

codex alimentarius commission



FOOD AND AGRICULTURE
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 2: Comments received from international organizations

Comments were also received from eight international organizations in response to Circular Letter 2003/8-CAC (Office International des Epizoöties; Consumers International, European Food Law Association, International Co-operative Alliance, International Dairy Federation, International Federation of Fruit Juice Producers, International Soft Drinks Council, International Union of Microbiological Societies). These comments are attached.

Comments received from Member countries plus the European Commission on behalf of the Member States of the European Union are presented in CAC/26 INF/2.

General Comments**Comments from NGO on CL 2003/8-CAC****Consumers International (CI)**

We are pleased that the report contains many practical recommendations on how to improve FAO and WHO's food standard work. However, we are also concerned about how the recommendations will be taken forward by the two bodies, and hope that FAO and WHO can provide further clarification on this. If a Task Force is established to consider whether and/or how the recommendations might be implemented, CI would encourage the Commission to request the Secretariat to organise an intersessional electronic forum on the Report, particularly concerning those recommendations about which the Secretariat has requested comments in CL 2003/8-CAC. CI would be pleased to participate in any Task Force that may be formed to consider how to implement such recommendations as the Commission may adopt.

We are also concerned that an opportunity has been lost for a more wide-ranging review. While we support many of the recommendations in the report, we consider that the report fails to adequately address significant issues that will face Codex in coming years. These include the tensions between public health and trade interests and growing industry influence in the Codex process; the lack of consumer and public interest representation in the Codex process; and how Codex should deal with broader consumer concerns that are relevant to food standards - and which lie at the heart of many recent disputes. While these issues are raised in the report, they are largely dismissed.

CI believes that the papers listed in the report's bibliography should be posted on the Codex Web site, so that members and observers can better appreciate the background of the Report's recommendations.

Protecting the Integrity of the Codex System

The perception that Codex standards are based on sound science (as well as other legitimate factors) and independent of the interests of particular governments or economic sectors is critical to their acceptance as international benchmarks. Codex standards are generally held in high regard by most of the world's governments and trusted by most sectors that are aware of them. However, that confidence is fragile, and if trust is lost, it is not easily regained.

CI is concerned that the integrity of Codex is threatened, and sees two trends that pose risks. We urge the Commission to pro-actively monitor and manage these risks, and not to ignore them.

The first trend is that interests other than public health and consumer protection, which have always been present, have grown more prominent in recent years and could eventually come to have unacceptable and preponderant influence over Codex deliberations.

This first trend results from the tendency among governments to view standards primarily in terms of trade facilitation, rather than towards integrating standards to protect health. CI has observed many occasions in recent years in Codex in which national positions, and sometimes the outcome of Codex deliberations, were driven by trade interests more than by science and food safety concerns. To some extent this is inevitable. However, members need to agree that generally their business at Codex is public health and consumer protection, and that they should settle their trade disputes in other, more appropriate fora.

The second trend that poses a potential threat to the integrity of the Codex system is the ever-growing agenda of work, in the face of fixed or shrinking budgets. The Evaluation Report recommends reforms (as well as expansion of Codex standards-setting activity into new areas) that it estimates would cost several million dollars a year to implement. CI is concerned about where this money would come

from, and believes that the integrity of Codex could be adversely affected by the sources of the funds.

For example, the Evaluation Team, recommends fundraising to expand the risk assessment work of Codex. The report urges that serious consideration be given to whether industry should be asked to pay for risk assessments of (proprietary) chemicals, which would include pesticides, food additives and veterinary drugs under the current structure, and packaging materials and processing aids under the Evaluation Team's new, expanded recommended structure. While the Evaluation Team says it is confident that "fire walls" could be erected to prevent any influence over results of risk assessments paid for by the interested companies, the basis for that confidence is anything but transparent, and CI is sceptical. The external perception of Codex would be negatively altered if industry funding is widely accepted within the standard-setting process, particularly at a time when there is already a perception that industry interests have undue influence.

As a second example, CI notes with concern the growing role of international food industry organisations, such as ILSI, in efforts to build food safety capacity in developing countries. We welcome the very informative report on capacity building activities, prepared by the Codex Secretariat for the recent series of regional Codex Committees. According to that report, food industry organisations co-sponsored all of the cited training workshops in the Asia region, and several in the Latin American region as well. Co-sponsorship of events affords the sponsors some influence over the agenda and participants of the events. We note that none of the described capacity-building events seems to have focused on consumer concerns or roles. As a result, it seems likely that participants received incomplete or unbalanced perspectives on some issues on which there are divergent points of view. It appears to CI that industry involvement in capacity-building has grown rapidly, and without sufficient discussion by the Commission as to whether and to what extent such a role for industry is appropriate and acceptable.

CI is not opposed to public-private partnerships, under the right conditions, and recognises the major responsibility industry has for food safety. However, we would like to ensure that such partnerships are open and transparent within the Codex system, and that they do not result in industry having an undue influence over international food safety policies. CI strongly urges the Commission to examine this trend and issue appropriate advice to FAO and WHO. We hope the Commission will take a strong and principled position that ranks the integrity of Codex as the most important value in the system.

We are further concerned that if capacity building activities to provide technical assistance to implement and enforce standards remain greatly underfunded while the standards setting process is accelerated, the standards will serve primarily to facilitate trade and not to protect consumer health. As the Evaluation notes, "standards do not protect consumers unless they are enforced through a properly functioning food control system" (paragraph 14). The current lack of political will to finance technical assistance for the implementation and enforcement of standards in the majority of Codex members erodes the effect of the standards and their credibility, a vital foundation of Codex's integrity.

Preserving Democracy While Improving Efficiency

CI is generally supportive of the goals of improving the efficiency of the Codex process and enhancing participation, particularly of developing countries. We are concerned, however, that these two objectives are occasionally at odds with each other. We note with approval that many of the specific recommendations of the Evaluation Report are aimed at making the Codex process more inclusive, and expanding access to the process for developing-country members. At the same time, however, we believe that several of the key recommendations, if implemented as conceived by the Evaluation Team, would tend to reduce participation and make the process less transparent. For example:

- The creation of two new bodies, the Executive Board and the Standards management Committee, would expand the number of meetings and impose greater demands on the resources of governments and observers seeking to participate effectively.
- Reliance on consultants to revise drafts and facilitate inter-session working groups would give

even greater influence over the results of Codex work to the small number of countries that host committees (who would engage and pay the consultants).

- Reduction of the step process from eight steps to five would reduce time for members and observers to consider proposals and make inputs, and could reduce the depth and breadth of consensus achievable.
- Abbreviation of meeting reports, to focus only on decisions taken and eliminate discussions and negotiations leading to agreements, would greatly reduce the transparency of decisions and place at a disadvantage those governments and observers (i.e., the majority) that were unable to be present at the meetings themselves.

CI believes that the current relatively low level of effective participation by developing countries and dominance of developed-country perspectives in its work products are problems that the Codex system needs to overcome, and urges the Commission, FAO and WHO to give particular consideration to avoiding exacerbating these problems through reforms aimed at efficiency. We also note that observers, especially consumer observers, face serious resource constraints and are already stretched too thin to keep up with the expanding agenda of important topics Codex is addressing. While we all would like Codex to become more efficient, CI believes that doing so by becoming less inclusive and less deliberative would be too high a cost to pay.

Europe Food Law Association (EFLA)

EFLA suggests that, whenever appropriate, the Recommendations make explicit reference to the need for ensuring fair practices in trade of foods, and for risk assessment based on scientific requirements when adopting standards.

International Co-operative Alliance (ICA)

The initial role of Codex Alimentarius - protecting the health of consumers, ensuring fair practices in the food trade and promoting coordination of all food standards work undertaken by international governmental and non-governmental organisations - is perhaps more important and complicated than when its founders drafted the Statutes of the Commission. However, the role of Codex must be to find the most efficient and effective ways of ensuring that consumers around the world have access to safe and good quality food. ICA believes that collaboration among stakeholders – government agencies whose role it is to ensure food safety, consumer organisations and producer organisations – is essential for Codex to continue to have impact, to be fair and provide scientific information to be the basis of sound food safety policies.

Today, ICA is pleased that Codex is evaluating its work and has asked non-governmental organisations to work with their constituents to provide input. ICA has found that regrettably, for many consumers, the work of Codex is far removed from their daily lives and that consumer organisations are not well informed on the important work of Codex. The ICA therefore underlines the need for Codex to have greater visibility and provide more extensive information to both consumer and increasingly producer organisations. It also recommends that Codex include capacity-building programmes that will allow these organisations to more effectively implement but also signal issues requiring attention by the Commission.

International Committee on Food Microbiology and Hygiene (ICFMH)

The Committee (ICFMH) fully endorses the first priority of Codex Alimentarius, i.e. the development of standards having an impact on consumer health and safety. It is the Committee's impression that too much emphasis in the past has been placed on purely commercial qualities in the standards, on the

expense food safety. We therefore support the idea that only essential quality factors, regulated by governments, should be addressed in Codex standards. The committee has the opinion that this will meet the need for speed and efficiency in the standards setting procedure.

The committee has noticed the emphasis Codex Alimentarius intend to place on “Expert Advice” in order to strengthen the scientific basis of Codex Standards. Our Committee would be pleased to give any support related to this according to our capacity, expertise and means to do so. We call attention to the network of experts covering a broad field of Food Safety and collaborating within the framework of the International Journal Food Microbiology edited under our responsibility

International Dairy Federation (IDF)

The International Dairy Federation (IDF/FIL) would like to congratulate the evaluation team and expert panel for their excellent report including in-depth analysis, comprehensive proposals and recommendations targeted at improving the efficiency and effectiveness of Codex and other FAO and WHO work on food standards.

IDF concurs with the many countries and NGO's which have commented during the extraordinary session of the Codex Alimentarius Commission held in Geneva in February 2003, expressing great appreciation for the thoughtful evaluation, high level of expertise, independent in-depth scrutiny and the overall direction of the recommendations provided by the evaluation team

International Federation of Fruit Juice Producers (IFU)

First of all, we would like to congratulate the evaluation team for the excellent work accomplished within such a short time. Many of the conclusions are shared 100 % by our organisation. However, to some recommendations of this report we would like to comment in response to CL 2003/8-CAC

International Soft Drinks Council (ISDC)

We support the general theme of the evaluation report which stresses increased efficiency of the Codex process and a renewed priority on the health, safety and science of Codex proposals and standards. Although the evaluation results stress the need for a more streamlined and less bureaucratic Codex, many recommendations are at odds with the evaluation results. The recommendations to establish an Executive Board, a Standards Management Committee, a Scientific Committee, and a Joint Coordinator will create additional layers of bureaucracy, limit transparency, and increase overall technical and financial costs to member governments and observers. Priority must be placed on those recommendations most critical to Codex.

Office International des Epizooties (OIE)

Firstly, let me say that the OIE strongly supports the outcome of the evaluation and believes that it provides a solid basis for our continuing close cooperation on the issues discussed.

Since its formation in 1924, the OIE has been involved into the development of standards and the dissemination of information on zoonoses.

Due to the worldwide demand from consumers for improved food safety, the OIE has identified the need to expand its standard-setting and scientific activities into animal production food safety and to work with relevant organisations such as the Codex Alimentarius Commission in addressing food-borne hazards of animal origin. This work has been formally identified as a priority in the 2001-2005 OIE Strategic Plan.

As a result, the OIE has established a permanent Working Group on Animal Production Food Safety to act as a steering committee to coordinate and manage the OIE's animal production food safety activities. This Working Group includes in its membership senior Codex officials, both from the Codex Secretariat and elected experts. The Working Group held its first meeting in November 2002, and made recommendations concerning the scope of its work, a modus operandi, the very important relationship with Codex, and priorities for addressing relevant hazards. To avoid gaps and duplication, and to ensure the most effective utilisation of available expertise, the Working Group recognised that the OIE needed to work more closely with Codex.

The OIE Working Group recommended that the work programme for 2003 comprise:

- Joint review by Codex and the OIE of the current standards of both organisations, and identification of gaps and areas of duplication;
- Prioritising work on standards identified in the review process;
- Preparation of a communications plan, including the organisation of a public meeting, to improve understanding among stakeholders of the new cooperation strategy and the Working Group's activities;
- Establishment of procedures for developing common standards or linked standards dealing with related subject areas, using the current Codex work on the general principles for meat and poultry hygiene as a test case; and
- Using multidisciplinary expertise, updating of current OIE International Animal Health Code chapters for brucellosis and tuberculosis (and, later, cysticercoses) to address more fully risk management for animal production food safety.

The joint review of Codex and OIE standards has already commenced and priorities for further work are being drawn up.

The Working Group also noted that the OIE was entering into new formal agreements with the WHO and FAO, and believed that a specific agreement should be entered into with Codex to formalise the above working relationship. Such an agreement would lay out the criteria for determining whether joint standards should be developed or mutual recognition given to standards adopted by either of the two organisations. The OIE strongly supports Recommendation 8 and the development of a specific mandate for Codex.

Overall, the OIE is very supportive of the evaluation and its recommendations, particularly regarding the importance of the relationship between Codex and OIE in the food safety area, which was addressed well.

Recommendation 1

Comments from NGO 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.*

Consumers International (CI)

We agree as set out in Recommendation 1 that Codex should fully cover health-related aspects of food standards, but regard the bulleted items in the recommendation as an indicative list, rather than an exhaustive list of “health related aspects of food standards. However, we are concerned that the evaluation has not proposed further broadening of Codex's remit. As stated, it is increasingly recognised that the most effective way to ensure effective food safety and standards is to take a plough to plate/ farm to fork approach. Codex's ability to do this is currently limited..

Europe Food Law Association (EFLA)

No reference is made to fair practices in trade, although ensuring fair practices in trade is, together with the protection of the consumer's health, the main objective of Codex (cf. article 1 a) of the Codex Commission Statute). Codex works should be undertaken only when trade issues are at stake. Therefore, EFLA suggests that a reference to fair practices in trade should be explicitly made in those Recommendation.

International Co-operative Alliance (ICA)

ICA agrees that the Codex already carries a heavy load, however signals the need to continue its work in particular on allergens, “health food” (health claims and labelling) as well as impacts of packaging on food safety (plastics) which it considers to be health and safety-related issues. In addition, ICA believes that Codex does have a role to play in guiding countries on building national food control

systems based on the criteria of consumer health protection and fair practices in trade, and that by simply including it in the overall capacity-building area does not sufficiently address its importance..

International Dairy Federation (IDF)

IDF fully agrees and supports the proposal to strengthen work on foods for special dietary uses, health claims and nutrient addition. However, we would like to express our reservation with regard to undertaking work on packaging materials. IDF is not aware of the existence of important trade issues related to packaging materials and their safety is already adequately addressed by a number of regulatory authorities around the world. Moreover, CCFAC has a mandate to address some components deriving from packaging materials.

IDF would request clarification regarding the nature and scope of any proposed new work on "industrial processing agents" and why this is seen as a priority

International Soft Drinks Council (ISDC)

While ISDC would support strengthening work on health claims and nutrient addition, we question the need to undertake work on packaging materials and industrial processing agents. We are not aware of any trade issues relating to packaging materials, and believe that their safety is adequately addressed by a number of regulatory authorities around the world. The CCFAC has a mandate to address food contaminant issues and can manage any contaminants that could arise from packaging materials. We request clarification regarding the nature and scope of any proposed new work on industrial processing agents and why this is seen as a priority.

Recommendation 2
Comments from NGO 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.

Consumers International (CI)

CI strongly disagrees with Recommendation 2 that Codex should not take on additional work in non-health related areas. There are three main reasons for our opposition. First, the recommendation, as stated, entails cessation of work on food quality and the many aspects of commodity standards that have no public health consequences. If the Commission adopts Recommendation 2, it will be in contradiction to part of Recommendation 3. Second, as noted in the FAO management response (ALINORM 03/25/3 – Add.1, paragraph 7), Codex cannot cease to work on non-health related issues and still carry out the legitimate objectives of the Agreement on Technical Barriers to Trade, including “prevention of deceptive practices” (Article 2.2) that information labelling can help to remedy

Thirdly CI questions the Evaluation report's categorical disjunction of health and non-health related issues, particularly as they are characterised in Boxes 1 and 2. The report suggests that a clear distinction can always be made between 'science-based' and 'non-science based' standards. In some situations, the science behind science-based standards may be limited by data gaps and uncertainties, and therefore assumptions and judgements have been, and will be, used when setting standards. Similarly, other standards, including commodity standards, but also standards relating to consumer information or labelling, for example, may have a scientific element. It is important that this is recognised

Reference is made to the Codex Committee on Food Labelling's work on labelling of foods derived from modern biotechnology. It is suggested that 'this particular issue reflects a broader difficulty in international harmonisation when cultural differences among countries mean that consumers have different interests and priorities'. We disagree with this assertion. Our experience is in fact the reverse - from consultation with our membership around the world, consumer opinion is united in favour of comprehensive labelling. The issue has however highlighted the influence of political and economic considerations over Codex standards. Consumers International understands that consensus on issues such as GM labelling has been blocked, not due to 'cultural differences' but due to multinational business interests and a few governments preventing action on a matter of vital concern to the world's consumers

Europe Food Law Association (EFLA)

No reference is made to fair practices in trade, although ensuring fair practices in trade is, together with the protection of the consumer's health, the main objective of Codex (cf. article 1 a) of the Codex Commission Statute). Codex works should be undertaken only when trade issues are at stake.

Therefore, EFLA suggests that a reference to fair practices in trade should be explicitly made in those Recommendation

International Co-operative Alliance (ICA)

Activities related to product description and labelling should be among the priority areas of work for food standards. Standards on food labelling protect consumers giving them clear information and minimizing the risk of food adulteration.

International Dairy Federation (IDF)

Although health related work should be given first priority, IDF believes that other subjects should also be considered as being of high priority for Codex and these should be taken into account in the elaboration of its programme of work.

In particular, there is a continuous need for additional work in non health-related areas in commodity as well as in general subject committees such as for instance:

- suitability of foods(e.g. deterioration), the use of food additives (GMP), or
- food labelling matters.

Further, ongoing revision of existing commodity standards should not be compromised. This holds true in particular for certain product categories such as individual cheeses and other products of significant international trade as well as for labelling standards. Codex commodity standards are important to developed and developing countries

International Federation of Fruit Juice Producers (IFU)

While we agree to give first priority to health related areas, we do not agree with the proposal, not to take additional work in non-health related areas. Consumer protection is not limited to health safety, but needs also protection against any kind of fraud. Fair trade is also fair only, if all players in the international trade are observing the same rules

International Soft Drinks Council (ISDC)

ISDC fully supports this proposal. Codex should critically evaluate any existing proposals that do not specifically address consumer health related issues.

Recommendation 3
Comments from NGO 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.*

Consumers International (CI)

We agree that consumer health and safety should be the over-riding priority of Codex (Recommendation 3). We also agree with the need to prioritise commodity standards. However we are concerned about the low ranking given to 'informational labelling relating to non-health and non-safety issues'. This work is just as important for consumers in developing countries as developed ones. By relegating "informational labelling relating to non-health and non-safety issues" to the fourth priority of Recommendation 3, the Commission would have to presume that scientific investigation is always able to determine what is and isn't a health-related issue. This presumption may lead to decisions that endanger consumer health, particularly given the lack of priority within Codex on advising governments on risk communication and implementation and enforcement guidance concerning standards.

Furthermore, labelling can also be a means for consumers to participate in risk management enabling them to make informed choices about the risks they are prepared to accept. This does not however mean that labelling can always be seen as an alternative to effective control measures. Labelling also enhances the transparency and accountability of Codex and the stakeholders involved. We therefore strongly believe that this task should be emphasised. As food production methods become more complex, consumers are becoming increasingly reliant on informational labelling in order to make informed food choices. Given the global nature of the food supply chain, Codex's work in this area is likely to become even more important in coming years.

Consumers International therefore urges the Commission to consider the following re-ordering and re-formulation of priorities listed in Recommendation 3:

- 1) standards having an impact on consumer health and safety;
- 2) standards and informational labelling relating to non-health and non-safety issues (but which

have an impact on other aspects of consumer protection, e.g. preventing deceptive practices);

- 3) non-health related aspects of commodity standards with those responding to the expressed needs of developing countries taking precedence over those responding to needs of developed countries

Europe Food Law Association (EFLA)

No reference is made to fair practices in trade, although ensuring fair practices in trade is, together with the protection of the consumer's health, the main objective of Codex (cf. article 1 a) of the Codex Commission Statute). Codex works should be undertaken only when trade issues are at stake.

Therefore, EFLA suggests that a reference to fair practices in trade should be explicitly made in those Recommendation

International Co-operative Alliance (ICA)

Given that higher priority is placed on the development of horizontal standards over that of vertical standards, informational (non-health) labelling is as important as health and safety issues in terms of consumer protection

International Dairy Federation (IDF)

Although health related work should be given first priority, IDF believes that other subjects should also be considered as being of high priority for Codex and these should be taken into account in the elaboration of its programme of work.

In particular, there is a continuous need for additional work in non health-related areas in commodity as well as in general subject committees such as for instance:

suitability of foods(e.g. deterioration), the use of food additives (GMP), or food labelling matters.

Further, ongoing revision of existing commodity standards should not be compromised. This holds true in particular for certain product categories such as individual cheeses and other products of significant international trade as well as for labelling standards. Codex commodity standards are important to developed and developing countries

International Federation of Fruit Juice Producers (IFU)

We support this recommendation (see comment Recommendation 2)

International Soft Drinks Council (ISDC)

ISDC agrees that the priority should be on standards having an impact on consumer health and safety, but we question why the word "trade" is not included in any of the points. We believe that the priority should be on horizontal standards and not in commodity standards. Further, we believe that point 4 of the recommendation contradicts the previous recommendation to focus on health-related issues and, therefore, it should be deleted.

Recommendation 4

Comments from NGO 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.

Consumers International (CI)

Consumers International does not consider that there is currently a need to revise Codex's mandate. We consider that its current mandate, i.e. protecting the health of consumers and ensuring fair practices in the food trade, remains appropriate. We have concerns however that 'ensuring fair practices in the food trade' is often misinterpreted as meaning that Codex has a role promoting trade. This is not for Codex to do and it falls within the remit of other organisations such as the WTO. It should be clarified that this relates to Codex's role in ensuring that consumers are adequately protected from fraud in the food trade and are not misled about what they are eating.

At the extraordinary meeting of the Codex Alimentarius Commission in February, there appeared to be consensus not to change Codex's mandate at this time. If however, the proposed mandate in Recommendation 4 is considered, we suggest amending it as follows (change in italics): "The formulation and revision of international standards for food, in collaboration with other appropriate international intergovernmental organisations, with priority to standards for the protection of consumer health and for the protection of consumers against unfair practices in the food marketplace, while taking into full account the needs of developing countries

Europe Food Law Association (EFLA)

ICA proposes that the term "international organisations" be clearly defined and include both multilateral and non-governmental organisations.

International Soft Drinks Council (ISDC)

ISDC supports maintaining the current dual mandate of the Commission as expressed in Article 1 of its Statutes.

Recommendation 5**Comments from NGO 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).

Consumer International (CI)

We support the need for FAO and WHO to define how formal recommendations of Codex should be brought to the attention of FAO/WHO governing bodies (Recommendation 5)

International Soft Drinks Council (ISDC)

No comments.

Recommendation 6**Comments from NGO 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..

Consumer International (CI)

We do not agree with Recommendation 6. It is our view that Codex's work on developing guidelines for risk analysis will in effect set out how an 'acceptable level of protection' (ALOP) should be achieved. We do not believe that it is possible to come up with generic guidance on what is an ALOP as this will depend on the particular issue concerned, and many other factors, including for example possible benefits or availability of alternatives.

We also do not consider that it is Codex's role to 'reduce the scope of disputes in the WTO'. Although Codex is referenced in the WTO agreements, it is - and should remain - an independent organisation

Europe Food Law Association (EFLA)

EFLA fully support the purpose of reducing the scope of disputes in the WTO, provided the standards and guidelines adopted to this purpose are practical and clearly implementable

International Co-operative Alliance (ICA)

ICA members highlight the difficulty/possibility of determining the appropriate level of protection (ALOP). Can ALOP be determined for various chemical or microbiological risks in different populations? What scientific methodology is applied to determine ALOP? How is ALOP expressed? ICA proposes that ALOP should be determined by risk assessment based on case by case approach

International Soft Drinks Council (ISDC)

ISDC does not support this proposal since it is contradictory to the WTO SPS agreement that provides countries the right to set their own ALOPs

Recommendation 7**Comments from NGO 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.

Consumer International (CI)

We fully support Recommendation 7 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'. However, we believe that close cooperation and collaboration with FAO and WHO should be maintained with regards to capacity building in order to enforce standards for the protection of consumer health

International Soft Drinks Council (ISDC)

ISDC agrees that Codex should be provided more decision making authority concerning its programs within the broad framework of the parent organizations.

Recommendation 8

Comments from NGO 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.

Consumer International (CI)

We agree that 'food safety has become a food chain issue' (paragraph 88). So has the ability to provide consumers with informed food choices about what they are eating, as consumers are increasingly interested in the origin of their food and the methods used to produce it. We agree that if Codex were to be created from scratch (paragraph 88), it would need to have a remit to look at issues across the entire food chain as they impact on food safety and consumer protection. This should still be the aim although we appreciate the resource implications.

We do not think that this food chain approach should be lost as an ultimate goal, but agree that in the interim, greater and more effective collaboration and co-operation between Codex and other relevant organisations, such as the OIE and IPPC is desirable. The relationship between Codex and these organisations needs to be formalised. We think that the idea of joint task forces with the OIE for example is a good one. We therefore agree with Recommendation 8 that Codex and OIE should intensify their collaboration to minimise overlaps and avoid gaps in standards setting and that there should be close collaboration between Codex and IPPC. We recommend that adequate measures are taken to ensure that consumer participation and transparency are not diminished in these collaborations

International Soft Drinks Council (ISDC)

No comments

Recommendation 9

Comments from NGO 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 reúna 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.

Consumer International (CI)

The Evaluation Team reports that some informants in developed countries believed that “Codex must be run like a business.” CI believes that if Codex adopts recommendations to prioritise the protection of consumer health, then Codex should be run more like a public health organisation. A more public health oriented Codex would include public health representatives on any new bodies that might result from the Commission’s deliberations on Recommendations 9-12. Inclusion of such representatives would be desirable for many reasons, particularly given the recommendation to prioritise work on health claims made for foods in Recommendation 1.

CI believes that the Commission should consider Recommendations 9-12 conjointly, because support by many members and observers for Recommendations 9-10 will likely depend on the remit and composition of the proposed Standards Management Committee (SMC), the composition and remit of which remains to be determined.

We welcome the intention behind the recommendation that an Executive Board is set up in place of the Executive Committee (Recommendation 9). However, we have severe reservations about the implications of this for the transparency, inclusiveness and ultimately, the democratic nature of the Codex process. We have concerns about how such a body could be sufficiently accountable and representative, given its small membership, to deal with strategic issues, including Codex's work plan. If such a Board is to be established, we believe that its function should be mainly to deal with

managerial issues

International Co-operative Alliance (ICA)

ICA stresses the need for a balance between efficiency and transparency when reviewing Codex administrative structures. The Executive in whatever form it takes should have public meetings enabling all to observe the proceedings

International Dairy Federation (IDF)

IDF supports any Codex management structure that is efficient, effective, target-orientated and enhances the function of the Codex working bodies including the proper allocation of tasks.

However, IDF is concerned with the recommended establishment of new bodies without proper evidence on how this would achieve the above-mentioned improvements. Any restructuring should not result in additional bureaucracy within the Codex system.

If the CAC decides to replace the current Codex Executive Committee by an Executive Board, including observer representatives, IDF would like to support the participation of stakeholders from the food-manufacturing sector in the Codex Executive Board. These should be selected on the basis of international representation and broad and detailed experience in food standardization work including profound knowledge of Codex processes. These qualifications form the prerequisite for effective assistance to Codex.

International Federation of Fruit Juice Producers (IFU)

While we agree that the standards development management should receive much greater attention in Codex, and while we found at the first glance the creation of an Executive Board and a Standards Management Committee very convincing, we now see more and more problems coming up when going into details and we do not believe anymore that this solution will be realistic

International Soft Drinks Council (ISDC)

While ISDC would welcome the proposed changed role of the Executive Committee, we are concerned that this could create an exclusive club with a few representatives and we would have concerns about the transparency or the process

Recommendation 10

Comments from NGO 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.

Consumer International (CI)

CI believes that the Commission should consider Recommendations 9-12 conjointly, because support by many members and observers for Recommendations 9-10 will likely depend on the remit and composition of the proposed Standards Management Committee (SMC), the composition and remit of which remains to be determined

We welcome the proposal in the Evaluation Report that if such a Board is set up it should have observer participation (Recommendation 10), but have concerns about how the observers would be appointed, given that such participation would be limited. There is the danger that these observers could become tokenistic and we would like clarification as to how their accountability and representativeness would be ensured. We also suggest that if a Board is set up, it should hold its meetings in public

International Co-operative Alliance (ICA)

ICA does not agree to the limitation of representatives of consumers, industry and other observers to 2-3 at Executive meetings. In reviewing the list of organisations with observer status (over 150) it is clear that mandates, interests and expertise among organisations vary widely. This is in fact the usefulness of their participation in Codex activities. It is unclear who would select the 2-3 representatives from the 150+ list and what criteria would be used. Again efficiency and transparency must be balanced, but limiting drastically observer participation would be at the cost of the transparency and openness that Codex has shown in the past

International Dairy Federation (IDF)

IDF supports any Codex management structure that is efficient, effective, target-orientated and enhances the function of the Codex working bodies including the proper allocation of tasks.

However, IDF is concerned with the recommended establishment of new bodies without proper evidence on how this would achieve the above-mentioned improvements. Any restructuring should not result in additional bureaucracy within the Codex system.

If the CAC decides to replace the current Codex Executive Committee by an Executive Board, including observer representatives, IDF would like to support the participation of stakeholders from the

food-manufacturing sector in the Codex Executive Board. These should be selected on the basis of international representation and broad and detailed experience in food standardization work including profound knowledge of Codex processes. These qualifications form the prerequisite for effective assistance to Codex.

International Federation of Fruit Juice Producers (IFU)

See Recommendation 9

International Soft Drinks Council (ISDC)

ISDC does not support including the observer organizations as members of the proposed Executive Board because we have concerns about the transparency and selection of observer organizations. For example, it would be difficult to find a single representative that would adequately represent the various segments of the producers and food and beverage industries.

Recommendation 11

Comments from NGO 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.

Consumer International (CI)

CI believes that the Commission should consider Recommendations 9-12 conjointly, because support by many members and observers for Recommendations 9-10 will likely depend on the remit and composition of the proposed Standards Management Committee (SMC), the composition and remit of which remains to be determined

We have similar concerns about the proposal to establish a Standards Management Committee (Recommendation 11). According to the brief description of the SMC in the Evaluation Report, the SMC would be the most powerful committee in Codex, so its composition, its relation to an Executive Board and Secretariat, and the standard setting process (as described in Figure 4) will all need to be more carefully reviewed. Clarification is needed as to whether the SMC would, like all other subsidiary bodies of the Commission, by rule, hold public meetings open to participation by all member governments and observers. Or would its operations take on some of the currently closed, more exclusive attributes of the CCEXEC? While we appreciate that the SMC would make the process quicker and more efficient, there is the danger that many members of Codex, and observers, would be excluded from critical decisions. In the event that the Commission recommends the creation of the SMC, CI proposes that composition of that committee include observer representatives, including a representative from consumer organisations. We also support the idea of having a formal mechanism that brings the chairs of the different Codex committees together

We are also concerned about the extra costs associated with establishing an Executive Board and a Standards Management Committee as this would create at least two additional meetings per year. We should bear in mind that this may further stretch the limited resources for effective participation. CI notes that there was no consensus for the establishment of either the Executive Board or the SMC at the Extraordinary Commission meeting.

International Co-operative Alliance (ICA)

ICA fully supports with the importance of improving speed, efficiency and inclusiveness in standards management, however believes that the creation of a Standards Management Committee with a limited number of members is contrary to the Codex principle of openness and transparency. Should a Committee be created, ICA proposes that these meeting be public

International Federation of Fruit Juice Producers (IFU)

See Recommendation 9

International Soft Drinks Council (ISDC)

ISDC does not support this recommendation. We are concerned that this would create a miniature Commission and shift the democratic process away from the members at large. The adoption of standards should continue to be the mandate of the Commission.

Recommendation 12

Comments from NGO 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 ..

Consumer International (CI)

CI believes that the Commission should consider Recommendations 9-12 conjointly, because support by many members and observers for Recommendations 9-10 will likely depend on the remit and composition of the proposed Standards Management Committee (SMC), the composition and remit of which remains to be determined

We have been in favour of annual Codex Commission meetings in order to speed up Codex's work (Recommendation 12). While we have welcomed proposals to make the Executive Committee more fully representative and transparent, we have been uncertain about its continuing role

International Co-operative Alliance (ICA)

ICA welcomes the suggestions of annual CAC meeting to improve timely decision-making and member input, however does not support the suggestion that CAC meetings could be held at 2 year intervals if the Executive and Standards Management Committees are efficient. It would support this only if both the Committee held public meetings again to ensure openness and transparency.

International Federation of Fruit Juice Producers (IFU)

As a consequence of our comment to the recommendation 9 – 11, we support strongly the proposal of annual meetings of the Commission in order to speed up the work

International Soft Drinks Council (ISDC)

ISDC supports annual meetings of the Commission

Recommendation 13**Comments from NGO 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.

Consumer International (CI)

We agree that the Codex secretariat should be able to carry out managerial, strategic and communication functions and that the overall seniority of the secretariat staff should also be raised (Recommendation 13)

International Soft Drinks Council (ISDC)

ISDC supports this recommendation in principle

Recommendation 14

Comments from NGO 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 Division¹. 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.

Consumer International (CI)

We also agree that the secretariat should become a separate FAO unit (Recommendation 14). However, we also consider it essential that the WHO plays a much greater role as part of the secretariat as well as more generally in relation to Codex, reflecting its over-riding objective to protect public health. We also agree with the Evaluation Team that WHO employed Codex staff should be Geneva-based

International Soft Drinks Council (ISDC)

ISDC supports this recommendation

¹ Divisions in FAO are also under D2-level employees.

Recommendation 15**Comments from NGO 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.

Consumer International (CI)

We urge the Commission to support Recommendation 15 - if Codex is to become more effective, efficient and responsive to developments in the food chain, it will need to have a well-resourced, proactive secretariat. CI urges governments to increase their contributions to the regular budgets of FAO and WHO so that funding of the Secretariat not depend on extra-budgetary sources and secondments of staff from governments.

Regarding the proposal to outsource translations (paragraph 106), CI suggests that the Secretariat attempts to arrange with FAO and WHO for the appointment of translators and interpreters who would be dedicated to Codex work. While gains in the speed and efficiency of translation services might be gained through outsourcing, the quality of translations, long a matter of criticism at Codex meetings, can be best remedied through arranging to have translators whose first priority is Codex work

International Federation of Fruit Juice Producers (IFU)

We strongly support the increase of human and financial resources for the Codex secretariat. Both resources are now far below any level necessary for an effective and efficient work

International Soft Drinks Council (ISDC)

ISDC strongly supports providing additional resources to the Codex secretariat but it is unclear from where these funds will be derived considering the budgetary constraints of many member countries

Recommendation 16

Comments from NGO 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.*

Consumer International (CI)

We agree that in some cases there has been a lack of clarity over the work carried out by different committees. We support the proposal (*Recommendation 16*) for Codex to undertake a review of the work of the general subject and commodity committees in order to rationalise. We also support the idea of commodity work being handled by time-bound task-forces, and a move towards more focused and specialised agendas

Europe Food Law Association (EFLA)

The review which is proposed should take into account the status of Codex standards in the present international legal context, regarding the SPS and the TBT agreements in WTO.

International Dairy Federation (IDF)

IDF agrees with the principle of a review of mandates, structures and working procedures of Codex committees if a better efficiency can be achieved and supports the recommendations to reduce work on health issues in commodity committees to an essential minimum and that commodity committees should work together with relevant horizontal committees on common issues.

IDF does not recommend the replacement of existing Codex Committees with Task Forces.

IDF wishes to highlight that the value of Codex texts lies with the quality of the output (including degree of consensus) and not solely with the time spent to achieve it. This should be seen in light of the need of developing countries to be provided with sound and consistent Codex advice in terms of standards, guidelines, Codes of Practice etc.. A number of countries, in particular developing countries, use Codex texts as reference material or as the basis for domestic legislation

International Federation of Fruit Juice Producers (IFU)

We fully support this recommendation as the result will be the basis for the necessary reorganisations

International Soft Drinks Council (ISDC)

ISDC fully supports undertaking a review of the work of the general subject and commodity committees and support the recommendation that the commodity work should be handled through time-bound task forces established to address clearly defined issues

Recommendation 17**Comments from NGO 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

Consumer International (CI)

We agree that Codex should carry out a review of the mandate and work of regional committees within the next two years (Recommendation 17), but we do think that the regional committees often fulfil an important function. Some regional committees (Committee for North America and the South West Pacific, and Committee for Latin America and the Caribbean) are developing a strategic plan. CI recommends that all the regional committees consider doing this in order to clarify and sharpen their purpose and functioning.

We also believe it would be useful to keep the committees specific to Codex rather than change them into FAO/WHO regional committees which suggests that they are outside the Codex process.

International Soft Drinks Council (ISDC)

ISDC agrees with this recommendation.

Recommendation 18**Comments from NGO 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.

Consumer International (CI)

We agree that it would be helpful if all committee and task force work was time-bound (Recommendation 18). However, it is important that this does not undermine consensus - a vote should be avoided as it is unacceptable to have international standards decided on such a basis. In practice, it will be useful to set time-limits, but these should be regularly reviewed.

Europe Food Law Association (EFLA)

EFLA supports this Recommendation, since it provides flexibility with the possibility for the Commission to give an extension of the time limit. Therefore, the actual flexibility of the system will depend on the decision making process at the Commission (see particularly Recommendations 20 and 24).

International Co-operative Alliance (ICA)

ICA agrees with the recommendation and suggests that clear criteria be set to determine if further work on a standard is justified

International Dairy Federation (IDF)

IDF agrees with the intent. However, some flexibility may be needed. Some Codex texts took/will take more than 5 years to conclude. The frequency of the meetings should be taken into account. In this context, it should also be noted that some Codex committees used to meet once in two years, which would make it difficult to match with the proposed five-years timeframe

International Soft Drinks Council (ISDC)

ISDC supports this recommendation as a general principle but notes that sometimes achieving a consensus may take several years.

Recommendation 19**Comments from NGO 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.

Consumer International (CI)

Implementation of Recommendation 19 should seek to make operational in the standard setting process the principles of risk analysis, including risk communication, that have been developed in the Committee on General Principles, following their adoption by the Commission. We agree that there has often been delay because risk assessment has dominated discussions within Codex committees. It is important to strive for as clear a separation of the risk assessment and risk management functions as possible (Recommendation 19). However, a certain amount of interaction will be not only inevitable but necessary. While Codex Committees in their risk management role, should avoid straying into risk assessment, it is legitimate that they are involved in the risk assessment policy stage. It is also important to recognise that there is a certain amount of judgement involved in risk assessment, and the outcome can depend on a number of factors including the adequacy of the evidence considered, the way that uncertainty is dealt with, any assumptions that are made, and the scientists involved on the committee and their own particular experience, expertise and interests. It is therefore legitimate for delegations at Codex Committees to question the results of a risk assessment - they are not set in stone. We note that effective risk communication is not limited to "effective communication (and trust) between risk managers and assessors" (paragraph 119) – see our comments on Section 4.5, "Communication".

International Soft Drinks Council (ISDC)

ISDC supports the recommendation in the context of the explanatory notes but we are concerned that the recommendation as written could be construed to mean that there should be no relationship between risk assessment and risk management.

Recommendation 20

Comments from NGO 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.*

Consumers International (CI)

CI thinks it is sensible to increase work in standards development between sessions in order to reduce the amount of standards writing in meetings, provided that there are adequate resources for all members and observers to participate in inter-sessional standards development. (Recommendation 20). However, we are concerned that the recommendations for the use of consultants, rather than inter-sessional workshops, as the primary means for development of standards may result in the development of standards in the interest of the host countries who can afford the consultants, since “the cost of consultants/facilitators would have to be borne by host countries” (paragraph 124). CI is not convinced that individual consultants “can more fully represent all members views” (paragraph 122) than an inter-sessional workshop that takes into account all written comments from members and observers. We are concerned that the benefits of increased efficiency cannot be made without sacrificing openness/transparency/participation. If the Commission decides that electronically facilitated workshops can better ensure the opportunity for fuller inter-sessional participation in standards development, CI recommends that the Commission consider establishing a joint FAO/WHO communications equipment fund and project.

It is also proposed to make ‘greater use of knowledgeable NGOs in preliminary standard development’. Implementation of this recommendation could result in a conflict of interest and have implications for the credibility of Codex work, particularly if the consultant drafting the preliminary standard and the consultant/facilitator hired to manage consensus on a standard are from the same country or observer

group. In practice, the NGOs who are most likely to have the resources to participate in such a way will be those representing industry, which could compromise the need for Codex to put public health first. CI believes that before the Commission considers whether to authorise a policy of using NGOs to draft preliminary standards, it should agree on criteria to minimise conflicts of interest similar to what has been proposed for scientists chosen for Joint Expert bodies.

Europe Food Law Association (EFLA)

Any procedural innovation with a view to speeding the work is welcome, provided in any case full transparency is assured. Therefore, EFLA suggests that the need for transparency be explicitly quoted.

International Co-operative Alliance (ICA)

In order to promote transparency and openness while bringing expertise to the Commission, agrees that all stakeholders in food safety can be useful in preliminary standard development. However it proposes that the recommendation be rephrased to, “greater use should be made of expertise from NGOs in preliminary standard development”. This is more clear than the term knowledgeable NGOs. ICA further proposes that clear criteria be set up when selecting expert consultants/facilitators

International Dairy Federation (IDF)

IDF agrees that Codex should focus on ensuring the most effective means of developing standards including formal meetings and other appropriate means of achieving consensus.

To the extent feasible, facilitation to progress work should be derived from Codex working/drafting groups, but not from consultants, in between sessions

International Federation of Fruit Juice Producers (IFU)

This is a very important point which we fully support. However, not all members are happy with such a solution. The host country of the Codex Task Force on Fruit and Vegetable Juices, Brazil, made a proposal to the participants of the Drafting Group, to nominate a facilitator to de-block the negotiations, which arrived at a dead point. At least one country (if not more) of the Drafting Group refused such a solution.

We support the proposal, that written comments should be fully taken into account. But it would be necessary to find a way to do so also in case the commenting country is not present at the session. So far written comments were only taken into account, if the auditor of the comment brought this forward again orally during the meeting.

The use of electronic communication for Working/Drafting Groups is an efficient and economic way to work under the condition, that the country leading the group is neutral. The experience, not only from our organisation but also from governments, is that the coordinator is choosing the proposals he prefers and neglecting completely other opinions. In order to really replace physical meetings, it would be necessary to present all comments in form of options to the members of the group, so that they have the possibility to take position once more under full knowledge of all proposals. If no clear majority is reached for a single item under discussion, the group should forward all options to the plenary for further discussion

International Soft Drinks Council (ISDC)

ISDC is in favor of conducting more intersession drafting work. However, we are concerned that not

all countries and NGOs will have resources to fully participate in the standard writing process between sessions. We are concerned about the potential lack of transparency and inclusiveness of such a process.

ISDC supports full consideration of written comments.

ISDC notes that not all countries have resources available to fully participate in electronic working groups.

ISDC agrees that the expertise of the NGOs should be considered, but we believe that the current procedure already provides opportunities for NGOs to contribute..

Recommendation 21

Comments from NGO 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.

Consumers International (CI)

We agree that reports of meetings should be more action oriented (Recommendation 21), but also consider it important to have discussions accurately minuted. Observers and governments without the resources to participate in the current schedule of Codex meetings, or any increase of meetings that may result from an accelerated standard setting process, will find themselves at great disadvantage if the Secretariat reports to all members and observers only decisions taken and not the context in which those decisions were made. CI believes that the transparency of the Codex decision making process would be affected if the negotiating history is omitted from reports. We suggest that the additional resources proposed for the secretariat include minute-takers who can write up the report as the meeting progresses.

Europe Food Law Association (EFLA)

EFLA supports the view that Codex meeting minutes may be shorter than presently. However, it is important to have at least a brief report regarding the discussions, for those who did not attend the meeting. Also, keeping track of the discussions may be important and contribute to the transparency of the debates and to the legal certainty.

International Co-operative Alliance (ICA)

ICA agrees that the Codex already carries a heavy load, however signals the need to continue its work in particular on allergens, “health food” (health claims and labelling) as well as impacts of packaging on food safety (plastics) which it considers to be health and safety-related issues. In addition, ICA believes that Codex does have a role to play in guiding countries on building national food control systems based on the criteria of consumer health protection and fair practices in trade, and that by simply including it in the overall capacity-building area does not sufficiently address its importance..

International Soft Drinks Council (ISDC)

ISDC supports of moving towards action-oriented reports that focus on decisions. However, we note that a general description of main viewpoints expressed during the discussion would be helpful to those who could not attend and would benefit the participants of subsequent meetings.

Recommendation 22

Comments from NGO 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.

Consumers International (CI)

The role of the chair is key to making successful progress. We therefore agree that criteria for selection of chairs should be drawn up by the Executive Committee (or its successor) and that more emphasis should be placed on training and assessment of chairs and the explicit role of the secretariat in supporting the chair (Recommendation 22). As guidance on chairing Codex meetings may not suffice to prevent bad chairing practices, CI believes that the Commission should authorise the Executive Committee, or a task force, to draft a list of principles or practices of chairpersonship and warnings and sanctions for violations of those principles, e.g. declaration of consensus where there is considerable dissent.

We had hoped that the Evaluation would have given greater consideration to delegations attending meetings. We agree that steps should be taken to tighten checks on the credentials of members of delegations and to be more transparent about the interests that they represent. For example, it is difficult to distinguish between government representatives and interest groups on some delegations

International Federation of Fruit Juice Producers (IFU)

The personality of the Chair of a Codex body has a very high influence on the success of a session. We therefore support strongly the proposal to pay more attention to the election of the Chairs.

International Soft Drinks Council (ISDC)

ISDC supports developing criteria for selecting chairpersons

Recommendation 23

Comments from NGO 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.*

Consumers International (CI)

CI believes that the proposed reduction of the existing eight Step Procedure to five steps (Recommendation 23) needs to be understood in the context of the proposed changes in standards management, including the creation of the Standards Management Committee and the reduced role of committees in drafting standards. Because we have many unanswered questions about the relation between the recommended Step Procedure and the proposed changes in standards management (see Figure 4), CI takes no position on Recommendation 23. We look forward to the Commission's discussion of these standards management proposals and whether the proposed five Step Procedure offers greater opportunity than the eight Step Procedure for due deliberation of standards to protect consumer health

Europe Food Law Association (EFLA)

EFLA supports this recommendation as in its experience significant issues on any draft standard have always arisen before step 5

International Federation of Fruit Juice Producers (IFU)

We do not support the replacement of the 8 steps procedure by a 5 steps procedure. We do have already now the possibility to use the accelerated procedure where appropriate.

- 3rd bullet

The Commission should only cancel or suspend work after having sent it back to the Committee/Task Force at least once

International Soft Drinks Council (ISDC)

ISDC supports the adoption of standards in five steps, but it would be more important to establish parameters for rejecting or accepting proposals into the Codex system than the proposed simplification of the step process.

Recommendation 24

Comments from NGO 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.*

Consumers International (CI)

CI is concerned by the definition of consensus proposed in Recommendation 24 (“no formal objection by more than one member present at the meeting”), and we do not understand the rationale behind the proposed number. We believe that the Commission should ask the Codex Committee on General Principles to gather experiences and definitions of consensus used by other intergovernmental bodies.

Clear guidelines for chairs should also be developed on the meaning of consensus, and decision-making in the absence of consensus. Training should be given to chairs on how to work towards consensus.

We also have concerns as already expressed about the roles envisaged for the Executive Board and the Standards Management Committee, given their limited and selective membership, but huge influence over the adoption of standards.

Although observers do not have the right to vote, CI supports in principle the idea of a “consultative postal balloting system” in the event that consensus cannot be achieved on a standard in Committees (Recommendation 24). CI is concerned, however, that members who are not able to participate in a Committee meeting and who will not have the Secretariat’s report of the discussions on the standard if Recommendation 21 is adopted will simply become the lobbying targets of members and observers with resources to lobby. To minimise the impact of lobbying efforts on non-participating members, the Secretariat should ensure rapid finalisation of its reporting on the standard in question, so that non-participating members could vote electronically within 10 working days following the adjournment of a Committee session.

However, CI would like to emphasise that we believe voting should only be used as a last resort as this idea works against consensus.

Europe Food Law Association (EFLA)

EFLA draws the attention to the fact that, by essence, defining a consensus may change the very nature of the decision making process. By definition, consensus is flexible and therefore does not accept a rigid definition. Otherwise, the decision making process is either unanimity, or a qualified majority (to be defined). The notion of "near-consensus" is confusing : when the Chairperson considers that no consensus is reached and that a decision is needed, a vote will be necessary.

International Federation of Fruit Juice Producers (IFU)

According to our personal impression and experience the decision taking is the main reason for the lack of progress in the elaboration of Codex standards. Although the principle of decisions by consensus is of high value for a global organisation like Codex, it cannot and should not be maintained under all circumstances. In certain cases this principle is abused by certain members and groups as a kind of veto right in order to prevent the adoption of a standard which they do not like.

The problem does not only exist in the Commission, but also in the Committees and Task Forces. If Codex is really convinced, that the work has to be accelerated, it is necessary to increase pressure on the decision making by consensus. This can be achieved by a general rule, that in all Codex bodies the same item is discussed only during 2 sessions. If at the end of the 2nd plenary session no consensus is reached, a voting takes place. If a majority of 2/3 is reached, the point is considered as decided. This solution has the disadvantage of lack of inclusiveness. But on the other side, standards will be established in a much shorter time as now with the consequence of lower costs for the participation at sessions of the Committees/Task Forces.

We do not agree with the proposed definition for “consensus”.

b) see our answer to recommendation 20

c) we are not in favour of the consultative postal-balloting system. Members who did not attend the meeting do not know all the arguments brought forward during the meeting and therefore have a lack of information when they have to take a decision.

d) we do not support the expression “near consensus”.

International Soft Drinks Council (ISDC)

ISDC strongly objects to the proposed definition of consensus (“no formal objection by more than one member present at the meeting”). This definition more closely resembles unanimity and runs contrary to the spirit of Codex decision making. We are concerned that this definition would inevitably lead to voting in most cases.

In addition, we are concerned about the role of the facilitators as mentioned in paragraph b. Clarification is needed regarding the role and authority of such facilitators.

We are concerned about the proposed increased use of mail ballots, as proposed in paragraph c, since countries who have not attended the meetings may not be fully aware of the discussions that have occurred and the voting process is not inherently transparent.

Paragraph d may result in regional voting blocks making Codex decisions by fiat

Recommendation 25

Comments from NGO 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.

Consumers International (CI)

We recognise the benefits that sub-regional groupings of countries with similar interests and problems would have for greater inclusiveness in Codex (Recommendation 25), particularly of developing countries. In situations where countries would normally have been absent from Codex meetings, such groupings would allow an opportunity to still be represented to a certain extent and have a voice.

However, we are concerned that proxy arrangements and procedures centred on ‘economically and geographically coherent groups’ could encourage “bloc” responses to issues and intensify regional divisiveness in Codex. It is important to consider the impact that the proposal could have on the promotion of trade interests over public health within Codex. We have some concerns that greater emphasis on the development of a series of regional groups could slow down the Codex process if trade concerns are played out within meetings. We are also concerned about how ‘positions of the group’ will be formulated, and how a transparent democratic decision-making process within groups will be ensured.

However, in light of the potentially significant contribution to participation CI can support Recommendation 25 if our concerns above are addressed.

Europe Food Law Association (EFLA)

Regardless of the political choice underlying this Recommendation, EFLA is of the opinion that it should not be officially formalized

International Co-operative Alliance (ICA)

ICA agrees that coordination of positions will facilitate the work of the Codex, however, this should be undertaken at an informal level. Diverse opinions and positions provide the possibility of ensuring that a standard be comprehensive and ensure compliance

International Soft Drinks Council (ISDC)

While we understand that groups of countries with common interests may wish to coordinate their positions, this recommendation may lead to the establishment of voting blocks. It would further undermine the purpose of individual member countries participating in the Codex process if a small number of consortiums were to be established based on common interests

Recommendation 26**Comments from NGO 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.

Consumers International (CI)

We agree that host countries should be encouraged to appoint co-chairs from a developed and developing country (Recommendation 26)

Europe Food Law Association (EFLA)

The presence of two Chairs of equal power can create unsolved problems if they do not agree on how to proceed. At least, one should have precedence on the other, or should not be in charge of the same functions. In any case, the respective roles should be clearly defined

International Federation of Fruit Juice Producers (IFU)

We support this proposal

International Soft Drinks Council (ISDC)

ISDC believes that there are other ways to enhance the participation of the developing countries, i.e. the Trust Fund. We note that hosting meetings in countries that are difficult to reach will reduce the participation of other countries and NGOs outside of the region where the meeting will be held due to increase in travel costs and time. We do not support formalizing such arrangements and they should be considered on a case-by-case basis

Recommendation 27

Comments from NGO 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).

Consumers International (CI)

CI has consistently held the view that consumer interests are far out-weighted by industrial interests both explicitly and implicitly within the Codex process. In the coming years consumer participation in Codex will likely decline as the agenda of Codex expands and our finite resources are spread thinner. We believe that assuring at least the existing level of consumer participation in Codex is essential to maintain the legitimacy of the standard-setting process. We are pleased that consumer participation at the national and international levels in the Codex process has been made a benchmark requirement for participation in the Codex Trust Fund and Project, and other Food Standards Programmes. We had hoped that the Evaluation could have proposed steps that could be taken to ensure continued – and enhanced - consumer participation. We believe that these include:

- effectively using consumer organisations’ and independent reports on consumers’ participation for decision making at Codex;
- ensuring and facilitating balanced national delegations;
- publishing an annual or bi-annual compendium of reports on consumer participation at national, regional and international Codex meetings and workshops;
- taking affirmative action such as making special efforts to include consumers’ participation in Codex capacity building initiatives.

We question the need for Recommendation 27 that the principles and procedures for granting observer

status need to be reviewed. In light of the fact that CCGP completed just such a review within the past two or three years, repeating this work may not be a priority. However, CI believes that the interests different groups represent should be made more transparent as this is not always obvious from the name of the organisation.

International Co-operative Alliance (ICA)

ICA agrees with the recommendation to facilitate the participation of appropriate INGOs in Codex although as noted above it is concerned with the proposal to select a limited number of INGO observers to the proposed new Executive Board and Standards Management Committee.

It further would like to underline the importance of the Codex contact point and the national Codex committee in communicating Codex matters and developing national positions referred to in para. 144. They have an important role both in developing countries but also to some developed countries.

ICA further suggests that at the national level efforts be made to include national level NGOs on Codex matters. It is to be noted that at the CAC meeting in 1999, CAC agreed to consider the development of a “checklist” of measurable objectives to assess consumer participation in Codex work at the national and international levels (ALINORM 99/37, para. 43).

International Federation of Fruit Juice Producers (IFU)

We support the proposal to apply stricter criteria in order to get observer status in Codex. NGO's should not only be active internationally (internationally could also mean Vatican and Andorra!), but globally. Regionally NGO's or NGO's having the same mission should create a global organisation, which prior to Codex sessions would have to find a common position on the items to be discussed.

Taking into account that the Codex Commission will meet annually, the participation of NGO's at the meetings of the Executive Committee is no longer necessary

International Soft Drinks Council (ISDC)

ISDC agrees that Codex must ensure that NGOs have the authority and validity to represent their named constituency. We agree that NGOs must have verifiable international representation

Recommendation 28

Comments from NGO 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.

Consumers International (CI)

We agree with Recommendation 28 - clear criteria to be met in becoming a host country should be developed. Among these criteria should be a commitment to remind members that their national Codex Contact Points or Committees should maintain a data base from which to invite written comments and public meeting participation to deliberate national or regional positions for the committee or task force hosted or co-hosted by a member

International Soft Drinks Council (ISDC)

No comments

Recommendation 29**Comments from NGO 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.

Consumers International (CI)

CI supports Recommendations 29 and 30. However, the establishment of a data base of national food standards should not be limited to “national standards of importance to trade” but should include all food standards, indicating which of those standards are Codex standards. The database should also contain regulatory information and contact points concerning the implementation, enforcement and review process for the standards. There is also a need to communicate the work of Codex more broadly and make it more accessible to consumers

CI is disappointed with the Evaluation Report’s brief section on Communication. It regards communication as a one-way process through which “insiders” (food safety experts and Codex participants) explain hazards and decisions to the public. In fact, communication (or “Risk Communication,” in risk analysis terminology) is an integral part of the entire process. It is an interactive process that ensures, among other things, effective participation of and exchange of information among all appropriate actors at various stages of a risk analysis. If communication elements are not well-designed and executed, the results of risk analysis may be flawed and their acceptability to governments or the public may be undermined. CI therefore believes that WHO, FAO and the Commission need to give much greater priority—far greater than is evident in the evaluation report—to ensuring that risk communication is a robust element of Codex risk analysis, and that it occurs within a carefully planned overall strategy.

We do not agree with the Evaluation Report’s view that risk assessors should be the ones to communicate risk, although they make an important contribution. It is inaccurate to state that risk communication is increasingly being taken up by food safety agencies with responsibility for risk assessment if the UK Food Standards Agency is seen as an example (footnote 48). The UK’s FSA has responsibility for the entire risk analysis process - risk assessment, management and communication. Risk managers (and in Codex this falls to the Codex Committees) have an important role in risk communication as they can put the risk assessment into a broader context and determine when advice is needed or when the public need to be provided with information to make their own choices.

International Co-operative Alliance (ICA)

ICA agrees with the recommendation but highlights the issue of language and the need for national Codex committee and contact points to provide national language versions of documents. This may be an area that CAC itself wishes to address and provide assistance where possible

International Soft Drinks Council (ISDC)

ISDC agrees that it is important to put resources in upgrading the Codex web-site, with emphasis on enhancing the search capabilities.

Recommendation 30**Comments from NGO 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.

Consumers International (CI)

CI supports Recommendations 29 and 30. However, the establishment of a data base of national food standards should not be limited to “national standards of importance to trade” but should include all food standards, indicating which of those standards are Codex standards. The database should also contain regulatory information and contact points concerning the implementation, enforcement and review process for the standards. There is also a need to communicate the work of Codex more broadly and make it more accessible to consumers

International Soft Drinks Council (ISDC)

ISDC does not support this recommendation and notes that maintaining such a database would require resources that neither Codex, FAO, nor WHO currently have.

Recommendation 31**Comments from NGO 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.

Consumers International (CI)

CI supports Recommendation 31. CI strongly urges member governments to increase the regular budget for the Food Standards Programme, so that the enhancement of the Secretariat does not depend largely on member government secondments. Dependence on secondments may give rise to the perception that governments providing human and financial resources outside of the regular budget may have undue influence over standards management and standards setting. CI notes with dismay that the regular budget of WHO has not increased in 15 years, so that long term funding necessary to carrying out its long term strategy for food safety is highly contingent. CI hopes that WHO will take on a much greater role and help emphasise the public health orientation of a reformed Codex Secretariat.

International Soft Drinks Council (ISDC)

ISDC supports this recommendation

Recommendation 32

Comments from NGO 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.

Consumers International (CI)

CI agrees that scientifically competent, independent and objective risk assessments and other scientific inputs are an essential part of the basis for many Codex decisions. Other legitimate factors are also an important part of the basis for decisions, but recognition of the importance of other factors in no way reduces the need for the scientific input to be thorough, up-to-date, and as free from bias as is humanly possible.

CI supports Recommendation 32. However, increased funding and improved FAO and WHO staff allocation alone will not improve risk assessment for Codex to the extent needed by the proposals to accelerate standard setting. Despite (praiseworthy) efforts to expand and diversify the pool of experts available to serve on panels, it has often been difficult to recruit a panel with all the needed expertise, and to find qualified experts who can afford to spend the time needed to do a thorough job. While no one has documented systematic quality or bias problems, occasional reports have been (justifiably) criticised for lack of scientific acumen, undue influence by interested parties, or lack of responsiveness to the needs of client Codex committees. Under-representation of experts from the developing countries, and in particular a lack of exposure and health effects data from developing countries, have been chronic problems, biasing risk assessments to reflect conditions in the developed world and reducing the perceived relevance of Codex standards for many of the developing countries.

Regarding Section 5, CI is aware of several ideas that are currently being discussed as methods for speeding up the risk assessment process and improving the usefulness of the resulting risk assessments. The US delegation to CCPR is working on a paper that proposes using national risk assessments as a basis for interim Codex pesticide MRLs. CI has participated in this discussion. are not sure the concept will ultimately be supported by CCPR, nor that it would be applicable outside the pesticide context. A drawback of this idea would be that relying on national assessments would in most cases mean relying on those done by the US, the EU or other OECD members, rather than relying on a broader range of expertise and data. There is also the potential for a conflict of interest and we have concerns that such an approach could result in governments pushing their own national interests. We are also concerned that not all members of Codex carry out risk assessments in a sufficiently transparent and inclusive way. This would exacerbate current influence over Codex decisions by a few countries, and not further the aim for wider participation.

A consultant report on JMPR procedures, prepared for CCPR early last year, examined other approaches, such as hiring consultants to do literature reviews, and shifting the role of (JMPR) expert panels toward reviewers of assessments done by consultants. CI cannot support this approach. While we recognise the need to make best use of the limited time of expert panels, we don't believe any

individual scientist, no matter how good a scientist and how free of biases he or she might be, is really capable of analysing and interpreting the wide range of data from multiple disciplines and countries that need to be rigorously examined in an international risk assessment. To ask individual consultants to carry out this task is to expect too much from too few. Reliance on consultants would also further reduce the transparency of the basis for Codex decisions, a step in the wrong direction.

In summary, CI believes Section 5 has defined the problems faced by the current risk assessment system fairly well, but these are very difficult problems to solve, and we are unconvinced that many of the recommended steps are the best solutions. We agree that this is an urgent area for further study and that some solid, supportable recommendations for progress are needed. We hope the Commission will help frame a next step (perhaps an extended evaluation focused on the scientific advisory system) that will move Codex toward consensus solutions.

International Soft Drinks Council (ISDC)

ISDC supports this recommendation

Recommendation 33**Comments from NGO 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.

Consumers International (CI)

CI recognises that increased funding for risk assessment will help alleviate this backlog of work and therefore supports Recommendations 33 and 34.

International Co-operative Alliance (ICA)

ICA fully supports the statement in para. 168 that good scientific advice, provided in a timely manner and in a useful form, is crucial to Codex work. In this regard it proposes that peer review or scrutiny by other outside experts of monographs prepared by expert committees be encouraged as this could be useful input to the evaluation work of expert committees. A proper system should be established to receive inputs and to address inquiries from outside experts especially with regard to access to the references considered by the members of expert committee. There is currently a problem as some references are not accessible possibly due to intellectual proprietary rights

International Soft Drinks Council (ISDC)

ISDC supports this recommendation

Recommendation 34**Comments from NGO 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.

Consumers International (CI)

CI recognises that increased funding for risk assessment will help alleviate this backlog of work and therefore supports Recommendations 33 and 34.

However, increased funding and improved FAO and WHO staff allocation alone will not improve risk assessment for Codex to the extent needed by the proposals to accelerate standard setting. Despite (praiseworthy) efforts to expand and diversify the pool of experts available to serve on panels, it has often been difficult to recruit a panel with all the needed expertise, and to find qualified experts who can afford to spend the time needed to do a thorough job. While no one has documented systematic quality or bias problems, occasional reports have been (justifiably) criticised for lack of scientific acumen, undue influence by interested parties, or lack of responsiveness to the needs of client Codex committees. Under-representation of experts from the developing countries, and in particular a lack of exposure and health effects data from developing countries, have been chronic problems, biasing risk assessments to reflect conditions in the developed world and reducing the perceived relevance of Codex standards for many of the developing countries.

International Soft Drinks Council (ISDC)

ISDC supports this recommendation

Recommendation 35**Comments from NGO 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.

International Soft Drinks Council (ISDC)

ISDC agrees that the collection of data to cover a much wider range of diets is desirable to improve exposure assessment but it should not delay the standard setting process. We request clarification of the term “production processes” in this context

Recommendation 36

Comments from NGO 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.

Consumers International (CI)

The Evaluation Team proposes that independent experts should be paid for the time they put into serving on international panels (Recommendation 36). CI sympathises with the plight of experts asked to donate substantial amounts of their time and talent to support the international food safety effort. However, we are unsure that this recommendation would solve all the perceived problems.

Paying experts may make it feasible for scientists from developing countries to participate in expert consultations more often. Paying experts for their time could also help speed up the completion of the work. However, paying could discourage some experts who are government employees from participating. This would be the case in the US where government employees are not permitted to be paid.

A problem which the payment of experts does not address is the question of independence of experts (and the balance of points of view on panels). The Evaluation Team is silent on any needs for improved performance in this regard. At present, experts considered for a particular panel are asked to submit statements of financial interests, which are reviewed by the WHO and FAO secretariats—in effect, two people—who decide who should be accepted and who should be rejected because of conflict of interest. The onus is also on the experts to declare any conflict of interest. There do not appear to be adequate safeguards in this process. For instance, individuals could conceal financial conflicts of interest (as happened in the Vettorazzi case). The sole focus is on financial conflicts, but as far as we know, individuals are not asked to explain any strongly held views they have that may bear on the issues the panel will be asked to assess.

In order to balance a panel, one must know the biases of each of its potential members. We think the integrity of the panels depends too heavily on the judgment of a small and overworked staff. And the process is not at all transparent—outside observers cannot review either the information on the panel members' interests or the criteria used to decide who is chosen and who is rejected. CI has previously submitted to the WHO (which will take on the lion's share of the risk assessment work in the future, if the Evaluation Team's recommendations are followed) a description of procedures used by the US National Academy of Sciences, to ensure lack of financial conflicts of interest and a balance of points of view among panel members. We urge WHO to move towards the "NAS Model" for setting up joint expert committees, though WHO may wish to solicit and evaluate other national practices concerning the composition and procedures of scientific panels. We realise that doing so would require additional staff resources, but that is already part of the package recommended by the Evaluation Team.

International Soft Drinks Council (ISDC)

ISDC supports providing funds to pay for experts undertaking risk assessments. We consider that criteria need to be established to determine what constitutes “interest”.

Recommendation 37
Comments from NGO 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.*

Consumers International (CI)

The report proposes that the next step to strengthen the science basis for Codex decisions should be to convene a consultancy (Recommendation 37) to study the status and procedures of the expert bodies, and recommend ways to improve the quality and quantity of scientific advice. The Evaluation Team has concluded that it did not have time or expertise to study these issues in depth enough to map out effective remedial strategies. CI accepts that additional study may be needed to craft solutions to the identified problems. We hope FAO and WHO will pursue an inclusive process for collecting inputs and evaluating options on how best to rebuild the system.

Regarding transparency, We are less satisfied that the Evaluation Team has adequately addressed the issues of transparency and public participation in the risk assessment process. We believe, first, that both scientific and non-scientific input from consumer and other interested civil society observers add value to the substance of risk assessments; and second, that there are identifiable steps in Risk Analysis (such as the development of Risk Assessment Policy) where consumer participation is both appropriate and called for by existing Codex principles for risk analysis. In our experience, the secretive nature of the current process (closed meetings, exclusion of observers) feeds suspicion that vested interests may have hidden influences on the results. Experience with more open and participatory expert panels in the US (where scientific committees advising the government have routinely included a cross section of interests for more than 25 years) and in the UK (which has specifically included consumers on its food advisory panels and now requires all committees to hold their meetings in public), has shown that openness does improve communication and often strengthens the substantive results of the risk assessments and the credibility of results to the lay public.

CI has written a separate paper on issues of openness and transparency in international scientific advisory contexts². We urge the Commission to study this issue carefully and not to underestimate the weight that openness is given by the public in assessing the credibility of Codex science.

International Soft Drinks Council (ISDC)

² **Improving The Quality, Openness, And Transparency Of International Scientific Advice**, A Position Paper By Consumers International, October 2002

ISDC supports conducting a consultancy study, but we have concerns on the proposed elements of the study. For example, concerning new methods of working, we would have concerns of putting more emphasis on meta-analysis techniques since such analyses depend on the quality of existing studies and can be misleading. Concerning ways in which non-technical consumer representatives could contribute to the work by “providing scientific advice and risk assessment”, we wonder why only consumers are listed. All interested parties should be provided this opportunity, including industry. We suggest considering establishing a procedure that exists in some countries that include an open period of public comments before a risk assessment is finalized. We note the WHO has started using this approach in its drinking water guidelines program.

Recommendation 38**Comments from NGO 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.

Consumers International (CI)

The Evaluation Team proposes creating a new "Scientific Committee" (Recommendation 38), with its own senior staff and secretariat, housed within WHO, to oversee and guide the work of the existing expert bodies, plus ad hoc consultations. CI agrees that there is a need for better coordination and management of risk assessments for Codex. We are less certain, however, that this new committee would work as designed. It adds a layer to the bureaucracy and another player to the process, perhaps complicating rather than streamlining the communication and decision processes. It also diverts resources into management that would not then be available for doing risk assessments. CI is uncertain that the benefits would outweigh the costs. If such a committee is established, it will be essential that it includes a consumer representative.

International Soft Drinks Council (ISDC)

ISDC requests additional clarification as to the role of the Scientific Committee. For instance, it would be independent, but within the FAO/WHO -- how would such independence be affected? The establishment of a Scientific Committee appears to be adding another layer of bureaucracy to the Codex process

Recommendation 39**Comments from NGO 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.

International Soft Drinks Council (ISDC)

ISDC questions the need for a Joint Coordinator for Risk Assessment, since there already are scientific secretaries of expert bodies in the parent organizations.

Recommendation 40

Comments from NGO 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.*

International Soft Drinks Council (ISDC)

ISDC agrees that the support by FAO and WHO to the joint food standards program is important for Codex work. However, we have questions on the recommendations concerning the second bullet point. How would FAO intend to develop its work plan in the stated areas? The technical issues discussed in this recommendation are beyond the competence of the FAO and are already being addressed by other groups.

Recommendation 41**Comments from NGO 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.

Consumers International (CI)

This section of the report contains two major recommendations, one pertaining to delineation of WHO and FAO responsibilities and cooperation in capacity building (Recommendation 41)

International Soft Drinks Council (ISDC)

No comments

Recommendation 42

Comments from NGO 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-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.

Consumers International (CI)

The other pertaining to an ambitious expansion of the Trust Fund for capacity building in Codex and Food Standards Programme activities (Recommendation 42). CI supports the former recommendation as a necessary step to an expansion of capacity building activities, and would be pleased to provide proposals for consumer organisation participation in the respective capacity building activities of FAO and WHO in food safety.

CI has strongly supported the need for greater investment in capacity building activities. However, Recommendation 42 seems overly ambitious and vague, particularly in view of the apparent unwillingness of governments to fully fund the FAO/WHO Codex Trust Fund. CI has commented extensively on the WHO Concept Paper for the Trust Fund in a separate paper and hence will not provide comments on it here specifically.

FAO has also two global trust funds, which contain food safety components;

- i. The FAO Trust Fund for Food Security and Food Safety with initial funding target of US\$ 500 million
- ii. The FAO Integrated Programme for Building Capacity for Biotechnology, Food Quality and Safety and Phyto and zoosanitary Standards having food safety component US\$56,5 million.

Consumers International believes that every effort should be made to link the Codex Trust Fund to these other funds and ensure that they complement each other. For the past three years Consumers International has been running a programme to increase the participation of consumer member organisations in developing countries and economies in transition at Codex meetings. Our experience has shown that just funding attendance at meetings is not sufficient to ensure effective participation and contribution to the Codex standard setting process. We strongly urge that an effective strategy is developed to link the Codex Trust Fund to existing capacity building initiatives.

CI believes that prior to the initiation of the Trust Fund, WHO should conduct a survey with Codex members in developing countries and economies in transition, to determine their degree of participation and reasons for lack of participation in Codex, their national Codex and Food Standards Programme

activities, their budgets and infrastructure for implementing and enforcing Codex standards, and their priorities for Codex participation if they were selected to participate in the Trust Fund project. The results of the survey should be distributed to all Codex members and observers (preferably in advance of the June/July Commission meeting) to better inform the Commission's discussion of the Trust Fund and its relation with the FAO managed fund for technical capacitation in the implementation and enforcement of standards.

The information gathered in the survey would help WHO and the Commission better understand both needs and capabilities of prospective applicant countries for the Project. This overall profile of the state of food safety, at least regarding Codex work, in these countries might also be of assistance in securing funds for the Project. The survey would also provide base line data for ongoing monitoring and evaluation of the Project and determining improvements in participation.

CI believes that there are key issues which need to be finalized before the trust fund can become operational. These are:

- Eligibility criteria for applying for trust fund financing
- Preventing conflict of interest resulting from food and health related industry contributed financing to fund (at the February CAC meeting WHO declared that no funds from the private sector would be sought until relevant ruling had been made by FAO/WHO and all possible conflicts of interests had been looked into. WHO also stated that private sector money would be capped at 20% of the total fund)

CI believes that no funding should be accepted specifically from the food industry and related sector.

Consumers International strongly reiterates its position that donations to the Trust Fund SHOULD NOT be earmarked for specific countries or types of project. This should apply to both government donations and any industry donations that are accepted. All monies should be put into a blind fund. CI hopes that a transparent and participatory monitoring and evaluation system for the trust fund will be set up, in which all interested parties may contribute and appreciate the overall progress made in the project.

CI proposes that a fourth objective be added to the Concept Paper's "Goal and Objectives of the Project": "*Help Project beneficiaries strengthen participation of non-governmental actors, such as consumer representatives, in the elaboration of national positions for Codex meetings.*" We believe that this objective will help ensure that delegates attending Codex meetings adequately represent the views of their country.

CI also believes that it would be helpful if WHO and FAO could make available the progress reports of all initiatives supporting FAO and WHO Capacity Building in Relation to Food Standards.

While appreciating that capacity building in food safety is a complex issue, CI is nonetheless disappointed that there are not more recommendations on capacity building within the report. The background paper on capacity building largely confirms the anecdotal impressions of CI member organisations that trade facilitation, rather than protection of consumer health, is the primary use of Codex standards in low-income countries. Rigorously enforced standards in export food establishments may protect consumers in export target markets, but the Food Standards Programme has no registry of standards adopted in national legislation or regulations, much less a Food Standards Programme analysis of their enforcement in member countries, so the public health impact of the standards is largely a matter of speculation.

In its May 2002 response to the Evaluation Team, CI recommended that the Food Standards Programme survey national members' adoption of Codex standards and related texts. Monitoring the implementation of selected sample standards could help determine their efficacy in protecting consumer health. We reiterate that recommendation here in the context of capacity building.

Enforcement of food standards for the protection of consumer health, and indeed, food safety generally is a relatively low priority for low-income countries, when compared to trade facilitation (paragraph 208). (Indeed, given the increasing dominance of Codex discussions by trade issues and “least trade restrictive” norms, CI is very surprised to learn that only about 10 percent of high income country informants regard trade facilitation as a high priority for Codex.) Despite efforts by WHO to make food safety a public health priority in the majority of Codex member countries, the protection of consumer health remains a low priority, given the resource constraints and other public health priorities of the members. Further inhibiting the prioritisation of the protection of consumer health is the disjuncture between developing countries’ expressed priorities in technical assistance in food safety and the amount and kind of assistance offered by developed countries and by intergovernmental agencies (paragraphs 213-215).

Given this bleak picture of the role of Codex standards in protecting consumer health, the question arises of what can be done to protect consumer health through capacity building activities.

First, CI strongly supports the developing countries’ stated priority for the Food Standards Programme to maintain a data base on food safety technologies, methods of analysis etc. (paragraph 63). Such a database would be a cost effective way for helping developing countries to prepare grant requests for technical cooperation in food safety issues.

Secondly, CI recommends that the Commission support the proposal for enhanced financial and human resources for WHO towards strengthening food borne illness surveillance systems in developing countries. Such systems are not only indispensable for the national protection of consumer health, but also would provide a better database for FAO/WHO risk assessment and for prioritising Codex work.

Thirdly, CI recommends that capacity building in Codex and Food Standards Programme work can be enhanced if consumer representatives are invited to participate in Codex workshops and training, as now infrequently occurs. Consumer organisation representatives can benefit from knowledge and assistance provided by the Food Standards Programme, which can then be imparted to their members. The Food Standards Programme can benefit through consumer participation by learning about consumer concerns and practices that might not be priorities of industry and governments.

Fourthly, CI recommends that WHO regional officers encourage governments to solicit the participation of public health officials in national Codex work to try to build greater awareness of the role of food standards in protecting consumer health, greater national support for food safety programmes and greater understanding of their public health benefits.

Finally, CI was pleased to participate in the first Global Forum of Food Safety Regulators, held in Marrakech, in January 2001. Capacity building was a major focus of the Forum, and in fact the Forum itself, at which food officials from developing and developed countries and observer INGOs discussed many issues in a series of interactive workshops, was an important capacity-building event. We understood that the participating governments and intergovernmental organisations strongly supported reconvening the Forum at two-year intervals. CI appreciated the open and participatory nature of the Global Forum and hopes that FAO and WHO are committed to continuing it.

International Soft Drinks Council (ISDC)

No comments