2009. Regarding efforts needed to enhance collection of sound data in some specific fields the Committee was informed about the availability of a *FAO Manual on the Submission and Evaluation of Pesticide Residues Data*.

127. The Committee was also informed that following the request of the 32nd session of the CAC, FAO and WHO are working in the preparation of a paper and a seminar on "economic impact of private standards on small producers, in particular in developing countries". Comments made by delegates at the Executive Committee would be taken into consideration in this work.

128. In reply to a question on the lack of scheduled cost for the evaluation of the data on ractopamine, the Committee was informed that FAO/WHO were considering convening an electronic expert group to assess the data received.

129. The Committed noted and acknowledge the work carried out by both organizations in support to Codex.

¹²

CX/EXEC 09/63/10-Add.1

DRAFT PROVISIONAL AGENDA OF THE 33rd SESSION OF THE CODEX ALIMENTARIUS COMMISSION (Agenda Item 9)¹³

130. The Committee noted that the Draft Provisional Agenda for the 33rd Session of the Commission was presented to the current session in accordance with Rule VII.1 of the Rules of Procedure and that the amended format presented the agenda items and reference of documents in the same Table, as in the case of all other committees. The Committee was informed that the duration of the session would be five days (from 5 to 9 July 2010) as the International Conference Centre in Geneva was not available on 10 July 2010.

131. The Secretariat also indicated that the FAO Conference would be held in Rome at the end of June 2011 and therefore the 34th Session of the Commission, tentatively scheduled for six days, would be held in Geneva.

132. The Committee agreed with the Draft Provisional Agenda and noted that the final Provisional Agenda would be prepared by the Directors-General of FAO and WHO.

OTHER BUSINESS AND FUTURE WORK (Agenda Item 10)¹⁴**Matters arising from the Committee on Fresh Fruits and Vegetables**

133. The Committee noted that at the 15th Session of the Committee on Fresh Fruits and Vegetables, some delegations had expressed concern on the proposal from the United Nations Economic Commission for Europe (UNECE) Working Party on Agricultural Quality Standards to remove the reference to "UNECE" from the cover page of the standards, and that all the background information was provided in CRD 2. The Committee had therefore requested the Secretariat to explore the implications of the above decision and to inform the Commission, through the Executive Committee, of this situation in order to obtain guidance from the Commission on appropriate follow-up.

134. In view of these concerns, the 65th Session of the Working Party on Agricultural Quality Standards had decided to suspend this proposal and asked the UNECE Secretariat to approach the UN Legal Office for advice on the issue.

135. The Secretariat informed the Committee that it had sought the advice of the FAO and WHO Legal Offices and that the Commission would be updated about further developments at its next session.

Format for transmitting comments

136. The Coordinator for Latin America and the Caribbean explained that in order to make better use of written comments they had proposed to try out a tabular template for providing comments at the recent CCFV meeting but that this template had not been used. It had contained three columns to be filled out next to the text of a draft standard: a checkbox on whether the comment was substantial or editorial; the actual comment and a justification.

137. The Member for the South West Pacific said that simple guidelines on how to submit comments had been created in cooperation with the Secretariat and tried out in preparation of the upcoming session of the Committee on Food Import and Export Inspection and Certification Systems (CCFICS): not to repeat the whole text commented on; first general comments then specific comments; proposed specific text changes to a draft document in bold and underline for new text and strike-out for deleted text. The guidelines had been transmitted together with the document. The Member further said that an analysis would be prepared on the cost savings for translation of the comments paper by using these guidelines. The Member said that compliance with the guidelines had been good and they had helped to receive more readable comments and also could help those who provide comments for the first time. They said further that a table format had been used by the IPPC but often led to formatting and printing problems and to longer documents.

138. The Member for North America said that the United States would host three Committees in 2010 and offered to try out guidelines for transmitting comments in the Committee on Residues of Veterinary Drugs in Food (CCRVDF). The Executive Committee welcomed this proposal and encouraged the United States to observe the results from the CCFICS and work in cooperation with the Secretariat to adapt the guidelines as necessary for the purposes of the CCRVDF.

¹³ CX/EXEC 09/63/11

¹⁴ CRD 2

Transmission of comments from one session to the next

139. The Coordinator for Latin America and the Caribbean said that they were looking for a mechanism to transfer comments that had been provided from one session of a committee to the next session in case it had not been possible to discuss the subject.

140. The Secretariat explained that it was possible to retain the same working document and comments paper if the committee so agreed at the relevant session. In this case no new call for comments would be sent and the existing documents would be re-issued.

Retreat for Chairpersons of Codex Committees

141. Several members expressed the view that the retreat for chairpersons organised in conjunction with the last session of the Committee on General Principles had provided useful exchange of experience and information between Chairs, in order to discuss best practice in the conduct of meetings and ensure consistency of approach. It was noted that chairs had an important role as facilitators and mediators in the discussions and that they had benefited from the training to develop such skills. The Committee noted a proposal to evaluate the impact of such training as to how it contributed to improve the conduct of meetings.

142. One Member expressed the view that Coordinators should be invited to participate as they were Chairs of Committee that also discuss regional standards and they would also benefit from this activity.

143. The Chairperson recalled that this meeting had produced important results, such as a recommendation on the use of an evaluation form and proposed that another such retreat be convened, and that Coordinators and co-Chairs from co-hosting countries should be invited as well. The Committee noted a proposal to institutionalise this retreat for the next five years.

144. The Secretariat recalled that the last session of the Committee had made a specific recommendation for "an informal meeting of chairs" and that it was possible to facilitate the practical arrangements for such a meeting. However if the Executive Committee considered that this decision should be changed, the issue should be raised at the Commission. As this proposal for a retreat had significant budget implications as the cost of the retreat held in 2009 was 50,000 USD, the Secretariat was not in a position to reply on this proposal without the advice of the Commission, FAO and WHO.

145. The Executive Committee considered that the retreat was a separate issue from the informal meeting of chairs and that it was necessary to provide the benefits identified. The Chairperson expressed the view of the Committee that it was important to increase the capacity of the Chairs to facilitate Codex work and therefore considered that provision for a retreat was highly desirable. The Chair pointed out that approval of the Commission had not been required for the April 2009 retreat of the chairs and that therefore the Secretariat had in fact the necessary flexibility to organise retreats for chairs.

Other Matter

146. The Member for Europe informed the Committee that, following the entry into force of the Lisbon Treaty on the 1st of December, the European Community should become the European Union. A formal letter to this effect had been sent to FAO, WHO and the Codex Secretariat.

APPENDIX I

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APPENDIX II

PROPOSED AMENDMENTS TO THE PROCEDURAL MANUAL

(1) Amend the *Criteria for the Establishment of Work Priorities* as follows:

CRITERIA FOR THE ESTABLISHMENT OF WORK PRIORITIES

When a Codex Committee proposes to elaborate a standard, code of practice or related text within its terms of reference, it should first consider the priorities established by the Commission in the Strategic Plan, the relevant outcomes of the critical review conducted by the Executive Committee, and the prospect of completing the work within a reasonable period of time. It should also assess the proposal against the criteria set out below.

If the proposal falls in an area outside the Committee's terms of reference the proposal should be reported to the Commission in writing together with proposals for such amendments to the Committee's terms of reference as may be required.

Criteria**General criterion**

Consumer protection from the point of view of health, food safety, ensuring fair practices in the food trade and taking into account the identified needs of developing countries.

Criteria applicable to general subjects

- (a) Diversification of national legislations and apparent resultant or potential impediments to international trade.
- (b) Scope of work and establishment of priorities between the various sections of the work.
- (c) Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body(ies).
- (d) Amenability of the subject of the proposal to standardization.
- (e) Consideration of the global magnitude of the problem or issue.

Criteria applicable to commodities

- (a) Volume of production and consumption in individual countries and volume and pattern of trade between countries.
- (b) Diversification of national legislations and apparent resultant or potential impediments to international trade.
- (c) International or regional market potential.
- (d) Amenability of the commodity to standardisation.
- (e) Coverage of the main consumer protection and trade issues by existing or proposed general standards.
- (f) Number of commodities which would need separate standards indicating whether raw, semi-processed or processed.
- (g) Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body(ies).

(2) Insert the following new text after the *Criteria for the Establishment of Work Priorities*:

GUIDELINE ON THE APPLICATION OF THE *CRITERIA FOR THE ESTABLISHMENT OF WORK PRIORITIES* (CRITERIA APPLICABLE TO COMMODITIES)

1. These Guidelines provide guidance on the application of the criteria, including the information that what kind of information needs to be examined by the Executive Committee while performing the Critical Review, in accordance with points (a) through (g) in the “Criteria applicable to commodities” for the establishment of work priorities.

2. In principle, an evidence-based approach that addresses multiple factors shall be taken when the Executive Committee examines proposals of new work to develop or revise commodity standards. Therefore, project proposals (project documents) for commodity standards should contain information indicated below.

(a) Volume of production and consumption in individual countries and volume and pattern of trade between countries

Information should be provided on:

- volume of production and consumption in individual countries expressed in monetary terms, tons, proportion of GDP¹, etc.;
- volume and patterns of trade, including trends in trade volume and patterns, expressed in monetary terms, tons, proportion of GDP¹, etc.:
 - between countries,
 - in intra-regional trade, i.e., between or among countries of a region,
 - in inter-regional trade, i.e., between or among regions.
- credible sources or citations of information and/or references in order to support credibility of the above information, if possible.

Note: When proposing to develop a regional standard, the coordinating committee concerned should fully take into account paragraph (d) of the Terms of Reference of the FAO/WHO Coordinating Committees (Section V), and provide well-documented and objective evidence that there is significant intra-regional trade, and that there is ~~no trade, or~~ no significant trade, between or within other regions. This requirement will help to avoid the development of more than one standard for the same (or similar) product in different regions.

In case there is substantial production and trade of a regional commodity in countries outside the region, the Executive Committee should recommend to the concerned commodity committee to consider elaborating a global standard taking into account its work program.

(b) Diversification of national legislation and apparent resultant or potential impediments to international trade

Information should be provided on existence of diverse national legislation that may lead to potential or actual impediments to international trade. Evidence of impediments may be provided as quantitative information on volume and/or frequency of rejection of consignments, as expressed, for example, as absolute numbers or as rates of rejection.

(c) International or regional market potential

Information should be provided on:

- international and/or regional market potential; and, where necessary;
- potential of regional products to enter international trade, including an analysis of current production trends as well as market potential in the foreseeable future.

¹ Information on the volume or percentage of trade (import/export) in the commodity may be useful to demonstrate that trade in the commodity represents a significant proportion of the domestic economy of the relevant country or countries.

(d) Amenability of the commodity to standardisation

Information should be provided on:

- which quality factors are essential for the identity of the product e.g. definition, composition, etc.;
- characteristics of the commodity (e.g. differences in definition, composition, and other quality factors that may vary across countries and regions) that would have to be accommodated in the standard.

(e) Coverage of the main consumer protection and trade issues by existing or proposed general standards

Information should be provided on whether there are overlaps or gaps with existing standards. If gaps or overlaps are identified, the new work proposal should explain why revision of the existing standard is not sufficient to meet the need for a standard.

Note: This information is required in order to identify whether there are gaps between the proposed new work and existing standards or standards under elaboration. This analysis is necessary to avoid the elaboration of new standards when revision of existing standards, or of certain provisions in existing standards, would adequately address the concern.

If overlaps are identified, it may be possible to propose that new work should be started, while suggesting that existing standards should also be considered for revision to avoid inconsistency or overlap.

(f) Number of commodities which would need separate standards indicating whether raw, semi-processed or processed

Commodity standards should preferably be developed in a generic manner to cover the relevant products concerned. Information should be provided on the rationale for the need to develop separate standards indicating whether raw, semi-processed, or processed.

(g) Work already undertaken by other international organizations in this field and/or suggested by the relevant international intergovernmental body(ies)

Information should be provided on activities that have been already undertaken by other relevant international organizations, including an analysis of areas of potential complementarities, gaps, duplication, or conflict with the above activities.

Note: Even when standards exist outside Codex, a rationale for new work in Codex should be provided, based on information presented in the above analysis.