



**JOINT FAO/WHO FOOD STANDARDS PROGRAMME**  
**EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION**

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**Seventy-seventh Session**

**REGULAR REVIEW OF CODEX WORK MANAGEMENT 2018-2019:  
CRITICAL REVIEW PROCESS**

(Prepared by the Codex Secretariat)

## 1. INTRODUCTION

1.1. Following the request of CAC39 (2016), the Codex Secretariat regularly reviews Codex work management as part of the monitoring of the Codex Strategic Plan 2014-2019 and regularly informs both CCEXEC and CAC on the findings and recommended actions<sup>1</sup>. For the period 2016-2017, the focus of the review of Codex work management was on *Electronic Working Groups* (EWGs)<sup>2</sup>; and for the period 2017-2018 on *Collaboration between the Codex Alimentarius Commission and other International Standard-setting Organizations* (2017-2018)<sup>3</sup>.

1.2 CCEXEC76<sup>4</sup> noted the selection of the *Critical Review Function of the Executive Committee* as the topic for the regular review of Codex work management for 2018-2019 which is in line with activity 1.1.2 “Strengthen the critical review process to improve standards monitoring” of the Codex Strategic Plan 2014-2019.

1.3. CCEXEC76 requested that the Codex Secretariat take account of comments made during CCEXEC76 in conducting the review. These comments focused on the need for making the documents more reader-friendly and for drawing the attention of CCEXEC to the critical issues such as challenges and obstacles where CCEXEC input was needed.

## 2. HISTORY OF THE CRITICAL REVIEW

### 2.1 Purpose and Origins: Joint Evaluation of Codex (2002)

2.1.1 The report of the Joint Evaluation of Codex in 2002<sup>5</sup> was of the opinion that the Commission was too large, unwieldy and generalist to perform standard-management effectively and Codex could gain speed, efficiency and inclusiveness by delegating a number of related functions from the CAC to a more appropriate smaller body, including:

- Advice to the Commission on strategic planning of standards development;
- Proposal of priorities for standard revision and setting;
- Examining the proposals of the Codex committees for development/revision of standards and the required supporting work to provide the independent risk assessment;
- Advice on establishment and dissolution of committees and decision on initial task force establishment, including ad hoc cross-committee task forces (in areas where work falls within several committee mandates);
- Monitoring progress in developing standards and advising if corrective action should be taken or work suspended due to lack of progress;
- Assisting in identifying standard setting needs of developing countries; and
- Examining proposed standards from Codex committees and passing them on for adoption by CAC or returning them for further development by committees.

<sup>1</sup> REP16/CAC, para. 134(ii)

<sup>2</sup> CX/EXEC 17/73/3

<sup>3</sup> CX/CAC 18/41/13

<sup>4</sup> REP19/EXEC1, para 10

<sup>5</sup> <http://www.fao.org/3/y7871e/y7871e00.htm>

2.1.2 The evaluation report thus recommended that: “The standards development management function should receive much greater attention in Codex and should be delegated from the Commission to a smaller body. In this context, consideration should be given to the creation of a Standards Management Committee to perform functions that otherwise would need to be undertaken in the Executive Board.” (Recommendation 11).

2.1.3 The creation of a “standards management committee” was not agreed by CAC25 (2003)<sup>6</sup> and the standards management function was given to the Executive Committee, as it exists now. The “Executive board” was a proposed reduced version of the Executive Committee that was not agreed by CAC. Instead CAC decided to enlarge the Executive Committee by making the coordinators full members and created the possibility of establishing sub-committees. CAC also decided to entrust the function of the critical review of standards management to the Executive Committee.

## **2.2 Content of the Critical Review**

The Critical Review was included in the Procedural Manual by CAC27 (2004). CCEXEC55 (2005) undertook the critical review for the first time. The Critical Review covers proposals for new work, work in the step procedure and work proposed for adoption by the Commission as outlined in the following paragraphs (taken from the Procedural Manual).

### **2.2.1 New work or revision of standards**

The decision to undertake new work or to revise standards shall be taken by the Commission taking into account a critical review conducted by the Executive Committee. The critical review includes:

- examination of proposals for development/revision of standards, taking into account the “Criteria for the Establishment of Work Priorities”, the strategic plan of the Commission and the required supporting work of independent risk assessment;
- identifying the standard setting needs of developing countries;
- advice on the need for coordination of work between relevant Codex subsidiary bodies
- advice on establishment and dissolution of committees and task forces, including ad hoc cross-committee task forces (in areas where work falls within several committee mandates); and
- preliminary assessment of the need for expert scientific advice and the availability of such advice from FAO, WHO or other relevant expert bodies, and the prioritisation of that advice.

### **2.2.2 Work in the step procedure**

Monitoring of progress in developing standards and advising what corrective action should be taken (supported by the criteria in 3.1.1).

### **2.2.3 Texts submitted for adoption**

Examining proposed standards from Codex committees, before they are submitted to the Commission for adoption:

- for consistency with the mandate of Codex, the decisions of the Commission, and existing Codex texts,
- to ensure that the requirements of the endorsement procedure have been fulfilled, where appropriate,
- for format and presentation, and
- for linguistic consistency.

## **3. FURTHER PROCEDURAL DEVELOPMENT OF THE CRITICAL REVIEW**

### **3.1 Criteria to facilitate the conduct of monitoring progress of standards development (2006)**

3.1.1 CCEXEC57 (2005)<sup>7</sup> and CCEXEC58 (2006)<sup>8</sup> developed the following criteria, which were endorsed by CAC29 (2006)<sup>9</sup> to give options to the Executive Committee when monitoring standards development:

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<sup>6</sup> ALINORM 03/25/5, paras 7-38

<sup>7</sup> ALINORM 06/29/3 (2005), paras 52-63

<sup>8</sup> ALINORM 06/29/3A (2006), paras 40-47

<sup>9</sup> ALINORM 06/29/41 (2206), para 13

- (i) When progress on a standard is delayed due to the need for scientific advice, the Executive Committee could encourage FAO and WHO to schedule an expert consultation to provide such advice in a timely manner, and recommend suspension of work until such time as scientific advice became available;
- (ii) When scientific advice has been provided and a standard has been under consideration for more than five years, the Executive Committee should urge the Committee concerned to take action within a specified timeframe;
- (iii) When an item has been considered for several sessions without any progress and there is no prospect of reaching consensus, the Executive Committee could propose suspension of work at a particular Step in the Elaboration Procedure for a specified period of time or discontinuation of work, or corrective action to be taken to achieve progress, fully taking into consideration the information provided by the subsidiary body concerned.

### **3.2 Discussion papers (2009)**

3.2.1 As discussion papers contribute to the workload of a committee and are important tools for committees before requesting new work, CCEXEC63 (2009)<sup>10</sup> agreed that a list of discussion papers should be included in the document on monitoring, in order to present a complete view of the workload of each Committee, but that they would not be discussed as such.

### **3.3 Guideline on the Application of the Criteria for the Establishment of Work Priorities – criteria applicable to commodities (2010)**

3.3.1 CCEXEC62 (2009)<sup>11</sup> set up an EWG led by the Chairperson and Vice-Chairpersons of the Commission to revise the Criteria for the Establishment of Work Priorities and the guidelines for the application of these criteria and report back on their findings to the next session of the Committee. CCEXEC63 (2009)<sup>12</sup> finalized the guideline which was endorsed by CAC33 (2010).

## **4. FURTHER DEVELOPMENT OF THE STRUCTURE OF THE SECRETARIAT DOCUMENT SUPPORTING THE CRITICAL REVIEW**

4.1 CCEXEC63 (2009) noted the need to improve the clarity and consistency of the critical review document<sup>13</sup>: by including a more detailed description of references; more complete information from the Committee chairs and the Secretariat; the date of the last session and the next session for each Committee; the year corresponding to the session; and the target date for completion of the work.

4.2 At CCEXEC71 (2016), a new structure was applied for the critical review to improve readability and provide a comprehensive overview of the work of each committee<sup>14</sup>: All parts of the critical review were combined into one document containing information on texts for adoption; monitoring standards development, and proposals for new work.

4.3 CCEXEC72 (2016)<sup>15</sup> generally welcomed the new structure of the document and the information notes and the comments of the Chairpersons of Codex committees. CCEXEC72 also agreed for the information to be delivered in instalments to ensure timely availability prior to a session of CCEXEC.

4.4 CCEXEC72<sup>15</sup> made the following further proposals:

- 1) to have more information and insights from the Chairpersons on the committee work and that the Secretariat give more guidance to the Chairpersons as to the inputs needed to allow CCEXEC to be more effective in the Critical Review;
- 2) to maintain a horizontal view of the work of committees and the interactions between committees;
- 3) to use Colour coding (e.g. traffic lights) to identify and separate those pieces of work that were on track from those that needed more attention and specific recommendation of CCEXEC;

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<sup>10</sup> ALINORM 10/33/3 (2009), para 24

<sup>11</sup> ALINORM 09/32/3, para 80

<sup>12</sup> ALINORM 10/33/3, paras 5-9 and App II

<sup>13</sup> ALINORM 10/33/3 (2009), para 25

<sup>14</sup> CX/EXEC 16/71/2

<sup>15</sup> REP 17/EXEC1

- 4) to include objective indicators on which CCEXEC could base its decision, e.g. include clear criteria for the review of new work proposals;
- 5) to include the view of the Secretariat on the committees' work;
- 6) to consider how CCEXEC could better assist the CAC Chairperson and influence CAC when dealing with complex and difficult issues;
- 7) to improve the way CCEXEC recommendations were communicated to CAC was also suggested, e.g. make the recommendations of CCEXEC clearer to the plenary of the CAC by projecting them on the screen (rather than by just reading);
- 8) to better define the distinction between procedural and technical aspects in implementing the Critical Review, to organise workshops for CCEXEC members to better understand the Critical Review process and thus improve the effectiveness of the process.

## **5. APPROACH FOR THE 2018/2019 REVIEW**

5.1 The critical review function of the CCEXEC was set up to assist the Commission in taking decisions on standards development. In undertaking the critical review, the CCEXEC uses information provided by Committee chairpersons and the Secretariat in the Critical Review document.

5.2 It is the Secretariat's opinion that two aspects of the function need to be reviewed: (1) Does the Critical Review document adequately facilitate the work of the Executive Committee? (2) What is the impact of the critical review on the decisions of the Commission? Where has it helped the Commission and where has it failed, and how could it be improved?

5.3 For reasons of workload, the present document concentrates on Phase 1 dealing with the practical questions and recommendations related to the critical review document. Phase 2 is envisaged to be conducted between CCEXEC77 and CCEXEC78 and will involve significant document research. An outlook to Phase 2 is presented in Section 7.

5.4 As can be seen from sections 3 and 4 above, the Executive Committee has on occasion reviewed the way it conducts the critical review both by completing the procedure as well as changing the Critical review document format. The most recent suggestions made at CCEXEC76 and CCEXEC72 were also discussed at the 2019 Workshop for Chairpersons and the Executive Committee (Bordeaux, France). This information was used in Phase 1.

## **6. PHASE 1 OF THE 2018/2019 REVIEW**

### **6.1 Procedure**

It was noted that while CCEXEC developed Guideline on the application of the criteria for the establishment of work priorities - criteria applicable to commodities, it had not done so for general matters.

### **6.2 Structure of the critical review document**

6.2.1 The following issues were emphasized in the discussions with the key contributors to the Critical Review (Codex Secretariat technical officers, Chairpersons of Codex committees, and Chairperson and vice-Chairpersons of CAC):

- The Critical Review document must provide CCEXEC with sufficient information needed to perform its function and give relevant advice to CAC.
- It is not necessary to include lengthy sections of meeting reports. References can be made.
- The Critical Review document should provide analysis, interpretation, and guidance from Chairpersons.
- It is important to present overall accomplishments and highlight challenges and obstacles considering factors such as
  - Progress made
  - Is the work on track? Can it be delivered in time?
  - Workload issues in the Committee
  - Consensus issues in the Committee

- Lessons learned
  - It is important to clearly separate general comments (regarding the overall work of the committee) and specific comments on individual agenda items. In this context, the CCEXEC72 idea to use color coding to highlight problematic areas was seen as problematic by some Committee chairs as well as Codex Secretariat technical officers as possibly overly simplifying the structure, that definitions would be very difficult to make, that such an approach would always be subjective, and it was not clear who should make that judgement.

6.2.2 The new structure of the document is included in Appendix I and the Guidance to Chairpersons as drafted by the Secretariat and used in the critical review for CCEXEC77 is included in Appendix II.

### **6.3 Communication between key contributors**

In the discussions, the point was raised that the interaction between the Chairpersons of Codex committees as key contributors to the critical review and the Executive Committee could be improved as presently it was only a one way interaction (Chairpersons comment and CCEXEC discusses). New ways of interaction could be explored.

## **7. OUTLOOK TO PHASE 2 OF THE 2018/2019 REVIEW**

After 14 years of existence, a lot of data has accumulated about the impact of the recommendations made by the CCEXEC in the critical review. The Secretariat proposes to review in a second phase, what the measurable impact of the critical review was. How often did CAC follow the recommendations of CCEXEC and how often not? How is the outcome of the critical review presented to CAC? How does this impact CAC decisions? What could be improved? The phase could also address if the critical review contains all necessary elements in order to fulfil its function and or if it should be enlarged/changed.

## **8. TOPICS FOR DISCUSSION**

It is recommended that CCEXEC77 discuss:

- The new structure and emphasis for the Critical review (see CX/EXEC 19/77/2) including the guidance to Chairpersons, provide inputs for further refinement, and consider if “Part 2. Critical Review” of the “Procedures for the Elaboration of Codex Standards and Related Texts” needs to be restructured and updated to reflect the importance of having input from the Chairpersons of the committees on the committee work as a whole and on individual topics.
- Possible ways to improve interaction between Chairpersons and the Executive Committee.
- If there is a need for a procedural guidance as mentioned in 6.1 above.
- The outline of phase II of the review as contained in section 7 above.
- Any additional issues that should be considered in the context of this review.

**Appendix I****2019 MODIFICATIONS TO THE CRITICAL REVIEW DOCUMENT**

The overall structure is based on the one introduced at CCEXEC71 of having one document presenting a comprehensive overview of the work of the various committees, issuing the document in instalments to ensure timely availability prior to a session of CCEXEC, and giving space for comments of the Chairpersons.

The following aspects were enhanced following the discussions held at CCEXEC72, CCEXEC76 and the 2019 Chairpersons Workshop:

- More prominence and emphasis is given to the comments from the Chairperson and the Codex Secretariat, and guidance is provided to the Chairperson on what to focus on (see appendix II). Details regarding the work items are reduced to avoid repetition with reports and working documents and to make the review more succinct.
- General/overall comments on the Committee work as a whole are provided by the Chairperson and the Codex Secretariat.
- An overview page presenting the status of the work of the Committee, the job number, the target year, the step for the individual topics, and recommendations to CAC focusing on issues that warrant attention by CCEXEC and CAC is included at the beginning.
- Specific comments regarding proposals to undertake new work or to revise standards or to adopt standards at step 5 or step 8 will be made against the critical review criteria in the Procedural Manual as needed by the Secretariat and the Chairpersons.
- Specific comments on the individual topics in the step process are provided by the Chairperson and the Codex Secretariat as deemed necessary.
- Specific comments on other topics are provided by the Chairperson and the Codex Secretariat as deemed necessary.

## APPENDIX II

## GUIDANCE TO THE CHAIRPERSONS FOR THE CRITICAL REVIEW PROCESS 2019

**General/overall comments on the Committee work as a whole:**

- *The Chairperson is asked to provide an analysis, interpretation, and guidance on the overall work of the Committee while considering the following as relevant:*
  - *Highlight challenges and obstacles*
    - *Progress?*
    - *Is work on track? Can it be delivered in time?*
    - *Workload issues*
    - *Impediments?*
    - *Consensus issues?*
    - *Sensitive issues?*
    - *Other concerns?*
  - *Overall accomplishments/success stories, Lessons learned, Capacity of the committee in solving problems/reaching compromises*
    - *Be relevant*
  - *Issues related to scientific advice/expert bodies*
  - *Possible links to work in other committees ?*
  - *Cross-cutting issues ?*
  - *Effectiveness and level of engagement in electronic and physical working groups*

**Specific comments on the individual topics in the Step process**

- *The Chairperson is asked to comment on the work on the individual topics as deemed necessary considering the following, as relevant:*
  - *Timeframe? Can the work be delivered on time?*
  - *Impediments?*
  - *Consensus issues?*
  - *Sensitive issues?*
  - *Effectiveness and level of engagement in electronic and physical working groups*
  - *Other concerns?*

**Comments on other topics such as discussion papers**

- *The Chairperson is asked to comment on other topics as deemed necessary considering the following, as relevant:*
  - *Possible links to work in other committees ?*
  - *Cross-cutting issues ?*
  - *Other concerns or reflections?*