

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Items 2, 3, 4, 5 and 6

GP/31 CRD/08

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON GENERAL PRINCIPLES

Thirty-first Session

Bordeaux, France, 11 - 15 March 2019

(Comments from the European Union)

EUROPEAN UNION

Agenda Item 2: Matters referred to the Committee

CAC39 (2016) - Consistency of the Risk Analysis Texts across the Relevant Committees

*Mixed Competence
Member States Vote*

The European Union and its Member States (EUMS) support the conclusion of CAC39 that CCGP has completed the work on the consistency of the risk analysis principles within Codex. There is therefore no need to review them further.

CAC40 (2017) - Regular Review of Codex Work Management: Electronic Working Groups

*Member States Competence
Member States Vote*

The Member States of the European Union (MSEU) welcome the outcome of CAC40 discussion on electronic Working Groups and look forward to deepening that discussion, particularly in the framework of this Committee. Concrete proposals to that effect will be put forward under agenda item 3.

CAC41 (2018) - Pilot for a Committee on Standards Advancement

*Member States Competence
Member States Vote*

The Member States of the European Union (MSEU) support further exploring the innovative proposal for the establishment of a Committee on Standards Advancement discussed at CAC40 and CAC41 and, in this regard, reiterate their support for setting up a pilot for such a committee.

CCFICS 24 (2018) - Discussion Paper on Food Integrity and Food Authenticity

*Mixed Competence
European Union Vote*

The EUMS welcome the discussions in CCFICS on food fraud.

Food fraud, while not a new phenomenon, has come under the spotlight in recent years. Food chains are vulnerable to fraud at national and international level. Initiatives have been undertaken by many governments and within the industry to combat food fraud.

It is therefore very timely to consider how Codex could further contribute to tackle fraudulent practices in food trade. The discussion in CCFICS provides a good basis for these considerations.

The EUMS take note that CCFICS will further consider what definitions on terms such as food integrity, food authenticity and food fraud need to be developed. As such definitions are of importance for the work of several Codex committees, it would be appropriate to adopt them as formal Codex definitions and include them in the Procedural Manual in the section 'Definitions for the purposes of the Codex Alimentarius'. Developing these Codex definitions would fall under the mandate of CCGP.

Agenda Item 3: Discussion paper on procedural guidance for committees working by correspondence

Member States Competence Member States Vote

The Member States of the European Union (MSEU) thank the legal offices of FAO and WHO for preparing the discussion paper on committees working by correspondence.

The discussion paper rightly recalls that, in relation to committees working by correspondence, CAC41 agreed that 'it was important to maintain a wide range of options and flexibility on working methods'. The MSEU support further efforts to enable, within the rules, the ability for Committees to work by correspondence. There is a broad basis for CCGP to examine adjustments and improvements to existing procedures and practices to facilitate Codex working in this way to meet the needs of Codex and its members as expressed at CAC41. Codex is a member-driven organisation, which benefits from a pragmatic approach that allows for case-by-case identification of the most efficient and effective methods and formats to advance intersessional Codex work. To that effect, CCGP should look with an open mind at how the various Codex working formats (in particular committees working by correspondence and electronic working groups, but also physical meetings) relate to each other and can best complement each other - where appropriate, drawing inspiration from the procedures and working methods of other international organisations (e.g. IPPC).

In the light of the conclusions and recommendations of the discussion paper, CCGP could focus its attention primarily on making the work of electronic working groups (eWGs) more efficient, transparent and inclusive. For this purpose, the existing guidance for eWGs in the Procedural Manual needs to be revised, as recommended by CCEXEC73¹. The revision should take into account new tools available for eWGs, in particular the Codex online platform. The revision should also consider items such as standardised reporting procedures and further guidance on the roles and responsibilities of eWG chairs, co-chairs and participants.

In addition to the review of existing eWG guidance, it would also be timely for CCGP to revisit existing guidance for physical working groups (pWGs), so as to take account of modern digital ways of working to ensure inclusiveness and wide participation. In this regard, inspiration can be drawn from the largely positive experience with the recent CCFICS pWG pilot, which used webinar technology to engage with members unable to attend.

In view of the above, the Committee should propose to CAC that CCGP is tasked primarily with the revision of the "Guidelines on electronic working groups" in the Procedural Manual and, in a subsequent stage, with revisiting the existing procedural guidance for physical Working Groups.

Finally, concerning physical meetings, which are usually necessary to achieve consensus to finalise standards for adoption, the options identified in CX/CAC 18/41/12 remain valid. The best solution to organise a physical meeting should be decided on a case-by-case basis. One option that could be part of this approach would be the implementation of a pilot for a Codex Committee on Standards Advancement (CCSA).

Agenda Item 4: Use of examples in Codex standards

Member States Competence Member States Vote

The Member States of the European Union (MSEU) thank the Codex Secretariat for the analysis and recommendations on the use of examples in Codex standards.

The MSEU concur with the Codex Secretariat's conclusions that sufficient guidance and tools are available for Codex committees to deal with examples when committees consider them useful and necessary. The MSEU

¹ REP17/EXEC2, par. 91

further agree with the Codex Secretariat's recommendation that specific guidance is probably not practical due to the diverse nature of examples and their use.

Nevertheless, CCGP could recommend to CAC that the guidance currently given to CCFH in the Procedural Manual "*Guidelines on the elaboration and/or revision of codes of hygienic practice for specific commodities*" could be extended to all committees. CAC could advise them that Codex texts should be drafted in a sufficiently clear and transparent manner such that extended explanatory material is not required for their interpretation.

Agenda Item 5: Information on activities of FAO and WHO relevant to the work of CCGP

*Mixed Competence
Member States Vote*

Matters arising from FAO

The European Union and its Member States (EUMS) welcome the efforts of the FAO's governing bodies to make progress in finding new ways to provide enhanced funding for food safety scientific advice.

The joint FAO/WHO scientific advice programme in support of Codex is of critical importance for the setting of Codex food safety standards. The EUMS would therefore like to reiterate the importance of ensuring a sustainable funding for the FAO/WHO joint scientific advice programme from the regular programme budget of both FAO and WHO.

Following the invitation at CAC41 to countries to develop a discussion paper on sustainable funding of scientific advice provided to Codex, the EUMS have prepared a draft paper for submission to CAC42.

The draft paper in the attached Annex 1 provides a contribution to the development of a strategy to ensure short and long-term solutions for sustainable funding for scientific advice in support of Codex. The purpose of the paper is to substantiate the need for action and to make specific recommendations to that effect.

The EUMS have shared the draft paper with the regional coordinators and other Codex members and invite interested Codex members to co-sign it. The EUMS thank those Codex members who have already expressed their support to this initiative.

The EUMS would welcome the views of additional Codex members and stand ready to provide further information on this initiative.

Finally, as regards the 'World Food Safety Day', the EUMS are committed to giving the inaugural event on 7 June appropriate visibility through initiatives and activities that will contribute to its success. Any guidance from the parent organisations in this respect would be welcome.

Agenda Item 6: Discussion paper on emerging and future issues within the remit of the CCGP

*Mixed Competence
Member States Vote*

The European Union and its Member States (EUMS) welcome the list of possible topics for future work included in the discussion paper. As the paper rightly points out, over the years CCGP has addressed important procedural and other cross-cutting questions to improve the functioning of Codex. And CCGP should continue to do so — for the benefit of all Codex members.

We have the following comments on the topics included in the discussion paper.

On point 1: Facilitating the elaboration of standards by Codex

In order to remain relevant in this era of rapid digital transformation, Codex has to closely monitor its working methods and procedures, so as to be able to adjust them in a timely manner.

In this respect and with reference to the comments submitted on agenda item 3, the EUMS agree that the revision of the Guidelines on electronic Working Groups (and, at a later stage, the review of the existence procedural guidance for physical Working Groups) could be a good starting point for CCGP to assess the impact of new technologies and digitalisation on, in particular, existing practices. In this regard it is also important to note that, in order to achieve the Sustainable Development Goals (SDGs), in particular those related to climate change mitigation, it is likely that the number of physical Codex committee meetings will be limited in the future.

Naturally, in discussions on Codex's future digital transition special attention will have to be paid to the key principle of inclusiveness: all Codex members must be in a position to actively contribute to Codex discussions.

On point 2: *Monitoring Codex results in the context of the SDGs*

As is highlighted in the revised version of the Codex Strategic Plan, Codex has an important role to play in supporting its members in their implementation efforts with respect to certain SDGs.

The inclusion of specific SDG-related indicators in the Codex Strategic Plan would be an effective way to monitor and assess Codex's contribution. This is, however, a challenging task which would require significant resources and time.

On point 3: *Food fraud/food integrity and food authenticity*

As indicated under agenda item 2, the EUMS consider that the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) discussions on tackling fraudulent practices in food trade are both timely and necessary.

Clear terminology and definitions are critical for a common understanding and for developing a horizontal approach across Codex committees. CCGP could make a valuable contribution in this regard.

On point 4: *Consumer information*

The EUMS acknowledge that a fundamental discussion on consumer information could provide valuable input on cross-cutting aspects beyond the current scope of food labelling.

CCGP would be a fitting venue in which to start such a process.

On point 5: *Observation structure for the application of Codex standards*

The EUMS acknowledge that more structured monitoring of the application and impact of Codex standards on the ground is critically important to ensure that Codex work remains relevant. Collecting global data would in particular allow possible difficulties and challenges to be identified, and could provide valuable insights with a view to improving the effectiveness of Codex standards. This would be in line with the enhanced emphasis which the revised version of the Codex Strategic Plan puts on monitoring of the use of Codex standards.

The EUMS hence welcome the idea of setting up a dedicated Codex observation structure and consider that CCGP could play an important role in clarifying a number of key questions in this regard, such as:

- which data would be necessary to obtain an adequate overview;
- which agri-food stakeholders should be involved in this exercise;
- what role the Codex contact points and other international organisations could play in data collection activity.

In addressing these and other questions related to a possible Codex observation structure, good use could be made of the experience gained by other international organisations, in particular the World Organisation for Animal Health (OIE).

On point 6: *System for improving coordination with other international organisations*

The EUMS welcome the discussion started last year on how to better coordinate Codex work with the standard-setting work of other international organisations. There is definitely scope for improvement, particularly with a view to ensuring consistency and avoiding duplication.

Based on the outcome of further discussion on this issue in the CCEXEC, CCGP could take this work forward and examine the procedural and practical aspects of a possible mechanism to enhance coordination.

On point 7: *Possible changes to the Procedural Manual*

In line with our previous comments on the need for Codex to stay fully aligned with digital developments, the EUMS consider that the Codex Secretariat's work on a new online version of the Procedural Manual is both timely and necessary.

In this regard, we would also welcome a more fundamental discussion by CCGP to identify, in close cooperation with the Codex Secretariat, possible improvements to the architecture of the Codex Procedural Manual, in order to enhance its accessibility for all Codex members — and hence improve the transparency of Codex work in general.

ANNEX 1: DRAFT OUTLINE FOR A DISCUSSION PAPER ON **SUSTAINABLE FUNDING OF SCIENTIFIC ADVICE PROVIDED TO CODEX**

PURPOSE

This paper is intended to highlight the ongoing concerns on the issue of sustainable funding for scientific advice reiterated by Codex members at the 41st session of the Codex Alimentarius Commission, to substantiate the need for action by the WHO and FAO, and to make specific recommendations to that effect. Further, it seeks consensus on the recommendations that flow from the discussion below.

RECOMMENDATIONS

- Urge the FAO and WHO to step up their efforts to ensure sufficient and sustainable funding for the joint FAO/WHO scientific advice programme, taking due account of the guidance set out in this document;
- Express appreciation for the outcome of recent discussions on this issue in the FAO governing bodies and encourage them to take those discussions forward;
- Encourage the WHO to have similar discussions and urge all members of the Codex Alimentarius Commission to invite their representatives in the WHO governing bodies to highlight the importance of providing sufficient and sustainable funding for scientific advice from WHO's regular budget, with a view to promoting sound science-based international standards and achieving broader food safety and public health goals.

DISCUSSION

Introduction

The joint FAO/WHO scientific advice programme in support of Codex is of critical importance for global food safety governance. Without the authoritative and globally-relevant advice from the joint FAO/WHO expert bodies, the setting of many critical Codex food safety standards would not be possible.

At its 41st session, the Codex Alimentarius Commission (CAC41) reviewed the activities and budgetary and financial matters related to the provision of FAO/WHO scientific advice to Codex, based on a report prepared by FAO and WHO (CAC/18/41/16). The conclusions of this review as set out in the CAC41 report were as follows:

The Commission:

- (i) recognised FAO and WHO efforts to accelerate delivery and ensure continuous improvement of scientific advice;*
- (ii) noted that FAO and WHO had highlighted the importance of ensuring stable, multi-year, extra-budgetary contributions to support an enhanced FAO/WHO scientific advice programme, stressing the key facilitating role Codex delegates could play;*
- (iii) noted the need to develop a strategy to ensure short- and long-term solutions for sustainable funding, **inviting countries so interested to develop a discussion paper for submission to the Commission;** and*
- (iv) recommended that FAO and WHO provide adequate sustainable funding for the joint FAO/WHO scientific advice programme, noting that, in accordance with Rule X.3 of the Rules of Procedure of the Codex Alimentarius Commission, the Directors-General of FAO and WHO were bound to bring this recommendation to the attention of their respective governing bodies for appropriate action.*

In reply to the above invitation to Codex members, this discussion paper aims to provide a contribution to the development of a strategy to ensure short- and long-term solutions for sustainable funding for scientific advice in support of Codex.

State of Play

The reports on the financing of scientific advice in support of Codex submitted to the CAC over the past years show that the funding situation has been more or less the same for quite some time. According to the most recent report submitted to CAC41 and the explanations provided by the FAO and WHO representatives at CAC41, the overall contribution of FAO and WHO to the provision of scientific advice amounts to approximately USD 12 million per biennium approximately equally shared between the two organisations. Based on the information made available by FAO and WHO, the situation with regard to the respective contributions of both organisations is as follows:

WHO's contribution

The lion's share of the funds provided by WHO for the operation and staff costs related to scientific advice in the area of food safety and nutrition comes from voluntary extra-budgetary contributions from a limited number of WHO members and other donors. The contribution from WHO's regular programme budget (i.e. assessed contributions) is limited.

WHO's scientific advice programme is implemented by the Department of Food Safety and Zoonoses and the Department of Nutrition for Health and Development. According to the information provided at CAC41, efforts are under way within WHO to move beyond the status quo, to address requests for scientific advice in a timelier manner and to update the risk assessment methodology.

FAO's contribution

The funds provided by FAO to support the operation and staff costs related to the provision of scientific advice to Codex come mainly from FAO's regular programme budget (i.e. assessed contributions). Scientific advice on food safety provided to Codex is supported by a number of units and divisions within FAO, including the Office of Food Safety, the Plant Production and Protection Division, the Fisheries and Aquaculture Policy and Resources Division, and the Animal Production and Health Division. Scientific advice on nutrition, when requested, is provided by the Nutrition and Food Systems Division. Additional resources are needed to update methodologies, to address the backlog of requests for scientific advice and to deal with the increase in such requests.

In recent years, FAO's governing bodies have repeatedly emphasised the importance of FAO's standard-setting work and, in this context, echoed the continued call by Codex members to secure increased and more sustainable funding for the joint FAO/WHO scientific advice programme in support of Codex. In this regard, they have also acknowledged the need to look into possible alternative (extra-budgetary) solutions to widen the funding base for scientific advice, but emphasising the importance of safeguarding the independence, integrity and neutrality of the scientific advice programme.

The Way Forward

Codex members supporting this discussion paper greatly appreciate the activities from both FAO and WHO for scientific advice in support of Codex's critically important standard-setting work. They also reiterate their recognition for FAO and WHO efforts to accelerate the delivery and ensure the continuous improvement of scientific advice in support of Codex.

They consider, however, that the current funding model for scientific advice depends too much on voluntary financial contribution from countries and stakeholders. It therefore lacks the necessary stability and predictability to ensure the continued delivery of the scientific advice vital for Codex's standard-setting work. They also note that, due to this insufficient predictability and the insufficient level of the overall resources made available by WHO and FAO for scientific advice, there is an increasing backlog in scientific advice in support of Codex.

While the Codex members supporting this discussion paper acknowledge the ongoing efforts to find sustainable solutions, they consider that a new sustainable funding strategy for scientific advice in support of Codex is needed. This strategy should take account of the following elements:

- the recognition that the main solution for providing stable and sustainable funding for the FAO/WHO joint scientific advice programme should come from the regular programme budget of both FAO and WHO;
- a clear commitment from both FAO and WHO to earmark in their regular programme budget adequate resources for the joint scientific advice programme in support of Codex;

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- an increased contribution from both FAO and WHO regular programme budgets in the short term to update methodologies and address the existing backlog of requests for scientific advice in support of Codex;
 - the recognition that additional funding sources outside the FAO and WHO budgets should only be used to cover the funding needs of extraordinary advice activities or specific projects, and after appropriate mechanisms have been put in place to ensure that such additional funding sources are fully transparent and include all the necessary guarantees to ensure the independence, neutrality and integrity of the scientific advice programme. However any alternative extra-budgetary solutions should not substitute sustainable and programmed funding by both FAO and WHO parent bodies;
 - the need to continue work on the options for widening the funding base for scientific advice in support of Codex as identified by FAO's 'Informal Open-ended Working Group on Food Safety Scientific Advice Programme'.