

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS

WORLD
HEALTH
ORGANIZATION



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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX ALIMENTARIUS COMMISSION

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

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

Comments received in response to Circular Letter 2003/8-CAC

Part 1: Comments received from governments

Fifteen Member countries plus the European Commission on behalf of the 15 Member States of the European Union have commented in response to Circular Letter 2003/8-CAC (Argentina, Australia, Brazil, Canada, Chile, China, Cuba, Hungary, India, Japan, Malaysia, New Zealand, Norway, Republic of Korea, and United States). These comments are attached.

Comments were also received from 8 international organizations; these are presented in CAC/26 INF/3.

General Comments**Comments from governments on CL 2003/8-CAC****AUSTRALIA**

Australia welcomes the review by the Evaluation Team and congratulates the team on undertaking such an onerous task in such a timely manner.

Australia strongly supports the general thrust of the outcomes of the evaluation and the recommendations that are focused on addressing some of the fundamental problems of the effectiveness and efficiency of the Codex Alimentarius Commission (CAC) and its subsidiary bodies. Australia considers that focus on the four identified themes addresses the majority of Australia's concerns. These four themes are:

- the speed of Codex decision making and the provision of expert advice;
- greater inclusiveness of developing country members;
- improving the usefulness and timeliness of Codex advice; and
- effective capacity building to develop national food control systems.

Whilst Australia strongly favours comprehensive reform of the Codex program following the approaches outlined in the report of the Evaluation Team, it is recognised that the areas for reform need to be prioritised. Australia gives highest priority to reforms to increase the autonomy of the CAC, to the prioritisation of food hazards which will assist the CAC more effectively prioritise its own work program, and to the provision of timely and robust scientific advice.

A key message from Australia is support for the recommended primary focus on human health issues and on issues that are applicable to many food types (i.e. general food issues rather than commodity specific issues). This is a theme that Australia has consistently promoted in the context of the Codex work program to minimise the import of 'other legitimate factors' and socio-political issues into the international guidance/benchmarks that are of relevance under the SPS and TBT Agreements of the World Trade Organisation.

In implementing these recommendations, it is essential that the recommendations be taken as a whole or in sub-groups. In Australia's view, they cannot be considered individually or as stand-a-lone recommendations. Members of the Executive Committee must also take a more active role in driving the agenda of the Commission including in the implementation of these reforms..

Regarding the Conclusion, any process for prioritisation and implementation of these recommendations must be carried out in a timely manner and with minimum disruption to the current work of Codex. Australia considers that the Executive Committee and Commission should play a strong role in the implementation of these recommendations.

In summary, Prioritisation and Responsibility for Implementation of Recommendations from the Evaluation of Codex are as summerized the following tables;

**Prioritisation and Responsibility for Implementation of Recommendations
from the Evaluation of Codex
Australian Position**

Issue		Recommendations	Action				
I. Governance		Codex Evaluation Recommendations	Decision needed by:				
			Imme- diate	Mid- term	Long- term	Commi- ssion	Parent Bodies
A. Coordination	1. New Relations between FAO/WHO and Codex including more independence and autonomy for the Commission	4, 5, 7, 14	✓				✓
	2. Other international standard- setting organisations (including observer representation on Executive Board)	8, 27	✓			✓	
B. Participation	1. More participation, and more effective participation, by non- governmental stakeholders in Codex	10, 27		✓ ¹		✓	
	2. Participation in Codex by governments a) work of regional committees b) countries encouraged to coordinate positions	17 25		✓ ¹	✓	✓	
	3. Capacity-building and trust fund increased coordination and delineation of responsibility particularly in respect of capacity building	41, 42	✓				✓
C. Communicatio n	1. By Codex to outside stakeholders through more resources for upgrading the Website	29	✓			✓	✓
	2. Facilitate communication among countries - establishment of centralised database	30			✓ ²	✓	✓
II. Management/Administration		Codex Evaluation Recommendations	Decision needed by:				
			Imme- diate	Mid- term	Long- term	Commi- ssion	Parent Bodies
A. Codex General Subject and Commodity Committees	1. Need more specific mandates for what types of standards they should develop	1, 2, 3	✓			✓	
	2. Distribution responsibilities among committees	16	✓			✓	

¹ Whilst Australia considers this to be of a high priority, we recognise that it will take time to work out the modalities

² Australia notes this is desirable but in the immediate future would not see it as the best use of already limited resources

	3. Work of committees should be time-bound	18	✓			✓	
	4. Risk management should be separated from risk assessment	19	³				
	5. More in-between meeting work	20		✓ ⁴		✓	
	6. Hosting and co-hosting committees	26, 28			✓ ⁵	✓	
B Codex Secretariat	1. Management of Codex processes other than standards development should be run by an Executive Board	9, 10, 12	✓			✓	✓ ⁶
	2. The Codex Secretariat needs staff reorganisation and reorganisation within FAO's structure	13, 14		✓			✓
	3. Codex Secretariat needs more resources	15, 31	✓				✓
	4. Meeting reports focus more on decisions and less on discussion	21			✓	✓	
C. Relationship between Secretariat and Codex General Subject and Commodity Committees	1. Development of standards in committees should be managed at the Secretariat level by a Standards Management Committee	11, 12	⁷			✓	
	2. Executive Board should draw up criteria for selecting Committee chairs	22		✓		✓	
D. Codex Alimentarius Commission	1. Simplify 8 step procedure to 5 step	23	⁸			✓	
	2. Voting procedures, define consensus	24	⁹				

³ Australia does not support the separation of risk assessment and risk management. Risk assessment and risk management must be an iterative process and cannot be undertaken in isolation of each other..

⁴ Australia sees this as a midterm priority as we consider that there must be some guidance to ensure consistency of approach by host countries and leaders of drafting groups

⁵ Australia sees this as a midterm priority as recommendation 22 relates to criteria for selection of Chairs therefore this recommendation could not be implemented prior to completion of such criteria.

⁶ This recommendation also falls within the responsibility of the parent bodies with regard to funding and resourcing

⁷ Australia considers that this issue would require further detailed discussion as to how such a committee would function and therefore could not be implemented immediately.

⁸ This is somewhat linked to other recommendations and again as with 11 and 12 would require detailed discussion on how it would operate before implementation

⁹ As Australia does not support this recommendation we would not prioritise it.

III. Science		Codex Evaluation Recommendations	Decision needed by:				
			Immediate	Mid-term	Long-term	Commission	Parent Bodies
	1. Determine what acceptable level of protection for consumers is in order to develop standards	6	¹⁰				
	2. Risk Assessment						
	a) separate from risk management	19	¹¹				
	b) Undertake consultancy study of expert advice & risk assessment	37	✓			✓	✓
	c) organisational changes to facilitate risk assessment	38, 39	✓				✓
	3. Organisation of expert scientific input to Codex	32	✓				✓
	4. Resources						
	a) more financial resources for scientific advice	33, 34, 36	✓				✓
	b) more data resources for scientific advice	35, 40	✓				✓

CANADA

Canada extends its compliments to the Evaluation Team for a comprehensive report. We recognize that it is important to take advantage of the momentum and move forward with the implementation of the recommendations.

Canada is of the opinion that Codex must be prioritized in relation to its mandate. We note and support the decisions of the 25th Extraordinary Session of the Commission reaffirming the protection of the health of the consumer as the first priority. As such, Canada places great importance to the recommendations aimed at strengthening risk assessment and scientific advice to facilitate the establishment of sound science based standards.

An important issue that needs to be addressed is how the process of reviewing and implementing, where appropriate, those recommendations which fall within the purview of the Commission, will be managed.

Some of the work resulting from implementation of the recommendations would fall under the mandate of the Codex Committee on General Principles, e.g. any revisions to the Procedural Manual to facilitate the operationalization of decisions made to effect changes in Codex procedures or structure. Other work could possibly fall outside of the Terms of Reference for CCGP. To address those issues, consideration could, for example, be given to the establishment of a Task Force mandated to review the recommendations and develop options as to how they could be implemented.

The assignment of work to the CCGP or any Task Force formed to develop implementation plans should be done by the Commission. The Codex Executive Committee would have the task of managing the process.

¹⁰ As Australia does not support this recommendation we would not prioritise it.

¹¹ Australia does not support the separation of risk assessment and risk management. Risk assessment and risk management must be an iterative process and cannot be undertaken in isolation of each other.

CHINA

中国代表团认为，在食品法典委员会成立40年之际，FAO/WHO对CAC工作和两组织其它食品标准工作进行的这次联合评价意义重大，对改进CAC的工作，提高工作效率和效果，促进FAO/WHO加强对食品安全和标准领域的投入和协调与管理，指导和推动成员国制定科学的食品安全管理措施都具有重要意义。本次评估涉及面广，评估过程公开透明，取得可喜的成果。我们对两组织为评估工作所作出的努力表示欣赏，对评估成果表示祝贺，对评价组和独立专家组的辛勤工作表示感谢。

针对CAC第25次特别会议的决议，中国愿意提交对于评价报告中以下领域的建议意见。

The Chinese Delegation attaches great importance to the Joint FAO/WHO Evaluation of Codex Alimentarius and Other FAO and WHO Work on Food Standards on the occasion of the 40th anniversary of the Codex Alimentarius Commission (CAC), and considers that the joint evaluation is vital for improving the CAC's work and its efficiency and effectiveness, strengthening FAO and WHO's inputs in the fields of food safety and food standards as well as their coordination and management, and providing guidance and impetus for member countries to develop science-based regulatory measures for food safety. The evaluation is comprehensive in its coverage, transparent in its process and fruitful in its outcome. The Chinese Delegation appreciates the efforts made by FAO and WHO for the joint evaluation, congratulates them for the results achieved, and expresses its compliments to the evaluation team and the independent expert panel for their dedicated work.

EC

The EC considers that the acceleration of the work of Codex and of the experts' scientific opinions is desirable for several reasons:

- The Member Countries cannot wait indefinitely for the adoption of a Codex standard to protect their consumers. They are therefore left to develop their own standards and thus when a decision has to be taken by Codex, it is much more difficult to obtain a consensus.
- Developing countries need Codex standards more than developed countries, which have the resources for establishing legislation, based on the risk analysis required by the SPS Agreement when a Codex standard does not exist.

It is the absence of consensus, rather than the number of steps, that delays decision-making, and solutions must be found to remedy this, other than the abandonment of a contentious but necessary standard. It must be kept in mind that the CAC decided at its 24th session not to adopt a standard when scientific data are insufficient or incomplete.

The EC considers that the participation of all the members of Codex and in particular the developing countries, is essential for the legitimacy of international standards. The participation of scientists from developing countries in the work of risk assessment is desirable.

The EC considers that priority has to be given to the standards aiming to protect consumer health. Fair practices in food trade, in particular consumer information, should also be taken into consideration. This is important to ensure that the standards are effectively protecting the consumer and facilitating international trade. Given the current lack of standards for many products from developing countries, it is important to keep on working on such standards. However, Codex should not waste time and energy on establishing standards that are not essential for the removal of unjustified barriers to trade. Such non-essential international or regional standards should be developed by regional governments or Committees or be entrusted to international organisations such as the ISO, CEE-ONU etc.

The EC considers that the intergovernmental character of Codex is an essential point. It is the

governments' agreement on a standard that characterises and legitimises the work of harmonisation for which Codex is responsible at the international level.

The absence of consensus is the principal obstacle for the rapid adoption of the standards. The EC considers that the greatest emphasis should be put on the means for making it possible to obtain an intergovernmental consensus as soon as possible. Maximum procedural transparency is required, in particular by the maintenance of open working groups allowing a transparent debate, greater involvement by the developing countries (use of the newly created Trust Fund) and the use of electronic communication between Committee sessions.

The EC shares the concerns of the Panel with regard to the need to strengthen capacities for the adoption of national systems of food control. The EC has developed a strategy, which consists of establishing trustworthy relations with the respective national authorities of the exporting countries based on an evaluation of their capacities of control. Codex has already made many excellent recommendations for the establishment of systems of inspection and of certification, but certain exporting developing countries have failed to apply them correctly. The EC encourages forms of technical assistance designed to increase the capacities of the national systems of food control and to strengthen the participation of developing countries in Codex activities.

The EC considers that the recommendations issued by the panel give interesting directions for improving the operation of Codex so as to meet the objectives of the international standardisation of food.

The EC considers that since some of the recommendations, if implemented, might necessitate the input of additional financial resources, it is important that financial impact of the recommendations for both FAO/WHO and Codex member states is clearly set out.

HUNGARY

Hungary highlights the main recommendations that were intended to improve the efficiency of the Codex process and makes the following comments:

- agrees with the current dual mandate of the Commission as expressed in Article 1 of its Status. The wording of Article 1 is adequate and reflects the objective of Codex.
- gives priority for development of Codex standards concerning the protection of consumers' health and food safety.
- emphasises the importance of the context of the entire system throughout the food chain - from field to table - in food safety.
- fully supports the idea of holding annual meetings of the Commission and the horizontal Committees.
- does not agree with the establishment of new bodies (Executive Board and a Standards Management Committee), as this will probably cause difficulties in transparency and will not increase the efficiency of the process.
- appreciates and welcomes the establishment of Trust Fund for the participation of developing countries and countries in transition in the work of the Codex Alimentarius Commission.
- as a host-country is not in favour of holding some meetings of committees in developing countries.
- Perhaps some meetings may be organised in the East-European region.
- expresses the view that not every committee is time-bound. Concerning the topics, it seems that the emphasis has been shifting during the last several years, however there are always new

challenges, which should be addressed and solved.

CCMAS e.g. has been dealing with food safety since many years related to the analysis of contaminants (trace elements), nowadays the microbiological and biological aspects are becoming more and more important. Detection of infection (pathogens) and testing the beneficial living flora (in yoghurt), analysing foods derived from biotechnology are important objectives.

INDIA

India welcomes the Codex Evaluation Report, which though has been prepared in a short time, yet has made a comprehensive analysis in a holistic manner with progressive suggestions for future actions. However, there are some recommendations related to procedural issues, which are cause of some concern.

The evaluation team has perhaps for the first time explicitly recognized “the differing needs of consumers in developed and developing countries.” Para 20 also talks of other possible higher public health priorities for developing countries. It also states that the demand for increased (higher?) standards of quality and safety in developed countries and subsequent harmonization of national standards with them may actually lead to higher costs for consumers in developing countries.

The evaluation team has also recognized that it was very evident that developing countries feel unable to participate as effectively as they would wish in Codex. It also noted the concern among developing countries that their priorities are not always reflected in the standards developed by Codex, so Codex is not as useful for them as it might be.

The evaluation has suggested priority to health-related, science-based issues such as pesticides, veterinary drugs, additives and contaminants. This is acceptable. This is also of consumer interest to all countries. The second priority has been given to commodity standards responding to the expressed needs of developing countries. This is also welcome and is necessary if Codex is to have meaning for them. We doubt if resources will permit much action for the third, and possibly fourth priorities. Therefore, within this sub-sector also, it would be necessary to identify further priorities.

The fundamental problem with Codex has been that its agenda has been dictated by the expressed needs of developed countries. This process has been helped by little or inconsequential participation of developing countries. Whether it is pesticide or food additives (or their levels) or the levels of contaminants, the agenda has been set, data provided by and levels favoured by industry in developed countries.

One issue of fundamental importance is that while developing countries are being urged to harmonize their national standards with codex, even as it is realized that their needs and conditions and data have not been considered in the setting of those standards, developed countries have, wherever it has suited them, developed own national standards which are more restrictive or rigorous, often without valid scientific evidence or basis, and developed procedures which all together create problems and obstacles and non-tariff barriers. Thus, there is a perception that Codex is actually helping to facilitate one-way trade. Thus the recommendation at para 30 becomes a priority area of action.

We, therefore, agree with the main areas identified for improvement

1. Greater speed in Codex and expert scientific advice;
2. Increased inclusiveness of developing member countries in the Codex standard development process, including risk assessment;
3. Codex standards, which are of greater usefulness to Member Nations in terms of relevance to their needs and timeliness; and
4. More effective capacity building for development of national food control systems.

KOREA

First of all, deep appreciation goes to the Evaluation Team for its hard work to prepare this report. As pointed out in the report, the Korean government agrees that the work of the Codex should be more efficient and the science-based standard should be established.

However, since the importance of the Codex standards are increasing with the effectuation of WTO/TBT and SPS Agreements and there is a possibility that the recommendations of the report cause additional administrative burden and so forth, Korea thinks further consideration on the recommendations in the evaluation report is necessary

NEWZEALAND

New Zealand compliments the Evaluation Team for a comprehensive review and analysis of Codex and welcomes the overall thrust of the recommendations. New Zealand attaches high importance to the following key areas for reform, namely,

- The need to reform Codex structures and processes to make it a more efficient organisation;
- The need to strengthen scientific risk assessment activities which are essential for development of sound scientifically justified international standards;
- The need to strengthen the Codex secretariat through the provision of increased financial and human resources.; and
- The need to promote capacity building and enhanced participation

Regarding implementation, New Zealand would like to see the Commission take early steps to implement those recommendations designed to address the areas of reform noted above.

We urge the Parent Bodies to implementation as an immediate priority the recommendations of the report.

NORWAY

Norway agrees with those delegations at the 25th extraordinary session of Codex Alimentarius Commission (CAC) who did not see the immediate need to change the mandate of CAC. The mandate of CAC should not be so specific that it creates a need to alter the mandate frequently according to changing priorities over time. More flexible mechanisms should be elaborated for the management of Codex priorities.

Both of the tasks that are enumerated in Article 1 (a) of the Statutes are important and should be retained in the mandate. So should the important coordination task referred to in Article 1 (b). We do not support a return to the decentralised practices of the past.

In its practical work, Codex gives primary consideration to aspects related to the protection of human health when standards, guidelines and recommendations are developed. We support this priority policy. It should be reflected by increased funding of Codex from WHO. In general terms, the closest possible coordination of FAO and WHO activities in our field of responsibility must be actively fostered, both in relation to the use of their respective regular budgets and in relation to voluntary contributions.

In an import situation, more consignments are rejected due to quality defects than to the possible negative impact on human health. Codex must therefore also develop standards, guidelines and recommendations concerning food quality as long as the competent authorities in various countries impose requirements related to food quality.

We are also of the opinion that it is vital to follow up obligations regarding developing countries as inter alia outlined in the WTO-SPS and WTO-TBT agreement. We would, however, like to again express our reservations in relation to Recommendation No. 6, which would in our view limit the rights of States under the SPS- agreement.

In the coming process, we feel that it is necessary to discuss and reach agreement on how to approach and respond to the legitimate wish of consumers and their organisations to introduce improved rights to information and choice by consumers.

A text with the following wording may be acceptable:

.... shall give consideration to the protection of consumers' health, as well as fair practices in food trade. Due regard shall be had to the special needs and situation of developing countries

USA

The U.S. strongly supports recommendations and actions that are aimed at improved efficiency of the Codex standards setting process. The issue of standards management and prioritization of work in Codex needs urgently to be addressed. The U.S. supports recommendations that address improved governance within Codex, particularly those that provide greater autonomy for Codex within the strategic priorities established by the parent bodies.

The U.S. strongly supports recommendations aimed at strengthening risk assessment and scientific advice to facilitate the establishment of sound, science-based standards. The U.S. notes the positive response of FAO and WHO at the 25th to the calls for substantially increased funding. The U.S. will work closely with the parent bodies to ensure that early actions are taken to strengthen the whole area of risk assessment and scientific support. The U.S. further notes that the funding increases for this area will have to be achieved through reallocation of spending rather than through increased contributions from member governments.

Recommendation 1

Comment from governments on CL 2003/8-CAC

The scope of Codex should fully cover health-related aspects of food standards. It will, therefore, need (subject to availability of resources for Codex and expert scientific advice and prioritization on the basis of expert scientific advice as to the importance of alternative risks) to:

- *strengthen work on foods for special dietary uses, health claims and nutrient addition; and*
- *undertake new work on packaging materials; and on industrial processing agents and bio-agents*

El ámbito de la labor del Codex deben abarcar plenamente los aspectos de las normas alimentarias relacionados con la salud (con sujeción a los recursos de que disponga el Codex, el asesoramiento científico especializado y el establecimiento de prioridades sobre la base de asesoramiento científico por lo que respecta a la importancia de riesgos alternativos), a fin de:

- *Potenciar su labor sobre alimentos para regímenes especiales, declaraciones de propiedades saludables y adición de nutrientes; y*
- *Llevar a cabo nuevos trabajos sobre materiales de envasado y sobre agentes de elaboración industrial y bioagentes utilizados en alimentos*

La portée du Codex devrait couvrir tous les aspects liés à la santé des normes alimentaires. Il lui faudra donc (sous réserve de la disponibilité des ressources pour le Codex et les avis scientifiques d'experts et de l'établissement des priorités sur la base des avis d'experts relatifs à l'importance des autres risques possibles):

- *renforcer les travaux sur les aliments diététiques et de régime, les allégations relatives à la santé et les ajouts d'éléments nutritifs;*
- *entreprendre de nouveaux travaux sur les matériaux d'emballage et sur les agents de transformation industriels et les agents biologiques dans les aliments.*

ARGENTINE

Estamos de acuerdo con este nuevo ámbito para la labor del Codex, más restringido que el anterior al omitirse aspectos relacionados con el comercio justo y que nos parece más adecuado. De mantenerse los objetivos anteriores, a los que no nos oponemos, creemos que sería necesaria una definición adecuada de lo que se entiende por comercio justo para evitar inconvenientes en los procesos futuros de normalización.

AUSTRALIA

Recommendations 1, 2 and 3 relate to the scope and priorities of the Codex program. Australia strongly supports the focus on health related issues within the general context of the Codex statutes. Australia has consistently advocated that the primary focus of the Codex work program should be food safety and other human health issues, and welcomes the recommendations in support of this position. The criteria for prioritising Codex activities given in recommendation 3 are also useful and appropriate. Australia considers that recommendations 2 and 3 should be clearly linked as intended by the Evaluation Team's report.

Australia supports addressing emerging challenges particularly in the area of functional foods and health claims which are focused on diet and chronic disease. Considerable thought needs to be given however, to the infrastructure and support from FAO and WHO in providing expert and timely risk assessment advice on nutritional matters.

BRAZIL

Brasil está de acuerdo a esta recomendación y a la prioridad propuesta para tratar de los temas vinculados a la salud y también por los nuevos trabajos, entre otros, sobre materiales de envasado.

CANADA

Canada supports inclusion of work related to nutrition in the Medium-Term Plan. Although we acknowledge that there are food safety issues associated with packaging material and international guidance would be useful, we do not believe that Codex should undertake work on packaging materials at this time.

CUBA

De acuerdo

EC

The EC supports Recommendation 1 but considers that other aspects connected with consumer information and fair practices in food trade remain important and should not be neglected.

JAPAN

Japan supports this recommendation. Since the problem of the safety in this area has already arisen, the work for it is meaningful.

KOREA

Korea basically supports this recommendation. However, we think that issues that are not related to food safety should also be added considering that the Codex has established the standards regarding food specifications and fair trade which are not connected with food safety and consumers' right to know is an important issue.

NEW ZEALAND

Recommendations 1 and 3

New Zealand supports the recommendation that Codex should give high priority to standards that address consumer health and safety. Effective implementation of this recommendation will require greater scrutiny, by the Commission and its subsidiary bodies of new work proposals against clearly defined criteria.

US

Recommendation 1, 2 and 3

The U.S. is in agreement with the Evaluation Report that health/food safety related aspects of standard setting should be the highest priority for Codex and that Codex should not undertake additional work in non-health related areas. The U.S. notes that at its 25th Extraordinary Session the Commission reasserted that the first priority in the development of Codex standards was the protection of consumers' health and food safety and noted that other priorities would require further discussion (ALINORM 03/25/05, paragraph 15). First priority should be given to standards setting in food hygiene, additives and contaminants, pesticides, and veterinary drugs before strengthening work on foods for special dietary uses, health claims and nutrient addition. The U.S. does not support undertaking new work on packaging at this time. Nor does the U.S. support work on nutrient addition as an immediate priority. The U.S. notes that there is conflict between Recommendation 2, to begin no

new work in non-health related areas, and the priorities for standards in Recommendation 3, which include work on commodities and information labelling. The U.S. believes that information labelling related to non-health and non-safety issues should be a far distant priority. The priorities reflected in the evaluation report are consistent with decisions reflected in the basic planning documents of Codex - The Strategic Framework, The Medium Term Plan, and the Chairman's Action Plan, as well as the Codex responses to the 1991 (ROME) and 1999 (Melbourne) Conference Reports, and represent a consensus within Codex on moving away from commodity standards to the extent possible. The U.S. notes that the Codex procedural manual already contains criteria for determination of work priorities. The issue in Codex may be more to do with adherence and application of these criteria by the subsidiary bodies and lack of strategic direction by the Executive Committee, and oversight by the Secretariat.

Recommendation 2**Comment from governments on CL 2003/8-CAC**

It is recommended that Codex does not take on additional work in non-health related areas.

Se recomienda que el Codex no emprenda más trabajos en materias que no guarden relación con la salud.

Il est recommandé que le Codex n'entreprenne pas de nouveaux travaux dans des domaines qui ne sont pas liés à la santé.

ARGENTINE

Estamos de acuerdo. Esto contribuirá a acelerar los procedimientos para futuras normas.

AUSTRALIA

Recommendations 1, 2 and 3 relate to the scope and priorities of the Codex program. Australia strongly supports the focus on health related issues within the general context of the Codex statutes. Australia has consistently advocated that the primary focus of the Codex work program should be food safety and other human health issues, and welcomes the recommendations in support of this position. The criteria for prioritising Codex activities given in recommendation 3 are also useful and appropriate. Australia considers that recommendations 2 and 3 should be clearly linked as intended by the Evaluation Team's report.

Australia supports this recommendation

BRAZIL

Brasil no está de acuerdo a esta recomendación, pues considera importante que sean elaboradas normas para productos de interés de los países en desarrollo y que sean tratadas cuestiones relacionadas al comercio, de acuerdo a lo exigido por el Acuerdo de Obstáculos Técnicos al Comercio – OTC de la OMC. Brasil considera que aquellos aspectos relativos al comercio que necesiten de reglamentación internacional y que no puedan ser resueltos entre los socios comerciales sean tratados por el Codex.

Además de esto, esta recomendación está en contradicción con la recomendación 3.

CANADA

Consideration needs to be given as to the nature and type of “non-health” issues which should remain in the realm of Codex . We note that the Evaluation Team does appear to distinguish between “product definition” - which would help to prevent fraud and deceptive practices - and “quality characteristics”.

CUBA

De acuerdo

EC

Whilst health is a priority, Recommendation 2 should not be adopted because of the importance of aspects of Codex's work linked to consumer information and fair practices in food trade.

JAPAN

Since the work in the present Codex has stagnated, Japan can support that Codex does not extend its work into new areas as stated in the paragraph 64.

However, the areas unrelated to health, such as organic, traceability, etc., are also important issues for discussion. Subject to be discussed shouldn't be divided according to whether it is related to health or not. Therefore we do not agree with this recommendation that "Codex does not work in non-health related areas".

KOREA

Korea does not agree with this recommendation. Due to the reasons mentioned in the Recommendation 1, we think that each issue should be discussed and determined in the relevant committee and the CAC meeting.

MALAYSIA

Malaysia agrees with Recommendation 2 that Codex does not take on additional work on non-health related areas.

US

Recommendation 1, 2 and 3

The U.S. is in agreement with the Evaluation Report that health/food safety related aspects of standard setting should be the highest priority for Codex and that Codex should not undertake additional work in non-health related areas. The U.S. notes that at its 25th Extraordinary Session the Commission reasserted that the first priority in the development of Codex standards was the protection of consumers' health and food safety and noted that other priorities would require further discussion (ALINORM 03/25/05, paragraph 15). First priority should be given to standards setting in food hygiene, additives and contaminants, pesticides, and veterinary drugs before strengthening work on foods for special dietary uses, health claims and nutrient addition. The U.S. does not support undertaking new work on packaging at this time. Nor does the U.S. support work on nutrient addition as an immediate priority. The U.S. notes that there is conflict between Recommendation 2, to begin no new work in non-health related areas, and the priorities for standards in Recommendation 3, which include work on commodities and information labelling. The U.S. believes that information labelling related to non-health and non-safety issues should be a far distant priority. The priorities reflected in the evaluation report are consistent with decisions reflected in the basic planning documents of Codex - The Strategic Framework, The Medium Term Plan, and the Chairman's Action Plan, as well as the Codex responses to the 1991 (ROME) and 1999 (Melbourne) Conference Reports, and represent a consensus within Codex on moving away from commodity standards to the extent possible. The U.S. notes that the Codex procedural manual already contains criteria for determination of work priorities. The issue in Codex may be more to do with adherence and application of these criteria by the subsidiary bodies and lack of strategic direction by the Executive Committee, and oversight by the Secretariat

Recommendation 3

Comment from governments on CL 2003/8-CAC

In determining its standard-setting work programme, Codex should prioritize as follows:

- 1) *standards having an impact on consumer health and safety;*
- 2) *commodity standards responding to the expressed needs of developing countries;*
- 3) *commodity standards responding to the expressed needs of developed countries; and*
- 4) *informational labelling relating to non-health and non-safety issues.*

Al determinar su programa de trabajo para el establecimiento de normas, el Codex debe seguir las siguientes prioridades:

1. *normas que tengan un impacto en la salud del consumidor y en la inocuidad.*
2. *normas sobre productos que respondan a necesidades expresadas por los países en desarrollo;*
3. *normas sobre productos que respondan a necesidades expresadas por los países desarrollados; y*
4. *etiquetado informativo sobre cuestiones no relativas a la salud e inocuidad.*

En déterminant son programme d'établissement de normes, le Codex devrait suivre l'ordre de priorité suivant:

- 1) *normes ayant un impact sur la santé des consommateurs et la sécurité sanitaire;*
- 2) *normes de produit répondant aux besoins exprimés des pays en développement;*
- 3) *normes de produit répondant aux besoins exprimés des pays développés; et*
- 4) *étiquetage informatif lié aux questions autres que la santé ou que la sécurité sanitaire.*

ARGENTINE

Estamos plenamente de acuerdo con los primeros tres puntos de esta recomendación, pero no aprobamos el cuarto. Aunque se lo coloque como última prioridad el etiquetado sobre aspectos no relativos a la salud e inocuidad no se considera procedente, y es un tema que no debería considerarse para ser tratado en el ámbito del Codex Alimentarius. No estamos de acuerdo con la inclusión en el Codex de características comerciales de calidad como color, tamaño, sabor, etc., no sólo por considerarlas privativas de un acuerdo entre las partes comerciales sino también porque las mismas atentarían contra la rapidez de los procedimientos de normalización. El tratamiento a nivel internacional de estos aspectos de la calidad en forma vertical, por producto, podría conducir a una negociación interminable, contraria precisamente a la dinámica que se pretende establecer en el Codex.

AUSTRALIA

Recommendations 1, 2 and 3 relate to the scope and priorities of the Codex program. Australia strongly supports the focus on health related issues within the general context of the Codex statutes. Australia has consistently advocated that the primary focus of the Codex work program should be food safety and other human health issues, and welcomes the recommendations in support of this position. The criteria for prioritising Codex activities given in recommendation 3 are also useful and appropriate. Australia considers that recommendations 2 and 3 should be clearly linked as intended by the Evaluation Team's report.

Australia supports this recommendation. Codex should give priority to science-based Codex standards having an impact on health and safety and give lowest priority to informational labelling relating to non-health and non-safety issues.

BRAZIL

Brasil está de acuerdo a esta orden de prioridad y manifiesta su acuerdo con el registrado en el párrafo 75 del informe de la evaluación. Todavía, Brasil no está de acuerdo a la prioridad 4. Como bien ha registrado el informe de la evaluación, no se observó mucho apoyo a trabajos futuros en relación con

aspectos no relacionados a la salud de etiquetado de alimentos, tales como comercio equitativo, bienestar animal, cuestiones religiosas y culturales. Creemos que, dada la excesiva carga de trabajo del Codex, hay que concentrarse en aquellos temas donde hay posibilidad de consenso y que respondan a las necesidades de la mayoría de los países miembros.

CANADA

Canada is of the opinion that Codex work must be prioritized in relation to its mandate. We note and support the decisions of the 25th Extraordinary Session of the Commission reaffirming the protection of the health of the consumer as the first priority. Therefore, we support the intent of Recommendation #3 which give priority to elaboration of standards related to health and safety.

Consideration needs to be given as to the nature and type of “non-health” issues which should remain in the realm of Codex . We note that the Evaluation Team does appear to distinguish between “product definition” - which would help to prevent fraud and deceptive practices - and “quality characteristics”. In order to avoid confusion and protracted debates, there is a need to clarify what constitutes “fair practices”.

CUBA

Aunque estamos de acuerdo con la recomendación No.2 , nos parece conveniente mantener el etiquetado informativo sobre aspectos no relativos a la salud por su importancia para los consumidores en general, y en particular para diferentes sectores poblacionales.

EC

The EC considers that the first priority is the establishment of standards having an impact on consumer health and safety.

General standards for the information of consumers in relation to health and non health issues are also an important priority.

In addition, the consideration of the priorities should be decided by the Committees or in the framework of the Medium Term Plan. These decisions should be taken on a case by case basis and on the basis of the priority criteria listed in the Procedural Manual. The SPS Committee of the WTO identifies obstacles to trade connected with the absence of international standardisation and makes recommendations to the three organisations responsible for the standardisation, of which Codex is part. In the establishment of its priorities, Codex cannot ignore international recommendations.

INDIA

Recommendation 3. We also agree to the proposed prioritization in Recommendation 3:

- a) standards having an impact on consumer health and safety;
- b) commodity standards responding to the expressed needs of developing countries;
- c) commodity standards responding to the expressed needs of developed countries; and
- d) informational labelling relating to non-health and non-safety issues.

Quite clearly, therefore, (a) above in both cases has particularly to be seen in relation to (b) above in both cases and with particular reference to Recommendation No. 35.

At least for the immediate future, work on (d) would have to wait pending availability of increased resources. For the same reason issues related to packaging and processing agents need not be considered at this stage and health claims etc in Recommendation no. 2 must get lower priority.

We also fully support exclusion in codex of quality characteristics of size, colour, flavour etc. Very clear safety standards only need to be incorporated. This will also reduce burden of work.

JAPAN

Although we agree that the first priority would be the development of standards having an impact on consumer health and safety, standard regarding consumer information, and choice and quality of food, are also important, and should be defined clearly in the priority, too.

KOREA

Recommendation 3: Korea does not agree with this recommendation. We think that priorities should be discussed and determined by cases in the relevant committee and the CAC meetings.

MALAYSIA

Malaysia agrees with Recommendation No.3 with the following amendments :

- i. To add the words “in the following order” after the word “prioritize” for explicit purposes;
- ii. To amend no. 1 to read “standards having an impact on consumer health and safety including labeling relating to health and safety issues” for explicit purposes;
- iii. To delete no. 4 in view that informational labeling related to non-health and non-safety issues is not a priority;
- iv. To add a new sentence at the end of the paragraph as follows :

“Codex commodity standards should not cover non-essential quality characteristics”.

Malaysia concurs with the views reflected in paragraph 75 that Codex commodity standards should only address product definition and content specification except that we believe that the details of quality characteristics such as size, colour, flavour, etc. should best be addressed by market practices

NEW ZEALAND

Recommendations 1 and 3

New Zealand supports the recommendation that Codex should give high priority to standards that address consumer health and safety. Effective implementation of this recommendation will require greater scrutiny, by the Commission and its subsidiary bodies of new work proposals against clearly defined criteria.

US

Recommendation 1, 2 and 3

The U.S. is in agreement with the Evaluation Report that health/food safety related aspects of standard setting should be the highest priority for Codex and that Codex should not undertake additional work in non-health related areas. The U.S. notes that at its 25th Extraordinary Session the Commission reasserted that the first priority in the development of Codex standards was the protection of

consumers' health and food safety and noted that other priorities would require further discussion (ALINORM 03/25/05, paragraph 15). First priority should be given to standards setting in food hygiene, additives and contaminants, pesticides, and veterinary drugs before strengthening work on foods for special dietary uses, health claims and nutrient addition. The U.S. does not support undertaking new work on packaging at this time. Nor does the U.S. support work on nutrient addition as an immediate priority. The U.S. notes that there is conflict between Recommendation 2, to begin no new work in non-health related areas, and the priorities for standards in Recommendation 3, which include work on commodities and information labelling. The U.S. believes that information labelling related to non-health and non-safety issues should be a far distant priority. The priorities reflected in the evaluation report are consistent with decisions reflected in the basic planning documents of Codex - The Strategic Framework, The Medium Term Plan, and the Chairman's Action Plan, as well as the Codex responses to the 1991 (ROME) and 1999 (Melbourne) Conference Reports, and represent a consensus within Codex on moving away from commodity standards to the extent possible. The U.S. notes that the Codex procedural manual already contains criteria for determination of work priorities. The issue in Codex may be more to do with adherence and application of these criteria by the subsidiary bodies and lack of strategic direction by the Executive Committee, and oversight by the Secretariat.

Recommendation 4

Comment from governments on CL 2003/8-CAC

It is important that a comprehensive and clear mandate be developed for Codex and ratified by the FAO Conference and the World Health Assembly. The mandate should be quite simple, for example:

The formulation and revision of international standards for food, in collaboration with other appropriate international organizations, with priority to standards for the protection of consumer health while taking into full account the needs of developing countries.

Es importante que para el Codex se formule un mandato completo y claro, que sea ratificado por la Conferencia de la FAO y la Asamblea Mundial de la Salud. Ese mandato debe ser muy sencillo, por ejemplo: Formulación y revisión de normas internacionales para alimentos, en colaboración con otras organizaciones internacionales pertinentes, dando prioridad a las normas de protección de la salud del consumidor y al propio tiempo teniendo plenamente en cuenta las necesidades de los países en desarrollo.

Il importe d'élaborer un mandat global et clair pour le Codex qui sera ratifié par la Conférence de la FAO et l'Assemblée mondiale de la santé. Le mandat devrait être très simple, par exemple:

La formulation et la révision des normes internationales pour l'alimentation, en collaboration avec les autres organisations internationales appropriées, la priorité étant donnée aux normes visant la protection de la santé des consommateurs, compte pleinement tenu des besoins des pays en développement.

ARGENTINE

Estamos de acuerdo con el concepto expresado en el primer párrafo. Este punto está íntimamente relacionado con la recomendación uno y los conceptos allí expresados se consideran válidos para esta recomendación. Sin embargo no creemos que el ejemplo sea apropiado. La formulación y revisión de normas en colaboración con otras organizaciones internacionales pertinentes, como se explica en los apartados b y c de la pag. 34 del informe, podría exceder la capacidad de estudio y análisis de los documentos que se produzcan por parte de los países en desarrollo. Por otra parte se estima que no corresponde al Codex trabajar en colaboración con otras organizaciones para la revisión de sus propias normas, tal como se plantea. Es el propio Codex, en nuestro concepto, quien debe decidir que trabajar, como y con quien, si es que considera necesaria una ayuda externa.

AUSTRALIA

Australia will need to monitor Member response to this recommendation, particularly European reaction.

Whilst Australia can support the suggested text for a mandate as proposed in this recommendation (with focus on giving priority to the protection of human health and no reference to fair trade practices). The omission of any reference to “ensuring fair practices in food trade” is likely to be negatively received by some Member countries.

There are potential risks associated with opening up a Codex mandate in terms of some Members seeking to have non-health issues which they would associate with ‘ensuring fair practices in food trade’ included in any mandate. The formalised expansion of non-health related issues in a new Codex mandate would be contrary to Australian trade interests.

Similarly, the inclusion of reference to ‘fair practices in food trade’ in Annex 3, Article 1a of the FAO Secretariat paper ALINORM 03/25/3 add.2 would extend the formal scope of Codex food standards work beyond health related aspects – Australia does not support this reinterpretation of Recommendation 4.

The Australian position on this recommendation will need further consideration following feedback on reactions from other Members and discussions with like-minded countries. At this stage we should support the suggested wording of the mandate in recommendation 4.

BRAZIL

Brasil está de acuerdo a esta recomendación, excepto a la mención de la colaboración con organizaciones internacionales pertinentes. Brasil entiende que la forma como el Codex llevará a cabo su mandato es una cuestión operacional y no debe estar en la formulación del mismo.

CANADA

Canada agrees that Codex should identify clear priorities for its work and supports the decision of the 25th Extraordinary Session of the Commission which places the first priority for Codex work to be directed to protecting the health of the consumer. Canada suggests that an organization's mandate is a separate issue from how an organization prioritizes its work undertaken in relation to that mandate. Hence, it is our view that it may not be necessary, or productive, for the Commission to become involved in trying to develop a mandate statement. Identification of the purpose of the Commission, and its priorities, should be sufficient.

CUBA

De acuerdo.

EC

The EC sees no immediate need to change the mandate for Codex. The current mandate is comprehensive and constitutes a clear basis for the development of the Codex standards. More appropriate existing tools can be used to set up priorities: Strategic Plan, Medium Term plan.

INDIA

We agree with the mandate proposed except the need to explicitly say "in collaboration with other appropriate international organizations". It is for Codex to decide how to proceed in relation to this. It is not its mandate. Besides 'conditions' should be added alongwith 'needs' in reference to developing countries.

JAPAN

The present mandate has been already clear and should be retained.

KOREA

Korea does not agree with this recommendation. We think that the current mandate of the Codex is sufficient enough.

US

The U.S. is not persuaded that Codex needs a new mandate in order to reorder its priorities. Article 1 of the CAC statutes provides a clear and comprehensive mandate for Codex. This recommendation was not supported by many delegations that spoke at the 25th (Extraordinary) Session of CAC. The Commission agreed that the current mandate should be retained (paragraph 14, ALINORM 03/25/5).

The U.S. notes that at its 24th Session adopted the "Strategic Vision," and the "Strategic Framework". The Strategic Framework sets out the strategic priorities for the Codex Alimentarius Commission and provides the basis for the elaboration of the Medium-Term Plan for the period 2003-2007.

Recommendation 5**Comment from governments on CL 2003/8-CAC**

FAO and WHO should define how formal recommendations of Codex for consideration by FAO and WHO Governing Bodies may be brought to their attention (for example in FAO through one of the Committees of the Council).

La FAO y la OMS deben definir cómo pueden señalarse a su atención las recomendaciones oficiales del Codex para examen de los órganos rectores de ambas organizaciones (por ejemplo, en el caso de la FAO a través de uno de los Comités del Consejo).

La FAO et l'OMS devraient définir comment porter les recommandations formelles du Codex à l'attention des organes directeurs de la FAO et de l'OMS pour examen (par exemple, au sein de la FAO par l'intermédiaire de l'un des comités du Conseil).

ARGENTINE

De acuerdo

AUSTRALIA

Australia supports the principle behind this recommendation. If Codex is to achieve greater autonomy within the parent bodies then mechanisms must be put in place to exercise that autonomy.

CANADA

Canada supports this recommendation. We note that nothing in current working procedures precludes members of FAO or WHO from raising issues or recommendations related to Codex for consideration by the FAO/WHO governing bodies through their representation on those bodies. Consideration could be given to a more formal mechanism, such as identifying Codex as a standing agenda item to strengthen the process.

CUBA

De acuerdo, partiendo del hecho de que el Codex representa la opinión autorizada de ambas organizaciones.

EC

The EC considers that Codex and its strengthened secretariat should be capable of drawing up the related standards and texts. The adoption of these standards and related texts by the Directors General for FAO and for WHO is a formality. In comparison the health codes of the OIE are adopted directly by the Director General for the OIE.

JAPAN

Although it can be sympathized, in the present condition that the recommendation by FAO and WHO does not have legal obligation to member nations, it is considered to be difficult to give legal obligation to recommendation of Codex Alimentarius which is established under FAO and WHO.

Therefore, in order to give a certain amount of legal obligation to the standard that are developed by Codex Alimentarius, we think that other measures must be examined.

US

Current statutes and rules of the CAC adequately address the transmittal of recommendations of the CAC to the parent bodies. The Secretariat could maintain an inventory of recommendations to the parent bodies and the status of their responses and/or actions. The CAC should advise FAO/WHO of this view. Reference should be made to the relevant statutes and rules of the CAC. These are:

Statute - Article 5

The Commission shall report and make recommendations to the Conference of FAO and the appropriate body of WHO through their respective Directors-General. Copies of reports, including any conclusions and recommendations, will be circulated to interested Member Nations and international organizations for their information as soon as they become available, and;

Rule VIII. Records and Reports

1. At each session the Commission shall approve a report embodying its views, recommendations and conclusions, including when requested a statement of minority views. Such other records for its own use as the Commission may on occasion decide shall also be maintained.
2. The report of the Commission shall be transmitted to the Directors-General of FAO and WHO at the close of each session, who shall circulate it to the Members of the Commission, to other countries and to organizations that were represented at the session, for their information, and upon request to other Member Nations and Associate Members of FAO and WHO.
3. Recommendations of the Commission having policy, programme or financial implications for FAO and/or WHO shall be brought by the Directors-General to the attention of the governing bodies of FAO and/or WHO for appropriate action.
4. Subject to the provisions of the preceding paragraph, the Directors-General of FAO and WHO may request Members of the Commission to supply the Commission with information on action taken on the basis of recommendations made by the Commission.

The referenced statutes and rules of the CAC adequately address the transmittal of recommendations of the CAC to the parent bodies. Additionally, mechanisms exist for the parent bodies to communicate their actions on recommendations to the CAC and its subsidiary bodies. At the Commission this takes the form of an ALINORM, titled, "Consideration of Matters Arising from FAO and WHO Conferences and Governing Bodies." The financial decisions of the parent bodies affecting CAC operations are reported in the ALINORM, titled, "Report of the Financial Situation of the Joint FAO/WHO Food Standards Program for (current and next biennia)."

Recommendation 6

Comment from governments on CL 2003/8-CAC

Codex, supported by FAO/WHO independent expert advice, should intensify efforts to develop guidelines on determination of acceptable levels of protection (ALOP) for use by risk assessors in giving scientific advice to committees and to reduce the scope of disputes in the WTO.

El Codex, apoyado por el asesoramiento de expertos independientes de la FAO/OMS, debe intensificar sus esfuerzos por elaborar directrices sobre la determinación de niveles aceptables de protección para su aplicación por los evaluadores de riesgos a la hora de dar su asesoramiento científico a los Comités y reducir el margen de controversias en la OMC.

Le Codex, avec l'appui des avis d'experts indépendants de la FAO/OMS, devrait intensifier ses efforts pour élaborer des directives sur la détermination de niveaux acceptables de protection que les évaluateurs des risques pourraient utiliser pour donner des avis scientifiques aux comités et pour réduire les possibilités de différends dans l'OMC.

ARGENTINE

Estamos de acuerdo con la elaboración de Directrices para la determinación de los NAP por los países, pero de ninguna manera aprobamos que el Codex desarrolle NAP's.

AUSTRALIA

Australia supports the Evaluation Team's recommendation that there be a detailed review of the present structure and distribution of responsibilities between Codex committees. Any such review must be time-limited to ensure that the work of committees is not held up during the process. In addition we would envisage an increased/expanded role of the Committee Chair and the Secretariat with a view to achieving greater consistency and focus on priorities as well as identifying emerging issues.

Whilst we support the concept of more work between sessions to ensure consistency of approach across committees, to achieve this, Codex must develop guidelines for host governments/drafting groups. Australia would also like to note that the recommendations relating to the working procedures (particularly recommendation 20) could also have significant financial and human resource implications for host governments as well as participating countries.

Australia could support the recommendation of the Secretariat in its paper (Alinorm 03/25/3 – Add 2) to the Commission to establish a specialized Task Force on Codex Procedures. The role of the Task Force would be to draft the required changes to the Rules of Procedure and other texts contained in the Procedural Manual. Australia would not be favourably disposed to using the Committee on General Principles to take on this task in addition to its current workload.

With regard to recommendation 6, Australia does not support Codex developing guidelines on the determination of Acceptable Levels of Protection (ALOP). This is a decision for national governments to take, guided by existing international rules.

Australia agrees with the report in that wherever possible, Codex decisions should be made on the basis of consensus (recommendation 24). A definition of "consensus" in Codex decision-making could be beneficial. However, Australia does not support the definition proposed in the report. It is not clear why two Codex members would need to formally object before consensus could not be reached. UN practice is that consensus is adoption without formal objection. Therefore, Australia would support a definition to read "no formal objection by one or more members present at the meeting" i.e. the absence of any formal objection.

Australia does not support Codex developing guidelines on the determination of ALOP. This is a decision for national governments to take, in line with existing international rules.

Note: Australia understands that this recommendation may be about addressing the problems of consistency in Codex decisions but would not want it addressed in this manner. See our additional comments under recommendation 22 concerning consistency in decision-making.

CANADA

As we and other countries stated at the 25th Extraordinary Session of the Commission, Canada does not support inclusion of work in the Medium-Term Plan to develop guidelines on determination of acceptable levels of protection (ALOP) for use by risk assessors in giving scientific advice to Committees and to reduce the scope of disputes in the WTO. The establishment of an ALOP is a responsibility of the national government.

CUBA

De acuerdo.

EC

The EC does not support this recommendation.

The EC considers that determining the appropriate level of protection, or the appropriate level of risk, is a matter for the government that is politically responsible for the health of its population. This recommendation introduces confusion between the respective roles of the risk managers and of the risk assessors. Risk assessment is a scientific process independent from the determination of the appropriate level of protection level. The role of Codex should be carefully separated from the WTO field.

INDIA

We agree entirely with Recommendation No. 6 that Codex must prepare guidelines for determination of ‘acceptable’ or ‘appropriate’ levels of protection. The word ‘acceptable’ also has an element of subjectivity. The Vision Statement adopted at CAC incorporates the term ‘highest levels possible’ which was opposed by developing countries and runs against the principles of sound science – because it has no relationship to risk assessment. It is also not as per SPS Agreement.

JAPAN

It can be understood that this recommendation is aims to harmonize ALOP of each nation as much as possible, on the premise that the authority of a sovereign nation determines ALOP. However, in the present condition that the guideline of Codex does not have legal obligation, we doubt the usefulness the guideline by the same as recommendation 5.

KOREA

Korea does not agree with this recommendation. We think the “Working Principles for Risk Analysis for Food Safety” which is under the discussion of CCGP can cover this issue.

MALAYSIA

Malaysia agrees that Codex should intensify efforts to develop guidelines on determination of ALOP but only within the context of the Codex framework and not for application by governments. The sovereign right of the government to determine its ALOP as provided under the WTO SPS Agreement

should be respected. We note that guidelines have been elaborated to further the practical implementation of Article 5.5 of the WTO SPS Agreement.

In this light, we would like to propose slight amendments to the recommendation i.e. to delete the phrase “and to reduce the scope of disputes in the WTO” in view that it is irrelevant as the intention is to develop guidelines for application within the framework of Codex.

NEW ZEALAND

New Zealand does not support this recommendation. The issue of determination of acceptable level of protection is a matter that belongs at the national level. The key issue for Codex is promoting a consistent framework for risk management decision making across various committees. Elements of this work are already being addressed through the Working Principles for Risk Analysis.

US

The U.S. strongly opposes the Evaluation Report’s recommendation that Codex set guidelines on acceptable levels of protection. Codex should not attempt to go further than the WTO SPS agreement, which provides that countries maintain the right to set their own “appropriate level(s) of protection.” The Working Principles of Risk Analysis (in conjunction with Article 5 of the SPS Agreement) should be sufficient to assist developing countries in determining and justifying “acceptable” levels of protection. The U.S. notes that this view was shared by most of the delegations to the 25th (Extraordinary) Session of the Commission (ALINORM 03/25/05, paragraph 17).

Recommendation 7**Comment from governments on CL 2003/8-CAC**

Codex should remain within FAO and WHO but should have more independence, authority and responsibility over priority setting and management of its work programme. FAO and WHO Governing Bodies should endorse the overall Codex programme of work and the budget on a biennial basis.

El Codex debe permanecer dentro de la FAO y de la OMS pero ha de tener más independencia, autoridad y responsabilidad para el establecimiento de prioridades y la gestión de su programa de trabajo. Los órganos rectores de la FAO y de la OMS deberán ratificar cada bienio el programa general de trabajo y el presupuesto del Codex.

Le Codex devrait rester au sein de la FAO et de l'OMS mais devrait avoir plus d'indépendance, de pouvoir et de responsabilité pour l'établissement des priorités et la gestion de son programme de travail. Les organes directeurs de la FAO et de l'OMS devraient approuver le programme de travail et le budget global du Codex sur une base biennale.

ARGENTINE

De acuerdo

AUSTRALIA

Australia strongly supports increased independence, authority and responsibility of Codex over managing its own work program. Question if the report has proposed sufficiently strong measures.

We continue to advocate that Codex should be able to operate with a high level of independence within the context of the strategic plans of the parent bodies. The effectiveness will be dependent on the final level of resourcing by FAO and WHO.

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Canada supports the recommendation that Codex should remain within FAO and WHO but should have more independence, authority and responsibility over priority setting and management of its work programme.

CUBA

Apoyamos esta recomendación porque permite concentrar el trabajo del Codex en las actividades propias.

EC

The EC approves of this recommendation.

INDIA

We agree with Recommendation No. 7.

JAPAN

Codex should make presentation the discussion about independence of Codex and the reason it was rejected in G8 Okinawa Summit.

In present, the most of the budget and the secretariat of Codex depend on FAO. In that situation, it must be difficult to ensure its independency.

Since there is an opinion that Codex should be reformed to be an international organization it is desirable to deliberate the merit and demerit when realized.

For the moment, the capacity of the secretariat should be strengthened by increasing the staff.

NEW ZEALAND

New Zealand supports giving Codex greater identity, status and independence while still being part of FAO/WHO. Such a change would be consistent with the joint status of Codex and due recognition of its importance in the post WTO era.

US

The U.S. suggests that appropriate changes be made to Codex Statutes and Rules of Procedure to provide for more autonomous member-supported decision-making authority with respect to CAC programs, processes and structures within the broad strategic framework of FAO and WHO.

Recommendation 8

Comment from governments on CL 2003/8-CAC

Codex and OIE should intensify their collaboration to minimize overlaps and avoid gaps in standard setting with:

- a) delineation of work and specific modalities of collaboration should be defined by Codex and OIE within the near future and formalized in a memorandum of understanding;*
 - b) where work is in both Organizations' interest it should be pursued through joint task forces.*
- Continued close collaboration between Codex and IPPC should also be maintained.*

El Codex y la OIE deben intensificar su colaboración para reducir al mínimo las duplicaciones de esfuerzos y evitar lagunas en el establecimiento de normas mediante:

- a) la delimitación del trabajo y las modalidades concretas de colaboración, que deben ser definidas por el Codex y la OIE en un futuro próximo y formalizadas en un memorando de entendimiento;*
 - b) cuando el trabajo interese a ambas organizaciones, deberá acometerse mediante grupos de acción conjuntos.*
- Deberá también mantenerse una colaboración constante y estrecha entre el Codex y la CIPF.*

Le Codex et l'OIE devraient intensifier leur collaboration afin de réduire le plus possible les chevauchements et éviter les lacunes dans l'établissement des normes:

- a) Le Codex et l'OIE devraient dans un avenir proche définir des limites à leurs travaux et des modalités spécifiques de collaboration et les entériner officiellement dans un memorandum d'accord;*
- b) Lorsque des travaux ont un intérêt pour les deux organisations, ils devraient être réalisés par des équipes spéciales conjointes.*

La collaboration étroite et continue entre le Codex et la CIPV devrait aussi être maintenue.

ARGENTINE

De acuerdo con el aspecto conceptual de esta propuesta pero no con la forma en que se presenta, ni tampoco con la forma en que se planteó este trabajo en el Plan a Mediano Plazo de la Presidencia del Codex. No se entiende la necesidad de una "formalización de la colaboración" ni tampoco que se interpreta por colaboración. Es nuestra opinión que Codex podría trabajar en cooperación con las dos organizaciones mencionadas, pero nunca colaborar con ellas para la redacción de normas que le pertenecen.

AUSTRALIA

Australia supports a strong relationship between CAC and related standard-setting bodies (i.e. OIE and IPPC). It is useful to encourage information flow and exchange of data on emerging hazards to speed the response and advice that Codex can provide under such circumstances. The relationship between CAC and OIE is particularly important for addressing human pathogens carried by food-producing animals that may transfer to humans via food. A closer relationship between CAC and OIE would facilitate the development of 'whole of supply chain' requirements to address food hazards in a more comprehensive manner.

There is currently a discontinuity between the work of OIE and Codex. In some areas the two bodies should be working closely to ensure approaches, level of risk and methodologies are applied consistently to hazards that move into the human food chain via animals.

Australia strongly supports the formalisation of arrangements between the OIE and Codex in relation to work in Food Safety. This should be formalised through a memorandum of understanding between the two organisations.

The relationship between the CAC and OIE is particularly important for addressing human pathogens carried by food-producing animals that may transfer to humans via food. A close relationship between the CAC and OIE will facilitate the development of 'whole of supply chain' requirements to address

food hazards in a more comprehensive manner.

BRAZIL

Brasil está de acuerdo a esta recomendación en el sentido de que el Codex, la OIE y la CIPF deben estrechar su colaboración. Todavía hay que atender para las modalidades de colaboración para que se mantengan los principios de transparencia y participación que existen en los procedimientos actuales del Codex.

CANADA

Review of the Rules of Procedure and other procedural matters (Recommendations 8, 22, 23, 24, 26, 27 and 28)

Canada supports the recommendation directed at increased collaboration between OIE and Codex, including the consideration of joint task forces. There are a number of food standards issues which overlap with animal health issues being considered by OIE.

Canada supports initiatives which will result in more effective chairs, including the development of selection criteria. Although it is the responsibility of the host country to appoint a chairperson, the individual selected should meet these criteria.

We note with interest the recommendation regarding the appointment of co-chairs from a developing country. Although Canada agrees in principle, it is Canada's view that the proposed function of a co-chair would need to be clearly identified before this recommendation was accepted. Canada suggests that the criteria for the selection of chairs should also apply to co-chairs. We also support, in principle, holding meetings in the co-chair's country. However, issues regarding cost sharing, etc. need to be clarified before fully endorsing this recommendation.

Canada supports the recommendation that Codex should review its principles and procedures for Observer status outlined in the Procedural Manual to ensure that "International" NGOs are truly "international". However, it is important that the inclusiveness and transparency of the Commission not be diminished by the implementation of this recommendation. We particularly support the development of clear criteria for the selection process.

With respect to developing criteria for becoming a "host country" for a Codex subsidiary body, Canada supports the concept in principle but has reservations regarding the cost implication to a host country particularly if facilitators are used. We would like to note that, for between session work, other countries should be encouraged to take responsibility for the costs associated with advancing specific agenda items. Alternatives to the use of facilitators may provide greater flexibility and minimize resource implications for host countries.

Canada agrees that active consensus building is key to the legitimacy of Codex standards. We support the development of clear guidelines on the meaning of consensus and decision making in the absence of consensus and welcome the increased focus on developing standards between Committee meetings with a view to reaching consensus. It is our opinion that voting should only occur at the Commission, and only as a last resort after all efforts to achieve consensus have been explored. We would favor the use of a qualified majority, as opposed to a simple majority as is currently the rule, in those situations where a vote becomes necessary.

CUBA

De acuerdo con esta recomendación, haciendo énfasis en la delimitación y no duplicación de las tareas.

EC

The EC supports this recommendation and in addition considers that collaboration in certain fields should start with the pooling of the scientific data available and joint risk evaluation.

INDIA

No need to formalise 'collaboration'. There should be exchange of programmes of work to address overlap.

JAPAN

No objection.

MALAYSIA

Malaysia is of the view that collaboration of Codex with OIE should only be confined to issues which are directly related to food safety and not beyond that.

NEW ZEALAND

New Zealand supports the proposal to strengthen collaborative links between Codex and other relevant international standard setting bodies with particular reference to the OIE. Such collaboration is essential to minimise duplication and to ensure that international standards address issues across the whole food chain. Links with the IPPC should also be strengthened and formalised. New Zealand notes the issue of collaborative links with other relevant international standard setting bodies is also being addressed within the work programme of the Codex Committee on General Principles.

US

The U.S. believes that coordination with OIE, if needed, should be on a case-by-case basis only and should not include the issue of product tracing/"traceability" or animal welfare issues except in limited areas where there are direct food safety issues.

Recommendation 9

Comment from governments on CL 2003/8-CAC

The Executive Committee should be replaced with an Executive Board, meeting every six months, charged with strategic and managerial responsibility but without the authority to consider standards. The function of the board would be to improve speed and efficiency by assisting the Commission in strategic planning, budgeting and monitoring, including:

- *preparation of the work plan and budget and the medium-term plan;*
- *make recommendations to improve management and working procedures in Codex, including its committees and task forces; and*
- *monitor and take corrective action for the delivery of the programme of work.*

El Comité Ejecutivo debe ser sustituido por una Junta Ejecutiva, que se reúne cada seis meses, encargada de la responsabilidad estratégica y directiva pero sin facultad de examinar normas. La función de la Junta sería de mejorar la rapidez y la eficiencia ayudando a la Comisión en su labor estratégica de planificación, presupuestación y seguimiento, en particular mediante:

- *la preparación del plan de trabajo y presupuesto y el plan a plazo medio;*
- *la formulación de recomendaciones para mejorar la gestión y los procedimientos de trabajo en el Codex, incluidos sus comités y grupos de acción; y*
- *el seguimiento y la adopción de medidas correctivas para la ejecución del programa de trabajo.*

Le Comité exécutif devrait être remplacé par un conseil d'administration, se réunissant tous les six mois, chargé de responsabilités stratégiques et gestionnaires, mais sans le pouvoir d'examiner les normes. La fonction du conseil serait d'accélérer le processus et d'en renforcer l'efficacité en aidant la Commission dans la planification stratégique, la budgétisation et le suivi, y compris:

- *Préparation du plan de travail et budget et du plan à moyen terme;*
- *Formulation de recommandations pour améliorer la gestion et les procédures de travail du Codex, y compris de ses comités et groupes spéciaux;*
- *Suivi et mesures correctives nécessaires pour l'exécution du programme de travail.*

ARGENTINE

Esta nueva estructura parece lógica en principio por la reducción de la cantidad de miembros que componen el CCEXEC. Al ser las normas aprobadas por la Comisión una vez al año, realmente el CCEXEC pierde razón de por no necesitarse sus oficios en la revisión de las normas. Sin embargo también debe considerarse que el reemplazo del Comité por esta Junta terminaría con la participación de los Coordinadores Regionales, que, aunque solo tienen carácter de observadores, son los elegidos por los países. Las Representaciones Regionales, cuya elección sí podría clasificarse como no transparente, tienen además una participación no proporcional al número de países que integran las regiones, hecho que genera una marcada asimetría en la representación sobre todo de los países en desarrollo. Consideramos que con esto se desvaloriza la nueva figura y que si además se le agregan observadores, tal como se propone en el siguiente punto la reducción propuesta no alcanzaría a justificar la pérdida de representatividad de los países. Posiblemente la mejor alternativa sea la reestructuración del CCEXEC y la reconsideración de sus funciones para aumentar su ejecutividad y su eficiencia.

AUSTRALIA

One of Australia's key messages is strong support for the efforts to reform the management of the Codex Program to strengthen the autonomy and independence of the CAC within the general framework of the strategic direction of the FAO and WHO. The recommended reforms to the management of the Codex work program will also increase the efficiency.

The key principle of any restructure of the management of Codex must reflect functions to be performed, not be overly bureaucratic. Moreover, it must streamline the process to improve its

effectiveness and efficiency. The focus must be on the work that has to be done by Codex and how to improve these processes. The functional/structural arrangements will have to be considered in the light of agreement to hold CAC meetings on a yearly or two yearly basis. Executive Committee (or Board) Regional Representatives should be given greater responsibility for driving or leading key elements of Codex activities.

The recommendation to replace the Executive Committee with an Executive Board to provide strategic oversight and direction on actions to achieve the objective of the Codex Medium-Term Plan is welcomed, although Australia considers that it is more important to ensure that the membership of this body be used to drive the key issues for Codex (strategic planning, funding etc). Members could be tasked with leading working groups on these key issues. The composition of the Executive Board should be a matter for discussion by the Commission. Australia supports the recommendations in relation to the functions of the proposed Board and agrees that it should not have the authority to adopt standards. The Executive Board (Committee) and Commission should be playing a more decisive role in scrutiny of new work proposals and progression of work across various steps. Australia supports the need to redefine the role of the Executive Committee (Board) in terms of strategic management and oversight of the Commission's work programme and priorities. However, if the Commission is still to be the overarching body with authority to adopt standards at Step 5 (under the recommended reviewed procedure), consideration must be given to the frequency of meetings of the Commission.

Management of standards development has long been a problem for Codex. Australia agrees that there is a need to improve the speed and efficiency of adoption of standards and that prioritisation of these standards is critical. Australia supports the prioritisation of standards management but would question the need for it to be delegated from the Commission to a smaller body. If the proposal was to go ahead, any proposed body (Standards Management Committee) must comprise members with the necessary expertise as well as a broad knowledge of Codex processes to enable it to make the necessary decisions. In addition to prioritising existing guidelines for review, this body must also be responsible for identifying emerging and contentious issues and their impact on progressing work.

It is essential that any proposed organisational changes do not turn into additional levels of the process, which could be seen to 'clutter' the process further.

The issue of the composition of the Executive Committee was first raised at the 15th CCGP (1999) and then further discussed at the 16th Session (2000) and again at the 24th Session of the Commission. Consensus could not be reached on the issue so it was further delayed until the 25th Session (now the 26th) of the CAC in 2003.

Australia can support the replacement of the Executive Committee, which is too large, and its role needs to be redefined. Australia considers that there is a role for a Committee of similar construct as the Executive Committee that remains accountable to the Commission. The report is not clear how the monitoring role in relation to taking corrective action for the delivery of the work program would intersect with that proposed for a Standards Management Committee. We note that para 96 (page 32) indicates that an Executive Board may have the delegated power in relation to standards. We would question whether this is an appropriate role for Exec Board, rather than leaving those decisions to the Commission itself.

BRAZIL

Brasil no está de acuerdo a la propuesta de sustitución del CCEXEC por una Junta Ejecutiva. Entendemos que este nuevo órgano no teria la representatividad que tiene hoy el CCEXEC, además de no estar claro cual seria el rol de los Coordinadores Regionales, que de acuerdo a esta propuesta no harian parte de la Junta Ejecutiva.

Por otro lado, en lo que se refiere a la cuestión de la transparencia, creemos que el CCEXEC sí es

transparente, ya que sus documentos son públicos, así como sus decisiones e informes.

CANADA

Before deciding on whether or not a new management structure is required within the Commission, there is a need to first identify what the problem is and then determine how to address it. From Canada's perspective a key issue is the role of the Executive Committee with respect to work planning (including budget, etc) and management of the standard setting process. Other criticisms of the Executive Committee focus on its perceived lack of transparency and lack of inclusiveness.

We agree that the role of the Executive Committee needs to be reviewed and are also of the view that there is a need to build more "accountability" into the Codex standards elaboration process.

It is Canada's opinion that the primary role of the Executive Committee is planning and coordination including management of the standard setting process. In order to be effective in this role it is necessary to keep the Committee at a manageable size to ensure efficiency while recognizing the need to be representative. Canada supports annual meetings of the Commission as the most effective manner to address the issue of improving the timeliness of Codex decision-making. Therefore, with the Commission as the designated decision-making body meeting annually, then the issues of transparency and inclusiveness would be addressed to a large extent since recommendations from the Executive Committee would be tabled at Commission Sessions for decision.

Membership on the Executive Committee should continue to be as currently specified in the Procedural Manual until its role in the management of the Commission's activities is determined. In the interests of transparency, consideration in the future could be given to granting 2 - 3 representatives of INGOs observer status on the Executive Committee. Taking into consideration the wide diversity of interests of INGOs, it would be important to have clear criteria for selecting observer representatives at the Executive Board. Furthermore, there will be a need to clarify the rights and privileges of the INGOs participation on the Executive Committee compared to those of Member countries who are excluded from participating on the CCEXEC.

CHINA

我们支持旨在提高委员会工作效率和质量，加强委员会及法典标准管理的各项改革措施。但从工作的连续性的角度出发，我们建议继续保留原执委会的名称，在人员上也应继续保留地区代表的参与，可有限额地吸收代表消费者和企业的观察员，每6个月召开一次会议，重点行使建议9中所列的计划、预算、管理和监督职能。

对于建议11，我们认为成立一个标准管理委员会有助于加强对标准制修订工作的管理，该委员会可承担一部分现在由执委会承担的标准具体管理工作，使执委会将工作重点集中在战略规划、预算和监督上。我们希望对这一机构的组成、职能和工作方式、程序予以进一步明确，并建议认真考虑其成员的代表性，更多地吸收发展中国家人员参与标准管理委员会工作，提高管理工作的透明度。

Recommendations 9-11

We support the reform measures aimed at improving the efficiency and quality of the work of the Executive Committee as well as strengthening the Committee itself and the management of Codex standards. However, for the sake of continuity of its work, we recommend that the Executive Committee retain its original title and continue to permit the participation of its regional representatives while including a limited number of observer representatives from consumers and industry. It should meet every six months and focus on its functions of planning, budgeting, management and monitoring as listed in the recommendation 9.

With regard to Recommendation 11, we are of the opinion that the creation of a Standards Management Committee will contribute to strengthening the management of developing and revising standards. Such a committee may undertake part of specific management of standards otherwise performed by the Executive Committee so that the latter can focus its efforts on the strategic planning, budgeting and monitoring. We hope that the composition, functions and working manner and procedures of the committee will be further clarified, and recommend that serious consideration be given to the representation of its members, attracting more people from developing countries to participate in the Standards Management Committee and enhancing the transparency of management.

CUBA

No estamos de acuerdo con la eliminación del Comité Ejecutivo. A juzgar por la información brindada en el informe de evaluación la mayoría de los países se pronuncian por otorgarle mayor poder al CE y propiciar la participación de observadores en sus reuniones de trabajo. De lo anterior no se revela el deseo de crear una Junta Directiva y eliminar el Comité Ejecutivo. Si el CE se reorganiza eliminando las dificultades que hoy presenta y pasando al Comité de Gestión de Normas que se propone crear todo lo relacionado con el examen de las normas, no sería necesaria la eliminación del CE.

Por otra parte la Junta que se propone crear adolecería de los mismos problemas de transparencia y representatividad que se le imputa al CE

EC

Recommendations 9 to 12

The EC considers that the intergovernmental character of Codex is an essential point. It is the governments' agreement on a standard, which characterises and legitimises the work of harmonisation for which the Codex is responsible at the international level.

The absence of consensus is the principal obstacle for a rapid adoption of the standards. The EC considers that the emphasis should be put on making it possible to obtain an intergovernmental consensus as soon as possible. That requires in particular transparency of the processes, especially by the maintenance of open intergovernmental structures, allowing for a transparent debate.

Therefore, the EC considers that annual CAC meetings, coupled with improvement of its working procedures (specialisation of the agendas; means facilitating the participation of developing countries) should be the main improvement to be made to enhance the functioning of Codex.

The EC wonders whether a Management Committee of 20 to 30 members is sufficiently representative to decide on the progress of the standards. Decisions of this nature taken by a reduced conclave can call into question the democratic legitimacy of Codex, since the adoption of standards falls under the competence of the CAC.

Moreover, this Standards Management Committee should not overlap with the role of the Executive Board, nor the role of the Secretariat. In conclusion, the EC is not in favour of the creation of a Standards Management Committee. According to the report, the proposed new Executive Board is not significantly different from the current Executive Committee. The presence of observers to ensure transparency seems to be the major change. In view of the difficulty of determining representative observers, the EC considers that it is important to define a clear mandate for this body but does not consider that there is any substantial motivation for a change of the current composition of the Executive Board/Committee.

Alternative means deserve to be examined to ensure a better transparency of the Executive Committee/Board meetings.

INDIA

Recommendations 9 and 10.

We agree to the replacement of the Executive Committee with the Executive Board with the functions proposed though it is not clear what real difference will there be. It should also be given the task of priority setting. The task assigned does not require presence of observers in Board Meetings. It will also be difficult to choose 2 or 3 such bodies. Elected representatives from each region should be its members. These members should serve also as Regional Co-ordinators to ensure commonality of approach. The term should be 1 year.

It is consequently necessary to also have Regional Committee meetings annually, as in the restructured scheme of things, these committees would play a very important role. We need to set up a separate group to see how their working can be further improved.

JAPAN

This recommendation is thought to be because the similar function of the Committee is given to the Executive Committee in the present condition that the Committee which should in principle hold one regular session each year under the rules of procedure is held only once every 2 years. Therefore, if the Committee is held annually, the function of the present Executive Committee should be reorganized.

However, it is necessary to examine functions, management methods, etc. in terms of the transparency of the Executive Committee.

KOREA

Recommendation 9, 10

Korea does not agree with these recommendations. We think it is desirable for members to focus on enhancing the inclusiveness and transparency of the Executive Committee.

MALAYSIA

Malaysia does not agree with the proposal to create an Executive Board. Malaysia notes that the function of the proposed Executive Board is to increase speed and efficiency. However, the establishment of an Executive Board does not address the two important issues of transparency and inclusiveness. These two concerns have previously been raised by Member Countries regarding the Executive Committee. Thus, the establishment of the Executive Board does not overcome the shortcomings of the Executive Committee and therefore has no real benefits over the current system.

Malaysia would like to reiterate her previously expressed view on the need to have annual meetings of the Commission. We are of the view that the growing importance of Codex standards as international reference points under WTO has raised important issues regarding the need for increased transparency and participation in standards setting. In this context, the structure of the decision making process in the Codex Alimentarius Commission must be made more transparent and inclusive. We believe that the 2 most important underlying principles of transparency and inclusiveness should form the basis of the Codex reform.

Malaysia also notes that in paragraph 92 of the report, there was overwhelming support from the questionnaires for annual meetings of the Commission i.e. 80% of Government respondents, of this 100% from high income countries and 67% from low-income countries, and 97% of the observers were in favour. The fact that some low-income countries also supported annual meetings of the Commission despite their difficulties in attending the meeting highlights the importance and need for annual meetings of the Commission.

With annual meetings of the Commission, Malaysia does not see the need to have the Executive Board or the Executive Committee. Malaysia is of the opinion that even if efforts are taken to widen the composition of the Board or the Committee, it will still continue to face short-comings, including limited participation and inability to adopt Codex standards and related texts.

Similarly, with annual meetings of the Commission, Malaysia does not agree with the establishment of a Standards Management Committee with very limited membership that will further compound the existing issue of inclusiveness faced by the current Executive Committee. The establishment of such a committee will deprive the rights of many Member Countries in decision making over very important matters as well as deny access of individual Member Countries to be able express their views and particular concerns which may vary even within the region.

However, if the Commission wishes to retain the Executive Committee, Malaysia is of the view that the terms of reference of the Committee will need to be reviewed. However, the review of the mandate of the regional committees will first need to be addressed before undertaking this review in view that it is the roles of the regional representative and the regional coordinator that will need to be clarified.

Malaysia does not agree with the proposal to include observers in the Committee in view that Codex is an intergovernmental body and such proposal would undermine sovereign rights of Member Governments who will not be represented at the Executive Committee. It should be recognized that Member Governments attending the Executive Committee will be expressing views that have taken into account the concerns of the consumers, industry and producers.

US

Recommendation 9 and 10

The U.S. would propose that the currently constituted Executive Committee -under its existing Terms of Reference- meet annually (assuming that the Commission is also meeting annually), with its meeting open to all observers, including governments, IGOs and INGOs. Observers should be permitted to submit written comments on issues coming before the Executive Committee, but not be allowed to speak. The goal is transparency. Representation can be addressed in the CAC. More frequent meetings of the Executive Committee could be considered, if experience proves that annual meetings are not sufficient. The Executive Committee would perform the functions proposed for the Executive Board, but should not be involved in adopting draft standards at Step 5 or approving new work (thus requiring modification of the 'Procedures for the Elaboration of Codex Standards and Related Texts'.

Recommendation 10

Comment from governments on CL 2003/8-CAC

The Executive Board should be small and include:

- 2-3 observer representatives for consumers, industry and perhaps primary producers;
- formal participation of the Secretary of Codex and FAO and WHO.

La Junta Ejecutiva debe ser pequeña e incluir:

- 2.3. observadores en representación de los consumidores, la industria y tal vez los productores primarios;
- la participación oficial del Secretario del Codex y de la FAO y la OMS.

Le conseil d'administration devrait être restreint et comprendre:

- 2-3 représentants d'observateurs des consommateurs, de l'industrie et peut-être des producteurs primaires;
- participation formelle du Secrétaire du Codex, de la FAO et de l'OMS.

ARGENTINE

La inclusión de representaciones con carácter de observadores no tiene mayor sentido en una Junta Ejecutiva. Por otro lado la reducción en tamaño de la misma a costa de la representación de los países, dándose esos lugares a otros observadores tampoco nos parece adecuado para un organismo intergubernamental con 168 miembros.

AUSTRALIA

One of Australia's key messages is strong support for the efforts to reform the management of the Codex Program to strengthen the autonomy and independence of the CAC within the general framework of the strategic direction of the FAO and WHO. The recommended reforms to the management of the Codex work program will also increase the efficiency.

The key principle of any restructure of the management of Codex must reflect functions to be performed, not be overly bureaucratic. Moreover, it must streamline the process to improve its effectiveness and efficiency. The focus must be on the work that has to be done by Codex and how to improve these processes. The functional/structural arrangements will have to be considered in the light of agreement to hold CAC meetings on a yearly or two yearly basis. Executive Committee (or Board) Regional Representatives should be given greater responsibility for driving or leading key elements of Codex activities.

The recommendation to replace the Executive Committee with an Executive Board to provide strategic oversight and direction on actions to achieve the objective of the Codex Medium-Term Plan is welcomed, although Australia considers that it is more important to ensure that the membership of this body be used to drive the key issues for Codex (strategic planning, funding etc). Members could be tasked with leading working groups on these key issues. The composition of the Executive Board should be a matter for discussion by the Commission. Australia supports the recommendations in relation to the functions of the proposed Board and agrees that it should not have the authority to adopt standards. The Executive Board (Committee) and Commission should be playing a more decisive role in scrutiny of new work proposals and progression of work across various steps. Australia supports the need to redefine the role of the Executive Committee (Board) in terms of strategic management and oversight of the Commission's work programme and priorities. However, if the Commission is still to be the overarching body with authority to adopt standards at Step 5 (under the recommended reviewed procedure), consideration must be given to the frequency of meetings of the Commission.

Management of standards development has long been a problem for Codex. Australia agrees that there is a need to improve the speed and efficiency of adoption of standards and that prioritisation of these

standards is critical. Australia supports the prioritisation of standards management but would question the need for it to be delegated from the Commission to a smaller body. If the proposal was to go ahead, any proposed body (Standards Management Committee) must comprise members with the necessary expertise as well as a broad knowledge of Codex processes to enable it to make the necessary decisions. In addition to prioritising existing guidelines for review, this body must also be responsible for identifying emerging and contentious issues and their impact on progressing work.

It is essential that any proposed organisational changes do not turn into additional levels of the process, which could be seen to ‘clutter’ the process further.

Australia has previously supported inclusion of INGO representation on the Executive. There will need to be a mechanism for their nomination and clearly defined rules of procedure with regard to their participation.

BRAZIL

Observar el comentario a la recomendación 9.

CANADA

Before deciding on whether or not a new management structure is required within the Commission, there is a need to first identify what the problem is and then determine how to address it. From Canada’s perspective a key issue is the role of the Executive Committee with respect to work planning (including budget, etc) and management of the standard setting process. Other criticisms of the Executive Committee focus on its perceived lack of transparency and lack of inclusiveness.

We agree that the role of the Executive Committee needs to be reviewed and are also of the view that there is a need to build more “accountability” into the Codex standards elaboration process.

It is Canada’s opinion that the primary role of the Executive Committee is planning and coordination including management of the standard setting process. In order to be effective in this role it is necessary to keep the Committee at a manageable size to ensure efficiency while recognizing the need to be representative. Canada supports annual meetings of the Commission as the most effective manner to address the issue of improving the timeliness of Codex decision-making. Therefore, with the Commission as the designated decision-making body meeting annually, then the issues of transparency and inclusiveness would be addressed to a large extent since recommendations from the Executive Committee would be tabled at Commission Sessions for decision.

Membership on the Executive Committee should continue to be as currently specified in the Procedural Manual until its role in the management of the Commission’s activities is determined. In the interests of transparency, consideration in the future could be given to granting 2 - 3 representatives of INGOs observer status on the Executive Committee. Taking into consideration the wide diversity of interests of INGOs, it would be important to have clear criteria for selecting observer representatives at the Executive Board. Furthermore, there will be a need to clarify the rights and privileges of the INGOs participation on the Executive Committee compared to those of Member countries who are excluded from participating on the CCEXEC.

CUBA

Ver comentarios a la Recomendación 9.

EC

Recommendations 9 to 12

The EC considers that the intergovernmental character of Codex is an essential point. It is the governments' agreement on a standard, which characterises and legitimises the work of harmonisation for which the Codex is responsible at the international level.

The absence of consensus is the principal obstacle for a rapid adoption of the standards. The EC considers that the emphasis should be put on making it possible to obtain an intergovernmental consensus as soon as possible. That requires in particular transparency of the processes, especially by the maintenance of open intergovernmental structures, allowing for a transparent debate.

Therefore, the EC considers that annual CAC meetings, coupled with improvement of its working procedures (specialisation of the agendas; means facilitating the participation of developing countries) should be the main improvement to be made to enhance the functioning of Codex.

The EC wonders whether a Management Committee of 20 to 30 members is sufficiently representative to decide on the progress of the standards. Decisions of this nature taken by a reduced conclave can call into question the democratic legitimacy of Codex, since the adoption of standards falls under the competence of the CAC.

Moreover, this Standards Management Committee should not overlap with the role of the Executive Board, nor the role of the Secretariat. In conclusion, the EC is not in favour of the creation of a Standards Management Committee.

According to the report, the proposed new Executive Board is not significantly different from the current Executive Committee. The presence of observers to ensure transparency seems to be the major change. In view of the difficulty of determining representative observers, the EC considers that it is important to define a clear mandate for this body but does not consider that there is any substantial motivation for a change of the current composition of the Executive Board/Committee

Alternative means deserve to be examined to ensure a better transparency of the Executive Committee/Board meetings.

INDIA

Recommendations 9 and 10.

We agree to the replacement of the Executive Committee with the Executive Board with the functions proposed though it is not clear what real difference will there be. It should also be given the task of priority setting. The task assigned does not require presence of observers in Board Meetings. It will also be difficult to choose 2 or 3 such bodies. Elected representatives from each region should be its members. These members should serve also as Regional Co-ordinators to ensure commonality of approach. The term should be 1 year.

It is consequently necessary to also have Regional Committee meetings annually, as in the restructured scheme of things, these committees would play a very important role. We need to set up a separate group to see how their working can be further improved.

JAPAN

The criticism to the present Executive Committee owes to the fact that the observers are not permitted to participate in addition that the participating members are limited, as described in the report.

Therefore, in order to solve such criticism, the participation of observers should not be limited as much as possible.

KOREA

Recommendation 9, 10

Korea does not agree with these recommendations. We think it is desirable for members to focus on enhancing the inclusiveness and transparency of the Executive Committee.

MALAYSIA

Malaysia does not agree with the proposal to create an Executive Board. Malaysia notes that the function of the proposed Executive Board is to increase speed and efficiency. However, the establishment of an Executive Board does not address the two important issues of transparency and inclusiveness. These two concerns have previously been raised by Member Countries regarding the Executive Committee. Thus, the establishment of the Executive Board does not overcome the short-comings of the Executive Committee and therefore has no real benefits over the current system.

Malaysia would like to reiterate her previously expressed view on the need to have annual meetings of the Commission. We are of the view that the growing importance of Codex standards as international reference points under WTO has raised important issues regarding the need for increased transparency and participation in standards setting. In this context, the structure of the decision making process in the Codex Alimentarius Commission must be made more transparent and inclusive. We believe that the 2 most important underlying principles of transparency and inclusiveness should form the basis of the Codex reform.

Malaysia also notes that in paragraph 92 of the report, there was overwhelming support from the questionnaires for annual meetings of the Commission i.e. 80% of Government respondents, of this 100% from high income countries and 67% from low-income countries, and 97% of the observers were in favour. The fact that some low-income countries also supported annual meetings of the Commission despite their difficulties in attending the meeting highlights the importance and need for annual meetings of the Commission.

With annual meetings of the Commission, Malaysia does not see the need to have the Executive Board or the Executive Committee. Malaysia is of the opinion that even if efforts are taken to widen the composition of the Board or the Committee, it will still continue to face short-comings, including limited participation and inability to adopt Codex standards and related texts.

Similarly, with annual meetings of the Commission, Malaysia does not agree with the establishment of a Standards Management Committee with very limited membership that will further compound the existing issue of inclusiveness faced by the current Executive Committee. The establishment of such a committee will deprive the rights of many Member Countries in decision making over very important matters as well as deny access of individual Member Countries to be able express their views and particular concerns which may vary even within the region.

However, if the Commission wishes to retain the Executive Committee, Malaysia is of the view that the terms of reference of the Committee will need to be reviewed. However, the review of the mandate of the regional committees will first need to be addressed before undertaking this review in view that it is the roles of the regional representative and the regional coordinator that will need to be clarified.

Malaysia does not agree with the proposal to include observers in the Committee in view that Codex is an intergovernmental body and such proposal would undermine sovereign rights of Member Governments who will not be represented at the Executive Committee. It should be recognized that Member Governments attending the Executive Committee will be expressing views that have taken into account the concerns of the consumers, industry and producers.

US**Recommendation 9 and 10**

The U.S. would propose that the currently constituted Executive Committee -under its existing Terms of Reference- meet annually (assuming that the Commission is also meeting annually), with its meeting open to all observers, including governments, IGOs and INGOs. Observers should be permitted to submit written comments on issues coming before the Executive Committee, but not be allowed to speak. The goal is transparency. Representation can be addressed in the CAC. More frequent meetings of the Executive Committee could be considered, if experience proves that annual meetings are not sufficient. The Executive Committee would perform the functions proposed for the Executive Board, but should not be involved in adopting draft standards at Step 5 or approving new work (thus requiring modification of the 'Procedures for the Elaboration of Codex Standards and Related Texts'.

Recommendation 11

Comment from governments on CL 2003/8-CAC

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.

La función de la gestión de la elaboración de normas debe ser objeto de una atención mucho mayor en el Codex y deberá delegarse pasando de la Comisión a un órgano más pequeño. A este respecto, debe estudiarse la creación de un Comité de Gestión de Normas para desempeñar tareas que, de no ser así, tendrían que ser realizadas en la Junta Ejecutiva.

La fonction de gestion de l'élaboration des normes devrait occuper une place plus importante dans le Codex et être transférée de la Commission à un organe plus restreint. Dans ce contexte, il faudrait envisager la création d'un comité de gestion des normes qui exercerait les fonctions qui relèveraient autrement du Conseil d'administration.

ARGENTINE

Estamos de acuerdo con la propuesta, pero dependerá de la resolución de los dos puntos anteriores cuál será el cuerpo que ejercerá la función que entendemos como un seguimiento al trabajo de los diferentes Comités, brindando apoyo y asesoramiento para la agilización de las mismas, tarea que se le transferirá desde el actual CCEXEC.

AUSTRALIE

One of Australia's key messages is strong support for the efforts to reform the management of the Codex Program to strengthen the autonomy and independence of the CAC within the general framework of the strategic direction of the FAO and WHO. The recommended reforms to the management of the Codex work program will also increase the efficiency.

The key principle of any restructure of the management of Codex must reflect functions to be performed, not be overly bureaucratic. Moreover, it must streamline the process to improve its effectiveness and efficiency. The focus must be on the work that has to be done by Codex and how to improve these processes. The functional/structural arrangements will have to be considered in the light of agreement to hold CAC meetings on a yearly or two yearly basis. Executive Committee (or Board) Regional Representatives should be given greater responsibility for driving or leading key elements of Codex activities.

The recommendation to replace the Executive Committee with an Executive Board to provide strategic oversight and direction on actions to achieve the objective of the Codex Medium-Term Plan is welcomed, although Australia considers that it is more important to ensure that the membership of this body be used to drive the key issues for Codex (strategic planning, funding etc). Members could be tasked with leading working groups on these key issues. The composition of the Executive Board should be a matter for discussion by the Commission. Australia supports the recommendations in relation to the functions of the proposed Board and agrees that it should not have the authority to adopt standards. The Executive Board (Committee) and Commission should be playing a more decisive role in scrutiny of new work proposals and progression of work across various steps. Australia supports the need to redefine the role of the Executive Committee (Board) in terms of strategic management and oversight of the Commission's work programme and priorities. However, if the Commission is still to be the overarching body with authority to adopt standards at Step 5 (under the recommended reviewed procedure), consideration must be given to the frequency of meetings of the Commission.

Management of standards development has long been a problem for Codex. Australia agrees that there

is a need to improve the speed and efficiency of adoption of standards and that prioritisation of these standards is critical. Australia supports the prioritisation of standards management but would question the need for it to be delegated from the Commission to a smaller body. If the proposal was to go ahead, any proposed body (Standards Management Committee) must comprise members with the necessary expertise as well as a broad knowledge of Codex processes to enable it to make the necessary decisions. In addition to prioritising existing guidelines for review, this body must also be responsible for identifying emerging and contentious issues and their impact on progressing work.

It is essential that any proposed organisational changes do not turn into additional levels of the process, which could be seen to ‘clutter’ the process further.

Australia supports the emphasis on the standards development management function. The Standards Management Committee would need to have representatives in the specialist fields that could deal with the technical nature of many standards.

BRAZIL

Brasil considera positiva la idea de creación de un Comité de Gestión de Normas, pero entiende que tanto su composición cuanto sus funciones tienen que estar bien definidas para evitar duplicaciones con el CCEXEC o la Junta Ejecutiva. Hay también la preocupación de que se pueda estar creando una estructura que burocratice más aún los trabajos de elaboración de normas.

CHINA

我们支持旨在提高委员会工作效率和质量，加强委员会及法典标准管理的各项改革措施。但从工作的连续性的角度出发，我们建议继续保留原执委会的名称，在人员上也应继续保留地区代表的参与，可有限额地吸收代表消费者和企业的观察员，每6个月召开一次会议，重点行使建议9中所列的计划、预算、管理和监督职能。

对于建议11，我们认为成立一个标准管理委员会有助于加强对标准制修订工作的管理，该委员会可承担一部分现在由执委会承担的标准具体管理工作，使执委会将工作重点集中在战略规划、预算和监督上。我们希望对这一机构的组成、职能和工作方式、程序予以进一步明确，并建议认真考虑其成员的代表性，更多地吸收发展中国家人员参与标准管理委员会工作，提高管理工作的透明度。

Recommendations 9-11

We support the reform measures aimed at improving the efficiency and quality of the work of the Executive Committee as well as strengthening the Committee itself and the management of Codex standards. However, for the sake of continuity of its work, we recommend that the Executive Committee retain its original title and continue to permit the participation of its regional representatives while including a limited number of observer representatives from consumers and industry. It should meet every six months and focus on its functions of planning, budgeting, management and monitoring as listed in the recommendation 9.

With regard to Recommendation 11, we are of the opinion that the creation of a Standards Management Committee will contribute to strengthening the management of developing and revising standards. Such a committee may undertake part of specific management of standards otherwise performed by the Executive Committee so that the latter can focus its efforts on the strategic planning, budgeting and monitoring. We hope that the composition, functions and working manner and procedures of the committee will be further clarified, and recommend that serious consideration be given to the representation of its members, attracting more people from developing countries to participate in the Standards Management Committee and enhancing the transparency of management.

CUBA

Apoyamos plenamente la creación de un Comité de Gestión de Normas con composición y funciones bien definidas.

EC

Recommendations 9 to 12

The EC considers that the intergovernmental character of Codex is an essential point. It is the governments' agreement on a standard, which characterises and legitimises the work of harmonisation for which the Codex is responsible at the international level.

The absence of consensus is the principal obstacle for a rapid adoption of the standards. The EC considers that the emphasis should be put on making it possible to obtain an intergovernmental consensus as soon as possible. That requires in particular transparency of the processes, especially by the maintenance of open intergovernmental structures, allowing for a transparent debate.

Therefore, the EC considers that annual CAC meetings, coupled with improvement of its working procedures (specialisation of the agendas; means facilitating the participation of developing countries) should be the main improvement to be made to enhance the functioning of Codex.

The EC wonders whether a Management Committee of 20 to 30 members is sufficiently representative to decide on the progress of the standards. Decisions of this nature taken by a reduced conclave can call into question the democratic legitimacy of Codex, since the adoption of standards falls under the competence of the CAC.

Moreover, this Standards Management Committee should not overlap with the role of the Executive Board, nor the role of the Secretariat. In conclusion, the EC is not in favour of the creation of a Standards Management Committee.

According to the report, the proposed new Executive Board is not significantly different from the current Executive Committee. The presence of observers to ensure transparency seems to be the major change. In view of the difficulty of determining representative observers, the EC considers that it is important to define a clear mandate for this body but does not consider that there is any substantial motivation for a change of the current composition of the Executive Board/Committee.

Alternative means deserve to be examined to ensure a better transparency of the Executive Committee/Board meetings

INDIA

If the Commission is meeting annually, there is no need for a Standards Management Committee. Its proposed membership is seriously objected to because it gives primacy to Chairs of Committees (all from developed countries - Co-chair from developing countries is still a future concept) and observers even representing primary production. Will an Indian small farmer be accepted? Codex working is only of member governments and no one else. We need to be consistent on this issue.

JAPAN

We can understand the view of creation of SMC that works intensively for standard setting for the acceleration of work of Codex. However, if the adoption of standard, which is the highest and greatest decision-making function, would be transferred to SMC, we have to note that the meaning of the Committee will change rather. Moreover, there is also a possibility of causing non-efficiency on the contrary, by adding one new stage in the process of procedure by establishment of new committee.

Therefore, after examining the function, the role assignment, holding frequency, etc. of SMC and the Committee, we propose that it should review the necessity of the foundation.

KOREA

Korea does not agree with this recommendation. We think establishing an additional committee may complicate the Codex work.

MALAYSIA

Malaysia does not agree with the proposal to create an Executive Board. Malaysia notes that the function of the proposed Executive Board is to increase speed and efficiency. However, the establishment of an Executive Board does not address the two important issues of transparency and inclusiveness. These two concerns have previously been raised by Member Countries regarding the Executive Committee. Thus, the establishment of the Executive Board does not overcome the short-comings of the Executive Committee and therefore has no real benefits over the current system.

Malaysia would like to reiterate her previously expressed view on the need to have annual meetings of the Commission. We are of the view that the growing importance of Codex standards as international reference points under WTO has raised important issues regarding the need for increased transparency and participation in standards setting. In this context, the structure of the decision making process in the Codex Alimentarius Commission must be made more transparent and inclusive. We believe that the 2 most important underlying principles of transparency and inclusiveness should form the basis of the Codex reform.

Malaysia also notes that in paragraph 92 of the report, there was overwhelming support from the questionnaires for annual meetings of the Commission i.e. 80% of Government respondents, of this 100% from high income countries and 67% from low-income countries, and 97% of the observers were in favour. The fact that some low-income countries also supported annual meetings of the Commission despite their difficulties in attending the meeting highlights the importance and need for annual meetings of the Commission.

With annual meetings of the Commission, Malaysia does not see the need to have the Executive Board or the Executive Committee. Malaysia is of the opinion that even if efforts are taken to widen the composition of the Board or the Committee, it will still continue to face short-comings, including limited participation and inability to adopt Codex standards and related texts.

Similarly, with annual meetings of the Commission, Malaysia does not agree with the establishment of a Standards Management Committee with very limited membership that will further compound the existing issue of inclusiveness faced by the current Executive Committee. The establishment of such a committee will deprive the rights of many Member Countries in decision making over very important matters as well as deny access of individual Member Countries to be able express their views and particular concerns which may vary even within the region.

However, if the Commission wishes to retain the Executive Committee, Malaysia is of the view that the terms of reference of the Committee will need to be reviewed. However, the review of the mandate of the regional committees will first need to be addressed before undertaking this review in view that it is the roles of the regional representative and the regional coordinator that will need to be clarified.

Malaysia does not agree with the proposal to include observers in the Committee in view that Codex is an intergovernmental body and such proposal would undermine sovereign rights of Member Governments who will not be represented at the Executive Committee. It should be recognized that Member Governments attending the Executive Committee will be expressing views that have taken into account the concerns of the consumers, industry and producers.

NEW ZEALAND

New Zealand supports the strengthening of the standards management function as a critical priority for Codex but does not believe that the establishment of additional committees, such as the proposed Standards Management Committee, is the most appropriate way of addressing this issue. Rather, we see the Commission having a key role in providing strategic oversight, direction and cross-coordination as envisaged in the Strategic Framework 2003 – 2007. The decision to hold annual meetings of the Commission should greatly assist with this objective.

New Zealand would also like to see a redefinition of the role of the Executive Committee in terms of strategic management and oversight of the Commission's work programme and priorities.

US

The U.S. opposes this recommendation. The U.S. believes that the proposed body would represent another layer of "bureaucracy" without any proven benefit. Before considering the creation of such a body, Codex should first evaluate the results of annual meetings of the Commission and an Executive Committee with more strategic oversight responsibilities. The U.S. notes that this view was shared by most of the delegations to the 25th (Extraordinary) Session of the Commission (ALINORM 03/25/5, paragraph 18).

Recommendation 12

Comment from governments on CL 2003/8-CAC

It is desirable that the Codex Alimentarius Commission meets every year, but if the Executive Board and possibly Standards Management Committee perform their functions effectively it might be possible to reduce costs by continuing to hold meetings every two years.

Es conveniente que la Comisión del Codex Alimentarius se reúna cada año, ahora bien, si la Junta Ejecutiva y posiblemente el Comité de Gestión de Normas desempeña eficazmente sus funciones, cabría la posibilidad de reducir costos continuando la celebración de reuniones cada dos años.

Il est souhaitable que la Commission du Codex Alimentarius se réunisse tous les ans, mais si le Conseil d'administration et éventuellement le Comité de gestion des normes exercent leurs fonctions de manière efficace, il est peut-être possible de réduire les coûts en continuant à tenir des sessions tous les deux ans .

ARGENTINE

De acuerdo, esto contribuirá sin duda a acelerar los procedimientos de aprobación de normas. Si por la eficaz labor de las nuevas estructuras o de las antiguas reestructuradas se lograra evitar la reunión anual, no sería un problema volver al sistema bianual. Debe tenerse presente que las reuniones anuales de la Comisión arrastrarían a todos los Comités y Grupos de Trabajo a celebrar también reuniones anuales, con todas las dificultades que eso representa para los países con escasos recursos.

AUSTRALIE

One of Australia's key messages is strong support for the efforts to reform the management of the Codex Program to strengthen the autonomy and independence of the CAC within the general framework of the strategic direction of the FAO and WHO. The recommended reforms to the management of the Codex work program will also increase the efficiency.

The key principle of any restructure of the management of Codex must reflect functions to be performed, not be overly bureaucratic. Moreover, it must streamline the process to improve its effectiveness and efficiency. The focus must be on the work that has to be done by Codex and how to improve these processes. The functional/structural arrangements will have to be considered in the light of agreement to hold CAC meetings on a yearly or two yearly basis. Executive Committee (or Board) Regional Representatives should be given greater responsibility for driving or leading key elements of Codex activities.

The recommendation to replace the Executive Committee with an Executive Board to provide strategic oversight and direction on actions to achieve the objective of the Codex Medium-Term Plan is welcomed, although Australia considers that it is more important to ensure that the membership of this body be used to drive the key issues for Codex (strategic planning, funding etc). Members could be tasked with leading working groups on these key issues. The composition of the Executive Board should be a matter for discussion by the Commission. Australia supports the recommendations in relation to the functions of the proposed Board and agrees that it should not have the authority to adopt standards. The Executive Board (Committee) and Commission should be playing a more decisive role in scrutiny of new work proposals and progression of work across various steps. Australia supports the need to redefine the role of the Executive Committee (Board) in terms of strategic management and oversight of the Commission's work programme and priorities. However, if the Commission is still to be the overarching body with authority to adopt standards at Step 5 (under the recommended reviewed procedure), consideration must be given to the frequency of meetings of the Commission.

Management of standards development has long been a problem for Codex. Australia agrees that there

is a need to improve the speed and efficiency of adoption of standards and that prioritisation of these standards is critical. Australia supports the prioritisation of standards management but would question the need for it to be delegated from the Commission to a smaller body. If the proposal was to go ahead, any proposed body (Standards Management Committee) must comprise members with the necessary expertise as well as a broad knowledge of Codex processes to enable it to make the necessary decisions. In addition to prioritising existing guidelines for review, this body must also be responsible for identifying emerging and contentious issues and their impact on progressing work.

It is essential that any proposed organisational changes do not turn into additional levels of the process, which could be seen to 'clutter' the process further.

Australia agrees with this recommendation but depends on the impact on the timeliness of the standards development function– if the other subsidiary bodies are set up and work effectively then biennial meetings of the Commission could be supported.

BRAZIL

A despecho de entender que la realización de reuniones anuales de la Comisión agilizaría el proceso de adopción de normas, deben ser resaltadas las dificultades para los países en desarrollo, en lo que se refiere a cuestiones de financiación de la participación de los delegados. Mismo si consideramos el funcionamiento del Fondo Fiduciario, no tenemos idea de cuantos países serán beneficiados y seguramente los problemas persistirán.

CUBA

Consideramos que la reunión anual de la Comisión agiliza la aprobación de las normas, ahora bien, deben analizarse la dificultades de los PED en cuanto al financiamiento de su participación en estas reuniones, por lo que de crearse el Comité de Gestión de Normas y reestructurarse el Comité Ejecutivo con las funciones y estructura bien definidas, las reuniones de la Comisión deberían realizarse cada dos años.

EC

Recommendations 9 to 12

The EC considers that the intergovernmental character of Codex is an essential point. It is the governments' agreement on a standard, which characterises and legitimises the work of harmonisation for which the Codex is responsible at the international level.

The absence of consensus is the principal obstacle for a rapid adoption of the standards. The EC considers that the emphasis should be put on making it possible to obtain an intergovernmental consensus as soon as possible. That requires in particular transparency of the processes, especially by the maintenance of open intergovernmental structures, allowing for a transparent debate.

Therefore, the EC considers that annual CAC meetings, coupled with improvement of its working procedures (specialisation of the agendas; means facilitating the participation of developing countries) should be the main improvement to be made to enhance the functioning of Codex.

The EC wonders whether a Management Committee of 20 to 30 members is sufficiently representative to decide on the progress of the standards. Decisions of this nature taken by a reduced conclave can call into question the democratic legitimacy of Codex, since the adoption of standards falls under the competence of the CAC.

Moreover, this Standards Management Committee should not overlap with the role of the Executive Board, nor the role of the Secretariat. In conclusion, the EC is not in favour of the creation of a

Standards Management Committee.

According to the report, the proposed new Executive Board is not significantly different from the current Executive Committee. The presence of observers to ensure transparency seems to be the major change. In view of the difficulty of determining representative observers, the EC considers that it is important to define a clear mandate for this body but does not consider that there is any substantial motivation for a change of the current composition of the Executive Board/Committee.

Alternative means deserve to be examined to ensure a better transparency of the Executive Committee/Board meetings

INDIA

India is, therefore, supportive of the proposal to have annual meetings of the Commission in an endeavour to expedite Codex work but with greater transparency and inclusiveness. We hope that the Trust Fund would be able to provide assistance to developing countries to attend these meetings. However, there should be no change in the working of the Commission as it exists today.

JAPAN

This recommendation is connected with recommendation 9-11. We can understand the difficulty of holding the enlarged the Commission annually. However it is impossible to accelerate the work by holding the Commission only once every 2 years, in the present scheme that only the Commission has the right to adopt the standard.

We propose to make the simulation of holding the Commission every year.

KOREA

Korea agrees with an idea of holding a CAC meeting annually. However, as expressed in the comments on recommendation 9, 10 and 11, we oppose establishing new Executive Board and Standards Management Committee.

MALAYSIA

Malaysia does not agree with the proposal to create an Executive Board. Malaysia notes that the function of the proposed Executive Board is to increase speed and efficiency. However, the establishment of an Executive Board does not address the two important issues of transparency and inclusiveness. These two concerns have previously been raised by Member Countries regarding the Executive Committee. Thus, the establishment of the Executive Board does not overcome the shortcomings of the Executive Committee and therefore has no real benefits over the current system.

Malaysia would like to reiterate her previously expressed view on the need to have annual meetings of the Commission. We are of the view that the growing importance of Codex standards as international reference points under WTO has raised important issues regarding the need for increased transparency and participation in standards setting. In this context, the structure of the decision making process in the Codex Alimentarius Commission must be made more transparent and inclusive. We believe that the 2 most important underlying principles of transparency and inclusiveness should form the basis of the Codex reform.

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in favour. The fact that some low-income countries also supported annual meetings of the Commission despite their difficulties in attending the meeting highlights the importance and need for annual meetings of the Commission.

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However, if the Commission wishes to retain the Executive Committee, Malaysia is of the view that the terms of reference of the Committee will need to be reviewed. However, the review of the mandate of the regional committees will first need to be addressed before undertaking this review in view that it is the roles of the regional representative and the regional coordinator that will need to be clarified.

Malaysia does not agree with the proposal to include observers in the Committee in view that Codex is an intergovernmental body and such proposal would undermine sovereign rights of Member Governments who will not be represented at the Executive Committee. It should be recognized that Member Governments attending the Executive Committee will be expressing views that have taken into account the concerns of the consumers, industry and producers.

NEW ZEALAND

New Zealand supports the idea of convening annual meetings of the Commission as means of expediting the work of the Commission. With the establishment of the FAO/WHO Trust Fund for participation in Codex, the way is clear for implementation of this recommendation as soon as practicable.

US

The U.S. supports annual meetings of the Commission. This recommendation was endorsed, subject to the availability of the trust fund for participation in Codex, by the Commission at its 25th (Extraordinary) Session (ALINORM 03/25/5, paragraph 19).

Recommendation 13

Comment from governments on CL 2003/8-CAC

The Codex secretariat should be able to carry out managerial, strategic and communication functions. To attract someone of the calibre needed to provide continuing executive leadership and support in Codex and manage and motivate the enhanced secretariat, a senior person should be appointed as Executive Secretary. The overall seniority of the secretariat staff should also be raised.

La Secretaría del Codex debe estar en condiciones de desempeñar sus funciones directivas, estratégicas y de comunicación. A fin de contar con una persona del calibre adecuado que proporcione un constante liderazgo y apoyo ejecutivo en el Codex y pueda administrar y motivar una Secretaría reforzada, para el cargo de Secretario Ejecutivo debe designarse a alguien de gran experiencia. Deberán también elevarse en general los grados de escalafón del personal de la Secretaría.

Le Secrétariat du Codex devrait pouvoir exercer des fonctions de gestion, de stratégie et de communication. Pour attirer une personne de l'envergure requise pour assumer le rôle de chef de file et fournir un soutien au sein du Codex, gérer et motiver le Secrétariat élargi, le Secrétaire exécutif devra avoir un niveau hiérarchique élevé. Il faudrait également relever le niveau hiérarchique des fonctionnaires du Secrétariat.

ARGENTINE

Estamos de acuerdo con que su función debe ser más ejecutiva. No nos queda claro a que se refiere con personal de grado más alto, pues como ya lo expresamos, consideramos que la Secretaría cuenta con personal de excelentísimo nivel. Si el grado más alto se refiere a un escalafón que les permita mejores ingresos no nos oponemos. Faltaría definir el impacto de este Punto en la determinación del Presupuesto.

AUSTRALIA

Australia supports this recommendation and notes that some structural changes have occurred within the FAO to give the Secretariat more independence and operational transparency. It is important for autonomy and status within FAO.

Note¹² that the FAO Management Response indicates that the position of Secretary to the Commission has recently been upgraded and it would be premature to further upgrade the post at this time.

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Canada supports this recommendation. We would remind the Commission that the Secretariat must not only be able to support the functions described in the report but requires a “critical mass” of expertise and resources to permit analysis and prepare papers to assist committees in addressing complex or contentious issues. Therefore, not only an elevation of seniority is required, but also an increase in the number of staff and operating budget.

CUBA

¹² Alinorm 02/25/3- Add 1, para 12

De acuerdo.

EC

Although the EC would like the role of the Secretariat to be strengthened, there is a risk of confusing its functions with that of the Executive Board/Committee of Directors, which would also be charged with strategic and managerial responsibilities according to recommendation 9. The EC considers that the respective roles of the Secretariat and the Board of Directors (if created) need to be better defined. To this end, it would be useful to draw up a mandate for the Codex Secretariat

JAPAN

We support this recommendation, because the subjects examined by the Codex are various, and also complicated, and needs high degree of professionalism.

NEW ZEALAND

Recommendations 13-15

New Zealand concurs with the views of the Evaluation Report with regard to resourcing of the Codex Secretariat. There is an urgent need to increase the human and financial resources of the secretariat to enable it to handle the ever increasing workload and to enable the Secretariat to provide more analytical support to the Commission and its subsidiary bodies. We are encouraged by the positive response of the parent bodies to these recommendations and would urge the Parent Bodies to implementation them with urgency.

US

The U.S. supports this recommendation.

Recommendation 14

Comment from governments on CL 2003/8-CAC

The secretariat would better achieve the independent identity, high status and authority it needs by becoming a separate FAO unit rather than continue under the Food and Nutrition Division¹³. The secretariat would continue to report to FAO and WHO but in line with plans to give Codex more independence, the appointment of the secretary would be carried out in consultation with Codex.

La Secretaría conseguiría mejor la identidad independiente, alto predicamento y autoridad que necesita pasando a ser una dependencia separada de la FAO en lugar de seguir incorporada a la Dirección de Nutrición 38. La Secretaría continuaría rindiendo informes a la FAO y a la OMS pero, de acuerdo con los planes de dar al Codex una mayor independencia, el nombramiento del Secretario se realizaría en consulta con el Codex.

Le Secrétariat obtiendrait plus facilement l'image d indépendance, le prestige et l'autorité dont il a besoin s'il constituait une unité distincte de la FAO plutôt qu'en demeurant au sein de la Division de la nutrition 36 . Le Secrétariat continuerait à faire rapport à la FAO et à l'OMS mais dans l'optique de donner une plus grande indépendance au Codex, le Secrétaire serait nommé en consultation avec le Codex.

ARGENTINE

Estamos de acuerdo con esta propuesta que nos parece facilitaría el trabajo de la Secretaría y lo haría más eficiente. Además se fortalecería una relación que es fundamental.

AUSTRALIA

Agree see comments under 13

CANADA

Canada supports this recommendation. It is our view that the Secretariat would better achieve the independent identity, high status and authority it needs by becoming a separate FAO unit rather than continue under the Nutrition Division.

CUBA

De acuerdo.

EC

Recommendations 14 and 15

The EC supports these recommendations

JAPAN

We support this recommendation.

NEW ZEALAND

¹³ Divisions in FAO are also under D2-level employees.

Recommendations 13-15

New Zealand concurs with the views of the Evaluation Report with regard to resourcing of the Codex Secretariat. There is an urgent need to increase the human and financial resources of the secretariat to enable it to handle the ever increasing workload and to enable the Secretariat to provide more analytical support to the Commission and its subsidiary bodies. We are encouraged by the positive response of the parent bodies to these recommendations and would urge the Parent Bodies to implement them with urgency.

US

Any increased autonomy of the intergovernmental Codex should be reflected in an increased autonomy and level for its Secretariat. The appointment and management of a Secretariat should neither be within the Food and Nutrition Division of FAO nor under the oversight of the Director of Food Safety in WHO. The Secretariat, to be independent of the institutional biases of these mission areas in FAO and WHO, would need to be situated at a higher organizational level.

Recommendation 15**Comment from governments on CL 2003/8-CAC**

As a matter of priority more human and financial resources must be put into the Codex secretariat to enable it adequately to perform existing functions and meet expanding demands

Como cuestión prioritaria deberán destinarse más recursos humanos y financieros a la Secretaría del Codex para que pueda desempeñar debidamente las funciones actuales y responder a unas exigencias en expansión

Il faut en priorité renforcer les ressources humaines et financières du Secrétariat du Codex afin qu'il puisse exercer les fonctions qui lui sont déjà confiées et faire face aux demandes croissantes auxquelles il doit répondre.

ARGENTINE

De acuerdo

AUSTRALIA

Agree see comments under 13

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Canada supports this recommendation. It is our view that the Secretariat would better achieve the independent identity, high status and authority it needs by becoming a separate FAO unit rather than continue under the Nutrition Division.

CUBA

De acuerdo.

EC

Recommendations 14 and 15

The EC supports these recommendations

INDIA

Recommendation 15. We support more resources to Codex but perhaps it needs to continue to be as it is structured at present in relation to WHO/FAO.

JAPAN

As we can understand that more budgets and staffs are needed for more active Codex works, we would like to know trial calculation how much they should be increased concretely.

NEW ZEALAND

Recommendations 13-15

New Zealand concurs with the views of the Evaluation Report with regard to resourcing of the Codex Secretariat. There is an urgent need to increase the human and financial resources of the secretariat to enable it to handle the ever increasing workload and to enable the Secretariat to provide more analytical support to the Commission and its subsidiary bodies. We are encouraged by the positive response of the parent bodies to these recommendations and would urge the Parent Bodies to implement them with urgency.

US

The U.S. agrees with this recommendation. The U.S. government will work to address the resource issues in the context of its long-standing position of "zero nominal growth".

The work to be performed should dictate the staffing of the Secretariat, both in terms of numbers and level. A more autonomous Codex and an increased focus on the strategic oversight of the program of work in the CAC and its subsidiary bodies would require the Secretariat to do more analyses and reporting to the Executive Committee. Carrying out such work would require increased staffing and increased senior management attention.

Recommendation 16

Comment from governments on CL 2003/8-CAC

Codex should undertake a review, including a detailed study by consultants of the work of general subject and commodity committees as soon as possible, and thereafter on a fixed schedule, with a view to rationalization where appropriate. The review should in particular examine:

- *the existing committee mandates with a view to rationalization;*
- *any need for redistribution of tasks and responsibilities between committees; and*
- *any need to split committees.*

Also:

- a) *commodity work should be handled through time bound task-forces;*
- b) *no new committee should be established even in a horizontal area of work until the possibilities for progress and the need for continuing work have been established through a task force;*
- c) *the treatment of health issues in commodity committees should be reduced to the essential minimum and wherever possible handled through a task force with the relevant horizontal committee.*

El Codex debe efectuar un examen, con un estudio detallado de consultores sobre la labor de los Comités de Asuntos Generales y de Productos que se realice lo antes posible, y luego con periodicidad fija, con miras a una racionalización si procede. En ese examen deben estudiarse en especial:

- *los mandatos de los comités actuales con miras a su racionalización;*
- *la necesidad de redistribución de tareas y responsabilidades entre comités; y*
- *cualquier necesidad de dividir a los comités.*

Asimismo:

- a) *la labor sobre productos deberá manejarse a través de grupos de acción establecidos para un tiempo limitado;*
- b) *no deberá crearse ningún comité ni siquiera en un área horizontal de trabajo hasta tanto no se hayan establecido mediante un grupo de acción las posibilidades de avances y la necesidad de seguir trabajando;*
- c) *el tratamiento de las cuestiones de salud en los comités de productos deberá reducirse al mínimo indispensable y, en lo posible, manejarse a través de un grupo de acción con el comité horizontal pertinente.*

Le Codex devrait procéder à un examen, qui comportera une étude détaillée par des consultants, des travaux des comités s'occupant de questions générales et des comités s'occupant de produits le plus rapidement possible, et par la suite à intervalles réguliers, aux fins de rationalisation le cas échéant. L'examen devrait porter en particulier sur les points suivants:

- *les mandats des comités en place aux fins de rationalisation;*
- *toute redistribution nécessaire des tâches et des responsabilités entre les comités;*
- *la nécessité de fractionner certains comités.*

Aussi:

- a) *Les travaux sur les produits devraient être réalisés par des groupes spéciaux à durée limitée;*
- b) *Aucun nouveau comité ne devrait être créé, même dans un domaine de travail horizontal, tant que les possibilités de progrès et la nécessité de travail permanent n'auront pas été confirmées par un groupe spécial;*
- c) *Le traitement des questions relatives à la santé devrait être réduit au minimum essentiel dans les comités de produits et, si possible, par l'intermédiaire d'un groupe spécial avec le comité horizontal pertinent.*

ARGENTINE

De acuerdo

AUSTRALIA

Australia supports the Evaluation Team's recommendation that there be a detailed review of the present structure and distribution of responsibilities between Codex committees. Any such review must be time-limited to ensure that the work of committees is not held up during the process. In addition we would envisage an increased/expanded role of the Committee Chair and the Secretariat with a view to achieving greater consistency and focus on priorities as well as identifying emerging issues.

Whilst we support the concept of more work between sessions to ensure consistency of approach across

committees, to achieve this, Codex must develop guidelines for host governments/drafting groups. Australia would also like to note that the recommendations relating to the working procedures (particularly recommendation 20) could also have significant financial and human resource implications for host governments as well as participating countries.

Australia could support the recommendation of the Secretariat in its paper (Alinorm 03/25/3 – Add 2) to the Commission to establish a specialized Task Force on Codex Procedures. The role of the Task Force would be to draft the required changes to the Rules of Procedure and other texts contained in the Procedural Manual. Australia would not be favourably disposed to using the Committee on General Principles to take on this task in addition to its current workload.

With regard to recommendation 6, Australia does not support Codex developing guidelines on the determination of Acceptable Levels of Protection (ALOP). This is a decision for national governments to take, guided by existing international rules.

Australia agrees with the report in that wherever possible, Codex decisions should be made on the basis of consensus (recommendation 24). A definition of “consensus” in Codex decision-making could be beneficial. However, Australia does not support the definition proposed in the report. It is not clear why two Codex members would need to formally object before consensus could not be reached. UN practice is that consensus is adoption without formal objection. Therefore, Australia would support a definition to read “no formal objection by one or more members present at the meeting” i.e. the absence of any formal objection.

Australia strongly supports this approach. Any review of work of the committees would obviously have to be time-limited to ensure that work in committees was not held up during the process.

c) this appears to be at odds with recommendation 2 which notes that Codex should not take on any new work in non-health related areas.

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Recommendations 16 and 17

Canada supports a review of the mandate and workload of the various Codex Committees. Such a review should identify opportunities for redistribution of work, establishment of task forces as appropriate (including cross committee task forces) and collaboration with other international bodies if appropriate. This review should be undertaken in the context of the

mandate of Codex and the priorities identified in the Codex Strategic Framework and reaffirmed by the 25th (Extraordinary) Session of the Codex Alimentarius Commission.

This review should include an examination of the Regional Committees. Canada agrees that Regional Committees play an important role but there is a need to examine them to determine if their current composition best serves the needs of the Regional members.

8Canada notes that the Evaluation suggested that the review be conducted with the assistance of consultants. While noting that the use of consultants might facilitate the review process, Canada is of the view that criteria or other guidance will need to be developed to ensure a consistent and equitable review of the various Committees and Task Forces. The development of such criteria could be undertaken by the Task Force indicated above.

CHINA

完全支持这一建议。CAC成立40年，应该对目前委员会的各下属机构职能、分工及工作情况进行一次研究，并根据研究结果进行必要的调整和重组，减少交叉、重复以及职责不清，对区域协调委员会的职能和工作也应进行一次评估和审查，以便加强本地区成员间的交流，促进共识，改进法典工作。中国支持商品委员会工作尽可能转变为有一定时限和工作目标的工作组，认为这样有助于调整CAC工作重点，提高工作效率

Recommendations 16-17

China fully supports these two recommendations. A review should be undertaken of the current mandates, work and its distribution of the subsidiary bodies of the Codex Alimentarius Commission 40 years after its establishment, and based on the results of the review, adjustment and reorganization be made to reduce overlaps and duplications as well as areas of unclear responsibilities. A similar review and evaluation should also be undertaken of the mandates and work of the regional committees to strengthen the exchange among members in the region, facilitate consensus and improve Codex work. China supports the view that the work of commodity committees should be handled as much as possible through time bound task forces with specific objectives, and believes that it will thus be conducive to the prioritization of CAC's work and the improvement of its efficiency

CUBA

De acuerdo.

EC**Recommendations 16 and 17**

The EC supports the examination of the work and relevance of all committees, including Regional Committees, and Task Forces with a view to exploring ways of eliminating inefficiencies and unnecessary bureaucracy where possible. However, the CAC must retain the power to take decisions concerning any restructuring of Codex Committees.

The current linkages between horizontal Committees and Commodity Committees work well and already ensure that health-related questions are not treated in detail by the Commodity Committees. Nevertheless, it is important to consider ways of further improving co-ordination between the horizontal committees and the Commodity Committees. The EC supports the principle of establishing task forces in areas where the task is considered to be carried out within a certain time limit. But the recommendation that all commodity work should be handled through time bound tasks forces might be too extensive and not realistic.

JAPAN

We support this recommendation. In addition from the viewpoint of capacity building, we propose that new task force committee which might be reorganized from current commodity committee would be host by other country than current host country, preferably by developing country.

MALAYSIA

Malaysia notes the rationale for establishing time-bound task forces to address commodity work. However, we are not supportive as this may lead to proliferation of task forces which may be unmanageable especially to Member Governments. Malaysia is of the view that there is a need to seriously consider the implications of this recommendation to developing countries as it will pose

difficulties for them to attend many task force meetings both in terms of financial and human resources as opposed to just commodity committees which handle much of the commodity work.

NEW ZEALAND

This is an important recommendation and is likely to have significant bearing on the management of work across all Codex Committees. We support the proposal for a comprehensive review of the existing mandates and structures of the subsidiary bodies. Given the significance of this issue it is important for the Commission to have a strong input into such a review.

US

The U.S. supports a study of Codex subsidiary bodies to help assess their appropriateness and their effective operation. Such study should focus on the direction and cross coordination of the work performed by Codex subsidiary bodies in the time frame recommended. The U.S. recommends that the study also consider more formal coordination among subsidiary bodies, including joint meetings of Committees on issues of mutual concern, particularly early in the development of texts related to the issue of concern.

Although such a study might be carried out by the Codex Secretariat, given the current staffing of the Secretariat, a consultant study may be more expeditious in identifying what institutional impediments exist to progress on standards. (An enhanced Secretariat could make such evaluation an ongoing activity in the future.) Armed with such a report, the Executive Committee and the CAC could provide strategic oversight to the subsidiary bodies.

The U.S. has some concern that the review items “a”, “b”, and “c” prejudge the findings of the proposed review. Codex has already demonstrated its capacity to recommend the establishment of time-bound task forces and could exercise discipline in its approval of new work in subsidiary bodies. Further, a study could reveal that not all commodity work should be handled through task forces; there are some commodity areas in which a standing committee may be more efficient. Therefore, the U.S. does not support immediate implementation of “a”, “b” or “c”, pending the outcome of the proposed study.

Recommendation 17

Comment from governments on CL 2003/8-CAC

Codex should undertake a review of the mandate and work of regional committees within the next two years.

El Codex deberá llevar a cabo un examen del mandato y de la labor de los comités regionales dentro de los dos próximos años.

Le Codex devrait procéder à l'examen du mandat et des travaux des comités régionaux dans les deux années qui viennent.

ARGENTINE

Estamos de acuerdo pero consideramos que debería tenerse definido si continuará el CCEXEC y las relaciones entre el Coordinador Regional y el Representante Geográfico para aprobar el punto.

AUSTRALIA

Agree this might also include a review of the regional groupings to align them with the FAO Regional Groupings

BRAZIL

Brasil está de acuerdo a esta recomendación y considera que también debe ser incluido en esta evaluación el rol y las funciones de los Representantes Geográficos.

CANADA

Recommendations 16 and 17

Canada supports a review of the mandate and workload of the various Codex Committees. Such a review should identify opportunities for redistribution of work, establishment of task forces as appropriate (including cross committee task forces) and collaboration with other international bodies if appropriate. This review should be undertaken in the context of the

mandate of Codex and the priorities identified in the Codex Strategic Framework and reaffirmed by the 25th (Extraordinary) Session of the Codex Alimentarius Commission.

This review should include an examination of the Regional Committees. Canada agrees that Regional Committees play an important role but there is a need to examine them to determine if their current composition best serves the needs of the Regional members.

8Canada notes that the Evaluation suggested that the review be conducted with the assistance of consultants. While noting that the use of consultants might facilitate the review process, Canada is of the view that criteria or other guidance will need to be developed to ensure a consistent and equitable review of the various Committees and Task Forces. The development of such criteria could be undertaken by the Task Force indicated above.

CHINA

完全支持这一建议。CAC成立40年，应该对目前委员会的各下属机构职能、分工及工作情况进行一次研究，并根据研究结果进行必要的调整和重组，减少交叉、重复以及职责不清，对区域协调委员会的职能和工作也应进行一次评估和审查，以便加强本地区成员间的交流，促进共识，改进法典工作。中国支持商品委员会工作尽可能转变为有一定时限和工作目标的工作组，认为这样有助于调整

Recommendations 16-17

China fully supports these two recommendations. A review should be undertaken of the current mandates, work and its distribution of the subsidiary bodies of the Codex Alimentarius Commission 40 years after its establishment, and based on the results of the review, adjustment and reorganization be made to reduce overlaps and duplications as well as areas of unclear responsibilities. A similar review and evaluation should also be undertaken of the mandates and work of the regional committees to strengthen the exchange among members in the region, facilitate consensus and improve Codex work. China supports the view that the work of commodity committees should be handled as much as possible through time bound task forces with specific objectives, and believes that it will thus be conducive to the prioritization of CAC's work and the improvement of its efficiency

CUBA

De acuerdo.

EC

Recommendations 16 and 17

The EC supports the examination of the work and relevance of all committees, including Regional Committees, and Task Forces with a view to exploring ways of eliminating inefficiencies and unnecessary bureaucracy where possible. However, the CAC must retain the power to take decisions concerning any restructuring of Codex Committees.

The current linkages between horizontal Committees and Commodity Committees work well and already ensure that health-related questions are not treated in detail by the Commodity Committees. Nevertheless, it is important to consider ways of further improving co-ordination between the horizontal committees and the Commodity Committees. The EC supports the principle of establishing task forces in areas where the task is considered to be carried out within a certain time limit. But the recommendation that all commodity work should be handled through time bound tasks forces might be too extensive and not realistic.

JAPAN

We support this recommendation. In addition, it should be clarified that the role and the election procedure of regional representatives and coordinating country in this occasion.

MALAYSIA

Malaysia supports the proposal for Codex to undertake a review of the mandate and work of regional committees. In this review, Codex should address issues of interest to the region and clarify the role and responsibility of the regional representatives and regional coordinators.

NEW ZEALAND

Recommendation 17

New Zealand acknowledges that it may be desirable to review the mandate and role of regional coordinating committees but believes that this is not a high priority issue relative to the other recommendations. We note that a number of the regional coordinating committees are in the process of developing strategic plans for the region and it may be desirable to await the outcome of these initiatives before considering this recommendation.

US

The U.S. agrees that the mandate and work of the regional committees should be reviewed. However we do not see this as having the same urgent priority as the review of the general subject and commodity committees and could be conducted with a longer time schedule. There should be a particular focus on how the Executive Committee and/or the CAC might assure – through an enhanced Secretariat - that meetings of the Regional Committees meet needs of countries of the regions.

Recommendation 18

Comment from governments on CL 2003/8-CAC

All committee and task force work should be time-bound. It is proposed that no standard be permitted more than 5 years' work before decision by the Commission on whether further work is justified.

La labor de todos los comités y grupos de acción deberá ser limitada en el tiempo. Se propone no permitir que se trabaje más de cinco años en una norma sin que la Comisión decida si está justificado proseguir esta labor.

Toutes les activités des Comités et des groupes spéciaux devraient être assorties de délais précis. Toute élaboration de norme devrait être travaillée dans un délai de 5 ans.

ARGENTINE

De acuerdo

AUSTRALIA

Australia supports the Evaluation Team's recommendation that there be a detailed review of the present structure and distribution of responsibilities between Codex committees. Any such review must be time-limited to ensure that the work of committees is not held up during the process. In addition we would envisage an increased/expanded role of the Committee Chair and the Secretariat with a view to achieving greater consistency and focus on priorities as well as identifying emerging issues.

Whilst we support the concept of more work between sessions to ensure consistency of approach across committees, to achieve this, Codex must develop guidelines for host governments/drafting groups. Australia would also like to note that the recommendations relating to the working procedures (particularly recommendation 20) could also have significant financial and human resource implications for host governments as well as participating countries.

Australia could support the recommendation of the Secretariat in its paper (Alinorm 03/25/3 – Add 2) to the Commission to establish a specialized Task Force on Codex Procedures. The role of the Task Force would be to draft the required changes to the Rules of Procedure and other texts contained in the Procedural Manual. Australia would not be favourably disposed to using the Committee on General Principles to take on this task in addition to its current workload.

With regard to recommendation 6, Australia does not support Codex developing guidelines on the determination of Acceptable Levels of Protection (ALOP). This is a decision for national governments to take, guided by existing international rules.

Australia agrees with the report in that wherever possible, Codex decisions should be made on the basis of consensus (recommendation 24). A definition of "consensus" in Codex decision-making could be beneficial. However, Australia does not support the definition proposed in the report. It is not clear why two Codex members would need to formally object before consensus could not be reached. UN practice is that consensus is adoption without formal objection. Therefore, Australia would support a definition to read "no formal objection by one or more members present at the meeting" i.e. the absence of any formal objection.

Australia strongly supports this recommendation. 5 years maximum are possible but are contingent on the implementation of all other proposed efficiency measures such as conducting much work out of session. The review function should not have proceeded too far before the establishment of the Standards Management Committee.

BRAZIL

Brasil no apoya esta recomendación pues entiende que podría perjudicar la participación de los países en desarrollo. Brasil entiende que debe haber un límite, todavía, la base técnico-científica del proceso de elaboración de normas no tiene plazos para evolucionar y la limitación en el tiempo podría ser una medida burocrática para agilizar el proceso que podría tener impacto negativo en la calidad de la norma producida.

CANADA

Improved Processes for standards management (Recommendations 18, 20, 23 and 24)

It is Canada's view that the Executive Committee should play a more prominent role in the standards management process. As the Executive Committee should play a role in planning and coordination, this could also encompass monitoring the status of work (i.e. standards development) and providing direction to subsidiary bodies as appropriate. We believe that the key to improving the process is the development of, and adherence to, guidelines for subsidiary bodies on ways to facilitate a more timely progression of work.

Canada concurs that there is a need to improve the standards management process to ensure that standards are adopted in a timely fashion to respond to national government needs. However, these procedures have to maintain inclusiveness and transparency. We therefore agree that the imposition of "time limits" for the development of standards is worthy of consideration. It should be recognized that such "time limits" would vary from one subsidiary body to another, depending upon the nature of the text being elaborated. Therefore, there is a need to develop guidance for subsidiary bodies to facilitate decisions to cease work on text where consensus appears to be unlikely. Such guidelines should also permit flexibility when significant progress has been made but an extension of the time limit is required to complete the work.

We agree that more emphasis should be given to developing standards between Committee meetings. However, careful consideration needs to be given to other approaches before considering the use of "consultants/facilitators". We are of the opinion that various approaches could be used between Committees to advance work (e.g. electronic working groups, formal working groups, facilitators). The nature and type of matters to discuss will be an essential factor in determining which is the most appropriate approach. Regardless of which approaches are used, clear guidelines will be needed, including how to appropriately address written comments. Canada continues to be of the opinion that small working groups can be effective provided all comments are considered in a transparent manner.

Canada notes the suggestion that the present 8-step procedure should be simplified to a 5-step procedure for all standards. However, this proposal will not necessarily result in faster adoption of standards and we note that the accelerated process is already available for the same purpose. It is our opinion that the facilitation of consensus and increased work between Committee sessions is one of the keys to faster adoption of standards. We support the development of clear guidelines to help subsidiary bodies achieve consensus and these should also include guidance on decision-making in the absence of consensus. It is our opinion that an increased focus on developing standards between Committee meetings with a view to reaching consensus will contribute to more timely adoption of standards.

CHINA

我们原则上支持这种提高工作效率的措施，以便防止某些法典标准在其相关的委员会（Codex Committee）中出现久议不决的状况

We support in principle the efficiency-increasing measures to avoid the situation where no decision is

taken on some Codex standards after long and tedious reviewing and debating in its related Codex Committees.

CUBA

Los Comités y Grupos Especiales deberían tener un límite de tiempo para realizar sus funciones. En relación con el tiempo para elaborar una norma éste debe garantizar que no se altere el proceso lógico de su elaboración ,teniendo en cuenta la base científico técnica, así como la calidad de las normas que se elaboren.

EC

The EC supports this recommendation for the standards but the development of related texts may require more than five years. The CAC should retain the option of extending this time limit if necessary

INDIA

We agree that the Codex work be carried out speedily, but without sacrificing the principles of the outcome being based on scientific evidence employing global data and consensus, and keeping in mind the priorities outlined in the evaluation.

JAPAN

We support this recommendation. However, it is necessary to argue about in what a term is carried out.

In addition, when the work can not be completed within a term, we propose to judge whether to continue or stop doing it, with clarifying the reason.

KOREA

Korea does not agree with this recommendation. Considering that the Codex standards are becoming more important due to WTO/TBT and SPS Agreements, time-bound work system may cause unnecessary and unexpected problems.

MALAYSIA

Malaysia can support the proposal that work of all committees and task forces be time-bound provided it will not compromise the principle of consensus, and there is flexibility to of extending this time-limit on a case by case basis.

NEW ZEALAND

New Zealand supports the idea of limited mandate to committees. The experience with the TF on Biotechnology suggests that it is indeed possible for committees to complete their work programme within a finite period. At the same time we recognise that there may be instances when work cannot be completed within the stipulated time. In such cases it will be for the Commission to review the timetable for completion

US

The U.S. supports this recommendation, provided that it is understood that at the end of 5 years the Commission will review work progress and determine whether additional work is likely to be successful in reaching consensus. If the Commission decides that consensus can be achieved, work will continue. However, if consensus appears to be unlikely, the Commission may terminate work.

Recommendation 19

Comment from governments on CL 2003/8-CAC

Codex must continue to strive for a clearer separation of the risk management and risk assessment functions to ensure transparency, the usefulness of scientific advice and the speed of decision-making.

El Codex debe seguir esforzándose para distinguir más claramente las funciones de gestión de riesgos a fin de asegurar la transparencia, la utilidad del asesoramiento científico y la rapidez de la adopción de decisiones

Le Codex doit continuer de s'efforcer de séparer nettement les fonctions de gestion des risques et celles d'évaluation des risques, afin d'assurer la transparence, l'utilité des avis scientifiques et la rapidité de la prise de décisions.

ARGENTINE

De acuerdo

AUSTRALIA

Australia strongly supports the recommended reforms to the provision of expert scientific advice. Australia has consistently advocated the development of science-based Codex guidance and the recommendations appear intended to strengthen this approach. One of the impediments to the timeliness and guidance from Codex and to the strengthening of the scientific basis of the Codex guidance is the availability of scientific risk assessments. The recommendations of the Evaluation Team address both the timeliness and the quality of scientific advice and provision of advice in areas not currently covered. Australia notes the positive response of the FAO and WHO to the calls for substantially increased funding in the area of risk assessment and scientific advice.

With regard to recommendation 19 (clearer separation of the risk management and risk assessment functions), any recommendation must make clear that risk assessment and risk management cannot be undertaken in isolation of each other. This is an iterative process which must clearly show that the risk management decision is based on all available scientific evidence. While we see no need for a policy statement on the distinction between risk assessment and risk management, Australia would support clarification of Codex procedures to provide direct access by Codex committees to scientific advice. For example, there are currently no established mechanisms for Codex to obtain expert and timely advice on foods for special dietary uses, health claims or nutrient addition, hence the CCFSDU14 undertakes both the risk assessment and the risk management decisions in this area.

We would cautiously support the recommendation to establish a scientific committee to enhance the timeliness, quality and relevance of the risk assessments. Such a committee has the advantages of having a broad group of experts inputting into the management of the international risk assessments that should assist in redressing some of the current problems. Great care must be taken in establishing such a committee to ensure that it does not have the mandate or the ability to reopen decisions of the expert bodies. Therefore, if established, a process for appointing individuals as well as the scope and mandate of the committee's work are very important.

Australia also supports the appointment of a joint co-ordinator, as it is clear that the secretariats of JECFA and JMPR cannot adequately manage the work of the expert bodies as well as providing the crucial linkage with Codex committees.

Any recommendation must make clear that risk assessment and risk management cannot be undertaken

¹⁴ Codex Committee on Nutrition and Foods for Special Dietary Uses

in isolation of each other. There is an iterative process, which must clearly show that the risk management decision is based on all available scientific evidence. While we see no need for a policy statement on the distinction between risk assessment and risk management, Australia would support clarification of Codex procedures to provide direct access by Codex Committees to scientific advice. For example there are currently no established mechanisms for Codex to obtain expert and timely advice on foods for special dietary uses, health claims or nutrient addition hence the CCNFSDU¹⁵ undertakes both the risk assessment and the risk management decisions in this area.

BRAZIL

Brasil está de acuerdo a esta recomendación.

CUBA

De acuerdo.

EC

The EC strongly supports this recommendation. The initiative for requesting evaluations should come from risk managers, i.e CAC

INDIA

We agree also with recommendation No. 19 and the suggestion made in para 119. However, the word 'acceptable' be replaced with the word 'appropriate' and there is no need to wait for guidelines to be formulated for Codex to work on this basis.

JAPAN

We support this recommendation.

US

The U.S. agrees with this recommendation, but believes that it should be addressed through CAC oversight and not through any procedural rule changes. As noted in other Codex documents, it must be acknowledged that while the risk assessment and risk management functions are separate, there needs to be effective, iterative communication between risk assessors and risk managers.

Work addressing this issue is already underway in the main Codex Risk Management Committees (i.e., CCFH; CCFAC; CCRVDF, and CCPR). The work in those committees will include description of the interaction between the Committees (risk managers) and the Expert Bodies (risk assessors). The overriding concern is to keep the risk managers from taking on the risk assessors' role in the committees or in the CAC. This should be addressed by the Executive Committee and the CAC by extending its oversight of the work programs in the subsidiary bodies to include their cross coordination with the work of the Expert Bodies. An enhanced Secretariat could assist it in analysis of the degree to which the appropriate separation of the functions of the risk managers and the risk assessors is achieved.

¹⁵ Codex Committee on Nutrition and Foods for Special Dietary Uses

Recommendation 20

Comment from governments on CL 2003/8-CAC

The emphasis in Codex should switch from writing standards in meetings to developing standards through a consultative process between meetings. Much greater use should be made of consultants/facilitators to progress work between committee sessions, with the cost borne by host countries. As well as speeding up work, greater inclusiveness would be ensured by full consultation including, where appropriate, the organization of local workshops and:

- *written comments should be fully taken into account;*
- *where between-session working groups are used they should be electronic, not generally physical meetings which are not inclusive in possible participation;*
- *greater use should be made of knowledgeable NGOs in preliminary standard development.*

En el Codex se debe dejar de poner el acento en la redacción de normas durante las reuniones para hacer mayor hincapié en su elaboración mediante un proceso consultivo entre reuniones. Deberá hacerse un uso mucho mayor de consultores/ facilitadores para hacer avanzar el trabajo entre las reuniones de los Comités, sufragando los costos de esta labor los países hospedantes. Al tiempo que se aceleran los trabajos, deberá asegurarse una participación más amplia mediante todas las consultas necesarias y, cuando proceda, organizando talleres locales; además:

- *deberán tenerse plenamente en cuenta las observaciones escritas;*
- *cuando entre reuniones se recurra a grupos de trabajo, deberán ser electrónicos y por lo general no celebrarán reuniones, que no permiten la participación más amplia;;*
- *en la elaboración preliminar de normas deberá hacerse un mayor uso de ONG con conocimientos adecuados.*

Le Codex ne devrait plus mettre l'accent sur la rédaction des normes durant les réunions, mais devrait plutôt privilégier l'élaboration des normes en recourant à des consultations entre les réunions. Il faudrait avoir davantage recours aux consultants/ facilitateurs afin de faire avancer les travaux entre les sessions des comités, le coût étant à la charge des pays hôtes. Quant à l'accélération du travail, on assurera une plus grande participation avec des consultations intensives, y compris le cas échéant l'organisation d'ateliers locaux et:

- *Les observations écrites seront entièrement prises en compte;*
- *Lorsque l'on fera appel à des groupes de travail entre les sessions, ils devront être électroniques, car les réunions de type traditionnel ne garantissent pas la pleine participation;*
- *On s'appuiera davantage sur des ONG expertes pour l'élaboration des normes préliminaires.*

ARGENTINE

Para definir una posición sobre este Punto, se debería brindar mayor aclaración sobre el último apartado de la recomendación referente al mayor uso de las ONG con conocimientos adecuados para la elaboración preliminar de normas. No estamos de acuerdo con la utilización de ONG para la elaboración de Normas si no se definen previamente claras disciplinas de participación.

Con respecto a la utilización de facilitadores en el Codex creemos que sus misiones y funciones deben ser perfectamente definidas antes de que empiecen sus labores. Creemos que un facilitador puede modificar fácilmente su rol y transformarse en un negociador, cosa que no apoyamos. Deberá además implementarse un cuidadoso sistema de seguimiento y evaluación de sus tareas.

AUSTRALIA

Australia supports the Evaluation Team's recommendation that there be a detailed review of the present structure and distribution of responsibilities between Codex committees. Any such review must be time-limited to ensure that the work of committees is not held up during the process. In addition we would envisage an increased/expanded role of the Committee Chair and the Secretariat with a view to achieving greater consistency and focus on priorities as well as identifying emerging issues.

Whilst we support the concept of more work between sessions to ensure consistency of approach across committees, to achieve this, Codex must develop guidelines for host governments/drafting groups.

Australia would also like to note that the recommendations relating to the working procedures (particularly recommendation 20) could also have significant financial and human resource implications for host governments as well as participating countries.

Australia could support the recommendation of the Secretariat in its paper (Alinorm 03/25/3 – Add 2) to the Commission to establish a specialized Task Force on Codex Procedures. The role of the Task Force would be to draft the required changes to the Rules of Procedure and other texts contained in the Procedural Manual. Australia would not be favourably disposed to using the Committee on General Principles to take on this task in addition to its current workload.

With regard to recommendation 6, Australia does not support Codex developing guidelines on the determination of Acceptable Levels of Protection (ALOP). This is a decision for national governments to take, guided by existing international rules.

Australia agrees with the report in that wherever possible, Codex decisions should be made on the basis of consensus (recommendation 24). A definition of “consensus” in Codex decision-making could be beneficial. However, Australia does not support the definition proposed in the report. It is not clear why two Codex members would need to formally object before consensus could not be reached. UN practice is that consensus is adoption without formal objection. Therefore, Australia would support a definition to read “no formal objection by one or more members present at the meeting” i.e. the absence of any formal objection.

Under this model it’s not entirely clear what the role of in-session Committee meetings would be. We agree that more work could be done out of session, but believe that still there are advantages to having face-to-face agreements on significant aspects of the standards. The intention of the recommendation also appears to be to create greater opportunities for participation by developing countries – given potential IT and language differences this recommendation may not achieve its aim.

The possible extra cost to host governments/leaders of drafting groups must also be considered along with the impact on developing countries capacity to participate.

To ensure the transparency and consistency of approach, guidelines for host governments should be developed for how written comments are to be taken into account; conduct of between-session working groups that they should be electronic, not generally physical meetings, which are not inclusive in possible participation.

The Codex Committee on General Principles should as a matter of priority complete work on Guidelines for Cooperation with International Intergovernmental Organizations.

BRAZIL

Brasil considera que el centro del proceso de elaboración de normas debe continuar siendo las reuniones, a despecho de considerar positiva la idea de que se realicen más consultas entre las reuniones y de que los comentarios escritos sean plenamente considerados. Cuanto a los facilitadores, debe haber criterios para su selección, de maneras a mantener la transparencia del proceso. Brasil no esta de acuerdo al último punto de esta recomendación, que propone un mayor uso de ONG para la elaboración preliminar de normas. Tal como funciona hoy, el procedimiento del Codex para elaboración de normas ya comporta la participación de ONG.

CANADA

Improved Processes for standards management (Recommendations 18, 20, 23 and 24)

It is Canada’s view that the Executive Committee should play a more prominent role in the standards management process. As the Executive Committee should play a role in planning and coordination,

this could also encompass monitoring the status of work (i.e. standards development) and providing direction to subsidiary bodies as appropriate. We believe that the key to improving the process is the development of, and adherence to, guidelines for subsidiary bodies on ways to facilitate a more timely progression of work.

Canada concurs that there is a need to improve the standards management process to ensure that standards are adopted in a timely fashion to respond to national government needs. However, these procedures have to maintain inclusiveness and transparency. We therefore agree that the imposition of “time limits” for the development of standards is worthy of consideration. It should be recognized that such “time limits” would vary from one subsidiary body to another, depending upon the nature of the text being elaborated. Therefore, there is a need to develop guidance for subsidiary bodies to facilitate decisions to cease work on text where consensus appears to be unlikely. Such guidelines should also permit flexibility when significant progress has been made but an extension of the time limit is required to complete the work.

We agree that more emphasis should be given to developing standards between Committee meetings. However, careful consideration needs to be given to other approaches before considering the use of “consultants/facilitators”. We are of the opinion that various approaches could be used between Committees to advance work (e.g. electronic working groups, formal working groups, facilitators). The nature and type of matters to discuss will be an essential factor in determining which is the most appropriate approach. Regardless of which approaches are used, clear guidelines will be needed, including how to appropriately address written comments. Canada continues to be of the opinion that small working groups can be effective provided all comments are considered in a transparent manner.

Canada notes the suggestion that the present 8-step procedure should be simplified to a 5-step procedure for all standards. However, this proposal will not necessarily result in faster adoption of standards and we note that the accelerated process is already available for the same purpose. It is our opinion that the facilitation of consensus and increased work between Committee sessions is one of the keys to faster adoption of standards. We support the development of clear guidelines to help subsidiary bodies achieve consensus and these should also include guidance on decision-making in the absence of consensus. It is our opinion that an increased focus on developing standards between Committee meetings with a view to reaching consensus will contribute to more timely adoption of standards.

CHINA

中国代表团支持该建议。我们认为，会下成员国间通过各种形式的沟通协调十分必要，这会使得针对拟议中的标准的讨论和研究更加充分。同时我们也建议，法典秘书处将所有各委员会（Committees）和特别工作组的征求意见函（Circular letter）

公布在Codex网页上，这样会提高反馈的速度以及避免因CL传递问题而错失回复意见的机会。

建议闭会期间的标准起草工作组应及时向成员国通报其工作进展情况，以便提高闭会期间各成员参与的广泛性和工作组工作的透明度。

The Chinese Delegation supports this recommendation. We consider it necessary for member countries to communicate between meetings through various channels and in different ways, thus leading to more adequate discussion and examination of the proposed standards. At the same time we recommend that the CAC Secretariat post on the Codex Website circular letters of all its committees and task forces, to speed up the feedback and avoid the transmission problems of circular letters, which may result in the loss of reply opportunities.

We recommend that the between-session standard drafting working group should promptly inform

member countries of its progress in order to increase their participation between sessions and the transparency of the working group.

CUBA

Consideramos conveniente que el trabajo de los grupos de redacción entre reuniones se realice por vía electrónica, garantizándose por sus organizadores que se tengan en cuenta plenamente las observaciones escritas enviadas.

EC

The EC considers that it is not the role of the CAC to change the wording of the standards at a plenary sitting even if minor and in particular editorial changes should still be possible at this stage. Intergovernmental consensus, essential for rapid progress on standards, should continue to be built in a transparent manner in open meetings

The EC supports the taking into account of the written comments and the development of electronic between-session Working groups

The EC considers that NGOs support raises the problem of their selection and how representative they are (representativity) as well as possible conflicts of interest. This type of support needs to be properly managed to ensure the necessary level of democratic transparency.

The use of electronic working groups entails ensuring that developing countries have adequate electronic facilities. For this purpose, the suggestions provided in paragraph 145 of the report should be taken into account.

As mentioned above, the EC supports more inter-session drafting work. The current practice of establishing drafting groups, working groups based on electronic exchange, as well as meetings, should be maintained and further developments considered. The use of “facilitators” to facilitate this process could be interesting but their selection, role, and representativity need to be clarified in order to ensure the necessary transparency and accountability of the Codex Committees’ intergovernmental work.

INDIA

We agree that facilitators can be used in between committee meetings. However, these facilitators must be chosen on a regional basis in Regional Committee meetings and they can then co-ordinate with each other to do homework for preparation of standards. We agree that this will lead to more inclusiveness for developing countries as this will ensure data availability from them. However, it is difficult to see how host countries would fund them. Therefore, resource allocations have to be considered. We agree with recommendation No. 20 except the use of knowledgeable NGO’s as a matter of policy. Their inputs can be received as one of the inputs. We are also against setting up of too many drafting groups etc. to do the work of Committees. This is shifting the major work of Committees to such groups which are largely represented by and composed of developed countries.

KOREA

Korea agrees that working speed should be accelerated. But, we think that it is better to carry out a pilot test by designating one or two committees and then develop an application procedure since consultative process and/or activities of consultants/facilitators can create additional administrative burden of Member Governments. In addition, we think that the frequency of consultative process and/or consultants/facilitators’ intervention should be limited. If the result of the usage of consultation procedures and/or facilitators is evaluated as a success, further review on whether we continue to use a

drafting group or not should be carried out.

As for using NGO, we oppose the idea because it may disturb the development of equitable standards if specific NGO is for or against certain countries or products.

MALAYSIA

Malaysia notes the concerns by developing countries on participation in working group meetings well in advance before the meeting. However, we do not believe that a full consultation done electronically can assure inclusiveness and transparency. We are doubtful the effectiveness of this consultation especially where there are diverse opinions from Member Countries. Therefore, in this context, electronic Working Group should only be an avenue for exchange of views and not for decision making.

We propose that the trust fund be used to facilitate attendance of Member Countries at Working Group Meetings of interest. To save costs, the duration of the Codex meeting should be optimally utilized for meetings of Working Groups as well.

Malaysia does not object to the proposal to engage consultants or facilitators to facilitate interaction and discussion during Codex meetings and Malaysia welcomes the move to take into account all written comments. Nevertheless, we are of the view that the role of the consultants or facilitators should only be to facilitate Codex work between meetings and not more than that. Malaysia believes that the current Codex procedure in achieving a consensus through physical interaction for exchange of views amongst Member Countries during meetings and most importantly transparency should be maintained. In most instances, our observation shows that consensus cannot be reached due to economic implications, lack of scientific data, etc, and these problems cannot be simply overcome by having a consultant or facilitator.

Hence, the work of the consultant or facilitator should be limited to assisting the host country to prepare draft standards taking into account all concerns including written comments as well as views and discussion at the meeting. Such consultation should not replace deliberations at Codex meetings.

With regards to the proposal for host countries to bear the cost of the consultant or facilitator, Malaysia is of the view that FAO and WHO should provide financial assistance to developing countries to host Codex meetings including to bear the cost of the consultant or facilitator.

Lastly, Malaysia is of the view that greater utilization of knowledgeable NGOs in preliminary standard development needs no emphasis as the NGOs have always been involved in the process of standards development both at the national level and international levels.

NEW ZEALAND

New Zealand supports the intent of this recommendation. If the objective of expediting the work programme of the Commission is to be realised more effort will be required at the subsidiary body level to undertake work between sessions through the use of electronic working groups and other appropriate mechanisms. New Zealand notes that many committees are already moving in this direction. It should also be recognised that implementation of this recommendation will place additional burden on host governments and members alike.

US

Considering the various issues raised separately:

- The U.S. agrees that more work can and should be done between sessions. The drafting of standards during a plenary session is an inefficient process that often produces less than ideal

results.

- The U.S. has two major concerns about the proposed use of “consultants/facilitators”. First, the recommendation appears to envision host countries supporting the entire cost, including extensive travel to organize local workshops, etc. The cost would be significant, and the process might not result in improved efficiency. Fewer countries may be willing to host committees or task forces under these conditions. Second, without criteria for selecting consultants being clearly defined and strictly adhered to, the recommendation has the potential for injecting additional biases into the process. Therefore, the U.S cannot accept this recommendation without more details being agreed to. Perhaps a pilot program with one or two committees to demonstrate increased efficiency and to establish approximate costs should be attempted before the recommendation is accepted for all committees.
- The U.S. strongly supports guidelines for the full consideration of written comments, which are strictly adhered to by all committees. Such guidelines would include enforced deadlines for the submission of written comments.
- In principle, the U.S. supports the downplaying of physical working groups and increased use of electronic working groups. However, recent experience with electronic working groups has not been entirely satisfactory. The Commission should consider innovative approaches and perhaps the development of operational criteria to enhance the effectiveness of electronic work groups. The Commission should not specifically prohibit physical meetings.
- The use of non-governmental organizations to prepare initial drafts of Codex standards has not been particularly effective to date. The Codex Committee on General Principles is developing guidelines for such work. Further, the U.S. calls attention to its comments provided at CCGP, i.e. “The U.S. recognizes that it is important for Codex to take advantage of expertise found in other organizations and believes that this form of cooperation is worthy of further consideration. However, any text being so developed must enter the Codex procedures at Step 3 for full consideration by member governments. This is especially critical if the Joint FAO/WHO Evaluation report recommendation to limit the Codex Step Procedure to 5 steps is accepted and implemented.”

Recommendation 21**Comment from governments on CL 2003/8-CAC**

Meeting reports - Although Codex is very effective in producing and agreeing full meeting reports before the end of meetings, the trend towards action-oriented reports of meetings which focus on decisions and not discussion, should be further reinforced. Such reports facilitate a task-orientation as well as freeing up meeting time for more productive use than report writing.

Informes de las reuniones – Aunque el Codex es muy eficaz para producir y acordar informes completos de las reuniones antes del final de las mismas, deberá reforzarse aún más la tendencia a que los informes de reuniones estén orientados a la acción, y centrados en las decisiones y no en el debate. Estos informes favorecen una orientación práctica al propio tiempo que dejan libre tiempo para dedicarlo a un empleo más productivo que el de la tarea de reacción

rappports des réunions – Bien que le Codex soit très efficace pour produire et approuver les rapports des réunions plénières avant la fin des sessions, il faudrait encourager la rédaction de rapports centrés sur l'action qui mettent l'accent sur les décisions et non pas sur la discussion. Ces rapports facilitent la concentration sur les tâches et font gagner du temps qui sera employé plus utilement que pour la rédaction d'un rapport.

ARGENTINE

Estamos de acuerdo con esta propuesta que permitirá ahorrar tiempo en redacción y discusiones. Consideramos que de todas formas los informes no obviarían una síntesis de lo más importante que se trató en cada documento.

AUSTRALIA

Australia supports this recommendation in principle. While an increased emphasis on decision making for the report would discipline the committees to provide an appropriate rationale for these decisions, it is important that a record of the major items of the discussion are recorded to enable a history of the development of a draft standard to be available to new members of delegations and to circumvent repetitive discussion.

BRAZIL

Brasil entiende que los informes de las reuniones han sido elaborados con objetividad y mejorado sustancialmente en los últimos años, debiendo mantener la orientación actual de registrar no solo las decisiones, pero también la discusión realizada, las posiciones manifestadas, etc.. Tal como son elaborados hoy, los informes permiten tener un histórico de la evolución del tema, elemento que consideramos fundamental para el proceso decisorio.

CUBA

De acuerdo con la Recomendación. A nuestro modo de ver los informes deberán incluir además no sólo el desarrollo de la reunión, sino también las recomendaciones y acciones a tomar.

EC

The EC considers that simplification is important. Nevertheless, the reports of the Committees are the record of Codex deliberations and as such should provide an outline of the discussions for the benefit of the delegations to subsequent meetings

JAPAN

Although supported, the record of discussion is also important.

KOREA

Korea does not agree with this recommendation. We do not find any inconvenience or inappropriateness in the current reporting system.

MALAYSIA

Malaysia understands the need to further reinforce the trend towards action-oriented reports which focus on decision. However, we are of the view that the spirit or rationale for discussion should be reflected in the report for record purposes and for the benefit of those who could not attend the meeting. Also the wishes of Member Countries who want their views to be reflected in the report should be respected.

NEW ZEALAND

New Zealand welcomes and supports the intent of this recommendation. Reports of meetings should be forward looking and focus on key issues and seek to capture outcomes and follow up actions.

US

In principle, the U.S. supports this recommendation. However, the U.S. has concerns about possible loss of transparency if reports are shortened to simply a list of decisions. Further, a record of the discussions that take place in developing a text is often used in guiding future revisions of that text. Additionally, Codex must be sensitive to the desires of many countries to have their positions stated in the record for issues of particular importance to them. Given these considerations and given the "legal" status of such reports, perhaps a pilot test of this concept would be appropriate before the recommendation is adopted for all committees.

Recommendation 22

Comment from governments on CL 2003/8-CAC

In order to improve the performance and ensure greater consistency among committee chairs, explicit criteria for selection of chairs should be drawn up and chairs should be confirmed by the Executive Board. More emphasis should be placed on training and assessment of chairs and the explicit role of the Codex secretariat in supporting effective chair-personship should be fully recognized.

Con el fin de mejorar el desempeño y asegurar una mayor coherencia entre las presidencias de los Comités, han de elaborarse criterios explícitos para la selección de las presidencias, que deberán ser confirmados por la Junta Ejecutiva. Debe hacerse mayor hincapié en formar y evaluar a las presidencias y reconocerse plenamente la función explícita de la Secretaría del Codex en apoyar una personalidad efectiva de las presidencias.

Afin d'améliorer l'efficacité et d'assurer une plus grande cohérence entre les présidents des comités, il faudrait élaborer des critères précis pour le choix des présidents et ces choix devront être confirmés par le Conseil d'administration. On mettra davantage l'accent sur la formation et l'évaluation des présidents et on reconnaîtra le rôle explicite du Secrétariat du Codex dans l'appui au président.

ARGENTINE

Estamos de acuerdo en que deberían existir criterios para la selección de los presidentes, pero sobre todo en que deberían ser capacitados para sus funciones. Esta debe ser una nueva actividad prioritaria en el Codex. También consideramos útil la evaluación y si bien los formularios para evaluación de las reuniones podrían ser un instrumento útil para este proceso, no debería ser el único, considerando que la Secretaría podría también realizar una evaluación valiosa del trabajo del Presidente del Comité.

AUSTRALIA

Australia fully supports this recommendation – the conduct of the Chair is fundamental to the progress made by a Committee. In addition to what is recommended here, the Chair should be accountable to the Standards Management Committee for his/her performance and the progress made by a Committee as a performance indicator.

In addition Australia would like to see steps taken to ensure more consistency in decision-making by the Committees, in particular there must be clear criteria directing the Committees on how they make risk management decisions. This must include directions to committees that decisions are not made before a thorough risk assessment has been undertaken nor can they be made by discounting/ignoring the risk assessment/advice from the Expert body.¹⁶

BRAZIL

Brasil apoya la propuesta de criterios para selección de presidentes de los Comités, así como el proceso de capacitación e intercambio entre los mismos. Todavía considera que la indicación de un presidente es competencia del país hospedante y la Junta Ejecutiva no debe tener la atribución de aprobarlo.

CANADA

Review of the Rules of Procedure and other procedural matters (Recommendations 8, 22, 23, 24, 26, 27 and 28

¹⁶ This comment has been reiterated against Recommendation 37

Canada supports the recommendation directed at increased collaboration between OIE and Codex, including the consideration of joint task forces. There are a number of food standards issues which overlap with animal health issues being considered by OIE.

Canada supports initiatives which will result in more effective chairs, including the development of selection criteria. Although it is the responsibility of the host country to appoint a chairperson, the individual selected should meet these criteria.

We note with interest the recommendation regarding the appointment of co-chairs from a developing country. Although Canada agrees in principle, it is Canada's view that the proposed function of a co-chair would need to be clearly identified before this recommendation was accepted. Canada suggests that the criteria for the selection of chairs should also apply to co-chairs. We also support, in principle, holding meetings in the co-chair's country. However, issues regarding cost sharing, etc. need to be clarified before fully endorsing this recommendation.

Canada supports the recommendation that Codex should review its principles and procedures for Observer status outlined in the Procedural Manual to ensure that "International" NGOs are truly "international". However, it is important that the inclusiveness and transparency of the Commission not be diminished by the implementation of this recommendation. We particularly support the development of clear criteria for the selection process.

With respect to developing criteria for becoming a "host country" for a Codex subsidiary body, Canada supports the concept in principle but has reservations regarding the cost implication to a host country particularly if facilitators are used. We would like to note that, for between session work, other countries should be encouraged to take responsibility for the costs associated with advancing specific agenda items. Alternatives to the use of facilitators may provide greater flexibility and minimize resource implications for host countries.

Canada agrees that active consensus building is key to the legitimacy of Codex standards. We support the development of clear guidelines on the meaning of consensus and decision making in the absence of consensus and welcome the increased focus on developing standards between Committee meetings with a view to reaching consensus. It is our opinion that voting should only occur at the Commission, and only as a last resort after all efforts to achieve consensus have been explored. We would favor the use of a qualified majority, as opposed to a simple majority as is currently the rule, in those situations where a vote becomes necessary.

CHINA

我们支持此项建议，认为这样可以保证委员会主席工作的质量、效率和公正性，从而客观、充分地反映会议上与会成员的意见。我们建议在制定主席遴选标准的基础上补充一些有关主席工作原则的内容，指导各委员会主席采用一致性的工作程序和方法

We support this recommendation and believe that it should thus ensure the quality, efficiency and impartiality of the work of committee chairs, so as to reflect objectively and adequately the opinions of members voiced at the meetings. We recommend that some elements of working principles for the chairs be developed on the basis of the development of selection criteria for committee chairpersons, to provide them with guidance regarding the application of consistent working procedures and methods.

CUBA

De acuerdo.

EC

To ensure greater consistency between Committee chairs, guidelines for carrying out the meetings and the work of the groups between the sessions should be developed. In accordance with the recommendations 13/14/15, the role of the secretariat in support of the Chairs should be strengthened and clarified

JAPAN

We support this recommendation.

MALAYSIA

Malaysia appreciates the spirit of this recommendation to improve the quality of the Chairs, however, we are of the view that the mandate to select the Chair, to develop criteria for selection of chairs, training and assessment should rest with the host country. Instead we propose that a guideline for effective chairmanship for all Codex Committee Chairs be drafted.

NEW ZEALAND

New Zealand supports this recommendation. We believe that a clear set of criteria should help host governments with selection and training of chairs.

US

The U.S. supports development of criteria for the selection of chairs of subsidiary bodies. The U. S. also agrees that more emphasis should be placed on the training and assessment of chairs. Informal consultation among chairs, such as the existing Committee of Chairs, has proven to be very useful and instructive and should be continued and expanded (perhaps electronically). Codex should issue and regularly revise the chairperson's manual. However, the U.S. does not support Executive Board approval of chairs. The host country, guided by the criteria for selection, should make the final decision on naming the chair.

Recommendation 23

Comment from governments on CL 2003/8-CAC

The present 8-step procedure should be simplified to a 5-step procedure for all standards. At Step 5, the Commission should not amend the standard but be required to:

- *adopt the standard;*
- *refer the standard back to the committee to explore certain changes; or*
- *cancel or suspend work on the standard.*

El actual procedimiento consiste en 8 trámites debe simplificarse reduciéndose a 5 para todas las normas. En el Trámite 5, la Comisión no deberá modificar la norma sino que se le pedirá que:

- *apruebe la norma; o*
- *devuelva la norma al Comité respectivo para estudiar algunos cambios; o*
- *suprima o suspenda la labor sobre la norma.*

La procédure actuelle en 8 étapes devrait être simplifiée et ramenée à une procédure à 5 étapes pour toutes les normes. A l'étape 5, la Commission ne devrait pas amender la norme mais devrait:

- *Ou adopter la norme;*
- *Ou renvoyer la norme au Comité pour étudier certains changements; ou*
- *Supprimer ou suspendre les travaux sur la norme.*

ARGENTINE

Se podría estar de acuerdo, pero esto significará un incremento del trabajo técnico en los países, con un mayor seguimiento de los documentos en menor tiempo de tratamiento. Por otra parte ya existe un tratamiento acelerado de 5 pasos, que si no es más utilizado es porque precisamente se considera que se necesita más tiempo para discutir el documento, siendo precisamente los desacuerdos los que prolongan el tratamiento y no el número de pasos que se establezca en los procedimientos.

AUSTRALIA

Australia supports the Evaluation Team's recommendation that there be a detailed review of the present structure and distribution of responsibilities between Codex committees. Any such review must be time-limited to ensure that the work of committees is not held up during the process. In addition we would envisage an increased/expanded role of the Committee Chair and the Secretariat with a view to achieving greater consistency and focus on priorities as well as identifying emerging issues.

Whilst we support the concept of more work between sessions to ensure consistency of approach across committees, to achieve this, Codex must develop guidelines for host governments/drafting groups. Australia would also like to note that the recommendations relating to the working procedures (particularly recommendation 20) could also have significant financial and human resource implications for host governments as well as participating countries.

Australia could support the recommendation of the Secretariat in its paper (Alinorm 03/25/3 – Add 2) to the Commission to establish a specialized Task Force on Codex Procedures. The role of the Task Force would be to draft the required changes to the Rules of Procedure and other texts contained in the Procedural Manual. Australia would not be favourably disposed to using the Committee on General Principles to take on this task in addition to its current workload.

With regard to recommendation 6, Australia does not support Codex developing guidelines on the determination of Acceptable Levels of Protection (ALOP). This is a decision for national governments to take, guided by existing international rules.

Australia agrees with the report in that wherever possible, Codex decisions should be made on the basis

of consensus (recommendation 24). A definition of “consensus” in Codex decision-making could be beneficial. However, Australia does not support the definition proposed in the report. It is not clear why two Codex members would need to formally object before consensus could not be reached. UN practice is that consensus is adoption without formal objection. Therefore, Australia would support a definition to read “no formal objection by one or more members present at the meeting” i.e. the absence of any formal objection.

Australia supports this recommendation but would seek clarification on a revised step process.

To facilitate consideration of standards, it would be useful for an explanatory note that explains the reasons for the individual clauses to accompany development of a draft standard. This would provide members of the Committee with a common understanding of the reasons for the provisions. This may also assist the Commission in making its decisions

BRAZIL

Brasil no está de acuerdo a la simplificación de los trámites de 8 para 5 por las razones ya presentadas en lo que concierne a la capacidad de los países en desarrollo en participar de este proceso. El procedimiento acelerado existente hoy ya permite resolver las situaciones de urgencia.

CANADA

Improved Processes for standards management (Recommendations 18, 20, 23 and 24)

It is Canada’s view that the Executive Committee should play a more prominent role in the standards management process. As the Executive Committee should play a role in planning and coordination, this could also encompass monitoring the status of work (i.e. standards development) and providing direction to subsidiary bodies as appropriate. We believe that the key to improving the process is the development of, and adherence to, guidelines for subsidiary bodies on ways to facilitate a more timely progression of work.

Canada concurs that there is a need to improve the standards management process to ensure that standards are adopted in a timely fashion to respond to national government needs. However, these procedures have to maintain inclusiveness and transparency. We therefore agree that the imposition of “time limits” for the development of standards is worthy of consideration. It should be recognized that such “time limits” would vary from one subsidiary body to another, depending upon the nature of the text being elaborated. Therefore, there is a need to develop guidance for subsidiary bodies to facilitate decisions to cease work on text where consensus appears to be unlikely. Such guidelines should also permit flexibility when significant progress has been made but an extension of the time limit is required to complete the work.

We agree that more emphasis should be given to developing standards between Committee meetings. However, careful consideration needs to be given to other approaches before considering the use of “consultants/facilitators”. We are of the opinion that various approaches could be used between Committees to advance work (e.g. electronic working groups, formal working groups, facilitators). The nature and type of matters to discuss will be an essential factor in determining which is the most appropriate approach. Regardless of which approaches are used, clear guidelines will be needed, including how to appropriately address written comments. Canada continues to be of the opinion that small working groups can be effective provided all comments are considered in a transparent manner.

Canada notes the suggestion that the present 8-step procedure should be simplified to a 5-step procedure for all standards. However, this proposal will not necessarily result in faster adoption of standards and we note that the accelerated process is already available for the same purpose. It is our opinion that the facilitation of consensus and increased work between Committee sessions is one of the

keys to faster adoption of standards. We support the development of clear guidelines to help subsidiary bodies achieve consensus and these should also include guidance on decision-making in the absence of consensus. It is our opinion that an increased focus on developing standards between Committee meetings with a view to reaching consensus will contribute to more timely adoption of standards.

Review of the Rules of Procedure and other procedural matters (Recommendations 8, 22, 23, 24, 26, 27 and 28)

Canada supports the recommendation directed at increased collaboration between OIE and Codex, including the consideration of joint task forces. There are a number of food standards issues which overlap with animal health issues being considered by OIE.

Canada supports initiatives which will result in more effective chairs, including the development of selection criteria. Although it is the responsibility of the host country to appoint a chairperson, the individual selected should meet these criteria.

We note with interest the recommendation regarding the appointment of co-chairs from a developing country. Although Canada agrees in principle, it is Canada's view that the proposed function of a co-chair would need to be clearly identified before this recommendation was accepted. Canada suggests that the criteria for the selection of chairs should also apply to co-chairs. We also support, in principle, holding meetings in the co-chair's country. However, issues regarding cost sharing, etc. need to be clarified before fully endorsing this recommendation.

Canada supports the recommendation that Codex should review its principles and procedures for Observer status outlined in the Procedural Manual to ensure that "International" NGOs are truly "international". However, it is important that the inclusiveness and transparency of the Commission not be diminished by the implementation of this recommendation. We particularly support the development of clear criteria for the selection process.

With respect to developing criteria for becoming a "host country" for a Codex subsidiary body, Canada supports the concept in principle but has reservations regarding the cost implication to a host country particularly if facilitators are used. We would like to note that, for between session work, other countries should be encouraged to take responsibility for the costs associated with advancing specific agenda items. Alternatives to the use of facilitators may provide greater flexibility and minimize resource implications for host countries.

Canada agrees that active consensus building is key to the legitimacy of Codex standards. We support the development of clear guidelines on the meaning of consensus and decision making in the absence of consensus and welcome the increased focus on developing standards between Committee meetings with a view to reaching consensus. It is our opinion that voting should only occur at the Commission, and only as a last resort after all efforts to achieve consensus have been explored. We would favor the use of a qualified majority, as opposed to a simple majority as is currently the rule, in those situations where a vote becomes necessary.

CHINA

我们支持提高法典工作效率的措施，但有些顾虑：简化制标程序意味着拟议的标准可能只有一次正式征求各成员国意见和经过CAC大会讨论的机会，我们担忧这样会因为一些偶然因素使未充分征求意见的标准获得通过。因此建议这里不要作一刀切，对于大部分法典标准议案，在委员会 (Committees)

中讨论时如没有太多分歧，可采用5步程序，而对于少数分歧较多的，则可由执委会或拟成立的管理委员会决定，继续一轮征求意见过程，以期望各方拿出更有力的依据再次审议。

We support the measures for improving the efficiency of Codex work, but are concerned that the simplification of standards setting procedures may imply that member countries would be consulted

only once for comments on proposed standards, which would be discussed by the CAC session only on one occasion. We are concerned that standards could thus be adopted without full consultation due to incidental factors. We therefore suggest that this recommendation should not be implemented indiscriminately. For the majority of Codex standards, a 5-step procedure can be applied where there is no strong difference of opinions in the committees, while for a few standards having strong diverging opinions, the Executive Committee or the proposed Standards Management Committee may decide on an additional round of consultation for all concerned parties to provide stronger evidence before reconsideration.

CUBA

Estamos de acuerdo con agilizar el proceso de aprobación de las normas sin que ello vaya en detrimento de la calidad de las mismas.

EC

The EC supports the adoption of the standards in 5 steps when there is a consensus. This is achievable when relevant scientific information is available.

To achieve an adoption in 5 steps, it may not be necessary to modify the existing procedures that already provide for an accelerated adoption.

It should be left to the CAC to take the decision to extend the time set at the outset or to stop the work if necessary

INDIA

We do not agree to the proposal of changing the present 8-step procedure to a 5-step procedure. There have been cases when draft standards were advanced to step 5 without discussions, and which were subsequently reverted to lower step for adequate discussion. It is therefore necessary that standards are discussed sufficiently and the Commission considers them at two stages to ensure consensus and the universal applicability of the standards through the democratic and transparent working. In cases of urgency when member countries agree, the current Codex procedure already includes an accelerated 5-step standard setting procedure. The situation will also change with Annual Meetings of the Commission.

JAPAN

Also in the present procedure, if there is necessity, we can skip several steps. We doubt the necessity of shortening the current step procedure uniformly.

KOREA

Korea does not agree with this recommendation. Since under the current procedure, the adoption of certain standards could be reached though 5 steps in some cases, we think it is better to be determined by cases.

MALAYSIA

In line with our earlier recommendation that annual meetings of the Commission should be held, Malaysia is of the view that the current Codex step procedure should be maintained. We are concerned

that a 5 step procedure will not give ample time for governments to comment as well as the Committee to discuss the proposed standard thoroughly to achieve a consensus before it is forwarded to the Commission for adoption. We note that there is flexibility in the current Codex step procedure which has provided for accelerated adoption and steps 5/8 omitting steps 6 and 7.

NEW ZEALAND

The idea of simplifying the step process will need to be considered in conjunction with other recommendations relating to improving the working procedures of committees. New Zealand supports further examination of this proposal but recognises that the implementation of annual Commission meetings may well address some of the underlying concerns behind this recommendation.

US

The U.S. supports this recommendation, with the understanding that committees will reach consensus before forwarding documents to the Commission. However, the U.S. notes that Codex already has an “accelerated procedure” by which steps 6 and 7 may be omitted. The proposed recommendation, although acceptable, could result in little acceleration of Codex work, unless Codex Committees exercise the discipline needed.

Recommendation 24

Comment from governments on CL 2003/8-CAC

Wherever possible, decisions should be made by consensus. Codex should define consensus for decision-making purposes in committees and the Commission. We propose ‘no formal objection by more than one member present at the meeting’; and:

- a) committees should, as the norm, achieve consensus before passing on standards to the Commission for adoption;*
- b) facilitators working between meetings should help to reach consensus and should be systematically used to assist in overcoming deadlock at any stage of the standard setting process);*
- c) in cases of ‘near-consensus’, proposed standards should be passed on by committees to the Commission for consideration. A consultative postal-balloting system should be considered as a way of ensuring inclusiveness and legitimacy;*
- d) if no better than ‘near-consensus’ could be reached in the Commission, voting should take place but should require at least a two-thirds majority of those present and voting for a standard to be adopted.*

En lo posible, las decisiones deben tomarse por consenso. El Codex determinará los consensos a efectos de adopción de decisiones en los comités y la Comisión.

Proponemos: “ninguna objeción formal por más de un miembro presente en la reunión”; y

- a) los Comités deberán, normalmente, alcanzar un consenso antes de remitir las normas a la Comisión para su aprobación;*
- b) los facilitadores que actúan entre reuniones deberán contribuir a alcanzar un consenso y habrán de ser utilizados sistemáticamente para ayudar a superar los escollos en cualquier fase del proceso de establecimiento de normas;*
- c) En casos de llegarse a un “cuasi-consenso”, los Comités deberán dar traslado de los proyectos de normas a la Comisión para su examen. Un sistema consultivo tras la votación deberá considerarse como una forma de asegurar la participación general y la legitimidad;*
- d) Si no puede llegarse a nada mejor que un “cuasi-consenso”, en la Comisión deberá procederse a una votación pero se requerirá al menos una mayoría de 2/3 de los presentes para la aprobación de una norma.*

Chaque fois que possible, les décisions devront être prises par consensus. Le Codex devra définir le terme consensus à des fins de prise de décisions au sein des comités et de la Commission. Nous proposons « aucune objection formelle de la part de plus d’un membre présent à la réunion »; et:

- a) les comités devraient, en règle générale, obtenir un consensus avant de transmettre les normes à la Commission pour adoption;*
- b) Les facilitateurs qui travaillent entre les réunions devraient aider à la formation d’un consensus et être utilisés systématiquement pour aider à sortir des impasses à tous les stades du processus d’établissement des normes)*
- c) Dans les cas de « quasi-consensus », les projets de normes devraient être transmis par les comités à la Commission pour examen. Il faudrait envisager un système de vote par correspondance à caractère consultatif comme moyen d’assurer l’appartenance et la légitimité;*
- d) S’il est impossible de parvenir à un « quasi-consensus » au sein de la Commission, on aura recours au vote mais il faudra une majorité des deux tiers au moins des votants pour qu’une norme soit adoptée.*

ARGENTINE

Debería tratarse con más detalle en el seno del Codex la interpretación del consenso como la importancia, necesidad y perfiles de los facilitadores, una nueva figura cuya aprobación podría llegar a modificar sustancialmente el proceso de aprobación de normas. Respecto al consenso estamos de acuerdo en su utilización pero no apoyamos la definición propuesta.

AUSTRALIA

Australia supports the Evaluation Team’s recommendation that there be a detailed review of the present structure and distribution of responsibilities between Codex committees. Any such review must be time-limited to ensure that the work of committees is not held up during the process. In addition we would envisage an increased/expanded role of the Committee Chair and the Secretariat with a view to achieving greater consistency and focus on priorities as well as identifying emerging issues.

Whilst we support the concept of more work between sessions to ensure consistency of approach across committees, to achieve this, Codex must develop guidelines for host governments/drafting groups. Australia would also like to note that the recommendations relating to the working procedures (particularly recommendation 20) could also have significant financial and human resource implications for host governments as well as participating countries.

Australia could support the recommendation of the Secretariat in its paper (Alinorm 03/25/3 – Add 2) to the Commission to establish a specialized Task Force on Codex Procedures. The role of the Task Force would be to draft the required changes to the Rules of Procedure and other texts contained in the Procedural Manual. Australia would not be favourably disposed to using the Committee on General Principles to take on this task in addition to its current workload.

With regard to recommendation 6, Australia does not support Codex developing guidelines on the determination of Acceptable Levels of Protection (ALOP). This is a decision for national governments to take, guided by existing international rules.

Australia agrees with the report in that wherever possible, Codex decisions should be made on the basis of consensus (recommendation 24). A definition of “consensus” in Codex decision-making could be beneficial. However, Australia does not support the definition proposed in the report. It is not clear why two Codex members would need to formally object before consensus could not be reached. UN practice is that consensus is adoption without formal objection. Therefore, Australia would support a definition to read “no formal objection by one or more members present at the meeting” i.e. the absence of any formal objection.

Australia agrees that wherever possible, decisions should be made on the basis of consensus. A definition of “consensus” in Codex decision-making could be beneficial. However, we cannot support the definition proposed in the report.

It is not clear why two Codex members would need to formally object before consensus was not reached. UN practice is that consensus is without formal objection. Therefore, Australia would support a definition whereby consensus would occur where there was “no formal objection by one or more members present at the meeting” i.e. the absence of any formal objection.

Australia agrees with the specific reference in the report to the need for formal objection, and not just an expression of concern or a reservation by a member. Nevertheless, the Report’s proposal requires two or more members to formally object. This has significant implications for national sovereignty in that Governments need to know that their concerns can be taken into account when developing international standards. A formal objection by any Member should be sufficient to suggest that consensus has not been reached.

Australia is also concerned at the use of the term “near consensus” if there is ambiguity about the term ‘consensus’ then use of the term ‘near consensus’ would create even greater confusion.

Note Article IX of the Marrakech Agreement deals with decision-making and states “The WTO shall continue the practice of decision-making by consensus followed under GATT 1947.” The footnote to article 9 states “The body concerned shall be deemed to have decided by consensus on a matter submitted for its consideration, if no Member, present at the meeting when the decision is made, formally objects to the proposed decision.”

BRAZIL

Brasil está de acuerdo a esta recomendación en el sentido de que el consenso debe ser la base para la toma de decisiones en el Codex, pero es contrario a la definición propuesta y también a la idea de “cuasi-consenso”.

CANADA**Improved Processes for standards management (Recommendations 18, 20, 23 and 24)**

It is Canada's view that the Executive Committee should play a more prominent role in the standards management process. As the Executive Committee should play a role in planning and coordination, this could also encompass monitoring the status of work (i.e. standards development) and providing direction to subsidiary bodies as appropriate. We believe that the key to improving the process is the development of, and adherence to, guidelines for subsidiary bodies on ways to facilitate a more timely progression of work.

Canada concurs that there is a need to improve the standards management process to ensure that standards are adopted in a timely fashion to respond to national government needs. However, these procedures have to maintain inclusiveness and transparency. We therefore agree that the imposition of "time limits" for the development of standards is worthy of consideration. It should be recognized that such "time limits" would vary from one subsidiary body to another, depending upon the nature of the text being elaborated. Therefore, there is a need to develop guidance for subsidiary bodies to facilitate decisions to cease work on text where consensus appears to be unlikely. Such guidelines should also permit flexibility when significant progress has been made but an extension of the time limit is required to complete the work.

We agree that more emphasis should be given to developing standards between Committee meetings. However, careful consideration needs to be given to other approaches before considering the use of "consultants/facilitators". We are of the opinion that various approaches could be used between Committees to advance work (e.g. electronic working groups, formal working groups, facilitators). The nature and type of matters to discuss will be an essential factor in determining which is the most appropriate approach. Regardless of which approaches are used, clear guidelines will be needed, including how to appropriately address written comments. Canada continues to be of the opinion that small working groups can be effective provided all comments are considered in a transparent manner.

Canada notes the suggestion that the present 8-step procedure should be simplified to a 5-step procedure for all standards. However, this proposal will not necessarily result in faster adoption of standards and we note that the accelerated process is already available for the same purpose. It is our opinion that the facilitation of consensus and increased work between Committee sessions is one of the keys to faster adoption of standards. We support the development of clear guidelines to help subsidiary bodies achieve consensus and these should also include guidance on decision-making in the absence of consensus. It is our opinion that an increased focus on developing standards between Committee meetings with a view to reaching consensus will contribute to more timely adoption of standards.

Review of the Rules of Procedure and other procedural matters (Recommendations 8, 22, 23, 24, 26, 27 and 28)

Canada supports the recommendation directed at increased collaboration between OIE and Codex, including the consideration of joint task forces. There are a number of food standards issues which overlap with animal health issues being considered by OIE.

Canada supports initiatives which will result in more effective chairs, including the development of selection criteria. Although it is the responsibility of the host country to appoint a chairperson, the individual selected should meet these criteria.

We note with interest the recommendation regarding the appointment of co-chairs from a developing country. Although Canada agrees in principle, it is Canada's view that the proposed function of a co-chair would need to be clearly identified before this recommendation was accepted. Canada suggests that the criteria for the selection of chairs should also apply to co-chairs. We also support, in principle, holding meetings in the co-chair's country. However, issues regarding cost sharing, etc. need to be clarified before fully endorsing this recommendation.

Canada supports the recommendation that Codex should review its principles and procedures for Observer status outlined in the Procedural Manual to ensure that “International” NGOs are truly “international”. However, it is important that the inclusiveness and transparency of the Commission not be diminished by the implementation of this recommendation. We particularly support the development of clear criteria for the selection process.

With respect to developing criteria for becoming a “host country” for a Codex subsidiary body, Canada supports the concept in principle but has reservations regarding the cost implication to a host country particularly if facilitators are used. We would like to note that, for between session work, other countries should be encouraged to take responsibility for the costs associated with advancing specific agenda items. Alternatives to the use of facilitators may provide greater flexibility and minimize resource implications for host countries.

Canada agrees that active consensus building is key to the legitimacy of Codex standards. We support the development of clear guidelines on the meaning of consensus and decision making in the absence of consensus and welcome the increased focus on developing standards between Committee meetings with a view to reaching consensus. It is our opinion that voting should only occur at the Commission, and only as a last resort after all efforts to achieve consensus have been explored. We would favor the use of a qualified majority, as opposed to a simple majority as is currently the rule, in those situations where a vote becomes necessary.

CHINA

我们继续支持CAC有关在通过法典标准时应尽最大努力达成共识的基本原则以及本建议中关于促进达成共识的措施a)、b)和c), 但对目前有关“共识(consensus)”的定义不能完全认同。我们认为应制定一个判定什么是“达成共识”的原则性文件, 从而指导委员会在特定情况下可以采取投票方式通过标准或标准草案。对于措施d), 我们认为不能取得共识的标准议案最好不要拿到大会上。由于特殊原因(如标准使用的紧迫性等)一定需要启动投票程序的, 建议把不能到会国家的书面意见也考虑进去, 这样取得包括到会国家的2/3多数时才可通过标准

We continue to favor the fundamental CAC principles that every possible effort should be made to reach a consensus for the adoption of Codex standards, and the points a, b and c in Recommendation 24 for facilitating consensus, but we do not fully agree with the definition of a “consensus”. We consider that a document of principle should be prepared for judging whether or not a consensus has been achieved, to provide guidance to committees and the Commission in specific circumstances when a vote is needed for the adoption of standards or draft standards. As for the point d, we are of the opinion that the proposals of standards on which no consensus can be reached should better not be submitted to the CAC sessions. When it is absolutely necessary to start a voting procedure due to special reasons (such as the emergency application of standards etc.), we recommend that written comments of those countries not present should be taken into consideration and a 2/3 majority of countries present and voting be required for the adoption of a standard.

CUBA

Apoyamos el consenso como base del proceso de toma decisiones, pero que el mismo se alcance tanto en los Comités donde se elabora la norma como en la Comisión.

EC

The EC strongly supports the need for consensus. However, the definition proposed by the panel is too

close to outright unanimity. It would be preferable to regard as consensual any decision where a minority of differing points of view gives up its opposition to allow the adoption of the standard. This approach should be linked to the modification of the majority at two thirds. Member Countries should have the possibility of indicating their acceptance with a statement on the reasons for their minority opinion.

The EC suggests the development of a guidance paper in which the meaning of consensus in Committees as well as the CAC is clearly described for use of all Member States as well as the Chairs of the Committee.

The EC is in favour of a written consultation procedure in the Committee step procedure but does not support a consultative postal-balloting system for the CAC. The EC considers that for the CAC it is preferable to strengthen the participation of the delegations from developing countries by means of the Trust Fund. In addition, the EC can support the adoption of a standard or related text with a majority of two thirds when, in exceptional cases, the consensus cannot be found and a formal vote has been resorted to.)

On the use of facilitators, see EC comments in relation to Recommendation 20.

INDIA

Agreed except item (c) because this will be an uncertain and a costly exercise. If lack of consensus arises because of opposition from only 1 region or trading bloc then the standard should go through.

JAPAN

Since the meaning of 'near-consensus' is indefinite, we propose the deletion of c).

KOREA

Korea does not agree with this recommendation. We think the current decision making procedure should be retained considering the importance of the Codex standards.

MALAYSIA

Malaysia notes the definition of consensus as in Recommendation 24. We understand the concerns that such a definition may halt progress in Codex work. At the same time, we should address improvement of the existing process of achieving consensus to take into account all concerns of Member Countries especially those of developing countries.

We propose deletion of b) consistent with our earlier view that the role of consultants or facilitators should be only to assist host country to prepare draft standards taking into account all concerns.

We do not believe there should be another term "near consensus" as it is very confusing.

Hence, we propose to amend c) to read :

“ When no consensus can be reached, proposed standards should be passed on by the Committees to the Commission for consideration after two meetings of the Committees. “

Similarly, in d) we propose the phrase “if no better than 'near-consensus' could be reached in the Commission” to read “if no consensus' could be reached in the Commission'.”

Regarding the proposal to have a consultative postal-balloting system, we are of the view that with the newly established trust fund, it would be more effective to facilitate the attendance of developing countries in Codex meetings so that they are able to participate in the discussion. Hence, we do not see

the necessity to consider a postal balloting system.

NEW ZEALAND

New Zealand does not agree with the proposed definition of Consensus and would prefer the status quo. Consensus based decision making will be important if Codex standards are to be widely adopted as international reference points. New Zealand supports consensus based decision making as per Rule X.2 of the procedural manual.

US

Considering the various issues raised separately:

- The U.S. agrees that Committees should achieve consensus before advancing texts to the Commission.
- The U.S. strongly objects to the proposed definition of “consensus”. A stated “formal objection” by two member countries would be sufficient to halt progress on any text. The U.S. does not believe that it is necessary for Codex to develop a definition of “consensus”. This view was supported by many delegations to the 25th (Extraordinary) Session of CAC (ALINORM 03/25/5, paragraph 20).
- The U.S. has the same concerns about the use of facilitators to help reach consensus as expressed in the U.S. response to Recommendation 20. Therefore, the U.S. could not support this recommendation without further criteria being developed and a pilot program conducted to assess effectiveness.
- The U.S. has serious concerns about introducing a new concept – “near consensus” and cannot support this recommendation. Introducing a term that is unknown in international fora will only cause confusion.
- The U.S. does not support a postal balloting system.
- The U.S. strongly believes that voting should not be encouraged.

It should be noted that the CAC took a decision on “consensus” at its 23rd Session. It added a new paragraph to Rule X:

“2. The Commission shall make every effort to reach agreement on the adoption or amendment of standards by consensus. Decisions to adopt or amend standards may be taken by voting only if such efforts to reach consensus have failed.”

The subsequent session of CCGP “noted that much of the responsibility for facilitating the achievement of consensus lay in the hands of the Chairpersons and members of Codex Committees. In addition and more generally, it noted possible additional practical measures that might facilitate consensus-building that could be used as a reference by the Chairpersons of concerned committees, Codex members and the secretariat as appropriate. These included the following:

- Refraining from submitting proposals in the step process where the scientific basis is not well established on current data and, where necessary, carry out further studies in order to clarify controversial issues;
- Providing for thorough discussions and documentation of the issues at meetings of the committees concerned;
- Organizing informal meetings of the parties concerned where disagreements arise, provided that the objectives of any such meetings are clearly defined by the Committee concerned and that

participation is open to all interest delegations and observers in order to preserve transparency;

- Redefining, where possible, the scope of the subject matter being considered for the elaboration of standards in order to cut out issues on which consensus could not be reached;
- Providing that matters are not progressed from step to step until all relevant concerns are taken into account and adequate compromises worked out;
- Emphasizing to Committees and their Chairpersons that matters should not be passed on to the Commission until such time as consensus has been achieved at the technical level; and,
- Facilitating the increased involvement and participation of developing countries.”

(See earlier U.S. comment for more details) Considering the various issues raised separately:

- The U.S. agrees that Committees should achieve consensus before advancing texts to the Commission.
- The U.S. strongly objects to the proposed definition of “consensus”.
- The U.S. has the same concerns about the use of facilitators and believes that criteria should be developed.
- The U.S. has serious concerns about introducing a new concept – “near consensus” and cannot support this recommendation.
- The U.S. does not support a postal balloting system.
- The U.S. strongly believes that voting should not be encouraged and does not support a change in the procedural rules regarding voting.

Therefore, the U.S. does not support changes in the procedural rules based on this recommendation.

Recommendation 25**Comment from governments on CL 2003/8-CAC**

Groups of countries with common interests should be encouraged to coordinate their positions and present these as positions of the group at committee meetings.

Debe alentarse a grupos de países con intereses comunes a coordinar sus posiciones y presentarlas en las reuniones del Comité como posiciones del grupo.

Il faudrait encourager les groupes de pays ayant des intérêts communs à coordonner leurs positions et à les présenter comme positions du groupe aux réunions du Comité.

ARGENTINE

Estamos de acuerdo aunque no creemos que sea un procedimiento fácil de implementar ya que la delegación de facultades a otro país que represente al grupo debe ser perfectamente definida y el mandato escrito que pueda recibir el representante seguramente no incluirá los límites de negociación o flexibilización, o en el mejor de los casos no será igual en todos sus representados.

AUSTRALIA

Australia supports this recommendation in principle

BRAZIL

Brasil está de acuerdo a esta recomendación siempre que esté bien claro el mandato de un país para presentar posiciones como posiciones de grupo.

CUBA

Este papel de coordinador de posiciones podría ser realizado por los Coordinadores regionales previo acuerdo entre los interesados.

EC

The EC takes note with interest but considers that this recommendation is beyond the competence of Codex.

INDIA

This is agreeable in principle. However, there should not be any regional economic groupings participating.

Regarding expediting proceedings, one has seen that lots of time in meetings is taken up by several countries simply repeating what others have said. This is particularly seen with EU countries, but others too. Flags of support could be an alternative. This is only a procedural issue for Committees meetings.

JAPAN

We doubt the necessity of this recommendation because countries that have a common interest are coordinating their positions informally even at present. In addition, we doubt the meaning of this

recommendation in the premise of no reflection to vote.

Moreover, we are afraid that the argument would be based on the economical and/or political view rather than science.

US

The U.S. encourages countries with common interest to coordinate their positions prior to Committee and CAC sessions. However, the U.S. does not support the recommendation that a single country speak on behalf of a group of countries in a Codex session. The objective should not be to create blocs of countries espousing one position, but rather to facilitate all countries' making informed input and influencing the standard-setting processes of Codex.

The objective behind this recommendation may be to facilitate developing countries' effective participation in the Codex process. The recommendation, however, would seem to create the potential for weakening individual developing countries' positions in the Committees and in the CAC and would likely discourage developing countries from attending and contributing to the dialogue in Codex meetings, since their individual voices would be lost. It could also reduce transparency in Codex decision-making and national policy development. Countries should not subordinate themselves within voting blocs.

Countries could utilize the Regional Coordinating Committees as a forum for discussing major issues coming before the CAC or its subsidiary bodies - including new work - to assure that countries can formulate their individual positions, for the purpose of submitting written comments or to inform their embassies in foreign capitals (in host countries) on what interventions are critical to national interests.

An enhanced Secretariat could work to assure that Chairs of Coordinating Committees achieve such an objective for countries of their regions.

Recommendation 26

Comment from governments on CL 2003/8-CAC

Committees should be encouraged to appoint co-chairs of equal status, one of which would be from a developing country. Host countries should also hold meetings in the co-chair's country.

Debe estimularse a los comités a nombrar copresidencias de igual rango, de las cuales una procedería de un país en desarrollo. Los países hospedantes deberán también celebrar reuniones en el país de copresidencia

Il faudrait encourager les Comités à nommer des vice-présidents de statut similaire, dont l'un serait ressortissant d'un pays en développement. Les pays hôtes devraient également tenir leurs réunions dans le pays du vice-président.

ARGENTINE

Apoyamos firmemente esta propuesta.

AUSTRALIA

Australia supports in principle the recommendation to have Co-Chairs from developing countries.

With regard to hosting meetings in the co-chair's country – Australia supports this idea in principle but would like to ensure that there were some guidance/assistance from the FAO in how any additional costs that may be incurred would be met.

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Review of the Rules of Procedure and other procedural matters (Recommendations 8, 22, 23, 24, 26, 27 and 28

Canada supports the recommendation directed at increased collaboration between OIE and Codex, including the consideration of joint task forces. There are a number of food standards issues which overlap with animal health issues being considered by OIE.

Canada supports initiatives which will result in more effective chairs, including the development of selection criteria. Although it is the responsibility of the host country to appoint a chairperson, the individual selected should meet these criteria.

We note with interest the recommendation regarding the appointment of co-chairs from a developing country. Although Canada agrees in principle, it is Canada's view that the proposed function of a co-chair would need to be clearly identified before this recommendation was accepted. Canada suggests that the criteria for the selection of chairs should also apply to co-chairs. We also support, in principle, holding meetings in the co-chair's country. However, issues regarding cost sharing, etc. need to be clarified before fully endorsing this recommendation.

Canada supports the recommendation that Codex should review its principles and procedures for Observer status outlined in the Procedural Manual to ensure that "International" NGOs are truly "international". However, it is important that the inclusiveness and transparency of the Commission not be diminished by the implementation of this recommendation. We particularly support the development of clear criteria for the selection process.

With respect to developing criteria for becoming a “host country” for a Codex subsidiary body, Canada supports the concept in principle but has reservations regarding the cost implication to a host country particularly if facilitators are used. We would like to note that, for between session work, other countries should be encouraged to take responsibility for the costs associated with advancing specific agenda items. Alternatives to the use of facilitators may provide greater flexibility and minimize resource implications for host countries.

Canada agrees that active consensus building is key to the legitimacy of Codex standards. We support the development of clear guidelines on the meaning of consensus and decision making in the absence of consensus and welcome the increased focus on developing standards between Committee meetings with a view to reaching consensus. It is our opinion that voting should only occur at the Commission, and only as a last resort after all efforts to achieve consensus have been explored. We would favor the use of a qualified majority, as opposed to a simple majority as is currently the rule, in those situations where a vote becomes necessary.

CHINA

支持这两项建议，但要明确在发展中国家举行会议及任命来自发展中国家的共同主席所涉及的费用来源，减少此项改革可能给发展中国家带来的经济负担

Recommendation 26 and 28

We support both recommendations but funding sources for the meetings to be hosted in and the appointment of co-chairs from developing countries should be clearly indicated to reduce the economic burdens brought upon these countries by this reform initiative.

CUBA

De acuerdo.

EC

The EC is in favour of improving the participation of developing countries. However the EC believes that this objective should be dealt with a package of measures in particular through the Trust Fund for participation in Codex and not through this single recommendation. Alternative solutions with equivalent effects should also be discussed: meetings of the Committee in developing countries, financing of the travel costs of developing countries, adjunct chair.

INDIA

Fully agree. Meeting of each Committee should be held alternately in a developing country.

JAPAN

We can agree in the view of the promotion of the participation and capacity building of a developing country.

However, the selection method, role and the effectiveness of co-chairs are indefinite. There is a possibility that the amount of work of the host country will increase, in order to hold in co-chair's country. We propose more discussion.

KOREA

Korea supports this recommendation.

US

The U.S. has reservations about this recommendation. A requirement to host sessions in the co-chair's country has significant resource implications. Further, U.S. experience has indicated that while hosting a session in a developing country may increase developing country participation among countries of the region, it actually decreases overall developing country participation because of significantly increased travel expenses for countries outside the region. The U.S. has concerns about the logistical difficulties that would be introduced by having two co-chairs of equal status and believes that this could add additional complications, and reduced efficiency to the work of Codex. The U.S. believes that priority should be given to other, more innovative, means of increasing developing country participation. For example, it might be more effective to concentrate on developing the Trust Fund for Participation in Codex. Also, as mentioned in paragraph 145 of the Evaluation report, capacity building priority should be given to assuring that Codex contact points have adequate internet access and training in receiving and transmitting documents, as a means of increasing participation in Codex.

Recommendation 27

Comment from governments on CL 2003/8-CAC

Codex should review its principles and procedures for observer status as required by the Procedural Manual and:

a) should consider applying stricter criteria to ensure that observers are genuinely international. New rules should apply to existing observers as well as future ‘applicants’ and the credentials of Codex observers should be approved individually by the Executive Board;

b) observers should be represented on the Executive Board and the Standards Management Committee (if established

El Codex debe examinar sus principios y procedimientos para la concesión de la calidad de observadores según exige el Manual de Procedimiento y;

a) Debe considerar la aplicación de criterios más estrictos para asegurarse de que los observadores sean auténticamente internacionales. Deberán aplicarse nuevas reglas a los actuales observadores así como a los “solicitantes” futuros, y las credenciales de los observadores del Codex deberán ser aprobadas una a una por la Junta Ejecutiva.

b) Los observadores deberán estar representados en la Junta Ejecutiva y en Comité de Gestión de Normas (caso de que se establezca).

Le Codex devrait revoir ses principes et procédures pour l’attribution du statut d’observateur comme il est demandé dans le Manuel et:

a) devrait envisager d’appliquer des critères plus stricts afin que les observateurs soient vraiment internationaux. De nouvelles règles devraient être appliquées aux observateurs existants ainsi qu’aux futurs “candidats” et les pouvoirs des observateurs du Codex devraient être approuvés individuellement par le Conseil d’administration.

b) les observateurs devraient être représentés au Conseil d’administration et au Comité de gestion des normes (s’ils sont établis).

ARGENTINE

De acuerdo manteniendo lo expresado con respecto a la Junta Ejecutiva

AUSTRALIA

Australia supports this recommendation:

Whilst Australia has always supported the involvement of observer INGO’s within Codex, if they were to be represented on the Executive and Standards Management Committee (if established) there would need to be criteria and guidelines for their selection and participation particularly in respect of the participation of Regional groups

CANADA

Review of the Rules of Procedure and other procedural matters (Recommendations 8, 22, 23, 24, 26, 27 and 28

Canada supports the recommendation directed at increased collaboration between OIE and Codex, including the consideration of joint task forces. There are a number of food standards issues which overlap with animal health issues being considered by OIE.

Canada supports initiatives which will result in more effective chairs, including the development of selection criteria. Although it is the responsibility of the host country to appoint a chairperson, the individual selected should meet these criteria.

We note with interest the recommendation regarding the appointment of co-chairs from a developing country. Although Canada agrees in principle, it is Canada’s view that the proposed function of a co-chair would need to be clearly identified before this recommendation was accepted. Canada suggests that the criteria for the selection of chairs should also apply to co-chairs. We also support, in principle, holding meetings in the co-chair’s country. However, issues regarding cost sharing, etc. need to be

clarified before fully endorsing this recommendation.

Canada supports the recommendation that Codex should review its principles and procedures for Observer status outlined in the Procedural Manual to ensure that “International” NGOs are truly “international”. However, it is important that the inclusiveness and transparency of the Commission not be diminished by the implementation of this recommendation. We particularly support the development of clear criteria for the selection process.

With respect to developing criteria for becoming a “host country” for a Codex subsidiary body, Canada supports the concept in principle but has reservations regarding the cost implication to a host country particularly if facilitators are used. We would like to note that, for between session work, other countries should be encouraged to take responsibility for the costs associated with advancing specific agenda items. Alternatives to the use of facilitators may provide greater flexibility and minimize resource implications for host countries.

Canada agrees that active consensus building is key to the legitimacy of Codex standards. We support the development of clear guidelines on the meaning of consensus and decision making in the absence of consensus and welcome the increased focus on developing standards between Committee meetings with a view to reaching consensus. It is our opinion that voting should only occur at the Commission, and only as a last resort after all efforts to achieve consensus have been explored. We would favor the use of a qualified majority, as opposed to a simple majority as is currently the rule, in those situations where a vote becomes necessary.

CHINA

完全支持这项建议。我们认为，在不影响CAC广泛参与的原则下，应反对某些利益集团利用多重身份，在某一问题的讨论中占据大量的会议时间，因此同意制定有关观察员资格的审查标准和程序。在执委会（或执行局，如成立）和标准管理委员会（如成立）中观察员的人数和遴选要求应予明确(b)并对人数有所限制，建议总数不要超过3人

This recommendation has our full support. We agree that measures should be taken to guard against some interest groups, in their multiple capacities, taking up large amounts of meeting time for discussion of a specific issue, on the premise that the principle of wide participation in the CAC work is not jeopardized. Therefore we are in favor of developing stricter criteria and procedures for reviewing observer qualifications. The number of observers permitted in the Executive Committee (or Executive Board or Standards Management Committee, if established) and their selection criteria should be clearly specified (b) and limited. It is recommended that no more than three observers should be allowed.

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

EC

The EC is in favour of stricter criteria for granting observer status, in particular with regard to effective international representation. Existing observers representing a sector with well-defined interests should join together in an enlarged federation where their points of view would be taken into account.

To ensure the necessary transparency, there should be a requirement for full disclosure including sources of funding and representation of interest groups.

Their representation, within confined Committees, like the Executive Board/Committee or the Standards Management Committee, raises the question of the number of their representatives and of

their qualities

INDIA

We agree with (a). We should like to add that the structure, membership, by laws and sources of funding of all observers should be made public in the interest of transparency. We already have over 150 observers. Over 70% are industry groups and 22% professional groups. It must be clear which constituencies are represented by them. It should also be known how many developing country institutions, experts or professionals are members of these organizations. This recommendation should be implemented immediately. We do not agree with (b) partly because of the difficulty in choosing proper representation.

JAPAN

Since the proper way of selection of represented observer is difficult, we propose the deletion of b).

US

The U.S. agrees with the objectives of this recommendation, concurs on part "a." INGOs that are only regional have gained standing in Codex, even though existing policies call for observers to represent broader international constituencies. With respect to part "b" the U.S. proposes that observers from governments, IGOs and INGOs could be present, but not permitted to speak, in meetings of the Executive Committee. The objective is one of transparency rather than representation. Allowing all member states and observers to participate/speak would defeat the purpose of an executive body and essentially duplicate a meeting of the Commission itself.

Recommendation 28

Comment from governments on CL 2003/8-CAC

Clear criteria to be met in becoming a host country should be developed, including the resource requirements. Host countries should be required to commit to the minimum level of support including that for:

- *between session work; and*
- *meetings being held in the co-chair's country;*

Shared hosting of committees could be explored by host countries as an option in meeting increased commitments.

Deben formularse criterios claros para llegar a ser país hospedante, en particular las exigencias de recursos. A los países hospedantes se les debe exigir que se comprometan al nivel mínimo de apoyo, en particular el necesario para:

- *La labor entre reuniones;*
- *Reuniones que se celebren en el país de copresidencia;*

Los países hospedantes deben explorar la posibilidad de compartir la acogida de reuniones como opción para responder a unos compromisos mayores.

Il faudrait élaborer des critères bien précis à respecter pour devenir pays hôte, qui comprendraient aussi des exigences en matière de ressources. Il faudrait demander aux pays hôtes de s'engager à fournir un minimum de soutien, y compris:

- *Entre les travaux des sessions;*
- *Pour les réunions qui se tiennent dans le pays du co-président;*

L'accueil partagé des comités pourrait être étudié par les pays hôtes comme une option pour répondre aux exigences accrues en matière de ressources.

ARGENTINE

De acuerdo en términos generales pero debería aclararse después del segundo y último acápite de la recomendación el párrafo aclaratorio que no se entiende que es lo que pretende establecer.

AUSTRALIA

Australia supports this recommendation and would suggest the FAO undertake a review of all Memoranda of Understanding with existing host governments to ensure that all host governments are responsible for meeting the same costs. Australia currently meets all costs associated with the holding of CCFICS including printing, distribution and translation of papers we understand that this may not be the case for some other host countries.

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Review of the Rules of Procedure and other procedural matters (Recommendations 8, 22, 23, 24, 26, 27 and 28

Canada supports the recommendation directed at increased collaboration between OIE and Codex, including the consideration of joint task forces. There are a number of food standards issues which overlap with animal health issues being considered by OIE.

Canada supports initiatives which will result in more effective chairs, including the development of selection criteria. Although it is the responsibility of the host country to appoint a chairperson, the individual selected should meet these criteria.

We note with interest the recommendation regarding the appointment of co-chairs from a developing country. Although Canada agrees in principle, it is Canada's view that the proposed function of a co-chair would need to be clearly identified before this recommendation was accepted. Canada suggests that the criteria for the selection of chairs should also apply to co-chairs. We also support, in principle, holding meetings in the co-chair's country. However, issues regarding cost sharing, etc. need to be clarified before fully endorsing this recommendation.

Canada supports the recommendation that Codex should review its principles and procedures for Observer status outlined in the Procedural Manual to ensure that "International" NGOs are truly "international". However, it is important that the inclusiveness and transparency of the Commission not be diminished by the implementation of this recommendation. We particularly support the development of clear criteria for the selection process.

With respect to developing criteria for becoming a "host country" for a Codex subsidiary body, Canada supports the concept in principle but has reservations regarding the cost implication to a host country particularly if facilitators are used. We would like to note that, for between session work, other countries should be encouraged to take responsibility for the costs associated with advancing specific agenda items. Alternatives to the use of facilitators may provide greater flexibility and minimize resource implications for host countries.

Canada agrees that active consensus building is key to the legitimacy of Codex standards. We support the development of clear guidelines on the meaning of consensus and decision making in the absence of consensus and welcome the increased focus on developing standards between Committee meetings with a view to reaching consensus. It is our opinion that voting should only occur at the Commission, and only as a last resort after all efforts to achieve consensus have been explored. We would favor the use of a qualified majority, as opposed to a simple majority as is currently the rule, in those situations where a vote becomes necessary.

CHINA

支持这两项建议，但要明确在发展中国家举行会议及任命来自发展中国家的共同主席所涉及的费用来源，减少此项改革可能给发展中国家带来的经济负担

Recommendation 26 and 28

We support both recommendations but funding sources for the meetings to be hosted in and the appointment of co-chairs from developing countries should be clearly indicated to reduce the economic burdens brought upon these countries by this reform initiative.

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

EC

The EC considers that if criteria are too strict, prospective host countries are likely to be discouraged and the Chairing of the Committees by the most developed countries would be strengthened. The direct financing of developing country attendance at Codex Committee sessions through a trust fund might be less expensive and more effective

INDIA

Agreed. To be seen along with Recommendation No. 26

JAPAN

Although we agree with clarifying about the criteria of a host country, too many severe conditions may cause reduction of the country to become a host.

As described in paragraph 128, we propose the assessment about not only quality of chairperson but also the management of the host country, after every session or certain period.

US

The U.S. notes the significant increase in resources that would be required if this recommendation were adopted. Accordingly, the U.S. believes that the suggestions be tried in a pilot test, to demonstrate increased efficiency commensurate with the increased costs, before the proposals are adopted for all committees.

Implementation of other recommendations not addressed above.

Recommendation 29**Comment from governments on CL 2003/8-CAC**

Resources should be put into upgrading the Codex web-site as a matter of urgency

Como cuestión de urgencia deben dedicarse recursos a mejorar el sitio web del Codex.

Il faudrait en priorité consacrer des ressources à l'amélioration du site web du Codex.

ARGENTINE

De acuerdo, todos los aspectos que se mencionan en los considerandos deben ser tenidos en cuenta.

AUSTRALIA

Australia supports this recommendation provided that it would not delay the implementation of recommendation 30.

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Canada supports this recommendation. The Codex web-site is a very useful tool and resources should be earmarked to upgrade the site.

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

EC

No comments

INDIA

Agreed.

JAPAN

We support this recommendation. The website of Codex is useful. We expect that the function of the site will be strengthened.

US

The U.S. considers the Codex web site to be essential to the efficient functioning of Codex

Recommendation 30**Comment from governments on CL 2003/8-CAC**

FAO and Codex review the possibilities for establishment of a database of national standards of importance in trade, including their application and methods of analysis.

La FAO y el Codex deben estudiar las posibilidades de establecer una base de datos sobre normas nacionales de importancia en el comercio, y en particular sobre su aplicación y métodos de análisis

La FAO et le Codex devraient étudier les possibilités d'établir une base de données des normes nationales ayant une importance pour le commerce, y compris leur application et les méthodes d'analyse.

ARGENTINE

De acuerdo

AUSTRALIA

Australia notes the desirability of a decentralised database that links all websites that provide current versions of national food regulations. It should be recognised that it may be difficult to maintain such a database and update as frequently as required to provide access to the most accurate information and would question if this would be the best use of all ready limited resources.

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Although this is a good idea in principle, in practice it would require substantial resources and may not be a priority in the context of the Codex mandate. It is difficult for a central source to acquire and manage such information, especially updating. Therefore the cost may exceed the benefits. Perhaps the same objective could be achieved by providing a list of member country web-sites.

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

EC

The EC is, in principle, in favour of this recommendation but anticipates practical difficulties in setting up such a database. In the past, FAO tried to establish such a database for fishery products but this was never completed or kept up-to-date because of the lack of co-operation of the member countries. The transparency of new standards is now provided by the SPS notification system. However, a WTO member country is not obliged to notify the adoption of standards compatible with Codex standards

INDIA

India has been consistently arguing in CCGP for this with unsatisfactory responses so far. This must be a priority area of action and FAO needs to do this work immediately. It should include

standards/procedures of both developed and developing countries which are more stringent than Codex and what is their scientific validity and complete in time-bound manner. A team of people from different countries could be seconded to form a group which helps and follows up work on this study.

Recommendation made in para 158 is not agreed to.

JAPAN

We don't agree. It is useful if it realizes, though the priority is low.

KOREA

Korea agrees this recommendation. However, we think that it should be pursued after each member obtains certain capabilities since implementing this recommendation can cause huge administrative burden in some Member Governments.

NEW ZEALAND

New Zealand does not support this proposal. International databases of this kind are difficult to maintain and keep up to date. It is preferable to encourage national authorities to make such information readily available through SPS/Codex contact points. Codex website may be able to provide links to such information.

US

The U.S. does not support this recommendation. Codex has not been successful in having countries notify their acceptance of Codex Standards. There is little likelihood of success in developing and maintaining an authoritative database. Countries should be encouraged to operate effective SPS and TBT enquiry points, consistent with their WTO obligations.

Recommendation 31**Comment from governments on CL 2003/8-CAC**

FAO and WHO should make a detailed calculation of the incremental cost increases for the Codex secretariat of implementing the agreed recommendations and provide the necessary increased core funding.

La FAO y la OMS deben efectuar un cálculo detallado de los incrementos de gastos que para la Secretaría del Codex supondrá el aplicar las recomendaciones acordadas y aportar el incremento necesario a la financiación básica.

La FAO et l'OMS devraient faire un calcul détaillé des augmentations de coût supplémentaire pour que le Secrétariat du Codex mette en oeuvre les recommandations convenues et fournir les ressources financières additionnelles nécessaires.

ARGENTINE

De acuerdo

AUSTRALIA

Australia supports this recommendation and considers that, where recommendations arising from the Evaluation require additional funding for their implementation, that endorsement in the WHO and FAO oblige parent bodies to provide funding for implementation.

Note some structural changes have occurred within FAO to give the Secretariat more independence and operational transparency

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Canada supports this recommendation. Canada notes that FAO and WHO member countries have consistently identified Codex as a top priority. It is our view that these organizations should reflect this identified priority in the allocation of funds to the secretariat and that the reallocation of existing resources within FAO and WHO should be undertaken to better reflect Member country priorities.

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

EC

The EC supports this recommendation

US

The U.S. considers the joint Codex food standards program an important component of WHO and of FAO. The U.S. government looks to the WHO Secretariat to identify all possible efficiencies that might provide additional funding to Codex. The U.S. government will work to address the resource issues in the context of its long-standing position of "zero nominal growth".

Recommendation 32**Comment from governments on CL 2003/8-CAC**

In light of the growing importance of microbiological hazards, JEMRA should be ratified as a permanent committee and resources allocated to increase its output.

Dada la creciente importancia de los peligros microbiológico, debe ratificarse al JEMRA como comité permanente y asignársele los recursos necesarios para aumentar su producción

Compte tenu de l'importance croissante des risques microbiologiques, la JEMRA devrait être ratifiée comme comité permanent et recevoir des ressources pour accroître sa contribution.

ARGENTINE

Debería evaluarse más la conveniencia para los países de crear un nuevo Comité y no continuar manejándolo como grupo de expertos.

AUSTRALIA

Australia supports as micro risk assessment is increasingly important and the methodologies are not well developed or applied internationally or nationally.

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

The mandate and objectives of JEMRA should be clarified before consideration is given to its establishment as a permanent body. A clear understanding of its role would be required in order to assign appropriate resources.

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

EC

Recommendations 32, 33 and 34

The EC supports these recommendations

INDIA

Recommendations 32-40: Scientific advice to Codex must only come through FAO/WHO expert consultative bodies.

JAPAN

We support that JEMRA becomes a permanent committee. The activity of JEMRA has been very useful and the role will also increase from now on.

NEW ZEALAND

Recommendation 32-40

New Zealand supports the proposal to establish JEMRA as a permanent risk assessment body. We also attach high priority to the recommendations calling for increased funding for scientific advice and risk assessment, including the proposal to make budgetary provision to pay independent experts undertaking risk assessments.

Timely and expeditious completion of risk assessment is important to progressing standards in many Codex committees. There are issues around the current quality of risk assessment where these are based on inadequate data particularly those from developing countries. We also have concerns that the current risk assessment structure is not adequately responsive to meet the needs of technical advice on important emerging issues.

Given the importance of this area New Zealand is pleased to note that FAO/WHO will be convening an expert consultation on strengthening scientific support for Codex decision making. It is important, however, that the Terms of Reference of this consultation cover the full range of issues addressed by these recommendations.

US

The U.S. supports this recommendation as a high priority. With new food consumption patterns and expanding international trade, microbiological hazards present an increasing risk to public health. Microbiological risk assessment is an extremely important tool to use to inform the microbiological risk management activities of the Codex Committee on Food Hygiene (CCFH). New CCFH Terms of Reference specifically speak to the enhanced role of CCFH in microbiological risk management and interaction with FAO/WHO microbiological risk assessors. CCFH, the Codex Committee on General Principles and the Codex Alimentarius Commission have strongly supported the establishment of a permanent Joint Expert Microbiological Risk Assessment body to function as advisors to Codex along with the Joint Expert Committee on Food Additives (JECFA) and the Joint Meeting on Pesticide Residues (JMPR).

Recommendation 33

Comment from governments on CL 2003/8-CAC

There should be a clear budget and human resource allocation for scientific advice and risk assessment. The major part of this allocation should be available for prioritization by Codex. A small proportion of the budget should be retained for use by FAO and WHO to meet their own needs, particularly in relation to emerging issues. FAO and WHO should make proposals for discussion at the July 2003 session of the Codex Alimentarius Commission on how this may be achieved.

Debe haber un presupuesto claro y una asignación de recursos humanos para asesoramiento científico y la evaluación de riesgos. De la parte principal de esta asignación deberá disponer el Codex para el establecimiento de prioridades. Una pequeña proporción del presupuesto deberán retenerla la FAO y la OMS para atender a sus propias necesidades, especialmente en relación con nuevas cuestiones que pudieran surgir. La FAO y la OMS deberán presentar propuestas sobre la forma en que podrá conseguirse esto para su examen en el período de sesiones de julio de 2003 de la Comisión del Codex Alimentarius.

Il devrait y avoir une allocation claire des ressources budgétaires et humaines pour les avis scientifiques et l'évaluation des risques. La grande partie de cette allocation devrait être affectée aux priorités fixées par le Codex. Une petite partie du budget devrait être réservée à la FAO et à l'OMS afin qu'elles couvrent leurs propres besoins, en particulier pour les questions d'actualité. La FAO et l'OMS devraient faire des propositions pour examen à la session de juillet 2003 de la Commission du Codex Alimentarius sur la manière d'y parvenir.

ARGENTINE

Realmente se carece de conocimientos e información suficiente para poder evaluar esta recomendación, donde se ha obviado todo tipo de información cuantitativa básica para poder hacerlo. La información cualitativa que se brinda no permite definir una posición objetiva.

AUSTRALIA

Australia supports the strengthening of Codex's role in setting its own priorities and having greater control over its budget allocation. However, it is unclear if these funds would be directed to technical committees already established (eg JECFA, JMPR,) or if part of the funds would be used to access other kinds of expert advice.

The expert committees have responsibilities to UN members as well as Codex and therefore balancing of the agenda will always be problematic for the secretariat.

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

This recommendation is generally supported. Adequate funding of the activities of the expert consultations is crucial to the development of standards. It is important, therefore, that FAO and WHO ensure sufficient funding is provided to the expert consultations to ensure adequate secretarial and other support is available. We recognize that an improved mechanism needs to be established for setting priorities.

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

EC

Recommendations 32, 33 and 34

The EC supports these recommendations

INDIA

Recommendations 32-40: Scientific advice to Codex must only come through FAO/WHO expert consultative bodies.

NEW ZEALAND

Recommendation 32-40

New Zealand supports the proposal to establish JEMRA as a permanent risk assessment body. We also attach high priority to the recommendations calling for increased funding for scientific advice and risk assessment, including the proposal to make budgetary provision to pay independent experts undertaking risk assessments.

Timely and expeditious completion of risk assessment is important to progressing standards in many Codex committees. There are issues around the current quality of risk assessment where these are based on inadequate data particularly those from developing countries. We also have concerns that the current risk assessment structure is not adequately responsive to meet the needs of technical advice on important emerging issues.

Given the importance of this area New Zealand is pleased to note that FAO/WHO will be convening an expert consultation on strengthening scientific support for Codex decision making. It is important, however, that the Terms of Reference of this consultation cover the full range of issues addressed by these recommendations.

US

The U.S. supports this recommendation, particularly the portion of the recommendation that states that the major part of the budget and human resource allocation for scientific advice and risk assessment should be available for prioritization by Codex. Significantly increased risk management needs currently exist within Codex, particularly with respect to pesticide residues, microbial pathogens and contaminants. These needs must be supported by appropriate risk assessments carried out by JMPR, JECFA and a newly established JEMRA (see Recommendation 32). The U.S. supports the development of specific proposals by FAO and WHO to enhance the work of the Joint Expert Bodies and looks forward to the proposals for discussion at the July 2003 Session of the Commission.

Recommendation 34**Comment from governments on CL 2003/8-CAC**

The increased funding of risk assessment is a top priority.

Una mayor financiación de la evaluación de riesgos constituye una prioridad absoluta.

Augmenter le financement de l'évaluation des risques est une priorité absolue.

ARGENTINE

De acuerdo

AUSTRALIA

Australia supports this recommendation. If Codex is to truly base standards and guidance on science; the risk assessments to provide the scientific advice must be available.

Although the report addresses the particular problem of JMPR, there are some areas for which no expert advice is available (e.g. nutrition).

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Canada supports the increased funding of risk assessment is a top priority.

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

EC

Recommendations 32, 33 and 34

The EC supports these recommendations

INDIA

Recommendations 32-40: Scientific advice to Codex must only come through FAO/WHO expert consultative bodies.

Recommendations 34. We agree that since sound science based decision making is central to the Codex process, increased funding of risk assessment is a top priority. However, this funding should be separately earmarked for work as per recommended priorities.

NEW ZEALAND

Recommendation 32-40

New Zealand supports the proposal to establish JEMRA as a permanent risk assessment body. We also attach high priority to the recommendations calling for increased funding for scientific advice and risk assessment, including the proposal to make budgetary provision to pay independent experts undertaking risk assessments.

Timely and expeditious completion of risk assessment is important to progressing standards in many Codex committees. There are issues around the current quality of risk assessment where these are based on inadequate data particularly those from developing countries. We also have concerns that the current risk assessment structure is not adequately responsive to meet the needs of technical advice on important emerging issues.

Given the importance of this area New Zealand is pleased to note that FAO/WHO will be convening an expert consultation on strengthening scientific support for Codex decision making. It is important, however, that the Terms of Reference of this consultation cover the full range of issues addressed by these recommendations.

US

The U.S. agrees that risk assessment should be a top priority and believes that the first priority for enhanced funding of risk assessment should be given to the work of JMPR, then to the work of JEMRA. Recognizing the budgetary implications of implementing this, other recommendations, and the recommendation that WHO increase its contribution to the work of Codex, the U.S. encourages WHO to commit additional resources to risk assessment as one component of its increased support of Codex. Additionally, the U.S. believes that increased funding alone is not the entire answer to an increased output for the Joint Expert Groups; there need to be changes in how these bodies do their work. For example, the U.S. believes it would be productive to consider using pertinent portions of existing risk assessments to the maximum extent possible, rather than starting from original studies. To achieve success in enhancing the work of the Joint Expert Groups, increased funding should be directly linked to an action plan to enhance the quality and timeliness of the work output of the Groups.

Recommendation 35**Comment from governments on CL 2003/8-CAC**

A high priority for WHO and FAO is to support the collection of data covering a much wider range of diets and production processes, including the essential capacity building. Furthermore, FAO and WHO should increase their role in defining data requirements for risk assessment and guaranteeing good quality data.

Una importante prioridad de la OMS y la FAO es prestar apoyo al acopio de datos que abarquen una gama mucho más amplia de dietas y de procesos de producción, en particular mediante las actividades indispensables de creación de capacidad. Además, la FAO y la OMS deben aumentar su intervención a la hora de definir las necesidades de datos para la evaluación de riesgos y garantizar su buena calidad.

L'OMS et la FAO doivent accorder une priorité élevée à la collecte de données sur une vaste gamme de régimes alimentaires et de méthodes de production, ainsi qu'au renforcement des capacités. En outre, la FAO et l'OMS devraient renforcer leur rôle en définissant les besoins de données pour l'évaluation des risques et en garantissant la bonne qualité des données.

ARGENTINE

De acuerdo

AUSTRALIA

Australia supports the concept of this recommendation however emphasis should be placed on using the 13 regional diets that have been developed and circulated to Codex committees. These should be used in conjunction with up to date FAO food balance sheet statistics. Food consumption data in general could be improved.

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Canada notes Recommendation 35 which pertains to data collection covering a broader range of diets and production processes. Canada supports this recommendation in principle, however, it should be approached cautiously. The scope of the work should be identified by FAO and WHO as well as the identification of cost estimates. Collection of data will require enhanced investment by FAO and WHO in capacity building activities to ensure the accuracy and usefulness of the data collected. Due to the resource intensive nature of this recommendation, priorities should be established and agreed to.

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

EC

The EC supports this recommendation

INDIA

Recommendations 32-40: Scientific advice to Codex must only come through FAO/WHO expert consultative bodies.

Recommendations 35. The evaluation has recognized that there is inadequate inclusion of national diets in the risk assessment process, in particular for Asia and the Pacific where some dietary patterns are very distinct. This has become a serious obstacle to developing countries feeling 'ownership' of standards finally adopted. Therefore, we strongly support the need for WHO and FAO to expand their work to ensure that developing country data becomes available. Resource allocations should be separately earmarked.

It is also to be appreciated that collection of data for priority items which are important for developing countries should itself become a priority and a separate fast-track mechanism be determined for this. These items should not fall in queue. In ethics perhaps this would be called positive affirmation or discrimination.

NEW ZEALAND

Recommendation 32-40

New Zealand supports the proposal to establish JEMRA as a permanent risk assessment body. We also attach high priority to the recommendations calling for increased funding for scientific advice and risk assessment, including the proposal to make budgetary provision to pay independent experts undertaking risk assessments.

Timely and expeditious completion of risk assessment is important to progressing standards in many Codex committees. There are issues around the current quality of risk assessment where these are based on inadequate data particularly those from developing countries. We also have concerns that the current risk assessment structure is not adequately responsive to meet the needs of technical advice on important emerging issues.

Given the importance of this area New Zealand is pleased to note that FAO/WHO will be convening an expert consultation on strengthening scientific support for Codex decision making. It is important, however, that the Terms of Reference of this consultation cover the full range of issues addressed by these recommendations.

US

The U.S. supports this recommendation as long as the activity is clearly focused, designed to achieve its objective, and does not delay standards setting. The U.S. believes it would be helpful for WHO and FAO to have a much wider range of dietary intake data, particularly if such data better represented distinct dietary patterns, and took into account developing countries. Such information would permit better assessment of risks and improved risk management decisions by Codex committees. The U.S. supports increased capacity building in this regard, as long as it fulfills the objectives of the recommendation. The U.S. believes that it is essential that data requirements, including those to ensure data quality, be scientifically sound so that they can be meaningfully employed in the exposure assessment component of risk assessment.

Recommendation 36**Comment from governments on CL 2003/8-CAC**

Budgetary provision should be made to pay independent experts undertaking risk assessments. At the same time, strict deadlines and quality requirements should be put in place.

Deben habilitarse créditos presupuestarios para pagar a expertos independientes que lleven a cabo evaluaciones de riesgos. Al propio tiempo deberán establecerse plazos rigurosos y estrictos requisitos de calidad.

Une allocation budgétaire devrait être prévue pour rémunérer les experts indépendants conduisant des évaluations des risques. En même temps, des dates limites strictes et des prescriptions de qualité devraient être établies.

ARGENTINE

Apoyamos la creación de una partida para sufragar expertos, pero no nos queda claro.

¿Significa esto que la Evaluación de Riesgo no la harán más los Grupos de Expertos? ¿Se da ya por aprobada la creación del Comité? ¿Cómo impactará esta contratación directa de expertos vs. el sistema anterior en el presupuesto y cómo tomarán los gestores del Codex este tipo de designación?

AUSTRALIA

Australia is generally supportive of this recommendation as it is intended to increase the availability of expert advice. Expert advice doesn't necessarily get better if it's paid for and may in fact have the opposite effect. It also doesn't mean more issues will get considered at Committee meetings since the limiting factor is time.

CANADA

In helping to ensure the credibility of scientific advice, it is important that the experts involved in providing the advice are independent. Under the current system, where many of the experts are "self-funded", there could be a perception of the potential for undue influence by those who fund their participation. Therefore, funding from an independent FAO/WHO source would be supported provided experts continue to be selected in a transparent manner based on their scientific credentials and expertise.

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

EC

Experts are only really independent if their work is not connected to or dependent on the salary that they receive from their usual employer. The remuneration of their work is key to their independence; however a statement of interest remains essential to truly evaluate their independence with respect to the special interest groups.

INDIA

Recommendations 32-40: Scientific advice to Codex must only come through FAO/WHO expert consultative bodies.

NEW ZEALAND

Recommendation 32-40

New Zealand supports the proposal to establish JEMRA as a permanent risk assessment body. We also attach high priority to the recommendations calling for increased funding for scientific advice and risk assessment, including the proposal to make budgetary provision to pay independent experts undertaking risk assessments.

Timely and expeditious completion of risk assessment is important to progressing standards in many Codex committees. There are issues around the current quality of risk assessment where these are based on inadequate data particularly those from developing countries. We also have concerns that the current risk assessment structure is not adequately responsive to meet the needs of technical advice on important emerging issues.

Given the importance of this area New Zealand is pleased to note that FAO/WHO will be convening an expert consultation on strengthening scientific support for Codex decision making. It is important, however, that the Terms of Reference of this consultation cover the full range of issues addressed by these recommendations.

US

The U.S. can support this recommendation in the context of other recommendations relating to a strengthening and enhancement of WHO/FAO Joint Expert Groups' risk assessment activities. The U.S. believes that utilizing paid independent experts to assist the Joint Expert Groups in undertaking risk assessments could be one component of an overall program to enhance risk assessment capabilities. Any use of such experts could be costly and would need to comply with appropriate disclosure and other requirements to avoid conflicts of interest or appearances of conflict.

Recommendation 37

Comment from governments on CL 2003/8-CAC

Building on the findings of this evaluation, a consultancy study should be immediately undertaken of expert advice and risk assessment and this should be followed by an expert consultation and discussion in Codex.

The elements to be included in the study, in line with the discussion above, should include:

- a) new methods of working, including the use of meta-analysis techniques;*
- b) any requirement for redistribution of tasks in existing expert committees or for splitting the committees;*
- c) definition of the form in which risk assessments can be most usefully provided to risk managers for standard setting;*
- d) re-definition of basic requirements for global standards, including the minimum of essential dietary intake data for each major region and tropical performance data for GAP, GMP, GHP, etc.;*
- e) funding and possibilities of payment for services when reviewing proprietary products;*
- f) ways in which non-technical consumer representatives could contribute to the work of providing scientific advice and risk assessment;*
- g) best practice procedures for communication between risk assessors and managers to ensure that scientific advice is given in its most useful form; and*
- h) options, necessary communication expertise and resource implications of alternative risk assessment communication strategies.*

Sobre la base de las conclusiones de esta evaluación debe llevarse a cabo inmediatamente un estudio de consultoría sobre el asesoramiento de expertos y la evaluación de riesgos, a la que deberá seguir una consulta de expertos y un debate en el Codex.

Los elementos que deberán incluirse en este estudio, de acuerdo con lo expuesto anteriormente, deberán incluir:

- a) nuevos métodos de trabajo, en particular el empleo de técnicas de metaanálisis;*
- b) cualquier necesidad de redistribución de tareas en los actuales comités de expertos o de división de los comités;*
- c) la definición de la forma en que podrían proporcionarse de la manera más útil a los encargados de la gestión de riesgos las evaluaciones de los mismos para el establecimiento de normas;*
- d) la nueva definición de los requisitos básicos para las normas mundiales, en particular el mínimo de datos esenciales sobre ingestión alimentaria para cada región importante principal, así como datos de rendimiento en zonas tropicales para BPA, BPF, BPM, etc.*
- e) financiación de servicios y posibilidades de pago cuando se examinen productos patentados;*
- f) formas en que los representantes no técnicos de los consumidores podrían contribuir a la labor de proporcionar asesoramiento científico y evaluaciones de riesgos;*
- g) los mejores procedimientos prácticos para la comunicación entre los evaluadores de riesgos y los encargados de su gestión a fin de asegurar que se dé el asesoramiento científico en su forma más útil; y*
- h) opciones, conocimientos necesarios en materia de comunicación y consecuencias de recursos que entrañan las estrategias alternativas de comunicación de la evaluación de riesgos.*

Sur la base des conclusions de cette évaluation, une étude-conseil devrait être entreprise immédiatement des avis d'experts et de l'évaluation des risques, et être suivie d'une consultation d'experts et d'une discussion au sein du Codex.

Les éléments à inclure dans l'étude, conformément à la discussion ci-dessus devraient comprendre:

- a) de nouvelles méthodes de travail, y compris l'utilisation des techniques de méta-analyse;*
- b) les besoins nécessaires pour redistribuer les tâches au sein des comités d'experts déjà établis ou de diviser les comités;*
- c) la définition de la forme la plus appropriée sous laquelle les évaluations des risques peuvent être fournies aux gestionnaires des risques pour l'établissement des normes;*
- d) la redéfinition des exigences de base pour les normes mondiales, y compris le minimum de données essentielles sur l'apport alimentaire pour chaque grande région et de données sur les résultats concernant les BPA, les BPM, les BPH, etc. ;*
- e) le financement et les possibilités de paiement pour des services durant l'examen des produits de propriétaires;*
- f) comment les représentants des consommateurs non techniques pourraient contribuer aux travaux menés pour fournir des avis scientifiques et des évaluations des risques;*
- g) les meilleures procédures pour la communication entre les évaluateurs des risques et les gestionnaires des risques qui permettront de donner des avis scientifiques sous leur forme la plus utile;*
- h) les options, les compétences nécessaires en communication et les incidences sur les ressources des nouvelles stratégies de communication des évaluations des risques.*

ARGENTINE

De acuerdo

AUSTRALIA

Australia strongly supports the recommended reforms to the provision of expert scientific advice. Australia has consistently advocated the development of science-based Codex guidance and the recommendations appear intended to strengthen this approach. One of the impediments to the timeliness and guidance from Codex and to the strengthening of the scientific basis of the Codex guidance is the availability of scientific risk assessments. The recommendations of the Evaluation Team address both the timeliness and the quality of scientific advice and provision of advice in areas not currently covered. Australia notes the positive response of the FAO and WHO to the calls for substantially increased funding in the area of risk assessment and scientific advice.

With regard to recommendation 19 (clearer separation of the risk management and risk assessment functions), any recommendation must make clear that risk assessment and risk management cannot be undertaken in isolation of each other. This is an iterative process which must clearly show that the risk management decision is based on all available scientific evidence. While we see no need for a policy statement on the distinction between risk assessment and risk management, Australia would support clarification of Codex procedures to provide direct access by Codex committees to scientific advice. For example, there are currently no established mechanisms for Codex to obtain expert and timely advice on foods for special dietary uses, health claims or nutrient addition, hence the CCFSDU17 undertakes both the risk assessment and the risk management decisions in this area.

We would cautiously support the recommendation to establish a scientific committee to enhance the timeliness, quality and relevance of the risk assessments. Such a committee has the advantages of having a broad group of experts inputting into the management of the international risk assessments that should assist in redressing some of the current problems. Great care must be taken in establishing such a committee to ensure that it does not have the mandate or the ability to reopen decisions of the expert bodies. Therefore, if established, a process for appointing individuals as well as the scope and mandate of the committee's work are very important.

Australia also supports the appointment of a joint co-ordinator, as it is clear that the secretariats of JECFA and JMPR cannot adequately manage the work of the expert bodies as well as providing the crucial linkage with Codex committees.

Strongly support. Review of the arrangements for provision of expert advice is urgently required to ensure that robust and comprehensive advice is available to Codex committees and that the Codex decision-making process is not hampered because of lack of information about the scientific status of an issue. Suggest better funding provisions for pre meeting preparation as well as meeting attendance. Risk assessment and risk management cannot be clearly separated. There is an iterative process which must go on at the beginning and at the end to steer the risk assessment to address the possible risk management options. Expert consultation organised by WHO (e.g. acrylamide) are focussed on public health and have considerable credibility. A meeting organised by Codex may not have the same credibility, given its dual agenda.

Another part the problems raised by this recommendation relates to the need to ensure consistency of decision making by Codex Committees as risk managers. There must be clear criteria directing the Committees on how they make risk management decisions. This must include directions to committees that decisions are not made before a thorough risk assessment has been undertaken nor can they be made by discounting/ignoring the risk assessment/advice from the Expert body.

¹⁷ Codex Committee on Nutrition and Foods for Special Dietary Uses

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Canada supports this recommendation to build on the findings of this evaluation, a consultancy study should be immediately undertaken of expert advice and risk assessment and this should be followed by an expert consultation and discussion in Codex.

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

EC

The recommendations of the panel lead to a very important restructuring of Codex. The EC strongly encourages a wide-ranging consultation on these recommendations by keeping in mind that Codex standards are intended for protecting the consumer health of the whole world and consumers should be given every opportunity to participate fully in this consultation.

In conclusion, the EC considers that decision on this recommendation should be held in abeyance until the completion of the expert consultation on the work of FAO/WHO Joint Experts Groups

INDIA

Recommendations 32-40: Scientific advice to Codex must only come through FAO/WHO expert consultative bodies.

Recommendation 37. The consultation proposed in Recommendation No. 37 should also suggest ways and means of how this can be done or WHO/FAO should separately organize a consultation with developing countries to identify priority needs and how data can be generated and collected.

It also follows that experts dealing with these subjects in developing countries should be enabled to participate or present data from these countries in expert committee meetings. Other experts could also be invited.

NEW ZEALAND

Recommendation 32-40

New Zealand supports the proposal to establish JEMRA as a permanent risk assessment body. We also attach high priority to the recommendations calling for increased funding for scientific advice and risk assessment, including the proposal to make budgetary provision to pay independent experts undertaking risk assessments.

Timely and expeditious completion of risk assessment is important to progressing standards in many Codex committees. There are issues around the current quality of risk assessment where these are based on inadequate data particularly those from developing countries. We also have concerns that the current risk assessment structure is not adequately responsive to meet the needs of technical advice on important emerging issues.

Given the importance of this area New Zealand is pleased to note that FAO/WHO will be convening an

expert consultation on strengthening scientific support for Codex decision making. It is important, however, that the Terms of Reference of this consultation cover the full range of issues addressed by these recommendations.

US

Recognizing that a consultancy study has already been completed with respect to JMPR* and should be taken into consideration, the U.S. supports this recommendation. It is critical that consultancy studies and the expert consultation become tools that can be used to help ensure a more effective and efficient risk assessment system to meet the needs of Codex risk management committees.

*The recommendations of the pesticide residue consultancy study were reviewed by the 2002 JMPR. Based on the consultant's report, the U.S. identified substantial reforms, many of which would require minimal or no increased funding. The CCPR declined action on most of the recommendations, pending the outcome of this evaluation.

Recommendation 38

Comment from governments on CL 2003/8-CAC

A Scientific Committee should be established by FAO/WHO.

La FAO/OMS deberán establecer un Comité Científico

Un Comité scientifique devrait être établi par la FAO et l'OMS.

ARGENTINE

¿Sería una estructura nueva más para apoyar a personal que se contrataría en forma puntual? (ver 36)

AUSTRALIA

Australia strongly supports the recommended reforms to the provision of expert scientific advice. Australia has consistently advocated the development of science-based Codex guidance and the recommendations appear intended to strengthen this approach. One of the impediments to the timeliness and guidance from Codex and to the strengthening of the scientific basis of the Codex guidance is the availability of scientific risk assessments. The recommendations of the Evaluation Team address both the timeliness and the quality of scientific advice and provision of advice in areas not currently covered. Australia notes the positive response of the FAO and WHO to the calls for substantially increased funding in the area of risk assessment and scientific advice.

With regard to recommendation 19 (clearer separation of the risk management and risk assessment functions), any recommendation must make clear that risk assessment and risk management cannot be undertaken in isolation of each other. This is an iterative process which must clearly show that the risk management decision is based on all available scientific evidence. While we see no need for a policy statement on the distinction between risk assessment and risk management, Australia would support clarification of Codex procedures to provide direct access by Codex committees to scientific advice. For example, there are currently no established mechanisms for Codex to obtain expert and timely advice on foods for special dietary uses, health claims or nutrient addition, hence the CCFSDU18 undertakes both the risk assessment and the risk management decisions in this area.

We would cautiously support the recommendation to establish a scientific committee to enhance the timeliness, quality and relevance of the risk assessments. Such a committee has the advantages of having a broad group of experts inputting into the management of the international risk assessments that should assist in redressing some of the current problems. Great care must be taken in establishing such a committee to ensure that it does not have the mandate or the ability to reopen decisions of the expert bodies. Therefore, if established, a process for appointing individuals as well as the scope and mandate of the committee's work are very important.

Australia also supports the appointment of a joint co-ordinator, as it is clear that the secretariats of JECFA and JMPR cannot adequately manage the work of the expert bodies as well as providing the crucial linkage with Codex committees.

Support to some extent. Such a committee would have the advantages of a broad group of experts managing the international risk assessment process. Agree that this should redress the problems of quality, timeliness and relevance of the scientific advice as well as reduce the influence of individuals within the WHO/FAO secretariats.

¹⁸ Codex Committee on Nutrition and Foods for Special Dietary Uses

However, great care must be taken if this committee is established to ensure that it does not have the mandate or the ability to reopen the decisions of the expert bodies and resulting in 'political interference'. Therefore the process of appointing individuals to this committee is very important, as is the scope of the committee's mandate.

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Before a decision is taken with respect to establishing a Science Committee and creating a position for "Joint Coordinator", clarification is required as to the function of the Science Committee and how the role of the "Joint Coordinator" would be different from the Expert Committee Secretariat.

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

EC

Recommendations 38 and 39

The EC sees potential value in the establishment of a FAO/WHO Scientific Committee supervising and harmonising the work of JECFA-JMPR-JEMRA. It would be appropriate for the Secretary of this Scientific Committee to have a co-ordinating role but s/he should be placed under the authority of a Board including representatives of the FAO, of WHO, the Secretariat of Codex, and the Executive Committee/Board (if created) of Codex.

In conclusion, the EC considers that decision on Recommendations 38 and 39 should be held in abeyance until the completion of the expert consultation on the work of FAO/WHO Joint Experts Groups

INDIA

Recommendations 32-40: Scientific advice to Codex must only come through FAO/WHO expert consultative bodies.

Recommendation 38. Agreed to only if equal number of experts from developing countries with approval of nomination by the concerned governments or selected in Regional Committees are included.

JAPAN

We doubt the necessity of establishment of another scientific committee above the scientific organization like JECFA, JMPR and JEMRA. There is little necessary to secure authority for these all area regularly. However, we can understand the meaning of establishment of scientific committee, so we suggest establishment of committee which is consisted of major member of JECFA, JMPR and JEMRA.

NEW ZEALAND

Recommendation 32-40

New Zealand supports the proposal to establish JEMRA as a permanent risk assessment body. We also attach high priority to the recommendations calling for increased funding for scientific advice and risk assessment, including the proposal to make budgetary provision to pay independent experts undertaking risk assessments.

Timely and expeditious completion of risk assessment is important to progressing standards in many Codex committees. There are issues around the current quality of risk assessment where these are based on inadequate data particularly those from developing countries. We also have concerns that the current risk assessment structure is not adequately responsive to meet the needs of technical advice on important emerging issues.

Given the importance of this area New Zealand is pleased to note that FAO/WHO will be convening an expert consultation on strengthening scientific support for Codex decision making. It is important, however, that the Terms of Reference of this consultation cover the full range of issues addressed by these recommendations.

US

The U.S. believes that a decision on the recommendation to establish a Scientific Committee to assist in management of the FAO/WHO Expert Groups should be held in abeyance until the completion of the consultancy and expert consultation on the work of FAO/WHO Joint Expert Groups. While a Scientific Committee may add value to the FAO/WHO risk assessment process, it is also possible that such a Committee may only add an additional and unnecessary level of management and review, and delay an already lengthy process. We believe that the proposal for establishing a Scientific Committee should be an element of the risk assessment consultancy and expert consultation noted in Recommendation 37 and that any decision on establishing such a committee should await the completion of such work.

Recommendation 39

Comment from governments on CL 2003/8-CAC

We recommend that a post of Joint Coordinator be established and located in WHO. The joint secretaries of existing scientific committees would continue to be under the current units of their two Organizations.

Recomendamos que se cree un puesto de coordinador conjunto, destacado en la OMS. Los cosecretarios de los actuales Comités científicos deberán seguir adscritos a las actuales dependencias de ambas organizaciones.

Nous recommandons la création d'un poste de coordonnateur conjoint qui sera basé à l'OMS. Les co-secrétaires des comités scientifiques existants resteraient dans les unités actuelles de leurs deux Organisations.

ARGENTINE

Sería un nuevo cargo internacional a evaluar presupuestariamente por ambas organizaciones.

AUSTRALIA

Australia strongly supports the recommended reforms to the provision of expert scientific advice. Australia has consistently advocated the development of science-based Codex guidance and the recommendations appear intended to strengthen this approach. One of the impediments to the timeliness and guidance from Codex and to the strengthening of the scientific basis of the Codex guidance is the availability of scientific risk assessments. The recommendations of the Evaluation Team address both the timeliness and the quality of scientific advice and provision of advice in areas not currently covered. Australia notes the positive response of the FAO and WHO to the calls for substantially increased funding in the area of risk assessment and scientific advice.

With regard to recommendation 19 (clearer separation of the risk management and risk assessment functions), any recommendation must make clear that risk assessment and risk management cannot be undertaken in isolation of each other. This is an iterative process which must clearly show that the risk management decision is based on all available scientific evidence. While we see no need for a policy statement on the distinction between risk assessment and risk management, Australia would support clarification of Codex procedures to provide direct access by Codex committees to scientific advice. For example, there are currently no established mechanisms for Codex to obtain expert and timely advice on foods for special dietary uses, health claims or nutrient addition, hence the CCFNSDU19 undertakes both the risk assessment and the risk management decisions in this area.

We would cautiously support the recommendation to establish a scientific committee to enhance the timeliness, quality and relevance of the risk assessments. Such a committee has the advantages of having a broad group of experts inputting into the management of the international risk assessments that should assist in redressing some of the current problems. Great care must be taken in establishing such a committee to ensure that it does not have the mandate or the ability to reopen decisions of the expert bodies. Therefore, if established, a process for appointing individuals as well as the scope and mandate of the committee's work are very important.

Australia also supports the appointment of a joint co-ordinator, as it is clear that the secretariats of JECFA and JMPR cannot adequately manage the work of the expert bodies as well as providing the crucial linkage with Codex committees.

Australia strongly supports this recommendation. It is clear that the current secretariats of

¹⁹ Codex Committee on Nutrition and Foods for Special Dietary Uses

JECFA/JMPR cannot adequately deal with Codex as well as managing the expert bodies.

CANADA

Before a decision is taken with respect to establishing a Science Committee and creating a position for “Joint Coordinator”, clarification is required as to the function of the Science Committee and how the role of the “Joint Coordinator” would be different from the Expert Committee Secretariat. Could the same degree of coordination be achieved by better resourcing of the Expert Committee Secretariats rather than creating a new position?

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

EC

Recommendations 38 and 39

The EC sees potential value in the establishment of a FAO/WHO Scientific Committee supervising and harmonising the work of JECFA-JMPR-JEMRA. It would be appropriate for the Secretary of this Scientific Committee to have a co-ordinating role but s/he should be placed under the authority of a Board including representatives of the FAO, of WHO, the Secretariat of Codex, and the Executive Committee/Board (if created) of Codex.

In conclusion, the EC considers that decision on Recommendations 38 and 39 should be held in abeyance until the completion of the expert consultation on the work of FAO/WHO Joint Experts Groups

INDIA

Recommendations 32-40: Scientific advice to Codex must only come through FAO/WHO expert consultative bodies.

JAPAN

We doubt the necessity of establishment of Joint Coordinator. If a Scientific Committee will be established, the head of this Committee can play a role of Joint Coordinator.

NEW ZEALAND

Recommendation 32-40

New Zealand supports the proposal to establish JEMRA as a permanent risk assessment body. We also attach high priority to the recommendations calling for increased funding for scientific advice and risk assessment, including the proposal to make budgetary provision to pay independent experts undertaking risk assessments.

Timely and expeditious completion of risk assessment is important to progressing standards in many Codex committees. There are issues around the current quality of risk assessment where these are based on inadequate data particularly those from developing countries. We also have concerns that the current risk assessment structure is not adequately responsive to meet the needs of technical advice on important emerging issues.

Given the importance of this area New Zealand is pleased to note that FAO/WHO will be convening an expert consultation on strengthening scientific support for Codex decision making. It is important, however, that the Terms of Reference of this consultation cover the full range of issues addressed by these recommendations.

US

The U.S. believes that a decision on the recommendation to establish a post of Joint Coordinator be held in abeyance until the completion of consultancy and expert consultation on the work of FAO/WHO Joint Expert Groups. While the U.S. can see the potential value of such a position, the need for and appropriateness of establishing such a position can be an element of the risk assessment consultancy and expert consultation noted in Recommendation 37 and should await the completion of such work. The rationale for a Coordinator would need to be substantiated and the terms of reference for such a position developed to avoid duplication and conflicts of authority with existing Joint Secretaries.

Recommendation 40

Comment from governments on CL 2003/8-CAC

FAO and, in particular WHO are recommended to markedly increase their contribution to health risk assessment and expert advice to feed into Codex. In addition to the immediate direct resource requirements referred to above:

- *WHO should develop data on health risks from food around the world to better determine priorities;*
- *FAO should develop work on good handling and manufacturing practices for additives, packaging, processing agents, etc.; and*
- *both Organizations should develop dietary data for the developing regions.*

Se recomienda a la FAO y en especial a la OMS que incrementen notablemente su contribución a la evaluación de riesgos para la salud y el asesoramiento de expertos para su incorporación al Codex. Además de las necesidades directas inmediatas de recursos arriba señaladas:

- *para una mejor determinación de prioridades la OMS debe elaborar datos sobre riesgos para la salud derivados de alimentos en todo el mundo;*
- *la FAO debe desarrollar trabajos sobre unas buenas prácticas de manipulación y fabricación para aditivos, material de envasado, agentes de elaboración, etc.; y*
- *ambas organizaciones deben elaborar datos dietéticos relativos a las regiones en desarrollo*

Il est recommandé à la FAO et en particulier à l'OMS d'accroître sensiblement leur contribution pour l'évaluation des risques et les avis d'experts au Codex. Outre les besoins de ressources directes immédiates mentionnées ci-dessus:

- *L'OMS devrait élaborer des données sur les risques pour la santé présentés par les aliments partout dans le monde afin de mieux fixer les priorités;*
- *La FAO devrait poursuivre les travaux sur les bonnes pratiques de manutention et de fabrication pour les additifs, les emballages, les agents de traitement, etc.; et*
- *Les deux organisations devraient élaborer des données alimentaires pour les régions en développement.*

ARGENTINE

De acuerdo

AUSTRALIA

Australia strongly supports the recommended reforms to the provision of expert scientific advice. Australia has consistently advocated the development of science-based Codex guidance and the recommendations appear intended to strengthen this approach. One of the impediments to the timeliness and guidance from Codex and to the strengthening of the scientific basis of the Codex guidance is the availability of scientific risk assessments. The recommendations of the Evaluation Team address both the timeliness and the quality of scientific advice and provision of advice in areas not currently covered. Australia notes the positive response of the FAO and WHO to the calls for substantially increased funding in the area of risk assessment and scientific advice.

With regard to recommendation 19 (clearer separation of the risk management and risk assessment functions), any recommendation must make clear that risk assessment and risk management cannot be undertaken in isolation of each other. This is an iterative process which must clearly show that the risk management decision is based on all available scientific evidence. While we see no need for a policy statement on the distinction between risk assessment and risk management, Australia would support clarification of Codex procedures to provide direct access by Codex committees to scientific advice. For example, there are currently no established mechanisms for Codex to obtain expert and timely

advice on foods for special dietary uses, health claims or nutrient addition, hence the CCNFSDU20 undertakes both the risk assessment and the risk management decisions in this area.

We would cautiously support the recommendation to establish a scientific committee to enhance the timeliness, quality and relevance of the risk assessments. Such a committee has the advantages of having a broad group of experts inputting into the management of the international risk assessments that should assist in redressing some of the current problems. Great care must be taken in establishing such a committee to ensure that it does not have the mandate or the ability to reopen decisions of the expert bodies. Therefore, if established, a process for appointing individuals as well as the scope and mandate of the committee's work are very important.

Australia also supports the appointment of a joint co-ordinator, as it is clear that the secretariats of JECFA and JMPR cannot adequately manage the work of the expert bodies as well as providing the crucial linkage with Codex committees.

Generally support increased focus on health risk assessment to underpin the activities of Codex. A focus on looking at priorities in terms of the health risk is supported as it may assist Codex priorities its work according to a set of criteria. The last dot point should note the 13 regional diets already developed and emphasise the use of these diets. This is an important immediate step that can be taken now. However, there will need to be better data on dietary intake if there is to be sensible advice to Codex

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Canada supports this recommendation for FAO and, in particular WHO are recommended to markedly increase their contribution to health risk assessment and expert advice to feed into Codex.

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

EC

The EC approves an increase in the contributions of FAO and especially of WHO for the Codex Alimentarius.

The allocation of the tasks and responsibilities of these two organisations should be evaluated with precaution with the objective of avoiding a kind of competition between them but also with flexibility to allow a better adaptation to emerging situations

INDIA

Recommendations 32-40: Scientific advice to Codex must only come through FAO/WHO expert consultative bodies.

NEW ZEALAND

²⁰ Codex Committee on Nutrition and Foods for Special Dietary Uses

Recommendation 32-40

New Zealand supports the proposal to establish JEMRA as a permanent risk assessment body. We also attach high priority to the recommendations calling for increased funding for scientific advice and risk assessment, including the proposal to make budgetary provision to pay independent experts undertaking risk assessments.

Timely and expeditious completion of risk assessment is important to progressing standards in many Codex committees. There are issues around the current quality of risk assessment where these are based on inadequate data particularly those from developing countries. We also have concerns that the current risk assessment structure is not adequately responsive to meet the needs of technical advice on important emerging issues.

Given the importance of this area New Zealand is pleased to note that FAO/WHO will be convening an expert consultation on strengthening scientific support for Codex decision making. It is important, however, that the Terms of Reference of this consultation cover the full range of issues addressed by these recommendations.

US

The U.S. considers the joint Codex food standards program an important component of WHO and of FAO. The U.S. government looks to the WHO Secretariat to identify all possible efficiencies that might provide additional funding to Codex. The U.S. government will work to address the resource issues in the context of its long-standing position of "zero nominal growth".

Recommendation 41

Comment from governments on CL 2003/8-CAC

It is recommended that the two Organizations agree on principles for coordination and delineation of responsibilities for capacity building and ensure that these principles are communicated to regional and national offices. The Codex Alimentarius Commission should be informed on progress on this agreement at its July 2003 session.

Se recomienda que las dos Organizaciones concierten unos principios de coordinación y delimitación de responsabilidades y procuren que estos principios se comuniquen a las oficinas regionales y nacionales. Se deberá informar a la Comisión del Codex Alimentarius, en su período de sesiones de julio de 2003, sobre el avance de tal acuerdo.

Il est recommandé que les deux Organisations s'accordent sur des principes pour la coordination et la délimitation des responsabilités et fassent en sorte que ces principes soient communiqués aux bureaux régionaux et nationaux. La Commission du Codex Alimentarius devrait être informée des progrès réalisés sur cet accord lors de sa session de juillet 2003.

ARGENTINE

De acuerdo

AUSTRALIA

Australia supports concrete actions to improve coordination of capacity building activities between FAO and WHO, recognising that there have already been efforts to improve coordination.

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Canada supports this recommendation that the two Organizations agree on principles for coordination and delineation of responsibilities and ensure that these principles are communicated to regional and national offices. We note that, in addition to the WHO Codex Trust Fund, there is also a FAO Trust Fund on Food Security and a proposal to establish a FAO Integrated Programme for Biotechnology, Food Quality and Safety and Phyto- and Zoosanitary Standards. This illustrates the need for close coordination between the two organizations.

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

INDIA

Capacity Building

We support most of the observations made by the evaluation regarding Capacity Building. There needs to be a strategy which looks at sustainable and incremental outputs and not ad hoc support. WHO and FAO need to co-ordinate at country level and introduce more flexibility. India has already outlined an approach in paper presented by Mr. Deepak Gupta at the Global Forum for Food Regulation held in Marrakech in Jan, 2002. Detailed discussions are expected in the proposed FAO Consultation on

Capacity Building to be held in 2003. This requires immediate action.

The strategy essentially involves the following areas:

- Preparation of National Action Plan.
- Strengthening of identified Institutions for work on risk assessment.
- Adoption of HACCP.
- Human Resource support at national levels on continuing basis.
- Web-based training/sensitization programmes.
- Strengthening of 1 lab at National level.
- Less emphasis on short term consultants/workshops

NEW ZEALAND

Recommendation 41-42

New Zealand supports the proposal to encourage closer coordination and cooperation between FAO and WHO in respect of technical assistance and capacity building activities. We also welcome the establishment of the FAO/WHO Trust fund to facilitate the participation of developing countries in meetings of the Commission and subsidiary bodies.

US

The U.S. concurs that FAO and WHO should agree on their respective roles in capacity building for Codex. In addition to the stated recommendation, FAO and WHO should coordinate their capacity building efforts with other countries, regions, and international organizations. For example, the WTO SPS Committee has an ongoing project to catalogue capacity building efforts of member countries. It needs to be clarified that this recommendation specifically refers only to FAO and WHO Codex activities; in other words, capacity building for reasons other than development of food safety standards is not relevant to Codex priorities. The U.S. looks forward to a progress report by FAO and WHO at the July 2003 Session of the Commission.

Recommendation 42

Comment from governments on CL 2003/8-CAC

With a view to mobilizing funds for capacity building, it is recommended to further expand the existing FAO/WHO Codex trust fund in line with its wider objectives into a major multi-donor trust fund for capacity-building of national systems, with flexible arrangements to allow donors who wish to do so to earmark funds for a particular purpose. This will have to be done against clear delineation of capacity-building responsibilities between the two Organizations.

Con el objeto de movilizar fondos para la creación de capacidad, se recomienda ampliar ulteriormente el actual fondo fiduciario de donantes múltiples para la creación de capacidad de los sistemas nacionales, con arreglos flexibles para que todos los donantes que así lo deseen puedan hacer aportaciones para un fin determinado. Para ello hará falta una clara delimitación de las responsabilidades de creación de capacidad entre las dos Organizaciones.

En vue de mobiliser des fonds pour le renforcement des capacités, il est recommandé d'étoffer le fonds fiduciaire FAO/OMS du Codex sur la base de ses objectifs plus larges, pour en faire un fonds fiduciaire multi-donneurs à l'appui des capacités des systèmes nationaux, en prévoyant une certaine souplesse pour que les donateurs qui le souhaitent puissent allouer des fonds à un objectif précis. Pour ce faire, il faudra délimiter clairement les responsabilités en matière de renforcement des activités entre les deux Organisations.

ARGENTINE

Ya está creado. Obvian los comentarios sobre el tema.

AUSTRALIA

Australia supports in principle the proposal for a trust fund that focuses on improving all elements of the food control system to give greater coordination to capacity building activities.

Australia notes the work on risk management in food and agriculture conducted under the auspices of FAO - including discussion on capacity building for developing countries in risk management - and considers that capacity-building activities should be better coordinated, as well as clearly delineated, by FAO and WHO and their sub-fora to minimise overlap and duplication in the provision of capacity-building assistance.

Australia notes that the successful development of developing country capacity in risk assessment requires, in many instances, the provision of physical infrastructure in addition to training and technical support

BRAZIL

Brasil está de acuerdo a esta recomendación.

CANADA

Canada supports the enhancement of developing country participation and efforts at capacity building in the area of food safety and hence Canada recognizes that there may be utility in reinforcing the WHO/FAO trust fund for Codex. Canada seeks clarification of how the earmarking of funds could be done in a manner that captures the benefits without compromising its multilateral nature.

CUBA

Estamos de acuerdo con las Recomendaciones 27 hasta la 42.

EC

Recommendation 42 (+ Alinorm 03/25/4)

The EC in principle supports this recommendation. The EC considers that the Trust Fund should focus on participation of developing countries in CAC, Committee and working group meetings.

The scope of the fund (Alinorm 03/25/4 – Annex I) should be more strictly defined.

1.a) is clear; 1.b) seems to be partly included in the scope of other trust funds; the articulation between these different funds should be better defined and clarified. 1.b) should be more focussed on Codex specifically by referring, for instance, to support for the setting up and smooth operation of the Codex national Committees (that could cover operations involving interested parties and components such as the electronic facilities necessary to participate in between-sessions working groups).

It would be important to determine or make public the criteria and procedures to collaborate with the private sector. The establishment of these criteria and procedures seem also in line with the creation of a transparent and efficient system (paragraphs 6 to 8 of Alinorm 03/25/4).

It would be necessary to determine selection criteria for countries eligible to seek funding. It would be desirable to establish a stronger link between the FAO/WHO Consultative Group and the CAC representatives (on the basis of a periodically updated mandate or on the basis of guidelines drawn up by the CAC or the CCEXEC)

INDIA

Capacity Building

We support most of the observations made by the evaluation regarding Capacity Building. There needs to be a strategy which looks at sustainable and incremental outputs and not ad hoc support. WHO and FAO need to co-ordinate at country level and introduce more flexibility. India has already outlined an approach in paper presented by Mr. Deepak Gupta at the Global Forum for Food Regulation held in Marrakech in Jan, 2002. Detailed discussions are expected in the proposed FAO Consultation on Capacity Building to be held in 2003. This requires immediate action.

The strategy essentially involves the following areas:

- Preparation of National Action Plan.
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- Adoption of HACCP.
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- Web-based training/sensitization programmes.
- Strengthening of 1 lab at National level.
- Less emphasis on short term consultants/workshops

NEW ZEALAND

Recommendation 41-42

New Zealand supports the proposal to encourage closer coordination and cooperation between FAO and WHO in respect of technical assistance and capacity building activities. We also welcome the

establishment of the FAO/WHO Trust fund to facilitate the participation of developing countries in meetings of the Commission and subsidiary bodies.

US

It is unclear what the “wider objectives” are. The U.S. supports a trust fund that enhances the capability of countries to effectively participate in Codex activities. The U.S. would need more information before we could support a Codex recommendation that an FAO/WHO Codex trust fund be used for activities that are not directly related to Codex. Coordination with other organizations involved in “capacity building” is important so that the Codex trust fund is not wasted on activities that are already funded elsewhere or are not clearly related to Codex activities.

APPENDIX I

EC Comments received in Spanish and French**Observaciones de la Comunidad Europea
a la evaluación conjunta FAO /OMS del Codex Alimentarius y a otros trabajos de
ambos organismos en relación con las normas alimentarias
(Circular del Codex CL 2003/8-CAC)**

En respuesta a la Circular del Codex CL 2003/8-CAC, la Comunidad Europea desea presentar las observaciones que se incluyen a continuación.

Los comentarios adicionales a las recomendaciones adoptadas en el seno de la Comisión del Codex Alimentarius en febrero de 2003 se remitirán en una fase ulterior.

Las recomendaciones del grupo de expertos tienen por objeto dar respuesta a las principales cuestiones planteadas, en particular:

- la aceleración de los trabajos relacionados con el Codex,
- el incremento de la participación de los países en desarrollo,
- el establecimiento de prioridades en materia de normas,
- el incremento de las capacidades con vistas al establecimiento de sistemas nacionales de control alimentario.

La CE comparte el interés por estas cuestiones y presenta las observaciones generales que se incluyen a continuación.

La CE considera conveniente la aceleración de los trabajos del Codex y de los dictámenes científicos de los expertos por una serie de razones:

- Los Estados miembros no pueden esperar indefinidamente la adopción de una norma del Codex que proteja a los consumidores. Ello les lleva a desarrollar sus propias normas y, así, cuando es preciso adoptar una decisión en el marco del Codex, resulta mucho más difícil lograr el consenso.
- Los países en desarrollo tienen mayor necesidad de las normas del Codex que los desarrollados, que cuentan con los recursos necesarios para poner a punto una legislación basada en el análisis de riesgos exigido por el Acuerdo sobre la Aplicación de Medidas Sanitarias y Fitosanitarias de la OMS (Acuerdo SPS) en los casos en que no existe una norma del Codex.

El problema del retraso en la toma de decisiones no se debe tanto a los numerosos trámites del procedimiento como a la falta de consenso, y es preciso encontrar soluciones que no consistan en desestimar una norma necesaria por su carácter polémico. Conviene tener en cuenta que, en su Vigésimocuarta Sesión, la CCA decidió no adoptar una norma cuando no se dispusiera de datos científicos suficientes o éstos estuviesen incompletos.

La CE considera que para legitimar las normas internacionales resulta esencial la participación de todos los miembros del Codex y, en particular, la de los países en desarrollo. Resulta conveniente que los científicos de dichos países participen en la tarea de evaluación de riesgos.

La CE opina que es preciso conceder prioridad a las normas destinadas a la protección de la salud de los consumidores. Asimismo, hay que tener en cuenta las buenas prácticas en el ámbito del comercio de productos alimenticios y, en particular, la información del consumidor. Ello es importante para garantizar que las normas brindan una protección efectiva y facilitan el comercio internacional. Dado que en la actualidad muchos de los productos procedentes de países en desarrollo no están sujetos a normas de este tipo, es importante seguir trabajando en su creación. No obstante, el Codex no debería consumir su tiempo y energía en establecer normas que no son esenciales para la supresión de barreras injustificadas al comercio. El desarrollo de esas normas regionales o internacionales no esenciales debería corresponder a autoridades o comités regionales o confiarse a organismos internacionales tales como ISO, CEE-ONU etc.

La CE considera el carácter intergubernamental del Codex un aspecto esencial. El acuerdo entre los Gobiernos en relación con una determinada norma caracteriza y legitima el trabajo de armonización del Codex a nivel internacional.

La falta de consenso es el principal obstáculo para una rápida adopción de las normas. La CE considera preciso conceder la mayor importancia a los instrumentos que permiten la rápida obtención de un consenso intergubernamental. Se requiere la máxima transparencia en los procedimientos, en particular, a través del mantenimiento de grupos de trabajo abiertos que permitan un debate transparente, de una participación más amplia de los países en desarrollo (utilización del Fondo Fiduciario de reciente creación) y de la utilización de la comunicación electrónica entre las sesiones de la Comisión.

La CE comparte la opinión del grupo de expertos sobre la necesidad de reforzar las capacidades con vistas a la instauración de sistemas nacionales de control alimentario. La CE ha desarrollado una estrategia que consiste en el establecimiento de relaciones de confianza con las respectivas autoridades nacionales de los países exportadores basadas en una evaluación de sus capacidades de control. Aunque el Codex ha realizado ya recomendaciones muy útiles en materia de establecimiento de sistemas de inspección y certificación, algunos países exportadores en desarrollo no han logrado aplicarlas correctamente. La CE fomenta las formas de asistencia técnica encaminadas a incrementar las capacidades de los sistemas nacionales de control alimentario y a intensificar la participación de los países en desarrollo en las actividades del Codex.

La CE considera que las recomendaciones realizadas por el grupo de expertos proponen orientaciones interesantes en relación con la mejora del funcionamiento del Codex a fin de conseguir los objetivos de normalización internacional de los alimentos.

Dado que, en caso de llegar a aplicarse, algunas de las recomendaciones exigirían la movilización de recursos financieros adicionales, la CE considera importante determinar con precisión su impacto, tanto para la FAO/OMS como para los Estados miembros del Codex.

La CE efectúa las siguientes observaciones a las recomendaciones del grupo de expertos

A. Recomendaciones dirigidas a la propia Comisión

Recomendación 1: *El ámbito de la labor del Codex deben abarcar plenamente los aspectos de las normas alimentarias relacionados con la salud (con sujeción a los recursos de que disponga el Codex, el asesoramiento científico especializado y el establecimiento de prioridades sobre la base de asesoramiento científico por lo que respecta a la importancia de riesgos alternativos), a fin de:*

- *potenciar su labor sobre alimentos para regímenes especiales, declaraciones de propiedades saludables y adición de nutrientes; y*
- *llevar a cabo nuevos trabajos sobre materiales de envasado y sobre agentes de elaboración industrial y bioagentes utilizados en alimentos.*

Recomendación 2: *Se recomienda que el Codex no emprenda más trabajos en materias que no guarden relación con la salud.*

Recomendación 3: *Al determinar su programa de trabajo para el establecimiento de normas, el Codex debe seguir las siguientes prioridades:*

- 1) *normas que tengan un impacto en la salud del consumidor y en la inocuidad;*
- 2) *normas sobre productos que respondan a necesidades expresadas por los países en desarrollo;*
- 3) *normas sobre productos que respondan a necesidades expresadas por los países desarrollados; y*
- 4) *etiquetado informativo sobre cuestiones no*

Recomendación 1

la CE respalda la Recomendación 1, si bien considera que existen otros aspectos muy importantes relacionados con la información de los consumidores y con las prácticas justas en el comercio de alimentos que no deben ignorarse.

Recomendación 2

Aunque la salud constituye una cuestión prioritaria, la Recomendación 2 no debería adoptarse debido a la importancia conferida en los trabajos del Codex a los aspectos relacionados con la información de los consumidores y las prácticas justas en el comercio de alimentos.

Recomendación 3

La CE determina como principal prioridad el establecimiento de normas que repercutan en la salud del consumidor o relacionadas con la inocuidad.

Asimismo, considera prioritarias las normas generales en materia de información de los consumidores en cuestiones relacionadas con la salud o con otros temas.

Por otro lado, la determinación de las prioridades debe efectuarse en el seno de los Comités o en el contexto del Plan a Medio

relativas a la salud e inocuidad.

Plazo. Dichas decisiones deben tomarse caso por caso y basándose en los criterios de prioridad incluidos en el Manual de Procedimiento. El Comité SPS de la OMS identifica las barreras comerciales derivadas de la inexistencia de normas internacionales y efectúa recomendaciones al respecto a las tres organizaciones responsables de la normalización, entre las que figura el Codex. A la hora de establecer sus prioridades, el Codex no puede ignorar las recomendaciones internacionales.

La Recomendación n° 4 sobre el mandato del Codex figura entre las recomendaciones dirigidas a la FAO y a la OMS, pero puede abordarse también en relación con las recomendaciones 1, 2 y 3, por lo que se ha incluido asimismo en la presente sección.

Recomendación 4: *Es importante que para el Codex se formule un mandato completo y claro, que sea ratificado por la Conferencia de la FAO y la Asamblea Mundial de la Salud. Ese mandato debe ser muy sencillo, por ejemplo:*

Formulación y revisión de normas internacionales para alimentos, en colaboración con otras organizaciones internacionales pertinentes, dando prioridad a las normas de protección de la salud del consumidor y al propio tiempo teniendo plenamente en cuenta las necesidades de los países en desarrollo.

Recomendación 6: *El Codex, apoyado por el asesoramiento de expertos independientes de la FAO/OMS, debe intensificar sus esfuerzos por elaborar directrices sobre la determinación de niveles aceptables de protección para su aplicación por los evaluadores de riesgos a la hora de dar su asesoramiento científico a los Comités y reducir el margen de controversias en la OMC.*

Recomendación 4

La CE no cree que exista una necesidad inmediata de modificar el mandato del Codex.

El actual mandato es amplio y constituye una base clara para el desarrollo de las normas del Codex.

La fijación de prioridades puede llevarse a cabo mediante instrumentos ya existentes y más adecuados, como por ejemplo el plan estratégico y el Plan a Medio Plazo.

Recomendación 6

La CE no respalda dicha recomendación.

La CE opina que la determinación de los niveles de protección o de los niveles de riesgo aceptables corresponde a los Gobiernos, en su calidad de responsables políticos de la salud de las poblaciones. La recomendación propuesta crea cierta confusión entre las respectivas tareas de los gestores de riesgos y los evaluadores de riesgos. La evaluación de riesgos es un proceso científico independiente de la determinación de los niveles de protección aceptables.

El papel del Codex no debe interferir en el ámbito de acción de la OMC.

Recomendación 8: *El Codex y la OIE deben intensificar su colaboración para reducir al mínimo las duplicaciones de esfuerzos y evitar lagunas en el establecimiento de normas mediante:*

a) *la delimitación del trabajo y las modalidades concretas de colaboración, que deben ser definidas por el Codex y la OIE en un futuro próximo y formalizadas en un memorando de entendimiento;*

b) *cuando el trabajo interese a ambas organizaciones, deberá acometerse mediante grupos de acción conjuntos.*

Deberá también mantenerse una colaboración constante y estrecha entre el Codex y la CIPF.

Recomendaciones 9 a 12

Recomendación 9: *El Comité Ejecutivo debe ser sustituido por una Junta Ejecutiva, que se reúna cada seis meses, encargada de la responsabilidad estratégica y directiva pero sin la facultad de examinar normas. La función de la Junta sería mejorar la rapidez y la eficacia ayudando a la Comisión en su labor estratégica de planificación, presupuestación y seguimiento, en particular mediante:*

- *la preparación del plan de trabajo y presupuesto y el plan a plazo medio;*
- *la formulación de recomendaciones para mejorar la gestión y los procedimientos de trabajo en el Codex, incluidos sus comités y grupos de acción;*y
- *el seguimiento y la adopción de medidas correctivas para la ejecución del programa de trabajo.*

Recomendación 10: *La Junta Ejecutiva debe ser pequeña e incluir:*

- *2-3 observadores en representación de los consumidores, la industria y tal vez los productores primarios;*
- *la participación oficial del Secretario del Codex y de la FAO y la OMS.*

Recomendación 8

La CE apoya esta recomendación y considera además que, en determinados ámbitos, la colaboración debería iniciarse poniendo en común todos los datos científicos disponibles y procediendo a una evaluación de riesgos conjunta.

Recomendaciones 9 a 12

La CE considera el carácter intergubernamental del Codex un aspecto fundamental. El acuerdo entre los Gobiernos respecto de una determinada norma caracteriza y legitima la tarea de armonización atribuida al Codex a escala internacional.

La falta de consenso es el principal obstáculo para una rápida adopción de las normas. La CE considera que hay que hacer hincapié en lograr un consenso intergubernamental lo antes posible. A tal fin es necesario, en particular, dotar de transparencia a los procedimientos, especialmente, mediante el mantenimiento de estructuras intergubernamentales abiertas que permitan un debate transparente.

Por lo tanto, la CE opina que la principal mejora que debe introducirse a fin de potenciar el buen funcionamiento del Codex es la celebración de reuniones anuales de la CCA, combinadas con el perfeccionamiento de los procedimientos de trabajo (especialización de los órdenes del día, introducción de instrumentos que faciliten la participación de los países en desarrollo).

La CE se pregunta si un Comité de Gestión

Recomendación 11: *La función de gestión de la elaboración de normas debe ser objeto de una atención mucho mayor en el Codex y deberá delegarse pasando de la Comisión a un órgano más pequeño. A este respecto, debe estudiarse la creación de un Comité de Gestión de Normas para desempeñar tareas que, de no ser así, tendrían que ser realizadas en la Junta Ejecutiva.*

Recomendación 12: *Es conveniente que la Comisión del Codex Alimentarius se reúna cada año; ahora bien, si la Junta Ejecutiva y posiblemente el Comité de Gestión de Normas desempeña eficazmente sus funciones, cabría la posibilidad de reducir costos continuando la celebración de reuniones cada dos años.*

Recomendación 16: *El Codex debe efectuar un examen, con un estudio detallado de consultores sobre la labor de los Comités de Asuntos Generales y de Productos que se realice lo antes posible,*

y luego con periodicidad fija, con miras a una racionalización si procede. En ese examen deben estudiarse en especial:

- *los mandatos de los comités actuales con miras a su racionalización;*
- *la necesidad de redistribución de tareas y responsabilidades entre comités;*
- *cualquier necesidad de dividir a los comités.*

Asimismo:

compuesto por 20 o 30 miembros contaría con representatividad suficiente para decidir el desarrollo de las normas. La adopción de decisiones de esta naturaleza por un núcleo reducido puede poner en cuestión la legitimidad democrática del Codex, entre cuyas competencias figura la adopción de las normas.

Por otro lado, las funciones del Comité de Gestión de Normas cuya creación se propone no deberían solaparse con las de la Junta Ejecutiva, ni con las de la Secretaría. En conclusión, la CE no es partidaria de la creación de dicho Comité.

A juzgar por la información facilitada, la nueva Junta Ejecutiva no difiere significativamente del actual Comité Ejecutivo. El principal cambio que parece observarse es la presencia de observadores a fin de garantizar la transparencia. Habida cuenta de la dificultad existente para la designación de observadores representativos, la CE considera importante formular un mandato claro para este organismo, pero no cree que exista ningún motivo de peso para modificar la actual composición de la Junta/Comité Ejecutivo.

Merece la pena examinar instrumentos alternativos para garantizar la transparencia de las reuniones de la Junta/Comité Ejecutivo.

Recomendaciones 16 y 17

La CE respalda el examen de la labor y la pertinencia de los Comités en su conjunto, incluidos los Comités Regionales y los Grupos de Trabajo, con objeto de hallar la forma de acabar con la ineficacia y eliminar la actividad burocrática superflua, en la medida de lo posible. No obstante, la CCA debe conservar sus actuales prerrogativas en materia de adopción de decisiones relativas a la reestructuración de los Comités del Codex.

En la actualidad, los vínculos existentes entre los Comités horizontales y los Comités sobre productos son satisfactorios y ya evitan que estos últimos tengan que tratar en detalle las

- a) *la labor sobre productos deberá manejarse a través de grupos de acción establecidos para un tiempo limitado;*
- b) *no deberá crearse ningún nuevo comité ni siquiera en un área horizontal de trabajo hasta tanto no se hayan establecido mediante un grupo de acción las posibilidades de avances y la necesidad de seguir trabajando;*
- c) *el tratamiento de las cuestiones de salud en los comités de productos deberá reducirse al mínimo indispensable y, en lo posible, manejarse a través de un grupo de acción con el comité horizontal pertinente.*

Recomendación 17: *El Codex deberá llevar a cabo un examen del mandato y de la labor de los comités regionales dentro de los dos próximos años.*

Recomendación 18: *La labor de todos los comités y grupos de acción deberá ser limitada en el tiempo. Se propone no permitir que se trabaje más de cinco años en una norma sin que la Comisión decida si está justificado proseguir esta labor.*

Recomendación 19: *El Codex debe seguir esforzándose para distinguir más claramente las funciones de gestión y evaluación de riesgos a fin de asegurar la transparencia, la utilidad del asesoramiento científico y la rapidez de la adopción de decisiones.*

Recomendación 20: *En el Codex se debe dejar de poner el acento en la redacción de normas durante las reuniones para hacer mayor hincapié en su elaboración mediante un proceso consultivo entre reuniones. Deberá hacerse un uso mucho mayor de consultores/facilitadores para hacer avanzar el trabajo entre las reuniones de los comités, sufragando los costos de esta labor los países hospedantes. Al tiempo que se aceleran los trabajos, deberá asegurarse una participación más amplia mediante todas las*

cuestiones relacionadas con la salud. No obstante, es importante analizar la forma de mejorar la coordinación entre los Comités horizontales y los Comités de productos. La CE apoya el principio de establecer grupos de acción en los ámbitos en que se considere necesario limitar la duración de los trabajos. Pero la recomendación de que toda tarea relacionada con los productos se gestione a través de grupos de acción de duración limitada puede resultar demasiado vaga y poco realista.

Recomendación 18

La CE respalda esta recomendación en lo que respecta a las normas; sin embargo, la elaboración de los documentos conexos puede llevar más de cinco años. La CCA debe reservarse la posibilidad de ampliar ese plazo, en caso necesario.

Recomendación 19

La CE respalda plenamente esta recomendación. La iniciativa de solicitar evaluaciones debe partir de los gestores del riesgo, en este caso, la CCA.

Recomendación 20

La CE no cree que corresponda a la CCA modificar el texto de las normas durante las reuniones plenarias, aunque en esa fase aún sea posible introducir cambios de menor entidad y, en concreto, de tipo formal. El consenso intergubernamental, esencial para un rápido desarrollo de las normas, debe continuar acrecentándose, de forma transparente, en el seno de reuniones abiertas.

consultas necesarias y, cuando proceda, organizando talleres locales; además:

- *deberán tenerse plenamente en cuenta las observaciones escritas;*
- *cuando entre reuniones se recurra a grupos de trabajo, deberán ser electrónicos y por lo general no celebrarán reuniones, que no permiten la participación más amplia;*
- *en la elaboración preliminar de normas deberá hacerse un mayor uso de ONG con conocimientos adecuados.*

La CE apoya la propuesta de tener en cuenta las observaciones escritas y de desarrollar grupos de trabajo que operen entre reuniones y lleven a cabo su actividad por medios electrónicos.

La CE considera que el recurso a las ONG plantea problemas en materia de selección y grado de representatividad de las mismas, y puede provocar conflictos de intereses. Este tipo de colaboración debe gestionarse de forma adecuada a fin de garantizar el indispensable nivel de transparencia democrática.

Si se pretende recurrir al empleo de grupos de trabajo electrónicos, es preciso dotar a los países en desarrollo con los equipos adecuados. A tal fin, habrá que tener en cuenta la propuesta que figura en el apartado 145 del informe.

Como ya se ha indicado anteriormente, la CE apoya la propuesta de incrementar la actividad de preparación entre reuniones. Debe mantenerse y desarrollarse la práctica actual, consistente en la creación de grupos de redacción, grupos de trabajo basados en los intercambios electrónicos, así como en la celebración de reuniones. La idea de recurrir a personas que faciliten el proceso (facilitadores) podría ser interesante, aunque es preciso evaluar cómo se realiza su selección, y cuáles son sus funciones y su representatividad, a fin de garantizar la transparencia y fiabilidad del trabajo intergubernamental que llevan a cabo los Comités del Codex.

Recomendación 21: *Informes de las reuniones - Aunque el Codex es muy eficaz para producir y acordar informes completos de las reuniones antes del final de las mismas, deberá reforzarse aún más la tendencia a que los informes de reuniones estén orientados a la acción, y centrados en las decisiones y no en el debate. Estos informes favorecen una orientación práctica al propio tiempo que dejan libre tiempo de reunión para dedicarlo a un empleo más productivo que el de la tarea de redacción.*

Recomendación 21

La CE considera que la simplificación es un aspecto importante. No obstante, los informes de los Comités sirven de registro de las deliberaciones del Codex, por lo que deben incluir un resumen de los debates destinado a las delegaciones que participen en reuniones posteriores.

Recomendación 22: *Con el fin de mejorar el desempeño y asegurar una mayor coherencia entre las presidencias de los Comités, han de*

Recomendación 22

elaborarse criterios explícitos para la selección de las presidencias, que deberán ser confirmados por la Junta Ejecutiva. Debe hacerse mayor hincapié en formar y evaluar a las presidencias y reconocerse plenamente la función explícita de la Secretaría del Codex en apoyar una personalidad efectiva de las presidencias.

Recomendación 23: *El actual procedimiento consistente en 8 trámites debe simplificarse reduciéndose a 5 para todas las normas. En el Trámite 5, la Comisión no deberá modificar la norma sino que se le pedirá que:*

- *apruebe la norma; o*
- *devuelva la norma al Comité respectivo para estudiar algunos cambios; o*
- *suprima o suspenda la labor sobre la norma.*

Recomendación 24: *En lo posible, las decisiones deben tomarse por consenso. El Codex determinará los consensos a efectos de adopción de decisiones en los comités y la Comisión. Proponemos: "ninguna objeción formal por más de un miembro presente en la reunión"; y*

a) los Comités deberán, normalmente, alcanzar un consenso antes de remitir las normas a la Comisión para su aprobación;

b) los facilitadores que actúan entre reuniones deberán contribuir a alcanzar un consenso y habrán de ser utilizados sistemáticamente para ayudar a superar los escollos en cualquier fase del proceso de establecimiento de normas;

c) En casos de llegarse a un "cuasi-consenso", los Comités deberán dar traslado de los proyectos de normas a la Comisión para su examen. Un sistema consultivo tras la votación deberá considerarse como una forma de asegurar la participación general y la legitimidad;

d) Si no puede llegarse a nada mejor que un

A fin de garantizar una mayor coherencia entre las presidencias de los Comités, es preciso establecer orientaciones sobre la forma de llevar a cabo las reuniones y sobre el trabajo de los grupos entre sesiones. De conformidad con las recomendaciones 13/14/15, el papel de desempeñado por la Secretaría en apoyo de las presidencias debe intensificarse y definirse con mayor precisión.

Recomendación 23

La CE respalda la adopción de las normas mediante un procedimiento en 5 trámites cuando exista consenso. Ello es posible cuando se dispone de la información científica pertinente.

Para lograr la adopción en cinco trámites puede no ser preciso modificar los actuales procedimientos que ya prevén una adopción acelerada.

La decisión de ampliar el plazo fijado en un principio o de suspender los trabajos, en caso necesario, debe corresponder a la CCA

Recomendación 24

La CE está de acuerdo en la necesidad de lograr el consenso. No obstante, la definición propuesta por el grupo de expertos le parece demasiado similar a la unanimidad absoluta. Sería preferible considerar consensuada toda decisión en la que una minoría con opiniones divergentes cediera a fin de permitir la adopción de la norma. Un enfoque de este tipo debería estar vinculado a la modificación de la mayoría de dos tercios.

La CE sugiere la elaboración de un documento de orientación destinado a todos los Estados miembros y a las Presidencias del Comité en las que se exponga claramente qué significa el consenso en el seno de los Comités y de la CCA.

La CE está a favor de la introducción de un procedimiento de consulta por escrito dentro del procedimiento por trámites del Comité, pero no apoya el establecimiento de un sistema de votación por correo para la CCA. En relación con esta última, la CE considera

"cuasi-consenso", en la Comisión deberá procederse a

una votación pero se requerirá al menos una mayoría de 2/3 de los presentes para la aprobación de una norma.

preferible intensificar la participación de las delegaciones de los países en desarrollo a través del Fondo Fiduciario. Además, la CE puede apoyar la adopción de una norma o de un documento conexo con una mayoría de dos tercios cuando, en casos excepcionales, no pueda lograrse el consenso y haya que recurrir a una votación formal.

Por lo que respecta al recurso a los facilitadores, véanse las observaciones de la CE en relación con la recomendación 20.

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Recomendación 25: *Debe alentarse a grupos de países con intereses comunes a coordinar sus posiciones y presentarlas en las reuniones del Comité como posiciones del grupo.*

Recomendación 25

La CE toma nota de esta recomendación con interés, si bien considera que rebasa las competencias del Codex.

Recomendación 26: *Debe estimularse a los comités a nombrar copresidencias de igual rango, de las cuales una procedería de un país en desarrollo. Los países hospedantes deberán también celebrar reuniones en el país de copresidencia.*

Recomendación 26

La CE es partidaria de incrementar la participación de los países en desarrollo, aunque considera que dicho objetivo debe conseguirse mediante la adopción de un paquete de medidas, en particular, a través del Fondo Fiduciario para la participación en el Codex, y no mediante una simple recomendación. Asimismo deberían considerarse soluciones alternativas con efectos similares, como por ejemplo, la celebración de reuniones de los Comités en los países en desarrollo, la financiación de los gastos de viaje de los representantes de dichos países o la creación de presidencias adjuntas.

Recomendación 27: *El Codex debe examinar sus principios y procedimientos para la concesión de la calidad de observadores según exige el Manual de Procedimiento y:*

Recomendación 27

La CE está a favor del endurecimiento de los criterios para la concesión del rango de observador, en particular, a fin de lograr una representación auténticamente internacional. Los actuales observadores que representen a un sector con intereses específicos deben asociarse en una federación ampliada en la que se tengan en cuenta sus puntos de vista.

a) *Debe considerar la aplicación de criterios más estrictos para asegurarse de que los observadores sean auténticamente internacionales. Deberán aplicarse nuevas reglas a los actuales observadores así como a los "solicitantes" futuros, y las credenciales de los observadores del Codex deberán ser aprobadas una a una por la Junta Ejecutiva.*

A fin de garantizar la necesaria transparencia, debería establecerse un requisito que exigiera la plena divulgación de información,

b) *Los observadores deberán estar representados en la Junta Ejecutiva y en el*

Comité de Gestión de Normas (caso de que se establezca).

incluidas las fuentes de financiación y los diferentes grupos de interés representados.

Por lo que respecta a la representación de los observadores en Comités restringidos, como por ejemplo, el Comité Ejecutivo (o la Junta Ejecutiva) o el Comité de Gestión de Normas, se plantea la cuestión de cuál debe ser su número y sus cualificaciones.

Recomendación 28: *Deben formularse criterios claros para llegar a ser país hospedante, en particular las exigencias de recursos. A los países hospedantes se les debe exigir que se comprometan al nivel mínimo de apoyo, en particular el necesario para:*

Recomendación 28

La CE opina que si se fijan criterios demasiado estrictos, es muy probable que los países que manifiestan su interés por convertirse en hospedantes desistan y se refuerce la tendencia a que sean los países más desarrollados quienes ocupen las presidencias de los Comités. La financiación directa de la participación de los países en desarrollo en las sesiones del Comité del Codex a través de un fondo fiduciario podría ser menos costosa y más efectiva.

- *la labor entre reuniones;*
- *reuniones que se celebren en el país de copresidencia.*

Los países hospedantes deben explorar la posibilidad de compartir la acogida de reuniones como opción para responder a unos compromisos mayores.

B. Recomendaciones dirigidas a la FAO y a la OMS

Recomendación 4: *Es importante que para el Codex se formule un mandato completo y claro, que sea ratificado por la Conferencia de la FAO y la Asamblea Mundial de la Salud. Ese mandato debe ser muy sencillo, por ejemplo:*

Recomendación 4

La CE no cree que exista una necesidad inmediata de modificar el mandato para el Codex.

Formulación y revisión de normas internacionales para alimentos, en colaboración con otras organizaciones internacionales pertinentes, dando prioridad a las normas de protección de la salud del consumidor y al propio tiempo teniendo plenamente en cuenta las necesidades de los países en desarrollo.

El actual mandato es amplio y constituye una base clara para el desarrollo de las normas del Codex.

La fijación de prioridades puede llevarse a cabo mediante instrumentos ya existentes y más adecuados, como, por ejemplo, el plan estratégico y el Plan a Medio Plazo.

Recomendación 5: *La FAO y la OMS deben definir cómo pueden señalarse a su atención las recomendaciones oficiales del Codex para examen de los órganos rectores de ambas organizaciones (por ejemplo, en el caso de la FAO a través de uno de los Comités del Consejo).*

Recomendación 5

La CE considera que el Codex y su Secretaría ampliada deberían ser capaces de elaborar las normas y documentos conexos. La adopción de dichas normas y documentos por los Directores Generales de la FAO y la OMS es una mera formalidad. En cambio, en la OIE,

los códigos sanitarios son adoptados directamente por el Director General.

Recomendación 7: *El Codex debe permanecer dentro de la FAO y la OMS pero ha de tener más independencia, autoridad y responsabilidad para el establecimiento de prioridades y la gestión de su programa de trabajo. Los órganos rectores de la FAO y de la OMS deberán ratificar cada bienio el programa general de trabajo y el presupuesto del Codex.*

Recomendación 7

La CE apoya dicha recomendación

Recomendación 13: *La Secretaría del Codex debe estar en condiciones de desempeñar sus funciones directivas, estratégicas y de comunicación. A fin de contar con una persona del calibre adecuado que proporcione un constante liderazgo y apoyo ejecutivo en el Codex y pueda administrar y motivar una Secretaría reforzada, para el cargo de Secretario Ejecutivo debe designarse a alguien de gran experiencia. Deberán también elevarse en general los grados de escalafón del personal de la Secretaría.*

Recomendación 13

La CE desearía que se reforzara el papel de la Secretaría, aunque existe el riesgo de que las funciones de la misma se solapen con las del Comité Ejecutivo/Junta Ejecutiva, que asumiría asimismo tareas estratégicas y de gestión de conformidad con la Recomendación 9. La CE considera que las respectivas funciones de la Secretaría y la Junta Ejecutiva (en caso de crearse) deben definirse con mayor precisión. A tal fin, sería útil elaborar un mandato destinado a la Secretaría del Codex.

Recomendación 14: *La Secretaría conseguiría mejor la identidad independiente, alto predicamento y autoridad que necesita pasando a ser una dependencia separada de la FAO en lugar de seguir incorporada a la Dirección de Nutrición³⁸. La Secretaría continuaría rindiendo informes a la FAO y a la OMS pero, de acuerdo con los planes de dar al Codex una mayor independencia, el nombramiento del Secretario se realizaría en consulta con el Codex.*

Recomendaciones 14 y 15

La CE apoya dichas recomendaciones.

Recomendación 15: *Como cuestión prioritaria deberán destinarse más recursos humanos y financieros a la Secretaría del Codex para que pueda desempeñar debidamente las funciones actuales y responder a unas exigencias en expansión.*

Recomendación 29: *Como cuestión de urgencia deben dedicarse recursos a mejorar*

Recomendación 29

el sitio web del Codex.

Sin comentarios

Recomendación 30: *La FAO y el Codex deben estudiar las posibilidades de establecer una base de datos sobre normas nacionales de importancia en el comercio, y en particular sobre su aplicación y métodos de análisis.*

Recomendación 30

En principio, la CE apoya esta recomendación, aunque prevé que la creación de una base de datos semejante puede provocar problemas de tipo práctico. En el pasado, la FAO trató de establecer una base de datos similar en relación con los productos pesqueros, que nunca llegó a completarse o actualizarse debido a la falta de cooperación de los países miembros. En la actualidad, el sistema de notificación en el marco del Acuerdo SPS garantiza la transparencia de las nuevas normas. Sin embargo, los países miembros de la OMC no están obligados a notificar la adopción de normas compatibles con las normas del Codex.

Recomendación 31: *La FAO y la OMS deben efectuar un cálculo detallado de los incrementos de gastos que para la Secretaría del Codex supondrá el aplicar las recomendaciones acordadas y aportar el incremento necesario a la financiación básica.*

Recomendación 31

La CE apoya dicha recomendación.

C. Recomendaciones en materia de evaluación de riesgos, asesoría de expertos y desarrollo de capacidades dirigidas a la FAO y a la OMC.

Recomendación 32: *Dada la creciente importancia de los peligros microbiológicos, debe ratificarse al JEMRA como comité permanente y asignársele los recursos necesarios para aumentar su producción.*

Recomendaciones 32, 33 y 34

La CE apoya dichas recomendaciones

Recomendación 33: *Debe haber un presupuesto claro y una asignación de recursos humanos para el asesoramiento científico y la evaluación de riesgos. De la parte principal de esta asignación deberá disponer el Codex para el establecimiento de prioridades. Una pequeña proporción del presupuesto deberán retenerla la FAO y la OMS para atender a sus propias necesidades, especialmente en relación con nuevas cuestiones que pudieran surgir. La FAO y la OMS deberán presentar propuestas sobre la forma en que podrá conseguirse esto*

para su examen en el período de sesiones de julio de 2003 de la Comisión del Codex Alimentarius.

Recomendación 34: *Una mayor financiación de la evaluación de riesgos constituye una prioridad absoluta.*

Recomendación 35: *Una importante prioridad de la OMS y la FAO es prestar apoyo al acopio de datos que abarquen una gama mucho más amplia de dietas y de procesos de producción, en particular mediante las actividades indispensables de creación de capacidad. Además, la FAO y la OMS deben aumentar su intervención a la hora de definir las necesidades de datos para la evaluación de riesgos y garantizar su buena calidad.*

Recomendación 36: *Deben habilitarse créditos presupuestarios para pagar a expertos independientes que lleven a cabo evaluaciones de riesgos. Al propio tiempo deberán establecerse plazos rigurosos y estrictos requisitos de calidad.*

Recomendación 37: *Sobre la base de las conclusiones de esta evaluación debe llevarse a cabo inmediatamente un estudio de consultoría sobre el asesoramiento de expertos y la evaluación de riesgos, a la que deberá seguir una consulta de expertos y un debate en el Codex.*

Los elementos que deberán incluirse en ese estudio, de acuerdo con lo expuesto anteriormente deberán incluir:

- a) nuevos métodos de trabajo, en particular el empleo de técnicas de metaanálisis;*
- b) cualquier necesidad de redistribución de tareas en los actuales comités de expertos o de división de los comités;*

Recomendación 35

La CE respalda dicha recomendación.

Recomendación 36

Los expertos sólo son plenamente independientes si su trabajo no está vinculado o subordinado a un salario otorgado por la entidad que los emplea habitualmente. La remuneración de su trabajo es la clave de su independencia; no obstante, la declaración de intereses sigue siendo un documento fundamental para evaluar en profundidad su independencia con respecto a los grupos de interés específicos.

Recomendación 37

Las recomendaciones del grupo de expertos conducen a una profunda reestructuración del Codex. La CE apoya decididamente el lanzamiento de una amplia consulta sobre dichas recomendaciones, teniendo siempre en cuenta que las normas del Codex tienen por objeto la protección de la salud de los consumidores en todo el mundo y que debe hacerse todo lo posible para que estos últimos participen plenamente en la consulta.

En conclusión, la Comisión considera que la decisión sobre la presente recomendación debe dejarse en suspenso hasta que haya finalizado la consulta de los expertos sobre el trabajo de los Grupos Conjuntos de Expertos

- c) *la definición de la forma en que podrían proporcionarse de la manera más útil a los encargados de la gestión de riesgos las evaluaciones de los mismos para el establecimiento de normas;*
- d) *la nueva definición de los requisitos básicos para las normas mundiales, en particular el mínimo de datos esenciales sobre ingestión alimentaria para cada región importante principal, así como datos de rendimiento en zonas tropicales para BPA, BPF, BPM, etc.;*
- e) *financiación de servicios y posibilidades de pago cuando se examinen productos patentados;*
- f) *formas en que los representantes no técnicos de los consumidores podrían contribuir a la labor de proporcionar asesoramiento científico y evaluaciones de riesgos;*
- g) *los mejores procedimientos prácticos para la comunicación entre los evaluadores de riesgos y los encargados de su gestión a fin de asegurar que se dé el asesoramiento científico en su forma más útil; y*
- h) *opciones, conocimientos necesarios en materia de comunicación y consecuencias de recursos que entrañan las estrategias alternativas de comunicación de la evaluación de riesgos.*

Recomendación 38: *La FAO/OMS deberán establecer un Comité Científico.*

Recomendación 39: *Recomendamos que se cree un puesto de coordinador conjunto, destacado en la OMS. Los cosecretarios de los actuales comités científicos deberán seguir adscritos a las actuales dependencias de ambas organizaciones.*

de la FAO/OMS.

Recomendaciones 38y 39

La CE cree que podría resultar útil establecer un Comité Científico FAO/OMS que supervisara y armonizara la labor de los JECFA-JMPR-JEMRA. Sería adecuado que la Secretaría de dicho Comité Científico desempeñara una función de coordinación, si bien dicha Secretaría debería situarse bajo la autoridad de una Junta Directiva que incluyera a representantes de la FAO, la OMS, la Secretaría del Codex y el Comité Ejecutivo del Codex (o la Junta Ejecutiva en caso de que llegue a crearse).

En conclusión, la CE considera que la decisión sobre las recomendaciones 38 y 39 debe dejarse en suspenso hasta que finalice la consulta de los expertos sobre el trabajo de los Grupos Conjuntos de Expertos de la FAO/OMS.

Recomendación 40: *Se recomienda a la FAO y en especial a la OMS que incrementen notablemente su contribución a la evaluación de riesgos para la salud y el asesoramiento de expertos para su incorporación al Codex. Además de las necesidades directas inmediatas de recursos arriba señaladas:*

- *para una mejor determinación de prioridades la OMS debe elaborar datos sobre riesgos para la salud derivados de alimentos en todo el mundo;*
- *la FAO debe desarrollar trabajos sobre unas buenas prácticas de manipulación y fabricación para aditivos, material de envasado, agentes de elaboración, etc.; y*
- *ambas organizaciones deben elaborar datos dietéticos relativos a las regiones en desarrollo.*

Creación de capacidad

Recomendación 41: *Se recomienda que las dos Organizaciones concierten unos principios de coordinación y delimitación de responsabilidades y procuren que esos principios se comuniquen a las oficinas regionales y nacionales. Se deberá informar a la Comisión del Codex Alimentarius, en su período de sesiones de julio de 2003, sobre el avance de tal acuerdo.*

Recomendación 42

(+ Alinorm 03/25/4)

Con objeto de movilizar fondos para la creación de capacidad, se recomienda ampliar ulteriormente el actual fondo fiduciario FAO/OMS del Codex de acuerdo con sus objetivos más amplios, convirtiéndolo en un gran fondo fiduciario de donantes múltiples para la creación de capacidad de los sistemas nacionales, con arreglos flexibles para que todos los donantes que así lo deseen puedan hacer aportaciones para un fin determinado. Para ello hará falta una clara delimitación de las responsabilidades de creación de capacidad entre las dos Organizaciones.

Recomendación 40

La CE aprueba el incremento de las contribuciones de la FAO y, sobre todo, de la OMS al Codex alimentarius.

La asignación de tareas y responsabilidades a ambas organizaciones debe evaluarse con precaución con objeto de evitar cierta competencia entre ellas, pero, al mismo tiempo, con flexibilidad para permitir una mejor adaptación a las nuevas situaciones que vayan surgiendo.

Recomendación 42:

(+ Alinorm 03/25/4)

En principio, la CE apoya esta recomendación. La CE considera que la actuación del Fondo Fiduciario debe centrarse en la participación de los países en desarrollo en la CCA, el Comité y las reuniones de los grupos de trabajo.

Es preciso definir con mayor precisión el ámbito de actuación del Fondo (Alinorm 03/25/4 – Anexo I).

1.a) este apartado no sugiere comentarios; 1.b) parece solaparse parcialmente con el ámbito de acción de otros fondos fiduciarios; es necesario definir y explicar mejor la forma

en que se articulan esos distintos fondos fiduciarios. 1b) debería aludirse más específicamente al Codex, haciendo referencia, por ejemplo, al apoyo al establecimiento y al correcto funcionamiento de los Comités Nacionales del Codex (dicho apoyo puede abarcar operaciones relacionadas con las partes interesadas o con elementos tales como los equipos electrónicos necesarios para participar en los grupos de trabajo entre sesiones).

Sería importante determinar o divulgar los criterios y procedimientos de colaboración con el sector privado. El establecimiento de dichos criterios y procedimientos parece estar en consonancia con la creación de un sistema transparente y eficaz (apartados 6 a 8 de Alinorm 03/25/4).

Sería necesario determinar los criterios de selección aplicables a aquellos países susceptibles de financiación. Sería conveniente establecer un vínculo más estrecho entre el Grupo Consultivo FAO/OMS y los representantes de la CCA (mediante un mandato actualizado regularmente, o mediante directrices establecidas por la Comisión del Codex Alimentarius (CCA) o el Comité Ejecutivo del Codex (CCEXEC).

05/03/2003

**Observations de la Communauté européenne sur l'évaluation conjointe FAO/OMS
du Codex Alimentarius et d'autres activités de la FAO et de l'OMS relatives aux
normes alimentaires
(lettre circulaire du Codex CL 2003/8-CAC)**

La Communauté européenne souhaiterait présenter les observations formulées ci-après en réponse à la lettre circulaire du Codex CL 2003/8-CAC.

D'autres observations sur les recommandations adoptées lors de la session de la Commission du Codex Alimentarius ayant eu lieu au mois de février 2003 seront transmises ultérieurement.

Les recommandations formulées par le groupe d'experts s'attachent à répondre aux principales préoccupations relevées, à savoir:

- l'accélération des travaux du Codex;
- le renforcement de la participation des pays en développement;
- l'établissement de priorités en ce qui concerne les normes;
- l'accroissement des capacités en vue de l'adoption de systèmes nationaux de contrôle alimentaire.

La Communauté européenne partage ces préoccupations et formule les observations générales suivantes.

La Communauté européenne estime que l'accélération des travaux du Codex et des avis scientifiques des experts est souhaitable pour plusieurs raisons:

- les pays membres ne peuvent pas attendre indéfiniment qu'une norme Codex soit adoptée pour protéger leurs consommateurs. Ils sont donc amenés à mettre au point leurs propres normes et lorsqu'une décision doit être prise par le Codex, il est alors beaucoup plus difficile de réunir un consensus;
- les pays en développement ont davantage besoin des normes Codex que les pays développés, qui disposent des ressources nécessaires à l'élaboration d'une législation sur la base de l'analyse des risques requise par l'accord SPS lorsqu'il n'existe pas de norme Codex.

C'est l'absence de consensus, plutôt que le nombre d'étapes, qui retarde la prise de décision; des solutions autres que l'abandon pur et simple d'une norme certes controversée, mais néanmoins nécessaire, doivent être trouvées pour remédier à la situation. Il ne faut pas oublier que la Commission du Codex Alimentarius a décidé, lors de sa 24^e session, de ne pas adopter une norme lorsque les données scientifiques sont insuffisantes ou incomplètes.

La Communauté européenne considère que la participation de l'ensemble des membres du Codex, et notamment des pays en développement, est essentielle à la légitimité des normes internationales. Il est souhaitable que des scientifiques des pays en développement participent aux travaux d'évaluation des risques.

La Communauté européenne estime que la priorité doit être donnée aux normes visant à protéger la santé des consommateurs. Il conviendrait également de prendre en considération les bonnes pratiques dans le commerce des denrées alimentaires, notamment en ce qui concerne l'information des consommateurs. Cet aspect est important pour s'assurer que les normes protègent efficacement les consommateurs et facilitent réellement les échanges internationaux. Compte tenu de l'absence actuelle de normes pour nombre de produits originaires des pays en développement, il importe de continuer à travailler à leur élaboration. Le Codex doit toutefois éviter de gaspiller du temps et de l'énergie à l'établissement de normes qui ne sont pas essentielles à l'élimination des obstacles injustifiés au commerce. Il conviendrait que ces normes internationales ou régionales non essentielles soient mises au point par des gouvernements ou comités régionaux ou que leur établissement soit confié à des organisations internationales telles que l'ISO ou la CEE-ONU.

La Communauté européenne considère que le caractère intergouvernemental du Codex est un aspect essentiel. C'est l'accord des gouvernements sur une norme qui caractérise le travail d'harmonisation dont le Codex est chargé au niveau international et qui lui confère sa légitimité.

L'absence de consensus est le principal obstacle à l'adoption rapide des normes. La Communauté européenne estime que la plus grande attention devrait être portée sur les moyens permettant d'obtenir un consensus intergouvernemental dans les meilleurs délais. Il est indispensable d'assurer une transparence maximale des procédures, notamment par le maintien de groupes de travail à composition non limitée permettant des débats transparents, par le renforcement de la participation des pays en développement (grâce au nouveau fonds fiduciaire) et par le recours aux échanges électroniques entre les sessions des Comités.

La Communauté européenne partage les préoccupations du groupe d'experts quant à la nécessité de renforcer les capacités nécessaires à l'adoption de systèmes nationaux de contrôle alimentaire. Elle a mis au point une stratégie consistant à établir des relations de confiance avec les autorités nationales des pays exportateurs sur la base d'une évaluation de leurs capacités de contrôle. Le Codex a déjà émis nombre d'excellentes recommandations concernant l'établissement de systèmes d'inspection et de certification, mais certains pays en développement exportateurs ne les ont pas appliquées correctement. La Communauté européenne encourage toutes les formes d'assistance technique visant à accroître les capacités des systèmes nationaux de contrôle alimentaire et à renforcer la participation des pays en développement aux activités du Codex.

La Communauté européenne estime que les recommandations formulées par le groupe d'experts donnent des orientations intéressantes en vue de l'amélioration du fonctionnement du Codex de façon à répondre aux objectifs de la normalisation internationale dans le secteur alimentaire.

Dans la mesure où certaines des recommandations, si elles sont mises en œuvre, pourraient nécessiter l'engagement de ressources financières supplémentaires, la Communauté européenne considère qu'il est important de préciser l'incidence financière des recommandations tant pour la FAO/OMS que pour les pays membres du Codex.

La Communauté européenne souhaite présenter les observations formulées ci-après en ce qui concerne les recommandations du groupe d'experts.

A. Recommandations adressées à la Commission elle-même

Recommandation 1: *la portée du Codex devrait couvrir tous les aspects liés à la santé des normes alimentaires. Il lui faudra donc (sous réserve de la disponibilité des ressources pour le Codex et les avis scientifiques d'experts et de l'établissement des priorités sur la base des avis d'experts relatifs à l'importance des autres risques possibles):*

- *renforcer les travaux sur les aliments diététiques et de régime, les allégations relatives à la santé et les ajouts d'éléments nutritifs;*

entreprendre de nouveaux travaux sur les matériaux d'emballage et sur les agents de transformation industriels et les agents biologiques dans les aliments.

Recommandation 2: *il est recommandé que le Codex n'entreprene pas de nouveaux travaux dans des domaines qui ne sont pas liés à la santé.*

Recommandation 3: *en déterminant son programme d'établissement de normes, le Codex devrait suivre l'ordre de priorité suivant:*

- 1) *normes ayant un impact sur la santé des consommateurs et la sécurité sanitaire;*
- 2) *normes de produit répondant aux besoins exprimés des pays en développement;*
- 3) *normes de produit répondant aux besoins exprimés des pays développés et*
- 4) *étiquetage informatif lié aux questions autres que la santé ou que la sécurité sanitaire.*

Recommandation 1

La Communauté européenne souscrit à la recommandation 1, mais considère que d'autres aspects liés à l'information des consommateurs et aux bonnes pratiques dans le commerce des denrées alimentaires restent importants et ne devraient pas être négligés.

Recommandation 2

S'il est vrai que la santé est une priorité, la recommandation 2 ne devrait pas être adoptée, vu l'importance des aspects des travaux du Codex liés à l'information des consommateurs et aux bonnes pratiques dans le commerce des denrées alimentaires.

Recommandation 3

La Communauté européenne estime que la première priorité est d'établir des normes ayant un impact sur la santé des consommateurs et la sécurité sanitaire.

La mise au point de normes générales concernant l'information des consommateurs sur les questions liées à la santé et les questions non liées à la santé est également une priorité importante.

De plus, l'examen des priorités devrait être décidé par les Comités ou dans le cadre du

plan à moyen terme. Ces décisions devraient être prises au cas par cas et sur la base des critères de priorité énumérés dans le manuel de procédure. Le Comité SPS de l'OMC relève les obstacles au commerce liés à l'absence de normalisation internationale et formule des recommandations à l'intention des trois organisations chargées de la normalisation, dont le Codex fait partie. Le Codex ne peut ignorer les recommandations internationales dans l'établissement de ses priorités.

La recommandation 4, qui concerne le mandat du Codex, figure parmi les recommandations adressées à la FAO et à l'OMS. Toutefois, dans la mesure où elle peut également être débattue en liaison avec les recommandations 1, 2 et 3, elle a été incluse dans la présente section.

Recommandation 4: *il importe d'élaborer un mandat global et clair pour le Codex qui sera ratifié par la Conférence de la FAO et l'Assemblée mondiale de la santé. Le mandat devrait être très simple, par exemple:*

La formulation et la révision des normes internationales pour l'alimentation, en collaboration avec les autres organisations internationales appropriées, la priorité étant donnée aux normes visant la protection de la santé des consommateurs, compte pleinement tenu des besoins des pays en développement.

Recommandation 6:

Le Codex, avec l'appui des avis d'experts indépendants de la FAO/OMS, devrait intensifier ses efforts pour élaborer des directives sur la détermination de niveaux acceptables de protection que les évaluateurs des risques pourraient utiliser pour donner des avis scientifiques aux comités et pour réduire les possibilités de différends dans l'OMC.

Recommandation 4

La Communauté européenne ne voit aucune nécessité immédiate de changer le mandat du Codex.

Le mandat actuel est un mandat global, qui constitue une base claire pour la mise au point des normes du Codex.

Des instruments existants plus appropriés peuvent être utilisés pour établir les priorités: le plan stratégique ou le plan à moyen terme.

Recommandation 6

La Communauté européenne ne souscrit pas à cette recommandation.

Elle considère que la détermination du niveau de protection ou du niveau de risque approprié relève du gouvernement politiquement responsable de la santé de ses citoyens. Cette recommandation introduit une confusion entre les rôles respectifs des gestionnaires des risques et des évaluateurs des risques. L'évaluation des risques est un processus scientifique indépendant de la détermination du niveau de protection approprié.

Le rôle du Codex devrait être soigneusement séparé de la sphère de l'OMC.

Recommandation 8: *le Codex et l'OIE devraient intensifier leur collaboration afin de réduire le plus possible les chevauchements et éviter les lacunes dans l'établissement des normes:*

- c) *le Codex et l'OIE devraient dans un avenir proche définir des limites à leurs travaux et des modalités spécifiques de collaboration et les entériner officiellement dans un mémorandum d'accord;*
- d) *lorsque des travaux ont un intérêt pour les deux organisations, ils devraient être réalisés par des équipes spéciales conjointes.*

La collaboration étroite et continue entre le Codex et la CIPV devrait aussi être maintenue.

Recommandations 9 à 12

Recommandation 9: *le Comité exécutif devrait être remplacé par un conseil d'administration, se réunissant tous les six mois, chargé de responsabilités stratégiques et gestionnaires, mais sans le pouvoir d'examiner les normes. La fonction du conseil serait d'accélérer le processus et d'en renforcer l'efficacité en aidant la Commission dans la planification stratégique, la budgétisation et le suivi, y compris:*

- *préparation du plan de travail et budget et du plan à moyen terme;*
- *formulation de recommandations pour améliorer la gestion et les procédures de travail du Codex, y compris de ses comités et groupes spéciaux;*

suivi et mesures correctives nécessaires pour l'exécution du programme de travail.

Recommandation 10: *le Conseil d'administration devrait être restreint et comprendre:*

Recommandation 8

La Communauté européenne souscrit à cette recommandation et considère en outre que la collaboration dans certains domaines devrait commencer par le rassemblement des données scientifiques disponibles et par une évaluation conjointe des risques.

Recommandations 9 à 12

La Communauté européenne considère que le caractère intergouvernemental du Codex est un aspect essentiel. C'est l'accord des gouvernements sur une norme qui caractérise le travail d'harmonisation dont le Codex est chargé au niveau international et qui lui confère sa légitimité.

L'absence de consensus est le principal obstacle à l'adoption rapide des normes. La Communauté européenne estime que l'accent devrait être mis sur les moyens permettant d'obtenir un consensus intergouvernemental dans les meilleurs délais. Pour cela, il faut en particulier assurer la transparence des procédures, notamment par le maintien de structures intergouvernementales à composition non limitée, permettant des débats transparents.

La Communauté européenne estime par conséquent que la tenue de sessions annuelles de la Commission du Codex Alimentarius, associée à l'amélioration de ses procédures de travail (spécialisation des programmes de

- 2-3 représentants d'observateurs des consommateurs, de l'industrie et peut-être des producteurs primaires;

participation formelle du Secrétaire du Codex, de la FAO et de l'OMS.

Recommandation 11: la fonction de gestion de l'élaboration des normes devrait occuper une place plus importante dans le Codex et être transférée de la Commission à un organe plus restreint. Dans ce contexte, il faudrait envisager la création d'un comité de gestion des normes qui exercerait les fonctions qui relèveraient autrement du Conseil d'administration.

Recommandation 12: Il est souhaitable que la Commission du Codex Alimentarius se réunisse tous les ans, mais si le Conseil d'administration et éventuellement le Comité de gestion des normes exercent leurs fonctions de manière efficace, il est peut-être possible de réduire les coûts en continuant à tenir des sessions tous les deux ans.

travail, moyens facilitant la participation des pays en développement) devrait constituer la principale amélioration à apporter en vue de perfectionner le fonctionnement du Codex.

La Communauté européenne se demande si un comité de gestion comptant 20 à 30 membres est suffisamment représentatif pour décider de l'état d'avancement des normes. Des décisions de cette nature prises par une assemblée réduite peuvent mettre en cause la légitimité démocratique du Codex, dans la mesure où l'adoption des normes relève de la compétence de la Commission du Codex Alimentarius.

De plus, le rôle de ce Comité de gestion des normes ne devrait pas empiéter sur celui du Conseil d'administration, ni sur celui du Secrétariat. En conclusion, la Communauté européenne n'est pas favorable à la création d'un comité de gestion des normes.

Selon le rapport, le nouveau Conseil d'administration proposé n'est pas fondamentalement différent de l'actuel Comité exécutif. La présence d'observateurs afin d'assurer la transparence semble constituer le principal changement. Vu la difficulté de désigner des observateurs représentatifs, la Communauté européenne estime qu'il est important de définir un mandat précis pour cet organe, mais ne croit pas qu'il existe de raisons suffisamment sérieuses de modifier la composition actuelle du Conseil d'administration/Comité exécutif.

Il serait bienvenu d'explorer d'autres voies pour garantir une meilleure transparence des sessions du Comité exécutif/Conseil d'administration.

Recommandation 16: le Codex devrait procéder à un examen, qui comportera une étude détaillée par des consultants, des travaux des comités s'occupant de questions générales et des comités s'occupant de produits le plus rapidement possible, et par

Recommandations 16 à 17

La Communauté européenne est favorable à l'examen des travaux et de la pertinence de l'ensemble des Comités, y compris les

la suite à intervalles réguliers, aux fins de rationalisation le cas échéant. L'examen devrait porter en particulier sur les points suivants:

- *les mandats des comités en place aux fins de rationalisation;*
- *toute redistribution nécessaire des tâches et des responsabilités entre les comités;*
- *la nécessité de fractionner certains comités.*

Aussi:

- c) *Les travaux sur les produits devraient être réalisés par des groupes spéciaux à durée limitée.*
- d) *Aucun nouveau comité ne devrait être créé, même dans un domaine de travail horizontal, tant que les possibilités de progrès et la nécessité de travail permanent n'auront pas été confirmées par un groupe spécial.*

Le traitement des questions relatives à la santé devrait être réduit au minimum essentiel dans les comités de produits et, si possible, par l'intermédiaire d'un groupe spécial avec le comité horizontal pertinent.

Recommandation 17: *le Codex devrait procéder à l'examen du mandat et des travaux des comités régionaux dans les deux années qui viennent.*

Recommandation 18: *toutes les activités des Comités et des groupes spéciaux devraient être assorties de délais précis. Toute élaboration de norme devrait être travaillée dans un délai de 5 ans.*

Recommandation 19: *le Codex doit continuer de s'efforcer de séparer nettement les fonctions de gestion des risques et celles d'évaluation des risques, afin d'assurer la transparence, l'utilité des avis scientifiques et la rapidité de la prise de décisions.*

Comités régionaux, et des groupes spéciaux, afin d'étudier les moyens de venir à bout des dysfonctionnements et des lenteurs bureaucratiques inutiles, lorsque cela est possible. Toutefois, la Commission du Codex Alimentarius doit conserver ses prérogatives en matière de décisions concernant toute restructuration des Comités du Codex.

Les liens qui existent actuellement entre les Comités horizontaux et les Comités de produits fonctionnent bien et permettent déjà de faire en sorte que les questions liées à la santé ne soient pas traitées en détail par les Comités de produits. Il est toutefois important de réfléchir à des moyens de renforcer plus avant la coordination entre les Comités horizontaux et les Comités de produits.

La Communauté européenne souscrit au principe de mise en place de groupes spéciaux dans les domaines où les tâches à exécuter doivent l'être dans un certain délai. Néanmoins, il est peut-être excessif et peu réaliste de recommander que tous les travaux portant sur les produits soient effectués par des groupes spéciaux devant respecter des délais précis.

Recommandation 18

La Communauté européenne souscrit à cette recommandation en ce qui concerne les normes, mais la mise au point des textes apparentés peut nécessiter plus de cinq ans. La Commission du Codex Alimentarius devrait conserver la possibilité de prolonger ce délai si nécessaire.

Recommandation 19

La Communauté européenne souscrit pleinement à cette recommandation. L'initiative en ce qui concerne les demandes

d'évaluation devrait venir des gestionnaires de risques, c'est-à-dire de la Commission du Codex Alimentarius.

Recommandation 20:

Le Codex ne devrait plus mettre l'accent sur la rédaction des normes durant les réunions, mais devrait plutôt privilégier l'élaboration des normes en recourant à des consultations entre les réunions. Il faudrait avoir davantage recours aux consultants/facilitateurs afin de faire avancer les travaux entre les sessions des comités, le coût étant à la charge des pays hôtes. Quant à l'accélération du travail, on assurera une plus grande participation avec des consultations intensives, y compris le cas échéant l'organisation d'ateliers locaux et:

- *les observations écrites seront entièrement prises en compte;*
- *lorsque l'on fera appel à des groupes de travail entre les sessions, ils devront être électroniques, car les réunions de type traditionnel ne garantissent pas la pleine participation;*

on s'appuiera davantage sur des ONG expertes pour l'élaboration des normes préliminaires.

Recommandation 20

La Communauté européenne considère que la Commission du Codex Alimentarius n'a pas pour rôle de modifier le texte des normes lors d'une séance plénière, même si des modifications mineures, touchant en particulier à la forme, devraient rester possibles à ce stade. Un consensus intergouvernemental, essentiel à la rapidité du travail de mise au point des normes, devrait continuer à être recherché de manière transparente lors de sessions à composition non limitée.

La Communauté européenne est favorable à la prise en compte des observations écrites et à la mise en place de groupes de travail électroniques entre les sessions.

La Communauté européenne considère que l'appui des ONG soulève le problème de leur sélection et de leur représentativité ainsi que celui d'éventuels conflits d'intérêts. Ce type d'appui nécessite d'être géré judicieusement afin d'assurer le niveau de transparence démocratique requis.

L'utilisation de groupes de travail électroniques implique de faire en sorte que les pays en développement disposent des moyens électroniques adéquats. À cet effet, il conviendrait de prendre en considération les suggestions formulées au paragraphe 145 du rapport.

Comme on l'a indiqué plus haut, la Communauté européenne est favorable à un renforcement du travail d'élaboration des normes entre les sessions. Il conviendrait de continuer à mettre en place des groupes de rédaction ainsi que des groupes de travail fonctionnant sur la base d'échanges électroniques et à organiser des sessions, ainsi que de réfléchir à d'autres initiatives possibles. Le recours à des «facilitateurs» en vue de favoriser ce processus peut être intéressant, mais il importe de clarifier la situation quant à leur sélection, leur rôle et leur représentativité afin d'assurer les nécessaires transparence et validité du travail intergouvernemental des Comités du Codex.

Recommandation 21:

Rapports des réunions – Bien que le Codex soit très efficace pour produire et approuver les rapports des réunions plénières avant la fin des sessions, il faudrait encourager la rédaction de rapports centrés sur l'action qui mettent l'accent sur les décisions et non pas sur la discussion. Ces rapports facilitent la concentration sur les tâches et font gagner du temps qui sera employé plus utilement que pour la rédaction d'un rapport.

Recommandation 22: *Afin d'améliorer l'efficacité et d'assurer une plus grande cohérence entre les présidents des comités, il faudrait élaborer des critères précis pour le choix des présidents et ces choix devront être confirmés par le Conseil d'administration. On mettra davantage l'accent sur la formation et l'évaluation des présidents et on reconnaîtra le rôle explicite du Secrétariat du Codex dans l'appui au président.*

Recommandation 23: *la procédure actuelle en 8 étapes devrait être simplifiée et ramenée à une procédure à 5 étapes pour toutes les normes. À l'étape 5, la Commission ne devrait pas amender la norme mais devrait:*

- *ou adopter la norme;*
- *ou renvoyer la norme au Comité pour étudier certains changements; ou*

supprimer ou suspendre les travaux sur la norme.

Recommandation 24: *chaque fois que*

Recommandation 21

La Communauté européenne estime qu'il est important de simplifier. Pour autant, les rapports des Comités constituent la trace écrite des délibérations du Codex et devraient en tant que tels fournir un compte rendu des discussions à l'intention des délégations qui participeront aux sessions suivantes.

Recommandation 22

Des lignes directrices sur la conduite des sessions et des travaux des groupes entre les sessions devraient être élaborées afin d'assurer une plus grande cohérence entre les présidences des Comités. Conformément aux recommandations 13, 14 et 15, il conviendrait de renforcer et de clarifier le rôle du Secrétariat en matière d'appui aux présidences.

Recommandation 23

La Communauté européenne est favorable à l'adoption des normes en cinq étapes lorsqu'il existe un consensus. Cette approche est réalisable lorsque les informations scientifiques requises sont disponibles.

Pour que les normes soient adoptées en cinq étapes, il n'est peut-être pas nécessaire de modifier les procédures existantes, qui prévoient déjà la possibilité d'une adoption accélérée.

Il conviendrait de laisser à la Commission du Codex Alimentarius le soin de prendre la décision de prolonger le délai fixé au départ ou de mettre fin aux travaux si nécessaire.

Recommandation 24

possible, les décisions devront être prises par consensus. Le Codex devra définir le terme consensus à des fins de prise de décisions au sein des comités et de la Commission. Nous proposons «aucune objection formelle de la part de plus d'un membre présent à la réunion»; et:

a) les comités devraient, en règle générale, obtenir un consensus avant de transmettre les normes à la Commission pour adoption;

b) les facilitateurs qui travaillent entre les réunions devraient aider à la formation d'un consensus et être utilisés systématiquement pour aider à sortir des impasses à tous les stades du processus d'établissement des normes;

c) dans les cas de «quasi-consensus», les projets de normes devraient être transmis par les comités à la Commission pour examen. Il faudrait envisager un système de vote par correspondance à caractère consultatif comme moyen d'assurer l'appartenance et la légitimité;

d) s'il est impossible de parvenir à un «quasi-consensus» au sein de la Commission, on aura recours au vote mais il faudra une majorité des deux tiers au moins des votants pour qu'une norme soit adoptée.

La Communauté européenne ne conteste en rien la nécessité de trouver un consensus, bien au contraire. Toutefois, la définition proposée par le groupe d'experts est trop proche de l'unanimité pure et simple. Il serait préférable de considérer comme consensuelle toute décision pour laquelle une minorité de points de vue divergents s'efface afin de permettre l'adoption de la norme. Cette approche devrait être assortie de la modification de la majorité à deux tiers. Les pays membres devraient avoir la possibilité de signifier leur acceptation en l'accompagnant d'un exposé des raisons expliquant leur point de vue minoritaire.

La Communauté européenne suggère d'élaborer un document d'orientation qui préciserait la signification du terme «consensus» dans les Comités ainsi qu'au sein de la Commission du Codex Alimentarius à l'intention de tous les pays membres et des présidents des Comités.

La Communauté européenne est favorable à l'inclusion d'une procédure de consultation par écrit dans la procédure par étapes des Comités, mais est opposée à la mise en œuvre d'un système de vote par correspondance à caractère consultatif en ce qui concerne la Commission du Codex Alimentarius. La Communauté européenne estime que pour ce qui est de la Commission du Codex Alimentarius, il est préférable de renforcer la participation des délégations des pays en développement par le biais du fonds fiduciaire. De plus, la Communauté européenne peut souscrire à l'adoption d'une norme ou d'un texte apparenté à la majorité des deux tiers lorsque, dans des cas exceptionnels, un consensus ne peut être trouvé et qu'il a été procédé à un vote formel.

En ce qui concerne le recours aux facilitateurs, veuillez vous reporter aux observations de la Communauté européenne relatives à la recommandation 20.

Recommandation 25: *il faudrait encourager les groupes de pays ayant des intérêts communs à coordonner leurs positions et à les présenter comme positions du groupe aux réunions du Comité.*

Recommandation 25

La Communauté européenne prend note avec intérêt de cette recommandation, mais considère qu'elle dépasse les limites de la compétence du Codex.

Recommandation 26: *il faudrait encourager les Comités à nommer des vice-présidents de statut similaire, dont l'un serait ressortissant d'un pays en développement. Les pays hôtes devraient également tenir leurs réunions dans le pays du vice-président.*

Recommandation 26

La Communauté européenne est favorable à l'amélioration de la participation des pays en développement. Toutefois, elle estime que la réalisation de cet objectif doit s'appuyer sur un ensemble de mesures, en particulier l'utilisation du fonds fiduciaire pour assurer la participation des pays en développement au Codex, et non pas sur cette seule recommandation. Il conviendrait également d'examiner d'autres solutions ayant des effets équivalents: réunions des Comités dans les pays en développement, financement des frais de voyage des pays en développement ou création d'un poste d'adjoint au président.

Recommandation 27: *le Codex devrait revoir ses principes et procédures pour l'attribution du statut d'observateur comme il est demandé dans le Manuel et:*

a) devrait envisager d'appliquer des critères plus stricts afin que les observateurs soient vraiment internationaux. De nouvelles règles devraient être appliquées aux observateurs existants ainsi qu'aux futurs "candidats" et les pouvoirs des observateurs du Codex devraient être approuvés individuellement par le Conseil d'administration;

Recommandation 27

La Communauté européenne est favorable à l'application de critères plus stricts en matière d'octroi du statut d'observateur, notamment afin d'assurer une représentation réellement internationale. Les observateurs en place représentant un secteur ayant des intérêts bien définis devraient se regrouper au sein d'une fédération élargie où leurs points de vue seraient pris en compte.

b) les observateurs devraient être représentés au Conseil d'administration et au Comité de gestion des normes (s'ils sont établis).

Afin d'assurer la nécessaire transparence, il conviendrait d'instituer l'obligation de fournir toutes les informations utiles, y compris les sources de financement et les groupes d'intérêts représentés.

Leur représentation au sein de comités restreints comme le Conseil d'administration/Comité exécutif ou le Comité de gestion des normes pose la question du nombre de représentants et de leur qualité.

Recommandation 28: *il faudrait élaborer des critères bien précis à respecter pour devenir pays hôte, qui comprendraient aussi des exigences en matière de ressources. Il faudrait demander aux pays hôtes de s'engager à fournir un minimum de soutien, y compris:*

Recommandation 28

La Communauté européenne estime que si les critères sont trop stricts, les pays hôtes potentiels risquent d'être découragés et les Comités de plus en plus souvent présidés par les pays les plus développés. Le financement

- *entre les travaux des sessions;*
- *pour les réunions qui se tiennent dans le pays du co-président.*

L'accueil partagé des comités pourrait être étudié par les pays hôtes comme une option pour répondre aux exigences accrues en matière de ressources.

direct de la participation des pays en développement aux sessions des Comités du Codex par le biais d'un fonds fiduciaire pourrait se révéler moins coûteux et plus efficace.

B. Recommandations adressées à la FAO et à l'OMS

Recommandation 4:

Il importe d'élaborer un mandat global et clair pour le Codex qui sera ratifié par la Conférence de la FAO et l'Assemblée mondiale de la santé. Le mandat devrait être très simple, par exemple:

La formulation et la révision des normes internationales pour l'alimentation, en collaboration avec les autres organisations internationales appropriées, la priorité étant donnée aux normes visant la protection de la santé des consommateurs, compte pleinement tenu des besoins des pays en développement.

Recommandation 5:

La FAO et l'OMS devraient définir comment porter les recommandations formelles du Codex à l'attention des organes directeurs de la FAO et de l'OMS pour examen (par exemple, au sein de la FAO par l'intermédiaire de l'un des comités du Conseil).

Recommandation 7:

Le Codex devrait rester au sein de la FAO et de l'OMS mais devrait avoir plus d'indépendance, de pouvoir et de responsabilité pour l'établissement des priorités et la gestion de son programme de travail. Les organes directeurs de la FAO et de l'OMS devraient approuver le programme de travail et le budget global du Codex sur une base biennale.

Recommandation 4

La Communauté européenne ne voit aucune nécessité immédiate de changer le mandat du Codex.

Le mandat actuel est un mandat global, qui constitue une base claire pour la mise au point des normes du Codex.

Des instruments existants plus appropriés peuvent être utilisés pour établir les priorités: le plan stratégique ou le plan à moyen terme.

Recommandation 5

La Communauté européenne considère que le Codex et son Secrétariat renforcé devraient être en mesure d'établir les normes et textes apparentés. L'adoption de ces normes et textes apparentés par les Directeurs généraux de la FAO et de l'OMS n'est qu'une simple formalité. À titre de comparaison, les codes zoosanitaires de l'OIE sont adoptés directement par son Directeur général.

Recommandation 7

La Communauté européenne approuve cette recommandation.

Recommandation 13:

Le Secrétariat du Codex devrait pouvoir exercer des fonctions de gestion, de stratégie et de communication. Pour attirer une personne de l'envergure requise pour assumer le rôle de chef de file et fournir un soutien au sein du Codex, gérer et motiver le Secrétariat élargi, le Secrétaire exécutif devra avoir un niveau hiérarchique élevé. Il faudrait également relever le niveau hiérarchique des fonctionnaires du Secrétariat.

Recommandation 14: *le Secrétariat obtiendrait plus facilement l'image d'indépendance, le prestige et l'autorité dont il a besoin s'il constituait une unité distincte de la FAO plutôt qu'en demeurant au sein de la Division de la nutrition²¹. Le Secrétariat continuerait à faire rapport à la FAO et à l'OMS mais dans l'optique de donner une plus grande indépendance au Codex, le Secrétaire serait nommé en consultation avec le Codex.*

Recommandation 15: *il faut en priorité renforcer les ressources humaines et financières du Secrétariat du Codex afin qu'il puisse exercer les fonctions qui lui sont déjà confiées et faire face aux demandes croissantes auxquelles il doit répondre.*

Recommandation 29: *il faudrait en priorité consacrer des ressources à l'amélioration du site web du Codex.*

Recommandation 30: *la FAO et le Codex devraient étudier les possibilités d'établir une base de données des normes nationales ayant une importance pour le commerce, y compris leur application et les méthodes*

Recommandation 13

Bien que la Communauté européenne souhaiterait voir le rôle du Secrétariat renforcé, il existe un risque de confusion de ses fonctions avec celles du Conseil d'administration/Comité exécutif, qui serait également investi de responsabilités en matière de stratégie et de gestion conformément à la recommandation 9. La Communauté européenne estime que les rôles respectifs du Secrétariat et du Conseil d'administration (s'il est créé) doivent être mieux définis. À cette fin, il serait utile d'établir le mandat du Secrétariat du Codex.

Recommandations 14 à 15

La Communauté européenne souscrit à ces recommandations.

Recommandation 29

La Communauté européenne n'a pas d'observations à formuler.

Recommandation 30

La Communauté européenne souscrit sur le principe à cette recommandation, mais craint que la création d'une telle base de données se

²¹ Les Divisions à la FAO ont aussi à leur tête des fonctionnaires de niveau D2.

d'analyse.

heurte à des difficultés d'ordre pratique. La FAO a déjà tenté d'établir une base de données de ce type pour les produits de la pêche, mais celle-ci n'a jamais été achevée ni mise à jour en raison du manque de coopération des pays membres. La transparence des nouvelles normes est maintenant assurée par le système de notification SPS. Toutefois, un pays membre de l'OMC n'est pas tenu de notifier l'adoption de normes compatibles avec les normes du Codex.

Recommandation 31: *la FAO et l'OMS devraient faire un calcul détaillé des augmentations de coût supplémentaire pour que le Secrétariat du Codex mette en œuvre les recommandations convenues et fournir les ressources financières additionnelles nécessaires.*

Recommandation 31

La Communauté européenne souscrit à cette recommandation.

C. Recommandations adressées à la FAO et à l'OMS en ce qui concerne l'évaluation des risques, les avis d'experts et le renforcement des capacités

Recommandation 32: *compte tenu de l'importance croissante des risques microbiologiques, la JEMRA devrait être ratifiée comme comité permanent et recevoir des ressources pour accroître sa contribution.*

Recommandations 32, 33 et 34

La Communauté européenne souscrit à ces recommandations.

Recommandation 33: *il devrait y avoir une allocation claire des ressources budgétaires et humaines pour les avis scientifiques et l'évaluation des risques. La grande partie de cette allocation devrait être affectée aux priorités fixées par le Codex. Une petite partie du budget devrait être réservée à la FAO et à l'OMS afin qu'elles couvrent leurs propres besoins, en particulier pour les questions d'actualité. La FAO et l'OMS devraient faire des propositions pour examen à la session de juillet 2003 de la Commission du Codex Alimentarius sur la manière d'y parvenir.*

Recommandation 34: *augmenter le financement de l'évaluation des risques est une priorité absolue.*

Recommandation 35: *l'OMS et la FAO doivent accorder une priorité élevée à la collecte de données sur une vaste gamme de régimes alimentaires et de méthodes de production, ainsi qu'au renforcement des capacités. En outre, la FAO et l'OMS devraient renforcer leur rôle en définissant les besoins de données pour l'évaluation des risques et en garantissant la bonne qualité des données.*

Recommandation 36: *une allocation budgétaire devrait être prévue pour rémunérer les experts indépendants conduisant des évaluations des risques. En même temps, des dates limites strictes et des prescriptions de qualité devraient être établies.*

Recommandation 37: *sur la base des conclusions de cette évaluation, une étude-conseil devrait être entreprise immédiatement des avis d'experts et de l'évaluation des risques, et être suivie d'une consultation d'experts et d'une discussion au sein du Codex.*

Les éléments à inclure dans l'étude, conformément à la discussion ci-dessus devraient comprendre:

- a) de nouvelles méthodes de travail, y compris l'utilisation des techniques de méta-analyse;*
- b) les besoins nécessaires pour redistribuer les tâches au sein des comités d'experts déjà établis ou de diviser les comités;*
- c) la définition de la forme la plus appropriée sous laquelle les évaluations des risques peuvent être fournies aux gestionnaires des risques pour l'établissement des normes;*
- d) la redéfinition des exigences de base pour les normes mondiales, y compris le minimum de données essentielles sur l'apport*

Recommandation 35

La Communauté européenne souscrit à cette recommandation.

Recommandation 36

Les experts ne sont réellement indépendants que si leurs travaux ne sont pas liés à la rémunération qu'ils perçoivent auprès de leur employeur habituel ou n'en sont pas tributaires. La rétribution de leur travail est essentielle à leur indépendance. Il reste néanmoins indispensable qu'ils remplissent une déclaration d'intérêt pour que leur indépendance à l'égard des groupes d'intérêts spéciaux puisse véritablement être évaluée.

Recommandation 37

Les recommandations du groupe d'experts conduisent à une restructuration très importante du Codex. La Communauté européenne encourage vivement la tenue d'une large consultation sur ces recommandations, dans la mesure où les normes du Codex sont destinées à protéger la santé des consommateurs du monde entier et qu'il convient de leur offrir toutes les possibilités de participer pleinement à cette consultation.

En conclusion, la Communauté européenne considère qu'il convient de surseoir à statuer sur cette recommandation jusqu'à ce que la consultation d'experts concernant les travaux des groupes d'experts mixtes FAO/OMS ait été menée à terme.

alimentaire pour chaque grande région et de données sur les résultats concernant les BPA, les BPM, les BPH, etc.;

e) le financement et les possibilités de paiement pour des services durant l'examen des produits de propriétaires;

f) comment les représentants des consommateurs non techniques pourraient contribuer aux travaux menés pour fournir des avis scientifiques et des évaluations des risques;

g) les meilleures procédures pour la communication entre les évaluateurs des risques et les gestionnaires des risques qui permettront de donner des avis scientifiques sous leur forme la plus utile;

h) les options, les compétences nécessaires en communication et les incidences sur les ressources des nouvelles stratégies de communication des évaluations des risques.

Recommandation 38: *un Comité scientifique devrait être établi par la FAO et l'OMS.*

Recommandation 39: *nous recommandons la création d'un poste de coordonnateur conjoint qui sera basé à l'OMS. Les co-secrétaires des comités scientifiques existants resteraient dans les unités actuelles de leurs deux Organisations.*

Recommandation 40: *il est recommandé à la FAO et en particulier à l'OMS d'accroître sensiblement leur contribution pour l'évaluation des risques et les avis d'experts au Codex. Outre les besoins de ressources directes immédiates mentionnées ci-dessus:*

- *l'OMS devrait élaborer des données sur*

Recommandations 38 et 39

La Communauté européenne juge digne d'intérêt l'établissement d'un comité scientifique FAO/OMS assurant la supervision et l'harmonisation des travaux du JECFA, de la JMRP et des JEMRA. Il serait bon que le secrétaire de ce Comité scientifique assume un rôle de coordination, mais il faudrait qu'il soit placé sous l'autorité d'un comité composé de représentants de la FAO, de l'OMS, du Secrétariat du Codex et du Comité exécutif/Conseil d'administration (s'il est créé) du Codex.

En conclusion, la Communauté européenne considère qu'il convient de surseoir à statuer sur les recommandations 38 et 39 jusqu'à ce que la consultation d'experts concernant les travaux des groupes d'experts mixtes FAO/OMS ait été menée à terme.

Recommandation 40

La Communauté européenne est favorable à un renforcement de la contribution de la FAO et en particulier de l'OMS au Codex Alimentarius.

les risques pour la santé présentés par les aliments partout dans le monde afin de mieux fixer les priorités;

- *la FAO devrait poursuivre les travaux sur les bonnes pratiques de manutention et de fabrication pour les additifs, les emballages, les agents de traitement, etc.;*

les deux organisations devraient élaborer des données alimentaires pour les régions en développement.

Renforcement des capacités

Recommandation 41:

Il est recommandé que les deux Organisations s'accordent sur des principes pour la coordination et la délimitation des responsabilités et fassent en sorte que ces principes soient communiqués aux bureaux régionaux et nationaux. La Commission du Codex Alimentarius devrait être informée des progrès réalisés sur cet accord lors de sa session de juillet 2003.

Recommandation 42:

(+ ALINORM 03/25/4)

En vue de mobiliser des fonds pour le renforcement des capacités, il est recommandé d'étoffer le fonds fiduciaire FAO/OMS du Codex sur la base de ses objectifs plus larges, pour en faire un fonds fiduciaire multi-donateurs à l'appui des capacités des systèmes nationaux, en prévoyant une certaine souplesse pour que les donateurs qui le souhaitent puissent allouer des fonds à un objectif précis. Pour ce faire, il faudra délimiter clairement les responsabilités en matière de renforcement des activités entre les deux Organisations.

La répartition des tâches et responsabilités de ces deux organisations devrait être évaluée avec précaution afin d'éviter toute concurrence entre elles, mais aussi en faisant preuve de souplesse pour permettre une meilleure adaptation aux situations nouvelles.

Recommandation 42:

(+ ALINORM 03/25/4)

La Communauté européenne souscrit sur le principe à cette recommandation. Elle estime que le fonds fiduciaire devrait être axé sur la participation des pays en développement aux sessions de la Commission du Codex Alimentarius, des Comités et des groupes de travail.

L'objet du fonds (ALINORM 03/25/4 - annexe I) devrait être défini de façon plus stricte.

Le point 1. a) est clair. Il semble y avoir au point 1. b) un recoupement avec le champ d'action d'autres fonds fiduciaires; les liens entre ces différents fonds devraient être mieux définis et clarifiés. Le point 1. b) devrait être davantage centré sur le Codex. À cet effet, il devrait notamment faire référence, par exemple, à l'appui nécessaire à la création et au bon fonctionnement des Comités nationaux du Codex (cet appui pourrait porter sur les activités concernant les parties intéressées et sur des éléments tels que les moyens électroniques nécessaires

pour participer à des groupes de travail intersessions).

Il est important de déterminer ou de rendre publics les critères et procédures concernant la coopération avec le secteur privé. La mise au point de ces critères et procédures semble également aller dans le sens de la création d'un système transparent et efficace (paragraphe 6 à 8 du document ALINORM 03/25/4).

Il est nécessaire de définir des critères de sélection en ce qui concerne les pays pouvant prétendre à un financement. Il serait souhaitable d'instituer un lien plus étroit entre le groupe consultatif FAO/OMS et les représentants de la Commission du Codex Alimentarius (sur la base d'un mandat régulièrement mis à jour ou de lignes directrices établies par la Commission du Codex Alimentarius ou le CCEXEC).